

Date: 04/24/23

To: Board of Supervisors Chair Pyska; Supervisors Crandell, Sabatier, Simon and Green

Re: Temporary Hoop Structures for Cannabis on 04/25/23 Agenda

From: Holly Harris/Chuck Lamb

We appreciate the opportunity to comment on the draft Ordinance on Hoop Structures for Cultivation. We have some questions, comments and document notes. For brevity, we have attached a sheet containing the citations noted below.

1) Temporary Hoop Structures for Cannabis Cultivation:

We would like clarity on the intended uses for the hoop structures. We were under the impression these structures would be used for growing cannabis with the ability to extend the season with potentially more harvests. Yet the definition of "cultivation" in Article 68 and CDD Cannabis Regulations includes "... planting, growing, and harvesting of cannabis plants and the on-site drying, curing, grading, or trimming." (Citation A & B)

Drying, curing, grading or trimming is considered "processing." (Citation C) while the Lake County definition of hoop houses limits activities to growing/protecting seedlings and plants. (Citation D).

Please clarify the intended uses for the hoop structures with additional text or a change in title to Cannabis Growing.

2) Duration of Use for Temporary Structures

The draft ordinance does not specify a length of time, or number of times that temporary hoop houses can be used. County code defines temporary as "a limited time after which the permit expires." California Code defines a maximum of 180 days.(Citations E and F).

This should be clarified in the text.

3) Siting/Location of Temporary Hoop Structures.

The proposed resolution does not address how these temporary structures would be sited or affect the taxable footprint.

As cannabis projects go through a rigorous CEQA process, there are conditions imposed on attributes such as odor, noise, security, aesthetics. These are designed based on the current cannabis ordinance, mitigated through the Initial Study, publicly noticed and incorporated into the Conditions of Use (COU) Permit.

Based on this, we are requesting the following (or similar) clause be inserted into the resolution: *"Hoop houses for growing shall only be placed in the Canopy Site footprint as outlined in the project's permitted Site Plan(s), Project Description and Property Management Plan, and any conditions of approval imposed by the Major Use Permit and Review Authority."*

This would not expand the tax footprint, setbacks would have been followed and CEQA issues would have been mitigated. If an applicant wishes to change this footprint, it could go back through a public process.

4) Hoop Structure Design Guidelines - Electrical Hookup

The Resolution of Intent disallowed mechanical, electrical or heat producing equipment be installed or operating in Hoop Structures, and this also passed the approval of the Task Force, AG committee and Planning Commission. Yet the draft ordinance now adds an additional clause to Section 1, 6.25, 2,(h) which allows mechanical, electrical or heat-producing equipment if "approved through a separate building permit."

The definition of Hoop House does not allow electrical or mechanical structures. (Citation D)

What is the intent and why was it now included? Shouldn't this be part of permitting through the public process? Would this change the structure setbacks per the Fire Protection District, or the temporary status?

5) Surety Bond/Knox Boxes/Clear Plastic

- There had been discussion on a Surety Bond to address abandoned hoop sites - this is not mentioned in the draft ordinance.
- Recommendation #13 regarding the Fire Department and Knox Boxes - approved by the Task Force, AG Committee and Planning Commission - has been omitted. Is there a reason for this?
- Section 1, 6.25, 2,(a): LCCA recommendations were CLEAR plastic and that was agreed upon in the Task Force meeting.

6) Miscellaneous Clerical Issues

- Page 1, lines 9-10 in the draft ordinance refer to Section 27-6, which is not spoken about anywhere in the ordinance. Should this say "whereas the BOS desires to add Section 5-6.25 to Chapter 5 of the Lake County Code to allow for permitting of Temporary Hoop Structures for Cultivation."
- Section 1, 6.25, 1, (c): Should this be removed? This ordinance is about Hoops for Cannabis Cultivation per the title.
- Section 1, 6.25, 1, (d): States ... "applying for temporary AG structure permit." Should this be Temporary Hoop Structure Permit?

Thank you in advance for your time and we look forward to hearing your comments.

Holly Harris/Chuck Lamb

CITATIONS

CITATION A: Cannabis cultivation: Any activity involving the germinating, cloning, seed production, planting, growing, and harvesting of cannabis plants and the on-site drying, curing, grading, or trimming of cannabis plants. (Lake County Zoning Article 68)

CITATION B: q) "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. (Department of Cannabis Control Definition)

CITATION C: eee) "Processing" means all activities associated with the drying, curing, sifting, grading, trimming, rolling, storing, packaging, and labeling of cannabis or nonmanufactured cannabis products. (Department of Cannabis Control Definition)

CITATION D: "Hoop-house: An unheated outdoor enclosure used for the purpose of growing and/or for protecting seedlings and plants from cold weather but not containing any mechanical or electrical systems or storage of any items. Typically a hoop-house is of semi-circular design made of, but not limited to, piping or other material covered with translucent material." (Lake County Zoning Article 68)

CITATION E: "Temporary: A term applied to certain uses requiring a zoning permit which are only permitted for a limited time, after which the zoning permit expires." (Lake County Zoning Article 68)

CITATION F: TEMPORARY STRUCTURES AND USES 108.1 General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause." (California Code: CODE SECTIONS: 2022 California Building Code (CBC) SECTION 108.)