

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 is hereby added to Chapter 5 of the Lake County Code to read as  
2 follows:

3 "6.25 Temporary Ag Structures

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

7 1. Permit

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

10 1. Complete Planning Permit Application

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

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

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

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

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

23 d. Structure shall comply with Zoning District requirements.

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

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

27 a. Shipping Containers shall have a fifty (50) foot setback from a property line  
28 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. Shipping Containers shall be on grade with a maximum slope of 2% and must be on dirt.
  - g. 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 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.
  - 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 years has expired, the structure shall be removed immediately.
3. Temporary Structures for Cannabis Drying (as defined in Chapter 27, Article 68)
    - a. General Purpose Tents shall have a fifty (50) foot setback from a property line regardless of the size of the parcel.
    - b. General Purpose Tents shall have a ten (10) foot setback from all other structures.
    - c. General Purpose Tents shall not be an addition to any already existing structure or building.
    - d. General Purpose Tents shall not have a height greater than sixteen (16) feet.

- e. Exiting from General Purpose Tents shall be arranged so that no point in the structure is more than twenty (20) feet from an exit.
- f. General Purpose Tents shall be on grade and must be on dirt.
- g. 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 control systems upon prior approval of 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.
  - h. 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.
  - i. Tents must have internal load bearing frame to avoid loading on the actual structure.
4. 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."

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

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

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

6 Section Five: The proposed ordinance is exempt under CEQA Guidelines section 15061(b)(3) because  
7 it can be seen with certainty that the project will have no significant effect on the  
8 environment. The addition of temporary structures can be deemed a Class 4 CEQA  
9 exemption which “consists of minor public or private alterations in the condition of land,  
10 water, and/or vegetation which do not involve removal of healthy, mature, scenic trees  
11 except for forestry and agricultural purposes.” Section (e) of this CEQA exempt class  
12 allows for “minor temporary use of land having negligible or no permanent effects on the  
13 environment, including carnivals, sales of Christmas trees, etc..”

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

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4 AND AMENDING CHAPTER 27 OF THE LAKE COUNTY CODE REGARDING MITIGATION FEES, AND  
5 AMENDING ARTICLE 68 OF THE ZONING ORDINANCE REGARDING DEFINITIONS OF  
6 TEMPORARY BUILDING TYPES

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

9 AYES:

10 NOES:

11 ABSENT OR NOT VOTING:

12  
13 COUNTY OF LAKE

14  
15 \_\_\_\_\_  
16 Chair, Board of Supervisors

17 ATTEST: SUSAN PARKER  
18 Clerk of the Board of Supervisors

APPROVED AS TO FORM:  
LLOYD GUINTIVANO

19  
20 By: \_\_\_\_\_  
21 Deputy

By: \_\_\_\_\_