

TABLE OF CONTENTS

BOARD OF SUPERVISORS' MEETING April 16, 2024

Resolution Amending the Guidelines for Administration of Building Permit Exemptions for Agricultural Buildings

Board Letter	02
Draft Resolution of the Board of Supervisors, County of Lassen, Amending the Guidelines for Administration of Building Permit Exemptions for Agricultural Buildings Adopted Through Board Resolution Number 04-028.....	03
Lassen County Code Section 12.04.040 (Ag Exemption)	07
Lassen County Resolution No. 04-028	08



County of Lassen
Department of Planning and Building Services

• Planning • Building • Environmental Health • Code Enforcement • Surveyor • Surface Mining

Maurice L. Anderson, Director

707 Nevada Street, Suite 5

Susanville, CA 96130-3912

Main Phone: 530 251-8269

Fax: 530 251-8373

email: landuse@co.lassen.ca.us

website: www.co.lassen.ca.us

April 5, 2024

Zoning and Building
 Inspection Requests
 Phone: 530 257-5263

TO: Lassen County Board of Supervisors
 Agenda Date: April 16, 2024

FROM: Maurice L. Anderson, Director

SUBJECT: Consider a resolution amending the Guidelines for Administration of Building Permit Exemptions for Agricultural Buildings adopted by Board Resolution Number 04-028 and find that greenhouses otherwise meeting the requirements of the Guidelines are exempt from the requirement to secure a building permit.

A handwritten signature in blue ink, appearing to read "MLA".

ACTION REQUESTED:

1. Receive report; and
2. Adopt a resolution.

Summary:

Subsection (b) of County Code Section 12.04.040 (attached) exempts certain agricultural buildings from the requirement to secure a building permit. This Section of County Code was originally adopted on March 22, 1965, with Ordinance Number 369. Subsequently, on May 25, 2004, the Board of Supervisors adopted Resolution Number 04-028 (attached) to establish the Guidelines for Administration of Building Permit Exemptions for Agricultural Buildings.

Currently, Resolution 04-028 does not exempt greenhouses from the requirement to secure a building permit. Staff is now recommending that Resolution 04-028 be amended (please see the attached proposed resolution) to exempt greenhouses, provided there is no human habitation of any such greenhouse and provided any such greenhouse is not used by the public. Other than the above amendment, all other provisions of Board Resolution 04-028 remain applicable with the proposed resolution.

MLA:gfn

Enclosures: Proposed Resolution
 County Code Section 12.04.040
 Board Resolution Number 04-028

RESOLUTION NO. 24-020

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF LASSEN, AMENDING
THE GUIDELINES FOR ADMINISTRATION OF BUILDING PERMIT EXEMPTIONS FOR
AGRICULTURAL BUILDINGS ADOPTED THROUGH BOARD RESOLUTION NUMBER
04-028

WHEREAS, Subsection (b) of County Code Section 12.04.040 exempts agricultural buildings from the requirement to secure a building permit; and

WHEREAS, the exemption found in Section 12.04.040 was first adopted on March 22, 1965, with ordinance number 369; and

WHEREAS, Board Resolution Number 04-028 established guidelines for agricultural building exemptions; and

WHEREAS, Board Resolution Number 04-028 states that greenhouses are not exempt from the requirement to secure a building permit; and

WHEREAS, the Board of Supervisors wishes to amend the agricultural exemption guidelines established by Board Resolution 04-028 to find that greenhouses meeting the requirements of this Resolution and otherwise meeting the requirements of Resolution 4-28 are exempt from the requirement to secure a building permit; and

WHEREAS, this exemption does not permit commercial cannabis cultivation and/or hemp in a green house. Title 19 remains in full force and effect

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The forgoing recitals are true and correct.
2. The Lassen County Board of Supervisors does hereby amend the Guidelines for Administration of Building Permit Exemptions for Agricultural Buildings (attached hereto as Exhibit "A") adopted by Board Resolution 04-028 to exempt greenhouses from the requirement to secure a building permit, provided there is no human habitation of any such greenhouse and provided any such greenhouse is not used by the public.
3. The Guidelines for Administration of Building Permit Exemptions for Agricultural Buildings found in Resolution 04-028 are hereby replaced with the Guidelines found in the attached Exhibit "A".
4. This exception does not permit the cultivation of commercial cannabis and/or hemp. Title 19 remains in full force and effect.

The foregoing Resolution was adopted at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, held on the 16th day of April, 2024, by the following vote:

AYES: Supervisors Albaugh, Gallagher, Bridges, Neely, and Ingram.

NOES: None.

ABSTAIN: None.

ABSENT: None.

Chairman,
Lassen County Board of Supervisors

ATTEST:

JULIE BUSTAMANTE
Clerk of the Board

BY:

Michele Yderraga, Deputy Clerk of the Board

I, Michele Yderraga, Deputy Clerk of the Board of Supervisors, County of Lassen, do hereby certify that the forgoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the 16th day of April, 2024.

Deputy Clerk of the County of Lassen
Board of Supervisors

EXHIBIT "A"

**GUIDELINES FOR ADMINISTRATION OF BUILDING PERMIT EXEMPTIONS FOR
AGRICULTURAL BUILDINGS**

Agriculture: the science or art of cultivating the soil, producing crops, and raising livestock or poultry for food, fiber or labor and in varying degrees the preparation of these products for man's use.

1. Zoning of the property must allow for the use of the building; and
2. Building must be on property owned by the applicant that meets one of the following two criteria:
 - a. at least 40 acres in agricultural production, or otherwise devoted to an agricultural operation;
 - b. at least 10 acres in production of a specialty crop, e.g., strawberries.

Exception: Building may be constructed on property of lesser acreage provided it is owned by the applicant and adjacent or in close proximity to the property which meets the above criteria.
3. As per California Building Code section 202-A, agricultural buildings "shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public"; and
4. Building must either be detached from other building structures or, on its own foundation and supporting members if attached to a non-exempted building. Fire separations for walls and openings between adjacent buildings with dissimilar occupancies shall apply; and
5. Use of building shall be one of the following:
 - a. livestock shelters;
 - b. poultry shelters;
 - c. structures for sheltering agricultural equipment;
 - d. structures to shelter livestock and poultry feeds, hay and grain.
 - e. greenhouses

Upon determination by the Building Official that the proposed structure meets the above criteria to qualify for permit exemption, a certification form shall be completed and filed, with the Building Division. A statement on the certification form shall declare the following: The Federal Emergency Management Agency, (FEMA) requires all structures constructed within a designated flood plain to either be elevated above flood level or engineered to withstand flooding. With this building exemption the property owner assumes full responsibility for

addressing these issues and in no way holds the County liable for flood damage or litigation stemming from non-compliance with FEMA regulations.

Structures for the maintenance of equipment, or structures for the storage or parking of vehicles/equipment not used exclusively for the performance of work in the agricultural operation are not exempt from the requirement to obtain a building permit.

Structures for the sheltering of logging trucks or equipment and trucks designed and used for the transportation of agricultural products are not exempt from the requirement to obtain a building permit.

Nurseries, roadside produce stands, wood sheds or shelters and stables for horses not used in conjunction with an agricultural operation are not exempt from the requirement to obtain a building permit.

All structures determined to be exempt from permit requirements shall meet all county fire regulations, building construction standards and minimum zoning setbacks. Additionally, electrical, plumbing, or mechanical systems, appliances or fixture installations are not exempt and shall require a building permit and inspection by the Lassen County Building Division.

§ 12.04.040. Exemptions.

Nothing contained in this article shall be construed to:

- (a) Prevent any person from performing his own building, plumbing or electrical work when performed with the permits and in compliance with the provisions of this article. Work authorized by said permit shall in all respects conform with the provisions of this article and of the uniform codes adopted herein;
- (b) Regulate the construction, alteration, demolition or moving of an agricultural building used for the sole purpose of sheltering livestock, poultry, agricultural equipment, livestock and poultry feeds and similar agricultural uses in which there is no human habitation and which is not used by the public; provided that this subsection shall not exempt from regulation electrical service or power poles for agricultural buildings or pumps, for which permits and inspections shall be required, nor storage buildings of more than one hundred twenty square feet in floor area other than agricultural, for which permit, plan approval, and inspection shall be required;
- (c) Prevent the use of used materials if the same meets the minimum standards of the uniform codes, herein by reference adopted.

(Ord. 369 § 3(a)(4), 1965; Ord. 416 § 3(A)(4), 1974; Ord. 427 § 3(A)(4), 1977; Ord. 427-A § 1, 1981; Ord. 427-B § 1, 1985)

RESOLUTION NO. 04-028

^ ^

**RESOLUTION ESTABLISHING GUIDELINES FOR
AGRICULTURAL BUILDING EXEMPTIONS**

WHEREAS, Title 12 of the Lassen County Code was adopted by the Board on March 22, 1965, including section 12.04.040 which exempts certain structures from the requirement to obtain building permits; and

WHEREAS, with that exemption the Board intended to deregulate the construction of certain agricultural buildings from county building requirements; and

WHEREAS, the Department of Community Development is charged with the administration of this code section; and

WHEREAS, the Department of Community Development has over the last 39 years observed considerable misinterpretation and abuse of this well-intentioned section of the code as buildings constructed under the umbrella of this exemption have been utilized for purposes other than agricultural; and

WHEREAS, in an attempt to administer the ordinance consistent with its intent, and in doing so, to equally regulate all buildings of a similar nature, the Department of Community Development has proposed guidelines to assist in the administration of the ordinance.

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby adopts the guidelines as described in Exhibit "A" for the administration of building permit exemptions for agricultural buildings.

The foregoing resolution was adopted at a regular meeting of the Lassen County Board of Supervisors on the 25th day of May, 2004, by the following vote:

AYES: Supervisors Keefer, Pyle, Chapman, Dahle

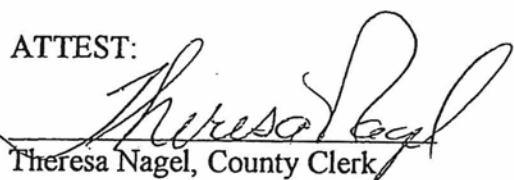
NOES: None

ABSENT: Supervisor Hanson



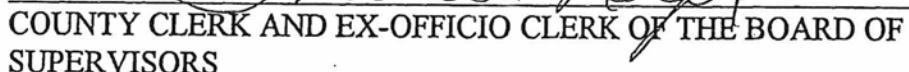
Chairman
Lassen County Board of Supervisors

ATTEST:



Theresa Nagel, County Clerk

I, THERESA NAGEL, Lassen County Clerk, and ex officio clerk of the Board of Supervisors, do hereby certify that the foregoing resolution was adopted by the Lassen County Board the Supervisors on the 25th day of May, 2004.



COUNTY CLERK AND EX-OFFICIO CLERK OF THE BOARD OF
SUPERVISORS

May 25, 2004

EXHIBIT "A"

GUIDELINES FOR ADMINISTRATION OF BUILDING PERMIT EXEMPTIONS FOR
AGRICULTURAL BUILDINGS

Agriculture: the science or art of cultivating the soil, producing crops, and raising livestock or poultry for food, fiber or labor and in varying degrees the preparation of these products for man's use.

1. Zoning of the property must allow for the use of the building; and
2. Building must be on property owned by the applicant that meets one of the following two criteria:
 - a) at least 40 acres in agricultural production, or otherwise devoted to an agricultural operation;
 - b) at least 10 acres in production of a specialty crop, e.g., strawberries.
- Exception: *Building may be constructed on property of lesser acreage provided it is owned by the applicant and adjacent or in close proximity to the property which meets the above criteria.*
3. As per California Building Code section 202-A, agricultural buildings "shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public"; and
4. Building must either be detached from other building structures or, on its own foundation and supporting members if attached to a non-exempted building. Fire separations for walls and openings between adjacent buildings with dissimilar occupancies shall apply; and
5. Use of building shall be one of the following:
 - a) livestock shelters;
 - b) poultry shelters;
 - c) structures for sheltering agricultural equipment;
 - d) structures to shelter livestock and poultry feeds, hay and grain.

Upon determination by the Building Official that the proposed structure meets the above criteria to qualify for permit exemption, a certification form shall be completed and filed (without fee), with the Building Division. A statement on the certification form shall declare the following: The Federal Emergency Management Agency, (FEMA) requires all structures constructed within a designated flood plain to either be elevated above flood level or engineered to withstand flooding. With this building exemption the property owner assumes full responsibility for addressing these issues and in no way holds the County liable for flood damage or litigation stemming from non-compliance with FEMA regulations.

Structures for the maintenance of equipment, or structures for the storage or parking of vehicles/equipment not used exclusively for the performance of work in the agricultural operation are not exempt from the requirement to obtain a building permit.

Structures for the sheltering of logging trucks or equipment and trucks designed and used for the transportation of agricultural products are not exempt from the requirement to obtain a building permit.

Greenhouses, nurseries, roadside produce stands, wood sheds or shelters and stables for horses not used in conjunction with an agricultural operation are not exempt from the requirement to obtain a building permit.

All structures determined to be exempt from permit requirements shall meet all county fire regulations, building construction standards and minimum zoning setbacks. Additionally, electrical, plumbing, or mechanical systems, appliances or fixture installations are not exempt and shall require a building permit and inspection by the Lassen County Building Division.