



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Board of Supervisor  
**Department No.:** 011  
**For Agenda Of:** October 9, 2018  
**Placement:** Departmental  
**Estimated Time:** 30 minutes  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Board Member: Peter Adam, Fourth District Supervisor  
805-346-8407  
Contact Info: Bob Nelson, District Chief  
805-346-8422

**SUBJECT:** Discussion of Hoop Structure Ordinance Amendment Project

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**County Counsel Concurrence**

As to form: N/A

Other Concurrence: N/A

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

The Fourth District recommends that the Board of Supervisors:

- a) Direct staff to complete the necessary work to fulfill the Board's direction provided on July 25, 2017 before returning to the Planning Commission for recommendation, including the complete exemption of hoop houses of 20' height or smaller and without any development standards; and;
- b) Determine pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(5) that this report and direction to staff do not constitute a project because they are administrative activities that will not result in direct or indirect physical changes to the environment.

**Summary Text:**

On July 25, 2017, the Board of Supervisors considered the Hoops Structure Amendment Project. The Board debated and voted to pursue "Option 4" as presented by staff in the Board Agenda Letter dated June 6, 2017.

Option 4 included the following provisions:

- LUDC Amendment

- Exempts Hoop Structures  $\leq$  20 ft
- Considers a Range of Permit Options
- Addresses Hoop Structures  $>$  20 ft
- Includes Development Standards

As part of the motion to approve Option 4, Supervisor Williams stated in Open Session on two occasions that his vote was contingent on a complete exemption from permitting for all hoops equal to or under 20 feet in height, including from any development standards. Supervisor Wolf confirmed that this exemption was in the motion.

Supervisor Williams: (5:09:04 pm) “. . . *I could support Option 4 as long as we are willing to continue to exempt hoop houses under 20 feet, and not start messing with ‘well unless there are so many acres of it,’ or something like that. And just keep it real simple and keep it straightforward that all hoop houses equal to or under 20 feet are exempted.*”

Chairwoman Hartmann: “*So we have a motion and a second. Could we get a roll call vote? Supervisor Williams.*”

Supervisor Williams: “*Is that the clarification on the motion, is that in the motion or not? Because that’s the way I understood Option 4, but the way the discussion went sort of drifted from that.*”

Supervisor Wolf: “*I think as I’m looking at Ms. Black that is within the parameters of Option 4.*”

Chairwoman Hartmann: “*Supervisor Adam.*”

Supervisor Adam: “*So can we read back the motion?*”

Supervisor Wolf: “*The motion is to give direction to staff, that the Board would like you to pursue Option 4, and then all the other, there you go, to receive and file this report, provide the direction to staff to pursue Option 4, and to determine today’s actions are not a project pursuant to CEQA.*”

Chairwoman Hartman: “*Supervisor Williams.*”

Supervisor Williams: “*And part of that is exempting hoop houses under 20 feet in all cases.*”

Supervisor Wolf: “*That’s part of it.*”

Shortly after the hearing, Fourth District staff met with then-Director Glenn Russell and Long-Range Planning Deputy Director Dan Klemann to discuss the environmental document to be prepared for the Hoop Structure Amendment. They explained that an EIR would be necessary to accomplish the direction given by the Board.

In June of 2018, Fourth District staff became aware that the Board’s direction had not been followed by staff in conducting environmental review. Staff failed to direct the authors of the environmental document that the 20 foot exemption in the Project Description portion of the environmental document

was a complete exemption and was not to include any development standards. Consequently, a complete permit exemption for hoop structures equal to or under 20 feet was not studied. Furthermore, a complete exemption for hoop structures equal to or under 20 feet was not presented as an option for consideration by the Planning Commission. The Fourth District staff promptly began discussions with staff in an attempt to correct this situation.

Fourth District Staff met with Director Black and Deputy Director Steve Mason on June 26, 2018. When Director Black was questioned as to why staff had not followed Board direction, Director Black responded that she was not sure what constituted the exact motion but that she had discussed the issue with Supervisor Williams sometime after the Board's meeting on July 25, 2017. Per that discussion, Director Black informed Fourth District staff that Supervisor Williams was now comfortable with staff's efforts to proceed without a complete exemption.

On July 31, 2018, Fourth District Staff met again with Planning staff to discuss the issue. Director Black acknowledged that she had reviewed the motion and defended her position by referring once again to her conversation with Supervisor Williams.

Fourth District staff informed Planning Staff that Supervisor Adam would be bringing a Discussion Item before the Board to address the incongruence between staff's actions and the Board's clear direction. Director Black asked for the opportunity to attempt to remedy this problem outside of a Board item.

On August 15, 2018, Fourth District staff met with Director Black, representatives from the County Executive Office and County Counsel to discuss an alternative whereby Planning and Development would provide an option for the Planning Commission to direct Planning staff to revise and recirculate the EIR. This would preserve the decision taken by the Board of Supervisors on July 25, 2017. The Fourth District agreed to delay bringing a Discussion Item to see whether or not the Planning Commission would recommend revision and recirculation at the hearing of August 29, 2018.

On August 29, 2018, the Planning Commission met and declined the opportunity suggested by Planning staff to reconsider options consistent with previous Board direction. Although the Planning Commission modified their conclusions in an attempt to accommodate staff's suggestion to some degree, they nevertheless did not begin from the starting point that the Board directed. The fact is that the Planning staff manipulated the deliberations of the Planning Commission by failing to do environmental review consistent with Board direction.

The result of the Planning Commission's action was to insure that the Board of Supervisors would not have the discretion to adopt the complete exemption as directed by the Board on July 25, 2017 without the Board revising and recirculating the Environmental Impact Report and holding a subsequent hearing. This gives the Board the 'Hobson's Choice' between spending far more time and money to rewrite and recirculate a new Environmental Impact Report or simply to accept an ordinance forced upon them by staff.

**Attachments:**

- **Board Letter, July 25, 2017, Options for the Hoop Structures Ordinance Amendment Project**

- Attachment 1 Board Letter 6-6-2017, July 25, 2017, **Options for the Hoop Structures Ordinance Amendment Project**
- Presentation, July 25, 2017, **Options for the Hoops Structures Ordinance Amendment Project**

**Authored by:**

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**CC:**