



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: 4th District Supervisor
Peter Adam
Department No.: 011
For Agenda Of: October 6, 2015
Placement: Set Hearing
Estimated Tme: First Reading (D) on
10/13/15 (15 minutes)
Second Reading (A) on
10/20/15
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Peter Adam, 4th District Supervisor
Contact Info: Bob Nelson, bob.nelson@countyofsb.org 805-346-8407

SUBJECT: Adoption of Ordinance Amending Chapter 10, Article I, Section 10-1.6 of the
County Code Related to Structures Exempt from Building Permits.

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

On October 6, 2015, set a hearing for October 13, 2015, to consider the introduction (First Reading) of an ordinance that amends Chapter 10, Article I, entitled "Administration Organization and Enforcement", Section 10-1.6 - Building Regulations of the Santa Barbara County Code.

On October 13, 2015, the Board of Supervisors shall consider the following actions:

- a) Receive and file a presentation regarding the amendment of Chapter 10, Article I, entitled "Administration Organization and Enforcement," section 10-1.6;
- b) Approve the introduction (First Reading) of an Ordinance amending Chapter 10 of the Santa Barbara County Code to amend Article I, entitled "Administration Organization and Enforcement," section 10-1.6 (Attachment 1 and 2);
- c) Read the title of the Ordinance and waive full reading of the Ordinance;

- d) Direct staff to initiate and process amendments to the LUDC as part of the 2015 General Package Ordinance Amendments to recognize hoop structures and shade structures as allowed uses in agriculturally zoned property; and
- e) Set a hearing on the Administrative Agenda of October 20, 2015, to consider recommendations, as follows:
 - i. Consider and approve the adoption (Second Reading) of an Ordinance amending Chapter 10 of the Santa Barbara County Code to amend Article I, entitled “Administration Organization and Enforcement,” section 10-1.6; and
 - ii. Determine that these activities are exempt from California Environmental Quality Act review per CEQA Guideline Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the activities may have a significant effect on the environment.

Summary Text:

This item is on the agenda for the approval of an ordinance to amend a portion of Chapter 10, Article I, entitled “*Administration Organization and Enforcement*”, Section 10-1.6. By adopting this ordinance, the Board would exempt from Building Permits the common agricultural practice of deploying temporary plant shelters within Santa Barbara County, and with the recommended direction to staff, identify hoop structures and shade structures as allowed uses on agriculturally zoned property. These shelters, often known as “hoop houses,” have been used by agricultural firms throughout the County since at least 1992, and are a necessary component for the growth of local produce like raspberries, blueberries, and blackberries. Economically viable production of these high-value crops is impossible without the climate control and wind protection provided by these shelters. Additionally, these shelters are an important optional technique used by strawberry growers to significantly reduce fruit loss during inclement weather conditions.

The County Code currently exempts hoop structures under twelve (12) feet in height from Building Permits. However, this exemption is not sufficient to exempt modern agricultural practices, as the structures must be taller than twelve feet in order to reduce water and pesticide use, encourage strong plant growth, increase yields, and a promote a healthier and safer working environment for farm workers. Furthermore, the attached findings in the ordinance support that certain climatic, geologic, or topographic conditions unique to Santa Barbara County necessitate modifications to the Building Code to exempt greater hoop heights than currently exempted in the Building Code, as modified by the County.

The ordinance under consideration shall exempt plastic-covered hoop structures from the Building Code and allow for greater flexibility for farmers who are attempting to use modern and more efficient farming technology. This shall be accomplished by removing the current exemption for hoop structures under twelve feet in height, and modifying the existing exemption for shade cloth structures to include all plastic-covered hoop structures thus appropriately reflecting the technical design and engineering of modern temporary plant shelter technology. This code amendment is necessary to support 21st century farming practices.

Background:

In the spring of 2015, it was discovered by the Planning and Development and Building departments that temporary plant shelters, commonly referred to as “hoop houses,” may be potentially prohibited by zoning restrictions in the Land Use Development Code. Article I of the Building Code exempts a number of structures from Building Permits, but is not sufficient to exempt modern plant protection technology. Furthermore, “hoop houses” are defined in the LUDC but never recognized as an allowed use in agriculturally zoned property, nor any other zoned property. Supervisor Adam requests that the Board of Supervisors also direct staff to initiate and process the amendments to the Land Use and Development Code to recognize hoop structures and shade structures as allowed uses in agriculturally zoned property. This ordinance shall clarify the County Building Code to fully contemplate the nature of these temporary plant shelters, and exempt them from Building Permits and thus facilitate their present use and future evolution for the production of high-value local produce on agriculturally zoned land.

Fiscal and Facilities Impacts:

Budgeted: N/A

Special Instructions:

1. Request the Clerk of the Board to publish notice of this hearing in a newspaper of general circulation, five (5) and ten (10) days prior to the hearing, in accordance with Government Code § 6062(a).
2. Request the Planning and Development Department to post the Notice of Exemption for the ordinance in the County Planning and Development Department at least six (6) days prior to consideration of the activity by the Board of Supervisors to comply with the County CEQA Guidelines.
3. Request the Clerk of the Board publish in a newspaper, within 15 days of passage of the ordinance, the ordinance along with names of members voting for and against the ordinance, in accordance with Government Code section 21524(a).
4. Upon approval and execution by the Board of Supervisors, the Clerk of the Board shall send a copy of the signed and numbered Ordinance and minute order to Supervisor Adam’s office, attention Bob Nelson.

Attachments:

1. Ordinance Amending Chapter 10, Article I, Section 10-1.6
2. Mark-Up Version of Chapter 10, Article I, Section 10-1.6 amendments
3. CEQA Notice of Exemption
4. PowerPoint Presentation for Ordinance to amend Chapter 10, Article I of the Santa Barbara County Code.
5. Agricultural Advisory Committee letter re: Hoop Structure Code Fixes

Authored by:

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