

# LAW OFFICE OF MARC CHYTILO, APC

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ENVIRONMENTAL LAW

July 24, 2017

Chair Joan Hartmann  
Santa Barbara County Board of Supervisors  
105 E. Anapamu Street  
Fourth Floor  
Santa Barbara, California 93101

RE: Hoop House Options, 7/25/17

*Chair Hartmann and Honorable Members of the Board of Supervisors:*

Please accept these comments on behalf of the Committees for Land, Air, Water and Species (CLAWS). CLAWS appeared before your Board in June on this topic and asked that the County follow appropriate procedures and undertake a reasoned analysis of this issue in conformance with the law. Your Board instead took an action that lacked care or a reasoned analysis, created a conflict with the County's zoning ordinance, and violated applicable law.

CLAWS and the community recognize that hoop houses offer benefits to both conventional, synthetic chemical-based agriculture as well as for organic and sustainable agricultural operations. Hoop houses offer potential benefits of reduced water use, reduced or avoided pesticide use, improved worker conditions and increased agricultural productivity, but when large areas are covered, can have significant aesthetic impacts to scenic areas and can change and concentrate storm water runoff, triggering erosion, and generate large volumes of plastic waste. When abandoned in place, hoop houses contribute to litter as the plastic degrades and is blown off-site.

In short, CLAWS believes hoop houses offer benefits but have impacts, and as such, should be allowed with limited permit requirements in most circumstances where standards for use ensure that impacts will be avoided. Where uses do not comply with the standards, or other site-specific factors indicate impacts could be significant – such as large concentrations of hoop houses in scenic areas – a discretionary permitting process is appropriate. We implore the County to conduct a reasoned public process in adopting standards for the use of hoop houses, as was contemplated as part of the County Long Range Planning Department's Annual Work Plan.

It is critical that the County follow appropriate procedures in exercising their discretion in this matter. The "Options" reflected in the Staff presentation contain specific standards for exemptions, and to the extent the Board's "direction" indicates the final adoption of a specific standard, that "direction" is itself subject to CEQA. The Board's direction in this matter, should they elect to consider standards for exempt structures, should be general in identifying issues for staff to consider during a review process conducted in accordance with CEQA **prior** to any final decision.

**Substantive and Policy Issues**

As noted, CLAWS and the public at large recognize the importance of a robust agricultural industry, and note the need to innovate and respond to changing circumstances. With changing crop types and increasingly hostile climatic and hydrologic conditions, it is reasonable to expect that hoop houses will become more numerous.

Hoop houses can be appropriate without permits in many areas if they are installed, used, and removed in accordance with objective standards that ensure significant impacts are avoided. Based on other communities' development of standards for hoop houses, the County's standards should address the following issues and "hard-wire" mitigation measures into the applicable standards:

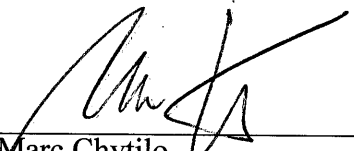
- 1) water drainage measures, to avoid erosion
- 2) height limits and setbacks
- 3) time limits, to ensure the structures are temporary (or should be regulated as greenhouses)
- 4) required removal of plastic and standards for its recycling, to avoid solid waste impacts
- 5) ensure hoop houses will only be used for growing crops and not serve as ad hoc farmworker housing or for non-agricultural uses
- 6) visual effects, particularly on scenic viewsheds and when parcel coverage reaches certain thresholds

When a hoop house does not meet the objective standards, or is sited in a location where significant impacts are possible (such as in a designated scenic area or in environmentally sensitive habitat area), a permit process should authorize conditions sufficient to avoid impacts.

Staff's Option 4, assuming it will lead to a public process addressing all the relevant issues and includes CEQA compliance, appears to be the appropriate action for your Board. It is essential that any direction contained in the Board's action be advisory and not determinative on any issue that can cause a significant impact.

Should the Board agree to reconsider its June 6 decision and direct staff to proceed in accord with CEQA and governing authority and direct the refund of the appeal filing fee, CLAWS will withdraw the appeal and refrain from legal action challenging the Board's previous action.

Sincerely,

  
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Marc Chytilo