Subject: Cannabis Ordinance Update and Proposed “Programmatic” EIR Scope

Date: November 2, 2025

To: Chair and Members of the Lake County Board of Supervisors

Dear Chair Crandell and Members of the Board**:**

I appreciate the Board is reviewing updates to the County’s cannabis ordinances and discussing the future role of a countywide Programmatic Environmental Impact Report (EIR).

A properly designed Programmatic EIR could indeed be a useful planning tool for streamlining environmental review and improving consistency across cannabis permits.

However, if the earlier PlaceWorks proposal that CDD presented is any indication of CDD’s intentions for this so-called Programmatic EIR, then it reflects a misguided and fundamentally deficient approach—one that would likely create more problems than it solves. A narrowly focused or under-scoped EIR would not provide the comprehensive policy framework that CEQA envisions for a true programmatic review. Instead, it would delay meaningful progress on odor and water management while consuming already limited County resources. For that reason, it should not be relied upon as justification for postponing action on these critical ordinance updates.

1. A Programmatic EIR is a Good Idea — but This Proposal is Not

The concept of preparing a countywide Programmatic EIR makes sense. It could provide a consistent environmental framework for evaluating future cannabis permits and reduce redundancy in project-level CEQA review. Unfortunately, the scope recently presented by CDD does not meet that purpose.

The PlaceWorks proposal labeled as “Programmatic” limits its analysis almost exclusively to odor, while scoping out every other CEQA topic, including water supply and water quality. No other county—Santa Barbara, Sonoma, Humboldt, Santa Cruz, Yolo, San Diego, or Los Angeles—has attempted a “Programmatic EIR” of such narrow focus. Those peer efforts cost between $600,000 and $1.2 million and took 18 to 30 months to complete.

By contrast, this proposal claims it can deliver a defensible Programmatic EIR in 12 months for $250,000. That is not a realistic assumption and has no precedent anywhere in California.

2. Fiscal and Performance Concerns

The CDD's cannabis program has already generated multi-million-dollar annual deficits—in cumulative net losses since FY 2022-23. Per the annual budgets from FY2022-23 to FY2024-25 the cannabis net cost to the County exceeded $8.7 million and the current FY2025-26 budget expects that number to increase to $10.6 million. Adding another $250K to fund an EIR that is unlikely to be defensible is fiscally irresponsible.

Moreover, given Community Development Department's less-than-stellar record for completing cannabis ordinances and projects on time and within budget, it is reasonable to expect this effort will take longer and cost more than advertised.

3. Circular Reasoning: Deferring Odor and Water to an Uncertain EIR

The legislative letter accompanying this agenda item suggests that odor and water issues will be addressed later in the Programmatic EIR instead of in the ordinance itself. That approach creates a circular dependency:

- The EIR cannot evaluate an ordinance that does not yet contain odor or water standards.
- The ordinance cannot rely on the EIR if that EIR has not yet been certified.

Deferring these critical issues renders both the ordinance and the EIR incomplete and potentially indefensible under CEQA. The assumption that the future EIR will "solve" odor or water impacts is not a foregone conclusion. If the EIR is delayed, underfunded, or legally challenged, the County will still be without enforceable odor or water protections in the meantime.

4. Immediate Action on Odor and Water are Needed

Odor remains one of the most common public complaints associated with outdoor cannabis cultivation. The only proven mitigation for outdoor operations is distance. Sonoma County recently adopted 1,000-foot setbacks from schools and residences—a standard that has proven both workable and enforceable.

Recent scientific studies have shown that the most potent odorants from cannabis cultivation are not terpenes such as β-myrcene, but a newly identified group of volatile sulfur compounds—particularly "thiols"), the same chemical responsible for the odor of skunk spray, putrid carcasses, raw sewage and fetid water . These thiols are detectable at parts-per-trillion concentrations and can travel far beyond property boundaries. Standard filtration systems do not reliably remove them, and outdoor cultivation has no feasible control other than distance. Therefore, deferring odor regulation to a future Programmatic EIR that may not even analyze these compounds is both scientifically and legally unsound.

Lake County should not postpone adopting its own setback standards while waiting for an EIR whose outcome and timeline are uncertain. A simple amendment now to codify minimum odor setbacks would provide immediate relief and regulatory clarity without precluding future refinements through a later EIR.

Water impacts are equally urgent. Across many parts of Lake County, domestic wells are running dry and households are being forced to truck in water—often at costs they cannot sustain. The existing cannabis ordinances explicitly prohibit the routine use of trucked water except during declared emergencies, yet CDD has been unwilling or unable to enforce those provisions, even when neighboring residents file documented complaints. This regulatory inaction has allowed large cultivators to continue operating despite clear violations, placing additional strain on already depleted aquifers.

Several of Lake County's groundwater basins are now at risk of State intervention under the Sustainable Groundwater Management Act (SGMA) because of chronic overdraft and declining groundwater levels. The situation has become both an environmental and a social-equity crisis: low- and modest-income residents cannot afford to deepen or replace wells, while well-financed cannabis operators can simply drill deeper, further lowering the water table and putting groundwater out of reach for ordinary citizens. Deferring water-use standards to a future EIR only prolongs this inequity. Immediate ordinance amendments should prohibit groundwater extraction for new cannabis sites in critically stressed basins, require verified water-source documentation for all permits, and establish meaningful enforcement mechanisms. Waiting for a speculative EIR to "study" the issue will not stop wells from going dry.

5. Already Over Budget Before It Begins: Delaying Water Protections Now for a Future EIR that Doesn't Address Water Issues.

CDD is advising the Board to delay addressing water impacts in the ordinance until a future Programmatic EIR is completed. Yet the PlaceWorks proposal that CDD is relying on does not include any analysis of water supply, water use, or hydrology—issues that have been among the most contentious and environmentally significant aspects of cannabis cultivation in this County. Any "Programmatic" EIR that omits water is not programmatic in any meaningful sense. By deferring to this incomplete proposal, the County is committing to a project that is already under-scoped, over-budget before it begins, and unrealistic in timeline. Proceeding on that assumption would only compound CDD's pattern of cost overruns and missed deadlines while leaving a critical resource issue unaddressed.

6. Misstatement of Law Regarding Odor Regulation

The PlaceWorks scope incorrectly claims that cannabis cultivation odors are exempt from odor-nuisance rules because cultivation is an agricultural operation protected under "Right to Farm." That is inaccurate.

- Health & Safety Code § 41700 prohibits any emission, including odors, that causes injury or nuisance.
- "Right to Farm" protections (Civil Code § 3482.5) apply only to lawful, established agricultural operations—not newly established cannabis sites.
- Many Air Districts in California, including Monterey Bay, North Coast Unified, and Northern Sonoma, actively investigate cannabis odor complaints.

Relying on an incorrect legal assumption further erodes the credibility of this proposed analysis.

7. Recommendations

To ensure fiscal and legal responsibility, I respectfully urge the Board to:

1. **Reject or substantially revise the current PlaceWorks scope of work.**
2. **Direct staff to include odor and water-resource standards in the ordinance update now**, rather than deferring them to a future EIR.
3. **Adopt a 1,000-foot odor setback** from schools and residences, consistent with Sonoma County's new ordinance.
4. **Clarify the County's intent**—if a true Programmatic EIR is pursued, it must evaluate all CEQA resource categories and be properly funded and scheduled.

Conclusion

A Programmatic EIR can be a sound investment when it is properly scoped, adequately funded, and based on accurate legal assumptions. The current proposal, however, is none of those things. It is fiscally risky, procedurally circular, and substantively incomplete. Approving this scope as written would perpetuate the County's pattern of under-resourced and over-promised cannabis planning efforts.

The Board has an opportunity to correct course by ensuring that odor and water protections are addressed now, while pursuing a genuine Programmatic EIR that actually serves the County's long-term environmental and fiscal interests.

Respectfully submitted,

Thomas Lajcik