

ATTACHMENT 1



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and Development
Department No.: 053
For Agenda Of: June 6, 2017
Placement: Departmental
Estimated Time: 1 hour
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Glenn S. Russell, Ph.D., Director, Planning and Development
Director(s) (805) 568-2085
Contact Info: Daniel T. Klemann, Deputy Director, Long Range Planning
(805) 568-2072

SUBJECT: Options for the Hoop Structures Ordinance Amendment Project

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: No

Other Concurrence: N/A

As to form: No

Recommended Actions:

Staff recommends that the Board of Supervisors:

- a) Receive and file this report on options for proceeding with the Hoop Structures Ordinance Amendment project;
- b) Provide direction to staff as appropriate; and
- c) Determine pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(5) that this report and direction to staff do not constitute a project because they are administrative activities that will not result in direct or indirect physical changes to the environment.

Summary Text:

On April 19, 2017, during the Fiscal Year (FY) 2017-18 budget workshops, the Board of Supervisors directed the Planning and Development Department (P&D) to return on June 6, 2017, for a briefing regarding options for proceeding with the Hoop Structures Ordinance Amendment project. As discussed in detail below, P&D staff has identified five options to address the zoning permit process for hoop structures, and requests that the Board of Supervisors provide direction on how to proceed with the

Hoop Structures Ordinance Amendment project. Of these options, staff recommends that the County pursue Option 4, as it would provide a comprehensive approach to resolve zoning code uncertainties and inconsistencies.

Background:

1.0 Hoop Structures Issue Overview

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’s 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 Subsection 35.110.020).¹ However, specific permit requirements for hoop structures are set forth only in the CZO regulations that apply to areas that are subject to the Carpinteria Agricultural (CA) Overlay zoning designation. Hoop structures are permitted as greenhouses in areas regulated by the LUDC and the CZO outside of the CA Overlay.

Hoop structures are widely used in the County to produce high value crops. Recent trends indicate that more farmers are using hoop structures and that they are using taller hoop structures. As agricultural practices evolve, these structures are being used for a wider variety of crops and varied farming methods. Hoop structures allow farmers flexibility with crop selection and rotation, as they can be (1) erected where needed to enhance production and to protect crops that are more sensitive to the elements, (2) moved to other parts of the farm when crops are rotated, and (3) removed entirely when crop selection indicates they are no longer needed.

For example, with the recent adoption of Proposition 64 (Adult Use of Marijuana Act), there has been increased interest in cultivating cannabis in hoop structures. P&D intends to process the Hoop Structures Ordinance Amendment project on a similar timeline as the cannabis ordinance project in order to ensure consistency between the two projects. Although it is an aggressive schedule, P&D anticipates the Hoop Structures Ordinance Amendment project would be presented to the Board of Supervisors for consideration in Spring 2018. Thus, it is an opportune time to clarify the permitting requirements for hoop structures, given the anticipated increase in use of hoop structures to cultivate cannabis.

2.0 County Building Code Amendment

On February 9, 2016, the Board of Supervisors directed P&D to prepare recommendations for an amendment to the County Building Code to increase the maximum allowable height – from 12 feet to 20 feet – of readily removable plastic covered hoop structures, without the issuance of a building permit. On April 19, 2016, the Board of Supervisors adopted the amendment to the County Building Code. The Board Agenda Letters regarding each of these hearings are provided as Attachments A and B, respectively.

¹ The definition of “hoop structure” in the CZO (Section 35-58) is the same as the definition set forth in the LUDC, with one exception regarding the shape of hoop structure frames: the definition of “hoop structure” in the CZO states that a “hoop structure” consists of “...a light-weight, *arched* frame...” (emphasis added).

3.0 LUDC Amendment Options

In addition to amending the County Building Code, the Board of Supervisors directed P&D to return during the FY 2016-17 budget workshops with a proposed work plan to address related zoning ordinance amendments for hoop structures that would apply only to the inland areas of the County. The Board of Supervisors added the Hoop Structures Ordinance Amendment project to the Long Range Planning Division's work program for FY 2016-17.

A primary objective of the Hoop Structures Ordinance Amendment project is to revise the permit path for hoop structures from one of greater complexity and uncertainty to one that is clear and less complex. To meet this objective, P&D staff has identified five options to address the zoning permit process for hoop structures. Each option or approach would decrease the complexity of the permit path by varying degrees, especially for hoop structures that are not taller than 20 feet. Each option is summarized below including a brief discussion of potential limitations and accomplishments.

3.1 Option 1: Interpret Hoop Structures as "Farm Equipment"

Under the first option, the Director of P&D would issue a zoning code interpretation pursuant to LUDC Subsection 35.12.020 to interpret hoop structures that are no greater than 20 feet in height as "farm equipment," similar to a definition in the California Revenue and Taxation Code (Tax Code). As farm equipment, hoop structures that are no greater than 20 feet in height would be interpreted as exempt from zoning permits as they are partially exempt from certain sales and use taxes pursuant to the Tax Code.

Option 1 would (1) require the least amount of processing time and upfront costs when compared to the other options for hoop structures, and (2) allow farmers to install and use hoop structures that are no greater than 20 feet in height without requiring a zoning permit to do so.

However, Option 1 would be subject to several limitations and may not achieve other relevant goals, as follows:

- The LUDC provides that interpreting the Development Code is a Director-specific decision, which could be appealed to the Planning Commission and the Board of Supervisors. (LUDC Subsections 35.12.020 and 35.80.020.A.1)
- Interpreting hoop structures as "farm equipment" could lead to zoning code inconsistencies because Option 1 would not amend the LUDC. The LUDC would continue to define hoop structures as "a structure" and provide permit requirements that would apply to hoop structures. Hoop structures would still meet the general LUDC definition of "structure," which is "anything constructed or erected, the use of which requires location on the ground or attachment to something located on the ground" (LUDC Subsection 35.110.020).
- The P&D Director's zoning code interpretation could be appealed to the County Planning Commission pursuant to LUDC Subsection 35.80.020.A.1 and, by reference, Table 8-1. Any decision by the Planning Commission could then be appealed to the Board of Supervisors. Therefore, while upfront time and costs could be lower than what would occur with the other options, appeals could increase the overall time and costs to complete the project.
- Hoop structures taller than 20 feet would not be addressed and would continue to be permitted as greenhouses.

- Option 1 would not include standards to address adverse land use effects, such as adverse impacts related to visual resources and/or storm water runoff and drainage.

As stated in the LUDC, “whenever the Director determines that the meaning or applicability of any Development Code requirement is subject to interpretation, the Director may issue an official interpretation” (LUDC Subsection 35.12.020). Interpretations, which do not amend the zoning code, are not typically considered a project under the California Environmental Quality Act (CEQA).

3.2 Option 2: Amend the LUDC to Redefine Hoop Structures that are No Greater than 20 Feet in Height as “Farm Equipment,” and Allow “Farm Equipment” Without a Zoning Permit

Option 2 would involve a Board of Supervisors amendment to the LUDC (rather than a P&D Director interpretation of the LUDC, as is the case for Option 1) to create a new definition of “farm equipment” similar to the definition set forth in the Tax Code, redefine hoop structures that are no greater than 20 feet in height as “farm equipment,” and clarify that “farm equipment” does not require the issuance of a zoning permit. This option would also amend the agricultural zones allowable land uses table.

Option 2 would (1) amend the LUDC to provide clarity on the permitting requirements for hoop structures that are no greater than 20 feet in height, and (2) allow farmers to install and use hoop structures that are no greater than 20 feet in height without requiring a zoning permit to do so.

However, Option 2 would be subject to several limitations and may not achieve other relevant goals, as follows:

- Defining hoop structures as “farm equipment” would also require an amendment to the LUDC definition of “structure” to exclude hoop structures because hoop structures currently meet the definition. The LUDC defines a “structure” as “anything constructed or erected, the use of which requires location on the ground or attachment to something located on the ground” (LUDC Subsection 35.110.020).
- Hoop structures taller than 20 feet would not be addressed and would continue to be permitted as greenhouses.
- Option 2 would not include standards to address adverse land use effects, such as adverse impacts related to visual resources and/or storm water runoff and drainage.

Option 2 would be considered a “project” pursuant to CEQA and would likely require preparation of an Initial Study to determine whether the LUDC amendment could result in potentially significant impacts, or whether mitigation could be applied to reduce impacts to less than significant levels. If impacts can be mitigated to less than significant levels, a Mitigated Negative Declaration (ND) could be prepared; otherwise, an Environmental Impact Report (EIR) would be required.

3.3 Option 3: Exempt Hoop Structures that are No Greater than 20 Feet in Height Using the Current LUDC Definition of “Hoop Structure”

Option 3 would amend the LUDC while maintaining the current LUDC definition of “hoop structure,” rather than redefining hoop structures as “farm equipment” (as in the case of Option 2). Option 3 would also allow farmers to install and use hoop structures that are no greater than 20 feet in height, without requiring a zoning permit to do so. Unlike Option 2, Option 3 would include the development of

standards to address adverse impacts related to visual resources and/or storm water runoff and drainage to qualify for the exemption. If the hoop structures did not incorporate these standards, the structures would then require permits as greenhouses. This option would also add hoop structures to the agricultural zones allowable land uses table.

Option 3 would avoid potential zoning code inconsistencies that would likely occur with Options 1 and 2. Although Option 3 would be subject to fewer limitations than Options 1 and 2, hoop structures taller than 20 feet would not be addressed and would continue to be permitted as greenhouses.

As with Option 2, Option 3 would be considered a project pursuant to CEQA and would likely require preparation of an Initial Study to determine whether a Mitigated ND could be prepared or an EIR would be required.

3.4 Option 4: Consider and Clarify Permit Requirements for All Hoop Structures Regardless of Size and Height for the Inland Areas Only

Option 4 involves an amendment to the LUDC to allow hoop structures of all heights (both below and above 20 feet, up to a specified maximum height) and sizes, while maintaining the current definition of “hoop structure.” Whereas hoop structures below a specified size or height could be allowed without a permit, other hoop structures beyond a specified size or height – including those taller than 20 feet – could be allowed with the issuance of a Zoning Clearance, Land Use Permit, and/or Development Plan. As with Option 3, Option 4 would involve the development of operational standards to address adverse impacts related to visual resources and/or storm water runoff and drainage. The amendment would also add hoop structures to the agricultural zones allowable land uses table.

Option 4 would avoid potential zoning code inconsistencies that would likely occur with Options 1 and 2, and would clarify zoning regulations for all hoop structures. Unlike Options 1, 2, and 3, Option 4 would eliminate uncertainties regarding the permit requirements for hoop structures taller than 20 feet. Option 4 is the project scope under the current Long Range Planning Division work program.

As with Options 2 and 3, Option 4 would be considered a project pursuant to CEQA. Option 4 would likely require preparation of an Initial Study to determine whether a Mitigated ND or EIR would be required. The current work program includes funding that anticipates preparation of an EIR because under Option 4 the County would explore a variety of permit requirements for all hoop structures. An EIR can analyze the potentially significant impacts of a proposed project, along with several alternatives (permitting options), and provide the Board of Supervisors with a thorough environmental review for making a final decision on the ordinance amendment.

3.5 Option 5: Consider and Clarify Permit Requirements Countywide for All Hoop Structures Regardless of Size and Height

Option 5 is the same as Option 4, except that Option 5 would incorporate an ordinance amendment for the Coastal Zone, outside of the Carpinteria Agricultural (CA) Overlay. Based on Board of Supervisors direction on February 9, 2016, the approved work program limits the project to the inland area. The CA Overlay includes specific permit requirements for hoop structures. Elsewhere within the Coastal Zone, the CZO regulations require permits for hoops structures as plant protection structures (less than 20,000

square feet requires a Coastal Development Permit, 20,000 square feet or more requires a Development Plan) (CZO Article II Section 35-68.3.5 and Section 35-69.3.7).

The Board of Supervisors could revise the project scope to include amendments to the CZO regulations that apply to areas that are not subject to the CA Overlay. However, previous County efforts to expand permit exemptions in the Coastal Zone have not been successful. Exempt uses and structures in the Coastal Zone are controlled by the Coastal Act and are very limited (Coastal Act PRC Section 30610). A Coastal Development Permit is required for all other development, which is defined as (in relevant part) "... on land, in or under water, the placement or erection of any solid material or structure; ... As used in this section, 'structure' includes, but is not limited to, any building, road, pipe, flume, conduit, ..." (PRC Section 30106 and CZO Section 35-58). Staff would not recommend processing a CZO amendment as it would be unlikely to gain much benefit for the time and effort involved.

5.0 Staff Recommendation

Of the five options discussed in this Board Letter, staff recommends proceeding with Option 4. This option would provide the best opportunity to resolve zoning code uncertainties and inconsistencies with a thorough environmental review. Whether to expand the scope of the project to amend the CZO outside the CA Overlay (Option 5) is a policy decision for your Board.

Fiscal and Facilities Impacts:

Budgeted: Yes

The Hoop Structures Ordinance Amendment project is included in the Board of Supervisors-adopted Long Range Planning Division work program for FY 2016-17. Staff salaries and other costs are included in the County's budget under the Planning and Development Department, Long Range Planning Division's Operating Expenditures (General Fund Contribution). The Long Range Planning Division's budget, including the Hoop Structures Ordinance Amendment, is on page D-295 of the County of Santa Barbara's Operational Plan for FY 2016-17. Total project cost to date, including initial project and background research, and preparation of this Board Letter, is approximately \$20,000.

The Hoop Structures Ordinance Amendment project is proposed to continue in the Long Range Planning Division's proposed work program for FY 2017-18. Should the Board of Supervisors' direction change the scope of this project, Long Range Planning may need to revise the work program to account for changes in staffing and funding to complete this project.

Attachments:

- A. Board Agenda Letter dated February 9, 2016 and Action Summary
- B. Board Agenda Letter dated April 5, 2016

Authored by:

Julie Harris, Senior Planner, Long Range Planning Division, (805) 568-3543

ATTACHMENT A



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: P&D
Department No.: 053
For Agenda Of: 2/9/16
Placement: Departmental
Estimated Time: 1 hour
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Glenn Russell, Ph.D., 568-2085
Director
Contact Info: Steve Mason, 568-2070
Dianne Black, 568-2086
SUBJECT: Options for Regulatory Approaches to Hoop Structures

County Counsel Concurrence

As to form: Yes

Other Concurrence: Agricultural Commissioner

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

- a) Receive and file this report on options to consider changes to the regulation of hoop structures in the zoning ordinance and building code; and
- b) Provide direction to staff, as appropriate; and
- c) Determine pursuant to California Environmental Quality Act (CEQA) Guideline 15378(b)(5) that this report and direction to staff does not constitute a project because it is an administrative activity that will not result in direct or indirect physical changes to the environment.

Summary Text/Background:

At the Board meeting of October 13, 2015, your Board requested that staff bring back process options to consider changes to the regulation of hoop structures, both in the zoning ordinances and the building code. Your Board expressed interest in providing an exemption for temporary agricultural protection structures (known as hoop structures) from the building code based upon specific parameters which would be developed in conjunction with the agricultural community, including the Agricultural Commissioner and other stakeholders. Your Board also expressed interest in identifying hoop structures as an exempt use in the Agricultural Zone districts in the County’s zoning ordinances. Options to consider these changes are outlined below.

Building Code: The 2013 California Building Codes classify hoop structures as membrane-covered frame structure. They are defined as:

A nonpressurized building wherein the structure is composed of a rigid framework to support a tensioned membrane which provides the weather barrier.

Under the Building Code, membrane structures erected for less than 180 days and with less than 10 occupants are exempt from building permit and are regulated by the International Fire Code (California Building Code, Chapter 31, § 3102.1.). Temporary membrane-covered frame structures are often used for entertainment events, gatherings, catering, storage, shade, in addition to agricultural uses. The Fire Department would not have any permit requirements for membrane structures used for agriculture provided they are not used for habitation or assembly.

Membrane-covered frame structures erected for a period of more than 180 days would be subject to the following requirements: under the current building code, membrane structures must conform to height, allowable floor area, fire resistance and structural requirements of the California Building Code (California Building Code, Chapter 31, § 3102.3 – 3102.7.). In general, a permit to construct a membrane structure (for agricultural uses) would require plans and design documents to ensure compliance with life and safety aspects of the Building Codes such as maximum height and exiting. Plans and structural design documents must also address suitability of the structural system to resist wind forces and other applicable loads. A building permit allows a membrane-covered frame structure up to 55 feet in height and the basic allowable floor area may not exceed 8,500 square feet (California Building Code, Chapter 5, Table 503). The allowable floor area may rise to unlimited square footage for a single story structure that is surrounded and adjoined by 60 foot public ways or yards in width. (California Building Code, Appendix C § C102.2)

Plastic covered hoop structures less than 12 feet high and without in ground footings or foundation, are currently exempt from a building permit (Santa Barbara County Code, Chapter 10 § 10-1.6.).

In order to exempt structures that currently require a building permit, either the California Building Code or the County Code Chapter 10 Building Regulations must be amended. There are three options for amending the codes:

- Submit an amendment request to the Building Standards Commission to be included in their code update. Requires a State Agency to be a partner and submit the request.
- Amend the Building Code through the legislative process
- Amend Santa Barbara County Code Chapter 10, Building Regulations

Under the first option, the County could partner with a State Agency and submit a request to the Building Standards Commission which is charged with maintaining and updating the code. The Commission would evaluate the request and either approve or deny the requested amendment. This Commission has a three year code update cycle and the next code is in draft form for publication this year. It is likely that a request to exempt hoop structures would not be timely for the 2016 code and would be considered for the 2019 code update.

The second option for amending the California Building Code is to amend the code through the legislative process. The Board could pursue an amendment to the California Building Code through the County's legislative platform.

Under the final option, the State Health and Safety Code contains provisions for local jurisdictions to make amendments to State Building Code requirements that are necessary because of local climatic, geological or topographical conditions. Pursuant to State Health and Safety Code section 17958.7, the County would need to make a finding that such modifications or changes are reasonable and necessary because of local climatic, geological, or topographical conditions. Local amendments based on local conditions can be used to adopt more restrictive code requirements to due to local climatic, geological or topographical conditions. Staff has not identified any such local conditions that would support a reduction or exemption of permit requirements for hoop structures under the building code.

Until amendments to either the State Building Code or local building code are made, hoop structures in excess of 12 feet and/or with in ground footings or foundation would require a building permit as a membrane structure as identified above. The cost of the work effort to amend the State Code, working with the Building Standards Commission or with legislative staff is approximately \$10,000 to \$15,000. The cost to amend Santa Barbara County Code Chapter 10, is approximately \$4,000.

Zoning Ordinances: Hoop structures are defined in the County's Land Use and Development Code (LUDC), and Article II, the County's Coastal Zoning Ordinance (CZO). However, specific permit provisions are only contained in the Carpinteria Agricultural Overlay District in the CZO. Elsewhere, hoop structures are permitted as greenhouses. Hoop structures are defined as:

A structure consisting of a light-weight, arched frame with no permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring, etc.) 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.

In order to exempt hoop structures in agricultural zone districts, P&D staff would process a zoning ordinance amendment to both the LUDC and CZO. This would involve the following steps:

- Conduct Stakeholder/Community Outreach (including Agricultural Advisory Commission, other Agricultural Stakeholders, the UCCE Farm Advisors and involved County Departments)
- Develop Ordinance Language (parameters for the exemption would mirror exemption in the building code)
- Prepare Environmental Document through a consultant contract
- Prepare Planning Commission staff report
- Complete County Planning Commission hearing
- Prepare Board Agenda Letter
- Complete Board of Supervisors Hearing
- Submit and Complete Coastal Commission certification process (for CZO)

The cost of the work effort is expected to be approximately \$145,000 (staff time and environmental consultant contract), and the time involved would range from 18 months for the LUDC amendments to up to 2.5 years for the CZO amendments. Staff support from the Agricultural Commissioner's office is estimated at \$5,000. This work could be scheduled into the Long Range Planning Work Program for 2016-17 or subsequent years or could be separately funded and staffed by the Board of Supervisors.

Until amendments to the LUDC and CZO are completed, hoop structures would be subject to the permit paths available for greenhouses.

Performance Measure: N/A

Fiscal and Facilities Impacts:

Budgeted: No Work necessary to move forward with amendments to the zoning ordinance and building code were not included in Planning and Development's 2015-16 adopted fiscal year budget. Planning and Development will develop a budget for a project as directed by the Board. The funding for the preparation of this report is in the Permitting Budget Program on page D-288 of the adopted 2015-16 fiscal year budget. There are not facilities impacts associated with the preparation of this report.

Key Contract Risks:

N/A

Attachments:

Authored by: Steve Mason and Dianne Black

2) PLANNING AND DEVELOPMENT

16-00095

HEARING - Consider recommendations regarding options for regulatory approaches to hoop structures, as follows: (EST. TIME: 1 HR.)

- a) Receive and file a report on options to consider changes to the regulation of hoop structures in the Zoning Ordinance and Building Code;
- b) Provide direction to staff, as appropriate; and
- c) Determine pursuant to the California Environmental Quality Act (CEQA) Guideline 15378(b)(5) that this report and direction to staff does not constitute a project because it is an administrative activity that will not result in direct or indirect physical changes to the environment.

COUNTY EXECUTIVE OFFICER’S RECOMMENDATION: POLICY

HEARING TIME: 11:20 AM - 1:30 PM (2 HRS. 10 MIN.)

Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Farr, seconded by Supervisor Wolf, that this matter be acted on as follows:

- a) **Received and filed.**
- b) **Directed Planning and Development to return to the Board during the FY 2016-17 Budget process in April with a potential workplan item to explore options and provide recommendations for amendments to the County Building Code and Zoning Ordinances related to Hoop Structures; and**
- c) **Approved.**

The motion failed by the following vote:

- Ayes:** 2 - Supervisor Wolf, and Supervisor Farr
- Noes:** 3 - Supervisor Carbajal, Supervisor Adam, and Supervisor Lavagnino

A motion was made by Supervisor Lavagnino, seconded by Supervisor Carbajal, that this matter be acted on as follows:

a) Received and filed.

b) Directed Planning and Development to return within 60 days with recommendations for an amendment to the County Building Code to exempt hoop structures up to 20 feet from the current 12 feet. Further directed Planning and Development to return to the Board during the FY 2016-17 Budget process in April with an workplan item to address the Zoning Ordinance components that would apply only to inland areas; and

c) Approved.

The motion carried by the following vote:

Ayes: 3 - Supervisor Carbajal, Supervisor Adam, and Supervisor Lavagnino

Noes: 2 - Supervisor Wolf, and Supervisor Farr

ATTACHMENT B



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and Development
Department No.:
For Agenda Of:
Placement: Set hearing on March 15, 2016, Administrative; Departmental on April 5, 2016
Estimated Time: 5 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Glenn Russell PhD., 568-2085
Director(s)
Contact Info: Steve Mason, 568-2070

SUBJECT: Ordinance Amendment of Santa Barbara County Code Chapter 10, Building Regulations

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

On March 15, 2016 set a hearing for April 5, 2016 to consider the introduction (First Reading) of an ordinance that amends Chapter 10, Article I, entitled "Administration Organization and Enforcement", Section 10-1.6 - Building Regulations of the Santa Barbara County Code.

On April 5, 2015, the Board of Supervisors should consider the following actions:

- a) Approve the introduction (first reading) of an Ordinance amending Chapter 10 of the Santa Barbara County Code, Article I, entitled "Administration Organization and Enforcement," section 10-1.6 (Attachment A);
- b) Read the title of the Ordinance and waive full reading of the Ordinance;
- c) Continue the hearing to the Administrative Agenda of April 19, 2016 to consider recommendations as follows:

- i) Consider and approve the adoption (second reading) of an Ordinance amending Chapter 10 of the Santa Barbara County Code, Article I, entitled “Administration Organization and Enforcement,” section 10-1.6, (Attachment A); and
- ii) Determine that this ordinance amendment is categorically exempt from the California Environmental Quality Act pursuant to CEQA Section 15061(b)(3), because there is no possibility that the action in question may have a significant effect on the environment (Attachment C).

Summary Text:

On February 9, 2016, the Board of Supervisors directed Planning and Development to prepare an amendment to County Code Chapter 10, Building Regulations, section 105.2 (Work exempt from permit), that would increase the height of readily removable plastic covered hoop structures to 20 feet under the permit exemption. Attachment A is an amendment to Chapter 10 that will increase the exempt hoop structure height to 20 feet.

Background:

Temporary agricultural protection structures (known as hoop structures) are widely used in the County to produce high value crops. These structures are typically constructed of a lightweight frame covered with plastic sheeting and anchored to the ground with a metal auger post. As agricultural practices evolve, these structures are being used for different crops and varied farming methods. An increase in the exempt height from 12 feet to 20 feet will allow farmers to deploy new techniques and support innovation without the need to obtain a building permit.

The County’s Building Regulations, Santa Barbara County Code, Chapter 10 § 105.2 a. 13, does not require a permit for “*Readily removable plastic covered hoop structures without in ground footings or foundations that are not more than 12’ in height.*” This amendment will increase the allowable height from 12 feet to 20 feet.

This ordinance amendment does not address changes to the County’s zoning requirements for agricultural hoop structures. Planning and Development will prepare a project plan and funding needs for amendment of zoning requirements for your Board’s consideration as part of the Long Range Planning Work Program during budget workshops scheduled for the week of April 11, 2016.

Performance Measure:

N/A

Fiscal and Facilities Impacts:

Budgeted: Yes

Funding for the work necessary to prepare this report and the amendment to Chapter 10 is included in the Permitting Budget Program on page D-288 of the adopted 2015-16 fiscal year budget. There are no facilities impacts associated with the preparation of this report.

Special Instructions:

1. Request the Clerk of the Board to publish notice of this hearing in a newspaper of general circulation, five (5) and ten (10) days prior to the hearing, in accordance with Government Code § 6062(a).
2. Request the Clerk of the Board publish in a newspaper, within 15 days of passage of the ordinance, the ordinance along with names of members voting for and against the ordinance, in accordance with Government Code section 25124(a).
3. The Clerk of the Board shall send a copy of the signed and numbered ordinance and minute order to the Planning & Development Department, attention Massoud Abolhoda.

Attachments:

- A. Ordinance amending Chapter 10, Section 105.2 (Clean Copy)
- B. Ordinance amending Chapter 10, Section 105.2 (Strikethrough and Underline)
- C. CEQA Exemption

Authored by:

Steve Mason

cc: