



Lucerne Area Revitalization Association - P.O. Box 1792 Lucerne, CA 95458 www.lucerneara.org

Monday, April 22, 2024

Board of Supervisors

Attn: Board Chair Bruno Sabatier

255 N. Forbes St.

Lakeport, CA 95453

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

RE: Additional analysis in opposition to 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 Association, which is the steward of the historic Kelsey Creek Schoolhouse, wishes to offer final written comment in advance of the Higher Ground Farms appeal hearing on Tuesday, April 23.

We realize that you are faced with reviewing an enormous amount of information that our association and staff has provided to you for this matter.

As such, we will try not to duplicate our previous comments and ask that you pay particular attention to our March 7 letter, which responds, point by point, to the planning department's staff report for this meeting, as well as to the information contained in our letter of April 18.

In addition, we ask that you read the Kelseyville Unified School District's letters of June 1 and June 7, 2023, which make clear their opposition to this project and plans for partnership with us in future educational uses. The district owns the property on which the schoolhouse has been located since 1882.

For your convenience, we are attaching these documents of special concern to this letter, and they are featured in chronological order.

However, we do wish to add some final points for your consideration before Tuesday morning's appeal hearing based on legal analysis that has come to us over the last several days.

They are as follows.

LACK OF EVIDENCE

Based on an analysis of the board's past practice in determining appeals, there is a clear requirement to provide additional evidence to show that a decision by the Planning Commission was made in error.

To meet that standard, other appellants have provided hundreds of pages of documentation and testimony to argue their case. That has even resulted in your board establishing a rule that evidence must be submitted 96 hours in advance of a hearing.

In the case of Higher Ground Farms, the appellant has provided you with a five-page appeal form, required by the county, and a six-word, one sentence reason for the appeal: "Project meets all standards and regulations."

That does not rise to the standard of evidence in support of an appeal. Nor does having the county staff attempt to do the work for you.

The evidence here points to poor planning, lack of due diligence and disclosure, intentional obfuscation and deceit, and a pervasive and dangerous sense of entitlement.

This appeal is utterly deficient and should be rejected out of hand.

Granting this deficient appeal will certainly set a dangerous new precedent in which appellants can simply ignore the requirement to provide evidence of their claims and make a mockery of a time-consuming and critical public process.

ADDITIONAL ANALYSIS OF ODOR

We have had an attorney with decades of experience in planning analyze the Higher Ground Farms project.

Among the key concerns he raised, which Lake County Air Quality Management has confirmed, is that the planning department does not realistically address the stench of the thousands of marijuana plants that the proponent plans to grow.

On paper, we're told that these many hoop houses and greenhouses that are central to this plan will have carbon filtration that will mitigate the oppressive odor. However, this crucial analysis needed to address serious questions about health and safety has been given to planners who have no expertise or training in that field. The planning department as an agency lacks the expertise or scientific know-how to make that conclusion, which isn't based in reality.

Who does have the expertise? The Lake County Air Quality Management District. But the Board of Supervisors took action a few years ago to make sure that the air district is not involved in the planning process for projects such as this and has no authority to regulate marijuana odor. So, essentially, you are resorting to pseudo-science when it comes to properly analyzing these projects.

The truth is, and the air district has confirmed this, that unless these hoop houses and greenhouses are airtight, the stench will not be mitigated. As such, county planning staff should not have proposed a mitigated negative declaration for this project.

Those of us who have serious health effects from this plant — chest tightness, itchy skin, scratchy and watery eyes, steel-band-like headaches, nausea, weakness, stinging nostrils, shortness of breath and, most dramatic of all, bleeding sinuses — cannot expect to have full use of the property or the neighborhood. It will result in a substantial take and destruction of the enjoyment and use of neighboring properties and have far-reaching impacts for the health, wellness and safety of those who live and work in this area, and for visitors, in particular, children, seniors and those with allergic reactions to this plant.

CONCERNS ABOUT NOISE

Planning has said that the proponent plans to grow marijuana year-round in hoop houses and greenhouses, which raises another concern about noise in what is now a quiet rural neighborhood.

In practice, hoop houses and greenhouses have been used in conventional farming operations for frost protection. In the heat of summer, they can become oppressively hot, which will in turn require air conditioning or large fans.

The noise of that equipment necessary to keep the plans from burning up will be loud and will be another negative outcome of this operation that cannot be mitigated; Lake County Air Quality has raised this potential for noise impacts in our communication with them. As far as we can tell, the noise from such equipment hasn't even been considered in the extremely deficient initial study or in the staff reports that followed.

The result will be that you will have this commercial growing compound unlike anything in this farming neighborhood, putting off an awful stench and pulsing with noise and lighting at all hours of the day and night, which in turn will create an attractive nuisance that we anticipate will also be a draw for crime.

Additionally, we have questions about the kind of electrical systems that will be used in these environments and whether they will be truly safe or could result in significant fire danger.

On this point alone the initial study is vastly defective and inaccurate.

NO ANALYSIS OF POTENTIAL FOR CRIME

Legalization of marijuana has been sold to the residents of California as a way of reducing the kind of crime that terrorized Lake County for many years, resulting in spates of home invasion robberies and murders.

However, marijuana operations throughout California, whether "legal" or not, have continued to be magnets for criminal activity even following legalization.

Clearly, the county is aware of the potential for bad actors in this industry due to the requirement for background checks. But those checks have no bearing on a whole layer of individuals who may ultimately be involved in this operation.

We are concerned that this site could turn into a crime hotspot, leading to violence, not just against those working at the site but to innocent bystanders in the vicinity, as we've seen happen in other instances in Lake County when marijuana has been the focus of robbery. We are not exaggerating when we say we are concerned that guns and guard dogs could end up being a part of this dangerous project, which has continued to morph and change.

At this point, we have no idea where the marijuana this project proposes to grow is even supposed to go. When the appellant originally gave a Las Vegas address, we checked with the regulating cannabis agency in Nevada that says he is not licensed there and that transporting marijuana across state lines remains illegal.

INSURMOUNTABLE CONTROVERSY AND IGNORING STANDARD OF GENERAL COMMUNITY WELFARE

As we stated in our March 7 letter, this project is incredibly controversial, however, staff has repeatedly claimed — despite significant evidence to the contrary — that this project “does not have the potential to create substantial public controversy.” That is patently false, and was one of the reasons commissioners cited in rejecting the project.

There are many controversial projects that have gone through the planning process and those that ultimately are permitted have done so, in no small part, because the proponents have made a meaningful attempt to address community concerns.

In this case, the owner and appellants have done completely the opposite. In our experience, “Higher Ground” seeks the lower ground at every opportunity. That matches with the proponent’s business history.

Every interaction with the owner has resulted in us being lied to or, after the Jan. 11 Planning Commission, threatened with a claim that we could not use the property, which an investigation that involved Lake County Environmental Health suggests is another falsehood.

Instead, the appellant has hidden behind staff’s threadbare arguments and attempts to gaslight us and exhibited an alarming sense of entitlement. Staff has largely dismissed our concerns out of hand, rather than attempting to analyze them.

Planning staff and the appellant also have continually ignored the general standard of welfare for the neighborhood, which again points to the project’s — and the appeal’s — overwhelming deficiencies.

The use permit process is supposed to determine if this project is harmful to the neighborhood, which it clearly is. Odor issues that will be oppressive, around the clock noise from fans and air conditioning and other equipment and adding a large amount of nighttime lighting to a rural neighborhood will permanently and negatively alter the area. We do not have an accurate idea of security measures, but will it include roaming and barking guard dogs as has been standard practice in some of these operations?

Once again, based on the evidence presented to you, we emphasize that the end result is that neither the Planning Commission, nor your board, can make this critical use permit finding:

“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.”

INCOMPATIBILITY WITH NEIGHBORHOOD AND FAILURE TO ASSESS HEALTH AND SAFETY RULES

As we have stated before, this project is completely incompatible with the neighborhood and with the intended uses by LARA and the Kelseyville Unified School District of the historic schoolhouse property next door, which we and the school district have emphasized to you previously over the course of the past year.

Time and again, both LARA and the school district have raised the state Health and Safety Code Section 11362.768, which is meant to protect schools from having cannabis businesses in close proximity.

For the Planning Commission, this argument resonated and they raised their concerns about Higher Ground Farms’ location next door to the school. The commissioners clearly took into account the special nature of the schoolhouse property in making their decision.

Yet, planning staff has continued to state that the section doesn’t apply, and has appeared to double down on that viewpoint in its staff report for this meeting, despite both LARA and the district emphasizing that our plans all along have been for educational uses at the schoolhouse.

In addition, planning staff went so far as to tell us in a meeting earlier this year that a school use wouldn’t be allowed at the property because it has been zoned for agriculture, a use that the property hasn’t had in at least 142 years.

However, the legal expert who analyzed this project said that school districts actually have latitude to override local zoning for educational uses. Staff either doesn’t know that or knows it and decided to ignore it.

We intend to conduct a more in-depth analysis of that matter as our project moves forward.

DISCRETION AND THE USE PERMIT PROCESS

Finally, and perhaps most importantly, staff has ignored, and appears to be undermining as a general rule, the fact that the use permit process is one that has enormous discretion built into it. That's why there are public hearings and public comments. That's why it's so important to talk to your project's neighbors early and often when you are doing a major project like this one.

It is important to emphasize that discretion **should not be exercised in a frivolous manner**. It's not about liking, or not liking, a proponent or opponent. It isn't about personalities. In all cases it should be based on a serious and objective analysis of what is — or in this case, ***isn't*** — on paper and what a project will be in reality, and using the best judgment to arrive at whether that project works for the entire community.

Discretion should have good reasons as its foundation, and that is exactly what happened with the Planning Commission on Jan. 11. When the commissioners looked at the plans, they concluded that those plans didn't translate to the reality of a project that is either safe or beneficial. They could see the manifest problems with it and decided to protect the community from this project.

A project with this many problems in the planning process will not be anything other than a disaster if it becomes reality.

Please uphold the Planning Commission's reasoned and right decision to protect our community and deny the Higher Ground Farms appeal.

Sincerely,



John Jensen
President/Co-founder
Lucerne Area Revitalization Association



Elizabeth Larson
Secretary/Cofounder

ATTACHMENTS (IN ORDER):

- June 1, 2023, letter from the Kelseyville Unified School District
- June 7, 2023, letter from the Kelseyville Unified School District
- March 7, 2024, letter from the Lucerne Area Revitalization Association
- April 18, 2024, letter from the Lucerne Area Revitalization Association



Lucerne Area Revitalization Association - P.O. Box 1792 Lucerne, CA 95458 www.lucerneara.org

Thursday, April 18, 2024

Board of Supervisors

Attn: Board Chair Bruno Sabatier

255 N. Forbes St.

Lakeport, CA 95453

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

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

Dear Chairman Sabatier and members of the Board of Supervisors,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,



John Jensen
President/Co-founder
Lucerne Area Revitalization Association



Elizabeth Larson
Secretary/Cofounder



Thursday, March 7, 2024

Board of Supervisors

Attn: Board Chair Bruno Sabatier

255 N. Forbes St.

Lakeport, CA 95453

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

RE: 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)



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June 7, 2023

Sent Via E-Mail Only
eric.porter@lakecoutyca.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



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Robert J. Henry
Laura J. O'Neill

June 1, 2023

Sent Via E-Mail Only

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