

COUNTY OF NEVADA  
STATE OF CALIFORNIA  
BOARD OF SUPERVISORS



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Donna Landi, Clerk of the Board

January 21, 2015

Honorable Board of Supervisors  
Eric Rood Administrative Center  
950 Maidu Avenue  
Nevada City, CA 95959

**DATE OF MEETING:** February 10, 2015

**SUBJECT:** Resolution making findings, accepting the appeal filed by Louise Taylor from the decision of the Planning Commission regarding application for Development Permit DP13-002 and Mitigated Negative Declaration EIS13-026 for property located at 13145 Loma Rica Drive, Grass Valley, Assessor's Parcel Number (APN) 06-920-10; and scheduling a public hearing for March 24, 2015 at 1:30 pm. (Dist. I)

**RECOMMENDATION:** Adopt Resolution making findings as recommended by staff, accepting the appeal and setting the hearing on the appeal for March 24, 2015, at 1:30 p.m.

**FUNDING:** Filing fee collected from Appellant for costs.

**BACKGROUND:** On January 8, 2015, the Planning Commission considered an Application by Kirk Koslin, represented by KPFF Consulting Engineers, proposing a Development Permit to construct an 18,700-square-foot industrial building with ten tenant spaces intended for general light industrial use on a 2.29-acre site located on the south side of Loma Rica Drive near the Nevada County Airport, Lot 16 of Phase 1 of the English Mountain Park subdivision, in an unincorporated area of the County located at 13145 Loma Rica Drive, Grass Valley, Assessor's Parcel Number (APN) 06-920-10. In addition to considering the proposed Development Permit, the Planning Commission also reviewed and considered the project specific Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (EIS13-026) project. The proposed project is the refile of the same project that was approved by the Planning Commission in 2006 (File Numbers DP06-001; EIS06-005), for which the project approvals had expired prior to commencement of construction.

At the conclusion of the hearing, the Planning Commission took the following actions:

1. *Adopted* the project specific Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (EIS13-026).
2. *Approved* the Development Permit DP13-002 subject to Mitigation Measures and Conditions of Approval.

On January 20, 2015, Louise Taylor filed a timely appeal of the Planning Commission's decision. The Appellant claims that the Planning Commission's decision gave little recognition to Loma Rica Drive Industrial Area Plan goals and policies as they relate to industrial sites that abut residential neighborhoods:

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- Goal 2.3, Maintain compatibility between neighboring land uses;
- Changes to the character of the Wawona Madrona Neighborhood approach and departure;
- Impact on residential property and residential neighborhood adjacent to the site;
- Policy 2.5, Noise generating land uses shall be discouraged on lands abutting residential zoning;
- Large greenbelt of existing native trees and vegetation along eastern property boundary will be completely removed.

Table L-II 5.2 of the Nevada County Land Use and Development Code (LUDC) summarizes which County body reviews, recommends and takes final action on land use permits. Only where a body has final permitting authority, are those decisions appealable to the Board of Supervisors.

The Planning Commission is the Permitting Authority for commercial, industrial, and other nonresidential Development Permits of 10,000 square feet or more, and the Board of Supervisors is the Appealing Body for Planning Commission approvals, including the adoption of the required environmental document related to those approvals.

Section L-II 5.12.G of the County's Land Use and Development Code requires the Clerk of the Board to present the appeal to the Board of Supervisors at this regular meeting, so the Board can consider whether to accept this appeal and, if appropriate, schedule it for a public hearing. County Counsel and the Clerk of the Board have reviewed the appeal and recommend that the Board adopt a Resolution finding:

- The Appellant is an interested party who has standing to file the appeal; and,
- The appeal was timely filed; and,
- To the extent the Appellants are appealing the Planning Commission's approval of the Development Permit (DP13-002), and the adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (EIS13-026) as it relates to those approvals, the appeal as presented satisfies the minimum requirements set forth in Section L-II 5.12 of the County's Land Use and Development Code.

Staff further recommends that the Board accept the appeal of the actions approved by the Planning Commission and set it for public hearing on March 24, 2015, at 1:30 p.m. This date was requested by the Planning Department, and approved by both the Applicant and the Appellant.

Respectfully submitted,



DONNA LANDI  
Clerk of the Board