

ORDINANCE NO. 3111

AN ORDINANCE EXTENDING INTERIM URGENCY ORDINANCE NO. 3107 WHICH ESTABLISHES A MORATORIUM ON THE ISSUANCE OF EARLY ACTIVATION PERMITS FOR LAND USE PROJECTS WITHIN THE UNINCORPORATED AREA OF THE COUNTY OF LAKE

WHEREAS, on July 27, 2021, the Lake County Board of Supervisors adopted a 45-day interim urgency ordinance, Ordinance No. 3107, pursuant to Government Code 65858. The Ordinance temporarily prohibits the issuance of early activation permits for land use projects within the unincorporated area of the County of Lake; and

WHEREAS, on August 31, 2021, prior to the expiration of the Ordinance and in accordance with the requirements of Government Code section 65858, the Board of Supervisors held a duly noticed public hearing on whether to extend the Ordinance for 10 months and 15 days until and through July 24, 2022; and

WHEREAS, pursuant to Government Code section 65858, after notice and public hearing, the Board of Supervisors may by four-fifths vote extend the ordinance if the Board finds and determines that the adoption of this Ordinance as an urgency ordinance is necessary for the immediate preservation of the public health, safety, and welfare pursuant to the requirement of Government Code section 65858, and is necessary to provide additional time to prepare studies and reports required to consider a comprehensive and permanent ordinance, and

WHEREAS, in enacting Ordinance No. 3107, the Board of Supervisors made several findings and declarations constituting the grounds upon which the Ordinance is based, concluding that there is a current and immediate threat to the public health, safety and the welfare of County residents if early activation permits continue and 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; and

WHEREAS, the Board of Supervisor's findings and declarations as contained in the Ordinance remain and continue to be true under the present circumstances and are incorporated here in their entirety by this reference, and

WHEREAS, as stated in those findings and declarations contained in the Ordinance, the County is contemplating amendment to its zoning ordinance to address the problem related to the issuance of early activation permits. The County continues to need more time to complete the necessary studies and reports to fully evaluate the support such contemplated amendments, which the current and immediate threat to public health, safety and welfare continues to exist; and

WHEREAS, the extension of the Ordinance is necessary to address the backlog of early activation applications and to complete the necessary studies and reports to fully evaluate and the support the contemplated zoning ordinance amendments. Findings and declarations contained herein and in the Ordinance demonstrates that a current and immediate threat to the public health, safety and welfare continues to exist, necessitating the extension of the Ordinance until and through July 24, 2022, pursuant to Government Code section 65858.

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 extension of Interim Urgency Ordinance No. 3107 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 the extension of Ordinance No. 3107 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 extension of Interim Urgency Ordinance 3107, 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 extension 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:

The extension of this Interim Urgency Ordinance No. 3107 shall take effect immediately upon its adoption by a four-fifths vote of this Board. This Ordinance shall continue in effect for 10 months and 15 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.

The Foregoing Ordinance was introduced before the Board of Supervisors and passed by the following vote on the 31st day of August, 2021.

AYES: Supervisors Simon, Crandell, Scott, and Pyska

NOES: Supervisor Sabatier

ABSENT OR NOT VOTING: None

COUNTY OF LAKE

Bruno Sabatier

Bruno Sabatier (Sep 1, 2021 09:55 PDT)

CHAIR, Board of Supervisors

ATTEST: CAROL J. HUCHINGSON

Clerk of the Board of Supervisors

By: Johanna DeLong

Johanna DeLong (Aug 31, 2021 04:11 PDT)

Deputy

APPROVED AS TO FORM:

ANITA L. GRANT

By: Anita L. Grant

Anita L. Grant (Aug 26, 2021 13:41 PDT)

