



#6



April 8, 2019

County of Santa Barbara
Board of Supervisors

Re: April 9, 2019 Board of Supervisors Hearing on Hoops Ordinance Amendment-Item #6

Dear Chair Lavagnino and Board of Supervisors:

We appreciate the improvements that have occurred over the Planning Commission and Board of Supervisors process. Two important issues remain that can be easily resolved on Tuesday and would have very significant impacts on how the Ordinance is implemented for years to come.

1. We agree with the AAC's letter dated March 7, 2019 and adamantly oppose the precedential introduction of an arbitrary new definition in land use code that restricts agricultural viability. If adopted, the exemption language must not include the phrase "historically intensively cultivated agricultural lands." This language is not necessary for implementing the development standard. Instead, the LUDC Amendment C1a(3) on page 4 regarding exemptions should read:

"The hoop structures and shade structures are located on ~~historically intensively cultivated agricultural land. Historically intensively cultivated agricultural land, for purposes of this section, shall mean~~ land that has been tilled for agricultural use and planted with a crop for at least one of the previous three years."

2. We supported the Planning Commission's revisions to a 50 foot setback from streams and creeks in rural areas unless a more stringent setback is set forth in an applicable community plan. Changing this mitigation measure to 100 feet would impact agricultural lands currently under cultivation and utilizing hoops; we have included excerpts from the AAC's November 5, 2018 letter to the Planning Commission illustrating the impacts to agricultural resources; these illustrations are consistent with the interactive map prepared by staff in the memo dated April 5, 2019 as a stream or creek that might qualify for the definition. We are confused about why the measure was increased to 100 feet during the March 12 Board of Supervisors meeting as there is no evidence to support the need for recirculation. In fact, the contrary is true: the Final EIR Revision Document RV 01 dated March 12, 2019 included the following key phrases on pages 11 and 14 (emphasis added):

"As a consequence, modification of MM-BIO-3 to reduce the creek setback from 100 feet to 50 feet within the Rural Area would not substantially increase the severity of impacts identified in the Final EIR or result in any new significant environmental impacts. **Therefore, impacts to biological resources would remain significant but mitigable (Class II), as originally concluded in the Final EIR.**"

"None of the changes that the Board of Supervisors made would result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, or deprive the public of a meaningful opportunity to comment, therefore, **recirculation is not required.**"

We continue to support the AAC's previous requests to refine the list of exclusions that would improve the proposed mitigation measure to better match the intended purpose, including 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.

Thank you for your consideration of these comments in your deliberations on Tuesday.

Sincerely,



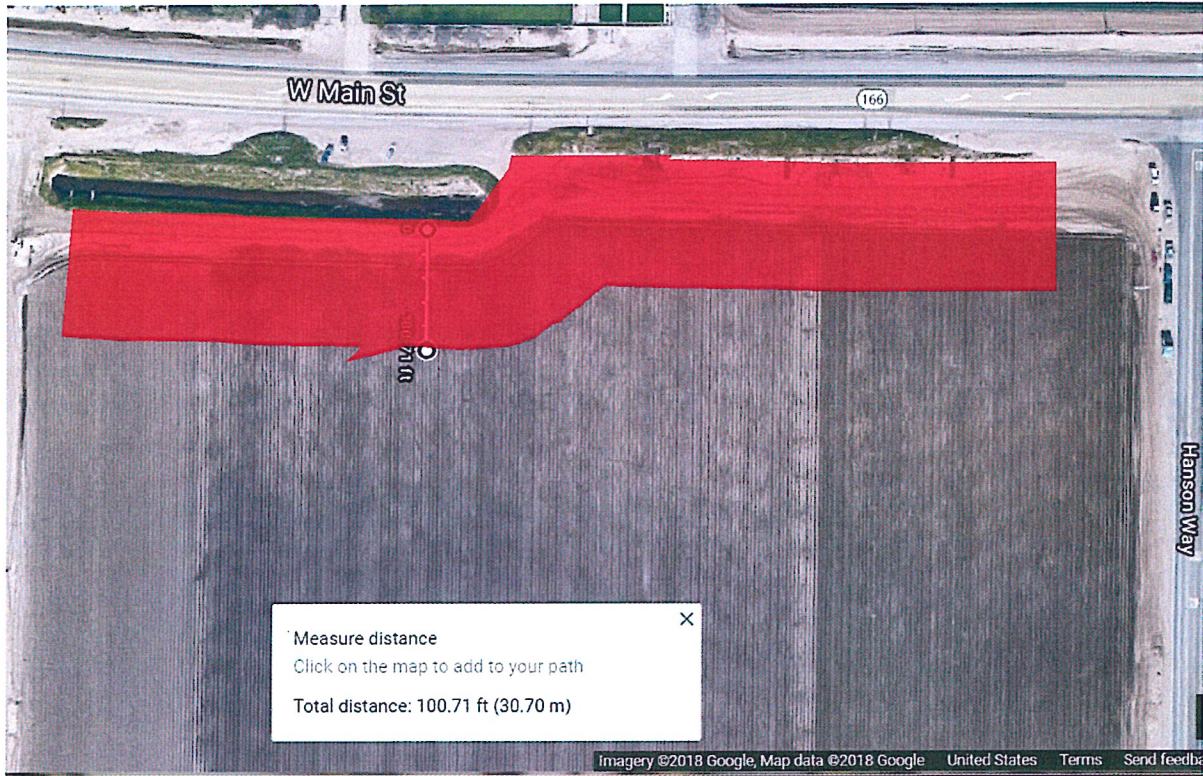
Claire Wineman
President

AAC Letter to Planning Commission Dated November 5, 2018

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

