

JAN 20 2015

COUNTY OF NEVADA

(Attach pages if needed) NEVADA COUNTY BOARD OF SUPERVISORS

APPEAL TO BOARD OF SUPERVISORS

(Per Article 5 of Chapter II of the Land Use and Development Code)

*cc: Department
County Counsel
cc: Department
Contact*

Any applicant or interested party may file an appeal with the Board of Supervisors requesting review of any final action taken by Various County Agencies. Such appeal shall be filed with the Clerk of the Board of Supervisors within ten (10) calendar days from the date of the decision, except for recommendations on general plan amendments which by State law are subject to a five (5) calendar day appeal period. Filing shall include all information requested herein and shall be accompanied by the appropriate filing fee. The statements (required below) must contain sufficient explanation of the reasons for and matters being appealed in order to facilitate the Board of Supervisors initial determination as to the propriety and merit of the appeal. Any appeal which fails to provide an adequate statement may be summarily denied. The filing of such an appeal within the above stated time limit shall stay the effective date of the action until the Board of Supervisors has acted upon the appeal.

I. APPEAL: I/We, the undersigned, hereby appeal the decision/recommendation of the

County of Nevada – Planning Commission and Planning Department
Agency Name

DP 13-002, EIS 13-026 January 8, 2014
Agency File No. Date of Decision

PLANNING AGENCY DECISIONS:

Airport Zoning

L-III Airport Zoning; Truckee-Tahoe Airport, 2.12 Appeals; Nevada County Air Park, 3.10

Environmental Impact Report

L-XIII California Environmental Quality Act; County CEQA Guidelines and Procedures, 1.20 Appeals of the Adequacy of the EIR

Floodplain Management Regulations (Floodplain Administrator)

L-XII Floodplain Management Regulations; 1.4 Administration

Historic Preservation Combining District

L-II Zoning Regulations; Zoning Districts; 2.7.2 HP Combining District

Inoperable Vehicles

L-II Zoning Regulations; Administration and Enforcement, 5.20
Abatement and Removal of Inoperable Vehicles

X Land Use Applications

L-II Zoning Regulations; 5.12 Administration and Enforcement

- X Negative Declaration
 - L-XIII California Environmental Quality Act; County CEQA Guidelines and Procedures, 1.12 Negative Declaration
 - Rules of Interpretation
 - L-II Zoning Regulations; 1.4 Rules of Interpretation Regarding:
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PUBLIC WORKS DECISIONS:

- Roadway Encroachment Permit
 - G-IV General Regulations; 4.A Regulating Roadway Encroachments; 15.1 Appeals

FIRE AGENCY DECISIONS:

- Fee Assessments (Fire Protection District)
 - L-IX Mitigation and Development Fees; Fire Protection Development Fees; 2.6 Appeal from Fee Assessment
- Fire Safety Regulations; General Requirements (Fire Safety Reg. Hearing Body)
 - L-XVI Fire Safety Regulations; General Requirements; 2.7 Appeals
- Fire Safety Standards (County Fire Marshal or Fire Chief)
 - L-V Buildings; 5.8 Fire Agency Appeals

ENVIRONMENTAL HEALTH DECISIONS:

- Sewage Disposal (Sewage Disposal Technical Advisory Group)
 - L-VI Sewage Disposal; 1.18 Appeals
- Water Supply and Resources (Health Officer)
 - L-X Water Supply and Resources; 5.1 Appeal Procedures

LIST ALL AGENCY ACTION(S) TAKEN THAT ARE BEING APPEALED: _____

Planning Commission: Notice of Conditional Approval
Adoption of Mitigated Negative Declaration
Development Permit Application

Planning Department: Staff Report and Initial Study dated December 12, 2014, supporting approvals.

II. STATEMENT OF THE REASONS FOR THE APPEAL:

Conditional Approval largely ignores:

- Loma Rica Drive Industrial Area Plan (LRDIAP) Goal 2.3, which states: “Maintain compatibility between neighboring land uses”.
- The changes to the character of the Wawona Madrono Neighborhood on approach and departure.
- Feasible Mitigation Measures of impact on residential property and residential neighborhood adjacent to site.
- LRDIAP Policy 2.5, which states: “Noise generating land uses shall be discouraged on lands abutting residential zoning”.
- Large greenbelt of existing native trees and vegetation along eastern property boundary, which will be completely removed.

III. STATEMENT OF THE SPECIFIC PROVISIONS WHICH ARE BEING APPEALED:

Notice of Conditional Appeal:

- A.1. Use of site consistent with allowable uses for the M1-SP zoning district.
- A.2. Use of “terra cotta” colors on metal roofing, canopies and stonework
- A.6. Landscape plans to be consistent with the preliminary landscape plan.
- A.11. Shall utilize native species such as black oak and manzanita.
- A.13. Avoid impacts to existing mature trees and vegetation.
- A.19. Limit construction to Monday – Saturday.
- A.20. Incorporate noise attenuation features...

Staff Report:

- “No public comments were received on this project”
- “...adequate parking will be available for the project”
- 1.B. Mitigation measures will reduce potentially significant impacts to less than significant levels.
- II.A. Project is consistent with the General Plan goals, objectives and policies.
- II.D. Makes appropriate transitions to nearby properties.
- II.I. Is consistent with the intent of the LRDIAP
- II.K. All feasible mitigation measures have been imposed upon the project to offset the impacts.

Initial Study:

- 1.a. Result in demonstrable, negative, aesthetic effects to scenic vistas or view open to the public?
- 1.c. Substantially degrade the existing visual character or quality of the site and its surroundings?

- 4.c. Result in a substantial reduction in the extent diversity, or quality of native vegetation?
- 10.a. Result in structures and/or land uses incompatible with existing land uses?
- 10.e. Substantially alter the present or planned land use of an area...
- 10.f. Conflict with any applicable land use plan, policy or regulation...
- 10.g. Disrupt or divide the physical arrangement of an established community?
- 12A. Limit Construction to...Monday – Saturday.
- 12B. "...or equivalent once grade and slope have been taken into consideration".
- 18.a. ...potential to degrade the quality of the environment..."

IV. STATEMENT OF THE CHANGES OR ACTION REQUESTED OF THE BOARD OF SUPERVISORS:

Please reject Development Permit Application and Adoption of Mitigated Negative Declaration and return plans to Planning Commission to consider LRDIAP policies as they relate to the abutment of neighboring residential property and the residential community of Wawona Madrono, allowing public comment. In reference to Notice of Conditional Appeal, Staff Report and Initial Study:

- A.1: Maintain greenbelt on eastern side of site by moving project 20' to the west; possibly reduce overall size of building; decrease building height; increase number of parking spaces to accommodate up to 100 employees anticipated by the project applicant; and remove two double, glass doors on east side of building that allow a view into residence less than 100' away.
- A.2. Change roof, canopies/awnings, and roll-up doors to a green or dark brown. Adhere to Design Guideline 23 with use of natural building materials.
- A.6: Request that new landscape plan be reviewed and approved, with public comment, taking into account greenbelt not noted on approved landscape plan, and actual number of trees to be cut.
- A.11: Do not use manzanita, black oak, or deciduous trees to provide a sound or sight buffer.
- A.13: Maintain greenbelt, which includes ~ 40 cedar, 2 pines, 3 large Madrones and 9 oaks, not included on the plans.
- A.19: Limit construction to Monday – Friday.
- A.20: Add 8' wall at landscaped buffer-zone height extending entire east perimeter.

V. SUMMATION OF THE ARGUMENTS TO BE RAISED BY THE APPELLANT(S):

Decisions of the Planning Commission were based upon the Planning Department's Staff Report, Attachment I and Initial Study, which gave little recognition to the LRDIAP goals and policies as they relate to industrial sites that abut residential neighborhoods. In few instances, were decisions based upon compatibility, noise generation, the minimization of outdoor activity, and the height, scale and colors of the project, other than to state the fact that the site abuts a residential property. In fact, in the Initial Study dated December 12, 2014, it is stated: "The proposed project is surrounded by industrial-zoned (M1-SP) land and is not situated adjacent to or within any residential community". The Landscape plan does not show the substantial greenbelt that buffers the Wawona Madrono Homeowners from the industrial site, and which would be removed under the current Conditional Approval.

\$ 1,334.20 received 1/20/15 - by Felia Romis

VI. IDENTIFICATION OF THE APPELLANT(S):

Louise Taylor 14121 Loma Rica Dr., Grass Valley, CA 95945 530-477-9888
(Name) (Mailing Address) (Telephone)

VII. NOTICE: (Multiple appellants should select one representative for purposes of notice.)

All notices to appellant(s) should be mailed to: (Please Print)

Louise Taylor 14121 Loma Rica Dr., Grass Valley, CA 95945 530-477-9888
(Name/Representative) (Mailing Address) (Telephone)

Appellant:

Louise Taylor
(Sign)

January 20, 2015
Dated:

Louise Taylor
(Print)

FOR OFFICE USE ONLY

\$1,334.20
Filing Fee

1/20/15
Date Filed

[Signature]
Received By

Appeal form to be returned to: Nevada County Board of Supervisors Office, Eric Rood
Administrative Center, 950 Maidu Avenue, Nevada City, CA 95959-8617. (530) 265-1480