

Public Comment - Law Office  
of Marc Chytalo

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Daly, Julia Rutherford

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**From:** Ana Citrin <ana@lomcsb.com>  
**Sent:** Monday, June 05, 2017 1:48 PM  
**To:** sbcob  
**Subject:** Letter for Board - Hoop Structure Ordinance  
**Attachments:** LOMC to BOS\_Hoop Houses\_6-5-17.pdf

Dear Clerk,

Attached please find a brief letter for the Supervisors regarding item #2 on tomorrow's agenda.

Best regards,

Ana Citrin  
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# LAW OFFICE OF MARC CHYTILO, APC

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ENVIRONMENTAL LAW

June 5, 2017

County of Santa Barbara  
Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101

*By email to*  
[sbcob@co.santa-barbara.ca.us](mailto:sbcob@co.santa-barbara.ca.us)

RE: 6/6/17 Agenda Item #2: Hoop Structures Ordinance Amendment Project

Dear Chair Hartmann and Members of the Board of Supervisors,

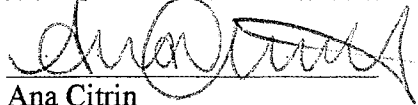
This office represents several individuals and groups, including the Committees for Land, Air, Water and Species (CLAWS), that want to ensure the County's process for addressing hoop structures receives adequate public process and environmental review. We are concerned that the Board may illegally shortcut the environmental review process if the Board directs staff to pursue Option 1 as articulated in the Board Letter. Option 1 would allow hoop structures via a director determination defining them as "farm equipment". The Board Letter states that because this option involves an interpretation and not an amendment of the zoning code, it would not typically require environmental review under the California Environmental Quality Act (CEQA). (Board Letter, p. 4.)

For the following reasons, Option 1 is not exempt from CEQA and would require environmental review before the Board authorizes the director to define hoop structures as "farm equipment". First, Option 1 is not an exempt ministerial project, which involves only the use of fixed standards, and cannot include subjective judgment. (*See* CEQA Guidelines § 15369.) Here, it is precisely the lack of fixed standards regarding hoop structures that necessitates Board action, and the Board is exercising its subjective judgment in determining how hoop structures should be defined. Second, Option 1 is not the type of "organizational or administrative activity" that is considered a non-project, because the activity may result in direct or indirect physical changes in the environment – namely the proliferation of visually impactful hoop structures. (*See* CEQA Guidelines § 15378 (b)(5).) Finally, a categorical exemption cannot be used for Option 1 because the action may result in damage to scenic resources within a highway officially designated as a state scenic highway. (CEQA Guidelines § 15300.2 (d).)

Accordingly, we respectfully request that the Board conduct CEQA review before committing to any of the options identified in the Board Letter. The CEQA process will fully disclose all potentially significant environmental impacts, identify ways to avoid or mitigate those impacts, and provide the public with an opportunity to meaningfully weigh in on this important process.

Respectfully submitted,

LAW OFFICE OF MARC CHYTILO

  
Ana Citrin

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