



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION TO DENY THE APPEAL AND TO UPHOLD THE DECISION TO APPROVE A PETITION FOR EXCEPTIONS TO DRIVEWAY STANDARDS AND MANAGEMENT PLAN TO ALLOW FOR THE PERMITTING OF AN EXISTING RESIDENTIAL STRUCTURE AND EXISTING ACCESSORY STRUCTURES AT 14120 THOROUGHbred LOOP IN GRASS VALLEY, CA

WHEREAS, on March 9, 2020, Justina Dunne submitted an application for an Administrative Development Permit to permit a commercial cannabis operation at 14120 Thoroughbred Loop in Grass Valley, CA and subsequently submitted applications for a Petition for Exceptions to Driveway Standards and Management Plan; and

WHEREAS, on September 29, 2023, the Planning Department approved an Administrative Development Permit, Petition for Exceptions to Driveway Standards, and Management Plan to permit a commercial cannabis operation and permit existing residential development at 14120 Thoroughbred Loop in Grass Valley, CA 95949; and

WHEREAS, approval of the project was conditioned to correct building and zoning code violations on the subject parcel; and

WHEREAS, the project was found consistent for approval under Administrative Development Approvals for cannabis cultivation pursuant to LUDC Section L-II 5.5.1 and Section L-II 3.30; and

WHEREAS, the project was found consistent for approval under Petition for Exception to Driveway Standards pursuant to LUDC Section L-XVI 3.4; and

WHEREAS, the project was found consistent for approval under Management Plans pursuant to LUDC Section L-II 4.3.3 and Section L-II 4.3.17; and

WHEREAS, pursuant to Section L-II 5.12.D of the Nevada County Land Use and Development Code, any decision of the Planning Agency may be appealed within 10 days after the date of the decision; and

WHEREAS, on October 10, 2023, Court and Megan Worden, “Appellant” filed a timely appeal of the Planning Department’s September 19, 2023, conditional approval letter; and

WHEREAS, on October 24, 2023, the Board of Supervisors adopted a Resolution to accept the appeal filed by Court and Megan Worden and scheduled the appeal for hearing on December 5, 2023, at 1:30 p.m.; and

WHEREAS, at the request of the Appellant, the appeal was rescheduled for hearing on January 23, 2024; and

WHEREAS, on January 10, 2024, Justina Dunne submitted a request to the Planning Department to abandon the Administrative Development Permit and retain the Petition for Exception to Driveway Standards and Management Plan; and

WHEREAS, on January 12, 2024, the Nevada County Planning Department rescinded the Administrative Development Permit, and all allowances, approvals, and authorizations to conduct commercial cannabis activities are considered null and void; and

WHEREAS, on February 27, 2024, the Board of Supervisors held a duly noticed public hearing at which the Board considered the remaining Petition for Exception to Driveway Standards and Management Plan entitlements, and all evidence both oral and written regarding the appeal and denied the appeal, upholding that the decision to approve a Petition for Exceptions to Driveway Standards and Management Plan to allow for the permitting of an existing residential structure and existing accessory structures at 14120 Thoroughbred Loop in Grass Valley, CA.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Nevada hereby finds and determines that:

1. The facts set forth above are true and correct.
2. The proposed project is consistent with the intent of the goals, standards, and elements of Chapter II of the Land Use and Development Code.
3. There is no substantial evidence in the record supporting a fair argument that the proposed project, as conditioned, might have any significant adverse impact on the environment.
4. Adequate facilities and services exist within the project area which will be available to serve the project without decreasing service levels to other areas to ensure that the proposed use is not detrimental to the public welfare, including electrical service and fire protection.
5. The conditions provided in the project Conditions of Approval dated February 27, 2024, are deemed necessary to protect the public health, safety, and general welfare.
6. The location and custodian of the documents which constitute the record of these proceedings is the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, California.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby denies the appeal filed by Court and Megan Worden and upholds the decision to approve a Petition for Exceptions to Driveway Standards and Management Plan to allow for the permitting of an existing residential structure and existing accessory structures at 14120 Thoroughbred Loop in Grass Valley, CA based on the findings as set forth herein and adoption of the Conditions of Approval set forth in the project Conditions of Approval dated February 27, 2024.

The Clerk of the Board shall mail the Appellant a copy of this Resolution, and any appeal of this decision shall be governed by California Code of Civil Procedure section 1094.6.