

LAW OFFICE OF MARC CHYTILO, APC

ENVIRONMENTAL LAW

October 8, 2018

Santa Barbara County Board of Supervisors
105 E. Anapamu Street
Santa Barbara, California 93101

RE: Hoop Structure Ordinance Amendment Discussion; 10/9/18 Agenda Item No. 4

Chair Williams and Supervisors,

This letter is submitted on behalf of the Committees for Land, Air, Water and Species (CLAWS), a California public benefit organization with a mission to advocate for a broad array of social and environmental issues to protect natural resources, quality of life and health for all residents, human or otherwise, of the Central Coast. CLAWS challenged the Board's first procedurally flawed determination directing Dr. Russell to define hoop structures 20' or less as exempt "farm equipment", and since correcting course the County has followed the normal process for reviewing ordinance amendments including California Environmental Quality Act (CEQA) compliance. Staff prepared an Environmental Impact Report (EIR) which the Planning Commission has diligently considered, and the Planning Commission is at the cusp of completing their careful deliberation.

The proposal by the Fourth District to circumvent the Planning Commission's process is highly unusual, and is plainly inconsistent with County practice, its regulations, and the requirements of CEQA. The Fourth District is asking that the Board vote to tie the County's hands and categorically omit from consideration any development standards for hoops under 20' in height, without any information about what the Planning Commission has recommended thus far, what development standards are at issue, or what legal requirements apply when development standards, as here, are required as mitigation measures in the CEQA process. The Board cannot make an informed decision without this information.

The Board can define the scope of the ordinance amendment that is initiated for environmental review, but regardless of whether the Board intended to define the proposed amendment as excluding development standards for hoop structures 20' or lower, CEQA does not allow the Board to control what mitigation measures the EIR identifies to reduce the Project's significant environmental impacts. CEQA does provide a path for the Planning Commission or Board to reject specific mitigation measures on grounds that they are infeasible and/or fail to substantially lessen environmental impacts. However, substantial evidence must support such a rejection, and the Board is simply not at liberty to categorically reject all mitigation measures without having even considered the EIR or the evidence supporting the need for development standards to reduce the significant impacts of the ordinance amendment.

Please reject the Fourth District's proposal and allow the Planning Commission to finish their work.

Respectfully Submitted,

LAW OFFICE OF MARC CHYTILO, APC



Ana Citrin, for CLAWS