

JUN 24 2024

COUNTY OF NEVADA

(Attach pages if needed)

NEVADA COUNTY BOARD OF SUPERVISORS

APPEAL TO BOARD OF SUPERVISORS

(Per Article 5.12 of Chapter II of the Land Use and Development Code)

Any applicant or interested party may file an appeal with the Board of Supervisors requesting review of any final action taken by Various County Agencies. Such appeal shall be filed with the Clerk of the Board of Supervisors within ten (10) calendar days from the date of the Agency's Action, except amendments to the General Plan or Zoning Ordinance, which shall be filed within five (5) calendar days. (If the final calendar day falls on a weekend or holiday, then the deadline is extended to the next working day.) Filing shall include all information requested herein and shall be accompanied by the appropriate filing fee. The statements (required below) must contain sufficient explanation of the reasons for and matters being appealed in order to facilitate the Board of Supervisors initial determination as to the propriety and merit of the appeal. Any appeal which fails to provide an adequate statement may be summarily denied. The filing of such an appeal within the above stated time limit shall stay the effective date of the action until the Board of Supervisors has acted upon the appeal.

I. APPEAL: I/We, the undersigned, hereby appeal the decision/recommendation of the

The zoning administrator
Agency Name

CUP23-0015
Date of Decision 6/24/24
Agency File No.

PLANNING AGENCY DECISIONS:

- Environmental Impact Report
L-XIII California Environmental Quality Act; County CEQA Guidelines and Procedures, 1.20 Appeals of the Adequacy of the EIR
Floodplain Management Regulations (Floodplain Administrator)
L-XII Floodplain Management Regulations; 1.4 Administration
Historic Preservation Combining District
L-II Zoning Regulations; Zoning Districts; 2.7.2 HP Combining District
Inoperable Vehicles
L-II Zoning Regulations; Administration and Enforcement, 5.20 Abatement and Removal of Inoperable Vehicles
[X] Land Use Applications
L-II Zoning Regulations; 5.12 Administration and Enforcement
Negative Declaration
L-XIII California Environmental Quality Act; County CEQA Guidelines and Procedures, 1.12 Negative Declaration
[X] Rules of Interpretation
L-II Zoning Regulations; 1.4 Rules of Interpretation

PUBLIC WORKS DECISIONS:

_____ Roadway Encroachment Permit
G-IV General Regulations; 4.A Regulating Roadway Encroachments;
15.1 Appeals

CDA DECISIONS:

_____ Outdoor Events
G-V Revenue; 2 Outdoor Events; 2.14 Appeal Process

FIRE AGENCY DECISIONS:

_____ Fee Assessments (Fire Protection District)
L-IX Mitigation and Development Fees; Fire Protection Development
Fees; 2.6 Appeal from Fee Assessment

_____ Fire Safety Regulations; General Requirements (Fire Safety Reg. Hearing Body)
L-XVI Fire Safety Regulations; General Requirements; 2.7 Appeals

_____ Hazardous Vegetation Abatement (Lodal Fire Official)
G-IV General Regulations; 7.9 Appeals Process (No Fee to File Appeal)

ENVIRONMENTAL HEALTH DECISIONS:

_____ Sewage Disposal (Sewage Disposal Technical Advisory Group)
L-VI Sewage Disposal; 1.18 Appeals

_____ Water Supply and Resources (Health Officer)
L-X Water Supply and Resources; 5.1 Appeal Procedures

List All Agency Action(s) Taken That Are Being Appealed: We are appealing
the decision of the administrator to grant
the conditional use permit.

II. STATEMENT OF THE REASONS FOR THE APPEAL:

Please see attached

III. STATEMENT OF THE SPECIFIC PROVISIONS WHICH ARE BEING APPEALED:

The Land Use and Development Code of the county of Nevada, CA, sections: L-II 3.8(D)(1), 3.8(E)(1) and L-II 3.8(A).

IV. STATEMENT OF THE CHANGES OR ACTION REQUESTED OF THE BOARD OF SUPERVISORS:

Overturn the administrators decision to grant the conditional use permit.

V. SUMMATION OF THE ARGUMENTS TO BE RAISED BY THE APPELLANT(S):

Please see attached

VI. IDENTIFICATION OF THE APPELLANT(S):

Jeff + Kristin Phalen (Name) [Redacted]

Bruce Roush [Redacted]

Janet Brisson [Redacted]

McNaughton Household [Redacted]

Jerry + Ashley Permenter [Redacted]

Sandy Mallory [Redacted]

Max + Lisa Krewson's [Redacted]

+ 76 OTHER NEIGHBORS!!!

VII. NOTICE: (Multiple appellants should select one representative for purposes of notice.

All notices to appellant(s) should be mailed to: (Please Print)

Kristin Phalen [Redacted] (Name/Representative) [Redacted] (Mailing Address) [Redacted] (Telephone)

Appellant: [Redacted]

Kristin Phalen
(Sign)

Dated: 6/24/24

Kristin Phalen
(Print)

FOR OFFICE USE ONLY

\$1,803.60
Filing Fee

06/24/2024
Date Filed

The ll, chief Deputy COB
Received By

Appeal form to be returned to: Nevada County Board of Supervisors Office, Eric Rood Administrative Center, 950 Maidu Avenue, Nevada City, CA 95959-8617. (530) 265-1480

Appeal of The Granting of Sequoia Developments Services Inc's
Application for a Conditional Use Permit, CUP23-0015

It is respectfully submitted that this appeal of the granting of the above-referenced Conditional Use Permit should be granted, and the application for the Condition Use Permit should be denied in its entirety, upon the following grounds:

1. Granting the Conditional Use Permit would not only violate Sec L-II 3.8 of the Land Use and Development Code of the County of Nevada, it would inflict upon the appellant the precise types of adverse impacts which that section of the Code was specifically enacted to prevent.
2. Sequoia and Verizon have wholly failed to submit any probative evidence, whatsoever, to establish any actual need for the facility, in the absence of which Sec. L-II 3.8(D)(I) prohibits the granting of such application.
3. The installation of the proposed thirteen-story cell tower will inflict substantial albeit wholly unnecessary adverse impacts upon the appellant's real property, in direct violation of the requirements of the Code.
4. Sequoia and Verizon have wholly failed to establish that the granting of the application would comply with the requirements of Sec. L-II 3.8(E)(1), in the absence of which the application cannot be granted.
5. The applicant has failed to establish that its proposed siting of the proposed tower would minimize the number of towers needed to provide coverage within the County, or would minimize the adverse visual impact of the tower, both of which are required under SEC L-II 3.8(E)(1).
6. The submissions submitted by the applicant are inherently defective, as a matter of law, and cannot serve as a basis for the County to grant the Conditional Use Permit.
7. The irresponsible placement of the proposed tower less than 500 feet from the appellant's property would not only inflict a severe adverse aesthetic impact upon the appellants home, but will inflict a substantial loss to the financial value of the appellant's home, both of which are entirely unnecessary.

RECEIVED

JUN 24 2024



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY**
950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617
(530) 265-1222 FAX (530) 265-9854 <http://www.mynevadacounty.com>

NEVADA COUNTY
BOARD OF SUPERVISORS

Agricultural Commissioner Building Department Environmental Health Planning Department Dept. of Public Works

AGREEMENT TO PAY

Nevada County Community Development Agency fees are based on Board of Supervisor approved fee schedules. Hourly fees and fees for services in excess of a minimum fee collected, including re-inspections, are billed to the applicant based on the Board approved fee schedule in effect at the time the work is performed by staff. This *Agreement To Pay* form must be signed and original signatures submitted to the NCCDA along with the completed permit forms and the initial payment of fees. Copies of current fee schedules are available from our Customer Service Staff or on the web at <http://www.mynevadacounty.com>

I/We understand that the NCCDA will bill as services are rendered, and I/We agree to pay such billing within thirty (30) days of the mailing of such billing for the project/permit. If payments on outstanding invoices are not made within thirty (30) days after the date of the invoice, County staff may cease work on the project until the required payment is made, subject to any other provisions of the law. All fees must be paid prior to the granting of any permits, approvals, or any land use entitlement for which services are required. The collection of fees, however, does not guarantee the granting of any permits, approvals, or land use entitlements for which I/We are applying.

Site Information:

Invoices and/or notices to be mailed to:

| | |
|--|-----------------------|
| APN: 027-010-018 | Name: Kristin Phalen |
| Property Owner/Business Name (if applicable): Jennifer | Address: [REDACTED] |
| Address: 20896 Don Bar Rd | [REDACTED] |
| Grass Valley, CA 95949 | Telephone: [REDACTED] |
| Email: [REDACTED] | Email: [REDACTED] |

I would like to opt out of receiving County emails related to this project.

NCCDA Staff is authorized to consult with necessary governmental agencies and the following individuals concerning this project: _____

I certify under proof of perjury that I am the property owner or that I am authorized to enter into this fee agreement on his/her behalf. I have read the conditions concerning Nevada County Community Development Agency Fees and I understand that in the event that the billing party I have indicated does not pay required fees, I will be responsible for payment. I further agree to advise the department in writing should I no longer be associated with the above referenced project/property, rendering this agreement invalid as of the change of the date that the letter is received by the Nevada County Community Development Agency.

Kristin Phalen Dated: 6/24/24 CDL# _____
Signature
Kristin Phalen Tel #: [REDACTED]
Printed Name

THIS SECTION FOR OFFICE USE ONLY

| | | |
|----------------------------|-----------------------|------------------------|
| Service: _____ | Program: _____ | Job No: _____ |
| DPW #: _____ | Project File #: _____ | Billing Code: _____ |
| Amount Collected: \$ _____ | Receipt #: _____ | Date of Receipt: _____ |
| Service: _____ | Program: _____ | Job No: _____ |
| DPW #: _____ | Project File #: _____ | Billing Code: _____ |
| Amount Collected: \$ _____ | Receipt #: _____ | Date of Receipt: _____ |