

## ATTACHMENT 3



### COUNTY OF SANTA BARBARA PLANNING AND DEVELOPMENT

#### MEMORANDUM

TO: Santa Barbara County Board of Supervisors

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

DATE: March 12, 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**

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#### 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 Board of Supervisors decision to reject or delete four mitigation measures identified in the EIR and modify 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 made by the Board of Supervisors.

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 Board of Supervisors finds 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 made by the Board of Supervisors would result in any new significant, environmental effects or a substantial

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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)**

**March 12, 2019**

*Prepared by:*

**County of Santa Barbara**  
Planning and Development Department  
Long Range Planning Division  
123 East Anapamu Street, First Floor  
Santa Barbara, CA 93101

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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 Board of Supervisors considered the Project during a public hearing on March 12, 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 Planning Commission hearings. Relevant information provided by these agencies are discussed further in this EIR Revision Document.

## **II. REVISIONS TO THE EIR ANALYSIS**

On March 12, 2019, the Board of Supervisors rejected four mitigation measures and modified two mitigation measures based on substantial evidence in the record. Specifically, the Board of Supervisors: (1) rejected two measures intended to mitigate impacts to aesthetics/visual resources as infeasible; (2) deleted 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) modified one measure addressing visual resources and two measures addressing biological resources. In addition, the Board of Supervisors made 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 Board of Supervisors' direction.

The Board of Supervisors' rejection of, and modification to, mitigation measures identified in the EIR require corresponding revisions to the ordinance amending the LUDC (Attachment 4 of the Board Agenda Letter dated March 12, 2019). The corresponding ordinance amendment has been revised to reflect this direction. In addition, the Board of Supervisors made two revisions to the original project description. Therefore, this EIR Revision Document discusses the impacts resulting from the Board of Supervisors' 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 Board of Supervisors identified substantial evidence in the record that renders MM-VIS-1 and MM-VIS-2 infeasible, and, therefore, rejects MM-VIS-1 and MM-VIS-2 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, as originally drafted in the Final EIR, 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. This requirement would 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 Louis 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 make 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, as originally drafted in the Final EIR, 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. This requirement would 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; however, the fallow area would still require dust and rodent protection; 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 make 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.<sup>1</sup> 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
<b>Total</b>	<b>3,216</b>	<b>1,693</b>

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 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

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

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 but mitigable (Class II) to less than significant (Class III). As a consequence, MM-WR-1 is no longer necessary to mitigate impacts to a less-than-significant

level and the Board of Supervisors deletes MM-WR-1 from the Final EIR and deletes the corresponding development standard from the LUDC amendment. Residual impacts to flooding are therefore revised from potentially 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 Board of Supervisors deletes MM-BIO-2 from the Final EIR and deletes 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**

MM-VIS-3, as originally drafted in the Final EIR, would revise the LUDC amendment so that crop protection structures located on lands within the Design Control (D) Overlay of the Santa Ynez Valley Community Plan (SYVCP) area would be limited to 4,000 square feet in size. The Board of Supervisors revised mitigation measure MM-VIS-3 to change the 4,000-square foot size limit for crop protection structures located within the D Overlay within the 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.*

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. There are approximately 8,313 acres zoned AG-I and AG-II within the D Overlay, which would be potentially affected by the revisions to MM-VIS-3. This amounts to 1.02% of the lands zoned AG-I and AG-II (814,104 acres) located outside of the Los Padres National Forest.

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 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, (3) including permit conditions to comply with SYVCP visual resources protection policies, and (4) potentially additional CEQA review, depending upon the proposed project.

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 Board of Supervisors modified 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, (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 in the Final EIR, 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 Board of Supervisors modified 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 Board of Supervisors revised MM-BIO-3, 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, 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, such a requirement would have negative consequences for cultivated agriculture without significantly reducing impacts to streams and creeks. For the reasons discussed in detail above, 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. The impact of applying a 100-foot setback in rural areas would make application of the mitigation measure infeasible. 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.

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

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.

The Board revised the project description 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.

As discussed in more detail 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 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 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, and furthermore, if located on slopes greater than 20%, a permit would be required pursuant to a Board of Supervisors revision to the project description discussed in Section II.G below. 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 and potentially additional CEQA review, depending upon the proposed project. 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 from a public road or other public view area 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.

#### **G. Analysis of the Addition of a Steep Slopes Criterion for the Exemption of Crop Protection Structures**

The Board of Supervisors revised the project description to add steep slopes as an additional criterion to determine when crop protection structures would be exempt from a permit. Prior to this revision, the project would have allowed crop protection structures to be exempt anywhere, regardless of slope, provided the other exemption criteria were met. Pursuant to the revision, crop protection structures located on slopes 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.

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 Board of Supervisors rejected two mitigation measures identified in the EIR as infeasible; deleted two mitigation measures based on new substantial evidence in the record; modified three mitigation measures; and made 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 Board of Supervisors made 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, therefore, recirculation is not required.

**ATTACHMENT 1**

**Letters from  
Grower-Shipper Association of Santa Barbara and San Louis Obispo Counties  
(July 9, 2018 and March 15, 2018)  
and  
Santa Barbara County Agricultural Advisory Committee  
(March 15, 2018)**

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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**

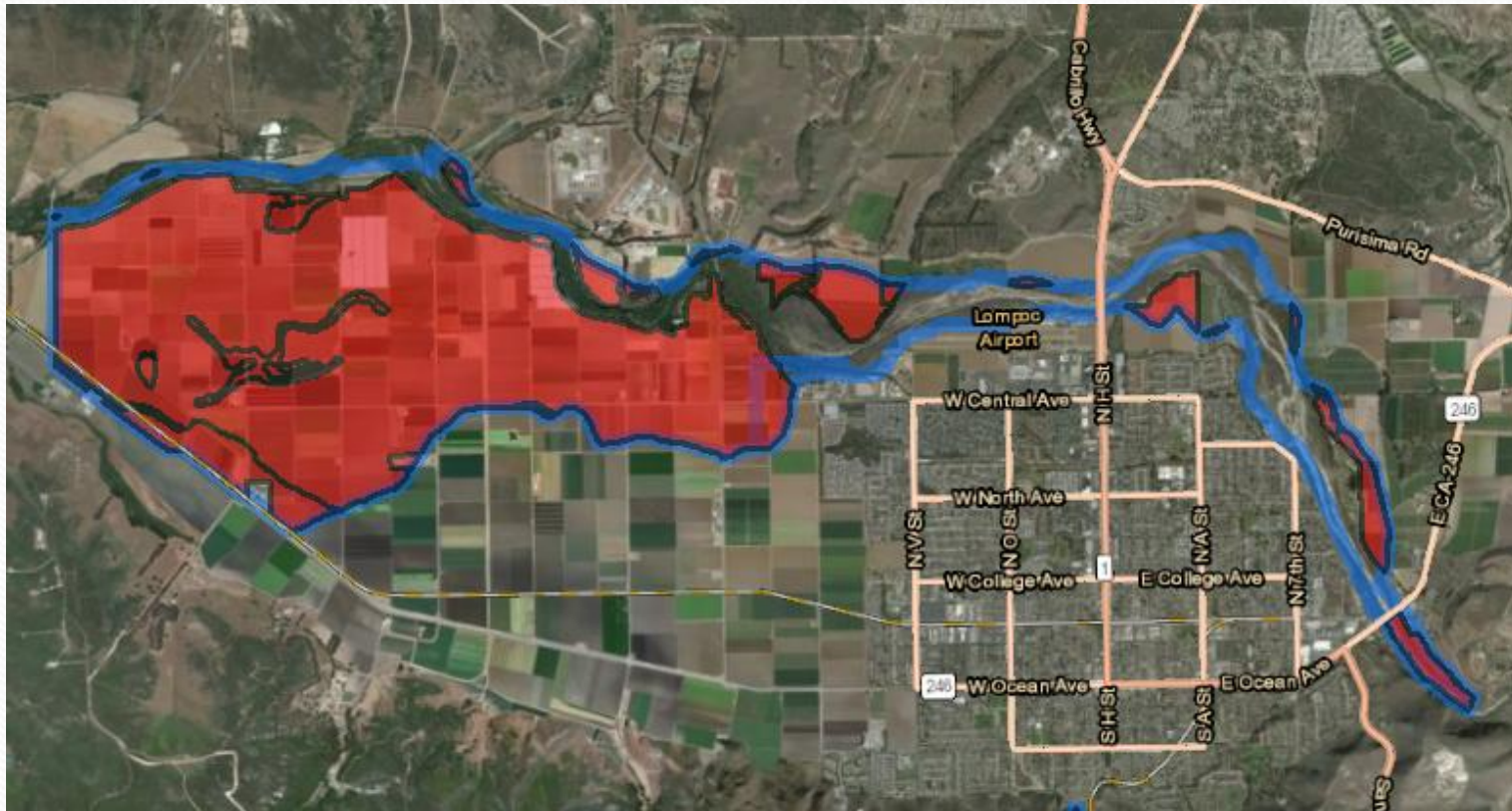
## **VIS-2 Revision**

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

# *Water Resources*

# MM-WR-1

## Floodway in Lompoc Valley



# *Biological*



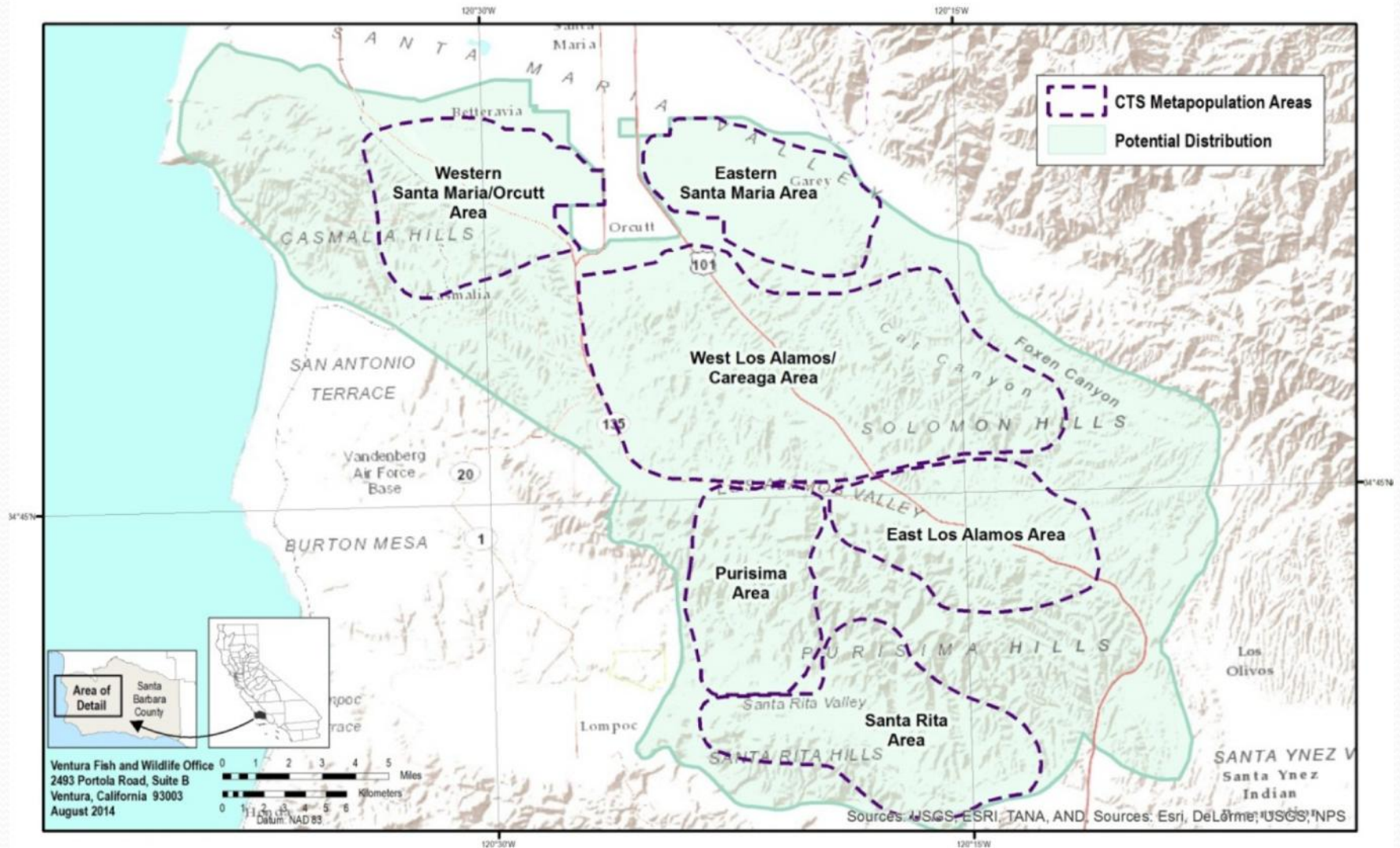
# BIO-2. CA Tiger Salamander



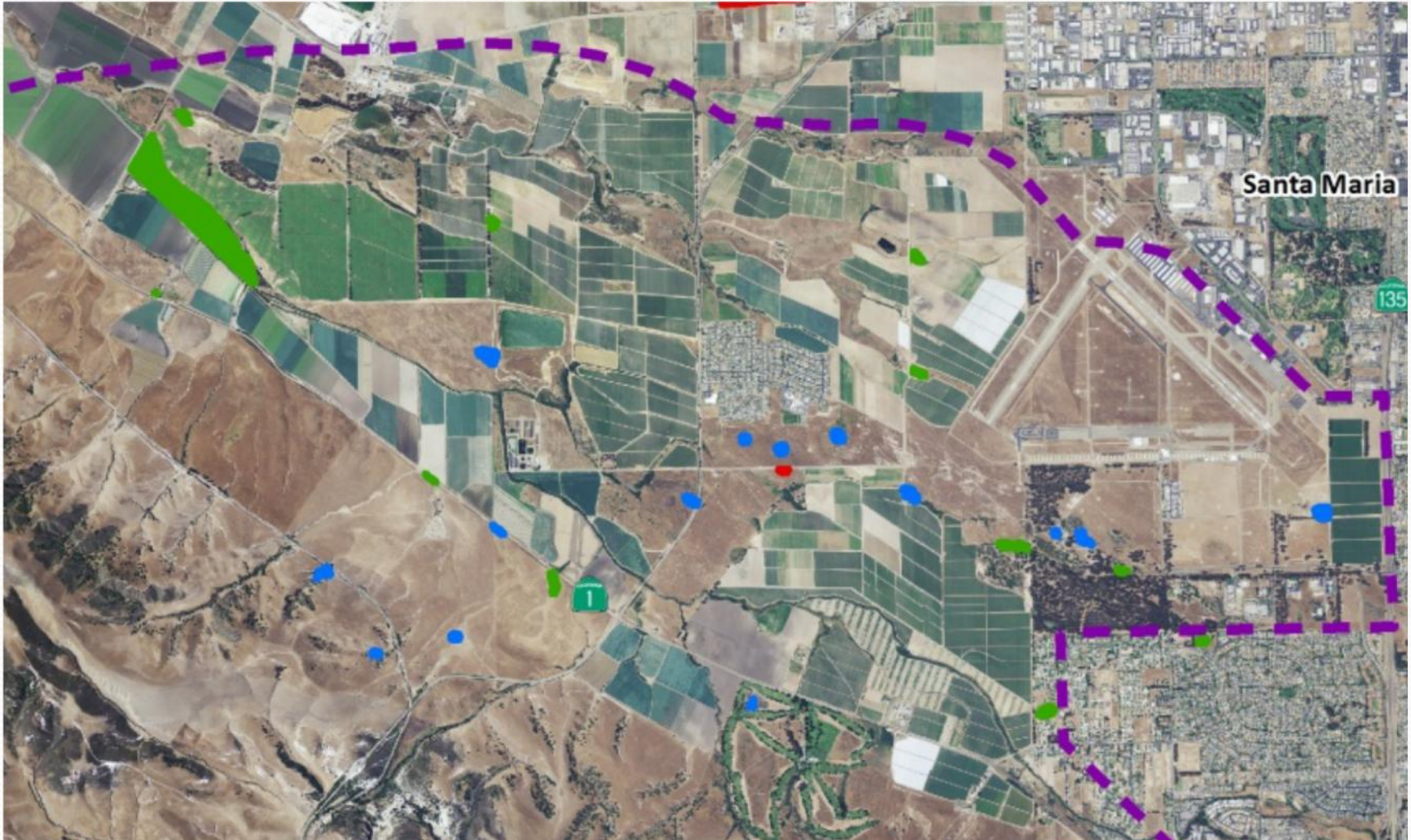
U.S. Fish & Wildlife Service

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](mailto: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**

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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 7<sup>th</sup>, 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)*

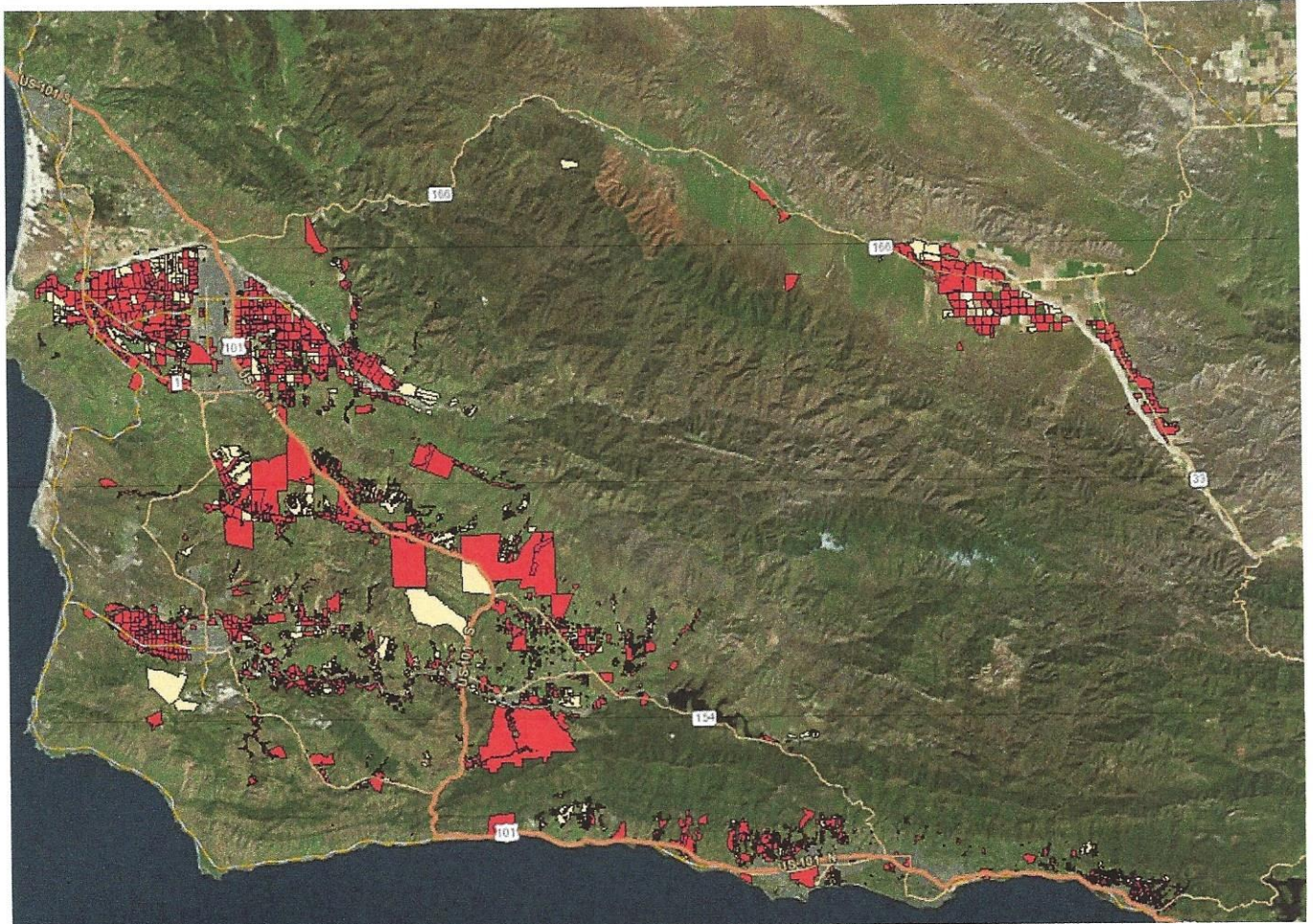


Example of impacts of 75-foot road setback limiting height to 12-foot hoops (MM-VIS-1)

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%
<b>Total Acres</b>	<b>594,816</b>	<b>15,887</b>	



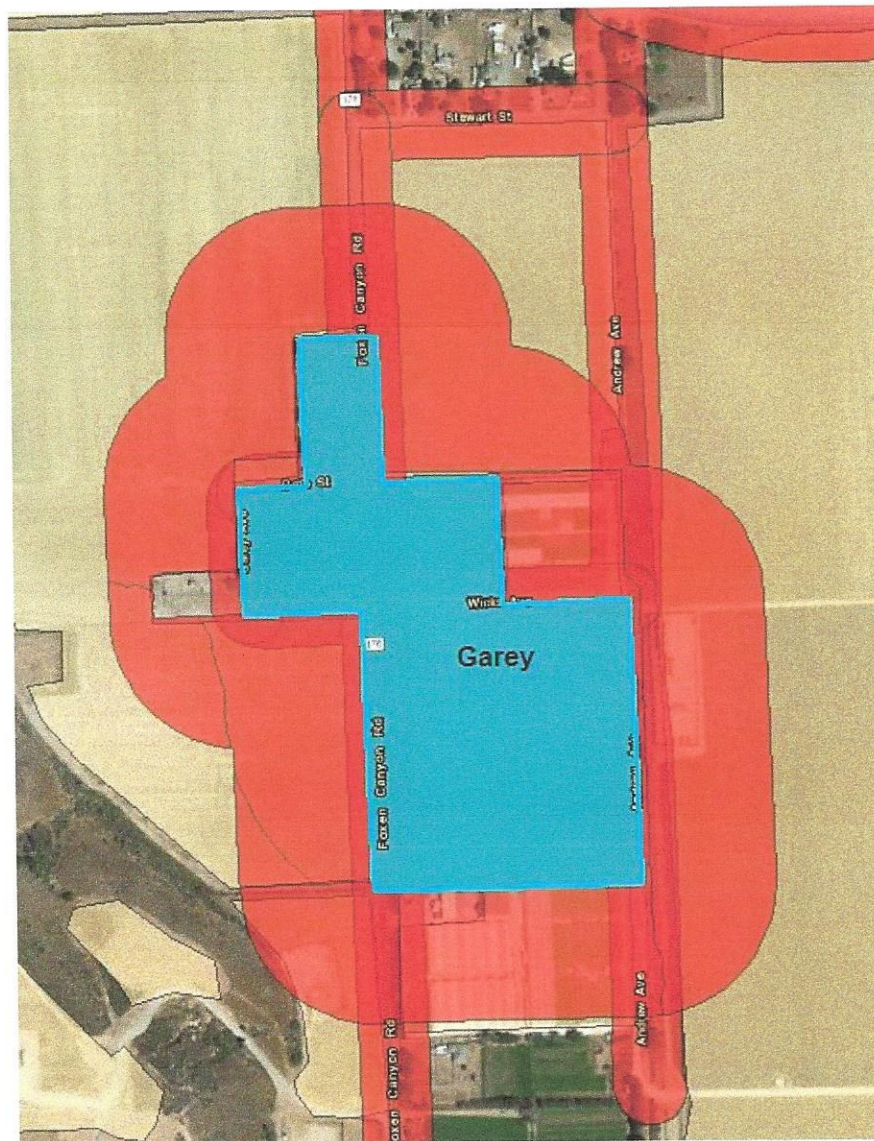
*Ranches Impacted by 75-footsetback in red.*

**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.*

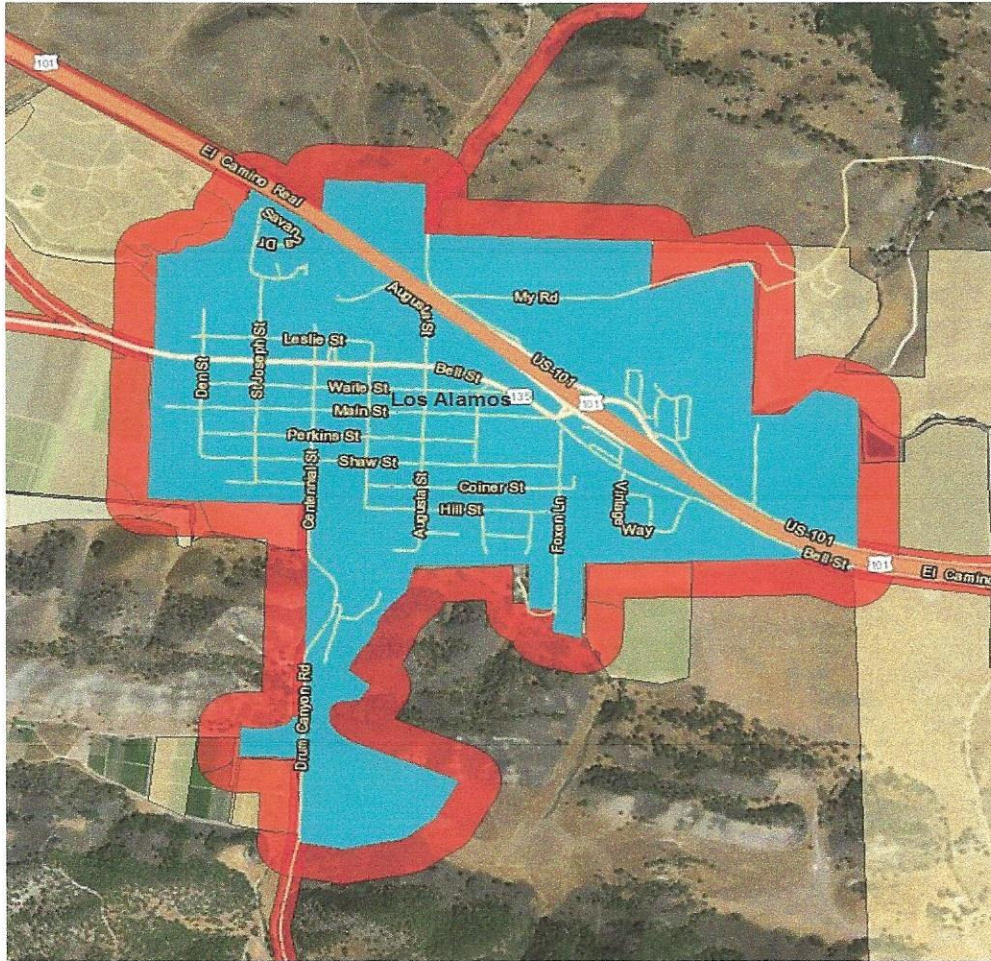
A 400-foot setback from urban townships is infeasible due to the limits on the cultivation methods it would place on approximately **1,597 acres** of agricultural land that is located with these areas. In many cases, this setback impacts more than half of a grower's parcels and when coupled with the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



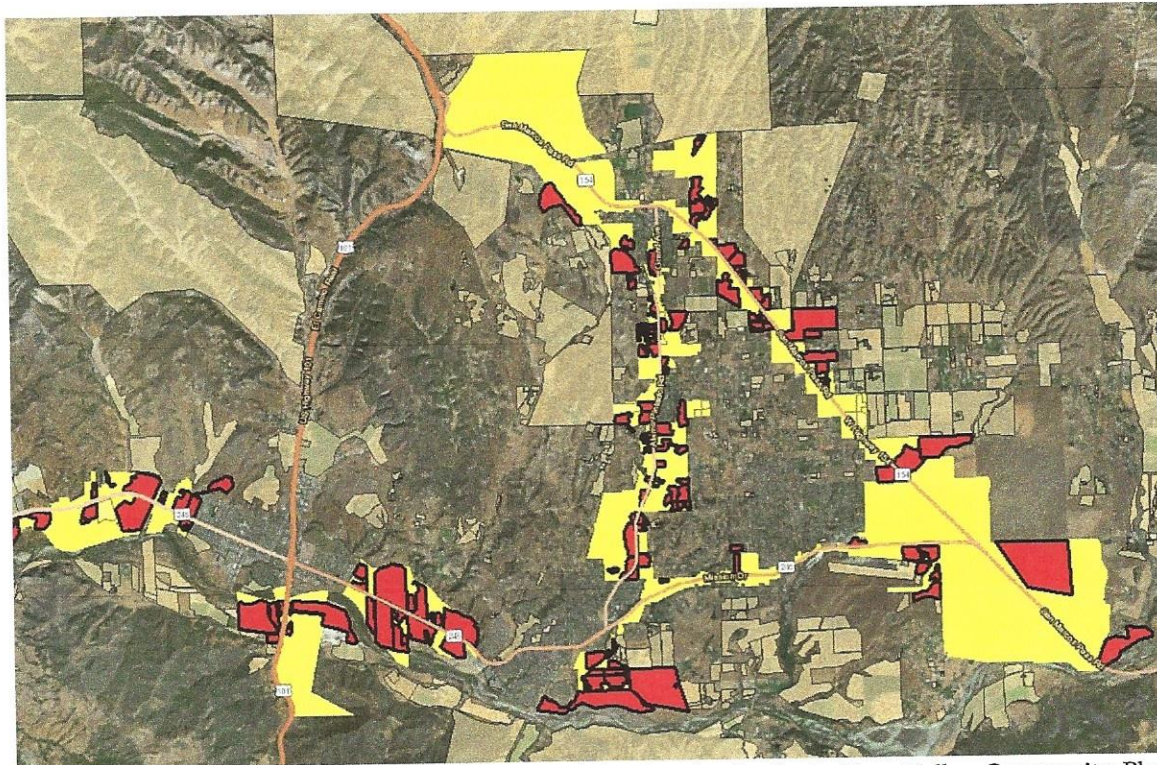
Table 2-3 - AG-I and AG-II Zones Development Standards

Development Feature	Requirement by Zone	
	AG-I & AG-I (CZ) Agriculture I	AG-II & AG-II (CZ) Agriculture II
<b>Residential density</b>	<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 <a href="#">Section 35.21.040 (Agricultural Zones Lot Standards)</a> .	
<b>Setbacks</b>	<i>Minimum setbacks required. See <a href="#">Section 35.30.150 (Setback Requirements and Exceptions)</a> 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.	
<b>Height limit</b>	<i>Maximum allowable height of structures. See <a href="#">Section 35.30.090 (Height Measurement, Exceptions and Limitations)</a> for height measurement requirements, and height limit exceptions.</i>	
Maximum height	35 ft for a residential structure, no limit otherwise; <b>Toro Canyon Plan area</b> - 25 ft for a residential structure.	<b>Coastal</b> - No limit; <b>Inland</b> - 35 ft for a residential structure, no limit otherwise; <b>Toro Canyon Plan area</b> - 25 ft for a residential structure.
<b>Landscaping</b>	See <a href="#">Chapter 35.34 (Landscaping Standards)</a> .	
<b>Parking</b>	See <a href="#">Chapter 35.36 (Parking and Loading Standards)</a> .	
<b>Signs</b>	See <a href="#">Chapter 35.38 (Sign Standards)</a> .	

*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:

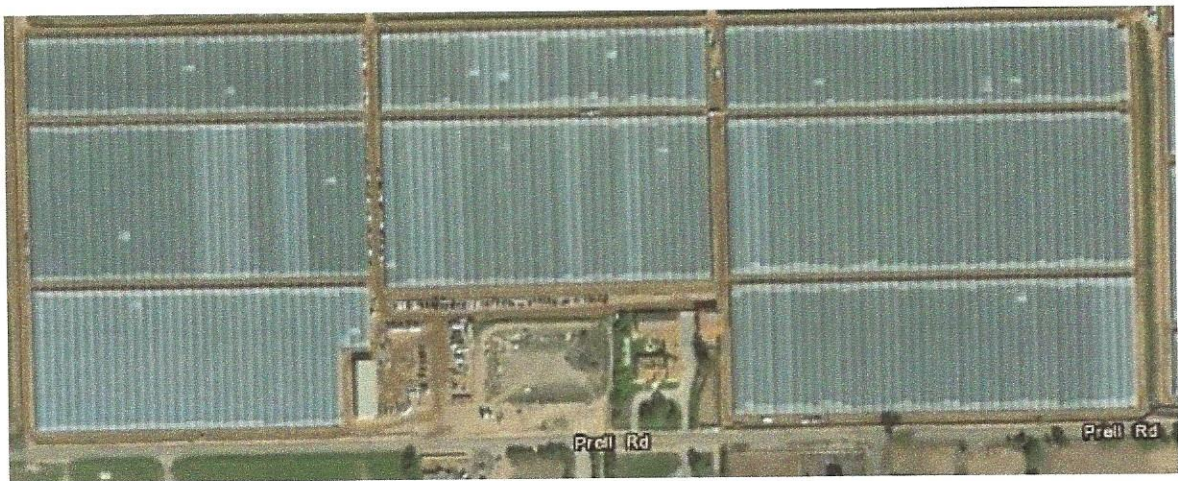
- The improved climate provided by hoops structure allows the expansion of temperature sensitive high value crops into areas of the county that were not ideal locations for those crops.
- Economic Growth: Hoops are primarily used on high value crops such as raspberries, blueberries, blackberries and 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.

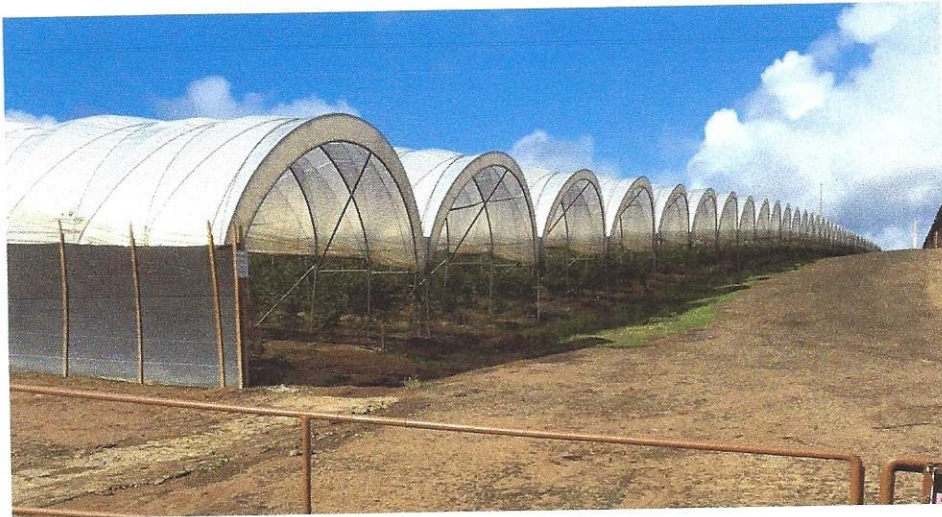
**MM-BIO-2.** *Require a Minimum Gap of One Foot between Ground Surface and Hoop Structure Plastic. Prior to approval of the Project, the Hoop Structures Ordinance Amendment shall be revised to include a development standard that in order to qualify for an exemption, any crop protection structure located 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*



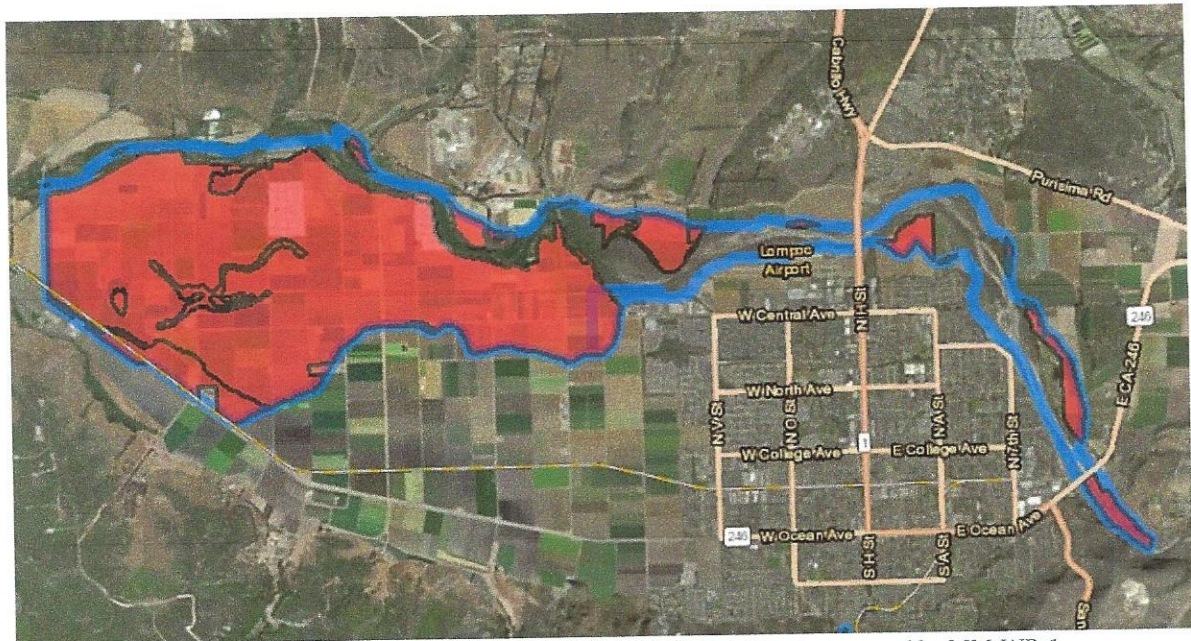
*MM-WR-1. Crop Protection Structures within a Floodway. Prior to approval of the Project, the Hoop Structures Ordinance Amendment shall be revised to clarify that crop protection structures located within a floodway would not qualify for the permit exemption. Crop protection structures proposed within 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%
<b>Total Acres</b>	<b>594,816</b>	<b>5,769</b>	



*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**

1<sup>st</sup> District Supervisor, Das Williams  
2<sup>nd</sup> District Supervisor, Janet Wolf  
3<sup>rd</sup> District Supervisor, Joan Hartmann  
4<sup>th</sup> District Supervisor, Peter Adam  
5<sup>th</sup> 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 a horizontal line.

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.

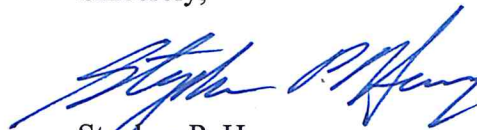
Included in this Proposed Final EIR are measures to minimize impacts to biological resources, including the federally endangered Santa Barbara County Distinct Population Segment of California tiger salamander (*Ambystoma californiense*). The proposed measure MM-BIO-2 would require that any crop protection 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](mailto:kendra_chan@fws.gov), or Rachel Henry of my staff at (805) 677-3312 or by electronic mail at [rachel\\_henry@fws.gov](mailto:rachel_henry@fws.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen P. Henry".

Stephen P. Henry  
Field Supervisor

**ATTACHMENT 4**

**Email from United States Fish and Wildlife Service**

**December 4, 2018**

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## Harris, Julie

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**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

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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](mailto: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

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**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](mailto:kendra_chan@fws.gov)