

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
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TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF JANUARY 30, 2019

RE: *Hoop Structures Ordinance Amendment; 17ORD-00000-00005*

Hearing on the request of the Planning and Development Department for the County Planning Commission to consider making recommendations to the Board of Supervisors regarding the following:

- a) **17ORD-00000-00005.** Recommend that the Board of Supervisors adopt an ordinance amending the zoning regulations of the County Land Use and Development Code (County LUDC) in compliance with Chapter 35.104, Section 35-1 of Chapter 35, Zoning, of the Santa Barbara County Code, to address permitting requirements for hoop structures and shade structures; and
- b) Recommend that the Board of Supervisors certify the Program Environmental Impact Report (17EIR-00000-00004) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act (CEQA). As a result of this project, significant effects on the environment are anticipated in the following categories: Visual Resources, and Resource Recovery and Solid Waste Management.

The project involves lands zoned Agriculture-I and Agriculture-II located throughout the Inland Area of the County. (Continued from 5/30/18, 7/11/18, 8/29/18, 11/07/18, and 12/05/18)

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of January 30, 2019, Commissioner Ferini moved, seconded by Commissioner Blough and carried by a vote of 5 to 0 to:

1. Make the required findings for approval, including CEQA findings, and recommend that the Board of Supervisors make the required findings for approval of the proposed amendment, including CEQA findings and Statement of Overriding Considerations (Attachment A of the staff memorandum dated January 22, 2019) as revised by the Planning Commission's direction at the hearing dated January 30, 2019;

2. Recommend that the Board of Supervisors certify the Hoop Structures Ordinance Amendment Program Environmental Impact Report (17EIR-00000-00004) (State Clearinghouse No. 2017101040) (Attachment B), as modified by the EIR Revision Document RV 01 dated January 30, 2019 (Attachment C of the staff memorandum dated January 22, 2019) as revised by the Planning Commission's direction at the hearing dated January 30, 2019; and
3. Adopt a resolution (Attachment D) recommending that the Board of Supervisors approve the Hoop Structures Ordinance Amendment by adopting an ordinance amending the County Land Use and Development Code (Case No. 17ORD-00000-00005), Section 35-1 of Chapter 35, Zoning, of the Santa Barbara County Code, to address permitting requirements for hoop structures and shade structures (Attachment D of the staff memorandum dated January 22, 2019, Exhibit 1), incorporating revisions to the Hoop Structures Ordinance Amendment directed by the Planning Commission on January 30, 2019.

As part of its recommendation to the Board of Supervisors, the Planning Commission directed staff to make the following revisions to the ordinance amendment (Exhibit 1 of Attachment D):

1. Confirmed a revision to mitigation measure MM-BIO-1 as follows:

***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-one~~ one of the previous ~~five-three~~ three 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).~~*

2. Revised mitigation measure MM-BIO-3 as follows:

***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 and Inner Rural Areas and EDRNs and 100 feet from streams and creeks in Rural Areas.~~*

and revised the recommended ordinance amendment to be consistent with revised MM-BIO-3.

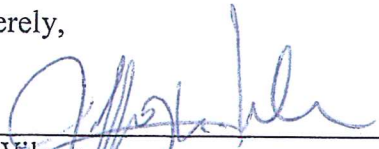
3. Added a new slope criterion to determine when crop protection structures would be exempt and when a permit would be required. The Planning Commission recommended that these structures be allowed without a permit when located on slopes averaging 20% or less over the area of the lot where crop protection structures are proposed to be used, and require a permit when located on steeper slopes.

The Planning Commission also directed staff to revise the Findings for Approval (Attachment A) and EIR Revision Document RV 01 dated January 30, 2019 (Attachment C), to support the Planning Commission's recommendation.

Commissioner Blough moved, seconded by Commissioner Ferini and carried by a vote of 4 to 0 to 1 (Brown abstained) to direct staff to: (1) inform the Board of Supervisors that the Planning Commission also discussed the permitting requirements for nonexempt hoop structures and shade structures located within the Santa Ynez Valley Design Control Overlay and the Gaviota Coast Critical

Viewshed Corridor Overlay and whether the required permit for development larger than 20,000 square feet be a Land Use Permit instead of a Development Plan; and (2) asked the Board of Supervisors to consider this permitting alternative within these overlays.

Sincerely,



Jeff Wilson
Secretary to the Planning Commission

cc: Case File: 17ORD-00000-00005
Planning Commission File
Dianne M. Black, Director
Jenna Richardson, Deputy County Counsel
Julie Harris, Planner

Attachments:

- Attachment A – Revised Findings for Approval**
- Attachment C – EIR Revision Document RV 01, as revised by the Planning Commission**
- Attachment D – Resolution of the County Planning Commission including Exhibit 1, as revised by the Planning Commission**
- Attachment E – Revised Policy Consistency Analysis**

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ATTACHMENT A

REVISED FINDINGS FOR APPROVAL AND STATEMENT OF OVERRIDING CONSIDERATIONS HOOP STRUCTURES ORDINANCE AMENDMENT

Case No. 17ORD-00000-00005

1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

1.1 FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CEQA GUIDELINES SECTIONS 15090 AND 15091:

1.1.1 CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

The Final Program Environmental Impact Report (Final EIR) (County No. 17EIR-00000-00004, State Clearinghouse No. 2017101040), its appendices, and EIR Revision Document RV 01, dated January 30, 2019, were presented to the County Planning Commission, and all voting members of the County Planning Commission have reviewed and considered the information contained in the Final EIR, its appendices, and EIR Revision Document RV 01, dated January 30, 2019, prior to recommending approval of the Project to the Board of Supervisors (Board). In addition, all voting members of the County Planning Commission have reviewed and considered testimony and additional information presented at or prior to their public hearings. The Final EIR and EIR Revision Document RV 01 reflects the independent judgment and analysis of the County Planning Commission and is adequate for this proposal.

1.1.2 FULL DISCLOSURE

The County Planning Commission finds and recommends that the Board find and certify that the Final EIR (17EIR-00000-00004), its appendices, and EIR Revision Document RV 01, dated January 30, 2019, constitute a complete, accurate, adequate, and good faith effort at full disclosure pursuant to CEQA. The County Planning Commission further finds and recommends that the Board find and certify that the EIR, its appendices, and EIR Revision Document RV 01 were completed in compliance with CEQA.

1.1.3 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101.

1.1.4 GENERAL CEQA FINDINGS

The Final EIR has been prepared as a Program EIR pursuant to CEQA Guidelines Section 15168. The degree of specificity in the EIR corresponds to the specificity of the general or program level standards of the Project and to the effects that may be expected to follow from the adoption of the Project.

The Project mitigates the environmental impacts to the maximum extent feasible as discussed in the findings made below. Where feasible, changes and alterations have been incorporated

into the Project, which are intended to avoid or substantially lessen the significant environmental effects identified in the EIR.

The EIR identified mitigation measures designed to reduce potentially significant impacts which might occur from development that could result from the Project. During the process of incorporating mitigation measures into the Project, some minor changes have been made that do not substantially impact the effectiveness of the mitigation.

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or mitigate to the maximum extent feasible the environmental effects. The Project is an amendment to the County Land Use and Development Code (LUDC) to allow exemptions for certain hoop structures and shade structures on agricultural lands countywide. All feasible mitigation measures identified in the Final EIR (17EIR-00000-00004) have been incorporated directly into the Hoop Structures Ordinance Amendment, County LUDC Subsection 35.42.140 – Greenhouses, Hoop Structures, and Shade Structures, as shown in Attachment D, Exhibit 1, of the staff memorandum to the County Planning Commission dated January 22, 2019, which is hereby incorporated by reference. To ensure compliance with adopted mitigation measures during project implementation, the ordinance amendment includes development standards for each adopted mitigation measure that identify the action required to ensure compliance. Therefore, a separate mitigation monitoring and reporting program is not necessary, and the County Planning Commission finds and recommends that the Board find the amendment to the County LUDC sufficient for a monitoring and reporting program.

1.1.5 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

The Final EIR (17EIR-00000-00004) and its appendices for the Hoop Structures Ordinance Amendment identify four significant environmental impacts which cannot be fully mitigated and, therefore, are considered unavoidable (Class I). These impacts involve aesthetics/visual resources, and resource recovery and solid waste management. To the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations included herein.

Aesthetics/Visual Resources

Impacts: The Final EIR identified significant project-specific and cumulative impacts related to visual character changes (VIS-1); public scenic views and scenic resources (VIS-2); and light and glare (VIS-3). Impact VIS-3 identified significant impacts only to glare, because lighting, by definition, is not allowed within hoop structures and shade structures (collectively referred to as crop protection structures in the EIR and the remainder of these CEQA findings).

Mitigation: Mitigation Measure MM-VIS-1 requires amendment of the County LUDC to require that the height of any new crop protection structures not exceed 12 feet within 75 feet of the edge of right-of-way of a public road or any designated State Scenic Highway for a crop protection structure to qualify for the permit exemption.

Mitigation Measure MM-VIS-2 requires amendment of the County LUDC to require crop protection structures 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 this setback requirement; however, landscape screening shall not be taken into consideration when determining whether the structure is visible from public roadways or other areas of public use.

Mitigation Measure MM-VIS-3, as revised by EIR Revision Document RV 01, dated January 30, 2019, requires amendment of the County LUDC to allow an area covered by crop protection structures up to 4,000 square feet per lot with a permit exemption 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 this permit threshold; however, landscape screening shall not be taken into consideration when determining whether the structure is visible from public roadways or other areas of public use. Visible crop protection structures larger than 4,000 square feet per lot may be allowed with approval of a permit. This measure was incorporated into the final County LUDC ordinance amendment.

No other feasible mitigation measures are known which will further reduce impacts. With expansion of use of crop protection structures, impacts to visual character changes, public scenic views and scenic resources, and glare will not be fully mitigated and will remain significant and unavoidable.

Cumulative impacts to aesthetics/visual resources are mitigated to the maximum extent feasible with measures MM-VIS-1, MM-VIS-2, and MM-VIS-3. Project approval would contribute to cumulative impacts to aesthetics/visual resource associated with pending and future growth and development projects countywide. The combined effect of cumulative development is anticipated to result in significant and unavoidable cumulative impacts to aesthetics/visual resources.

Findings: The County Planning Commission rejects mitigation measures MM-VIS-1 and MM-VIS-2 as infeasible and recommends that the Board rejects MM-VIS-1 and MM-VIS-2 as infeasible for the reasons summarized below in Section 1.1.7, and discussed in detail in the EIR Revision Document RV 01, dated January 30, 2019, herein incorporated by reference. The County Planning Commission also finds, and recommends that the Board find, that rejecting mitigation measures MM-VIS-1 and MM-VIS-2 as infeasible would not substantially increase the severity of the impacts to aesthetics/visual resources.

The County Planning Commission finds, and recommends that the Board find, that mitigation measure MM-VIS-3 (as revised by EIR Revision Document RV 01, dated January 30, 2019) has been incorporated in the County LUDC, Section 35.42.140.C, to further mitigate project-specific and cumulative impacts to the maximum extent feasible. Property owners are required to comply with this mitigation measure when crop protection structures that qualify for the exemption are installed on agricultural lands within the Santa Ynez Valley Community Plan D Overlay. Planning and Development Department (P&D) staff would take enforcement actions in response to a confirmed zoning violation (i.e., noncompliance with the adopted Hoop Structures Ordinance Amendment). For crop protection structures not qualifying for the

exemption, a permit will be required subject to the provisions of the County LUDC amendment. This measure will be implemented (as applicable) during the review of permit applications for crop protection structures by P&D staff, to mitigate project-specific and cumulative impacts to aesthetics/visual resources to the maximum extent feasible. The County Planning Commission finds that with mitigation and project review standards implemented, the Project and cumulative contribution to aesthetics/visual resources impacts would remain significant and unavoidable. Therefore, the County Planning Commission finds, and recommends that the Board find, the residual impacts to aesthetics/visual resources are acceptable due to the overriding considerations that support adoption of the Hoop Structures Ordinance Amendment discussed in the Statement of Overriding Considerations section of these Findings (Section 1.1.9).

Resource Recovery and Solid Waste Management

Impacts: The Final EIR identified significant project-specific and cumulative impacts related to solid waste management (Impact RR-1) associated with plastic waste generation. The Project would not directly result in the generation of solid waste, as the County LUDC amendment in itself does not involve any construction, demolition, or other waste-generating activity. However, a previously effective agricultural plastics recycling program operated by the Santa Maria Landfill ended on May 1, 2018, after the recycling market for agricultural plastics collapsed, and it is unknown whether this program or an equivalent will be established in the future. In addition, it is anticipated that implementation of the Project would result in an expansion of use of crop protection structures throughout the County on lands zoned Agricultural I (AG-I) and Agricultural II (AG-II), which would increase the amount of plastic waste generated.

Mitigation: Mitigation to reduce the resource recovery and solid waste management impacts to a less-than-significant level were considered; however, no feasible measures were identified as recycling is the only effective mitigation and is not currently available.

Findings: The County Planning Commission finds, and recommends that the Board find, that there are no feasible mitigation measures to incorporate into the Hoop Structures Ordinance Amendment to reduce the significant environmental effects identified in the Final EIR. Therefore, the County Planning Commission finds, and recommends that the Board find, the residual impacts to resource recovery and solid waste are acceptable due to the overriding considerations that support adoption of the Hoop Structures Ordinance Amendment discussed in the Statement of Overriding Considerations section of these Findings.

1.1.6 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY MITIGATION MEASURES

The Final EIR (17EIR-00000-00004) and its appendices identify one subject area for which the Project is considered to cause or contribute to significant, but mitigable environmental impacts (Class II). For each of the Class II impacts identified by the Final EIR, feasible changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect, as discussed below.

Biological Resources

Impacts: The Final EIR, as revised by EIR Revision Document RV 01, dated January 30, 2019, identified potentially significant but mitigable project-specific and cumulative impacts to unique, rare, threatened, or endangered plant or wildlife species (Impact BIO-1); sensitive habitats or sensitive natural communities (Impact BIO-2); the movement or patterns of any native resident or migratory species (Impact BIO-3); and conflicts with adopted local plans, policies, or ordinance oriented towards the protection and conservation of biological resources (Impact BIO-4). Impacts would primarily result from the potential to place crop protection structures, without permits, on lands that have not been historically cultivated, where sensitive species and habitats might be located.

Mitigation: The Final EIR, as revised by EIR Revision Document RV 01, dated January 30, 2019, identifies two mitigation measures that would reduce potentially significant impacts to less-than-significant levels.

Mitigation Measure MM-BIO-1, as recommended to be modified by the County Planning Commission (EIR Revision Document RV 01, dated January 30, 2019, herein incorporated by reference), requires amendment of the County LUDC such that crop protection structures shall only be exempt from permits when located on historically intensively cultivated agricultural lands. Historically, intensively cultivated agricultural lands shall mean, for the purpose of this requirement, agricultural land that has been tilled for agricultural use and planted with a crop for at least one of the previous three years. This measure mitigates Impacts BIO-1, BIO-2, BIO-3, and BIO-4, and was incorporated into the final County LUDC amendment. The impacts to biological resources would remain less than significant with the revisions to MM-BIO-1, as discussed in the EIR Revision Document RV 01.

Mitigation Measure MM-BIO-2 required amendment of the County LUDC so that to qualify for the permit exemption, any crop protection structure located within 1.24 miles of a known or potential California tiger salamander (*Ambystoma californiense*) (CTS) breeding pond shall maintain a minimum gap of one foot between ground surface and hoop structure plastic to allow free movement of CTS. However, as discussed in the EIR Revision Document RV 01, dated January 30, 2019, herein incorporated by reference, the United States Fish and Wildlife Service (USFWS) submitted new substantial evidence in the record, which stated that (1) it is usually beneficial to allow passage for dispersing wildlife, (2) MM-BIO-2 would expose CTS to hazards associated with agricultural activities, and (3) it is better overall to exclude CTS from the hoop structures. USFWS recommends removing MM-BIO-2 since the USFWS believes the measure may subject CTS to additional threats and would be more detrimental than beneficial. Therefore, based on this new evidence the County Planning Commission recommended deleting MM-BIO-2. Residual impacts to CTS would not significantly change, as MM-BIO-1 would continue to mitigate potential impacts to CTS.

Mitigation Measure MM-BIO-3, as recommended to be modified by the County Planning Commission (EIR Revision Document RV 01, dated January 30, 2019, herein incorporated by reference), requires amendment of the County LUDC to require that crop protection structures be located a minimum of 50 feet from streams and creeks ~~in Urban Areas, Inner Rural Areas, and Existing Development Rural Neighborhoods (EDRNs) and 100 feet from streams and~~

~~creeks in Rural Areas.~~ This measure mitigates Impacts BIO-1 and BIO-2, and was incorporated into the final County LUDC amendment.

Findings: The County Planning Commission finds, and recommends that the Board find, that MM-BIO-1, as modified by EIR Revision Document RV 01, dated January 30, 2019, and MM-BIO-3, as modified by EIR Revision Document RV 01, dated January 30, 2019, have been incorporated into the Hoop Structures Ordinance Amendment. Property owners are required to comply with these mitigation measures when crop protection structures are installed on agricultural lands. P&D staff would take enforcement actions in response to a confirmed zoning violation (i.e., noncompliance with the adopted Hoop Structures Ordinance Amendment). In any case, a property owner must still comply with the federal and state Endangered Species Acts even if the crop protection structures are exempt from County permits.

As discussed in detail in the EIR Revision Document RV 01, dated January 30, 2019, herein incorporated by reference, the County Planning Commission finds, and recommends that the Board find, that MM-BIO-3, as drafted, is infeasible, and revise MM-BIO-3 to reduce the setback from 100 feet to 50 feet in the Rural Area. The Comprehensive Plan does not require a 100-foot setback from all streams and creeks in all rural areas, but only within community planning areas where such a setback is prescribed by policy or development standard (currently the Gaviota Coast Plan, Santa Ynez Valley Community Plan, and Toro Canyon Plan). Other Comprehensive Plan policies provide general direction for the protection of streams, creeks, and riparian habitats. Although the Planning Commission recommended revising MM-BIO-3, pursuant to LUDC Subsection 35.20.020.C, any land use and structure, including exempt crop protection structures, must comply with applicable Comprehensive Plan policies and development standards, including community plan development standards. Thus, within these community planning areas, the more restrictive setback requirement would apply.

In addition, several Planning Commissioners commented that such a requirement may have negative consequences for cultivated agriculture without significantly reducing impacts to streams and creeks. Agricultural operations are most successful when employing economies of scale to maximize efficiency and crop production. As originally proposed MM-BIO-3, which would require a 100-foot setback from streams and creeks, would prevent the use of crop protection structures within 100 feet of a stream or creek, even if land within that setback has already been farmed, and riparian habitat is not extant. Revising the setback to 50 feet would provide greater flexibility for farmers to remain competitive and respond quickly to rapidly changing agricultural conditions and market opportunities, allowing flexibility for the farmer to make decisions regarding the choice of crop based on economic, market, and other factors, while continuing to provide a setback for riparian habitats to support the various functions these habitats provide to other biological resources.

For crop protection structures not qualifying for the exemption, a permit will be required subject to the provisions of the amendment. Under this scenario, P&D staff would review permit applications to verify that MM-BIO-3 is implemented as development standards required by the LUDC, which would mitigate project-specific and cumulative impacts to biological resources to the maximum extent feasible. In addition, a property owner must comply with the federal and state Endangered Species Acts regardless of whether crop protection structures require a County permit or are exempt. Therefore, the County Planning

Commission finds, and recommends that the Board find, that implementation of MM-BIO-1, [as modified by EIR Revision Document RV 01, dated January 30, 2019](#), and MM-BIO-3, [as modified by EIR Revision Document RV 01, dated January 30, 2019](#), would reduce the significant project-specific environmental effects related to biological resources (Impacts BIO-1, BIO-2, BIO-3 and BIO-4) to a less-than-significant level (Class II).

In addition, the County Planning Commission finds that implementation of MM-BIO-1 and MM-BIO-3 would reduce the Project's contribution to significant, cumulative impacts to biological resources, such that the Project would not make a cumulatively considerable contribution and, therefore, the Project's contribution to cumulative impacts to biological resources would be less than significant with mitigation (Class II).

1.1.7 FINDINGS THAT IDENTIFIED MITIGATION MEASURES ARE NOT FEASIBLE

Aesthetics/Visual Resources

Impacts: The Final EIR identified significant project-specific and cumulative impacts related to visual character changes (VIS-1), public scenic views and scenic resources (VIS-2), and light and glare (VIS-3). Impact VIS-3 identified significant impacts only to glare, because lighting is not allowed within hoop structures and shade structures pursuant to the definitions of hoop structure and shade structure.

Mitigation: Mitigation Measure MM-VIS-1 would amend the County LUDC to require that the height of any new crop protection structures not exceed 12 feet within 75 feet of the edge of right-of-way of a public road or any designated State Scenic Highway for a crop protection structure to qualify for the permit exemption.

Mitigation Measure MM-VIS-2 would amend the County LUDC to require crop protection structures 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 would be exempt from this setback requirement; however, landscape screening would not be taken into consideration when determining whether the structure is visible from public roadways or other areas of public use.

The Final EIR also determined that cumulative impacts to aesthetics/visual resources would be mitigated by measures MM-VIS-1 and MM-VIS-2. Project approval would contribute to cumulative impacts to aesthetics/visual resources associated with pending and future growth and development projects countywide. The combined effect of cumulative development is anticipated to result in significant and unavoidable cumulative impacts to aesthetics/visual resources.

No other feasible mitigation measures were identified that could further reduce impacts. Although the two mitigation measures would reduce impacts to aesthetics/visual resources, none of the measures could reduce any of the impacts to less-than-significant levels. Thus, with expansion of use of crop protection structures, impacts to aesthetics/visual resources will not be fully mitigated and will remain significant and unavoidable.

Findings: The County Planning Commission rejects mitigation measures MM-VIS-1 and MM-VIS-2 as infeasible and recommends that the Board rejects the mitigation measures as infeasible for the reasons summarized below and discussed in detail in the EIR Revision Document RV 01, dated January 30, 2019, and herein incorporated by reference. The County Planning Commission also finds, and recommends that the Board find, that rejecting mitigation measures MM-VIS-1 and MM-VIS-2 as infeasible would not substantially increase the severity of the impacts to aesthetics/visual resources.

As discussed in detail in the EIR Revision Document RV 01, dated January 30, 2019, herein incorporated by reference, the County Planning Commission finds, and recommends that the Board find, that MM-VIS-1 is infeasible. Agricultural operations are most successful when employing economies of scale to maximize efficiency and crop production. Implementation of MM-VIS-1 may result in a farmer having to: (1) farm a property using two different heights of crop protection structure, which may result in increased costs to use different structures for the same crop and different agricultural practices and equipment within the structures due to the height difference; (2) limit crop choice or other agricultural practices to those that would not need structures taller than 12 feet and use 12-foot structures over the entire property; (3) farm a different crop within the narrow setback area subject to the 12-foot height limitation (i.e., farm two different crops) without crop protection structures and use larger structures on the rest of the property; or (4) leave the land fallow within the area subject to the 12-foot height limitation, thereby not using the agricultural land to its full agricultural potential; however, the fallow area would still warrant dust and rodent protection for crops located adjacent to the fallow area. As a consequence, MM-VIS-1 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.

As discussed in detail in the EIR Revision Document RV 01, dated January 30, 2019, herein incorporated by reference, the County Planning Commission finds, and recommends that the Board find, that MM-VIS-2 is infeasible. As discussed above, agricultural operations are most successful when employing economies of scale to maximize efficiency and crop production. Implementation of MM-VIS-2 would affect the agricultural-zoned lands surrounding the following unincorporated urban townships: Santa Ynez, Ballard, Los Olivos, Los Alamos, Casmalia, Sisquoc, Garey, New Cuyama, and Cuyama. Crop protection structures provide more options for farmers to remain competitive and respond quickly to rapidly changing agricultural conditions and market opportunities, allowing 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 install and remove these structures when needed. Implementation of MM-VIS-2 would limit a farmer's options on lands surrounding these townships to: (1) farm two different crops – one that benefits from crop protection structures and, within the 400-foot setback, another that does not require hoops to be productive, which may result in increased costs to farm different crops within a limited area that might otherwise be more productive; (2) leave the land fallow within the 400-foot setback; or (3) farm the entire property with a crop that does not require crop protection structures to produce the crop. As a result, the lands would not be used to their full agricultural potential and would effectively

limit the feasibility of using crop protection structures on the agricultural-zoned lands adjacent to the unincorporated urban townships. As a consequence, MM-VIS-2 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.

As discussed in detail in the EIR Revision Document RV 01, dated January 30, 2019, herein incorporated by reference, the rejection of MM-VIS-1 and MM-VIS-2 would not substantially increase the severity of impacts identified in the Final EIR or result in any new significant environmental impacts. Notwithstanding these significant and unavoidable impacts, the County Planning Commission finds, and recommends that the Board find, the impacts to aesthetics/visual resources are acceptable due to the overriding considerations that support adoption of the Hoop Structures Ordinance Amendment discussed in the Statement of Overriding Considerations section of these Findings.

Biological Resources

Impacts: The Final EIR, as revised by EIR Revision Document RV 01, dated January 30, 2019, identified potentially significant but mitigable project-specific and cumulative impacts to unique, rare, threatened, or endangered plant or wildlife species (Impact BIO-1); sensitive habitats or sensitive natural communities (Impact BIO-2); the movement or patterns of any native resident or migratory species (Impact BIO-3); and conflicts with adopted local plans, policies, or ordinance oriented towards the protection and conservation of biological resources (Impact BIO-4). Impacts would primarily result from the potential to place crop protection structures, without permits, on lands that have not been historically cultivated, where sensitive species and habitats might be located.

Mitigation: The Final EIR, as revised by EIR Revision Document RV 01, dated January 30, 2019, identifies two mitigation measures that would reduce potentially significant impacts to less-than-significant levels, MM-BIO-1 and MM-BIO-3, as discussed under finding 1.1.6, above.

Findings: The County Planning Commission rejects mitigation measure MM-BIO-3, as originally proposed, as infeasible and recommends that the Board reject the mitigation measure as infeasible for the reasons summarized below and discussed in the EIR Revision Document RV 01, dated January 30, 2019, and herein incorporated by reference. The County Planning Commission also finds, and recommends that the Board find, that rejecting mitigation measure MM-BIO-3 as infeasible, and modifying the measure to reduce the setback from streams and creeks in the Rural Area from 100 feet to 50 feet, would not substantially increase the severity of the impacts to aesthetics/visual resources.

As discussed in detail in the EIR Revision Document RV 01, dated January 30, 2019, herein incorporated by reference, the County Planning Commission finds, and recommends that the Board find, that MM-BIO-3, as drafted, is infeasible, and revise MM-BIO-3 to reduce the setback from 100 feet to 50 feet in the Rural Area. The Comprehensive Plan does not require a 100-foot setback from all streams and creeks in all rural areas, but only within community

planning areas where such a setback is prescribed by policy or development standard (currently the Gaviota Coast Plan, Santa Ynez Valley Community Plan, and Toro Canyon Plan). Other Comprehensive Plan policies provide general direction for the protection of streams, creeks, and riparian habitats. Although the Planning Commission recommended revising MM-BIO-3, pursuant to LUDC Subsection 35.20.020.C, any land use and structure, including exempt crop protection structures, must comply with applicable Comprehensive Plan policies and development standards, including community plan development standards. Thus, within these community planning areas, the more restrictive setback requirement would apply.

In addition, several Planning Commissioners commented that such a requirement may have negative consequences for cultivated agriculture without significantly reducing impacts to streams and creeks. Agricultural operations are most successful when employing economies of scale to maximize efficiency and crop production. As originally proposed MM-BIO-3, which would require a 100-foot setback from streams and creeks, would prevent the use of crop protection structures within 100 feet of a stream or creek, even if land within that setback has already been farmed, and riparian habitat is not extant. Revising the setback to 50 feet would provide greater flexibility for farmers to remain competitive and respond quickly to rapidly changing agricultural conditions and market opportunities, allowing flexibility for the farmer to make decisions regarding the choice of crop based on economic, market, and other factors, while continuing to provide a setback for riparian habitats to support the various functions these habitats provide to other biological resources.

1.1.8 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES ARE NOT FEASIBLE

The Final EIR (17EIR-00000-00004) evaluated a no project alternative and two additional alternatives (Alternative 1: Furtherance of Policy Consistency and Alternative 2: Visual Character and Scenic Views Protection) as methods of reducing or eliminating significant environmental impacts. The County Planning Commission finds that the identified alternatives are infeasible for the following reasons.

1. No Project Alternative

The No Project Alternative addresses the potential environmental impacts that could result if the proposed Hoop Structures Ordinance Amendment is not adopted and the mitigation measures are not implemented. Under the No Project Alternative, the County would not amend the County LUDC to change the current regulatory mechanisms which govern the development of hoop structures and shade structures on land zoned Agricultural I (AG-I) and Agricultural II (AG-II) in the unincorporated inland areas. Hoop structures and shade structures would continue to be permitted in the same manner as greenhouses in areas regulated by the County LUDC, requiring a Land Use Permit for hoop structures less than 20,000 square feet in area, and a Development Plan for hoop structures that are 20,000 square feet or more in area. A Development Plan also requires environmental review and a hearing before the County Planning Commission (County LUDC Section 35.42.140).

Under the No Project Alternative, impacts related to conflicts with applicable land use plans, policies, or regulations (LU-1), and land use compatibility (LU-2) would be slightly greater since the Project's objective to revise the permit path for hoop structures and shade structures

from one of greater complexity and uncertainty to one that is clear and less complex would not be achieved under the No Project Alternative. Impacts of the No Project Alternative on aesthetic/visual resources (VIS-1, VIS-2, and VIS-3) would be similarly significant (Class I). The analysis of the Project identified beneficial impacts to agriculture by reducing the potential to directly convert prime agricultural land, and less-than-significant impacts to land use compatibility at the agricultural interface. The No Project Alternative would result in greater impacts to agriculture by removing the beneficial impact of fewer land conversions. Water resources impacts, including impacts to water quality (WR-1), groundwater supply (WR-2), runoff and drainage (WR-3), and flooding (WR-4), found to be less than significant (Class III), would be similar under the No Project Alternative. Resource recovery and solid waste (RR-1) impacts, including associated cumulative impacts would be the same as the Project (Class I). Finally, impacts of the No Project Alternative also would be significant and more severe than the Project for all biological resources impacts: rare, threatened, or endangered plant or wildlife species (BIO-1), sensitive habitats/communities (BIO-2), movement of native or migratory species (BIO-3), and conflicts with adopted plans, policies, or ordinance protecting biological resources (BIO-4).

The No Project Alternative fails to achieve the objectives of the Project, as it would not simplify or streamline the permit process for hoop structures and shade structures, would not expressly allow these structures on lands zoned Agriculture, would not exempt hoop structures and shade structures of a given height, and would not apply development standards to reduce or minimize potential adverse effects. Therefore, the County Planning Commission finds, and recommends that the Board find, that the Project (as modified by incorporation of EIR mitigation measures including revisions documented in the EIR Revision Document RV 01, dated January 30, 2019) is preferable to the No Project Alternative because the No Project Alternative fails to meet most project objectives.

2. Alternative 1: Furtherance of Policy Consistency

Alternative 1 is similar in most respects to the Project but also furthers certain policy objectives of the Comprehensive Plan, including community plans, that protect biological resources and visual resources, which would be included as additional development standards. This alternative also includes policies that support agriculture by requiring a Zoning Clearance instead of a Development Plan for certain non-exempt crop protection structures, with incorporation of additional standards to protect biological and visual resources.

Alternative 1's impacts to land use would be less than significant, and similar to the Project, yet residual impacts associated with Impact LU-1 would be slightly reduced compared to the Project due to additional development standards that would further policy consistency. Alternative 1 results in fewer impacts to aesthetics/visual resources; however, they would continue to be significant and unavoidable (Class I). Alternative 1 would result in overall fewer impacts to biological resources compared to the Project.

Impacts related to Land Use Compatibility (Impact LU-2) and cumulative impacts would be the same under Alternative 1 as with the Project because the proposed Alternative 1 ordinance standards would not affect these issue areas. In addition, impacts to agricultural resources, water resources and flooding, and resource recovery and solid waste management would be the same as the Project.

Alternative 1 primarily results in similar environmental impacts and reduces some impacts to land use, aesthetics/visual resources, and biological resources relative to the Project. However, the reduction would not be substantial enough to eliminate unavoidably significant (Class I) impacts to aesthetics/visual resources. In addition, the additional height reduction setback to enhance visual resources protection would not substantially lessen the significant impacts to aesthetics/visual resources, as the visual characteristics of crop protection structures do not differ substantially between heights of 12 feet and 20 feet and the effectiveness of the height reduction as a mitigation diminishes the further away from a public road the structures are located.

The primary difference between Alternative 1 and the Project is that Alternative 1 is a planning permit option that reduces the permit requirement for non-exempt crop protection structures of 20 feet or less in height, located on lands within 1.24 miles of CTS breeding ponds and not historically intensively cultivated, from a Development Plan, which requires a County Planning Commission hearing, to a Zoning Clearance, approved by the Director without a hearing. This alternative also would facilitate coordination between property owners and regulatory agencies, which is already required for similar agricultural practices (e.g., converting grazing land to cultivation) that do not require a Land Use Permit. Thus, Alternative 1 would not reduce impacts to the environment.

The additional development standards, while providing incremental reductions in impacts to aesthetics/visual resources and biological resources, would not reduce any impacts to less-than-significant levels, and would decrease flexibility for the farmers. This would conflict with a basic objective to allow farmers more flexibility and efficient agricultural operations in support of the County's agricultural economy. Therefore, Alternative 1 has been found infeasible for social, economic, and other reasons. Therefore, the County Planning Commission finds, and recommends that the Board find, that the Project (as modified by incorporation of the EIR mitigation measures including revisions documented in the EIR Revision Document RV 01, dated January 30, 2019) is preferable to Alternative 1 because Alternative 1 fails to avoid significant environmental effects.

3. Alternative 2: Visual Character and Scenic Views Protection

Alternative 2 is similar to the Project in most respects, but addresses impacts to aesthetics/visual resources by limiting the permit exemption to crop protection structures 12 feet or less in height (instead of 20 feet or less) throughout the AG-I zone. Alternative 2 also would revise the ordinance amendment to limit the permit exemption for crop protection structures to 12 feet or less in height on all lots located adjacent to designated State Scenic Highways (instead of only within 75 feet from designated State Scenic Highways).

Alternative 2 would result in substantially similar impacts to land use, water resources and flooding, resource recovery and solid waste management, and biological resources as would occur with the Project; however, Alternative 2 would somewhat reduce the beneficial impacts to agriculture (Impact AG-1) compared to the Project by reducing the exemption height limit to 12 feet on land zoned AG-I and on entire lots adjacent to designated State Scenic Highways. The lower height would somewhat reduce flexibility for farmers to install crop protection structures at a taller height that may benefit some crops. Alternative 2 would not introduce

incompatible development adjacent to agriculture; therefore, impacts related to land use compatibility/agriculture interface conflicts would be similar to the Project.

Potential adverse impacts related to light and glare (Impact VIS-3) would be the same as the Project because the reduced height would not substantially change the potential glare impact. Alternative 2 would reduce potential visual impacts (Impacts VIS-1 and VIS-2) compared to the Project by reducing the height of crop protection structures in some locations that would qualify for the exemption.

Although impacts to aesthetics/visual resources would be reduced under Alternative 2, the reduction would not be substantial enough to eliminate unavoidably significant (Class I) impacts. The additional height reductions to enhance visual resources protection would not substantially lessen the significant impacts to aesthetics/visual resources, as the visual characteristics of crop protection structures do not differ substantially between heights of 12 feet and 20 feet and the effectiveness of the height reduction as mitigation diminishes the further away from a public road the structures are located. Furthermore, reducing the height will lessen flexibility of agricultural operators to grow crops that may benefit from a taller structure.

In addition, although Alternative 2 would meet some of the Project objectives, it would not fully achieve a basic objective to allow farmers more flexibility and efficient agricultural operations in support of the County's agricultural economy. As such, it has been found infeasible for social, economic, and other reasons. Therefore, the County Planning Commission finds, and recommends that the Board find, that the Project (as modified by incorporation of the EIR mitigation measures including revisions documented in the EIR Revision Document RV 01, dated January 30, 2019) is preferable to Alternative 2 because Alternative 2 fails to meet most project objectives and fails to avoid significant environmental effects.

1.1.9 STATEMENT OF OVERRIDING CONSIDERATIONS

The Hoop Structures Ordinance Amendments, incorporated herein by reference, include amendments to the County LUDC that set forth permit requirements to expressly allow hoop structures and shade structures (collectively referred to as crop protection structures in the EIR) in the Agricultural zones (AG-I and AG-II) of the unincorporated, inland areas of the County of Santa Barbara. The Hoop Structures Ordinance Amendment is incorporated into the County LUDC and is consistent with the Comprehensive Plan.

The Final EIR (17EIR-00000-00004) for the Hoop Structures Ordinance Amendment project, its appendices, and the EIR Revision Document RV 01, dated January 30, 2019, incorporating EIR mitigation measures, identify project impacts to aesthetics/visual resources, and resource recovery and solid waste management as significant environmental effects which are considered significant and unavoidable. Therefore, the County Planning Commission recommends that the Board make the following Statement of Overriding Considerations for approval of the Project, despite the Project's significant, unavoidable impacts to the environment (aesthetics/visual resources and resource recovery and solid waste management). With respect to each of the environmental effects of the Project summarized above, the County Planning Commission finds, and recommends that the Board find, that the stated overriding

benefits of the Project outweigh the significant effects on the environment. Pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Sections 15043, 15092 and 15093, any remaining significant effects on the environment are acceptable due to these overriding considerations:

- A. Agriculture is one of the largest industries in Santa Barbara County, with agricultural commodities accounting for gross revenues of \$1,590,350,591 in 2017. The County is moving away from animal industries and dry farming to more intensive types of farming, which greatly increases the income potential of agricultural acreage. High value crops such as raspberries, blackberries, and blueberries, which benefit from the use of crop protection structures, had combined gross revenues of \$84,579,482, or 53% of the total gross revenues for 2017 (Santa Barbara County Agricultural Production Report 2017).
- B. Agriculture is a major component of the local economy that gives diversity and stability to our County and State economies.
- C. Agricultural lands are necessary for the maintenance of the economy of the State and for the production of food and fiber.
- D. The Hoop Structures Ordinance Amendment (1) supports the continuation of agriculture and the County's agricultural economy by allowing farmers more flexibility and efficient agricultural operations by revising the County LUDC to set forth clear standards and procedures to allow the use of crop protection structures with an exemption and to provide a permit path for those structures not qualifying for the exemption; (2) protects agriculture (Agricultural Element Goal I); (3) preserves the area's rural agricultural character; and (4) balances the needs of future residents with the needs of existing residents.
- E. The Hoop Structures Ordinance Amendment has the potential to reduce adverse impacts to biological resources and contribute to the long-term protection of the environment, while preserving viable agriculture in the County.
- F. The Hoop Structures Ordinance Amendment includes development standards to ensure the orderly development of crop protection structures within the County and ensure their compatibility with surrounding land uses in order to protect public health, safety, and natural resources.
- G. The Hoop Structures Ordinance Amendment supports goals of the Agricultural Element by allowing a permit exemption for most crop protection structures 20 feet or less in height as an integral part of many agricultural farms.
- H. The Hoop Structures Ordinance Amendment, as mitigated by the EIR, supports valuable, actively-farmed agricultural lands by allowing a permit exemption for most crop protection structures 20 feet or less in height, an effective tool which allows farmers to: (1) respond quickly to climate, economic, and market conditions; (2) remove the structures to prepare fields to rotate in different crops, thereby maintaining the health and viability of the soil; and (3) relocate and reuse crop protection structures on other agricultural fields.

- I. The Hoop Structures Ordinance Amendment clarifies the permit requirements for crop protection structures taller than 20 feet, which will reduce the amount of future project-specific review, environmental review, time, uncertainty, and cost in the permit process.
- J. The Hoop Structures Ordinance Amendment, as mitigated by the EIR, provides reasonable development standards to allow crop protection structures while reducing impacts to biological resources to a less-than-significant level by limiting the exemption to agricultural lands that have been historically intensively cultivated.
- K. The Hoop Structures Ordinance Amendment, as mitigated by the EIR, supports the ability for farmers to continue growing high value crops, such as raspberries, blackberries, and blueberries, which had combined gross revenues of \$84,579,482, or 53% of the total gross revenues for 2017 (Santa Barbara County Agricultural Production Report 2017). Such crops benefit from crop protection structures, which enhance the growing environment by moderating temperatures, protecting crops from dust and moisture that can cause disease, and extending the growing season.
- L. The Hoop Structures Ordinance Amendment, by supporting the use of crop protection structures, may minimize effects on adjacent properties, such as smoke, odor, and dust that are natural consequences of normal agricultural practices.

2.0 ADMINISTRATIVE FINDINGS

2.1 Findings required for all Amendments to the Comprehensive Plan, Development Code, and the County Zoning Map. In compliance with Section 35.104.060.A (Findings for Comprehensive Plan and Development Code) of the Santa Barbara County LUDC, the review authority shall make the findings below in order to approve a text amendment to the County LUDC.

2.1.1 The request is in the interests of the general community welfare.

The Hoop Structure Ordinance Amendment will expressly allow hoop structures and shade structures on lands zoned Agricultural (AG-I and AG-II), and clarifies and reduces the permit requirements for these structures by allowing a permit exemption on most agricultural lands, and requiring development standards to reduce environmental impacts where feasible. In doing so, the Project is in the interests of the general community welfare and supports the continuation of agriculture and the County's agricultural economy by allowing farmers more flexibility and efficient agricultural operations while reducing impacts to biological resources. Further, the Project is consistent with applicable Comprehensive Plan policies as discussed in the policy consistency analysis, Attachment E of the ~~staff memorandum to the~~ County Planning Commission [Action Letter](#), dated January ~~2230~~, 2019, herein incorporated by reference.

2.1.2 The request is consistent with the County Comprehensive Plan, the requirements of State Planning and Zoning Laws, and the County LUDC.

As discussed in Attachment E of the ~~staff memorandum to the~~ County Planning Commission, [Action Letter](#) dated January ~~2230~~, 2019, which sets forth an analysis of the Hoop Structures Ordinance Amendment's consistency with applicable Comprehensive Plan policies, the Project

is consistent with the Comprehensive Plan, including the Agricultural Element and community plans. As discussed in the County Planning Commission staff report dated May 22, 2018, herein incorporated by reference, the Project is consistent with the requirements of State Planning and Zoning Laws, and the County LUDC. The Project is an ordinance amending the County LUDC to expressly allow hoop structures and shade structures on lands zoned AG-I and AG-II, and to clarify and streamline the permit process for these structures allowing a permit exemption on most agricultural lands, and requiring development standards to reduce environmental impacts where feasible. Adoption of the ordinance amendment provides more effective implementation of the State Planning and Zoning Laws by providing clear zoning standards that will benefit the public. The ordinance amendment is also consistent with the remaining sections of the County LUDC that are not revised. Therefore, the Hoop Structures Ordinance Amendment is consistent with the Comprehensive Plan including the community plans, the requirements of State Planning and Zoning Laws, and the County LUDC.

2.1.3 The request is consistent with good zoning and planning practices.

As discussed in the County Planning Commission staff report dated May 22, 2018, [and the staff memoranda dated July 3, 2018, August 21, 2018, October 30, 2018, November 28, 2018, and January 22, 2019, all](#) herein incorporated by reference, the Hoop Structures Ordinance Amendment clearly and specifically addresses hoop structures and shade structures within the unincorporated area of Santa Barbara County. The ordinance is consistent with sound zoning and planning practices to regulate land uses for the overall protection of agriculture, the environment, and community values because it expressly allows hoop structures and shade structures on lands zoned AG-I and AG-II, and clarifies and streamlines the permit process for these structures allowing a permit exemption on most agricultural lands, and requiring development standards to reduce environmental impacts where feasible. In doing so, the Project supports the continuation of agriculture and the County's agricultural economy by allowing farmers more flexibility and efficient agricultural operations while reducing impacts to biological resources. As discussed in Finding 2.1.2, above, the ordinance amendment is consistent with the Comprehensive Plan, including the community plans and County LUDC. Therefore, the proposed ordinance is consistent with sound zoning and planning practices to regulate land uses.

ATTACHMENT C



COUNTY OF SANTA BARBARA PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Santa Barbara County Planning Commission

FROM: Daniel T. Klemann, Deputy Director, Long Range Planning
Staff Contact: Julie Harris, Senior Planner

DATE: January 30, 2019

RE: **Revisions (RV01) to the Final Environmental Impact Report (17EIR-00000-00004) – Hoop Structures Ordinance Amendment: Planning and Development Case Number 17ORD-00000-00005**

INTRODUCTION

The County of Santa Barbara prepared a Final Environmental Impact Report (Final EIR) for the Hoop Structures Ordinance Amendment Project. There have been subsequent changes to the Hoop Structures Ordinance Amendment Project as a result of public review, public comments, and County Planning Commission recommendations to reject or delete four mitigation measures identified in the EIR and modify ~~two~~ three mitigation measures. This EIR revision document evaluates the rejection and modification of the mitigation measures and two revisions of the Hoop Structures Ordinance Amendment project description, as recommended by the County Planning Commission.

The California Environmental Quality Act (CEQA) Guidelines Section 15088.5 describes the circumstances under which a lead agency is required to recirculate an EIR when 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. Significant new information that would require recirculation includes a new significant impact that would result from the project or a substantial increase in the severity of an environmental impact. According to CEQA Guidelines Section 15088.5, “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 a meaningful opportunity to comment upon a new substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. 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 in an adequate EIR.”

The County Planning Commission recommends that the Final EIR (17EIR-00000-00004) as herein amended by the attached EIR Revision Document analysis may be used to fulfill the environmental review requirements for the Hoop Structures Ordinance Amendment. None of the

changes recommended by the County Planning Commission 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. Hence, pursuant to CEQA Guidelines Section 15088.5(b), the proposed revisions described in this document have not been recirculated. The Final EIR for the Hoop Structures Ordinance Amendment is hereby amended by this revision document, together identified as 17EIR-00000-00004 RV01.

Enclosure: Hoop Structures Ordinance Amendment Final EIR 17EIR-00000-00004 Revision Document (RV 01)

Hoop Structures Ordinance Amendment

Final Environmental Impact Report

17EIR-00000-00004

SCH #2017101040

Revision Document (RV 01)

January 30, 2019

Prepared by:

County of Santa Barbara
Planning and Development Department
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**REVISIONS TO THE FINAL ENVIRONMENTAL IMPACT REPORT
(17EIR-00000-00004, SCH #2017101040)**

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I. BACKGROUND

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168, a Program Environmental Impact Report (EIR) (17EIR-00000-00004) (SCH #2017101040) was prepared for the Hoop Structures Ordinance Amendment (Project). The Project would amend the County Land Use and Development Code (LUDC) to allow and exempt from zoning permit requirements hoop structures and shade structures (collectively, crop protection structures) of 20 feet or less in height on lands zoned Agriculture (AG-I and AG-II) and allow crop protection structures taller than 20 feet with the approval of zoning permits.

The Draft EIR was released for public comment on January 30, 2018. Two publicly noticed Draft EIR comment hearings were held on February 26, 2018, and March 5, 2018. Public and agency comments were received until the end of the comment period on March 15, 2018. The County responded in writing to comments received on the Draft EIR in accordance with CEQA Guidelines Section 15088. Responses to the comments describe the disposition of significant environmental issues raised and changes to the EIR made in response to the comments, including text changes. The EIR evaluated three project alternatives in addition to the proposed project: the No Project Alternative; Alternative 1, which would incorporate additional development standards into the ordinance to qualify for the exemption and streamline the permit process for nonexempt crop protection structures; and Alternative 2, which would further limit the height within which to qualify for the exemption in the Agriculture-I zone and on lots located adjacent to State Scenic Highways.

The Final EIR concluded that the Project would result in significant and unavoidable (Class I) impacts to aesthetics/visual resources and resource recovery/solid waste. The Project would also result in significant but mitigable (Class II) impacts to water resources (flooding) and biological resources.

The County Planning Commission considered the Project during public hearings on May 30, July 11, August 29, October 3, November 7, and December 5, 2018, and January 30, 2019. Subsequent to publishing the proposed Final EIR in May 2018 and during the Planning Commission hearings, Planning and Development (P&D) Department staff consulted with the resources agencies (United States Fish and Wildlife Service and California Department of Fish and Wildlife) regarding potential impacts to biological resources as a consequence of proposed changes to biological resources mitigation measures that were discussed during the hearings. Relevant information provided by these agencies are discussed further in this EIR Revision Document.

II. REVISIONS TO THE EIR ANALYSIS

On January 30, 2019, the County Planning Commission recommended rejecting four mitigation measures and modifying two mitigation measures based on substantial evidence in the record. Specifically, the County Planning Commission recommended: (1) the rejection of two measures intended to mitigate impacts to aesthetics/visual resources as infeasible; (2) the deletion of one measure intended to address flooding impacts and one measure intended to address impacts to biological resources, due to new evidence submitted by relevant experts regarding each issue that modifies the previous conclusions of the EIR and the need for mitigation measures; and (3) the modification of one measure addressing visual resources and ~~one~~two measures addressing biological resources. In addition, the County Planning Commission recommended two revisions

to the project description: (1) to change the 4,000 square foot size limit for crop protection structures located within the Critical Viewshed Corridor Overlay within the inland Gaviota Coast Plan area to a permit threshold, and (2) to add a new slopes threshold to distinguish between when crop protection structures are exempt or require a permit. No other revisions to the project description resulted from the County Planning Commission's direction.

The County Planning Commission's recommended rejection of, and modification to, mitigation measures identified in the EIR require corresponding revisions to the ordinance amending the LUDC (Exhibit 1 of Attachment D of the Staff Memo dated January 22, 2019). The corresponding ordinance amendment has been revised to reflect this direction. In addition, the County Planning Commission made two revisions to the original project description. Therefore, this EIR Revision Document discusses the impacts resulting from the County Planning Commission's recommended direction to reject and modify mitigation measures identified in the Final EIR, and to revise the project description.

As discussed below in more detail, the revisions documented in this EIR Revision Document do not require recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5(b), as they do not involve new significant environmental effects or a substantial increase in the severity of previously identified effects, and do not deprive the public of a meaningful opportunity to comment.

A. Analysis of the Rejection of Aesthetic/Visual Resources Mitigation Measures due to Infeasibility (MM-VIS-1 and MM-VIS-2)

The Final EIR (Section 4.2) analyzed the effects of the Project on aesthetics/visual resources and identified three potentially significant impacts.

- Impact VIS-1 determined that 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, within County Urban Areas, Existing Developed Rural Neighborhoods, and Inner Rural Areas, and within areas of the Santa Ynez Valley Community Plan area where the Design Control (D) Overlay applies.
- Impact VIS-2 determined that the Project would have a potentially significant visual impact related to public scenic views and scenic resources from many public roads, including designated State Scenic Highways (State Routes 1 and 154, and U.S. Highway 101 through the Gaviota Coast area).
- Impact VIS-3 determined that hoop structures may cause a glare effect due to reflected light that creates the effect of bright light to the viewer, particularly when hoop structures are installed on land with sloping topography, and depending on the angle of the sun's reflection.

The Final EIR identified three mitigation measures to address these impacts. Although each of the three mitigation measures would partially reduce each impact, none of the three, individually or combined, would reduce any of the impacts to less-than-significant levels. The Final EIR concluded that the type and quality of public scenic resources, views, and visual character are variable throughout the County, and specific locations, massing, and overall quantity of future crop protection structures are unknown and speculative; therefore, all of the residual impacts would nevertheless remain significant and unavoidable (Class I). No mitigation was identified

that could reduce any of the impacts to less-than-significant levels. The County Planning Commission identified substantial evidence in the record that identifies the infeasibility of MM-VIS-1 and MM-VIS-2 and, therefore, recommends that the mitigation measures be rejected based on the conclusions that the mitigation measures are infeasible. These conclusions, along with an analysis of the impacts associated with the rejection of each mitigation measure, are discussed further below.

1. MM-VIS-1 Height and Setback Requirements

MM-VIS-1 would revise the LUDC amendment so that to qualify for the permit exemption, crop protection structures located within 75 feet of a public road right-of-way shall be limited to a height of 12 feet or less instead of 20 feet as set forth in the project description. The 20-foot height limit for a permit exemption would continue to apply to the remainder of a lot. Several Planning Commissioners commented that such a requirement may have negative consequences for cultivated agriculture while it would not significantly reduce impacts to aesthetics/visual resources. Substantial evidence in the record upon which the analysis below is based, include comments submitted by the following experts in agricultural operations, incorporated by reference: Claire Wineman, President, Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties (PowerPoint presentation/public comment May 30, 2018, and letters dated March 15, 2018 and July 9, 2018), and the Santa Barbara County Agricultural Advisory Committee (letter dated March 15, 2018) (Attachment 1).

Agricultural operations are most successful when employing economies of scale to maximize efficiency and crop production. Implementation of MM-VIS-1 may result in a farmer having to: (1) farm a property using two different heights of crop protection structure, which may result in increased costs to use different structures for the same crop and different agricultural practices and equipment within the structures due to the height difference; (2) limit crop choice or other agricultural practices to those that would not need structures taller than 12 feet and use 12-foot structures over the entire property; (3) farm a different crop within the narrow setback area subject to the 12-foot height limitation (i.e., farm two different crops) without crop protection structures and use larger structures on the rest of the property; or (4) leave the land fallow within the area subject to the 12-foot height limitation, thereby not using the agricultural land to its full agricultural potential, however, the fallow area would still require dust and rodent protection. As a consequence, MM-VIS-1 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-1 would only marginally decrease impacts to visual resources and would not reduce the impact to a less-than-significant level. The LUDC requires that all structures comply with standard setbacks of the applicable zone unless the structure is specifically allowed within a setback (for example, fences are allowed within setbacks). Within the AG-I and AG-II zones, the setback for a structure is 50 feet from a road centerline and 20 feet from the road right-of-way, whichever is further. Thus, within the first 20 feet of the 75-foot height limit setback prescribed by MM-VIS-1, no crop protection structures would be allowed, and the 12-foot height limit would apply to the remaining 55 feet while allowing a height up to 20 feet on the remainder of the property. This height reduction over a relatively narrow strip of

land would only marginally mitigate visual impacts compared to the overall impacts of the crop protection structures, especially hoop structures, due to the appearance of the crop protection structures, which cannot be modified due to their functional technical requirements. The functional requirements of hoop structures dictate their appearance in shades of white to gray with reflective properties that can also cause glare. The visual impacts associated with this design are not substantially decreased with a height reduction from 20 feet to 12 feet. As a consequence, rejection of MM-VIS-1 would not substantially increase the severity of impacts identified in the Final EIR or result in any new impacts. Therefore, impacts to aesthetics/visual resources would remain significant and unavoidable (Class I), as originally concluded in the Final EIR.

2. MM-VIS-2 Urban Township Setback Requirement

MM-VIS-2 would revise the LUDC amendment so that crop protection structures on lands adjacent to the County's unincorporated urban townships must be setback 400 feet from the urban boundary line, unless the structures would not be seen from public roads or other areas of public use. Several Planning Commissioners commented that such a requirement may have negative consequences for cultivated agriculture and would be infeasible. Substantial evidence in the record upon which the analysis below is based, include comments submitted by the following, incorporated by reference: Claire Wineman, President, Grower-Shipper Association of Santa Barbara and San Louis Obispo Counties (letter dated March 15, 2018), and the Santa Barbara Agricultural Advisory Committee (letter dated March 15, 2018) (Attachment 1).

As noted regarding MM-VIS-1 above, agricultural operations are most successful when employing economies of scale to maximize efficiency and crop production. Implementation of MM-VIS-2 would affect the agricultural-zoned lands surrounding the following unincorporated urban townships: Santa Ynez, Ballard, Los Olivos, Los Alamos, Casmalia, Sisquoc, Garey, New Cuyama, and Cuyama. Crop protection structures provide more options for farmers to remain competitive and respond quickly to rapidly changing agricultural conditions and market opportunities, allowing 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 install and remove these structures when needed. Implementation of MM-VIS-2 would limit a farmer's options on lands surrounding these townships to: (1) farm two different crops – one that benefits from crop protection structures and, within the 400-foot setback, another that does not require hoops to be productive, which may result in increased costs to farm different crops within a limited area that might otherwise be more productive; (2) leave the land fallow within the 400-foot setback; or (3) farm the entire property with a crop that does not require crop protection structures to produce the crop. As a result, the lands would not be used to their full agricultural potential and would effectively limit the feasibility of using crop protection structures on the agricultural-zoned lands adjacent to the small unincorporated urban townships. As a consequence, MM-VIS-2 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-2 would only marginally decrease impacts to aesthetics/visual resources. The agricultural-zoned lands that would be affected by the mitigation measure, and

thus, by the elimination of the mitigation measure, are limited to the nine unincorporated urban townships. Further, the mitigation would only apply if the crop protection structures would be visible from a public road or other public view area. The nine unincorporated townships have a combined area of 3,216 acres. (See Table 1 below.) Under a worst case scenario, a 400-foot setback applied to the agriculture-zoned lands surrounding the townships would affect approximately 1,693 acres of agricultural-zoned lands. This amounts to 0.21% of the lands zoned AG-I and AG-II (814,104 acres) located outside of the Los Padres National Forest.¹ Thus, the amount of land that could potentially be used for cultivation with crop protection structures absent MM-VIS-2 would be relatively limited and the impacts to aesthetics/visual resources would not cause a substantial increase in severity with the rejection of MM-VIS-2.

Table 1 Small Unincorporated Urban Townships: Acreage and 400-ft Setback Area for Lands Zoned AG-I and AG-II

Urban Township	Size (acres)	400-ft Setback (acres)
Cuyama	70	124
New Cuyama	426	228
Garey	25	60
Sisquoc	45	73
Casmalia	68	115
Los Alamos	580	305
Los Olivos	305	145
Ballard	107	108
Santa Ynez	1,590	535
Total	3,216	1,693

In addition, the specific locations, massing, and overall quantity of future crop protection structures are unknown and the amount of crop protection structures that would be located immediately adjacent to the nine unincorporated urban townships cannot be determined with any certainty at this time.

As a consequence, rejection of MM-VIS-2 would not substantially increase the severity of impacts to aesthetics/visual resources identified in the Final EIR or result in any new significant environmental impacts. Therefore, impacts to aesthetics/visual resources would remain significant and unavoidable (Class I), as originally concluded in the Final EIR.

B. Analysis of the Deletion of Water Resources (Flooding) and Biological Resources Mitigation Measures Based on New Evidence Regarding Impacts (MM-WR-1 and MM-BIO-2)

The Final EIR identified MM-WR-1 to address a potential impact to flooding and MM-BIO-2 to address a potential impact to the California tiger salamander (*Ambystoma californiense*) (CTS). New substantial evidence was submitted into the record that results in different conclusions regarding the identified potential impacts than previously included in the EIR. Therefore, these

¹ As noted in the Final EIR, most lands within the Los Padres National Forest are owned by Unites States government. There is no agricultural potential on these lands.

two mitigation measures are deleted based on the conclusions, discussed further below, that mitigation is no longer necessary.

1. Mitigation Measure MM-WR-1

The Final EIR (Section 4.4) analyzed the potential flooding impacts that could result from the Project. The Final EIR concluded that installation of crop protection structures within a Federal Emergency Management Association (FEMA) designated floodway could cause a potentially significant impact for two reasons: (1) a floodway is the location of stronger flood flows compared to the floodplain, and the placement of crop protection structures within the floodway could impede flows if floodwaters rose to a level where they could be impeded by the plastic coverings; and (2) placement of crop protection structures within a floodway could exacerbate flooding hazards as heavy flows could have the potential to tear down the structures, washing them downstream during large storms. The Final EIR identified mitigation measure MM-WR-1 to clarify in the LUDC amendment that crop protection structures located within a floodway would not qualify for the permit exemption. Pursuant to this mitigation measure, crop protection structures would be allowed with a permit provided a civil engineer provides a no-rise certificate determining that the structures as proposed would not cause floodwaters to rise during a storm event.

Following the release of the Final EIR and commencement of County Planning Commission hearings, the County Planning Commission requested additional information to understand the implications of rejecting MM-WR-1 and removing the corresponding development standard from the LUDC amendment. Public Works Deputy Director Thomas D. Fayram of the Flood Control District provided a letter dated July 3, 2018 (Attachment 2), concluding, “The Flood Control District...does not recommend the inclusion of the Floodway regulatory considerations of hoop structure in Agricultural zoned areas.” Based upon further consideration, the Flood Control District determined that crop protection structures, “being supported by 3” metal pipes [metal frame] on a 21-27 foot span results in about a 1.1% or less obstruction by area,” would not constitute massive obstructions (such as houses, roads, bridges, shopping centers) to the floodway that would offer a real risk to surrounding properties. Thus, crop protection structures would not impede floodwaters or be inconsistent with the Floodplain Management Ordinance. In the Floodplain Management Ordinance: (1) “encroachments” are prohibited in the floodways (including new construction, substantial improvement, and other new development) (Ch. 15A-21); (2) “encroachments” are those that “may impede or alter the flow capacity of a floodplain (Ch. 15A-5(18)), which the Flood Control District has determined is not the case here; (3) plus “development” is defined to mean “buildings or other *structures*” (Ch. 15A-5(17)); (4) “building” is defined as “See ‘Structure’”; and (5) “structure” is defined as a “walled and roofed building” (Ch. 15A-5(69)), which does not encompass hoop structures.

In addition, as described in the letter and clarified by Flood Control Engineering Manager Jon Frye at the County Planning Commission hearing of July 11, 2018, conveyance capacities of the floodway are affected by many other variables that far exceed the de minimis encroachment of the crop protection structures metal frame. A major flooding event that would have sufficient energy to tear down crop protection structures and carry them downstream would be of such capacity that crop protection structures would not cause problems greater than the natural loading of trees, buildings, cars, and other debris that would be carried by such a flood. Thus,

the use of crop protection structures in the floodway would not cause a significant flooding impact, and their contribution to flooding would not be significant or cumulatively considerable.

This new substantial evidence, therefore, requires a revision to the flooding impacts associated with a FEMA-designated floodway that were identified in the Final EIR (Impact WR-4) from potentially significant to less than significant. As a consequence, MM-WR-1 is no longer necessary to mitigate impacts to a less-than-significant level and the County Planning Commission recommends its deletion from the Final EIR and deletion of the corresponding development standard from the LUDC amendment. Residual impacts to flooding are therefore revised from significant but mitigable (Class II) to less than significant (Class III).

2. Mitigation Measure MM-BIO-2

The Final EIR (Section 4.6) analyzed the potential impacts to biological resources that could result from the Project. In particular, the Final EIR identified potential impacts to dispersal patterns of the federal and state threatened CTS. (The Santa Barbara County population is also considered to be an endangered distinct population segment.) Section 4.6 of the Final EIR discussed the potential for hoop structures to create barriers to CTS movement between breeding ponds and suitable upland habitat within 1.24 miles of breeding ponds that could result if the hoop structures plastic covering were extended to the ground (Impact BIO-1 and Impact BIO-3). The Final EIR identified mitigation measure MM-BIO-2 to require, for the zoning permit exemption, a minimum gap of one foot between the ground surface and hoop structure plastic to allow free movement of CTS through the fields.

Following several Planning Commissioners' requests for additional information regarding the necessity of maintaining a height of 12 inches between the plastic and the ground surface, P&D staff consulted again with the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW), the resource agencies responsible for administering the federal and state Endangered Species Acts, respectively, in a conference call on June 5, 2018. Additionally, the County received a letter from USFWS on June 15, 2018 (Attachment 3). USFWS biologists Kendra Chan and Rachel Henry confirmed that 1.24 miles is the standard distance from a known or potential CTS breeding pond within which a CTS individual might disperse between its breeding habitat in a pond and its upland habitat where it spends the remainder of the year outside of the breeding season.

USFWS further considered the MM-BIO-2 requirement to maintain a gap between the ground and the hoop structure plastic and consulted five independent CTS biologists. The biologists unanimously agreed:

[A]lthough it is usually beneficial to allow passage for dispersing wildlife, in this case doing so would expose California tiger salamanders to hazards associated with agricultural activities ... and it is better overall to exclude California tiger salamanders from the hoop structures. The Service recommends removing MM-BIO-2 from this ordinance because we believe this measure may subject California tiger salamanders to additional threats and would be more detrimental than beneficial. (Letter from Stephen P. Henry, USFWS, to Julie Harris, County of Santa Barbara, dated June 15, 2018) (Attachment 3)

Based on the new substantial evidence provided by USFWS, the lowering of hoop structures plastic to the ground surface would not cause a significant impact to the movement of the CTS

from breeding ponds to suitable upland habitat. As a consequence, MM-BIO-2 is no longer necessary as it could potentially result in harm to CTS and the County Planning Commission recommends its deletion from the Final EIR and deletion of the corresponding development standard from the LUDC amendment. However, even though MM-BIO-2 will no longer be required, a property owner must still comply with the federal and state Endangered Species Acts and consult with federal and state wildlife authorities even if the crop protection structures are exempt from County permits. Residual impacts to CTS would not significantly change, as MM-BIO-1 would continue to mitigate potential impacts to CTS, and residual impacts would remain significant but mitigable (Class II).

C. Analysis of Modifications to Aesthetics/Visual Resources Mitigation Measure MM-VIS-3 Design Control (D) Overlay Limitation

The County Planning Commission recommended that mitigation measure MM-VIS-3 be revised to change the 4,000-square foot size limit for crop protection structures located within the Design Control (D) Overlay within the Santa Ynez Valley Community Plan (SYVCP) area to a permit threshold with two components. First, crop protection structures that are no more than 4,000 square feet in area per lot would be considered exempt if they meet all other exemption criteria. Second, crop protection structures larger than 4,000 square feet per lot would not require a permit if they are not visible from public roadways or other areas of public use. To qualify for this second exemption, landscape screening shall not be taken into consideration when determining whether the structures are visible from public roadways or other areas of public use. Visible crop protection structures larger than 4,000 square feet per lot may be allowed with approval of a permit.

***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~~ of 4,000 square feet or less per lot when located within the Design Control (D) Overlay within the Santa Ynez Valley Community Plan area may be exempt from permits. Larger ~~crop protection structures that cannot be viewed from public roadways or other areas of public use also may be exempt from permits. shall be exempt from this 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. Visible crop protection structures larger than 4,000 square feet per lot may be allowed with approval of a permit.*

As discussed in the Final EIR, the D Overlay identifies the highly scenic township and valley gateway parcels and community separators of the SYVCP area, and addresses the aesthetics of new development on these parcels. The D Overlay applies mostly along the SYVCP area's primary public roadways, such as State Route 154 (a designated State Scenic Highway), State Route 246, and Alamo Pintado Road. The purpose of the D Overlay is to apply design review to new buildings and structures, including agricultural structures larger than 1,000 square feet to ensure new buildings and structures are compatible with the visual character of the SYVCP area. Crop protection structures that would be exempt from permits would also be exempt from design review. Thus, the Final EIR identified impacts to visual resources associated with changes to the visual character of the SYVCP area, and to views from public roads and other areas of public

use. The Final EIR identified mitigation measure MM-VIS-3 to address these potential visual impacts by limiting the size of crop protection structures to 4,000 square feet per lot within the D Overlay.

As discussed in this EIR Revision document above, agricultural operations are most successful when employing economies of scale to maximize efficiency and crop production. Implementation of a size limit could affect the agricultural-zoned lands of the SYVCP area that are located within the D Overlay. Crop protection structures provide more options for farmers to remain competitive and respond quickly to rapidly changing agricultural conditions and market opportunities, allowing 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 install and remove these structures when needed.

Revising the size limit to a permit threshold and allowing unlimited crop protection structures without a permit if not visible from public roadways would marginally increase impacts to aesthetics/visual resources. Specific locations, massing, and overall quantity of future crop protection structures are unknown and speculative. The exemption, under the revised MM-VIS-3, would continue to apply only to those crop protection structures no larger than 4,000 square feet, and to larger structures only if they are not visible. Thus, this aspect of the mitigation would not change. The marginal increase in impacts would be associated with the allowance of larger, visible structures with approval of a permit. A permit process for visible crop protection structures would allow a site-specific assessment of impacts to visual resources in the aesthetically-sensitive D Overlay by (1) allowing crop protection structures to be reviewed through the permit and design review process, (2) addressing aesthetics/visual resources on a site-specific basis, and (3) including permit conditions to comply with SYVCP visual resources protection policies.

As a consequence, modification of MM-VIS-3 to revise the 4,000 square foot size limit to a permit threshold and allow a permit exemption for larger structures when not visible from public roads would not substantially increase the severity of impacts identified in the Final EIR or result in any new significant environmental impacts. Therefore, impacts to aesthetics/visual resources would remain significant and unavoidable (Class I), as originally concluded in the Final EIR.

**D. Analysis of Modifications to Biological Resources Mitigation Measure MM-BIO-1
Limit Exemption of Crop Protection Structures on Historically Intensively
Cultivated Agricultural Lands**

The Final EIR (Section 4.6) analyzed the potential impacts to biological resources that could result from the Project. In particular, the Final EIR identified potential impacts to unique, rare, threatened or endangered species and sensitive habitats. The Final EIR identified MM-BIO-1 to address four potential impacts to biological resources including Impact BIO-1 (rare, threatened, and endangered species listed on the federal and state Endangered Species Acts (special status species)), Impact BIO-2 (other sensitive habitats and sensitive natural communities, including oak woodlands and savanna, native grasslands, and riparian habitats), Impact BIO-3 (movement patterns and wildlife corridors), and Impact BIO-4 (streams and creeks). As originally proposed, MM-BIO-1 would apply to all grazing lands and other lands that have not undergone intensive agricultural cultivation because these lands may support special status plant or animal species (listed federal and state threatened and endangered species and their habitats) or other sensitive

habitats and sensitive natural communities. MM-BIO-1 would address these impacts by limiting the permit exemption for crop protection structures to only those agricultural lands that have been historically intensively cultivated. In addition, MM-BIO-1 defined historically intensively cultivated agricultural land as land that has been tilled for agricultural use and planted with a crop for at least three of the previous five years.

The County Planning Commission requested additional information to understand the implications of modifying the timeframe used to define historically intensively cultivated from three of the previous five years to an alternative. Three alternative timeframes were mentioned for consideration: one year of the previous ten years, one of the previous five years and one of the previous three years. P&D staff consulted with USFWS biologists to understand the potential effects that alternative timeframes might have on special status plant or animal species. USFWS considered all three alternative timeframes. USFWS concluded that cultivating one year out of five or ten years would leave a farm field fallow long enough to allow the re-establishment of habitat for at least one listed species, the California tiger salamander (*Ambystoma californiense*) (CTS) (Kendra Chan, Fish and Wildlife Biologist, USFWS, emails dated December 4, 2018, and December 7, 2018) (Attachments 4 and 5). USFWS stated:

Cultivating sometime in the last 5 years is too long of a time frame for this measure to be effective. A farm field left alone for up to 4 years could allow the area to return to CTS habitat. Cultivating sometime in the last 3 years is an adequate measure to include in this exemption. From the salamander and ground squirrel's perspective, this would have the same effect as a field in cultivation 3 out of the past 5 years. [Kendra Chan, Fish and Wildlife Biologist, USFWS, email dated December 7, 2018]

Based on this new evidence, the County Planning Commission recommended the following modification to the mitigation measure, to read as follows:

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~~ one of the previous ~~five~~ three 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 revised timeframe was based on the evidence submitted by USFWS that clarifies how long a field may be left fallow after previous cultivation before which sensitive species habitats may begin to re-establish. The conclusion is that cultivating for at least one year within the previous three years (and no more than two consecutive fallow years) is adequate, and would have the same effect as cultivating for three years within the previous five years. Therefore, this revision to MM-BIO-1 would continue to mitigate impacts to a less-than-significant level. As a consequence of this recommendation, the LUDC amendment has been revised to define the timeframe for historically intensively cultivated agricultural lands to one year of the previous three years. The revised timeframe would allow greater flexibility to farmers while still

protecting listed federal and state threatened and endangered species and their habitats, as well as other sensitive habitats and natural communities.

This modification to MM-BIO-1 would not result in any new significant environmental impacts, or cause a substantial increase in the severity of Impacts BIO-1, BIO-2, BIO-3, or BIO-4 analyzed in the Final EIR. In any case, a property owner must still comply with the federal and state Endangered Species Acts even if crop protection structures are exempt from County permits. In addition, the County's Oak Tree Protection Ordinance would continue to apply to new cultivation with or without crop protection structures to reduce impacts to oak woodlands and savannas (Impact BIO-2). Also, a relatively small subset of the County's inland agricultural lands are located within community plan areas (for example, Santa Ynez Valley Community Plan, Goleta and Eastern Goleta Valley Community Plans, and Toro Canyon Plan), and within these agricultural lands crop protection structures must comply with the applicable community plan policies and development standards that protect biological resources. Therefore, impacts to biological resources would remain significant but mitigable (Class II), as originally concluded in the Final EIR.

E. Analysis of Modifications to Biological Resources Mitigation Measure MM-BIO-3 Setbacks from Streams and Creeks

As mentioned in Section II.D above, the Final EIR identified four potential impacts to unique, rare, threatened or endangered species and sensitive habitats. The Final EIR identified MM-BIO-3 to address potential impacts to streams and creeks, i.e., riparian habitats (Impact BIO-2) that support other biological resources including listed species (Impact BIO-1), wildlife corridors (Impact BIO-3), and conflicts with adopted plans and policies oriented toward the protection of biological resources (Impact BIO-4).

As originally proposed, MM-BIO-3 would require setbacks from streams and creeks of 100 feet in Rural Areas and 50 feet in Urban and Inner-Rural areas and Existing Development Rural Neighborhoods. The purpose of this mitigation measure was to reduce impacts to riparian habitats and species that depend on riparian habitats for food, forage, shelter, and wildlife corridors, and ensure consistency with Comprehensive Plan policies that identify specific structural setback distances from streams and creeks.

The County Planning Commission recommended revising MM-BIO-3 to decrease the setback from streams and creeks in the Rural Area from 100 feet to 50 feet, as follows:

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 and Inner Rural Areas and EDRNs and 100 feet from streams and creeks in Rural Areas.

The Comprehensive Plan does not require a 100-foot setback from all streams and creeks in all rural areas, but only within community planning areas where such a setback is prescribed by policy or development standard (currently the Gaviota Coast Plan, Santa Ynez Valley Community Plan, and Toro Canyon Plan). Other Comprehensive Plan policies provide general direction for the protection of streams, creeks, and riparian habitats. Although the Planning Commission recommended revising MM-BIO-3, pursuant to LUDC Subsection 35.20.020.C, any land use and structure, including exempt crop protection structures, must comply with applicable Comprehensive Plan policies and development standards, including community plan

development standards. Thus, within these community planning areas, the more restrictive setback requirement would apply.

In addition, several Planning Commissioners commented that such a requirement may have negative consequences for cultivated agriculture without significantly reducing impacts to streams and creeks. Agricultural operations are most successful when employing economies of scale to maximize efficiency and crop production. As originally proposed MM-BIO-3, which would require a 100-foot setback from streams and creeks, would prevent the use of crop protection structures within 100 feet of a stream or creek, even if land within that setback has already been farmed, and riparian habitat is not extant. Revising the setback to 50 feet would provide greater flexibility for farmers to remain competitive and respond quickly to rapidly changing agricultural conditions and market opportunities, allowing flexibility for the farmer to make decisions regarding the choice of crop based on economic, market, and other factors, while continuing to provide a setback for riparian habitats to support the various functions these habitats provide to other biological resources.

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.

EF. Analysis of a Revision to the Project Description to the Crop Protection Structure Size Limit within the Critical Viewshed Corridor Overlay

The County Planning Commission recommended the project description be revised to change the 4,000-square foot size limit for crop protection structures located within the Critical Viewshed Corridor (CVC) Overlay within the inland Gaviota Coast Plan area to a permit threshold with two components. First, crop protection structures that are no more than 4,000 square feet in area per lot would not require a permit. Second, crop protection structures larger than 4,000 square feet per lot would not require a permit if they are not visible from public roadways or other areas of public use. To qualify for this second exemption, landscape screening shall not be taken into consideration when determining whether the structures are visible from public roadways or other areas of public use. Visible crop protection structures larger than 4,000 square feet per lot may be allowed with approval of a permit.

As discussed in the Final EIR, U.S. Highway 101 (US 101) between the City of Goleta and State Route 1 is a designated State Scenic Highway, which traverses the Gaviota Coast Plan area. The CVC Overlay, adopted as part of the Gaviota Coast Plan on November 8, 2016, applies to lands with critical near-field views both north and south of US 101. Of the lands zoned Agricultural within the CVC Overlay, approximately 4,613 acres (67%) are located within the Coastal Zone south of US 101 and are not within the Project area. Approximately 2,226 acres (33%) are located within the inland area, within the Project area, and are primarily north of US 101.

Pursuant to LUDC Subsection 35.28.070.A, the CVC Overlay is applied to property in the Gaviota Coast Plan area to provide enhanced protection to the critical coastal viewsheds of the Gaviota Coast from inappropriate development. The intent is to ensure that development is sited and/or screened in a manner that will reduce impacts to the public viewshed while allowing for

reasonable development. The CVC Overlay limits the size of greenhouses to no more than 4,000 square feet per lot.

The original Hoop Structures Ordinance Amendment EIR project description included a proposed size limit of 4,000 square feet for crop protection structures located within the CVC Overlay, similar to the existing CVC Overlay size limit on greenhouses. Crop protection structures, especially hoop structures, have similar visual characteristics as greenhouses, and if unlimited in size, could result in similar impacts to the visual resources of the Gaviota Coast. However, the Final EIR concluded that, even with the size limit, potentially significant impacts to public scenic views within the CVC Overlay could still occur.

Agricultural operations are most successful when employing economies of scale to maximize efficiency and crop production. Implementation of a size limit could affect the agricultural-zoned lands within the CVC Overlay. Crop protection structures provide more options for farmers to remain competitive and respond quickly to rapidly changing agricultural conditions and market opportunities, allowing flexibility for the farmer to make decisions regarding the choice of crop based on economic, market, and other factors, while being able to respond more quickly to install and remove these structures when needed.

Revising the size limit to a permit threshold and allowing unlimited crop protection structures without a permit if not visible from public roadways would marginally increase impacts to aesthetics/visual resources. The agricultural-zoned lands that would be affected by the size limit (approximately 2,226 acres) are limited to those of the CVC Overlay area that are located within the inland portions of the Gaviota Coast Plan area, which lie primarily north of US 101, a designated State Scenic Highway. Much of the area topography is characterized by moderate to steep slopes (20% slope and greater), which is generally not suited for crop protection structure use. The amount of land that could potentially be used for cultivation with crop protection structures absent the size limit would be relatively small such that the impacts to aesthetics/visual resources would not result in a substantial increase in severity by changing the size limit to a permit threshold. Those crop protection structures that would be larger than 4,000 square feet and visible from public roadways would be reviewed through the permit process and aesthetics/visual resources would be addressed on a site-specific basis, including requirements to comply with Gaviota Coast Plan visual resources protection policies. In addition, specific locations, massing, and overall quantity of future crop protection structures are unknown and speculative, and conversions of significant areas of land to cultivation with crop protection structures have not been seen in the Gaviota Coast Plan area as have been seen in other areas such as the Los Alamos and Santa Maria valleys. Thus, it is not reasonably foreseeable that significant quantities of crop protection structures would be located within the CVC Overlay Zone if the size limit was changed to a permit threshold.

As a consequence, revising the 4,000 square foot size limit to a permit threshold and allowing a permit exemption for larger structures when not visible within the CVC Overlay would not substantially increase the severity of impacts identified in the Final EIR or result in any new significant environmental impacts. Therefore, impacts to aesthetics/visual resources would remain significant and unavoidable (Class I), as originally concluded in the Final EIR.

FG. Analysis of the Addition of a Steep Slopes Criterion for the Exemption of Crop Protection Structures

The County Planning Commission recommended the project description be revised to add steep slopes as an additional criterion to determine when crop protection structures would be exempt from a permit. Pursuant to this change, crop protection structures located on slopes averaging where the proposed area to be developed averages 20% or less would be considered exempt if they meet all other exemption criteria; structures located on slopes averaging greater than 20% would require a permit. The purpose of averaging slopes is to prevent minor topographic variations that exceed 20% on a parcel that is otherwise mostly less than 20% from requiring a permit. Averaging slopes would not serve to is not intended to be used to avoid a permit process when athe majority of a property area proposed for development consists of slopes steeper than 20%. ~~If a property consists of a large level area and the slope suddenly changes, becoming a steep hillside with slopes steeper than 20%, the level area would qualify for an exemption, while the steeper area would require a permit.~~

Limiting the permit exemption to areas with no slopes or lesser slopes (averaging 20% or less) would reduce impacts to aesthetic/visual resources as it would prevent an unlimited exemption of the use of crop protection structures on much of the steeply sloping lands throughout the County, which are highly visible from public roadways and generally less suited to cultivation of crops that rely on the use of crop protection structures. As crop protection structures could still be allowed on steeper slopes with a permit (instead of an exemption), the change to the project description would not substantially increase the severity of impacts to aesthetics/visual resources. On steeper slopes where a permit is required, additional staff review would be conducted, including the need to make the relevant Land Use Permit or Development Plan findings, and potentially additional CEQA review, depending upon the proposed project. Thus, while beneficial to the protection of aesthetics/visual resources (and reducing impacts), impacts would continue to be significant and unavoidable (Class I).

III. CONCLUSION

The County Planning Commission recommended the rejection of two mitigation measures identified in the EIR as infeasible; the deletion of two mitigation measures based on new substantial evidence in the record; the modification of ~~two~~three mitigation measures; and two revisions to the project description. Therefore, corresponding revisions were made to the Hoop Structures Ordinance Amendment that would amend the County LUDC. None of the changes that the County Planning Commission recommended 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.

ATTACHMENT 1

**Letters from
Grower-Shipper Association of Santa Barbara and San Louis Obispo Counties
and
Santa Barbara County Agricultural Advisory Committee**

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S.B. COUNTY
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



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**

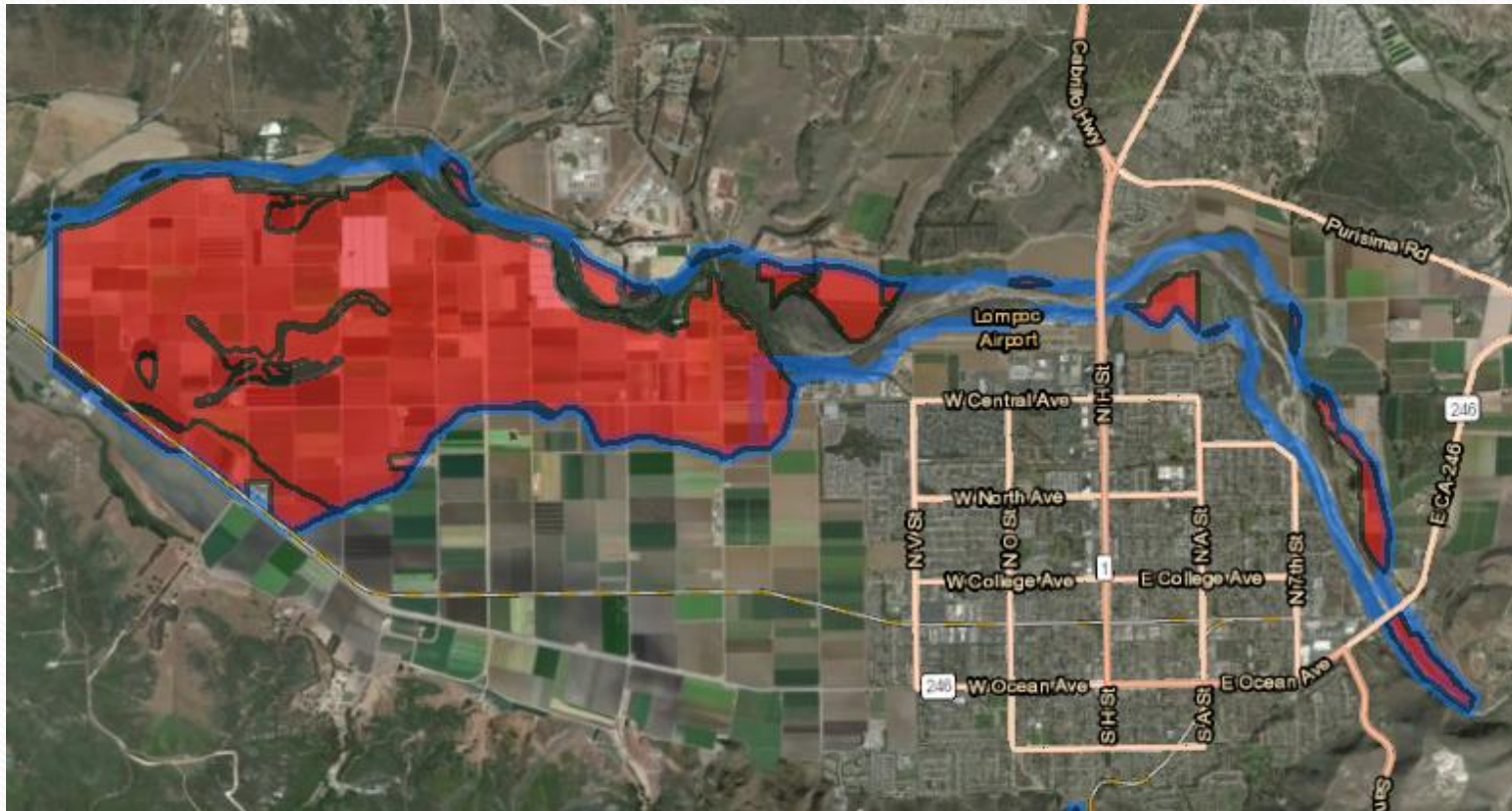
VIS-2 Revision

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

Water Resources

MM-WR-1

Floodway in Lompoc Valley



Biological

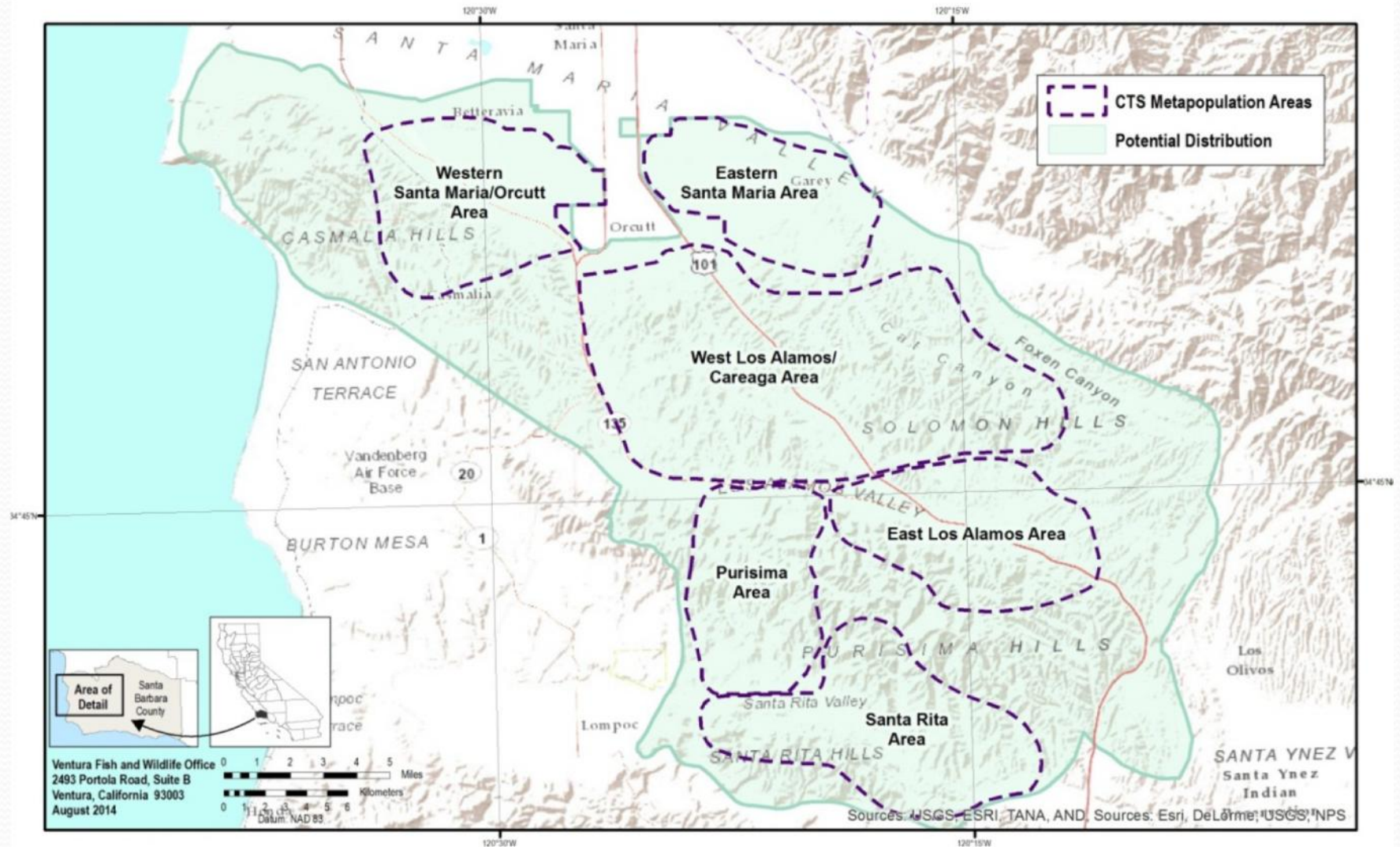
BIO-2. CA Tiger Salamander



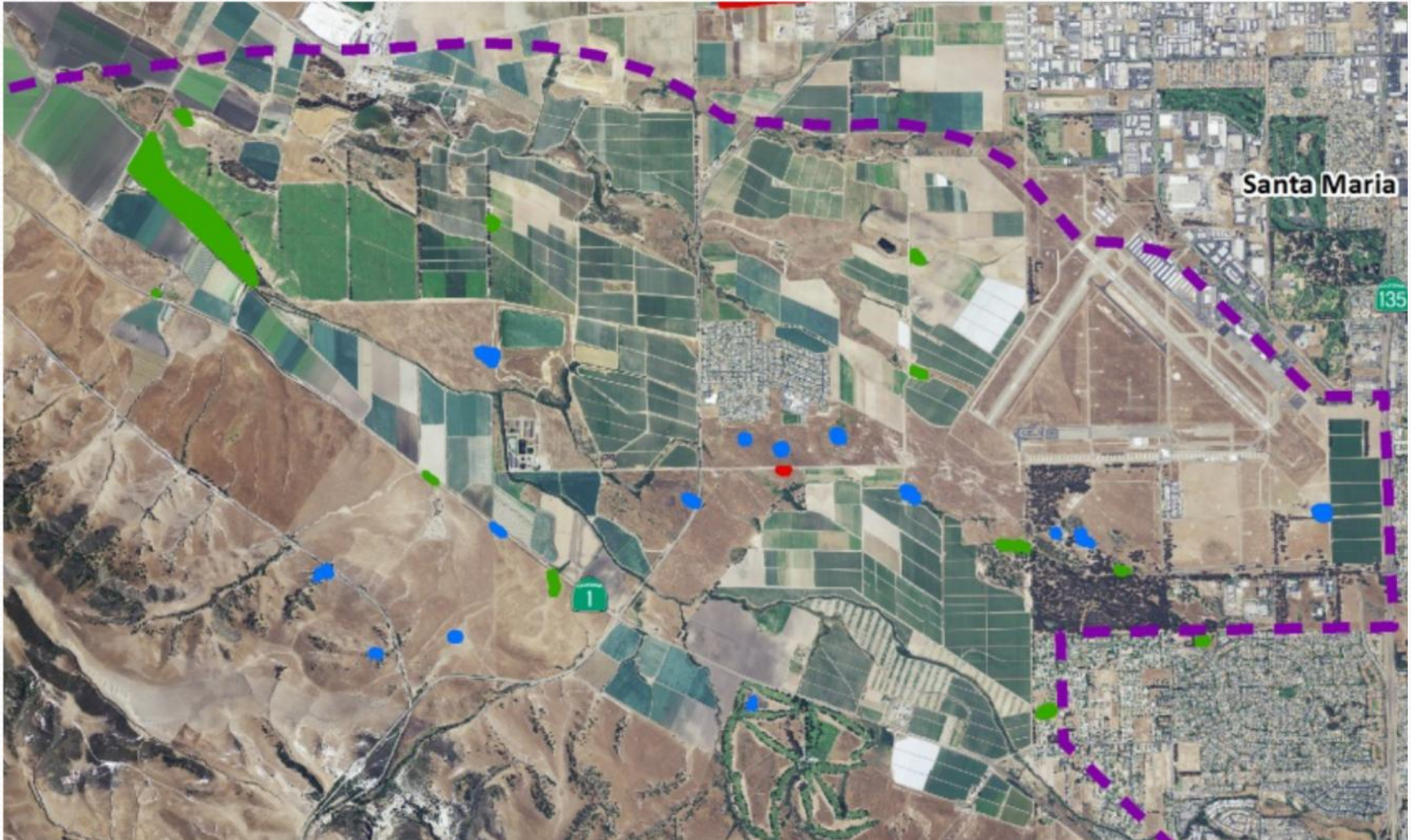
U.S. Fish & Wildlife Service

Potential Distribution of California Tiger Salamanders: Santa Barbara County DPS

With California Tiger Salamander Metapopulation Areas



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



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 agrichemical 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

COUNTY OF SANTA BARBARA
AGRICULTURAL ADVISORY COMMITTEE



March 15, 2018

Santa Barbara County Planning and Development
Long Range Planning Division
123 East Anapamu Street
Santa Barbara, CA 93101

Subject: Agricultural Advisory Committee's Comments on the Draft
Environmental Impact Report (DEIR) prepared for the Hoop
Structures Ordinance Amendment

Dear Ms. Harris, Mr. Klemann, Mr. Lackie, and Mr. Counts Imara:

At its March 7th, 2018 meeting, the Agricultural Advisory Committee (AAC) discussed the Draft Environmental Impact Report (DEIR) prepared for the Hoop Structure Ordinance Amendment and unanimously voted to submit comments on this document as it is important issue within the agricultural community and for the health and sustainability of our agricultural industry in Santa Barbara County.

To preface, we would like to remind those reading the comments that the AAC's purpose and mission is to advise the county's departments and agencies on all matter related to the preservation and enhancement of agriculture as a viable and sustainable industry in Santa Barbara County. Agriculture continues to be the leading economic industry in the county producing the largest gross dollar value and employing the largest percentage of the workforce. Equally important is the fact that agriculture and ranching, in addition to providing food security, protect and steward the precious array of natural resources and diverse ecosystems that thrive throughout the county.

We understand and support the stated intention of the project to "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". The AAC supports this stated intention as well and we commend the county for the thoughtful consideration of the issue and the investment of time and public funds into the preparation of a DEIR. We do, however, feel that the DEIR is fundamentally flawed, and we have focused our comments on four key areas: 1) the number of project alternatives; and 2) the feasibility of mitigation measures; 3) the classification of impacts; and 4) the consistency with the county's own policies. Apart from these four areas, the AAC would also like to make two global statements. The first global statement relates to the prejudicial nature of the document with regard to the characterization of impacts to aesthetics and visual resources. There is a fundamental flaw, which is that agricultural and ranching are analogous to open space. This is patently false and hoop houses are being held to a false standard. The county must not equivocate in the vagueness of aesthetics.

While the county enjoys vast open vistas and ample open space because of the preponderance of agricultural and ranching lands, hoop houses are just as much a part of the working and vital landscape as the "romantic" farmhouse, the "bucolic" vineyard, and the "quaint" grazing of a herd of cattle. Hoop houses are temporary structures that serve a critical purpose and area as endemic to rural-scapes as good architecture is to well-executed urban design and urban-scapes.

Furthermore, the hoop houses are inaccurately described as development. Hoop houses are temporary structures that are more of an agricultural implement than an actual structure. Labeling a hoop house as development is as absurd as labeling a tent as a home. Treating hoop houses in the same manner, applying the same standards as would be applied to a permanent building belies reason, is unfair and represents an undue hardship to the agricultural industry. Additionally, this misdefinition fails to recognize basic differences between buildings and hoop houses as well as benefit not only to agriculture, but also other resources. While the DEIR does refer to some benefits to resources, there are myriad benefits and short list includes: 1) the extension of growing seasons; 2) enablement of a greater diversity of crop types to be cultivated; 3) enhanced crop scheduling; 4) reduction in disease pressure; 5) reduction in water consumption; and 6) reduction in pesticide use and drift.

Project Alternatives

Section 15126.6 of the 2010 CEQA Guidelines states: An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would

avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.

An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible.

While the DEIR does consider the "No Project" alternative and two project alternatives, the AAC opines that the DEIR is wholly deficient in providing a "range of reasonable alternatives". A range is defined as "the area of variation between upper and lower limits on a particular scale". Following that definition, the two alternatives presented in the document the upper and a lower limit, however, this overly simplified alternatives provide no room for true exploration and examination of scenarios between the two points; hence there is no range.

At the very least, the DEIR should have provided three alternatives in order meet the definition of a range and provide the much needed evaluation of differing scenarios the county could pursue to obtain the objective of "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".

Feasibility of Mitigation Measures

There are numerous mitigation measures within this DEIR that are deleterious to the objective and/or fully contravene the objective of the Project.

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.

This mitigation measure implies that operations located along a public right of way that wish to utilize hoops up to the 20-foot exemption must utilize a shorter hoop (<12 feet) structure within 75 feet of a right of way or forgo cultivation in

that part of the field. The AAC asserts that this mitigation measure is technically and economically infeasible.

The height of the hoops corresponds to the size of the equipment necessary to operate efficiently within the structures. The higher hoops allow the use of larger equipment, which is more efficient to carry out crop management tasks. It is unrealistic and infeasible to expect growers to maintain two different sets of equipment to operate in two different structures. This is not only cost prohibitive based on the needed equipment but would require significantly more labor to maintain. Below are two examples that demonstrate the impact this mitigation measure would have on existing operations. The red area indicated the proposed 75-foot setback. **In both cases these growers would only be able to use 12-foot hoops on their ranch or forgo cultivation in the areas that are in red.**



Example of impacts of 75-foot road setback limiting height to 12-foot hoops (MM-VIS-1)

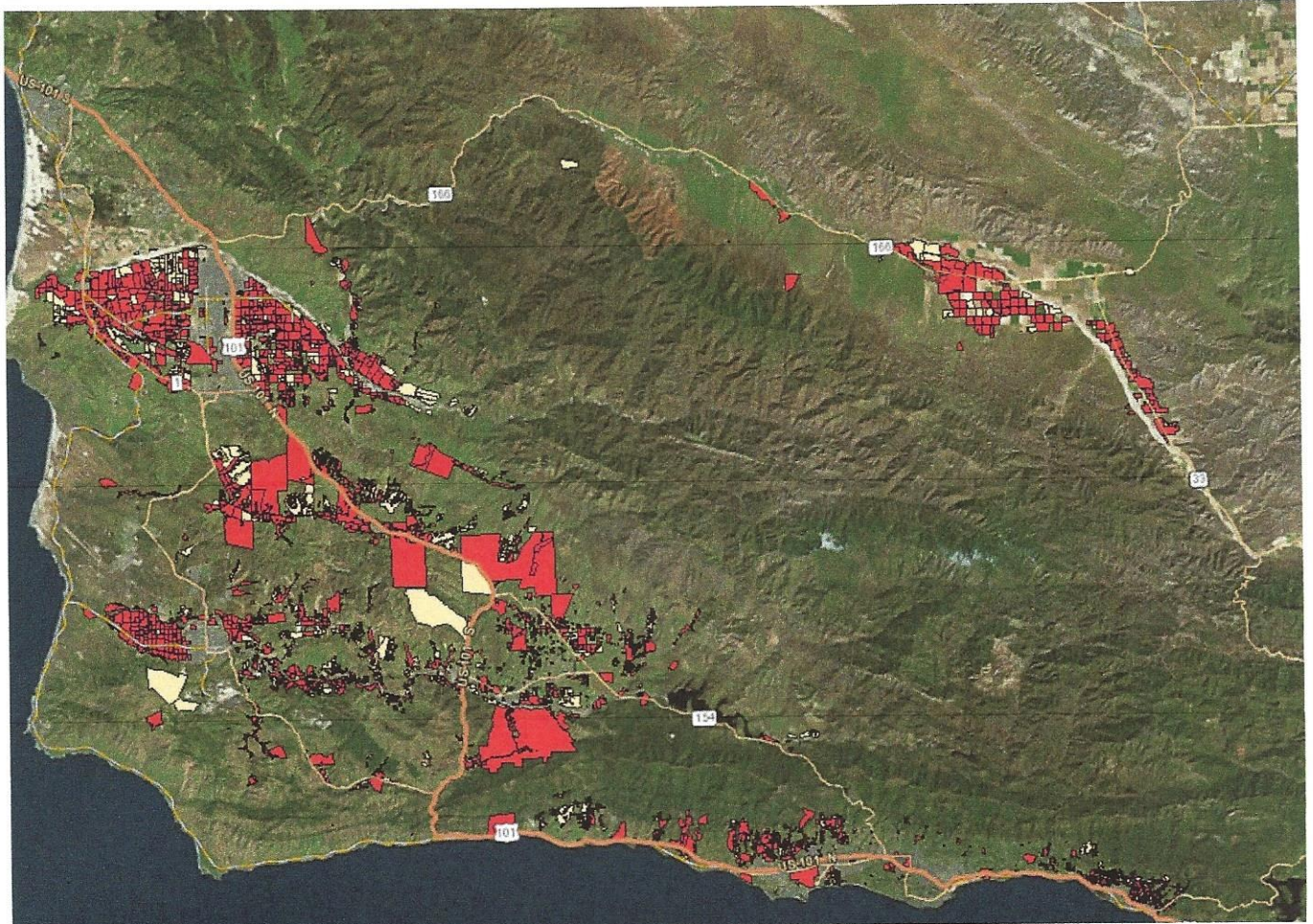


Example of impacts of 75-foot road setback limiting height to 12-foot hoops (MM-VIS-1)

Given the infeasibility of operating with two different hoops sizes, the AAC has significant concerns with the number of acres of farmland that would be impacted by the proposed **75-foot** setback. As shown in the Table 1 below **15,887** acres of agricultural land occurring on **2,138** currently permitted Ag Parcels will be impacted by this mitigation measure. This constitutes a taking.

Table 1: Acres of Agricultural Land Impact by the 75-foot setback

Agriculture Land Type	Total Acres	Acres Impacted by 75' Setback	% impacted
Grazing	482,803	10,961	2.27%
Farmland of Local Importance	8,099	454	5.61%
Prime Farmland	62,395	3,019	4.84%
Farmland of Statewide Importance	11,203	386	3.45%
Unique Farmland	30,316	1,067	3.52%
Total Acres	594,816	15,887	



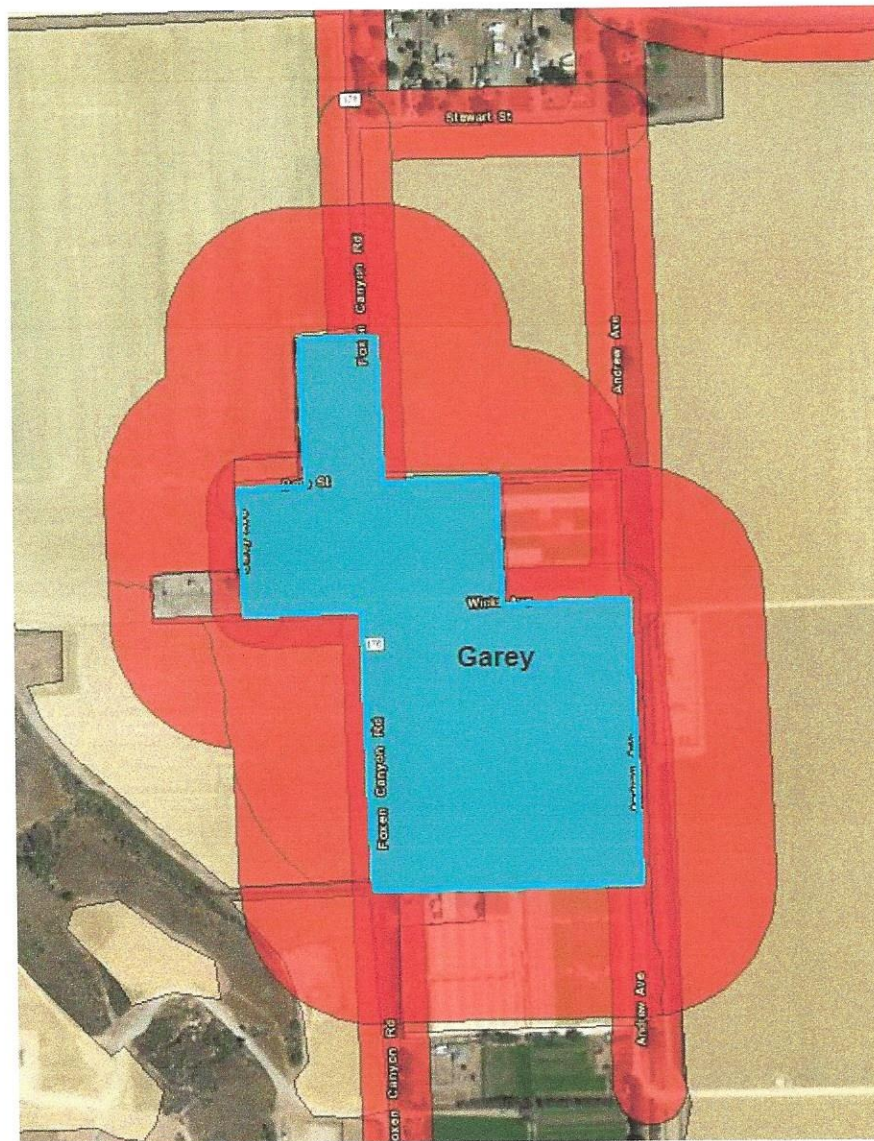
Ranches Impacted by 75-footsetback in red.

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 or other areas of public use.*

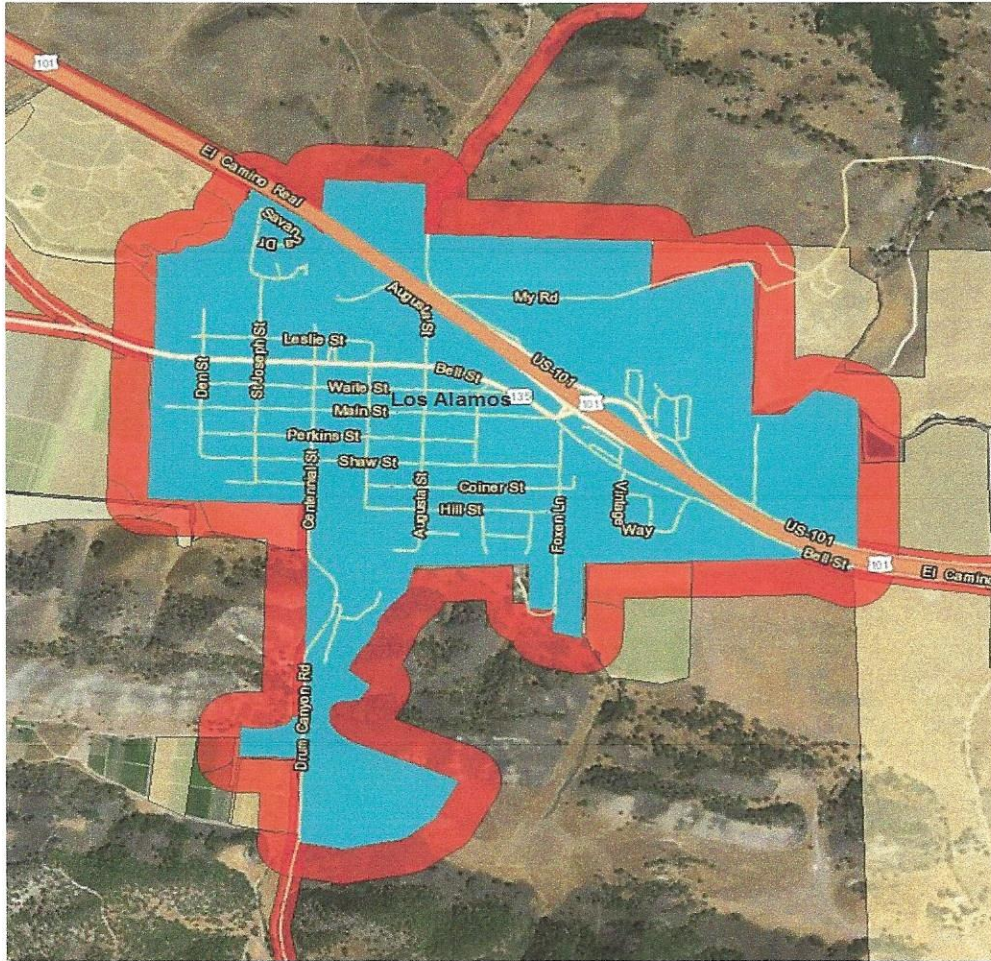
A 400-foot setback from urban townships is infeasible due to the limits on the cultivation methods it would place on approximately **1,597 acres** of agricultural land that is located with these areas. In many cases, this setback impacts more than half of a grower's parcels and when coupled with the proposed setback

from the road nearly the entire parcel would be impacted. Again, this constitutes a taking.

Two examples shown below include are that of Garey and Los Alamos. The red area in the images delineates a 400-foot buffer from the urban boundary. Anywhere from 10 to 99 percent of the parcel around these areas would be impacted. When this impact is coupled with the 75-foot setback from the roads the impacts become even greater.



Example of impacts of 400-foot urban township setback prohibiting the use of hoops entirely (MM-VIS-2) in addition to 75-foot road setback limiting height to 12-foot hoops (MM-VIS-1)



Example of impacts of 400-foot urban township setback prohibiting the use of hoops entirely (MM-VIS-2) in addition to 75-foot road setback limiting height to 12-foot hoops (MM-VIS-1)

Furthermore, the basis for a 400-foot buffer in these areas was not sufficiently explained or justified in the DEIR. Hoop structures are **temporary** agricultural equipment. They are not buildings, they have no foundations or footings and must not be subject to the same requirements. Although we continue to disagree with the fundamental characterization of hoops as development because they are **not development**, we would find a setback as described in LUDC Table 2-3 to be less detrimental to the viability of agricultural lands countywide.

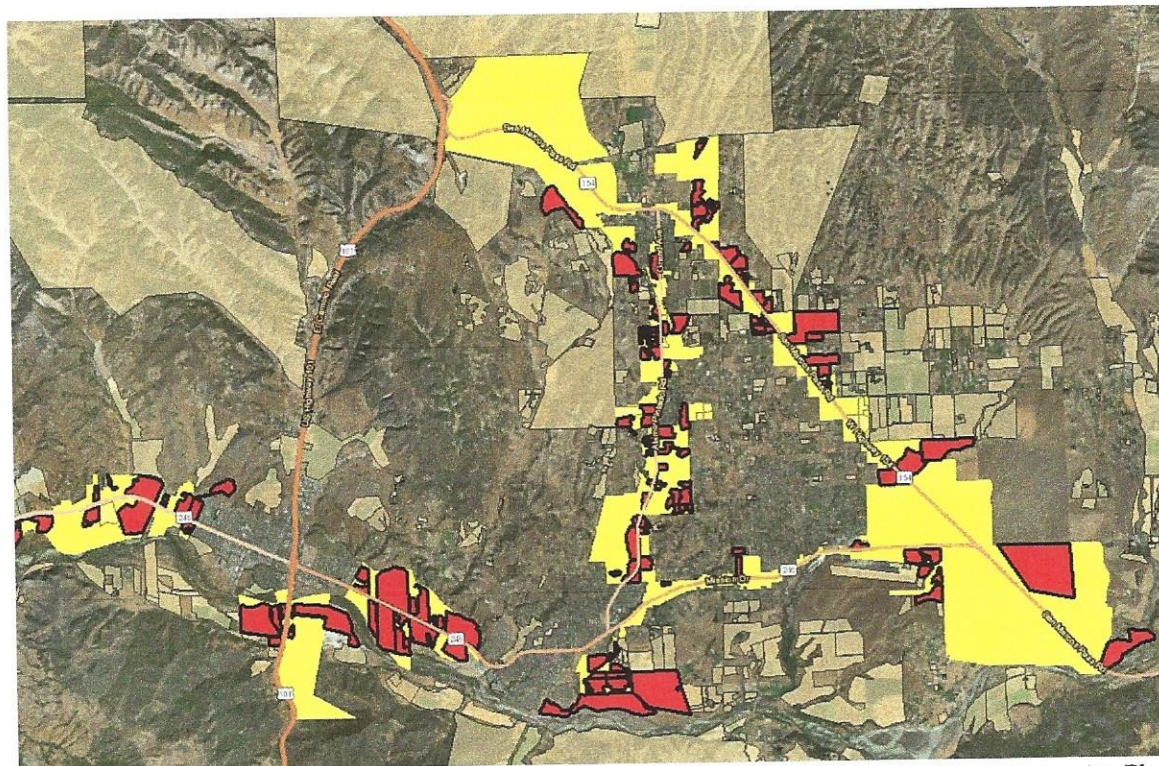
Table 2-3 - AG-I and AG-II Zones Development Standards

Development Feature	Requirement by Zone	
	AG-I & AG-I (CZ) Agriculture I	AG-II & AG-II (CZ) Agriculture II
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>	
Maximum density	1 one-family dwelling per lot; plus agricultural employee housing, residential agricultural units, and second units, where allowed by Table 2-1 and applicable standards provided that the lot complies with Section 35.21.040 (Agricultural Zones Lot Standards) .	
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>	
Front	50 ft from road centerline and 20 ft from edge of right-of-way.	50 ft from road centerline and 20 ft from edge of right-of-way.
Side	20 ft; 10% of lot width on a lot of less than 1 acre, with no less than 5 ft or more than 10 ft required.	None.
Rear	20 ft; 25 ft on a lot of less than 1 acre.	None.
Building separation	None, except as required by Building Code.	
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	35 ft for a residential structure, no limit otherwise; Toro Canyon Plan area - 25 ft for a residential structure.	Coastal - No limit; Inland - 35 ft for a residential structure, no limit otherwise; Toro Canyon Plan area - 25 ft for a residential structure.
Landscaping	See Chapter 35.34 (Landscaping Standards) .	
Parking	See Chapter 35.36 (Parking and Loading Standards) .	
Signs	See Chapter 35.38 (Sign Standards) .	

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.

The citation of 4,000 square feet is completely arbitrary and unworkable. Agriculturalists are not hobby farmers; they are engaged in the full-time occupation and pursuit of agriculture so limiting them to 4,000sf of hoops structure would render most of the 161 currently operating ranches in this area

as unusable for this type of production. This is a disincentive to investment vis-à-vis cost benefit analyses on agricultural properties. Moreover, prohibition of larger hoop houses impairs agricultural viability countywide.



Currently Operating ranches in the Design Control Overlay for the Santa Ynez Valley Community Plan Area

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 AAC is strongly opposed to limits to the exemption as proposed in MM-BIO-1 on the basis that any land zoned agriculture should have the ability to be cultivated by any means deemed necessary and practicable. We understand the need to protect plants and animal species of concern from potential impacts. We also recognize that many of the species have already been identified and are

currently protected through other regulations. This mitigation measure is completely unnecessary as it is duplicative of regulations already in place.

Furthermore, this mitigation measure undermines a key Land Use Goal in the Ag Element which states *"In the rural areas, cultivated agriculture shall be preserved and, where conditions allow, expansion and intensification should be supported. Lands with both prime and non-prime soil shall be reserved for agricultural uses.*

Expansion of use of crop protection structures on agricultural lands outside of *Historically Intensively Cultivated Agricultural Lands* **should be encouraged.** The use of crop protection structures provides many benefits including:

- The improved climate provided by hoops structure allows the expansion of temperature sensitive high value crops into areas of the county that were not ideal locations for those crops.
- Economic Growth: Hoops are primarily used on high value crops such as raspberries, blueberries, blackberries and strawberries.
- The hoops extend the growing season. This is the primary reason why Santa Barbara County is now able to provide strawberries year-round.
- Less need for pesticides due to ability to control the movement of pest with screens or other physical barriers. Reduced disease pressure.
- Fruit quantity and quality is significantly improved when grown inside hoops.

By excluding lands outside of the *Historically intensively cultivated agricultural lands* it is in effect a prohibition of utilizing crop protection structures on those lands. The cost associated with permitting would deter most operations from utilizing this technology. We contend that to ensure ag viability in the County it is imperative that the County support the use of tools that are less resource intensive – like hoops- rather than restrict their use.

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 drafted MM-BIO-2 has the potential to undermine the purpose of hoop structures. Generally, the plastic portion of the hoop structure only extends from the top of the hoops to about 5 to 6 feet above the ground. Plastic will extend to the ground only along the **perimeter of the field** and serves to limit/control airflow based on prevailing wind conditions or to prevent crop damage or equipment damage during weather events. **The plastic in these areas are raised and only lowered when needed to create condition necessary to maintain a healthy crop. If required to leave a 12-inch gap in these key areas, many of the benefits of the hoops would be significantly diminished.**

When it is necessary to lower the plastic to the ground in these areas there are still many areas that are open and allow the free movement of wildlife through the ranch. Generally, a ranch is split into production blocks and there are roads that are open between these blocks. These roads are spaced no more than 1,250 feet between hoops structures or blocks) for worker health and safety requirements. More typically roads occur between every 300 to 400 feet but will ultimately depend on the topography and shape of the ranch. The following images demonstrate these characteristics.

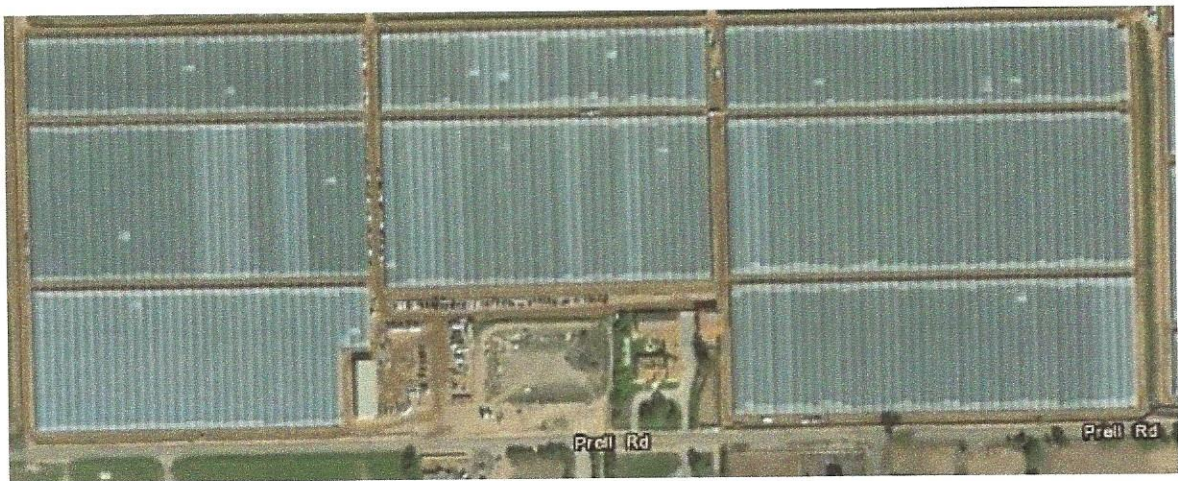
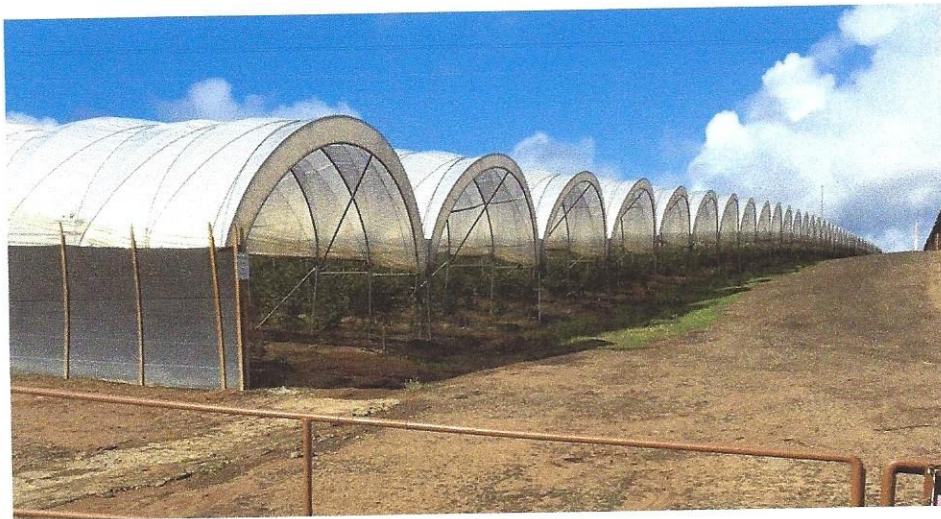


Figure 1 Example of field layout of hoop structure. The small blocks of open tunnels and multiple roads allow ample space for movement of species of concern



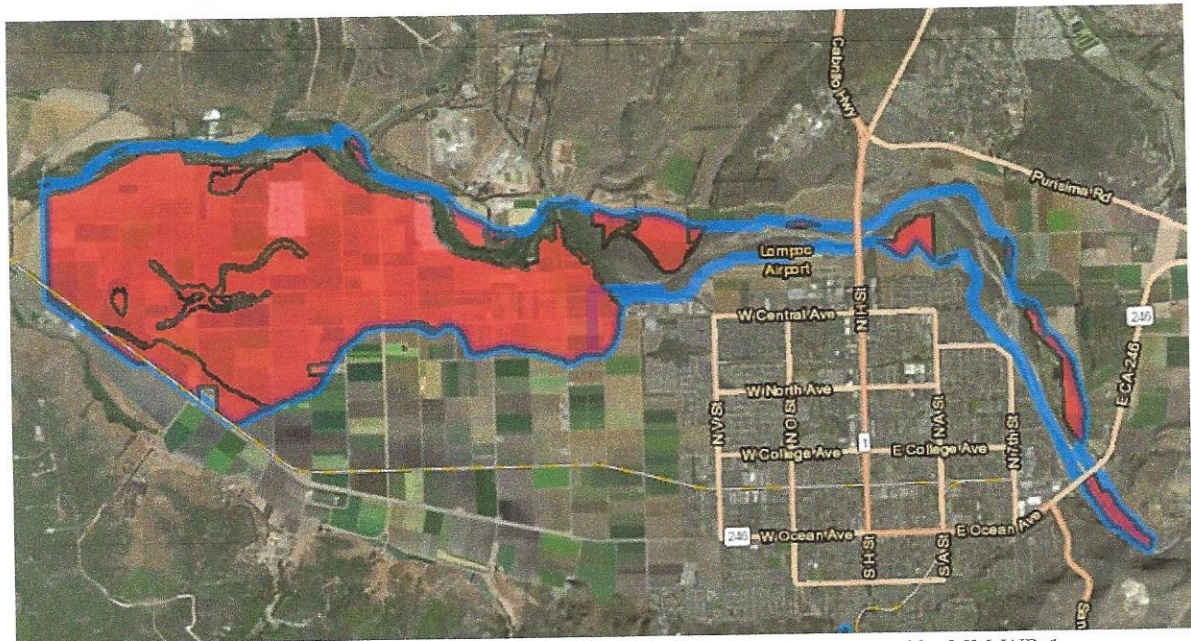
MM-WR-1. Crop Protection Structures within a Floodway. Prior to approval of the Project, the Hoop Structures Ordinance Amendment shall be revised to clarify that crop protection structures located within a floodway would not qualify for the permit exemption. Crop protection structures proposed within 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 contest this mitigation measure based on the impact this will have on a significant portion of the agricultural lands in the County and constitutes a taking. Without the exemption, effectively **5,769 acres of Agricultural lands will be prevented from using crop protections structures** on their ranches in these areas. This number only include the physical acres inside the floodway, it is not uncommon for a ranch to only have a portion of their property in this area. Nonetheless, the entire ranch would be impacted which means the number of impacted acres would be much higher. This issue is most relevant on the western side of Lompoc (see map below). Due to the significant cost involved in the development plan process this will deter most operations from utilizing these structures on their ranches. We feel this type of measure would constitute a regulatory taking.

Furthermore, we disagree with the impact assessment regarding the potential for floodwaters to tear down hoops structures. Hoops structures are open from the ground up to about 5 to 6 feet on 12-foot hoops. The hoops are also anchored in the ground which will prevent them from being torn away and washed downstream.

Farmland Located in Floodways

Agriculture Land Type in Floodways	Total Acres	Acres Impacted	% impacted
Grazing	482,803	2,461	0.51%
Farmland of Local Importance	8,099	68	0.85%
Prime Farmland	62,395	2,875	4.61%
Farmland of Statewide Importance	11,203	216	1.93%
Unique Farmland	30,316	147	0.49%
Total Acres	594,816	5,769	



The red portion indicates farmland that is located within the floodway that would be impacted by MM-WR-1.

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 continue to fundamentally **disagree with the characterization that the installation of crop protection structures constitutes development** and therefore should not be subject to the same setback requirements as buildings. Hoops are a temporary structure that allow movement of airflow and water flow. They are anchored to the ground but do not contain permanent footings.

We contest the proposed MM-BIO-3 because it is duplicative of the regulations already in place. Riparian areas of streams and creeks are protected through existing regulations in the Region 3 Ag Order which states:

“Dischargers must (a) maintain existing, naturally occurring, riparian vegetative cover (e.g., trees, shrubs, and grasses) in aquatic habitat areas as necessary to minimize the discharge of waste; and (b) maintain riparian areas for effective streambank stabilization and erosion control, stream shading and temperature control, sediment and chemical filtration, aquatic life support, and wildlife support to minimize the discharge of waste.”

Under the Ag Order regulations, it is our understanding that **any** existing riparian vegetation must be maintained as necessary to minimize discharge of waste and the protect the natural processes of the stream ecosystems. This Ag Order requirement should be as effective as the proposed mitigation measure considering it references the protections of the existing riparian vegetation versus simply requiring a standard setback length.

Classification of Impacts

BIO-3. Movement or Patterns of Any Native Resident or Migratory Species

Pursuant to the discussions in previous sections of the letter, hoop houses are **not** development and are not permanent structures. Hoop houses while covered are not solid, provide spacing between and afford ample opportunities for the movement of native residents and migratory species. This is not a Class II Impact, but instead a Class III impact.

Policy Consistency

The goals and policies below have been extracted from County documents and the analysis contained in the DEIR fails to uphold the County’s own policies in support of agriculture. The County must recognize the primacy of agriculture

from a land use perspective, a resource conservation perspective and as a significant tax-base and economic engine of food production, supply and security as well as employment and engine of industrial innovation. Agriculture is the number one industry in Santa Barbara County and provides the largest sector of employment over any other industry: business support, health care, education, building and design (to name a few).

“Agriculture is vital to the needs of the nation and the world. Agriculture is the largest production industry in Santa Barbara County and contributes a very large inflow of money into the county’s economy. The County, therefore, recognizes the need to protect and maintain a healthy economy and to provide for the conservation of its agriculture. The uniqueness and importance of agriculture in Santa Barbara County requires a specific planning document to guide the county government in addressing the future use of agricultural lands and resources.”

The Hoop Structures Ordinance Amendment offers the County an ideal opportunity to actualize the goal of to, *“protect and maintain a healthy economy and to provide for the conservation of its agriculture.* And the need in, *“addressing the future use of agricultural lands and resources.”* Instead, the analysis is unsuccessful in truthfully identifying the need for hoop houses, the benefits accrued to agricultural sustainability, economic viability and need for hoop houses in furtherance of other resource stewardship aims.

Agricultural Element 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.

This policy goes straight to heart of the matter, and hoop houses are a standard and effective method of cultivation that is consistent with the promotion of long-term agricultural viability as well as resource protection.

Agricultural Element Policy I.C. To increase agricultural productivity, the County shall encourage land improvement programs.

The Hoop Structures Ordinance Amendment provides agriculturalist with the ability to increase agricultural productivity in the least intensive way and the

county needs to do its part by actually encouraging this land improvement program.

Agricultural Element Policy II.D. Conversion of highly productive agricultural lands whether urban or rural, shall be discouraged. The County shall support programs which encourage the retention of highly productive agricultural lands.

Tying the hand of agriculturalists undermines their ability to adapt to changing market conditions, demands and global competition and will ultimately drive them out of business will not at all encourage retention of highly productive lands, but instead result in the elimination of highly productive lands. Allowing hoop houses on all land zones for agriculture regardless of prior cultivation history is a requirement for implementation of this policy.

Land Use Element – Agricultural Goal: In the rural areas, cultivated agriculture shall be preserved and, where conditions allow, expansion and intensification should be supported. Lands with both prime and non-prime soil shall be reserved for agricultural uses.

While hoop houses are not considered an intensification of use, the expansion of their use must be supported in order to be consistent with this policy.

In closing, the AAC would like to thank the county for the opportunity to provide comments on the DEIR.

Sincerely,



Paul Van Leer. Chair of the AAC

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 Counti
Santa Barbara County Farm Bureau
Santa Barbara Flower & Nursery Growers' Associati
Santa Barbara Vintners
Santa Barbara County Cattlemen's Assn.
California Strawberry Commission

ATTACHMENT 2

Letter from Santa Barbara County Flood Control District

July 3, 2018

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Santa Barbara County Public Works Department
Flood Control ♪ Water Agency ♪ Project Clean Water

July 3, 2018

Ms. Dianne Black, Director
Santa Barbara County Planning and Development Department
123 E. Victoria Street
Santa Barbara, CA 93101

RE: Hoop Structure Ordinance – Floodway Considerations

Dear Ms. Black:

Pursuant to discussions surrounding the issue of floodway impacts of hoops structures, the Flood Control District took a critical look at the issue to determine if there was a need to include Floodway regulation considerations in the installation of these facilities.

Hoop structures generally consist of 3" pipe supports and typically these structures span 21 to 27 feet and as such the 3" pipes are on 21 - 27 foot centers. Floodway considerations are intended to prevent the increase in flood elevations due to obstructions within the Floodway. Typically, such obstructions would be substantial development such as houses, roads, bridges, shopping centers, and the like, that offer massive obstruction to the Floodway and as such offer a real risk to surrounding properties.

Hoop structures, being supported by 3" metal pipes on a 21 - 27 foot span results in about a 1.1% or less obstruction by area, assuming the structures are even able to survive a 100-year flood in the first place. Conveyance capacities of the floodplain and floodway, and the accuracy of the floodway calculations, are affected by many other variables that far exceed the de minimis encroachment of the pipes of the hoop structures. Vegetation conditions, stream channel conditions, topo accuracy, and other model assumptions impact the level of accuracy of these floodplain conveyance calculations and the impacts of these pipe structures fall far below the tolerance of these other factors.

The Flood Control District therefor does not recommend the inclusion of the Floodway regulatory considerations of hoop structures in Agricultural zoned areas.

If you have any questions please contact Jon Frye, Flood Control Engineering Manager at 805-568-3444. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. Fayram", is written over the word "Sincerely,".

Thomas D. Fayram
Deputy Public Works Director

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ATTACHMENT 3

Letter from United States Fish and Wildlife Service

June 15, 2018

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United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
08EVEN00-2018-CPA-0162

RECEIVED June 15, 2018

JUN 18 2018
S B COUNTY
PLANNING & DEVELOPMENT

Julie Harris
County of Santa Barbara
Planning and Development Department
123 East Anapamu Street
Santa Barbara, California 93101

Subject: Comments on California tiger salamander measures for Hoop Structure and Shade Structure Ordinance

Dear Ms. Harris:

We have reviewed the Proposed Final Environmental Impact Report (EIR) for the Hoop Structures and Shade Structures Ordinance Amendment. The County of Santa Barbara is proposing to issue an ordinance to revise and clarify the permitting requirements for hoop and shade structures on land zoned for agriculture in Santa Barbara County. This ordinance would simplify and streamline the permit process for these structures, exempt hoop structures of a given height from planning permits on agriculturally zoned land, and identify standards for compliance and best management practices. The proposed ordinance would apply to approximately 927,014 acres of agriculturally zoned areas within the unincorporated inland area of Santa Barbara County, California.

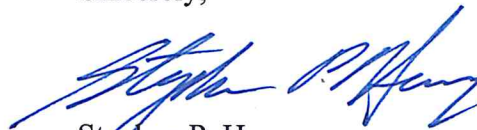
Included in this Proposed Final EIR are measures to minimize impacts to biological resources, including the federally endangered Santa Barbara County Distinct Population Segment of California tiger salamander (*Ambystoma californiense*). The proposed measure MM-BIO-2 would require that any crop protection structure located within 1.24 miles of a known or potential California tiger salamander breeding pond maintain a minimum one-foot gap between the bottom edge of the plastic material and the ground surface to allow free movement of California tiger salamanders. The U.S. Fish and Wildlife Service (Service) considered the question of whether it would be more beneficial to allow California tiger salamanders and other wildlife to pass through a one-foot gap between the ground and plastic cover, or to allow the plastic to touch the ground and exclude this species and other wildlife from the agricultural area. The Service consulted on this issue with the following independent biologists with expertise on the California tiger salamander: Lawrence Hunt, Hunt & Associates Biological Consulting Services; John Labonte, Wildlands Conservation Science; Samuel Sweet, professor at University of California, Santa Barbara; Tom Olson, Garcia and Associates; and John Storrer, Storrer Environmental Services, LLC. Unanimously, all five of these biologists agreed that although it is usually beneficial to allow passage for dispersing wildlife, in this case doing so would expose

California tiger salamanders to hazards associated with agricultural activities (ground disturbance, foot traffic, machinery, herbicides, pesticides, fungicides, etc.) and it is better overall to exclude California tiger salamanders from the hoop structures. The Service recommends removing MM-BIO-2 from this ordinance because we believe this measure may subject California tiger salamanders to additional threats and would be more detrimental than beneficial.

The mission of the Service is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. The Service's responsibilities include administering the Endangered Species Act of 1973, as amended (Act). Section 9 of the Act prohibits the taking of any federally listed endangered or threatened wildlife species. "Take" is defined at Section 3(19) of the Act to mean "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." The Act provides for civil and criminal penalties for the unlawful taking of listed wildlife species. Such taking may be authorized by the Service in two ways: through interagency consultation for projects with Federal involvement pursuant to section 7, or through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act. Though agriculture in Santa Barbara County may not be regulated at the county level, landowners nonetheless are still responsible for complying with the Act when planning to conduct any ground disturbing activities within the range of the California tiger salamander that may result in take of the species, including converting land to row crops or vineyards. We look forward to continued conversation on ensuring compliance on this important issue.

If you have any questions, please contact Kendra Chan of my staff at (805) 677-3304 or by electronic mail at kendra_chan@fws.gov, or Rachel Henry of my staff at (805) 677-3312 or by electronic mail at rachel_henry@fws.gov.

Sincerely,



Stephen P. Henry
Field Supervisor

ATTACHMENT 4

Email from United States Fish and Wildlife Service

December 4, 2018

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Harris, Julie

From: Chan, Kendra <kendra_chan@fws.gov>
Sent: Tuesday, December 04, 2018 8:51 AM
To: Harris, Julie
Cc: Christopher Diel; Rachel Henry; Blankenship, Daniel@Wildlife
Subject: CTS farmland habitat question
Attachments: CTS farmland habitat.docx

Follow Up Flag: Follow up
Flag Status: Completed

Hi Julie,

Here is a summary of what we discussed regarding CTS habitat and historically farmed areas. You may share this with the planning commission. Please let me know if you have any questions.

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

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. Kendra Chan (Ventura Fish and Wildlife Office) 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 therefore 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.

ATTACHMENT 5

Email from United States Fish and Wildlife Service

December 7, 2018

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Harris, Julie

From: Chan, Kendra <kendra_chan@fws.gov>
Sent: Friday, December 07, 2018 4:25 PM
To: Harris, Julie
Cc: Christopher Diel; Rachel Henry; Blankenship, Daniel@Wildlife
Subject: Hoop structure ordinance measure

Hi Julie,

I mulled over the time frames you proposed to me and ran it by our biologists, including Rachel Henry. We collectively agree that:

Cultivating sometime in the last 5 years is too long of a time frame for this measure to be effective. A farm field left alone for up to 4 years could allow the area to return to CTS habitat.

Cultivating sometime in the last 3 years is an adequate measure to include in this exemption. From the salamander and ground squirrel's perspective, this would have the same effect as a field in cultivation 3 out of the past 5 years.

You may share this with the Planning Commission. Let me know if you have any other questions.

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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ATTACHMENT D

RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING TO)
THE BOARD OF SUPERVISORS THE)
ADOPTION OF AN ORDINANCE AMENDING)
SECTION 35-1, THE SANTA BARBARA)
COUNTY LAND USE AND DEVELOPMENT)
CODE, OF CHAPTER 35, ZONING, OF THE)
COUNTY CODE BY AMENDING ARTICLE)
35.2, ZONES AND ALLOWABLE LAND)
USES, ARTICLE 35.4, STANDARDS FOR)
SPECIFIC LAND USES, AND ARTICLE 35.11,)
GLOSSARY, TO ADDRESS THE PERMIT)
REQUIREMENTS FOR HOOP STRUCTURES)
AND SHADE STRUCTURES LOCATED ON)
AGRICULTURALLY ZONED LANDS, AND)
MAKE OTHER MINOR CLARIFICATIONS,)
CORRECTIONS AND REVISIONS.

RESOLUTION NO.: 19 – 01

CASE NO.: 17ORD-00000-00005

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors (Board) adopted the Santa Barbara County Land Use and Development Code, Section 35-1 of Chapter 35 of the Santa Barbara County Code.
- B. On June 15, 2016, the Board added the Hoop Structures Ordinance Amendment project to the Long Range Planning Work Program.
- C. The proposed amendment is consistent with the Santa Barbara County Comprehensive Plan, including the Community and Area Plans, and the requirements of California planning, zoning, and development laws.
- D. The County Planning Commission has held duly noticed hearings, in compliance with Government Code Section 65854 and received a staff report and public comment on the Hoop Structures Ordinance Amendment Final Program Environmental Impact Report, including EIR Revision Document (RV 01), dated January 30, 2019, and on the proposed ordinance at which hearings the ordinance amendment was explained and comments invited from the persons in attendance.
- E. In compliance with Government Code Section 65855, which requires the County Planning Commission's written recommendation on the proposed ordinances to include the reasons for the recommendation and the relationship of the proposed ordinance amendment to applicable general and specific plans, the County Planning Commission has determined that the proposed ordinance amendment is consistent with the Comprehensive Plan, including community plans, and provides the greatest community welfare without compromising community values, environmental quality, or the public health and safety, as discussed in the findings in Attachment A of the County Planning Commission staff memorandum dated January 22, 2019, which is incorporated by reference.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Exhibit 1) amending the Santa Barbara County Land Use and Development Code (Case No. 17ORD-00000-00005), of Chapter 35, Zoning, of the County Code, to address the permit requirements for hoop structures and shade structures located on agriculturally zoned lands, and make other minor clarifications, corrections, and revisions.
3. The County Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of the County Planning Commission, based on the findings included as Attachment A of the County Planning Commission staff memorandum, dated January 22, 2019.
4. A certified copy of this Resolution shall be transmitted to the Board of Supervisors in compliance with Government Code Section 65855.
5. The Chair of the County Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to reflect the above described action by the County Planning Commission.

PASSED, APPROVED, AND ADOPTED by the County Planning Commission of the County of Santa Barbara, State of California, this 30th day of January, 2019, by the following vote:

AYES: Cooney, Brown, Parke, Ferini, Blough

NOES:

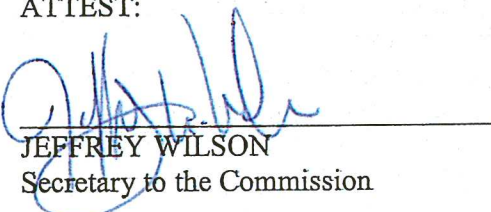
ABSTAIN:

ABSENT:



JOHN PARKE, CHAIR
Santa Barbara County Planning Commission

ATTEST:

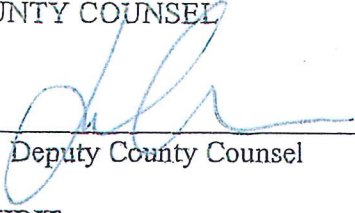


JEFFREY WILSON
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By



Deputy County Counsel

EXHIBIT:

1. Board of Supervisors Ordinance Amending the County Land Use and Development Code
(17ORD-00000-00005)

EXHIBIT 1

COUNTY LAND USE AND DEVELOPMENT CODE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING ARTICLE 35.2, ZONES AND ALLOWABLE LAND USES, ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES, AND ARTICLE 35.11, GLOSSARY, TO ADDRESS THE PERMIT REQUIREMENTS FOR HOOP STRUCTURES AND SHADE STRUCTURES LOCATED ON AGRICULTURALLY ZONED LANDS, AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS, AND REVISIONS.

Case No. 17ORD-00000-00005

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

SECTION 1:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection B, Exempt Activities and Structures, of Section 35.20.040, Exemptions from Planning Permit Requirements, of Chapter 35.20, Development and Land Use Approval Requirements, to add a new Subsection 10 titled “Hoop structures and shade structures” and to read as follows, and to renumber existing Subsections 10 through 25 as 11 through 26, respectively:

10. Hoop structures and shade structures. Hoop structures and shade structures that are exempt in compliance with Section 35.42.140.C (Hoop structures and shade structures in agricultural zones).

SECTION 2:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Agricultural, Mining, and Energy Facilities section of Table 2-1, Allowed Land Uses and Permit Requirements for Agricultural Zones, of Section 35.21.030, Agricultural Zones Allowable Land Uses, of Chapter 35.21, Agricultural Zones, to read as follows:

Table 2-1 Allowed Land Uses and Permit Requirements for Agricultural Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use Permit required (2)	
	MCUP	Minor Conditional Use Permit required	
	CUP	Conditional Use Permit required	
	ZC	Zoning Clearance	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	AG-I	AG-II	

AGRICULTURAL, MINING, & ENERGY FACILITIES

Agricultural accessory structure	P	P	35.42.020
Agricultural processing - On-premise products	P	P (3)	35.42.040
Agricultural processing - Off-premise products	—	CUP (3)	35.42.040
Agricultural processing - Extensive	—	CUP (4)	35.42.040
Animal keeping (except equestrian facilities, see RECREATION)	S	S	35.42.060
Aquaculture	—	CUP	35.42.070
Aquaponics	—	S (5)	35.42.060
Cultivated agriculture, orchard, vineyard	E	E	
Grazing	E	E	
Greenhouse	P	P (6)	35.42.140
<u>Hoop structure and shade structure</u>	<u>S</u>	<u>S</u>	<u>35.42.140</u>
Mining - Agricultural soil export	—	MCUP	35.82.160
Mining, extracting & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	35.82.160
Mining- Surface, less than 1,000 cubic yards (7)	P	P	35.82.160
Mining- Surface, 1,000 cubic yards or more	CUP	CUP	35.82.160
Oil and gas uses	S	S	35.5
Utility-scale photovoltaic facilities	—	CUP	35.59
Winery	S	S	35.42.280

SECTION 3:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.42.140, Greenhouses, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

35.42.140 – Greenhouses, Hoop Structures, and Shade Structures

- A. **Purpose and applicability.** This Section provides standards for the establishment of greenhouses, hoop structures, and shade structures where allowed by Article 35.2 (Zones and Allowable Land Uses).
- B. **Greenhouses.**
 - 1. **Greenhouses in agricultural zones.** The following provides the permit requirements and development standards for greenhouses located within the AG-I and AG-II zones.
 - 1. **a.** **Less than 20,000 square feet, AG-I zone.** For greenhouses and greenhouse related development that are less than 20,000 square feet in area and are located within the AG-I zone, the following requirements and standards shall apply:
 - a-** **(1)** **Landscaping.** Landscaping plans shall be required in compliance with Section 35.34.050 (Agricultural Zones Landscaping Requirements).
 - 2. **b.** **20,000 square feet or more.** For greenhouses and greenhouse related development that are 20,000 square feet in area or more and all additions, which when added to existing

development, total 20,000 square feet or more, the following requirements and standards shall apply:

~~a.~~ **(1) Development Plans.** ~~In all agricultural zones,~~ **The** approval of a Development Plan shall be required in compliance with Section 35.82.080 (Development Plans).

~~(1)~~ **(a) Application contents.** ~~For greenhouses in agricultural zones the submittal requirements in Section 35.82.080 (Development Plans) shall be waived. Development Plan applications shall instead include a plot plan of the proposed development drawn to scale showing the following:~~

The site plan and topographic map required to be submitted with an application for a Development Plan in compliance with Section 35.82.080 (Development Plans) shall not apply and instead a Development Plan application for a greenhouse(s) shall include a site plan of the proposed development drawn to scale that shows the following:

- ~~(a)~~ **(i)** Gross acreage and boundaries of the property.
- ~~(b)~~ **(ii)** Location of all existing and proposed structures, their use, and square footage of each structure.
- ~~(c)~~ **(iii)** Landscaping.
- ~~(d)~~ **(iv)** Location and number of parking spaces.
- ~~(e)~~ **(v)** Location of driveways and adjacent streets.

~~b.~~ **(2) Landscaping.**

~~(1)~~ **(a) AG-I zone.** Landscaping plans shall be required in compliance with Section 35.34.050 (Agricultural Zones Landscaping Requirements).

~~(2)~~ **(b) AG-II zone.** Landscaping plans shall be required in compliance with Chapter 35.34 (Landscaping Standards).

~~c.~~ **2. Greenhouses in overlay zones.** Greenhouses are limited to 4,000 square feet per lot when located within the Critical Viewshed Corridor Overlay in the Gaviota Coast Plan Area.

~~d.~~ **3. Greenhouses in residential and special purposes zones.**

~~1.~~ **a. 300 square feet or less in size.** In the R-1/E-1, R-2, EX-1, DR, MU, and OT-R zones, the following standards shall apply to greenhouses not exceeding 300 square feet in area:

~~a.~~ **(1)** Greenhouse structures shall be used only for the propagation and cultivation of plants.

~~b.~~ **(2)** No advertising signs, commercial display rooms, or sales stands shall be maintained.

~~2.~~ **b. Greenhouses exceeding 300 square feet and less than 800 square feet.** In the R-1/E-1, R-2 and EX-1 zones, no advertising signs, commercial display rooms, or sales stands shall be maintained in association with greenhouses that exceed 300 square feet and are less than 800 square feet.

~~3.~~ **c. Greenhouses exceeding 300 square feet within the RR zone.** ~~a.~~ Greenhouses, hothouses, other plant protection structures and related development (i.e., packing sheds, parking, driveways) shall be subject to the landscaping requirements in compliance with Section 35.34.050 (Agricultural Zones Landscaping Requirements).

C. Hoop structures and shade structures in agricultural zones. The following provides the permit requirements and development standards for hoop structures and shade structures located within the AG-I and AG-II zones.

1. Permit requirements. Prior to the erection or use of a hoop structure or a shade structure a Land Use Permit shall be issued or a Final Development Plan shall be approved, as applicable, unless the project is determined to be exempt from a Land Use Permit or a Final Development Plan in compliance with Subsection C.1.a (Exempt), below. See also Section 35.42.075 (Cannabis Regulations) for additional permit requirements and development standards for the cultivation of cannabis.

a. Exempt. Hoop structures and shade structures that are 20 feet or less in height do not require a land use entitlement provided the proposed project is in compliance with the following:

- (1) The development standards of Subsection C.3.a (Development standards for hoop structures and shade structures), below.
- (2) The requirements of Subsection 35.20.040.A (Exemptions from Planning Permit Requirements).
- (3) 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.
- (4) The hoop structures and shade structures are located on slopes ~~of~~ averaging 20% or less. Average slope shall be calculated over the area of the lot where hoop structures and shade structures will be used.
- (5) Hoop structures and shade structures located in the Critical Viewshed Corridor (CVC) Overlay within the Gaviota Coast Plan area or in the Design Control (D) Overlay within the Santa Ynez Valley Community Plan area cover no more than 4,000 square feet per lot.
- (6) Hoop structures and shade structures located in the Critical Viewshed Corridor (CVC) Overlay within the Gaviota Coast Plan area or in the Design Control (D) Overlay within the Santa Ynez Valley Community Plan area cover more than 4,000 square feet per lot, but are not visible from public roadways or other areas of public use. Landscape screening shall not be taken into consideration when determining whether the structures are visible from public roadways or other areas of public use.

b. Land Use Permit required. A Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits) is required for the following:

- (1) Hoop structures and shade structures that are more than 20 feet in height and cover less than 20,000 square feet in area, including all additions, which when added to existing development located on the same lot cover less than 20,000 square feet in area.
- (2) Hoop structures and shade structures that are 20 feet or less in height and cover less than 20,000 square feet in area, including all additions, which when added to existing development located on the same lot cover less than 20,000 square feet in area, and are not in compliance with Subsections C.1.a.(3), C.1.a.(4), C.1.a.(5), or C.1.a.(6), above.

c. Final Development Plan required. The approval of a Final Development Plan in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Land Use Permit or Zoning Clearance for the following:

- (1) Hoop structures and shade structures that are more than 20 feet in height and cover 20,000 square feet in area or more, including all additions, which when added to existing development located on the same lot cover 20,000 square feet in area or more.

(2) Hoop structures and shade structures that are 20 feet or less in height and cover 20,000 square feet in area or more, including all additions, which when added to existing development located on the same lot cover 20,000 square feet in area or more, and are not in compliance with Subsections C.1.a.(3), C.1.a.(4), C.1.a.(5), or C.1.a.(6), above.

2. Application requirements. Except as provided below in Subsection C.2.a (Site plan and topographic map requirements), below, an application for a Land Use Permit or a Development Plan shall be submitted in compliance with Section 35.80.030 (Application Preparation and Filing).

a. Site plan and topographic map requirements. The site plan and topographic map normally required to be submitted with an application for a Development Plan in compliance with Section 35.82.080 (Development Plans) shall not apply and instead a Development Plan application for hoop structures or shade structures shall include a site plan of the proposed development drawn to scale that shows the following:

- (1) Gross acreage and boundaries of the property.
- (2) Location of all existing and proposed structures, their use, and square footage of each structure.
- (3) Landscaping.
- (4) Location and number of parking spaces.
- (5) Location of driveways and adjacent streets.
- (6) Topography – contour intervals to depict slopes.
 - (a) Ten or 25 foot intervals for lots of more than 20 acres.
 - (b) Five or ten foot intervals for lots of five to 20 acres.
 - (c) Five foot intervals for lots less than five acres.

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.
- (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 of the resource.~~
 - ~~(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.~~

b. Development standards for hoop structures and shade structures more than 20 feet in height. In addition to the development standards contained in Subsection C.3.a (Development

standards for hoop structures and shade structures), hoop structures and shade structures that are more than 20 feet in height shall also comply with the following development standards:

(1) Landscaping.

(a) AG-I zone. Landscaping plans shall be required in compliance with Section 35.34.050 (Agricultural Zones Landscaping Requirements).

(b) AG-II zone. Landscaping plans shall be required in compliance with Chapter 35.34 (Landscaping Standards).

SECTION 4:

ARTICLE 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to revise the existing definition of “Greenhouse” to read as follows:

Greenhouse. A structure, including a hothouse, used for the indoor propagation of plants that has permanent structural elements (e.g. footings, foundations) that is typically constructed with a translucent roof or walls, and may have utility facilities (e.g., electrical, natural gas, plumbing).

~~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.~~

SECTION 5:

All existing indices, section references, and figure and table numbers contained in Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 6:

Except as amended by this Ordinance, Article 35.2, Article 35.4, and Article 35.11, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 7:

This ordinance shall take effect and be in force 30 days from the date of its passage 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 _____, 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

STEVE LAVAGNINO, 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

ATTACHMENT E

Revised Policy Consistency Analysis

The table below revises the policy consistency analysis presented in the Hoop Structures Ordinance Amendment Final Environmental Impact Report (EIR). The analysis is updated to be consistent with the revisions to the Final EIR that are recommended by the Planning Commission.

Crop protection structures taller than 20 feet require a permit. Therefore, policy consistency will be analyzed on a case-by-case basis as part of an individual project’s permit review.

Comprehensive Plan Policies	Consistency Analysis
Land Use Element (LUE)	
<p>LUE Land Use Development Policy #4: Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.</p>	<p>Consistent. The proposed Project would amend the LUDC to clarify that hoop structures and shade structures (also known as crop protection structures) of any size (in general)¹ that are 20 feet or less in height would be exempt from permits, and that permits would be required for structures that would be taller than 20 feet. The installation and use of crop protection structures would not require additional public or private services and resources. These structures are typically installed over agricultural lands that are already in cultivation and are adequately accessed by existing public and private roads. As discussed in Section 4.4 of the environmental impact report (EIR), irrigation water demand is unlikely to increase. Finally, the use of these agriculture support structures does not increase the demand for new farm employees and therefore would not result in a need for new roads, additional domestic water, or sewer services.</p>
<p>LUE Hillside and Watershed Protection Policy #2: All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.</p> <p>LUE Hillside and Watershed Protection Policy #3: For necessary grading operations on hillsides, the smallest practical area of land shall be exposed at any one time during development, and the length of exposure shall be kept to the shortest practicable amount of time. The clearing of land should be avoided during the winter rainy</p>	<p>Consistent. The intent of these policies is to address development of permanent structures that would require alteration of the natural terrain, including grading necessary to create a structural building pad. The proposed Project, would exempt the use of crop protection structures 20 feet or less in height. Installation of crop protection structures would not require grading or site preparation. Rather, these structures are oriented to follow the direction of the furrows of the cultivated fields, which are typically oriented in a direction that would conserve agricultural soils. Furthermore, installing hoop structures and shade structures over lands historically grazed or uncultivated natural habitats would not require grading associated with the development of structures.</p> <p>As the proposed Project would not require grading to</p>

¹ Size limitations may apply within the CVC and D overlays.

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<p>season and all measures for removing sediments and stabilizing slopes should be in place before the beginning of the rainy season.</p> <p>LUE Hillside and Watershed Protection Policy #4: Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with the initial grading operations and maintained through the development process to remove sediment from runoff waters. All sediment shall be retained on-site unless removed to an appropriate dumping location.</p> <p>LUE Hillside and Watershed Protection Policy #5: Temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils subject to erosion that have been distributed during grading or development. All cut and fill slopes shall be stabilized as rapidly as possible with planting of native grasses and shrubs, appropriate non-native plants, or with accepted landscaping practices.</p> <p>LUE Hillside and Watershed Protection Policy #6: Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained onsite whenever possible to facilitate groundwater recharge.</p>	<p>create a structural building pad, measures to prevent runoff and sedimentation from a construction site, such as sediment basins, timing of construction grading activities, and temporary seeding or mulching would not be required.</p> <p>In addition, hoop structures and shade structures would reduce the amount of rain (to varying degrees) directly falling onto agricultural fields, which can reduce the amount of sediment leaving any cultivated field during a rain event.</p> <p>However, hoop structures could generate concentrated runoff from the impermeable plastic membranes during heavy rain events potentially increasing the amount of water, sediment, or pollutants leaving the agricultural site. As discussed in detail in Section 4.4 of the EIR, the State Water Quality Control Board’s Central Coast Region Order No. R3-2017-0002 (Ag Order 3.0) addresses these issues by requiring farm operators to manage runoff and water quality from cultivated fields; and therefore, reduce the amount of sediment or pollutants that could leave the site during rain events. Ag Order 3.0 includes direction to use, for example, a variety of water quality protective measures to prevent erosion, reduce storm water runoff quantity and velocity, hold fine particles in place, and maintain existing, naturally occurring riparian vegetative cover, among others. Shade structures, with their permeable membranes would not generate as much runoff as some rain would percolate through the cloth depending on its permeability; however, farm operators utilizing shade structures must also manage runoff and water quality in compliance with Ag Order 3.0, as do farm operators that do not employ any crop protection structures.</p>
<p>Hillside and Watershed Protection Policy #9: Where agricultural development and/or agricultural improvements will involve the construction of service roads and the clearance of natural vegetation for orchard and vineyard development and/or improvements on slopes of 30 percent or greater, cover cropping or any other comparable means of soil protection, which may include alternative irrigation techniques, shall be utilized to minimize erosion until orchards and vineyards are mature enough to form a vegetative canopy over the exposed earth, or as recommended by the County Public Works Department.</p>	<p>Consistent. The proposed Project would allow the use and installation of crop protection structures 20 feet or less in height without a permit over agricultural lands that are already in cultivation. Should crop protection structures be proposed on non-historically cultivated lands or on lands with steep slopes (steeper than <u>an average of 20%</u>), a permit would be required and conditions of approval applied to minimize erosion and protect the soils consistent with the requirements of Hillside and Watershed Protection Policy #9. In any event, farm operators must comply with Ag Order 3.0 to minimize the movement of soil sediments from cultivated sites. In addition, the County Grading Code requires an agricultural erosion control permit for the construction of certain agricultural roads pursuant to Section 14-8 of the Grading Code in order to minimize erosion and protect the soils.</p>

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<p>LUE Hillside and Watershed Protection Policy #7: Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.</p> <p>LUE Streams and Creeks Policy #1: All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.</p>	<p>Consistent. As mitigated by (MM-BIO-3), <u>as revised by the Planning Commission (Revision Document RV 01, dated January 30, 2019)</u>, the proposed Project would include standards that require crop protection structures to be setback from streams and creeks at least 50 feet in Urban Areas, Inner Rural Areas, and Existing Developed Rural Neighborhood (EDRNs), and 100 feet in Rural Areas. This allows for the infiltration of some storm water runoff before it reaches a creek. As discussed above and in Section 4.4 of the <u>the</u> EIR, farm operators must also comply with Ag Order 3.0 to reduce the rate of flow, quantity, and quality of storm water runoff leaving a site. Combined, these standards would minimize impacts to water quality and hydrology of streams associated with the use of hoop structures.</p>
<p>LUE Flood Hazard Area Policy #1: All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway unless off-setting improvements in accordance with HUD regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation, as specified in the Flood Plain Management Ordinance.</p> <p>LUE Flood Hazard Area Policy #2: Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, i.e., dams, stream channelization's, etc.</p>	<p>Consistent. The proposed Project does not include the development, grading, or construction of permanent structures that could affect the floodway or the floodway fringe (also known as the floodplain, or Special Flood Hazard Area). However, cultivated agriculture and the use of crop protection structures may occur anywhere within the floodway or floodway fringe. As discussed in detail in the EIR Revision Document RV 01 dated January 30, 2019, the County Flood Control District has determined that crop protection structures would not be inconsistent with the Floodplain Management Ordinance, Chapter 15A of the County Code, and would not impede flood waters. Conveyance capacities of the floodway are affected by many other variables that far exceed the de minimis encroachment of the crop protection structures metal frame. A major flooding event that would have sufficient energy to tear down crop protection structures and carry them downstream would be of such capacity that crop protection structures would not cause problems greater than the natural loading of trees, buildings, cars, and other debris that would be carried by such a flood.</p>
<p>LUE Visual Resources Policy #2: In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.</p>	<p>Consistent. The proposed Project would exempt crop protection structures of any size (in general) that are 20 feet or less in height and require permits for taller structures. At 20 feet or less, the height of exempt crop protection structures would be, in general, subordinate to landforms, would not intrude into the skyline, and would follow the natural contours of the land, as the furrows of cultivated fields typically follow the natural contours. Agricultural requirements dictate that these structures may be installed for several months to several years and may cover many acres of a farm at any one time because they are used to provide protection and</p>

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	<p>enhance the production of agricultural crops. Depending on crop type and agricultural practices, the membranes covering the frames may be temporarily removed or rolled back reducing the visibility of the structures during certain times of the crop's growth and production cycle.</p> <p>Mitigation measure MM-VIS-1, as revised by Revision Document RV 01, dated January 30, 2019, would further minimize effects resulting from crop protection structures as seen from public roadways or other areas of public use. This measure would limit the exemption for the use of crop protection structures to 4,000 square feet per lot located within the Santa Ynez Valley Community Plan area Design Control Overlay on lots that can be viewed from public roads or from areas of public use. If larger, a permit would be required to allow the use. The Critical Viewshed Corridor Overlay includes the same size limit/permit threshold.</p> <p>In addition, as revised by the Planning Commission, the ordinance amendment would limit the exemption for crop protection structures to slopes of averaging 20% or less. By limiting the exemption, visual resources would be better protected on hillsides, consistent with the requirements of this policy, while requiring a permit for crop protection structures on slopes greater than 20% would allow consistency with this policy to be addressed on a site and project specific basis.</p>
Agricultural Element	
<p>GOAL I: The County shall ensure and enhance the continuation of agriculture as a major viable production industry in the County. Agriculture shall be encouraged. Where conditions allow (taking into account environmental impacts) expansion and intensification shall be supported.</p> <p>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.</p> <p>Policy I.E. The County shall recognize that the generation of noise, smoke, odor, and dust is a natural consequence of the normal agricultural practices provided that agriculturalists exercise reasonable measures to</p>	<p>Consistent. The proposed Project would support the continuation of agriculture as a major viable production industry in the County because it would clarify the permit regulations for crop protection structures and support expansion and intensification taking into account environmental impacts. As mitigated in the EIR, the Project would accomplish this by specifically allowing crop protection structures with a permit exemption, where no such allowance currently exists, exempting from permits the installation and use of these structures if 20 feet or less in height and meeting other exemption criteria. Should crop protection structures be proposed on lands that are not already historically cultivated, a permit would be required. As discussed in Chapter 2.0 and Section 4.3 of the EIR, hoop structures and shade structures are especially effective and important tools that allow the production of high value crops such as raspberries, blackberries, and blueberries. In addition, the use of crop protection structures may minimize effects on adjacent properties such as smoke, odor, and dust that are natural consequences of normal</p>

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<p>minimize such effects.</p> <p>Policy I.G: Sustainable agricultural practices on agriculturally designated land should be encouraged in order to preserve the long-term health and viability of the soil.</p> <p>GOAL II: Agricultural lands shall be protected from adverse urban influence.</p> <p>Policy II.D: Conversion of highly productive agricultural lands whether urban or rural, shall be discouraged. The County shall support programs which encourage the retention of highly productive agricultural lands.</p> <p>Policy III.B. It is a County priority to retain blocks of productive agriculture within Urban Areas where reasonable, to continue to explore programs to support that use, and to recognize the importance of the objectives of the County’s Right-to-Farm Ordinance.</p>	<p>agricultural practices. Goal II, as supported by Agricultural Element Policies II.A through II.D, is focused on protecting agricultural land from urban influences such as flooding and silting from urban development; vandalism, trespass, thievery, and roaming dogs; and the expansion of urban spheres of influence onto agricultural lands by the Local Agency Formation Commission. No such urban influences would result from this Project and the policies are not applicable. Thus, allowing the use of these structures could reduce the potential to convert highly productive agricultural lands in both Urban and Rural Areas, which in turn encourages the retention of such lands.</p> <p>The permit exemption allows 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. The non-permanent nature of these structures allows a farmer to remove the structures to prepare the fields to rotate in a different crop to maintain the health and viability of the soil and allow their use as an integral part of crop production, and to relocate and reuse them on other agricultural fields.</p>
Conservation Element	
<p>The Conservation Element contains numerous recommendations addressing water resources, ecological systems, mineral resources, agricultural resources, historic sites, archaeological sites, and conservation and energy.</p>	<p>Consistent. The proposed Project would conserve agricultural resources by clarifying that crop protection structures of any size (in general) that are 20 feet or less in height are exempt from permits, allowing farmers to continue employing these agricultural structures to support active farming operations. The use of crop protection structures, which can be installed, removed, and relocated over cultivated agricultural lands, would have no effect on water resources, mineral resources, historic sites, archaeological sites, or energy use because these structures are employed on cultivated agricultural lands, and use of electricity or other devices requiring the use of energy sources is not allowed within these structures.</p> <p>As discussed in more detail in Section 4.4 of the EIR, the Project would not directly result in any new groundwater wells, nor would it result in additional groundwater extraction, nor would the Project result in any permanent impervious surfaces and even with hoop structures, 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.</p> <p>Conservation of ecological (i.e., biological) resources is</p>

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	<p>addressed by incorporating feasible mitigation measures MM-BIO-1, as revised by the Planning Commission (Revision Document RV 01, dated January 30, 2019), and MM-BIO-3, as revised by the Planning Commission (Revision Document RV 01, dated January 30, 2019), into the ordinance amendment. These include setback requirements from streams and creeks, and requiring a permit for crop protection structures if proposed on lands that have not been historically intensively cultivated.</p>
Energy Element	
<p>The Energy Element provides a variety to goals and policies to improve energy efficiency, reduce reliance on fossil fuels, and reduce air emissions through a variety of actions.</p>	<p>Consistent. The proposed Project would not allow the use of electricity or other mechanical equipment that would require the use of fossil fuels. Rather crop protection structures allow a farmer to harness the energy of the sun and by manually adjusting the impermeable or permeable membranes, to take advantage of passive heating and cooling to optimize growing conditions while protecting the crop from frosts, freezes, wind, and extreme heat due to variable climatic conditions. Thus, the proposed Project would not result in any reliance on fossil fuels.</p>
Environmental Resources Management Element	
<p>ERME is a compendium and synthesis of the Seismic Safety and Safety, Conservation, Open Space, and Scenic Highways Elements and identifies environmental constraints on urban development, such as prime agricultural lands, steep slopes, biological habitat areas, floodplains and floodways, and geologic hazards.</p>	<p>Consistent. The proposed Project specifically clarifies the use of and permit requirements for crop protection structures: movable agricultural structures that are already being employed on agricultural lands. Crop protection structures are installed over cultivated agricultural lands, whether prime soils or not, to protect and enhance production of specialty agricultural crops. The Project would not result in urban development but would promote the continuation of agriculture as a viable and important contributor to the County's economy.</p>
Open Space Element	
<p>The Open Space Element addresses open space for public health and safety, the managed production of resources, including agriculture, outdoor recreation and the preservation of natural resources.</p>	<p>Consistent. The proposed Project is located on lands zoned for agriculture, most of which are located within the Rural Areas of the County, which support substantial open space areas. The Project would support the continuation of agriculture as a viable economic use without affecting public health and safety or outdoor recreation.</p>
Scenic Highways Element	
<p>The Scenic Highways Element contains several preservation measures for scenic highways and their</p>	<p>Consistent. Three designated Scenic Highways traverse the rural areas of the County: U.S. Highway (US) 101</p>

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<p>designation to assist in preserving and enhancing the most scenic areas along designated roadways within the County. The preservation measures within this Element include the regulation of land use to ensure that development in the scenic corridor will not conflict with the scenic objectives, a requirement for development plans for urban areas within the scenic corridors and overlays in rural areas, control of outdoor advertising, regulation of grading and landscaping, and design of structures and equipment.</p>	<p>from the City of Goleta to the junction with State Route (SR) 1, SR 1 from its junction with US 101 to the City of Lompoc, and SR 154. As discussed in Section 4.2 Visual Resources, these highways provide high-quality views of a rural agricultural landscape and open space. On the South Coast, a Critical Viewshed Corridor (CVC) Overlay applies to highly visible areas near US 101 within the Gaviota Coast Plan area. The proposed Project would limit the exemption for the use of crop protection structures within the CVC Overlay to 4,000 square feet per lot to be consistent with this overlay, and otherwise require a permit. However, larger crop protection structures would also be exempt if they would not be visible from public roads and public viewing areas.</p> <p>In addition, mitigation measure MM-VIS-1, as revised by Revision Document RV 01, dated January 30, 2019, would further minimize effects resulting from crop protection structures as seen from public roadways or other areas of public use. This measure would limit the exemption for the use of crop protection structures to 4,000 square feet per lot located within the Santa Ynez Valley Community Plan area Design Control Overlay on lots that can be viewed from public roads or from areas of public use. If larger, a permit would be required to allow the use, unless the crop protection structures would not be visible from public roads and public viewing areas. The Critical Viewshed Corridor Overlay includes the same size limit/permit threshold.</p> <p>The proposed Project would exempt crop protection structures of any size (in general) that are 20 feet or less in height and require permits for taller structures. At 20 feet or less, the height of exempt crop protection structures would be, in general, subordinate to landforms, would not intrude into the skyline, and would follow the natural contours of the land, as the furrows of cultivated fields typically follow the natural contours. Agricultural requirements dictate that these structures may be installed for several months to several years and may cover many acres of a farm at any one time because they are used to provide protection and enhance the production of agricultural crops. Depending on crop type and agricultural practices, the membranes covering the frames may be temporarily removed or rolled back reducing the visibility of the structures during certain times of the crop's growth and production cycle as viewed from Scenic Highways.</p>
Eastern Goleta Valley Community Plan	
Policy EGV-6.2: Local cultivation of edible products	Consistent. The proposed Project would support the

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<p>should be encouraged consistent with County codes.</p> <p>Policy LUA-EGV-1.1: Agricultural resources, agricultural land uses and operations, and distinctive urban and rural agricultural characteristics shall be preserved to the greatest extent feasible.</p>	<p>continuation of agriculture as a major viable production industry in the County because it clarifies the permit regulations for crop protection structures, and allows the installation and use of these support structures of any size (in general) without a permit if 20 feet or less in height and meeting other exemption criteria. As discussed in Chapter 2.0 of the EIR, hoop and shade structures are valuable tools that allow the production of high value crops such as raspberries, blackberries, and blueberries. The permit exemption allows flexibility for the farmer to make decisions on the choice of crop based on economic, market, and other factors while being able to respond quickly as to whether to install and remove these crop protection structures. The nature of these structures allows a farmer to remove the structures to prepare the fields to rotate in a different crop to maintain the health and viability of the soil and allow their use as an integral part of crop production.</p>
<p>OBJECTIVE RRC-EGV-1: Maximize solid waste diversion and minimize solid waste generation.</p> <p>Policy RRC-EGV-1.1: Opportunities for resource recovery and landfill solid waste diversion shall be provided.</p>	<p>Consistent. As discussed in detail in Section 4.5 of the EIR, the materials used in crop protection structures are recyclable, consisting of a steel frame and a plastic membrane cover. Steel is readily recyclable. The plastic materials are also recyclable; however, whether the plastics are recycled once their usefulness has reached an end (typically three years) depends on the recycling market for plastics. The major barrier to agricultural plastics recycling is the lack of a consistent recycling market for the plastics. Every effort continues to recycle plastics from current agricultural operations and these efforts would continue into the future; no more effective measures have been identified.</p>
<p>OBJECTIVE HYD-EGV-1: Minimize pollution of streams, sloughs, drainage channels, groundwater basins, estuaries, the ocean and areas adjacent to such waters.</p> <p>Policy HYD-EGV-1.1: Introduction of contaminated urban and agricultural runoff into all coastal waters, including sloughs, rivers, streams, coastal wetlands and intertidal areas, shall be eliminated or minimized.</p>	<p>Consistent. As mitigated (MM-BIO-3), the proposed Project would include standards that require crop protection structures to be setback from streams and creeks at least 50 feet in Urban Areas, Inner Rural Areas, and EDRNs, and 100 feet in Rural Areas. This allows for the infiltration of some storm water runoff before it reaches a creek. As discussed above and in Section 4.4 of the EIR, farm operators must also comply with Ag Order 3.0 to reduce the rate of flow, quantity, and quality of storm water runoff leaving a site. Combined, these standards would minimize impacts to water quality and hydrology of streams associated with the use of hoop structures.</p>
<p>OBJECTIVE HYD-EGV-2: Minimize potential flood hazards.</p> <p>Policy HYD-EGV-2.1: Adequate setbacks from floodways and flood hazards shall be required.</p>	<p>Consistent. The proposed Project does not include the development, grading, or construction of permanent structures that could impact the floodway or the floodway fringe (also known as the floodplain, or Special Flood Hazard Area). However, cultivated</p>

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<p>Policy HYD-EGV-2.2: Setbacks of a minimum of 50 feet from top of bank but adjusted upward as needed to adequately protect life and property from potential flood hazards shall be required as determined by County Flood Control.</p>	<p>agricultural and use of crop protection structures may occur anywhere within the floodway or floodway fringe. As discussed in detail in the EIR Revision Document RV 01, dated January 30, 2019, the County Flood Control District has determined that crop protection structures would not be inconsistent with the Floodplain Management Ordinance, Chapter 15A of the County Code, and would not impede flood waters. Conveyance capacities of the floodway are affected by many other variables that far exceed the de minimis encroachment of the crop protection structures metal frame. A major flooding event that would have sufficient energy to tear down crop protection structures and carry them downstream would be of such capacity that crop protection structures would not cause problems greater than the natural loading of trees, buildings, cars, and other debris that would be carried by such a flood. In addition, MM-BIO-3 requires minimum setbacks from streams and creeks of 50 feet to protect riparian biological resources. This setback would also ensure consistency with Policy HYD-EGV-2.2 requirements.</p>
<p>Policy ECO-EGV-3.1: Habitats that shall be preserved and enhanced include, but are not limited to:</p> <ul style="list-style-type: none"> • Creeks, streams, and waterways, and fish passage • Wetlands and vernal pools • Riparian vegetation • Wildlife corridors between habitat areas • Roosting, nesting, and foraging habitat for bird species • Nesting and foraging habitat for subterranean species <p>Policy ECO-EGV-3.3: In rural areas and where major wildlife corridors are present in urban areas, development shall not interrupt major wildlife travel corridors within Eastern Goleta Valley. Typical wildlife corridors are provided by drainage courses and similar undeveloped natural areas.</p> <p>Policy ECO-EGV-5.4: ESH and RC Habitat Types: Specific biological resources and habitats shall be considered environmentally sensitive.</p> <p>1. ESH Habitat Types: In the Urban, Inner-Rural, EDRNs and Mountainous Areas ...</p> <ul style="list-style-type: none"> • Riparian woodlands and riparian corridors • Monarch butterfly roosts • Sensitive native flora • Coastal sage scrub • Chaparral where it supports rare or vulnerable native vegetation alliances and/or sensitive native plant 	<p>Consistent. In order for crop protection structures to be considered exempt from permits, crop protection structures must be consistent with the Comprehensive Plan. The proposed Project is located on lands zoned for agriculture, most of which are located within the Rural Area. However, Eastern Goleta Valley also supports two blocks of productive farmland in the Urban Area: the San Marcos Agricultural Area and the South Patterson Agricultural Area. These lands have been historically cultivated for decades and support few native habitats with the exception of creeks and streams; therefore, native habitats would not be affected by the Project.</p> <p>MM-BIO-3 identified in Section 4.6 of the EIR <u>and as revised by the Planning Commission (Revision Document RV 01, dated January 30, 2019)</u>, requires the incorporation of creek setbacks into ordinance amendment (50 feet in Urban Areas, Inner Rural Areas, and EDRNs, and 100 feet in Rural Areas), <u>which that meet or exceed</u> the requirements of these policies. In summary, the proposed Project, as mitigated, would be consistent with these policies of the Eastern Goleta Valley Community Plan aimed at the protection of biological resources.</p>

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<p>and/or animal species</p> <ul style="list-style-type: none"> • Oak woodlands • Native grasslands • Wetlands • Critical wildlife habitat • Wildlife corridors <p>2. <u>RC Habitat Types</u>: On lands designated Agriculture in the Rural Area ...</p> <ul style="list-style-type: none"> • Riparian woodlands and riparian corridors <p>Policy ECO-EGV-5.5: Minimum Buffer Areas for ESH: The minimum buffer strip and setbacks from streams and creeks for development and activities within the ESH overlay that are regulated by the County Zoning Ordinances shall be as follows, except on parcels designated for agriculture in rural areas where Policy ECO-EGV-5.6 shall apply:</p> <ul style="list-style-type: none"> • ESH areas within the Urban Area and EDRNs: a minimum setback of 50 feet from either side of top-of-bank of creeks or existing edge of riparian vegetation, whichever is further <p>Policy ECO-GV-5.6: Minimum Buffer Areas for RC: The minimum buffer strip and setback from streams and creeks for development and activity within the RC Overlay that are regulated by the County Zoning Ordinances shall be as follows: ... a minimum setback of 25 feet from the top of the bank or the edge of existing riparian vegetation, whichever is further, minimizing ground disturbance and vegetation removal, and prohibiting development of buildings within 50 feet of the top of bank or the edge of existing riparian vegetation.</p> <p>Policy ECO-EGV-6.1: Native woodlands, native grasslands, and coastal sage scrub shall be preserved and protected as viable and contiguous habitat areas.</p> <p>DevStd ECO-EGV-6B: Native Woodland Buffer Areas: Within urban areas and existing developed rural neighborhoods, native woodlands shall be preserved by providing a minimum 25-foot buffer around the respective habitat area.</p> <p>DevStd ECO-EGV-6C: Native Grassland and Coastal Sage Scrub Buffer Areas: Native grasslands and coastal sage scrub shall be preserved by providing a minimum 25-foot buffer vegetated with native species.</p> <p>Policy ECO-EGV-6.4: Natural stream channels and conditions shall be maintained in an undisturbed state in order to protect banks from erosion, enhance wildlife passageways, and provide natural greenbelts.</p> <p>DevStd ECO-EGV-6I: No structures shall be located</p>	

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within a riparian corridor.	
<p>Policy HA-EGV-1.3: To the greatest extent feasible, significant historic and/or cultural landscapes shall be preserved, including those emblematic of Native American tribes, early pioneers, ranch and agricultural operations, and the development of the community over the long term.</p>	<p>Consistent. As discussed in Section 7.4.2 of the EIR, the proposed Project would not have significant effects on cultural resources. Pursuant to Public Resources Code (PRC) 21080.3.1, the County notified Native Americans, listed by the Native American Heritage Commission as requesting such notice, regarding the proposed Project and the commencement of environmental review. The County received no response from any of the notified individuals regarding any potential for the project to impact cultural resources. Therefore, the proposed Project would be consistent with this policy.</p>
<p>OBJECTIVE HA-EGV-2: Protect and preserve significant tribal cultural resources in the Plan area.</p> <p>Policy HA-EGV-2.1: Significant tribal cultural resources of concern to the Chumash Indians should be protected and preserved to the maximum extent feasible.</p>	<p>Consistent. As discussed in Section 7.4.2 of the EIR, the proposed Project would not have significant effects on cultural resources. Pursuant to PRC 21080.3.1, the County notified Native Americans, listed by the Native American Heritage Commission as requesting such notice, regarding the proposed Project and the commencement of environmental review. The County received no response from any of the notified individuals regarding any potential for the Project to impact cultural resources. Therefore, the proposed Project would be consistent with these policies.</p>
<p>Policy VIS-EGV-1.1: Development should minimize impacts to open space views as seen from public vistas and scenic local routes and avoid impairment of significant visual resources.</p> <p>Policy VIS-EGV-1.2: Public Vistas and Scenic Local Routes: Prominent views to and from the following Public Vistas and along and through Scenic Local Routes shall be preserved and enhanced:</p> <ul style="list-style-type: none"> • Santa Ynez Mountains and rural foothills • Undeveloped skyline • Coastal resources, including sloughs, beaches, wetlands, bluffs, mesas, the Santa Barbara Channel and islands • Open space, or other natural area • Natural watershed resources, such as creek/riparian corridors, wetlands, vernal pools, habitat areas, etc. • Rural agricultural and mountainous areas <p>Policy VIS-EGV-1.10: In hillside areas, structures shall avoid the use of highly reflective materials, or be sited to minimize visible glare, with the exception of solar panel installations.</p>	<p>Consistent. The proposed Project would exempt crop protection structures of any size (in general) that are 20 feet or less in height and require permits for taller structures. At 20 feet or less, the height of exempt crop protection structures would be, in general, subordinate to landforms, would not intrude into the skyline, and would follow the natural contours of the land, as the furrows of cultivated fields typically follow the natural contours. These structures may be installed for several months to several years and may cover many acres of a farm at any one time because they are used to provide protection and enhance the production of agricultural crops. Depending on crop type and agricultural practices, the membranes covering the frames may be temporarily removed or rolled back reducing the visibility of the structures during certain times of the crop's growth and production cycle.</p>
Gaviota Coast Plan	
Policy NS-1: Watershed Planning. Planning efforts	Consistent. The proposed Project is located on lands

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<p>associated with long-term plans, programs, and projects shall be considered in light of the conditions of, and in context with, the local watershed. Where feasible, watershed health shall be enhanced through implementation of these planning efforts.</p> <p>Policy NS-4: ESH Criteria and Habitat Types. ...</p> <p>Policy NS-6: Wildlife Corridors. Development shall avoid to the maximum extent feasible and otherwise minimize disruption of identified wildlife travel corridors.</p> <p>Policy NS-7: Riparian Vegetation. Riparian vegetation shall be protected to the maximum extent feasible. ... Specific biological habitats are considered environmentally sensitive ... The list includes, but is not limited to:</p> <ol style="list-style-type: none"> 1) Native Forests and Woodlands 2) Rare Native Chaparral and Coastal Scrub Habitats 3) Rare Native Grassland and Herbaceous Vegetation 4) Coastal Wetlands 5) Marine mammal haulouts 6) Monarch butterfly habitat 7) Raptor nesting and breeding areas 8) Special status species habitats <p>Policy NS-9: Natural Stream Channels. With the exception of local, state, or federal resource agency permitted activities, natural stream channels and conditions shall be maintained in an undisturbed state to the maximum extent feasible in order to protect banks from erosion, enhance wildlife passageways, and provide natural greenbelts.</p> <p>Dev Std NS-2: ESH Setbacks and Buffers. (INLAND) Mapped riparian ESH-GAV overlay areas shall have a development area setback buffer of 100 feet from the edge of either side of the top-of-bank of creeks or the existing edge of riparian vegetation, whichever is further. Development within other ESH areas shall be required to include setbacks or undeveloped buffer zones from these areas as part of the proposed development.</p>	<p>zoned Agricultural II (AG-II), which covers a significant area of the Inland Gaviota Coast Plan area. The Project, as mitigated by MM-BIO-1, would limit the exemption for crop protection structures to agricultural lands that have been historically intensively cultivated, which would protect the environmentally sensitive habitats identified by the Gaviota Coast Plan natural resources stewardship policies. In other locations, a permit would be required for new cultivation employing crop protection structures, which would allow policy consistency to be determined on a site-specific, case-by-case basis. With MM-BIO-3, <u>as revised by the Planning Commission (Revision Document RV 01, dated January 30, 2019)</u>, the Project would protect watersheds, wildlife corridors, riparian habitat, and natural stream channels through the inclusion of a 40050-foot setback of crop protection structures in Rural Areas from streams and creeks, consistent with the plan's riparian protection policies and development standards However, pursuant to <u>LUDC Subsection 35.20.020.C, any land use and structure, including any exempt crop protection structures, must comply with applicable Comprehensive Plan policies and development standards, including community plan development standards such as Dev Std NS-2.</u></p>
<p>Policy CS-1: Cultural Resources Preservation & Protection. Preserve and protect significant cultural, archaeological and historical resources to the maximum extent feasible.</p> <p>Policy CS-2: Properties of Concern. Significant cultural resources including historic structures, Rural Historic Landscapes, archaeological sites, Traditional Cultural Properties, and Tribal Cultural Resources shall be protected and preserved to the maximum extent feasible.</p>	<p>Consistent. As discussed in Section 7.4.2 of the EIR, the proposed Project would not have significant effects on cultural resources. Pursuant to PRC 21080.3.1, the County notified Native Americans, listed by the Native American Heritage Commission as requesting such notice, regarding the proposed Project and the commencement of environmental review. The County received no response from any of the notified individuals regarding any potential for the Project to impact cultural resources. Therefore, the proposed Project would be consistent with these policies.</p>

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<p>Policy AG-1.A: Protect and Support Agricultural Land Use. Land designated for agriculture shall be preserved and protected for agricultural use; the integrity of agricultural operations shall not be violated by non-compatible uses.</p> <p>Policy AG-1.E: Rights of Operation. 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 that is consistent with: (1) sound agricultural practices that promote the long-term viability of agriculture and (2) applicable resource protection policies and regulations.</p> <p>Policy AG-1.B: Long-Term Agricultural Production. To the extent feasible, the County shall protect agricultural land, continued agricultural uses and the agricultural economy by sustaining agricultural production and discouraging conversions or other uses that are incompatible with long-term agricultural production.</p> <p>Policy AG-1.K: Sustainable Agricultural Practices. Sustainable agricultural practices on agriculturally designated land should be encouraged in order to preserve the long-term health and viability of the soil.</p>	<p>Consistent. The proposed Project would support the continuation of agriculture because the Project would clarify the permit regulations for crop protection structures. As mitigated in the EIR, the Project would accomplish this by providing an exemption from permits for the installation and use of crop protection structures 20 feet or less in height and meeting other exemption criteria. As discussed in Chapter 2.0 and Section 4.3 of the EIR, crop protection structures are especially effective and important tools that allow the production of high value crops such as raspberries, blackberries, and blueberries.</p> <p>The permit exemption allows flexibility for the farmer to make decisions on the choice of crop based on economic, market, and other factors while being able to respond to a need to install and remove these structures. The non-permanent nature of these structures allows a farmer to remove the structures to prepare the fields to rotate in a different crop to maintain the health and viability of the soil and allow their use as an integral part of crop production, and to relocate and reuse them on other agricultural fields.</p>
<p>Policy VIS-1: Visual Compatibility. The height, scale, and design of structures shall be compatible with the character of the surrounding natural and agricultural environment.</p> <p>Policy VIS-2: Visually Subordinate Development. Development shall be visually subordinate to the natural and agricultural environment as seen from public viewing places. Visual subordination shall be achieved through adherence to the Site Design Hierarchy and Design Guidelines. “Visually subordinate” is defined as development that is partially visible but not dominant or disruptive in relation to the surrounding landscape as viewed from a public viewing place.</p> <p>Policy VIS-3: Skyline Intrusion. Where feasible, development shall be sited so as not to intrude into the skyline as seen from public viewing places.</p> <p>Policy VIS-5: Lighting. The night sky and surrounding land uses shall be protected from excessive and unnecessary light associated with development.</p> <p>Policy VIS-12: Critical Viewshed Corridor. Protection of the ocean and mountain views of the Gaviota Coast from Highway 101 is critically important. Therefore, a</p>	<p>Consistent. The proposed Project would exempt crop protection structures of any size (in general) that are 20 feet or less in height within the Inland Area of the Gaviota Coast, and require permits for taller structures. Lands located nearest to US 101 are located in the CVC Overlay. The proposed Project would limit the exemption for the use of crop protection structures within the CVC Overlay to 4,000 square feet per lot to be consistent with this overlay, and otherwise would require a permit. However, larger crop protection structures would also be exempt if they would not be visible from public roads and public viewing areas. In order for crop protection structures to be considered exempt from permits, crop protection structures must be consistent with the Comprehensive Plan. Therefore, crop protection structures that would be located within the CVC Overlay must follow the Site Design Hierarchy and Design Guidelines to be consistent with Policy VIS-13.</p> <p>At 20 feet or less, the height of exempt crop protection structures would be, in general, subordinate to landforms, would not intrude into the skyline, and would follow the natural contours of the land, as the</p>

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<p>Critical Viewshed Corridor Overlay, providing more protective viewshed policies for development permits within the overlay, is designated for the Gaviota Coast.</p> <p>Policy VIS-13: Development Visibility. Development within the Critical Viewshed Corridor shall be screened to the maximum extent feasible as seen from Highway 101. Screening shall be achieved through adherence to the Site Design Hierarchy and Design Guidelines.</p>	<p>furrows of cultivated fields typically follow the natural contours. Agricultural requirements dictate that crop protection structures may be installed for several months to several years and may cover many acres of a farm at any one time because they are used to provide protection and enhance the production of agricultural crops. Depending on crop type and agricultural practices, the membranes covering the frames may be temporarily removed or rolled back, reducing the visibility of the structures during certain times of the crop's growth and production cycle. Lighting is not allowed in crop protection structures, and therefore, the project would be consistent with policies protecting the night sky from excessive light.</p>
<p>Policy VIS-6: Design Review. All permit applications for structures, additions to structures, or signage within the Gaviota Coast Plan Area shall be reviewed and considered for approval by the County Board of Architectural Review unless exempt pursuant to the County Zoning Ordinances. P&D and the Board of Architectural Review shall apply the Gaviota Coast Plan Design Guidelines in approving future development.</p>	<p>Consistent. Structures that are exempt from permits are not required to undergo design review. However, as noted above, to qualify for an exemption, the size of crop protection structures would be limited to 4,000 square feet per lot within the CVC Overlay. Larger crop protection structures would require a permit (unless not visible from public roadways or other public viewing areas), undergo design review, and must comply with the Site Design Hierarchy and Design Guidelines to minimize visibility from US 101. Design review is intended to address visual and aesthetic concerns by carefully locating a building or structure on the land and considering good architectural design. Crop protection structures are simple, functional structures intended to be used on actively cultivated agricultural land to protect and enhance the growing environment of crops. The structures do not lend themselves to architectural design solutions. Outside of the CVC Overlay, larger crop protection structures taller than 20 feet would require a permit and in those instances, design review may be required, which could include landscaping (pursuant to Gaviota Coast Plan policies) to address these taller structures.</p>
<p>Policy TEI-14: Surface and Groundwater Pollution. Pollution of surface and groundwater shall be avoided. Where contribution of potential pollutants of any kind is not prohibited and cannot be avoided, such contribution shall be minimized to the maximum extent practical.</p>	<p>Consistent. As mitigated by (MM-BIO-3), <u>as revised by the Planning Commission (Revision Document RV 01, dated January 30, 2019)</u>, the proposed Project would include standards that require crop protection structures to be setback from streams and creeks at least 50 feet in Urban Areas, Inner Rural Areas, and EDRNs, and 100 feet in Rural Areas. This allows for the infiltration of some storm water runoff before it reaches a creek. As discussed above and in Section 4.4 of this EIR, farm operators must also comply with Ag Order 3.0 to reduce the rate of flow, quantity, and quality of storm water runoff leaving a site. Combined, these standards would minimize impacts to water quality and hydrology of streams associated with the use of hoop</p>

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	structures.
Mission Canyon Community Plan	
<p>GOAL BIO-MC-1: The native and created biological diversity of Mission Canyon is an important asset that shall be protected, preserved, and enhanced.</p> <p>Policy BIO-MC-3: The following biological resources and habitats, as identified and generally described by the Community Plan, shall be presumed to be “environmentally sensitive,”</p> <ul style="list-style-type: none"> • Habitats containing Nuttall’s scrub oak or other special status animal or plant species or rare natural communities • Central and Southern Coast Live Oak Riparian Forest and Woodland • Coast Live Oak Woodland and Forest • California Sycamore Riparian Forest • Coast Live Oak/Olive Riparian Woodland • Central Coast Arroyo Willow Riparian Forest • Wetland Habitats • Native grasslands or other habitats with understory dominated by native grass species <p>DevStd BIO-MC-3.3: Development shall be required to include the following ESH buffer areas:</p> <ul style="list-style-type: none"> • Creeks and streams, including steelhead critical habitat streams–50 feet • Central and Southern Coast Live Oak Riparian Forest and Woodland, Coast Live Oak/Olive Riparian Woodland, California Sycamore Riparian Forest, and Central Coast Arroyo Willow Riparian Forest–50 feet from edge of canopy • Coast Live Oak Woodland and Forest–25 feet from edge of canopy • Habitats containing Nuttall’s scrub oak or other special status animal or plant species or rare natural communities–25 feet minimum • Wetland Habitats–50 feet from edge of wetland habitat. <p>DevStd BIO-MC-3.3: Development shall be required to include the following ESH buffer areas:</p> <ul style="list-style-type: none"> • Creeks and streams, including steelhead critical habitat streams–50 feet as measured from the geologic top of creek bank. <p>Policy BIO-MC-7: Natural stream corridors shall be maintained in an undisturbed state to the maximum extent feasible in order to protect water quality, protect banks from erosion, enhance wildlife passageways, and provide</p>	<p>Consistent. Agriculturally zoned lands in Mission Canyon, where the Project would apply, are located in the Urban Area, zoned Agricultural I (AG-I), and located primarily on slopes that are mostly greater than 40 percent and to a lesser extent between 20 percent and 40 percent. Relatively little of the land is cultivated and where it is cultivated, the primary crops are orchards. Cultivation of specialty crops that would benefit from hoop structures is unlikely on a large scale. However, such use is possible. In order for crop protection structures to be considered exempt from permits, crop protection structures must be consistent with the Comprehensive Plan.</p> <p>As mitigated, the proposed Project considers the protection of watersheds, wildlife corridors, riparian habitat, and natural stream channels through the inclusion of a 50-foot setback of crop protection structures from streams and creeks in the Urban Area (MM-BIO-3, as revised by the Planning Commission (Revision Document RV 01, dated January 30, 2019)). In addition, the proposed Project, as mitigated by MM-BIO-1, would limit the exemption for crop protection structures to agricultural lands that have been historically intensively cultivated, which would protect the environmentally sensitive habitats identified in the Mission Canyon Community Plan biological resources policies and development standards. In other locations, a permit would be required for new cultivation employing crop protection structures, which would allow policy consistency to be determined on a site-specific basis.</p>

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<p>natural greenbelts.</p> <p>DevStd BIO-MC-8.1: Development shall be setback a minimum 50 feet from the geologic top of bank of any stream or creek or outside edge of riparian vegetation, whichever is greater.</p>	
<p>GOAL FLD-MC-1: Minimize flooding and drainage problems in Mission Canyon.</p> <p>Policy FLD-MC-1: Flood and drainage risks shall be minimized through appropriate design and land use controls.</p> <p>DevStd FLD-MC-1.1: Development shall not be allowed within floodways except in conformance with Chapters 15A and 15B of the County Code, other applicable statutes or ordinances, and applicable provisions of the Comprehensive Plan, including but not limited to policies regarding biological resources and public safety.</p>	<p>Consistent. The proposed Project does not include the development, grading, or construction of permanent structures that could impact the floodway or the floodway fringe (also known as the floodplain, or Special Flood Hazard Area). However, cultivated agriculture and crop protection structures may occur anywhere within the floodway or floodway fringe. As discussed in detail in the EIR Revision Document RV 01, dated January 30, 2019, the County Flood Control District has determined that crop protection structures would not be inconsistent with the Floodplain Management Ordinance, Chapter 15A of the County Code, and would not impede flood waters. Conveyance capacities of the floodway are affected by many other variables that far exceed the de minimis encroachment of the crop protection structures metal frame. A major flooding event that would have sufficient energy to tear down crop protection structures and carry them downstream would be of such capacity that crop protection structures would not cause problems greater than the natural loading of trees, buildings, cars, and other debris that would be carried by such a flood. In addition, MM-BIO-3, as revised by the Planning Commission (Revision Document RV 01, dated January 30, 2019), requires minimum setbacks from streams and creeks of 50 feet to protect riparian biological resources, which also contributes to public safety.</p>
<p>Policy FLD-MC-2: Erosion of soils and movement of sediment into natural and manmade drainages shall be minimized during construction activities.</p>	<p>Consistent. The proposed Project does not include the development, grading, or construction of permanent structures. The amount of land zoned AG-I in the Mission Canyon Community Plan area is small and generally located on steep slopes. These lands, if farmed, are typically planted with orchard crops that do not benefit from the use of crop protection structures. This policy intends to address erosion of soils resulting from construction activities. Crop protection structures are movable structures erected over cultivated agricultural fields without foundation or walls, and do not require grading or construction activities in order to install them. Therefore, erosion of soils and movement of sediment during construction activities would not occur.</p>
<p>GOAL FLD-MC-2: Protect stream corridors from</p>	<p>Consistent. As mitigated by MM-BIO-3, as revised</p>

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<p>sedimentation, pollutants, or other impacts of upstream development.</p> <p>Policy FLD-MC-3: Impacts to the Mission Creek watershed from development shall be minimized through site design and onsite management of storm water to the maximum extent practicable.</p>	<p>by the Planning Commission (Revision Document RV 01, dated January 30, 2019), the proposed Project would include standards that require crop protection structures to be setback from streams and creeks at least 50 feet in Urban Areas. This allows for the infiltration of some storm water runoff before it reaches a creek. As discussed above and in Section 4.4 of the EIR, farm operators must also comply with Ag Order 3.0 to reduce the rate of flow, quantity, and quality of storm water runoff leaving a site. Combined, these standards would minimize impacts to water quality and hydrology of streams associated with the use of hoop structures.</p>
<p>GOAL VIS-MC-1: Protect the visual and aesthetic resources of Mission Canyon, including public views of the mountains and ocean and the quality of the nighttime sky.</p> <p>Policy VIS-MC-1: Development shall be sited and designed to protect views as seen from public viewing places.</p> <p>Policy VIS-MC-2: The nighttime sky of Mission Canyon shall be protected from excessive and unnecessary light associated with new development and redevelopment.</p>	<p>Consistent. The proposed Project would exempt crop protection structures of any size (in general) that are 20 feet or less in height and require permits for taller structures. At 20 feet or less, the height of exempt crop protection structures would be, in general, subordinate to landforms, would not intrude into the skyline, and would follow the natural contours of the land, as the furrows of cultivated fields typically follow the natural contours. These structures may be installed for several months to several years and may cover many acres of a farm at any one time because they are used to provide protection and enhance the production of agricultural crops. Depending on crop type and agricultural practices, the membranes covering the frames may be temporarily removed or rolled back reducing the visibility of the structures during certain times of the crop's growth and production cycle. Lighting is not allowed these structures, and therefore, the project would be consistent with policies protecting the night sky from excessive light.</p>
Orcutt Community Plan	
<p>Policy LUA-O-1: The County shall develop and promote programs to preserve agriculture in the Santa Maria Valley.</p>	<p>Consistent. The proposed Project would amend the LUDC to clarify that crop protection structures of any size (in general) that are 20 feet or less in height would be exempt from permits when also meeting other exemption criteria, and that permits would be required for structures that would be taller than 20 feet. The Project would aid in the preservation of agriculture in the Santa Maria Valley by allowing most farmers to respond quickly to market and climatic conditions in determining choice of crop and use of crop protection structures without incurring the time and expense needed to obtain permits.</p>
<p>Policy WAT-O-2: In order to be found consistent with Land Use Development Policy No. 4 (LUDP#4), the water demand of new discretionary development must be offset by long-term supplemental water supplies that do</p>	<p>Consistent. The proposed Project would amend the LUDC to clarify that crop protection structures of any size (in general) that are 20 feet or less in height would be exempt from permits, and that permits would be</p>

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<p>not result in further overdraft of the local groundwater basin and that are adequate to meet the project's net water demand as determined by the County considering appropriate reliability factors as determined by County Water Agency.</p>	<p>required for structures that would be taller than 20 feet. Permits are not required to convert grazing lands or other uncultivated lands to cultivated agriculture. As discussed in Section 4.4 of the EIR, irrigation water demand is unlikely to increase. Finally, the use of these agriculture support structures does not increase the demand for new farm employees, and therefore, would not result in a need for new roads, additional domestic water, or sewer services.</p>
<p>Policy BIO-O-1: Important natural resources in Orcutt, including sandhill chaparral, central dune scrub, wetlands, oak trees and woodland, Bishop pine forest, specimen trees, and central sage scrub shall be protected.</p> <p>Policy BIO-O-2: Consistent with necessary flood control practices, natural stream channels and riparian vegetation in Orcutt shall be maintained in an undisturbed state in order to protect banks from erosion, enhance wildlife passageways.</p> <p>DevStd BIO-O-2.1: Development shall include: a minimum setback of 50 feet from the outside edge of riparian vegetation or the top of creek bank (whichever is further) ... ; hooding and directing lights away from the creek; drainage plans shall direct polluting drainage away from the creek or include appropriate filters; and erosion and sedimentation control plans shall be implemented during construction.</p>	<p>Consistent. In order for crop protection structures to be considered exempt from permits, crop protection structures must be consistent with the Comprehensive Plan. The proposed Project would be consistent with these biological resources protection policies by incorporating the feasible mitigation measures identified in Section 4.6 of the EIR <u>and revised by the Planning Commission (Revision Document RV 01, dated January 30, 2019)</u>, into the ordinance amendment. These include (1) setback requirements from streams and creeks (50 feet in Urban Areas, Inner Rural Areas, and EDRNs, and 100 feet in Rural Areas), and (2) allowing the exemption only on lands that have been historically, intensively cultivated. The creek setback directly protects riparian vegetation and allows for the infiltration of some storm water runoff before it reaches a creek. In addition, as discussed in detail in Section 4.4 of the EIR, Ag Order 3.0 addresses these issues by requiring farm operators to manage runoff and water quality from cultivated fields and, therefore, reduce the amount of sediment or pollutants that could leave the site during rain events. Finally, the proposed Project does not allow lighting in crop protection structures.</p>
<p>Policy VIS-O-1: Significant scenic and visual natural resources in Orcutt shall be protected in order to preserve the semi-rural character of the OPA.</p> <p>Policy VIS-O-2: Prominent public view corridors (U.S. 101, State Routes 1 & 135, Clark Ave., Santa Maria Way, and Union Valley Parkway) and public view sheds (Orcutt/Solomon Hills, Casmalia Hills, and Orcutt Creek) should be protected.</p>	<p>Consistent. Orcutt Community Plan development standards in support of these visual resources policies are focused on minimizing the permanent effects of new non-agricultural development.</p> <p>The proposed Project would exempt crop protection structures of any size (in general) that are 20 feet or less in height and require permits for taller structures. At 20 feet or less, the height of exempt crop protection structures would be, in general, subordinate to landforms, would not intrude into the skyline, and would follow the natural contours of the land, as the furrows of cultivated fields typically follow the natural contours. These structures may be installed for several months to several years and may cover many acres of a farm at any one time because they are used to provide protection and enhance the production of agricultural crops. Depending on crop type and agricultural practices, the membranes covering the frames may be</p>

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	temporarily removed or rolled back reducing the visibility of the structures during certain times of the crop's growth and production cycle.
Santa Ynez Valley Community Plan	
<p>GOAL LUA-SYV: Protect and support agricultural land use and encourage appropriate agricultural expansion.</p> <p>Policy LUA-SYV-1: The County shall develop and promote programs to preserve agriculture in the Santa Ynez Valley Planning Area.</p> <p>Policy LUA-SYV-2: Land designated for agriculture within the Santa Ynez Valley shall be preserved and protected for agricultural use.</p>	<p>Consistent. The proposed Project would amend the LUDC to clarify that crop protection structures of any size (in general) that are 20 feet or less in height would be exempt from permits when also meeting other exemption criteria, and that permits would be required for such structures that would be taller than 20 feet. The Project would aid in the preservation of agriculture in the Santa Ynez Valley by allowing most farmers to respond quickly to market and climatic conditions in determining choice of crop and use of hoop and shade structures without incurring the time and expense needed to obtain permits.</p>
<p>Policy BIO-SYV-1: Environmentally sensitive biological resources and habitat areas shall be protected.</p> <p>Policy BIO-SYV-4: Sensitive habitats shall be protected to the maximum extent possible ... As listed in Action BIO-SYV-1.2, sensitive habitat types include: Riparian, Coastal and Valley Freshwater Marsh, Southern Vernal Pool, Valley Needlegrass Grassland, Coastal Scrub, Coast Live Oak Woodland, Valley Oak Woodland and Savanna, streams and creeks, and wetlands. In addition, federally designated critical habitat for threatened or endangered species shall also be considered to be sensitive habitat. Natural stream corridors (channels and riparian vegetation) shall be maintained in an undisturbed state to the maximum extent feasible in order to protect banks from erosion, enhance wildlife passageways and provide natural greenbelts. Setbacks shall be sufficient to allow and maintain natural stream channel processes (e.g., erosion, meanders).</p> <p>DevStd BIO-SYV-4.1: Development shall include a minimum setback of 50 feet in the Urban and Inner-Rural areas, 100 feet in the Rural areas, and 200 feet from the Santa Ynez River, from the edge of riparian vegetation or the top of bank whichever is more protective.</p> <p>DevStd BIO-SYV-4.2: Only fully shielded (full cutoff) night lighting shall be used near stream corridors. Light fixtures shall be directed away from the stream channel.</p> <p>DevStd BIO-SYV-4.5: To protect Coastal and Valley Freshwater Marsh, Southern Vernal Pool, and other types of wetland habitats, land use development proposals shall include a minimum setback of 50 feet in the Urban and Inner-rural areas and 100 feet in the Rural areas.</p>	<p>Consistent. In order for crop protection structures to be considered exempt from permits, crop protection structures must be consistent with the Comprehensive Plan. The proposed Project, as mitigated by MM-BIO-1, would limit the exemption for crop protection structures to agricultural lands that have been historically intensively cultivated, which would protect the environmentally sensitive biological resources and habitat areas identified by the Santa Ynez Valley Community Plan biological resources policies. In other locations, a permit would be required for new cultivation employing crop protection structures, which would allow policy consistency to be determined on a site-specific basis. With MM-BIO-3, as revised by the Planning Commission (Revision Document RV 01, dated January 30, 2019), the Project would protect watersheds, wildlife corridors, riparian habitat, and natural stream channels through the inclusion of setbacks from streams and creeks (50 feet within Urban Areas, Inner Rural Areas, and EDRNs and 100 feet within Rural Areas). However, pursuant to LUDC Subsection 35.20.020.C, any land use and structure, including any exempt crop protection structures, must comply with applicable Comprehensive Plan policies and development standards, including community plan development standards such as DevStd BIO-SYV-4.1.</p> <p>In addition, as discussed in Section 4.4 of the EIR, farm operators must also comply with Ag Order 3.0 to reduce the rate of flow, quantity, and quality of storm water runoff leaving a site. Combined, the standards of Ag Order 3.0 and the biological resources mitigation measures would minimize pollution of water quality, underground water basins, and areas adjacent to such</p>

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<p>DevStd BIO-SYV-4.6: To protect Valley Needlegrass Grassland, Coastal Scrub and oak woodland habitats, development shall include a minimum setback of 15 feet in the Urban and Inner-rural areas and 30 feet in the Rural areas.</p> <p>Policy BIO-SYV-5: Pollution of the Santa Ynez River, streams and drainage channels, underground water basins and areas adjacent to such waters shall be minimized.</p> <p>Policy BIO-SYV-10: Areas of one or more acres of central coastal scrub shall be preserved to the maximum extent feasible.</p> <p>Policy BIO-SYV-11: Areas of chaparral shall be protected from development to the maximum extent feasible.</p> <p>Policy BIO-SYV-12: Areas of native grasslands shall be preserved to the maximum extent feasible.</p>	<p>waters. Finally, the proposed Project does not allow lighting in crop protection structures.</p>
<p>Policy HA-SYV-1: Archaeological resources shall be protected and preserved to the maximum extent feasible.</p> <p>Policy HA-SYV-4: Traditional cultural, historical, and spiritual properties of concern to the Santa Ynez Tribal Elders Council should be protected and preserved to the maximum extent feasible.</p>	<p>Consistent. As discussed in Section 7.4.2 of the EIR, the proposed Project would not have significant effects on cultural resources. Pursuant to PRC 21080.3.1, the County notified Native Americans, listed by the Native American Heritage Commission as requesting such notice, regarding the proposed Project and the commencement of environmental review. The County received no response from any of the notified individuals regarding any potential for the Project to impact cultural resources. Therefore, the proposed Project would be consistent with these policies.</p>
<p>GOAL VIS-SYV-1: Protect the Rural/Agricultural Character and Natural Features of the Planning Area, Including Mountain Views, Scenic Corridors and Buffers, Prominent Valley Viewsheds, and the Quality of the Nighttime Sky.</p> <p>Policy VIS-SYV-1: Development of property should minimize impacts to open space views as seen from public roads and viewpoints and avoid destruction of significant visual resources.</p> <p>Policy VIS-SYV-2: All plans for new or altered buildings and structures within the Design Control Overlay shall be reviewed by the County Board of Architectural Review.</p> <p>Policy VIS-SYV-3: The night sky of the Santa Ynez Valley shall be protected from excessive and unnecessary light associated with new development and redevelopment.</p>	<p>Consistent. The proposed Project would exempt crop protection structures of any size (in general) that are 20 feet or less in height and require permits for taller structures. At 20 feet or less, the height of exempt crop protection structures would be, in general, subordinate to landforms, would not intrude into the skyline, and would follow the natural contours of the land, as the furrows of cultivated fields typically follow the natural contours. These structures may be installed for several months to several years and may cover many acres of a farm at any one time because they are used to provide protection and enhance the production of agricultural crops. Depending on crop type and agricultural practices, the membranes covering the frames may be temporarily removed or rolled back reducing the visibility of the structures during certain times of the crop's growth and production cycle as viewed from Scenic Highways, of which one traverses the Santa Ynez Valley (SR 154). Lighting is not allowed in hoop and shade structures; therefore, the project would be consistent with policies protecting the night sky from</p>

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	<p>excessive light.</p> <p>In addition, mitigation measure MM-VIS-3, as revised by Revision Document RV 01, dated January 30, 2019, would further minimize effects resulting from crop protection structures as seen from public roadways or other areas of public use. This measure would limit the exemption for the use of crop protection structures to 4,000 square feet per lot located within the Santa Ynez Valley Community Plan area Design Control Overlay on lots that can be viewed from public roads or from areas of public use. If larger, a permit would be required to allow the crop protection structures unless the structures would not be visible from public roadways or other areas of public use.</p>
Toro Canyon Plan	
<p>GOAL LUA-TC: Protect and support agricultural land use and encourage appropriate agricultural expansion, while maintaining a balance with protection of coastal and natural resources and protection of public health and safety.</p> <p>Policy LUA-TC-1: The County shall develop and promote programs to preserve agriculture in the Toro Canyon Plan Area.</p> <p>Policy LUA-TC-2: Land designated for agriculture within Toro Canyon shall be preserved and protected for agricultural use.</p>	<p>Consistent. The proposed Project would amend the LUDC to clarify that crop protection structures of any size (in general) that are 20 feet or less in height would be exempt from permits when also meeting other exemption criteria, and that permits would be required for such structures that would be taller than 20 feet. The Project would aid in the preservation of agriculture in the Toro Canyon area by allowing most farmers to respond quickly to market and climatic conditions in determining choice of crop and use of hoop and shade structures without incurring the time and expense needed to obtain permits.</p>
<p>Policy PS-TC-1: (<i>NON-LCP</i>) Resource conservation and recovery shall be implemented to reduce solid waste generation and to divert the waste stream from area landfills to the maximum extent feasible.</p>	<p>Consistent. As discussed in detail in Section 4.5 of the EIR, the materials used in crop protection structures are recyclable, consisting of a steel frame and a plastic membrane cover. Steel is readily recyclable. The plastic materials are also recyclable; however, whether the plastics are recycled once their usefulness has reached an end (typically three years) depends on the recycling market for plastics. The major barrier to agricultural plastics recycling is the lack of a consistent recycling market for the plastics. Every effort continues to recycle plastics from current agricultural operations and these efforts would continue into the future; no more effective measures have been identified.</p>
<p>Policy BIO-TC-1: Environmentally Sensitive Habitat (ESH) areas shall be protected.</p> <p>Action BIO-TC-1.1: The following biological resources and habitats ... shall be presumed to be “environmentally sensitive,” [inland habitats only]</p> <ul style="list-style-type: none"> • Southern Coast Live Oak Riparian forest corridors • Streams and creeks 	<p>Consistent. In order for crop protection structures to be considered exempt from permits, crop protection structures must be consistent with the Comprehensive Plan. The proposed Project, as mitigated by MM-BIO-1, would limit the exemption for crop protection structures to agricultural lands that have been historically intensively cultivated, which would protect the ESH identified by the Toro Canyon Plan biological</p>

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<ul style="list-style-type: none"> • Wetlands • Coastal Sage Scrub • Sensitive native flora • Coast Live Oak forests • Scrub oak chaparral • Native grassland • Critical wildlife habitat/corridors <p>DevStd BIO-TC-1.4: (<i>INLAND</i>) Development shall be required to include the following buffer areas from the boundaries of Environmentally Sensitive Habitat:</p> <ul style="list-style-type: none"> • Southern Coast Live Oak Riparian Forest corridors - 100 feet in Rural areas and 50 feet in Urban, Inner-Rural areas, and EDRNs, as measured from the top of creek bank • Coast Live Oak Forests - 25 feet from edge of canopy • Native grassland, a minimum ¼ acre in size - 25 feet • Coastal Sage – minimum 20 feet • Scrub oak chaparral – 25 feet from edge of canopy • Wetlands – minimum 100 feet <p>Policy BIO-TC-11: (<i>INLAND</i>) Natural stream channels shall be maintained in an undisturbed state to the maximum extent feasible in order to protect banks from erosion, enhance wildlife passageways.</p> <p>DevStd BIO-TC-12.1: Development shall not interrupt major wildlife travel corridors. Typical wildlife corridors include oak riparian forest and other natural areas that provide connections between communities.</p>	<p>resources policies. In other locations, a permit would be required for new cultivation employing crop protection structures, which would allow policy consistency to be determined on a site-specific basis. With MM-BIO-3, as revised by the Planning Commission (Revision Document RV 01, dated January 30, 2019), the Project would protect watersheds, wildlife corridors, riparian habitat, and natural stream channels through the inclusion of setbacks from streams and creeks (50 feet within Urban, Inner Rural, and EDRN areas and 100 feet within Rural Areas). However, pursuant to LUDC Subsection 35.20.020.C, any land use and structure, including any exempt crop protection structures, must comply with applicable Comprehensive Plan policies and development standards, including community plan development standards such as DevStd BIO-TC-4.1.</p>
<p>Policy WW-TC-2: Pollution of surface, ground and ocean waters shall be avoided. Where avoidance is not feasible, pollution shall be minimized.</p> <p>Policy FLD-TC-2: Short-term and long-term erosion associated with development shall be minimized.</p>	<p>Consistent. As mitigated by (MM-BIO-3), as revised by the Planning Commission (Revision Document RV 01, dated January 30, 2019), the proposed Project would include standards that require crop protection structures to be setback from streams and creeks at least 50 feet in Urban Areas, Inner Rural Areas, and EDRNs, and 100 feet in Rural Areas. This allows for the infiltration of some storm water runoff before it reaches a creek. As discussed in Section 4.4 of the EIR, farm operators must comply with Ag Order 3.0 to reduce the rate of flow, quantity, quality of storm water runoff, and sediment leaving a site. Combined with revised MM-BIO-3, the standards of Ag Order 3.0 would minimize pollution of water quality, underground water basins, and areas adjacent to such waters.</p>
<p>Policy HA-TC-1: Archaeological resources shall be protected and preserved to the maximum extent feasible.</p>	<p>Consistent. As discussed in Section 7.4.2 of the EIR, the proposed Project would not have significant effects on cultural resources. Pursuant to PRC 21080.3.1, the County notified Native Americans, listed by the Native American Heritage Commission as requesting such</p>

Comprehensive Plan Policies	Consistency Analysis
	<p>notice, regarding the proposed Project and the commencement of environmental review. The County received no response from any of the notified individuals regarding any potential for the project to impact cultural resources. Therefore, the proposed Project would be consistent with this policy.</p>
<p>Policy VIS-TC-1: Development shall be sited and designed to protect public views.</p> <p>Policy VIS-TC-2: Development shall be sited and designed to be compatible with the rural and semi-rural character of the area, minimize impact on open space, and avoid destruction of significant natural resources.</p>	<p>Consistent. The intent of these policies is to address development of permanent structures. In certain circumstances, options for locating development are available. Crop protection structures differ because they are movable structures without foundations, walls, or other permanent structural elements that are installed over actively cultivated agricultural fields.</p> <p>The proposed Project would exempt crop protection structures of any size (in general) that are 20 feet or less in height and require permits for taller structures. At 20 feet or less, the height of exempt crop protection structures would be, in general, subordinate to landforms, would not intrude into the skyline, and would follow the natural contours of the land, as the furrows of cultivated fields typically follow the natural contours. These structures may be installed for several months to several years and may cover many acres of a farm at any one time because they are used to provide protection and enhance the production of agricultural crops. Depending on crop type and agricultural practices, the membranes covering the frames may be temporarily removed or rolled back, reducing the visibility of the structures during certain times of the crop's growth and production cycle.</p>