

AUG 05 2016

COUNTY OF NEVADA

(Attach pages if needed)

NEVADA COUNTY  
BOARD OF SUPERVISORS

*ec: Planning  
Counsel*

APPEAL TO BOARD OF SUPERVISORS

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

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

Community Development Agency Planning Department  
Agency Name

Z16-001, DP15-006, AM14-001, MGT15-020, MGT16-001, MI15-020, EIS15-019  
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
- Land Use Applications  
L-II Zoning Regulations; 5.12 Administration and Enforcement
- 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 Department  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**II. STATEMENT OF THE REASONS FOR THE APPEAL:**

Item #1 - A Petition for Exceptions (MI15-020) to reduce the standards for right-of-way width from 50 to 20 feet and roadway width from 20 to 15 feet, and eliminate the fuel modification requirement on the west side of Slow Poke Lane.

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Item #6 - A minimum of 30 parking spaces including 2 disabled parking stalls, shall be provided in substantial conformance with approved site plans and maintained for the life of the project. No new provisions for the expansion of the new building.

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

Item #1 The permit is for Byer's Leaf Guard Co. to build an expansion to their business with an increased number of employees and customer traffic. Currently, employees and customers travel on the very narrow one lane, Slow Poke Lane to Byer's Leaf Guard location. Two cars can not pass on this road without one car driving onto Parcel #24 (Appendix A1). While at the site on 8/1/16 at 1:05 to 1:25 pm, I encountered 9 cars, 2 service trucks and 1 motorcycle. (appendix B1, B2, B3) During this time, I had to pull over onto Parcel #24 to allow the vehicles to pass while one car waited at the top of the road for me to pass.

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Continued on page 2 for the remaining Item #1 and Item #6

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

We ask that the Board of Supervisors consider widening the road to accommodate the increased traffic related to Byer's business expansion. This would be an upgrade to Slow Poke Lane accommodating a growing Commercial Business from the original design use for 3-4 residential sites.

#2 We are asking the Board of Supervisors to require Byer's employees and customers to park in the designated parking spaces on the Byer's property. (See Page 2 Continued)

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

As a homeowner of Nevada County, we put pride into our home with regular upkeep and all needed maintenance. ( Appendix G1, G2) Entrance to our home through Byer's parking should not take away from the value of our home. Recently, we had our home appraised for refinancing purposes and it was stated that the "junk yard" driveway had hurt the value. (Appendix H1-5 and I-1) While on the topic of "values", I would like to clarify a statement on record made at the Commissioners' Meeting while discussing the residents surrounding Byer's. One member said, in reference to our house "the home is a half way house for girls and in a sense is a commercial piece of property". This statement can not be farther from the truth; this home is occupied by foster children who are like any other family members whether it be a blended family, step family, adoptive family, single parent or a two parent home - there is no difference and the respect should align.

VI. IDENTIFICATION OF THE APPELLANT(S):

\_\_\_\_\_ James Powell \_\_\_\_\_ P.O. Box 66 Smartsville CA 95977 530-277-7610  
(Name) (Mailing Address) (Telephone)

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

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

Jim Powell  
(Name/Representative)

P.O. Box 66, Smartsville CA 95977 530-277-7610  
(Mailing Address) (Telephone)

Appellant:

Jim Powell  
(Sign)

Dated: 8/5/2016

Jim Powell  
(Print)

FOR OFFICE USE ONLY

\$1,374.20  
Filing Fee

8/5/16  
Date Filed

B. Price  
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

III Statement of the specific provisions which are being appealed:

Item #1 continued:

It is questioned whether or not a Fire Truck and Emergency Vehicles could get passed the parked cars and make the turn to residents at parcel 3 and 4. This narrow Slow Poke Lane crosses over Little Wolf Creek with a culvert carrying the water to State Park Land. At both the entrance and exit of this culvert there remains debris and during the winter it is a big issue with debris backing up on the road and flooding. Appendix C1, C2

Item #6 continued:

The request for additional on site parking due to the increased business employees, customers and deliveries was denied as was restricting employees to park in the existing parking slots on Byer's site was not required. It was decided that employees and customers can continue to park across the street on the already narrow Slow Poke Lane (Appendix D1). Reason given for this decision was Byers did not want to inconvenience their employees. It is evident that the off site parking area that has been offered by Byers and approved by the Nevada County Commissioners for employee parking is on State Park Land where State Park rules prohibit parking.(Appendix E1, E2, E3). It is noted that the State Park fencing and signs appear to have been taken down. In addition, Byer's is allowing parking at the entrance of the State Department trail entrance and restricting the turning radius of large vehicles and towing vehicles from doing so safely. (Appendix F1, F2, F3)

IV. Statement of the changes or action requested of the Board of Supervisors.

Item #2 continued:

All businesses must provide for legal parking for their employees and customers, Byer's is no different and should not be excused from this requirement. Secondly, according to the Survey Map Drawing # 30293 the current off-site parking property belongs to the Empire Mine State Historic Park (Appendix E3). This State Park land should be returned with installed fencing and signage.

V. Summation of Arguments - continued:

The value and respect and safety of our neighborhood and residents should always be of concern to all of us who reside in Nevada County.

We ask that consideration be made to widening Slow Poke Lane to accommodate the commercial traffic and increased cars and trucks upon expansion to a two way road. That Slow Poke Lane not be reduced in width from 20 ' to 15' and also, that the Slow Poke Lane Road Easement not be reduced from 50' to 20'. Secondly, that all employees' and customers' parking be within the Byer's property in parking set aside for the square footage of their new building. Last, the encroachment on State Park Department property not be approved for off site parking.

Appendix: A1

PTN. SEC'S 25 & 26,

T. 16 N., R. 8 E., M.D.B. & M.

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EMPIRE MINE STATE PARK

**Appendix B1**



**Appendix B2**



**Appendix B3**



**Appendix C1**



**Appendix C2**





## Appendix D1



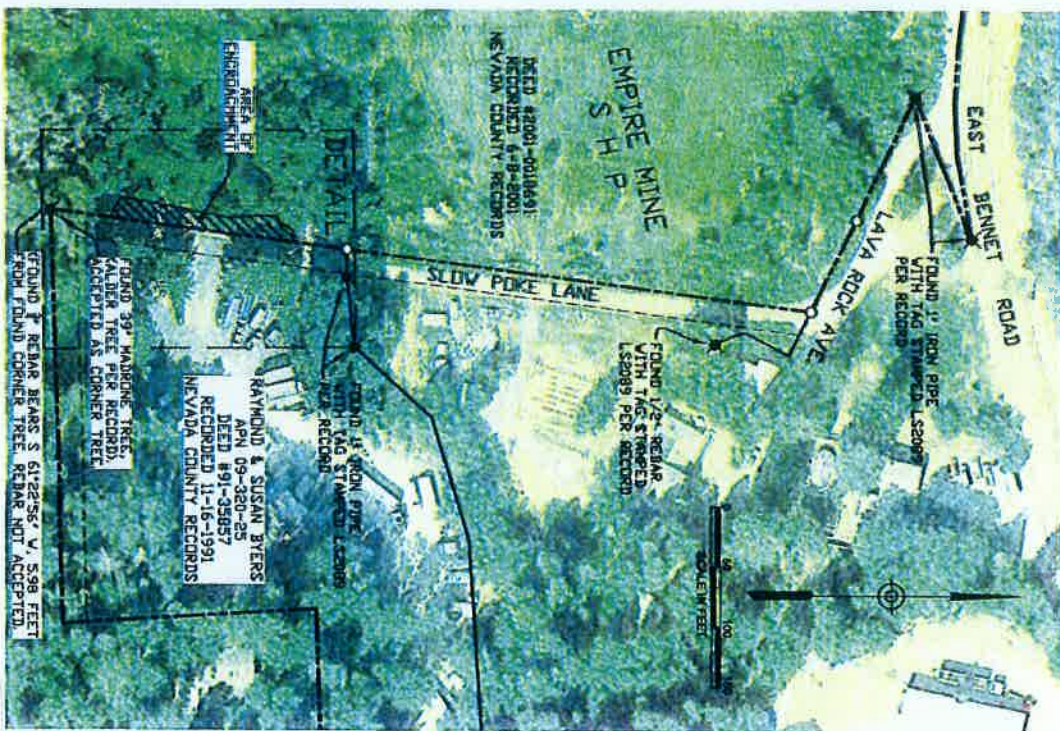
**Appendix E1**



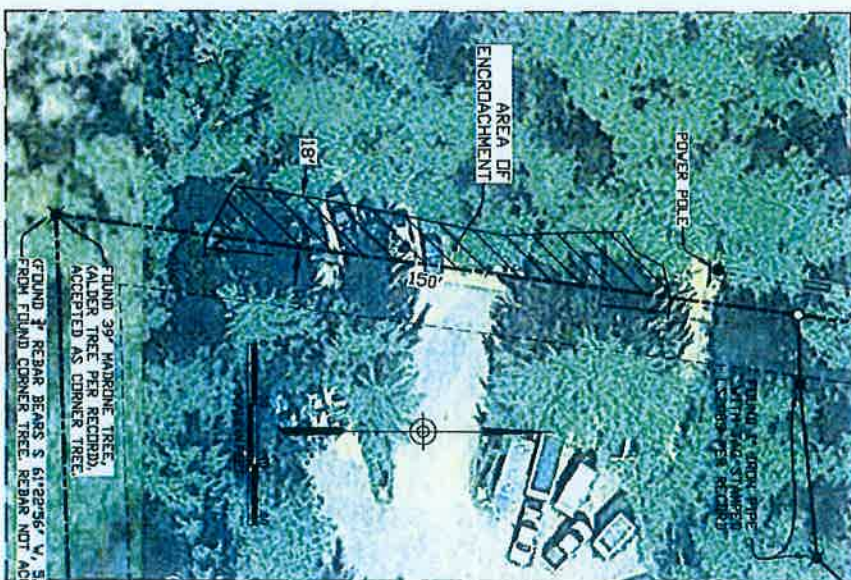
**Appendix E2**



EMPIRE MINE STATE HISTORIC PARK  
NEVADA COUNTY



DETAIL



NOTES:  
THIS EXHIBIT IS BASED ON A FIELD SURVEY IN MARCH 2014.  
AREA OF ENCROACHMENT IS APPROXIMATELY 150' X 181'.  
ALL MONUMENTS FOUND ARE PER PARCEL MAP FILED IN BOOK 3 PAGE 222 IN NEVADA COUNTY SURVEYORS OFFICE.

- LEGEND:
- FOUND MONUMENT AS NOTED
  - DIMENSION POINT, NOTHING FOUND OR SET
  - PARK BOUNDARY
  - INGRESS / EGRESS EASEMENT

SURVEYOR'S STATEMENT:

THIS DOCUMENT WAS PREPARED UNDER MY DIRECTION IN CONFORMANCE WITH CALIFORNIA BUSINESS AND PROFESSIONS CODE § 8720.

*Stanley E. King*  
STANLEY E. KING PL5803A



FOUND 39' HARDWARE TREE, GALDER TREE PER RECORDED, ACCEPTED AS CORNER TREE.  
FOUND 1/2" REBAR BEARS S 61°22'56" W, 5.98 FEET FROM FOUND CORNER TREE. REBAR NOT ACCEPTED.

DATE 3/2014	DRAWN C. MUSTARD	CHECKED S. KING	REVISIONS	DATE
EMPIRE MINE STATE HISTORIC PARK SLOW POKE LANE ENCROACHMENT EXHIBIT	NATURAL RESOURCES AGENCY OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION			
DRAWING NO. <b>30293</b>				

Appendix E3



## Appendix I1

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10831 Combie Road • Auburn, CA 95602 • (530) 268-9595 • Fax (530) 268-9039

To whom it may concern,

This is the opinion of Marla Estrada, real estate agent for RCI Real Estate Corporation.

Upon viewing the surrounding area of 11855 Slow Poke, Grass Valley. I believe the property Value to be between \$350,000 and \$400,000. The properties surrounding this address have not been Kept in a nicely showing condition which will affect this properties value.

A handwritten signature in cursive script that reads "Marla Estrada".

A handwritten date in cursive script that reads "8/2/16".

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Marla Estrada

**Appendix F1**



**Appendix F2**



**Appendix F3**



**Appendix G1**



**Appendix G2**



**Appendix H1**



**Appendix H2**



**Appendix H3**



**Appendix H4**



**Appendix H5**

