

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

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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 [Chapter 21](#) THE ZONING ORDINANCE REGARDING DEFINITIONS OF TEMPORARY BUILDING TYPES

~~WHEREAS, the Board of Supervisors desires to modify Section 5.6 of Chapter 5 of the Lake County Code in order to expand upon the use of Ag-Exempt structures and provide additional regulatory requirements related to the issuance of exempt permits for agricultural buildings; and~~

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 employee 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 desires to modify Section 27.6 of Chapter 27 of the Lake County Code to expand upon the type of Ag-Exempt Structure that is exempt from mitigation fire fees; 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, ~~was~~ referred the Resolution to the Cannabis Ordinance Task Force, ~~the~~ Agriculture Advisory Committee, and ~~to the~~ Planning Commission for a recommendation of approval, approval with conditions or modifications, or denial of said amendments; and

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

3
4 Section One: Section 5-6.25 is hereby added to Chapter 5 of the Lake County Code to
5 read as follows:

6 "6.25 Temporary Ag Structures

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

10 1. Temporary Permit Requirements

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

- 13 1. Complete Planning Permit Application
- 14 2. Detailed site plan, including proposed location of structure and all
15 other structures and their uses, and/or cultivation areas on parcel;
- 16 3. Detailed elevations of the proposed structures, including proposed
17 anchoring.
- 18 4. Project Description, including proposed dates of temporary usage, ~~not~~
19 ~~to exceed _____ days in each year~~, and plans for structures outside the
20 use dates.

21 5. Demolition Permit Application for removal of general purpose tents,

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22
23 b. ~~In addition to those conducting agricultural operations, applicants~~ Applicants
24 with an approved Cannabis Cultivation permits from the County of Lake are
25 eligible to apply for a Temporary Ag Structures within an the approved
26 cultivation area.

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

1 d. Each approved temporary Ag SSstructure shall comply with Zoning District
2 requirements.

3 e. Cumulative coverage of temporary ~~and permanent~~ structures shall not
4 exceed 10% of total canopy area.

5
6 2. Additional Requirements for Shipping Containers for Storage or ~~Dry-Processing~~
7 Shed (as defined in Chapter 27, Article 68)

8 a. Shipping Containers shall have a ~~fifty (50)~~ one hundred (100) foot setback
9 from a property line regardless of the size of the parcel.

10 b. Shipping Containers shall have a ten (10) foot setback from all other
11 structures.

12 c. Shipping Containers shall not be ~~attached an addition~~ to any already existing
13 structure or building.

14 d. Shipping Containers shall not have a height greater than ten (10) feet.

15 e. Exiting from Shipping Containers shall be arranged so that no point in the
16 structure is more than twenty (20) feet from an exit.

17 f. Shipping Containers shall be on grade with a maximum slope of 2% and must
18 be on dirt.

19 g. Standard permits and inspections are required for electrical installation.
20 Electrical installations are limited to one hundred (100) amp services.
21 Mechanical installations are prohibited, except for odor or climate control
22 systems ~~as approved through the Applicant's existing use permit upon prior~~
23 ~~approval of the Community Development Director."~~

24 1. Generators are allowed during the duration of the temporary permit for
25 Shipping Containers.

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

28 b. For diesel generators, Tier 4F or better generator is highly
recommended, all generators must comply with the applicable Air

1 Toxic Control Measures and National Emissions Standards for
2 Hazardous Air Pollution for internal combustion engines to be
3 approved by Lake County Air Quality Management District to be
4 utilized with a Shipping Container.

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

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

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

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

14 3. Temporary Structures for Cannabis ~~Drying-Processing~~ (as defined in Chapter
15 27, Article 68)

16 a. General Purpose Tents

17 1a. General Purpose Tents shall have a one hundred (100)~~thirty (50)~~ foot
18 setback from a property line regardless of the size of the parcel.

19 2b. General Purpose Tents shall have a ten (10) foot ~~s~~etback from all other
20 structures.

21 3e. General Purpose Tents shall not be ~~an-addition~~attached to any already
22 existing structure or building.

23 4d. General Purpose Tents shall not have a height greater than sixteen (16)
24 feet.

25 5e. Exiting from General Purpose Tents shall be arranged so that no point in
26 the structure is more than twenty (20) feet from an exit.

27 6f. General Purpose Tents shall be on grade and must be on dirt.
28

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1 7g. Standard permits and inspections are required for electrical installations.
2 Electrical installations are limited to one hundred (100) amp services.
3 Mechanical installations are prohibited, except for odor or climate control
4 systems, as approved through the Applicant's existing use permit upon
5 prior approval of the Community Development Director.

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

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

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

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

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

22 8h. Shipping Containers General Purpose Tents permits shall be temporarily
23 allowed for a maximum of sixty (60) days out of the calendar year, must be
24 renewed annually, and the permit shall only be allowed approved
25 approved for no more than two yearstwo (2) times.

26 1. Once sixty (60) days has expired, the structure shall be removed
27 immediately through a finaled demolition permit.

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

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

4
5 Section Three: Section 27-6 (a) (2) of Chapter 27 of the Lake County Code is hereby amended
6 to ~~read as follows~~ add the following language:

7 "Sec. 27-6 (a) (2) – Exemptions.

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

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

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

14 "(s) Shipping Container - a large, strong container, usually made of metal"

15 Section Five: CEQA. The Board of Supervisors independently finds and determines that there
16 is no substantial evidence in the record that the proposed project would have a
17 significant effect on the environment. Therefore, pursuant to section 21080 of the
18 CEQA Guidelines, the Board of supervisors adopts a Negative Declaration in this
19 instance. The proposed ordinance is exempt under CEQA Guidelines section
20 15061(b)(3) because it can be seen with certainty that the project will have no
21 significant effect on the environment. The addition of temporary structures can be
22 deemed a Class 4 CEQA exemption which "consists of minor public or private
23 alterations in the condition of land, water, and/or vegetation which do not involve
24 removal of healthy, mature, scenic trees except for forestry and agricultural
25 purposes." Section (e) of this CEQA exempt class allows for "minor temporary use
26 of land having negligible or no permanent effects on the environment, including
27 carnivals, sales of Christmas trees, etc.."
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Commented [AA1]: On Page 2 of IS 23-13 (Purpose of the Initial Study), it states: "The Community Development Department (CDD), as lead agency has determined that pursuant to the California Code of Regulations Title 14, Division 6, Chapter 3, Article 20, Section 15378, the proposed zoning ordinance amendment is a "project" subject to CEQA, and the preparation of an initial study is required." Perhaps this language and subsequent language pertain to a draft negative declaration would work, but again I will leave that up to the legal experts.

Commented [MT2R1]: I defer to Nicole for the corrected wording.

1 Section Six: This ordinance shall take effect thirty (30) days after its adoption and before the
2 expiration of fifteen days after its passage, the Clerk to the Board of Supervisors
3 shall publish a summary of the ordinance with the names of those supervisors
4 voting for and against the ordinance and the clerk shall post in the office of the Clerk
5 to the Board of Supervisors a certified copy of the full text of the adopted ordinance
6 along with the names of those supervisors voting for and against the ordinance.

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18 ORDINANCE NO. _____

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

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

26
27 AYES:

28 NOES:

1 ABSENT OR NOT VOTING:

2

3 COUNTY OF LAKE

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6 _____
Chair, Board of Supervisors

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7 ATTEST: SUSAN PARKER
8 Clerk of the Board of Supervisors

APPROVED AS TO FORM:
LLOYD GUINTIVANO

9

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11 By: _____
12 Deputy

By: _____

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