



## Legislation Text

---

File #: 21-861, Version: 1

---

### Memorandum

Date: August 31, 2021

To: The Honorable Lake County Board of Supervisors

From: Carol J. Huchingson, County Administrative Officer

Subject: **PUBLIC HEARING - 11:00 A.M. - Consideration of an Ordinance Extending Interim Urgency Ordinance No. 3107 ten (10) months and fifteen (15) days which Establishes a Moratorium on the Issuance of Early Activation Permits for Land Use Projects within the Unincorporated Area of Lake County and Authorize Chair to Sign**

#### Executive Summary:

On July 27, 2021, your Board adopted Interim Urgency Ordinance No. 3107 after considering the recommendation by the Community Development Department (CDD) Ad-Hoc Committee to establish a temporary prohibition (moratorium) on the issuance of early activation (EA) permits for land use projects located within the unincorporated areas of the County of Lake. That Interim Urgency Ordinance took effect immediately upon its adoption by a unanimous vote of your Board and continues in effect until September 9, 2021.

California Government Code 65858 grants the Lake County Board of Supervisors the authority to adopt an interim Urgency Ordinance to protect the public safety, health, and welfare of the residents of Lake County by prohibiting land uses that may conflict with a contemplated General Plan, Specific Plan, or zoning proposal that the County is considering, studying, or may study in a reasonable period of time.

At that time, your Board determined the following, 1) a prohibition (moratorium) is necessary in order to address a significant backlog of applications for EA permits and to ensure that such permits are not issued without a thorough consideration of the narrowly-prescribed circumstances pursuant to which such permits may be issued and 2) an Interim Urgency Ordinance is necessary to allow the Community Development Department sufficient time to study and assess various approaches to the land use permitting process to ensure that zoning regulations are developed whereby permittees are not delayed by an early activation process when a streamlined use permit process is more advantageous to effective land use planning, offers certainty to permittees, and fosters critical environmental review and public comment.

The Community Development Department issued a publicly available written report ten (10) days prior to this public hearing describing the need to extend the moratorium ten (10) months and fifteen

(15) days to mitigate or avoid the specific, adverse impacts identified in Interim Urgency Ordinance No. 3107.

In its efforts to mitigate these impacts, Lake County has recently retained the services of a planning consulting firm to provide additional planning services to help address the backlog and another consulting firm to analyze, research and develop processes to minimize and streamline time needed for the application process.

After the retention of the additional planning services, it soon became apparent that the County needs to further study and review modifications to the permitting process which are most likely to reduce backlog and streamline the permitting process while avoiding a hastily-devised procedure that may result in inadequate environmental review and even lengthier review delays.

As of August 26, 2021, the Planning Division backlog includes:

145 Cannabis Use Permits under review and assigned to planners/consultants  
24 Unassigned Projects, 17 are Early Activation Cannabis Permits

These numbers further demonstrate the need to extend the moratorium due to the volume of applications, applications deemed incomplete and require additional information related to studies/plans, staff analysis required by the California Environmental Quality Act and Lake County's additional hydrology and drought management plan requirements.

After careful consideration by staff, no immediate alternative was found. The impactful actions related to the out-sourced professional services were deemed the most productive and have the potential for the most immediate impact. Hence, staff has determined that there is no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impacts identified, as well or better, with a less burdensome or restrictive effect, than the adoption of a proposed moratorium extension.

**If not budgeted, fill in the blanks below only:**

Estimated Cost: \_\_\_\_\_ Amount Budgeted: \_\_\_\_\_ Additional Requested: \_\_\_\_\_ Future Annual Cost: \_\_\_\_\_

**Consistency with Vision 2028** (check all that apply):

☐ Not applicable

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Well-being of Residents | <input type="checkbox"/> Public Safety               | <input type="checkbox"/> Disaster Prevention, Preparedness, Recovery |
| <input type="checkbox"/> Economic Development    | <input type="checkbox"/> Infrastructure              | <input type="checkbox"/> County Workforce                            |
| <input type="checkbox"/> Community Collaboration | <input type="checkbox"/> Business Process Efficiency | <input type="checkbox"/> Clear Lake                                  |

**Recommended Action:**

Adopt an Ordinance extending Interim Urgency Ordinance No. 3107 for ten (10) months and fifteen days (15) which establishes a moratorium on the issuance of Early Activation Permits for land use projects within the unincorporated area of the County of Lake and authorize Chair to sign.