



THE DIVINE AVATARIC HOLY DOMAINS OF ADIDAM RUCHIRADAM

12040 SEIGLER SPRINGS NORTH ROAD, MIDDLETOWN, CALIFORNIA 95461

July 14, 2026

Board of Supervisors
County of Lake
255 North Forbes Street
Lakeport, California 95453

Re: Appeal of Planning Commission Decision – Pasta Farms 3 Major Use Permit

Good morning, Chair and Members of the Board.

My name is Małgorzata Żuk, and I serve as General Counsel for the Adidam Holy Domains.

Before the Board reaches the merits of this appeal, I respectfully ask that it first address whether the appeal has complied with the procedural requirements established by Article 58 of the Lake County Code.

The relevant procedural history is straightforward.

On June 11, 2026, only three members of the five-member Planning Commission were present for the vote. One commissioner had been absent throughout the meeting, and another commissioner had departed before the matter was considered. The motion received two votes in favor and one vote against.

Under the Planning Commission By-Laws, however, approval requires **"an affirmative vote of a majority of the five (5) members of the Commission qualified and eligible to vote."** The By-Laws further provide that a majority of the Commission consists of three members. Accordingly, although the motion received two affirmative votes, it did not receive the three affirmative votes required for approval under the Commission's own rules.

The County's appeal ordinance distinguishes between two different types of appeals.

First, Article 58.40 provides for an **automatic appeal** only where the Planning Commission reaches a **tie vote** or is **unable to take action because of legal disqualifications or abstentions**. Automatic appeals are expressly **not subject to filing fees**.

Second, Article 58.30 governs an **ordinary appeal** from a Planning Commission decision. Such an appeal requires the appellant to file an appeal, pay the applicable filing fee, and comply with the procedural requirements of Article 58.

The materials before the Board indicate that this matter has been processed as an ordinary appeal under Article 58.30, not as an automatic appeal under Article 58.40. The applicant filed an appeal and paid the required filing fee, which would not be required for an automatic appeal.

Because this appeal has proceeded under Article 58.30, the appellant was required to comply with Section 58.31(c), which provides:

"An appeal shall be accompanied by a written statement setting forth the grounds upon which the appellant asserts there was an error or abuse of discretion by the Planning Commission."

I carefully reviewed the appeal materials made available to the public and have been unable to locate any written statement satisfying this requirement. The publicly available record appears to contain only the appeal application identifying the Planning Commission decision being appealed, but not a statement identifying the alleged error or abuse of discretion.

Article 58 also requires the Planning Department, before the hearing, to transmit to the Board **a staff report setting forth the reasons for the Planning Commission's decision**.

I recognize that Article 58 provides for a **de novo** hearing before the Board. A de novo hearing allows the Board to exercise its own independent judgment and receive additional evidence.

However, the de novo nature of the hearing does not eliminate the procedural prerequisites established by the same ordinance. The ordinance gives effect to both provisions. Before a de novo hearing may proceed, the appellant must first satisfy the filing requirements governing the appeal itself.

The written statement required by Section 58.31(c) serves an important purpose. It identifies the alleged errors being asserted by the appellant. The Planning Department's

report, required by Section 58.33, explains the reasons for the Planning Commission's decision. Together, these documents ensure that the Board and the public understand the issues presented on appeal and have a complete administrative record before the hearing begins.

Absent the written statement required by Section 58.31(c), the Board cannot conclude that this appeal complies with the procedural requirements of Article 58. If, on the other hand, the required statement was filed but omitted from the publicly available agenda materials, then the public was deprived of access to a document that the ordinance requires to accompany the appeal, impairing the public's ability to understand and respond to the issues presented on appeal.

Accordingly, before proceeding to the merits, I respectfully request that the Board ask County staff to identify for the record:

1. the written statement required by Section 58.31(c) setting forth the appellant's alleged errors or abuse of discretion by the Planning Commission; and
2. the staff report required by Section 58.33 setting forth the Planning Commission's reasons for its decision.

If either required document is absent from the administrative record, or if those materials were not made available to the public as required, I respectfully request that the Board continue this matter until the procedural requirements of Article 58 have been satisfied.

Thank you for your consideration.

Małgorzata Żuk

Małgorzata Żuk, General Counsel