

July 14, 2025

Lake County Board of Supervisors
255 N Forbes Street
Lakeport, CA 95453

Re: July 15, 2025 Agenda Item 6.6
Consideration of an Interim Urgency Ordinance placing a Moratorium on the Issuance of Use Permits for Commercial Cultivation of Cannabis within the Unincorporated area of the County of Lake

Chair Crandell and Honorable Supervisors:

This firm represents numerous cannabis operators in Lake County. We submit this comment in relation to the above-noted agenda item to express concerns and urge the Board not to adopt an emergency ordinance placing a moratorium on the issuance of use permits for cannabis cultivation (“Emergency Ordinance”).

For the reasons set out below, the draft Emergency Ordinance would be incredibly disruptive to the Lake County cannabis industry. Additionally, the basis for the urgency as cited in the Emergency Ordinance are vague and unclear, and do not constitute a valid basis for an emergency.

Below, this correspondence will outline the reasons why this Board should not adopt the Emergency Ordinance.

I. The Emergency Ordinance Could Create a Two-Year Moratorium on Issuing or Modifying Cannabis Permits.

The Emergency Ordinance is proposed under Government Code section 65858(a). Government Code 65858(a) only allows for an initial 45-day moratorium. However, upon two subsequent votes of the Board, the Emergency Ordinance could be extended for 10 months and fifteen days, and then one additional year. (See Gov’t Code § 65858(a).) This means, practically, a moratorium on cannabis cultivation permits could persist for over two years.

The Emergency Ordinance is predicated on the notion that the Community Development Department (“CDD”) will draft a new cannabis ordinance in the near future. However, it is entirely certain that CDD, through no fault of its own, will not be able to draft a new cannabis ordinance in 45 days. CDD only just received guidance from the Board in early July on the new cannabis ordinance, needs to draft it, place it before the Agricultural Advisory Committee, then before the Planning Commission, and then back to this Board. This process will take months, potentially over a year to

complete. As such, if the Board approves the Emergency Ordinance pending the cannabis ordinance update, it stands to reason that the Board will reapprove the Emergency Ordinance at least for another year if not more.

This means that, if passed, this Emergency Ordinance will likely need to persist for a year or more. As described in more detail below, this would hamstring the Lake County cannabis industry and prevent all permits from being issued or modified for any reason. As a practical matter the long-term effects of this moratorium would, at a minimum, disrupt the cannabis industry if not destroy it. If indeed the Board seeks to halt the issuance of cannabis cultivation permits during the pendency of the cannabis ordinance update, we would urge the Board to do so in a with a more coherent ordinance that would minimizes the effects to existing businesses and the cannabis industry.

II. The Emergency Ordinance Would Unnecessarily Disrupt Existing Cannabis Operations By Barring Any Modification.

Another glaring issue with the Emergency Ordinance is its blanket prohibition on issuing or modifying permits. Specifically, the Emergency Ordinance would prevent any existing permittee from modifying an existing cannabis operation. On this point the Emergency Ordinance Section Two states:

The County shall not approve or issue land use approvals or permits...or modification or expansion existing businesses for commercial cannabis uses, during this moratorium.

This means that any existing permitted operation that needed to add any new use or building or activity, no matter how minor or inconsequential, would be barred. Even permit modifications that would increase efficiencies, reduce effects, or mitigate new impacts would be barred. It does not take an expert to realize that this hampers legally operating cannabis businesses from competing in an ever evolving and competitive business landscape and it is obvious that this would create endless problems for these businesses.

Taken alone, the bar on existing permittees modifying a permit should be a basis for the Board to deny the Emergency Ordinance. However, as discussed further below, there are additional shortcomings that are worth discussing.

III. The Emergency Ordinance Does Not Cite Facts Sufficient to Constitute an Immediate Danger to the Public Health, Safety and Welfare.

As discussed above, the Emergency Ordinance is proposed pursuant to Government Code section 65858(a). In order to pass the Emergency Ordinance, the Board must do so explicitly to “protect the public safety, health, and welfare”. (Gov’t Code § 65858(a).)



The Emergency Ordinance, as drafted, makes numerous findings allegedly relating to the public safety health and welfare. However, these finds are either vague, contradictory or incorrect. The following table cites each of these findings and describes the flaws with each.

Finding	Analysis
If commercial cannabis uses are allowed to proceed without appropriate local review and regulation, such businesses could have deleterious effects on surrounding neighborhoods and businesses that present a clear and immediate danger to the public health, safety and welfare.	This is a speculative argument and there is no factual support for this finding. In fact, to the contrary numerous cannabis operations have operates throughout the County without issue. These cannabis operations undergo strenuous local review requiring numerous studies to ensure that the businesses pose no threat to public health safety and welfare. It is also unclear how this finding ultimately concludes that these cannabis businesses present an immediate danger to the public health safety or welfare.
If commercial cannabis uses were allowed to proceed, it would conflict with, and defeat the purpose and intent of, future zoning requirements to be adopted and applied in all zoning districts due to land use, nuisance, crime, and aesthetic factors.	This is false. The purpose of the update to the cannabis ordinance is to synchronize County requirements with state licensing requirements. Additionally, based on hearings relating to the County's cannabis ordinance update, the County does not intend to make sweeping changes to the cannabis ordinance, and instead, seeks to streamline permitting and approval. As such, it is entirely unclear how approving new permits would defeat the purpose of any potential new zoning requirements. As an additional note, it is disparaging to the cannabis industry to claim that new cannabis cultivation operations may lead to nuisance or crime or otherwise create aesthetic issues. These claims are biased and ill-founded.
The Board of Supervisors finds that if establishment or development of commercial cannabis uses were allowed to proceed while the County is considering amendments to the zoning ordinances and regulations for such uses, it would defeat the purpose of the adoption of such zoning ordinances.	This is untrue. As stated above, the County's cannabis ordinance update is meant to synchronize County and state permitting and licensing schemes. Placing a moratorium on permitting will only result in causing harm to the County's cannabis industry.
Failure to enact this moratorium may result in significant irreversible changes to the unincorporated areas of the County of Lake.	This is speculative and untrue. Cannabis is an agriculture operation much like other agricultural operations conducted in the



	unincorporated areas. Cannabis cultivation is a regenerative operation and does necessarily less to long-term or irreversible damage to areas. In fact, cannabis cultivation in many ways is less disruptive than other agricultural operations, uses less water, and has more oversight ensuring compliance with environmental requirements. As such, this finding is ill-founded.
There is a current and immediate threat to the public health, safety, and welfare as the approval of use permits, variances, building permits, additional subdivisions, or any other applicable entitlement for use permitted under the County Ordinance would result in uses which, once adopted, may not be permitted under the ensuing Chapter 73.	This is speculative and untrue. Based on this Board's most recent guidance on the cannabis ordinance update, it does not appear that there will be large substantive changes to the updated cannabis ordinance such that it would create conflicting land uses for newly approved cannabis cultivation operations.
Based on the findings set forth above, the Board finds and declares that there is a current and immediate threat to the public health, safety and welfare arising from the impact of new agricultural operations and cannabis cultivation during an ongoing drought.	This is also untrue. There is not an ongoing drought in Lake County.

Taken together, these findings do not suffice to establish an urgency requiring the Emergency Ordinance.

Conclusion

In Lake County, the cultivation of cannabis, and cannabis businesses generally, are a divisive topic. Many cannabis cultivation project approvals are appealed, and there is frequent dispute over the future of the cannabis industry. This Emergency Ordinance is an attempt to assuage opponents to the cannabis industry, and put simply, it is poor land use policy, which seems to reflect one group's desire to disrupt the County's cannabis industry through any means possible.

In considering this Emergency Ordinance, the Board should also consider the varied cannabis cultivation businesses, and how this Emergency Ordinance would affect them. It would stall applications, prevent modifications, and have numerous unforeseen consequences. If the Board truly desires to halt land use approvals for cannabis cultivators pending a cannabis ordinance update, we would urge the Board to do so with a more cogent emergency ordinance that protects existing permittees. This would, at a minimum, allow existing legally operating operations to modify existing operations, protect applicants who have spent time and money preparing applications, and reduce the moratorium to the smallest group possible to effectuate the purported needs.



As such, we respectfully recommend that this Board not adopt the Emergency Ordinance as drafted.

Sincerely,

A handwritten signature in black ink, appearing to read 'James I. Anderson', with a long horizontal flourish extending to the right.

James I. Anderson, Esq.
Everview Ltd.

