



Thursday, April 18, 2024

Board of Supervisors

Attn: Board Chair Bruno Sabatier

255 N. Forbes St.

Lakeport, CA 95453

Via email: ClerkoftheBoard@lakecountyca.gov, bruno.sabatier@lakecountyca.gov

RE: Issues with transparency and disclosure by the county of Lake regarding Higher Ground Farms, and the Higher Ground Farms appeal AB 24-01 of the Lake County Planning Commission's Jan. 11 denial of UP 20-40 and Initial Study (IS 20-50), 3545 Finley East Road, Kelseyville (APN: 008-026-07)

Dear Chairman Sabatier and members of the Board of Supervisors,

Please find attached documents that form part of the evidence we are providing to you ahead of the Higher Ground Farms appeal hearing, set for Tuesday, April 23.

In addition to this letter, there are five evidentiary documents in a PDF format, most of which include documents obtained from the county of Lake in a Public Records Act request we submitted. They total 493 pages.

One document we have yet to receive is for the project's biological assessment, which for whatever reason was not included in the response to our request. We have confirmed with Redbud Audubon Society that they never received that document for review either, which is problematic considering that it is their standard practice to weigh in on all of these projects. We are now attempting to get that document ahead of the hearing, as we feel it is crucial for all documents relating to this very bad project to be considered by the board and the public at large.

The reason we are submitting these documents is in order to illustrate our continuing challenges in getting accurate, complete and forthcoming information from the county about this project, much less from the project proponents, the latter having taken **every opportunity** to mislead us about their true intentions.

We are separately including several emails we sent, beginning with one nearly five years ago, informing the county of our plans for the Kelsey Creek Schoolhouse and trying to get information on possible marijuana grows near the school.

These documents show definitively that county planning staff failed more than once to give us accurate information about what was going on at Higher Ground Farms as we have sought to protect the Kelsey Creek Schoolhouse next door. As it turned out, there was an enormous amount of work taking place that we were not privy to, despite asking.

It wasn't until January of this year, after years of our asking questions and seeking regular notifications, and notifying them about our planned work on the school, that planning staff finally was directed to notify us of any permitting and work going on at Higher Ground Farms.

These documents also illustrate how there was essentially no public input or involvement until planners were preparing to seek approval from the Lake County Planning Commission last year. Late notice to neighbors was a point brought up at the Jan. 11 Planning Commission meeting.

The documents also show the proponents' poor planning and nonexistent due diligence. They had to be told more than a year into the planning project that the property is in protected farmland and therefore they cannot have an outdoor marijuana grow, much less early activation. Thank goodness, because had they not been held up on those points, we likely would have known nothing about this project until it was entirely too late to stop it.

The county is offering an unusual amount of support and cheerleading as the proponents continue to lob ideas at the wall — all of them bad — in the hopes that something, anything, will stick.

First, it was supposed to be hemp under the name of "Collective Conscious Hemp," a problematic choice of names considering that "Collective Conscious Apothecary" was the name of the marijuana dispensary business Mr. Oliver owned in Mendocino County, and was the focus of a lawsuit over allegations of embezzlement, selling the marijuana to nonmembers, and embezzling the nonprofit's payroll and payroll taxes, according to a June 5, 2012, article in Courthouse News Service, which we are including in our packet for your convenience.

That company also was hit with tens of thousands of dollars in state Department of Industrial Relations fines for its treatment of employees, according to the agency's online database and Mendocino County Superior Court records.

The county of Lake should not be trying to fit this defective peg into the fabric of one of our most prized farming communities. It is not up to the county to try to remedy the vast shortcomings of this project. It is not your job to make bad business people money or to harbor them in our county.

Quite the opposite — it is your job to protect your constituents from dangerous and defective projects like Higher Ground Farms that have no place in Lake County. Otherwise, all you are doing is bolstering a "Wild West" viewpoint of this community that welcomes bad actors, who will conclude no one will ultimately hold them accountable.

Regarding the community even being able to have a voice in defending itself against such plans, you should be aware that we are continuing to find that letters and emails from community members and project neighbors raising objections to this project ***have failed to make it into the public comment packet.***

Defective public noticing also has been an ongoing issue. The hearing originally had been scheduled for March 5 until the Kelseyville Unified School District, which owns the property on which the schoolhouse sits next door to the Higher Ground property, notified the county that it had not received a hearing notice.

Earlier this week, we were notified by another neighbor that he had received no notice about this project and that, in his opinion, staff was clearly giving its support to the appellant. That is the same conclusion we have reached, and it's problematic on many levels, as it suggests that staff are not approaching this situation with objectivity. They are not tasked with being professional cheerleaders, they are supposed to be focusing on what is best for the community.

It also raises the question of why the planner on this case was removed from working on it, and why now the director and her deputy are trying to ram this mess through. Since when do the top-tier staff need to be brought in for an appeal, especially when there are more important matters at hand — like general plan and area plan updates? This deliberate effort to undermine the Board of Supervisors' own planning commission appointees looks more like a cleanup crew than anything else, involving individuals whose interests in this project are seriously in question.

Based on those concerns, we ask that **all** county staff be directly asked and required to disclose any personal, professional or business relationships with the individuals involved in the Higher Ground Farms project, or intermediaries.

Once you've done that, we ask that you uphold the Planning Commission's excellent decision to deny the Higher Ground Farms major use permit and initial study, and put this awful project on the shelf — and away from the community — once and for all.

Sincerely,



John Jensen
President/Co-founder
Lucerne Area Revitalization Association



Elizabeth Larson
Secretary/Cofounder