



April 12, 2022

Lake County Board of Supervisors
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Delivery via email

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Re: April 12, 2022 Board of Supervisors Meeting – Public Comment Regarding Agenda Item 6.9

Dear Chair Crandell and Supervisors,

According to the Board of Supervisors meeting agenda published on April 8, 2022, the Lake County Board of Supervisors will consider an Urgency Ordinance containing, among other things, a moratorium on the processing of new and previously submitted commercial cannabis cultivation permit applications at its April 12, 2022 meeting. The proposed Urgency Ordinance is contained in agenda item 6.9, which is discussed herein.

Agenda Item 6.9 – Proposed Urgency Ordinance Regarding Cannabis Cultivation Permit Application Processing

The proposals set forth in agenda item 6.9, while well intended, do not provide a productive or viable path forward to address the proponent's concerns about drought. We therefore urge the Board to reject the adoption of the proposed Urgency Ordinance and ask, instead, that the County continue to work with cannabis and agriculture stakeholders to manage water resources in a way that benefits the Lake County community at large.

With regard to commercial cannabis cultivation permitting, the adoption of the proposed Urgency Ordinance would further stall applications that have been in the County's application queue for years regardless of whether such projects comply with the County's land use ordinance and applicable environmental regulations concerning water. Such a sweeping moratorium would not only place significant economic burdens on applicants that have diligently and proactively worked to get through the County's permitting process but will also likely lead to an increase in illegal, unregulated cannabis cultivation in the County. An increase in unregulated commercial cannabis cultivation will almost certainly lead to an increase in untracked and unregulated water usage therefore adding to the water availability and conservation concerns cited as the basis for the Urgency Ordinance in the first place.

While the drought is certainly a serious issue that should be addressed by the County, banning the continued processing of commercial cannabis cultivation permit applications that are already in the County's queue

based solely on the application's place in the queue is not the appropriate remedy. This is especially true because the progression of an application through the County's application process is contingent on, among other things, the County's ability to process applications in a timely manner, which has historically been limited. Instead of adopting the Urgency Ordinance, the Community Development Department ("CDD") should continue to review all existing applications on a case-by-case basis while the appropriate County Departments work to establish the "enhanced hydrological review processes" described in the proposed Urgency Ordinance.

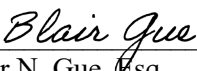
As the Board is certainly aware, commercial cannabis cultivation projects are subject to a discretionary review process on the local level and therefore the County already has the ability to deny applications for projects that will have a detrimental effect of the environment. Therefore, an Urgency Ordinance that bans the continued processing of existing applications is not only unnecessary, but also extremely unfair.

Given the transformation that the CDD's leadership and staffing teams have undergone in the past few months and the work that Director Darby and Cannabis Program Manager Andrew Amelung have undertaken to revitalize the Cannabis Program, it is truly surprising to see the proposed Urgency Ordinance on the Board's agenda. It is no secret that prior to the leadership and staffing changes noted above, the CDD's ability to receive, process, and issue commercial cannabis cultivation permits was stifled by a lack of available staffing, resources, and time. Having recently made progress toward resolving the aforementioned issues, applications that have been pending since 2019 and 2020 are just now making it to the Planning Commission for hearing. Further delay in existing application processing in the form of a blanket moratorium without regard for project specific environmental review will only compound the issues that the CDD has faced with regard to project management.

If the County is truly concerned about water use and water conservation it should take action to better regulate water without penalizing existing cannabis cultivation permit applicants. Failing to process pending applications would not only jeopardize the progress made by the CDD in the last few months but would also create a crippling economic situation for those that are currently waiting for the CDD to take action on their permit applications. My office therefore echoes the request of the Lake County Cannabis Alliance and urges the Board not to adopt the proposed Urgency Ordinance or any moratorium that inhibits the processing of commercial cannabis cultivation project applications that are already in the County's permitting queue.

A workable solution to drought and water regulation is possible, but it requires input from impacted stakeholders and sensible regulation. We therefore urge the Board to reject the adoption of the proposed Urgency Ordinance and ask, instead, that the County continue to work with cannabis and agriculture stakeholders to manage water resources in a way that benefits farmers and the Lake County community at large.

Respectfully submitted,


Blair N. Gue, Esq.