

ORDINANCE NO. 3107

AN INTERIM URGENCY ORDINANCE IMPOSING A TEMPORARY PROHIBITION  
(MORATORIUM) ON THE ISSUANCE OF EARLY ACTIVATION PERMITS FOR LAND  
USE PROJECTS WITHIN THE UNINCORPORATED AREA OF THE COUNTY OF  
LAKE

WHEREAS, section 65858 of the California Government Code empowers the Lake County Board of Supervisors 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; and

WHEREAS, this Interim Urgency Ordinance is adopted pursuant to California Constitution, Article 11, section 7, Government Code sections 65800, et seq., and other applicable law; and

WHEREAS, the purpose of this ordinance is to establish a temporary prohibition (moratorium) on the issuance of early activation permits for land use projects within the unincorporated areas of the County of Lake; and

WHEREAS, such a prohibition is necessary in order to address a significant backlog of applications for early activation permits and to ensure that such permits are not issued without thorough consideration of the narrowly-prescribed circumstances pursuant to which such permits may be issued; and

WHEREAS, despite the limited conditions under which such early activation permits may be issued and the expiration of such permits six months after the date of issuance, applications for early activation permits have steadily increased and have

become, in many instances, a “first step” in the use permitting process, creating a substantial backlog in the Community Development Department, and resulting in significant delays in processing minor and major use permits; and

WHEREAS, this 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.

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

Section One: Findings. The Board of Supervisors of the County of Lake finds that:

- a. The above recitals are true and correct and are incorporated herein as if set forth in full and that these recitals support the adoption of this Interim Urgency Ordinance and are relied upon by this Board for its adoption of this Ordinance.
- b. There is a current and immediate threat to the public health, safety and welfare of County residents if early activation permits continued to be issued. Such permits may result in the development of projects that would conflict with amendments to the County Zoning Ordinance that may be adopted as a result of the study and assessment that is to be undertaken.

Section Two: Definitions.

- a. “Early Activation Permit” means a permit issued pursuant to section 21-27.4 and, if applicable, section 21-27.13(at)2(i)(c) of the Lake County Code.

- b. "Deemed Accepted" means that an application for an early activation permit is deemed accepted for purposes of Section Three herein when an application has been submitted to the Community Development Department prior to the effective date of this Ordinance that meets all of the requirements of sections 21-27.4 and, if applicable, section 21-27.13(at)2)(i)(c) of the Lake County Code.
- c. Section Three: Prohibited Activities. Effective upon the adoption of this Interim Urgency Ordinance, applications for early activation permits will no longer be accepted by the Lake County Community Development Department. Applications deemed accepted by the Community Development Department prior to the adoption of this Interim Urgency Ordinance shall continue to be processed and early activation permits may be granted if the Community Development Department determines, in its discretion, that it is appropriate to do so.

Section Four: Environmental Review. The Board of Supervisors finds that this Ordinance is exempt from the California Environmental Quality Act (CEQA) because this activity is not a project pursuant to Title 15 of the California Code of Regulations section 15060(c)(2); it is an activity that has no potential to result in a direct or reasonably foreseeable indirect physical change in the environment.

Section Five: If any section, paragraph, sentence, phrase or word of this Ordinance is declared invalid for any reason, that invalidity shall not affect any other portion of this Ordinance, which shall remain in full force and effect. Board of Supervisors hereby declares that it would have adopted this Ordinance and each provision thereof

irrespective of whether any one or more provisions are found invalid, unconstitutional, or otherwise unenforceable.

Section Six: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict and no further.

Section Seven: Effective Date. This Interim Urgency Ordinance shall take effect immediately upon its adoption by a four-fifths vote of this Board. This Ordinance shall continue in effect for forty-five (45) days from the date of its adoption and shall thereafter be of no further force and effect unless other extended pursuant to Government Code section 65858.

Section Eight: Report. Ten (10) days prior to the expiration of this Interim Urgency Ordinance or any extension thereof, the Community Development Department shall issue a written report describing the measures taken, or recommending measures, to alleviate the condition which led to the adoption of this Interim Urgency Ordinance.


The Foregoing Ordinance was introduced before the Board of Supervisors and passed by the following vote on the 27th day of July, 2021.

AYES: Supervisors Simon, Crandell, Scott, Pyska, and Sabatier

NOES: None

ABSENT OR NOT VOTING: None


COUNTY OF LAKE

  
Bruno Sabatier Jul 28, 2021 09:53 PDT  
Chair Board of Supervisors

ATTEST: CAROL J. HUCHINGSON  
Clerk of the Board of Supervisors


APPROVED AS TO FORM:

Ordinance No. 3107 p.4

By:   
johanna.peelen (Jul 23, 2021 09:18 PDT)  
Deputy



ANITA L. GRANT

By:   
anita.grant (Jul 23, 2021 15:17 PDT)






# EA Ordinance for next week

Final Audit Report

2021-07-23

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