

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

MEETING DATE: April 23, 2019

TO: Board of Supervisors

FROM: Julie Patterson Hunter

SUBJECT: Resolution making findings, accepting the appeal filed by Jens Larson, Rod Corvington, Kurt Anderson, Charles McCollough, George Basso, and Scott Kastning from the decision of the Zoning Administrator's approval of a combined application for a Conditional Use Permit and a Petition for Exceptions to Driveway Standards (PLN17-0074; CUP17-0016; MIS18-0012; and EIS17-0023) for the construction of an unmanned 110-foot-tall monopine telecommunication tower and equipment facility with 1,500-square-foot lease area located at 13803 Wild Life Lane (APN 012-720-045); and scheduling the appeal for a Public Hearing.

RECOMMENDATION: Adopt Resolution making findings as recommended by staff, accepting the appeal and setting the hearing on the appeal for May 28, 2019 at 10:30 a.m.

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

BACKGROUND:

On March 27, 2019 the Nevada County Zoning Administrator approved a combined application continued from February 27, 2019 or a Conditional Use Permit and a Petition for Exceptions to Driveway Standards (PLN17-0074; CUP17-0016; MIS18-0012; and EIS17-0023) for the construction of an unmanned 110-foot-tall monopine telecommunications tower and equipment facility with a 1,500-square-foot lease area located at 13083 Wild Life Lane, Grass Valley (APN 012-720-045). The facility would contain a 64-square foot walk-in equipment cabinet and a backup 20-kw diesel generator with a 92-gallon fuel tank for use during power loss. A Petition for exceptions to Driveway Standards was proposed and approved to allow a driveway grade of up to 25% and to allow a reduced driveway width of 12 feet.

On April 4, 2019, Jens Larson filed an appeal with fellow appellants Rod Corvington, Kurt Anderson, Charles McCollough, George Basso, and Scott Kastning regarding the Zoning Administrator's decisions noted above.

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 Zoning Administrator.

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(s) 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 Zoning Administrator and set it for public hearing on May 28, 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