

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 5, SECTION 6 OF THE LAKE COUNTY CODE, ADDING SECTION 6.25 RELATING TO PERMITTING TEMPORARY HOOP STRUCTURES FOR ~~HORTICULTURE AND CROP PROTECTION~~ COMMERCIAL CANNABIS

WHEREAS, California Business and Professions Code §26051.5(a)(8) states that all cannabis cultivators are required to apply to the state as an agricultural employer, and California Business and Professions Code §26060(a)(1) states that cannabis is an agricultural product giving Lake County Cannabis Cultivators the ability to apply for Agriculture-Exempt Structures under the Lake County Ordinance; and

WHEREAS, the Board of Supervisors desires to add Section 6.25 to Chapter 5, of the Lake County Ordinance to allow for permitting of temporary hoop structures for ~~horticulture and crop protection~~commercial cannabis; and

WHEREAS, the 2022 California Building Code, Title 24, Part 2, Section 104.1 authorizes the building official to render interpretations of this code and adopt policies and procedures in order to clarify the application of its provisions, in compliance with the intent and purpose of the code; and

WHEREAS, the 2022 California Building Code, Title 24, Part 2, Section 105.2(10) allows for exemption from permit requirements for shade cloth structures constructed for nursery or agricultural purposes, not including service systems; and

WHEREAS, in furtherance of that intention, this Board has presented the adopted Resolution of Intention (RES) 2022-122 and draft amendments of the Lake County Code to the Lake County Cannabis Ordinance Task Force, the Lake County Agriculture Advisory Board, and Planning Commission for a recommendation of approval, approval with conditions or modifications, or denial of said amendments; and

WHEREAS, RES 2022-122 was reviewed by the Cannabis Ordinance Task Force, with recommendations approved at their meeting on January 23, 2023; the Agriculture Advisory Board for discussion and recommendations on February 27, 2023, and the Planning Commission for consideration and recommendation, in a noticed public hearing on April 13, 2023, and their recommendations are incorporated into the amendments below.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE DOES ORDAIN AS FOLLOWS:

Section One:

Subsection 6.25 is hereby added to Chapter 5, Section 6, of the Lake County Code to read as follows:

“6.25 Temporary Hoop Structures for ~~Horticulture and Crop Protection~~Commercial Cannabis

An Exempt Agricultural Building Permit for Temporary Hoop Structure(s) greater than five feet in height for ~~Horticulture and Crop Protection~~Commercial Cannabis -may be issued with the approval of the Agriculture Commissioner, and Community Development Director, and subject to the following requirements:

1. Permit

- a. An Exempt Agricultural Building Permit is applied for by the property owner or authorized agent with the following:

- i. Complete Exempt Agricultural Building Permit Application;
 - ii. Detailed site plan, including proposed location of structure and all other structures and their uses, and/or cultivation areas on parcel;
 - iii. Detailed elevations of the proposed structures, including proposed anchoring.
 - iv. Project Description, including proposed dates of usage, not to exceed 180 days from date of issuance of permit, and plans for removal and storage of structures outside the use dates; and adherence to applicable State statutes, regulations, guidelines, and the Department of Cannabis Control (DCC) regulations for Temporary Hoop Structures for Cultivation, as amended.
- b. Concurrently with the Exempt Agricultural Building Permit Application, the Applicant shall submit a Demolition Permit Application, for removal of the temporary hoop structures no later than 180 days from the issuance date of both permits with payment of the applicable fees.
- c. In addition to those conducting agricultural operations, applicants with an approved Cannabis Cultivation permit from the County of Lake are eligible to apply for an Exempt Agricultural Building Permit for Temporary Hoop Structures for ~~Horticulture and Crop Protection~~Commercial Cannabis within the approved Cultivation Area.
- d. Structure(s) shall comply with all Base Zoning District, and applicable Combining and Overlay District requirements of the Lake County Zoning Ordinance.
- e. An applicant applying for an Exempt Agricultural Building Permit for Temporary Hoop Structures for ~~Horticulture and Crop Protection~~Commercial Cannabis, as described in this Section, is responsible for obtaining any other necessary State and/or County permits and complying with all requirements of such permits, including, but not limited to, any local fire district permitting requirements for temporary structures.
- f. An applicant applying for an Exempt Agricultural Building Permit for Temporary Hoop Structures for ~~Horticulture and Crop Protection~~Commercial Cannabis, as described in this Section, shall obtain and provide to the Community Development Director proof of a current surety bond prior to issuance of permit.
- i. Minimum requirement of five thousand dollars (\$5,000.00) for cultivation of less than 10 acres of canopy area.
 - ii. Minimum requirement of ten thousand dollars (\$10,000.00) for cultivation of equal to or more than 10 acres, and less than 25 acres of canopy area.
 - iii. Additional one thousand dollars (\$1,000.00) per acre of surety bonds for cultivation sites equal to or larger than 25 acres of canopy area.

2. Hoop Structure Design and Development Guidelines

- a. An Exempt Agricultural Building Permit for a Temporary Hoop Structure for Commercial Cannabis shall be issued if all of the following requirements are met:
- i. The structure is made entirely of PVC or ~~similar plastic tubing~~ of similar weight, and a maximum of 10 mil plastic or shade cloth.

- ii. Maximum height 12 feet, maximum width 20 feet, maximum length of 100 feet and a maximum square footage 2,000 square feet.
- iii. There is a maximum of 75 feet from any point in the structure to an exit and a minimum of two exits one at each end.
- iv. There is a 36" wide path of travel to each exit.
- v. Nothing is supported by the structure other than the plastic cover or shade cloth.
- vi. Multiple structures have a three foot minimum fire separation distance between structures.
- vii. The structure must be no less than 50 feet from a dwelling.
- viii. There is no mechanical, electrical or heat producing equipment installed, or operating, in the structure.
- ix. Plumbing components are limited to irrigation piping and distribution.
- x. No CO2 enrichment is present.
- xi. Hoop structures are only allowed in connection with an allowable use or permitted use within the property's base zoning district.
- xii. Both ends of every hoop structure need to be securely embedded a minimum of 12" into soil.
- xiii. Plastic or shade cloth shall be removed and properly stored or disposed of at any time hoop structures are not in use for the defined allowable use.
- xiv. Hoop structure(s) shall be removed when no longer being used for the defined allowable use, in compliance with the required Demolition Permit."

Section Three:

The proposed ordinance is exempt under CEQA Guidelines section 15304. The addition of temporary structures can be deemed a Class 4 CEQA exemption which "consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes." Section (e) of this CEQA exempt class allows for "minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc."

Section Four:

This ordinance shall take effect thirty (30) days after its adoption and before the expiration of fifteen days after its passage, the Clerk to the Board of Supervisors shall publish a summary of the ordinance with the names of those supervisors voting for and against the ordinance and the clerk shall post in the office of the Clerk to the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those supervisors voting for and against the ordinance.

1 The foregoing ordinance was introduced before the Board of Supervisors on the ~~2nd~~ day
2 of ~~April~~ May, 2023, and passed by the following vote on the _____ day of _____, 2023.

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3 AYES:

4 NOES:

5 ABSENT OR NOT VOTING:

6 COUNTY OF LAKE

7 ATTEST: SUSAN PARKER

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9 Chair, Board of Supervisors

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9 Clerk of the Board of Supervisors

10 APPROVED AS TO FORM:

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13 LLOYD GUINTIVANO
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