

1 BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA
2 ORDINANCE NO. _____

3 AN ORDINANCE AMENDING CHAPTER 5 OF THE LAKE COUNTY CODE RELATING TO
4 PERMITTING TEMPORARY HOOP STRUCTURES FOR CANNABIS CULTIVATION

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

9 **WHEREAS**, the Board of Supervisors desires to modify Section 27-6 of Chapter 27 of the Lake County
10 Code to allow for permitting of temporary hoop structures for cultivation; and

11 **WHEREAS**, in furtherance of that intention and pursuant to Article 47 of the Zoning Ordinance, this
12 Board has presented the adopted Resolution of Intention (RES 2022-122) and draft amendments to the
13 Lake County Code which attached hereto and incorporated by reference herein, to the Planning
14 Commission for a recommendation of approval, approval with conditions or modifications, or denial of
15 said amendments; and

16 **WHEREAS**, *the Resolution of Intent was reviewed by the Cannabis Ordinance Task Force, with*
17 *recommendations approved at their meeting on January 23, 2023; the Agriculture Advisory Board for*
18 *discussion and recommendations on February 27, 2023, and the Planning Commission for*
19 *consideration and recommendation, in a noticed public hearing on April 13, 2023.*

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

22 Section One:

23 Section 5-6.25 is hereby added to Chapter 5 of the Lake County Code to read as follows:

24 "6.25 Temporary Hoop Structures for Cultivation

25 A Temporary Hoop Structure Permit may be issued with the approval of the Agriculture
26 Commissioner and Community Development Director, and subject to the following
27 requirements:

28 1. Permit

a. A temporary permit is applied for by the property owner or authorized agent with
the following:

1 1. Complete ~~Planning~~ *Building* Permit Application

2 2. Detailed site plan, including proposed location of structure and all other
3 structures and their uses, and/or cultivation areas on parcel;

4 3. Detailed elevations of the proposed structures, including proposed
5 anchoring.

6 4. Project Description, including proposed dates of usage, and plans for
7 structures outside the use dates; *and adherence to the Department of*
8 *Cannabis Control (DCC) guidelines for Temporary Hoop Structures for*
9 *Cultivation.*

10 b. *The Applicant shall concurrently submit a Demolition Application, for removal of*
11 *the temporary hoop structures, with payment of the applicable fees.*

12 c. In addition to those conducting agricultural operations, applicants with an
13 approved Cannabis Cultivation permits from the County of Lake are eligible to
14 apply for a Temporary Hoop Structure Permit.

15 d. An applicant applying for a Temporary Ag Structure Permit, as described in this
16 Section, is responsible for obtaining any other necessary State and/or County
17 permits and complying with all requirements of such permits.

18 e. Structure(s) shall comply with *Base Zoning District, and applicable Combining*
19 *and Overlay District* requirements.

20 f. *Proposed projects in compliance with the Hoop Structure Design and*
21 *Development Guidelines (below) may be exempt from obtaining a Building*
22 *Permit; with exemption to be determined by the Community Development*
23 *Director and/or his/her designee, through a completed Zoning Clearance.*

24 2. Hoop Structure Design and Development Guidelines

25 A permit ~~shall~~ *may be obtained* issued if all of the following guidelines are observed:

26 a. The structure is made entirely of PVC or similar tubing and a maximum of 10 mil
27 plastic or shade cloth.

28 b. Maximum height 12 feet, maximum width 20 feet, maximum length of 100 feet and
a maximum square footage 2,000 square feet.

c. 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.

- d. There is a 36" wide path of travel to each exit.
- e. Nothing is supported by the structure other than the plastic cover or shade cloth.
- f. Multiple structures have a 40 3 foot minimum fire separation distance between structures.
- g. The structure must be no less than 50 feet from a dwelling.
- h. There is no mechanical, electrical or heat producing equipment installed, or operating, in the structure, *unless approved through a separate building permit*.
- i. Plumbing components are limited to irrigation piping and distribution.
- j. No CO² enrichment is present.
- k. Hoop structures are only allowed in connection with an allowable use or permitted use within the property's zoning district.
- l. Both ends of every hoop need to be securely embedded a minimum of 12" into soil ~~or concrete~~.
- m. *Plastic or shade cloth shall be removed and properly stored or disposed of at any time plants are not being cultivated*. Hoop structure(s) shall be removed when no longer being used for the defined allowable use, *in compliance with the required Demolition Permit*.

Section Five: The proposed ordinance is exempt under CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that the project will have no significant effect on the environment. 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 Six: 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.

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4 The Foregoing ordinance was introduced before the Board of Supervisors on the _____ day of April,
5 2023, and passed by the following vote on the _____ day of May, 2023.

6 AYES:

7 NOES:

8 ABSENT OR NOT VOTING:

9
10 COUNTY OF LAKE

11
12 _____
13 Chair, Board of Supervisors

14 ATTEST: SUSAN PARKER
15 Clerk of the Board of Supervisors

APPROVED AS TO FORM:
LLOYD GUINTIVANO

16
17 By: _____
18 Deputy

By: _____