

**SANTA BARBARA COUNTY  
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors  
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**Agenda Number:**  
**Prepared on:** February 1, 2002  
**Department:** Planning and Development  
**Department No.:** 053  
**Agenda Date:** February 19, 2002  
**Placement:** Departmental  
**Estimate Time:** 3 hours  
**Continued Item:** YES  
**If Yes, date from:** December 3, 2001  
**Document FileName:**

**TO:** Board of Supervisors

**FROM:** David Lackie, Supervising Planner  
Comprehensive Planning Division

**STAFF**

**CONTACT:** Autumn Radle, Project Manager (884-6836)  
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**SUBJECT:** Carpinteria Valley Greenhouse Program: Final Adoption Report

**I. Staff Recommendation(s):**

That the Board of Supervisors:

1. Adopt the Findings and Statement of Overriding Considerations (Attachment 2) for approval of the Carpinteria Valley Greenhouse Program;
2. Certify the Final Environmental Impact Report (99-EIR-02), including the EIR Revision Document (99-EIR-02 RV1) (Attachment 5), and Mitigation Monitoring and Reporting Plan (Attachment 5, Appendix E);
3. Adopt ordinance amendments (99-OA-005 – Attachment 3) to the Coastal Zoning Ordinance (Article II of Chapter 35 of the Santa Barbara County Code) including:
  - a) Amend Division 1, General, Section 35-53 to add a new overlay district (Carpinteria Agricultural (CA) Overlay District);
  - b) Amend Division 2, Definitions, Section 35-58, to add definitions for greenhouses and related structures;
  - c) Amend Division 4, Zone Districts, to add language to permitted uses in AG-I zone district referring greenhouse development in the Carpinteria Valley to the CA Overlay District;
  - d) Amend Division 5, Overlay Districts, to add a new Carpinteria Agricultural (CA) Overlay District (Section 35-102E);
  - e) Amend Division 10, Nonconforming, Section 35-162, to add language that would allow nonconforming greenhouse structures to be rebuilt in the event of damage in the CA Overlay District;

- f) Amend Division 11, Coastal Development Permit, Section 35-169 to allow shade structures 20,000 square feet or greater with a CDP in the CA Overlay District.
4. Adopt Rezone Ordinance Amendment (99-RZ-009 – Attachment 4) to apply the Carpinteria Valley Overlay District to parcels zoned AG-I in the Carpinteria Valley Study Area (Coastal Zone) as identified on the following maps: Carpinteria Valley Coastal Plan: Zoning Overlay, and Toro Canyon Plan Zoning Overlay Districts Article II(Coastal Zone);
5. Adopt Resolution (99-GP-007 – Attachment 6) to amend the Local Coastal Program including Coastal Zoning Ordinance amendments (Article II of Chapter 35 of the Santa Barbara County Code); new Coastal Land Use Plan Policies 8-5(f) through 8-5(l), and text amendments to Coastal Land Use Plan Policy 8-5(e), Policy 8-6, and Section 4.2.2.

**Alignment with Board Strategic Plan:**

The recommendation(s) are primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community; Goal No. 2. A Safe and Healthy Community in Which to Live, Work, and Visit; and Goal No. 5. A High Quality of Life for All Residents.

**Executive Summary and Discussion:**

On December 3, 2001, the Board of Supervisors conceptually approved the Local Coastal Program (Article II – Coastal Zoning Ordinance and Coastal Land Use Plan) amendments required for adoption of the Carpinteria Valley Greenhouse Program. The Board directed staff to return with a final Carpinteria Agricultural Overlay District ordinance, map, supporting final EIR and revisions, and all necessary findings, overriding considerations, and resolutions necessary for final Program adoption on February 19, 2002.

The Board requested additional information pertaining to the following issues:

1. Whether or not to revise permit requirements for shade structures and hoop structures 20,000 square feet or greater within the CA Overlay District;
2. Whether or not to designate three additional parcels fronting Highway 192 as view corridor parcels; and
3. Whether or not “Zero Discharge” development standards for greenhouse development are warranted to address water quality concerns.

**Staff Recommendation:** Staff’s position regarding these issues is outlined below and recommended ordinance amendments are reflected in the final CA Overlay District, Findings, and EIR Revision document.

Staff recommends the Board of Supervisors receive staff's presentation; accept public testimony on the three outstanding issues, and supporting documents for final adoption (e.g. EIR Revisions, Findings, Statement of Overriding Consideration); and take final action to adopt the Carpinteria Valley Greenhouse Program as recommended in Section I of this staff report.

## **II. Shade Structure and Hoop Structure Permit Requirements**

In response to the Board's direction and input from both greenhouse and open field growers in the Carpinteria Valley, staff proposes to amend Article II, Section 35-169.2 (Coastal Development Permit) to allow shade structures 20,000 square feet or greater within the CA Overlay District with only a coastal development permit, rather than the current coastal zone requirement for approval of a development plan. (*Note: Per Resolution 98-473, shade structures 20,000-sq.ft or greater cumulative per parcel in the Carpinteria Valley require a conditional use permit (CUP) until such time the Board of Supervisors and Coastal Commission agree on any changes resulting from the Carpinteria Valley Greenhouse Program*).

By definition shade structures consist of a frame with no permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring, etc.), and a dark, impermeable, removable covering used to protect plants grown in the soil or in containers upon the soil, with a maximum height of no greater than 12 feet above natural grade. These features contribute to shade structures having less of an overall impact when compared to greenhouses, greenhouse related development, hoop structures, and packing and shipping facilities, with respect to land use and related land use compatibility conflicts, noise, traffic, water quality, flooding and drainage, air quality, and visual impacts.

Requiring a Coastal Development Permit would also reduce the time and cost associated with the permit process. Shade structures would be subject to all applicable CA Overlay District development standards (required for CDP's), Coastal Development Permit findings, and would be restricted to 25% lot coverage. These changes recognize the value of shade structures in promoting crop flexibility, and their historic use in the Carpinteria Valley as an important accessory agricultural structure supporting both open field and greenhouse agriculture. The 25% maximum lot coverage requirement is consistent with the historic construction and use of shade structures as an accessory agricultural structure in the Carpinteria Valley. With few exceptions, existing shade structures in the Carpinteria Valley rarely exceed 25% lot coverage.

Staff also proposes to incorporate a review process of the CA Overlay District shade structure permit requirements within five years of Program adoption to ensure permit requirements are meeting the needs of agricultural in the Carpinteria Valley, and to ensure the revisions do not result in unintended or otherwise adverse impacts.

## Sec. 35-102E.10. Expiration

### A. Permit Requirements

The CA Overlay District shade structure permit requirements are to be implemented on a temporary basis limited to five years from the date of adoption of the CA Overlay District. Within five years of adoption of the CA Overlay District, Planning and Development shall prepare and present a report to the Planning Commission and the Board of Supervisors for the consideration of the effects of the shade structure permit requirements and the public's participation in the program. The Board of Supervisors may consider modification, extension, or repeal of the existing CA Overlay District shade structure permit requirements. Prior to Planning and Development's report to the Planning Commission, the Agricultural Advisory Committee (AAC) may review the report and provide their recommendation to the Planning Commission and the Board of Supervisors.

**Staff Recommendation:** Adopt the shade structure permit requirements as discussed above. Staff does not recommend similar changes for hoop structures due to visual and drainage/erosion concerns associated with the impermeable covers used to cover hoop structures.

## III. View Corridor Parcels

The CA Overlay restricts greenhouses, greenhouse related development, packing and shipping facilities, shade and hoop structures, etc. on identified view corridor parcels to 25% maximum lot coverage, 25-ft. absolute building height (12 ft. for shade and hoop structures), and 250-ft. front setback from public right-of-way to minimize fragmentation of these large blocks of contiguous open field agriculture and to preserve, to the greatest extent feasible, important public view corridors.

The Board has conceptually approved designating eight parcels within the agricultural block between Cravens Lane and Nidever Road as view corridor parcels. Three additional parcels are proposed by staff for designation as view corridor parcels (Assessor Parcel Numbers 004-002-026, 004-002-027, 004-002-029). These parcels are currently planted with mature orchards and are the last remaining open field parcels with frontage along the south side of Highway 192 between Cravens Lane and Santa Monica Road (See CA Overlay District Map, Attachment 5, Appendix B).

Full greenhouse development of these parcels (subject to CA Overlay district setbacks) would effectively create a structural barrier blocking the only remaining public views from Highway 192 of the Cravens Lane/Santa Monica Road agricultural block. Application of the view corridor requirements would allow future greenhouse development to be setback 250 feet and clustered down-slope of Highway 192; helping to minimize visual impacts to foreground and mid-ground views from Highway 192.

**Staff Recommendation:** Apply the view corridor designation to Assessor Parcel Numbers 004-002-026, 004-002-027, 004-002-029.

#### **IV. Zero Discharge**

A representative from Santa Barbara Channel Keeper has requested the Board of Supervisors require a “Zero Discharge” development standard prohibiting new greenhouse development in the Carpinteria Valley from discharging process wastewater to local creeks and drainages. Staff consulted with the Santa Barbara County Water Agency (Water Agency), the Regional Water Quality Control Board (RWQCB) and the University of California Cooperative Extension for additional input.

Under existing regulations, the RWQCB has the authority to enforce state and federal clean water laws. As interpreted by the RWQCB, greenhouse operations are required to have a permit that allows them to discharge irrigation wastewater into streams and creeks. In order to obtain a permit, the operation would need to set up a monitoring program to verify that discharges are not polluting the creeks. As these programs and permitting costs tend to be expensive the grower’s incentive is to find alternative methods to eliminate discharges and thus avoid the permit and monitoring process. Under existing laws, violators would be required to cease discharging or obtain the necessary permit from the RWQCB. Some concern has been expressed that with a “Zero Discharge” development standard there may be an incentive to dispose of irrigation wastewater by other unregulated means that only give the appearance that the standard is being met.

A “Zero Discharge” requirement could be seen as promoting closed hydroponic systems as the most effective means of eliminating discharge. These systems could be cost prohibitive to smaller operations or inappropriate for certain crops and growing methods. Other methods are available to greenhouse growers to effectively eliminate discharge which can be achieved through the existing regulatory process. The UC Cooperative Extension has published a manual that provides best management practices for eliminating pollution discharges from greenhouse and operations. These include recycling systems for container crops, drip and pulse irrigation, and more efficient methods of fertilizer application.

Finally, while the County has the right to apply more stringent water quality regulations on greenhouse growers than those required by state and federal law, such requirements would also require a greater commitment of staff time for monitoring and enforcement.

**Staff Recommendation:** Adopt the existing proposed development standards. Staff does not recommend including a “zero discharge” development standard.

#### **V. Findings and Statement of Overriding Considerations**

The Findings and Statement of Overriding Considerations (Attachment 2) set the record on the potential Program impacts and how the Board made its decisions in light of those impacts.

Findings required for adoption include both CEQA findings and Planning and Consistency Findings. For any Local Coastal Program amendment, the Board of Supervisors must find that the project is in the interest of the general community welfare, is consistent with the Comprehensive Plan, Coastal Land Use Plan, Article II, and State planning and zoning laws, and is consistent with good zoning and planning practices in general. The Board is charged with ensuring that the project meets these requirements, including the intent of County policy with respect to promotion and preservation of agriculture in balance with the need to protect resources and preserve the rural character of the Carpinteria Valley. The CEQA Findings summarize the project's impacts and determines whether the mitigation measures in the EIR in conjunction with the CA Overlay's development standards and other policy measures minimize these impacts to the greatest extent feasible. The Board is charged with ensuring that approval of the project is supported by the contents of the Findings and that the Findings are supported by substantial evidence in the administrative record.

The CEQA Findings also identify which mitigation measures are no longer relevant or should otherwise be eliminated from the EIR prior to adoption. Mitigation Measure VIS-10 (65% maximum lot coverage) was removed in response to the Board's determination that other mitigation measures and development standards as well as the setback requirements in the CA Overlay are sufficient to address potential site specific and cumulative impacts to visual resources. Mitigation Measures F&D-4 was also eliminated because the Board determined it is not relevant because the Franciscan Sedimentation Basin and Craven's Lane Culvert do not and were not intended to have the capacity to accommodate sediment from all future development in the project's watershed.

In approving the Findings, the Board is supporting the conclusions of the FEIR as well as the intent of the mitigation measures, development standards, and other policy amendments as the best available means to balance the projects benefits with its potential costs in an effort to minimize impacts to the greatest extent feasible.

### **Statement of Overriding Considerations**

The Board is charged with balancing the benefits of the proposed project against unavoidable environmental impacts in determining whether or not to approve the proposed project. The Statement of Overriding Considerations, which must be included in the record of project approval, recognizes that the project may result in significant impacts despite mitigation measures and development standards and other policy measures. In approving the project and associated Statement of Overriding Considerations, the Board must find that these unavoidable impacts are acceptable in light of the project's specific overriding benefits. The Board's conclusion must be based on substantial evidence in the Final EIR and/or elsewhere in the administrative record.

## **VI. Certification of Final Environmental Impact Report**

### **A. EIR Revisions Document**

There have been subsequent changes to the Program as a result of public review and comments, and Board of Supervisor direction, including new or revised Coastal Land Use Plan policies and Coastal Zoning Ordinance amendments (Article II). The EIR Revision Document (99-EIR-02 RV 1) (Attachment 5) evaluates Program modifications recommended by the Planning Commission and Board of Supervisors against the proposed Final Program EIR (99-EIR-02). The EIR revision document also documents minor text changes and clarifications to the original project description, environmental setting, and impact analysis as a result of decision-maker review and public comment

CEQA Guidelines Section 15088.5 describes the circumstances under which a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review, but before EIR certification. According to the Guidelines Section 15088.5(a), “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment on substantial adverse project impacts or feasible mitigation measures or alternatives. Section 15088.5(b) states, “recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications to an adequate EIR”.

The EIR Revisions document concluded the Program changes recommended by the Planning Commission and approved by the Board of Supervisors would not result in any new significant environmental impacts nor would they result in a *substantial increase* in the severity (i.e. change in impact level classification) of any environmental impact originally analyzed in the Proposed Final EIR. Hence, pursuant to CEQA Guidelines Section 15088.5(b), the proposed revisions described in this document have not been recirculated.

### **B. Mitigation Monitoring and Reporting Program (MMRP)**

The Mitigation Monitoring and Reporting Program (Attachment 5, Appendix E) is required for adoption of the FEIR. In making findings on significant effects identified in the EIR, the Board is charged with also adopting a program for reporting and monitoring mitigation measures and development standards that were adopted or made conditions of project approval. The role of the Mitigation Monitoring and Reporting Program is to ensure compliance with mitigation measures and development standards during project implementation by identifying the monitoring action, timing, monitoring and reporting schedule and parties responsible for implementation and verification.

#### **Mandates and Service Levels:**

Implementation of the Program is not expected to change mandates or service levels.

**Fiscal and Facilities Impacts:**

Program implementation and training is identified under the Planning & Development FY 2002/2003 proposed budget.

**Special Instructions:**

Planning & Development has provided for the public notice of the hearings on the Program.

**Concurrence:**

County Counsel has reviewed the Board letter and concurs with the findings for approval of the Program and the language of the proposed ordinance amendments.

**Attachments:**

1. Carpinteria Agricultural Overlay District (text)
2. Findings and Statement of Overriding Considerations
3. Amendment (99-OA-005) to the Coastal Zoning Ordinance
4. Amendment (99-RZ-009) to Zoning Overlay Map
5. EIR Revision Document (99-EIR-02 RV1) and Mitigation Monitoring and Reporting Plan.
6. Resolution (99-GP-007) to amend the Local Coastal Program