



Community Development Agency

Planning Department

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NEVADA COUNTY BOARD OF SUPERVISORS

Board Agenda Memorandum

MEETING DATE: June 2, 2026

TO: Board of Supervisors

FROM: **Zachary Ruybal, Associate Planner**
Brian Foss, Director of Planning

SUBJECT: Public Hearing to consider the appeal filed by Jesse and Julie Wobrock, Michael and Jennie Byrne, Edward and Carla Sammis, Sandy Korth, and Bryant Bergot regarding the decision to approve an Outdoor Event Application (OEA25-0001) and Petition for Exceptions to Road Standards (PFX26-0001) permit, to operate an outdoor event venue for up to eight (8) events located at 17031 Austin Way, Truckee, CA 96161.

APN: 049-060-012

RECOMMENDATION:

- I. Project Action: Adopt the attached Resolution (Attachment 1) to deny the appeal and to uphold the decision of the Planning Department to approve an Outdoor Event Application (OEA25-0001) and Petition for Exceptions to Road Standards (PFX26-0001) permit, to operate an outdoor event venue for up to eight (8) events located at 17031 Austin Way, Truckee, CA, 96161.

FUNDING:

No budget amendments are required.

ATTACHMENTS:

1. Resolution to Deny the Appeal
2. Appeal to the Board of Supervisors
3. Conditional Approval Packet with Attachments
4. Emails from Truckee Fire Protection District
5. Fire Protection and Evacuation Plan
6. Notice of Exemption

This Staff Report provides a discussion and a brief background of the project, and the relevant issues identified in the appeal, and staff's responses to the relevant issues raised in the appeal to support the decision on the project.

PERMIT PROCESSING AND AUTHORITY:

The project includes two (2) administrative land use entitlements to allow for the operation of an outdoor event venue for up to eight (8) events between May 8, 2026, and May 8, 2027. Land use entitlements on their face generally do not permit development or ground disturbance but rather provide a process for a landowner to obtain governmental approval for proposed development plans. A landowner must secure any required land use entitlements before they can begin to operate the event venue proposed in the land use entitlement applications.

Administrative land use entitlements differ from discretionary land use entitlements wherein the latter require the exercise of judgement or deliberation by a public agency at a public hearing in determining whether the project will be approved, or if a permit will be issued. Administrative land use entitlements provide a review process for low intensity land uses and development wherein projects shall be approved when the application achieves the standards and requirements defined by the Nevada County Code. Administrative land use entitlement approvals include all Conditions of Approval necessary to bring a project into compliance with applicable laws. The Conditions of Approval applied by regulatory agencies on land use entitlement approvals is part of the standard development process and all conditions of project approval must be completed and inspected before operations associated with the land use entitlement begin. In the case of both Outdoor Event Application and Petition for Exceptions to Road Standard land use entitlements in Nevada County, all Conditions of Approval must be completed before project operations can occur.

OUTDOOR EVENT APPLICATIONS:

In order to obtain an Outdoor Events Application and Petition for Exceptions to Road Standards permit, the applicant is required to file an application for each entitlement with the Planning Department to determine that all applicable development standards defined in the Nevada County Code have been met. Outdoor Events Application and Petition for Exceptions to Road Standards permits are reviewed and approved through a ministerial process which involves a comparison of a project with specific objective standards or checklists and checking for compliance. A ministerial approval does not allow for the use of discretion or subjective judgement on the part of the approving authority. The Planning Department shall deny the project only if it is determined to be inconsistent with the Nevada County General Plan or does not comply with the provisions of the Nevada County Code or other applicable laws.

Pursuant to Title 10, Chapter 16, Section 10.16.080 of the Nevada County Code, upon receipt of a complete application and application fee, the Community Development Agency shall distribute copies of the application to all other affected public agencies and County departments, together with a request for their input and comments. If administratively possible, all responses shall be due within eighteen (18) days from the date the application is deemed complete. Thereafter, the Community Development Agency ***shall promptly issue a permit for an outdoor event*** if the Community Development Agency determines, based on the comments received and any other relevant evidence, that the outdoor event can be conducted in a manner which will not jeopardize the public's health, safety and welfare. The Community Development Agency shall impose conditions on the issuance of any permit consistent with the requirements of the Nevada County Code, together with any such conditions as the Community Development Agency or Sheriff determines are reasonably necessary to protect the public health, safety and welfare. It is standard process to include Conditions of Approval when approving land use entitlements in order to ensure all approved development is consistent with relevant requirements before

operations begin. Conditions of approval have been included for the proposed project, as can be seen in Attachment 3.

PETITION FOR EXCEPTIONS TO ROAD STANDARDS:

Pursuant to Title 16, Chapter 10, Section 16.10.120 of the Nevada County Code, all requests for road design exceptions shall be reviewed and approved by the County Engineer and Fire Marshal. In the case of requests for design exceptions for privately funded improvement projects, the Advisory Agency shall take action on the recommendation of the County Engineer and Fire Marshal and the findings for or against the exception shall be noted in the finding of facts either approving or denying the petition. In order to approve a Petition for Exception to Road Standards, those entities shall find that the mitigations provide the same overall practical effect as strict compliance with the Road Standards. Petitions for Exception to Road Standards associated with an allowed use are reviewed and approved through a ministerial process and does not allow for the use of discretion or subjective judgement on the part of the approving authority. Conditions of Approval have been included for the proposed project, as can be seen in Attachment 3.

PROJECT DESCRIPTION:

The proposed project consists of an Outdoor Events Application and Petition for Exceptions to Road Standards permit to operate an outdoor event venue for up to eight (8) events between May 8, 2026 and May 8, 2027. The private events will host up to 150 people and will be primarily conducted outdoors within the interior area of the parcel. Amplified music will be played through the existing speakers at the facility and will not include live music. The speakers are oriented inward towards the main structure and away from all property lines, and the dance floor is at the lowest developed point at the property; any amplified music after 10:00 p.m. is prohibited. A Noise Assessment was conducted by Behrens and Associates, Inc., which concluded that based on the monitoring results and results of the survey, the amplified music associated with the proposed project will be in compliance with the Nevada County Noise standards. There will be enough room for approximately fifty-one (51) cars to park, including two (2) ADA accessible parking spaces. In addition to the fifty-one (51) parking spots, the outdoor events venue will also utilize shuttle services for attendees. The shuttles will remain on-site throughout the duration of the event in case of emergency evacuation needs.

The proposed outdoor events venue will utilize the existing exterior lighting fixtures located on the existing facility, which are shielded and downward facing to prevent light pollution. There is only one instance of a non-shielded white spotlight which is motion activated on the front of the garage. This is for safety reasons, illuminating the area around the walkway to the toilet trailers. This is activated and shuts off after 10 minutes of no motion detection. The proposed project proposes five (5) signs, with one (1) sign serving as an entrance sign, parking area sign, one-way entrance and exit signs, and the address sign. A sanitary facilities 2-station trailer will be provided by United Rentals and will be used for the restroom needs of attendees. Bear proof trash receptacles are provided and will be serviced within 24 hours after each event conclusion by the Truckee Tahoe Disposal. Fire extinguishers will be located at the caterer area, generator area, indoor main house, garage and exterior area of pool house and staging, and yard hydrants throughout the property. The nearest water supply is a 22,000-gallon pool located on the property that is proposed to be used for fire safety as well. No banners or fireworks will be associated with the events. The events will include food prepared off-site by permitted caterers with no food prepared on-site with proper vendor catering permits. Alcoholic beverages will be served by ABC certified RBS servers only with no sales.

In lieu of road design construction standard improvements for the road width, pavement surfacing, and gates on access roads, which are excessive for the extent of development proposed and cost prohibitive, it was determined that the applicant shall pave the portions of the unpaved segment of Valley View Road used for project access where the longitudinal grade exceeds 10% shall be paved (between Station 30+00 and Station 47+00 on the attached plan). Paving shall consist of a minimum of 3 inches of asphalt concrete over a properly prepared aggregate base, in accordance with County standards. These improvements would be sufficient to provide effective emergency ingress and egress for the outdoor events venue and the surrounding properties that use Austin Way/Valley View Road. All the other road design construction standards required by Section 16.10.040 Design Geometrics of the Nevada County Code shall be met. Conditions of Approval from the Nevada County Fire Protection Planner, Truckee Fire Protection District, and the Department of Public Works will achieve the same practical effect as strict compliance with the Road Standards (please see the attached Conditional Approval packet the proposed project for additional details).

PROJECT SITE & SURROUNDING LAND USES:

The proposed Austin Ridge Events Venue is located mainly in the central region of the project parcel at 17031 Austin Way (APN: 049-060-012). The parcel is located approximately 6.0 southeast of Historic Downtown Truckee and 2.6 miles southwest of the Truckee River Wildlife Area in the unincorporated Eastern area of Nevada County. The subject parcel (APN: 049-060-012) is zoned General Agricultural with a minimum parcel size of 20 acres (AG-20) with a General Plan designation of Rural with a minimum parcel size of 20 acres (RUR-20). The subject parcel is a developed 19.61-acre parcel within the Juniper Creek Ranch subdivision that currently has an existing residence, garage, outdoor kitchen, deck, pergola, pool cabana, pool and spa, raised platform deck, pool cabana patio, fire pit patio, and a two story accessory structure all located within the central portion of the parcel. The project parcel is directly adjacent to two (2) parcels consisting mainly of residential development to the north and northeast, and four (4) undeveloped parcels to the south, southeast, and west of the project parcel. The parcels to the north, east, and south all have a zoning designation of General Agricultural with a minimum parcel size of 20 acres (AG-20) with a General Plan designation of Rural with a minimum parcel size of 20 acres (RUR-20), and the parcels to the west are zoned either Forest with a minimum parcel size of 40 acres (FR-40) or Timberland Production Zone with a minimum parcel size of 160 acres (TPZ-160). The nearest residence is located approximately 554 feet north of the proposed outdoor event area and both parcels closest to the proposed outdoor event area are currently undeveloped.

THE APPEAL:

The appeal letter of the decision to approve an Outdoor Event Application and Petition for Exceptions to Road Standards permit was submitted to the Clerk of the Board on May 11, 2026. The appeal letter includes seven (7) specific grounds on which the project is being appealed and specific concerns regarding the appellants' observation of the planning process. The appellants request the Board of Supervisors deny the project approval and not allow the operation of an outdoor event venue for up to eight (8) events on the subject parcel.

Each of the specific provisions noted in this Appeal are provided below in summary (for the complete text please see the Appeal in Attachment #4) shown in **bold text** followed by staff responses to each of appeal points.

- 1. Improper Classification – The Project is a Commercial Events Business, not an Incidental Outdoor Event Use: The County approved a de facto commercial event venue through an outdoor event permit process designed for occasional, incidental gatherings - not ongoing recurring commercial operations. The commercial character of the use is established by the County's own records, the applicant's submitted materials, and public advertising, including the applicant's website. Approving a recurring, revenue-generating events business through an administrative outdoor event permit process circumvents the discretionary review, public hearing, and use permit requirements the Nevada County LUDC mandates for commercial land uses. The County cannot lawfully authorize an incompatible commercial land use simply by characterizing it as a series of isolated, incidental outdoor events.**

The project consists of an Outdoor Events Application and Petition for Exceptions to Road Standards permit to operate an outdoor event venue for up to eight (8) events between May 8, 2026 and May 8, 2027. Outdoor Events Application and Petition for Exceptions to Road Standards permits are reviewed and approved through a ministerial process which involves a comparison of a project with specific objective standards or checklists and checking for compliance. A ministerial approval does not allow for the use of discretion or subjective judgement on the part of the approving authority. The Planning Department shall deny the project only if it is determined to be inconsistent with the Nevada County General Plan or does not comply with the provisions of the Nevada County Code or other applicable laws.

Pursuant to Ordinance 2482 which was passed and adopted by a majority vote of the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 13th day of October, 2020, the Outdoor Event Ordinance was amended to:

1. Increase the number of allowed events from four (4) to eight (8) per year;
2. Modify the permit issuing agency to the Community Development Agency from the Nevada County Sheriff's Office;
3. Provide clarification of sanitation requirements for portable toilets;
4. Remove the requirements for criminal record checks, and security posting;
5. Clarify the appeal and violation procedures;
6. Remove residential zoning allowances; and
7. Prohibit events on three consecutive weekends.

The Board of Supervisors determined that outdoor events with a maximum of eight (8) events per year are considered to be of low intensity use that would require administrative level review and processing, granted all regulations for outdoor events are complied with. Pursuant to Title 10, Chapter 16 Special and Outdoor Events of the Nevada County Code, the definition of a commercial outdoor event is, "an Outdoor Event at which any fee or other financial consideration is charged to vendors, sponsors,

promoters or attendees for participation in and/or admission to the gathering, use or rental of the property or facility (or any portion thereof), or the sale of food, goods or services sold to attendees at or in connection with the event.” Additionally, pursuant to Title 10, Chapter 16 Special and Outdoor Events of the Nevada County Code, commercial outdoor events proposing a maximum of eight (8) separate outdoor events per twelve (12)-month period are allowed on parcels that are of a minimum of five (5) acres in size in the Rural zoning districts, and it shall only be unlawful for any person, business entity, or organization of any kind to advertise, maintain, operate, conduct, allow, or sell or furnish tickets or other types of authority for admission to, a Commercial Outdoor Event on a property with a gross area of less than five (5) acres and/or zoned R1, R2 or R3 in the unincorporated area of the County of Nevada. The project parcel is zoned AG-20 and is 19.61 acres in size, therefore qualifying for the administrative level Outdoor Events Application.

2. **The Project is an Incompatible Commercial Use On AG-20 Zoned Land: Property zoned AG-20 (General Agricultural) is intended to preserve and protect agricultural land and to maintain the rural character of unincorporated Nevada County. (See Section 12.02.030.) The outdoor event permit process, as applied here, has been used to authorize a use that is fundamentally incompatible with that purpose. The approval does not make the findings necessary to authorize a commercial use of this intensity and character on agriculturally zoned land, nor does it analyze whether the project is consistent with the General Plan land use designation, the LUDC's standards for the AG- 20 zone, or the purpose and intent of agricultural zoning. That omission is an independent basis for reversal.**

Pursuant to Ordinance 2482 which was passed and adopted by a majority vote of the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 13th day of October, 2020, the Board of Supervisors determined that outdoor events with a maximum of eight (8) events per year are considered to be of low intensity use that would require administrative level review and processing, granted all regulations for outdoor events are complied with. Pursuant to Title 10, Chapter 16 Special and Outdoor Events of the Nevada County Code, commercial outdoor events proposing a maximum of eight (8) separate outdoor events per twelve (12)-month period are allowed on parcels that are of a minimum of five (5) acres in size in the Rural zoning districts, and it shall only be unlawful for any person, business entity, or organization of any kind to advertise, maintain, operate, conduct, allow, or sell or furnish tickets or other types of authority for admission to, a Commercial Outdoor Event on a property with a gross area of less than five (5) acres and/or zoned R1, R2 or R3 in the unincorporated area of the County of Nevada.

The project parcel is zoned AG-20 and is 19.61 acres in size, therefore qualifying for the administrative level Outdoor Events Application and demonstrates compliance with the Nevada County Code and General Plan. Additionally, while agricultural uses are of primary importance in the AG zoning district, pursuant to Title 12, Chapter 2, Section 12.02.030 Rural District, the Ag district is consistent with land use designations that allow for more intensive uses as well, thus allowing for these commercial events to be allowed under a permitting process, the Outdoor Event Application process for venues operating a maximum of eight (8) events a year.

3. **The Road Access, Traffic Analysis, and Roadway Exception Findings Are Inadequate: The project site is accessed from Glenshire Drive, a public residential road, through approximately 4.5 miles of privately maintained residential roads that the County's own Department or Public Works acknowledged, “generally does not meet current standards.”**

(Exhibit A, DPW Memo, p. 9.) Key parts of the roads fail County requirements for road width, shoulder width, base depth, surfacing, and grade, and the approval's limited paving condition focuses on the 0.75 miles near the Austin Ridge Events, which does not cure these deficiencies for commercial event traffic, emergency response, or evacuation.

As a part of the proposed project, a Petition for Exceptions to Road Standards was applied for due to the existing grade of certain areas exceeding 10% slope and for the width of the existing gate. The Nevada County Department of Public Works and Nevada County Fire Marshal reviewed the proposed project and determined that the applicant shall pave the portions of the unpaved segment of Valley View Road used for project access where the longitudinal grade exceeds 10% shall be paved (between Station 30+00 and Station 47+00 on the attached plan). The Nevada County Department of Public Works and Nevada County Fire Marshal provided Conditions of Approval that required the applicant to pave a minimum of 3 inches of asphalt concrete over a properly prepared aggregate base, in accordance with County standards. These improvements would be sufficient to provide effective emergency ingress and egress for the outdoor events venue and the surrounding properties that use Austin Way/Valley View Road. These improvements would be required to be completed prior to operation of the outdoor event venue. Additionally, the Truckee Fire Protection District provided written confirmation that the existing gate was adequate for fire access, and that in the past the Truckee Fire Protection District has been able to access through the gate with no issue and therefore did not require any improvements to be made. Please see Attachment 4 for the email from the Truckee Fire Protection District verifying the width of the existing gate as adequate. All the other road design construction standards required by Section 16.10.040 Design Geometrics of the Nevada County Code shall be met. Conditions of Approval from the Nevada County Fire Protection Planner, Truckee Fire Protection District, and the Department of Public Works will achieve the same practical effect as strict compliance with the Road Standards.

Although not required by Code, in order to best suit the entire community and address these concerns of the limited paving, the applicant went into contract with Advanced Asphalt to pave the entire roadway at the applicant's expense only, instead of only paving the specific small area required by the Nevada County Department of Public Works and Nevada County Fire Marshal. Due to this large amount of additional paving at the applicant's expense that was not required for approval, the roadway will be significantly improved and will provide a benefit to all surrounding property owners who access that roadway as well.

- 4. The Approval Fails to Demonstrate Adequate Wildfire Evacuation And Emergency Response Planning: The project would concentrate up to 150 attendees, plus vendors and stall at a remote site in a high-fire-risk region, accessible only via a constrained, narrow private road network with substandard segments, grades exceeding 14%, and a gated entry that does not meet current width standards. The approval's entire evacuation plan is a single sentence: shuttles "will remain on-site throughout the duration of the event in case of emergency evacuation needs." The record contains no analysis of shuttle capacity, evacuation timing, inbound emergency vehicle coordination, or the feasibility or simultaneous outbound evacuation and inbound fire response. The Fire Marshal's conditions do not include any specific wildfire evacuation requirements for events. The adequacy of a residential swimming pool as the primary fire suppression source for a 150-person commercial event at a remote, high fire-risk site has not been established and is not supported by the record.**

As a part of the proposed project, the applicant provided a three (3) page Fire Protection and Evacuation Plan as required by the applicant, and the Fire Protection Plan was reviewed by the Nevada County Fire Marshal as was determined to be adequate for an administrative level Outdoor Event Application permit, which has different requirements than a discretionary Conditional Use Permit special events venue. The Fire Protection Plan provides information regarding primary and secondary access routes, estimated emergency response times, emergency water supply, a fuels management plan, and evacuation plan, and an evacuation map exhibit. Please see Attachment 5 for the Fire Protection and Evacuation Plan approved by the Nevada County Fire Marshal. To provide additional safety for fire suppression, the proposed project is proposing a 32,000 gallon NFPA water tank as well as eight (8) fire extinguishers on the parcel for emergency purposes related to fire suppression. Additionally, as previously mentioned, rather than paving only the small segment of area that didn't meet county standards for grade and width, the applicant has contracted with Advanced Asphalt to pave the entire roadway, thus providing a much safer roadway that meets Nevada County Standards. The gate was determined to be adequate by the Truckee Fire Protection District, and therefore the wildfire and evacuation proposals for the proposed project have been deemed as adequate. There is no requirement for shuttles; however, to limit the number of cars coming to the proposed project site, the applicant contracted with the shuttles to provide transportation to and from the venue to the hotel parking areas associated with the shuttles. Due to the applicant providing adequate parking required by the Nevada County Code as well as shuttle services for transportation to limit the number of vehicles coming to the site, the project proposal was deemed to be adequate for approval of an administrative level Outdoor Events Application and Petition for Exceptions to Road Standards permit.

5. **The Approval Fails to Adequately Address Nuisance and Neighborhood Compatibility Impacts: Appellants and other residents have documented concerns regarding amplified music, dust, vehicle trips, headlights, outdoor lighting, gate security, alcohol-related traffic risks, loss of privacy, and interference with quiet enjoyment. These impacts are incompatible with the rural residential and agricultural character and expectations of the Martis Peak community, as well as with Appellants' use and enjoyment of their property. The approval does not make adequate findings regarding neighborhood compatibility or impose conditions sufficient to protect adjacent residents from recurring impacts from commercial events. The approval also fails to account for a fundamental fact: the roads at issue are privately owned and maintained entirely at the expense of the homeowners and property owners who share the road network -- not the County or the applicant.**

Pursuant to County records, the project parcel has had one Code Case opened upon it and the applicant was issued two (2) Notice of Violation Warnings since the case opened on August 26, 2025. On October 27, 2025, the applicant submitted an application for an administrative level Outdoor Events Application permit to take the first step in closing the Code Case by coming into compliance with permitting requirements. Additionally, as previously mentioned, rather than paving only the small segment of area required by the Nevada County Department of Public Works and Nevada County Fire Marshal that didn't meet County standards for grade and width, the applicant has contracted with Advanced Asphalt to pave the entire roadway at the applicants own expense, thus providing a much safer roadway that meets Nevada County Standards at no cost to any of the Appellants. Since there are no onsite construction activities proposed, the proposed project will not result in excess dust. Additionally, all Conditions of Approval are required to be met and complied with prior to the operation of the outdoor event venue, which include notification of events to surrounding property owners, limited hours of operation, parking

and traffic circulation compliance, compliance with noise requirements, limiting the maximum days an event can operate, and limiting the frequency of events per month in order to adequately address neighborhood concerns.

Pursuant to Title 10, Chapter 16, Special and Outdoor Events of the Nevada County Code, all temporary lighting shall be shielded, directed away from property lines and located as far away from adjacent properties as reasonably possible so as to minimize light and glare impacts to adjacent properties and the surrounding neighborhood. The proposed project was reviewed for compliance with this requirement, and the Conditions of Approval included in the Conditional Approval Packet included Condition A.1, which states, “The proposed outdoor events venue will utilize the existing exterior lighting fixtures located on the existing facility, which are shielded and downward facing to prevent light pollution.” With the inclusion of this condition, the exterior lighting will be compliant with the Nevada County Code and minimize impacts to surrounding properties. Additionally, the following Conditions of Approval were included to limit the impact on the surrounding neighborhood during these temporary events:

1. **Condition A.3: Notification.** Prior to all additional events, the applicant shall send or personally deliver written notices of the outdoor Event to all property owners within five hundred (500) feet of the premises on which the event will be held. Notices shall include a brief description of the event, the dates, times, locations and types of activities that will take place during the event. The County shall also be notified of events.
2. **Condition A.4: Hours.** Outdoor Events shall not open prior to 9 a.m. and shall close by 10 p.m. Permitted hours of operation may potentially be extended if the applicant demonstrates good cause for the extension and demonstrates that the extended hours will not adversely impact owners or users of, or allowed uses on, surrounding properties.
3. **Condition A.9: Parking and Traffic Circulation.** Outdoor Events shall comply with the approved Parking and Traffic Circulation Plan. Vehicles shall not be parked in any manner that would create a traffic hazard or interfere with the ingress or egress of emergency vehicles as determined by the Community Development Agency, Sheriff or the Local Fire Official.
4. **Condition A.10: Noise.** Outdoor Events shall comply with the approved Noise Assessment. Noise levels generated by Outdoor Events shall not exceed the standards set forth in Title 12, Chapter 4, Section 12.04.070 Noise of the Nevada County Code applicable to the Land Use Category and Zoning District for the premises on which the outdoor event will be held.
5. **Condition A.11: Days.** Outdoor Events shall have a maximum length of two (2) days, or 48 hours, per event. The maximum length of the event may be extended if the applicant demonstrates good cause for the extension and demonstrates that the extended days will not adversely impact owners or users of, or allowed uses on, surrounding properties.
6. **Condition A.12: Frequency.** No more than three (3) outdoor events shall occur per month and shall not occur on more than three (3) consecutive weekends regardless of the month in which they occur.

With the implementation of the above Conditions of Approval as well as the road improvements proposed by the applicant, the proposed project will reduce the impact on surrounding property owners and provide a community benefit with the new roadway.

6. **The Conditions of Approval are Insufficient: Key conditions of approval require compliance before the first event, including paving of certain road segments and engineer certifications-yet the approval does not require independent County verification, public transparency, or enforceability. County Code Section 10.16.100 states: "Prior to commencement of the outdoor event, the applicant shall call the Community Development Agency and the Local Fire Official for an inspection or the event site to assure compliance with all permitting conditions." No such call or inspection took place prior to the May 1, 2026, event, and no such call or inspection is required by the Notice of Conditional Approval. The approval provides no mechanism to deny or postpone events if the conditions are not met. This is not a theoretical concern. Neighboring residents have made repeated complaints to the County-by phone and in writing- regarding noise, traffic, commercial vehicles blocking their driveways, and nuisance impacts from prior unpermitted events at Austin Ridge. Those complaints produced no meaningful enforcement response. The County's failure to act on documented neighbor complaints during four years or unpermitted commercial operations raises serious doubt about whether the conditions of approval will be enforced any more rigorously going forward.**

The Department of Public Works and Nevada County Fire Marshal required that the applicant pave a specific segment of the access road in order to meet required standards, however the applicant is in contract for paving the entire roadway, which will be part of the inspection performed by the Nevada County Fire Marshal, as required by Condition of Approval C.1 included in the Conditional Approval Packet. Condition of Approval C.1 states that the applicant shall, "ensure all Fire Related notes and design features on the site plan are met, as they will be inspected prior to final." This Condition of Approval verifies that an inspection is required prior to operation of the facility in order to ensure compliance with the conditions and requirements of the project Conditional Approval Packet. Additionally, pursuant to County records, the project parcel has had one Code Case opened upon it and the applicant was issued two (2) Notice of Violation Warnings since the case opened on August 26, 2025. There have been no other official Code Cases opened on the project parcel in the past, and official Investigation Services Request forms are required to be filled out either electronically or physically, and either electronically submitted, mailed, dropped off, or scanned and emailed to the Nevada County Code Compliance Division. Since receiving the first Code Case on the parcel for operating an event venue without proper permitting, the applicant submitted an application for an administrative level Outdoor Events Application permit to take the first step in closing the Code Case by coming into compliance with permitting requirements. Additionally, with the approval of the proposed project, there will now be applicable Conditions of Approval which are required to be complied with. All Conditions of Approval shall be met and complied with prior to any operation of the outdoor event venue, including the required road improvements.

7. **The County has not made an adequate CEQA Determination: The record does not identify a legally sufficient CEQA determination addressing the project as a whole. The project involves discretionary judgment concerning public health, safety, and welfare, including traffic impacts, emergency access, wildfire evacuation, noise, lighting, and roadway**

exceptions-none of which has been subject to adequate environmental review. The County may not avoid its CEQA obligations by characterizing an ongoing commercial event venue as 8 temporary or ministerial activity. A full environmental analysis is required before any approval may lawfully issue.

Pursuant to Article 19, Section 15300.1, Relation to Ministerial Projects of the California Environmental Quality Act (CEQA), Section 21080 of the Public Resources Code exempts from the application of CEQA those projects over which public agencies exercise only ministerial authority. Since ministerial projects are already exempt, Categorical Exemptions should be applied only where a project is not ministerial under a public agency's statutes and ordinances. The inclusion of activities which may be ministerial within the classes and examples contained in this article shall not be construed as a finding by the Secretary for resources that such an activity is discretionary. The Austin Ridge Events Venue project application consists of an Outdoor Event Application and Petition for Exceptions to Road Standards, both for which are ministerial level projects pursuant to the Nevada County Code and are processed administratively. In order to obtain an Outdoor Event Application and Petition for Exceptions to Road Standards permit, the applicant is required to file an application for each entitlement with the Planning Department to determine that all applicable development standards for both entitlements defined in the Nevada County Code have been met. Outdoor Event Applications and Petition for Exceptions to Road Standards permits are reviewed and approved through a ministerial process which involves a comparison of a project with specific objective standards or checklists and checking for compliance. A ministerial approval does not allow for the use of discretion or subjective judgement on the part of the approving authority. Therefore, the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15300.1, Relation to Ministerial Projects.

Article 19, Section 15304, Class 4: Minor Alterations to Land. Consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes. The proposed project is not proposing any on site construction activities and will be utilizing the existing improvements permitted on site. There are no scenic trees to be removed as a part of the proposed project and the existing land will remain in its existing condition. The only offsite improvements being proposed are paving of an existing gravel road with no expansion of the road. A Noise Assessment was conducted by Behrens and Associates, Inc., which concluded that based on the monitoring results and results of the survey, the amplified music associated with the proposed project will be in compliance with the Nevada County Noise standards. Therefore, the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15304, Class 4: Minor Alterations to Land. Overall, there are no unusual circumstances at the project site or involved in the proposed project that would lead to a significant effect on the environment. Therefore, pursuant to Article 19, Section 15300.1, Relation to Ministerial Projects of the California Environmental Quality Act (CEQA) and the Class 4 California Environmental Quality Act (CEQA) Categorical Exemption found in Article 19, Section 15304 of the California Environmental Quality Act (CEQA), the proposed project would not have a significant impact on the environment and is exempt from the California Environmental Quality Act (CEQA). Please see Attachment 6 for the Notice of Exemption that contains the full analysis.

- 8. Grounds for Denial Based on the Applicant's History of Material Violations: The record establishes a documented history of violations. By the applicant's own admission, Austin Ridge Events began operating as a commercial event venue in 2021 without land-use**

approval, an outdoor event permit, or any application. The unpermitted commercial operation continued for four years before the County issued two Notices of Violation. No application was submitted until after the second Notice had been issued. This is not an isolated lapse, it is the continuation of a four-year pattern of intentional violations of County Codes and of operating in disregard of County enforcement actions, compliance deadlines, and now, the appeal process itself. The Planning Agency's approval neither addressed Section 10.16.120(C) nor made any findings regarding the applicant's violation history, despite that history being documented in the County's own code compliance records. That omission warrants reversal.

Pursuant to County records, the project parcel has had one Code Case opened upon it and the applicant was issued two (2) Notice of Violation Warnings since the case opened on August 26, 2025. There have been no other official Code Cases opened on the project parcel in the past, and official Investigation Services Request forms are required to be filled out either electronically or physically, and either electronically submitted, mailed, dropped off, or scanned and emailed to the Nevada County Code Compliance Division. Since receiving the first Code Case on the parcel for operating an event venue without proper permitting, the applicant submitted an application for an administrative level Outdoor Events Application permit to take the first step in closing the Code Case by coming into compliance with permitting requirements. Since the application was submitted and throughout the permitting process, no additional official complaints filed through the required official Investigation Services Request forms were received and no additional Code Cases were opened. Additionally, with the approval of the proposed project, there will now be applicable Conditions of Approval which are required to be complied with, and any violation of those Conditions may result in revocation of the permit if determined to be necessary, which without the permitting would not be possible. The Conditional Approval Packet is not required to address applicant violation history as this is not required for any land use entitlement permit; however, Conditions of Approval were included to ensure that future events comply with required regulations which will limit the impact on the surrounding area. Please see Attachment 3 for the Conditional Approval Packet.

SUMMARY:

Staff finds that all of the issues raised in the appeal have been considered and were adequately addressed by County staff directly through correspondence, project Conditions of Approval, and attachments associated with the Conditional Approval packet. The proposed project as conditioned meets all the requirements to obtain an Outdoor Event Application permit and Petition for Exceptions to Road Standards permit and is consistent with the County's permitting requirements governing an Administrative level Outdoor Event Application and Petition for Exceptions to Road Standards permit. The project has been conditioned to ensure less than significant impacts to all potential project and environmental issues (please see the attached Conditions of Approval).

RECOMMENDATION:

Staff recommends the Board of Supervisors take the following action:

- I. **Project Action:** Adopt the attached Resolution (Attachment 1) to deny the appeal and to uphold the decision of the Planning Department to approve an Outdoor Event Application (OEA25-

0001) and Petition for Exceptions to Road Standards (PFX26-0001) permit, to operate an outdoor event venue for up to eight (8) events located at 17031 Austin Way, Truckee, CA, 96161.

Item Initiated by: Zachary Ruybal, Associate Planner

Approved by: Brian Foss, Planning Director