

DIRECTIVE BY THE COUNTY OF LAKE DIRECTOR OF EMERGENCY SERVICES EXPANDING THE TEMPORARY USE OF PROPERTY FOR BUSINESSES IMPACTED BY COVID-19

WHEREAS, on March 13, 2020 the Director of Emergency Services for the County of Lake issued a Proclamation of Local Emergency due to COVID-19, which was ratified by the Board of Supervisors on March 17, 2020; and

WHEREAS, the Director of Emergency Services is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

WHEREAS, the Governor, the State Public Health Officer, and the Lake County Public Health Officer have issued a series of orders that restrict the type of business that can operate and how those businesses can provide services and goods due to the risk of COVID-19 infection; and

WHEREAS, businesses permitted to open are required to modify their operations to comply with federal, state, and local directives and guideline to ensure compliance with Social Distancing Requirements and other COVID-19 risk mitigation measures; and

WHEREAS, in order to comply with health orders, the County of Lake recognizes that businesses need to have the ability to modify operations which require unique allowances and temporary relief from certain zoning and land use regulations; and

WHEREAS, this action promotes the County's desire to support local businesses while complying with health orders and keeping the community safe; and

NOW, THEREFORE, IT IS PROCLAIMED AND ORDERED by the Sheriff of Lake County acting in his capacity as the Lake County Director of Emergency Services that, in the interests of public health and safety,

Businesses including but not limited to retail, restaurants, and mobile food vendors may apply with the County at no cost for the temporary use of County-owned and private property for modified business operations as may be necessitated by the impacts of COVID-19, subject to the following requirements:

- a. Businesses desiring to utilize public or private property beyond that which is otherwise permitted shall submit a no-fee Temporary Use Permit Application in a form approved by the Public Works Director, and provided by the Public Works Director which shall include a description of proposed use and a drawing/depiction of the proposed location and layout.
- b. The Community Development Director, or his designee may approve and issue the permit without providing notice of or conducting a hearing on the application otherwise required of a use permit application.

- c. The County reserves the right to determine on a case-by-case basis the suitability and appropriateness of the use requested by the business. The requested use shall have limited impact on other businesses operating in close proximity.
- d. The County may impose Conditions of Approval on any temporary use that is deemed reasonable and necessary to promote the safe and orderly use of the property and assure compatibility with surrounding land use.
- e. The use area and any furnishings shall be maintained in an attractive, clean (free from spills, litter and other debris) and safe manner. During non-operational hours, furnishings shall be secured within the permanent use area or stored indoors.
- f. Businesses must comply with all local, state and federal laws, regulations, and guidelines governing the temporary use including public health orders. Food vendors/Restaurants must maintain a food facility permit from the County of Lake Environmental Health Division, and alcoholic beverage sales are not permitted within the temporary permitted areas without a license, permit or other legally authorized approval issued by the California Department of Alcohol and Beverage Control.
- g. The business must have a valid sellers' permit issued by the State Board of Equalization.
- h. Temporary signage may be placed to designate and/or advertise the use; signs shall not be dangerous or hazardous to vehicles or pedestrians.
- i. The use of property shall not interfere with vehicular and pedestrian traffic, or access under the Americans with Disabilities Act.
- j. No permanent item or structure may be installed except for that which may be permitted through the normal building and planning process.
- k. Any such temporary use permitted shall cease upon termination of this Order, and the business shall return the property to the condition existing at the time of permit issuance.
- l. Any street, sidewalk, or County improvements, furnishings, and utilities damaged or destroyed by use and/or facility shall be replaced to County standards with the cost borne by the business.
- m. When utilizing County-owned property, the business must provide the County of Lake with a Certificate of Insurance and Additional Insured Endorsement naming the County of Lake as additionally insured in the amount of \$1,000,000 (one million dollars). Higher limits may apply with high-risk activities.
- n. This order does not grant the applicant any ability to access, use, modify, or occupy any State Highway or right of way without proper authorization from the appropriate State entity.
- o. No real property right is provided, given, or otherwise conveyed to any person or entity using County-owned property as provided herein.
- p. A temporary use permit in the public right-of-way is an interruptible privilege. The County may interrupt the operation of a temporary use at any time due to anticipated or actual conflicts. Such conflicts may arise from, but are not limited to, repairs or upgrades to the street, sidewalk, utilities, or other public improvement within the public right-of-way, or demonstrations or emergencies occurring in the area.
- q. The County reserves the right to suspend temporary use granted under this Order if a business fails to comply with any of the requirements.

This Order shall be effective through December 31, 2020, or until the termination of the local emergency, or unless rescinded or modified by the Lake County Board of Supervisors, whichever comes first.

1. This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the County of Lake, its departments, officers, employees, or any other person.
2. If any provision of this Order or the application thereof to any person or circumstances is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
3. This Order shall be filed in the Clerk of the Board of Supervisors Office and given widespread publicity and notice.

NOW, THEREFORE, IT IS FURTHER ORDERED by the Sheriff of Lake County in his capacity as the Lake County Director of Emergency Services that this order shall take effect on May 26, 2020 at 8:00 am.

Dated: May 22, 2020



Brian L. Martin
Sheriff-Coroner
Director of Emergency Services
County of Lake