



**NEVADA
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CALIFORNIA

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NEVADA COUNTY BOARD OF SUPERVISORS
BOARD AGENDA MEMO

MEETING DATE: July 9, 2024

TO: Board of Supervisors

FROM: Jeffrey Thorsby, Chief of Staff/Clerk of the Board

SUBJECT: Resolution making findings, accepting the appeal filed by Jeff and Kristin Phalen, et al. from the decision of the Nevada County Planning Department approved the above referenced 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 to schedule a Public Hearing on July 9, 2024 at 2:30 p.m.

RECOMMENDATION: Accept the appeal and schedule a public hearing for July 9, 2024 at 2:30 p.m.

FUNDING: N/A

BACKGROUND: On June 12, 2024, the Nevada County Planning Department provided notice of conditional approval of a 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). On June 24, 2024, Jeff and Kirstin Phalen filed an appeal that included additional appellants against the proposed Condition Use Permit for the unmanned wireless communication facility.

Nevada County Code section 12.05.120 provides the Board of Supervisors may use the provisions of such article in conducting public hearings on land use matters.

Nevada County Code section 12.05.120.G 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 staff have reviewed the appeal and recommend:

- Appellant is an interested party who has standing to file the appeal; and
- Appellant submitted their appeal within the required time period of 10 calendar days; and
- The content of the appeal satisfies the minimum requirements set forth in Nevada County Code section 12.05.120.F which include identification of the project and decision being appealed, statement of the reason for the appeal, statement of the specific provisions being appealed, statement of the action being requested, summation of the arguments being raised and identification of the appellant.

Staff further recommends that the Board accept the appeal and schedule a Public Hearing on this appeal on July 9, 2024 at 2:30 p.m. at the Nevada County Board Chambers at 950 Maidu Avenue, Nevada City, CA 95959.

The recommended appeal date is of the same day as this acceptance due to the need to ensure that all final action is made before the end date of July 15, 2024 which the project applicant has stated is the last day of the shot clock for this project. Since 1996, federal law has required local action on wireless applications to be taken within a reasonable period of time. And starting in 2008 the Federal Communications Commission (FCC) established specific timelines called “shot clocks” requiring final actions, including administrative appeals, be made before the end of the shot clock deadline. Therefore, the County must hold the public hearing on July 9 as there are no other regularly scheduled meetings before the July 15 shot clock deadline.

Item Initiated: Claire Swanson, Deputy Clerk to the Board
Item Submitted: 6/25/2024
Approved: Jeffrey Thorsby, Chief of Staff/Clerk of the Board