

COUNTY OF NEVADA  
STATE OF CALIFORNIA  
BOARD OF SUPERVISORS



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Julie Patterson Hunter,  
Clerk of the Board

NEVADA COUNTY BOARD OF SUPERVISORS  
Board Agenda Memo

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**MEETING DATE:** March 26, 2017

**TO:** Board of Supervisors

**FROM:** Julie Patterson Hunter

**SUBJECT:** Resolution making findings, accepting the appeal filed by Jennifer D'Andrade from the decision of the Planning Commission's approval of a combined application for a Conditional Use Permit, Seasonal Ephemeral Stream Management Plan, and Amendment to Tentative Parcel Map (PLN18-0023; CUP18-0009; MGT18-0019; AAM18-0002); and adoption of Mitigated Negative Declaration (EIS18-0012) for an outdoor event center located at 17860 Cattle Drive in Penn Valley (APN 051-110-004); and scheduling the appeal for a public hearing for April 23, 2019 at 10:30 a.m. (Dist. IV).

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**RECOMMENDATION:** Adopt Resolution making findings as recommended by staff, accepting the appeal and setting the hearing on the appeal for April 23, 2109, at 10:30 a.m.

**FUNDING:** Filing fee of \$1,501.40 collected from Appellant for costs.

**BACKGROUND:**

On February 28, 2017, the Planning Commission considered and approved a joint application for a Conditional Use Permit (PLN18-0023; CUP18-0009), a Seasonal and Ephemeral Stream Management Plan (MGT18-0019), an Oak Resources Management Plan (MGT18-0018), an Amendment to a Tentative Parcel Map (AAM18-0002), and adopted Mitigated Negative Declaration (EIS18-0012) to allow up to twenty (20) special events per year with up to 125 guests at a 15-acre parcel that is developed with a single-family residence and an accessory dwelling unit located at 17860 Cattle Drive in Penn Valley (APN 051-110-004).

On March 11, 2019, Jennifer D' Andrade filed an appeal regarding the Planning Commission's decisions noted above regarding the combined application, excluding the approval of an Oak Resources Management Plan (MGT18-0018).

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 the above approvals, and the Board of Supervisors is the appealing body for the Planning Commission.

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

- The applicant is an interested party who has standing to file the appeal; and
- The appeal was timely filed; and
- The appeal satisfies the minimum requirements set forth in Section 5.12.F 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 April 23, 2019 at 10:30 a.m.

Respectfully submitted,

**Item Initiated by:** Jeffrey Thorsby, Senior Administrative Analyst

**Approved by:** Julie Patterson Hunter, Clerk of the Board