

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

AN ORDINANCE AMENDING CHAPTER 5 OF THE LAKE COUNTY CODE RELATING TO PERMITTING TEMPORARY CANNABIS PROCESSING STRUCTURES, AND AMENDING CHAPTER 27 OF THE LAKE COUNTY CODE REGARDING MITIGATION FEES, AND AMENDING ARTICLE 68 OF Chapter 21 THE ZONING ORDINANCE REGARDING DEFINITIONS OF TEMPORARY BUILDING TYPES

WHEREAS, the Board of Supervisors desires to add a provision to Section 5.6 of Chapter 5 of the Lake County Code to establish a building permit for Temporary Cannabis Processing Structures, including General Purpose Tents and Shipping Containers, and to impose specified regulatory requirements related to such structures; and

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

WHEREAS, the Board of Supervisors further desires to modify Section 68.4 of Chapter 21 of the Lake County Code to further define General Purpose Tents, and Shipping Containers to provide continuity of the term throughout the Lake County Code; and

WHEREAS, in furtherance of that intention and pursuant to Article 47 of the Zoning Ordinance, this Board adopted RES 2022-122, a Resolution of Intention and draft amendments to the Lake County Code which attached hereto and incorporated by reference herein, referred the Resolution to the Cannabis Ordinance Task Force, Agriculture Advisory Committee, and Planning Commission for a recommendation of approval, approval with conditions or modifications, or denial of said amendments; and

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

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

“6.25 Temporary Ag Structures

1 A Temporary Ag Structure Permit may be issued by the Community Development
2 Department, with the approval of the Ag Commissioner, and subject to the
3 following requirements:

4 1. Temporary Permit Requirements

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

7 1. Complete Planning Permit Application

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

10 3. Detailed elevations of the proposed structures, including proposed
11 anchoring.

12 4. Project Description, including proposed dates of temporary usage,
13 and plans for structures outside the use dates.

14 5. Demolition Permit Application for removal of general purpose tents.

15 b. Applicants with an approved Cannabis Cultivation permit from the County
16 of Lake are eligible to apply for a Temporary Ag Structure within the
17 approved cultivation area.

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

21 d. Each approved temporary Ag Structure shall comply with Zoning District
22 requirements.

23 e. Cumulative coverage of temporary structures shall not exceed 10% of total
24 canopy area.

25 2. Additional Requirements for Shipping Containers for Storage or Processing
26 Shed (as defined in Chapter 27, Article 68)

27 a. Shipping Containers shall have a one hundred (100) foot setback from a
28 property line regardless of the size of the parcel.

- 1 b. Shipping Containers shall have a ten (10) foot setback from all other
2 structures.
- 3 c. Shipping Containers shall not be attached to any already existing structure or
4 building.
- 5 d. Shipping Containers shall not have a height greater than ten (10) feet.
- 6 e. Exiting from Shipping Containers shall be arranged so that no point in the
7 structure is more than twenty (20) feet from an exit.
- 8 f. Shipping Containers shall be on grade with a maximum slope of 2% and must
9 be on dirt.
- 10 g. Standard permits and inspections are required for electrical installation.
11 Electrical installations are limited to one hundred (100) amp services.
12 Mechanical installations are prohibited, except for odor or climate control
13 systems, as approved through the Applicant's existing use permit
- 14 1. Generators are allowed during the duration of the temporary permit for
15 Shipping Containers.
- 16 a. Approval and/or Permit from Lake County Air Quality Management
17 District shall be obtained prior to installing or operating a generator.
- 18 b. For diesel generators, Tier 4F or better generator is highly
19 recommended, all generators must comply with the applicable Air
20 Toxic Control Measures and National Emissions Standards for
21 Hazardous Air Pollution for internal combustion engines to be
22 approved by Lake County Air Quality Management District to be
23 utilized with a Shipping Container.
- 24 c. Generators shall be located no less than 100-feet from any property
25 line.
- 26 d. Generators shall comply with all noise requirements as described in
27 the Article 41.11 of the Zoning Ordinance and Chapter 13 of the Lake
28 County Municipal Code.

h. Shipping Containers shall be temporarily allowed for a maximum of three years from date of issuance of the temporary structure permit.

1. Once three (3) years has expired, the structure shall be removed immediately.

3. Temporary Structures for Cannabis Processing (as defined in Chapter 27, Article 68)

a. General Purpose Tents

1. General Purpose Tents shall have a one hundred (100) foot setback from a property line regardless of the size of the parcel.

2. General Purpose Tents shall have a ten (10) foot setback from all other structures.

3. General Purpose Tents shall not be attached to any already existing structure or building.

4. General Purpose Tents shall not have a height greater than sixteen (16) feet.

5. Exiting from General Purpose Tents shall be arranged so that no point in the structure is more than twenty (20) feet from an exit.

6. General Purpose Tents shall be on grade and must be on dirt.

7. Standard permits and inspections are required for electrical installations. Electrical installations are limited to one hundred (100) amp services. Mechanical installations are prohibited, except for odor or climate control systems, as approved through the Applicant's existing use permit

1. Generators are allowed during the duration of the allowable temporary permit for General Purpose Tents.

a. Approval and/or Permit from Lake County Air Quality Management District shall be obtained prior to installing or operating a generator.

1 b. For diesel generators, Tier 4F or better generator is highly
2 recommended, all generators must comply with the applicable Air
3 Toxic Control Measures and National Emissions Standards for
4 Hazardous Air Pollution for internal combustion engines to be
5 approved by Lake County Air Quality Management District to be
6 utilized with a Shipping Container.

7 c. Generators shall be located no less than 100-feet from any
8 property line.

9 d. Generators shall comply with all noise requirements as described
10 in the Article 41.11 of the Zoning Ordinance and Chapter 13 of
11 the Lake County Municipal Code.

12 8. General Purpose Tents permits shall be allowed for a maximum of sixty
13 (60) days out of the calendar year, must be renewed annually, and shall
14 be approved for no more than two years.

15 1. Once sixty (60) days has expired, the structure shall be removed
16 immediately through a finalized demolition permit.

17 i. Tents must have internal load bearing frame to avoid loading on
18 the actual structure.

19 4. Any building, structure, or use of real property that violates or fails to comply
20 with Section 5-6.25 of Chapter 5 shall constitute a public nuisance and shall be
21 subject to abatement as provided in the Lake County Code."

22 Section Three: Section 27-6 (a) (2) of Chapter 27 of the Lake County Code is hereby amended
23 to add the following language:

24 "Sec. 27-6 (a) (2) – Exemptions.

25 1. Agricultural buildings requiring an exempt building permit that are not connected
26 to a power source."

27 Section Four: Section 21-68.4 of Chapter 21 of the Lake County Code is hereby amended with
28 the following additions:

“(g) General Purpose Tent - a shelter consisting of heavy fire-resistant canvas material draped over and attached to a frame of poles”

“(s) Shipping Container - a large, strong container, usually made of metal”

Section Five: *CEQA. The Board of Supervisors independently finds and determines that there is no substantial evidence in the record that the proposed project would have a significant effect on the environment. Therefore, pursuant to section 21080 of the CEQA Guidelines, the Board of supervisors adopts a Negative Declaration in this instance.*

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.

///

///

///

///

///

///

///

///

///

///

///

///

///

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 5 OF THE LAKE COUNTY CODE RELATING TO PERMITTING AGRICULTURE-EXEMPT AND TEMPORARY CANNABIS PROCESSING STRUCTURES, AND AMENDING CHAPTER 27 OF THE LAKE COUNTY CODE REGARDING MITIGATION FEES, AND AMENDING ARTICLE 68 OF THE ZONING ORDINANCE REGARDING DEFINITIONS OF TEMPORARY BUILDING TYPES

The Foregoing ordinance was introduced before the Board of Supervisors on the ____ day of September, 2023, and passed by the following vote on the ____ day of September, 2023.

AYES:

NOES:

ABSENT OR NOT VOTING:

COUNTY OF LAKE

Chair, Board of Supervisors

ATTEST: SUSAN PARKER
Clerk of the Board of Supervisors

APPROVED AS TO FORM:
LLOYD GUINTIVANO

By: _____
Deputy

By: _____