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MAY 30 2018

S B COUNTY
PLANNING & DEVELOPMENT

May 29, 2018

County of Santa Barbara
Planning Commission

Re: Hoop Structures Proposed Ordinance Amendment and Environmental Impact Report

Dear Commissioners:

We continue to appreciate and strongly support the project's objective *"to simplify and streamline the permit process for hoop structures and shade structures to allow farmers more flexibility and efficient agricultural operations in support of the County's agricultural economy."* We have actively engaged in this process at every stage to facilitate forward movement towards resolution.

We will refrain from repeating our letter in response to the Draft EIR in its entirety, although the issues we articulated were not addressed and remain valid. We are concerned that the comments of the Grower-Shipper Association of SB and SLO and the Santa Barbara County Agricultural Advisory Committee were dismissed. We have attached our previous letter for ease of reference, which further details the issues of concern. We ask the Planning Commission to direct staff to address the concerns of agricultural stakeholders in the EIR before certification and to prepare the corresponding recommended Ordinance amendments.

More specifically, we ask the Planning Commission to direct staff to prepare an Ordinance amendment that fulfills the Board of Supervisors' intent. We are cognizant of the factors limiting EIR recirculation but see value in an Alternative 3 that more accurately characterizes baseline condition, project impact, and benefit of proposed mitigation measures included in a recirculated EIR.

We will reframe and highlight our most significant environmental and policy concerns here:

1. We continue to disagree with the fundamental classification of hoops as a structure treated in a similar way as a permanent building, as opposed to a standard agricultural tool or equipment. Based on this fundamental classification, we further disagree with the resulting characterization of impact from the use of hoops compared to baseline conditions, proposed mitigation measures, limited permit exemptions, and recommended development standards.
2. We continue to believe that the proposed ordinance amendments fail to achieve the primary project objective and would instead represent a concerning direction for all agricultural operations in the County.
3. Our members continue to express that the proposed limitations on what would qualify for a permit exemption and the proposed development standards would be unworkable. We are also concerned with future expansions of definitions such as floodway and State Scenic Highway designations contained in the Zoning amendments that would further impact agricultural viability.
4. We disagree with the prioritization of views of rural agricultural landscapes over the functional health and vitality of the agricultural lands themselves and the communities they support.

Although we are in fundamental disagreement on the referenced points, we are committed to trying to find a productive path forward that better balances competing priorities. **An Alternative 3 could include the following to qualify for the permit exemption:**

1. **MM-VIS-1. Height and Setback Requirements.** Shall not be located within **20 feet from the edge of a public road or any designated State Scenic Highway.**

The impacts to visual resources are identified as significant and unavoidable. The additional setback would not necessarily lessen impacts to visual resources but would certainly impact agricultural resources.

2. **MM-VIS-2. Urban Township Setback Requirement.** Shall be set back **20 feet from the urban boundary lines of the following urban townships:** Santa Ynez, Ballard, Los Olivos, Los Alamos, Casmalia, Sisquoc, Garey, New Cuyama, and Cuyama. *See above comment regarding MM-VIS-1.*

3. **MM-BIO-1. ~~Limit Exemption to Crop Protection Structures on Historically Intensively Cultivated Agricultural Lands.~~ Endangered Species Act Compliance.** Shall comply with provisions of California and Federal Endangered Species Acts where applicable.

Existing law regulates the protection of Endangered Species, including the California Tiger Salamander. The proposed mitigation measure would duplicate existing protections and would create a severe hurdle for organic cultivation.

4. **MM-BIO-2. ~~Require a Minimum Gap of One Foot between Ground Surface and Hoop Structure Plastic.~~**

This mitigation measure does not meet the project objectives, as this is an essential function for many hoop users at certain times of year. As written, the proposed mitigation measure would have significant geographic impacts to agricultural resources but is based on limited understanding of the species life history and distribution. Alternatives for mitigation and dispersal pathways exist within agricultural fields, including dirt roads within the field.

5. **MM-BIO-3. Setbacks from Streams and Creeks.** Shall be located a **minimum of 20 feet from** a waterbody assessed under Section 303(d) of the federal Clean Water Act.

Hoops would not have the same impact as permanent structural development. There are already protections in place by regulatory agencies such as the Regional Water Quality Control Board, State Water Board, California Department of Fish and Wildlife, among others. The proposed revision would provide greater clarity and more closely match the nature of the project and limit the expansive definition currently included. Although we have concerns with quantitative setbacks, particularly in rural areas, this would be less detrimental to agriculture than some of the other alternatives.

6. **MM-WR-1. Crop Protection Structures within a Floodway.** *We are concerned with the impact of this limitation, particularly on the western portion of the Lompoc Valley, but cannot immediately offer an alternative. However, the permitting requirements would be very difficult for farmers in that portion of the valley and limit the viability of these lands.*

Thank you for your careful consideration of these comments and corresponding revisions moving forward.

Sincerely,



Claire Wineman, President

Dear Planning Commissioners,
Re: Amendment to Hoop House Ordinance, Attachment A

May 29, 2018

None of the Amendment changes appear to have a significant, positive outcome, for the folks in Tepusquet, as we are not included in the list of Urban Townships or the Design Control (D). Out here, most grower's hoop houses are set back, far beyond 400 feet from the road and, "Crop protection structures that cannot be viewed from public roadways or other areas of public use shall be exempt from this setback requirement."

In our rural community, it is offensive and unsightly to observe these structures from the road, especially when they are lit up like Christmas trees, at night. I can see one grower's structures from Tepusquet Road, on our property. The lights from his hoop houses are so bright they obscure views of Constellations and the Milky Way.

Re lighting - As I have expressed at previous hearings, their lights not only obscure the stars but impact on the naturally occurring, nocturnal rhythms of flora and fauna. The Oak woodlands and scrublands were not intended, by nature, to receive light 24/7.

My belief is that the growers will continue to circumvent the County's Hoop Ordinances, by removing the hoop-house-covers altogether and using alternative methods of lighting and/or heating their Cannabis plants. This will not solve the problem. Due to the hundreds of acres of land currently cultivated and continually expanded by Commercial Cannabis operators, this would neither resolve the 'Visual Impact' this has on our community, nor would it protect the nocturnal rhythms of flora and fauna, which would also be impacted by this obtrusive lighting.

Will this potential, 'Alternative Lighting or Heating' be prohibited? If not, please include language to reflect this, in the New Amendments, before they become finalized.

Otherwise, we may as well turn once rural Tepusquet Canyon into another city, like Santa Maria, where there are no 'nocturnal critters' like bear, fox, raccoons, skunks, many varieties of owls, etc., or the opportunity to enjoy the amazing views of Constellations and the Milky Way.

Please include language that will protect both people and wildlife from Cannabis operators that choose to 'manipulate' the laws, by using 'Alternative Methods of Lighting and/or Heating Hoop Houses without covers. You don't find other agricultural crops being lit up at night, do you?

Sincerely Appreciative,

Renée O'Neill
Tepusquet Canyon Crisis Committee



**Claire Wineman
President**



Top Issues:

Purpose

Feasibility

Process and Precedent

Purpose



Why Hoops?

- Tool for agricultural production
- Fierce competition and increasing pressures
- Access narrow windows of opportunity
- Provide option for farmers and farmworkers
- Height:
 - ❑ Farmworker ergonomics and comfort
 - ❑ Airflow to manage disease
 - ❑ Access for machines and equipment

Board of Supervisors Direction

- 7/25/2017
- Up to 20 feet
- Exempt from permits
- Simple
- Straightforward

Fails to fulfill purpose

Feasibility

Visual



VIS-1 Critique

- Two sets of production practices infeasible (crop type, equipment, management)
- Public roads are ubiquitous in ag areas
- Arbitrary numeric values won't provide additional protection of visual resources
- Significant and unavoidable impacts
- Proposed height and setback requirements would negatively impact ag without additional benefit

Estimated 30 ft from road



Estimated 50 ft from road



Estimated 185 ft from road



VIS-1 Revision

AG-II:

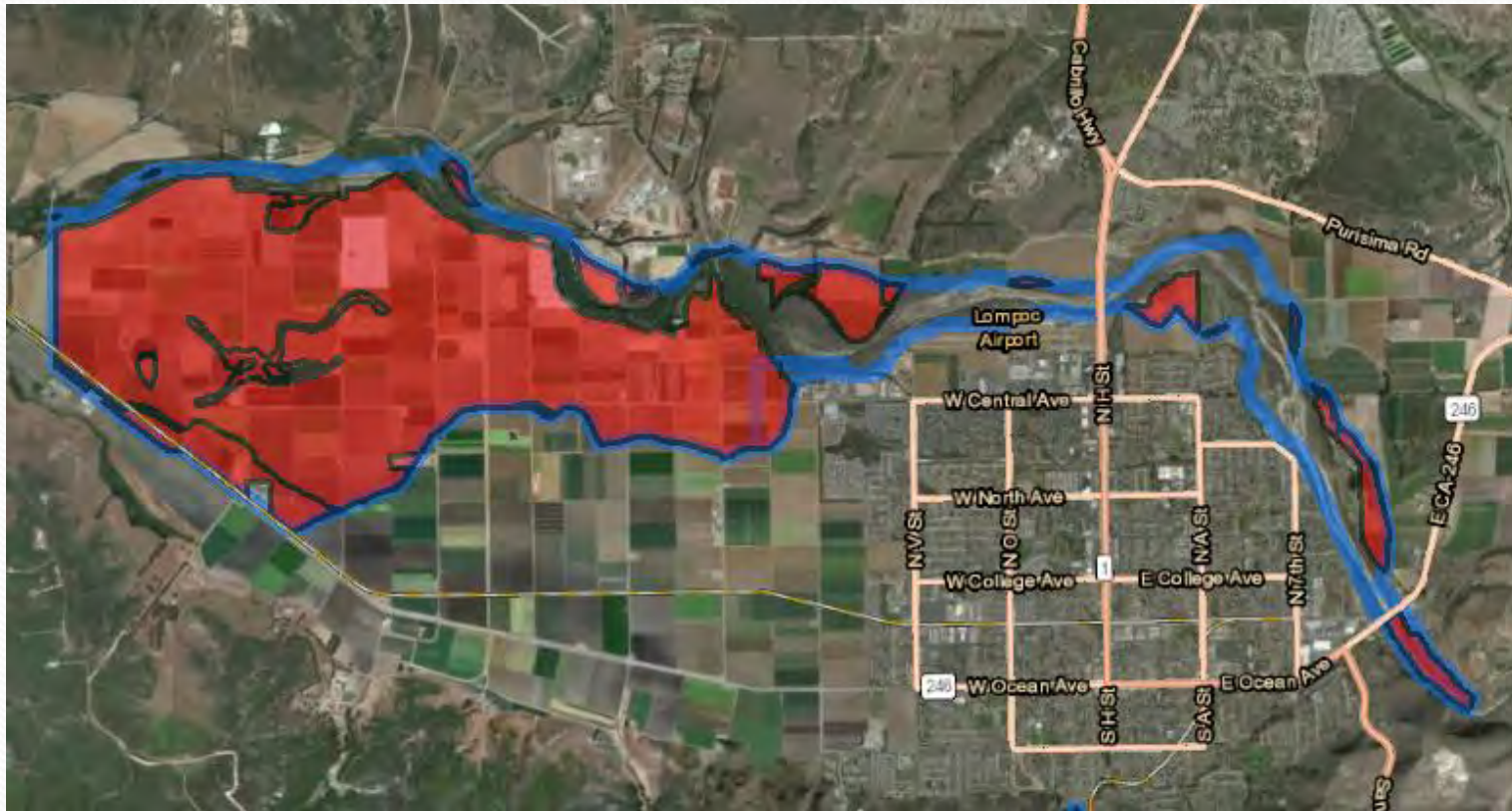
**20 foot front setback
from edge of road**

VIS-2 Revision

**20 foot setback from
township urban
boundary line**

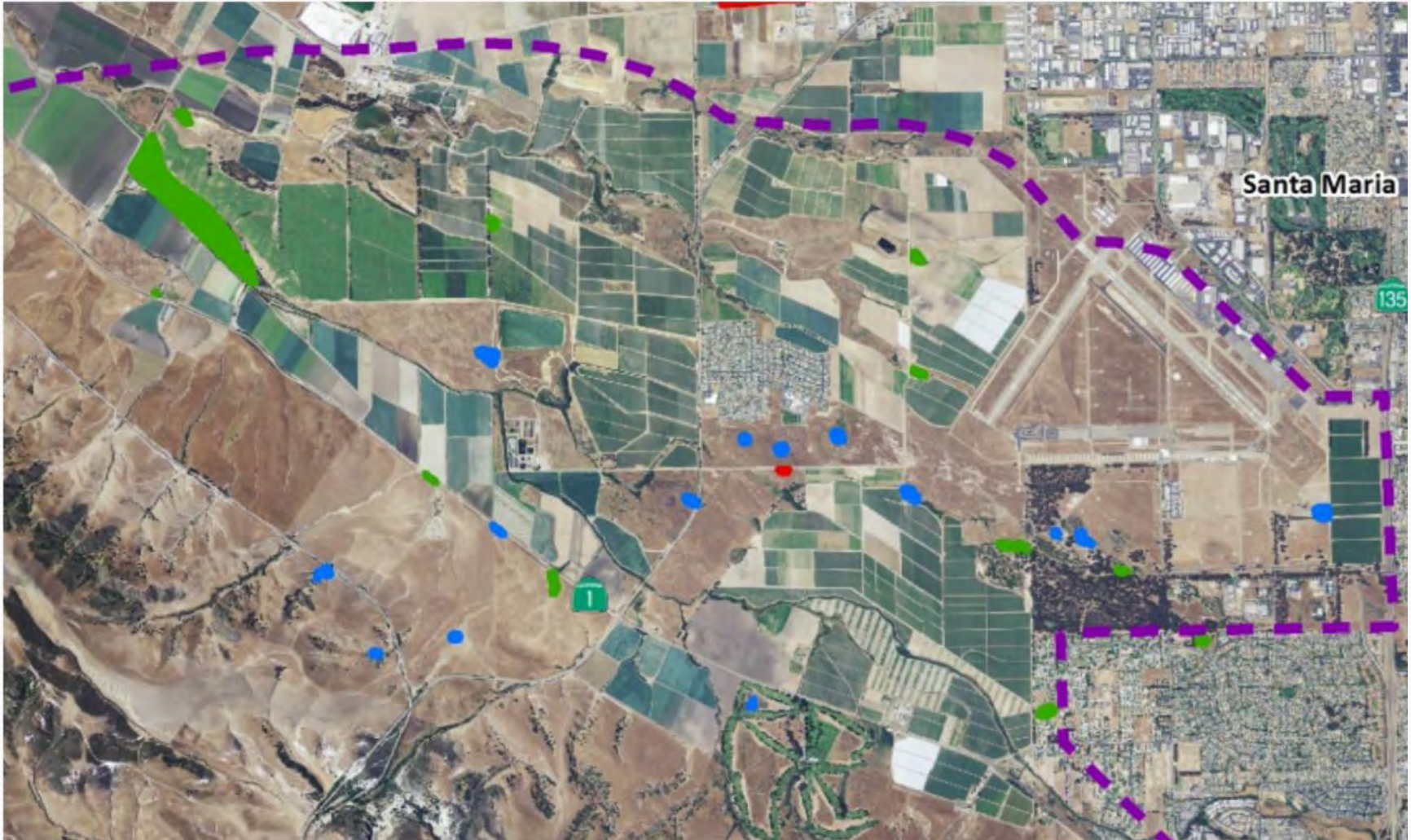
Water Resources

MM-WR-1 Floodway in Lompoc Valley



Biological

West Orcutt/Santa Maria



BIO-2 Critique

- Existing alternatives for migration, dispersal pathways
- Doesn't match current, limited understanding of species life history
- Ability to provide additional protection essential for certain crops during certain times of year—reason for using hoops
- Large geographic impacts if linking to any *potential* CTS pond location

BIO-2 Revision

Does not meet project objectives

***Significant* impacts to ag**

BIO-1 Revision

Shall comply with provisions of CA and Federal Endangered Species Acts where applicable

BIO-3 Revision

**20 foot setback from
303(d) assessed
waterbodies**

Process and Precedent

Appendix D. Metapopulation Maps

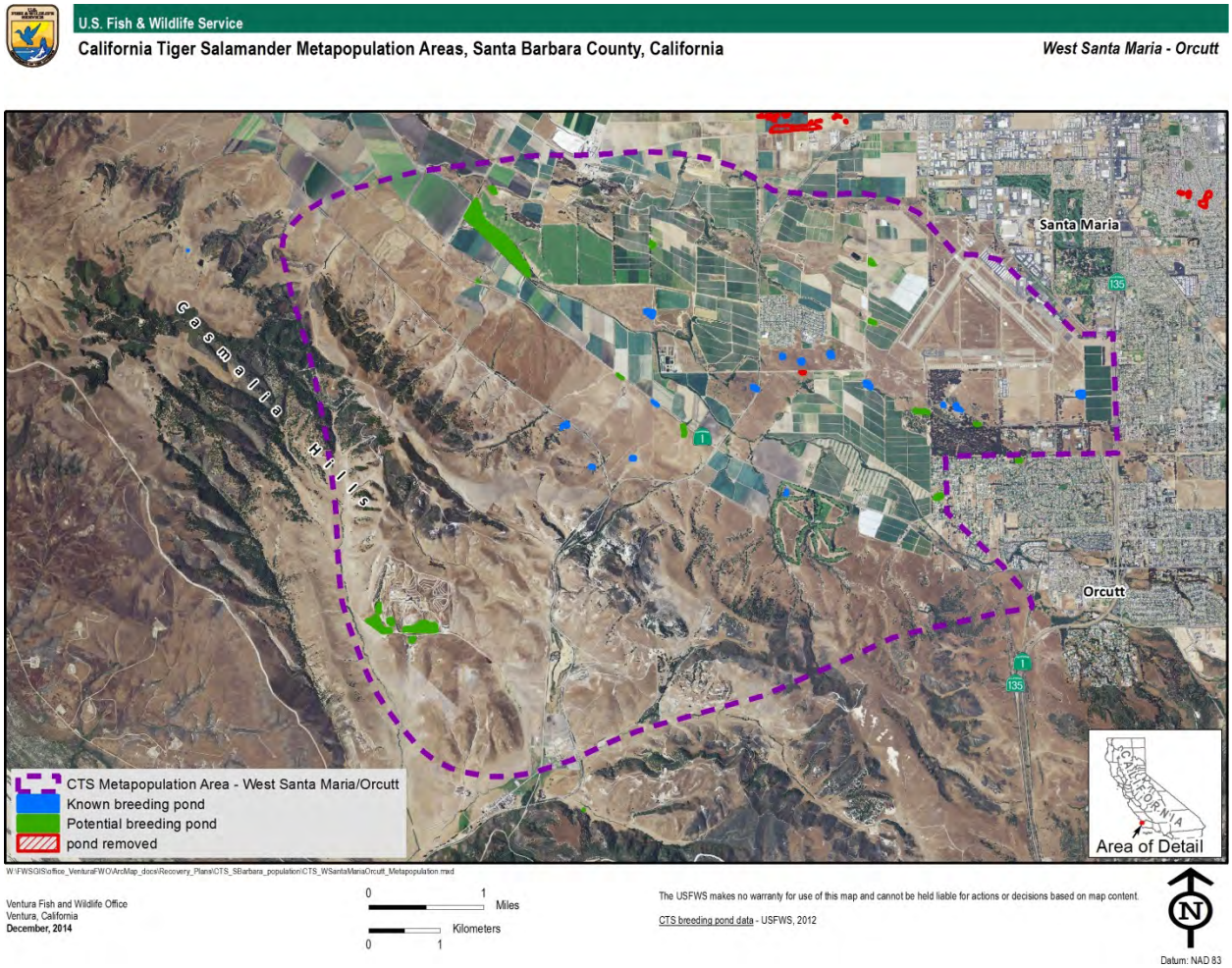


Figure 2. West Santa Maria/Orcutt Metapopulation Area.

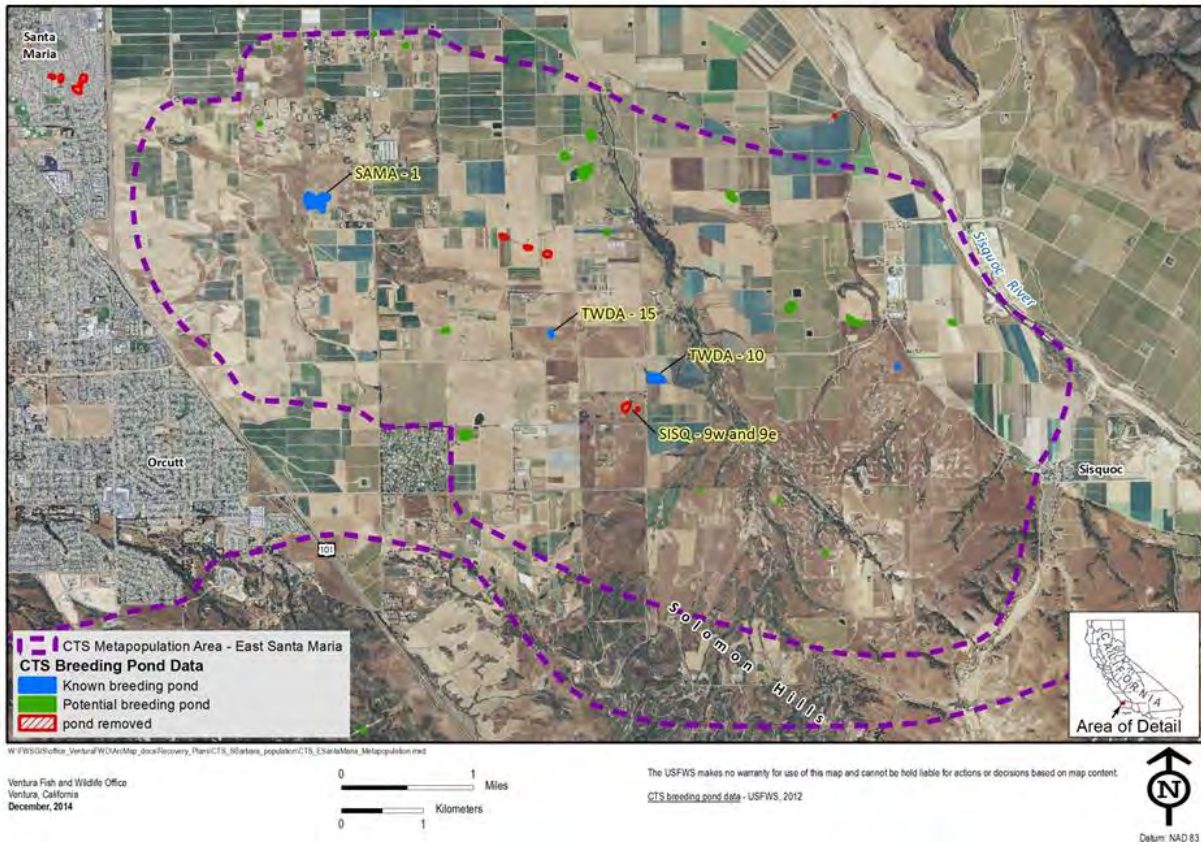
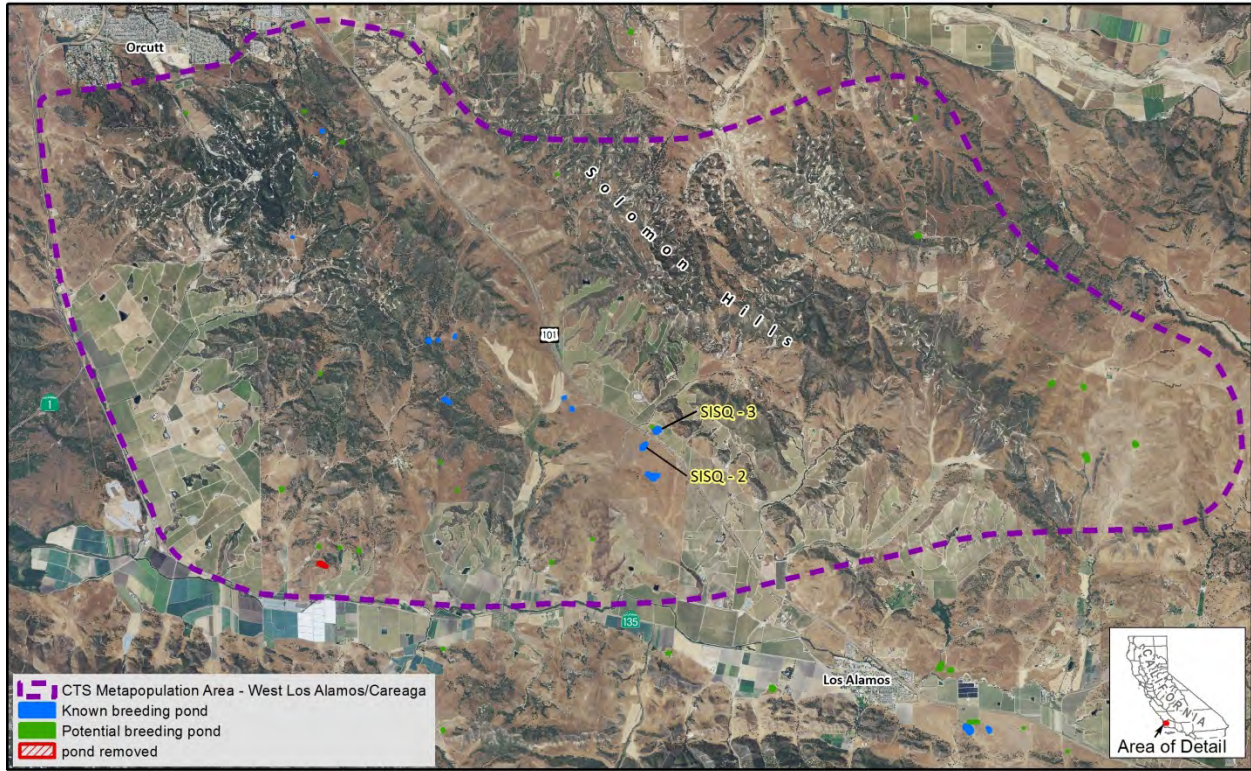
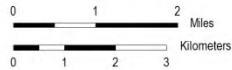


Figure 3. East Santa Maria Metapopulation Area



W:\FWSGIS\Office_Ventura\FW\Map\docs\Recovery_Plans\CTS_SBarbara_population\CTS_WLosAlamosCareaga_Metapopulation.mxd

Ventura Fish and Wildlife Office
Ventura, California
December, 2014



The USFWS makes no warranty for use of this map and cannot be held liable for actions or decisions based on map content.
CTS breeding pond data - USFWS, 2012



Figure 4. West Los Alamos/Careaga Metapopulation Area.

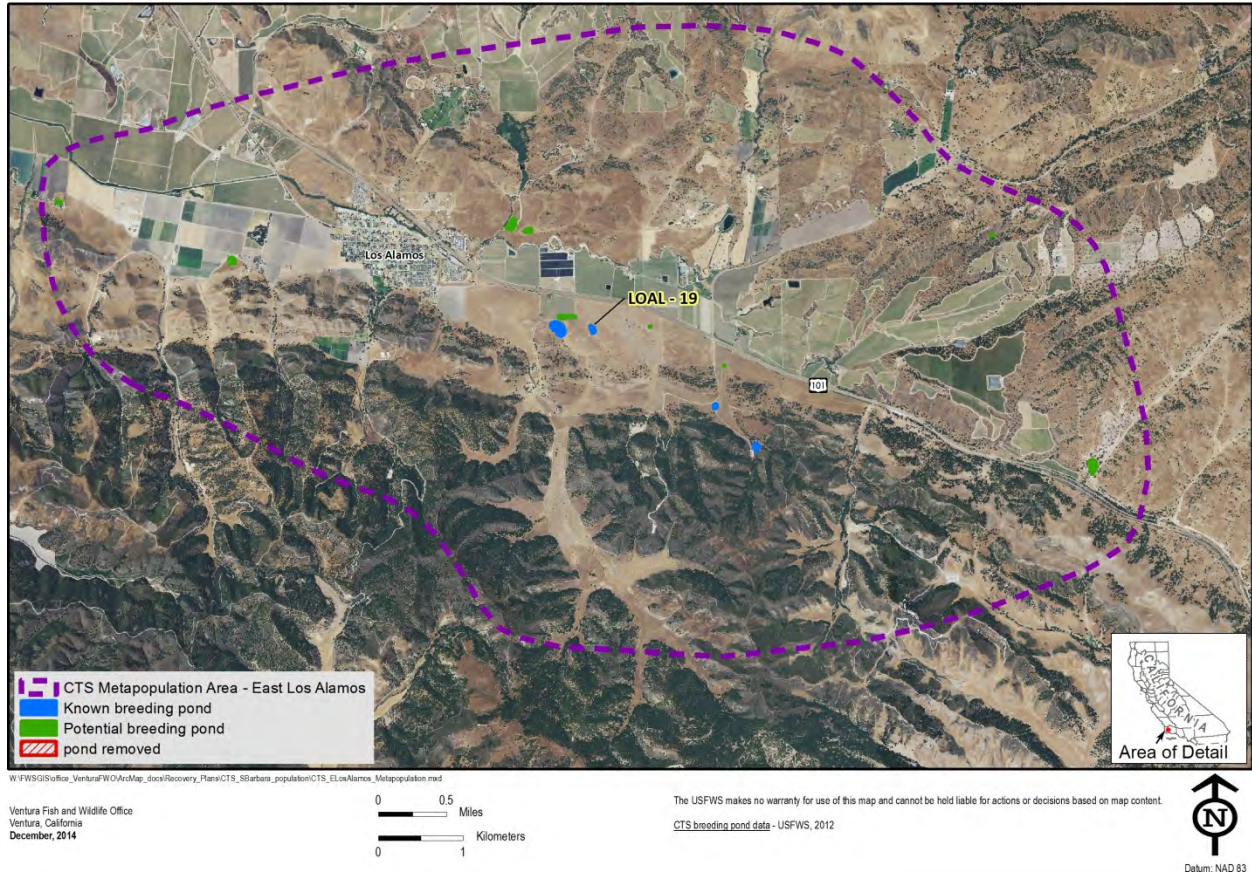


Figure 5. East Los Alamos Metapopulation Area.

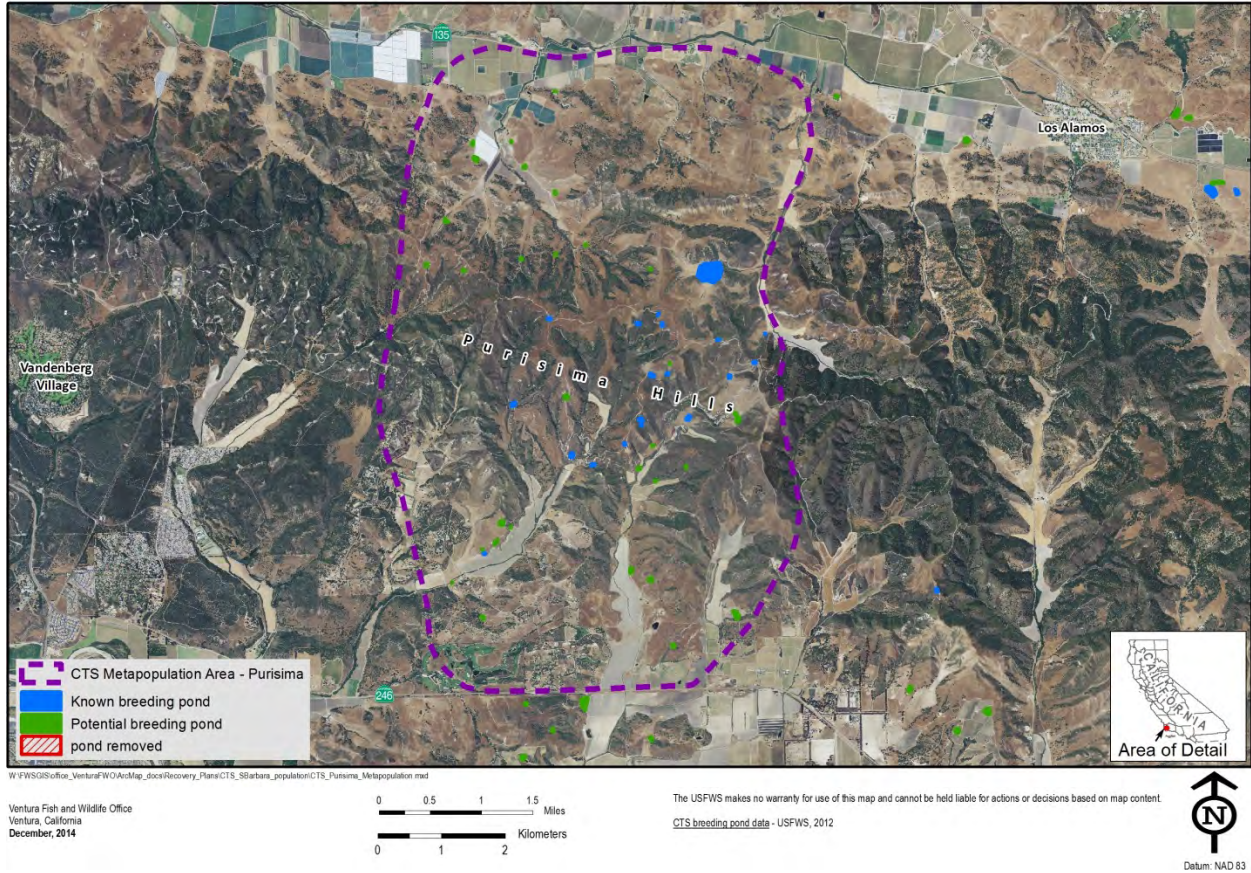


Figure 6. Purisima Metapopulation Area.

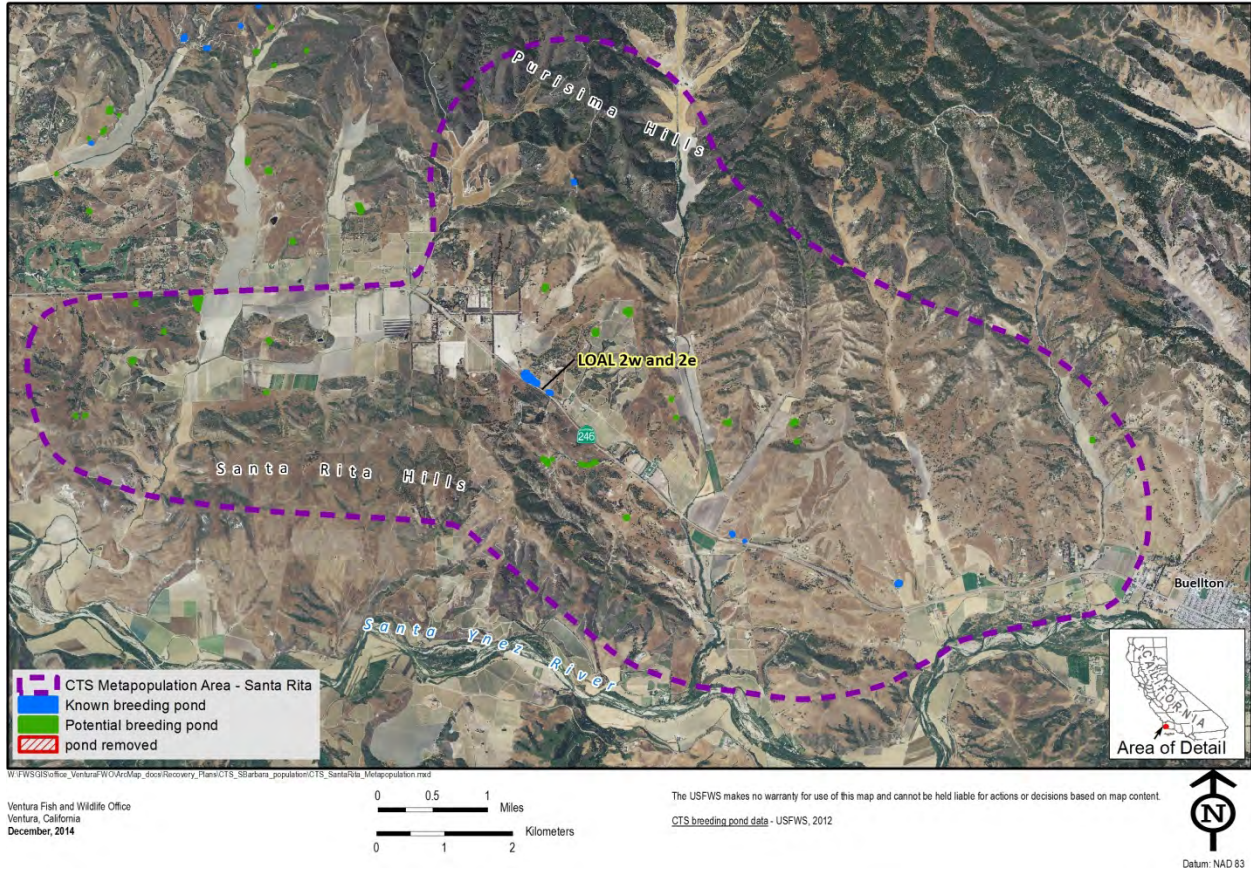


Figure 7. Santa Rita Metapopulation Area.

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Re: Amendment to Hoop House Ordinance, Attachment A

May 29, 2018

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Sincerely Appreciative,

Renée O'Neill
Tepusquet Canyon Crisis Committee

RECEIVED
MAY 29 2018
SB COUNTY
PLANNING & DEVELOPMENT



March 15, 2018

County of Santa Barbara
Planning and Development Department
Long Range Planning Division
Attn: Julie Harris
123 East Anapamu Street, First Floor
Santa Barbara, CA 93101
hoopstructures@countyofsb.org

Re: Hoop Structures Ordinance Amendment Draft Program Environmental Impact Report dtd January 2018

Dear Ms. Harris:

We appreciate and strongly support the project's objective *"to simplify and streamline the permit process for hoop structures and shade structures to allow farmers more flexibility and efficient agricultural operations in support of the County's agricultural economy."*

Agriculture is facing unprecedented challenges that have increased exponentially in the past three years. In recent years, the cost to farm has dramatically increased due to significant changes to wage and hour requirements, rising land rents, ongoing labor shortages proliferating pests and diseases, expanding agricultural material application restrictions, and increasing regulatory compliance cost and complexities. At the same time, competition from other counties, states, and countries that require only a fraction of the regulatory compliance mandates continues to increase. **Santa Barbara County farmers and ranchers need the support and engagement of all stakeholders, including the County, to remain competitive to provide the multitude of economic, social, and environmental benefits of local agriculture. The ability to quickly adapt to rapidly changing market opportunities and conditions is of the utmost importance in preserving a viable agricultural economy in Santa Barbara County.**

In many cases the draft EIR correctly characterizes both the challenges and opportunities facing local farmers, as well as the important role that hoops play in keeping Santa Barbara County farmers competitive. We particularly where the draft EIR has refrained from duplicating existing local, state, and federal regulations. Unfortunately, we do not find the range of alternatives and proposed mitigation measures presented by the EIR to reasonably achieve the main project objectives. **We ask that the EIR be revised to more correctly characterize project impacts, fulfill the project's objective, and be consistent with policies in the Santa Barbara County Comprehensive Plan. As much as we would like an expedient resolution to this process for our members, we would rather see the EIR be recirculated with substantive revisions to the draft characterization of impacts and proposed mitigation measures than to lock our members into infeasible mitigation measures that would render hoops unattainable to Santa Barbara County farmers.**

We will further detail our concerns in the following pages.

OVERARCHING CONCERNS

We appreciate the project's stated intention (emphasis added) "to simplify and streamline the permit process for hoop structures and shade structures to allow farmers more flexibility and efficient agricultural operations in support of the County's agricultural economy." (page S-2). Throughout this letter, we will identify where the characterization of impact and/or the draft mitigation measures fail to achieve the primary project objective.

We continue to disagree with the fundamental classification of hoops as a structure subject to development standards and permits, rather than a standard agricultural tool or equipment. This is reinforced by the limited scope of the exemption as contained in the project description (emphasis added): "To qualify for the permit exemption, hoop structures and shade structures shall not have electrical wiring, plumbing, mechanical (such as heaters), permanent footings, or foundations, and shall only be used to protect plants grown in the soil or in containers upon the soil." (page 2-4 and Appendix B, page 5). Throughout this letter, we will identify where the characterization of impact and/or the draft mitigation measures are inappropriate due to the unique, non-permanent characteristics of the project as opposed to the characteristics of a permanent building or structure with permanent footings and/or foundations.

The draft EIR appropriately recognizes agriculture as the County's single largest industry and via the multiplier effect, has a local impact in excess of \$2.8 billion and provides 25,370 jobs (page 4.3-1). The continued economic vitality of agriculture is paramount to the economy, employment, and social structure of the County. Although the ordinance would be countywide, it is essential to be mindful of the impacts of the individual draft mitigation measures and cumulative draft mitigations measures on individual agricultural parcels. An agricultural parcel cannot reasonably relocate. Any crop that can support the high cost of hoops, including raspberries, blackberries, blueberries, and strawberries, are highly perishable crops; as such, planting decisions are often limited by proximity to cooling infrastructure and other essential agribusiness support infrastructure such as employees and equipment. Throughout this letter, we will identify where proposed mitigation measures are infeasible or otherwise prohibitive to reasonable implementation.

We are concerned with encumbering conventional agriculture with cannabis land use permitting restrictions. Since cannabis is still not federally legal and subject to restrictions associated with the Racketeer Influenced and Corrupt Organizations (RICO) Act, many of our members choose not to risk their business operations due to concerns with the federal position and comingling of funds. We are concerned that the County's land use permitting path for cannabis will compromise the viability of conventional agriculture conforming to ALL APPLICABLE local, state, AND federal laws and regulations and ask that conventional growers not be penalized in the analysis of individual and cumulative impacts. By placing development standards on conventional agriculture due to cumulative impact analyses from cannabis, we are placing our local farmers at a competitive disadvantage with both cannabis growers and other agricultural regions.

Finally, we recognize that CEQA focuses on the assessment of actual conditions and present circumstances and will discuss our objections to the assessment of impacts and proposed mitigation measures with that focus. However, we are deeply concerned that future expansions of the following will further impact agricultural viability:

- Extent of native plant communities and environmentally sensitive habitat areas
- Designation as a floodway
- Lands not historically cultivated
- Location of public roads, designation as a State Scenic Highway, and expansion of right-of ways
- Extent of urban townships, Urban Areas, Inner Rural Areas, and EDRNs
- Design Control Overlays and Critical Viewshed Corridor Overlays
- Location of known and potential California Tiger Salamander breeding ponds

CONSISTENCIES WITH PLANS AND POLICIES

We generally agree with the discussion regarding the differences in non-permanent construction and operation of hoops versus permanent structures, as well as avoiding duplicative regulations. We further agree with the description of hoops as “especially effective and important tools” that can “reduce the potential to convert highly productive agricultural lands” and the need for “flexibility for the farmer to make decisions regarding the choice of crop based on economic, market, and other factors, while being able to respond quickly to a need to install and remove these structures.” We also agree with the need to “maintain the health and viability of the soil” but would add that this can take the form of not only rotating crops, but also rotating agricultural activities, including fallowing lands and grazing lands. We fully recognize the importance of considering environmental impacts and resource protection policies as described in the Ag Element and elsewhere. **However, we generally do not agree with the characterization of project impacts being greater than the baseline condition. We further disagree with the determination that the imposition of the proposed mitigation measures and resulting development standards are consistent with the County’s goals and policies detailed in the Ag Element.**

The development standards imposed with the Project and Alternative 1 are inconsistent with the Goals and Policies contained in the Santa Barbara County Comprehensive Plan Agricultural Element (emphasis added), including:

“GOAL I. 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.”

“Policy I.B. The County shall recognize the rights of operation, freedom of choice as to the methods of cultivation, choice of crops or types of livestock, rotation of crops and all other functions within the traditional scope of agricultural management decisions. These rights and freedoms shall be conducted in a manner which is consistent with: (1) sound agricultural practices that promote the long-term viability of agriculture and (2) applicable resource protection policies and regulations.”

“GOAL II. Agricultural lands shall be protected from adverse urban influence.”

“GOAL III. Where it is necessary for agricultural lands to be converted to other uses, this use shall not interfere with remaining agricultural operations.”

“GOAL V. Santa Barbara County shall allow areas and installations for those supportive activities needed as an integral part of the production and marketing process on and/or off the farm.”

“Policy V.B. Santa Barbara County should allow areas for supportive agricultural services within reasonable distance and access to the farm user.”

Furthermore, the Consistency Analysis for the Conservation Element and Environmental Resources Management Element fall short in its consideration of the benefits associated with hoops. In terms of the Scenic Highways Element, **we disagree with the prioritization of “high-quality views of a rural agricultural landscape” over the functional health and vitality of the agricultural lands themselves and the communities they support.** We will not address the Community Plans in the Consistency Analysis in these comments but are always mindful of the potentially precedential aspects of decisions.

LAND USE AND PLANNING

We AGREE with the following characterization of LU Impacts, which accurately capture the need and purpose of the project:

LU-1: "The Project would be consistent with the Comprehensive Plan in that it seeks to protect and support the viability and sustainability of agricultural land uses. The Project would support Comprehensive Plan policies to preserve cultivated agriculture in Rural Areas, support environmentally sustainable production methods, and provide necessary flexibility to farmers regarding methods of cultivation. The Project would also be consistent with the County Building Code, which provides that a building permit is not required for "shade cloth structures constructed for nursery or agricultural purposes" or for hoop structures that are 20 feet or less in height.... Overall, potential conflicts with applicable land use plans, policies, or regulations would be less than significant."

LU-2: "...Regarding neighborhood incompatibility impacts, the policy goals of the County that support and encourage agricultural land uses within agricultural zones further support that the use of crop protection structures would be compatible with land uses within AG-I and AG-II zoned lands as those lands are intended to support and encourage agricultural production Overall, potential land use incompatibility impacts would be less than significant."

*LU Cumulative Impacts Analysis: "Regarding cumulative land use plan consistency impacts, the Project would implement a number of Comprehensive Plan policies that support agricultural production within Rural Areas and support providing flexibility to farmers regarding the method of operation in order to maintain agricultural competitiveness. In addition, the cumulative projects identified in Tables 3-5 and 3-6 would also be consistent with applicable policies, as policy consistency would be a required element supportive of agriculture ~~**as they would support growth of a cannabis industry in the County~~ (with the exception of this phrase as explained in the "Overarching Concerns" portion at the beginning of this letter)** and streamline permitting requirements for agricultural land uses. Therefore, a significant cumulative impact related to land use was not identified when considering cumulative projects in combination with the Project. Therefore, cumulative impacts would be less than significant."*

We DO NOT NECESSARILY OPPOSE the following characterization of LU Impacts. Although we believe there is merit and justification for hoops over 20 feet in height and potential need for electrical systems, we believe the 20 foot exemption is adequate in the immediate future and do not foresee our members needing to employ hoops in the Gaviota Coast Critical Viewshed Corridor Overlay:

LU-1: "In addition, the Project would require the preparation of a Development Plan for crop protection structures over 20 feet tall. Implementation of a Development Plan permit for such structures would ensure crop protection structures comply with the ordinance development standards included within the proposed LUDC amendment that address neighborhood compatibility."

LU-2: "The Project incorporates features that would address potential land use incompatibility, such as requiring a Development Plan permit for hoop structures and shade structures taller than 20 feet in the AG-I and AG-II zones and allowing the permit exemption for hoop structures and shade structures located within the Gaviota Coast Critical Viewshed Corridor Overlay only if they do not exceed 4,000 square feet per lot. The Project also specifies that in order to qualify for the permit exemption, hoop structures and shade structures shall not have electrical wiring, plumbing, mechanical, permanent footings, or foundations, and shall only be used to protect plants grown in the soil or in containers upon the soil. For crop protection structures taller than 20 feet that require a Development Plan permit, those structures would be regulated as greenhouses and would require landscaping to be installed that complies with Section 35.34.050, Agricultural Zones Landscaping Requirements."

AESTHETICS/VISUAL RESOURCES

We OPPOSE the following characterization of VIS Impacts.

VIS-1: "The Project could alter the visual character of certain areas, as seen from public viewing locations, where crop protection structures are located adjacent to urban townships, or within County Urban Areas, Existing Developed Rural Neighborhoods, and Inner Rural Areas. The potential expansion of crop protection structures could further alter existing agricultural landscapes by further reducing public views of cultivated fields and crops to views dominated by crop protection structures. Crop protection structures taller than 20 feet could further affect visual character as taller structures could provide a greater contrast between the character of an open agricultural field and an agricultural operation with taller crop protection structures. These visual changes can affect the overall scenic quality enjoyed by residents and visitors in the County, resulting in a potentially significant impact. Therefore, impacts would be potentially significant."

We are cognizant that CEQA requires the analysis of certain aesthetic parameters. However, we urge the EIR to recognize agriculture as an industrial workplace, rather than a public view, scenic resource, or open space. This distinction is recognized in the Santa Barbara County Comprehensive Plan Agricultural Element as discussed elsewhere in this letter. There are many visual and environmental benefits to agriculture, but it cannot come at the expense of agriculture's ability to act as a thriving industry.

We CONTEST THE FEASIBILITY of the following proposed VIS Mitigation Measures.

MM-VIS-1. Height and Setback Requirements. Prior to approval of the Project, the Hoop Structures Ordinance Amendment shall be revised so that, in addition to the standard structural setback in each zone, to qualify for the permit exemption crop protection structures: Shall not exceed a height of 12 feet within 75 feet of the edge of right-of-way of a public road or any designated State Scenic Highway.

MM-VIS-2. Urban Township Setback. Requirement. Prior to approval of the Project, the Hoop Structures Ordinance Amendment shall be revised as follows: Crop protection structures shall be setback 400 feet from the urban boundary line of the following urban townships: Santa Ynez, Ballard, Los Olivos, Los Alamos, Casmalia, Sisquoc, Garey, New Cuyama, and Cuyama. Crop protection structures that cannot be viewed from public roadways or other areas of public use shall be exempt from the above setback requirement. Landscape screening shall not be taken into consideration when determining whether the structure is visible from public roadways

Hoops are an important tool for the cultivation of specialty crops in Santa Barbara County, particularly for fresh berries. The height of the hoops is important for airflow to manage humidity and diseases such as mold and mildew, as well as create a unique microclimate to achieve commercially sustainable production. A 20 foot height also enables advances in farmworker ergonomics and comfort. Furthermore, a 20 foot height also allows equipment and machinery to pass under the hoops during the crop cultivation that isn't possible with a 12 foot height limit, particularly for the rows under cultivation at the shoulder of the hoops. For all of these reasons, a 12 foot height limit for a portion of a field represents a severe restriction on the usability of that land and those rows of crops. It is not reasonably feasible to expect a producer to have two different sets of cultivation standards and practices to accommodate the differences in height. In many situations, especially on smaller parcels bordered by multiple public roads and/or in close proximity to urban townships, the 12 foot height limit would effectively prohibit farmer from the best and highest use of agricultural lands and would have a greater detrimental impact on agricultural resources than characterized in the draft EIR. Furthermore, it is even more concerning that the mitigation measure setback is measured from the edge of the right of way; in some cases, including Main Street/Highway 166 in Santa Maria, the right-of-way is much, much greater than the actual roadway. For these reasons the proposed mitigation measures in MM-VIS-1 are not feasible.

We have further concerns with the overreach of the draft mitigation measures regarding setbacks. The current setbacks in the LUDC for AG-II is a front setback of 50 feet from the road centerline and 20 feet from the edge of right-of-way and *no* setbacks for side or rear. The current setbacks for AG-I are the same as AG-II for the front, 5 to 20 feet for side, and 20 to 25 feet for rear setbacks. These setbacks are intended for permanent structures—not even the non-permanent hoops encompassed by this project. The draft mitigation measure limiting height to 12 feet for a setback of 75 feet from the edge of the right-of-way of a public road or any designated State Scenic Highway would result in a significant restriction on the viability of many parcels and the ability to fully utilize agricultural lands to their maximum potential.

While the height limitation *effectively* prohibits hoops on a significant portion of agricultural lands, the 400 foot urban township setback *explicitly* prohibits their use on a significant portion of agricultural lands. There is no basis or justification for the 400 foot urban township setback, although it is our recollection that Staff made a passing reference to the County's own Agricultural Buffer Ordinance as the potential source of the setback. We object to the misapplication of the setbacks contained in the Agricultural Buffer Ordinance to agricultural lands—the very resource the Ordinance was intended to protect. We further note that 400 feet is the absolute maximum value allowed by the Ordinance. Regardless of the basis for the 400 foot urban township setback, this mitigation measure, especially in combination with other mitigation measures, would effectively prohibit the feasibility of hoops on many parcels countywide. We find that this is an inappropriate taking of private property rights, inconsistent with County's own policies, and detrimental to agricultural resources and the economic and social contributions of the agricultural community. We are further concerned with the inconsistency of this proposed mitigation measure with the Ag Element as agricultural lands and operations are being adversely impacted by urban influences.

The adverse impacts to agricultural resources detailed above would be even greater and more difficult to quantify if one or more of the setbacks contained in Alternative 1 were adopted.

MM-VIS-3. Design Control (D) Overlay Limitation. Prior to approval of the Project, the Hoop Structures Ordinance Amendment shall be revised as follows: Crop protection structures shall be limited to 4,000 square feet per lot when located within the Design Control (D) Overlay within the Santa Ynez Valley Community Plan area. Crop protection structures that cannot be viewed from public roadways or other areas of public use shall be exempt from the above setback requirement. Landscape screening shall not be taken into consideration when determining whether the structure is visible from public roadways or other areas of public use.

We are concerned with the precedent of this mitigation measure. As stated above, we are further concerned with the inconsistency of this proposed mitigation measure with the Ag Element as agricultural lands and operations are being adversely impacted by urban influences.

WATER RESOURCES AND FLOODING

We OPPOSE the following characterization of WR Impacts. For the reasons discussed throughout this letter, hoops would not have the same potential impact as a permanent structure. We further disagree that the project would result in a greater impact than the baseline condition for other standard agricultural cultivation practices currently allowed in floodways.

WR-4. Based on the Floodplain Management Ordinance in the County Code, crop protection structures would be allowed within the floodplain portion of a Special Flood Hazard Areas (SFHA) without restriction. Thus, future development of crop protection structures within the floodplain would be less than significant. However, development within a floodway has additional restrictions as this is the location of stronger flood flows and the placement of structures within a floodway could impede flows and exacerbate flooding hazards. Floodwaters would have the potential to tear down the structures, washing them downstream during large storms, impeding floodwaters and further contributing to flooding. Based on existing County policy within the Comprehensive Plan

and compliance with the County's Floodplain Management Ordinance, installation of crop protection structures within a FEMA designated floodway would be considered potentially significant.

We CONTEST THE FEASIBILITY of the following proposed WR Mitigation Measure.

MM-WR-1. Crop Protection Structures within a Floodway. Prior to approval of the Project, the Hoop Structures Ordinance Amendment shall be revised to clarify that crop protection structures located within a floodway would not qualify for the permit exemption. Crop protection structures proposed within a floodway shall be assessed on a case-by-case basis by a civil engineer as part of the Development Plan permit process. Crop protection structures within a floodway would be allowed provided a civil engineer provides a no-rise determination indicating that the structures as proposed would not result in a rise of floodwaters during a storm event.

We are particularly concerned with the impact of the proposed mitigation measure of our members farming in the Lompoc Valley. Using the current floodway definitions, over 2,700 acres on the west side of the Lompoc Valley would be impacted by this mitigation measure. The farmland in western Lompoc Valley is some of the most productive and fertile agricultural land in the world and is an irreplaceable agricultural resource. Additional acreage to the north and south of the Santa Ynez River would be impacted in Lompoc, along with farmland near Buellton.

We are concerned that the additional permitting process, including a Development Plan and no-rise determination, would create an insurmountable technical and financial obstacle and would compromise the value and long-term viability of these agricultural lands. These obstacles would be in direct conflict with the project's objective, would undermine the County's Ag Element, and would constitute a regulatory taking.

BIOLOGICAL RESOURCES

We OPPOSE the following characterization of BIO Impacts. For the reasons discussed throughout this letter, hoops would not have the same impact as a permanent structure. We further disagree that the project would result in a greater impact than the baseline condition for other standard agricultural cultivation practices currently allowed on agricultural lands. We question whether a different impact classification would be more appropriate.

BIO-1. Potential impacts to special-status species associated with habitat modifications could indirectly occur as a result of the Project if a crop protection structure is installed on land that was not historically intensively cultivated, resulting in a potentially significant impact to unique, rare, threatened, or endangered plant or wildlife. Therefore, impacts related to unique, rare, threatened, or endangered plant or wildlife species would be potentially significant.

BIO-2. If crop protection structures are installed on land that has not been subject to historic intensive agricultural production (e.g. tilling), their use could indirectly affect sensitive habitats or sensitive natural communities due to the indirect effect of adoption of the exemption for crop protection structures that could encourage expansion of agriculture. Thus, potential impacts to sensitive habitats or sensitive natural communities as a result of installation of crop protection structures on land that has not been in historic intensive cultivation would be potentially significant. Impacts related to sensitive habitats or sensitive natural communities would be potentially significant.

BIO-3. Potential impacts associated with the movement or patterns of native resident or migratory species is addressed under Impact BIO-1 in Section 4.6.4 of this EIR. As discussed in that section, where crop protection structures are installed on land that has not been in historic intensive agricultural production, impacts would be potentially significant.

BIO-Cumulative. A potential cumulative impact associated with the cumulative projects could occur due to cumulative development and grading near water bodies and Environmentally Sensitive Habitat Areas which has the potential to result in vegetation clearing or soil erosion and sediment pollution into downstream waterbodies. The effects of increased cultivation or land disturbance associated with the Cannabis Ordinance, combined with agricultural development under the County proposed Agricultural Tiered Permitting, may generate a cumulative biological resource impact within the Inland Areas of the County zoned

for agriculture. These impacts would combine with the potential impacts of the Project where the proposed ordinance amendments could indirectly encourage conversion of grazing lands or sensitive habitats to intensive agriculture, resulting in a potentially significant cumulative impact to biological resources.

We CONTEST THE FEASIBILITY of the following proposed BIO Mitigation Measures.

MM-BIO-1. Limit Exemption to Crop Protection Structures on Historically Intensively Cultivated Agricultural Lands. Prior to approval of the Project, the Hoop Structures Ordinance Amendment shall be revised to clarify that hoop structures and shade structures (crop protection structures) shall be allowed with a permit exemption only on historically intensively cultivated agricultural lands. Historically intensively cultivated agricultural lands shall mean land that has been tilled for agricultural use and planted with a crop for at least three of the previous five years. The land does not necessarily need to have been actively planted with a crop for all five years (to account for potential fallow years).

The proposed mitigation measure directly conflicts with the project objective and with County policies. Limiting the methods of cultivation and rotation of crops is detrimental to agricultural viability as well as other environmental resources. Crop rotation is essential to soil and plant health, especially for crops under organic cultivation, which helps to decrease the need for plant protection materials, including pesticides. Hoops can also assist with other resource efficiencies, including water, and help to reduce the level of uncertainty resulting in crop losses. Restricting the permit exemption to historically cultivated lands to a three-year timeframe is a significant taking of agricultural rights, diminishes land values, and places Santa Barbara County farmers at a significant competitive disadvantage. Biological resource protections from agencies including the California Department of Fish and Wildlife and US Fish and Wildlife Service are already in place; additional restrictions are inappropriate and undermine the project objective and County policies.

MM-BIO-2. Require a Minimum Gap of One Foot between Ground Surface and Hoop Structure Plastic. Prior to approval of the Project, the Hoop Structures Ordinance Amendment shall be revised to include a development standard that in order to qualify for an exemption, any crop protection structure located within 1.24 miles of a known or potential California tiger salamander breeding pond shall ensure that a minimum one-foot gap is maintained between the bottom edge of the plastic material and the ground surface to allow free movement of California tiger salamander.

As previously mentioned, we disagree with the assessment that plastic extending to the ground would result in an impact above the baseline condition. It is true that plastic does not necessarily extend to the ground for all crops during all times of year; however, when needed, the ability to extend plastic to the ground is ***absolutely essential*** for the hoop to serve its intended purpose. Plastic extending to the ground would likely only occur around the exterior of a planting, such that the impact would be no greater than a wind fence and is distinct from the impacts of a true permanent, developed structure with footings and/or a foundation. As written, the mitigation measure would effectively prohibit the use of hoops in West Santa Maria/Orcutt, East Santa Maria, and Los Alamos. We find the scale of the mapping in the draft EIR to misrepresent the scope of the impact of this mitigation measure. The impacts are much more apparent in the maps included in the 2016 USFWS *Recovery Plan for the Santa Barbara County Distinct Population Segment of the California Tiger Salamander*. The number and extent of parcels and ranches crippled by this proposed mitigation measure include and extend well beyond the CTS metapopulation areas indicated on the Plan's maps.

As previously mentioned, the agricultural resources in West Santa Maria/Orcutt, East Santa Maria, and Los Alamos cannot reasonably relocate. Proximity to cooling infrastructure for delicate berries, along with other agribusiness support infrastructure is essential. For these reasons, the proposed mitigation measures would effectively prohibit the utilization of hoops in a significant portion of the most productive agricultural lands in the County and undermine the project objectives.

MM-BIO-3. Setbacks from Streams and Creeks. Prior to approval of the Project, the Hoop Structures Ordinance Amendment shall be revised to require that crop protection structures shall be located a minimum of 50 feet from streams and creeks in Urban Areas and Inner Rural Areas and EDRNs and 100 feet from streams and creeks in Rural Areas.

We believe that the quantitative requirement for setbacks from streams and creeks is inappropriate, particularly in rural areas. There are already protections in place by regulatory agencies such as the Regional Water Quality Control Board, State Water Board, California Department of Fish and Wildlife, among others. The potentially expansive definition included in the mitigation measure is of great concern and would further diminish the usability and economies of scale of agricultural lands in the County.

Thank you for your careful consideration of these comments and corresponding revisions to the Draft EIR.

Sincerely,



Claire Wineman

President

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Our File Number:
23615-01

July 9, 2018

VIA EMAIL

Santa Barbara County Planning Commission
c/o Planning and Development, Hearing Support
123 East Anapamu Street
Santa Barbara, CA 93101

Re: Hoop Structure Ordinance Amendment

<u>AGENDA ITEMS</u>	
ITEM #:	3
MEETING DATE:	7-11-18

Dear Commissioners:

We represent Sara Rotman, owner of Busy Bee Organics, a cannabis cultivator located on a 64-acre parcel commonly known as 1180 West Highway 246. The parcel is located immediately south of Highway 246, is designated AG-II-40, and has been in active agricultural production for many years. Busy Bee Organics is a legally operating cannabis farm with approximately 2 acres currently in cultivation and with plans to expand over time to approximately 15 acres. State and local cannabis licensing is currently in process to allow the continued cultivation of cannabis products which are grown using hoop and shade structures, both of which are absolutely vital to the success of the operation.

The Rotman parcel is also located with the Design Control Overlay of the Santa Ynez Valley Community Plan (SYCP). Under the proposed Hoop Structure Ordinance amendment, hoop or shade structures located within the Design Control Overlay would be limited to no more than 4,000 square feet, unless such structures are not visible from any public roadway or other areas of public use. A 4,000 square foot limit is essentially a prohibition, as no commercial farmer, cannabis cultivator or otherwise, would ever reap any benefit from such a small cultivated area. Indeed, hoop structures increase productivity, reduce water use, and provide added security. Imposition of such far-reaching restrictions would spell the end to Busy Bee Organics, as they are entirely dependent on hoop structures for all of their cultivation.

County of Santa Barbara
Planning and Development
Re: Hoop Structure Ordinance Amendment
July 9, 2018
Page 2

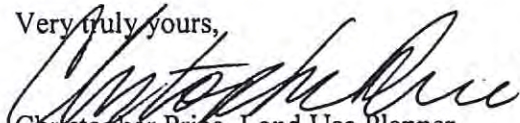
As discussed in detail in our firm's letter to your Commission on behalf of Driscoll's Inc., we believe the proposed restrictions on hoop and shade structures of less than 20 feet in height is inconsistent with the direction the Board of Supervisors gave to staff. The Board expressly directed staff to clarify regulations for only those hoop and shade structures *greater* than 20 feet in height, and to retain the existing permit exemption of all others 20 feet in height or less. The mitigation measure identified by the EIR to prohibit all hoop and shade structures located within the Design Control Overlay is in direct conflict with this direction. Moreover, hoop and shade structures meet the definition of an "Agricultural Improvement" which is specifically defined as not being development under the LUDC and therefore not subject to any permitting requirements.

There are approximately 290 agriculturally zoned parcels located within the Design Control Overlay in the Santa Ynez Valley. Of these, 248 are zoned AG-I comprising approximately 3,100 acres, and 42 zoned AG-II comprising approximately 5,211 acres (Santa Barbara County Planning and Development). Effectively prohibiting the use of hoop and shade structures on over 8,000 acres of agriculturally zoned land in the Santa Ynez Valley is unprecedented, and if implemented, will result in undue hardship on Busy Bee Organics and countless other cultivators in the Valley.

Meanwhile, greenhouses and all other types of agricultural support structures are allowed uses in the Design Control Overlay. It makes no sense therefore that staff is promoting a *prohibition* on hoop and shade structures, which are defined as permit exempt Agricultural Improvements rather than development. In addition, staff's assertion that regulations on hoop structures are necessary to avoid policy inconsistencies related to several visual resources protection policies in the SYVCP is unfounded. Again, greenhouses and other agricultural structures are allowed subject to certain permitting requirements and development standards. Hoop and shade structures are temporary by design and do not result in permanent visual intrusions. However, if regulations are to be imposed on hoop and shade structures in the Design Control Overlay, they should only be applied to those over 20 feet in height and should be treated similarly to other non-exempt structures; as permitted uses subject to design review approval and reasonable development standards.

Thank you for your careful consideration of this important matter. We will be present at the July 11th Commission hearing to provide additional oral testimony and answer any questions you may have.

Very truly yours,



Christopher Price, Land Use Planner
for PRICE, POSTEL & PARMA LLP

CP:ks
cc: Sara Rotman

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July 9, 2018

Via Email: dvillalo@co.santa-barbara.ca.us

Santa Barbara County Planning Commission
c/o Planning & Development
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, CA 93101

Re: Hoops Structures Ordinance Amendment
County Planning Commission Hearing on July 11, 2018
Agenda Item No. 3
Case No. 17ORD-00000-00005

<u>AGENDA ITEMS</u>	
ITEM #:	3
MEETING DATE:	7/11/18

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S.B. COUNTY
PLANNING & DEVELOPMENT
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Dear Chair Blough and Honorable Commissioners:

This office represents an agricultural operator who leases AG-II zoned land subject to the *Design Control (D) Overlay* of the Santa Ynez Valley Community Plan (SYVCP). I am writing on behalf of my client, as well as other similarly situated landowners and agricultural tenants, to express serious concern regarding Mitigation Measure/Development Standard MM-VIS-3.

MM-VIS-3 proposes to amend the LUDC to prohibit crop protection structures having a footprint greater than 4,000 square feet on any parcels located within the *Design Control (D) Overlay* of the SYVCP. An exception applies if the structures cannot be viewed from public roadways or other areas of public use, however, the exception has limited applicability and is practically meaningless to most landowners, because the *D Overlay* was adopted specifically to apply to parcels that are capable of being viewed from public roadways and other areas of public use.

MM-VIS-3 would effectively strip agriculturally zoned parcels within the *D Overlay* of their agricultural potential by eliminating the ability of landowners to use these parcels to grow specialty crops. Hoop structures are a well recognized and important tool for the cultivation of specialty crops in Santa Barbara County, particularly fresh berries. Limiting the allowable area of hoops to 4,000 square feet would have the effect of prohibiting these crops from being grown on parcels within the *D Overlay*. This raises a serious consistency problem with the Agricultural Element of the Santa Barbara County Comprehensive Plan. It also raises a serious “taking” question under the Federal and State Constitutions, which limit the ability of local governments to force a public burden on the private shoulders of a few individual landowners.

The staff report prepared for the July 11, 2018 meeting admits that implementation of MM-VIS-3 would do little to significantly reduce impacts to aesthetics/visual resources. Nevertheless, staff recommends retaining MM-VIS-3 for the single purpose of avoiding potential inconsistencies with certain SYVCP visual policies adopted to protect rural/agricultural scenic corridors, prominent valley viewsheds, and open space views. Such an approach improperly prioritizes scenic values of a rural agricultural landscape over the functional health and vitality of the agricultural lands themselves.

There is no question that, when it comes to hoop structures, the visual resource policies of the SYVCP are at odds with certain Goals and Policies contained in the Agricultural Element of the County’s Comprehensive Plan, including the following:

*“GOAL I. 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.**”*

*“Policy I.B. The County shall recognize the **rights of operation, freedom of choice** as to the **methods of cultivation, choice of crops** or types of livestock, **rotation of crops**, and all other functions within the traditional scope of agricultural management decisions. These rights and freedoms shall be conducted in a manner which is consistent with: (1) sound agricultural practices that promote the long-term viability of agriculture and (2) applicable resource protection policies and regulations.”*

*“GOAL II. **Agricultural lands shall be protected from adverse urban influence.**”*

*“GOAL V. Santa Barbara County shall allow areas and **installations for those supportive activities needed as an integral part of the production and marketing process** on and/or off the farm.”*

Staff makes no effort to try and balance the visual resource policies of the SYVCP with the Goals and Policies of the Agricultural Element. Instead, staff attempts to skirt the consistency issue altogether by down-playing the significance that MM-VIS-3 would have on agricultural resources.

First, according to the staff report, crop protection structures are not typically used in the SYVCP area, including the lots regulated by the *D Overlay*. The staff report states that the Santa Ynez Valley has long been ranched (cattle, horses) and farmed with high value crops (especially wine grapes) that do not rely on crop protection structures to reach their maximum productive potential. In essence, staff argues that because economic pressures to convert to specialty crops relying on hoops have been light in the past, these pressures will not exist in the future. Staff offers no empirical evidence in support of its conclusion, but instead relies purely on speculation and conjecture.

The staff report further argues that because MM-VIS-3 includes an exception for structures that cannot be viewed from a public road or other area of public use, MM-VIS-3 would not apply to all agriculturally zoned lands within the *D Overlay*, and its detrimental effect on agriculture would be minimal. Again, no empirical evidence is offered in support of staff's conclusion, which frankly seems counter-intuitive, given that the very purpose of the *D Overlay* is to regulate parcels that are visible from public roads or other areas of public use.

If adopted, there is no question MM-VIS-3 would severely restrict the freedom of agricultural operators to choose between cultivation methods and types of crops. Instead of assuring and enhancing the viability and continuation of agriculture on lands subject to the *D Overlay*, MM-VIS-3 would limit the agricultural potential of these lands. The net result would be increased pressures to convert these lands to non-agricultural use.

From a legal standpoint, the County's Comprehensive Plan sit at the top of the County's land use regulation hierarchy. *Neighborhood Action Group for the Fifth District v. County of Calaveras* (1984) 156 Cal App 3d 1176, 1183. The Comprehensive Plan has been referred to as the "constitution" for all future development in the County. *Leshner Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal 3d 531, 540. All community plan policies, zoning ordinances, and land use approvals must be consistent with the Goals and Policies contained in the County's Comprehensive Plan. *DeVita v. County of Napa* (1995) 9 Cal 4th 763, 772. The visual resource policies of the SYVCP cannot be used to override or supplant the key Goals and Policies which comprise the County's Agricultural Element.

Furthermore, a regulation which prioritizes high-quality agricultural views over the functional health and vitality of agricultural lands places a significant public burden on the private shoulders of only a few individuals whose lands are visible from public roadways and viewing areas. Such a regulation would extinguish a fundamental attribute of agricultural land ownership, namely the freedom of choice as to the methods of cultivation and choice of crops, and thus negatively impact the traditional use of agricultural property, possibly even preventing the best use of the land. In this regard, MM-VIS-3 would significantly interfere with affected property owners' primary investment-backed expectations, namely the ability to put agricultural land to its full agricultural potential. Such a regulation is not necessary to the effectuation of a substantial public purpose, because as staff admits, it would do little to reduce impacts. For these reasons, MM-VIS-3 "goes too far" placing the burden of a public benefit on private shoulders

Santa Barbara County Planning Commission
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July 9, 2018
Page 4

and would constitute a "taking" of private property in violation of the Federal and State Constitutions. *Kavanau v. Santa Monica Rent Control Board* (1997) 16 Cal 4th 761, 775-776.

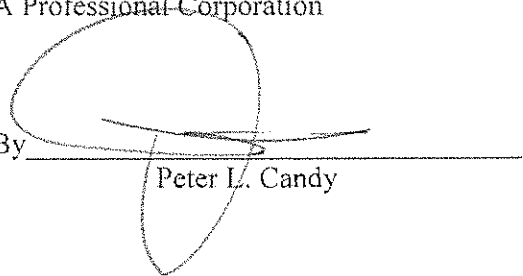
There are many visual and environmental benefits of an agricultural landscape. However, these benefits are a by-product of the agriculture itself and can only be realized if the agricultural productivity and vitality of the land remains paramount. Once the County re-prioritizes the visual benefits of a pristine rural/agriculture setting over and above the functional health and vitality of the agricultural lands, the agricultural character of the County will be lost.

For these reasons, we ask that your Commission reject MM-VIS-3 in its entirety, and allow landowners and agricultural tenants located within the *D Overlay* the freedom of choice as to their crops and cultivation methods.

Respectfully submitted,

HOLLISTER & BRACE
A Professional Corporation

By



Peter L. Candy

PLC/cr

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PLANNING & DEVELOPMENT
HEARING SUPPORT



AGENDA ITEMS	
ITEM #:	3
MEETING DATE:	7-11/18

July 9, 2018

County of Santa Barbara
Planning Commission

Re: July 11, 2018 Item 3-Hoop Structures Proposed Ordinance Amendment and Environmental Impact Report

Dear Commissioners:

We continue to appreciate and support the project's objective "...to allow farmers more flexibility and efficient agricultural operations in support of the County's agricultural economy."

We appreciate the Planning Commission's leadership and engagement on this issue, which has both immediate and precedential importance for agriculture in Santa Barbara County and beyond. In this letter we will focus on outstanding issues from our previous letters and those of the Santa Barbara County Agricultural Advisory Committee.

More specifically, we ask the Planning Commission to continue with its progress in directing staff to prepare an Ordinance amendment that fulfills the Board of Supervisors' intent and thoughtfully assesses the costs, benefits, and basis of proposed mitigation measures and development standards. We are cognizant of the factors limiting EIR recirculation but continue to see value in an Alternative 3 in a recirculated EIR that more accurately characterizes baseline condition, project impact, and scientifically sound proposed mitigation measures.

Our comments in response to the July 11, 2018 Staff Report and Attachment C are as follows:

- 1. MM-VIS-1. Height and Setback Requirements.** We particularly appreciate the Planning Commission's thoughtful discussion on this issue. As discussed in previous comment letters, the impacts to visual resources are identified as significant and unavoidable and the additional setback would not necessarily lessen impacts to visual resources but would certainly impact agricultural resources. **We support the rejection of MM-VIS-1**, although do not necessarily agree with the basis for the rejection. We do not find the setbacks originally proposed in MM-VIS-1 to be adequately substantiated in the EIR; however, identifying MM-VIS-1 as infeasible and rejecting it would accomplish the same result.
- 2. MM-VIS-2. Urban Township Setback Requirement.** As described in our comments on MM-VIS-1, we do not find the proposed 400 foot setback to be adequately substantiated in the EIR. **We remain supportive of a 20 foot setback from the urban boundary lines of the following urban townships:** Santa Ynez, Ballard, Los Olivos, Los Alamos, Casmalia, Sisquoc, Garey, New Cuyama, and Cuyama.
- 3. MM-VIS-3. Design Control Overlay Limitation.** Since the May 30, 2018 Planning Commission hearing we had a member come forward who utilizes hoops within the Santa Ynez Design Control Overlay. We hope our member will be able to attend on July 11 and articulate their concern and the impact of the proposed mitigation measure. We reassert that the impact to visual resources would remain significant and are now aware of the negative impact the measure would have on agricultural operations in the area. We do not find the proposed 4,000 square foot per lot to qualify for the exemption to be adequately substantiated in the EIR. **We support the rejection of MM-VIS-3.**

4. **MM-WR-1. Crop Protection Structures within a Floodway.** We support the removal of MM-WR-1 based on the Flood Control District's July 3, 2018 letter stating "we do not recommend the inclusion of the Floodway regulatory considerations of hoop structures in Agricultural zoned areas." We are concerned with the impact of MM-WR-1, particularly on the western portion of the Lompoc Valley, and the difficulty of the permitting requirements and the limited viability of these lands.
5. ~~MM-BIO-1. Limit Exemption to Crop Protection Structures on Historically Intensively Cultivated Agricultural Lands.~~ The EIR Consultant's response to questions at the May 30, 2018 Planning Commission meeting raises the question of whether the Draft EIR confused the impact of the use of hoops with the baseline condition of cultivation. These are separate issues and the baseline condition must be adequately recognized. Existing law regulates the protection of Endangered Species, including the California Tiger Salamander. The proposed mitigation measure would duplicate existing protections and create a severe hurdle for organic cultivation. **Instead, it would be sufficient to specify or defer to existing requirements that operations shall comply with provisions of California and Federal Endangered Species Acts where applicable.**
6. ~~MM-BIO-2. Require a Minimum Gap of One Foot between Ground Surface and Hoop Structure Plastic.~~ We support the rejection of MM-BIO-2 based on the lack of scientific merit as detailed in the June 15, 2018 USFWS letter explaining "we believe this measure may subject California tiger salamanders to additional threats and would be more detrimental than beneficial."
7. **MM-BIO-3. Setbacks from Streams and Creeks.** We remain critical of the current mitigation measure as written because it would result in a greater impact to rural lands than urban areas, does not provide a scientific justification for the setback distance, is subject to broad and subjective interpretation of a stream and creek, and would not have the same impact as permanent structural development. Instead, we maintain that the requirement should be a **setback of 20 feet from a waterbody assessed under Section 303(d) of the federal Clean Water Act.** There are already protections in place by regulatory agencies including the Regional Water Quality Control Board, State Water Board, California Department of Fish and Wildlife, among others. The proposed revision would provide greater clarity and more closely match the nature of the project and limit the expansive definition currently included. Although we have concerns with quantitative setbacks, particularly in rural areas, this would be less detrimental to agriculture than the current proposal.

As a reminder, our most significant environmental and policy concerns include:

1. We continue to disagree with the fundamental classification of hoops as a structure treated in a similar way as a permanent building, as opposed to a standard agricultural tool or equipment. Based on this fundamental classification, we further disagree with the resulting characterization of impact from the use of hoops compared to baseline conditions, proposed mitigation measures, limited permit exemptions, and recommended development standards.
2. We continue to believe that the proposed ordinance amendments fail to achieve the primary project objective and would instead represent a concerning direction for all agricultural operations in the County.
3. Our members continue to express that the proposed limitations on what would qualify for a permit exemption and the proposed development standards would be unworkable. We are also concerned with future expansions of definitions such as floodway and State Scenic Highway designations contained in the Zoning amendments that would further impact agricultural viability.
4. We disagree with the prioritization of views of rural agricultural landscapes over the functional health and vitality of the agricultural lands themselves and the communities they support.

Thank you for your careful consideration of these comments and corresponding revisions moving forward.

Sincerely,



Claire Wineman

President

Grower-Shipper Association of SB and SLO Counties



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<u>AGENDA ITEMS</u>	
ITEM #:	3
MEETING DATE:	7-11-18

July 9, 2018

VIA HAND DELIVERY AND EMAIL

Santa Barbara County Planning Commission
c/o Planning and Development, Hearing Support
123 East Anapamu Street
Santa Barbara, Ca 93101

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S B COUNTY

PLANNING & DEVELOPMENT

Re: Hoop Structure Ordinance Amendment

Dear Commissioners:

We represent Driscoll's, Inc., a premier international grower, packer, shipper and world-wide marketer of premium berries. The Driscoll's family has been growing berries in California for over 100 years, including in the Santa Maria area since the 1940's. In the 1960's, Driscoll Strawberry Associates, Inc. merged with the Strawberry Institute to create a combined company dedicated to research, breeding, production, sales and distribution of the highest quality California berry. Driscoll's also partners with independent farmers to grow Driscoll's unique variety of berries, sharing its generations of farming experience, expertise and research. Currently Driscoll's and its farming partners represent about 2,700 acres in Santa Barbara County alone.

For many years, hoop and shade structures have been an important part of Driscoll's cultivation strategy and much of their berry production is dependent on their use. In fact, Driscoll's has been lawfully using hoop structures in Santa Barbara County for two decades without any County expressed concern. It has always been clear for them that, like other similar agricultural improvements and cultivation practices, hoop structures and shade structures exempt from building permit requirements are also not subject to the requirement for Land Use Permits.

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Kristen M. R. Blabey
Shannon D. Boyd
Timothy M. Cary
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Our File Number:
23775-01

In fact, the provisions in the existing County Land Use and Development Code (LUDC) which provide exception (beyond exemption) for such agricultural activities and structures are express and very clear in the Glossary at Article 35.11:

Agricultural Improvement. Agricultural activities or structures on agriculturally designated lands which are not subject to building, grading or brush clearing permits. These activities and structures may be subject to special agricultural building, agricultural grading, or agricultural brush-clearing permits.

Development. The definition of “Development” differs within the Coastal Zone and Inland, as follows:

2. **Inland area.** A change made by a person to unimproved or improved real property, including the placement, the moving, construction, reconstruction, enlarging, demolition, or alteration of buildings or structures, landscaping improvements, mining excavation, or drilling operations. Agricultural improvements as defined are not considered as development within this Development Code. [Emphasis added).

Development Code. The Santa Barbara County Land Use & Development Code, Section 35-1 of Chapter 35 Zoning of the Santa Barbara County Code.

Clearly, agricultural activities or structures, on agriculturally designated lands which are not subject to building, grading, or brush clearing permits are simply not subject to the regulations and permit requirements under the LUDC. On April 19, 2016, the Board of Supervisors adopted by Ordinance an amendment to the County Building Code to expressly exempt hoop structures of 20 feet in height or less from requiring a building permit. Shade structures were already exempt by clear provision of the State Building Code. With that action, the Board adopted a Notice of Exemption (NOE). No challenge was timely filed to the Ordinance or NOE. As such structures are exempt from Building Permits, they are not subject to any permit requirement under the LUDC. No further express “exemption” is required.

Unfortunately, on June 6, 2017, the Board of Supervisor was presented by Planning & Development in the Long Range Planning Division’s 2017 – 2018 Annual Work Program with a proposal for funding an ordinance amendment to “clarify” what it claimed was “the lack of clarity” in the County LUDC regarding the permitting of hoop structures in the Inland area. The above quoted LUDC exception language was not included in that presentation, and the Board was instead advised that there was a long-running flaw in the LUDC, which also created the inference that the County and Agricultural community was open to legal challenge by hoop structure opponents. While the Board initially directed Planning & Development to provide a Director’s determination that such structures are exempt (and so create an appeal opportunity at

the Planning Commission), at a following hearing on July 25, 2017, the Board was presented with a more strident threat of legal challenge and so directed Planning and Development to pursue “Option 4” of the June 6, 2017 Hoop Structure Ordinance Amendment Board Letter. Option 4 was to “consider permit requirements for all hoop structures regardless of size and height for the inland area.” The Board also very specifically directed staff that any new ordinance as a result of Option 4 would exempt *all* hoop structures of 20 feet or less.

Instead, and based on the faulty reading of the current LUDC by Long Range Planning staff and the EIR preparer, the ordinance before the Commission now sets forth conditions that must be met for hoop structures 20 feet or less in height to be found “exempt,” including; 1) that they must not be located in a floodway, 2) they must be setback 50 or 100 feet from riparian corridors, 3) they cannot be located in the Design Control Overlay, 4) they must be located on recently cultivated soils, 4) cannot exceed 12 feet in height within 75 feet of any public road or scenic highway, and 5) be setback a minimum of 400 feet from any urban boundary line. Adding these criteria for hoop structures to qualify for an exemption is in direct conflict with the direction given to staff by the Board.

These conditions are the result of “mitigation measures” identified by the Draft EIR to address impacts related to the new regulations. However, the EIR analysis is erroneously based on a false baseline that the hoop structures and shade structures openly erected for the past decade or more have been “unlawful” and should have been permitted as “greenhouses.” The analysis simply ignores the fact that under the existing Land Use and Development Code (LUDC) for the Inland area, hoop and shade structures less than 20 in height are by definition an “Agricultural Improvement” rather than “Agricultural Structural Development.” Agricultural improvements are clearly not to be treated as development under the LUDC and therefore by definition are not subject to LUDC permit requirements. (See again Article 35.11 Glossary at pages 11 – 16).

The EIR clearly misapplied the baseline for the project and has misidentified the “No Project” alternative. The project as analyzed is not the clarification directed by the Board to specify permit regulations for only those hoop and shade structures over 20 feet in height, but instead assumes that a “new allowance” on already exempt Agricultural Improvements will result in new impacts. Instead of analyzing the impacts of “allowing” development of an already fully exempt activity, the EIR should instead analyze the significant impacts on agricultural resources associated with limiting the ability of farmers to use hoop and shade structures to increase agricultural production. The EIR also fails to analyze the inconsistency with the County’s Right to Farm ordinance which exempts farmers from having to comply with otherwise stringent visual and aesthetic resource mitigations. Clearly the EIR is woefully inadequate and should be rejected.


County of Santa Barbara
Planning and Development
Re: Hoop Structure Ordinance Amendment
July 9, 2018
Page 4

Even the County's own Agricultural Advisory Committee (AAC) in its letter dated March 15, 2018, raised these deficiencies with staff, but was summarily dismissed. In its comment on the DEIR, AAC noted that the EIR is fundamentally flawed and inaccurately describes hoop houses as development instead of temporary agricultural implements (as defined in the LUCD as Agricultural Improvements), and that the analysis is prejudiced with respect to the stated impacts associated with aesthetic and visual resources. The AAC concludes that "labeling a hoop house as development is as absurd as labeling a tent a home", and that "applying that same standards as would be applied to a permanent building belies reason, is unfair, and represents undue hardship to the agricultural industry." The AAC is established and appointed by the Board of Supervisors specifically to advise County staff on agriculture-related issues.

Given the profound impact these new regulations will have on the County's agricultural industry, we urge the Planning Commission to require that staff follow the clear direction given to staff by the Board of Supervisors along with the existing clear language and definitions in the LUDC, and reject all new permit regulations for hoop and shade structures under 20 feet in height. We have attached a revised truly "streamlined" version of Staff's Attachment F showing how simple and clear the process for Hoop Structures is already in the Inland area, and the more limited scope of an ordinance amendment following Board direction. For any new regulations on such Agricultural Improvements of over 20 feet in height, the EIR should be revised and recirculated to address the potentially significant impacts on agricultural viability and production, and the County Agricultural Advisory Committee should be consulted.

Thank you for your consideration of this important matter. I will be present at the July 11th Commission hearing to provide addition oral testimony and answer any questions you may have.

Very truly yours,



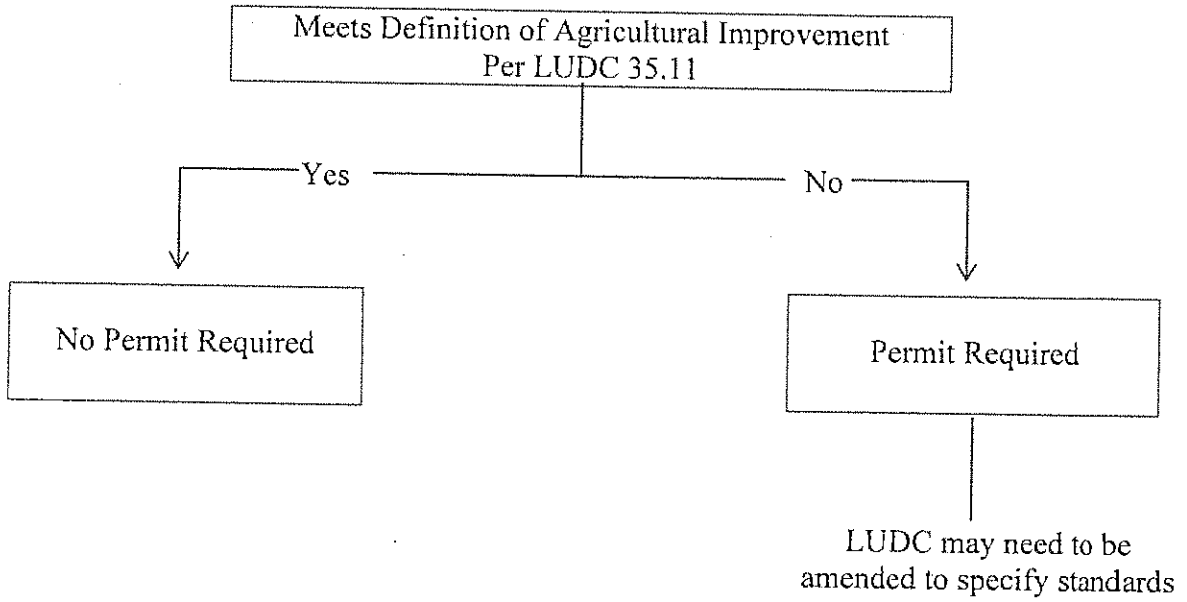
C.E. Chip Wullbrandt
for PRICE, POSTEL & PARMA LLP

CEW:ks
Enclosure

cc: Chase Renois
Soren Bjorn
Tom O'Brien
John Weisz

ATTACHMENT F

Inland Area Hoop Structures and Shade Structures Permit Exception or Requirement Flowchart



Comments to SBC Planning
Commission 8-29-2018
MM-BIO-3

Sharyne Merritt, Organic Farmer

I own and manage 2 farms in SBC one of which has
125 acres in the Santa Ynez River floodway

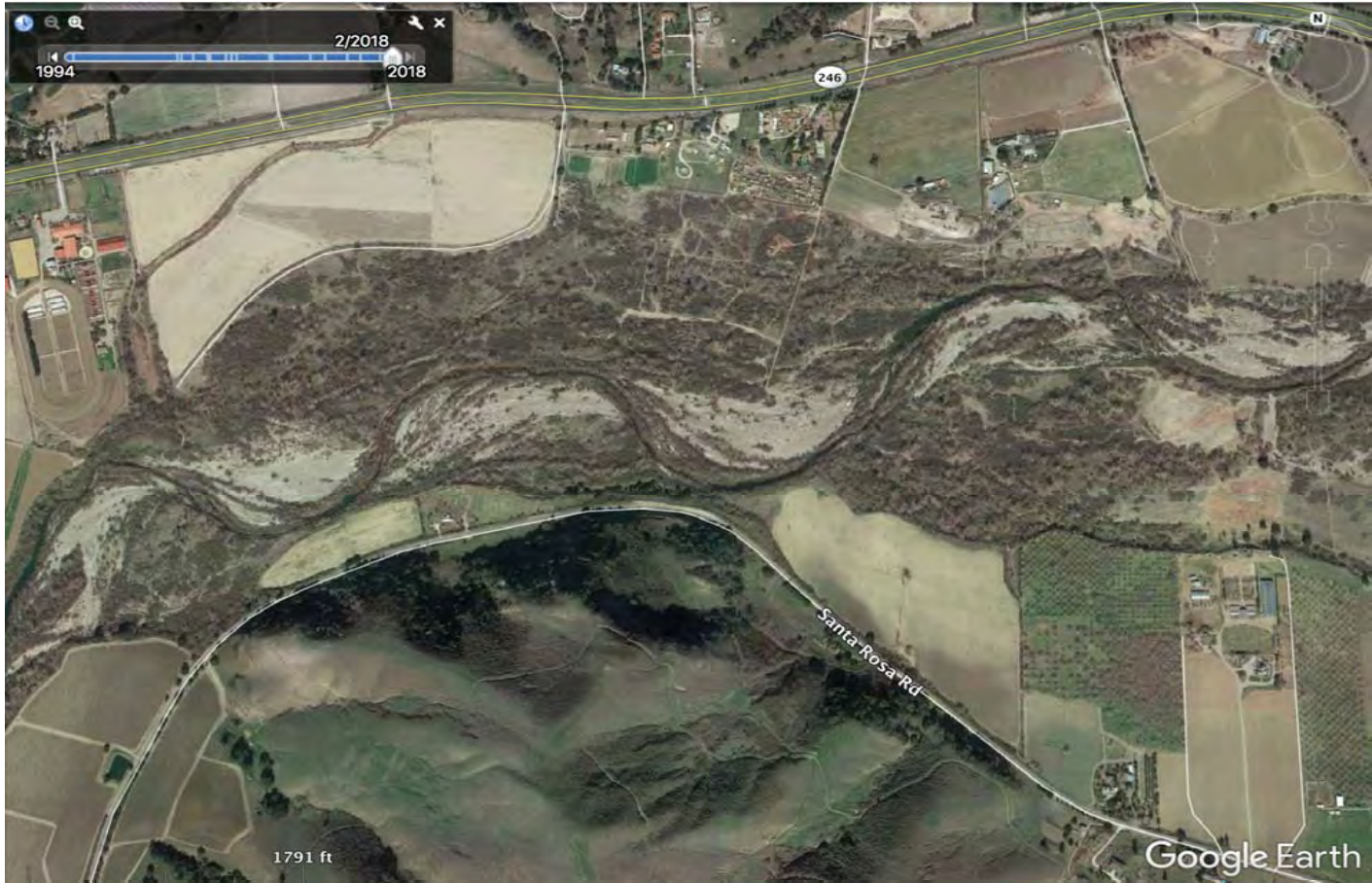
Santa Ynez Valley Community Plan

- The Santa Ynez River is a **major water resource**,
- It serves important **ecological functions for the wildlife (food and habitat)**
- It is a **major wildlife corridor** for migrating steelhead trout and a variety of mammals.
- **Riparian habitats preserve water quality** by filtering sediment
- **Hydrologic functions including flood flow conveyance, surface and subsurface water storage, groundwater recharge**
- **Development set back a minimum of 200 feet to top of the bank**

Audubon

- Lower SYRiver –west of Buellton- is an IBA (Important Bird Area) refers to the intact riparian habitat from Hwy. 101 (vic. Buellton) west through the broad agricultural lands west of Lompoc.
- **This area supports one of the most significant riparian systems in central California, and one of the two best examples of lowland riparian habitat in Santa Barbara County (the other being the upper Santa Ynez River to the east).**





Concerns that Elimination of MM-BIO 3

- **WATER QUALITY IMPACTS**

- Impaired water quality from addition of nutrients & herbicides, fungicides, pesticides that leave containers
- The aquifer is <10 feet below the gravel

- **IMPACTS TO SENSITIVE RIPARIAN HABITAT**

Rebuttal of arguments to eliminate MM-BIO3

- *Crop protection structures are not associated with generation of pollutants that could infiltrate into groundwater such as pesticides or nutrients*
- **While the structures themselves if left empty will not generate pollutants, they won't be left empty. Their purpose is to facilitate increased agricultural intensity and THAT will generate pollutants.**

Rebuttal of arguments to eliminate MM-BIO3

- *the State has discharge requirements*
- **The county should be consistent in order to have regulatory certainty**
- **The county should not send out mixed messages**
- **The county should not inadvertently promote the notion that there is no regulation in critical habitat**

Rebuttal of arguments to eliminate MM-BIO3

- Community Plans have protections
- **Many growing areas in floodway are outside Community Plan areas**

RECOMMENDATION

- **This is very valuable land that provides drinking and irrigation water as well as well as habitat for sensitive species. Please do not risk its health for ease of growing cannabis and other crops (I suspect mostly cannabis).**
- **Maintain MM BIO 3 and clarify that setbacks are 200 feet from top of the bank**



W.E.WATCH

Working together to sustain the beauty and environment of the Santa Ynez Valley

August 29, 2018

TO: Santa Barbara County Planning Commission
FROM: Nancy Emerson, President, WE Watch
RE: Hoop Structures

WE Watch, whose vision statement is "working together to sustain the rural beauty and environment of the Santa Ynez Valley," is here today to remind you that our Valley is visually and aesthetically the rural jewel of the county and the area where the needs of two economic interests – agriculture and tourism - intersect.

The Santa Ynez Valley Community Plan states that it "updates the Comprehensive General Plan and provides policy direction for issues and development trends specific to the Plan Area." The section, Visual and Aesthetic Resources, specifically addresses protection of townships and public viewing areas.

We do not think the intent of the Supervisors was to destroy protection of the Valley's unique beauty in order to streamline agricultural regulation. Yet agricultural representatives are telling you that you must ignore the Community Plan and the EIR so hoop structures can be used anywhere in the Valley.

Some compromise is needed from the agricultural community since their economic benefits are not the only benefits that are crucially important. Despite defining hoop structures as an "agricultural improvement" even agricultural interests can see that they are the one "improvement" that defaces rural landscapes (e.g. Los Alamos area hillsides). Also, they seem to be quite permanent.

Reiterating our testimony of July 11, we strongly urge that both MMVIS 2 and 3 be retained to offer protection in the Santa Ynez Valley from unmitigable visual blight by hoop structures. Set backs do protect our townships and overlays do protect our scenic views from corridors such as Highways 154 or 246 just west of Buellton and between Buellton and Solvang.

Nancy Emerson



E. VISUAL AND AESTHETIC RESOURCES



1. SETTING



The Plan Area is a composite of natural, agricultural and developed landscapes. Rugged mountainous areas provide the backdrop for oak studded rolling hills, distinctive small towns, farms and ranches. The Valley's long tradition of diverse, working agriculture has played a significant role in defining and maintaining the area's rural character. Residents and visitors alike are attracted to the region for its relatively pristine natural environments and decidedly rural aesthetic. At night, the region offers spectacular views of the

nighttime sky, and provides unique opportunities for astronomical observation.

The visual character of the planning area is also influenced by the design of its man made environments. The townships of Santa Ynez, Los Olivos and Ballard have distinct architectural styles and design elements that differentiate the townships and provide a sense of unique community identity.

Many of the regions rural roads and highways provide unparalleled views of its scenery. Two of the three main highways crossing the Valley are recognized by the State of California as scenic highways. The entire 32 mile length of Highway 154 is an officially designated state scenic highway and Highway 101 is eligible for scenic designation pending approval of a corridor management plan. Other scenic rural roads include:

- Baseline Avenue
- Foxen Canyon Road
- Alamo Pintado Road
- Santa Rosa Road
- Figueroa Mountain Road
- Happy Canyon Road
- Armour Ranch Road

Regulatory Setting

The Land Use Element (LUE) and Open Space Element of the County Comprehensive General Plan include policies to protect and enhance visual resources. The LUE Hillside and Watershed Protection Policies, as well as the Hillside and Ridgeline Protection Ordinance (Ordinance 3714), regulate development on slopes to minimize grading, disruption of natural vegetation, and erosion. Visual Resource Policies of the LUE include measures to ensure compatibility of structures with the surrounding natural environment and/or existing community through structural design review

and landscaping requirements, limitations on signs which disrupt public views (also regulated by the Land Use & Development Code), and requirements for undergrounding of new utilities (also regulated by Public Works Department).

The Open Space Element identifies the County's scenic beauty as a principal factor in the attraction of residents and visitors, evaluates the visual quality of natural resources and travel corridors, and emphasizes the importance of urban perimeters. A Scenic Values model in the Open Space Element includes intensity, design, and arrangement of development, preservation of natural features, and variety in landscaping as criteria for the protection of visual resources.

2. PLANNING ISSUES

General Goals

Large expanses of land within the planning area are highly visible to residents and motorists because of topographic conditions and rural land uses. Due to their relative lack of development and inherent natural beauty, many of these areas are particularly sensitive to physical alteration. Visual impacts from grading and construction can be severe if projects are not designed to be compatible with the existing landscape.

Views of open space and natural features are the focus of visual resource protection policy. However, visual resources do not require complete exclusion of development for their protection. The policies of this section reemphasize and build upon existing resource protection policies and are intended to ensure that a proper balance between development and visual resource protection is required and maintained. Listed below are general goals for visual resource protection in the Plan Area.

- Protect prominent scenic viewsheds from extensive structural development.
- Mitigate development that degrades scenic resources through proper siting, design, landscaping, and/or screening, and use of colors and materials that are harmonious with the natural environment.
- Design grading to prevent scarring and erosion, preserve native vegetation, and cause minimal alteration of existing contours.

Township Gateway Parcels and Community Design

Each township maintains a distinct visual character through its architecture and design. These features establish community identity and attract tourists to the region. Development of gateway parcels has been identified as an important planning issue through the GPAC process, as well as at recent VPAC meetings. Gateway parcels are focal points for visitors and residents and should provide an inviting and aesthetically pleasing entrance to the community.

Santa Ynez Valley Community Plan

and sited developments that protect scenic qualities, property values, and neighborhood character. The areas within the Valley in which the D Overlay already exists include:

- Just north east of the City of Solvang;
- Within and immediately west of Los Olivos township; and
- North of Hwy 154 and east of Figueroa Mountain Road near Los Olivos.

In revising the D Overlay, the VPAC strived to protect the Valley's visual resources without unduly constraining property owners. The VPAC felt that within the Santa Ynez Valley, an exemption from Board of Architectural Review for agricultural support structures of less than 1,000 square feet and any structure that is not visible from public viewing areas, i.e. public streets, sidewalks, parks, etc. was important.

The application of the D Overlay in the Santa Ynez Valley Community plan will enable BAR review of discretionary or ministerial projects not exempt by above criteria, including: single family homes, duplexes, and any agricultural structures larger than 1,000 square feet (barns, sheds, stables, riding areas, etc.). The D Overlay designation requires that non-exempt development be reviewed by the County Board of Architectural Review (BAR). In November 2005, the Board of Supervisors created four regional BARs to better serve local communities. In the Santa Ynez Valley the regional BAR is the Central County Board of Architectural Review (CBAR).

Updates to the D-Design Overlay ordinance language are included in Appendix G. Figure 24 shows the areas of the Valley with the D Overlay.

Protection of the Nighttime Sky

In the urbanized areas of the County, the ability to view stars, planets, constellations and a variety of other astronomical phenomena has been degraded by a flood of artificial light. Due to its rural character, low intensity of development, and its distance from highly lighted urban areas, the Santa Ynez Valley provides County residents, travelers, and the general public with an invaluable nighttime visual resource.

Jurisdictions throughout the nation have approved regulations to curb the effects of inefficient and excessive lighting. Typically these regulations deal with type and design of lighting and lighting fixtures as well as the prohibition of certain types of unnecessary and obtrusive light sources. If properly designed, these standards can be easily implemented.

The Valley Blue Print, the GPAC, and the community have recognized the value of the nighttime sky as a desirable visual resource. The Santa Ynez Valley Outdoor Lighting ordinance, Appendix H, establishes development standards for the Plan Area intended to reduce the effects of excessive and inefficient lighting on the environment and neighboring properties.

Santa Ynez Valley Community Plan

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Protection of the Nighttime Sky

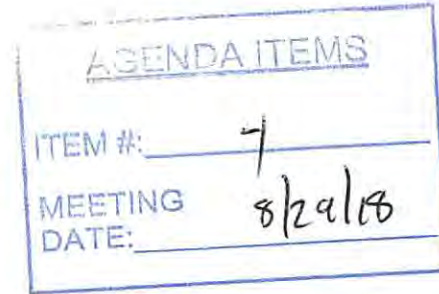
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Villalobos, David

From: susan belloni <susanbelloni@hotmail.com>
Sent: Tuesday, August 28, 2018 9:38 PM
To: Villalobos, David
Subject: CPC Public Comment Submission



Santa Barbara Planning Commission
123 E. Anapamu St.
Santa Barabara, Ca 93101

28 August 2018

Re: Item #4 Hoop Structure Ordinance Amendment

Dear Chairman Blough and Members of the Commission,

I am writing to remind you of the values expressed by the citizens you represent in our County's Santa Ynez Valley Community Plan.

But first, just for a minute, imagine the landscape of Tuscany with its rolling green hills and vineyards, stone farmhouses, sunflowers, lavender crops and Italian cypress. Now close your eyes for a second and imagine some of those same rolling hills covered instead with acres of commercial, white plastic hoop structures.

This image is why hoops do not fit with the aesthetics of a rural atmosphere the way other rural structures might fit in. You cannot see between hoops or over them in many cases. They are not made to be aesthetic, they are made to be functional. They are intensive, synthetic, commercial and sadly, in spite of the farmers' need for hoops, those attributes do not lend themselves to being pastoral.

Hoops don't fit the description of the "rural character" that people in Santa Ynez Valley value so highly and want to preserve and therefore put into the County SYV Community Plan. We also depend economically on this rural character to attract tourism. Scenery has so much economic value that entire economies exist for it.

I'm especially concerned about the agricultural areas between Buellton, Solvang and Los Olivos that form greenbelts and make up the rural character of the valley we and visitors see most frequently. We depend on these farmers and ranchers to keep agriculture viable there. However, if this land along the highways gets covered in white hoop structures, we won't be able to see the countryside beyond them.

Perhaps we need a new 21st century description such as "industrial rural" that would include structures like hoops that are intensive, cannot be camouflaged by changing the color and are not required to be hidden behind hedges but that nevertheless exist on rural land sort of like like wind "farms" or solar "farms" might.

Please consider the difference white hoop structures, by their very nature, will make to the rural character of the Santa Ynez Valley that residents want to preserve and worked so hard to encode in the SYV County Community Plan that you are charged to uphold. I urge you to honor the findings of the EIR, that hoop structures are not mitigable. Please consider townships, greenbelts and Design Control Overlay areas by requiring that the structures be 4,000 square feet or less and not visible from public viewing areas.

Lastly, please read these excerpts from the introduction to our SYV Community Plan and consider them carefully in your decisions regarding hoop structures:

"The oak-studded Santa Ynez Valley, nestled between two towering mountain ranges in central Santa Barbara County, boasts an enviable quality of life for its residents. Still-friendly small towns with unique individual character are linked by scenic rural roads featuring bucolic views of farms, ranches and pristine natural areas. The local economy is strong, anchored by thriving agriculture and tourism industries.

Residents enjoy an unhurried pace of life, night skies still dark enough for stargazing, clean air, ample recreational opportunities and abundant natural resources. The rural charm, comfort and beauty of the Valley, that has

remained relatively unchanged for so long, stands in stark contrast to the “Anytown USA” atmosphere that has engulfed many communities across California and the rest of the country.

In 2000, a diverse group of local residents came together with the goal of preserving the special qualities of the Valley and painting a picture of its future. They produced a visionary document entitled “The Valley Blueprint” which outlined consensus-based goals for development, public services,

The Santa Ynez Valley Community Plan picks up where the Valley Blueprint left off and is intended to implement the Blueprint by translating “the vision” into formal policy that will preserve the character while enhancing its unique qualities. The Plan was developed over the course of 50+ community meetings with the involvement of hundreds of Valley citizens.”

http://longrange.sbcountyplanning.org/planareas/santaynez/syv_cp.php

Sincerely,

Susan Belloni
660 Alisal Rd.
Solvang, CA



A Special Blend of High Quality Land Use
and Public Relations Services

FILE COPY
RECEIVED

AUG 28 2018
S B COUNTY
PLANNING & DEVELOPMENT

Santa Barbara County
Planning Commission
123 E. Anapamu Street
Santa Barbara, CA 93101

August 28, 2018

Re: Item #4 – 17ORD-00000-00005 - Hoop Structure Ordinance Amendment

<u>AGENDA ITEMS</u>	
ITEM #:	4
MEETING DATE:	8/29/18

Dear Chairman Blough and Members of the Commission:

Please accept this late distribution for consideration of the amendments to the Hoop Structure Ordinance. 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.

We appreciate this has been a difficult issue in light of the appeal filed against the Planning Director's Determination that hoop structures are exempt from zoning permits issued on June 15, 2017 (memo attached). While we commend the Planning Director, under the direction of the Board of Supervisors, to issue said exemption pursuant to the State Revenue and Taxation Code Section 6356.5, there is one more thread to this determination that needs to be made by your Commission.

During the last hearing, staff explained several times that the ordinance is necessary because hoop structures are silent in the table of allowed uses in the LUDC. However, the Commission stated repeatedly that you agree with the State and Taxation Code, that hoops are considered farming equipment customary and incidental with farming on par with irrigation lines, plastic coverings, and trellising. Irrigation lines, plastic coverings, and trellising are encompassed under the reference to "Cultivated agriculture, orchard, and vineyard". (please refer to Attachment B). Similarly, hoop structures and shade structures are also encompassed by the allowed land use of "Cultivated Agriculture". As such, the ordinance explicitly allows agricultural equipment associated with cultivated agriculture.

Lisa Bodrogi

Land Use Planning & Public Relations

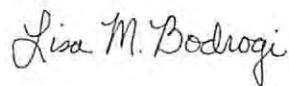
PH: 805-937-8474 • Cell: 805-260-2461 ~ Lisa@cuvée.me • www.CuveeConnections.net

This is further affirmed in the definitions in LUDC between Greenhouses and Hoop and Shade Structures in that hoop and shade structures are distinguished by their non-permanent nature (see Attachment C).

As such, we recommend the Planning Commission does not forwards to the Board of Supervisors a recommendation to adopt an ordinance amending the zoning regulations affecting hoop and shade structures and certify the program EIR. Rather, the Planning Commission makes a determination that hoop and shade structures are customary and incidental to the cultivation of agriculture and are adequately addressed in the zoning ordinance.

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

Kindly,

A handwritten signature in cursive script that reads "Lisa M. Bodrogi".

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
- C - Definitions for Greenhouses, Hoop and Shade Structures

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

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 Minimum Land Use and Permit Requirements for Agricultural Zones	PERMIT REQUIREMENTS					Special Use Requirements
	AG-I	AG-II	AG-III	AG-IV	AG-V	
AG-I	AG-I	AG-II	AG-III	AG-IV	AG-V	

AGRICULTURAL, MINING, & ENERGY FACILITIES

	AG-I	AG-II	AG-III	AG-IV	AG-V	
Agricultural accessory structure	P	P	P	P	P	35.42.020
Agricultural processing - On-premise products	P	P	P	P	P	35.42.040
Agricultural processing - Off-premise products	---	CUP	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	S	35.42.060
Aquaculture	---	---	CUP	CUP	CUP	35.42.070
Cultivated agriculture, orchard, vineyard	E	E	E	E	E	
Grazing	E	E	E	E	E	
Greenhouse	P	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	CUP	35.82.160
Mining - Surface, less than 1,000 cubic yards	P(4)	CUP	P(4)	P	P	35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP	CUP	CUP	P	P	35.82.160
Oil and gas uses	S	S	S	S	S	35.5
Winery	S	---	S	CUP	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	CUP	
Fairgrounds	CUP	CUP	CUP	CUP	CUP	
Golf course	CUP	CUP	CUP	CUP	CUP	
Golf driving range	CUP	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	---	CUP	---	---	
Meeting facility, religious	CUP	CUP	CUP	CUP	CUP	
Museum	CUP	---	CUP	---	---	
Rural recreation	---	---	CUP	CUP	CUP	35.42.240
School	CUP	CUP	CUP	CUP	CUP	
School - Business, professional or trade	CUP	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facilities	CUP	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.

ATTACHMENT C

Definitions of Greenhouses and Hoop Structures from LUDC

Greenhouse.

- 1. Greenhouse - Coastal Zone.** A structure with permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring) used for cultivation and to shade or protect plants from climatic variations. Any hothouse or plant protection structure that does not fall within the definition of shade structure or hoop structure shall be included in the definition of greenhouse.
- 2. Greenhouse - Inland Area.** A facility, including hothouses, for the indoor propagation of plants, constructed with a translucent roof and/or walls.

Hoop Structure. A structure consisting of a light-weight, frame with no permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring) and an impermeable, removable covering used to protect plants grown in the soil or in containers upon the soil. Includes structures commonly known as berry hoops and hoop houses.

Shade Structure. A structure consisting of a frame with no permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring, etc.) and a dark, permeable, removable covering (e.g. netting) used to shade plants grown in the soil or in containers upon the soil.



COUNTY OF SANTA BARBARA
AGRICULTURAL ADVISORY COMMITTEE

RECEIVED

August 27, 2018

AUG 27 2018

County of Santa Barbara
Planning Commission

S B COUNTY
PLANNING & DEVELOPMENT

ITEM #: 4
MEETING DATE: 8/29/18

Re: August 29, 2018 Item 4-Hoop Structures Proposed Ordinance Amendment and Environmental Impact Report

Dear Commissioners:

We continue to appreciate the Planning Commission's diligent efforts and thoughtful consideration of the project and assessment of prospective mitigation measures. We appreciate the significant progress that has been made in terms of recognizing the much-needed revisions related to water resources and flooding, biological resources, and visual and aesthetics. We support the removal of MM-VIS-1, MM-WR-1, MM-BIO-2 based on the technical shortcomings of the proposed mitigation measures. However, significant issues remain related to MM-BIO-1 and MM-BIO-3. We look forward to working towards a resolution on the remaining mitigation measures relating to limits on which agricultural lands would qualify for the permit exemption and the proposed setbacks from streams and creeks, particularly in Rural Areas. Resolution of these important concerns is essential to achieve the project objective but also has important precedential implications that reach far beyond the project.

According to the 2017 Santa Barbara County Agricultural Production Report, the total gross value of blackberries was \$25.1 million, blueberries were \$8.7 million, and raspberries were \$50.6 million dollars. It would not be commercially viable to grow these crops in Santa Barbara County without ready access to the use of hoops. Furthermore, by enabling the cultivation of blackberries, blueberries, and/or raspberries, hoops are important because they allow growers to offer diversification to buyers to complete sales for these and other crops, including strawberries, and is essential to economic competitiveness of local agriculturalists in an increasingly competitive global marketplace.

Beyond the important role of hoops in the cultivation of these crops, hoops offer important economic diversification to harvest employees and result in expanded economic contributions to local cities and County of Santa Barbara. By extending the growing period and reducing the seasonality of agricultural employment, harvesters are afforded extended opportunities for earnings and periods of employment. It also increases the predictability of anticipated earnings and offers opportunities for greater choice in work environment and greater participation in the local economy.

Our comments in response to the August 29, 2018 Staff Report are as follows:

1. Water Resources and Flooding Mitigation Measure MM-WR-1 and Biological Resources Mitigation Measure MM-BIO-2. We support the removal of mitigation measures MM-WR-1 and MM-BIO-2 based on correspondence with the County Flood Control District and the United States Fish and Wildlife Service.
2. Visual/Aesthetic Resources Mitigation Measures. We agree that MM-VIS-1, MM-VIS-2, and MM-VIS-3 are infeasible mitigation measures and would create economic burdens on agricultural operations. We appreciate the realization that MM-VIS-1 would nullify the project's main objective to allow for more efficient agricultural operations. Furthermore, we remain supportive of rejecting MM-VIS-2 and MM-VIS-3 due to their economic/technological impact on agriculture without lessening the degree of impact.

We do not agree with retaining Biological Resources Mitigation Measures MM-BIO-1 and MM-BIO-3 as presented in the draft EIR:

1. *MM-BIO-1. "Limit Exemption to Crop Protection Structures on 'Historically Intensively Cultivated Agricultural Lands'... (land that has been tilled for agricultural use and planted with a crop for three of the previous five years)."*

We remain critical of MM-BIO-1 and are very concerned about the how this would be implemented and the precedential implications of this policy direction throughout the County. The proposed mitigation measure would create a severe hurdle to agricultural operations, especially for organic cultivation. The ability to offer both conventional and organic produce is very important to the economic viability of farmers in Santa Barbara County and can mean the difference in a produce buyer purchasing produce from local farmers or purchasing elsewhere that can better fulfill their demands for the type of berry and whether it was grown using organic and/or conventional materials. The increased cost and uncertainty of a review process under this narrowed criteria for exemption could be insurmountable, especially for organic berry operations.

We adamantly oppose the arbitrary introduction of a three year timeframe as qualifying as "historically intensively cultivated" and introducing this concept as a new definition. We do not find this concept or timeframe to be based on scientific merit.

We continue to question the validity of the assessment of impacts to biological resources on lands that have not been "historically intensively cultivated." We maintain that the impact of the use of hoops and the baseline condition of cultivation are separate issues and have been confused in the EIR. We further question whether this mitigation measure fulfills the project objective, especially because of the burden it would create for organic cultivation.

We are also concerned with how MM-BIO-1 would be implemented and the burden of proof that would be created for farmers and landowners. We are very concerned with the fundamental direction of granting Planning and Developing review authority over normal and customary agricultural operations, including choice of the location, crop type, and organic/conventional production methods employed on agricultural lands at any given time.

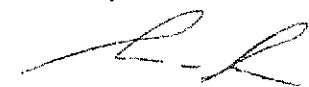
For these reasons and others that have already been introduced into the record we urge the Planning Commission to make major revisions or to reject MM-BIO-1 in its current form.

2. *MM-BIO-3. "Setbacks from Streams and Creeks. ...crop protection structures shall be located a minimum of 50 feet from streams and creeks in Urban Areas and Inner Rural Areas and EDRNs and 100 feet from streams and creeks in Rural Areas."*

We continue to dispute the classification of impact prompting MM-BIO-3 and maintain our previous articulation of existing regulations and protections and concerns with the expansive and subjective definition of streams and creeks. We are also concerned that this measure would have a disproportionately greater impact on Rural Areas compared to Urban Areas with lesser setbacks. Regardless, a 100 foot setback is not justified for a temporary agricultural improvement and would not represent an additional biological impact above the baseline condition of cultivation.

We thank the Planning Commission for the significant progress it has already made and ask for your continued attention in making much-needed revisions to MM-BIO-1 and MM-BIO-3.

Sincerely,



Paul Van Leer, Chair

Committee Members

Bradley Miles
Ron Caird
Sharyne Merritt
AJ Cisney
Randy Sharer
Deborah Adam
Claire Wineman
Paul Van Leer, Chair
June Van Wingerden
Brook Williams
Andy Mills, Vice Chair
Jason Sharrett

Representing

1st District Supervisor, Das Williams
2nd District Supervisor, Janet Wolf
3rd District Supervisor, Joan Hartmann
4th District Supervisor, Peter Adam
5th District Supervisor, Steve Lavagnino
California Women for Agriculture
Grower-Shipper Association of SB and SLO Counties
Santa Barbara County Farm Bureau
Santa Barbara Flower & Nursery Growers' Association
Santa Barbara Vintners
Santa Barbara County Cattlemen's Assn.
California Strawberry Commission

RECEIVED

AUG 27 2018



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Our File Number:
23775-01

August 27, 2018

VIA HAND DELIVERY AND EMAIL

Santa Barbara County Planning Commission
Attn: David Villalobos
123 East Anapamu Street
Santa Barbara, Ca 93101

dvillalo@co.santa-barbara.ca.us

<u>AGENDA ITEMS</u>	
ITEM #:	4
MEETING DATE:	8/29/18

Re: Hoop Structure Ordinance Amendment

Dear Commissioners:

We represent Driscoll's, Inc., an international seller of premium berries. In my comment letter to the Planning Commission dated July 9, 2018 (attached hereto for your reference), and during my testimony at the July 11, 2018 Planning Commission hearing, I explained that hoop structures and shade structures under 20 feet in height are exempt from building permit requirements (*see* County Code § 10-1.6.), and are therefore also not subject to the requirement for Land Use Permits as is clearly set forth in the existing County Land Use and Development Code (LUDC) in the Glossary at Article 35.11, a highlighted copy of which is attached hereto for your reference.

Therefore as a preliminary matter, we urge the Planning Commission to reject any new ordinance imposing permit requirements for hoop and shade structures under 20 feet in height, given the clear language in the existing LUDC that such Agricultural Improvements are exempt from permit requirements, as well as direction from the Board of Supervisors that all such structures shall continue to be exempt from permit requirements. These structures meet the definition of "Agricultural Improvement" per LUDC 35.11, and there is no lack of clarity regarding whether these structures are subject to permitting requirements.

Santa Barbara County Planning Commission

Re: Hoop Structure Ordinance Amendment

August 27, 2018

Page 2

Furthermore, we would like to reiterate the fundamental flaw in the EIR's baseline that existing hoop and shade structures have been "unlawful" and should have been permitted as "greenhouses." By creating an exemption for structures that were already not subject to LUDC permitting requirements, the EIR incorrectly assumes that these existing structures will result in new impacts. For this reason the EIR should be rejected, and for any new regulations of hoop and shade structures over 20 feet in height, the environmental analysis should instead address the significant impacts to agricultural resources that will result from limiting the ability of farmers to use hoop and shade structures to increase agricultural production, a baseline that will be severely impacted by the unnecessary burden of completing the permitting process. Staff's most recent proposal to reject some but not all of the mitigation measures in the EIR fails to address this underlying fundamental flaw. Failing to update the EIR with the proper baseline and environmental impacts analysis leaves the County vulnerable to litigation over the adequacy of the EIR.

Thank you for your consideration of this important matter. We will be present at the August 29, 2018 Planning Commission hearing to provide additional oral testimony and answer any questions you may have.

Very truly yours,



C.E. Chip Wullbrandt
for PRICE, POSTEL & PARMA LLP

CEW:cg

Enclosures

cc: Chase Renois
Soren Bjorn
Tom O'Brien
John Weisz

Attachment 1

7/9/2018 Letter to PC



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Drew Malcy
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Steven K. McGuire

Our File Number:
23773-01

July 9, 2018

VIA HAND DELIVERY AND EMAIL

Santa Barbara County Planning Commission
c/o Planning and Development, Hearing Support
123 East Anapamu Street
Santa Barbara, Ca 93101

Re: Hoop Structure Ordinance Amendment

Dear Commissioners:

We represent Driscoll's, Inc., a premier international grower, packer, shipper and world-wide marketer of premium berries. The Driscoll's family has been growing berries in California for over 100 years, including in the Santa Maria area since the 1940's. In the 1960's, Driscoll Strawberry Associates, Inc. merged with the Strawberry Institute to create a combined company dedicated to research, breeding, production, sales and distribution of the highest quality California berry. Driscoll's also partners with independent farmers to grow Driscoll's unique variety of berries, sharing its generations of farming experience, expertise and research. Currently Driscoll's and its farming partners represent about 2,700 acres in Santa Barbara County alone.

For many years, hoop and shade structures have been an important part of Driscoll's cultivation strategy and much of their berry production is dependent on their use. In fact, Driscoll's has been lawfully using hoop structures in Santa Barbara County for two decades without any County expressed concern. It has always been clear for them that, like other similar agricultural improvements and cultivation practices, hoop structures and shade structures exempt from building permit requirements are also not subject to the requirement for Land Use Permits.

In fact, the provisions in the existing County Land Use and Development Code (LUDC) which provide exception (beyond exemption) for such agricultural activities and structures are express and very clear in the Glossary at Article 35.11:

Agricultural Improvement. Agricultural activities or structures on agriculturally designated lands which are not subject to building, grading or brush clearing permits. These activities and structures may be subject to special agricultural building, agricultural grading, or agricultural brush-clearing permits.

Development. The definition of “Development” differs within the Coastal Zone and Inland, as follows:

2. **Inland area.** A change made by a person to unimproved or improved real property, including the placement, the moving, construction, reconstruction, enlarging, demolition, or alteration of buildings or structures, landscaping improvements, mining excavation, or drilling operations. Agricultural improvements as defined are not considered as development within this Development Code. [Emphasis added).

Development Code. The Santa Barbara County Land Use & Development Code, Section 35-1 of Chapter 35 Zoning of the Santa Barbara County Code.

Clearly, agricultural activities or structures, on agriculturally designated lands which are not subject to building, grading, or brush clearing permits are simply not subject to the regulations and permit requirements under the LUDC. On April 19, 2016, the Board of Supervisors adopted by Ordinance an amendment to the County Building Code to expressly exempt hoop structures of 20 feet in height or less from requiring a building permit. Shade structures were already exempt by clear provision of the State Building Code. With that action, the Board adopted a Notice of Exemption (NOE). No challenge was timely filed to the Ordinance or NOE. As such structures are exempt from Building Permits, they are not subject to any permit requirement under the LUDC. No further express “exemption” is required.

Unfortunately, on June 6, 2017, the Board of Supervisor was presented by Planning & Development in the Long Range Planning Division’s 2017 – 2018 Annual Work Program with a proposal for funding an ordinance amendment to “clarify” what it claimed was “the lack of clarity” in the County LUDC regarding the permitting of hoop structures in the Inland area. The above quoted LUDC exception language was not included in that presentation, and the Board was instead advised that there was a long-running flaw in the LUDC, which also created the inference that the County and Agricultural community was open to legal challenge by hoop structure opponents. While the Board initially directed Planning & Development to provide a Director’s determination that such structures are exempt (and so create an appeal opportunity at

the Planning Commission), at a following hearing on July 25, 2017, the Board was presented with a more strident threat of legal challenge and so directed Planning and Development to pursue "Option 4" of the June 6, 2017 Hoop Structure Ordinance Amendment Board Letter. Option 4 was to "consider permit requirements for all hoop structures regardless of size and height for the inland area." The Board also very specifically directed staff that any new ordinance as a result of Option 4 would exempt *all* hoop structures of 20 feet or less.

Instead, and based on the faulty reading of the current LUDC by Long Range Planning staff and the EIR preparer, the ordinance before the Commission now sets forth conditions that must be met for hoop structures 20 feet or less in height to be found "exempt," including; 1) that they must not be located in a floodway, 2) they must be setback 50 or 100 feet from riparian corridors, 3) they cannot be located in the Design Control Overlay, 4) they must be located on recently cultivated soils, 4) cannot exceed 12 feet in height within 75 feet of any public road or scenic highway, and 5) be setback a minimum of 400 feet from any urban boundary line. Adding these criteria for hoop structures to qualify for an exemption is in direct conflict with the direction given to staff by the Board.

These conditions are the result of "mitigation measures" identified by the Draft EIR to address impacts related to the new regulations. However, the EIR analysis is erroneously based on a false baseline that the hoop structures and shade structures openly erected for the past decade or more have been "unlawful" and should have been permitted as "greenhouses." The analysis simply ignores the fact that under the existing Land Use and Development Code (LUDC) for the Inland area, hoop and shade structures less than 20 in height are by definition an "Agricultural Improvement" rather than "Agricultural Structural Development." Agricultural improvements are clearly not to be treated as development under the LUDC and therefore by definition are not subject to LUDC permit requirements. (See again Article 35.11 Glossary at pages 11 – 16).

The EIR clearly misapplied the baseline for the project and has misidentified the "No Project" alternative. The project as analyzed is not the clarification directed by the Board to specify permit regulations for only those hoop and shade structures over 20 feet in height, but instead assumes that a "new allowance" on already exempt Agricultural Improvements will result in new impacts. Instead of analyzing the impacts of "allowing" development of an already fully exempt activity, the EIR should instead analyze the significant impacts on agricultural resources associated with limiting the ability of farmers to use hoop and shade structures to increase agricultural production. The EIR also fails to analyze the inconsistency with the County's Right to Farm ordinance which exempts farmers from having to comply with otherwise stringent visual and aesthetic resource mitigations. Clearly the EIR is woefully inadequate and should be rejected.

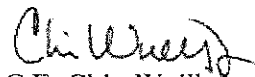
County of Santa Barbara
Planning and Development
Re: Hoop Structure Ordinance Amendment
July 9, 2018
Page 4

Even the County's own Agricultural Advisory Committee (AAC) in its letter dated March 15, 2018, raised these deficiencies with staff, but was summarily dismissed. In its comment on the DEIR, AAC noted that the EIR is fundamentally flawed and inaccurately describes hoop houses as development instead of temporary agricultural implements (as defined in the LUCD as Agricultural Improvements), and that the analysis is prejudiced with respect to the stated impacts associated with aesthetic and visual resources. The AAC concludes that "labeling a hoop house as development is as absurd as labeling a tent a home", and that "applying that same standards as would be applied to a permanent building belies reason, is unfair, and represents undue hardship to the agricultural industry." The AAC is established and appointed by the Board of Supervisors specifically to advise County staff on agriculture-related issues.

Given the profound impact these new regulations will have on the County's agricultural industry, we urge the Planning Commission to require that staff follow the clear direction given to staff by the Board of Supervisors along with the existing clear language and definitions in the LUDC, and reject all new permit regulations for hoop and shade structures under 20 feet in height. We have attached a revised truly "streamlined" version of Staff's Attachment F showing how simple and clear the process for Hoop Structures is already in the Inland area, and the more limited scope of an ordinance amendment following Board direction. For any new regulations on such Agricultural Improvements of over 20 feet in height, the EIR should be revised and recirculated to address the potentially significant impacts on agricultural viability and production, and the County Agricultural Advisory Committee should be consulted.

Thank you for your consideration of this important matter. I will be present at the July 11th Commission hearing to provide addition oral testimony and answer any questions you may have.

Very truly yours,



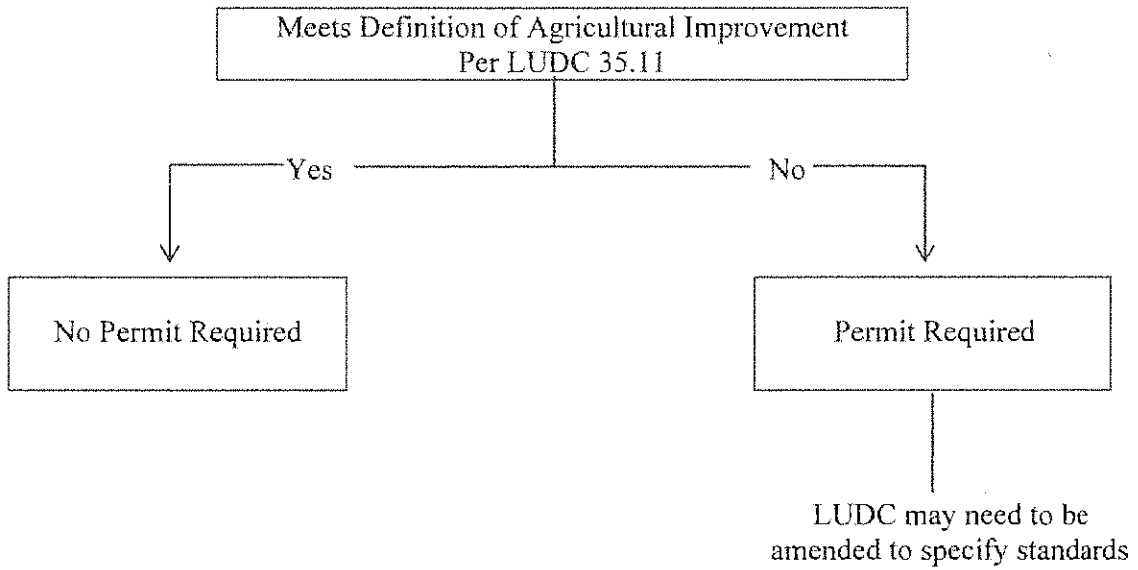
C.E. Chip Wullbrandt
for PRICE, POSTEL & PARMA LLP

CEW:ks
Enclosure

cc: Chase Renois
Soren Bjorn
Tom O'Brien
John Weisz

ATTACHMENT F

Inland Area
Hoop Structures and Shade Structures
Permit Exception or Requirement Flowchart



Attachment 2

Excerpts from LUDC

Aerial Approach Zone. An area at ground level that begins at the end of each runway and extends under the path of landing or departing aircraft to a distance determined by the characteristics of the runway.

Affordable Housing. The State defines affordable housing as housing that can be purchased or rented by households whose gross annual household income does not exceed 120 percent of area median income, adjusted for household size. Santa Barbara County expands this to include households with income up to 200 percent of area median income. This housing may be subject to a covenant or deed restriction that restricts sales price or rent for a given period of time. Certain types of housing such as homeless shelters, dormitories, farm labor camps, and housing for people with disabilities may not require price controls because they generally provide housing for a special needs group.

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with County employees, committees, Commissions, and the Board, regarding matters regulated by this Development Code.

Aggrieved Person. A person who, in person or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the County of the nature of their concerns, or who for good cause was unable to do either.

Agricultural and Natural Resource Educational Experience. An instructional program that integrates academic and technical preparation and includes real-world relevant experiences in areas such as agricultural business, agricultural mechanics, agriscience, animal science, forestry and natural resources, ornamental horticulture, and plant and soil science. Program components may include classroom and laboratory instruction, and supervised agricultural experience projects.

Agricultural Development. Any agricultural structure, practice, or operation that a) requires a building, grading, or brush-clearing permit on land designated for agriculture; b) is located on land which has had no history of cultivation; and/or c) is on land not designated for agriculture. A permit solely for plumbing or electricity shall not constitute a standard building permit.

Agricultural Employee Housing. A dwelling occupied by one or more agricultural employees including family members.

Agricultural Improvement. ~~Agricultural activities or structures on agriculturally designated lands which are not subject to building, grading, or brush clearing permits.~~ These activities and structures may be subject to special agricultural building, agricultural grading, or agricultural brush-clearing permits.

Agricultural Preserve Contract. A contract complying with the Land Conservation (Williamson) Act (Government Code Section 51200 et seq.) between the County and a landowner in which the landowner restricts development of lands devoted to agricultural uses in return for a reduction in property taxes.

Agricultural Processing. The initial processing or preparation for shipping of agricultural products, including milling by simple mechanical process without additives, chemical reactions, changes in ambient temperatures and/or hazardous materials produced on the same site ("on-premise products") or from other properties ("off-premise products"), for onsite marketing or for additional processing and/or packaging elsewhere. Examples of this land use include the following:

drying of corn, rice, hay, fruits and vegetables	pressing olives to create olive oil
flower growing	sorting, grading and packing of fruits and vegetables
pre-cooling and packaging of fresh or farm dried fruits and vegetables	

Does not include "wineries" which are defined separately.

Agricultural Processing - Extensive. The refinement or other processing of agricultural products to substantially change them from their raw form, which involves machinery, chemical reactions, and/or hazardous or highly odiferous materials or products. Examples of this land use include the following:

corn shelling	grist mills
cotton ginning	milling of flour, feed and grain
ethanol production	sugar mills
grain cleaning and custom grinding	

Detached Structure. A structure, no part of which is attached by any means to any other structure.

Detached Residential Second Unit. See "Residential Second Unit."

Determination, Use. An action by the Commission determining and/or finding that a use not identified as an permitted use in a specific zone is similar in nature and/or character to the other permitted uses in that zone and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, vibration, traffic congestion, danger to life and property, or other similar causes, and is therefore also considered a permitted use.

Development. The definition of "Development" differs within the Coastal Zone and Inland, as follows:

1. **Coastal Zone.** On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including subdivision in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.), and any other division of land, except where the land division is in connection with the purchase of the land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). Also includes a change in the land use of a site and/or the change in the intensity of an existing land use, and Lot Line Adjustments.
2. **Inland area.** A change made by a person to unimproved or improved real property, including the placement, the moving, construction, reconstruction, enlarging, demolition, or alteration of buildings or structures, landscaping improvements, mining excavation, or drilling operations. Agricultural improvements as defined are not considered as development within this Development Code.

Development Code. The Santa Barbara County Land Use & Development Code, Section 35-1 of Chapter 35, Zoning, of the Santa Barbara County Code.

Dining Commons. A facility accessory to a residence hall and used primarily for preparing and serving food to residence hall occupants and which excludes service to the general public.

Director. The Director of the Santa Barbara County Planning and Development Department, including designees of the Director, referred to in this Development Code as "the Director."

Direct Sale. A transaction between a cottage food operation operator and a consumer, where the consumer purchases the cottage food product directly from the cottage food operation. Direct sales include transactions at holiday bazaars or other temporary events, such as bake sales or food swaps, transactions at farm stands, certified farmers' markets, or through community-supported agriculture subscriptions, and transactions occurring in person in the cottage food operation.

Distillation Column or Tower. A tall, cylindrical vessel in which a liquid or vapor mixture of two or more substances is separated into its component fractions of desired purity, by the application and removal of heat.

Drainage Channel. A channel, either natural or manmade, that conveys water.

Drive-through Facility. A facility where customers wait in line in their vehicles to progress to a service point at which they briefly transact business from their vehicles and then leave the premises. Includes banks (motor banks, drive-through banks, drive-up banks), fast food establishments, and film deposit and pickup establishments. Does not include drive-in movies, drive-in car washes through which the vehicles do not travel on their own power, drive-in food establishments where customers do not wait in line in their vehicles for service, or gas stations.



W.E.WATCH

Working together to sustain the beauty and environment of the Santa Ynez Valley

November 7, 2018

TO: County Planning Commission
FROM: Nancy Emerson, President, WE Watch
RE: Proposed Hoop Structure Ordinance

As president of WE Watch, a Santa Ynez Valley environmental organization, I want to talk with you about the Law of Unintended Consequences, which I think is at work with the Hoop Structure Ordinance.

Good intentions included:

1. Board of Supervisors' direction to streamline agricultural regulations.
2. Director's 2017 letter, after CA Department of Finance defined hoop structures as "farm equipment and machinery."
3. Adoption of Cannabis Ordinance.
4. Board of Supervisors' request to clarify Hoop Structure Ordinance. EIR being required.
5. Statements about farmers' economic need for hoop structures
6. Staff and Commission work on the Hoop Structure Ordinance.

The unintended consequences include, for the Santa Ynez Valley:

1. Interpreting "streamlining" and a director's letter exempting hoop structures from zoning permits as higher priority than honoring existing land use regulations, including: CEQA, Aesthetic/Visual and Biological Resources of Santa Ynez Valley Community Plan, Agricultural Element, Buffer Ordinance.*

Other speakers make it clear that for zoning permits, hoops are structures. These structures needed stronger mitigations than the EIR included. But its first objective was "simplify the permit process to allow more efficient agricultural operations," which limited Alternatives and Mitigations. Several stronger Aesthetic/Visual and Biological Resource mitigations are being proposed. Please rewrite Mitigations and reexamine the Director's ruling.

2. Failure of EIR and your deliberations to recognize that aesthetic/visual mitigation decisions impact the economic needs of Santa Ynez Valley's tourism and wineries as much as certain farmers' economic needs. The EIR needs rewriting and recirculating.

3. The Cannabis Ordinance allowing hoop structures on parcels 21 acres or larger. These hoops need restricting to much larger parcels, partly because odor control methods are not effective in hoops.



4. While these issues are in flux, we need a temporary hold on new hoop structures, particularly for cannabis. Like horses, once hoop structures are out of the barn, it is very hard to put them back.

NOTES:

***CA CEQA:** “Aesthetic, natural scenic benefits to people. Consistence with local General Plans.”

***Santa Ynez Valley Community Plan:**

Aesthetic/Visual Resources - “Protect scenic views from extensive structural development through proper siting, design, landscaping and/or screening, use of colors and materials that are harmonious with natural environment.”

Biological Resources - “The Santa Ynez River, its tributary streams and creeks, and their associated riparian habitats function together as an ecological system to maintain both hydrological and biological functions in the watershed. In addition to providing habitat for many sensitive animal and plant species, the river and its tributaries provide drinking water, provide surface and groundwater storage and recharge, convey flood flows and transport sediment and nutrients, while the riparian habitats that line their channels and in-stream vegetation filter sediments and nutrients, protect stream banks from erosion and improve water quality.

”

***Agricultural Element:** Rights and freedoms consistent with (1) sound agricultural practices that promote long-term viability of agriculture (2) applicable resource protection policies and regulations.

***Buffer Ordinance:** “Minimize potential conflicts between agricultural and adjacent land uses”

Definitions

Aerial Approach Zone. An area at ground level that begins at the end of each runway and extends under the path of landing or departing aircraft to a distance determined by the characteristics of the runway.

Affordable Housing. The State defines affordable housing as housing that can be purchased or rented by households whose gross annual household income does not exceed 120 percent of area median income, adjusted for household size. Santa Barbara County expands this to include households with income up to 200 percent of area median income. This housing may be subject to a covenant or deed restriction that restricts sales price or rent for a given period of time. Certain types of housing such as homeless shelters, dormitories, farm labor camps, and housing for people with disabilities may not require price controls because they generally provide housing for a special needs group.

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with County employees, committees, Commissions, and the Board, regarding matters regulated by this Development Code.

Aggrieved Person. A person who, in person or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the County of the nature of their concerns, or who for good cause was unable to do either.

Agricultural and Natural Resource Educational Experience. An instructional program that integrates academic and technical preparation and includes real-world relevant experiences in areas such as agricultural business, agricultural mechanics, agriscience, animal science, forestry and natural resources, ornamental horticulture, and plant and soil science. Program components may include classroom and laboratory instruction, and supervised agricultural experience projects.

Agricultural Development. Any agricultural structure, practice, or operation that a) requires a building, grading, or brush-clearing permit on land designated for agriculture; b) is located on land which has had no history of cultivation; and/or c) is on land not designated for agriculture. A permit solely for plumbing or electricity shall not constitute a standard building permit.

Agricultural Employee Housing. A dwelling occupied by one or more agricultural employees including family members.

Agricultural Improvement. Agricultural activities or structures on agriculturally designated lands which are not subject to building, grading, or brush clearing permits. These activities and structures may be subject to special agricultural building, agricultural grading, or agricultural brush-clearing permits.

Agricultural Preserve Contract. A contract complying with the Land Conservation (Williamson) Act (Government Code Section 51200 et seq.) between the County and a landowner in which the landowner restricts development of lands devoted to agricultural uses in return for a reduction in property taxes.

Agricultural Processing. The initial processing or preparation for shipping of agricultural products, including milling by simple mechanical process without additives, chemical reactions, changes in ambient temperatures and/or hazardous materials produced on the same site ("on-premise products") or from other properties ("off-premise products"), for onsite marketing or for additional processing and/or packaging elsewhere. Examples of this land use include the following:

drying of corn, rice, hay, fruits and vegetables

flower growing

pre-cooling and packaging of fresh or farm dried fruits and vegetables

pressing olives to create olive oil

sorting, grading and packing of fruits and vegetables

Does not include "wineries" which are defined separately.

Agricultural Processing - Extensive. The refinement or other processing of agricultural products to substantially change them from their raw form, which involves machinery, chemical reactions, and/or hazardous or highly odiferous materials or products. Examples of this land use include the following:

corn shelling

cotton ginning

ethanol production

grain cleaning and custom grinding

grist mills

milling of flour, feed and grain

sugar mills

Detached Structure. A structure, no part of which is attached by any means to any other structure.

Detached Residential Second Unit. See "Residential Second Unit."

Determination, Use. An action by the Commission determining and/or finding that a use not identified as an permitted use in a specific zone is similar in nature and/or character to the other permitted uses in that zone and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, vibration, traffic congestion, danger to life and property, or other similar causes, and is therefore also considered a permitted use.

Development. The definition of "Development" differs within the Coastal Zone and Inland, as follows:

1. **Coastal Zone.** On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including subdivision in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.), and any other division of land, except where the land division is in connection with the purchase of the land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). Also includes a change in the land use of a site and/or the change in the intensity of an existing land use, and Lot Line Adjustments.
2. **Inland area.** A change made by a person to unimproved or improved real property, including the placement, the moving, construction, reconstruction, enlarging, demolition, or alteration of buildings or structures, landscaping improvements, mining excavation, or drilling operations. Agricultural improvements as defined are not considered as development within this Development Code. *

Development Code. The Santa Barbara County Land Use & Development Code, Section 35-1 of Chapter 35, Zoning, of the Santa Barbara County Code.

Dining Commons. A facility accessory to a residence hall and used primarily for preparing and serving food to residence hall occupants and which excludes service to the general public.

Director. The Director of the Santa Barbara County Planning and Development Department, including designees of the Director, referred to in this Development Code as "the Director."

Direct Sale. A transaction between a cottage food operation operator and a consumer, where the consumer purchases the cottage food product directly from the cottage food operation. Direct sales include transactions at holiday bazaars or other temporary events, such as bake sales or food swaps, transactions at farm stands, certified farmers' markets, or through community-supported agriculture subscriptions, and transactions occurring in person in the cottage food operation.

Distillation Column or Tower. A tall, cylindrical vessel in which a liquid or vapor mixture of two or more substances is separated into its component fractions of desired purity, by the application and removal of heat.

Drainage Channel. A channel, either natural or manmade, that conveys water.

Drive-through Facility. A facility where customers wait in line in their vehicles to progress to a service point at which they briefly transact business from their vehicles and then leave the premises. Includes banks (motor banks, drive-through banks, drive-up banks), fast food establishments, and film deposit and pickup establishments. Does not include drive-in movies, drive-in car washes through which the vehicles do not travel on their own power, drive-in food establishments where customers do not wait in line in their vehicles for service, or gas stations.

1. Hoops on left are have had the plastic lowered to improve fruit quality. Hoops on left have plastic up to help move plant growth along, both of these are in the same field. The objective of this slide is to demonstrate that the hoops are a tool of agriculture, not a permanent structure such as a greenhouse.
2. Wind fence, 5 ft. height. This fence helps to control urban traffic from entering the fields.
3. Termination of wind fence from slide 2. Maybe the fence is not as bad as the unfenced neighboring property
4. Pulled back view of slide 2 from inside the neighborhood. Showing street level shot of fence blocking field view, fields and hills in distance remain visible.
5. Hoop houses across the street from urban neighborhood
6. 40' setback from road shoulder, not from road right of way.
7. West Main Street, Main Street Ditch. How would set back be determined
8. Cane Berries in hoops on slope
9. Strawberries on slope
10. Snow peas on slope
11. Strawberries on slope
12. Strawberries on slope, hooped strawberries on slope
13. Same field as slide 12, different perspective
14. Same field
15. Same field
16. Blackberries on slope with hoops
17. Same field
18. Same field
19. Vegetables on slope
20. Same field
21. Level Valley vegetable field looking at hooped hillside strawberries
22. Same field

LAW OFFICE OF MARC CHYTILO, APC

ENVIRONMENTAL LAW

November 6, 2018

Santa Barbara County Planning Commission
123 E. Anapamu Street
Santa Barbara, CA 93101

By email to dvillalo@co.santa-barbara.ca.us

RE: Hoop Structures Ordinance Amendment – Gaviota Coast View Protections

Dear Chair Blough and Planning Commissioners,

These comments are submitted on behalf of the Gaviota Coast Conservancy (GCC). GCC submitted comments on the draft Environmental Impact Report (EIR) for the Hoop Structures Ordinance Amendment (Project), and supported robust mitigation for the significant impacts of the Project including significant impacts to the visual environment and significant solid waste impacts caused by the large amount of plastic waste and lack of existing recycling facilities.

GCC is disappointed that the Planning Commission is proceeding toward rejecting visual mitigation measures, in particular MM-VIS-1 which limits the height of hoop structures within 75 feet of any designated State Scenic Highway. Since Highway 101 through the Gaviota Coast is a designated State Scenic Highway, rejecting MM-VIS-1 would lead to substantially greater visual impacts on scenic Highway 101 views along the Gaviota Coast. GCC strongly urges the Commission to retain the protection for designated State Scenic Highways in MM-VIS-1.

Additionally, GCC is alarmed that the most recent Staff Memorandum now suggests that the Commission might consider deleting a provision of the Project Description that limits the size of hoop structures within the Gaviota Coast's Critical Viewshed Corridor – recently adopted as part of the Gaviota Coast Plan – to 4,000 sq. feet. Without this limitation, the Project would have substantially increased significant impacts on the scenic resources of the Gaviota Coast. We strongly urge the Commission to retain the Project Description provision limiting hoop structures to 4,000 sq. ft. within the Gaviota Coast's Critical Viewshed Corridor.

Finally, with plastic waste becoming increasingly problematic, and the complete lack of recycling facilities for such materials either locally or globally due to China's National Sword policy, we encourage the Commission to seriously consider this significant environmental downside (a Class I impact) when weighing how strongly the County ought to incentivize the use of hoops.

Respectfully submitted,

LAW OFFICE OF MARC CHYTILO, APC

Ana Citrin

Ana Citrin
For GCC

LAW OFFICE OF MARC CHYTILO, APC
P.O. Box 92233 • Santa Barbara, California 93190
Phone: (805) 682-0585 • Fax: (805) 682-2379
Email(s): marc@lomcsb.com (Marc); ana@lomcsb.com (Ana)

I SUPPORT THE HOOP HOUSE MITIGATION LETTER

Sally Farrin
Sierra Vista

Lynn Sinclair
Armour Ranch Road

Carol Czakja
Arden Avenue

Katherine Mercer
Dairyland Road

Janet Villa
Ballard Canyon Road

Adrian Cervantes
Ballard Canyon Road

Ken Brown
SR 246

Debra Brown
SR 246

Mishel Rohl
Kara Lane

Greg Roh
Kara Lane

Judy James
Santos Road

Cynthia Beckert
Santa Rosa Road

Chris Beckert
Santa Rosa Road

Jan Pickins
Santa Rosa Road

Claire Pruet
Alisal Road

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ITEM #: 3

MEETING
DATE: 11/7/18

I SUPPORT THE HOOP HOUSE MITIGATION LETTER

Kathryn Imani
Augustenborg Place

Vahid Imani
Augustenvorg Place



COUNTY OF SANTA BARBARA
AGRICULTURAL ADVISORY COMMITTEE

November 5, 2018

County of Santa Barbara
Planning Commission
c/o Planning & Development
123 East Anapamu Street
Santa Barbara, CA 93101

AGENDA ITEMS	
ITEM #:	3
MEETING DATE:	11/7/18

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Re: November 7, 2018 Planning Commission Hearing on Hoops Ordinance Amendment

Dear Chair Blough and Planning Commission Members:

Thank you for your continued efforts on this important topic. The Agricultural Advisory Committee voted 6 in favor and 1 against submitting this letter.

Remaining Overarching Concerns

We remain concerned that the project has departed from its intended purpose and incorrectly encompasses new definitions, regulatory requirements, and development standards that undermine current and future agricultural viability in Santa Barbara County. Given the permanent precedential implications we would support the Planning Commission recommending the Board of Supervisors terminate its pursuit of the proposed ordinance amendment. If the Planning Commission does not pursue this option, we have outlined several modifications to the remaining mitigation measures that would lessen the detrimental impacts to agriculture.

BIO-1: Lack of Federal Activity Nexus and Expansive Acreage Impact

We oppose the adoption of BIO-1 as written and would continue to support existing requirements to comply with applicable provisions of State and Federal Endangered Species Act requirements. We appreciate the Planning Commission's intention to improve the mitigation measure but we would like to remind the Planning Commission of how expansive the potential range of a known or potential California Tiger Salamander (CTS) pond would be, as illustrated in Attachment 1. As a reminder, the dashed purple lines distinguish potential metapopulation areas but do not encompass all of the acres that are within 1.24 miles of a known or potential CTS breeding pond. We are concerned with the impact of this measure on agricultural resources, as we have detailed extensively in previous comments.

Additionally, the Agricultural Advisory Committee received testimony regarding the potential misapplication of the Endangered Species Act to the project. We would like to relay the concern stemming directly from a March 2017 U.S. Fish and Wildlife Service guide on Critical Habitat (https://www.fws.gov/endangered/esa-library/pdf/critical_habitat.pdf). More specifically, the information sheet includes a "Myths & Realities" section that emphasizes the following:

"Does a critical habitat designation affect all activities that occur within the designated area?"

“No. Only activities that involve a Federal permit, license, or funding, and are likely to destroy or adversely modify critical habitat will be affected...”

The U.S. Fish and Wildlife Service FAQ also explains:

“Critical habitat designations affect only Federal agency actions or federally funded or permitted activities. Critical habitat designations do not affect activities by private landowners if there is no Federal ‘nexus’—that is, no Federal funding or authorization....”

Additional excerpts from the FAQ can be found in Attachment 2. For these reasons the AAC is concerned that the proposed biological mitigation measures are an overstep since there is no nexus between this project and a federally funded or permitted activity and should be removed or refined in scope.

As an absolute last resort to lessen the detrimental impacts of BIO-1 on agricultural resources, another less objectionable option would be limiting the requirement to areas identified in the 2004 Critical Habitat Designation. The Final Rule included the following justification for limiting the size and scope of the Critical Habitat (<https://www.gpo.gov/fdsys/pkg/FR-2004-11-24/pdf/04-25775.pdf>):

“Although we agree that preserving connectivity between known breeding ponds is essential for the conservation of the CTS in Santa Barbara County, we do not believe that unoccupied and historical locations are essential for the conservation of the species. The science subteam of the recovery team for CTS in Santa Barbara County determined that the CTS in Santa Barbara County could be conserved by protecting habitat in six disparate conservation areas, excluding unoccupied and/or historical locations between these six conservation areas.”

We are certainly concerned with the burden this would place on the approximately 11,180 acres included in the boundaries of the critical habitat designation but it is less than the total acreage that would be impacted by the potential range of the species; the total acreage of the metapopulation areas and potential distribution was not stated in the 2016 Recovery Plan. We would also encourage the Planning Commission to direct staff to quantify the acreage that would be impacted by BIO-1 if it proceeds as proposed.

Arbitrary and Detrimental Introduction of New Definition of “Historically Intensively Cultivated Agricultural Lands” in BIO-1

Staff has testified in the Planning Commission hearings that there is no basis for the invented definition of “Historically intensively cultivated agricultural lands.” We strongly object to this arbitrary and capricious action. The introduction of the new definition of “historically intensively cultivated agricultural lands” would immediately impact current operations and would set permanent precedent detrimental to the future viability of agriculture. The Gaviota Coast Plan uses a 20 year period for agricultural activities qualifying for exemption, which we still find arbitrary but less objectionable; however, this would leave the burden of proof on the landowner, to prove if the area in question was previously farmed, many multi-generational families in Santa Barbara County have local knowledge of cultivation dating back to the 1800s.

Refine Proposed Setbacks from Streams and Creeks in BIO-3

In the last Planning Commission hearing Ms. Black referenced the Grading Code language as a possible alternative to the 100 foot setback from streams and creeks in rural areas.

Santa Barbara County Code of Ordinances, Grading Code, Grading for agricultural practices (Sec. 14-8):

"Agricultural grading for the following projects and including the following practices is not exempted under subsections (a) and (b) of this section, and shall comply with all other provisions of this chapter... Any grading within fifty feet of the top of the bank of any stream, creek or natural watercourse; Except where the grading is for maintenance as outlined in section 14-6(b)12 and defined in this chapter or the area has been historically disturbed for farming;" (emphasis added).

We ask the Planning Commission to direct Staff to refine the mitigation measure to a 50 foot setback in rural areas, which would be consistent with the Grading Code, and to refine potential exceptions to situations that would fulfill the intended benefit without adversely impacting agricultural resources.

The list of exclusions that would improve the proposed mitigation measure to better match the intended purpose should include but not be limited to:

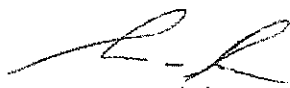
- Except where an area has been previously graded as outlined in County Code of Ordinances, Grading Code, Chapter 14.
- Except where the area has been historically disturbed for farming.
- Except where a Public Agency, including CalTrans or the County, is responsible for the maintenance of the stream or creek.
- Except where a man-made feature, such as a public road or levee, or natural feature, such as a bluff, make the implementation of the setback infeasible.
- Except where the stream or creek has been altered by human activity.

We would also like to note that the Grading Code does not list a definition of "historically disturbed for farming" and we would object to confusing this with the definition of "historically intensively cultivated agricultural lands," which we also oppose.

We have provided an illustration of the impact of the proposed mitigation measure on the Santa Maria Valley in Attachments 3 and 4 to this letter.

Thank you for your responsiveness to the Agricultural Advisory Committee's previous comments and consideration of these comments in your deliberations on Wednesday.

Sincerely,



Paul Van Leer, Chair

Committee Members

Bradley Miles
Ron Caird
Sharync Merritt
AJ Cisney
Randy Sharer
Deborah Adam
Claire Wineman
Paul Van Leer, Chair
June Van Wingerden
Brook Williams
Andy Mills, Vice Chair
Jason Sharrett

Representing

1st District Supervisor, Das Williams
2nd District Supervisor, Janet Wolf
3rd District Supervisor, Joan Hartmann
4th District Supervisor, Peter Adam
5th District Supervisor, Steve Lavagnino
California Women for Agriculture
Grower-Shipper Association of SB and SLO Counties
Santa Barbara County Farm Bureau
Santa Barbara Flower & Nursery Growers' Association
Santa Barbara Vintners
Santa Barbara County Cattlemen's Assn.
California Strawberry Commission

AAC Letter Attachment 1 regarding BIO-1:

Metapopulation Areas of the California Tiger Salamander

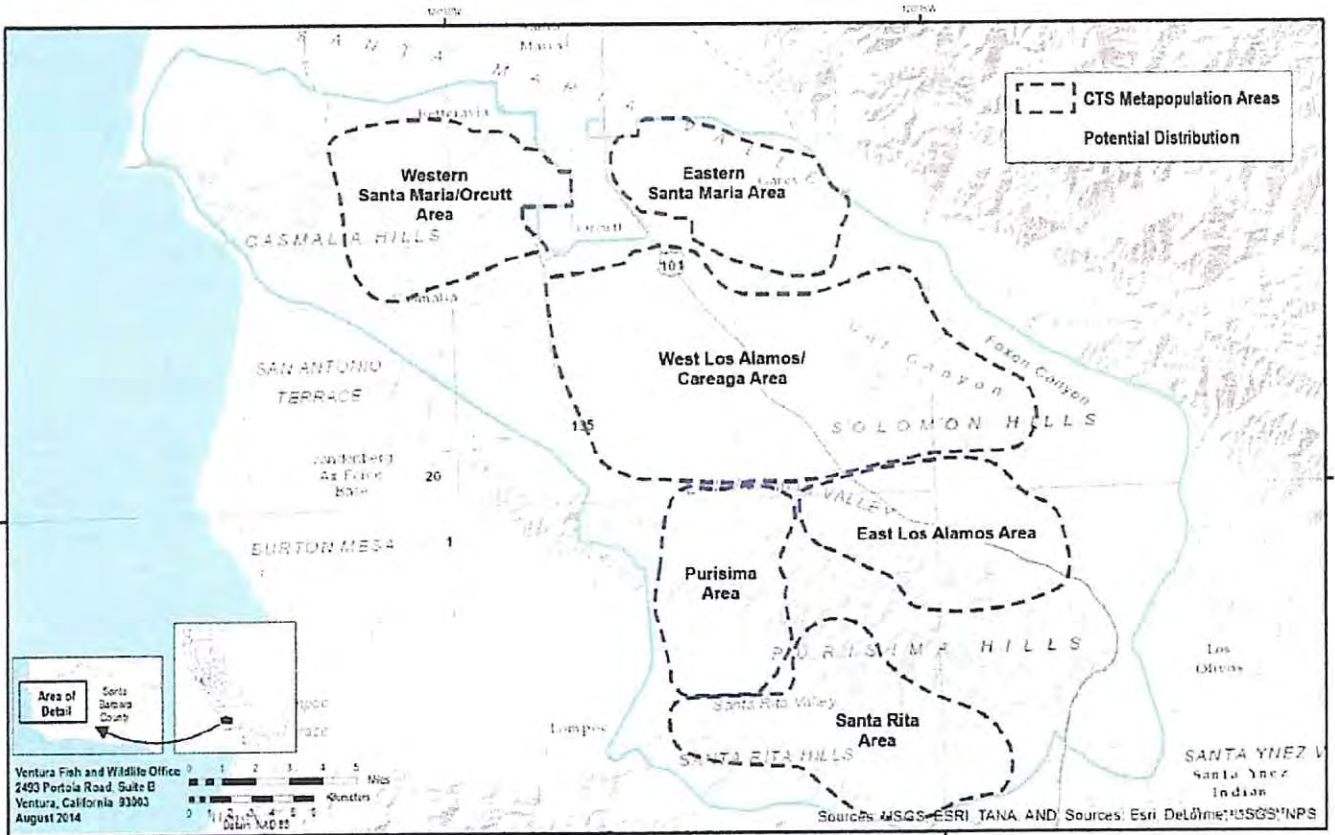
Source: <https://www.fws.gov/ventura/docs/recplans/SB%20CTS%20Final%20RP%20Signed.pdf>



U.S. Fish & Wildlife Service

Potential Distribution of California Tiger Salamanders: Santa Barbara County DPS

With California Tiger Salamander Metapopulation Areas



AAC Letter Attachment 2 regarding BIO-1:

Excerpts from March 2017 U.S. Fish and Wildlife Service guide on Critical Habitat

https://www.fws.gov/endangered/esa-library/pdf/critical_habitat.pdf

U.S. Fish & Wildlife Service

Critical Habitat

What is it?

Myths & Realities

Does designating critical habitat mean no further development can occur?

No. A critical habitat designation does not necessarily restrict further development. It is a reminder to Federal agencies of their responsibility to protect the important characteristics of these areas.

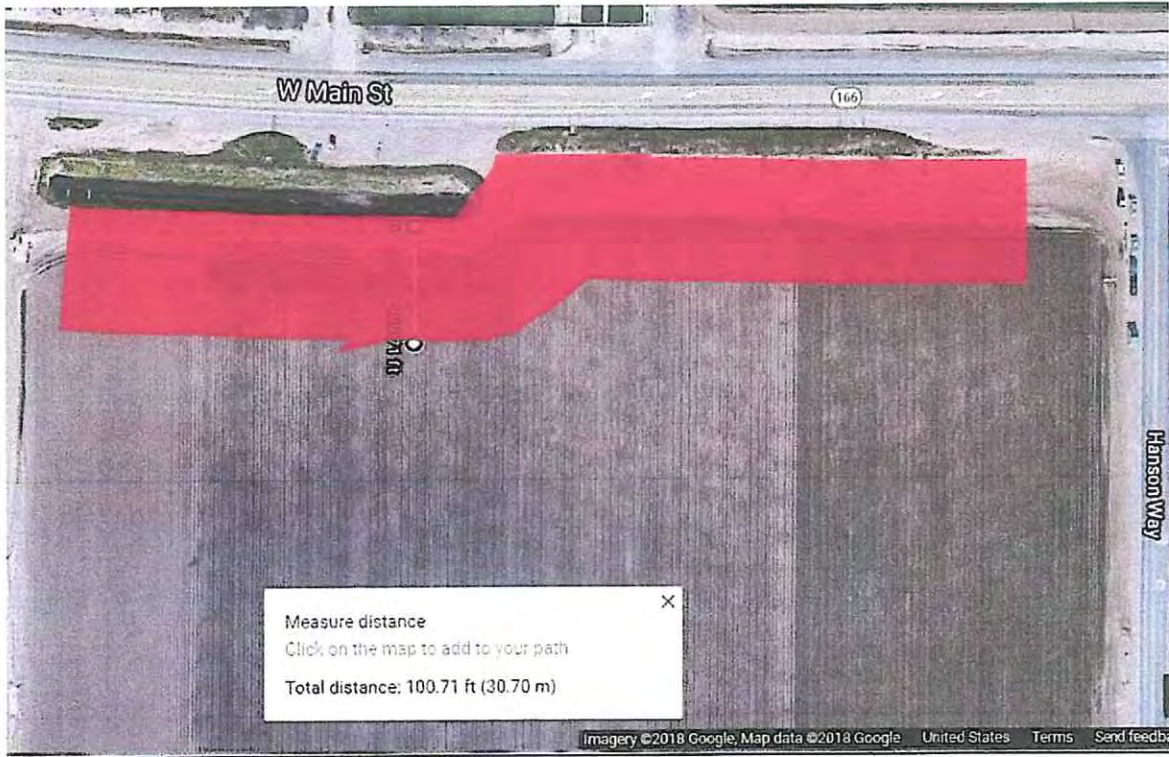
Does a critical habitat designation affect all activities that occur within the designated area?

No. Only activities that involve a Federal permit, license, or funding, and are likely to destroy or adversely modify critical habitat will be affected. If this is the case, we will work with the Federal agency and landowners—including private landowners—to amend their project to enable it to proceed without adversely affecting critical habitat. Most Federal projects are likely to go forward, but some may be modified to minimize harm.

AAC Letter Attachment 3 regarding BIO-3:

Example of 100 foot setback from "stream and creek" on existing agricultural production in Santa Maria

Aerial view:



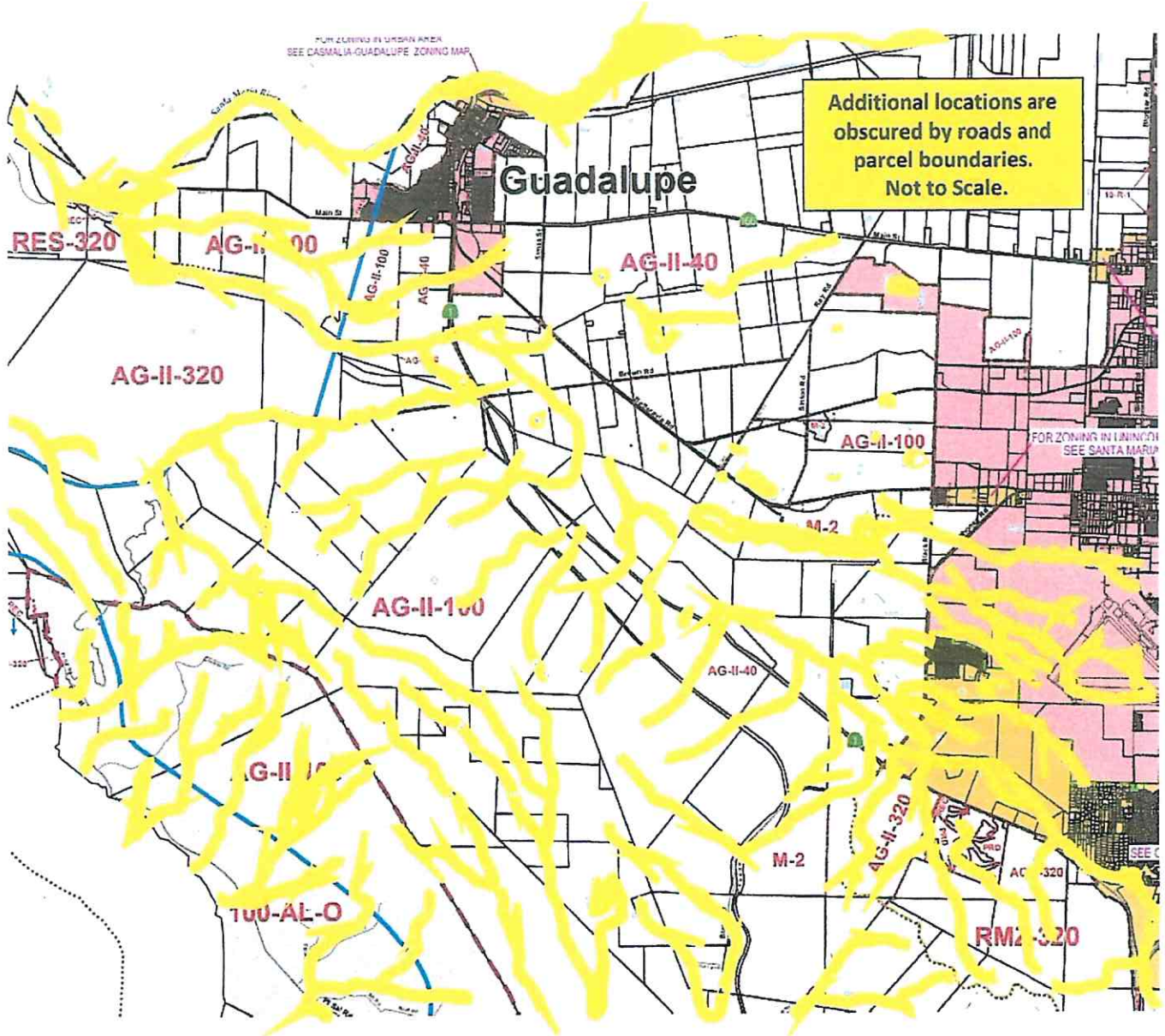
USGS Map View:



AAC Letter Attachment 4 regarding BIO-3:

Examples of "streams and creeks" as designated by USGS in Santa Maria Valley

Source: markup of Santa Barbara County, Santa Maria Valley Rural Region Zoning Map



Mark Preston
Buellton CA
Preston.mark7@gmail.com



This is plastic debris along HWY 246 between Buellton and Lompoc.

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ITEM #:	3
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These are the Hoops in background of the top picture above. The degraded plastic debris above is not from Hoops, it is the careless work of CALTRANS, and they should be ashamed.

I am not here to discuss the visual or aesthetic impact of hoops in Santa Barbara County. Other people will speak to those viable concerns.

I am here to speak of plastic pollution as the result of degrading plastic.

PLASTIC DEGRADES !!! I know, I worked with plastic for 40 years.

Plastic degrades from the UV in sunlight

Plastic degrades from heat

Plastic degrades from cold

**Plastic degrades from thermal cycles from hot to cold to hot to cold
Wind and rain in plastic fabric stress factor**

When it degrades, it becomes brittle, it breaks, and it blows in the wind. It would be impossible to clean up, once released.

It will degrade due to poor maintenance, farm budget problems, and inattention to detail. It will accrue from abandoned and foreclosed properties. IT WILL HAPPEN, and the plastic debris WILL MIGRATE to the Santa Ynez River.

The only way to keep this from occurring is to regulate the condition, and disposal of the degraded plastic, before it is degraded. The mere mention of regulation will send the hoop industry into spasms, as an unfair impediment to progress. I do not want our children to eat, drink, and breathe plastic long after my passing.

**RIVER SIDE (SOUTH) of HWY 246 TODAY.
CRUMBLING DEGRADED PLASTIC, NEXT TO RIVER.**



WELCOME TO YOUR FUTURE, UNLESS THIS ISSUE IS STRINGENTLY ADDRESSED.

The EIR 4.5.6 comment on recycling is absurd. To say that recycling is a no-go because there is no financial incentive is not acceptable.

FROM EIR:

Mitigation to reduce this impact to a less than significant level was considered; however, no feasible measures were identified. The major barrier to agricultural plastics recycling is the lack of a consistent recycling market for the plastics.

Under existing conditions When a recycling market is available, it offers an incentive to farmers are already incentivized to recycle plastic when there is a market available because they farmers stand to earn money from their plastic waste versus instead of spending money to have it hauled and deposited in a landfill.

Thus, additional ordinance requirements to recycle agricultural plastics would have no effect on actual practice.

However, the recycling is not even the heart of the matter. I am talking about the degraded plastic that shatters and becomes windborne. Once that happens, there is no solution or remediation. Please look at the picture of the CALTRANS mess on Hwy 246 and multiply it thousands and thousands of times.

If a permit is granted to erect hoops, there must be an offsetting enforceable commitment to immediately resolve issues of plastic degradation. Yes, some form of regulation and bonding.

Villalobos, David

From: Tiffany Abeloe <tabeloe@sbcglobal.net>
Sent: Sunday, November 04, 2018 12:26 PM
To: Villalobos, David
Subject: CPC Public Comment Submission

Categories: Purple Category

In regards to the Hoop Structure Ordinance Amendment, I am opposed to the amendment of the LUDC. However, if the amendment is going through, I want to express my adamant opposition to the rejection of MM-VIS-1. I do not believe that this mitigation is that onerous to the farmers. In fact, I think your reasons for declaring it infeasible are pretty damned weak. My family home is on state highway 135 and I can attest to the fact that the potential for 20 foot high (essentially a 2-story building) hoop houses lining the roadway with only a 20 foot setback would be unsightly to the extreme for residents, tourists, and day-trippers through the Valley.

I am not a huge fan of the mushrooming of hoop houses throughout the county these last few months/years. However, my great-grandfather, grandfather and great-uncles farmed the Los Alamos Valley and Lompoc and I understand making a living through farming. There needs to be a compromise between ag, residents, and tourists though. Right now, it seems the farmers are not having to make any concessions or compromises and this is not right.

In addition, the only reason I knew about this amendment and the meeting on 7 November was because of a letter to the editor in the Santa Maria Times. There was not enough of an effort made to include the public on this and to allow for public comment. You did not provide enough public outreach.

In my opinion, none of this has been handled, or decided upon, well.

Thank you,

Tiffany Abeloe

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Villalobos, David

From: David Lafond <dl@lafondwinery.com>
Sent: Monday, November 05, 2018 10:10 AM
To: Villalobos, David
Subject: Hoop Houses

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Categories: Purple Category

Hoop house Regulations

As a resident and farmer on Santos Road and Santa Rosa Road I have watched the proliferation of hoop houses spread with alarming rapidity.

As a farmer I appreciate the need for agriculture to explore new crops , new technologies and equipment to keep our agricultural land sustainable .

As a resident and property owner I find the rapid expansion of hoop houses on prime Agg land with out any oversight to be very short sighted.

The wine and vineyard industry has spent many decades investing in infrastructure and experimenting with new methods and equipment. Making what are sometimes not necessarily short term profitability decisions and practices in order to secure a sustainable and marketable enterprise. In contrast Hoop houses are going in with little or no space between them covering hundreds of thousands of square feet. Some of these plantings are going into potted containers so little irrigation water will be introduced to the soil. Grows that are in soil will receive no rain water to flush salts and mineral build up from irrigation water. There does not apper to be any organic materials being reintroduced to the soil. After time this will create dead zones of the hoop house soil profiles which will require rehabilitation if ever removed. The county should at the very least know where these structures are being placed and have protocol for an exit strategy when removed to prevent erosion and desertification. I Share concern that these many thousands of square feet of hoop houses will create erosion problems and alter our aquifer recharge . I would suggest that there be a policy of open grow only, within a mile of our view corridors and that there be at least a registration policy for other areas perhaps some sort of bond to ensure that the land be restored to healthy condition after removal.

We have spent much time and effort on our operations to promote owls and other raptors to help with varmint control. The grow operations in our area have very large non down angle lights on from sunset to sunrise. As well as night patrols with spot lights and atv vehicles constantly driving and searching. While I understand and even appreciate the need for security I cant help but think that this will be effecting the normal migration and movement of fauna and their ability to hunt. Also there does not seem to be any regard for sound mitigation. I understand the ebb and flow of crops and celebrate the intensity of industry that is needed to insure harvest prevails when crops are ready..The cannabis industry with the hoop houses does not seem to have that same ebb and flow. There are what sound like large fans running 24/7 in an area that used to be very quite. I think all of these things should be looked at and evaluated before sanctioning a completely hands off policy regarding hoop houses. They are right now effecting the scenic views and tourist industries that so many have worked so hard to create and protect.

David Lafond
Lafond Vineyard

<u>AGENDA ITEMS</u>	
ITEM #:	3
MEETING DATE:	11/7/18

HOOP HOUSE MITIGATION

A letter from concerned agriculturalists and residents of the Santa Ynez Valley

AGENDA ITEMS	3
MEETING DATE:	11/7/18

11/1/18

RE: Hoop Ordinance

Dear Chair Blough and Honorable Members of the Planning Commission,

We are a group of agriculturalists and residents of the Santa Ynez Valley writing in regard to the pending Hoop Structures Ordinance.

We support agriculture and have no objections to the growing of any crop. We do, however, have serious concerns about Impacts of Hoop Structures and urge you to consider meaningful mitigations.

We agree with your rejection of several mitigations offered in the EIR because they were simply inadequate; but that does not mean there should be no mitigations to visual and other impacts. Rather than just giving up on mitigating impacts, you must consider more meaningful mitigations. We recognize that this will require a recirculation of the EIR but this ordinance will be so detrimental to the Santa Ynez Valley that a delay is better than permanent damage to our community.

Below are:

- A Initial considerations
- B Impacts that must be mitigated
- C Meaningful mitigations
- D Feasibility of meaningful mitigations

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HEARING SUPPORT

A INITIAL CONSIDERATIONS

1 Why now, at this point in the process:

Simply put: Because we can now SEE what the impacts will be. There has recently been a huge increase in the number of hoop structures in the Santa Ynez Valley and we anticipate it growing exponentially. The ordinance recognizes, *"due to the programmatic nature of the Project and the EIR, specific locations, massing, and overall quantity of future crop protection structures are unknown and speculative."* In light of this you must consider worse case scenarios – hoops covering significant portions of the County especially near aquifers such as the Santa Ynez River.

2. Left out of the process:

The EIR obtained information regarding the operational characteristics of hoop structures, but did not seek community input beyond the scoping hearing of which few residents were aware. If there had been community outreach, additional "Areas of Known Controversy" would have been identified. Few constituents other than specific agricultural interests who will benefit financially from this ordinance were aware of this ordinance, let alone its expansive implications. Democracy is a passive process. People vote and then expect the government to

represent ALL interests or at least give ALL interests a chance. Given the reach and magnitude of the impacts, the County must seek input from other community interests in addition to those benefitting financially from it.

3 Zoning code for hoops can differ from Building code for hoops

In 2016 hoop structures were made exempt from the Building Code. That does not mean they need to be exempt from the Zoning Code. Building Code is how something is built; Zoning Code is where something is built. Just because something can be built without codes doesn't mean it should go everywhere without restrictions. Consider mobile homes: new ones are exempt from building codes but that doesn't mean they can be added in unlimited numbers on all AgI and AgII zoned properties.

4 Industries other than agriculture must be considered by the County.

The hoops ordinance is specifically written to benefit the economic interests of one industry – agriculture. Since CEQA requires agencies to “consider qualitative factors as well as economic and technical factors and long-term benefits and costs”¹ when evaluating projects, interests of other industries must be considered.

The visitor industry (including wine tasting) will be economically impacted by the physical presence of hoops. VisitSYV, “The official tourism site of the Santa Ynez Valley” notes “The gorgeous scenery and mild year round temperatures make this the perfect vacation destination.”² VisitCalifornia, a non-profit marketing organization in partnership with the State’s travel industry says of the SYV “And scenic? How about rolling hills, endless vines, and ancient oaks to the horizon.”³ Endless white plastic is not “gorgeous” or “scenic.” The visitor industry is not just wine tasting (though that is a key part of it), it is also hotels, retail purchases, restaurants, entertainment, sight-seeing, local transportation, and gas. In Santa Barbara County, the visitor industry is larger than the Agriculture Industry. In 2017 the county’s agriculture had a crop value of \$1.6 bil⁴; the visitor industry in south county alone had revenue of \$1.9 bil.⁵ Looking at costs/benefits from the perspective of money that goes into the community, the visitor industry generates twice as much worker income as agriculture does⁶ and these dollars are spent mostly in the community.

	average earnings	number employed	industry salaries
Visitor industry	\$ 40,693	21,980	\$ 894,432,140
Food bev agriculture	\$ 32,999	14,432	\$ 476,241,568

¹ Pub. Res. Code § 21001(g)

² <https://www.visitsyv.com/>

³ <https://www.visitcalifornia.com/attraction/santa-ynez-wine-country>

⁴ <https://countyofsb.org/uploadedFiles/agcomm/Content/Other/crops/2017.pdf>

⁵ <https://santabarbaraca.com/content/uploads/2017/10/Santa-Barbara-Visitor-Profile-and-Economic-Impact-Study-2016-17-DECK.pdf>

⁶

http://www.sbcwdb.org/uploadedFiles/wib/resources/SBWDB_Industry,%20Employment,%20Skill%20Report_Mar%202016.pdf

Wine tasting will experience additional impacts: because a considerable portion of taste is olfactory, if a winery is near hoop structures that are growing cannabis, it is likely that smells emanating from the hoops will change the flavor of the wine.

With that, we must acknowledge the elephant in the room, but even if cannabis will produce tax revenue, it is unlikely to produce worker income as high as the visitor industry. Without a complete costs/benefits financial analysis including alternate scenarios and such factors as impacts on property tax, impacts on employment, and where income is spent, the County should not favor one industry over another.

B IMPACTS THAT MUST BE MITIGATED

1 There must be meaningful mitigations for visual impacts

In establishing CEQA, the State Legislature established the importance of aesthetic, natural, scenic, and health benefits to the people of the State

21000 The Legislature finds and declares as follows

(b) It is necessary to provide a high-quality environment that at all times is healthful and pleasing to the senses and intellect of man.⁷

21001 The Legislature further finds and declares that it is the policy of the state to:

(b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.⁸

The EIR notes that if hoop structure use expands further, it will change the character of the landscape from a view of open fields to a view dominated by structural elements. *“These visual changes can affect the overall scenic quality enjoyed by residents and visitors in the County.”* These visual changes will degrade the high-quality environment that is now “healthful and pleasing to the senses” and will limit/restrict/obstruct “enjoyment of aesthetic, natural, scenic” qualities in direct contradiction of the California Environmental Quality Act.

The EIR states: Residents and visitors alike are attracted to the region for its relatively pristine natural environments and decidedly rural aesthetic. Many of the regions rural roads and highways provide unparalleled views of its scenery:

“The entire 32 mile length of Highway 154, Highway 101, State Scenic Highway SR1, SR246, Baseline Avenue, Foxen Canyon Road, Alamo Pintado Road, Santa Rosa Road, Figueroa Mountain Road, Happy Canyon Road, Armour Ranch Road.”

The EIR also states: “Viewers that are facing hoop structures on an upward slope located within a near- or mid- view would be exposed to a potentially significant glare impact. “

In addition, the Santa Ynez Community Plan established a D Design Overlay to protect visual and scenic resources. These visual and aesthetic resources must be protected.

⁷ https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC§ionNum=21000

⁸ https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC§ionNum=21000

2 There must be meaningful mitigations of waste impacts

The EIR states that generation of plastic waste will exceed the thresholds and that was without consideration of alternate scenarios. It is worth noting that China no longer accepts our used plastic. This must be mitigated.

3 Impacts of hoops on rainwater channeling and groundwater recharge must be mitigated.

As discussed in the EIR, hoop structures (more than shade structures) channel water creating runoff that leads to erosion *“which could adversely affect surface water quality”*.

Perhaps not within the required categories of CEQA but of vital interest to the county is the fact that ground covered by hoops does not get rained on and ground water is not recharged. For every 1000 acres of land covered with hoop structures year round (note berry growers often take hoops down in winter) the county average annual rainfall of 20 inches, will result in 543,080,000 gallons or 1,666 acre feet of water not recharging our aquifers. Growing on hillsides exacerbates this by increasing channeling and run off. Ag Order 3.0 might have requirements to reduce surface runoff (albeit unlikely to be enforced), but not recharging aquifers is the opposite of where the county should be going.

C SUGGESTED MEANINGFUL MITIGATIONS

1 Honor the Santa Ynez Valley Community Plan’s D Design Overlay.

*“All structures located on property within the Santa Ynez Valley Community Plan area and zoned with the Design Control (D) Overlay shall require Design Review in compliance with Section 35.82.070”.*⁹ This includes agricultural accessory structures that have a gross floor area of more than 1,000 square feet and structures that can be viewed from public roadways or other areas of public use. (*“Landscape screening shall not be taken into consideration when determining whether the structure is visible from public roadways or other areas of public use”*).

2 Allow open grows on all ag zoned parcels, however no hoop structures to be placed where visible within a mile of the following scenic roadways/viewshed corridors in the Santa Ynez Valley

Highway 154, Highway 101, State Scenic Highway SR1, SR 246, Baseline Avenue, Foxen Canyon Road, Alamo Pintado Road, Santa Rosa Road, Figueroa Mountain Road, Happy Canyon Road, Armour Ranch Road, Ballard Canyon Road, SR135.

Landscape screening would not be taken into consideration when determining whether the structure is visible from public roadways or other areas of public use.

3 Hoops visible from beyond a mile on scenic roadways/viewshed corridors must be shielded from view with camouflage or use of plastic tinted in earth colors; hoops on slopes must use materials that prevent glare

⁹ Santa Ynez Valley Community Plan Appendix G p 252 of 260

4 By 2021, all plastic used on hoop structures must be made from bio-degradable polymers and must be brought to facilities that can recycle them.

5 Hoop structures must be spaced 10 feet apart and have cover crops planted in the space to prevent runoff and increase infiltration of rainwater to recharge the aquifers

D FEASIBILITY OF MITIGATIONS

1 Mitigations 1, 2, and 3

General Plan Consistency

The Agricultural Element Policy I.B states.

The County shall recognize the rights of operation, freedom of choice as to the methods of cultivation, choice of crops or types of livestock, rotation of crops and all other functions within the traditional scope of agricultural management decisions. These rights and freedoms shall be conducted in a manner which is consistent with: (1) sound agricultural practices that promote the long-term viability of agriculture and (2) applicable resource protection policies and regulations. (emphasis added).¹⁰

As noted above The Legislature finds and declares that it is the **policy of the state** to:

(b) *“Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities.”*

Economic Feasibility. Even with zoning limitations on where hoop structures would be allowed, growing on open ground can be economically successful. The project objective of supporting the County’s agricultural economy would be met. Arguing that an individual land owner could make more money growing with hoops even if scenic resources are impaired would be favoring a private benefit over a public benefit.

2 Mitigation 4

Giving hoop users until 2021 to replace non-compostable petroleum based plastics with compostable bio-based plastics, lessens economic burdens. It is in the public interest to use fewer petroleum based products that are not compostable and more bio-based plastics that are compostable.

3 Mitigation 5

There is a legitimate governmental interest in recharging groundwater.

Thank you for your consideration,

Concerned agriculturalists and residents of the Santa Ynez Valley
(below alphabetically)

¹⁰ Agricultural Element p7

Donna Anderegg Mail Rd	Richard Harris Alamo Pintado Road	Dawn Stewart Santa Rosa Rd
Wes Anderegg Mail Rd	John Hill Santa Rosa Rd	Dave Stewart Santa Rosa Rd
Susan Belloni Solvang	Allison Hill Santa Rosa Rd	Bill Thiele Santos Road
Peggy Brierton Buellton	David LaFond Santa Rosa Rd	Jackie Thiele Santos Road
Jane Cohen Santos Road	Kimberly LaFond Santa Rosa Rd	Bobbie Thorne Santa Rosa Rd
Kareen Cohen Santos Road	Karen Langley Santa Ynez	Graner Thorne Santa Rosa Rd
Jan Davidson Santos Road	Kelly LeBrock Alisos Road	John Thorne Santa Rosa Rd
Tyler Davidson Santos Road	Tom LePley Ballard	Stephanie Thorne Santa Rosa Rd
Wyatt Davidson Santos Road	Sharyne Merritt Santa Rosa Rd	Gil Wagner Santa Rosa Rd
Mary Jane Edalatpour Santa Rosa Rd	John Patterson Santa Rosa Rd	John Wagner Santa Rosa Rd
Ed Edalatpour Santa Rosa Rd	Nicolette Valko Patterson Santa Rosa Rd	Georgia Wiester Santa Rosa Rd
Nancy Emerson Solvang	Carla Renard Refugio Road	John Wiester Santa Rosa Rd
Rene Everly Santos Road	Dottie Spencer Woodstock Road	Rebecca Work Santos road
Jan Forster Santa Ynez	Carlos Spencer Woodstock Road	Peter Work Santos road
Pamela Harris Alamo Pintado Road	Judith Stauffer Bobcat Springs Rd	



W.E.WATCH

Working together to sustain the beauty and environment of the Santa Ynez Valley

RECEIVED

OCT 29 2018

SB COUNTY
PLANNING & DEVELOPMENT

October 27, 2018

TO: County Planning Commission
FROM: Nancy Emerson, President, WE Watch, Santa Ynez Valley
RE: Hoop Structure Ordinance

ITEM #: 3
DATE: 11/7/18

Nancy Emerson

Thank you for your careful deliberations on the Hoop Structure Ordinance and your patience with the public as we join you in wrestling with the difficult issues in this ordinance. In paragraphs *4 *5 and *6 you will find a new proposal.

Until recently, the Santa Ynez Valley had no hoop structures visible in scenic areas. But both berry and cannabis hoop structures are now entering scenic areas of the Valley and the change is already dramatic. Proliferation will destroy the bucolic, scenic views that draw tourists and make our wineries so attractive. Together these income sources are very high value in our area. To protect these County income producers, we need some variance from the countywide provisions of the ordinance.

Unlike other three dimensional, geometric structures such as homes or barns where Boards of Architectural Review and County planners require that applicants blend them into the landscape, it is being proposed that hoop structures not go through this process. However, the fact is that the shape, color and scale of hoop structure installations makes them "unblendable."

*So it is even more important that all AG zoned parcels, at least in the Santa Ynez Valley, receive planning oversight before any installation of hoop structures. Trying to use the taxation label of "farm equipment" to exempt them from zoning permits ignores the fact that they may be very intrusive depending on where they are installed.

*Rather than designating specific sites for hoop structures, because farmers may need to move hoops on or even between parcels initial permit decisions could indicate which areas of a parcel or multiple parcels could not be used for hoop structures. Within the permitted area, the hoop structures could be moved as needed without further permitting. Maturing trees and shrubs or other creative shielding methods could enable the permitted area to expand.

*Portions of parcels not appropriate for hoop structures would be areas visible from scenic roads, including hillsides; neighbors' homes and wineries with tasting rooms. Setbacks of 100-150 feet from the Santa Ynez River, tributaries and sensitive habitats would protect water resources and sensitive species.

Having initially supported the proposed Visual Impact mitigations for the Design Overlay areas, we now feel they are inadequate because they do not keep hoop structures from



negatively impacting scenic views and neighbors, including the wineries. Also, there are more roads than those in the Design Overlay areas where views are an inseparable part of the Valley's character and its tourist/winery economy. We initially identify scenic roads as not only the Design Overlay areas of 101, 154, 246 and Alamo Pintado but also Ballard, Foxen and Happy Canyon Roads plus Armour Ranch, Baseline, Edison, Figueroa Mountain, Roblar and Santa Rosa Roads. The scenic designation may need to include additional roads.

One additional, critical issue for the Santa Ynez Valley and beyond is water. The EIR needs more emphasis on the cumulative impact on water supply of increasing numbers of hoop structures. Also, existing wells may be impacted by new "big straws" that dry up other wells.

If these requests for action regarding visual impacts and water resources cannot be considered in the current Environmental Impact Report, then we will urge that it be rewritten and recirculated.

(Based on the inability to abate odor in cannabis hoop structures, we are asking the Board of Supervisors to revise the Cannabis Ordinance to eliminate them throughout the County from all but remote, large parcels where odor and scenic views are not an issue for neighbors or tourists.)

Hoop structures are increasing so quickly in the Valley, we need to place a hold on installing them until problems with these two ordinances are resolved.

Villalobos, David

From: susan belloni <susanbelloni@hotmail.com>
Sent: Thursday, October 18, 2018 8:38 AM
To: Villalobos, David
Subject: Letter for Commissioner Parke

Categories: Purple Category

AGENDA ITEMS	
ITEM #:	3
MEETING DATE:	11/7/18

Hi David,

Would you please forward this to Commissioner Parke?

Thank you,
Susan Belloni

#####

Dear Commissioner Parke,

RECEIVED
OCT 18 2018
S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

Thank you for working on this confusing Hoop Ordinance situation where apparently Supervisor Peter Adam wanted consideration of hoop structures to be exempt from all development standards, not just exempt from any height requirements if they are 20' and under? County Counsel said things can be exempt and have development standards at the same time. Additionally, law firms have weighed in with various definitions of hoop structures as farm improvements and farm implements. I am still puzzled by what happened because I was watching live on TV and just as Dianne Black was about to explain it the TV went to a single colored screen and then a "Will Resume Shortly" message came on! I never heard her explanation.

But the main thing I want to stress is that hoops are a HUGE, huge game changer for scenic, visual resources. The following facts are really critical: hoops change open space into covered space and natural, earth colored, rural scenery into synthetic, bright white, industrial scenery. I cannot stress this enough!

The visual aspect of hoops on agricultural land change the accustomed and standard definition of the very word rural because they completely alter the appearance of ag land as we have known it in the valley since the settlers came here and changed the landscape with farms and ranches. Preserving ag land and the rural character of the SYV will need to have a definition change. The scenery will no longer fit the description of pastoral and bucolic currently used in the Community Plan if it is covered in hoops.

Hoops have size, bulk and scale; they are structures and as such they should be reviewed by CBAR in the Design Overlay zones in the Santa Ynez Valley. The Overlay protects our public viewshed which is a goal of the SYV Community Plan. Also, land in agricultural preserve status needs to follow the Uniform Rules which have a lot to say about visual resources.

Just as Planning or the Coastal Commission might want to preserve public views of the ocean along the coast, we want to preserve the rural views in the valley. Will it be ok to have acres of white plastic hoops along 101 obscuring views of the ocean or will the coastal zone get some visual protection? The Carpinteria Agricultural Zone gets to have visual resource protection from hoops in their view corridors. We should get the same.

Millions of tourists come from Los Angeles and elsewhere to the valley to get away from urban congestion, visit wineries and enjoy our rural character. Bright white hoops on our designated scenic, country roads will clearly diminish that visual resource upon which tourism relies.

I realize that environmentally hoops save water and pesticide drift and farmers want them to compete globally, harvest more crops and grow more expensive crops but cannabis hoops will need fans and scrubbers using electricity, plants will need to be watered when it is raining outside and the acres of polyethylene material off-gasses carbon into the air as it degrades in the weather, contributing even more greenhouse gases, alas. And will all the plastic be recycled and how long does the plastic last? How "temporary" are hoops?

I am very concerned that people seem to want to conflate the definition of hoops as "farm implements" or "agricultural improvements" which are definitions for tax or other purposes, with their actual definition in reality as 3 dimensional structures, in order not to regulate them as such structures. There is no other "farm implement" that has such an effect and can be seen miles away on a hillside, for example.

Yes, there are ways to save the views by siting the hoops out of public viewsheds, and by letting CBAR review proposed hoop structures in the SY Valley's Design Overlay per current regulations. Cannabis hoops will be required to be shielded with plants to be grown immediately around those hoops which is another way to moderate the effect of 20ft high hoops on our important visual resources. We need to pay attention to the regulations we already have in the SVY Community Plan's Design Overlay and the Uniform Rules that preserve the public's scenic resources.

I appreciate your time and consideration. Thank you!

Sincerely,

Susan Belloni
Solvang Resident

Villalobos, David

From: peasleyharris@gmail.com
Sent: Tuesday, October 30, 2018 2:33 PM
To: Villalobos, David
Subject: CPC Public Comment Submission

Categories: Purple Category

<u>AGENDA ITEMS</u>	
ITEM #:	3
MEETING DATE:	11/7/18

I am alarmed at the lack of oversight from the County and Planning department with regard to the proliferation of hoop farming.

Little by little, and now in seeming waves, these structures are appearing on once pristine hillsides and along scenic highways. I have been told that you are considering allowing these structures to be built up to 20' with no permitting or prior approval, This could be a travesty.

Once up, these "temporary" structures remain and become permanent. Please allow time for more thought and overall planning before you approve any ordinance that would have such drastic negative effects.

thank you,
Pamela Harris

Sent from my iPad

RECEIVED
OCT 30 2018
S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

Villalobos, David

From: drytrust <drytrust@verizon.net>
Sent: Tuesday, October 30, 2018 7:51 PM
To: Villalobos, David
Subject: County_Planning_Commission

Categories: Purple Category

<u>AGENDA ITEMS</u>	
ITEM #:	3
MEETING DATE:	11/7/18

Please consider very carefully allowing hoop structures to be allowed in the scenic areas of the Santa Ynez valley. Excessive proliferation of these will lead to destruction of the tourist industry.

Barbara Young
958 Alamo Pintado rd.
Solvang

Sent from my iPhone

RECEIVED
OCT 31 2018
S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

Villalobos, David

From: Jan Davidson <winemath@gmail.com>
Sent: Monday, October 01, 2018 8:11 PM
To: Harris, Julie
Subject: Re: FW: URGENT! Hillside Ordinance for Hoop Houses

Follow Up Flag: Follow up
Flag Status: Flagged

<u>AGENDA ITEMS</u>	
ITEM #:	3
MEETING DATE:	11/7/18

Hi Julie,

Thank you for your response. I'm relieved to hear the Hoop Structures Ordinance Meeting has been rescheduled, as I've been trying to get some help with the issue of Hillside Permitting, and time is of the essence.

I'm not opposed to hoop houses, I support our local farmers and understand the many benefits environmentally of using them.

I am however, horrified to have both public and private vistas ruined by large scale hillside grows, especially with the grading and permitting violations of this grower allowed to continue.

Can the Board of Architectural Review get involved in large hillside farming when hoop houses are a blight and hurt neighboring property values and public views?

To build my home here, I had many many hoops to jump through to be sure it met the many SB County requirements. Are there any hillside ordinances for hoop houses?

Any residential developer would have a big fight on their hands if they put up acres of stark white buildings on a hillside.

Can anything be done to resolve this issue? We are ruining our beautiful county with unregulated hillside grows and glaring white hoop houses cropping up everywhere.

YES! Please forward this to the Planning Commissioners and any appropriate department who can give me some guidance or support please. I'll attach photos. Please note, if you zoom in, higher elevations are graded for more hoop houses!!!

Every week this ugliness expands higher up the hillside with no end In site!

Thank you!

Jan Davidson

RECEIVED
OCT 01 2018
S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

On Mon, Oct 1, 2018 at 4:20 PM Harris, Julie <Jharris@co.santa-barbara.ca.us> wrote:

Hi Jan,

Your email made it to my attention today. I was out of the office and unable to respond sooner. I am the project manager for the hoops structures ordinance amendment. As of the day of your email (9/21) there was a Planning Commission hearing scheduled on October 3, but last week (9/26) the Planning Commission decided to reschedule the item to their November 7 hearing.

I will soon be sending an update regarding the change to our interested parties email list. By any chance, are you on that list? If not, please visit our website (<http://longrange.sbcountyplanning.org/>) and click on the "Join Our Mailing List" link in the upper left – it allows you to add your name to our interested parties email list for any number of Long Range Planning Division projects.

Let me know if you would like me to forward this email to the Planning Commissioners, or you can send a comment directly to the Commissioners via the Planning Commission Recording Secretary (dvillalo@co.santa-barbara.ca.us) . You can contact me directly at the phone number below or by responding to this email.

Sincerely,

Julie L. Harris, Senior Planner

Long Range Planning Division

Planning & Development Department

County of Santa Barbara

(805) 568-3543

From: Jan Davidson <winemath@gmail.com>
Sent: Friday, September 21, 2018 10:47 AM
To: Graham, Lia <jgraham@co.santa-barbara.ca.us>
Subject: URGENT! Hillside Ordinance for Hoop Houses

Hello Leah,

I'm not sure who to contact, but was given your name by Sarah Marshall.

Fran Schulman has a huge Marijuana grow (on 6,000 acres of property I'm hearing?) on Santa Rosa Road.

All of a sudden there are **blinding White Hoop Houses scaling up the steep Hillside!** It looks like this is only the beginning, more are being added by the week!

This is a huge blight that I cannot ignore - I see it from all of my south facing windows from my home on Santos Road, and my home was sighted when built to take advantage of this very view.

If someone was building a home on the hillside, wouldn't there be an architectural review before they would be allowed to build? I'm not objecting hoop houses per say, or that its a marijuana grow, but that this is a major eyesore and impacting my property value in a big way!

This is urgent and time sensitive. There is a meeting regarding removing Hoop Houses from requiring permits on October 3rd!

I really need some help here - aren't there hillside ordinances for structures?

What can I do?

Thank you!

Cheers!



Jan Davidson
805-736-3354
jan@jandavidson.com
JanDavidson.com
Laugh Lines

[85 West Highway 246](#)

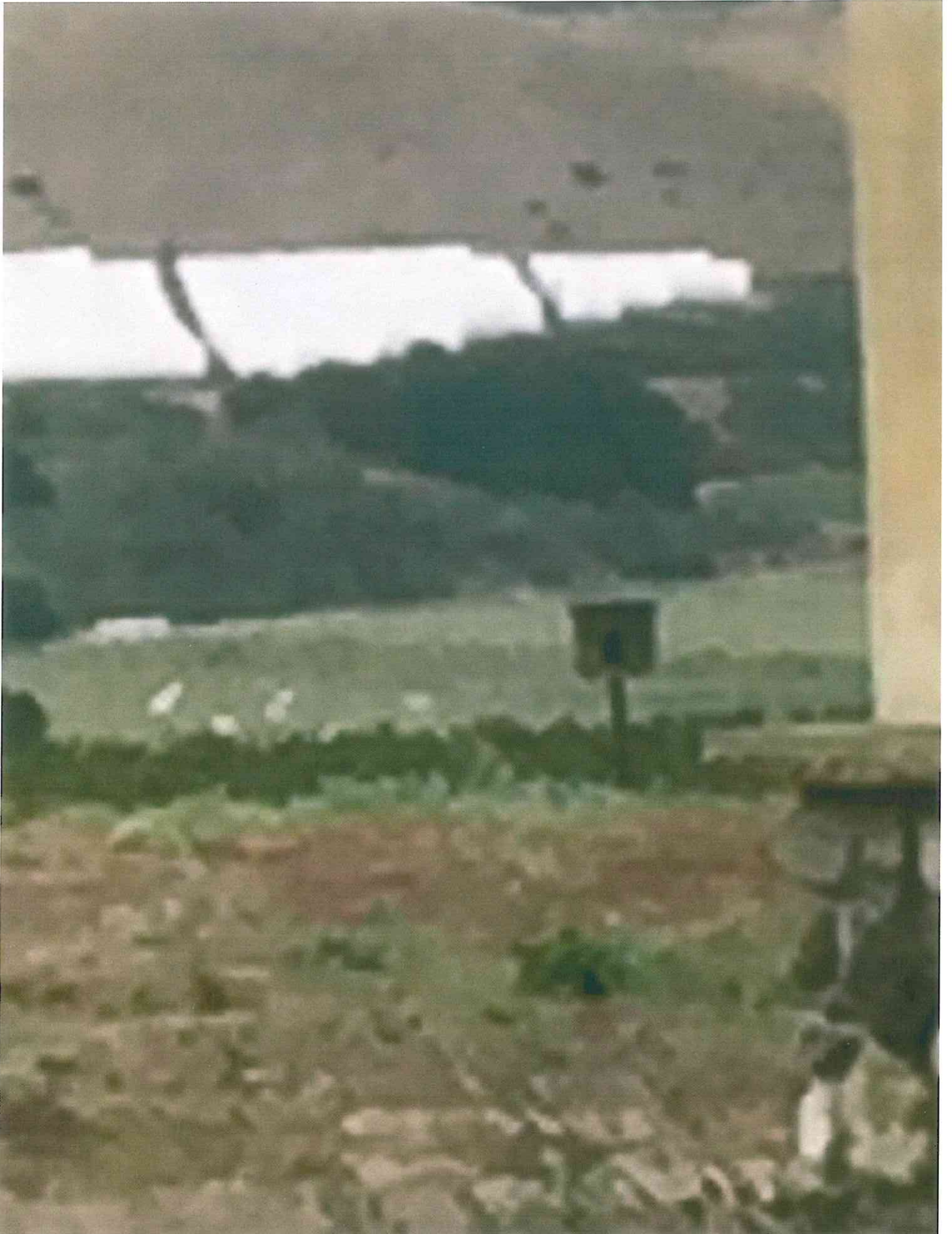
[Buellton, CA 93427](#)

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Cheers!



Jan Davidson
805-736-3354
jan@jandavidson.com
JanDavidson.com
Laugh Lines
85 West Highway 246
Buellton, CA 93427





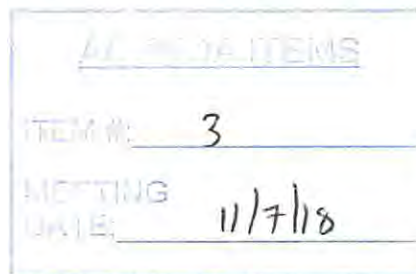
Villalobos, David

From: Harris, Julie
Sent: Monday, October 22, 2018 3:09 PM
To: Villalobos, David
Subject: FW: HILLSIDE HOOP HOUSES
Attachments: pleaseprint.zip

Categories: Purple Category

David – Please forward to Planning Commission for November 7. The attached photos should be printed and incorporated into the PDF for this email. Thank you.

Julie L. Harris, Senior Planner
Long Range Planning Division
Planning & Development Department
County of Santa Barbara
(805) 568-3543



Yes, Julie, that's very helpful. Please do. I'm heading to the meeting in Solvang shortly.

On Mon, Oct 22, 2018 at 1:49 PM Harris, Julie <Jharris@co.santa-barbara.ca.us> wrote:

Hi Jan,

Your email to the Board of Supervisors regarding hoop structures and cannabis made its way to me this morning. And I recalled that we spoke about three weeks ago following an email that you sent regarding the same issues. I followed up with the attached email regarding how to comment to the Planning Commission regarding hoop structures and visual resources concerns when they review the ordinance amendment on November 7.

Would you like me to forward your email to the Planning Commission? If not, my previous email (attached) explains how to send comments directly to the Planning Commission. If you wish to attend the hearing, it will be held in the Board of Supervisors hearing room at the Betteravia Government Center in Santa Maria.

Sincerely,

Julie L. Harris, Senior Planner
Long Range Planning Division
Planning & Development Department
County of Santa Barbara
(805) 568-3543

RECEIVED
OCT 22 2018
S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

From: Allen, Michael (COB)
Sent: Friday, October 19, 2018 10:11 AM
To: Williams, Das <DWilliams@countyofsb.org>; Wolf, Janet <jwolf@countyofsb.org>; Hartmann, Joan <jHartmann@countyofsb.org>; Adam, Peter <peter.adam@countyofsb.org>; Lavagnino, Steve <steve.lavagnino@countyofsb.org>
Cc: Elliott, Darcel <delliott@countyofsb.org>; O'Gorman, Mary <mogorman@countyofsb.org>; Litten, Jefferson

<jlitten@countyofsb.org>; Nelson, Bob <bob.nelson@countyofsb.org>; Bantilan, Cory <cory.bantilan@countyofsb.org>; Miyasato, Mona <mmiyasato@countyofsb.org>; Black, Dianne <Dianne@co.santa-barbara.ca.us>; Ghizzoni, Michael <Mghizzoni@co.santa-barbara.ca.us>; Pontes, Matthew <mpontes@countyofsb.org>; Bozanich, Dennis <dBozanich@countyofsb.org>

Subject: HILLSIDE HOOP HOUSES

Members of the Board,

Please find the correspondence (below) and photographs (attached above) regarding Hoop Houses from Jan Davidson dated October 17, 2018. This material will be included in the record for the special hearing next Monday, October 22. Please contact me if you have any questions.

Mike Allen
Chief Deputy Clerk of the Board
568-2245

Joan Hartmann
3rd District Supervisor
Santa Barbara County
Santa Barbara Office: 805-568-2192
105 East Anapamu Street Santa Barbara, California 93101
Solvang Office: 805-686-5095
1745 Mission Drive Solvang, California 93463
jhartmann@countyofsb.org

From: Jan Davidson [<mailto:winemath@gmail.com>]
Sent: Wednesday, October 17, 2018 1:39 PM
To: Hartmann, Joan <jHartmann@countyofsb.org>
Subject: HILLSIDE HOOP HOUSES

Hello Joan,

As a longtime resident and property owner, I'm extremely concerned about the fast proliferation of Hoop Houses in our Beautiful Santa Barbara County.

In recent months a large Cannabis grow on Santa Rosa Road (Fran Shulman's) has erected Hoop houses running up the hillside!

I can see grading going even higher up the 6,000 acre hillside property and it is startling.

This has a huge Negative Visual Impact on my property as well as the neighbors and general public.

Hoop Houses on flat ground, while visually unappealing, at least can easily be screened by fencing or trees.

On a hillside, the impact of White Hoop Houses is jarring in contrast to the natural terrain. Is there another option or Hoop House color, material, or required screening by the farmers that would work to protect and respect the Visual Impact of other property owners and the Visiting public?

We're a tourist destination, and this will surely make Santa Barbara County less desirable place to visit.

I feel strongly that Hillside Grows should have to be Specially Permitted, if allowed at all.

My custom home was sited to take advantage of the spectacular views from my property. The White plastic Hoop Houses reflect a blinding glare from the sun, experienced from nearly every window in my home!

This has without a doubt negatively affected my property value. Allowed to proceed unchecked, I'm afraid our County will soon be ruined by the runaway proliferation of Hoop houses, especially on HILLSIDES!

Why do Cannabibis growers need Hoop houses anyway? Cannabis is a hardy weed and surely could grow naturally outdoors as it has been done illegally for generations.

Our County's Vineyards are surely more vulnerable to the climate.

Please see attached. Photographs don't do it justice - the Hoop Houses are closer than they appear in pictures. I've also photographed two other grows in our area to get an idea, this was just from what I see locally in Buellton and Lompoc...

I invite you to come see this impact firsthand.

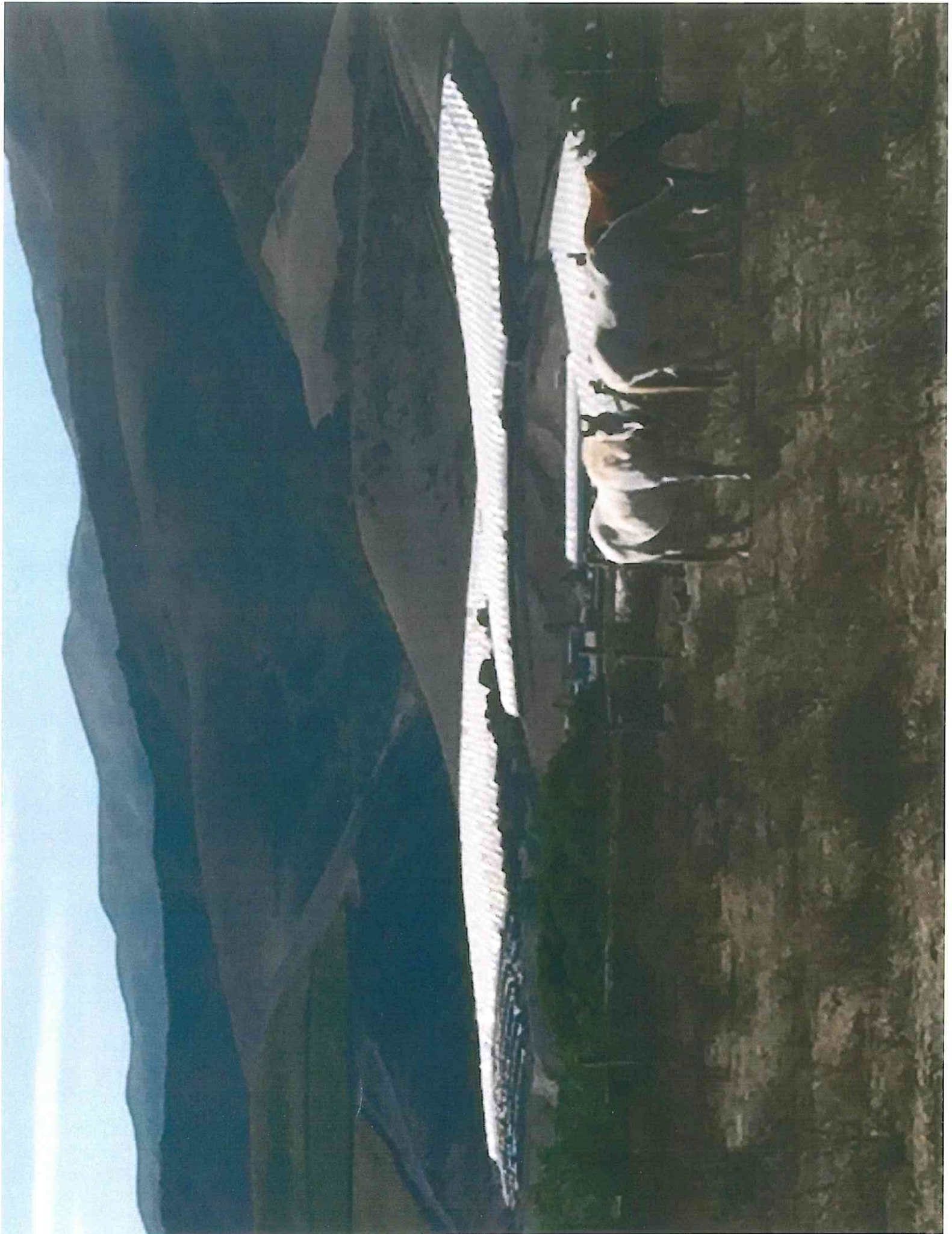
Thank you for your consideration.

--

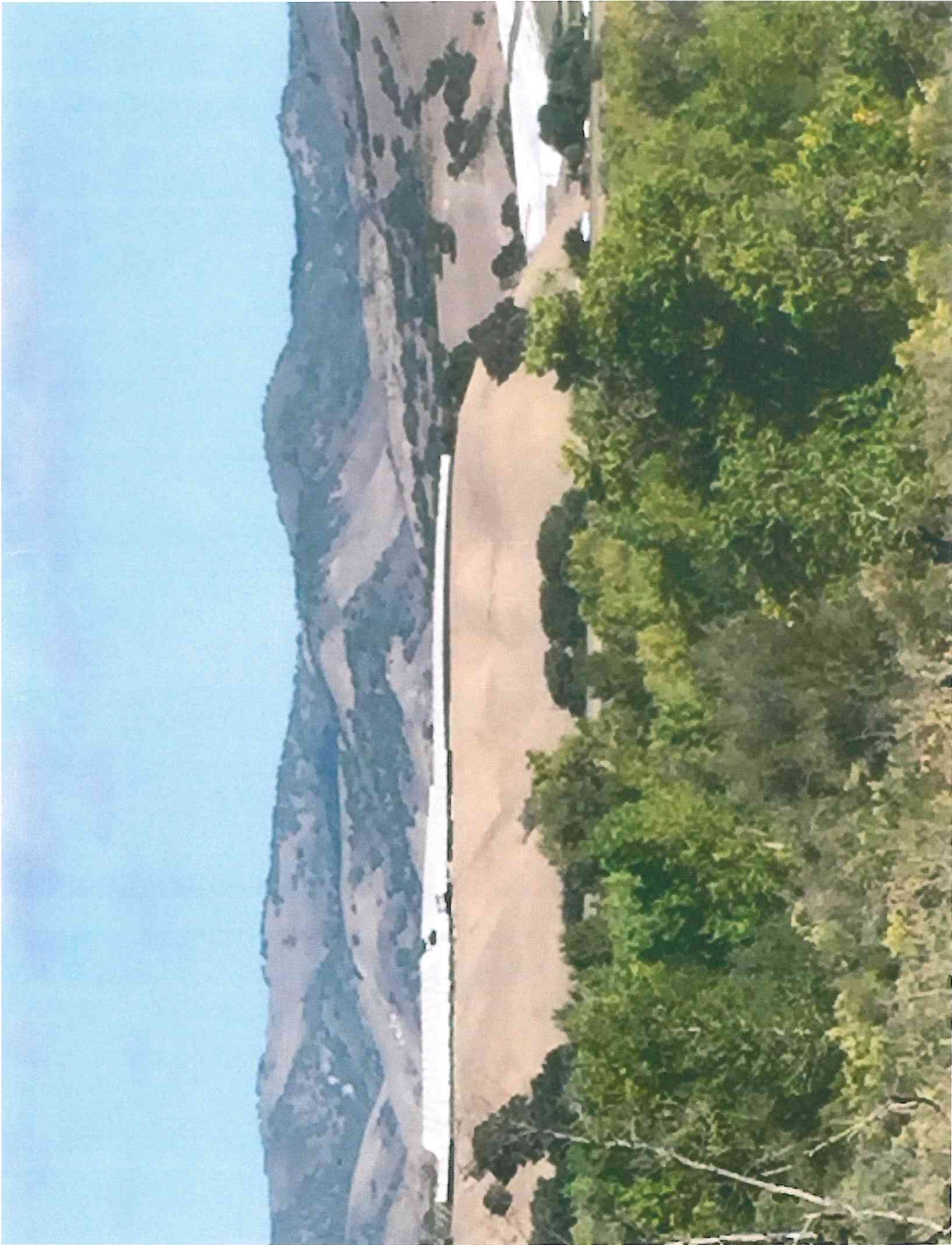
Cheers!

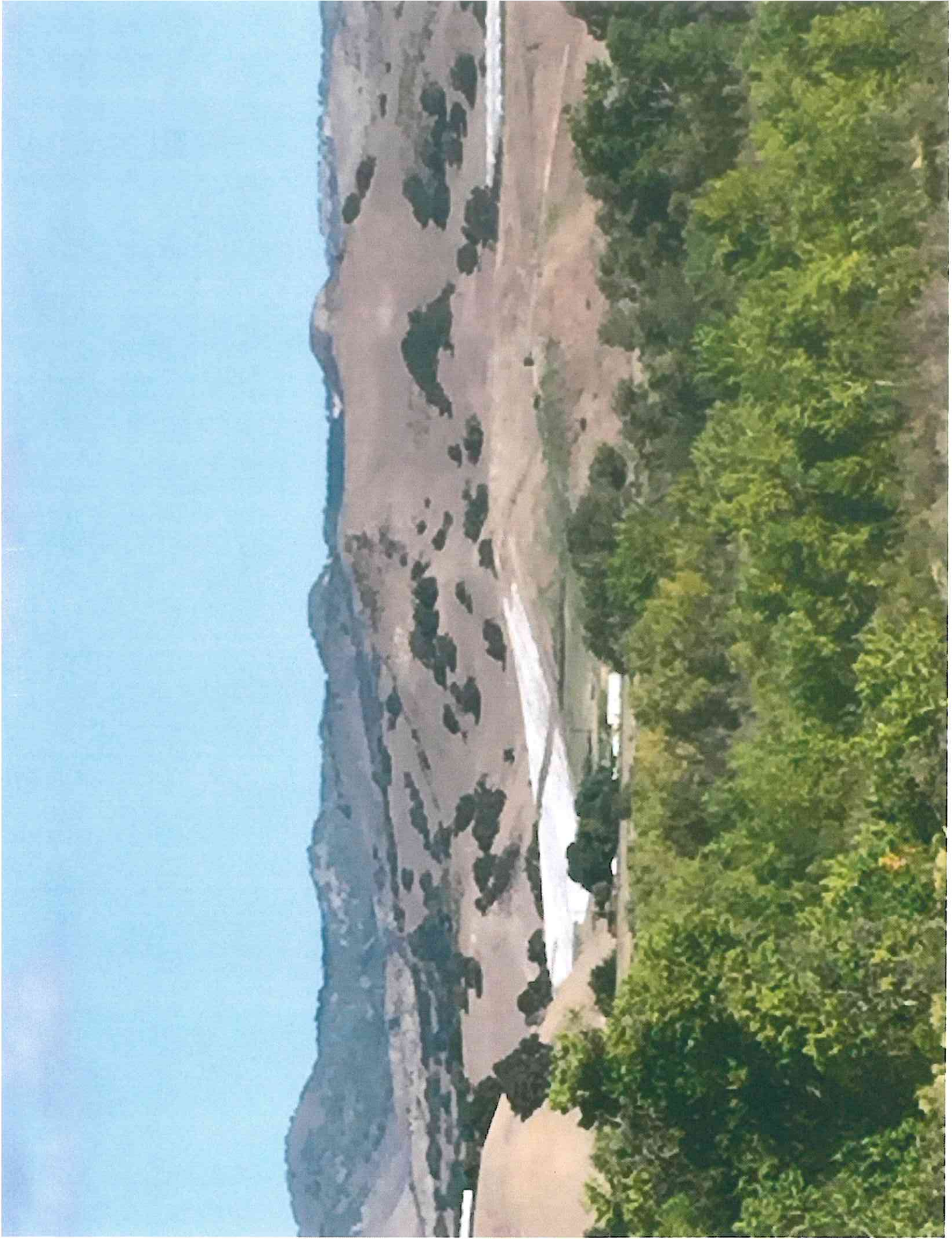


Jan Davidson
805-736-3354
jan@jandavidson.com
JanDavidson.com
Laugh Lines
85 West Highway 246
Buellton, CA 93427















JUDI STAUFFER

1610 Cougar Ridge Road
Buellton • California • 93427
805 688 5477

rjshow@me.com

<u>AGENDA ITEMS</u>	
ITEM #:	3
MEETING DATE:	11/7/18

October 26, 2018

Santa Barbara County Planning Commissioners
123 East Anapamu Street
Santa Barbara, CA 93101

Dear Commissioners Blough, Brown, Cooney, Ferini and Parke:

I believe the SB Planning Commission needs to toss out the Hoop Structure Ordinance under review and start afresh. Here's why:

1. While this Ordinance is intended to be an economic benefit for the agriculture, its impacts on our communities has not sufficiently been taken into consideration. Unlike the community outreach involved in the Winery Ordinance, there have been virtually no community meetings or good community outreach regarding the broad-based implications should it be approved.
2. A Hoop Structure Ordinance needs meaningful mitigations, not the inadequate ones originally proposed . . . It needs to mitigate the economic impacts of the Ordinance on other sectors. It needs to mitigate the quality of life impacts on citizens as well as our communities. It needs to mitigate the water resource impacts.
3. Contrary to what some agriculturalists say, hoop structures are not "temporary" farm implements. They are reflective white plastic structures, and cumulatively ruin the picturesque quality of Santa Barbara County's rural landscape and aesthetic.
4. The Santa Ynez Valley Community Plan calls for "protecting prominent scenic view sheds from extensive structural development" — which includes hoop structures — "through proper siting, design, landscaping and/or screening, and use of colors and materials that are harmonious with the natural environment." Clearly, large expanses of white plastic on hillsides, scenic corridors and our river watershed does not meet this criteria.
5. Millions of tourists make Santa Barbara County their get-away destination. In fact, revenue from tourism throughout our County far exceeds that from agriculture.

Again, slow this process down, hold public meetings that are broadly advertised to hear what residents throughout Santa Barbara County have to say, and write a well-balanced Hoop Structure Ordinance.

Please, let's not forsake the beauty of Santa Barbara County and visual tranquility of the Santa Ynez Valley for the sake of supposedly simplifying and streamlining a permit process that benefits farmers while negatively impacts the rest of us.

Thank you.



Judi Stauffer

RECEIVED

OCT 29 2018

S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

Villalobos, David

From: cfbbecks@aol.com
Sent: Sunday, October 28, 2018 1:34 PM
To: Villalobos, David
Subject: Hoop house and cannabis impact on neighbors

Categories: Purple Category

<u>AGENDA ITEMS</u>	
ITEM #:	3
MEETING DATE:	11/7/18

To the Santa Barbara County Planning Commission, and any interested parties,

My family and I have owned and lived on Santa Rosa for 2 decades.
We value our outdoors, country living.
In the last years the blight of white plastic acres has increased, and now the "skunk" smell of marijuana grows are blowing to our home with every evening breeze.
An article in the Washington post recently quoted a local, up wind, grower as saying the number of acres would be increasing 5 fold by spring 2019.
It is unkind to inflict this stench on neighbors without any mitigation.
Not to mention the industrialization or our views.
Everyone has the right to own and enjoy their property...
What I ask is for the pot industry to come up with mitigation measures.
Make money, good for you, but how about air filtration of some sort ?
You are always genetically engineering your plants, can you make them smell more like Jasmine?
Or plant Honeysuckle at the mouth of each hoop house,,,
I realize this is a newborn industry here, and have no desire to fight with neighbors...
Yet, I hope the Planning Commission and interested parties realize the smell is real.
And I wonder what it means to property values for us here, downwind.
Please take this seriously,
Thank You, Cynthia Beckert

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OCT 29 2018
S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

Villalobos, David

From: Barbara Cirone <barb@sbceo.org>
Sent: Monday, October 29, 2018 10:36 AM
To: Villalobos, David
Subject: Hoop structures regulation

Categories: Purple Category

<u>AGENDA ITEMS</u>	
ITEM #:	3
MEETING DATE:	11/7/18

To: Santa Barbara County Planning Commission
RE: Cannabis Ordinances' e AG-II 40 and larger parcel regulations

We have lived in the SY Valley for over 25 years and value the agriculture heritage and the beauty of the Valley.

While we are strong supporters of agriculture, we also feel strongly that it is important to have in place regulations that protect the scenic valley and hillside views which residents love and enjoy.

Tourism is a major component of the local economy and the scenic views and rural nature of the valley is a major contributing factor to attracting tourists and needs to be protected and preserved..

The Cannabis Ordinances' e AG-II 40 and larger parcel regulations are causing problems and need to be revised because of the visual impacts coupled with the impossibility of of controlling odor on hoop structures.

This impact of current limited regulation also effects, in a major way, the local wineries which contribute close to \$2 billion dollars to the county economy.

We urge you to include mitigations that do not allow hoop structures to be visible from the roads and highways, that address odor, along with the cumulative effect of fertilizers and pesticides on the Santa Ynez river, its tributaries and our water supply. In the absence of mitigations we believe the ordinance needs to be rewritten.

Thank you for protecting out Valley's most treasured resource.

Barbara and Bill Cirone
218 Valhalla DR
Solvang CA 93463

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OCT 29 2018
S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

Villalobos, David

From: Barbara Thorne <bobbiepv@aol.com>
Sent: Monday, October 29, 2018 8:59 AM
To: Villalobos, David
Subject: Hoops

Categories: Purple Category

<u>AGENDA ITEMS</u>	
ITEM #:	3
MEETING DATE:	11/7/18

Dear Members of SBC planning commission, Please do something to stop the spread of hoops , they are spoiling our Valley .

We had our grand daughter wedding at our ranch 7820 Santa Rosa Rd, as we were making final arrangement the view was spoiled by you guessed it Hoops across the valley on 246. We had to rent huge trees to block the hoops Everyday when we walk, we see more and more, now they are brown with dust and will get worse with the winter rains.

Please do something

Thank you, Bobbie and Graner Thorne

Sent from my iPhone

RECEIVED

OCT 29 2018

S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

October 25, 2018

SBCO Planning Commission
123 E. Anapamu St.
Santa Barbara CA 93101

RE: Hoop Structures

AGENDA ITEMS	
ITEM #:	3
MEETING DATE:	11/7/18

Dear Planning Commission,

Born and raised in Solvang I care deeply about the Santa Ynez Valley. There are increasingly fewer special places such as our valley and I feel it is very important to preserve what makes our little part of paradise unique.

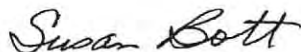
With a little rational care it should be possible to balance the needs of the various factions in the valley such as agriculture, tourism, and the aesthetic needs of valley residents who perhaps fall into neither of these categories such as myself.

In the history of Santa Ynez Valley agriculture the use of hoop structures is a relatively recent phenomenon. Previously farmers raised their crops without hoops and still managed to make a living. I think we can create strategies which will preserve our rural views while allowing farmers to have viable crops.

My uncle, Ludwig Burchardi, raised flowers for seeds on the land between Buellton and Solvang for many years. This was seemingly a perfect crop: It was profitable plus it attracted tourists who stopped to take pictures daily. We can surely apply some creative thinking to the hoop structure "problem" we face today. The new issue of cannabis growing has brought out some solutions such as screening from view which might be applied countywide to other crops.

Thank you for using all your abilities to preserve the Santa Ynez Valley from becoming a sea of plastic.

Sincerely,



Susan Bott
160 Willow Drive
Solvang CA 93463

susanbott@aol.com

RECEIVED
OCT 25 2018
S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

Villalobos, David

From: Teresa McNeil MacLean <teresamcneilmaclean@gmail.com>
Sent: Wednesday, October 24, 2010 2:51 PM
To: Villalobos, David
Subject: County_Planning_Commission --Hoop Structures
Categories: Purple Category

AGENDA ITEMS	
ITEM #:	3
MEETING DATE:	11/7/10

I am an artist living in Santa Ynez. Everywhere I drive now, up and down the Santa Ynez Valley, to Lompoc, Los Alamos, Santa Maria, I see our beautiful hills being covered in bright white plastic "hoop structures" instead of the patterns loved by my artist's eye of healthy rows of crops and oak savannas and chaparral-covered hillsides that I have depicted in artwork over the 35 years I have lived in this beautiful place. It is heartbreaking to see this beauty become industrial plastic glare.

Last week I drove to Lompoc to visit a local winery whose club my husband and I belong to. On the drive home, just before Buellton, I thought I was smelling skunks...then realized it was the skunky scent of growing marijuana. My car windows were not open. I was a block away from the elementary school. I have heard that there may be an association between the proliferation of marijuana-growing operations and the sudden increase of hoop structures lining our hills. If whether this association exists or not, there are significant problems here. Please address them for the sake of visitors, residents, working artists and farmers who do not choose plastic but do choose to visit, live and work in this beautiful part of Santa Barbara County. I cannot imagine standing outside on a beautiful day sketching hillsides covered with long white plastic rolls, while being sickened by that smell.

Thank you for your consideration of my concerns, —Sincerely, Teresa McNeil MacLean, Santa Ynez

RECEIVED
OCT 24 2010
S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

Villalobos, David

From: John Patterson <john.patterson@me.com>
Sent: Friday, October 19, 2018 6:03 AM
To: Villalobos, David
Subject: Hoop Structures

Categories: Purple Category

<u>AGENDA ITEMS</u>	
ITEM #:	3
MEETING DATE:	11/7/18

Dear Members of the SBC Planning Commission,

Please allow us to introduce ourselves. We are John and Nikki Patterson and we have a home on Santa Rosa Road in Buellton. We purchased our property five years ago, and perhaps the biggest driving force behind our purchase was the sweeping majestic view of the beautiful Santa Ynez river valley. We fell in love with the unspoiled aesthetics of the countryside and have invested a great deal in our agricultural projects; we fully enjoy what we consider our little slice of heaven.

We are now deeply concerned that the current onslaught of white hoops rapidly growing along our road and hills will ruin all of that. The white hoops are so jarring and unsightly and completely incongruous with the natural surroundings, so we can't help but wonder why and how they are seemingly allowed to flourish without any apparent restraint. They are popping up everywhere. We sit on our patio and from our vantage point high up on a hill, we watch them continually multiply before us. It's extremely upsetting and unsettling.

Here's the thing - when we built a small addition on our house we were required to appear before the Board of Architectural Review; our project was scrutinized and had to adhere to the strictest rules, making sure it seamlessly blended into the environment and did not in any way negatively impact the views of others. We were happy to go through this process by the way, as we too wanted to preserve the beauty around us.

How is it that these white hoops are not similarly regulated? We are just trying to understand the reasoning here. Is it that they are 'temporary structures'? In that case we assume they would have to be taken down at some point in order to deem them as 'temporary'. So when exactly will they be removed? Or is the thinking behind it that they are in fact so beautiful that they do not negatively impact the views of their neighbors? We all know that this is not the case.

We understand that these hoops are necessary for some forms of agriculture... but they should be regulated as far as color/location/quantity just like anything else, instead of spreading like marshmallow wildfire with no containment in sight, destroying the natural beauty of our region.

I look forward to discussing and finding a constructive visual solution to the white hoops erected throughout the area.

With Regards,

John and Nikki Patterson

John Patterson | Mobile: +1 703-608-3660 | skype: john_h_patterson | john.patterson@me.com

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OCT 19 2018
S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT



<u>AGENDA ITEMS</u>	
ITEM #:	<u>3</u>
MEETING DATE:	<u>11/7/18</u>

October 18, 2018

TO: Santa Barbara County Planning Commission

RE: Hoop Structure Ordinance

Citizens Planning Association has been following the development of the Hoop Structures Ordinance since it was first proposed. For more than 50 years, CPA has promoted and participated in many community plan processes, to include the Santa Ynez Valley Community Plan.

The Santa Ynez Valley Community Plan “updates the Comprehensive General Plan and provides policy direction for issues and development trends specific to the Plan Area.” The section, Visual and Aesthetic Resources, specifically addresses protection of townships and public viewing areas.

CPA suggests the SYVCP be the guiding document as policies regarding agricultural hoop structures are written. Mitigation Measure VIS 2 and 3 protect certain areas in the Santa Ynez design overlays from visual impacts. If hoop structures are allowed along roadways such as the 246 or 154 in the plan area, they should be screened and setback to be the least obtrusive as possible. When dealing with cannabis cultivation, we support enforcement of that ordinance’s policies requiring fencing and screening from public view.

CPA has studied the public comments and reviewed the recent hearing. We agree with Third District Supervisor Parke that protections must be provided for tiger salamander migration. We support the additional policy that night lighting will be prohibited. We remain concerned about hoop structures being allowed too close to the Santa Ynez riverbed. MM-BIO-3 requires a setback of at least 50 feet.

Thank you for the opportunity to comment on these issues. While CPA realizes that hoop structures are now considered a necessity in local agriculture, we also know the importance of honoring community plans and other existing regulations which have been created after much study and environmental analysis.

Respectfully submitted,
Mary Ellen Brooks and Betsy Cramer
Co-Presidents, Citizens Planning Association

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OCT 18 2018

S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

Villalobos, David

From: Jackie Thiele <wmthieleds@yahoo.com>
Sent: Wednesday, October 10, 2018 9:32 AM
To: Villalobos, David
Subject: Hoop houses

Categories: Purple Category

AGENDA ITEMS	
ITEM #:	3
MEETING DATE:	11/7/18

Hello - I have a complaint regarding the hoop houses being put up on Santa Rosa Rd by Fran Schuleman. She is continually putting them higher and higher. Does she have grading permits? It has ruined our view and lowered our property value. She leaves the the lights on all night. It lights up the whole valley. We can no longer see the Milky Way at night which is why we live here, it is like being in downtown Santa Barbara. After being woken up continually at night I called and she did turn them off .

When we built our house we had to jump threw many hoops with you guys getting permits. We were not allowed to ruin any one else's view. Now, we look at white plastic. Why is this allowed ? What happens when we get a large rain storm? Aren't you concerned about the grading? Are we going to have another Montecedo?

Cannabis has been grown illegally in this county for 100 years out in the open why does it have to be grown in hoop houses? There has to be a limit on the hill side. What one person does up stream affects everyone downstream. It will be the end of tourism . No one will want to come and picnic at the wineries and look at white plastic .

When you have someone that doesn't care about the neighbors , our quality of life , the beauty of our valley and bringing down property values then you must step up and do your jobs. When people put up hoop houses they should have the same permitting and architectural review as everyone else. Please come to Mail Rd, Santos Rd or even HWY 246 and see for yourselves. Would YOU like to look at this? It has ruined our beautiful way of life! Jackie Thiele 805-736-8015

Sent from my iPad

RECEIVED

OCT 10 2018

S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

Villalobos, David

From: Bubba Hines <bubbahines25@gmail.com>
Sent: Sunday, September 30, 2018 11:56 AM
To: Villalobos, David
Subject: Hoops

Categories: Purple Category

<u>AGENDA ITEMS</u>	
ITEM #:	3
MEETING DATE:	11/7/18

David,
I plan on attending the meeting, but also felt an email explaining one of the primary loopholes in the regulations may help.
I'm sure you are aware of this situation.
"Small" license growers are allowed to ban together on a single property and plant unlimited quantities of cannabis with unlimited quantities of hoop nets.
This is directly against the purpose of limiting outdoor grows for crime, odor, security, and now the overuse of hoop nets.
AG-1 of 20 acres doesn't allow outdoor cultivation or the use of hoop nets. But if you jump to AG-2 of even 70 acres...there are no controls. The license categories never intended for outdoor cultivation license over 1 acre until 2023. There must be an amendment to close this loophole.
In addition to the above change ...the use of hoop nets for outdoor cannabis cultivation should be banned.
The original limits of 1 acre per property for large enough parcels would limit odor impact and simplify security issues.
Thank you
William Hines
Brouillard Vineyards

Sent from my iPhone

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OCT 01 2018
S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

Villalobos, David

From: Global Gardens <theo@globalgardensonline.com>
Sent: Monday, September 24, 2018 7:09 PM
To: Villalobos, David
Subject: hoop houses in Santa Ynez

Categories: Purple Category

<u>AGENDA ITEMS</u>	
ITEM #:	3
MEETING DATE:	11/7/18

Hello: I am a resident and property owner at 2450 Alamo Pintado Road. I am very concerned about the possibility that this bucolic, lovely corridor on which I live, as well as other locales in the Santa Ynez Valley, might be developed with white plastic hoop houses. I am very upset about this and although I realize the economic gain for farmers, *were the hoop houses carefully placed out of public view with a limit of height to 20' they might be acceptable.*

Also, there are many endangered animals, let alone normal riparian and beautiful wildlife that will be affected. Water quality could easily become toxic over time if these are placed too close to the creeks and river here. Please require a study be done to deem necessary setbacks to protect this wildlife and water. The Alamo Pintado Creek flows to the ocean and I am very concerned about how this will affect my own quality of life (the reason I spend so much to live and work here) as well as nature's infrastructure in our region.

Please let me know you have received this letter as I am traveling and not able to attend the meeting on 10/3.

I appreciate your understanding of this serious situation and hope you will vote to protect our region. This is a unique valley with characteristics and biodiversity that need to be considered when ruining a landscape with white plastic.

I would also question whether or not the white plastic within view might be blinding to drivers under certain sunlight conditions--this does occur on HWY 135 between Los Alamos and Orcutt. Lastly, I must remind the panel that the Building and Planning Department votes against certain styles of homes and barns built within the sight-line of certain roads. If hoop houses were to be approved within the sight lines, this would be a direct violation of my rights as a property owner relative to existing Planning & Building Department code.

Many thanks for your confirmation and allowing me to be heard. You are welcome to read and my letter in any meeting pertaining to this issue.

Theodora Stephan
2450 Alamo Pintado Road

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SEP 24 2018
S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

S Merritt
Dec 5 2018

Right To Farm Ordinance Amendments
Board of Supervisors County of Santa Barbara May 2018
DIRECT QUOTES

<u>AGENDA ITEMS</u>	
ITEM #:	1
MEETING DATE:	12/5/18

Definitions

(2) . . . "Agricultural use" does not include any activity, recreational or medicinal, including the cultivation, possession, manufacturing, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products of cannabis in accordance with Chapter 35, Zoning, of the Santa Barbara County Code.

(3) "Cannabis" means all parts of the plant *Cannabis sativa*, *Linnaeus*, *Cannabis indica* or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including but not limited to , separated resin. Cannabis also means medical and non-medical marijuana. Cannabis does not include industrial hemp, as defined in Section 11018.5 of the Health and Safety Code as may be amended.

C Findings

(3) Given the status of cannabis as a highly regulated controlled substance, which as of the date of the ordinance amendment adding this subsection is illegal under Federal law, cannabis cultivation involves potential adverse effects that differ from the cultivation of other types of crops (e.g., criminal activity, and impacts on children and sensitive populations), State and County cannabis regulations include a number of development standards permitting requirements to avoid or mitigate these adverse effects, which are not required for the cultivation of other types of crops on agricultural lands. **Therefore cannabis cultivation and cannabis operations are excluded from the protections of this ordinance.**

ADD:

Applicable to the Santa Ynez Valley as defined in the and the Santa Ynez Valley Community Plan and the following AVA's

Santa Ynez Valley

Sta Rita Hills

Ballard Canyon

Los Olivos District

Happy Canyon of Santa Barbara

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DEC 05 2018

S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

ATTACHMENT 3:
RIGHT TO FARM ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 3-23, AGRICULTURAL NUISANCES AND CONSUMER INFORMATION, OF ARTICLE V, THE RIGHT TO FARM, OF CHAPTER 3, AGRICULTURE, OF THE COUNTY CODE TO EXCLUDE CANNABIS FROM THE PROTECTIONS OF THE ORDINANCE, AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS, AND REVISIONS.

Case No. 18ORD-00000-00008

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

ARTICLE V, the Right to Farm, Section 3-23(b) and (c), of Chapter 3, Agriculture, of the Santa Barbara County Code, is hereby amended to change the definition of “Agricultural Use”, add new definition of “Cannabis”, add a new section to “Findings” as follows:

(b) Definitions.

- (1) "Agricultural land" means land within the A-I and A-II categories as designated pursuant to the County of Santa Barbara Comprehensive Plan, Land Use Element, or land zoned exclusively for agricultural use pursuant to the County of Santa Barbara Articles II, III and IV Zoning Ordinances.
- (2) "Agricultural use" means and includes, but is not limited to, the tilling of the soil, the raising of crops, horticulture, aviculture, apiculture, livestock farming, the raising of small animals and poultry, dairying, animal husbandry, wineries processing grapes produced on the premises, and the sorting, cleaning, packing and storing of agricultural products preparatory to sale and/or shipment in their natural form when such products are produced on the premises, including all uses customarily incidental thereto, but not including slaughterhouse, fertilizer works, commercial packing or processing plant or plant for the reduction of animal matter, or any other use which is similarly objectionable because of odor, smoke, dust, fumes, vibration or danger to life or property. “Agricultural use” does not include any activity, recreational or medicinal, including the cultivation, possession, manufacturing, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products of cannabis in accordance with Chapter 35, Zoning, of the Santa Barbara County Code.
- (3) “Cannabis” means all parts of the plant *Cannabis sativa Linnaeus*, *Cannabis indica* or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including, but not limited to, separated resin. Cannabis also means medical and non-medical marijuana. Cannabis does not include industrial hemp, as defined in Section 11018.5 of the Health and Safety Code as may be amended.

(c) Findings.

- (1) The board of supervisors finds that it is in the public's interest to preserve and protect agricultural land and operations within the County of Santa Barbara and to specifically protect these lands for exclusive agricultural use. The board of supervisors also finds that residential development adjacent to agricultural land and operations often leads to restrictions on farm operations to the detriment of the adjacent agricultural uses and economic viability of the county's agricultural industry as a whole. The purposes of this chapter, therefore, are to promote the general health, safety and welfare of the county, to preserve and protect for exclusive agricultural use those lands zoned for agricultural use, to support and encourage continued agricultural operations in the county, and to forewarn prospective purchasers or residents of property adjacent to or near agricultural operations of the inherent potential problems associated with such purchase or residence including, but not limited to, the sounds, odors, dust and chemicals that may accompany agricultural operations.
- (2) The further purpose of this provision is to promote a good neighbor policy between agriculturalists and residents by advising purchasers and residents of property adjacent to or near agricultural operations of the inherent potential problems associated with such purchase or residence including, but not limited to, the sounds, odors, dust and chemicals that may accompany agricultural operations so that such purchasers and residents will understand the inconveniences that accompany living side by side to agriculture and be prepared to accept such problems as the natural result of living in or near agricultural areas.
- (3) Given the status of cannabis as a highly regulated controlled substance, which as of the date of the ordinance amendment adding this subsection is illegal under Federal law, cannabis cultivation involves potential adverse effects that differ from the cultivation of other types of crops (e.g., criminal activity, and impacts on children and sensitive populations). State and County cannabis regulations include a number of development standards and permitting requirements to avoid or mitigate these adverse effects, which are not required for the cultivation of other types of crops on agricultural lands. Therefore, cannabis cultivation and cannabis operations are excluded from the protections of this ordinance.

SECTION 2:

All existing indices, section references, and figure and table numbers contained in Section 3-23, Agricultural Nuisances and Consumer Information, Article V, the Right to Farm, of Chapter 3, Agriculture, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 3:

Except as amended by this Ordinance, Section 3-23 of Article V, the Right to Farm, of Chapter 3, Agriculture, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 4:

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5:

This Ordinance shall take effect 30 days from the date of its adoption by the Board of Supervisors and shall become operative and be in force upon the date shown below, and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DAS WILLIAMS, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

6. The Planning and Development Department, hereafter referred to as the "Department."

B. **Responsibility and authority of Director.** Whenever this Article refers to the Department, it is expressly understood that the Department staff are acting under the direction and control of the Director and that they report directly to the Director rather than the Commission or Board.

35.10.040 - Applicability of the Development Code

This Development Code applies to all ¹land uses, ²subdivisions, and ³development within the County, except for the non-Coastal Zone portion of the Montecito Community Planning Area, as follows.

A. **New land uses or structures, changes in use, or structures, changes in use, or structures, changes in use,** a violation of this Development Code shall be deemed to be a violation if the applicant alters, or replaces any use of land or structure, or changes the use of land or structure, in violation of Section 35.20.020 (Prerequisites for Nonconforming Uses, Structures, and Lots) issued by the Department unless the applicant complies with the provisions of this Development Code.

- For berries, the "land use" is "Cultivated agriculture, orchard, vineyard", which is exempt from permits.

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B. **Subdivisions.** Any subdivision of land shall comply with the requirements of Article 35.2 (Zoning) in compliance with Section 35.8.010 (County Code, Chapter 21) and all other applicable provisions of this Development Code.

- Using "hoops" on berries does not involve subdivision.

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C. **Continuation of an existing land use or structure.** Any existing use or structure shall be deemed to be in compliance with the applicable provisions of this Development Code only if the use or structure was in compliance with the applicable provisions of the Development Code in effect on the date of construction of the use or structure, or any amendments thereto, retroactive in their effect on a land use or structure to the effective date of this Development Code or any amendments thereto, Chapter 35.101 (Nonconforming Uses, Structures, and Lots).

- Berry hoops $\leq 20'$ meet the definition of "Agricultural improvement". Pursuant to the LUDC definition of "Development - Inland", Agricultural improvements "are not considered as development" with the LUDC.

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D. **Effect of Development Code changes.** Any construction on the effective date of the Development Code shall be deemed to be in compliance with the Development Code or any amendments thereto, if the construction, i.e., the placement of the structure, is fastened in a permanent manner, in compliance with the Development Code or any amendments thereto.

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E. **Incorporation of existing ordinances and development plans.** Previously adopted ordinances which added development and zone text provisions applicable to particular property in compliance with the following provisions of previously adopted zoning regulations are hereby incorporated by reference into this Section and shall have the same force and effect as if the provisions of those ordinances were specifically and fully set forth in this Section.

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personal property, accessory to a residential use.

Accessory Retail or Services. The limited retail sale of various products, or the provision of certain personal services within a health care, hotel, office, or industrial complex, to employees or customers of, or visitors to the principle use. Examples of these uses include pharmacies, gift shops, and food service establishments within hospitals; convenience stores and food service establishments within hotel, office and industrial complexes; and barber and beauty shops within residential care facilities.

Accessory Structure. A structure located upon the same site as the structure or use to which it is accessory. The use of an accessory structure is customarily incidental, appropriate and subordinate to the use of the principal structure, or to the principal land use of the site.

Accessory Use. A use that is customarily incidental, appropriate and subordinate to the use of the principal structure, or to the principal land use of the site and that does not alter the principal use of the lot or adversely affect other properties in the vicinity.

Aerial Approach Zone. An area at ground level that begins at the end of each runway and extends under the path of landing or departing aircraft to a distance determined by the characteristics of the runway.

Affordable Housing. The state defines affordable housing as housing that can be purchased or rented by households whose gross annual household income does not exceed 120% of area median income, adjusted for household size. Santa Barbara County expands this to include households with income up to 200% of area median income. This housing may be subject to a covenant or deed restriction that restricts sales price or rent for a given period or time. Certain types of housing such as homeless shelters, dormitories, farm labor camps, and housing for people with disabilities may not require price controls because they generally provide housing for a special need group.

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with County employees, committees, Commissions, and the Board, regarding matters regulated by this Development Code.

Aggrieved Person. A person who, in person or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the County of the nature of their concerns, or who for good cause was unable to do either.

Agricultural Development. Any agricultural structure, practice, or operation that a) requires a building, grading, or brush-clearing permit on land designated for agriculture; b) is located on land which has had no history of cultivation; and/or c) is on land not designated for agriculture. A permit solely for plumbing or electricity shall not constitute a standard building permit.

Agricultural Employee Housing. A dwelling occupied by an agricultural employee including family members.

Agricultural Improvement. Agricultural activities or structures on agriculturally designated land which are not subject to building, grading, or brush clearing permits. These

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bounded on two or more sides by the building or buildings.

Creek Channel, Natural. A water course that has not been altered by human activity. Appears as a solid or dashed blue line on a National USGS 7½-minute or 15-minute quadrangle map.

Creek, Top of Bank. The uppermost ground elevation paralleling a creek or watercourse where the gradient changes from a more defined vertical component to more horizontal.

Cultivated Agriculture, Orchard, Vineyard. Commercial agricultural production field and orchard uses, including the production of the following, primarily in the soil on the site and not in containers, other than for initial propagation prior to planting in the soil on the site:

field crops	ornamental crops
flowers and seeds	tree nuts
fruits	trees and sod
grains	vegetables
melons	wine and table grapes

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing and retail sales in the field, not including sales sheds, which are instead defined under "Produce Stand." Does not include agricultural processing or greenhouses which are separately defined. Does not include non-commercial home gardening, which is allowed as an accessory use without County approval in all zones that otherwise allow residential use. Activities that constitute grading are separately regulated under Chapter 14 of the County Code.

1. **Limited Slope.** For the purposes of the MT-GOL and MT-TORO zones, "Cultivated Agriculture, Orchard, Vineyard - Limited Slope" means that the listed new or expanded agricultural activities occur on slopes of 40 percent or less, or on slopes greater than 40 percent where the cumulative area of disturbance (pre-existing and proposed) totals five acres or less.
2. **Steep Slope.** For the purposes of the MT-GOL and MT-TORO zones, "Cultivated Agriculture, Orchard, Vineyard - Steep Slope" means that the listed new or expanded agricultural activities occur on slopes greater than 40 percent, where the cumulative area of disturbance (pre-existing and proposed) exceeds five acres.
3. **Historic Legal Use.** "Cultivated Agriculture, Orchard, Vineyard - Historic Legal Use" means that there is evidence of a permitted or legal nonconforming use on the site within the previous 10-year period.

D. Definitions, "D."

Dairy. A commercial operation where three or more cows or goats are maintained to produce milk or other dairy products for sale.

Day Care, Adult. Facilities that provide non-medical care and supervision of adults for periods of less than 24 hours.

not identified as an allowed permitted use in a specific zone is similar in nature and/or character to the other permitted uses in that zone and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, vibration, traffic congestion, danger to life and property, or other similar causes, and is therefore also considered a permitted use.

Development. The definition of "Development" differs within the Coastal Zone and Inland, as follows.

1. **Development - Coastal Zone.** On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including subdivision in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.), and any other division of land, except where the land division is in connection with the purchase of the land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). Also includes a change in the land use of a site and/or the change in the intensity of an existing land use, and Lot Line Adjustments.
2. **Development - Inland.** A change made by a person to unimproved, or improved real property, including the placement, the moving, construction, reconstruction, enlarging, demolition, or alteration of structures, landscaping improvements, mining excavation, or drilling operations. Agricultural improvements as defined are not considered as development within this Development Code.

Development Code. The Santa Barbara County Land Use & Development Code.

Dining Commons. A facility accessory to a residence hall and used primarily for preparing and serving food to residence hall occupants and which excludes service to the general public.

Director. The Director of the Santa Barbara County Planning and Development Department, including designees of the Director.

Distillation Column or Tower. A tall, cylindrical vessel in which a liquid or vapor mixture of two or more substances is separated into its component fractions of desired purity, by the application and removal of heat.

Drainage Channel. A channel, either natural or manmade that conveys water.

Drive through Facility. A facility where customers wait in line in their vehicles to progress to a service point at which they briefly transact business from their vehicles and then leave the premises. Includes banks (motor banks, drive-through banks, drive-up banks), fast food establishments, and film deposit and pickup establishments. Does not include drive-in movies, drive-in car washes through which the vehicles do not travel on their own power,

Harris, Julie

From: Chan, Kendra <kendra_chan@fws.gov>
Sent: Tuesday, December 04, 2018 4:52 PM
To: Harris, Julie
Subject: CTS Farmland Habitat Question

Follow Up Flag: Follow up
Flag Status: Completed

A. ADA ITEMS	
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Hi Julie,

Here is a summary of what we discussed regarding CTS habitat and historically farmed areas. You may share this email with the planning commission.

The question at hand was how long it would take a fallow field turn into habitat for California tiger salamander. California tiger salamanders rely on small mammal burrows as refugia, so in order to be suitable habitat for California tiger salamander, it must also be undisturbed long enough for small mammals to colonize the area and create burrows. The context for this question is to define what land in Santa Barbara County has been "historically farmed", or disturbed frequently enough to preclude colonization by small mammals and therefore California tiger salamanders. I reached out to several local independent biologists with expertise with the Santa Barbara County Distinct Population Segment of the California Tiger Salamander. Dr. Samuel Sweet (University of California, Santa Barbara) and Lawrence Hunt (Hunt and Associates Biological Consulting Services) provided input on this question.

To our knowledge, there has not been specific research on how long it would take a fallow field to return to California tiger salamander habitat; the timeline for succession depends on many factors. The consensus between biologists in our office and the two independent biologists that provided input was that disturbance at least 3 out of the past 5 years would likely preclude burrowing mammals from creating extensive burrow networks; therefore if this was the case for a plot of land it would be considered "historically farmed" and thus not habitat for California tiger salamander. Disturbance in 1 or more of the past 10 years could allow enough time for these mammals to create and maintain stable burrow systems that could provide refugia for California tiger salamander and therefore is not an adequate definition for "historically farmed" land.

Best,
Kendra

--
Kendra Chan
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service | Ventura Fish and Wildlife Office
2493 Portola Road, Suite B | Ventura, CA 93003
(805) 677-3304 | kendra_chan@fws.gov

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DEC 5 2018

Mark Preston
Buellton

I am, of course concerned with plastic recycling, but my focus is on proper disposal of plastic covering that has reached the end of its useful life (4-6 years).

I was disappointed that the EIR (4.5.6) Class I Mitigation to reduce impact no feasible measures were identified. The Major barrier to ag plastic recycling as the lack of consistent recycling market.

I agree ! I really do see the problem.

However, there is a farmer in this room today that has, in person, told me that he/she does recycle hoop plastic with patience and out of area recyclers.

1. The ordinance should clearly identify the desire to attempt the recycling of "used" plastic to a recycling processor.
2. The REALLY important addition to the ordinance is that, in times of unavailable recycling, AG properties be required to commit "used" plastic to land fill sources. This is not ideal, but it removes the material from the immediate and above ground environment.

My point in comments to the Planning Commission, and Board of Supervisors, is the danger of used plastic that is discolored, brittle, cut, and flaky. To leave this on site could be a grave source of pollution for water and agriculture downwind.

I am particularly concerned with properties that are abandoned, foreclosed, or in knowing disrepair. Sadly, there are people that are disrespectful of the community and environmental common sense.

One of your Commissioners stated that this might be better left to an overall County/State regulation scheme for the broad issue of plastic and plastic disposal. That would be nice, but I do not see that coming in the foreseeable future.

You have a chance to do this right. The two paragraphs do not need to be abusive, threatening, or litigious. They could lay down a marker for desired result, and provide support in dealing with egregious flaunting of the intent and ordinance.

I truly appreciate your time served on this important commission.

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Villalobos, David

From: Lisa Diaz <sldiaz1234@aol.com>
Sent: Tuesday, December 04, 2018 4:14 PM
To: Villalobos, David
Subject: Re: Hoop structure hearing

Categories: Purple Category

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Hi David, My phone has been giving me issues all day and I don't use a computer. I am old. And I'm not home at the moment. I will send my email when I get home. I did speak with Julie today and she is always helpful. If my email doesn't get there in time for you to read it then I understand.

My husband and I own a property directly off of Highway 246 in the SY Valley. We have been in the nursery business since the late 1970's and understand the dilemma faced by agriculture growers and the residents of the various areas where the hoop structures are being erected.

The hoop houses are, in our opinion, an eyesore and we are quite disappointed to see them dotting the beautiful landscape of the valley.

When discussing the issue in the morning we would appreciate having our opinion voiced as against the structures being allowed to be built along the main highways and roads in the area.

We have seen that there are locations where the houses are erected farther away from the highways and major roads into the landscape and not visible to residents and tourists living and visiting in the area. The entire county of Santa Barbara is such a desirable place to both live and visit and the construction of these hoop greenhouses have changed the beautiful landscape so many people enjoy.

Thank you for your time and consideration in hearing our opinion and the opinion of so many other people.

Sincerely, Lisa and Steve Diaz

Sent from my iPhone

> On Dec 4, 2018, at 7:57 AM, Villalobos, David <dvillalo@co.santa-barbara.ca.us> wrote:

>

> Hi Lisa,

>

> Yes, but please send your letter in as soon as possible so I can email them to the Commissioners today, given the hearing is tomorrow. Often times I walk in on a hearing day to find new letters in my inbox. I provide them to the PC, but I can't always guarantee that they will have time to read them at that point.

>

> -----Original Message-----

> From: Lisa Diaz <sldiaz1234@aol.com>

> Sent: Tuesday, December 04, 2018 1:18 AM

> To: Villalobos, David <dvillalo@co.santa-barbara.ca.us>

> Subject: Hoop structure hearing

>

> To whom it may concern,

> We would like to submit comment for the December 5th meeting regarding the Hoop Ordinance Amendment Project. If we send an email to this address will our letter be read and considered for discussion at the meeting this coming Wednesday?

> Sincerely, Steve and Lisa Diaz

>

> Sent from my iPhone

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Dear Planning Commissioners and Staff,

December 3, 2018

Tepusquet Community appreciates all you are trying to accomplish with regard to fine-tuning Cannabis Regulations. This has certainly been a long, challenging process, for all of us. We support the growers that are working with the county to obtain permits and compliance status.

During the last Hoop House meeting, Peter Adam made an insightful and possibly perfect recommendation for a solution to the problems associated with growing Cannabis under Hoop Houses... 'Simply prohibit growing Cannabis in Hoop Houses, period.

No other 'farmer' that grows "Agricultural Crops" under Hoop Houses, presents the various problems our communities face when Cannabis "Products" are likewise grown.

Typical, Agricultural Growers Do Not:

- Place their Hoop Houses on hillsides where our County's rural attractiveness is ruined by unsightly, unnatural monstrosities
- Use lights to promote unnatural growth, which not only obscures night skies but interferes with the natural rhythms of native flora and fauna
- Use commercial-grade, electrical appliances to heat, ventilate, etc., to grow their crops year-round.
- Run noisy, diesel generators that produce undesirable level of noise and toxic fumes
- Grow crops that produce undesirable, skunk-like odors that permeate the air for miles around them

Please consider Commissioner Adams recommendation to, 'Simply prohibit Cannabis from being grown in Hoop Houses, period.' Thank you, Peter! Maybe this will help keep the horse *in front of the cart*, for a change.

Sincerely Appreciative,
Renee O'Neill

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ITEM #:	1
MEETING DATE:	12/5/18

December 3, 2018

Amy M. Steinfeld
Attorney at Law
805.882.1409 tel
805.965.4333 fax
asteinfeld@bhfs.com

VIA E-MAIL: DVILLALO@EO.SANTA-BARBARA.CA.US

Santa Barbara County Planning Commission
c/o Planning and Development, Hearing Support
123 East Anapamu Street
Santa Barbara, CA 93101

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RE: Hoop Structures Ordinance Amendment
County Planning Commission Hearing on December 5, 2018
Agenda Item No. 1
Project No. 17ORD-00000-00005

S.B. COUNTY
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HEARING SUPPORT

Dear Chair Blough and Commissioners:

My firm represents Sara Rotman, owner of Busy Bee's Organics, a cannabis cultivator. I am writing on behalf of my client, as well as other similarly situated landowners and farmers, to express grave concerns regarding the recent proposed amendments to the Hoop Structures Ordinance Amendment, and more specifically, **Mitigation Measure MM-VIS-3 ("MM-VIS-3")**. We understand no decision will be made by the Planning Commission at this Wednesday's hearing, but because this measure is being reconsidered, we are submitting this letter.

Busy Bee's Organics is located within the Design Control Overlay of the Santa Ynez Valley Community Plan area ("Design Overlay"). Under the proposed Hoop Structures Ordinance Amendment, hoop or shade structures, *regardless of height*, located within the Design Overlay would be limited to no more than 4,000 square feet, unless such structures are not visible from any public roadway or other areas of public use. A 4,000 square foot limit is essentially a prohibition, as no commercial farmer, cannabis cultivator or otherwise, would ever reap any benefit from such a small cultivated area. Inclusion of such a far-reaching restriction would spell the end to Busy Bee's Organics, as it is entirely dependent on hoop structures for all of its cultivation and its plans to expand operations would be eliminated.

In sum, this Mitigation Measure:

- Would eviscerate Ms. Rotman's investment backed expectations as she has spent over \$1.5 million preparing this parcel of land for commercial cannabis cultivation in compliance with state and County of Santa Barbara (County) regulations, raising serious

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main 805.963.7000

"taking" questions under the Federal and State Constitutions, which limit the ability of local governments to force a public burden onto a few individual landowners. Ms. Rotman spent several months preparing a County Land Use application for her current and expanded cannabis production, which was submitted over 2 weeks ago.

- Would result in adverse environmental impacts because if crops had to be grown without hoops it would lead to an expanded cultivated land footprint and increased water and pesticide use. The significant environmental impacts of MM-VIS-3 were not analyzed or even discussed within the County of Santa Barbara Hoop Structures Ordinance Amendment Final Program Environmental Impact Report (EIR).
- Is inconsistent with the direction the Board of Supervisors gave to County staff. The Board expressly directed County staff to clarify regulations for only those hoop and shade structures greater than 20 feet in height, and to retain the existing permit exemption of all others 20 feet in height or less. The mitigation measure identified by the EIR to prohibit virtually all hoop and shade structures located within the Design Overlay is in direct conflict with this direction.
- Is infeasible as MM-VIS-3 prevents farmers within the Design Overlay from choosing which types of crops they produce, and a 4,000 square foot size limit would not allow the land to be used to its full agricultural potential.
- Would drastically reduce the value of all land within the Design Overlay (there are **290 agriculturally zoned parcels** are located within the Design Control Overlay, comprising **8,000 acres** of agriculturally zoned land in the Santa Ynez Valley).
- Would punish the good actors and encourage the black market to proliferate.
- Would eliminate small vegetable producers who rely on hoops to produce vegetables for sale at local farm stands.

Accordingly, the Commission should reject MM-VIS-3.

I. Sara Rotman's Journey to Santa Barbara County¹

In July 2014, Ms. Rotman bought property in Santa Barbara County. At the time, Ms. Rotman was living and working in New York where she ran her New York-based creative agency. As a competitive polo player, she purchased the property in Santa Barbara County as a retreat where she could keep horses. Only three weeks later, Ms. Rotman was hospitalized due to renal failure as a result of severe and undiagnosed Crohn's Disease. Waylaid in California, Ms. Rotman took a leave of absence from her New York job and life.

¹ See Vogue, *Cannabis Saved This Fashion Branding Guru's Life—And Now She's Farming It Full Time* (Oct. 17, 2018), available at <https://www.vogue.com/article/sara-rotman-cannabis-farmer-bluebird805>; Forbes, *Meet the Tattooed Branding Bigwig Who Gave Up Couture for Cannabis* (Aug. 23, 2018), available at <https://www.forbes.com/sites/katieshapiro/2018/08/23/meet-the-tattooed-branding-bigwig-who-gave-up-couture-for-cannabis/#1e4297d62243>.

Ms. Rotman began to try everything she could to restore her health. Since they already owned the land, Ms. Rotman and her husband—a third generation avocado farmer from Carpinteria—began to grow their own organic food to heal Ms. Rotman. For three years, they let the land lay fallow to obtain organic certification and to ensure that everything grown at the farm was as natural as possible. The homegrown organic diet changed her life, but it did not fully heal Ms. Rotman. Ms. Rotman and her husband investigated other treatments and options to no avail.

In desperation, Ms. Rotman turned to cannabis. Like many people that are unfamiliar with plant, Ms. Rotman initially harbored prejudices and doubts about the benefits of cannabis. Ms. Rotman began to try a variety of edible products made with CBD, the nonpsychoactive compound found in cannabis and hemp plants. The cannabis improved Ms. Rotman's health exponentially. CBD not only decreased Ms. Rotman's inflammation, but it also relieved her debilitating pain.

After two separate experiences with contaminated and inaccurately labeled products, Ms. Rotman and her husband decided to grow cannabis themselves on their own land. They set out to learn everything they could about legally growing cannabis. They founded a legal collective in 2015, and began the long, and expensive, journey towards becoming competent, compliant, and compassionate cannabis cultivators. They were among the first cannabis farmers in the County to sign up for the registry, obtain temporary licenses, and pay their quarterly taxes.

As they watched their business grow, Ms. Rotman and her husband endeavored to be good neighbors as well as good cultivators. Ms. Rotman and her husband now farm cannabis full time. Over the span of four-plus years, Ms. Rotman has grown her cannabis business from six plants, to six licenses and over 100,000 square feet of production.

On November 14, 2018, Ms. Rotman submitted her Land Use Permit application to the County, and is diligently working through the permitting process with both the County and the state. Over the course of their journey, they have spent well over \$1.5 million on consultants, permitting requirements, and infrastructure costs.

II. The Farm: Busy Bee's Organics

An organic family farm, Busy Bee's Organics is located on a 64-acre parcel (designated AG-II-40) immediately south of Highway 246, and has been in active agricultural production for many years (hereinafter referred to as the "Farm"). The Farm is a legally operating cannabis farm with approximately 2 acres currently in cultivation, with plans to expand to approximately 15 acres. Ms. Rotman has applied for and received temporary state licenses to cultivate cannabis. This process required oversight by numerous state agencies, including the Bureau of Cannabis Control, Department of Food and Agriculture, the Regional Water Quality Control Board, State Water Resources Control Board, and Department of Fish and Wildlife. Local County licensing is currently in process to allow the continued cultivation of cannabis products. In preparing her County Land Use application, Ms. Rotman prepared numerous plans, including a site plan, operations plan and a security plan.

The Farm is located within the Design Overlay. All of the cannabis products are grown using hoop and shade structures, both of which are absolutely vital to the success of the Farm, as discussed below.

III. The Truth About Hoop Structures

Hoop structures are an important tool for the cultivation of specialty crops in Santa Barbara County, particularly berries and more recently, cannabis.

Hoop houses offer numerous benefits.² Hoop houses extend the growing season for in-ground crops by protecting them from cold temperatures and frost, as well as overly rainy seasons. Cannabis and berries are both particularly susceptible to frost. Specifically, hoop houses protect cannabis from October frost, which can jeopardize the crop during harvest season. By extending the growing season, hoop houses also lengthen the local sale period of quality products and produce. Local marketing increases sustainability while lowering energy and transportation inputs.

In arid climates, hoop houses slow evaporation and decrease irrigated water use: "Hoop structures can reduce crop water demand, resulting in a potential overall reduction in agricultural water use where they are used."³ Hoop houses also keep the ground covered, preventing direct rainfall and allowing for more precise irrigation technologies, such as drip irrigation, to effectively deliver water and nutrients to the plants. This also prevents runoff, and allows the soil to retain the fertilizers and nutrients, allowing plants in the hoop house to thrive.

The protected environment in the hoop structure also leads to a reduced occurrence of insect and mite pests. It also makes a less hospitable environment for diseases, reducing the occurrence of outbreaks. This allows growers to limit their dependence on pesticides and other chemicals.

Hoop houses can also reduce the presence of mold. By regulating the amount of moisture, hoop houses can also reduce the presence of mold. This is particularly important for cannabis, as the crop is subject to stringent third-party testing requirements.⁴ The presence of mold renders the crop completely unviable.

The EIR identified these benefits, noting that the Natural Resources Conservation Service, which provides grants to farmers to purchase and install what they refer to as "high tunnels," reports

² Upson, Hoop house horticulture creates many benefits (Feb. 1, 2014) Noble Research Institute: Noble News and Views, available at <https://www.noble.org/news/publications/ag-news-and-views/2014/february/hoop-house-horticulture-creates-many-benefits/> (as of Dec. 3, 2018).

³ County of Santa Barbara, Hoop Structures Ordinance Amendment Final Program Environmental Impact Report ("Final EIR") (May 2018) at S-12, available at <http://longrange.sbcountyplanning.org/programs/Hoop%20Structures/PDF%20Files/Final%20EIR/Final%20Program%20EIR%20Hoop%20Structures%20Ordinance%20Amendment.pdf>.

⁴ Beginning in July 2018, cultivators have to submit their crops to third-party testers that test for, among other things, heavy metals, bacteria, and chemicals like acephate (a general use insecticide).

the following benefits of hoop houses: extended growing season, improved plant and soil quality, reduced nutrient use and pollen and pesticide drift, and reduced energy use and improved air quality by providing consumers with local produce.⁵ The EIR also referred to a “study by Mike Cahn et al with the [University of California Cooperative Extension] in Monterey County [that] found that use of plastic tunnels reduced water demand in raspberry production due to lower evapotranspiration inside the tunnels, which reduced water loss.”⁶ According to the EIR, “the proposed LUDC amendment would be consistent with the Comprehensive Plan in that it seeks to protect and support the viability and sustainability of agricultural land uses. Hoop and shade structures are agricultural tools that can support environmentally responsible methods of agricultural production and allow farmers to be competitive in a global market.”⁷

Opponents of hoop houses argue that they are too white and reflective; that they don’t match the landscape; that the plastic covering degrades and produces waste; and that water doesn’t return to the watershed because it does not percolate into the ground.⁸

As identified by the EIR, hoop structures are usually white. These white opaque coverings provide diffused light to the plants, creating an even distribution of light for balanced plant growth, as well as preventing hot spots within the hoop house. This is intentional, as diffused light generally produces the most efficient photosynthesis. For these reasons, other colored coverings are not viable options.

New advances in hoop and shade structure coverings are providing farmers with stronger and longer-lasting options. While utility-grade polyethylene plastic will generally only last one season, recent UV-protected film is guaranteed to last for four seasons, generating less waste each year.⁹ When the hoop covering reaches the end of its life, responsible growers like Ms. Rotman roll up and remove the covering from the hoop, and properly recycle or dispose of it.

As for the argument that hoop houses reduce groundwater infiltration, the EIR correctly identified that additional hoop houses “would not result in any permanent impervious surfaces and . . . precipitation would have the opportunity to infiltrate across a farm field between each hoop row. The area under hoop structures would still receive groundwater recharge, but through more concentrated points of infiltration relative to that of uncovered agricultural land.”¹⁰

IV. The Truth about Cannabis

The Hoop Structures Ordinance Amendment seems to have provided a forum for anti-cannabis sentiment. However, this debate is over. The County approved the Cannabis Land Use

⁵ Final EIR at 4.1-36.

⁶ *Id.*

⁷ *Id.*

⁸ See Public Comment Letters filed in advance of the November 7, 2018 County Planning Commission Hearing.

⁹ See [HomemadeHints.com, Greenhouse Covering Materials Comparison – Glass, Polycarbonate, Polyethylene, Fiberglass, Acrylic and Vinyl](http://www.homemadehints.com/greenhouse-covering-materials-comparison/), available at <http://www.homemadehints.com/greenhouse-covering-materials-comparison/> (last accessed Dec. 1, 2018).

¹⁰ Final EIR at 4.4-31.

Ordinance and Licensing Program PEIR in February 2018 after months of public testimony. And limiting landowners' use of hoop houses through purported mitigation measures does not fix the main problem in this County – the existent of black market or non-compliant grow operations.

In states where growing cannabis is illegal, growers often set up their production in the middle of otherwise pristine environments, or in dark warehouses powered by lights that consume massive amounts of energy. Illegal farming operations also tend to use pesticides and rodenticides that are extremely harmful to the environment. The negative impacts of these kinds of indoor and outdoor cultivation on the environment have been well-documented.¹¹ It's clear that the complaints about cannabis are centered on the bad actors—NOT legally compliant ones.

In contrast, Ms. Rotman and others pay hefty taxes to the County and are compliant with all County cannabis regulations and requirements. Meanwhile, the increasing regulations on legal cannabis encourage illegal operations to continue. Simply being in a county where commercial cannabis is permitted is not a guarantee of success, as many do not have the ability to transition into the regulated market even if they are committed to compliance and have the resources to obtain state and local licenses. For example, in Santa Barbara County, growers must obtain a Land Use Permit or Conditional Use Permit, a County Business License, and a State Cannabis License, in addition to demonstrating, among other things, completion of archaeological and paleontological surveys, prime soil compliance, cultivation limits compliance, compliance with the Cannabis Waste Discharge Requirements General Order, compliance with signage standards, compliance with water efficiency standards, a fencing and security plan, a landscape and screening plan, a lighting plan, a noise plan, an odor abatement plan (in certain zoning designations), tree and habitat protection and wildlife movement plans, site transportation demand management plans, volatile manufacturing employee training plan, and energy conservation plans.¹²

In addition, there are numerous state requirements, such as the California Cannabis Track-and-Trace system (the "CCTT system"), which will require all licensed cannabis businesses to use the CCTT system to record, track and maintain information about their cannabis and cannabis

¹¹ Environmental Impacts of Illegal Marijuana Cultivation, Conservation Frontiers: Reports from the California Council of Land Trusts, volume 6.1 (Jan. 2017), available at https://www.calandtrusts.org/wp-content/uploads/2014/03/CCLT_Frontiers6.1.2017_final.pdf; Toomey, The High Environmental Cost of Illicit Marijuana Cultivation (July 16, 2015) Yale Environment 360, available at https://e360.yale.edu/features/the_high_environmental_cost_of_illicit_marijuana_cultivation (as of Dec. 3, 2018). Legal, outdoor cannabis cultivation, on the other hand, has been carefully regulated to ensure that it is environmentally friendly. Now that Santa Barbara County has approved commercial cannabis farming, cannabis farmers in the county are legally employing eco-friendly farming practices.

¹² County of Santa Barbara, Cannabis Regulation & Licensing (2018), available at <http://cannabis.countyofsb.org/home.c>; see also County of Santa Barbara, Planning and Development, Cannabis Supplemental Application, available at <http://www.sbcountyplanning.org/PDF/C/Cannabis%20Supplemental%20Application.pdf>.

product inventories, or the State Water Board's pending Cannabis Policy.¹³ The legal pesticides and fungicides permitted for cannabis cultivation are also highly regulated and limited by the state.¹⁴ Cannabis, unlike any other crop in the County, is required to be grown in an extremely safe and environmentally-friendly manner.

Hoop house restrictions like MM-VIS-3 will create even more barriers to entry, as other growers will weigh compliance with feasibility and profits.

V. MM-VIS-3 Is Not Feasible and Does Not Recognize the Purposes of CEQA

According to the EIR, the Hoop Structures Ordinance Amendment "is intended to simplify and streamline the permit process for hoop structures and shade structures to allow farmers more flexibility and efficient agricultural operations in support of the County's agricultural economy."¹⁵ And two of the primary objectives of the Hoop Structures Ordinance Amendment are: (1) to "[e]xempt hoop structures and shade structures of a *given height* from planning permits on agriculturally zoned lands in the Inland Area"; and (2) "[c]larify permit requirements for *taller* hoop structures and shade structures."¹⁶

MM-VIS-3 is directly contrary to the EIR's stated goals and intentions. Under the proposed Hoop Structures Ordinance Amendment, hoop or shade structures, *regardless of height*, located within the Design Overlay would be limited to no more than 4,000 square feet, unless such structures are not visible from any public roadway or other areas of public use. A 4,000 square foot limit is essentially a prohibition, as no commercial farmer, cannabis cultivator or otherwise, would ever reap any benefit from such a small cultivated area. Indeed, hoop structures increase productivity, decrease use of pesticides, reduce water use, and provide added security. While recognizing these benefits in the EIR, the EIR failed to analyze the significant effects that the MM-VIS-3 will have on the environment.

A. The California Environmental Quality Act

CEQA has two primary purposes. The foremost principle under CEQA is that it is intended "to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."¹⁷ "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government."¹⁸ Second,

¹³ California Cannabis Portal, California Cannabis Track-and-Trace System, *available at* <https://cannabis.ca.gov/track-and-trace-system/>; State Water Boards, Water Boards Cannabis Cultivation, *available at* https://www.waterboards.ca.gov/water_issues/programs/cannabis/index.html.

¹⁴ Department of Pesticide Regulation, Cannabis Pesticides that are legal to use (Dec. 2017), *available at* https://countyofsb.org/uploadedFiles/agcomm/Content/Pesticide_Use_Enforcement/marijuana/CannabisLegalUse-2017-12.pdf.

¹⁵ Final EIR at S-2.

¹⁶ *Id.* (emphasis added).

¹⁷ *Friends of Mammoth v. Bd. of Supervisors* (1972) 8 Cal.3d 247, 259.

¹⁸ *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564.

CEQA requires public agencies to avoid or reduce environmental damage when “feasible” through the adoption of alternatives and mitigation measures.¹⁹ The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.”²⁰

The EIR is also intended “to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.”²¹ The EIR is therefore “the heart of CEQA.”²²

The EIR must identify specific mitigation measures for each significant effect a project will have on the environment. If the inclusion of a mitigation measure would itself create new significant effects, these too, must be discussed, though in less detail than required for those caused by the project itself.²³

B. MM-VIS-3’s Significant Effects Have Not Been Analyzed

As previously stated, the EIR repeatedly recognizes the benefits of hoop houses. Yet MM-VIS-3 places an unreasonable 4,000 square foot size-limitation on the hoop houses within the Design Overlay. In proposing this mitigation measure, the EIR only addressed how the measure would partially remediate certain significant environmental effects, namely, visual changes to the environment (identified as visual character, public scenic views and resources, and light and glare). The EIR admits that the three mitigation measures it proposes to address visual impacts can only provide partial mitigation, and that “impacts will remain significant and unavoidable.”

Implementation of MM-VIS-1, MM-VIS-2, and MM-VIS-3 would reduce the potential impacts to direct and cumulative impacts to Visual Character (Impact VIS-1) and to Public Scenic Views and Resources (Impact VIS-2) by requiring a reduction in height near public roadways; structural setbacks adjacent to urban townships; and crop protection structure limitations within highly scenic township/valley gateways, and community separators in the Santa Ynez Valley Community Plan area designated with the Design Control (D) Overlay. Although MM-VIS-1, MM-VIS-2, and MM-VIS-3 would reduce potential impacts to visual resources, it is unclear that the impacts would be reduced to less than significant levels. In addition, as discussed above, the type and quality of public scenic resources, views and visual character are variable throughout the County, and due

¹⁹ CEQA Guidelines § 15002(a)(2) and (3); *Citizens of Goleta Valley, supra*, 52 Cal.3d at 564.

²⁰ CEQA Guidelines §15002(a)(2).

²¹ CEQA Guidelines § 15003(d); *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 86.

²² CEQA Guidelines § 15003(a); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

²³ *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1027; CEQA Guidelines § 15126.4(a)(1)(D) [“[T]he effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed.”]; see also *id.* § 15074.1(d) [“‘Equivalent or more effective’ means that the new [mitigation] measure will avoid or reduce the significant effect to at least the same degree as, or to a greater degree than, the original measure and will create no more adverse effect of its own than would have the original measure.” (emphasis added)].

to the programmatic nature of the Project and the EIR, specific locations, massing, and overall quantity of future crop protection structures are unknown and speculative. Therefore, residual impacts to Impact VIS-1 and Impact VIS-2 would remain significant and unavoidable (Class I).

MM-VIS-1, MM-VIS-2, and MM-VIS-3 would partially mitigate potential direct and cumulative impacts related to light and glare by requiring a reduction in height near public roadways; structural setbacks adjacent to urban townships; and crop protection structure limitations within highly scenic township/valley gateways, and community separators in the Santa Ynez Valley Community Plan area designated with the Design Control (D) Overlay. The mitigation measures would lessen the immediate experience of glare for motorists by moving the source of the glare further away from the road but would not eliminate the impact. Residual impacts for Impact VIS-3 would be lessened but overall would remain significant and unavoidable (Class I).²⁴

The EIR makes no attempt to address the new and significant effects that inclusion of MM-VIS-3 would have on the environment.²⁵ Specifically, by limiting the size of hoop houses to 4,000 square feet per lot within the Design Overlay, the Hoop Structures Ordinance Amendment will prevent new or expanding agricultural operations that utilize hoop houses in this area. This will, among other things, decrease productivity, and increase the agricultural footprint of each crop, use of pesticides, and water use in the Design Overlay. As a result, adoption of MM-VIS-3 in the Hoop Structures Ordinance Amendment and codified in the Land Use and Development Code could lead to greater environmental harm, standing in contrast to CEQA's desire that public agencies aim to reduce environmental damage when "feasible."²⁶ Without any discussion of MM-VIS-3's significant impacts, it is near impossible for the Commission, and ultimately the Board of Supervisors, to have "analyzed and considered" the ecological implications of its action."²⁷

C. MM-VIS-3 Is Not Feasible

In August 2018, the Commission recognized that MM-VIS-3, along with other mitigation measures proposed in the EIR, are not feasible. The Commission directed staff to "revise the [EIR] to reject three mitigation measures as infeasible (MM-VIS-1, MM-VIS-2, MM-VIS-3), delete two mitigation measures as unnecessary due to new substantial evidence submitted into the record" and modify one other mitigation measure.²⁸ County staff recognized that the size limitation imposed was likely infeasible, as "[c]rop protection structures are typically not employed on such a small scale, and limiting the size to 4,000 square feet would limit a farmer's flexibility"

²⁴ Final EIR at 4.2-27.

²⁵ See *Sacramento Old City Assn.*, *supra*, 229 Cal.App.3d at 1027.

²⁶ See CEQA Guidelines § 15002(a)(2) and (3); see also *Citizens of Goleta Valley*, *supra*, 52 Cal.3d at 564.

²⁷ See CEQA Guidelines § 15003(d); *No Oil, Inc.*, *supra*, 13 Cal.3d at 86.

²⁸ Staff Memorandum, RE: Hoops Structures Ordinance Amendment (October 30, 2018) at 1, available at <http://sbcountyplanning.org/PDF/boards/CntyPC/11-07-2018/17ORD-00000-00005/Staff%20Memo%2010-30-2018.pdf>.

within the Design Overlay and the Critical Viewshed Corridor Overlay of the Gaviota Coast Plan area.²⁹

In compliance with the Commission's direction, staff drafted the necessary Findings for Approval. Regarding MM-VIS-3 and Revisions to the EIR. The revisions to the EIR address the infeasibility of the mitigation measures, stating:

Implementation of MM-VIS-3 would limit a farmer's options on D Overlay lands to: (1) farm an entire property with a crop that does not require crop protection structures to produce the crop; (2) farm a specialty crop limited to 4,000 square feet and another crop on the remainder of the farm; or (3) use the crop protection structure to start a crop that would be transplanted on the remainder of the farm to complete the growing cycle. Because of the necessity of crop protection structures for successful berry cultivation, *MM-VIS-3 would essentially prevent any farmers within the D Overlay from choosing to cultivate these types of crops.* Large acreages of cultivation (economies of scale) are required to engage in successful, full-time agriculture and a *4,000 square foot size limit would not allow the land to be used to its full agricultural potential.* The mitigation measure would effectively restrict the use of crop protection structures and agricultural flexibility on D Overlay lands. As a consequence, *MM-VIS-3 would create a specific economic burden on agricultural operations* leading to farming inefficiencies and increased costs that would *compromise the first objective identified in the Final EIR (to simplify the permit process to allow more efficient agricultural operations) without adequately meeting the last objective to reduce or minimize potential adverse effects, thus making application of the mitigation measure infeasible.*

Implementation of MM-VIS-3 would only marginally decrease impacts to aesthetics/visual resources. The agricultural-zoned lands that would be affected by the mitigation measure are limited to those of the SYVCP area that also carry the D Overlay, which mostly lie along the valley's primary public roadways, such as State Route 154 (a designated State Scenic Highway), State Route 246, and Alamo Pintado Road. However, the MM-VIS-3 would only apply if the crop protection structures would also be visible from a public road or other public viewing location, such as a public park or trail. *The amount of land that could potentially be used for cultivation with crop protection structures absent MM-VIS-3 would be relatively small such that the impacts to aesthetics/visual resources would not result in a substantial increase in severity with the rejection of MM-VIS-3.* In addition, the specific locations, massing, and overall quantity of future crop protection structures are unknown and speculative, and significant conversions of land to cultivation with crop protection structures have not been seen in the SYVCP area as have been seen in other areas such as the Los Alamos and Santa

²⁹ *Id.* at 2.

Maria Valleys. Thus, it cannot be determined with certainty that significant quantities of crop protection structures would be located within the D Overlay.³⁰

Such a regulation is not necessary to effectuate a substantial public purpose, because as staff admits, MM-VIS-3 "would only marginally decrease impacts to aesthetics/visual resources."³¹ And staff also admits that "*MM-VIS-3 would essentially prevent any farmers within the D Overlay from choosing*" which types of crops to cultivate, and "*a 4,000 square foot size limit would not allow the land to be used to its full agricultural potential.*"³²

Ms. Rotman developed her property with the expectation that she could cultivate cannabis and other products in hoop houses, and would be able to continue to expand her business. With MM-VIS-3 in place, Ms. Rotman's investment backed expectations would be erased, as she would be completely prohibited from expanding her hoop-house-based farm as anticipated. For these reasons, MM-VIS-3 goes too far, and places an enormous public burden onto the shoulders of Ms. Rotman and others similarly situated, likely constituting a "taking" of private property in violation of the Federal and State Constitutions.³³

Accordingly, MM-VIS-3 should be rejected as infeasible, as rejection of MM-VIS-3 "would not substantially increase the severity of impacts identified in the Final EIR or result in any new significant environmental impacts."³⁴ In fact, as explained above, MM-VIS-3 would increase environmental impacts.

VI. Conclusion

The proposed restrictions on hoop and shade structures of less than 20 feet in height are inconsistent with the direction the Board of Supervisors gave to County staff. The Board expressly directed County staff to clarify regulations for only those hoop and shade structures greater than 20 feet in height, and to retain the existing permit exemption of all others 20 feet in height or less. The mitigation measure identified by the EIR to prohibit all hoop and shade structures located within the Design Overlay is in direct conflict with this direction.

Crop protection structures within the Design Overlay and less than 20 feet in height should not be subject to the 4,000 square foot limitation. The significant environmental impacts of MM-VIS-3 were not analyzed or even discussed within the EIR. And the Commission has already addressed why such a mitigation measure is infeasible. Accordingly, the Commission should reject MM-VIS-3 as infeasible.

³⁰ Staff Memorandum (Nov. 7, 2018), RE: Revisions (RV01) to the Final Environmental Impact Report (17EIR-00000-00004) – Hoop Structures Ordinance Amendment ("EIR Revisions") at 6-7 (emphasis added), available at <http://sbcountyplanning.org/PDF/boards/CntyPC/11-07-2018/17ORD-00000-00005/Attachment%20C%20EIR%20Revision%20Document.pdf>.

³¹ *Id.* at 6.

³² *Id.*

³³ *Kavanau v. Santa Monica Rent Control Bd.* (1997) 16 Cal.4th 761, 775-76.

³⁴ Staff Memorandum (Nov. 7, 2018), RE: Revisions (RV01) to the Final Environmental Impact Report, *supra*, at 7.

Santa Barbara County Planning Commission
c/o Planning and Development, Hearing Support
December 3, 2018
Page 12

If regulations are to be imposed on hoop and shade structures in the Design Overlay, they should only be applied to those over 20 feet in height and should be treated similarly to other non-exempt structures—as permitted uses subject to design review approval and reasonable development standards. However, such regulations, and their significant effects, would need to be adequately addressed in a recirculated EIR.

Thank you for your careful consideration of these comments. My client and I will be present at the December 5 Commission hearing to provide additional oral testimony and answer any questions you may have.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Amy M. Steinfeld", written over a printed name.

Amy M. Steinfeld

AMS:IBO

18040511

Villalobos, David

From: Dusty Lombardi <maastertech@yahoo.com>
Sent: Monday, December 03, 2018 1:16 PM
To: Villalobos, David
Subject: Public comment letter

Categories: Purple Category

AGENDA ITEMS	
ITEM #:	1
MEETING DATE:	12/5/18

Santa Barbara County Planning Commission
c/o Planning and Development, Hearing Support
123 East Anapamu Street
Santa Barbara, CA 93101

RECEIVED

DEC 03 2018

S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

RE: Hoop Structures Ordinance Amendment
County Planning Commission Hearing on December 5, 2018
Agenda Item No. 1

Dear Commissioners:

I am writing to you regarding the proposed Hoop Structure Ordinance Amendment.

As a farmer in the Buellton valley area hoop structures are very important for our business. As farming has evolved we've used these structures for berries and other crops for years and depend on them for our business. We've been in the county for 12 years now and consider this area to be important for agriculture of all types, not limiting it to say grapes or other agricultural crop types without hoops.

Hoop and shade structures are an important tool for the cultivation of specialty crops in Santa Barbara County, particularly berries and more recently, cannabis. Hoop houses maintain plant moisture, drastically reducing the amount of water that must be applied, extend the growing season for frost-sensitive crops, protect crops from inclement weather, and allow growers to maintain a more ideal growing temperature over extended periods of time. Hoop houses can also reduce the presence of mold, and can decrease the use of pesticides by providing a barrier to large-bodied insects. These are only some of the benefits that hoop houses provide to cannabis farmers and growers.

I am concerned about the Commission's proposed changes to the Hoop Structure Ordinance Amendment, namely reincorporating the 4,000 square foot size limitation to all hoop and shade structures located within the Santa Ynez Valley Community Plan Design Control Overlay and the Gaviota Coast Plan's Critical Viewshed Corridor Overlay. Only a few weeks ago, the Commission appeared to be leaning towards eliminating the size restriction altogether, yet MM-VIS-03 is back on the agenda.

I am also troubled by the Commission's disregard for the numerous restrictions the County has already placed on legal cannabis growers in the Valley. Now, by placing visual benefits and impacts over and above the vitality and feasibility of this agricultural business, the Commission is placing a heavy burden on the shoulders of those of us who have chosen to grow cannabis, invest in Santa Barbara County, comply with the numerous

regulations, apply for land use permits, and pay our taxes. There is no question that this amendment would severely restrict the freedom of growers, forcing them to choose between cultivation methods and types of crops. For some of us, limiting hoop houses to 4,000 square feet per lot would destroy our business entirely. Given the profound impacts these new regulations will have on the County's agricultural industry, I believe that the Commission should reject this size limitation for all hoop and shade structures **under 20 feet in height.**

For these reasons, I ask that you reject MM-VIS-3 in its entirety, or at the very least, limit the measure's reach to hoop and shade structures over 20 feet in height and located within the Santa Ynez Valley Community Plan Design Control Overlay.

Sincerely,

Brian Adams

Villalobos, David

From: Dale N. Dewey <dnd@snet.net>
Sent: Monday, December 03, 2018 12:12 PM
To: Villalobos, David
Subject: Hoop Structure Ordinance

Categories: Purple Category

ITEM #:	1
MEETING DATE:	12/5/18

Dear Commissioners:

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I am writing to you regarding the proposed Hoop Structure Ordinance Amendment.

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My name is Dale Dewey, a resident of Santa Barbara and an entrepreneur exploring the Cannabis industry.

Hoop and shade structures are an important tool for the cultivation of specialty crops in Santa Barbara County, particularly berries and more recently, cannabis. Hoop houses maintain plant moisture, drastically reducing the amount of water that must be applied, extend the growing season for frost-sensitive crops, protect crops from inclement weather, and allow growers to maintain a more ideal growing temperature over extended periods of time. Hoop houses can also reduce the presence of mold, and can decrease the use of pesticides by providing a barrier to large-bodied insects. These are only some of the benefits that hoop houses provide to cannabis farmers and growers.

I am concerned about the Commission's proposed changes to the Hoop Structure Ordinance Amendment, namely reincorporating the 4,000 square foot size limitation to all hoop and shade structures located within the Santa Ynez Valley Community Plan Design Control Overlay and the Gaviota Coast Plan's Critical Viewshed Corridor Overlay. Only a few weeks ago, the Commission appeared to be leaning towards eliminating the size restriction altogether, yet MM-VIS-03 is back on the agenda.

I am also troubled by the Commission's disregard for the numerous restrictions the County has already placed on legal cannabis growers in the Valley. Now, by placing visual benefits and impacts over and above the vitality and feasibility of this agricultural business, the Commission is placing a heavy burden on the shoulders of those of us who have chosen to grow cannabis, invest in Santa Barbara County, comply with the numerous regulations, and pay our taxes. There is no question that this amendment would severely restrict the freedom of growers, forcing them to choose between cultivation methods and types of crops. For some of us, limiting hoop houses to 4,000 square feet per lot would destroy our business entirely. Given the profound impacts these new regulations will have on the County's agricultural industry, I believe that the Commission should reject this size limitation for all hoop and shade structures **under 20 feet in height.**

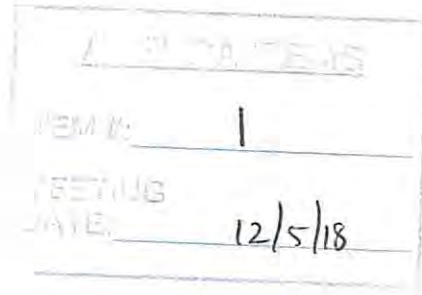
For these reasons, I ask that you reject MM-VIS-3 in its entirety, or at the very least, limit the measure's reach to hoop and shade structures over 20 feet in height and located within the Santa Ynez Valley Community Plan Design Control Overlay.

Sincerely,

Dale Dewey

Villalobos, David

From: justin El-Dwany <jeldiwany@gmail.com>
Sent: Monday, December 03, 2018 11:36 AM
To: Villalobos, David
Subject: Hoop house ordinance comments
Categories: Purple Category



Santa Barbara County Planning Commission
c/o Planning and Development, Hearing Support
123 East Anapamu Street
Santa Barbara, CA 93101

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DEC 03 2018
S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

RE: Hoop Structures Ordinance Amendment
County Planning Commission Hearing on December 5, 2018
Agenda Item No. 1

Dear Commissioners:

I am writing to you regarding the proposed Hoop Structure Ordinance Amendment.

My name is Justin El-Dwany, I'm writing to you as a business owner and an agricultural professional with years of experience in viticulture, crop production, and ranching. I've worked for one of the largest manufacturers of wine and spirits in the world, as well as one of the largest olive farms in Corning. I've cultivated cannabis at all scales of production, from a small operation in my closet, to multiple acres of canopy.

Hoop and shade structures are an important tool for the cultivation of specialty crops in Santa Barbara County, particularly berries and more recently, cannabis. Hoop houses maintain plant moisture, drastically reducing the amount of water that must be applied, extend the growing season for frost-sensitive crops, protect crops from inclement weather, and allow growers to maintain a more ideal growing temperature over extended periods of

time. Hoop houses can also reduce the presence of mold, and can decrease the use of pesticides by providing a barrier to large-bodied insects. These are only some of the benefits that hoop houses provide to cannabis farmers and growers.

I am concerned about the Commission's proposed changes to the Hoop Structure Ordinance Amendment, namely reincorporating the 4,000 square foot size limitation to all hoop and shade structures located within the Santa Ynez Valley Community Plan Design Control Overlay and the Gaviota Coast Plan's Critical Viewshed Corridor Overlay. Only a few weeks ago, the Commission appeared to be leaning towards eliminating the size restriction altogether, yet MM-VIS-03 is back on the agenda.

I am also troubled by the Commission's disregard for the numerous restrictions the County has already placed on legal cannabis growers in the Valley. Now, by placing visual benefits and impacts over and above the vitality and feasibility of this agricultural business, the Commission is placing a heavy burden on the shoulders of those of us who have chosen to grow cannabis, invest in Santa Barbara County, comply with the numerous regulations, apply for land use permits, and pay our taxes. There is no question that this amendment would severely restrict the freedom of growers, forcing them to choose between cultivation methods and types of crops. For some of us, limiting hoop houses to 4,000 square feet per lot would destroy our business entirely. Given the profound impacts these new regulations will have on the County's agricultural industry, I believe that the Commission should reject this size limitation for all hoop and shade structures **under 20 feet in height.**

For these reasons, I ask that you reject MM-VIS-3 in its entirety, or at the very least, limit the measure's reach to hoop and shade structures over 20 feet in height and located within the Santa Ynez Valley Community Plan Design Control Overlay.

Sincerely,

Justin El-Diwany

Villalobos, David

From: Andy Caldwell <andy@colabsbc.org>
Sent: Monday, December 03, 2018 8:52 AM
To: Villalobos, David
Subject: Public Comment Letter on Hoop Structures Dec. 5, 2018 Hearing

ATTEND/ITEMS
ITEM # <u>1</u>
MEETING DATE: <u>12/5/18</u>

Importance: High

Categories: Purple Category

COLAB

The Coalition of Labor, Agriculture & Business

12-3-2018

County Planning Commission
c/o: D. Villalo

Chairman Blough and Fellow Planning Commissioners,

I am writing on behalf of COLAB with respect to Item #1, Hoop Structures Ordinance Amendment, scheduled for the meeting of Dec. 5, 2018.

We request that the intention of certain planning commissioners to further restrict the use of hoop houses by cannabis growers should instead be addressed via the cannabis ordinance. We believe the law of unintended consequences will engulf the rest of ag by opening up the can of worms otherwise known as the county grading ordinance, the view-shed ordinance, various overlays, and hillside protection ordinances. Do remember that, according to the County Ag Commissioner, the right to farm ordinance does not apply to cannabis, so please don't drag ag into your net in an attempt to single out and further regulate and restrict cannabis!

We support the authentic and historically accurate opinion that ag is not development, field cultivation is not grading, and that ag zoned properties can be planted regardless of how long it has been since the last time they were cultivated. Moreover, COLAB and the County Fire department both believe that planting on hillsides can actually be a great benefit with respect to serving as a fuel break and for purposes of erosion control- something desperately needed especially along our coastline and in the SY Valley!

We encourage the Planning Commission to recognize the fact that hoop houses have never needed a permit because they were never considered development. The Board of Supervisors have already voted in the affirmative to make hoop houses exempt and, as Mr. Chip Wullbrandt proved, our land use ordinances clearly exempt the same. County counsel also confirmed that Mr. Wullbrandt's interpretation was acceptable for the purposes of this exemption.

We therefore, with all due respect, request that the PC defer to the authority and wherewithal of the Board of Supervisors to set policy, which they have already done, and refrain from tinkering and tampering any further

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with what was supposed to be a simple revision (allow structures up to 20 feet) to an already existing exemption.

Farmers have a right to use their property to grow crops. New permits should not be required as the land is already zoned for agriculture and we already have a right to farm ordinance, as well as, an ag element that says cultivation and intensification is to be encouraged! The grading ordinance was written to exempt cultivation practices from the same. It is ill-suited for the purposes of this exercise.

Our farm lands are business enterprises on private property. Crops, including crops grown in hoop houses, are not development, they are ag! If people don't like looking at agriculture, they should move to an urban area, instead of dictating what their neighbors can and can't do on their own property. The real problem here is that you have ranchette owners who carved up valuable ag lands to enjoy estate type living and the PC wants to cater to them by restricting the people who still want to make a living off the land.

The Nimby's in this county want to have it both ways. They want properties which surround them to remain rural while denying their neighbors the right to either build homes for their families or for income purposes, and now they support machinations in order to prevent them from farming the same! If we insist that these lands should only be used for agriculture, then we should by no means restrict ag intensification. If we decide to forbid ag cultivation, then we should let them build houses!

Thank you for your consideration of these comments.

Sincerely,

Andy Caldwell
Executive Director
COLAB

Villalobos, David

From: Christopher Brown <chris@thehelpfulmonkey.com>
Sent: Monday, December 03, 2018 8:42 AM
To: Villalobos, David
Subject: Hoop Structures Ordinance Amendment County Planning Commission Hearing on December 5, 2018 Agenda Item No. 1

Categories: Purple Category

12-03-18	
ITEM #:	1
MEETING DATE:	12/5/18

Santa Barbara County Planning Commission
c/o Planning and Development, Hearing Support
123 East Anapamu Street
Santa Barbara, CA 93101

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S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

Dear Commissioners:

I am writing to you regarding the proposed Hoop Structure Ordinance Amendment.

I am Christopher Brown, COO of the Helpful Monkey a smoking accessories manufacturing company. As I am sure you are aware, cannabis use for medical and limited adult recreational use has the resounding support of the majority of Californians as well as US citizens as a whole. While we are not involved in cannabis cultivation, we are in an adjacent industry providing economic enrichment to Santa Barbara County and the state of California. Please keep in mind that continuing to severely restrict cannabis cultivation will have negative impact not only on the cultivation industry, but also adjacent industries such as manufacturing, real-estate, insurance, advertising, marketing, banking, etc.

Hoop and shade structures are an important tool for the cultivation of specialty crops in Santa Barbara County, particularly berries and more recently, cannabis. Hoop houses maintain plant moisture, drastically reducing the amount of water that must be applied, extend the growing season for frost-sensitive crops, protect crops from inclement weather, and allow growers to maintain a more ideal growing temperature over extended periods of time. Hoop houses can also reduce the presence of mold, and can decrease the use of pesticides by providing a barrier to large-bodied insects. These are only some of the benefits that hoop houses provide to cannabis farmers and growers.

I am concerned about the Commission's proposed changes to the Hoop Structure Ordinance Amendment, namely reincorporating the 4,000 square foot size limitation to all hoop and shade structures located within the Santa Ynez Valley Community Plan Design Control Overlay and the Gaviota Coast Plan's Critical Viewshed Corridor Overlay. Only a few weeks ago, the Commission appeared to be leaning towards eliminating the size restriction altogether, yet MM-VIS-03 is back on the agenda.

I am also troubled by the Commission's disregard for the numerous restrictions the County has already placed on legal cannabis growers in the Valley. Now, by placing visual benefits and impacts over and above the vitality and feasibility of this agricultural business, the Commission is placing a heavy burden on the shoulders of those of us who have chosen to grow cannabis, invest in Santa Barbara County, comply with the numerous regulations, apply for land use permits, and pay our taxes. There is no question that this amendment would severely restrict the freedom of growers, forcing them to choose between cultivation methods and types of crops. For some of us, limiting hoop houses to 4,000 square feet per lot would destroy our business entirely. Given the profound impacts these new regulations will have on the County's agricultural industry, I believe that the Commission should reject this size limitation for all hoop and shade structures under 20 feet in height.

For these reasons, I ask that you reject MM-VIS-3 in its entirety, or at the very least, limit the measure's reach to hoop and shade structures over 20 feet in height and located within the Santa Ynez Valley Community Plan Design Control Overlay.

Regards,

Christopher Brown, COO
The Helpful Monkey, LLC
Makers of the Smojo® Permanent Smoking Screen
606 Alamo Pintado Rd., Ste. 293
Solvang, CA. 93463
www.thehelpfulmonkey.com
www.smojoscreen.com
Toll Free: [\(888\) 959-8690](tel:(888)959-8690) x101
Direct: [\(562\) 269-5186](tel:(562)269-5186)

Villalobos, David

From: Mark Preston <preston.mark7@gmail.com>
Sent: Wednesday, November 14, 2018 1:56 PM
To: Lackie, David; Villalobos, David; Harris, Julie; Counts Imara, Steven
Cc: Klemann, Daniel
Subject: Hoop Ordinance

Categories: Purple Category

AGENDA ITEMS	
ITEM #:	1
MEETING DATE:	12/5/18

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NOV 14 2018

S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

Mr. Lackie and Mr. Villalobos

This e-mail was a brief follow-up to Commissioners regarding my comments on Nov 7. The website had no email, and a call to your representative at general office # (568-2000) confirmed the emails are not available. Please forward this brief note to the five Commissioners, or at least convey why these contacts are not available to public.

My name is Mark Preston.

I spoke at the recent Planning Commission Meeting regarding my concern about plastic degradation. I was shocked that there was not a single line or paragraph in the EIR regarding plastic degradation. My comments are NOT about recycling.

I was quite concerned that Planning Staff were flummoxed by the question. Mr. Lackie stated that they had not looked into that issue (paraphrase).

There is tons of data about plastic degradation from extremely reputable sources eg Scientific American and National Geographic. It is not necessary to read every word. Even a quick skim would get the idea across. I even included an article from Greenhouse Management Magazine !

National Geographic

<https://www.nationalgeographic.com/magazine/2018/06/plastic-planet-waste-pollution-trash-crisis/>

Scientific American

<https://www.scientificamerican.com/article/microplastics-have-been-found-in-peoples-poop-mdash-what-does-it-mean/>

Scientific American

<https://www.scientificamerican.com/article/from-fish-to-humans-a-microplastic-invasion-may-be-taking-a-toll/>

Greenhouse Management Magazine

<https://www.greenhousemag.com/article/gm0212-recycle-plastic/>

Especially note quick tip #2:

Identify potential plastic buyers that are close to your operation or pick up in your area, either onsite or at local collection points. Contact your cooperative extension office or local trade association to find out who other local growers are working with on recycling. Some manufacturers or brokers of recycled pots, such as East Jordan Plastics and Myers Industries Lawn and Garden Group, buy used

pots. A searchable national directory of plastic buyers is available at www.plasticmarkets.org. A list of contractor service areas for recycling plastic crop-protection product containers is available at the ACRC website www.acrecycle.org.

Match suppliers with the types of plastic that you use. Some recyclers only take specific types of plastics. For example, **some recyclers will not accept plastic films used as greenhouse or hoop house covers because they break down from UV radiation, which limits their usefulness when recycled.**

--

Mark
Preston

Dear Planning Commissioners,

January 29, 2019

Here is the perfect solution for you, *especially* after listening to the number of outraged citizens about this and other issues, at today's Board Meeting.

"Prohibit Hoop Houses for Cannabis, PERIOD!"

This simple prohibition would *literally* "E.R.A.S.E." (acronym) many problems:

- Eliminates problems industry growers are causing throughout the county, with hoop houses.
- Resolves intrusive 'eye-sores' on scenic lands and Reduces impact on natural environments.
- Alleviates burdens on County Planning, due to growing number of complaints from residents.
- Saves the County dollars for support staff, enforcement and Soothes communities' outrage.
- Environmentally Sustainable and Eradicates need for disposal of huge volumes of plastic.

If a 'crop' isn't sustainable in our Mediterranean Climate Zone, without use of hoops, heat, lights and whatnot, then it shouldn't be grown here in the first place. 'Nuf said!

How's THAT?

Renée O'Neill
Tepusquet Canyon Crisis Committee

<u>AGENDA ITEMS</u>	
ITEM #:	1
MEETING DATE:	1/30/19

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JAN 30 2019

S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT



A Special Blend of High Quality Land Use
and Public Relations Services

Santa Barbara County
Planning Commission
123 E. Anapamu Street
Santa Barbara, CA 93101

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JAN 29 2019

S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

AGENDA ITEMS	
ITEM #:	1
MEETING DATE:	1/30/19

January 29, 2019

Re: Item #2 – 17ORD-00000-00005 - Hoop Structure Ordinance Amendment

Dear Members of the Commission:

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.

We appreciate this has been a difficult issue in light of the false premise that Hoop Structures are not presently addressed in the Zoning Code. We need not remind you that hoops are defined in the State Revenue and Taxation Code Section 6356.5 as farming equipment. Hoops are customary and incidental with farming on par with irrigation lines, plastic coverings, and trellising. Irrigation lines, plastic coverings, and trellising are encompassed under the reference to "Cultivated agriculture, orchard, and vineyard" in Table 2-1. Similarly, hoop structures and shade structures are also encompassed by the allowed land use of "Cultivated Agriculture". As such, the ordinance explicitly allows agricultural equipment associated with cultivated agriculture.

The multiple hearings on this matter have created a forum for non-related issues to be discussed as well as concern around further limitations than originally proposed. The current chaos around the Ordinance is symptomatic of the attempt to regulate something that is not meant to be regulated.

We respectfully ask that your Commission send a recommendation to the Board to accept the testimony that has been provided by expert Land Use Planners and Attorneys that Hoops are already addressed in the Zoning Ordinance and reject any further review or consideration of a Hoop Structure Ordinance.

Kindly,

Lisa M. Bodrogi
President, Cuvée Connections Inc.



January 26, 2019

Dan Blough, Chair
Santa Barbara County Planning Commission
C/O Santa Barbara County Planning and Development Department
123 E. Anapamu Street
Santa Barbara, CA 93101

AGRICULTURE	
ITEM #	i
ISSUING DATE:	1/30/19

RECEIVED
JAN 28 2019

Dear Chair Blough:

S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

Rural Planning Services works with the local agricultural community in land use consulting services, permitting, and environmental analysis. We have reviewed the proposed hoop structure ordinance and are concerned the passage of this ordinance would be detrimental to agricultural landowners.

Agricultural production is the largest economic business in the County with over \$1 Billion in revenues, the berry industry over half of that amount. An additional \$2.8 billion in revenue is due to the multiplier effect according to the 2017 Crop Report published by the Agricultural Commissioner's Office. As written, the Hoop Ordinance implements a cumbersome level of permitting barriers to agricultural production resulting in serious delays and costs with little benefit to the landowner.

Hoop houses have become a favorable agricultural production tool due to their many benefits. Season extension is generally regarded by both growers and researchers as the single greatest benefit of growing in hoop houses. When properly managed, hoop houses are capable of extending the growing season for frost-sensitive crops by as much as 60 days; 30 days on the front end and 30 days on the back end of the growing season. Disease prevalence is reduced in a hoop house. For a disease to develop, three factors must be present: a susceptible host, a pathogen and a favorable environment. For most plant pathogens, such as fungi, the favorable environment is free moisture present on foliage and stems, and excess moisture in the soil. The hoop house cover acts as an umbrella to shield plants from the rain, thus making the environment less suitable for disease development ⁽¹⁾. The prevalent use of hoop houses has benefited production with higher yields, increased revenues, and better working conditions for employees.

The County has always recognized the promotion of agriculture, this being a "Right to Farm" County. The Agricultural Element recognizes the importance of agriculture and policies were adopted by the Board to guide staff in working with area agricultural landowners. The hoop house ordinance is in direct conflict of the Agriculture Element policies. Underlined below are the texts applicable:

Goal I. 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, expansion and intensification shall be supported.

1. Hoop House Horticulture Creates Many Benefits, Steve Upson. Nobel Research Institute, 2014

Policy IB – County shall recognize the rights of operation, freedom of choice as to the methods of cultivation, choice of crops or types of livestock, rotation of crops and all other functions within the traditional agricultural management decisions

Policy 1C – To increase agricultural productivity, the county shall encourage land improvement programs.

Section 35.42.140.C.1.b.(1)(2) LAND USE PERMIT: The ordinance allows for existing hoop houses to remain on existing cultivated agriculture, no LUP is required and is exempt from CEQA. An LUP is required for any expansion of or onto any uncultivated land. There are no building code requirements for a hoop house as it is considered a temporary structure (no permanent foundation, no structural development etc.) Staff has not produced a rationale or justification why a permit is needed or the value added to the landowner a permit can provide (that basis of a permit is it ensures health and safety considerations). The primary engines that provides their rationale for land use permit are; 1) environmental impact potential, and 2) aesthetics.

The Land Use Development Code does not regulate or restrict the use of hoop houses as they cannot be defined as a structure ie. no permanent foundation, no walls, not a permanent structure etc. The State Land Use laws and Building Codes do not define hoop structures. The implementation of this ordinance has the appearance the County wants to capture additional revenues from a previously unregulated activity through a department that is 100% cost recovery for its budget. There is no value added to the landowner for processing these permits since no building code is applicable and no health and safety code is violated by their existence.

Recommendation for the Commission: We are opposed to the requirement of a land use permit for a temporary structure like hoop houses. There is no need for a land use permit if no impacts are envisioned, especially for a temporary structure. Since this ordinance applies to agriculturally zoned property, the issue of aesthetics should be moot since hoop houses are bona fide agricultural uses in agriculturally zoned parcels.

Should the Commission recommend a land use permit is still necessary, we recommend reconsideration of the threshold for an LUP being a reasonable potential an environmental impact could occur. If hoop houses are to be located in an area with clear environmental concerns such as proximity to a watercourse, wetlands, designated critical habitat area, etc , an LUP could be justified. The ordinance could serve as a deterrent to protect the resource if possible. Only when a landowner has no choice as to location would a permit be necessary.

Section 35.42.140.C.1.c.(1)(2) DEVELOPMENT PLAN: The most egregious element of the ordinance is creating a threshold of 20,000 sf of development for greenhouses and hoop houses after which a development plan is required (the total also includes any structural development on the property as well so is cumulative). A development plan is a major discretionary permit that takes over a year to approve and hundreds of thousands of dollars to process when you include county and consultant efforts, reports, studies, plans etc. It is improbable there are any landowners that use hoop houses today that have an area of less than half an acre of development. The proposed threshold ensures that every landowner that produces berries, flowers, intensive crops and even cannabis ceases the use of hoop houses will or eventually have to go through a lengthy and expensive process to obtain. Crop rotations will be disrupted and agricultural production decreasing economic benefits for the County.

The development plan requirement is written to mimic urban development and elements appear to be unrelated to rural agricultural areas. The ordinance requires a full development plan submittal identical to an urban development. The site needs to have a topographic survey prepared by a licensed surveyor, full site plan, demonstrate parcel validity, water system details etc. Environmental studies will be necessary to be submitted. Since hoop houses are not permanent structures, they contour to the land so these requirements are not necessary but will be have to be administered regardless.

The ordinance calls for a landscaping plan for greenhouses and hoop houses in the AG-II zone as part of the development plan process. These are rural areas predominately used for agricultural production, where is the logic to shield agricultural uses on agricultural properties surrounded by agriculture? Landscaping is a function of urban use compatibility with adjacent residential neighborhoods. The way the ordinance is written there is no difference in development plan processing in terms of intensity of permitting than an urban subdivision.

A tremendous amount of work was done to develop and initiate the Agricultural Permit Streamlining Ordinance 10 years ago. The County Planning Commission was instrumental in its passage. There was a recognition that larger parcels should have a threshold for a development plan up to 50,000 sf before requiring to process one, there was no distinction of types of structural use. This ordinance punishes landowners choosing to use hoop houses by reducing large parcels to only 20,000 sf before they have to undergo a development plan process. Even if the County opted to use the development plan thresholds now, however, virtually every landowner will need to adhere to this requirement sooner or later as the maximum square footage allowance in the existing ordinance is 50,000 sf, clearly meant for structural development.

Recommendation for the Commission: The requirement for a development plan for hoop houses is not consistent with the Agriculture Element and the County's stated commitment to agriculture. The development plan requirement will stymie agricultural production since it is doubtful landowners will opt to utilize them for economic and timing reasons. The probable outcome of this ordinance as written would be the elimination of hoop houses as a viable agricultural tool. We strongly recommend eliminating the development plan requirement or at the very most consider as an option replacing the development plan permit with a land use permit for hoop houses that exceed the current development plan threshold. The calculation, however, must be kept distinct from structural development.

This ordinance as written, if adopted, will have detrimental impacts on agricultural producers. Farmers in the Santa Maria Valley, Santa Ynez Valley, and Lompoc will be especially hard hit. The ordinance addresses a problem that simply does not exist and is in direct conflict with Policy 1B that gives the landowner the freedom to use whatever technologies and practices available to promote agricultural production. We request the Commission either send the ordinance back to staff for further consideration and extensive involvement of the farming community or recommend to the Board of Supervisors to not adopt the ordinance.

Sincerely,



David Swenk, Principal Planner

AGENDA ITEMS
ITEM # _____ 1 _____
MEETING DATE: 1/30/19

January 28, 2019

Santa Barbara County Planning Commission
c/o Planning and Development, Hearing Support
511 East Lakeside Parkway
Santa Maria, CA 93455

RECEIVED
JAN 28 2019
S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

RE: Hoop Structures Ordinance Amendment
County Planning Commission Hearing on January 30, 2019
Agenda Item No. 1
Project No. 17ORD-00000-00005

Dear Commissioners:

I am writing to you regarding the proposed Hoop Structure Ordinance Amendment. I am extremely concerned about the Planning Commission's proposed changes to the Hoop Structure Ordinance Amendment, namely reincorporating the **4,000 square foot size limitation** to qualify for a permit exemption on all hoop and shade structures located within the Santa Ynez Valley Community Plan Design Control Overlay ("Design Overlay").

I am a third-generation farmer, born and raised in Carpinteria on an avocado farm. Over the past few decades, my family has been forced to sell off their land as the escalating tax burden and costs of farming have made it impossible for farming alone to cover our costs. Without the opportunity to grow cannabis in hoops, we would be forced to look at other options, such as non-agricultural development.

Hoop and shade structures have been a vital tool for my farming family and for our cultivation of specialty crops in Santa Barbara County. Hoop houses benefit me by:

- Reducing my water use;
- Extending the growing season for my frost-sensitive crops;
- Protecting my crops from inclement weather;
- Reducing the presence of mold;
- Decreasing my use of pesticides by providing a barrier to insects; and
- Protecting my crops from devastating pesticide overspray.

For my family, using hoop houses to protect our crops and extend the growing season has made it possible for us to operate our family-owned farm in the Santa Ynez Valley again. But a **4,000 square foot limit** (1/10th of an acre) on hoop houses will act as an outright prohibition, as no family farm, including my own, will ever reap any benefit from such a small cultivated area. If implemented, the size limit on hoop houses in the Design Overlay will result in undue hardship on myself and numerous farmers in the Valley.

Additionally, hoops are a life and farm-saving agricultural tool that protect my crops from contamination of pesticide overspray from the vineyard immediately upwind from my farm. Grapes are traditionally sprayed with multiple pesticides and fungicides, most commonly Myclobutanil, which render most of my crop useless. Without hoop houses, the exposure to overspray from the neighboring vineyards could lead my family to lose its farm once again.

By placing visual benefits and impacts over and above the vitality and feasibility of agricultural businesses, the Commission is placing a heavy burden on the shoulders of those of us who have farmed in the Santa Ynez Valley and Santa Barbara County over many generations. Limiting hoop houses to 4,000 square feet per lot, or requiring a Final Development Plan before installing hoops on more than 0.5 acres per lot, would destroy our business entirely. It is imperative that I plant my legally compliant cannabis plants this spring or I will face extreme financial losses due to the delay caused by preparing a Development Plan, which involves a public hearing and potentially numerous appeals.

Given the profound impacts this regulation will have on my family farm and the County's agricultural industry at large, I strongly urge the Commission to reject the onerous restrictions on hoops within the Design Overlay, and instead exempt from permitting all hoops and shade structures in the County that are **under 20 feet in height** and comply with the other proposed development standards (no lighting, no permanent footings, compliance with setbacks, etc.).

Alternatively, the Planning Commission should exempt all hoop and shade structures under 20 feet within the Design Overlay from additional permitting if they incorporate the following additional development standards:

- a) Setbacks. Hoop structures and shade structures shall be setback at least 25 feet from any public road or highway.**
- b) Screening. Hoop structures and shade structures shall be screened with landscaping, to the extent feasible.**

Sincerely,



Nate Ryan Diaz

AGENDA ITEMS	
ITEM #:	1
MEETING DATE:	1/30/19

January 24, 2019

Santa Barbara County Planning Commission
c/o Planning and Development, Hearing Support
123 East Anapamu Street
Santa Barbara, CA 93101

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JAN 28 2019
S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

**RE: Hoop Structures Ordinance Amendment
County Planning Commission Hearing on January 30, 2019
Agenda Item No. 1**

Dear Commissioners:

We are collectively writing to you regarding the proposed Hoop Structure Ordinance Amendment. Hoop and shade structures are an important tool for the cultivation of specialty crops in Santa Barbara County, particularly berries and more recently, cannabis.

Hoop houses offer numerous benefits to the environment, the community, and to farmers by:

- Reducing water use;
- Extending the growing season for frost-sensitive crops;
- Protecting crops from inclement weather;
- Reducing the presence of mold; and
- Decreasing the use of pesticides by providing a barrier to insects.

We are extremely concerned about the Planning Commission's proposed changes to the Hoop Structure Ordinance Amendment, namely reincorporating the 4,000 square foot size limitation on all hoop and shade structures located within the Santa Ynez Valley Community Plan Design Control Overlay. A **4,000 square foot limit** (1/10th of an acre) is essentially a prohibition, as no commercial farmer, cannabis cultivator or otherwise, would ever reap any benefit from such a small cultivated area.

There are approximately 290 agriculturally zoned parcels located within the Design Control Overlay in the Santa Ynez Valley, comprising approximately 8,311 acres.

Effectively prohibiting the use of hoop and shade structures on **over 8,000 acres of agriculturally zoned prime farmland** in the Santa Ynez Valley is unprecedented, and if implemented, will result in undue hardship on numerous cultivators in the Valley.

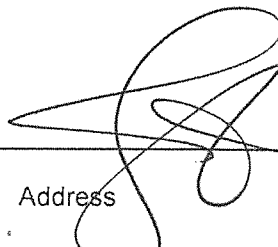
The proposed permit path for landowners within the Design Overlay, a Development Plan and compliance with California Environmental Quality Act (CEQA), is not an option for cannabis farmers who have already spent hundreds of thousands of dollars applying for local County land use permits and complying with numerous state regulations. Obtaining a Development Plan is not appropriate for a temporary farm accessory, and will result in an additional yearlong delay. CEQA has already been completed via the County's Programmatic Environmental Impact Report (PEIR). Requiring additional compliance amounts to double jeopardy.

By placing visual benefits and impacts over and above the vitality and feasibility of agricultural businesses, the Commission is placing a heavy burden on the shoulders of those of us who have chosen to grow berries and cannabis, invest in Santa Barbara County (or ancillary cannabis businesses), comply with the numerous regulations, and pay our taxes. There is no question this amendment would severely restrict the freedom of growers and the burgeoning cannabis industry; for some of us, limiting hoop houses to 4,000 square feet per lot or requiring a Final Development Plan before installing hoops would destroy our business entirely.

Given the profound impacts this regulation will have on the County's agricultural industry, we believe the Commission should reject the onerous restrictions on hoops within the Design Overlay, and instead exempt from permitting all hoops and shade structures in the County that are **under 20 feet in height** and comply with the development standards (no lighting, no permanent footings, compliance with setbacks, etc.).

Thank you for your attention to this matter.

Sincerely,

Magda Arroyo  2001 Mark Ave
Name Address Organization Carp. CA 9301

MATT PORTER 1001 MARK AVE. CARP. Brown + Brown
Name Address Organization

Garrett Salling 1 Miramar Ave Montecito Lou's Armstrong and Associates

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Name	Address	Organization
Stephen Pedroff	3722 Hitchcock Ranch Rd SB CA 93105	Surf media

Name	Address	Organization
India Amavina	1627 Chapala St Santa Barbara	Santa Barbara Cannabis Alliance San Marcos Consulting

Name	Address	Organization
Ronna Sorenson	371 Dogwood Dr Buellton 93427	Santa Barbara Cannabis Alliance

Name	Address	Organization
Jason Wilson	3500 VIA REAL CARPINTERIA 93013	Louis Armstrong & Assoc.

Name	Address	Organization
Felipe Infante	6792 SANJOE BLVD ISLA Vista 93117	SBT Cannabis Society

Name	Address	Organization
Paul Sallank	6183 Stow Canyon Rd Goleta CA 93117	California Meridian

Name	Address	Organization
Drew Hunter	27 W Anapim St SB CA 93101	Hemp Worx

Name	Address	Organization
Ken Sorenson	371 Dogwood Dr Buellton 93427	Santa Barbara Cannabis Alliance

Name	Address	Organization
Diana Longley	1770 10th St SB 93105	Green Real Alliance

Name	Address	Organization
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Name Address Organization

Haley Kolosieke 1625 State Street SEPPS

Name Address Organization

Nathan Dint 1180 West Hwy 240 Busy Breez orgniz

Name Address Organization

Troy White 903 State St. Suite 202, SB, CA TW Land Planning & Develop

Name Address Organization

Thomas Carroll 22 El Paseo, SB, CA Castle Rock Farms

Name Address Organization

Byron Engoking 435 Old Coast Hwy 93103 The Canopy

Name Address Organization

CHAD MICHAUD 30420 SERVILLA PI CASTROVIA CA 9384 The Port LLC

Name Address Organization

Nick Mercado 24137 Del Norte Highway THE PORT

Name Address Organization

SEANA-MARIE SESMA PO Box 24224 Mary Jane Services Network
Ventura ca 93002

Name Address Organization

PAUL S. CASTELLO 112 Santa Monica Oxnard Services
MARY JANE

Name Address Organization

Luis Esparza PO Box 343, SB, CA 93102 Esparza Law Group, P.C.

Name Address Organization

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Robert Ortlund	40 E. Alvarado Ave.	Hub International

Name	Address	Organization
Connor Nakao	545 Conejo Rd	EARTH ENERGY

Name	Address	Organization
Raine Sherwood	1410 Dover Rd	X

Name	Address	Organization
HENRY Santiago	21 W unaram #286	X

Name	Address	Organization
Mark Inguiedo	6895 Del Prado	X

Name	Address	Organization
Liz Rogan	420 Mountain Dr. S.B. 93103	Consultant

Name	Address	Organization
Sham Cox	Col 89 E/ colegio	AmTech CA

Name	Address	Organization
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^{Yini M Boddy}
Lisa Boddy 1263 Rick Rd Cuvée Connections

Name Address Organization

~~Jezebel Knight~~
Jezebel Knight 291 Lexington Ave. Goleta, CA 93117

Name Address Organization (19) Camab. 2-photo!

~~Michael DeSalvo~~
Michael DeSalvo 3500 Via Real Camp Interia Louis Armstrong Assoc.

Name Address Organization

Rob Buschen 219 W. ISLAY TRI-STATE

Name Address Organization TRI-STATE

Evan McDonnell 1560 N Emerson Lane Morroca CA 93108

Name Address Organization

JOE GOLDSTEIN 3500 Via Real Louis Armstrong and Assoc

Name Address Organization

Jose L. Espinel 4448 LA Paloma CalGreen Medical

Name Address Organization

Name Address Organization

Name Address Organization

Name Address Organization

Name Address Organization

A. Husler 205 E Grillo, SB 93101 Radio Comarcas

Name Address Organization

Kristen Walker 718 A Mission Cyn Rd SB Verde

Name Address Organization

Jon Obregon 200 E Carrillo Radio Group

Name Address Organization

Jorge Biez 805 DELAUNA MAGU BOTANICALS

Name Address Organization

Guer Guzman Della Ranch

Name Address Organization

Rodney E. Medina 600 Cascade St. Green Flower Mts

Name Address Organization

Alex Shulman 2118 Foster Ave N/A

Name Address Organization

Amy Sandberg 828 E Thompson #6 N/A

Name Address Organization

[Signature] 1627 Chapala #5, SB BHFS

Name Address Organization

AGENDA ITEMS	
ITEM #:	1
MEETING DATE:	1/30/19

January 28, 2019

Santa Barbara County Planning Commission
c/o Planning and Development, Hearing Support
123 East Anapamu Street
Santa Barbara, CA 93101

RECEIVED

JAN 28 2019

S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

RE: Hoop Structures Ordinance Amendment
County Planning Commission Hearing on January 30, 2019
Agenda Item No. 1

Dear Commissioners:

I am writing to you regarding the proposed Hoop Structure Ordinance Amendment. I own property located within Santa Ynez Valley Community Plan Design Control Overlay ("D Overlay"). Hoop and shade structures are an effective tool for the cultivation of specialty crops in the Santa Ynez Valley, and are an important part of my business.

Hoop structures offer farmers numerous advantages and benefits, including:

- Reduction of water use;
- Extension of the growing season for frost-sensitive berries and other crops;
- Protection of the crops from inclement weather;
- Reduction in the presence of mold; and
- Decreased use of pesticides by providing a barrier to insects.

I have serious concerns regarding the Planning Commission's proposed changes to the Hoop Structure Ordinance Amendment, namely reincorporating the 4,000 square foot size limitation on all hoop and shade structures located within the D Overlay. A 4,000 square foot limit approximates 1/10th of an acre and is essentially a prohibition on my ability to grow specialty crops in the Santa Ynez Valley. No commercial farming operation can survive economically on such a small cultivated area. If implemented, the 4,000 square foot size limitation will force an undue hardship on numerous farmers in the Valley.

Requiring landowners within the D Overlay to obtain a Development Plan (and prepare additional California Environmental Quality Act documentation) for hoops 20,000 sq. ft. or more is not an option for those of us who have very narrow margins. Obtaining a Development Plan is also not

an appropriate permit path for a temporary farm accessory, which is exactly what hoop structures are.

By placing visual benefits and impacts over and above the vitality and feasibility of agricultural businesses, the Commission is placing a heavy burden on the shoulders of those of us who have chosen to grow berries and other types of specialty crops in the Santa Ynez Valley. There is no question that this amendment would severely restrict the freedom of growers to choose between cultivation methods and types of crops. For most of us, the requirements of a Development Plan will put us out of business.

For these reasons, we ask the Commission to reject the onerous restrictions proposed for hoops within the D Overlay, and instead exempt from permitting all hoops and shade structures in the County that are under 20 feet in height, provided there is compliance with the other proposed development standards (no lighting, no permanent footings, compliance with setbacks, etc.).

Alternatively, if the Planning Commission feels it must adopt additional standards for hoops within the D Overlay, then we believe the following additional development standards would adequately mitigate the perceived impacts:

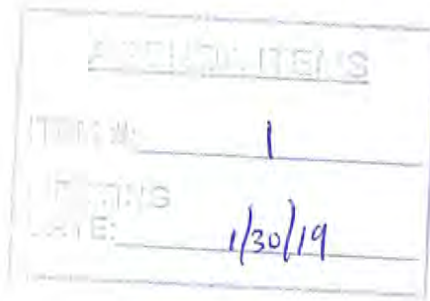
- a) **Setbacks. Hoop structures and shade structures shall be set-back at least 25 feet from any public road or highway.**
- b) **Screening. Hoop structures and shade structures shall be screened with landscaping, to the extent feasible.**

The foregoing changes to the proposed Hoop Structure Ordinance would give farmers in the Santa Ynez Valley a fighting chance to remain commercially viable. Thank you for your consideration.

Sincerely,



Kavaughn Baghbeh
Pacific Coast Enterprises, LLC



January 28, 2019

Amy M. Steinfeld
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Santa Barbara County Planning Commission
c/o Planning and Development, Hearing Support
511 East Lakeside Parkway
Santa Maria, CA 93455

RECEIVED

JAN 28 2019

S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

RE: Hoop Structures Ordinance Amendment
County Planning Commission Hearing on January 30, 2019
Agenda Item No. 1
Project No. 17ORD-00000-00005

Dear Chair Blough and Commissioners:

My firm represents Sara Rotman, owner of Busy Bee's Organics, a cannabis cultivator located on a 64-acre parcel (AG-II-40) immediately south of Highway 246 and at the far end of the Design Control Overlay of the Santa Ynez Valley Community Plan area ("Design Overlay"). I previously wrote to the Planning Commission on December 3, 2018, to express my client's concerns regarding the proposed amendments to the Hoop Structures Ordinance Amendment, specifically, **Mitigation Measure MM-VIS-3 ("MM-VIS-3")**. While we support the Commission's amended definition of "historically intensively cultivated agricultural lands," we oppose: (1) reincorporation of the 4,000 square foot size limit as a criterion to qualify for a permit exemption within the Design Overlay; and (2) the proposed permit path for hoop houses within the Design Overlay.

The proposed permit path for landowners within the Design Overlay is not an option for farmers who have already spent hundreds of thousands of dollars applying for County Land Use Permits and complying with numerous state regulations. Effectively prohibiting the use of hoop and shade structures on over **8,000 acres** of agriculturally zoned land in the Santa Ynez Valley is unprecedented, and if implemented, will result in undue hardship on Busy Bee's Organics and countless other cannabis cultivators and farmers in the Valley. Obtaining a Development Plan is not appropriate for **temporary farming equipment (not a structure)**, and will result in additional delay that could take several years as the Planning Department must comply with CEQA for each and every development plan.¹

¹ Santa Barbara County Code § 35.82.080(D)(2) ["After receipt of an application for a Development Plan, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.".]

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Accordingly, the Commission should reject MM-VIS-3 and the new proposed permit path. Cannabis cultivators and other farmers in the Design Overlay should be treated like other cultivators in Santa Barbara County regarding their hoop houses. Alternatively, we request that the Commission remove the 4,000 square foot size limitation for hoop houses in the Design Overlay that meet the following additional development standards: (1) are concealed by vegetative screening, to the extent feasible; and (2) are set back at least 25 feet from public roads and highways.

I. Recommended Changes to Hoop House Ordinance

The proposed permit path would require farmers located within the Design Overlay to obtain a Land Use Permit for hoop and shade structures that are less than 20 feet tall and cover between 4,000 and 20,000 square feet (between 0.09 to 0.46 acres *per lot*) and a Final Development Plan for hoop and shade structures that are less than 20 feet tall but cover more than 20,000 square feet (*only 0.46 acres per lot*).

Given the profound impacts this regulation will have on the County's agricultural industry, we respectfully request that the Commission reject the restrictions on hoops within the Design Overlay, and instead exempt from permitting all hoops and shade structures in the County that are under 20 feet in height and comply with the other proposed development standards in the ordinance (no lighting, no permanent footings, compliance with riparian setbacks, etc.).

Alternatively, the Planning Commission should exempt from permitting all hoop and shade structures within the Design Overlay if they incorporate the following additional development standards:

35.42.140 – Greenhouses, Hoop Structures, and Shade Structures

... C. Hoop structures and shade structures in agricultural zones. . . .

. . . 3. Development standards for hoop structures and shade structures.

a. Development standards for hoop structures and shade structures.

Hoop structures and shade structures shall comply with the following standards in addition to any other applicable standards of this Development Code. Hoop structures and shade structures not in compliance with Subsection C.3.a.(1) (Lighting) and C.3.a.(2) (Structural elements), below, may be permitted in compliance with Subsection 35.42.140.B (Greenhouses).

(1) **Lighting.** Interior and exterior lighting associated with hoop structures and shade structures is not allowed.

(2) **Structural elements.** Hoop structures and shade structures shall not have permanent structural elements such as footings and foundations, and shall not have any utilities including plumbing, natural gas, or electricity.

(3) Setbacks. Hoop structures and shade structures shall comply with applicable setbacks of the zone in which they are located.

[INSERT: Hoop structures and shade structures in the Design Overlay shall be set-back at least 25 feet from any public road or highway.]

(4) Streams and Creeks.

(a) Within the Urban, Inner Rural, and EDRNs areas hoop structures and shade structures shall be setback 50 feet from the top-of-bank or edge of riparian vegetation of streams and creeks, whichever is more protective.

(b) Within the Rural areas hoop structures and shade structures shall be setback 100 feet from the top-of-bank or edge of riparian vegetation of streams and creeks, whichever is more protective

[INSERT: (5) Screening. Hoop structures and shade structures in the Design Overlay shall be screened with landscaping, to the extent feasible.]

II. Hoops are Necessary to Prevent Cross-Contamination

Hoop structures are an important tool for the cultivation of specialty crops in Santa Barbara County, particularly berries and more recently, cannabis. We previously delineated many of the benefits hoop houses offer. (See Letter dated December 3, 2018 re: Hoop Structures Ordinance Amendment, County Planning Commission Hearing on December 5, 2018, Agenda Item No. 1, Project No. 17ORD-00000-00005, attached hereto as Attachment 1.)

Hoop houses not only benefit crops and reduce environmental impacts², but they are necessary for cannabis cultivators to farm in the Valley because they protect the plants from heavy metals and pesticide drift. This is particularly important for cannabis, as the crop is subject to stringent third-party testing requirements—some of the most stringent in the United States. The testing regulations, drafted by California's Bureau of Cannabis Control, require that all cannabis products undergo testing by third-party laboratories that probe the samples for safety and dosing accuracy. The testing covers potency, pesticides, microbiology, terpenes, heavy metals and more.³

² Hoop houses (1) slow evaporation and reduce crop water demand; (2) reduce the occurrence of insects and other pests, allowing growers to limit their dependence on pesticides and other chemicals; (3) reduce the presence of mold; (4) improve soil and plant quality; and (5) extend the growing season, leading to a reduced footprint.

³ In addition to testing requirements in effect during 2018, as of January 1, 2019, cannabis cultivators' products are subject to terpenoid testing, mycotoxin testing, heavy metals testing, and water activity testing of solid or semi-solid edibles. (16 CCR § 5715(d); see also 16 CCR §§ 5717, 5721, 5723, 5725.)

We are not opposed to California's testing requirements, as the Bureau's goal of protecting the end user, or consumer, is a laudable one. But without hoop houses to shield her cannabis plants, Ms. Rotman's farm is directly exposed to pesticide drift from neighboring vineyards, where Myclobutanil,⁴ and other pesticides, are sprayed onto grapevines.⁵

While generally thought to be safe for use on vines,⁶ when heated, Myclobutanil produces toxic fumes, including hydrogen chloride, hydrogen cyanide, and nitrogen oxides. Thus, any cannabis byproduct that requires combustion (i.e., extreme heat) prior to consumption—edibles, concentrates, vape cartridges, and flower—should not and cannot come into contact with Myclobutanil. Myclobutanil is a systemic fungicide, meaning it is absorbed at the site of application (ex. leaf) and distributed throughout the rest of the plant, thereby providing more comprehensive protection from fungal infection. As a systemic chemical, myclobutanil cannot be removed by washing treated crops, although residue will decrease in plant tissues over time. The final remaining residue levels vary considerably and are highly dependent on the rate of application, the time of last application before harvest, and how well the specific plant clears the chemical from its system.

Without hoop houses, Ms. Rotman's cannabis crop will be constantly and considerably exposed to the Myclobutanil drift from neighboring vineyard properties, rendering her crop entirely useless; unsuitable for use by consumers and unable to pass the State's testing requirements for cannabis. (See Bureau of Cannabis Control Residual Pesticide Testing Regulation, 16 CCR § 5719 [the presence of residual Myclobutanil cannot exceed 0.1 micrograms per gram, and if a sample fails residual pesticide testing, the batch from which the sample was collected "shall not be released for retail sale."].) These strict testing requirements only apply to cannabis; vineyards are not subject to such stringent requirements.⁷

Further, as of January 1, 2019, all cannabis samples must comply with strict heavy metals testing. The presence of lead may not exceed 0.5 micrograms per gram for both inhalable and infused cannabis products. (See 16 CCR § 5723(c).) Like pesticides, heavy metals created by vehicle traffic drift in the air from Highway 246, settling on cannabis plants and soils that are not

⁴ Myclobutanil is the active ingredient in several brands of pesticides, including Eagle 20EW.

⁵ Myclobutanil is a conazole class fungicide used to prevent the growth of powdery mildew, dollar spot, brown patch, and other fungal pathogens, and is commonly used on wine grapes.

⁶ According to Pesticides.News, myclobutanil is "harmful if swallowed, and . . . can cause serious eye irritation. It is also suspected of damaging fertility or the unborn child. Prolonged or repeated exposure to myclobutanil can cause damage to the organs. Myclobutanil is toxic to aquatic life, with long-lasting effects." Pesticide.News, Myclobutanil – toxicity, side effects, diseases and environmental impacts (Nov. 23, 2017) available at <https://www.pesticides.news/2017-11-23-myclobutanil-toxicity-side-effects-diseases-and-environmental-impacts.html>.

⁷ The California Department of Pesticide Regulation and the County Agricultural Commissioners enforce the use and sale of pesticides under Divisions 6 and 7 of the California Food and Agricultural Code, and Title 3 of the California Code of Regulations. These laws and regulations apply to all pesticide use; cannabis is no exception, but the further pesticide regulations on cannabis previously mentioned are much more exacting.

protected by hoops. In sum, without the protection of hoops, all cannabis crops are at risk from cross-contamination.

III. The Truth about Cannabis

The Hoop Structures Ordinance Amendment seems to have provided a forum for anti-cannabis sentiment. However, this debate is over. The County approved the Cannabis Land Use Ordinance and Licensing Program PEIR in February 2018 after months of public testimony. And limiting landowners' use of hoop houses through purported mitigation measures does not fix the main problem in this County—the existent of black market or non-compliant grow operations.

In states where growing cannabis is illegal, growers often set up their production in the middle of otherwise pristine environments, or in dark warehouses powered by lights that consume massive amounts of energy. Illegal farming operations also tend to use pesticides and rodenticides that are extremely harmful to the environment. The negative impacts of illicit indoor and outdoor cultivation on the environment have been well-documented.

We continue to support the County's efforts to enforce and crackdown on unlicensed or noncompliant cannabis cultivators. But it is clear that the complaints about cannabis are centered on the bad actors—NOT legally compliant ones. Strict regulations on landowners' use of hoop houses through purported mitigation measures does not fix the main problem in this County—the existent of black market or non-compliant grow operations.

Simply being in a county where commercial cannabis is permitted is not a guarantee of success, as many do not have the ability to transition into the regulated market even if they are committed to compliance and have the resources to obtain state and local licenses. For example, in Santa Barbara County, growers must already obtain a Land Use Permit or Conditional Use Permit, a County Business License, and a State Cannabis License, in addition to demonstrating, among other things, completion of archaeological and paleontological surveys, prime soil compliance, cultivation limits compliance, compliance with the Cannabis Waste Discharge Requirements General Order, compliance with signage standards, compliance with water efficiency standards, a fencing and security plan, a landscape and screening plan, a lighting plan, a noise plan, an odor abatement plan (in certain zoning designations), tree and habitat protection and wildlife movement plans, site transportation demand management plans, volatile manufacturing employee training plan, and energy conservation plans. In accordance with these regulations, Busy Bee's Organics submitted a land use application on November 21, 2018.

Meanwhile, Ms. Rotman and others continue to pay hefty taxes to the County and are compliant with all County cannabis regulations and requirements. The cannabis industry is the only industry that is required to pay taxes based on gross receipts. Just last quarter (Oct. 31, 2018), the County collected \$1.8 million in taxes from the cannabis industry and expects to receive \$5 to \$25 million this quarter.⁸

⁸ See <https://www.independent.com/news/2018/nov/15/cannabis-taxes-generate-18-million/>.

In addition, there are numerous state requirements, such as the California Cannabis Track-and-Trace system (the "CCTT system"), which will require all licensed cannabis businesses to use the CCTT system to record, track and maintain information about their cannabis and cannabis product inventories, and compliance with the State Water Board's Cannabis Policy.

While there have been many complaints about cannabis odors, there are only two periods during which inland, outdoor cannabis plants produce flowers (the odor-causing part of the cannabis plant): approximately 10 days in early June and 10 days in early September. This 20-day period of potential odor has been overblown by cannabis opponents. In other areas, such as the Monterey and Salinas Valley, wineries have managed to coexist with garlic farms, which produce odor year-round.

Hoop house restrictions like MM-VIS-3 will create even more barriers to entry, as other growers will weigh compliance with feasibility and profits. It's clear that these limitations on land within the Design Overlay will also diminish the value of 8,300 acres of prime farmland.

IV. MM-VIS-3 Is Not Feasible and Does Not Recognize the Purposes of CEQA

According to the EIR, the Hoop Structures Ordinance Amendment "is intended to simplify and streamline the permit process for hoop structures and shade structures to allow farmers more flexibility and efficient agricultural operations in support of the County's agricultural economy."⁹ And two of the primary objectives of the Hoop Structures Ordinance Amendment are: (1) to "[e]xempt hoop structures and shade structures of a *given height* from planning permits on agriculturally zoned lands in the Inland Area"; and (2) "[c]larify permit requirements for *taller* hoop structures and shade structures."¹⁰

MM-VIS-3 is directly contrary to the EIR's stated goals and intentions. Under the proposed Hoop Structures Ordinance Amendment, hoop or shade structures, *regardless of height*, located within the Design Overlay would only be exempt from permitting if they measure less than 4,000 square feet, unless such structures are not visible from any public roadway or other areas of public use. A 4,000 square foot limit is essentially a prohibition, as no commercial farmer, cannabis cultivator or otherwise, would ever reap any benefit from such a small cultivated area. Indeed, hoop structures increase productivity, decrease use of pesticides, reduce water use, and provide added security. While recognizing these benefits in the EIR, the EIR failed to analyze the significant effects that the MM-VIS-3 will have on the environment.

MM-VIS-3 places an unreasonable 4,000 square foot size-limitation on the hoop houses within the Design Overlay. In proposing this mitigation measure, the EIR only addressed how the measure would partially remediate certain significant environmental effects, namely, visual changes to the environment (identified as visual character, public scenic views and resources, and light and glare). The EIR admits that the three mitigation measures it proposes to address

⁹ Final EIR at S-2.

¹⁰ *Id.* (emphasis added).

visual impacts can only provide partial mitigation, and that "impacts will remain significant and unavoidable."¹¹

The EIR makes no attempt to address the new and significant effects that inclusion of MM-VIS-3 would have on the environment.¹² Specifically, by limiting the size of hoop houses to 4,000 square feet per lot within the Design Overlay, the Hoop Structures Ordinance Amendment will prevent new or expanding agricultural operations that utilize hoop houses in this area. This will, among other things, decrease productivity, and increase the agricultural footprint of each crop, use of pesticides, and water use in the Design Overlay. As a result, adoption of MM-VIS-3 in the Hoop Structures Ordinance Amendment and codified in the Land Use and Development Code could lead to greater environmental harm, standing in contrast to CEQA's desire that public agencies aim to reduce environmental damage when "feasible."¹³ Without any discussion of MM-VIS-3's significant impacts, it is near impossible for the Commission, and ultimately the Board of Supervisors, to have "analyzed and considered the ecological implications of its action."¹⁴

In August 2018, the Commission recognized that MM-VIS-3, along with other mitigation measures proposed in the EIR, is not feasible. The Commission directed staff to "revise the [EIR] to reject three mitigation measures as infeasible (MM-VIS-1, MM-VIS-2, MM-VIS-3), delete two mitigation measures as unnecessary due to new substantial evidence submitted into the record" and modify one other mitigation measure.¹⁵ County staff recognized that the size limitation imposed was likely infeasible, as "[c]rop protection structures are typically not employed on such a small scale, and limiting the size to 4,000 square feet would limit a farmer's flexibility" within the Design Overlay and the Critical Viewshed Corridor Overlay of the Gaviota Coast Plan area.¹⁶

In compliance with the Commission's direction, staff drafted the necessary Findings for Approval. Regarding MM-VIS-3 and Revisions to the EIR. The revisions to the EIR addressed the infeasibility of the mitigation measures.¹⁷

¹¹ *Id.* at 4.2-27.

¹² See *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1027.

¹³ See CEQA Guidelines § 15002(a)(2) and (3); see also *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564.

¹⁴ See CEQA Guidelines § 15003(d); *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 86.

¹⁵ Staff Memorandum, RE: Hoops Structures Ordinance Amendment (October 30, 2018) at 1, available at <http://sbcountyplanning.org/PDF/boards/CntyPC/11-07-2018/17ORD-00000-00005/Staff%20Memo%2010-30-2018.pdf>.

¹⁶ *Id.* at 2.

¹⁷ "Large acreages of cultivation (economies of scale) are required to engage in successful, full-time agriculture and a 4,000 square foot size limit would not allow the land to be used to its full agricultural potential. The mitigation measure would effectively restrict the use of crop protection structures and agricultural flexibility on D Overlay lands. As a consequence, MM-VIS-3 would create a specific economic burden on agricultural operations leading to farming inefficiencies and increased costs." (Staff Memorandum (Nov. 7, 2018), RE: Revisions (RV01) to the Final Environmental Impact Report (17EIR-00000-00004) – Hoop Structures Ordinance Amendment ("EIR Revisions") at 6-7 (emphasis added), available at <http://sbcountyplanning.org/PDF/>

Such a regulation is not necessary to effectuate a substantial public purpose, because as staff admitted, MM-VIS-3 "would only marginally decrease impacts to aesthetics/visual resources."¹⁸ And staff also admitted that "*MM-VIS-3 would essentially prevent any farmers within the D Overlay from choosing*" which types of crops to cultivate, and "*a 4,000 square foot size limit would not allow the land to be used to its full agricultural potential.*"¹⁹

Ms. Rotman developed her property with the expectation that she could cultivate cannabis and other products in hoop houses, and would be able to continue to expand her business. With MM-VIS-3 in place, Ms. Rotman's investment backed expectations would be erased, as she would be completely prohibited from expanding her hoop-house-based farm as anticipated. For these reasons, MM-VIS-3 goes too far, and places an enormous public burden onto the shoulders of Ms. Rotman and others similarly situated, likely constituting a "taking" of private property in violation of the Federal and State Constitutions.²⁰

Accordingly, MM-VIS-3 should be rejected as infeasible, as rejection of MM-VIS-3 "would not substantially increase the severity of impacts identified in the Final EIR or result in any new significant environmental impacts."²¹ In fact, as explained above, MM-VIS-3 would increase environmental impacts.

V. The Newly Proposed "Permit Path" for Hoop Houses Larger Than 4,000 Square Feet is Not Feasible for Farmers in the Design Overlay

At the Planning Commission Hearing on December 5, 2018, the Commission directed staff to revise the proposed ordinance amendment to include a permit path for larger structures within the Design Overlay. The newly proposed permit path would require farmers located within the Design Overlay to obtain a Land Use Permit for hoop and shade structures that are less than 20 feet tall and cover between 4,000 and 20,000 square feet (between 0.09 to 0.46 acres *per lot*) and a Final Development Plan for hoop and shade structures that are less than 20 feet tall but cover more than 20,000 square feet (*only 0.46 acres per lot*).

A Final Development Plan, which requires compliance with the California Environmental Quality Act (CEQA) and a public hearing, is not an option for farmers who have very narrow margins. Obtaining a Final Development Plan is also not appropriate for a temporary farm accessory,²²

[boards/CntyPC/11-07-2018/17ORD-00000-00005/Attachment%20C%20EIR%20Revision%20Document.pdf](#).)

¹⁸ *Id.* at 6.

¹⁹ *Id.*

²⁰ *Kavanau v. Santa Monica Rent Control Bd.* (1997) 16 Cal.4th 761, 775-76.

²¹ Staff Memorandum (Nov. 7, 2018), RE: Revisions (RV01) to the Final Environmental Impact Report, *supra*, at 7.

²² The required findings for all Final Development Plans demonstrate that temporary hoop structures are not the type of "structure" contemplated by the code. (See Santa Barbara County Code § 35.82.080(E)(1) [For example, streets and highways must be found to be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use, and

and will result in additional delay that could take several years as the Planning Department must comply with CEQA for each and every development plan. Simply stated, requiring a Final Development Plan before installing hoops on more than 0.46 acres per lot would destroy many businesses within the Design Overlay entirely.

Regarding cannabis specifically, all cannabis cultivators (outdoor, indoor, mixed-light, and nursery) are already required by the Land Use and Development Code to submit Landscape Plans and Screening Plans for review and approval before receiving a permit: "All cultivation shall be screened to the maximum extent feasible to avoid being seen from public places, including but not limited to, public rights of way, shall comply with Section 35.34 (Landscaping Standards)," and other standards.²³ Additionally, all Landscape and Screening Plans must "include landscaping which, within five years, will reasonably screen the view of any new structure, including greenhouses and agricultural accessory structure, and on-site parking areas from the nearest public road(s)."²⁴ Accordingly, the requirement of a Final Development Plan is duplicative of the already-onerous regulations for cannabis cultivation, and this additional requirement will only delay and force legally compliant cannabis businesses to shut down if they cannot plant crops this spring.

VI. Conclusion

The proposed restrictions on hoop and shade structures of less than 20 feet in height are inconsistent with the Board of Supervisors's direction to County staff. The Board expressly directed County staff to clarify regulations for only those hoop and shade structures greater than 20 feet in height, and to retain the existing permit exemption of all others 20 feet in height or less. The mitigation measure to be applied in the Design Overlay is in direct conflict with this direction.

Additionally, the proposed permit path for landowners within the Design Overlay is not an option for farmers who have already spent hundreds of thousands of dollars applying for local County Land Use Permits and complying with numerous state regulations. If regulations are to be imposed on hoop and shade structures in the Design Overlay, they should only be applied to those over 20 feet in height and should be treated similarly to other non-exempt structures—as permitted uses subject to design review approval and reasonable development standards. However, such regulations, and their significant effects, would need to be adequately addressed in a recirculated EIR.

Thank you for your careful consideration of these comments. My client and I will be present at the January 30 Commission hearing to provide additional oral testimony and answer any questions you may have.

there must be adequate public services, including fire and police protection, sewage disposal, and water supply to serve the proposed project[.]

²³ Santa Barbara County Code § 35.42.075(C)(3).

²⁴ *Id.* § 35.42.075(C)(3)(a).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Amy M. Steinfeld". The signature is stylized with a large, sweeping initial "A" and a long, horizontal flourish extending to the right.

Amy M. Steinfeld

AMS:IBC

18040511

COUNTY OF SANTA BARBARA
AGRICULTURAL ADVISORY COMMITTEE

FILE COPY



January 25, 2019

RECEIVED

County of Santa Barbara
Planning Commission
c/o Planning & Development
123 East Anapamu Street
Santa Barbara, CA 93101

JAN 25 2019
S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

FILE #:	1
MEETING DATE:	1/30/19

Re: January 30, 2019 Planning Commission Hearing on Hoops Ordinance Amendment

Dear Chair Blough and Planning Commission Members:

We appreciate your continued efforts on this important topic. According to Santa Barbara County Crop Report archives, raspberries have been one of the top ten commodities three out of the last four years and hoop structures have been an instrumental tool in the production of cane berries on the Central Coast. Cultivation of this crop would not be feasible without the use of hoops. The Agricultural Advisory Committee voted 11 in favor and 1 against submitting this letter.

Percent Slope Criteria for Visual Resources

The AAC adamantly opposes the precedential regulatory expansion of restricting or prohibiting hoop structures on slopes steeper than a number to be specified, including 20%. This mitigation measure would not lessen the visual impacts below Class I impacts while it would certainly impact agricultural resources. As you may recall, a local berry grower who utilizes hoop structures testified before the Planning Commission and described how slopes assist with airflow to allow the cold air to move out and away from the plants during critical periods of cultivation; this airflow also assists with mold and mildew control, which also has environmental benefits.

We do not find there is sufficient information to conclude in the December 5, 2018 Staff Report that: "Generally, cultivation of crops that benefit from crop protection structures occurs on slopes less than 20%." There is too much uncertainty in understanding what this would mean for existing operations—the map showed at the Planning Commission hearing had a fairly large scale, which could result in underestimating the impact of the measure on existing farms currently using hoops. Although we cannot say with certainty due to the lack of publicly available information, we have reason to believe that hoops are currently being utilized on slopes steeper than 20%, including on the east side of Santa Maria. It would also be important to thoroughly discuss the method for determining slope in qualifying for the exemption and whether other onsite factors influence the implementation of this criteria. A slope percentage closer to 30%, as referenced in the Gaviota Coast Plan and County Grading Ordinance, would have some basis in code; perhaps cultivated areas over 30% slope would be subject to additional development standards, rather than a prohibition or higher land use development process. Additional clarification on this issue is needed if a recommendation is to be developed.

Arbitrary and Detrimental Introduction of New Definition of “Historically Intensively Cultivated Agricultural Lands” in BIO-1

We find the limitation of one year out of five or one year out of three to be less objectionable than three years out of five but remain concerned with the precedential introduction of an arbitrary definition in land use code that restricts agricultural viability.

Refine Proposed Setbacks from Streams and Creeks in BIO-3

We remain concerned with the 100 foot setback from streams and creeks in rural areas, which would impact agricultural lands currently under cultivation, especially if this is measured from the edge of riparian vegetation. Additional details on our concerns can be found in our November 5, 2018 letter.

A 50 foot setback from the top of bank in rural areas would be less detrimental, as would refining potential exceptions to situations that would fulfill the intended benefit without adversely impacting agricultural resources. As mentioned previously, the list of exclusions that would improve the proposed mitigation measure to better match the intended purpose should include but not be limited to:

- Except where an area has been previously graded as outlined in County Code of Ordinances, Grading Code, Chapter 14.
- Except where the area has been historically disturbed for farming.
- Except where a Public Agency, including CalTrans or the County, is responsible for the maintenance of the stream or creek.
- Except where a man-made feature, such as a public road or levee, or natural feature, such as a bluff, make the implementation of the setback infeasible.
- Except where the stream or creek has been altered by human activity.

We remain concerned with the impact of the proposed mitigation measures, limitation on exemptions, and development standards to the baseline agricultural resources.

Thank you for your responsiveness to the Agricultural Advisory Committee’s previous comments and consideration of these comments in your deliberations on Wednesday.

Sincerely,



Paul Van Leer, Chair

Committee Members

Bradley Miles
Ron Caird
Sharyne Merritt
AJ Cisney
Randy Sharer
Deborah Adam
Claire Wineman
Paul Van Leer, Chair
June Van Wingerden
Brook Williams
Andy Mills, Vice Chair
Jason Sharrett

Representing

1st District Supervisor, Das Williams
2nd District Supervisor, Janet Wolf
3rd District Supervisor, Joan Hartmann
4th District Supervisor, Peter Adam
5th District Supervisor, Steve Lavagnino
California Women for Agriculture
Grower-Shipper Association of SB and SLO Counties
Santa Barbara County Farm Bureau
Santa Barbara Flower & Nursery Growers' Association
Santa Barbara Vintners
Santa Barbara County Cattlemen’s Assn.
California Strawberry Commission