



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION MAKING FINDINGS, ACCEPTING THE APPEAL FILED BY JEFF AND KRISTIN PHALEN, ET AL., FROM THE DECISION OF THE NEVADA COUNTY PLANNING DEPARTMENT FOR THE CONDITIONAL APPROVAL FOR A CONDITIONAL USE PERMIT (PLN23-0179; CUP23-0015; EIS23-0010) FOR A COMMUNICATION FACILITY LOCATED AT 20896 DOG BAR ROAD, GRASS VALLEY, CALIFORNIA 95949 (APN: 027-010-018) AND TO SCHEDULE A PUBLIC HEARING ON JULY 9, 2024 AT 2:30PM

WHEREAS, on June 12, 2024 the Nevada County Planning Department provided notice of a conditional approval for a Conditional Use Permit (PLN23-0179; CUP23-0015; EIS23-0010) for a communication facility located at 20896 Dog Bar Road, Grass Valley California 95949 (APN: 027-010-018); and

WHEREAS, on June 24, 2024 Jeff and Kristin Phalen filed an Appeal to the Board of Supervisors regarding the conditional approval for Conditional Use Permit (PLN23-0179; CUP23-0015; EIS23-0010) for a communication facility located at 20896 Dog Bar Road, Grass Valley California 95949 (APN: 027-010-018); and

WHEREAS the Appeal filed by Jeff and Kristin Phalen named additional individuals opposed to the proposed unmanned wireless communication facility; and

WHEREAS, pursuant to Nevada County Code section 12.05.120.B, the Board of Supervisors may use the provisions of such article in conducting public hearings on land use matters; and

WHEREAS, pursuant to Nevada County Code sections 12.05.120.D, any decision of the Planning Agency is appealable to the Board of Supervisors within 10 calendar days after the date of the decision, except amendments to the General Plan or zoning ordinance, which shall be filed within 5 calendar days; and

WHEREAS, Appellant filed a timely appeal on June 24, 2024 which included a statement on the appeal as required by Nevada County Code section 12.05.120.F; and

WHEREAS, pursuant to Nevada County Code section 12.05.120.G, the Board of Supervisors shall determine if the appeal was filed within the applicable time limits and may set the matter for public hearing as soon as time on their agenda permits, and in accordance with any other time requirements of law.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Nevada that:

1. Appellant is an interested party who has standing to appeal the Nevada County Planning Department's conditional approval for a conditional approval for a Conditional Use Permit (PLN23-0179; CUP23-0015; EIS23-0010) for a communication facility located at 20896 Dog Bar Road, Grass Valley California 95949 (APN: 027-010-018); and
2. Appellant's appeal of the Nevada County Planning Department's approval of Conditional Use Permit (PLN23-0179; CUP23-0015; EIS23-0010) for a communication facility located at 20896 Dog Bar Road, Grass Valley California 95949 (APN: 027-010-018) was filed within 10 days of the decision, the appeal is deemed to be timely pursuant to Nevada County Code section 12.05.120.D, and
3. The contents of the appeal satisfies the minimum requirements set forth in Nevada County Code section 12.05.120.F which include identification of the project and decision being appealed, statement of the reason for the appeal, statement of the specific provisions being appealed, statement of the action being requested, summation of the arguments being raised and identification of the appellant, and
4. Appellant's appeal of the Nevada County Planning Department's approval of Conditional Use Permit (PLN23-0179; CUP23-0015; EIS23-0010) for a communication facility located at 20896 Dog Bar Road, Grass Valley California 95949 (APN: 027-010-018) is hereby accepted by the Board of Supervisors and the Clerk of the Board is directed to schedule a Public Hearing on this appeal on July 9, 2024 at 2:30 p.m. at the Nevada County Board Chambers at 950 Maidu Avenue, Nevada City, CA 95959.