

August 12, 2024

VIA E-MAIL

Board of Supervisors
LAKE COUNTY
255 N. Forbes Street
Lakeport, CA 95453

Re: Board of Supervisors Meeting – August 13, 2024

Agenda Item 6.3

UP 20-96 Highland Farms L.P./Autumn Karcey --

Appeal of Planning Commission Approval for MND and Major Use Permit

Request for Continuance

Dear Honorable Chair and Members of the Board of Supervisors of the County of Lake:

On behalf of my clients Highland Farms and Autumn Karcey, I am writing to respectfully request that the Board of Supervisors continue this item to allow County Staff and the Applicant further time to review and respond to concerns belatedly raised about the project by the Appellant.

While we continue to believe that there is no substantial evidence that could raise even a fair argument that the project may actually result in significant unmitigated environmental impacts, our clients want to continue be considerate and responsive participants in the public review process. They are dedicated to providing the community, and the County decision-makers, with full responses to all reasonable concerns and to provide unquestionably-sound environmental information and analysis relating to the project.

We note that recent submission of more than 270 pages by counsel for the Appellants on July 26, 2024 – more than a month after the Planning Commission’s hearing and approval action – appears to be untimely and improper under the terms of Article 58 of the County’s Zoning Ordinance. Section 21-58.30 requires that appeals from the Commission to the Board must be filed within seven (7) calendar days of the Commission’s decision, and that such an appeal must be accompanied by a written statement setting forth the grounds for the appeal. There is no provision under the County Ordinance for an appellant to attempt to submit extensive additional documents or arguments beyond that 7-day filing deadline. Neither the County Staff nor the applicant should be required to respond to such “late hit” submissions, raising new issues.

Board of Supervisors
August 12, 2024
Page 2

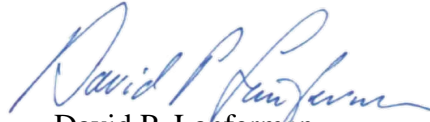
In view of the late filing of the Appellant's lengthy collection of new legal arguments and materials and County Staff absences, our clients are concerned that neither they nor the Community Development Department staff have had time to sufficiently explore all aspects of the proposed project and the newly-raised arguments.

We therefore respectfully request that the Board not take any immediate approval or disapproval action on the project, or the appeal, but rather continue to a future date.

Thank you for your consideration of this request.

Very truly yours,

RUTAN & TUCKER, LLP



David P. Lanferman

DPL:mtr

cc: Lloyd Guintivano, County Counsel
Nicole Johnson, Office of the County Counsel
Mireya Turner, Community Development Dept.
Michelle Irace, Community Development Dept.
Mary Claybon, Community Development Dept.
Autumn Karcey, Highland Farms LP
Sarah Bodnar, Golden State Public Affairs, Inc.