



Lucerne Area Revitalization Association - P.O. Box 1792 Lucerne, CA 95458 [www.lucernearea.org](http://www.lucernearea.org)

Wednesday, Jan. 3, 2024

Director Mireya Turner  
Community Development Department

Eric Porter  
Associate Planner

RE: High Ground Farms

Dear Director Turner and Mr. Porter,

The Lucerne Area Revitalization Association requests that the hearing for the Higher Ground Farm major use permit, scheduled for the Lake County Planning Commission on Thursday, Jan. 11, be postponed until we receive the latest information about the project and have a chance to discuss with you our unaddressed concerns about this project.

The association, or LARA, stewards the Kelsey Creek Schoolhouse, located on property owned by the Kelseyville Unified School District, next door to the project. Both LARA and the school district have voiced our opposition and our concerns about having a project like this next to a school and a school-owned property, which clearly violates state law despite your arguments to the contrary.

Over the summer, we and dozens of Lake County residents wrote letters to your department raising concerns about this project. You did not acknowledge, or respond to, these concerns.

However, at that time, Mr. Porter admitted that he had no idea the historic schoolhouse was next door to the Higher Ground project.

We expected some kind of discussion or work to mitigate our concerns. Instead, we have had silence from you.

Since the summer, we've received numerous questions from opponents of the Higher Ground project about what the county was doing about their concerns. We told them we didn't know, because you hadn't answered us, either.

This is all the more alarming considering that this project will have numerous destructive and irreversible consequences for our community.

For one, it will be the first example of the county working to actively destroy a historic site, in this case, the Kelsey Creek Schoolhouse. You have failed to record the building in your planning documents or to even consider the damage of having a cannabis project next to a site intended to welcome families and school children.

It's also setting a terrible precedent not just for locating such projects next to schools and other locations which serve children, but for pitting neighbors against each other. Every time we have had any contact with the owner or his tenant, they have attempted to mislead us, giving us false information and hiding their true intent. We have raised this issue with you. You have not responded to that concern, either.

Days before Christmas, your department dropped the legal for this hearing in our lap. We asked for the staff report in order to be able to get some kind of idea of what was going on, and if the county is anywhere addressing our concerns. We were told the report wasn't finished, and then the county shut down for the holidays.

Then, Director Turner, you told us that this has been a "normal" process. We can assure you, there is nothing even remotely "normal" about pitting neighbors against each other, keeping people in the dark about serious environmental and land planning concerns, and trying to actively destroy a historic site. There is nothing normal about any of that at all, and we refuse to accept that.

The Community Development Department's actions so far have been to ensure that the Higher Ground project will be a failure, and an expensive one. The best way to mitigate that is to talk with those of us who have concerns and find a way to work together. This is not a zero sum game.

We asked for that before and also were ignored. So we are asking again.

Please postpone this hearing so that we may have a conversation about the future of the historic schoolhouse site and how to meaningfully protect it in the midst of other development in the area.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Jensen', with a stylized, flowing script.

John Jensen  
LARA President, co-founder

A handwritten signature in blue ink, appearing to read 'Elizabeth Larson', with a stylized, flowing script.

Elizabeth Larson  
LARA Secretary, co-founder



## Eric Porter

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**From:** Lake County CannabisCEQA  
**Sent:** Friday, June 2, 2023 10:41 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Mitigated Negative Declaration - Public Comment - Higher Grounds Farms  
**Attachments:** Lake County Planning Department Letter.pdf; Kelsey Creek School House Property Use Agreement.pdf

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**From:** Erica Anderson <eanderson@sclscal.org>  
**Sent:** Thursday, June 1, 2023 11:53 AM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountyca.gov>  
**Subject:** [EXTERNAL] Mitigated Negative Declaration - Public Comment - Higher Grounds Farms

Good Morning:

Please see attached from Attorney Loren W. Soukup regarding Kelseyville Unified School District's written opposition to the Mitigated Negative Declaration for the Higher Grounds Farms project.

Thank you,  
Erica

Erica W. Anderson, Legal Office Manager  
School and College Legal Services of California  
5350 Skylane Boulevard  
Santa Rosa, CA 95403  
Phone (707) 524-2690  
Fax (707) 578-0517  
[eanderson@sclscal.org](mailto:eanderson@sclscal.org)  
Pronouns: she/her/hers



**SCHOOL & COLLEGE LEGAL SERVICES**  
**OF CALIFORNIA**

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# **SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA**

June 1, 2023

Sent Via E-Mail Only  
[CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

Community Development Department, Planning Division  
County of Lake  
255 N. Forbes Street  
Lakeport, CA 95433

Re: Mitigated Negative Declaration – Public Comment  
Higher Grounds Farms  
3545 Finley East Road, Kelseyville  
APN: 008-026-07

To Whom It May Concern:

On behalf of the Kelseyville Unified School District (“District”), this letter shall serve as the District’s written opposition to the Mitigated Negative Declaration for the above referenced project.

The District is the owner of the real property located at 3510 East Finley Road, Kelseyville, which is partially used by the Lucerne Area Revitalization Association (“LARA”) under the enclosed Property Use Agreement. LARA is the owner of the schoolhouse located on the property but the District retains ownership of the real property. As part of the Property Use Agreement, the District retains the right to use the property not being used by LARA for any District purposes including, but not limited to, school functions and District-related events.

Further, pursuant to its obligations under the Civic Center Act (Education Code sections 38130 et seq.), LARA only pays \$1/year for use of the property and all additional costs are paid for by the District. The District’s property is maintained and operated by public funds.

In light of the above, the District’s property should have been considered in the Mitigated Negative Declaration and an analysis of the 1,000 foot setback requirements should have been provided. The District intends to continue to use its property for school and District-related purposes and the approval of this project will violate the 1,000-foot setback requirement.

The District respectfully requests that the Planning Division consider these factors as a part of the Mitigated Negative Declaration and in its consideration of the project.

Sincerely,

Loren W. Soukup, Senior Associate General Counsel  
School & College Legal Services of California

Cc: Dr. Dave McQueen, District Superintendent



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Nicollette M. Alvarado  
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Laura J. O'Neill

June 7, 2023

Sent Via E-Mail Only  
eric.porter@lakecountycal.gov

Eric Porter  
Community Development Department, Planning Division  
County of Lake  
255 N. Forbes Street  
Lakeport, CA 95433

Re: Major Use Permit UP-40  
Mitigated Negative Declaration – Public Comment Follow-Up  
Higher Grounds Farms  
3545 Finley East Road, Kelseyville  
APN: 008-026-07

Dear Mr. Porter:

The Kelseyville Unified School District ("District") submitted a written opposition to the Mitigated Negative Declaration for the above referenced project on June 1, 2023. As indicated in the letter, the District is the owner of real property located within 1,000 feet of the proposed cannabis cultivation facility and the District intends to use its property for District purposes.

Specifically, once the historic schoolhouse has been restored, the District will be using the property for field trips and community youth events. In addition, the District and the Lucerne Area Revitalization Association will continue its partnership through its hosting of fundraisers and local events at the site, which will include the attendance of students and community youth.

The District is happy to provide you with a calendar of events once the schoolhouse has been restored and the specific dates have been set.

Sincerely,

Loren W. Soukup, Senior Associate General Counsel  
School & College Legal Services of California

Cc: Dr. Dave McQueen, District Superintendent

## **PROPERTY USE AGREEMENT**

This Property Use Agreement ("Agreement") made this 13<sup>th</sup> day of October, 2021, by and between Kelseyville Unified School District (hereinafter called "District") and Lucerne Area Revitalization Association (hereinafter called "Buyer").

### **RECITALS**

- A. District is the owner of real property situated at 3510 East Finley Road, Lakeport, California ("Property").
- B. Buyer has purchased from the District the Kelsey Creek School House ("School House") which is located on the Property.
- C. District and Buyer desire to have Buyer keep the School House on the Property while the District owns the Property and to maintain the School House.

In consideration of the terms and conditions set forth below, and in accordance with the Civic Center Act (Education Code sections 38130 et. seq.), the parties agree as follows:

### **1. PROPERTY USE.**

- 1.1 Buyer shall keep the School House on the Property where it is currently located and use the Property to access the School House.
- 1.2 A use permit need be obtained by Buyer only if required by law and at the sole expense of Buyer. No use is permitted that is contrary to the applicable zoning or to the laws or regulations applicable to the subject property.
- 1.3 The Agreement excludes use by the Buyer of any other portion of the Property except for where the School House is located and ingress and egress over the Property to the School House. District shall have the right to use or lease any of the Property not being used by Buyer pursuant to this Agreement.

### **2. TERM.**

#### **2.1 Term.**

The term of this Agreement shall commence on November 1, 2021 (the "Commencement Date") and shall end on November 1, 2071 unless earlier terminated per the terms of this Agreement. This Agreement may be renewed annually upon written mutual agreement of the parties.

#### **2.2. Termination.**

Either party may terminate this Agreement in the event that the other party materially breaches this Agreement, provided that the non-breaching party provides the other party with written notice of the non-breaching party's intent to terminate and the other party is unable to cure the material breach within thirty (30) days receipt of the non-breaching party's written notice. In the event of termination, Buyer

shall remove all of Buyer's personal property from the Property and shall immediately transfer ownership of the School House back to the District for \$1.00. The School House shall not be removed from the Property.

Upon termination of this Agreement, Buyer shall return the Property and School House to the District in the same condition as on the commencement of the Term, normal wear and tear and District-approved improvements, alterations or additions excepted. However, prior to the termination of this Agreement, the District may require that any District-approved improvements, alterations or additions made in or upon the Property and/or School House be removed by Buyer at the termination of this Agreement. In that event, Buyer shall remove at Buyer's sole expense and shall restore the Property and/or School House to the condition in which they were before such improvements, alterations or additions were made, reasonable wear and tear excepted.

### **3. USE OF PROPERTY.**

Buyer shall use and occupy the Property solely for the use and maintenance of the School House in accordance with this Agreement, and any reasonably related lawful purposes.

### **4. MAINTENANCE.**

Buyer, at its sole expense, shall provide all maintenance and custodial services to maintain the School House and the Property in the same condition it was provided to Buyer at the time of Buyer's occupancy.

### **5. UTILITIES.**

Buyer shall be responsible for the payment of all utilities to the School House.

### **6. ALTERATIONS AND IMPROVEMENTS.**

During the term of this Agreement, Buyer shall make no alterations, installations, additions, or improvements to the Property without prior written approval by the District. Improvements made by Buyer at any time to the Property during the terms of this Agreement shall be and remain the property of District. Buyer shall be responsible for and shall pay for any repairs or replacements which are occasioned or made necessary by reason of the negligence or misuse of the Property by Buyer. District shall not be responsible to Buyer for any damage or injury to persons or property which may occur as a result of the failure of Buyer to make repairs.

### **7. INSURANCE.**

Buyer shall maintain insurance as described below:

- a) Worker's compensation insurance, if otherwise required by law, with the statutory limits required by the Labor Code of the State of California.
- b) Commercial or Comprehensive General Liability insurance covering bodily injury and property

damage utilizing an occurrence policy form in an amount no less than One Million Dollars (\$1,000,000) per occurrence, Two Million Dollars (\$2,000,000) aggregate.

- c) Excess Liability Insurance (umbrella) shall be no less than \$2,000,000 over primary insurance.
- d) Each comprehensive or commercial general liability and automobile liability insurance policy shall be endorsed with the following specific language:
  - 1) District, its officers and employees, are named as additional insureds for all liability arising out of the operations by or on behalf of the named insured in the performance of this Agreement.
  - 2) The inclusion of more than one insured shall not operate to impair the rights of one insured against another insured, and the coverage afforded shall apply as though separate policies had been issued to each insured, but the inclusion of more than one insured shall not operate to increase the limits of the Buyer's liability.
  - 3) The insurance provided herein is primary coverage to District with respect to any insurance or self-insurance programs maintained by District and no insurance held or owned by District shall be called upon to contribute to a loss.
  - 4) This policy shall not be canceled or materially changed without first giving thirty (30) days prior written notice to District.
- e) Documentation: The following documentation shall be submitted to the District:
  - 1) Properly executed Certificates of Insurance clearly evidencing all coverages, limits, and endorsements required above. Said certificates shall be submitted prior to the execution of this Agreement.
  - 2) Signed copies of the specified endorsements for each policy. Said endorsement copies shall be submitted within thirty (30) days of execution of this Agreement.
  - 3) Upon District's written request, certified copies of insurance policies. Said policy copies shall be submitted within thirty (30) days of District's request.
- (f) Policy Obligations: Buyer's indemnity and other obligations shall not be limited by the foregoing insurance requirements.

## **8. INDEMNITY**

Buyer shall hold harmless, defend and indemnify District, its officers, agents and employees, from and against any liability, claim, action, cost, damage or loss, including reasonable costs and attorneys' fees, for injury, including death, to any person or damage to any property arising out of Buyer's activities under this Agreement, but excluding liability due to the sole negligence or willful misconduct of District. This

obligation shall continue beyond the term of this Agreement as to any act or omission which occurred during or under this Agreement. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Buyer or its employees or agents under workers' compensation acts, disability benefit acts, or other employee benefit acts.

#### **9. ASSIGNMENT.**

This Agreement or any interest of Buyer therein, shall not be assignable by Buyer or by operation of law without the written consent of District. Any attempt to so assign without first obtaining such written consent shall be null and void. In the event such written consent should be given by District, said consent shall not constitute a waiver of this provision, which shall remain in effect with respect to any and all subsequent attempts to assign.

#### **10. WAIVER.**

The waiver by either party of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition herein contained.

#### **11. SURRENDER.**

Buyer covenants that on the last day of the term or on the last day of a renewal or extension of this Agreement, it will peaceably and quietly leave and surrender the Property in as good condition as they now are, ordinary wear and tear excepted.

#### **12. HOLDING OVER.**

Any holding over by Buyer shall not be construed as a renewal of the term of this Agreement but shall constitute a month-to-month use which may be terminated by either party upon thirty (30) days prior written notice, and shall otherwise be on the same terms and conditions herein set forth and at the use fees applicable to the last month of the Agreement term.

#### **13. TRANSFER OF BUYER'S INTEREST.**

Buyer shall not at any time assign or otherwise transfer all or any part of Buyer's interest in this Agreement without the express written consent of District.

#### **14. COMPLIANCE WITH LAW.**

Buyer shall not use the Property or permit anything to be done in or about the Property which will in any way conflict with any law, statute, ordinance or governmental rule or regulation now in force or which may hereafter be enacted or promulgated. Buyer shall, at its sole cost and expense, promptly comply with all laws, statutes, ordinances and governmental rules, regulations or requirements now in force or which may hereafter be in forced, and with the requirements of any board of fire insurance underwriters or other similar bodies now or hereafter constituted, relating to, or affecting the condition, use or

occupancy of the Property, excluding structural changes not related to or affected by Buyer's improvements or acts.

**15. SEVERABILITY.**

The invalidity or illegality of any provision shall not affect the remainder of the Agreement.

**16. MISCELLANEOUS.**

**16.1. Binding on Successors.** This Agreement and all of the covenants, agreements, conditions and undertakings contained herein, shall be binding upon and inure to the benefit of the respective heirs, legal representatives, successors and assigns of the parties hereto.

**16.2. Headings.**

The headings of the Articles and Sections hereof are for convenience only and shall not affect or be deemed to affect the meaning of any provisions hereof.

**16.3. Entire Agreement.**

This Agreement, including all exhibits, contains all of the terms, covenants, conditions and agreements between District and Buyer relating in any manner to the use and occupancy of the Property. No prior agreement or understanding pertaining to the same shall be valid or of any force or effect, and the terms, covenants, conditions and provisions of this Agreement cannot be altered, changed, modified or added to, except in writing and signed by District and Buyer. All references herein, directly or indirectly, to the term of this Agreement shall also be deemed to include any extensions or renewals thereof provided Buyer herein, unless expressly provided to the contrary.

**16.4. Governing Law.**

This Agreement shall be governed exclusively by its express provisions and by the laws of the State of California, and any action to enforce the terms of the Agreement or breach thereof shall be brought in Lake County, California, and no other place.

**16.5. Force Majeure.**

No party shall be in default on account of any failure of performance which is caused by circumstances beyond the reasonable control of such party, including strikes, lockouts, fires, floods, acts of God, war, civil disorder or government regulations. This provision shall not excuse a delay in performance in excess of the actual delay so occasioned.

**16.6. No Joint Venture.**

Nothing herein contained shall be deemed in any way or have any purpose whatsoever to constitute District or Buyer a partner of the other in its business or otherwise, or a joint venturer or a member of a joint enterprise with the other.



**16.7. Invalidity.**

If any term or provision of this Agreement, or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law.

**16.8. Construction of Agreement.**

This Agreement shall be strictly construed neither against District nor Buyer, but shall be construed according to the fair meaning of its terms. No remedy or election given by any provision in this Agreement shall be deemed exclusive unless so indicated, but each shall, wherever possible, be cumulative with all other remedies in law or equity as otherwise specifically provided.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

DISTRICT:

By: 

David McQueen

Kelseyville USD Superintendent

BUYER:

By: 

Elizabeth R. Larson

Lucerne Area Revitalization Association





Lucerne Area Revitalization Association - P.O. Box 1792 Lucerne, CA 95458 [www.lucerneara.org](http://www.lucerneara.org)

Tuesday, June 6, 2023

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [Mireya.Turner@lakecountyca.gov](mailto:Mireya.Turner@lakecountyca.gov)

Associate Planner Eric Porter  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and Mr. Porter,

The Lucerne Area Revitalization Association strenuously objects to your proposal to adopt a mitigated negative declaration for the initial study and major use permit for the Higher Ground Farm commercial cannabis project at 3545 Finley Road East in Kelseyville.

This project and the initial study that describes it are both poorly thought out and deeply flawed, with the due diligence both incomplete and faulty, and its conclusions demonstrably false.

The fatal flaw for both is that neither takes into account the historic Kelsey Creek Schoolhouse that sits next door. The association — hereinafter referred to as “LARA” — is leading the renovation of this building, which sits on property owned by the Kelseyville Unified School District.

As we will show in the concerns detailed below, Lake County Community Development staff, in proposing this project for a mitigated negative declaration that ignores the Kelsey Creek Schoolhouse, is violating both the Kelseyville Area Plan and the Lake County General Plan. Both of those county-produced documents speak to the preservation of unique historic sites and protection of community resources.

Not only that, but the Lake County General Plan says the county “shall” encourage, promote and preserve historic buildings, work with groups on preservation efforts, and ensure that new development respects Lake County’s heritage by requiring that it respond to context and be compatible with community character and traditions. It isn’t a suggestion. It’s a requirement.

In short, this initial study document is insurmountably deficient and cannot possibly qualify for a mitigated negative declaration in its current form. The fact that you’re even suggesting that it be passed through is immensely troubling.

It violates the Kelseyville Area Plan. It violates the general plan. It throws true economic development out the window. It offers no compromises, no discussions, no mitigations about its impact on a unique and fragile historic site.

We want to emphasize here that our concern is not about this being a cannabis project; any project this badly planned — whether it's cannabis, strawberries or housing — would cause us alarm.

Rather, here, it is about the fact that the project study documents are vastly deficient in offering a meaningful analysis of what this project will do to a neighboring historic site.

If you have your way in rubber stamping this project and report through a mitigated negative declaration, you will have accomplished what no one else has managed to do in 152 years — destroy the Kelsey Creek Schoolhouse, now the last one room schoolhouse in Lake County.

Beyond a tiny dot on a map on page 4 — in which it is referred to as the “Hell’s Bend School House,” another name by which it’s been known — the Kelsey Creek Schoolhouse is nowhere to be found in this report. It is simply absent. Or, more accurately, it is excised from the record with surgical precision.

We don’t think this is an accident. If it is, it shows incredible incompetence on your department’s part. We find it hard to believe that you don’t know about the schoolhouse restoration project, since we personally have told both of you about it **numerous times going back four years this month**, along with the fact that it has received news coverage.

We believe that, based on Community Development’s record of pushing through bad projects in order to collect tax money for the local government, that it has refused to include the schoolhouse because the impacts of the monstrous Higher Ground project are simply too great and cannot be mitigated. So, the goal then was to sneak this project through without our notice.

That moves to our second complaint, that we were not given notice of this project by your department. We received the notice, secondhand, from the Kelseyville Unified School District, days after it was issued. Again, we’re curious how it raised no alarm bells for you that you had the school district as a neighboring property owner for a commercial cannabis project?

Nor has Higher Ground Farms and those connected with it acted in good faith in this process, making it clear they did not want us to know about their project until it was too late for us to raise the alarm.

John Jensen, LARA’s co-founder, was at the schoolhouse property on Tuesday, May 9, when the lead paint remediation project was beginning on the building. A man who identified himself as “Leo” was at the Higher Ground property. Based on his comments, Jensen took him to be a property owner and/or manager.

When Jensen asked him, directly, what he was planning to do with his property, Leo said, "I don't know what will be done with the property." That's an odd — and misleading — thing to say the day after the county issued a notice of intent to grant a mitigated negative declaration on his project.

Leo clearly knew of the schoolhouse, because during the conversation he made a comment that he had wanted to buy the building. We had heard nothing whatsoever about that before that day.

He also bragged about digging three and a half feet into the ground to lay the foundation for a structure which, again, he plans to locate next to the schoolhouse with us having received no notice of it. We were told by a Big Valley Pomo tribal representative that they wanted a tribal monitor on the schoolhouse site if we dug a trench for a foundation. So we're curious if he notified you of his plans to dig down into the earth, if the tribe was notified and if a tribal monitor was on site for that?

Third, all along this project has been intended for community and school use, in partnership with the Kelseyville Unified School District, which owns the land. How can Community Development approve a mitigated negative declaration for this project without a 1,000-foot setback with respect to school-owned and used property? In a separate letter to you, the school district's legal counsel has made clear that, despite your attempt to split hairs, the project remains very much connected to the district and educational uses, and so requires that setback.

Had Community Development and Higher Ground spoken to LARA, you would have found us wanting to find ways to work together. There can be fixes to this mess, such as, on a 23-acre property, not putting this eyesore of a project within a few hundred feet of the schoolhouse, where events and gatherings involving children are intended and where people love to come and take pictures of the schoolhouse with the vista of Mount Konocti behind it. Locate it as far away from the schoolhouse as possible. That's how you prevent serious planning and land use conflicts.

Our fourth key concern, and by no means the least important in our view, is that the initial study document nowhere mentions the emergency the Board of Supervisors declared in February 2023 regarding the Clear Lake hitch. That is of special concern because of this project's immediate proximity to Kelsey Creek, one of the most important spawning grounds for the hitch.

While the hitch are mentioned, they are not carefully considered, nor is this project being held to the same level of scrutiny for water use as other agricultural operations are in light of the hitch emergency.

Below is LARA's point-by-point analysis of this project's deeply flawed initial study, pointing out its mischaracterizations, falsehoods and flaws, in alphabetical order.

## **Air quality**

On page 12, regarding air quality impacts, it is stated that there will be “less than significant with mitigation measures” regarding exposure of “sensitive receptors to substantial pollutant concentrations.”

The California Air Quality Resources Board defines “sensitive receptors” as children, elderly, asthmatics and others “who are at a heightened risk of negative health outcomes due to exposure to air pollution.” That definition is found here:

<https://ww2.arb.ca.gov/capp-resource-center/community-assessment/sensitive-receptor-assessment>.

The initial study states, “The locations where these sensitive receptors congregate are considered sensitive receptor locations. Sensitive Receptor locations may include hospitals, schools, and day care centers, and such other locations as the air district board or California Air Resources Board may determine (California Health and Safety Code § 42705.5(a)(5)).”

LARA and Kelseyville Unified have been clear, all along, in our intention to use this site for school-related events that would draw children and families. However, since the schoolhouse has not been considered in this study, the mitigations cannot be considered realistic, accurate or sufficient.

Additionally, the report mentions nothing about the smell from cannabis grows, which is acknowledged to be a huge problem for neighborhoods — residences and businesses alike.

The carbon air filtration system that the initial study says will be required for greenhouses might not be sufficient, especially when considering activities like outdoor loading for transportation.

## **Chemical storage: More information needed**

The initial study states that “chemicals, fuel and fertilizer to be stored” on-site next to a property that expects to draw children and families and a short distance from an earthquake fault zone.

Community Development should require a list of items to be stored to review for the potential impact, including explosive and contamination potential, which is critical for public safety.

## **Cultural resources**

The report falsely states that there will be “less than significant with mitigation measures” when it comes to substantial adverse changes or impacts to historical resources.

The schoolhouse is nowhere mentioned in the discussion of cultural or historical resources. The considerations are limited to tribal and archaeological resources.

California Code Section 15064.5, "Determining the Significance of Impacts to Archaeological and Historical Resources," states the following:

*(b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.*

*(1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.*

*(2) The significance of an historical resource is materially impaired when a project:*

*(A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources ..."*

The Kelsey Creek Schoolhouse is eligible for state listing and LARA is pursuing that designation.

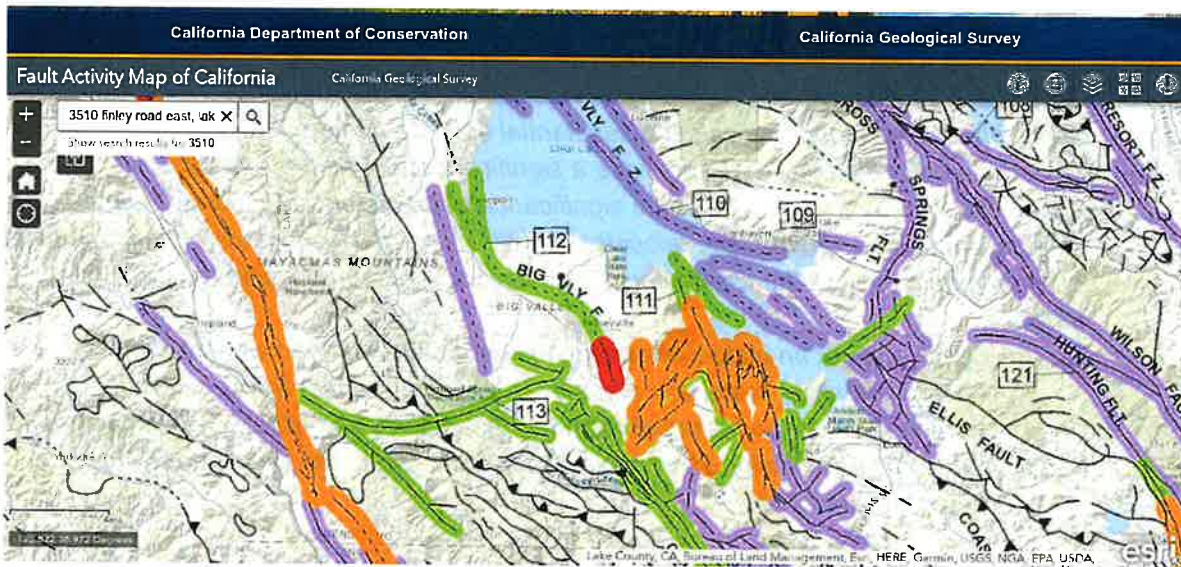
It's clear that this project will have the kinds of material impacts cited in state code, specifically through "alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired."

**Description of project: Inaccurate and inconsistent**

In the description of the project on page 2, it says that "Processing to occur in an existing 48' x 100' two-story building."

No such building exists, and that conflicts with what is stated on page 3 under "existing conditions," which makes no mention of this two-story structure.

The map on page 4 also does not include that processing facility under "existing buildings on site" and instead refers to its building footprint, which we believe is a reference to the large foundation pad that was placed next to the schoolhouse with no notice to LARA or the school district.



**The California Fault Activity Map shows numerous fault zones within a four-mile radius of the Higher Ground Farms commercial cannabis project, which is in the area of the dot above the “V” in the Big Valley Fault line, shown in green in the center of the image.**

**Source:** <https://maps.conservation.ca.gov/cgs/fam/>.

### **Earthquake fault zones: They do exist**

The report gives conflicting and inaccurate information on the presence of earthquake fault zones near the project site.

On page 1, it states, “None mapped,” in reference to faults.

On page 25, it states, “According to the USGS Earthquake Faults map available on the Lake County GIS Portal, there are no mapped earthquake faults within two miles of the Project Property. Thus, no rupture of a known earthquake fault is anticipated and the proposed Project would not expose people or structures to an adverse effects related rupture of a known earthquake fault as no structures for human occupancy are being proposed.”

Again on page 31, the report states, “According to Lake County GIS Portal data and the Project is not located in or near an identified earthquake fault zone.”

All of that leads to the conclusion, on page 24, that there would be a “less than significant impact” if there was a rupture of an earthquake fault.

The report relies on the AlquistPriolo Earthquake Fault Zoning Map. The online version of that map, if it's to be believed, shows essentially no faults in Lake County — and few in the entire state of California, for that matter, which begs belief.



Contrast that with the California Fault Activity Map created by the California Geological Survey, <https://maps.conservation.ca.gov/cgs/fam/>.

The Fault Activity Map shows numerous mapped faults within the area, particularly the Big Valley Fault, which is about half a mile from the Higher Ground project.

Within a four-mile radius there also are the Konocti Bay, West Margin, Adobe Creek and Clover Valley fault zones.

**Environmental factors potentially affected: Inaccurate conclusions, lack of consideration**

The list of potential impacts on page 7 leaves out land use/planning, recreation, wildfire and mandatory findings of significance.

LARA and the school district's uses include, but aren't limited to, education, events, school-related functions and recreational activities.

Again, because the schoolhouse has been ignored and/or removed from this initial study, the impacts of this project on those various uses is not included, and therefore the project report is inaccurate and incomplete.

Community Development's CEQA checklist also failed to list the following environmental factors potentially affected:

a) Hazards and hazardous materials: Storage of chemicals, fuel and fertilizer; exposure of people to lead-contaminated soil.

b) Hydrology/water quality: There is the potential to negatively impact the Big Valley Groundwater Basin, including leaching chemicals. None of that is considered.

c) Land use/planning: The Kelseyville Unified School District owns adjacent property and potentially could develop a future school facility there regardless of agriculture zoning).

d) Population/housing: There is no farmworker housing available, particularly for seasonal workers.

**Farmworker housing: Nearly nonexistent**

The initial study claims it will offer new jobs and the applicant proposes using up to 16 seasonal workers.

However, the initial study doesn't address how or where these 16 seasonal workers will be housed.

This is a critical oversight as farmworker housing is **extremely** limited in Lake County. All housing is limited here, as is well known.

So where would these seasonal workers find a safe place to live? Community Development should be asking that in order to avoid an influx of homeless and transient workers living in cars or camping on private or public property, as has been seen happening across Lake County.

#### **Fire danger**

One of the only accurate statements in the initial study is that, "The Project site is not located within a mapped fire hazard severity zone."

However, that's hardly comforting when confronted with the potential of having a 152-year-old wooden structure within a few hundred feet of buildings filled with hazardous and combustible materials, the specifics of which have not been revealed to the public. That's right in the blast zone.

You don't need a fire hazard severity zone to destroy buildings and lives. Such a project has no business being next door to a historic site that is intended to draw visitors.

#### **Ingress/egress and traffic impacts: Mischaracterized and not properly planned**

On page 10, the initial study states, "The project site parcels are located on a private driveway that is served by Finley East Road, a paved, non-scenic County maintained road."

The driveway mentioned here is a basic gravel driveway that is in disrepair and will require significant grading and paving to be passable to multiple vehicles. It is located directly next to the school's property line and immediately next to the area where LARA has planned to have vehicle access to the schoolhouse site.

Additionally, the "internal driveway" mentioned in the study's page 45 is not even as well developed as the driveway off of Finley Road East, and it begs belief that they are compliant with commercial driveway standards. They are farming dirt tracks, not commercial driveways.

In order to make all of these driveways usable and passable for the kind of commercial cannabis operation being proposed here, they will require major improvements, leading to grading and dust, and possible air quality impacts from lead in the soils.

The initial study does not address those necessary improvements and even, on page 18, contends that only "minimal grading" will be required. That, again, does not seem based in reality.



There are only references to a grading plan, which is not provided as part of this study. However, if the grading plan is as insufficient as this initial study, there will certainly be problems.

### **Land use planning inconsistencies**

On page 35, under the "Land Use Planning" section, the study states, "The proposed Project is consistent with the Lake County General Plan and Kelseyville Area Plan, and would create future employment opportunities for several local residents."

This statement is both far-fetched and wildly inaccurate.

For one, it will lead to damage and the potential loss of a historic site, which will be subjected to impacts that the county is refusing to either consider or mitigate.

As one example, the Kelseyville Area Plan has as an objective the following, on page 36: "To protect and preserve the Kelseyville area's archaeological and historical resources for the long-term benefit of residents, tourists, scientists, and future generations."

As such, it implements these policies:

***The County shall assist in efforts to identify and protect historic structures and sites by:***

***a. Designating selected structures and sites in the Kelseyville Planning Area as historic preservation sites, and adopting Historic Preservation combining zoning where appropriate.***

***b. Working with economic development interests, citizens' groups, the Heritage Committee, archaeologists, and other researchers in preparing plans and grant applications for the protection of historic buildings.***

***c. Certified Local Government status shall be pursued through the State Office of Historic Preservation for the purpose of identifying, preserving, and marking significant historic, architectural, and archaeological resources.***

Cannabis, by the way, is nowhere mentioned in the Kelseyville Area Plan.

This statement about plan consistency in the initial study also conflicts with the land use element goals outlined on page 48 of the Lake County General Plan. They include:

### **Policy LU-7.1 Adaptive Reuse**

The County shall encourage and promote the adaptive reuse of all historic structures in order to preserve the historic resources that are a part of Lake County's heritage.

### **Policy LU-7.2 Historic Buildings and Areas**

The County shall preserve buildings and areas with special and recognized historic, architectural, or aesthetic value. New development should respect architecturally and historically significant buildings and areas.

### **Policy LU-7.3 Historic Preservation**

The County shall work with local preservation groups and community property owners to improve building facades and exteriors consistent with the historic and visual character of each area.

### **Policy LU-7.4 Contextual and Compatible Design**

The County shall ensure that new development respects Lake County's heritage by requiring that development respond to its context, be compatible with the traditions and character of each community, and develop in an orderly fashion which is compatible with the scale of surrounding structures.

The county has failed to meet all of those requirements in its consideration of this project.

### **Lead testing**

Lead in soil is common in county agriculture areas as it can be the result of historic agricultural uses.

It also is notable that the previous property owner had a large amount of surplus military equipment stored and in use on the property, and such equipment has been known historically to contain lead and other hazardous chemicals, such as asbestos.

As such, testing for those chemicals in the soil should be a requirement outlined in this report.

Yet, lead testing or remediations are nowhere mentioned in the initial study.

Lead can be a huge health risk both to workers who are exposed to it and members of the community who may be at a nearby school property enjoying an event.

### **Lighting**

Lake County is seeking a Dark Skies Initiative listing which requires great care be taken in allowing for additional outdoor lighting.

On page 10, this mitigation is stated: “AES-3: All exterior lighting shall be downcast and shall not be directly visible from public roads or neighboring lots. All lighting shall comply with fixture recommendations found in darksky.org.”

Based on where the project is located, right off of Finley Road East and immediately next door to the Kelsey Creek Schoolhouse, mitigation that “it shall not be directly visible from public roads or neighboring lots” is **physically impossible**.

Therefore, you cannot argue that there will be “Less than Significant Impact with Mitigation Measure AES-1 through AES-3 incorporated.” It’s simply not possible nor accurate.

On page 11, the study acknowledges, “The project has potential to create additional light or glare due to the proposed greenhouses and hoop house buildings proposed. Mitigation measures AES-1 through AES-3 will help to reduce potential light-related impacts to ‘less than significant’ levels.”

Once more, it is not possible to make those light- and glare-related impacts “less than significant” due to the immediate proximity of the project both to the roadway and the school-owned property.

#### **Mischaracterization of surrounding land uses and setting**

On page 5 of the initial study, it mentions properties to the north, south, east and west, largely characterizing them as agricultural uses with dwellings.

Regarding the properties to the north, where the schoolhouse is, it mentions sizes ranging from 0.95 acres to ±10 acres in size, adding, “Most of the neighboring northern lots are developed with dwellings and agricultural uses.”

Here again, there appears to be an attempt to ignore the presence of the schoolhouse. It simply is not mentioned or considered, and the neighborhood character is therefore not accurately portrayed.

#### **Noise**

The initial study significantly downplays the amount of noise the project will produce both during construction and long term, concluding that it’s less than significant with mitigation measures in place or that it will have a less-than-significant impact.

We cannot see how any of that can possibly be true on such a massive operation.

On page 37, the initial study makes an egregiously false statement: “In regards to the Lake County General Plan Chapter 8 - Noise, there are no sensitive noise receptors within one (1) mile of the project site, and Community Noise Equivalent Levels (CNEL) are not expected to

exceed the 55 dBA during daytime hours (7 a.m. – 10 p.m.) or 45 dBA during night hours (10 p.m. – 7 a.m.) when measured at the property line.”

As we’ve stated, there will be sensitive noise receptors, i.e., a school and community facility at the Kelsey Creek Schoolhouse, as LARA and the Kelseyville Unified School District have planned all along.

In addition to the noise of the daily operation, which again will directly impact the schoolhouse with no proposed mitigations, there is the potential for security system noise.

Such noise can impact the neighborhood around the clock. No mitigations are offered.

#### **Planting practices: Resource intensive**

The initial study does not explain whether the cannabis plants proposed for above-ground potting beds would be totally indoors or not.

If the plants are slated to be indoors only, it should be recognized that proposed artificial light operations outside of normal daylight hours would have a huge area impact on energy resources.

That impact would be multiplied by the fact that the initial study says cultivation is proposed as “year-round.”

#### **Presence of a school**

On page 14, the report acknowledges that “Sensitive receptors (i.e., children, senior citizens, and acutely or chronically ill people) are more susceptible to the effects of air pollution than the general population. Land uses that are considered sensitive receptors typically include residences, schools, playgrounds, childcare centers, hospitals, convalescent homes, and retirement homes.”

The report then states: “There are no schools, park (sic), childcare centers, convalescent homes, or retirement homes located in proximity to the Project site. The nearest off-site residence is located about 450 feet west of the cultivation site, well over the 200-foot setback for offsite residences from commercial cannabis cultivation as described in Article 27.11 of the Lake County Zoning.”

***This paragraph above includes patently false information.*** There **is a school** right next door, and it also is a site that will have a park use.

The close proximity of the project to the schoolhouse will make it **physically impossible** to prevent pesticide drift from impacting the schoolhouse site.

On page 16, the report states, "The Project Property is located in an agricultural area of Lake County, where the majority of development is single family residential dwellings with agricultural uses in the vicinity. The potential impacts to air quality are dust and odor both of which have been addressed in the preceding mitigation measures."

Again, the schoolhouse's presence is not considered and therefore the mitigation measures are not sufficient.

On page 18, the report states, "The Project is consistent with the historic land use of the region and property." Again, this is false. There has been a school and meeting site next door for nearly a century and a half.

#### **Public safety: Ignored and downplayed**

The potential public safety impacts of this project are many, and cannot simply be ignored by the county or mitigated by a security system. Cannabis grows and processing operations have long been a draw for serious criminal acts, from burglary to robbery, human trafficking to murder, in Lake County and beyond.

However, public safety is not addressed, and in the "public services" section of the initial study on page 39, the initial study states only that, "Construction and operation of the proposed project may result in accidents or crime emergency incidents that would require police services. Construction activities would be temporary and limited in scope. Accidents or crime emergency incidents during operation are expected to be infrequent and minor in nature. There will not be a need to increase fire or police protection, schools, parks or other public facilities as a result of the project's implementation."

There is no mention of the potential for more serious crimes and so we believe that potential has not been considered nor adequately mitigated.

This is a serious problem considering its location next to a school-owned property that is intended for community use involving children and families.

#### **Runoff: Better mitigations required due to equipment**

Servicing of equipment is proposed on-site on an impermeable surface. As such, an oil runoff/catchment system with off-site disposal should be required, which is similar to maintenance yards.

The aquifer — including nearby Kelsey Creek, with its critical spawning grounds for the threatened Clear Lake hitch — could be severely impacted by leaching oils and chemicals in uncontrolled runoff.



#### **Scenic resources: Permanent and irreparable damage**

The initial study's claim that it is compatible with the area and general plans is again disproven when considering the "scenic resources" component of the Kelseyville Area Plan.

On page 29, the Kelseyville Area Plan states: "One objective of the general plan is to protect and enhance Lake County's scenic highways and resources. The major purpose of this objective is to assist the County's recreation-based economy and provide a high level of scenic quality to residents of the County. The Kelseyville area contains many panoramic views and scenic highway viewsheds, including mountainous and hillside landscapes, agricultural and pastoral settings, and riparian and natural resource areas. ... Important mountain viewsheds include those of Mt. Konocti and Mount Hannah."

Mount Konocti provides a beautiful backdrop for the schoolhouse. This project will permanently obliterate the picturesque schoolhouse's viewshed.

#### **Water demand, supply and appropriate study**

Based on the statement from the applicant's hired consultant, "daily water demand per plant was 6 gallons per day, which is consistent with industry standards. The projected water demand for this project is 690,000 gallons of water per year over a 365 day year (about 2.1 acre-feet). Included in this projected use is water use by employees and for irrigation. Total on-site water storage is 10,000 gallons."

While this may be the "industry standard," Lake County is in the midst of an emergency proclaimed by the Board of Supervisors in February relating to the crashing population of the Clear Lake hitch, a native fish that's a critical part of Pomo culture. The fish's decline has been linked to stressors including reduced water supply and quality. As such, there should be additional study of how this project will impact the hitch.

The only mitigations offered are boilerplate and don't speak to the hitch's specific situation. During the Board of Supervisors' hearings on the hitch emergency, it was suggested that farmers should be willing to put water back into creeks to support hitch spawning. We see no evidence that this project is being held to that standard.

Kelsey Creek is vital for hitch spawning and any nearby water uses would impact flow. And yet, this document does not speak to any appropriate mitigations for that fact, despite the fact that Kelsey Creek flows through the subject property.

Because of the project's immediate proximity to Kelsey Creek, an engineer with Lake County Water Resources should be reviewing this and other projects that will impact water supply. It's our understanding that no such engineer is currently available, and so this project must be put on hold until that kind of additional in-depth review is possible.

This project also is in the Big Valley Groundwater basin which is subject to different well permit rules. We have been unable to ascertain whether the Big Valley Groundwater Sustainability Plan Advisory Committee, which would need to approve this project's water permits, is aware of the project or has reviewed it as of the June 7 public comment deadline on the mitigated negative declaration.

### **Conclusion**

Community Development should be endeavoring to prevent bad projects from harming Lake County's unique communities and neighborhoods. Instead, it is everyday creating serious and insurmountable conflicts between neighbors and properties. And creating conflicts is not something this community needs its government to be doing.

The county has failed miserably in this initial study and proposed mitigated negative declaration. Planning staff have entirely and utterly abandoned their responsibilities to the community across the board — for safety, quality of life, economic development and protection of one-of-a-kind cultural assets.

Community Development has failed to even acknowledge the Kelsey Creek Schoolhouse building exists, much less has attempted to require any mitigations. The director and the associate planner have rejected site context, history and important community assets as they've attempted to explain away the dramatic shortcomings of their report.

The county has offered no compromises or alternatives. It has not even reached the lowest bar of responsibility in planning or determining appropriate land use.

Community Development has a duty to adhere to state law, and it hasn't even done that. Its head planners have glazed over the most basic standard of review. It is truly astonishing.

The Higher Ground Farms commercial cannabis project requires further study. When held up to the California Environmental Quality Act's "fair argument" test regarding the project's potential impact on the environment, the Community Development Department must require an environmental impact report to be completed, because it is clear that the impact will be significant and cannot be as easily mitigated as the initial study mistakenly suggests.

Robert Frost wrote, "Good fences make good neighbors," but there is no amount of fencing that will make a good neighbor out of someone who doesn't even acknowledge your existence or respect you enough to be honest with you.

Worse still, there is no amount of fencing or shielding to protect the community from the bad practices of the Lake County Community Development Department and its haphazard, subjective decisions.

This is how history is lost.

Sincerely,



John Jensen  
President/Co-founder  
Lucerne Area Revitalization Association



Elizabeth Larson  
Secretary/Cofounder



## Eric Porter

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**From:** Lake County CannabisCEQA  
**Sent:** Wednesday, June 7, 2023 11:12 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)



**Mary Claybon**  
**Assistant Planner II**  
Community Development Department  
255 N. Forbes St.  
Lakeport, CA 95453  
Phone: (707) 263-2221  
Fax: (707) 263-2225  
Email: [mary.claybon@lakecountyca.gov](mailto:mary.claybon@lakecountyca.gov)

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**From:** Donna Harris <donnalharris51@yahoo.com>  
**Sent:** Tuesday, June 6, 2023 9:56 AM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountyca.gov>  
**Subject:** [EXTERNAL] RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)

Dear Ms. Turner,

I am writing regarding the Lake County Community Development Department's notice of intent to approve a mitigated negative declaration for the Higher Ground Farms project at 3545 Finley Road East, Kelseyville.

I'm dismayed and alarmed — shocked, really — that your department is proposing to approve a vast commercial cannabis project like this based on a very flawed initial study document.

The initial study downplays numerous serious impacts — such as the destruction of the viewshed, increased traffic on the roadways, effects on the environment and the neighborhood, how cultural resources might be harmed, the draw on water supply and how it might affect the Clear Lake hitch in nearby Kelsey Creek.

But most egregious is that the picture the initial study paints of this project is one that entirely removes a significant Lake County historic site — the Kelsey Creek Schoolhouse.

How is that possible? How can you just ignore that schoolhouse? Did you not know it was there? How is it possible that county planners can't know that?

As a result, the initial study doesn't consider what mitigations would be necessary not to damage the schoolhouse site, which is owned by the Kelseyville Unified School District.

It is my understanding that a cannabis project must have a 1,000-foot setback from a school property. If that's true, how is it possible that this project can be allowed at a distance of within a few hundred feet of this schoolhouse?

Oh, that's right — the initial study leaves the schoolhouse out. And now, you're proposing to simply push this very flawed study through the process with a mitigated negative declaration. That is wrong, and an incredible disservice to our community.

Please deny this mitigated negative declaration, and require both your planning staff and Higher Ground Farms to do a better job of truthfully representing the impacts that this enormous project will have on neighboring properties, particularly the Kelsey Creek Schoolhouse.

As an historian it is my deep concern that, after a century and a half, the Kelsey Creek Schoolhouse should not face destruction due to a project that is being capriciously approved without the serious study that state law requires.

Sincerely,

Donna Harris

6690 Kelsey Creek Dr  
Kelseyville, 95451

## Eric Porter

---

**From:** Lake County CannabisCEQA  
**Sent:** Wednesday, June 7, 2023 11:13 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Kelsey Creek School House Museum

Mary Claybon  
Assistant Planner II  
Community Development Department  
255 N. Forbes St.  
Lakeport, CA 95453  
Phone: (707) 263-2221  
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### -----Original Message-----

**From:** Darlene Hecomovich <dheco@me.com>  
**Sent:** Wednesday, June 7, 2023 11:15 AM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountyca.gov>  
**Subject:** [EXTERNAL] Kelsey Creek School House Museum

June 5, 2023

**TO:** Lake County Community Development Department ~

**FROM:** Darlene Hecomovich

I am writing to you today to express my concern about the apparent lack of consideration you have devoted to the impact that the proposed approval of a mitigated negative declaration for the Higher Ground Farms 22,000 square-foot cannabis project would have on the Kelsey Creek School House located adjacent to that property .

It is not only the impact the extensive greenhouse space would have but all the attendant structures such as the water tanks and storage facilities as well as the impact from pesticide use, diminishing air quality, and the sounds emitted from an industrial site. None of this is conducive to maintaining the current ambiance of the Kelsey Creek School House. It is MORE than the tiny dot you allow it on your map.

I am an 88-year-old life-long resident of Lake County, and I can recall as a child how charmed I was by this tiny School House. Thus, I wish to see it preserved for future generations to enjoy as I did. Under the current circumstances, I am against going ahead with the project until more study can be directed to the long-term impact this would have on the Kelsey Creek School House and its visitors.

Darlene Hecomovich  
Cobb, CA

## Eric Porter

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**From:** Lake County CannabisCEQA  
**Sent:** Friday, June 2, 2023 10:43 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Cannabis grown near our old school. Please give serious consideration to allowing this. Do we need more cannabis?

---

**From:** Austin Ison <austinison006@gmail.com>  
**Sent:** Sunday, May 28, 2023 2:12 PM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountyca.gov>  
**Subject:** [EXTERNAL] Cannabis grown near our old school. Please give serious consideration to allowing this. Do we need more cannabis?

## Eric Porter

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**From:** Lake County CannabisCEQA  
**Sent:** Friday, June 2, 2023 10:42 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Mitigated negative declaration lol

-----Original Message-----

From: Michelle Gonzalez <mgmlp.ma@icloud.com>  
Sent: Monday, May 29, 2023 2:28 PM  
To: Lake County CannabisCEQA <CannabisCEQA@lakecountyca.gov>  
Subject: [EXTERNAL] Mitigated negative declaration lol

Sirs... I am alarmed and very Disappointed that you are even considering approval of this request from 'higher ground cannabis ". Mitigated negative implies no/some or little environmental impact. First, there are earthquake faults in Lake County; secondly, apparently the approvers of the plan have not had the extremely unpleasant experience of cannabis being processed (seriously offensive and contrary to our pride in the reputation for some of the cleanest air in California); thirdly, we are one of the few states that grows "legalized cannabis" ... I envision a significant number of persons coming to Lake County from states where cannabis is illegal to do business (which until a few years ago was illegal here), lastly post drought, the lake filled up helping to restore water activities and hopefully tourism to help our local economy... due to some historic agreements with neighboring counties, in the last weeks the lake level has dropped from the optimum height of 7.65 Rumsey to 7.14!

We need to look to past errors and move forward healthily.

I hope you will require serious EIR on this and all projects that come before you!

Most respectfully,  
Michelle Gonzalez

Sent from my iPhone

## Eric Porter

---

**From:** Marilyn Guenther <californiamonarch1969@gmail.com>  
**Sent:** Friday, June 2, 2023 7:43 PM  
**To:** Lake County CannabisCEQA  
**Subject:** [EXTERNAL] Which is more important - Saving a piece of history or cannabis tax money?

To Whom it May Concern -

I am of the understanding that the initial study for a large cannabis growing and processing facility next door to the historic Kelsey Creek schoolhouse (which is currently under a restoration process by the LARA) has been presented to the Lake County Community Development Department. I am also aware of the plans to adopt a mitigated negative declaration of this initial study at your next meeting.

My biggest issue with this whole thought is no one seems to be concerned about the effects the Higher Ground Farms' project will have on the environment. What detrimental impacts will the project have on groundwater resources? Will the current natural beauty of the area and views of Konocti be lost? Why is the historical value of the land and the Kelsey Creek schoolhouse not being considered? It seems that the key thought here is what tax resources will this project generate for the county?

Please reconsider your thoughts about adopting this mitigated negative declaration. A vote of "NO" would be appreciated. Also, you might consider possible ways to help the Lucerne Area Revitalization Association (LARA) restore the historic Kelsey Creek school house for use in future school and community events. This, I feel, would be in the best interest of everyone involved.

Thank you,

Marilyn Guenther

## Eric Porter

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**From:** Lake County CannabisCEQA  
**Sent:** Friday, June 2, 2023 10:44 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Major use permit UP 20-40  
**Attachments:** LARA Schoolhouse Cannabis permit.docx

**From:** Martha Mincer <mmincer@ptd.net>  
**Sent:** Friday, May 26, 2023 4:45 PM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountycalifornia.gov>  
**Subject:** [EXTERNAL] Major use permit UP 20-40

Hi Mireya

I was asked to add my voice to a concern....and have done so in attached letter

Hope all is well

Martha

**Martha Mincer**  
**Stonehill**  
[martha.mincer@stonehill-inc.com](mailto:martha.mincer@stonehill-inc.com)  
**570 903 5011**



May 25 2022

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountycalifornia.gov](mailto:CannabisCEQA@lakecountycalifornia.gov)

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and staff,

I was asked to reach out to you regarding your department's notice of intent to approve a mitigated negative declaration for the Higher Ground Farms project at 3545 Finley Road East, Kelseyville.

Though I believe cannabis should be allowed and, if possible, bring revenue to the county it seems the locations could be more removed from/shielded from sites that are causing distress to adjacent properties like the Kelsey Creek Schoolhouse and other locations I have seen/heard about around the county. Cannabis is not without "smell, lighting, security and large grow buildings" issues unlike other agriculture ventures that are less polarizing.

You also know I am a part of the group looking to make Lake County an "arts" destination – if it becomes visibly a *major* cannabis growing area it could perhaps depress the tourism dollars and other benefits that art destinations bring e.g., sale and value of real estate, relocation of families and seniors.

Is it possible to deny this specific mitigated negative declaration until a more thorough study of this project in light of the presence next door of a significant cultural site while perhaps, looking to create a county-wide plan (i.e. locations/mitigation of down-sides for "grows") that might support both sides of the issue?

Sincerely,  
Martha Mincer

**SIGNATURE**

A handwritten signature in dark ink, appearing to be 'M' followed by a long horizontal stroke, likely representing Martha Mincer.

**Kelly F. Cox**  
**1785 Eastlake Drive**  
**Kelseyville, CA. 95451**  
**Email: kellyfcox@gmail.com**

May 29, 2023

Eric Porter  
Associate Planner  
Lake County Community Development Department  
255 N. Forbes St.  
Lakeport, CA. 95453

**RE: Higher Grounds Farms; Major Use Permit (UP 20-40) & Initial Study IS 20-50**

Dear Mr. Porter:

I am writing regarding the Community Development Department's notice of intent to approve a mitigated negative declaration for the Higher Grounds Farms project at 3545 Finley Road East, Kelseyville.

It is my recommendation that further study be conducted relative to the likely impact this project would have on the Kelsey Creek Schoolhouse, which is immediately adjacent to this property. The Schoolhouse property is owned by the Kelseyville Unified School District and the historic building is currently under a long-term lease to the Lucerne Area Revitalization Association (LARA). LARA has recently began the first phase of renovations to the Schoolhouse and plans to restore it for future public and community use. The building is a rare and treasured historic asset and its preservation is dependent upon the viability of its future use for community purposes. There is serious concern the proposed Higher Grounds project will have a significant negative impact on the Schoolhouse's future viability as a community facility where children and adults alike will be able to congregate.

I ask that you conduct further review and study of the proposed Higher Grounds Project to specifically address its impact on the neighboring Kelsey Creek Schoolhouse and determine if any mitigation measures can be developed to address and mitigate that impact.

Thank you for your consideration.

Sincerely,



Kelly F. Cox

## Eric Porter

---

**From:** Nancy Brier <nancy@nancybrier.com>  
**Sent:** Friday, June 2, 2023 9:54 PM  
**To:** Lake County CannabisCEQA  
**Subject:** [EXTERNAL] Kelsey Creek Schoolhouse

Lake County offers unspoiled rural beauty that has been squandered in many parts of our state, and those magical spaces can never come back.

The Kelsey Creek Schoolhouse is a 140-year old treasure that belongs to all of us. Higher Ground Farms has lots of choices as to where to locate their development. Why would we, as a community, agree to place it where it will damage our heritage and which future generations will regret.

Please say no to this short term thinking. Do the right thing and protect our County's culture, history, and rural character.

Sincerely

Nancy Brier  
Upper Lake  
707-245-5147

**Eric Porter**

---

**From:** Lianne Campodonico <liannecampodonico@gmail.com>  
**Sent:** Sunday, June 4, 2023 2:58 PM  
**To:** Lake County CannabisCEQA  
**Subject:** [EXTERNAL] RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)

June 3, 2023

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountycalifornia.gov](mailto:CannabisCEQA@lakecountycalifornia.gov)

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and staff,

I am writing regarding your department's notice of intent to approve a mitigated negative declaration for the Higher Ground Farms project at 3545 Finley East Road, Kelseyville.

At this point in time, it is inappropriate to adopt a mitigated negative declaration for this project without a more thorough study that would take into account the possible detrimental impacts on an important historical site next door, namely the 150 year-old schoolhouse at 3510 Finley East Road, the last remaining one-room schoolhouse in Lake County.

Neither the project description submitted by Higher Grounds Farms or the MND document acknowledges Kelsey Creek Schoolhouse's existence beyond a small square on the map or the impacts that the project would have on this historic site and its future visitors.

The Lucerne Area Revitalization Association (LARA), which has a county-wide vision for community improvement, has been working on a project to restore, maintain and preserve this schoolhouse since at least 2019. And in that time LARA's leaders have been in ongoing discussions with CDD about the project. The Kelseyville School District donated the schoolhouse to LARA under an agreement signed in 2021. LARA has already received a \$5,000 grant from a national nonprofit for lead paint remediation, which was completed last month. The group is now getting ready to paint and make needed repairs, including putting in a new foundation.

There is obviously a public funding aspect to this project given the donation of the schoolhouse building to LARA by the school district, which retains ownership of the real property on which it sits.

I would argue that there is enough public interest and public funding for this project via this donation to qualify as a publicly funded project requiring at the very least a 1000-foot setback.

Please deny this mitigated negative declaration until a more thorough study is made of the Higher Ground Farms project in light of the presence next door of a significant historic site and until a more appropriate location can be found for the cannabis operation on the 3545 Finley East Road property in relation to the Kelsey Creek Schoolhouse.

Sincerely,

Lianne Campodonico

Lianne Campodonico  
Campodonico Olive Farm  
Lakeport CA 95453  
[campodonico-olives.com](http://campodonico-olives.com)



Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

5/28/23

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and Department Staff,

I am writing to express my concerns about your department's recent notice of intent to approve a mitigated negative declaration for the *Higher Ground Farms* project at 3545 Finley Road East, Kelseyville. The property in question sits right next to the Kelsey Creek School House which has been located at this site since 1880s.

The study seems incomplete and I should think it prudent for your department to do more investigation into the impact this project will have on the surrounding properties including the historic school house which is currently under restoration.

Our pieces of local history are important. To put the planned facilities next to the school and in between it, the creek and the view of another important landmark, Mt. Konocti, is ill conceived. More study needs to occur and more citizen input should be sought.

Please do not prematurely approve the mitigated negative declaration. Please examine the project and its impact in this location with the greatest of care and concern for a historical landmark.

Sincerely,

*Dave and Mary Borjon*

Dave and Mary Borjon  
Kelseyville

6/7/2023

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and staff,

It has been brought to my attention that the Lake County Community Development Department is considering the approval of the Higher Ground Cannabis Farm project at 3545 Finley East Road, Kelseyville. I would like to state that I am opposed to this project for just a few of the following reasons.

First and foremost is the close proximity to the Kelsey Creek School Hell's Bend Community Center which is on Kelseyville Unified School District property. The Initial study does not acknowledge that the proposed project is next door to school district-owned property.

This Historic building's site can be found in the upper left corner of Figure 2 – Proposed Site Plan on page 4 of the California Environmental Quality Act Environmental Checklist Form Initial Study (UP 20-40, IS 20-50)

The building itself is one hundred fifty two years old and has been at its current location since 1882. It is picturesque in its setting which would be abhorrently impacted by greenhouses, water tanks and other proposed additions suggested by the Higher Ground Project.

The current stewards of the historic Kelsey Creek Schoolhouse, the Lucerne Area Revitalization Association (LARA) has been actively working on the building in order to extend its purpose as a community center. As the current President of the Lake County Genealogical Society, I hope to utilize the building in the near future for genealogical related meetings and gatherings. I would be most disappointed to have the scenic view surrounding the schoolhouse marred by greenhouses.

Please take in consideration my concerns and well as those others who may have contacted you regarding their opposition to the Higher Ground Cannabis Farm project.

Kindest regards,

Rose Davidson

President, Lake County Genealogical Society, PO Box 1323, Lakeport, CA 95453

June 02, 2023

Director Mireya Turner

Lake County Community Development Department

Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)

Dear Ms. Turner and staff:

Good day. I am concerned about LCCDD's apparent notice of intent to approve a mitigated ND for the Higher Ground Cannabis Farm project at 3545 Finley Road East, Kelseyville, and am writing oppose the MND being considered for this application.

There are several glaring oversights in the application and in my opinion it should not be granted. There are a number of issues with the application and how the information was presented – and omitted.

It is completely inappropriate to adopt an MND for this project without more thorough study using more complete information that provides a truer picture of the impact of this project on neighboring parcels and the community at large.

The most glaring omission is that the document does not even acknowledge that it sits next door to a significant local historic site – the Kelsey Creek Schoolhouse, the last one-room schoolhouse in Lake County.

Since the schoolhouse is omitted from the study, there are no mitigations with regard to it suggested for this project.

The Lucerne Area Revitalization Association has been working on its plans for renovating and reusing the 152-year-old schoolhouse for a community event center for far longer than Higher Ground has been working on this proposal.

If it gets its way, with no serious study of the impacts, Higher Ground's project could destroy the plans for the schoolhouse to be meaningfully reused and enjoyed by the community. That would be a huge loss.

The initial study does not look at the long-term impacts on the schoolhouse and the neighborhood at large, including – but not limited to – noise, air quality and the permanent damage to the viewshed which includes Mount Konocti.



Additionally, this area is in an active earthquake zone, and information on safety concerns for earthquakes and fires, to say the least, is lacking. One would presume the applicant will be using various agricultural chemicals including herbicides, pesticides and fertilizers. This is a bad mix right out of the gate. As such, how can such a faulty initial study qualify for a mitigated negative declaration?

Please deny this mitigated negative declaration and more thoroughly study this project in light of the presence next door of a significant Lake County historical and cultural site.

Sincerely,

John Moorhead

Red Heart Ranch

PO Box 212

Finley, CA 95435-0212

DATE:

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and staff,

I am writing regarding your department's notice of intent to approve a mitigated negative declaration for the Higher Ground Farms project at 3545 Finley Road East, Kelseyville.

It is completely inappropriate to adopt an MND for this project without more thorough study.

**EXAMPLES OF CONCERNS:**

*The MND document fails to mention — much less study — the impacts that the project would have on the Kelsey Creek Schoolhouse which sits next door.*

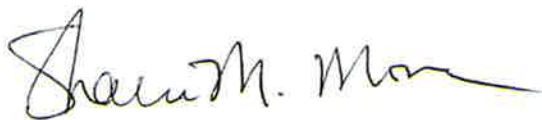
*It mischaracterizes the neighborhood, doesn't look seriously at noise and air quality impacts, and downplays irreversible damage to the viewshed.*

Please deny this mitigated negative declaration and more thoroughly study this project in light of the presence next door of a **significant cultural site**.

Sincerely,

Sharri M Moore  
9575 Glenhaven Drive  
Glenhaven, Ca 95443

**SIGNATURE**

A handwritten signature in black ink, appearing to read "Sharri M. Moore", written over a horizontal line.

DATE:

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and staff,

I am writing regarding your department's notice of intent to approve a mitigated negative declaration for the Higher Ground Farms project at 3545 Finley Road East, Kelseyville.

It is completely inappropriate to adopt an MND for this project without more thorough study.

**EXAMPLES OF CONCERNS:**

*The MND document fails to mention — much less study — the impacts that the project would have on the Kelsey Creek Schoolhouse which sits next door.*

*It mischaracterizes the neighborhood, doesn't look seriously at noise and air quality impacts, and downplays irreversible damage to the viewshed.*

Please deny this mitigated negative declaration and more thoroughly study this project in light of the presence next door of a **significant cultural site**.

Sincerely,

Michael T Moore  
9575 Glenhaven Drive  
Glenhaven, Ca 95443

**SIGNATURE**

A handwritten signature in black ink, appearing to read "Michael T Moore", written over a horizontal line.

**Eric Porter**

---

**From:** Tammy Myers <waysgma@icloud.com>  
**Sent:** Tuesday, June 6, 2023 5:03 AM  
**To:** Lake County CannabisCEQA  
**Subject:** [EXTERNAL] Higher Ground Farms

Tuesday, June 6, 2023

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and staff,

I am writing regarding your department's notice of intent to approve a mitigated negative declaration for the Higher Ground Farms project at [3545 Finley Road](#) East, Kelseyville.

This project should not get a pass with a mitigated negative declaration. Rather, it must undergo more thorough study for a variety of reasons, including historical and environmental ones.

One of my main questions regarding the initial study is this: Can you or your staff explain just why it is that the report doesn't even mention the fact that it sits next door to a historic site — the Kelsey Creek Schoolhouse?

Since the school site isn't mentioned, the initial study doesn't even attempt to consider the incredibly damaging impacts the project will have on the 152 year old schoolhouse.

How, particularly, can you justify allowing a massive commercial cannabis project next to a property owned by the Kelseyville Unified School District, which both the district and the Lucerne Area Revitalization Association — which is leading the schoolhouse renovations — have said repeatedly that they intend to use for school and community events?

Along with not mentioning the schoolhouse, the initial study mischaracterizes the neighborhood. It claims the project is "consistent with the historic land use of the region and property." No, it isn't. The property previously was used mostly for pear production and the region includes a school and meeting space — which, as I've said before, this report fails to mention.

Next, considering that we are in the midst of an emergency regarding the Clear Lake hitch, I was surprised that the initial study gave the hitch only brief mention and with boilerplate mitigations that didn't address the issue of water supply which the county itself has acknowledged impacts the hitch.

Our community is being overrun by these projects. We deserve better from Community Development than just rubber stamping projects that will do real harm to residents, damage historical sites and set up serious conflicts that won't be easily resolved.

Please send Higher Ground Farms back to the drawing board and deny this mitigated negative declaration. More serious and thorough study is needed before you can allow this project to move forward and potentially destroy years of work to save the Kelsey Creek Schoolhouse and impact the already fragile Clear Lake hitch.

## Eric Porter

---

**From:** Lake County CannabisCEQA  
**Sent:** Friday, June 2, 2023 10:44 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] opposition to Major Use Permit

**From:** Valerie Nixon <4val944@gmail.com>  
**Sent:** Friday, May 26, 2023 3:26 PM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountyca.gov>  
**Subject:** [EXTERNAL] opposition to Major Use Permit

May 26, 2023

Director Mireya Turner  
Lake County Community  
Development Department

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and staff,

I am writing because I am opposed to the possibility of the approval of a mitigated negative declaration for the Higher Ground Farms project at 3545 Finley Road East, Kelseyville.

I believe it is inappropriate to adopt an MND for this project without a more thorough study.

The MND document does not mention the impacts that the project would have on the Kelsey Creek Schoolhouse which sits next door.

It should look more seriously at the neighborhood, and the inevitable noise and air quality impacts, and the irreversible damage to the viewshed from this historic site

Please deny this mitigated negative declaration.

With much appreciation,

Valerie GM Nixon

DATE:

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and staff,

I am writing regarding your department's notice of intent to approve a mitigated negative declaration for the Higher Ground Farms project at 3545 Finley Road East, Kelseyville.

It is completely inappropriate to adopt an MND for this project without more thorough study.

**EXAMPLES OF CONCERNS:**

***The MND document fails to mention — much less study — the impacts that the project would have on the Kelsey Creek Schoolhouse which sits next door.***

***It mischaracterizes the neighborhood, doesn't look seriously at noise and air quality impacts, and downplays irreversible damage to the viewshed.***

Please deny this mitigated negative declaration and more thoroughly study this project in light of the presence next door of a significant cultural site.

Sincerely,

**SIGNATURE**

*Deborah Hablutz*



DATE: May 26, 2023

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and staff,

I am writing regarding your department's notice of intent to approve a mitigated negative declaration for the Higher Ground Farms project at 3545 Finley Road East, Kelseyville.

It is completely inappropriate to adopt an MND for this project without more thorough study.

**EXAMPLES OF CONCERNS:**

*The MND document fails to mention — much less study — the impacts that the project would have on the Kelsey Creek Schoolhouse which sits next door.*

*It mischaracterizes the neighborhood, doesn't look seriously at noise and air quality impacts, and downplays irreversible damage to the viewshed.*

Please deny this mitigated negative declaration and more thoroughly study this project in light of the presence next door of a significant cultural site.

Sincerely,



**SIGNATURE**

RECEIVED

DATE:

JUN 06 2023

LAKE COUNTY COMMUNITY  
DEVELOPMENT DEPT.

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and staff,

I am writing regarding your department's notice of intent to approve a mitigated negative declaration for the Higher Ground Farms project at 3545 Finley Road East, Kelseyville.

It is completely inappropriate to adopt an MND for this project without more thorough study.

**EXAMPLES OF CONCERNS:**

*The MND document fails to mention — much less study — the impacts that the project would have on the Kelsey Creek Schoolhouse which sits next door.*

*It mischaracterizes the neighborhood, doesn't look seriously at noise and air quality impacts, and downplays irreversible damage to the viewshed.*

Please deny this mitigated negative declaration and more thoroughly study this project in light of the presence next door of a significant cultural site.

Sincerely,

Marie C. Otto June 6, 2023  
SIGNATURE

My grandmother, Isabel O'Brien, taught school at the Kelsey Creek Schoolhouse. My grandfather, James O'Brien, played poker there on Sundays with the old-timers! I am sure they would like it to remain a tranquil place!





**Lucerne Area Revitalization Association**

**Proposal for restoration, maintenance and preservation of Kelsey Creek Schoolhouse**

**Submitted Tuesday, July 30, 2019**

## TABLE OF CONTENTS

### INTRODUCTION

The organization: The Lucerne Area Revitalization Association .....	3
Summary of the proposal and proposed use of the building .....	3
Proposed compensation .....	4

### THE PROJECT

Property preservation .....	4
Preservation and economic benefits .....	6
Fundraising .....	8
Renovation, restoration, exploration and site expansion .....	9

### STATEMENT OF QUALIFICATIONS

The Team: Principals and advisors .....	9
---	---

### TIMELINE

Influencing factors and circumstances beyond association control .....	11
Anticipated time for property negotiations .....	12
Work under way .....	12
Pending test results for lead and asbestos .....	12
Immediate term: First two months .....	12
Short-term: Within six months .....	13
Short-term: Six months to one year .....	13
Midterm: One to three years .....	13
Midterm: Three to five years .....	14
Long-term: Five to 10 years .....	14

### PROPOSED BUDGET – ESTIMATES

Disclaimer on estimate amounts .....	14
Ongoing maintenance estimate .....	14
Renovations and restoration .....	14

## **PROPOSED BUDGET - RENOVATION AND CONSTRUCTION DETAILS**

Asbestos and lead removal/encapsulation .....	15
Bathrooms .....	15
Bell repair .....	16
Engineering .....	16
Flooring .....	16
Painting .....	16
Septic tank .....	16
Windows .....	17
Permitting .....	17
Tribal monitoring .....	18

## **PROPOSED PROPERTY USE AGREEMENT**

Draft proposed property use agreement .....	18
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## **PROPOSED BILL OF SALE AND TRANSFER OF OWNERSHIP**

Draft proposed bill of sale .....	26
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## **INTRODUCTION**

### **The organization: The Lucerne Area Revitalization Association**

The Lucerne Area Revitalization Association, or LARA, is a nonprofit incorporated in California 2018, with final IRS nonprofit status conferred in 2019. Its purpose includes community building and revitalization, economic development, and creating relationships and collaborations across organizations.

While based on the Northshore, the association has a countywide vision for community improvement, preservation of important sites, development of collaborative public spaces and problem solving.

In 2018, LARA was one of two organizations that submitted an extensive plan for reuse and economic redevelopment of the Lucerne Hotel.

Also in 2018, LARA submitted an expression of interest to the US Department of Agriculture to relocate its Economic Research Service and National Institute of Food and Agriculture to Lake County. LARA's proposal received letters of support from organizations and local governments including the Clearlake City Council, Lakeport City Council, Lake County Economic Development Corp. and the Lake County Winegrape Commission, from Congressman John Garamendi, State Sen. Mike McGuire and Assemblywoman Cecilia Aguiar-Curry.

Through LARA's efforts, Lake County was included in a list of 136 locations nationwide that were considered, although the county was not selected.

Separately, as part of our proposal, LARA has provided to Superintendent Dave McQueen proof of incorporation and insurance.

### **Summary of the proposal and proposed use of the building**

LARA is submitting this proposal in response to the Kelseyville Unified School District Board of Trustees' decision on April 16 to accept proposals from nonprofit groups to receive the building as a donation, and the subsequent vote on May 16 to set in motion a request for proposals process.

LARA's proposal, which will be explained in detail in this document, is to seek donation of the schoolhouse from the school district, to keep it in place at the location on Finley Road East – where it has been situated without interruption since 1882 – to renovate and preserve it to

modern code standards while not destroying its historic construction, to seek State Historic Register status, and to operate it as a local historic and collaborative community event site, available for weddings and family reunions, small festivals, field trips and open houses, with special events planned during the height of the county's tourist season.

If selected, LARA proposes to negotiate an agreement with the school district for the ongoing use of the one-acre site where the schoolhouse is located, with a view to eventually seeking an outright purchase of the site.

### **Proposed compensation**

Our proposal is for a \$1 a year rental cost to the district for the land, with LARA taking on all maintenance and improvement responsibilities for the property in addition to the building renovation and preservation.

## **THE PROJECT**

### **Property preservation**

As the last remaining one-room schoolhouse in Lake County to remain intact and in its location, LARA believes keeping the Kelsey Creek Schoolhouse in Finley is critical to preserve and protect its historical significance.

LARA seeks to preserve the schoolhouse in situ, where it has been located for 137 years, at 3505 Finley Road East, to seek historic listing status, to make the building and property available at a reasonable rent for events – weddings, reunions, meetings, festivals, arts and culture fairs, etc. – and additionally to make it available to the school district to utilize it for field trips, and teaching events and meetings, among other uses.

The intent also is to partner with other community groups to create a collaborative community space that celebrates and commemorates Lake County's unique history. The hope is that 4-H and FFA meetings could take place there, that students could grow and maintain a garden or even set up a teaching farm, and that young people will be able to invest their ideas and efforts into the preservation of a local historical monument which speaks to our area's history.

In creating this plan, we have consulted with historical and archaeological experts. They uniformly agree that the schoolhouse is a significant historical site for Lake County because it remains intact and still sits where it has been since the late 19th century. The site itself also is



an archaeological resource. In short the building is tied to the land by its archaeology and historical uses.

Keeping it in place not only satisfies the school board's desire to keep it within district boundaries, but offers the opportunity for state and national historic designations. Such listings would be a boon to Kelseyville and Lake County as a whole. If it's moved, the potential for such listings is lost forever.

Our plan includes an archaeological survey, proposed to be conducted by Dr. Douglas Prather and his students, to fully understand the property and its historic uses.

As part of LARA's project, we will film a documentary about the building and the effort to save it, which also will be used as the basis of a fundraising campaign.



***The Kelsey Creek School and its students in 1900. The school remains at its same location today as when this picture was taken. Image courtesy of the Lake County Museum.***

If the building remains in situ, it become eligible for state and national historic monument status and attendant grants. There is historical preservation funding LARA is now researching and pursuing – thanks to the help of an experienced grant writer.

Moving it ends the possibility permanently of accessing such funding, which would severely limit resources available for restoration and ongoing maintenance in the years to come, which in turn poses a danger to preserving the structure.

### **Preservation and economic benefits**

According to the State Office of Historic Preservation, Lake County has only eight listed California Historic Landmarks. Only one of them is in Kelseyville, and it is an infamous one – the site of the Stone and Kelsey home at the intersection of Main St and Bell Hill Rd, Kelseyville.

Source: [http://ohp.parks.ca.gov/?page\\_id=21425](http://ohp.parks.ca.gov/?page_id=21425) .

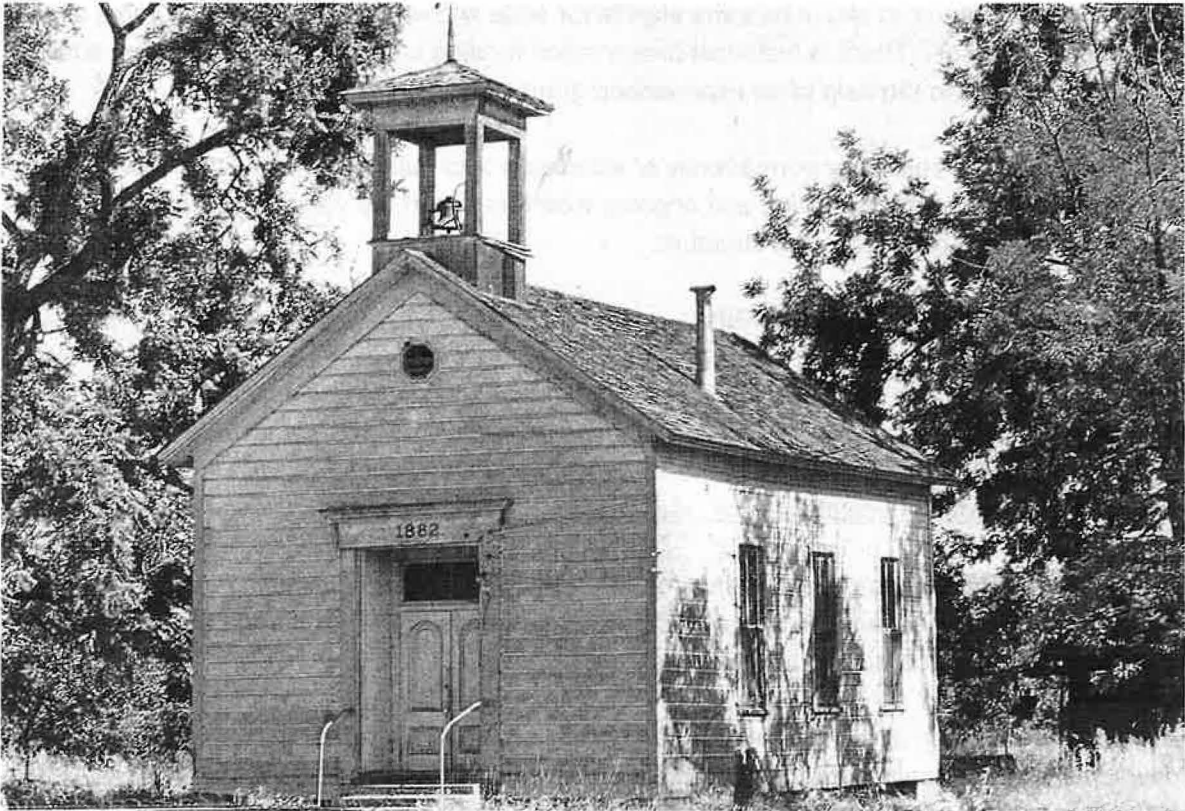
In addition, the county has seven listings on the National Register of Historic Places, none in Kelseyville. The closest are the old Lake County Courthouse in Lakeport and Lakeport's Carnegie Library, according to the National Park Service.

A historic designation at the state and federal levels provides additional tourism and economic development opportunities for the immediate Kelseyville community and the larger region. LARA plans to create a Lake County historic site promotion as part of promoting economic opportunities.

The schoolhouse would be promoted not just as a historic site but as a cultural heritage tourism location. Research shows that communities that are home to historic sites can reap multiple benefits from their preservation and listing.

A 2012 report, "The Economic Impact of Historic Resource Preservation," written by Mimi Morris, executive officer of the California Cultural and Historical Endowment, explains the benefits of this kind of site listing and preservation. The report is available here: [http://resources.ca.gov/docs/cche/EconomicImpact\\_of\\_HistoricResourcePreservation.pdf](http://resources.ca.gov/docs/cche/EconomicImpact_of_HistoricResourcePreservation.pdf) .

In her report, Morris notes that property values and job creation "are both significantly impacted by historic preservation," but "both are eclipsed by the enormous economic impact of historic preservation on heritage tourism."



***The Kelsey Creek Schoolhouse in an untimed photo. The numbers above the door represented the year when it was moved from its original location to its current location on Finley Road East. Photo courtesy of the Lake County Museum.***

The report continues: "Cultural heritage tourism, an expanding niche of the tourism market, is of clear benefit to communities. In a recent report on cultural heritage tourism over state-specific reports attest to the positive economic impact of cultural heritage tourism. Though there is no report from California, the other reports include significant economic impacts of preservation-related tourism activities.

"A cultural heritage preservation program benefits all the current and future citizens of a state. It gives the public an understanding of the values of the people of the past. It fuels the aspirations of the people of tomorrow. It also is a magnet for cultural heritage tourists," she stated.

In the report are cited several examples of how states have applied these efforts.



She writes, "Arizona's report offers many descriptions of how Arizona's rich array of cultural heritage attractions brings the state's residents and visitors qualitative benefits. In-state cultural heritage visitors brought the state \$6 million and out-of-state cultural heritage travelers brought it \$2 billion. Further, the Arizona report states that, ***"Perhaps the biggest benefit of cultural heritage tourism is that opportunities increase for diversified economies, ways to prosper economically while holding on to the characteristics that make communities special."*** (Emphasis added.)

Morris' report sums up its conclusions by noting, "The studies reviewed in this report cite multiple economic benefits, but in this report we focused on the three benefits which we consider to be most common and most significant: job creation, property value stabilization and growth, and cultural tourism growth. All three of these areas demonstrate a strong return on the investment in historic property restorations, while also furthering many policy objectives like environmental sustainability and smart growth."

Once LARA is selected to receive the Kelsey Creek Schoolhouse, the organization plans to immediately begin the process for state historic listing, which has as a crucial component the agreement of the property's owner. As such, LARA intends to discuss this with the district leadership in order to be of one accord while the one-acre of land remains in the district's legal possession.

LARA estimates that the listing process could take as long as two to three years, and intends to have it in place in time for the schoolhouse's formal reopening as a community event center and historic site.

### **Fundraising**

LARA has already begun applying for grants and approaching potential donors to support the goals of this project. In addition, we are working with one of Northern California's most talented and successful grant writers to pursue historic preservation grants and funding, and plan to produce a documentary as part of our fundraising campaign.

### **Renovation, restoration, exploration and site expansion**

In its ongoing assessment of the schoolhouse site, LARA has determined several priorities for preservation, including immediate paint and board repair, securing and replacing broken windows, and establishing increased site security, including securing a caretaker and installing security cameras and new locks.

Should the association's proposal be accepted, we intend to move quickly to keep the site secure and protect against further water damage due to winter rains.

We also plan to have a local archaeologist conduct a site survey of the property with his students in the spring. The goal is to better understand the historic traffic and use on the site, with a view to guiding us to protect those areas as we design landscaping and new amenities for the property, which would be discussed further with the district as plans are developed. We've informed a Big Valley tribal representative of this survey plan and they have asked that the tribe be invited to be present, which we intend to do.

### **STATEMENT OF QUALIFICATIONS**

The following individuals are part of our core team, from principals of LARA to the many advisors whose expertise and knowledge have been indispensable to creating this plan, and who will be key to our future planning and project execution thanks to their experience and qualifications.

#### **The Team: Principals and Advisors**

##### **Julie Berry**

Julie Berry has decades of business and nonprofit management experience. Her qualifications include property management, renovation and improvement; retail development and management; nonprofit leadership; program development; fundraising and grant writing; and community outreach, among other skill sets. She currently holds a key operational role in Kelseyville Presbyterian Church, which offers numerous community programs, including a food pantry. She also is treasurer of the Lucerne Area Revitalization Association.

##### **Linda Hedstrom**

Linda Hedstrom has decades of experience in grant writing, planning and visioning, and has extensive experience working with nonprofits. She is one of the most successful grant writers in Lake County, having secured millions for a wide variety of projects, including housing. She has a bachelor's degree in architecture from the University of California, Berkeley, and a Master's of Business Administration from University of Phoenix. She worked as a Lake County planner for 15 years before becoming the housing programs manager in the Community Development Department. Her extensive professional experience also includes serving as housing and economic development manager for the California Human Development Corp. Her

understanding of the grant landscape and available funds for historic preservation has been a key guiding force in the creation of our plan.

### **John Jensen**

John Jensen is co-founder and president of the Lucerne Area Revitalization Association. He also is an entrepreneur who has started and managed several successful businesses, from tech to hospitality. He is co-publisher of Lake County News, founder of Ambient Technologies and now owns and operates the Konocti Bait Shack. His employment experience includes executive management experience in multiple industries including CATV franchise auditing, hospitality, technology, news production and marketing. He has extensive experience in property management and renovation, and has led community benefit projects, such as overseeing numerous facility improvements at First Lutheran Church in Lucerne. He holds a bachelor's degree from California State University, Sonoma, in communications studies with an emphasis on broadcast media and information technology.

### **Elizabeth Larson**

Elizabeth Larson is editor and publisher of Lake County News, founded in 2006. She has worked as a journalist for 23 years, including book and magazine publishing, weekly and daily newspapers, and now specializing in online news. She has experience in project management, plan development and research. She has firsthand experience with property management and renovation thanks to having been raised on a farm; she also worked on her grandfather's 5,000-acre ranch in northeastern Oregon, where he conserved the historic Lost Prairie School, similar to the Kelsey Creek School, on his property. Larson is a trained historian; she graduated with a degree in history from the University of Montana, Missoula, summa cum laude, in 1993 and received a master's of philosophy degree in classics from the University of Cambridge, United Kingdom, in 1994. She has a passion for history and historical sites. In 2018, she authored an extensive plan to save and preserve the historic Lucerne Hotel. She is secretary and co-founder of the Lucerne Area Revitalization Association.

### **Antone Pierucci**

Antone Pierucci holds degrees in classical civilizations and history from Gonzaga University and art history, archaeology and museum studies from the University of Missouri at Columbia. From July 2013 to August 2013, he was the assistant collections manager for Harvard University's archaeological exploration of Sardis, Turkey, taking over as collections manager the following year. He was a research assistant at the University of Missouri from August 2012 to June 2014. He then became assistant curator of the Museums of Lake County, later taking over as curator.

Today, he is curator of history at the Riverside County Park and Open Space District. He has written articles for such magazines as Archaeology and Wild West, and served as a history columnist for Lake County News. In 2016 he published his first book, "Lake County Schoolhouses," as part of Arcadia Publishing's "Images of America" series. He said one of the reasons for writing the book was to get people interested again in the Lower Lake Schoolhouse as well as the Kelsey Creek Schoolhouse. His understanding of historic site preservation and management has been a key component of our planning for this project.

### **Professor Douglas Prather**

Professor Douglas Prather is a Lake County native who has a special place in his heart for the Kelsey Creek Schoolhouse. Prather holds a Bachelor of Arts degree in anthropology and a Master of Arts degree in interdisciplinary studies (history and archaeology), both from California State University, Chico. He worked as an archaeologist for the Lassen National Forest for more than a decade, carrying out excavations and field surveys. He now teaches at both Mendocino College and at Woodland Community College's Lake County Campus on topics including cultural and physical anthropology, and archaeology. Prather has taken part in excavation projects at a medieval castle in Ireland, worked on Incan and Cangahuan fortresses in Ecuador, and participated in many projects across the United States.

### **Gail Salituri**

Gail Salituri is an accomplished artist whose work has sold worldwide. She is a talented landscape designer, writer and planner, and has been a driving force behind efforts on the local level to assist nonprofits in fundraising and planning. In addition to spending countless hours organizing events such as Wine and Chocolate, she has painted and donated numerous works of art to help raise funds for local causes, including assistance for domestic violence victims. Salituri was a board member for the Lake Family Resource Center for three years, and served as treasurer. In that capacity, she oversaw finances, events, many of the organization's key social programs and took part in key hiring decisions. She also owned and operated a successful Lakeport business for 15 years and continues to own and operate a successful online art business.

## **TIMELINE**

### **Influencing factors and circumstances beyond association control**

Because of factors that cannot be predicted and are not under our control, including the market demand for contractors and equipment currently determined by preparations for public safety

power shutoffs and rebuilding from wildland fires around Northern California, the following timeline is based on extremely conservative estimates.

### **Anticipated time for property negotiations**

Should the association's proposal be accepted, it's anticipated to take a median time frame of 60 days to finalize negotiations with the district to take possession of the property. The following timeline is built on that assumption of time, and begins upon LARA's taking ownership of the structure and reaching agreement with the district for use of the land.

Our team also has concerns that the disposition of a historical building such as the Kelsey Creek Schoolhouse requires specific review under the Subdivision Map Act and, in turn, the California Environmental Quality Act. We are unclear on whether or not the district has taken that into account. That will need to be discussed during proposal selection and property negotiations in order for us to have a clear idea on how realistic our timeline is.

As other information about the building is revealed, LARA reserves the right to update, alter or significantly rewrite this timeline.

### **Work under way**

Several actions already are under way, including discussing permitting and renovation requirements for renovations with the Community Development Department, seeking and applying for grant funding, receiving bids from local contractors, and making outreach to neighbors, tribes and community groups.

### **Pending test results for lead and asbestos**

A late development is the district's agreement to conduct testing for asbestos and lead materials, which can have significant impact on the project timeline and cost. Those results were not available before the submission of this plan, so they must be worked into a modified timeline to be presented during discussions with the district.

### **Immediate term: First two months**

- Securing of property, including new locks and signage.
- Weatherizing to protect against winter weather damage.
- Landscaping and site cleanup (interior and exterior).
- Continuing discussions with neighbors about land use.

- Receive results of asbestos and lead paint testing.

#### **Short-term: Within six months**

- Meet with tribes to discuss project concerns and tribal monitoring requirements; open discussion on tribal monitoring contract.
- Creation of plot plan.
- Examination of electrical connections, undergrounding and rewiring of building.
- Confirm restrictions for restoration under state and national historic register guidelines.
- Begin pulling permits for renovations with the Community Development Department.
- Repair of dry rot and termite damage, as well as repair of broken siding boards.
- Roof inspection.
- Evaluation of bathroom facility.
- Begin working with State Office of Historic Preservation on application for state historic listing.
- Additional security measures, including security cameras and lighting.
- Finalizing discussions with adjacent property owners for how property can best be used without interfering with their land uses.
- Begin planning for remediation should any asbestos or lead be detected during testing.

#### **Short-term: Six months to one year**

- Archaeological site survey; tribes to be invited.
- Determination on electrical wiring needs.
- Exploration of Internet installation.
- Determination on upgrades needed to foundation.
- Repair of school bell.

#### **Midterm: One to three years**

- Finalize tribal monitoring agreement.
- Full window restoration.
- Interior repairs, primarily to flooring and walls.
- Removal of fencing, design and installation of new parking
- Hiring of part-time caretaker.
- Planning for any necessary improvements to foundation.
- Beginning of foundation upgrades/repairs.
- If district desires a specific nonprofit be formed to hold the schoolhouse, the goal would be to have that new nonprofit join the project within three years.

- Renovation of bathroom and pump house facility.
- Installation of new lighting and ceiling fans.

#### **Midterm: Three to five years**

- Full opening as event center by five-year anniversary.

#### **Long-term: Five to 10 years**

- Work with district to explore LARA (and/or specifically formed nonprofit) purchasing entire property.
- Small solar installation.

### **PROPOSED BUDGET – ESTIMATES**

#### **Disclaimer on estimate amounts**

These estimates are based on the information we had available to us as of Wednesday, July 31, 2019.

Any estimates, projections or forward-looking statements are subject to change as we receive more information.

#### **Ongoing maintenance estimate**

During renovation and construction of property improvements, we anticipate low monthly maintenance costs separate from the costs of the projects, which are priced out separately below. At that point, LARA volunteers will do security and mowing.

Monthly ongoing maintenance of about \$500 is anticipated once the center opens. This covers mowing and weedeating, basic power use and security cameras, and will vary due to the amount of event-related usage.

#### **Renovations and restoration**

LARA has solicited bids from several contractors for various aspects of the restoration and renovation work.

We have received some basic bids for aspects of this project. However, we have had challenges in getting all the bids we had hoped to receive by the date of the proposal submission due to a variety of issues: a very short project due diligence timelines; this being the height of a construction season that got started late due to rain; the scope of the rebuilding going on around Lake County, the North Coast and Northern California in the wake of numerous seasons of destructive wildland fires; the recent concerns over the possibility of public safety power shutoffs by Pacific Gas and Electric and the need for electricians and contractors to work on infrastructure upgrades to allow for generator use; and a general shortage of contractors.

In some cases, we have had contractors not respond or altogether turn down our request for a bid due to their workload.

In speaking with local agencies and officials, they are having the same challenges with getting bids from contractors as we have experienced.

Our efforts to get bids for the project's various aspects is ongoing and we anticipate having more ballpark estimates as the summer continues.

Below are the bids we have received. Should your proposal be received, we anticipate further refining cost estimates by seeking multiple bids for every specific aspect of the project, as laid out generally in the project timeline.

At this time, based on very conservative overall estimates, we are anticipating renovations and property improvements ranging between \$187,000 and \$335,000.

#### **PROPOSED BUDGET - RENOVATION AND CONSTRUCTION DETAILS**

We have sought initial bids from contractors and are continuing to work to refine estimates. In most cases, we have only been able to secure single-source bids for the projects outlined below.

##### **Asbestos and lead removal/encapsulation**

Costs so far unknown. Tests for materials are pending by district.

##### **Bathrooms**

Alan Pre-Fab Building Corp. of Gardena, Calif.



\$23,616 for 8 x 8 single-use unisex restroom, with delivery  
\$39,146 for 8 x 16 dual-use unisex restroom, with delivery

### **Bell repair**

Bids pending inspection of bell and bell tower, which could not be completed during the due diligence period.

### **Engineering**

Cliff Ruzicka of Ruzicka Engineering said that the construction of a new foundation system for the building is one of the most important elements for restoring the schoolhouse. He proposed the following work, for a cost of \$8,000.

1. Perform a field inspection, prepare as-built drawings, take measurements and determine the size of the existing floor system members.
2. Perform design and calculations and prepare construction plans and specifications for:
  - a. A new reinforced concrete perimeter foundation system.
  - b. Interior piers and concrete footings to support floor beams.
  - c. Connections of the floor system to the new perimeter foundation.
  - d. Connections of the floor system to the new interior piers.
  - e. Building tie-downs at each corner of the building consisting of a steel tie rod connected to the top wall plate and the new perimeter foundation.
  - f. Repair of the floor system including floor sheeting, floor joists and floor beams.
  - g. Obtain a building permit for the new foundation system.

### **Flooring**

Supply and installation of 850 square feet of rigid core luxury vinyl plank laminate flooring w/commercial rating, including tax and shipping.

Estimated cost: \$8,300

### **Painting**

Exterior/Interior: \$25,000.

### **Septic tank**

Inspection: \$125

Pumping: \$480

Replacement: \$10,000 and \$15,000 for standard system. The necessity of replacement or repair will need to be determined by inspection. We anticipate the need to replace it due to age; although little used, materials, soil acidity and groundwater levels could have caused deterioration.

## **Windows**

### Reproduction windows. built to order

All are redwood preprimed oil based. Tempered safety glass single glazed. Complete units ready to be installed by others.

One 55 x 18 transom window: \$495

Six 33.750 x 80 double hungs: \$975 each

Total cost: \$6,345

### Window installation

Estimated cost: \$4,200

## **Permitting**

These costs are largely to be determined, as they will be based on valuations, according to the Lake County Community Development Department.

There also are aspects of the project that need information from CDD and, so far, we have not been able to get some firm information due to that agency being overtaxed currently with construction permits and cannabis plans.

However, we were informed that a major use permit would be necessary to allow for events at the site. The total cost of that permit process could range as high as \$4,100, if the California Environmental Quality Act process is triggered.

## **Tribal monitoring**

We have made initial outreach to Big Valley Rancheria, which has indicated that tribal monitoring will be requested for work including septic tank replacement, a new foundation and any other ground work. We will be following up with them as well as with the Mishewal Wappo of Alexander Valley, to arrive at a clear idea of what will be required and potential costs.



*The Milky Way and the Kelsey Creek Schoolhouse, photographed on Friday, July 5, 2019. Photo by Elizabeth Larson.*

## **PROPOSED PROPERTY USE AGREEMENT**

### **Draft proposed property use agreement**

LARA is offering this adjusted property use agreement, based on a template provided by the district at its May 21 meeting. It is understood that all proposed hours and maintenance responsibilities, as well as the term outlined here must be finalized in negotiations with the district, with updated information to be inserted in the draft at that time.

Compensation, as proposed above, is recommended at \$1 a year to the district, with LARA assuming maintenance and improvement costs. Should, in the future, an unforeseen circumstance occur that requires termination of said agreements, and district disposes of the real property under the building, all improvements made at LARA's expense will be expected to be fully reimbursed from sale proceeds.

### **PROPERTY USE AGREEMENT**

This Property Use Agreement ("Agreement") made this \_\_\_ day of \_\_\_\_\_, 2019, by and between Kelseyville Unified School District (hereinafter called "District") and the Lucerne Area Revitalization Association (hereinafter called "Buyer").

### **RECITALS**

A. District is the owner of real property situated at 3510 East Finley Road, Kelseyville, California ("Property").

B. Buyer has purchased from the District the Kelsey Creek School House ("School House") which is located on the Property.

C. District and Buyer desire to have Buyer keep the School House on the Property while the District owns the Property and to maintain the School House.

In consideration of the terms and conditions set forth below, and in accordance with the Civic Center Act (Education Code sections 38130 et. seq.), the parties agree as follows:

#### **1. PROPERTY USE.**

1.1 District hereby permits Buyer to keep the School House on the Property where it is currently located and use the Property to access the School House.

1.2 Hours and days of use of the Property by Buyer shall be limited to 7 a.m. to 10 p.m. A use permit need be obtained only if required by law and at the sole expense of Buyer. No use is permitted that is contrary to the applicable zoning or to the laws or regulations applicable to the subject property.

1.3 The Agreement excludes use by the Buyer of any other portion of the Property except for where the School House is located and ingress and egress over the Property to the School

House. District shall have the right to use or lease any of the Property not being used by Buyer pursuant to this Agreement.

## **2. TERM.**

### **2.1 Term.**

The term of this Agreement shall commence on [REDACTED], 2019 (the "Commencement Date") and shall end on [REDACTED], 20\_\_ unless earlier terminated per the terms of this Agreement. This Agreement may be renewed annually upon written mutual agreement of the parties.

### **2.2. Termination.**

Either party may terminate this Agreement with or without cause upon sixty (60) days prior written notice to the other party. Prior to the termination date, Buyer shall remove the School House from the Property, including the disconnection and stubbing of all utilities connected to the School House.

Removal of the School House shall be completed by a licensed building removal company. Buyer shall require the selected removal company to obtain public liability and workers compensation insurance equal to the insurance limits set forth in the Agreement.

Removal of the School House under this Agreement with work containing asbestos shall be executed by the Buyer and the removal company at their risk and at their discretion with full knowledge of the currently accepted standards, hazards, risks and liabilities associated with asbestos work and asbestos containing products. By execution of this Agreement the Buyer acknowledges the above and agrees to hold harmless the District, its employees, agents and assigns for all asbestos liability which may be associated with this work and agrees to instruct its employees and/or agents with respect to the above mentioned standards, hazards, risks and liabilities.

Buyer shall indemnify, hold harmless and defend District and its Board of Trustees, officers, agents and employees from and against all claims, damages, losses and expenses, including reasonable costs and attorneys' fees, arising out of or resulting from Buyer's removal of the School House, excepting only such injury of harm as may be caused solely and exclusively by District's fault or negligence. Additionally, Buyer shall require removal company to indemnify, hold harmless and defend District and its Board of Trustees, officers, agents and employees from and against all claims, damages, losses and expenses, including reasonable costs and attorneys' fees, arising out of or resulting from Buyer's removal of the School House, excepting

only such injury of harm as may be caused solely and exclusively by District's fault or negligence.

Except as stated herein, Buyer and/or removal company shall repair any damage to the Property, including any damage to the District's asphalt, which resulted from the removal of the School House and shall restore the Property to its original condition.

### **3. USE OF PROPERTY.**

Buyer shall use and occupy the Property solely for the use and maintenance of the School in accordance with this Agreement, and any reasonably related lawful purposes.

### **4. MAINTENANCE.**

Except as otherwise provided in this Agreement, Buyer, at its sole expense, shall provide the following maintenance:

**[Insert refined and finalized maintenance scope of work based on proposal above]**

### **5. UTILITIES.**

Buyer shall be responsible for the payment of all utilities to the School House.

### **6. ALTERATIONS AND IMPROVEMENTS.**

During the term of this Agreement, Buyer shall make no alterations, installations, additions, or improvements to the Property without prior written approval by the District. Improvements made by Buyer at any time to the Property during the terms of this Agreement shall be and remain the property of District. Buyer shall be responsible for and shall pay for any repairs or replacements which are occasioned or made necessary by reason of the negligence or misuse of the Property by Buyer. District shall not be responsible to Buyer for any damage or injury to persons or property which may occur as a result of the failure of Buyer to make repairs.

### **7. INSURANCE.**

Buyer shall maintain insurance as described below:

a) Worker's compensation insurance, if otherwise required by law, with the statutory limits required by the Labor Code of the State of California.



b) Commercial or Comprehensive General Liability insurance covering bodily injury and property damage utilizing an occurrence policy form in an amount no less than One Million Dollars (\$1,000,000) per occurrence, Two Million Dollars (\$2,000,000) aggregate.

c) Excess Liability Insurance (umbrella) shall be no less than \$2,000,000 over primary insurance.

d) Each comprehensive or commercial general liability and automobile liability insurance policy shall be endorsed with the following specific language:

1) District, its officers and employees, are named as additional insureds for all liability arising out of the operations by or on behalf of the named insured in the performance of this Agreement.

2) The inclusion of more than one insured shall not operate to impair the rights of one insured against another insured, and the coverage afforded shall apply as though separate policies had been issued to each insured, but the inclusion of more than one insured shall not operate to increase the limits of the Buyer's liability.

3) The insurance provided herein is primary coverage to District with respect to any insurance or self-insurance programs maintained by District and no insurance held or owned by District shall be called upon to contribute to a loss.

4) This policy shall not be canceled or materially changed without first giving thirty (30) days prior written notice to District.

e) Documentation: The following documentation shall be submitted to the District:

1) Properly executed Certificates of Insurance clearly evidencing all coverages, limits, and endorsements required above. Said certificates shall be submitted prior to the execution of this Agreement.

2) Signed copies of the specified endorsements for each policy. Said endorsement copies shall be submitted within thirty (30) days of execution of this Agreement.

3) Upon District's written request, certified copies of insurance policies. Said policy copies shall be submitted within thirty (30) days of District's request.

(f) Policy Obligations: Buyer's indemnity and other obligations shall not be limited by the foregoing insurance requirements.

## **8. INDEMNITY**

Buyer shall hold harmless, defend and indemnify District, its officers, agents and employees, from and against any liability, claim, action, cost, damage or loss, including reasonable costs and attorneys' fees, for injury, including death, to any person or damage to any property arising out of Buyer's activities under this Agreement, but excluding liability due to the sole negligence or willful misconduct of District. This obligation shall continue beyond the term of this Agreement as to any act or omission which occurred during or under this Agreement. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Buyer or its employees or agents under workers' compensation acts, disability benefit acts, or other employee benefit acts.

## **9. ASSIGNMENT.**

This Agreement or any interest of Buyer therein, shall not be assignable by Buyer or by operation of law without the written consent of District. Any attempt to so assign without first obtaining such written consent shall be null and void. In the event such written consent should be given by District, said consent shall not constitute a waiver of this provision, which shall remain in effect with respect to any and all subsequent attempts to assign.

## **10. WAIVER.**

The waiver by either party of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition herein contained.

## **11. SURRENDER.**

Buyer covenants that on the last day of the term or on the last day of a renewal or extension of this Agreement, it will peaceably and quietly leave and surrender the Property in as good condition as they now are, ordinary wear and tear excepted.

## **12. HOLDING OVER.**

Any holding over by Buyer shall not be construed as a renewal of the term of this Agreement but shall constitute a month-to-month use which may be terminated by either party upon thirty (30)



days prior written notice, and shall otherwise be on the same terms and conditions herein set forth and at the use fees applicable to the last month of the Agreement term.

### **13. TRANSFER OF BUYER'S INTEREST.**

Buyer shall not at any time assign or otherwise transfer all or any part of Buyer's interest in this Agreement without the express written consent of District.

### **14. COMPLIANCE WITH LAW.**

Buyer shall not use the Property or permit anything to be done in or about the Property which will in any way conflict with any law, statute, ordinance or governmental rule or regulation now in force or which may hereafter be enacted or promulgated. Buyer shall, at its sole cost and expense, promptly comply with all laws, statutes, ordinances and governmental rules, regulations or requirements now in force or which may hereafter be in forced, and with the requirements of any board of fire insurance underwriters or other similar bodies now or hereafter constituted, relating to, or affecting the condition, use or occupancy of the Property, excluding structural changes not related to or affected by Buyer's improvements or acts.

### **15. SEVERABILITY.**

The invalidity or illegality of any provision shall not affect the remainder of the Agreement.

### **16. MISCELLANEOUS.**

#### **16.1. Binding on Successors.**

This Agreement and all of the covenants, agreements, conditions and undertakings contained herein, shall be binding upon and inure to the benefit of the respective heirs, legal representatives, successors and assigns of the parties hereto.

#### **16.2. Headings.**

The headings of the Articles and Sections hereof are for convenience only and shall not affect or be deemed to affect the meaning of any provisions hereof.

#### **16.3. Entire Agreement.**

This Agreement, including all exhibits, contains all of the terms, covenants, conditions and agreements between District and Buyer relating in any manner to the use and occupancy of the Property. No prior agreement or understanding pertaining to the same shall be valid or of any force or effect, and the terms, covenants, conditions and provisions of this Agreement cannot be altered, changed, modified or added to, except in writing and signed by District and Buyer. All references herein, directly or indirectly, to the term of this Agreement shall also be deemed to include any extensions or renewals thereof provided Buyer herein, unless expressly provided to the contrary.

#### **16.4. Governing Law.**

This Agreement shall be governed exclusively by its express provisions and by the laws of the State of California, and any action to enforce the terms of the Agreement or breach thereof shall be brought in Lake County, California, and no other place.

#### **16.5. Force Majeure.**

No party shall be in default on account of any failure of performance which is caused by circumstances beyond the reasonable control of such party, including strikes, lockouts, fires, floods, acts of God, war, civil disorder or government regulations. This provision shall not excuse a delay in performance in excess of the actual delay so occasioned.

#### **16.6. No Joint Venture.**

Nothing herein contained shall be deemed in any way or have any purpose whatsoever to constitute District or Buyer a partner of the other in its business or otherwise, or a joint venturer or a member of a joint enterprise with the other.

#### **16.7. Invalidity.**

If any term or provision of this Agreement, or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law.

#### **16.8. Construction of Agreement.**

This Agreement shall be strictly construed neither against District nor Buyer, but shall be construed according to the fair meaning of its terms. No remedy or election given by any provision in this Agreement shall be deemed exclusive unless so indicated, but each shall, wherever possible, be cumulative with all other remedies in law or equity as otherwise specifically provided.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

DISTRICT: By: \_\_\_\_\_

BUYER: By: \_\_\_\_\_

#### **PROPOSED BILL OF SALE AND TRANSFER OF OWNERSHIP**

LARA is offering this proposed bill of sale and transfer of ownership based on a template provided by the district at its May 21 meeting. It is understood that date of transfer and execution of the agreement must be finalized in negotiations with the district.

#### **BILL OF SALE AND TRANSFER OF OWNERSHIP (No Removal)**

The Kelseyville Unified School District (the "District"), 4410 Konocti Road, Kelseyville, CA, grants to [Name], [Address] (the "Buyer"), in consideration of Buyer's agreement to maintain the personal property described in Exhibit A, attached hereto and made a part hereof by reference (the "Personal Property").

The District covenants that it is the lawful owner of the Personal Property and that the Personal Property is free from all encumbrances. The District further covenants that it has the right to dispose of the Personal Property.

#### **DISCLAIMER OF WARRANTY**

#### **BUYER IS AWARE AND HEREBY ACKNOWLEDGES THAT THE PERSONAL**

**PROPERTY MAY CONTAIN ASBESTOS. THERE ARE NO WARRANTIES  
WHICH EXTEND BEYOND THE DESCRIPTION ON THE FACE HEREOF. THE  
SCHOOL DISTRICT DISCLAIMS ANY IMPLIED WARRANTY OF  
MERCHANTABILITY OF THE PERSONAL PROPERTY OR OF THE FITNESS  
OF THE PERSONAL PROPERTY FOR ANY PURPOSE, AND BUYER AGREES  
THAT THE PERSONAL PROPERTY IS SOLD "AS IS."**

This bill of sale and transfer of ownership shall be effective as to the transfer of the Personal Property as of \_\_\_\_\_, 2019.

Buyer shall obtain public liability and workers compensation insurance in the following amounts with a company or companies licensed to do business in the State of California and acceptable to District. Buyer shall provide District with a certificate of insurance naming District as additional insured.

- **Public Liability Insurance:** Personal injury and replacement value property damage insurance for all activities of the Buyer arising out of or in connection with this Agreement, written on a comprehensive general liability form, in an amount no less than \$1,000,000 combined single limit personal injury and property damage for each occurrence, and a general aggregate limit which applies either separately or specifically to this agreement and is twice the required occurrence limit, i.e., \$2,000,000.
- **Workers' Compensation Insurance:** Workers' Compensation insurance and employer's liability with limits of at least \$1,000,000 with an insurance carrier satisfactory to the District for all persons whom the Buyer and/or removal company may employ in carrying out the work contemplated under this agreement in accordance with the Workers' Compensation Insurance and Safety Act.

Buyer shall indemnify, hold harmless and defend District and its Board of Trustees, officers, agents and employees from and against all claims, damages, losses and expenses, including reasonable costs and attorneys' fees, arising out of or resulting from this Agreement, excepting only such injury of harm as may be caused solely and exclusively by District's fault or negligence.

Except as stated herein, Buyer shall repair any damage to the District's premises or property, which resulted from this Agreement and shall restore the premises and property to their original Condition.

Bill of sale and transfer of ownership executed at \_\_\_\_\_, California on \_\_\_\_\_,  
2019.

\_\_\_\_\_  
Dave McQueen, Superintendent

## **ACCEPTANCE**

Pursuant to the terms of this Agreement the Personal Property is accepted by

\_\_\_\_\_  
John Jensen  
Lucerne Area Revitalization Association

\_\_\_\_\_  
Date

## Eric Porter

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**From:** Lake County CannabisCEQA  
**Sent:** Friday, June 2, 2023 10:42 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Higher Ground Farms Proposal

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**From:** James Rexrode <jfrexrode11@gmail.com>  
**Sent:** Tuesday, May 30, 2023 1:45 PM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountycalifornia.gov>  
**Subject:** [EXTERNAL] Higher Ground Farms Proposal

May 30, 2023

Greetings, I am writing in regards to the proposal by Higher Ground Farms to develop a facility in Kelseyville. Specifically, I have concerns due to it's location next to the Kelsey Creek schoolhouse.

The schoolhouse is currently under renovation. It is an important historic location in Lake County. It is the last remaining original schoolhouse in the entire county. It has been in this location since 1882.

Once the renovations are complete it will become a museum type facility drawing many residents, and specifically schoolchildren from all over the county and further.

If you haven't been to the location yourself, you should visit. It is an amazing place. How fortunate we are to have such a location still remaining. It's much more than just the schoolhouse building itself. The entire area paints a picture of a bygone era that never could be recreated. It demonstrates as a whole how life used to be, it's setting does more to teach us about history than any number of written words ever could.

I think we have to take every opportunity to protect the character of this valued location.

That doesn't mean all rights should be removed from adjacent landowners.

But any and all development should proceed with a specific focus on the historic nature of the area, and how it would and could fit in without taking away from the overall nature, feel, view and character of the historic schoolhouse site we must protect.

We have an absolute treasure in our midst. And it is the last remaining of its kind in the entire county.

After so many years, funds and appropriate stewardship are finally in place to proceed with the renovations. They have already begun. This isn't something that might or could happen sometime in the future, this is something that is happening right now.

The schoolhouse site and it's importance might not be on everyone's radar, because until now the project to save it wasn't really in place. It might not be widely known the county. For many it's an undiscovered jewel so far. That will be changing very soon.

Up until now it's been mostly just a picturesque place. That's because it hadn't been restored and opened to the public. Fortunately that activity is now underway. In the very near future this site will be a significant destination to learn about our area's history.

There is literally no other location like it. This is a one of one location.

I urge you to keep the importance of this area in mind, and not allow any development that will change the overall character at all. And again, I urge you to visit to see it for yourself, to fully appreciate it, and to see what must be saved

Thanks for helping to preserve our history, heritage and this irreplaceable location.

Jim Rexrode  
Konocti Bay, Kelseyville



May 25 2022

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and staff,

I was asked to reach out to you regarding your department's notice of intent to approve a mitigated negative declaration for the Higher Ground Farms project at 3545 Finley Road East, Kelseyville.

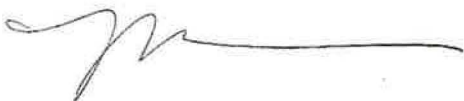
Though I believe cannabis should be allowed and, if possible, bring revenue to the county it seems the locations could be more removed from/shielded from sites that are causing distress to adjacent properties like the Kelsey Creek Schoolhouse and other locations I have seen/heard about around the county. Cannabis is not without "smell, lighting, security and large *grow* buildings" issues unlike other agriculture ventures that are less polarizing.

You also know I am a part of the group looking to make Lake County an "arts" destination – if it becomes visibly a *major* cannabis growing area it could perhaps depress the tourism dollars and other benefits that art destinations bring e.g., sale and value of real estate, relocation of families and seniors.

Is it possible to deny this specific mitigated negative declaration until a more thorough study of this project in light of the presence next door of a significant cultural site while perhaps, looking to create a county-wide plan (i.e. locations/mitigation of down-sides for "grows") that might support both sides of the issue?

Sincerely,  
Martha Mincer

**SIGNATURE**

A handwritten signature in black ink, appearing to be 'M' followed by a long horizontal stroke.

June 5, 2023

Dear Director Mireya Turner

Lake County Community

Development Department

Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study  
(IS 20-50)

Dear Ms. Turner and Staff;

I am writing regarding your department's notice of intent to approve a mitigated negative declaration for Higher Ground Farms project at 3545 Finely East Rd., Kelseyville, Ca.

It is my professional opinion, as a previous Lake County Deputy Sheriff, and Marijuana Enforcement Officer, that the approval for this business to operate should be more closely examined and studied much like The Department of Alcohol and Beverage Control does for Alcohol License.

I have personal knowledge of the negative impact a Commerical Marijuana Operation can have on the local neighborhood. I have one such operation less than ¼ mile from my house. The smell is overwhelming, the increased vehicle traffic on already poor maintained streets and roads is pitiful, the increase of commercial vehicles is dangerous to citizen foot traffic and bicycle traffic. Not to mention the

increased possibility of criminal activity. Most legal operations are also involved in Black Market Sales. There is no money in White Market Operations.

It is also my understanding that there is a School House right next door.

I ask you to please deny this mitigated negative declaration and more thoroughly investigate through a complete study and citizen input, taking also into consideration this proposed project is next door to a significant cultural site.

Sincerely,

Christopher P Rivera

2185 Merritt Road

Kelseyville, Ca. 95451

707-239-6824

## Eric Porter

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**From:** Lake County CannabisCEQA  
**Sent:** Friday, June 2, 2023 10:42 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] High Grounds Farm ; Use permit

-----Original Message-----

**From:** JEANETTE ROHNER <jeanette.rohner@sbcglobal.net>  
**Sent:** Monday, May 29, 2023 2:24 PM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountycalifornia.gov>  
**Subject:** [EXTERNAL] High Grounds Farm ; Use permit

To Whom It May Concern,

My extended family and I are in opposition to having the company, Higher Ground Farms put in a 22,000 square foot green house for commercial cannabis cultivation. The letter you sent gave us a very poor understanding of what this enterprise will actually bring to the area. We live in a rural area populated by families. We own the land and have homes and small farms along this road. Part of the permit is to allow cannabis transportation to and from the sight. What does that mean? How many vehicles will be on the roads each day? What will be the size of the vehicles and will they be on our roads all year long? We wouldn't want the extra traffic. Our roads are small as is and if kids are out on their bikes that would be dangerous. We also don't need more traffic all year long on roads that are already full of pot holes and don't seem to be kept up as is. Secondly, we are afraid that this business would bring in unwanted persons intent on breaking into the business. Because of what is being grown, there is probably going to be extra security which I have found to be unsightly. In another area of the county, they have erected huge guard towers and have flood lights left on all night long. This area of the county is serene and those of us living in the area want to keep it that way. The third reason we oppose this business is that there has been in the recent past, a water shortage. Cannabis takes a lot of water to grow so this must be taken into consideration. Lastly, the smell can be overwhelming. So please do not allow a license for 3545 East Finley Road, Kelseyville for Cannabis cultivation.

I am interested to know if there is going to be a public meeting to discuss this permit so that the public can attend and the business could answer questions asked by the public.

Thank you for your time and consideration,

Edwin Rohner

## Eric Porter

---

**From:** Lake County CannabisCEQA  
**Sent:** Friday, June 2, 2023 10:43 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Impact on historical school house

-----Original Message-----

**From:** Gail Salituri <gsalituri@sbcglobal.net>  
**Sent:** Monday, May 29, 2023 10:09 AM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountycalifornia.gov>  
**Subject:** [EXTERNAL] Impact on historical school house

This is to give you notification that the proposed cannabis grow would greatly impact the future of the revitalization of the historical school house project.

It is my hope you take into consideration that this chosen cannabis area has many negative aspects regarding future plans for the School House.

Thank you  
Gail Salituri

## Eric Porter

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**From:** Lake County CannabisCEQA  
**Sent:** Monday, June 12, 2023 3:31 PM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Higher Ground Farms; Major Use Permit (UP20-40);Initial Study IS 20-50)



**Mary Claybon**  
**Assistant Planner II**  
Community Development Department  
255 N. Forbes St.  
Lakeport, CA 95453  
Phone: (707) 263-2221  
Fax: (707) 263-2225  
Email: [mary.claybon@lakecountyca.gov](mailto:mary.claybon@lakecountyca.gov)

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**From:** Brown, Toni <[tbrown@kvusd.org](mailto:tbrown@kvusd.org)>  
**Sent:** Wednesday, June 7, 2023 11:24 AM  
**To:** Lake County CannabisCEQA <[CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)>  
**Subject:** [EXTERNAL] Higher Ground Farms; Major Use Permit (UP20-40);Initial Study IS 20-50)

June 7, 2023

Director Mireya Turner  
Community Development Department  
Planning Division  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

**RE: Higher Ground Farms; Major Use Permit (UP20-40);Initial Study IS 20-50)**

Dear Ms. Turner and Staff:

My name is Toni Brown. I am a fifth generation Big Valley native. I was born and raised in Big Valley in an agricultural family. I was a 4-H and FFA member, raising cattle, pigs, horses, and poultry. I moved away for a period to attend college and start my married life, then returned to Lake County to raise my children. My children carried on the agricultural way of life. I have a vested interest in Lake County. When I returned to Lake County I served the Kelseyville Unified School District as a teacher. After 36 years of teaching, I retired in 2022 to enjoy the beauty of the Big Valley area.



I am writing regarding your department's notice of intent to approve a mitigated negative declaration for the Higher Ground Farms project at 3545 Finley Road East, Kelseyville.

It is completely inappropriate to adopt an MND for this project without more thorough study.

The report states that the project will not cause aquifer overdraft conditions, I disagree with this. For the 30 years that we have lived on our property our well supplied us with water for our home and ranch needs. Two years ago when we had cannabis crops growing on five of the bordering parcels, we had no water at times. Neighbors at parcel # 008-035-13 Big Valley Road would run water on their 80 plants day and night. Neighbors at parcel # 008-024-22 had to drop his well to continue his cannabis watering. I do believe the watering of an additional cannabis grown will put additional drain on our natural water resource.

It mischaracterizes the neighborhood, in which I live. It does not look seriously at noise and air quality impacts, and downplays irreversible damage to the watershed. It does not look at all into the damage it will add to the already horrible road conditions.

Please deny this mitigated negative declaration and more thoroughly study this project in light of the presence next door of a significant cultural site.

Sincerely,

Toni T. Brown



## Eric Porter

---

**From:** Lake County CannabisCEQA  
**Sent:** Wednesday, June 7, 2023 11:12 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Higher Ground Farms



**Mary Claybon**  
**Assistant Planner II**  
Community Development Department  
255 N. Forbes St.  
Lakeport, CA 95453  
Phone: (707) 263-2221  
Fax: (707) 263-2225  
Email: [mary.claybon@lakecountyca.gov](mailto:mary.claybon@lakecountyca.gov)

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**From:** Trena Pauly <pauly@pacific.net>  
**Sent:** Tuesday, June 6, 2023 3:34 PM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountyca.gov>  
**Subject:** [EXTERNAL] Higher Ground Farms

Tuesday, June 6, 2023

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)

Dear Ms. Turner,

I am writing regarding your department's notice of intent to approve a mitigated negative declaration for the Higher Ground Farms project at 3545 Finley Road East, Kelseyville.

I believe that more study is needed before adopting a mitigated negative declaration for this project.

Key concerns include:

- The MND document fails to mention — much less study — the impacts that the project would have on the Kelsey Creek Schoolhouse which sits next door. The cultural and historical resources portions of the report are incomplete and misleading. The plans for the schoolhouse include educational and community events. Lake County students would be able to experience a one room schoolhouse. How incredible is that!
- It mischaracterizes the neighborhood, doesn't look seriously at noise and air quality impacts, and downplays irreversible damage to the view shed.
- Due to the immediate proximity of Kelsey Creek, which is a key spawning ground for the Clear Lake hitch -- itself the focus of an emergency declared by the Board of Supervisors in February -- there needs to be additional study about the potential impact on the hitch. This report only gives mere mention to the fish with few meaningful mitigations.
- It does not seriously address air quality or the impact it will have on people who will be visiting the schoolhouse site.
- Runoff issues need to be more carefully addressed because of the sensitivity of the watershed.
- The proximity to a school is illegal. I feel this schoolhouse qualifies for the definition of a school, that is the intended use and Kelseyville Unified School owns the property.

Please consider the above concerns and deny the declaration.

Sincerely

Trena Moore Pauly

Lake County Resident – 37 Years

## Eric Porter

---

**From:** Lake County CannabisCEQA  
**Sent:** Friday, June 2, 2023 10:44 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Higher Ground Cannabis

**From:** LORENandCLAIRE WRIGHT <lorenandclaire@gmail.com>  
**Sent:** Saturday, May 27, 2023 9:08 AM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountycalifornia.gov>  
**Subject:** [EXTERNAL] Higher Ground Cannabis

To whom it concerns:

It appears to us that there has not been adequate analysis for the Higher Ground Cannabis project for the following reasons.

1. What additional protection is being planned to mitigate for potential fire hazards, like roads, hydrants, etc.?
2. What is the EIR for all the water that will be used to grow this amount of cannabis? Especially in a drought climate situation, all of that water usage negatively impacts ground water levels all around the area.
3. Finally, the Kelsey Creek Schoolhouse sits adjacent and is not even being taken into consideration as an important historical building in the community.

We recommend further analysis and planning on this project before it possibly continues forward.

Sincerely, your concerned neighbors,

Loren and Claire Wright,  
2495 Lakeshore Blvd, Upper Lake/Nice

Sent from my iPhone

## Eric Porter

---

**From:** Lake County CannabisCEQA  
**Sent:** Wednesday, June 7, 2023 11:12 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Opposition to mitigated negative declaration for Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)  
**Attachments:** Lake County Planning Department Letter.pdf; Kelsey Creek School House Property Use Agreement.pdf; 060623 LARA letter in response to Higher Ground Farms MND notice - FINAL.pdf; 073019 FINAL - LARA - Kelsey Creek Schoolhouse preservation proposal.pdf



**Mary Claybon**  
**Assistant Planner II**  
Community Development Department  
255 N. Forbes St.  
Lakeport, CA 95453  
Phone: (707) 263-2221  
Fax: (707) 263-2225  
Email: [mary.claybon@lakecountyca.gov](mailto:mary.claybon@lakecountyca.gov)

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**From:** Elizabeth Larson <[elarson@lakeconews.com](mailto:elarson@lakeconews.com)>  
**Sent:** Tuesday, June 6, 2023 10:53 PM  
**To:** Lake County CannabisCEQA <[CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)>; Eric Porter <[Eric.Porter@lakecountyca.gov](mailto:Eric.Porter@lakecountyca.gov)>; Mireya Turner <[Mireya.Turner@lakecountyca.gov](mailto:Mireya.Turner@lakecountyca.gov)>  
**Subject:** [EXTERNAL] Opposition to mitigated negative declaration for Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)

Director Turner and Associate Planner Porter,

On behalf of the Lucerne Area Revitalization Association, please find attached our letter and accompanying documents regarding our opposition to the mitigated negative declaration for the Higher Ground Farms project.

Elizabeth Larson  
Editor and publisher  
Lake County News  
[www.lakeconews.com](http://www.lakeconews.com)  
Twitter: @ERLarson, @LakeCoNews  
Office: [707-274-9904](tel:707-274-9904)  
Cell: [707-245-4550](tel:707-245-4550)

*"For all that is secret will eventually be brought into the open, and everything that is concealed will be brought to light and made known to all."* – **Luke 8:17**

*"Strength is for service, not status. – Romans 15:1, The Message*

*"The wicked flee when no man pursueth: but the righteous are bold as a lion."* – **Proverbs 28:1**

**From:** Bobby Dutcher <bobby.dutcher@yahoo.com>  
**Sent:** Wednesday, June 7, 2023 8:39 PM  
**To:** Eric Porter <Eric.Porter@lakecountyca.gov>  
**Subject:** Re: [EXTERNAL] Kelsey Creek Schoolhouse

Hi Eric,

When I run the AP# it shows no taxes being paid, normally associated with public property. Mailing address is the Kelseyville School. Since it is public property and plans are being made to have the public use this again I would think a 1,000 foot setback would be appropriate. I don't think this owner got very good advice when he bought it.

Bobby Dutcher, Broker/Associate  
Luxe Places International Realty  
2166 S Main  
Lakeport, CA 95453  
Lic #01370651  
(707)489-4414

---

**From:** E Mc <ecmc54@gmail.com>  
**Sent:** Tuesday, January 2, 2024 8:09 AM  
**To:** Eric Porter <Eric.Porter@lakecountyca.gov>  
**Cc:** Eddie Crandell <Eddie.Crandell@lakecountyca.gov>  
**Subject:** [EXTERNAL] Higher Ground Pot Farm

Dear Mr. Porter, I am writing to express my opposition to the Higher Ground Pot Farm proposal in Kelseyville. Pears and walnut orchards that have been this county's mainstay for over a century, are being bulldozed to make way for a surplus of weed and wine crops. Soon our county will be known not only as the methamphetamine hub of Northern CA, but will be linked with our neighboring counties and tribal governments battling the insidious scourge of substance use disorder and economic depression. That area of Kelseyville is a historic site as the venue of a historic schoolhouse. We should not sully those historic grounds and our entire county with another malodorous and water sucking pot farm. Sincerely,  
Eileen C. McSorley Nice, CA

**From:** [John Jensen](#)  
**To:** [Mireya Turner](#); [Eric Porter](#); [Lloyd Guintivano](#); [Grand Jury](#); [Jessica Pyska](#)  
**Subject:** [EXTERNAL] Higher Ground Farms hearing request for postponement  
**Date:** Wednesday, January 3, 2024 11:18:16 PM  
**Attachments:** [010224 LARA letter regarding Higher Ground Farms.pdf](#)

---

Please see attached letter requesting a postponement of the Higher Ground Farms hearing.

Best,

**John Jensen**

Publisher

(707) 274-9904 Office

(707) 349-8963 Cell

[jjensen@lakeconews.com](mailto:jjensen@lakeconews.com)

[lakeconews.com](http://lakeconews.com)

[Award winning journalism](#) on the shores of Clear Lake, California.





**From:** [E. Mc](#)  
**To:** [Eric Porter](#)  
**Cc:** [Eddie Crandell](#)  
**Subject:** [EXTERNAL] Higher Ground Pot Farm  
**Date:** Tuesday, January 2, 2024 8:09:44 AM

---

Dear Mr. Porter, I am writing to express my opposition to the Higher Ground Pot Farm proposal in Kelseyville. Pears and walnut orchards that have been this county's mainstay for over a century, are being bulldozed to make way for a surplus of weed and wine crops. Soon our county will be known not only as the methamphetamine hub of Northern CA, but will be linked with our neighboring counties and tribal governments battling the insidious scourge of substance use disorder and economic depression. That area of Kelseyville is a historic site as the venue of a historic schoolhouse. We should not sully those historic grounds and our entire county with another malodorous and water sucking pot farm. Sincerely, Eileen C. McSorley  
Nice, CA

**From:** [Trena Pauly](#)  
**To:** [Mireya Turner](#)  
**Cc:** [Eric Porter](#)  
**Subject:** [EXTERNAL] Kelsey Creek Schoolhouse  
**Date:** Monday, January 8, 2024 9:04:24 PM

---

Dear Mireya and Eric,

I am not in support of the proposed Higher Ground project located so close to the Kelsey Creek Schoolhouse.

The historic schoolhouse restoration project was started many years ago to preserve the one room schoolhouse so generations forward could learn the history and use the facility.

The schoolhouse is located on land owned by the Kelseyville Unified School District which should qualify it for the 1000 foot setback from the proposed Higher Ground project.

Lake County is fortunate to have this historic schoolhouse located in the county and should be concerned about protecting it and all historic sites. A museum and educational facility is a valuable asset to our county for many reasons.

Help the residents of Lake County preserve our treasured historic schoolhouse for many generations to appreciate and enjoy.

Sincerely,

Trena Moore Pauly

Donna Mackiewicz submitted a new eComment.

Meeting: Planning Commission on 2024-01-11 9:00 AM - Please see agenda for public participation information and eComment submission on any agenda item.

Item: 6c. 24-21PUBLIC HEARING - Consideration of proposed Major Use Permit (UP 20-40), and Mitigated Negative Declaration (IS 20-50), for cultivation of 22,000-sf of cannabis canopy inside eight greenhouses within a fenced 47,040-sf enclosure; and one Type 13 Cannabis Distributor Transport Only, Self-Distributor License; Applicant: Higher Ground Farms/John Oliver; Located: 3545 Finley East Road, Kelseyville (APN: 008-026-07)

eComment: COUNTY OF LAKE COMMUNITY DEVELOPMENT DEPARTMENT Planning Division Courthouse - 255 N. Forbes Street Lakeport, California 95453 Telephone 707/263-2221 FAX 707/263-2225 Re: UP 20-40 Higher Ground Farms To Whom it May Concern: The Redbud Audubon Society would like to join with other citizens in protesting the establishment of the proposed large cannabis farm at 3545 Finley East Road. The concern about the impact the development will have on the historical school house building right next door needs to be reviewed more extensively. The proximity of the cannabis project to Kelsey Creek is also a concern given that Kelsey Creek is a known Clear Lake Hitch spawning creek. Although the grading plan addresses the issue of erosion into the creek, during a flood event there could be a substantial impact on water quality if flood waters reach the area of the cannabis grow. Thank you for considering our comments. Roberta Lyons Donna Mackiewicz Redbud Audubon Society, Inc. Clearlake

---

**From:** Trena Pauly <[pauly@pacific.net](mailto:pauly@pacific.net)>  
**Date:** January 8, 2024 at 9:04:23 PM PST  
**To:** Mireya Turner <[mireya.turner@lakecountyca.gov](mailto:mireya.turner@lakecountyca.gov)>  
**Cc:** Eric Porter <[Eric.Porter@lakecountyca.gov](mailto:Eric.Porter@lakecountyca.gov)>  
**Subject:** [EXTERNAL] Kelsey Creek Schoolhouse

Dear Mireya and Eric,

I am not in support of the proposed Higher Ground project located so close to the Kelsey Creek Schoolhouse.

The historic schoolhouse restoration project was started many years ago to preserve the one room schoolhouse so generations forward could learn the history and use the facility.

The schoolhouse is located on land owned by the Kelseyville Unified School District which should qualify it for the 1000 foot setback from the proposed Higher Ground project.

Lake County is fortunate to have this historic schoolhouse located in the county and should be concerned about protecting it and all historic sites. A museum and educational facility is a valuable asset to our county for many reasons.

Help the residents of Lake County preserve our treasured historic schoolhouse for many generations to appreciate and enjoy.

Sincerely,

Trena Moore Pauly

---

Bobby Dutcher submitted a new eComment.

Meeting: Planning Commission on 2024-01-11 9:00 AM - Please see agenda for public participation information and eComment submission on any agenda item.

Item: 6c. 24-21PUBLIC HEARING - Consideration of proposed Major Use Permit (UP 20-40), and Mitigated Negative Declaration (IS 20-50), for cultivation of 22,000-sf of cannabis canopy inside eight greenhouses within a fenced 47,040-sf enclosure; and one Type 13 Cannabis Distributor Transport Only, Self-Distributor License; Applicant: Higher Ground Farms/John Oliver; Located: 3545 Finley East Road, Kelseyville (APN: 008-026-07)

eComment: As a real estate broker who has sold dozens of cannabis cultivation properties, I was surprised to see this project get to this point. Any map you look out prominently displays the schoolhouse next door. Even though students have not attended this in recent years, it still belongs to the District and it is common knowledge that plans are in place for future use. This is definitely the type of public facility that deserves a 1,000 foot setback. The applicant has not even tried to design the project to stay as far from the school as possible. I would have fired a client that insisted on locating a cultivation project here. Much of the public comments against this are the usual NIMBY exaggerations. It might be easier to accept this project if the applicant had located the cultivation footprint at the far south end of the property, but that didn't happen. I don't think the Commission has a choice than to deny this project without incurring a certain appeal and possible lawsuit. Either you protect public facilities, especially school related, or you don't. The County of Lake has denied much more deserving projects than this one for reasons far less serious than the protection of schools.

---

**From:** [Eric Porter](#)  
**To:** [Eric Porter](#)  
**Subject:** RE: Higher Ground and Article 27.11(at)(v); new letter from LARA's attorney  
**Date:** Wednesday, June 7, 2023 2:26:36 PM  
**Attachments:** [image001.png](#)

---

The Old Kelseyville Schoolhouse is locally historic. It is not on the State or Federal list of historic buildings. Confirmed 6.7.2023.

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**From:** Mireya Turner <[Mireya.Turner@lakecountyca.gov](mailto:Mireya.Turner@lakecountyca.gov)>  
**Sent:** Wednesday, June 7, 2023 1:22 PM  
**To:** Eric Porter <[Eric.Porter@lakecountyca.gov](mailto:Eric.Porter@lakecountyca.gov)>  
**Subject:** RE: Higher Ground and Article 27.11(at)(v); new letter from LARA's attorney

Hi Porter,  
Save this in the file and we will discuss the project when you are ready.



**Mireya G. Turner, MPA**  
**Director**  
Community Development  
255 N. Forbes St.  
Lakeport, CA 95453  
Phone: (707) 263-2221  
Fax: (707) 263-2225  
Email: [mireya.turner@lakecountyca.gov](mailto:mireya.turner@lakecountyca.gov)

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---

**From:** Eric Porter  
**Sent:** Wednesday, June 7, 2023 12:26 PM  
**To:** Mireya Turner <[Mireya.Turner@lakecountyca.gov](mailto:Mireya.Turner@lakecountyca.gov)>  
**Subject:** Higher Ground and Article 27.11(at)(v); new letter from LARA's attorney

Hi Mireya,

In looking at Article 27.11(at)(v), there are two potential categories that might conflict with Higher Ground. Here is the code verbiage:

v. Commercial Cannabis Cultivation Exclusion Areas

Commercial cannabis cultivation is prohibited within a 1,000 feet of the following areas or uses:

a. Community Growth Boundary as described in the Lake County General Plan,

- b. SOS combining district,
- c. Public lands,
- d. An incorporated city sphere of influence, unless the applicant can provide a letter of support from the City.
- e. Any public or private school, grades K through 12,
- f. A developed public park containing playground equipment,
- g. A drug or alcohol rehabilitation facility, or
- h. A licensed child care facility or nursery school, church or youth-oriented facility catering to or providing services primarily intended for minors.
- i. Federal Indian Trust Lands, unless the applicant can provide a letter of support from the Federal Indian Trust Landholder.
- j. The distance specified in this section shall be measured horizontally from the areas or uses to the cannabis cultivation site.

Also, I received a 2<sup>nd</sup> letter today from the attorney who wrote the first letter (attached); the body of the letter states:

The Kelseyville Unified School District (“District”) submitted a written opposition to the Mitigated Negative Declaration for the above referenced project on June 1, 2023. As indicated in the letter, the District is the owner of real property located within 1,000 feet of the proposed cannabis cultivation facility and the District intends to use its property for District purposes.

Specifically, once the historic schoolhouse has been restored, the District will be using the property for field trips and community youth events. In addition, the District and the Lucerne Area Revitalization Association will continue its partnership through its hosting of fundraisers and local events at the site, which will include the attendance of students and community youth.

January 4, 2023



Barbara F. and Daniel Springer  
2385 Soda Bay Rd.  
Lakeport, CA 95453

To: Lake County Community Development  
Dept.

I am writing you because it has come to my attention that there is a situation regarding the Kelsey Creek Schoolhouse building. The adjoining parcel is owned by... Higher Grounds Farms, and that entity is applying to you seeking all the permits for a full-blown cannabis growing operation. They <sup>should</sup> ~~should~~ have researched that school house before they bought that property for that use.

I have donated money in the past to renovate that old building, and am doing so now, so that it can hopefully one day accommodate visitors, students, and general history "buffs", who seek to visit a true historical landmark. I don't feel that pot growing can or should take place adjacent to an educational facility. Now if Higher Grounds wants to finance the rehabilitation of the old school house, that is a different story? Then it could be a win-win.

Otherwise I hope that these permits are withheld. I live within two miles of the school house, and hope that the efforts of the Lucerne Area Revitalization Association can continue, and the building can be renovated. Someday people can visit it without experiencing the stench that cannabis operations expel!

I have lived in Kelseyville area for seventy years.

Thank you, Dan Springer



**From:** [Eric Porter](#)  
**To:** [Ruby Mitts](#)  
**Subject:** UP 20-40, Higher Ground - another comment  
**Date:** Wednesday, January 10, 2024 11:52:14 AM

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Thanks Ruby,

Eric

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**From:** Lauren Nicole <laurenreportinglive@gmail.com>  
**Sent:** Wednesday, January 10, 2024 11:16 AM  
**To:** Mireya Turner <Mireya.Turner@lakecountycal.gov>; Eric Porter <Eric.Porter@lakecountycal.gov>  
**Subject:** [EXTERNAL] Kelsey Creek School House

Dear Mireya Turner and Eric Porter,

When I was in second grade, I went outside to get the newspaper. Back in those days, it was my job to get the Record Bee every morning for my parents. One day, I opened our door and saw three men sleeping in our yard. My mom got there just in time for us to see one of them urinate all over our sidewalk. At the time, Upper Lake was overrun with people waiting for their turn to see Milan Hopkins, the pot doctor, and sometimes the crowd overflowed onto our property. My parents explained that the doctor didn't make appointments, so people had to wait their turn and the doctor didn't have enough room inside his office to hold them all.

When I think about pot, this is the image that comes to mind. The fact is, pot attracts crime. A mile from my house on Elk Mountain Road, a neighbor was shot and killed, one pot guy robbing another. Two other neighbors, just a few doors down, were victims of pot-related home invasions. Just recently, a police officer was killed outside a pot outlet in Oakland. Until the federal government legalizes pot, these crimes will continue.

For these reasons and so many others, a cannabis processing facility has no business at the Kelsey Creek Schoolhouse. As a young person who wants to see Lake County succeed, this is appalling and will force motivated, talented people out of the county. This is my hometown, and it's being destroyed. I'm 20 years old, and I'm opposed to this project. Please show some integrity and intelligence and shut this cannabis facility down.

Sincerely,  
Lauren Trippeer

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## Lake County

**Meeting: [Planning Commission on 2024-01-11 9:00 AM - Please see agenda for public participation information and eComment submission on any agenda item.](#)**

Meeting Time: January 11, 2024 at 9:00am PST  

4 Comments

Comments Open

### Agenda Item

**6c. 24-21PUBLIC HEARING - Consideration of proposed Major Use Permit (UP 20-40), and Mitigated Negative Declaration (IS 20-50), for cultivation of 22,000-sf of cannabis canopy inside eight greenhouses within a fenced 47,040-sf enclosure; and one Type 13 Cannabis Distributor Transport Only, Self-Distributor License; Applicant: Higher Ground Farms/John Oliver; Located: 3545 Finley East Road, Kelseyville (APN: 008-026-07)**

[Legislation Text](#) [Project Site Plans](#) [Draft Conditions of Approval](#) [Property Management Plan](#) [Initial Study](#) [Hydrology Report and Drought Management Plan](#) [Agency Comments](#) [Tribal Comments](#) [Public Comments](#) [Staff Report](#)

If you are a human, ignore this field

Select a Position: ☐ Oppose ☐ Neutral ☐ Support

2500 of 2500 characters remaining

Submit Comment

4 Public Comments



[Monica Rosenthal](#) about 1 month ago  
Oppose

Regarding UP20-40 Major Use Permit, I support the efforts of LARA to preserve & protect the Kelsey Creek Schoolhouse. A cannabis project or any project located next the this historic Schoolhouse should be required to have appropriate setbacks. In this case, 1,000 foot set back. I also support the suggestions made by Mr. Kelly Cox in a letter dated May 29, 2023. Mr. Cox states that this schoolhouse is a "rare and treasured historic asset and its preservation is dependent upon the viability of its future use for community purposes." Similar to the request made by Mr Cox, I implore you to review the Higher Ground Farms cannabis project further, gain a full understanding of this projects impact, and develop more adequate mitigation measures that greatly reduce the impact(s). WE have so few historic treasures in Lake County; let's make sure this one, the Kelsey Creek Schoolhouse, can be accessed & ENJOYED by all, but

especially by the youth in our community.  
Thank you. --Monica Rosenthal



[BRIAN HALL](#) about 1 month ago  
Oppose

The site plan violates California Business and Professions Codes (CA BPC) 5500.1, 5536.1, 5536.2, 6701, 6731 and 6735 for non-exempt building projects (CA BPC 5537).

This is a major commercial building project regardless of the cannabis use. All aspects of the planning and design of the buildings, structures and fixed works for non-wood framed building projects in California must be prepared by licensed architects or engineers. The licensure ensures that the site plan is not merely an illustration of the applicant's vision but also considers a multitude of architectural and engineering principles, standards and state and federal regulations beyond the qualifications, experience or oversight responsibilities of the local reviewing agency.

The fact that the CDD does not have an architect or engineer on staff to review these projects makes this oversight responsibility even more critical to ensuring that the community, and especially the neighbors, are protected. The applicant has access to hundreds of licensed professionals throughout California to advocate for their project whereas the neighbors and the environment only have the CDD and the enforcement of the Business and Professions Codes to protect them.



[Bobby Dutcher](#) about 1 month ago  
Oppose

As a real estate broker who has sold dozens of cannabis cultivation properties, I was surprised to see this project get to this point. Any map you look out prominently displays the schoolhouse next door. Even though students have not attended this in recent years, it still belongs to the District and it is common knowledge that plans are in place for future use. This is definitely the type of public facility that deserves a 1,000 foot setback. The applicant has not even tried to design the project to stay as far from the school as possible. I would have fired a client that insisted on locating a cultivation project here. Much of the public comments against this are the usual NIMBY exaggerations. It might be easier to accept this project if the applicant had located the cultivation footprint at the far south end of the property, but that didn't happen. I don't think the Commission has a choice than to deny this project without incurring a certain appeal and possible lawsuit. Either you protect public facilities, especially school related, or you don't. The County of Lake has denied much more deserving projects than this one for reasons far less serious than the protection of schools.



[Donna Mackiewicz](#) about 1 month ago  
Oppose

COUNTY OF LAKE  
COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Division  
Courthouse - 255 N. Forbes Street  
Lakeport, California 95453  
Telephone 707/263-2221 FAX 707/263-2225

Re: UP 20-40 Higher Ground Farms

To Whom it May Concern:

The Redbud Audubon Society would like to join with other citizens in protesting the establishment of the proposed large cannabis farm at 3545 Finley East Road. The concern about the impact the development will have on the historical school house building right next door needs to be reviewed more extensively.

The proximity of the cannabis project to Kelsey Creek is also a concern given that Kelsey Creek is a known Clear Lake Hitch spawning creek. Although the grading plan addresses the issue of erosion into the

creek, during a flood event there could be a substantial impact on water quality if flood waters reach the area of the cannabis grow.

Thank you for considering our comments.

Roberta Lyons  
Donna Mackiewicz  
Redbud Audubon Society, Inc. Clearlake

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Thursday, March 7, 2024

Board of Supervisors

Attn: Board Chair Bruno Sabatier

255 N. Forbes St.

Lakeport, CA 95453

Via email: [ClerkoftheBoard@lakecountyca.gov](mailto:ClerkoftheBoard@lakecountyca.gov), [bruno.sabatier@lakecountyca.gov](mailto:bruno.sabatier@lakecountyca.gov).

**RE: 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,

The Lucerne Area Revitalization respectfully asks that you uphold the Lake County Planning Commission's thorough, thoughtful and wise denial of Higher Ground Farms' deeply flawed and dangerous cannabis project at 3545 Finley East Road, Kelseyville, next door to the historic Kelsey Creek Schoolhouse.

What makes the Planning Commission's decision so remarkable is that it has a history of approving a majority of the cannabis projects that come before it. This is not an anti-cannabis body, but one that has green-lighted dozens of cannabis projects. Yet, in this case, it weighed the concerns with the Higher Ground Farms and found the project so deficient in its planning and conception that it rejected it out of hand.

"We don't do this very often," Commissioner Maile Field said after the vote to deny the project.

The Planning Commission concluded, rightly, that this project has no business being at that location, that it will cause irreparable and permanent harm to the character of the farming area and to the sacred viewshed that has at its heart Mount Konocti, and will negatively impact the historic Kelsey Creek Schoolhouse next door, among a host of other concerns.

"It is just not a prime location for this type of business," said District 4 Planning Commissioner Christina Price. "We need to really think strongly about the future of Kelseyville and Finley, and any type of industry that's going to grow in Kelseyville, there is limited amounts of land where it can grow."

Price indicated that it was nice to see the community come together to fight for the historic schoolhouse building, and she said she would love to see it become a community building — which is exactly LARA's plan. "I can't say with one side of me I would love to see the community utilize the schoolhouse and then on the other side say I would love to see a commercialized industry like this go on. So I'm pretty firm on where I stand with this project."

Higher Ground Farms' project history has been notable for its lack of due diligence, ignorance of county rules and values, refusal to work with neighboring property owners, intentional and egregious lack of transparency, and unrelenting efforts to mislead neighbors.

This project is a first in this specific area — and it must be a last. It simply should not be there. It is the perfect example of a poorly conceived and badly implemented project, based on flawed and dangerous conclusions.

That makes it all the more alarming that Community Development Department leadership is doubling down and advocating on behalf of the applicant in urging you to overturn the Planning Commission's right and careful decision. They have not been able to truly explain this, other than the very thin "justifications" they offer you in their 10-page report for the appeal.

Based on what happened at the Planning Commission meeting, and what is presented to you in this staff report for the appeal, we think planning staff must have been at another meeting than the one we attended Jan. 11.

Community Development has consistently downplayed this project's controversy, the concerns about its safety and impacts on the community, the project's certain negative environmental impacts and its lack of proper study, all issues the commission raised.

Like his colleagues, Commissioner Batsulwin Brown pointed to a host of key concerns. "There's too much history that's going to be impacted," he said, citing the nearby significant and historic Mostin archaeological site, which dates back more than 10,000 years. "So there's all of these connections to that location, including the schoolhouse."

We hope that you have taken the time to actually watch the Jan. 11 Planning Commission meeting video, as if you simply rely on the staff report and minutes, you will not have an accurate idea of what really occurred.

Additionally, we remain alarmed that this project's initial study ***was never updated nor corrected*** despite a 16-page letter we submitted to Community Development in June outlining the significant number of serious problems with it.

That report's flaws go from the incredibly serious — to its lack of serious analysis of impacts on the neighborhood, cultural and historical resources, water resources and the Clear Lake hitch, and on natural resources and viewshed — to the absurd, namely, that it actually argues that there are no mapped earthquake faults in the immediate vicinity, which is demonstrably false. We even provided them with a map to prove otherwise.

That's not to mention that it features site plans and maps provided to them by the appellant that are inaccurate and misrepresent property lines.

Yet that flawed report, *in its exact same original form*, is what is given to you by staff as evidence that this project has been properly studied and meets county requirements, and as a justification for overturning the Planning Commission's decision. **That is absurd.** The Planning Commission based its decision, in no small part, on the inadequacy of that initial study and other planning documents.

We have continued to bring the initial study's uncorrected errors and significant deficiencies to the attention of planning staff. Their response? Blank stares and no action.

That is important, because the staff report for the appeal continually refers back to the initial study as a foundation for staff's weirdly devised proposal that you grant an appeal in this case.

Just as the initial study is flawed to the point it must be rejected, so is the staff report for the appeal, scheduled for the March 12 Board of Supervisors meeting. That report is riddled with errors, omissions and flat-out misrepresentations, which we outline, in full, below.

The following is our analysis of, and responses to, the claims made by staff in the report on the appeal.

#### **1. Location is not consistent with the neighborhood character.**

**Staff Response:** *Cannabis cultivation is allowed in certain areas within Lake County upon issuance of a major or minor use permit depending on the project's size and characteristics of the site. In this case, the property is located on a property with base zoning of "A"-Agriculture, within a mapped Farmland Protection Zone (FPZ). The Board of Supervisors approved Ordinance No. 3103 on April 20, 2021, which allows cannabis cultivation to occur in FPZ land, provided the cultivation occurs inside greenhouses with air filtration systems, as is being proposed in this application. The property is not located within an Exclusion Area and is in an area that is characterized by traditional crop production, including a processing/packing facility immediately across the street. The project meets all setbacks and development standards related to compatible uses. Therefore, the project would not be considered a non-compatible use. As noted above, the project has also been modified to further reduce impacts to neighboring properties, specifically the property immediately west that is owned by the Kelseyville Unified School District and leased by LARA.*

**LARA response to staff response: FALSE. The Higher Ground Farms project is absolutely and insurmountably noncompatible.**

This is the first time such a project has sought to be located in this area of protected farmland, where it has no business being located. That was noted by the Planning Commission. Concerns about cannabis projects in that area is what led to increased requirements and protections. The appellant purchased this property in 2020 and clearly and repeatedly failed to conduct due diligence either about what he could do there or the potential issues with neighboring properties. That's evidenced by planning documents we received through a Public Records Act request that



showed the appellant was planning to put in a large outdoor grow at the site, which isn't allowed, and had sought early activation.

Further, the Planning Commission was clear in outlining its reasons for finding that the project is not consistent with the neighborhood character. Commissioner Price's comments, cited above, are an example.

There are no such operations in that area, which is characterized by homes, orchards and farms that do not produce cannabis. The Higher Ground Farms project absolutely has no business being there.

## **2. The project would alter the viewshed on Finley East Road and views of Mt. Konocti, which is considered sacred to culturally-affiliated tribes.**

**Staff Response:** *Per the Lake County Zoning Code for Agricultural zoning (Article 5, section 5.15), accessory agricultural structures may be up to fifty (50) feet tall. The proposed greenhouses and accessory agricultural structures may be up to fifty (50) feet tall. The proposed greenhouses and processing facility would be below this limitation. Additionally, mitigation measures requiring blackout screening, fencing, and vegetative screening would be implemented to reduce impacts to the extent practical. Lastly, the applicant has agreed to relocate the cultivation site approximately 200 feet further south to be at least 500 feet away from the Kelsey Creek Schoolhouse building, and additional vegetative screening being placed between both the Kelsey Creek Schoolhouse building and the processing facility, as well as between the Kelsey Creek Schoolhouse building and the cultivation stie. (SIC)*

*Related to tribal cultural resources, Staff sent Assembly Bill (AB) 52 notices to 11 tribes on April 8, 2022, informing tribes of the proposed project and offering consultation under AB-52. Of the 11 notified Tribes, the Yocha Dehe Tribe and the Upper Lake Habematolel Tribe replied, deferring to Big Valley and Middletown Rancheria Tribes. No other tribes responded to the AB 52 notice. Cultural and tribal cultural resources were also analyzed in the Initial Study and associated Cultural Resources evaluation, in compliance with the California Environmental Quality Act. These analyses found impacts to cultural resources to be less than significant with implementation of mitigation measures.*

**LARA response to staff response: FALSE.** The first paragraph **completely misrepresents** the entirety of LARA's concerns, which included and **emphasized** the building pad located less than 200 feet to the east of the Kelsey Creek Schoolhouse, not just the greenhouses.

That processing building pad was allowed to be placed there under, as we were told by staff, a "ministerial exemption" because it was supposed to be used for hemp. Once placed, however, the appellant has decided it will be used for cannabis.

During public comment at the Jan. 11 Planning Commission meeting, community member and businesswoman Toni Scully — who was part of the county committee that created the local

cannabis rules — spoke about her concerns on the Higher Ground Farms Project. She is also a neighboring property owner, and she noted how neighbors received no notice until late in the planning process.

Further, in discussing the placement of the processing building pad, Scully raised concerns that Higher Ground Farms had first proposed to grow hemp and now is intending to be a cannabis operation. “And now we’re all guessing what that building’s going to be used for. I hope this isn’t going to be a procedural thing for future cannabis operations that apply for permits. Do you understand?” she asked.

That is our concern as well.

Of even greater concern is that the staff report misstates Commissioner Brown’s concerns about the sacred viewshed of which Mount Konocti is the center.

The AB 52 consultation process has focused mostly on “cultural resources,” and while it refers to landscapes, it has not meaningfully spoken about “viewsheds.”

The fact that tribes did not respond to this specific concern does not mean it does not exist. Quite the contrary. What matters is, as the process has continued, Commissioner Brown, a member of the Elem Colony of Pomo — a culturally affiliated tribe that we believe was among the 11 tribes noticed according to the staff report, although that report does not name all of them — reviewed and analyzed the project and found that the viewshed had not been taken into consideration. Commissioner Brown raising the issue means ***it does exist***. That is his job as a planning commissioner, and the other commissioners joined him in that concern.

Commissioner Brown explained that he understood that the tribes had their opportunity to comment. “Whether they chose to or not, whatever their position is, is their position,” he said. For him, however, the viewshed alone was an important issue.

“Going back historically, to the tribal community, the mountain is sacred and is respected as sacred. So those viewsheds are sacred,” he said. As such, that was enough to require taking another look at the project, and so he was not willing to support the project at that point.

Commissioner Brown is correct. It is a sacred viewshed. That reverence unites the first peoples of this county and others who now live here, as well as Lake County’s visitors and friends.

***Mount Konocti, it can be argued, unites Lake County residents as few other things do.***

The fact that the appellant has always downplayed the viewshed’s significance throughout the planning process — which is proved in documents we received through our Public Records Act request — is more evidence that he has failed to study and understand this community and its landscapes and the inevitable impacts his project will have on them. More seriously, when those concerns have been raised, he has denied and deflected them.

It should also be noted that, based on county documents, the tribes noticed according to AB 52 did not raise issue with the project's close proximity to the "Mostin site," but that makes protecting that significant archaeological site *no less important* than protecting the viewshed. If the Planning Department wouldn't discount the importance of the Mostin site, which wasn't directly addressed by the tribes, why is it doing so with the viewshed and landscape and using the excuse that the tribes didn't raise the issue? How is that consistent?

Besides the incongruity of the greenhouses this project will have, the processing building will be taller than the schoolhouse next door by 10 feet, so it cannot do anything but damage and block the viewshed of Mount Konocti, which those who use and love the schoolhouse have enjoyed for 142 years.

Commissioner Field concluded that while she appreciated staff's attempts to work with people, "I don't want to see staff spending more time on this. I don't see how the aesthetic issues can be addressed, with conditions. And the other things I mentioned, I don't think they can be mitigated." That led her to making the motion to deny the project, which Commissioner Price seconded and the commission approved 3-1.

We believe this project will be as damaging to the landscape and viewshed in this area as the "We Grow" project would have been for the Hidden Valley Lake and Middletown areas. Like this project, We Grow had staff approval before it was finally defeated thanks to community advocacy.

**FURTHER, THIS IS AN ATTEMPT TO SET PRECEDENT. *Cannabis is not agriculture.*** The Community Development Department continues to wedge cannabis into agricultural zoning and use ag rules to justify it. Cannabis is not considered ag in local and state law, as it does not meet the "food and fiber" requirement. This appears to be part of a larger effort to set precedent by treating cannabis as agriculture, which, again, it is not. That raises the specter of eventually putting cannabis under the "right to farm" ordinance, which will be devastating for agriculture and the broader Lake County community alike.

Finally, like Commissioner Field, we don't think staff should be spending any more time on this project. It has wasted enough time, resources and energy of community members and county staff alike to try to make this bad project passable.

#### **4. Impacts to Kelsey Creek.**

**Staff Response:** The County Code requires a 100-foot setback from all water courses. The cultivation site and associated buildings are a minimum of 475 feet away from Kelsey Creek and Finely East Road provides further separation between the site and the creek. The applicant has also submitted a sediment and erosion control plan (sheet 4 of Site Plans) that show stormwater mitigation measures that adequately address slope and erosion control, in accordance with Lake County Grading Regulations, the State Water Resources Control Board Order No. WQ

2019-001-DWQ and Construction General Permit 2009-009-DWQ. Lastly, the Initial Study (And associated Biological Report) found impacts to Kelsey Creek to be less than significant.

**LARA response to staff response: FALSE.** Yet again, the staff report points to the initial study, which is thoroughly flawed and completely inaccurate and cannot be used as the basis of project approval.

The initial study report gave little serious consideration to Kelsey Creek, which, thanks to the Board of Supervisors' declared hitch emergency in February 2023, is now being studied by the State Water Quality Control Board to understand how water use, including groundwater, impacts the creeks in which the hitch spawn.

The initial study mentioned the Clear Lake hitch by name only once, made no reference to the Board of Supervisors' February 2023 emergency declaration for the fish and concluded that the project "would not result in direct impacts to sensitive fish and wildlife species." It made recommendations to prevent erosion and sedimentation as a way to mitigate impact on these "sensitive species."

Yet, the initial study's conclusion that the project will not harm the hitch cannot be supported by evidence, and considering current actions by the state, it is likely to be completely and thoroughly disproved.

Once again pointing to how this initial study has not been updated or changed since the original public comment period, that document includes no new information or considerations in response to the State Water Board's recent action in issuing the Clear Lake Information Order.

During the Board of Supervisors' March 5 meeting, there was a discussion on the Clear Lake hitch's status. At that time, California Department of Fish and Wildlife senior environmental scientist Felipe La Luz specifically stated that the hitch use the entire watershed. As such, the impact of water uses — including groundwater — need to be closely studied in all situations. Yet, projects like this continue to be pushed through the planning process and approved before these questions have been answered. That illustrates an astonishing amount of hypocrisy on the part of the county — to raise issues with the hitch and yet not take meaningful action on proposed projects that could harm the fish.

Just as concerning is how that initial report rules that this project will have a "less than significant" impact on water uses. How does it arrive at that conclusion? Here's how: By using an 18-year-old groundwater management plan as the basis of determining current agricultural water demand within the Big Valley Groundwater Basin.

That conclusion also cannot be justified based on the fact that cannabis has been proved to use more water than commodity crops, on which that 2006 study would have been primarily based.

Additionally, based on our experience with them, we have no confidence that the applicant and property owner are competent or to be trusted with actually ensuring sediment and erosion controls are implemented beyond what is placed on paper. As such, **county staff can anticipate spending considerable time and resources** to ensure that permitting conditions are met and adhered to, ***if that's even possible***, which we seriously doubt.

## **5. Proximity to a 'school'.**

**Staff Response:** The "Hells Bend Schoolhouse", also referred to as the Kelsey Creek Schoolhouse is located on the parcel (APN 008-026-06) immediately west of the proposed cultivation site. According to Dr. John Parker, the Schoolhouse was built in 1869 and relocated to its present location in 1882. Classes were held in the schoolhouse until 1920, when the use of the building as a school discontinued. Please refer to the January 11 Planning Commission Staff Report for more information.

Article 68 (Definitions) of the Lake County Code defines a 'school' as follows,

*School: "For the purpose of cannabis regulation, school means any public or private school providing instruction in kindergarten or any grades K to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes. (Ord. No. 3709, 12/11/2018)".*

Staff must analyze the project for compliance with required setbacks from existing uses. The building has not been utilized as a school since 1920 and does not meet the definition of a school per the County Code. Although LARA has been in contact with Community Development Department (CDD) Staff related to their intentions to restore and utilize the building as a community gathering space and event center in the future, no such permits have been submitted to CDD to date for review. Additionally, the County Code does not allow school uses within the "A" zoning district. As noted above, the applicant proposes to use the secondary driveway further east from the building and would plant vegetative screening between the building and cultivation area, and processing building to reduce potential impacts to the adjacent site. The proposed project would not prohibit the School District and LARA from future rehabilitation of the building or other plans for the site.

**LARA response to staff report: FALSE.** There are so many false and misleading statements in this section of the report that it's hard to know where to begin.

So let's start with the semantics argument of whether this is a "school." On this site's function as a school, we have this to say: It is a 19th century school, the last of its kind in Lake County. It has always been a schoolhouse. It will always be a schoolhouse. That is its traditional and enduring form and function. The county's actions over the years to rezone it away from that historic use raises all manner of questions that will have to be addressed another day.

The schoolhouse will always have an educational function, which both LARA and the Kelseyville Unified School District — which owns the property on which the schoolhouse is located — have committed to in our work together in a public-private partnership. That is why we have a 50-year agreement that requires the schoolhouse remain where it has been since 1882 and be used for community benefit, with educational purposes key among its intended uses.

Staff continues to try to do linguistic gymnastics to argue otherwise when it comes to the school's status and use. It's a semantic argument and nothing more. **Repeating a falsehood continually does nothing to make it true.** It does, however, appear to be a way to try to push through this horrendous cannabis project.

Commissioner Field addressed the building's status as a school during the Jan. 11 Planning Commission meeting. "It was a school originally," she said. "That's a place where children gather. Maybe it hasn't been used as a classroom, specifically, for 100 years but it's a school. So I'm trying to think outside the way we bureaucratically evaluate the rules and I think it's fair to say, I mean in my opinion, that should trigger the thousand-foot setback requirement. I mean, I look at it, it's a school. It's a historic attraction and it should remain that."

During the discussion, she corrected the planning staff's continued inaccurate statements in which they insisted that the school building had not been used, for anything, since 1920. That was despite the fact that we had informed them that was untrue — as recently as the day before that meeting — but which they continued to repeat even at the meeting.

Commissioner Field also raised issues with the project's property management plan. "You need to apply it to the project," she said. "What I'm seeing is a cut and paste document that doesn't apply to this particular situation. So to me that's inadequate."

She questioned planning documents that claimed the project is situated in "a relatively remote area."

"I don't think so," she said.

She also read from the Jan. 11 staff report that stated that the project "does not have the potential to create substantial public controversy."

Field pointed out that they had 96 pages of public comment on the item. Substantially more public comment has been submitted since then.

Later in the meeting, Field raised legislative concerns that don't address whether the Higher Ground Farms project fits into the neighborhood. "And I just really feel that it doesn't."

Similarly, Bobby Dutcher, a Realtor who in recent years has specialized in cannabis projects and been a part of establishing local cannabis rules, also has weighed in on the Higher Ground Farms proposal. "Since it is public property and plans are being made to have the public use

this again I would think a 1,000 foot setback would be appropriate. I don't think this owner got very good advice when he bought it," he said in an email included in the public comment packet.

We believe that the project violates both the spirit and intent of rules regarding siting of cannabis operations.

This leads us to ask: How can the location of a cannabis grow be justified next to a historic school site? The answer: It can't. That is truly the issue. It looks terrible. Yes, that is what you are being asked to allow.

Next, we will address this statement: *"Although LARA has been in contact with Community Development Department (CDD) Staff related to their intentions to restore and utilize the building as a community gathering space and event center in the future, no such permits have been submitted to CDD to date for review."*

That **seriously and intentionally misrepresents** what LARA has attempted to do thus far. Being "in contact" does not relay the actual reality. This report is suggesting we either aren't doing anything or aren't following county planning rules, both of which are incorrect.

LARA began notifying the county in June of 2019 about its plans for the building, long before it took the keys to the building in May of 2022, and well before these appellants purchased the property next door, in order to head off the very situation we are facing today. Our Public Records Act request shows that all along county staff failed to give us complete and accurate information in response to our information requests about what was happening with the Higher Ground Farms project leading up to the release of the flawed initial study last year.

We met with planning staff on Jan. 9 and on Jan. 24 to voice our concerns about this project specifically and to discuss our project. During the Jan. 24 meeting, we were told that even if we had our event center project under way and in the use permit process, it wouldn't matter, since the general plan doesn't have setbacks for cannabis projects from event centers.

We met, in person, with Community Development Department staff Mireya Turner, Michelle Irace and Bill Collins on Feb. 16 with a list of our project's aspects in order to confirm what requires permitting and what does not. The work we have done so far — including lead paint remediation — doesn't involve any permitting from planning, which is why permits haven't been submitted. CDD staff appear to be under the impression that the school requires an absolute rebuild, which it does not. Most of its issues are cosmetic and do not require permits. We have told them we will pull the permits for aspects when we are ready to do them later this year. Again, they are attempting to suggest that our project isn't active, and that is false.

Perhaps the larger issue is, this statement by staff about our project is a red herring. Our project isn't at issue here. It's Higher Ground Farms' project. And their project doesn't fit at this site, in this specific ag-based neighborhood or in this community.



## MAJOR USE PERMIT FINDING REQUIREMENTS CANNOT BE MET

Next, we turn to section four of the staff report, “MAJOR USE PERMIT FINDINGS FOR APPROVAL.” It states that the major use permit can only be permitted if nine requirements are met. The staff report claims those requirements can be met; we will tell you why they cannot.

*1. That the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental to property and improvements in the neighborhood or the general welfare of the County.*

The only way that you can find that it will not be “detrimental to the health, safety, morals, comfort, and general welfare” of the community is if you ignore all of the information and evidence supplied by LARA and other community members. That information has largely been ignored or downplayed by staff, which is how they have arrived at this conclusion. That includes not paying attention to air quality, water resources, the Clear Lake hitch, impact on cultural resources and damage to the landscape, which we have outlined in this letter and in our June letter raising issues with the initial study. That letter is in evidence in the public comment packet.

*2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.*

The setbacks are not adequate, and the appellant purposefully has tried to take the use of adjacent properties by bunching his project close to property lines, and by misrepresenting property lines on the maps he provided to planners. LARA questions all distances and measurements for how close the building pad for the processing building and grow site are said to be from the property lines and the buildings on the school-owned property, as they clearly are not consistent with the written plans.

*3. That the streets, highways, and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.*

The California Highway Patrol raised issues with the safety of the ingress-egress for this site and for the potential conflict between a cannabis operation and the schoolhouse’s intended community and educational use. It points to the inadequate condition of the Higher Ground Farms driveway to be suitable for commercial use. The staff report did not even refer to those concerns.

Additionally, the staff report states, “The applicant has agreed to use the secondary driveway as the primary access to the cultivation site in order to keep cannabis-related traffic further from the Kelsey Creek Schoolhouse site’s access.” This is represented as a concession, ***when in fact it is a key correction***, as the appellant provided maps to the county that variously showed the driveway next to the schoolhouse as either being on the school’s property or divided by a

property line. It simply cannot be used, period, because of its proximity to the property line and lack of setbacks.

*4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.*

In the case that the appellant and his employees misuse or mishandle dangerous chemicals or otherwise are responsible for an explosion or fire, we have concerns that the fire department could not be on scene quickly enough to stop a disastrous and deadly conflagration.

In addition, with the sheriff's office reporting ongoing challenges with recruitment and retention, the statement that there is "police protection to serve the project" appears to be unsupported.

Once again, we challenge water supply based on an old report that used commodity crops to determine water usage, not water-intensive cannabis.

Regarding sewage disposal, we also have grave concerns about the appellant's leach field. Following the Jan. 11 Planning Commission hearing, Leo Cortina, the property owner, accosted LARA President John Jensen to tell him that LARA would not be able to use the property due to his leach field. This has required an investigation by Lake County Environmental Health, and testing of the school property's water source is pending. While Environmental Health provided information that their staff believes shows the leach field is not likely to cause damage as Mr. Cortina alleged, we remain concerned that he has misrepresented the sewage system either to us or Environmental Health, or both. We believe more investigation is required.



***Above, Leo Cortina (blue shirt) accosts John Jensen after the Lake County Planning Commission denied the Higher Ground Farms use permit and initial study on Jan. 11, 2024. Zoom screen capture.***

*1. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.*

This project does not conform with the General Plan or Kelseyville Area Plan, not just because they don't include commercial cannabis but because it is damaging to the landscape and environment, its water use calculations are unsupported and it violates historic preservation requirements.

Staff says this: "The General Plan and Kelseyville Area Plan do not have any provisions specifically for commercial cannabis, but both plans have provisions for economic development and land use compatibility."

Yet, this project is completely incompatible with historic or neighboring uses.

Further, the idea that this project would be good for economic development begs belief. With the cannabis industry crashing in spectacular fashion, and when one considers the amount of monitoring that will be necessary to ensure that this appellant follows through with adhering to laws and regulations, there is no economic development to be expected. That is a fantasy.

*2. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.*

LARA believes that this property has violations of Chapter 5: Building Regulations of the Lake County Code for a residence built within the setback of the property line, unpermitted agricultural structures, open and outdoor storage of materials, and large amounts of trash.

*3. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i.*

Staff claims that the proposed use permit is consistent with Article 27, section 1.i., as well as other portions of the Zoning Ordinance, General Plan and Kelseyville Area Plan. The Planning Commission did not agree. That is evidence that the use falls short of compliance.

*4. The applicant is qualified to make the application described in Chapter 21, Article 27, Section 1.ii. (g).*

The appellant has yet to pass a background check and we question how thorough the county's background check process is considering the many issues we have seen with that process. He has a long history of failed businesses and former employees accused him of unethical business practices, including not paying wages as required under state law, which led to a

lawsuit and significant state fines and penalties. All of that disqualifies him for making an application to conduct business in Lake County.

*5. The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii. (i).*

The Planning Commission rejected this permit and so it does not comply with the qualifications of Chapter 21, Article 27, Section 1.ii. (i).

## **INCONSISTENCY WITH VISION 2028**

At the end of the 10-page staff report, right before staff recommends the board overturn the Planning Commission's excellent decision, there is a list of items consistent with the county's "Vision 2028."

"Check all that apply," it says.

Is "well-being" checked? No.

Public safety? No.

Disaster prevention, preparedness and recovery? No.

Infrastructure? No.

County workforce? No.

Community collaboration? No. ***Definitely not.***

Business process efficiency? No.

Clear Lake? No.

What is checked? "Economic development."

To claim that the Higher Ground Farms project is good for economic development without having actually researched the appellant's failed record of business is highly prejudicial, and in our view amounts to activism on the part of county staff. ***It is based on zero evidence. Absolutely none.***

Even if the appellant didn't have a history of dissolved businesses, shell LLCs, lawsuits, nearly \$60,000 in state labor department fines and Chapter 7 bankruptcy, claiming such projects are good for Lake County's economy begs belief considering the disastrous arc of the failing cannabis industry.

Is this the county's idea of job creation? Why would anyone want to work for someone with a history of not paying their employees and having to be taken to task by the state in order to enforce labor law?

Vision 2028's webpage is headed by this statement: "Reimagining Lake County - 10 Years, 10 Key Priorities."

Vision 2028's first point is, "Consider and promote the well-being and economic resilience of every Lake County resident."

The Higher Ground Farms project does nothing to further that goal — quite the opposite. It trades away a beautiful landscape and sacred viewshed for a project based on a product that more studies are finding has harmful health effects, in particular, raising the incidence of heart disease in users. As evidence, please see the attached study from the University of California, San Francisco published in February, titled, "Think Smoking Cannabis Won't Damage Your Health? Think Again. When it comes to cardiac risks, UCSF study finds smoking pot is like smoking tobacco."

Lake County has some of the worst health outcomes in the state, particularly when it comes to heart disease, its highest cause of mortality, according to the California Department of Public Health. In fact, heart disease rates in Lake County are nearly twice the state average. In light of that, to claim this project has some kind of merit that benefits the well-being of Lake County's populace is ***insulting, absurd and flat-out dangerous***.

Beyond that, Lake County's economic development is not enhanced by welcoming out-of-county self-styled marijuana "activists" with track records of bad business practices — or their business partners who threaten neighbors — to operate here.

Rather, county officials should hold such individuals and the promises they make to a higher level of performance, and act accordingly — and swiftly — when those promises evaporate. Too much is at stake in Lake County to lower the bar so much that projects like Higher Ground Farms can get in and get county staff to advocate for them through misrepresentations and reports that fail miserably in their required analysis.

Projects like Higher Ground Farms don't support Vision 2028. They directly contradict its stated aims. Rather than prosperity, they create poverty, distrust, the potential for criminal activity such as theft and robbery, and pressure on precious resources that should not be traded away on such thin justifications as offered by the appellant but, more so, by staff.

Once you uncheck that "economic development" box, there is nothing that makes this project qualify for adherence to Vision 2028. Nothing. Not one thing.

Vision 2028 also speaks to maintaining "a transparent County government that is responsive, efficient, effective and fair." We're still waiting to see if that one is borne out, as our attempts to seek information and resolutions over the course of this situation have not shown us a local government that is transparent or that meets those other goals. Rather, we have seen one that has consistently created obstacles in the path of community members seeking to protect their neighborhoods and historic sites.

When considering this appeal, maybe the biggest questions are, when is enough enough? How much more must community members give up in their quality of life, safety and comfort to support an industry that has fallen far short of expectations, is cutting deeply into our resources and is now economically crashing, while also dealing with threats from bad actors who appear to mean genuine harm to those around them?

These are not rhetorical questions. They are deadly serious. They demand answers.

Now it's up to you to decide what the answers will be. Choose wisely, because if you decide to overturn the Planning Commission's ruling, it will have a long and vastly detrimental effect on an area with great historical, cultural and farming significance. Once lost, those values and resources cannot be recovered.

We urge you to reject the "gold rush" mentality that is behind the Higher Ground Farms project. We continue to deal with the impacts of California's Gold Rush era that ended 170 years ago with the harm it did to the landscape. Let's not repeat that here.

And, please — stop incentivizing bad behavior in Lake County. Protect this county's amazing people and resources for the long-term, not short-term goals based on a false economic narrative. That should be among your highest goals.

Sincerely,



John Jensen  
President/Co-founder  
Lucerne Area Revitalization Association



Elizabeth Larson  
Secretary/Cofounder

**ATTACHMENTS (IN ORDER):**

- Pomo Bulletin, article on Kelsey Creek Schoolhouse
- CHP letter on Higher Ground Farms
- “Think Smoking Cannabis Won’t Damage Your Health? Think Again. When it comes to cardiac risks, UCSF study finds smoking pot is like smoking tobacco.” Feb. 28, 2024.
- “Funny Business Alleged at Pot Shop,” Courthouse News Service, June 5, 2012.
- “Lawsuit filed over control of Hopland pot dispensary,” Santa Rosa Press Democrat, July 31, 2012.
- Review of Collective Conscious Apothecary (one of Oliver’s failed businesses)



# POMO BULLETIN

FEBRUARY TWO THOUSAND AND TWO

PUBLISHED BY

LAKE COUNTY HISTORICAL SOCIETY

POST OFFICE BOX 1011 \* LAKEPORT, CA 95453

(Organized In 1955)

Presenting

EXCERPTS OF LAKE COUNTY HISTORY



KELSEY CREEK SCHOOL  
"HELL'S BEND SCHOOL"



## Kelsey Creek School, "Hell's Bend"

By Ray Mostin

In 1856 the Napa Board of Supervisors established the Big Valley School District in the area now called Kelseyville. The first school was known as the Arnold Knoll School, located 3/4 mile west of the present school known as the Kelsey Creek School on Finley East Road. In 1860 there were too many children for one school and the school district was divided. One district was called "Big Valley District" and served the area west of Big Valley. The other district to the east was called "Kelsey Creek School District".

Al our records burned in the court house fire of 1867. For their records, the Board of Supervisors then re-established the lines of the Kelsey Creek School District. It started at Clear Lake and took in most of Big Valley. It included the Buckingham area as well. The first Kelsey Creek School building was built one mile north of Kelseyville on land that was donated by the Boyd brothers. This land is now owned by Herb Rogers and is now a pear orchard.

In 1871 this building was torn down and the useable building material was transported to a site on the Quercus Ranch that was then owned by Seth Rickabaugh. He donated the land and rebuilt the Kelsey Creek School building.

Later a small portion of the land belonged to Al Brundige. Was the school on his property, which is alongside the present Quercus Ranch? For whatever reasons, later in time, citizens called it the Brundige Ranch School. When water was high, pupils could attend classes at the Henderson home in Kelseyville School was taught for only a few years at the Brundige Ranch site.

Here is the story of how the Kelsey Creek School building got its name of Hell's Bend School: An old Kelseyville druggist Mr. Maxwell, is credited with giving an area within the bend of Kelsey Creek, two miles north of Kelseyville, the name Hell's Bend. The reason seems to have been that when several of the men living in that area went to town and got liquored-up there would be "hell to pay when they returned home."

Kelsey Creek School moved several times and at one time was located within the above territory; many old-timers referred to it as Hell's Bend School. The school was finally moved to a location one mile east from Finley, but the school had been branded Hell's Bend.

In 1882 Rickabaugh sold the Quercus Ranch to Captain Floyd. Rickabaugh relocated to a large parcel of land southwest of the present Quercus Ranch. Rickabaugh donated another parcel of land and neighbors moved the schoolhouse to its present location. On Finley East Road. Some of the building material used to construct this school house came from the original Kelsey Creek School building that was built in 1860 and rebuilt in 1871 , finally relocated to its present site in 1882.

The present school was used until 1920 when the consolidation of the smaller one-room schools was made on March 9, 1920. School was taught in this school until July 1, 1920.

An agreement was made with the new school district in Kelseyville and the families of the Kelsey Creek School District that the building would be maintained by the school district and would be used for a social center for the community. This use has continued to the present time.

A lease agreement between the Kelseyville School District and the Kelsey Creek Community Club to use this school as a community center. This agreement was signed on February 16, 1947 for a term of twenty-five years. Floyd Fultz, President and Herb Rogers, clerk of the Kelseyville School District, signed this agreement. Board and by Nin Stedman, president and Julian Mostin, secretary of the Kelsey Creek Community Club.

In 1958 an attempt was made to move the school building to the Lake County Fairgrounds in Lakeport and the land at the present location was to have been sold. The community rose up in opposition to the idea of moving a historical building from its historical site. Renovation was begun to make the building useable as a community center once again. A working committee was formed and fifteen to twenty thousand dollars was donated in labor and materials. Maintenance was carried on by the Restoration Committee on the grounds and the building and continues to the present.

A front fence was rebuilt with the help of the Early Lake Lions Club. The state historical marker (marker #2) has been put back in place with a sign designating the site of the community center. The schoolhouse and the location of the building are a part of the area's history and the residents in the area and in the county do not want to see it destroyed. It is one of the last one-room schoolhouses to survive. The committee has collected desks and schoolbooks used in the building during the time classes were held there. We hope that the



Hell's Bend schoolhouse will be used for field trips for today's school children so that they may enjoy our heritage.

Over the years we (the community) have provided the maintenance for the grounds and materials and maintenance for the building in order to make Hell's Bend school an attractive historical site that can be enjoyed by visitors and as a community center by our neighbors.

This is where we are now:

The Hell's Bend Restoration and Community Center Committee is made up of descendants of local pioneer families who attended school in this building and interested taxpayers who have committed their time and money to this project.

We have met with the Kelseyville School District board and presented an agenda outlining a complete restoration of the school. We also met with friends of the museum, Lake County Historical Society and other interested community groups who are willing to help with this project.

With a modest amount of money in our restoration account and pledges and commitment from the Kelseyville School District we will:

1. Rebuild the brick foundation supports of the schoolhouse.
2. Replace and repair the siding on the building.
3. Upgrade the siding on the bell tower to match the building.
4. Repair and/or replace window frames and glass.
5. Hang the inside doors and repaint original doors.
6. Repair roof where it is needed.
7. Replace the outhouse with a modern flushing toilet and wash basin.
8. Run a water system to the schoolhouse.
9. Replace the carriage house.
10. 10. Install a heater in the schoolhouse.

This is the last remaining one room schoolhouse in Lake County that remains in its original form.

The schoolhouse and the location of the building are part of the area's history and the residents of the area and in the county want to see that it is preserved and utilized.

We need your help!

Donations can be sent to:

Hell's Bend Schoolhouse Restoration

c/o Ray Mostin

3580 Finley E Road

Lakeport CA 95453

## Alexandra Owens

---

**From:** CHP-EIR <EIR@chp.ca.gov>  
**Sent:** Friday, June 9, 2023 9:36 AM  
**To:** eric.porter@lakecountyca.gov; OPR State Clearinghouse  
**Cc:** Fansler, Daniel@CHP; Abrahams, Kristen@CHP  
**Subject:** SCH# 2023050164

**Categories:** Comments



Good morning,

Please see the response below from Lieutenant Commander Dan Fansler of the California Highway Patrol, Clear Lake Area, for SCH# 2023050164 .

Thank you,

**Kristen Abrahams** (Lange), AGPA  
Special Projects Section, Transportation Planning Unit  
CHP Headquarters  
601 N. 7<sup>th</sup> Street  
Sacramento, CA 95811  
Office: (916) 843-3370  
Direct: (916) 843-3386

---

**From:** Fansler, Daniel@CHP <DFansler@chp.ca.gov>  
**Sent:** Friday, June 9, 2023 8:37 AM  
**To:** CHP-EIR <EIR@chp.ca.gov>  
**Cc:** CHP-10AAdesk <10AAdesk@chp.ca.gov>; Abrahams, Kristen@CHP <Kristen.Abrahams@chp.ca.gov>  
**Subject:** RE: Environmental Document Review – SCH # 2023050164 – Due to Lead Agency by 6/7/2023

It has been brought to my attention the Kelsey Creek Schoolhouse historical site is located at 3505 Finley Road East, directly next door to the proposed Higher Ground Farm commercial cannabis project.

There are many unknowns about how traffic volumes at High Ground Farm — both for workers and for shipping operations — could impact the schoolhouse, which I am told is intended to be utilized for school and community events on a regular basis.

From a traffic safety perspective, I do recognize that there could be a conflict if the two projects are not thoroughly studied. The two sites sit beside each other, with their proposed driveways a short distance apart on a narrow, county-maintained roadway that already sees steady traffic volume, with drivers typically traveling at the speed limit or above in many cases.

The condition of Higher Ground's driveway off of Finley Road East suggests that it will require grading and asphalt to make it suitable for commercial use. How those roadway improvements might impact traffic and the schoolhouse may need to be considered. Respectfully,

**Dan Fansler, Lieutenant**  
Commander  
CHP Clear Lake  
(707) 279-0103

(707) 279-2863 Fax  
[dfansler@chp.ca.gov](mailto:dfansler@chp.ca.gov)



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**From:** Eric Porter <[Eric.Porter@lakecountyca.gov](mailto:Eric.Porter@lakecountyca.gov)>  
**Sent:** Thursday, June 8, 2023 7:58 AM  
**To:** Fansler, Daniel@CHP <[DFansler@chp.ca.gov](mailto:DFansler@chp.ca.gov)>  
**Subject:** RE: Environmental Document Review – SCH # 2023050164 – Due to Lead Agency by 6/7/2023

**[Warning:** This email originated outside of CHP. Do not click links or attachments unless you recognize the sender and know the content is safe.]

Good morning Daniel,

Sure, take whatever time you need. The June deadline isn't a hard deadline, and I'm not rushing this one through – there are too many concerns being raised about the proximity of the historic Kelseyville School House, which is listed as a historic structure on the State and Local historic registries.

Thanks for checking,  
Eric Porter

---

**From:** Fansler, Daniel@CHP <[DFansler@chp.ca.gov](mailto:DFansler@chp.ca.gov)>  
**Sent:** Wednesday, June 7, 2023 4:39 PM  
**To:** Eric Porter <[Eric.Porter@lakecountyca.gov](mailto:Eric.Porter@lakecountyca.gov)>  
**Cc:** CHP-EIR <[EIR@chp.ca.gov](mailto:EIR@chp.ca.gov)>  
**Subject:** [EXTERNAL] FW: Environmental Document Review – SCH # 2023050164 – Due to Lead Agency by 6/7/2023

Eric,

Due to recent concerns brought to my attention by community members, can I please request an extension so that I can adequately review this project and possibly offer my input? Respectfully,

**Dan Fansler, Lieutenant**  
Commander

CHP Clear Lake  
(707) 279-0103  
(707) 279-2863 Fax  
[dfansler@chp.ca.gov](mailto:dfansler@chp.ca.gov)



**CALIFORNIA  
HIGHWAY PATROL**

*Safety, Service, and Security*

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**From:** CHP-EIR <[EIR@chp.ca.gov](mailto:EIR@chp.ca.gov)>  
**Sent:** Thursday, May 25, 2023 4:57 PM  
**To:** Dye, Arthur J@CHP <[ADye@chp.ca.gov](mailto:ADye@chp.ca.gov)>; Fansler, Daniel@CHP <[DFansler@chp.ca.gov](mailto:DFansler@chp.ca.gov)>  
**Cc:** CHP-10AAdesk <[10AAdesk@chp.ca.gov](mailto:10AAdesk@chp.ca.gov)>; Abrahams, Kristen@CHP <[Kristen.Abrahams@chp.ca.gov](mailto:Kristen.Abrahams@chp.ca.gov)>  
**Subject:** Environmental Document Review – SCH # 2023050164 – Due to Lead Agency by 6/7/2023

Good afternoon,

Special Projects Section (SPS) recently received the referenced Notice of Environmental Impact document from the State Clearinghouse (SCH) outlined in the following Web site:

[Higher Ground Farms, UP 20-40, Commercial Cannabis Project](#)

Due to the project's geographical proximity, please use the attached checklist to assess its potential impact to local operations and public safety. **If impact is determined**, responses should be e-mailed directly to the Lead Agency with cc to SCH and myself. **If there is no impact**, please do not include SCH or the Lead Agency in your response.

For more information on the EIR review process, please check out: [Power Point Commanders EIR Training.pptx \(sharepoint.com\)](#).

Please feel free to e-mail me if you have any questions.

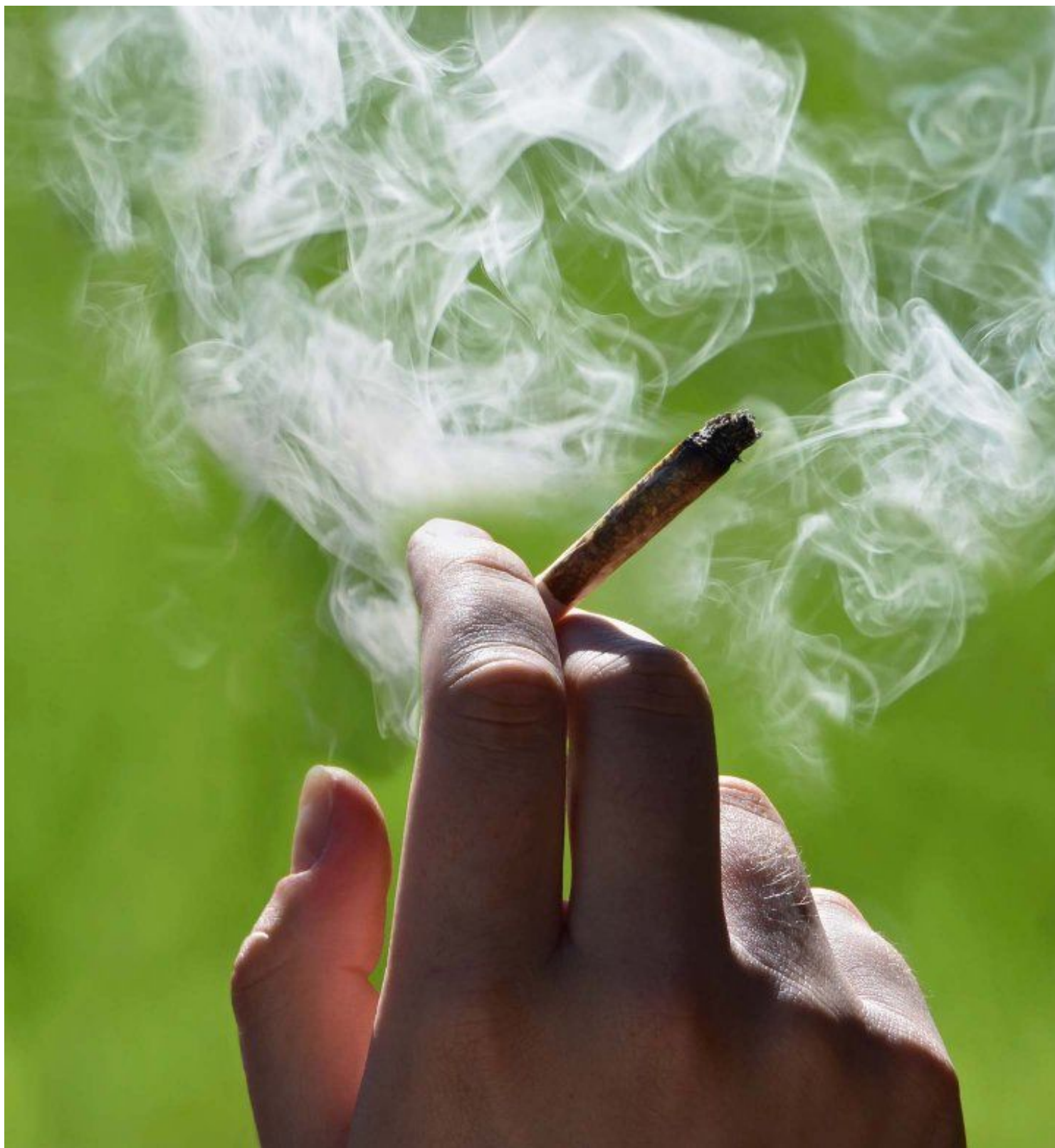
Thank you,

**Kristen Abrahams** (Lange), Staff Services Analyst  
Special Projects Section, Transportation Planning Unit  
CHP Headquarters  
601 N. 7<sup>th</sup> Street  
Sacramento, CA 95811

Office: (916) 843-3370

Direct: (916) 843-3386





# Think Smoking Cannabis Won't Damage Your Heart? Think Again

When it comes to cardiac risks, UCSF study finds smoking pot is like smoking tobacco.

By Victoria Colliver

---

**T**he cardiac risks of smoking marijuana are comparable to those of smoking tobacco, according to researchers at UC San Francisco, who warn that the increasing use of cannabis across the country could lead to growing heart health problems.



## BY THE NUMBERS

Daily cannabis smokers had a:

- **25%** increased risk of heart attack.
- **42%** increased risk of stroke.

The study found that people who used cannabis daily had a 25% increased risk of heart

Cannabis has become more popular with legalization. Recreational use is now permitted in 24 states, and as of 2019, nearly 4% said they used it daily and 18% used it annually. That is a significant increase since 2002, when 1.3% said they used it daily and 10.4% used it annually.

“Cannabis use is increasing in both prevalence and frequency, while conventional tobacco smoking is declining,” said [Salomeh Keyhani](#), MD, MPH, professor of medicine at UCSF and senior author of the study, which appears Feb. 28, 2024, in the [\*Journal of the American Heart Association\*](#). “Cannabis use by itself might, over time, become the more important risk factor.”

## Cardiac risks for those who never used tobacco

The researchers used data from the [Behavioral Risk Factor Surveillance System](#), a national cross-sectional survey conducted by the [Centers for Disease Control and Prevention](#) to examine the association between cannabis use and adverse cardiovascular outcomes including coronary heart disease, heart attack and stroke.

Cannabis use was independently associated with adverse cardiovascular outcomes, and the odds rose with the number of days per month that a person used it.

They examined whether cannabis use was associated with coronary heart disease, acute myocardial infarction and stroke among the general adult population and among people who had never smoked tobacco.

Among the 434,104 respondents, about 4% were daily users, 7.1% were non-daily (about five days in the month) and 88.9% had not used any marijuana in the past 30 days. Among current users, about three-fourths said they mostly smoked it.

The study found that cannabis use was independently associated with adverse cardiovascular outcomes, and the odds rose with the number of days per month that a person used it.

The study also examined the effects for those who had never smoked or vaped tobacco, finding that just smoking cannabis was associated both with stroke, and with the combination of coronary heart disease, heart attack and stroke.

“This is an important public health finding, particularly given our ongoing efforts to reduce the burden of heart disease in this country,” said David C. Goff, M.D., Ph.D., director of the Division of Cardiovascular Sciences at the [National Heart, Lung, and Blood Institute \(NHLBI\)](#), which is part of the [National Institutes of Health](#).

## The perception of risk needs to change

People who smoke cannabis often hesitate to disclose it to their physicians, in part because they don’t consider it as harmful as smoking tobacco, and many states, like California, first approved it for medical uses. The researchers noted it will be an uphill battle to change these attitudes.

“There is a multibillion-dollar cannabis industry that markets cannabis use as not only

with patients because there is evidence that cannabis has some therapeutic properties. However, as suggested by this study, cannabis use also has significant cardiovascular risks.”

**Co-authors:** Additional UCSF co-authors include Stanton Glantz, PhD, and Amy L. Byers, PhD, MPH.

**Funding:** NHLBI 1R01HL130484-01A1 and National Cancer Institute (grant T32 CA113710).

**Disclaimer:** The content is solely the responsibility of the authors and does not necessarily represent the official views of the National Institutes of Health.

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# Funny Business Alleged at Pot Shop

[NICK MCCANN](#) / June 5, 2012

UKIAH, Calif. (CN) - The director of a medical marijuana collective embezzled payroll, dodged taxes and sold large amounts of pot to nonmembers for resale, two member-employees claim in Mendocino County Court.

Django Broomfield and Shara Stamler sued John Oliver, the "de facto controlling member" of the co-op, and California Wide Patient Group Inc. dba Collective Conscious Apothecary.

The Collective Conscious Apothecary (CCA) is a member-owned nonprofit that connects medical marijuana patients to caregivers, according to the complaint. Its dispensary is in Hopland. The plaintiffs accuse Oliver of "conversion and embezzlement of the nonprofit's assets, to wit: unlawful conversion of marijuana, selling the marijuana to nonmembers, and embezzling the nonprofit's payroll and payroll takes."

They add: "As owners and customers, the members have a right to know what the performance of the offices and directors has been, and the true economic situation of the CCA."

Broomfield, also a CCA director, claims that in December 2011 he confronted Oliver after seeing him take money from the group and discovering that a check written to the local fire department had bounced.

"Upon being confronted about these missing funds Oliver alienated Broomfield from the collective and refused to account for his taking of the collective funds intended for charitable distribution," the complaint states.

The plaintiffs say they began seeing Oliver let nonmembers into the group's dispensary on a weekly basis starting in February.

In April, Oliver told Broomfield "that he had some buyers that were not members of the collective that wanted to purchase a large amount of marijuana to resell," according to the complaint.

It continues: "Broomfield told Oliver that he would not participate in any back-door marijuana deals and that it was a bad idea. Oliver then demanded an answer from Broomfield as to whether he was in or he was out of the diversion scheme. Broomfield told Oliver that he would not participate in the diversion scheme and that he was out."

Broomfield also claims that beginning in December 2011, he "witnessed John Oliver repeatedly retain one-half of employees' pay, claiming that the deducted pay was a

'loan' to CCA." He claims he demanded an accounting on Jan. 1, and that Oliver has refused to provide it.

Stamler claims Oliver promised to pay her \$5,000 a month to work at CCA, beginning in November 2011. She claims he did not pay her at all for November or December, and after she called him on it, he told her he would pay only half of what she was owed, "and the remaining balance owed would have to be loaned to CCA."

Stamler claims the defendants owe her \$15,000, and that Oliver "told her to sue him if she ever wanted any of her back pay."

Both plaintiffs say they "believe that defendant John Oliver embezzled these funds for his own personal gain."

They also claim that Oliver paid the collective's payroll in cash and gave employees written pay stubs showing tax withholdings, but kept the tax withholdings for himself.

Stamler claims Broomfield fired her after Broomfield refused Oliver's request "to sell pounds of marijuana to unqualified nonmembers out the back door of CCA."

The plaintiffs seek an accounting and an order restraining Oliver from managing the group. Broomfield wants to be appointed as a receiver to take over the collective pending the outcome of the lawsuit.

The plaintiffs are represented by Rebecca Mendribill in Santa Rosa.

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# Lawsuit filed over control of Hopland pot dispensary

**GLEND A ANDERSON**  
THE PRESS DEMOCRAT  
July 31, 2012



Two members of a Hopland-based medical marijuana dispensary are suing for control of the organization, a sign of marijuana's march toward the mainstream.

"I think that cases like these in state court may become more frequent as the industry becomes more legitimized and entrenched in the routine machinations of society," said Kris Hermes, spokesman for the medical marijuana advocacy group Americans for Safe Access.

The civil lawsuit was filed in Mendocino County Superior Court by Sonoma County residents Django Broomfield and Shara Stamler, members and former employees of Collective Conscious Apothecary, located in a recently renovated building on Hopland's historic main street, Highway 101. The dispensary is part of California Wide Patient Group, a mutual benefit corporation that provides medicinal marijuana to about 2,560 patients, according to court records.

Broomfield and Stamler allege the organization's founder and chief executive officer, John Oliver, has failed to follow laws regulating medicinal marijuana and mutual benefit corporations. He's engaged in illegal activities, including selling large amounts of marijuana to non-members of the organization, they claim in the lawsuit.

"As a result of defendant John Oliver's illegal acts, unsuspecting members of the organization may all be placed in harm's way, which may render them unknowingly liable or subject to criminal sanctions," according to the civil lawsuit, filed in late May.

They also allege Oliver refused them access to the corporation's documents and embezzled payroll and payroll taxes. Stamler, who managed the dispensary for five months, claims Oliver withheld half of her \$5,000 monthly paycheck, calling it a loan to the corporation.

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The plaintiffs are seeking control and dissolution of the corporation so they can form a new nonprofit "which has not been tainted by the director's unlawful activities," according to the lawsuit.

Oliver did not return phone calls seeking comment, but his attorney, Philip DeJong, said there's no merit to the case. I "sure haven't seen the beef," he said.

Neither Broomfield nor Stamler nor their attorney could be reached to elaborate on the allegations and their plans for the corporation should they succeed in wresting its control from Oliver and his wife, the only two corporate board members.

You can reach Staff Writer Glenda Anderson at 462-6472 or [Glenda.anderson@pressdemocrat.com](mailto:Glenda.anderson@pressdemocrat.com).

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# Collective Conscious Apothecary

13325 US-101, Hopland, CA

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**Youz Mamma**

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 7 years ago

CCA closed down in 2014 due to the incompetence of the owner and terrible quality of products.

The new club which has opened in its place is called Mendo Organics.

It has absolutely no affiliation with the owner of CCA and is a much higher quality experience and business. It is owned by Oragnicann.



Like

1 Lisa L. Gygax, SB# 176029  
2 6490 Front Street #203  
3 Forestville, CA 95436  
4 telephone: (707) 540-1864  
email: guitargygax@yahoo.com

5 Rebecca Mendribil SB# 262840  
6 50 Old Court Square, Suite 205  
7 Santa Rosa, CA 95404  
telephone: (707) 468-4300  
email: rebecca.mendribil@gmail.com

8 Attorney for the Plaintiffs,  
9 Shara Stemler, Django Broomfield,  
10 Tasha Harrison, Arthur Dupraw, and Monic Mora

11 UNITED STATES BANKRUPTCY COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 IN RE:

14 JOHN CHARLES OLIVER,  
15 DEBTOR

CHAPTER 7  
CASE NO. 15-10575

16 SHARA STEMLER, DJANGO BROOMFIELD,  
17 TASHA HARRISON, ARTHUR DUPRAW,  
18 AND MONIC MORA

19 Plaintiffs,

20 Vs.

21 JOHN CHARLES OLIVER,

22 Defendant.

COMPLAINT FOR  
DETERMINATION THAT THE  
INDEBTEDNESS OF JOHN  
CHARLES OLIVER TO SHARA  
STEMMLER, TASHA HARRISON,  
ARTHUR DUPRAW & MONIC  
MORA AS NONDISCHARGABLE  
AND AN OBJECTION TO THE  
ENTIRE PETITION OF JOHN  
CHARLES OLIVER  
{11 U.S.C. §523(a)(4) AND 11 U.S.C.  
§523(a)(6)}  
JURY TRIAL REQUESTED

23 / JUDGE: Hon. Alan Jaroslovsky

24  
25  
26  
27  
28  
COMPLAINT FOR DETERMINATION THAT DEBTS ARE NONDISCHARGEABLE



1  
2 Plaintiffs Shara Stemler, Django Broomfield, Tasha Harrison, Arthur Dupraw, and  
3 Monic Mora (collectively "Plaintiffs"), respectfully represent that this Adversarial  
4 Proceeding Complaint and Objection to Petition is one arising in Debtor, John Charles  
5 Oliver, Case No. 15-10575 under chapter 7 now pending before this court.

6 Plaintiffs allege as follows:

### 7 **JURISDICTION**

8 1. The court has jurisdiction in this adversarial proceeding pursuant to 28 U.S.C.  
9 Section 157(b), 28 U.S.C. Section 1334 and 11 U.S.C. Section 523. This adversarial  
10 proceeding is objecting to the discharge of the debt which debtor owes to Plaintiffs related  
11 to the special verdicts and Judgments the obtained in the Sonoma County Branch  
12 California of the Labor Board that both include wage claims during the debtors role as a  
13 fiduciary. The objection is based on the fraud and perjury of Oliver and his unclean hands  
14 that prevent him from using this forum as a petitioner.  
15

16 The alter ego claims are not core proceedings and a jury trial is requested as to that  
17 portion of the causes and claims. Plaintiffs make no waivers of any right by filing this  
18 complaint.  
19

### 20 **FACTUAL BACKGROUND AND PROCEDURAL HISTORY**

21 2. In early 2011 John Oliver hired the plaintiffs to work at his medical marijuana  
22 dispensary in Hopland, California as statutory employees.  
23

24 3. Oliver represented that he had started the mutual benefit corporation and it was run  
25 properly under the law and that he and his wife Megan Oliver were on the corporation  
26 board of the mutual benefit corporation California Wide Patient Group, Inc.  
27

1 4. Despite California and Federal law that a manager who holds payroll taxes and  
2 withhoold income taxes and owes wages must promptly and property pay payroll when  
3 owed as to employees and amount withheld from employee wages, John Charles Oliver  
4 embezzled the waged of the plaiintffs.  
5

6 5. When the workers complained about not being paid thier complete wages and  
7 other labor violations complaints, John Charles Oliver fired the employees in bad faith.  
8

9 6. John Charles Oliver falsely filed documents under the pentaly of perjury in the  
10 State of Califiornai that he had noticed all credtiors before he filed to dissolve his  
11 corporation when in truth, he had not noticed all the creditors that he was dissolving the  
12 corporation California Wide Patient Group, Inc..  
13

14 7. John Charles Oliver filed articles of in corporation for Blanant Corporation, Inc. in  
15 California and simply operated the exact same dispensary with the same address, phone  
16 number, inventory, Post Office Box, equipment, email and even some of the same  
17 employees.  
18

19 8. John Charles Oliver controlled the corporation as a personal bank account to pay  
20 debts in his own name and for things and services for family members.

21 9. John Charles Oliver controlled the business while using both corporate enitities  
22 as a front for liability protection through private contracts including but not limited to the  
23 lease for the Hopland at the 13325 South Highway 101, Hopland, CA 95449.  
24

25 10. John Charles Oliver controlled both corporations solely making all decisions  
26 for his own personal advanatge.  
27

1 11. While operating the dispensary through both corporations he had corporation  
2 employees work at a marijuana cultivation location wherein he controlled the land in his  
3 own name but paid the bills using the corporate business checking account and funds.  
4

5 12. John Charles Oliver still rents the 35 acres he had corporate employees work at  
6 for cultivation.

7 13. John Charles Oliver before, at the time of and after the filing of his Chapter 7  
8 petition still rented the same 35 acres and cultivates marijuana for money, selling to  
9 Harborside Collective in Oakland.

10 14. John Charles Oliver comingled corporate and personal funds.

11 15. John Charles Oliver withheld payroll wages from employees against their will  
12 taking the funds and converting them for his own use.  
13

14 16. John Charles Oliver continued to take wages from the employees and threatened  
15 to fire them if they continued to complain.  
16

17 17. John Charles Oliver told the employees that he had the power to force them to  
18 lend wages to the corporation.

19 18. John Charles Oliver never set up a mutual benefit corporation properly in the  
20 State of California as set out in the Attorney General's Guidelines.  
21

22 19. John Charles Oliver never kept proper corporate books failing to pay taxes, sales  
23 taxes, and other debts while in sole control of the funds and bank accounts during the  
24 operation of both corporations.

25 20. Neither John Charles Oliver nor any board member caused to be performed a  
26

proper inventory before the dissolution of either corporation he created and dissolved.

21. John Charles Oliver still has assets and property belonging to the corporation in his possession in storage but failed to list the corporation's stored property in his possession in his bankruptcy petition.

22 John Charles Oliver has stored marijuana that he failed to list in his bankruptcy but admitted to at the meeting of the creditors.

23. The corporate books and all property have only been in the possession of John Charles Oliver and his wife such that the failure to list is concealment to hide the assets from creditors.

24. John Charles Oliver's home has been paid for by the proceeds of marijuana sales through both of the corporations listed above founded by and dissolved by him.

25. John Charles Oliver's wife has never been employed as a statutory employee and has no independent income.

26. The wife of John Charles Oliver has been fully informed of her husband's occupation as a marijuana grower and distributor through the dispensary.

27. None of the down payment or payments for the home that John Charles Oliver owns with his wife are from funds other than marijuana businesses.

28 All the John Charles Oliver marijuana business are all illegal under Federal law and John Charles Oliver filed a Chapter 7 bankruptcy to avoid sales tax, income tax, and business debts all from his marijuana businesses while still participating in cultivation and distribution of marijuana.

1 29. Plaintffs are informed and believe and therein allege that John Charles Oliver  
2 has transfered funds and property to others including his minor child.

3 30. Creditors filed their objection to discharge complaint, arising from the State  
4 Court Action, and under the fiduciary and fraud exceptions of 11U.S.C. 523(a)(2).  
5

6 31. The creditor objects to the petition in its entirety due to fraud deceit, defalcation  
7 of both employee wages and taxes, and a lack of standing since John Charles Oliver seeks  
8 to use bankruptcy to complete his theft from employees, to protect and continue in his  
9 violation of US law by selling and trafficking in marijuana.  
10

11 **FIRST CAUSE OF ACTION**

12 (A finding that the debtor is the alter ego of the two corporations he operated and sued to  
13 take employee wages and a Determination that indebtedness of debtor John Charles Oliver  
14 is nondischargeable pursuant to sections of 11 U.S.C. 523(a) 2 & (a) 6))

15 32. Plaintiffs refer to the allegations contained in paragraphs 1-31, inclusive and  
16 incorporate those allegations as though fully set forth.

17 33. The plaintiffs each filed labor petitions to recover wages Oliver took and failed  
18 to pay in violation of both State and Federal labor codes.

19 34. As sole controller of the funds, Oliver was a fiduciary and the wages he  
20 converted were held in trust with him and taken improperly such that he is not entitled to  
21 discharge of that debt.  
22

23 35. The labor violations include failure to pay payroll taxes in violation of his role as  
24 trustee such that the taking of the wages and failure to follow the labor code were a civil  
25 defalcation and in many instances criminal acts of defalcation.  
26

36. Pursuant to §523(a)(4) of the Unites States Bankruptcy Code, a debt incurred by a debtor who perpetrates fraud or defalcation while acting as a fiduciary shall be nondischargeable.

37. Pursuant to §523(a)(6) of the United States Bankruptcy Code, a debt incurred by a debtor who engages in willful and malicious conduct which results in damages shall be nondischargeable in willful and malicious conduct as well as in the conversion of Plaintiffs' funds.

38. As a direct result of the improper, bad faith conduct, including but not limited to, of Oliver's alter ego control over the corporations, using them as his own property and the wages of the employees as his own funds, his comingling all done while stealing under false pretenses from his employees, the plaintiffs have suffered special, compensatory, general and punitive statutory punitive damages in the amount of the labor code violation judgments and other losses in an amount not less than \$200,000.00 and are entitled to prejudgment interest.

**WHEREFORE PLAINTIFFS PRAY FOR JUDGMENT AS FOLLOWS:**

1. For a determination that John Charles Oliver has lied in his petition, has unclean hands that prevent him from using the bankruptcy process and dismissal of the entire Chapter 7 petition with prejudice; or in the alternative;

2. A finding after the jury determines the facts, that John Charles Oliver operated the two corporations mentioned above in such a manner that they were in fact alter ego entities that were extensions of himself subject to pierce the corporate veil as to personal

1 liability, that his marijuana assets, funds and operations are not entitled to bankruptcy  
2 protections and in fact make his hands unclean hands, and as a past continuing marijuana  
3 grower may not use bankruptcy court to discharge debts created criminal conduct under  
4 Federal Law; or  
5

6 3. For a determination that Debtor's liability to plaintiffs in the State Court Labor  
7 Board Judgments plaintiffs obtained are nondischargeable nor may the stay apply to the  
8 State case claims pending before the State Court in the Mendocino County be avoided if  
9 liability is found;  
10

11 4. For damages of not less than \$200,000.00 according to proof at trial,

12 5. For determination that no asset paid for by in whole or part by marijuana cost  
13 recovery or sales can be exempted from collections from these plaintiffs;  
14

15 5. For interest on said debt, attorneys fees and costs and,

16 6. For such other and further relief that this Court deems just and proper.  
17

18 Dated: September 8, 2015

18 /s/  
19 Lisa L. Gygax, Esq.,  
20 Attorney For the Plaintiffs  
21  
22  
23  
24  
25  
26



To: Lake County Board of Supervisors

From: Mary Borjon Kelseyville Resident

Date: 3/4/2024

Re: UP 20-40 Higher Ground Farms Permit Public Hearing

Dear Supervisors,

Prior to the last hearing for this permit, I wrote a letter to the board to voice my strong opinion against granting this permit. I attended the last hearing and publicly voiced my concerns about this permit.

I remain convinced that granting this permit is not in the best interest of Kelseyville and Lake County residents and businesses. We have a sufficient number of cannabis farms in Lake County, We do not need another source of foul smelling air despite best efforts to install fans and filters. We do not need to block the view of Mt. Konocti by installing tall buildings for the purpose of storing and harvesting cannabis. We do not need this enterprise sitting next to and overshadowing an historic landmark, the old schoolhouse. We do not need to impose this industry on persons who reside nearby.

I sincerely encourage the Lake County Board of Supervisor members to not approve this permit.

Regards,

*Mary Borjon*

Mary Borjon, Kelseyville resident for 58 years.

707-279-1050

# Paul J and Sausha B Racine

Park View Drive, Lakeport CA 95453

February 28, 2024

To Whom It May Concern,

I am writing in support of the Planning Commission's decision to reject the Higher Grounds Farms project at 3545 Finley East Road which is located adjacent to the historic Kelsey Creek School House. Approving this project would be contradictory to the extensive community opposition this project received and the planning commission's decision to reject this project after hearing the community's concerns.

Before drafting this letter, I drove by the site and pulled over to observe the school house, the proposed site for the Higher Grounds project and the majestic view of Mt. Konocti. There are two views that impress me the most in our community. The view of Clear Lake from the top of the Hopland grade and the awe I feel when I look at Mt. Konocti. A cannabis facility of this size and nature will certainly affect the visual landscape of the Big Valley Basin. Furthermore, this project and the Kelsey Creek School House seem very incompatible to exist side by side.

As elected officials, I respectfully request you listen to the community members that will be affected by this project. You are the elected officials of Lake County residents while the mailing address for the property tax bill of the proposed site goes to a residence in Ukiah, CA. We are the ones who will be forced to live with it, should you approve this project, not the Ukiah community.

Sincerely,



Sausha Racine

To whom it may concern

I understand that the cannabis industry in Lake County has contributed income to our county. However, cannabis is a very new industry. We don't fully understand the socio-economic & environmental impacts. We do know from recent research that there are several issues:

- Environmental consequences of cannabis e.g., cannabis emits potent VOCs called terpenes that when mixed with nitrogen oxide and sunlight, form ozone degrading aerosols that contribute to air pollution. Other industries are required to capture VOCs before they enter the atmosphere – cannabis industry is so new we haven't got the needed regulations yet, though we now know many diseases like Alzheimer's may have air pollution as one of its possible engenders.
- We also know that very likely the federal government will legalize, and at that time the largest companies in the industry will take over cultivation. With the consolidation of cannabis production the "small" companies" will be pushed out leaving their "greenhouses" etc. to degredate (left to the County to clean up) and there monetary support of local areas removed.
- Many communities are harmed by the embedding of cannabis farms in places that impact the nature of rural communities still struggling with the changes the economy has wrought in the last several years e.g., if they are looking for *rural tourism*, the "grows" may be unattractive within historic, health (we have great air quality) or natural beauty areas. Also understanding many people still feel it is a "dangerous drug" and are put off by the grows.

We need to ensure our county's investment in the cannabis industry is positioned to ensure that future problems are mitigated - including law suits for the county. We also need to factor into the decisions the overall economic plan of the County rather than see it in isolation/immediate cash returns.

One of the ways to be careful is position the "grows" physically where they can cause the least of these issues (including social impact).

It is also critical to engage the cannabis companies in more strict regulations as well as putting in place legal/economic protections if the many (still being uncovered) issues impact the Lake County in the future.

Martha Mincer

10368 Edgewater Drive  
Kelseyville CA  
570 903 5011

To the members of the Lake County Board of Supervisors: I have reviewed the reasons that the Kelsey Creek Schoolhouse members, as well as the Lake County Planning Commission, are against the Higher Ground Farms Cannabis Project going forward. I am in agreement that this project should not be approved.

Lorene McGuire Lakeport CA

---

Dear Clerk and Supervisors,

Please include this comment in the board packet for the Higher Ground Farms / John Oliver appeal.

This comes to provide support for the Planning Commission decision denying the Higher Ground Farms / John Oliver permit, to strongly urge the Supervisors to honor the work of the Planning Commission and to preserve an iconic cultural asset for the future. Your planning commissioners, acting on your behalf, offered a well reasoned analysis of tangible and intangible costs of this development and concluded that it was a non-starter.

The commission correctly understands the highly controversial nature of this project as illustrated by Commissioner Field during the Planning Commission meeting.

The iconic setting of the schoolhouse against the backdrop of Mt. Konocti has been recognized as a cross cultural sacred site worthy of protection by Commissioner Brown, from the Dais.

The Commissioners majority decision seemed to have its foundation in protecting a beloved cultural asset which has a bright future only if protected from inappropriate development and unscrupulous developers.

Unfortunately one Commissioner failed to grasp that moving the building eliminates the historic value, along with the setting, and is not an available preservation option.

The cost to the future far outweighs the benefit of a badly sited pot grow which would serve only to enrage the public, and besmirch your own legacy.

Thank you for upholding the will of the people and your Planning Commissioners decision to at once honor both the past and future by denying this appeal.

Best,

**John Jensen**

Publisher

---

Lake County Board of Supervisors,

Please deny the appeal of Higher Grounds for the cannabis operation next to the Kelsey Creek School House at 3534 Finley Road East in Kelseyville. The Planning Commission's decision was sound and should not be overturned.

Sincerely,

Trena Moore Pauly

Kelseyville, CA

Dear Board Member,

We would like to register our strong opposition for Higher Ground's appeal to UP 20-40, which the Lake County Planning Commission has already denied.

This project's initial study is filled with errors, and despite these errors being brought to the attention of planning staff repeatedly, the document does not appear to have been updated or corrected.

In addition, the County's analysis of the project is faulty, particularly as it relates to water and the potential impacts on the Clear Lake hitch, which is important due to the presence of Kelsey Creek, a tributary where the hitch live. As you are well aware, the California State Water Resources Board is currently conducting a large scale analysis of the viability of the Clear Lake Hitch. This is an endangered species which our county needs to protect.

The Planning Commission felt strongly that the cannabis project doesn't belong in the proposed location. It would impact the viewshed — particularly of Mount Konocti — and would be the first cannabis project to be located in an area that is typified by traditional agriculture and rural homes.

Despite what county staff claims, this project doesn't work on paper or in reality. In fact, county staff have provided no new evidence or sound reasoning for overturning the Planning Commission's excellent conclusion that this project should not move forward.

Claims that this project will be good for "economic development" are not supported with evidence. In fact, the appellant's track record shows he has no history of successful business.

Perhaps the biggest question for Lake County is, when is enough enough? How much more must community members give up in their quality of life, safety and comfort to support an industry that has fallen far short of expectations and is now economically crashing?

Thank you in advance for your careful consideration of our opposition.

Clare & Eric Enseñat

8260 Old Dirt Road

Kelseyville, Ca

---

Lake County Supervisors,

I support the Planning Commissioners denial of "Higher Grounds" cannabis cultivation business at the proposed property in Kelseyville, adjacent to this beautiful gem of history that LARA is working to restore and resurrect.

Perhaps County of Lake is hoping to avoid the fate of Garberville, a casualty of recreational cannabis legalization?

I believe that rolling the dice on this form of economic development is unwise, based on the applicants' histories and that fees and taxes may never be collected.

Our county is already plagued by numerous tax defaulted properties. As you know, cannabis (thc) is a Schedule 1 drug and is federally illegal. It could be shut down at any time.

Let's come up with better economic development plans that are more fiscally and ethically sound, while respecting one of our few and cherished historic sites.

(Please retain these comments if a continuance is granted)

Thank you.

Sincerely, Eileen McSorley



---

Good morning. I am a retired school teacher(36 years!) and long time resident(56 years!) of Big Valley. I love Lake County! Thank you for taking time to read my message.

I agree with the denial from The Planning Commission on this subject. I hope that you will look closely at the reasons for the denial and see that The Planning Commission made the correct decision. In deed, the location is not consistent with the neighborhood character. In deed, the project would alter the viewshed on Finley East Road and views of Mt. Konocti, which is considered sacred to culturally-affiliated tribes. In deed, the proximity to adjacent farm labor quarters required a denial of the project. In deed, the proximity to both Kelsey Creek and Hells Bend Schoolhouse requires a denial of the project. The Planning Commission made the correct decision. Please show that you support The Planning Commission's denial of the project.

Thank You,  
Toni T. Brown

---

Hi there! Please include this email and attachment in the response record.

This comes in opposition to the Higher Ground Farms / John Oliver appeal to be heard Tuesday. The Planning Commission didn't want to despoil a sacred viewshed and voted no. But there's more to it than simply a terrible project in this sensitive location.

At its outset, the project relies upon a demonstrably flawed and uncorrected initial study which should have disqualified this project from consideration until the falsehoods, inaccuracies and misrepresentations in the initial study are corrected.

You are being asked to draw a conclusion based upon false premises presented as evidence.

Examples of this are numerous in the initial study and it should be rejected.

We have commented in our nonprofit capacity. Now allow me to let you know that as seasoned journalists, the more we research this project and applicant, the more our investigative instincts are triggered, because we keep finding more red flags.

Let's give one thread a tiny tug.

The solitary justification for this project is the entirely unsupported promise of 'economic development'.

As that is the case, it would probably be good to find out how the bankruptcy referenced in the attached pdf factored into economic development over in neighboring Mendo where his assets were ordered liquidated in Chapter 7 bankruptcy.

Not reorganized, liquidated. The attached court filing is an attempt to force him to pay his workers.

Did his pot workers ever get paid? How many folks took a bath that time? Are there currently open judgements on this applicant in his home county? What is his Las Vegas relationship? Why can't he grow in Mendo? Where is the money coming from? Has our county planning department conferred with their Mendo counterparts about the viability of this applicant?

These are among the initial questions that bubble up and demand answers on that single issue and there are many more yet to be answered.

Please see attached court filing, let's not repeat the mistakes of the past, devalue our shared cultural heritage and deny the future what we have enjoyed to double down on an industry undergoing significant dilution.

At the end of the day, you've got lots of pot grows but only one iconic schoolhouse framed by Mt. Konocti.

Choose wisely.

Best,  
**John Jensen**  
Publisher



To: Lake County Board of Supervisors

From: Mary Borjon Kelseyville Resident

Date: 3/4/2024

Re: UP 20-40 Higher Ground Farms Permit Public Hearing

Dear Supervisors,

Prior to the last hearing for this permit, I wrote a letter to the board to voice my strong opinion against granting this permit. I attended the last hearing and publicly voiced my concerns about this permit.

I remain convinced that granting this permit is not in the best interest of Kelseyville and Lake County residents and businesses. We have a sufficient number of cannabis farms in Lake County, We do not need another source of foul smelling air despite best efforts to install fans and filters. We do not need to block the view of Mt. Konocti by installing tall buildings for the purpose of storing and harvesting cannabis. We do not need this enterprise sitting next to and overshadowing an historic landmark, the old schoolhouse. We do not need to impose this industry on persons who reside nearby.

I sincerely encourage the Lake County Board of Supervisor members to not approve this permit.

Regards,

*Mary Borjon*

Mary Borjon, Kelseyville resident for 58 years.

707-279-1050