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de la Guerra, Sheila

From: Trupe, Debbie
Sent: Friday, March 8, 2019 3:04 PM
To: Allen, Michael (COB); sbcob
Cc: Fisher, Cathy; Martel, Rudy; 'Paul Vanleer'
Subject: Letter from AAC to the Board
Attachments: Hoops Letter 3-2019.pdf

Michael,

Please see attached a letter regarding the Hoops Ordinance from the AAC to the Board and please let me know if you have any questions.

Thank you,

Debbie Trupe

Deputy Ag Commissioner

Santa Barbara County Ag Commissioner's Office

263 Camino del Remedio

Santa Barbara, CA 93110

(805) 681-5600

624 W. Foster Road #E

Santa Maria, CA 93455

(805) 934-6200

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COUNTY OF SANTA BARBARA
AGRICULTURAL ADVISORY COMMITTEE



March 7, 2019

County of Santa Barbara
Board of Supervisors

Re: March 12, 2019 Board of Supervisors Hearing on Hoops Ordinance Amendment

Dear Chair Lavagnino and Board of Supervisors:

We appreciate your continued efforts on this important topic. According to Santa Barbara County Crop Report archives, raspberries have been one of the top ten commodities three out of the last four years and hoop structures have been an instrumental tool in the production of cane berries on the Central Coast. Cultivation of this crop and its economic contributions to the County would not be feasible without the use of hoops. Hoops benefit agricultural employees by providing extended seasonality and earnings opportunities and additional options in work environments. The Agricultural Advisory Committee voted 10-0 in favor of Sending this Letter.

The proposed Ordinance Amendment has improved considerably since the first draft and is directionally correct in accomplishing the project objective. We agree with the revisions and Planning Commission recommendations regarding VIS-1, VIS-2, WR-1, and BIO-2 on their merits. We will further detail our remaining concerns on the exemption limitations and other requirements related to VIS-3, BIO-1, BIO-3, and slopes. Additional information can be found in our previous letter submissions dated 3/15/18, 8/27/18, 11/5/18, AND 1/25/19.

Permitting Level

Although our previous focus has been the exemption criteria, the significance of the permitting level for situations that do not qualify for exemption has been brought to the forefront. We believe that a **Land Use Permit**, rather than a Development Plan, is the appropriate permitting vehicle for hoops greater than 4,000 square feet (0.09 acres) in the Gaviota Coast Plan Critical Viewshed Corridor (CVC) and Santa Ynez Valley Community Plan Design Control Overlay (D) as well as 20,000 square feet (0.45 acre) for situations that do not otherwise meet the exemption criteria. This will balance some level of oversight and control with the ability to innovate and adapt moving forward.

New Percent Slope Criteria for Visual Resources

AAC is concerned with the precedential regulatory expansion of restricting or prohibiting hoop structures on slopes steeper than 20%. This mitigation measure would not lessen the visual impacts below Class I impacts while it could hinder agricultural resources in the future. The Planning Commission received testimony from a grower who described how slopes assist with airflow to allow the cold air to move out and away from the plants during critical periods of cultivation; this airflow also assists with mold and mildew control, which also has environmental benefits.

Although the final Planning Commission provided improved information about where 20% slopes are found in the County we are concerned that landowners and operators might not be aware of these changes and limited in the future. We also believe it is important to thoroughly consider the method for determining slope in qualifying for the exemption and whether other onsite factors influence the implementation of this criteria. A slope percentage closer to 30%, as referenced in the Gaviota Coast Plan and County Grading Ordinance, would have some basis in code; perhaps cultivated areas over 30% slope would be subject to additional development standards, rather than a prohibition or higher land use development process.

Delete Arbitrary and Detrimental Introduction of New Definition of “Historically Intensively Cultivated Agricultural Lands” stemming from BIO-1

We have engaged extensively with Staff and the Planning Commission on BIO-1 and previously articulated concerns that it undermines the Agricultural Element’s rights of operation and freedom of choice; Land Use Element’s Agricultural Goal for expansion and intensification; and is particularly problematic for organic cultivation. We find the Planning Commission’s recommendation, which is also acceptable to the US Fish and Wildlife Service, to limit the exemption to one year out of three to be less objectionable than prior versions but we adamantly oppose the precedential introduction of an arbitrary definition in land use code that restricts agricultural viability. If adopted, the exemption language must not include the phrase “historically intensively cultivated agricultural lands.” Instead, the LUDC Amendment C1a(3) on page 4 regarding exemptions should read:

~~“The hoop structures and shade structures are located on historically intensively cultivated agricultural land. Historically intensively cultivated agricultural land, for purposes of this section, shall mean land that has been tilled for agricultural use and planted with a crop for at least one of the previous three years.”~~

Setbacks from Streams and Creeks in BIO-3

We support the Planning Commission’s revisions to a 50 foot setback from streams and creeks in rural areas without a more restrictive community plan but remain concerned with the limitation as written because it would impact agricultural lands currently under cultivation, especially if this is measured from the edge of riparian vegetation. Additional details on our concerns can be found in our November 5, 2018 letter.

A 50 foot setback from the top of bank in rural areas would be less detrimental, as would refining potential exceptions to situations that would fulfill the intended benefit without adversely impacting agricultural resources. As mentioned previously, the list of exclusions that would improve the proposed mitigation measure to better match the intended purpose should include but not be limited to:

- Except where an area has been previously graded as outlined in County Code of Ordinances, Grading Code, Chapter 14.
- Except where the area has been historically disturbed for farming.
- Except where a Public Agency, including CalTrans or the County, is responsible for the maintenance of the stream or creek.
- Except where a man-made feature, such as a public road or levee, or natural feature, such as a bluff, make the implementation of the setback infeasible.
- Except where the stream or creek has been altered by human activity.

We remain concerned with the impact of the proposed mitigation measures, limitation on exemptions, and development standards to the baseline agricultural resources.

We appreciate the Planning Commission’s responsiveness to the Agricultural Advisory Committee’s comments and engagement and your consideration of these comments in your deliberations on Tuesday.

Sincerely,



Paul Van Leer, Chair

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

1st District Supervisor, Das Williams
2nd District Supervisor, Gregg Hart
3rd District Supervisor, Joan Hartmann
4th District Supervisor, Peter Adam
5th District Supervisor, Steve Lavagnino
California Women for Agriculture
Grower-Shipper Association of SB and SLO Counties
Santa Barbara County Farm Bureau
Santa Barbara Flower & Nursery Growers' Association
Santa Barbara Vintners
Santa Barbara County Cattlemen's Assn.
California Strawberry Commission