



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION DENYING THE REFUND OF THE FEES IN THE AMOUNT OF \$1,803.60 RELATED TO AN APPEAL FILED BY JEFF PHALEN AND KRISTIN PHALEN ON JUNE 24, 2024

WHEREAS, on June 12, 2024, the Nevada County Zoning Administrator provided notice of a conditional approval for a Condition Use Permit (PLN23-0179; CUP23-0015; EIS23-0010) for a communication facility located at 20896 Dog Bar Road, Grass Valley California 95949 (APN: 027-010-018); and

WHEREAS, on June 24, 2024, Jeff and Kristin Phalen filed an Appeal to the Board of Supervisors regarding the conditional approval for Conditional Use Permit (PLN23-0179; CUP23-0015; EIS23-0010) for a communication facility located at 20896 Dog Bar Road, Grass Valley California 95949 (APN: 027-010-018) and paid the appeal fee in the amount of \$1,803.60; and

WHEREAS, on July 9, 2024, the Nevada County Board of Supervisors held a Public hearing to consider the appeal filed by Jeff and Kristin Phalen regarding the Zoning Administrator's decision to approve the Conditional Use Permit which was continued to August 20, 2024; and

WHEREAS, on August 20, 2024, at the continuance of the Public Hearing held on July 9, 2024, the Board of Supervisors adopted Resolution 24-480 upholding the appeal filed by Jeff and Kristin Phalen and overturning the decision of the Zoning Administrator to approve the Conditional Use Permit to construct a wireless communication tower and facility; and

WHEREAS, on August 21, 2024, Appellant Kristin Phalen formally contacted the Clerk of the Board requesting a refund of \$1,803.60; and

WHEREAS, pursuant to Nevada County Code section 12.05.120.M.1, "upon the conclusion of any appeal, where the Board of Supervisors upholds the appeal and overturns the decision of the Planning Agency, the Board may also authorize the return of all Appeal Fees filed by the appellant"; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Nevada that it hereby finds and determines as follows:

1. The above recitals are true and correct.
2. The Appeal by Jeff and Kristen Phalen was upheld by the Board of Supervisors via Resolution 24-480 on August 20, 2024; and

BE IT FURTHER RESOLVED that the Board of Supervisors hereby denies the request by Jeff and Kristin Phalen for a refund of appeal fees in the amount of \$1,803.60.