

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

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: Agricultural Commissioner

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