

ATTACHMENT 1

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 March 12, 2019, were presented to the Board of Supervisors (Board), and all voting members of the Board have reviewed and considered the information contained in the Final EIR, its appendices, and EIR Revision Document RV 01, dated March 12, 2019, prior to recommending approval of the Project to the Board of Supervisors (Board). In addition, all voting members of the Board 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 reflect the independent judgment and analysis of the Board and are adequate for this proposal.

1.1.2 FULL DISCLOSURE

The Board finds and certifies that the Final EIR (17EIR-00000-00004), its appendices, and EIR Revision Document RV 01, dated March 12, 2019, constitute a complete, accurate, adequate, and good faith effort at full disclosure pursuant to CEQA. The Board further finds and certifies 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 Clerk of the Board of Supervisors located at 105 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 4, of the Board Agenda Letter dated March 12, 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 Board finds 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 March 12, 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. 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 Board rejects mitigation measures 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 March 12, 2019, herein incorporated by reference. The Board also finds 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 Board finds that mitigation measure MM-VIS-3 (as revised by EIR Revision Document RV 01, dated March 12, 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 Board finds that with mitigation and project review standards implemented, the Project and cumulative contribution to aesthetics/visual resources impacts

would remain significant and unavoidable. The Board finds 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 Board finds 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 and thus is mitigated to the maximum extent feasible. The Board finds 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 March 12, 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 March 12, 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 Board (EIR Revision Document RV 01, dated March 12, 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 March 12, 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 Board 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 Board (EIR Revision Document RV 01, dated March 12, 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. This measure mitigates Impacts BIO-1 and BIO-2, and was incorporated into the final County LUDC amendment.

Findings: The Board finds that MM-BIO-1, as modified by EIR Revision Document RV 01, dated March 12, 2019, and MM-BIO-3, as modified by EIR Revision Document RV 01, dated March 12, 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 March 12, 2019, herein incorporated by reference, the Board finds that MM-BIO-3, as drafted, is infeasible, and revises 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 certain 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 Board recommended revising MM-BIO-3, pursuant to LUDC Subsections 35.10.020.B and 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.

For crop protection structures not qualifying for the exemption, a permit will be required subject to the provisions of the amendment. Pursuant to LUDC Subsections 35.10.020.B, 35.20.020.C, 35.82.080.E.1.f, and 35.82.110.E.1.a, land uses and structures shall comply with the LUDC and Comprehensive Plan including applicable community plans. 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 Board finds that implementation of MM-BIO-1, as modified by EIR Revision Document RV 01, dated March 12, 2019, and MM-BIO-3, as modified by EIR Revision Document RV 01, dated March 12, 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 Board 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 Board rejects mitigation measures MM-VIS-1 and MM-VIS-2 as infeasible for the reasons summarized below and discussed in detail in the EIR Revision Document RV 01, dated March 12, 2019, and herein incorporated by reference. The Board also finds 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 March 12, 2019, herein incorporated by reference, the Board finds 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 March 12, 2019, herein incorporated by reference, the Board finds 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 March 12, 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 Board finds 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 March 12, 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 March 12, 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 Board rejects mitigation measure MM-BIO-3, as originally proposed, as infeasible for the reasons summarized below and discussed in the EIR Revision Document RV 01, dated March 12, 2019, and herein incorporated by reference. The Board also finds that rejecting a portion of 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 March 12, 2019, herein incorporated by reference, the Board finds that MM-BIO-3, as originally 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 Subsections 35.10.020.B and 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.

For crop protection structures not qualifying for the exemption, a permit will be required subject to the provisions of the amendment. Pursuant to LUDC Subsections 35.10.020.B, 35.20.020.C, 35.82.080.E.1.f, and 35.82.110.E.1.a, land uses and structures shall comply with the LUDC and Comprehensive Plan including applicable community plans. 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 Board finds that implementation of MM-BIO-3, as modified by EIR Revision Document RV 01, dated March 12, 2019, along with MM-BIO-1, as modified by EIR Revision Document RV 01, dated March 12, 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, such a requirement would 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 present. 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 Board 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 most of 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 Board finds that the Project (as modified by incorporation of EIR mitigation measures including revisions documented in the EIR Revision Document RV 01, dated March 12, 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 project 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 Board finds that the Project (as modified by incorporation of the EIR mitigation measures including revisions documented in the EIR Revision Document RV 01, dated March 12, 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 achieve a basic project 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 Board finds that the Project (as modified by incorporation of the EIR mitigation measures including revisions documented in the EIR Revision Document RV 01, dated March 12, 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 March 12, 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 Board makes 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 Board finds 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 by allowing the use of less water and fewer pesticides, 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, as revised by EIR Revision Document RV 01 dated March 12, 2019, 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, as revised by EIR Revision Document RV 01 dated March 12, 2019, 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 6 of the Board Agenda Letter, dated March 12, 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 6 of the Board Agenda Letter, dated March 12, 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.