

1.0 Introduction

This chapter provides an overview of the Environmental Impact Report (EIR) for the proposed Hoops Structures Ordinance Amendment (Project). The Project is described in detail in Chapter 2, Project Description. This introduction provides the following information about the EIR: the purpose and intended uses; legal authority; the type, scope, content, and format of the document; and finally the review process and approach.

1.1 Project Background

Hoop structures are removable agricultural plant protection structures that shelter crops from the elements and enhance the growing environment. More specifically, they are defined in the County of Santa Barbara (County) Land Use and Development Code (LUDC) and Coastal Zoning Ordinance (CZO) as “[a] structure consisting of a light-weight, frame with no permanent structural elements (e.g., footings, foundations, plumbing, electrical wiring) and an impermeable, removable covering used to protect plants grown in the soil or in containers upon the soil. Includes structures commonly known as berry hoops and hoop houses” (LUDC Section 35.110.020). Shade structures are similarly defined in the LUDC as “[a] structure consisting of a frame with no permanent structural elements (e.g., footings, foundations, plumbing, electrical wiring, etc.) and a dark, permeable, removable covering (e.g. netting) used to shade plants grown in the soil or in containers upon the soil.” Hoop structures and shade structures are not specifically identified as allowable uses on lands zoned for agriculture (LUDC Section 35.21.030, Table 2-1). However, hoop structures would be permitted pursuant to LUDC Section 35.42.140 – Greenhouses in areas regulated by the LUDC, requiring a Development Plan (for 20,000 square feet or more), environmental review, and a hearing before the Planning Commission.

Pursuant to the County Building Code, a building permit is not required for hoop structures that are 20 feet or less in height. The Building Code also does not require a building permit for “shade cloth structures constructed for nursery or agricultural purposes” (County of Santa Barbara 2016a). In July 2017, the Board of Supervisors directed the Long Range Planning Division to prepare an ordinance amendment to exempt hoop structures from planning permits in the Inland Area consistent with the Building Code exemption from building permits. Shade structures have been added to the proposed ordinance amendment due to their similarity with hoop structures.

1.2 EIR Purpose and Intended Uses

California Environmental Quality Act (CEQA) Guidelines Section 15124(d) requires that an EIR define those agencies that are expected to use the EIR in their decision making. These include “lead,” “responsible,” and “trustee” agencies. The County is the “lead agency” for the project as it has the principal responsibility for approving or denying the project. The County Planning Commission and Board of Supervisors will use this EIR as a basis for this determination to approve or deny the project, and the County will continue to reference

this EIR to assess subsequent project proposals and the need for further environmental review. This EIR may be used as a basis for approvals or permits by other governmental agencies besides the County that may be required as part of project development.

A “trustee agency” refers to a state agency that has jurisdiction over natural resources held in trust for the people of California, but does not have discretionary approval over the project (CEQA Guidelines Section 15386). Trustee agencies that may have approval authority over components of individual projects that could be accommodated under the Project include the California Department of Fish and Wildlife, which has jurisdiction over biological resources, including waters of the state and rare and endangered species.

Federal agencies, such as the U.S. Fish and Wildlife Services and the U.S. Army Corps of Engineers, have jurisdiction over certain projects and activities that may affect federally protected species or waters of the U.S. A “responsible agency” refers to public agencies other than the “lead agency” that have discretionary approval over a project. There are no responsible agencies associated with this Project.

1.3 EIR Legal Authority

This EIR discusses the potential environmental impacts of the Project. The County is the lead agency under CEQA for preparation and certification of the EIR. Consistent with the CEQA Statutes and Guidelines and in accordance with the County’s Guidelines for the Implementation of CEQA (1970, as amended), this EIR has been prepared in order to:

- Inform the public of the potential environmental impacts of the Project;
- Identify actions to mitigate or avoid potential Project impacts; and
- Identify reasonable alternatives to the Project that can reduce or avoid potentially significant environmental impacts, while achieving project objectives.

CEQA Guidelines Section 15064 requires the preparation of an EIR when projects such as the Project are anticipated to have potentially significant impacts on the environment. EIRs are prepared in order to “identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided” (CEQA Guidelines Section 15064). An EIR is intended to serve as an informational document for decision-makers and the general public regarding the environmental consequences of a project.

CEQA Guidelines Section 15151 requires that preparation of an EIR include a sufficient degree of analysis to provide decision-makers with information that enables them to make a decision based on the environmental consequences of a project. Accordingly, CEQA Guidelines Section 15151 states (in part):

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision

which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible . . .

While CEQA Guidelines Section 15021 requires that major consideration be given to avoiding environmental impacts, the lead agency and responsible agencies (agencies that have discretionary approval or permitting authority over the proposed project) must balance adverse environmental effects against other public objectives, including economic and social goals, in determining whether and in what manner a project should be approved.

1.4 EIR Type, Scope, Content, and Format

Pursuant to CEQA Guidelines Section 15082, the County began the environmental scoping process on October 18, 2017. As part of this process, the County prepared a Notice of Preparation (NOP), including an environmental issues area summary, which provided an overview of the Project and a preliminary review of potential environmental impacts. The NOP was circulated to public agencies, special districts, and members of the public requesting input on the scope and content of the environmental information to be included in the EIR. Appendix A contains the NOP and responses to the NOP.

From October 18 to November 16, 2017, the NOP was circulated for a public comment period by the County. During the scoping period, the County solicited comments from the public and agencies on issues that should be addressed in the EIR. The County held two environmental scoping meetings. The first meeting was held in Santa Maria at the County Board of Supervisors Hearing Room on October 26, 2017, and the second scoping meeting was held in Santa Barbara at the County Planning Commission Hearing Room on November 2, 2017.

The County received letters and emails from four commenters during the scoping period and one late comment letter from the USFWS after the scoping period. The NOP process and subsequent response from agencies and the public identified concerns regarding the following issues:

- Questions regarding the characteristics of hoop structures and their typical use in an agricultural operation.
- Applicability of Assembly Bill 52, tribal consultation requirements, and potential impacts to historical resources and tribal cultural resources.
- Concerns regarding potential impacts to biological resources including California tiger salamander (*Ambystoma californiense*) and its habitat, wetland resources, plant and animal species, wildlife movement, and habitats.
- Opposition to imposing any mandatory operational development standards for agricultural operations that are infeasible, burdensome, and/or cost-prohibitive.

- Opposition to a mandatory recycling requirement if such services are not available.

This EIR addresses all potentially significant environmental impacts associated with the Project as determined in the County's NOP and in response to issues raised during public comments on the NOP and from input received at the EIR scoping meetings. A biological resources section was included in the EIR in response to NOP comments, as this was not an issue originally identified for analysis in the NOP. Potentially significant impacts on environmental resources are addressed in Chapter 4, Environmental Impact Analysis, and in the following EIR sections:

- 4.1 Land Use and Development
- 4.2 Aesthetics/Visual Resources
- 4.3 Agricultural Resources
- 4.4 Water Resources and Flooding
- 4.5 Resource Recovery and Solid Waste Management
- 4.6 Biological Resources

Chapter 3, Environmental Setting, provides general environmental conditions throughout the Project area. More detailed descriptions of the setting for individual issue areas can be found in the discussions contained within individual sections of Chapter 4, Environmental Impact Analysis. These setting descriptions provide the context for assessing potential environmental impacts resulting from implementation of the Project.

The content and format of this EIR meets the current requirements of the CEQA statute and the CEQA Guidelines. A discussion of each resource reviewed for the potential to be affected by the Project is provided in Chapter 4, Environmental Impact Analysis, in sections that are organized as follows:

- The impacts and mitigation subsections in each Chapter 4 section describe the potentially significant effects or consequences resulting from implementation of the Project on specific resources. The methodology and criteria used to analyze and determine the significant impacts on each environmental resource are discussed in each section of Chapter 4. This section takes into account future expansion of crop protection structures projected to occur, ordinance development standards, and applicable regulations that would minimize potential adverse environmental effects. To address potentially significant impacts that are not minimized to less than significant by the Project components, additional mitigation measures are proposed that minimize, reduce, or avoid these adverse environmental effects. These measures, if adopted, would become additional Project development standards.
- Significance criteria are used to evaluate the degree of significance of each impact. The criteria used to establish thresholds of significance are based on the CEQA statute (Public Resources Code 21000–21177); CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387); Appendix G Environmental Thresholds Form; policies in the County Comprehensive Plan; the

County Environmental Thresholds and Guidelines Manual (County of Santa Barbara 2015a); and applicable development standards in the LUDC. The “threshold of significance” for a given environmental effect is the level at which the County, as the lead agency, finds the effect of the project to be significant.

- "Threshold of significance" is discussed for each issue in the County’s Environmental Thresholds and Guidelines Manual, and can be defined as: “A quantitative or qualitative standard, or set of criteria, pursuant to which significance of a given environmental effect may be determined” (CEQA Guidelines Section 15064.7 [a]).

In each issue area discussion, the thresholds are used to determine the significance of impacts. The project impacts discussion describes potential consequences to each resource that would result from implementation of the Project. The following categories for impact significance are used in this analysis:

- **Class I:** Significant unavoidable adverse impacts that cannot be feasibly mitigated or avoided. If the Project is approved, decision-makers are required to adopt a statement of overriding considerations, pursuant to CEQA Guidelines Section 15093, explaining why project benefits outweigh the damage caused by these significant environmental impacts.
- **Class II:** Significant environmental impacts that can be feasibly mitigated or avoided to a less than significant level. If the Project is approved, decision-makers are required to make findings pursuant to CEQA Guidelines Section 15091, that impacts have been mitigated to the maximum extent feasible by implementation of mitigation measures.
- **Class III:** Adverse impacts found not to be significant. These impacts do not require that findings be adopted by the decision-making body.
- **Class IV:** Impacts beneficial to the environment. These are listed in Chapter 4 as applicable when the Project would result in solely beneficial effects on the environment. They may be used as considerations for balancing any potentially adverse environmental effects resulting from Project implementation.

Mitigation measures to minimize, avoid, or reduce potentially significant impacts are presented for each potentially significant impact. These mitigation measures would be incorporated within the LUDC as standards for crop protection structure development; as such, a separate Mitigation Monitoring and Reporting Plan (MMRP) component will not be prepared.

The residual impacts, or level of environmental impacts remaining after implementation of a given mitigation measure, are listed after each mitigation measure. It is important to note that the residual Class II impacts are significant but feasibly mitigated to less than significant. The difference is that the Class II impacts are reduced to a level below significance only after implementation of required mitigation. This is important in that administrative findings are required for all Class I and II impacts pursuant to CEQA

Guidelines Section 15091, as described above. Findings are not required for Class III or IV impacts, but substantiation is required to characterize them as less than significant.

The cumulative impacts discussion in each environmental issue section describes potentially significant impacts resulting from Project implementation in combination with the impacts resulting from the development of reasonably foreseeable projects in the area. The reasonably foreseeable projects (proposed and approved, but not built) are listed in Chapter 3, Environmental Setting. The end of each issue section also discusses residual cumulative impacts, or the level of contribution from the proposed Plan to cumulative impacts remaining after consideration and implementation of mitigation measures.

The proposed Project's consistency with applicable County plans and policies is presented for each environmental issue area. This preliminary analysis is presented in Chapter 5, and will be used to assist the County in preparing the staff report for decision-maker consideration. Individual projects developed in conformance with the Project may be found consistent with County policies and approved even if the project would result in significant and unavoidable environmental impacts. In such a case, a Statement of Overriding Consideration must be issued by the decision-making body (i.e., the Board of Supervisors) explaining why the project's benefits outweigh its significant, unavoidably adverse impacts and why it should be approved.

As required by CEQA Guidelines Section 15126.6, Chapter 6, Alternatives to the Project, examines a reasonable range of alternatives to avoid or substantially lessen significant environmental impacts while achieving most of the basic project objectives. Table 6-1 provides a detailed comparison of each alternative to the proposed Project. The EIR fully analyzes three alternatives, including the No Project Alternative. A comparison of impacts resulting from the Project alternatives is also presented. The Environmentally Superior Alternative is defined as a result of this comparison.

Other discussions mandated to be addressed in an EIR under CEQA Guidelines Section 15126 (b), (c) and (d), including growth-inducing impacts, unavoidable significant impacts, significant irreversible environmental changes that would be caused by the Project, and effects found not to be significant are presented in Chapter 7. References, persons and agencies contacted during preparation of the EIR, and EIR preparers are provided in Chapter 8.

1.5 Program EIR Review Process and Approach

This EIR draws on pertinent policies, guidelines, and existing reports and documentation to determine baseline conditions and impacts, and design mitigation measures. The County Environmental Thresholds and Guidelines Manual (County of Santa Barbara 2015a) and A Planner's Guide to Conditions of Approval and Mitigation Measures (County of Santa Barbara 2011a) were integrated into this analysis. Copies of pertinent documents and guidelines are available for review at County Planning and Development Department,

123 East Anapamu Street, Santa Barbara and 624 Foster Road, Santa Maria; and the department's website at:

<http://sbcountyplanning.org/>

This EIR has been prepared as a Program EIR in accordance with CEQA Guidelines Section 15168. A Program EIR is an EIR which may be prepared on a series of actions that can be characterized as (1) one large project and are related by geography; (2) as logical parts in the chain of contemplated actions, in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or (3) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways. In the case of the Project, criteria 1, 2, and 3 apply.

Use of a Program EIR can:

- 1) Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action;
- 2) Ensure consideration of cumulative impacts that might be overlooked in a case-by-case analysis;
- 3) Avoid duplicative reconsideration of basic policy considerations;
- 4) Allow the lead agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts; and
- 5) Allow reduction in paperwork.

Subsequent activities must be examined within the context of a Program EIR to determine whether an additional environmental document must be prepared.

- 1) If a later activity would have effects that were not examined in the Program EIR, a new Initial Study would assess the need to prepare an EIR or a Negative Declaration.
- 2) If the agency finds that pursuant to CEQA Guidelines Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the Program EIR, and no new environmental document would be required.
- 3) An agency shall incorporate feasible mitigation measures in the Program EIR into the Project or in the case of an ordinance amendment, shall incorporate mitigation measures as development standards into the proposed ordinance.
- 4) Where the subsequent activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and

the activity to determine whether the environmental effects of the operation were covered in the Program EIR.

- 5) A Program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the Project as specifically and comprehensively as possible. With a good and detailed analysis of the potential impacts resulting from the Project, some subsequent project proposals could be found to be within the scope of the project described in the Program EIR, and no further environmental documents would be required.

Use of the Program EIR also enables the lead agency to characterize the overall program as the project being approved at that time. Following this approach when individual activities within the program are proposed, the agency would be required to examine the individual activities to determine whether their effects were fully analyzed in the Program EIR. If the activities would have no effects beyond those analyzed in the Program EIR, the agency could assert that the activities are merely part of the program which had been approved earlier, and no further CEQA compliance would be required. This approach offers many possibilities for agencies to reduce their costs of CEQA compliance and still achieve high levels of environmental protection (CEQA, Article 11, Section 15168).

This Program EIR simplifies the tasks of preparing subsequent environmental documents associated with the Project. The Program EIR will provide the basis in an Initial Study for determining whether the subsequent activity may have any significant effects; be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole; and focus this EIR on a subsequent project to permit discussion solely on new effects which had not been considered previously.