

Attachment 3

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA
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

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 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

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

1 ~~Section One:~~ Section 5-6.25 of Chapter 5 of the Lake County Code is hereby amended to read
2 as follows:

3 ~~"6.24 Agriculture Exempt Structures~~

4 Except as provided in subsection (4) below, an exempt Building permit shall be issued
5 for any agricultural Building as defined in section 202 of the California Building Code,
6 which is located on a parcel of land with an area of five (5) or more acres being used
7 primarily for agricultural uses, provided that:

8 1. An exempt permit is applied for by the property owner or authorized agent with
9 the following:

10 a. A plot plan is submitted indicating the proposed building and all existing
11 buildings on the subject parcel, showing for each the size, use, and
12 location on the property in relation to property lines and other buildings.

13 b. An updated Storm Water Management Plan is submitted that meets the
14 requirements of the California Regional Water Quality Control Board
15 Central Valley or North Coast Region.

16 c. The property owner shall confirm that the proposed structure is accessory
17 to an approved or allowed agricultural use. The Ag Commissioner and the
18 Community Development Director or his/her designee shall substantiate
19 that the use, size, and location are commensurate with the size of the
20 agricultural use occurring on the property, and consistent with the Lake
21 County Zoning Ordinance.

22 d. The application for an Agricultural Building Exemption shall be
23 accompanied by the payment of a fee in the amount established by
24 resolution of the Board of Supervisors.

25 2. Notwithstanding the forgoing, any agricultural building proposed to be located
26 in a FEMA flood hazard area as defined in Chapter 25, shall be constructed in
27 compliance with the requirements of Chapter 25. The Building Official shall
28 provide the applicant written information setting forth the FEMA Flood hazard
requirements. The agricultural building shall be subject to a final inspection to
verify compliance with these standards. The permit shall not be issued until a
fee is paid in the amount equal to that required for a house inspection, and the

~~minimum administrative costs for the flood compliance final inspection, to certify compliance with FEMA flood venting requirements.~~

~~3. Structure shall not conflict within zoning district restrictions.~~

~~4. Structure shall have a 100-foot setback from a property line regardless of the size of the parcel.~~

~~5. Structure shall have a 200-foot setback from a neighboring residence.~~

~~6. Structure shall not be an addition to any already existing structure or building not designated "Agricultural Exempt".~~

~~7. Agricultural buildings located on parcels between five (5) and ten (10) acres in size shall not exceed a building height of twenty five feet. Agricultural buildings located on parcels greater than ten (10) acres in size shall not exceed a building height of thirty five (35) feet.~~

~~8. Total square footage of all Agricultural building(s) is limited to 10% of their agricultural operation, unless approved, by both the Ag Commissioner and Community Development Director or his/her designee, for a larger square footage.~~

~~9. No single structure shall exceed 15,000 square feet, unless approved, by both the Ag Commissioner and Community Development Director or his/her designee, for a larger square footage.~~

~~10. The ground floor of an agricultural building shall be on grade and must be concrete, dirt or asphalt concrete.~~

~~11. Standard permits and inspections are required for electrical and plumbing installations. Electrical installations are limited to one hundred (100) amp services. Plumbing installations are limited to exterior hose bibbs and a cleanup sink (commercial or residential rated). Mechanical installations are prohibited, except for odor control systems upon prior approval of the Community Development Director. Waste systems for plumbing installations require approvals prior to issuance from the Division of Environmental Health.~~
~~a. Generators are prohibited as a primary source of power for Ag Exempt Structures and are limited to emergency Backup Power purposes only. i. "Emergency" for the purposes of this section is a short interruption of power due to power outages.~~

12. ~~Exiting from Ag Exempt Structures shall be arranged so that no point in the building is more than three hundred (300) feet from an exit. There shall be one exit for each fifteen thousand (15,000) square feet of building area.~~

13. ~~Approved Cannabis Cultivation permits from the County of Lake allow those applicants to submit an application for an Ag Exempt Structure.~~

14. ~~Any building, structure, or use of real property that violates or fails to comply with Section 5-6.24 of Chapter 5 shall constitute a public nuisance and shall be subject to abatement as provided in the Lake County Code.~~

15. ~~Other fees and permits may apply as needed based on the structure design and requirements."~~

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

"6.25 Temporary Ag Structures

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

1. Permit

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

1. Complete Planning Permit Application

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

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

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

b. In addition to those conducting agricultural operations, applicants with an approved Cannabis Cultivation permits from the County of Lake are eligible to apply for a Temporary Ag Structures.

- c. An applicant applying for a Temporary Ag Structure Permit, as described in this Section, is responsible for obtaining any other necessary State and/or County permits and complying with all requirements of such permits.
- d. Structure shall comply with Zoning District requirements.
- e. *Cumulative coverage of temporary structures shall not exceed 10% of total canopy area.*

2. Shipping Containers for Storage or Dry Shed (as defined in Chapter 27, Article 68)

- a. Shipping Containers shall have a fifty (50) foot setback from a property line regardless of the size of the parcel.
- b. Shipping Containers shall have a ten (10) foot setback from all other structures.
- c. Shipping Containers shall not be an addition to any already existing structure or building.
- d. Shipping Containers shall not have a height greater than ten (10) feet.
- e. Exiting from Shipping Containers shall be arranged so that no point in the structure is more than twenty (20) feet from an exit.
- f. ~~Total square footage of Shipping Container(s) is limited to 5% of their agricultural development, unless approved, by both the Ag Commissioner and Community Development Director or his/her designee, for a larger square footage.~~
- g. Shipping Containers shall be on grade with a maximum slope of 2% and must be on ~~concrete~~, dirt, or ~~asphalt concrete~~.
- h. Standard permits and inspections are required for electrical installation. Electrical installations are limited to one hundred (100) amp services. Mechanical installations are prohibited, except for odor control systems upon prior approval of the Community Development Director.
 - 1. Generators are allowed during the duration of the temporary permit for Shipping Containers.
 - a. Approval and/or Permit from Lake County Air Quality Management District shall be obtained prior to installing or operating a generator.
 - b. For diesel generators, Tier 4F or better generator is highly recommended, all generators must comply with the applicable Air Toxic Control Measures

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

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

- 5 i. Shipping Containers shall be temporarily allowed for a maximum of ~~sixty (60) days~~
6 ~~out of the calendar year and the permit shall only be approved no more than two~~
7 ~~(2) times three years.~~

- 8 1. Once ~~sixty (60) days~~ *three years* has expired, the structure shall be
9 removed immediately.

10 3. ~~General Purpose Tent for Storage or Dry Shed~~ *Temporary Structures for Cannabis*
11 *Drying* (as defined in Chapter 27, Article 68)

- 12 a. General Purpose Tents shall have a fifty (50) foot setback from a property line
13 regardless of the size of the parcel.
- 14 b. General Purpose Tents shall have a ten (10) foot setback from all other structures.
- 15 c. General Purpose Tents shall not be an addition to any already existing structure or
16 building.
- 17 d. General Purpose Tents shall not have a height greater than sixteen (16) feet.
- 18 e. Exiting from General Purpose Tents shall be arranged so that no point in the
19 structure is more than twenty (20) feet from an exit.
- 20 f. ~~Total square footage of General Purpose Tents are limited to 5% of their agricultural~~
21 ~~development, unless approved, by both the Ag Commissioner and Community~~
22 ~~Development Director or his/her designee, for a larger square footage.~~
- 23 g. General Purpose Tents shall be on grade and must be on ~~concrete~~, dirt, or
24 ~~asphaltic concrete~~.
- 25 h. Standard permits and inspections are required for electrical installations. Electrical
26 installations are limited to one hundred (100) amp services. Mechanical
27 installations are prohibited, except for odor control systems upon prior approval of
28 the Community Development Director.

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.

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

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

i. Shipping Containers shall be temporarily allowed for a maximum of sixty (60) days out of the calendar year and the permit shall only be allowed approved no more than two (2) times.

1. Once sixty (60) days has expired, the structure shall be removed immediately.

j. *Tents must have internal load bearing frame to avoid loading on the actual structure.*

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

Section Three: Section 27-6 (a) (2) of Chapter 27 of the Lake County Code is hereby amended to read as follows:

“Sec. 27-6 (a) (2) – Exemptions.

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

Section Four: Section 21-68.4 of Chapter 21 of the Lake County Code is hereby amended with 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: The proposed ordinance is exempt under CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that the project will have no significant effect on the environment. The addition of temporary structures can be deemed a Class 4 CEQA exemption which “consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes.” Section (e) of this CEQA exempt class

allows for “minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc..”

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.

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: _____