



# **RESOLUTION No. 16-467**

## **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

**RESOLUTION MAKING FINDINGS, ACCEPTING THE APPEAL FILED BY JAMES POWELL AND CAROL FULLER POWELL FROM THE DECISION OF THE PLANNING COMMISSION REGARDING APPLICATION FOR A ZONING MAP AMENDMENT (Z16-001), DEVELOPMENT PERMIT (DP15-006), MAP AMENDMENT (AM14-001), MANAGEMENT PLANS (MGT15-020 AND MGT16-001), PETITION FOR EXCEPTION (MI15-020), AND MITIGATED NEGATIVE DECLARATION (EIS15-019) FOR PROPERTY LOCATED AT 11773 SLOW POKE LANE, GRASS VALLEY, ASSESSOR'S PARCEL NUMBER (APN) 09-320-25; AND SCHEDULING A PUBLIC HEARING**

WHEREAS, on July 28, 2016, the Planning Commission considered and approved an Application by Byers Leafguard and Solar proposing a Zoning Map Amendment (Z16-001), Development Permit (DP15-006), Map Amendment (AM14-001), Management Plans (MGT15-020 and MGT16-001), Petition for Exception (MI15-020) and Mitigated Negative Declaration (EIS15-019) to allow the construction of a warehouse, water storage tank and parking at in an unincorporated area of the County located at 11773 Slow Poke Lane, Grass Valley, Assessor's Parcel Number (APN) 09-320-25; and

WHEREAS, on July 28, 2016, the Planning Commission also considered and adopted a project-specific Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (EIS15-019) pertaining to the same Application; and

WHEREAS, pursuant to Sections L-II 5.12.D of the Nevada County Land Use and Development Code, the Planning Commission's approval of the Application is appealable to the Board of Supervisors within 10 days after the date of the decision; and

WHEREAS, on August 5, 2016 James Powell (amended on August 8, 2016 to add Carol Fuller Powell as an additional Appellant) filed a timely appeal of the Planning Commission's decisions.

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 Planning Commission's approval of the application,
2. Appellant's appeal of the Planning Commission's approval of the application was timely filed and satisfies the minimum requirements set forth in Section L-II 5.12.F of the Nevada County Land Use and Development Code, and
3. Appellant's appeal of the Planning Commission's approval of the application is hereby accepted by the Board of Supervisors and the Clerk of the Board is directed to schedule a Public Hearing on this appeal for October 11, 2016, at 1:30 pm.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 13th day of September, 2016, by the following vote of said Board:

Ayes: Supervisors Edward Scofield, Dan Miller, Hank Weston and Richard Anderson.

Noes: Nathan H. Beason.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 

  
Dan Miller, Chair

9/13/2016 cc: Planning\*  
AC\*  
CoCo\*  
Appellants  
Byers