

COUNTY OF NEVADA  
STATE OF CALIFORNIA  
BOARD OF SUPERVISORS



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Julie Patterson Hunter,  
Clerk of the Board

NEVADA COUNTY BOARD OF SUPERVISORS  
Board Agenda Memo

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**MEETING DATE:** December 12, 2017  
**TO:** Board of Supervisors  
**FROM:** Julie Patterson Hunter  
**SUBJECT:** Resolution making findings and accepting the appeal filed by Simon CRE, CJS Development II, LLC from the decision of the Planning Commission to deny a Development Permit and Management Plan (DP14-001; and MGT14-010) proposing a Dollar General Store; and scheduling a public hearing for February, 27 2018 at 1:30 pm. (Dist. II)

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**RECOMMENDATION:** Adopt Resolution making findings as recommended by staff, accepting the appeal and setting the hearing on the appeal for February 27, 2018, at 1:30pm.

**FUNDING:** Filing fee collected from Appellant for costs.

**BACKGROUND:**

On October 26, 2017 the Planning Commission held a public hearing to consider a Development Permit application proposing a 9,100 square foot Dollar General Store and a Management Plan addressing disturbance to a 1.40-acre landmark oak grove and 4 individual landmark oak trees. In addition to the proposed retail commercial structure, the project includes associated improvements including but not limited to grading, landscaping, parking, lighting, signage and other related site improvements. The project site consists of 3 parcels in a south/north orientation. The southern +/- 1.0-acre project site for the proposed building is located in between Alta Sierra Drive and Little Valley Road and will take direct access on Alta Sierra Drive. An adjacent parcel to the north will hold the project's septic line and a parcel two removed to the north will contain the project's septic leach field. The proposed sites are located at 10166 Alta Sierra Drive (Store), 10120 Alta Sierra Drive (septic line) and 15675 Johnson Place (septic leach field), Grass Valley, CA approximately 550 feet east of State Highway 49. ASSESSOR PARCEL Nos.: 25-430-08 (store); 25-430-10 (septic line) and 25-430-12 (septic leach field).

Upon consideration, the Planning Commission made a motion of intent to deny the Development Permit application and Management Plan (DP14-001; and MGT14-010) for the proposed Dollar General Store and directed Staff to make appropriate findings for denial. On November 9, 2017 the Planning Commission further considered and denied Development Permit application and Management Plan (DP14-001; and MGT14-010).

Subsequently, an appeal was filed with the Clerk of the Board on November 16, 2017 by Simon CRE, CJS Development II, LLC regarding the Planning Commission's decision with the request that the Board of Supervisors approve the Development Permit application and Management Plan (DP14-001; and MGT14-010) for the proposed Dollar General Store.

Table L-II 5.2 of the Nevada County Land Use and Development Code (LUDC) summarizes which County body reviews, recommends, and takes final action on land use permits. Only where a body has final permitting authority are those decisions appealable to the Board of Supervisors. The Planning Commission is the permitting authority for the above approvals, and the Board of Supervisors is the appealing body for the Planning Commission.

Section L-II 5.12.G of the Nevada County Land Use and Development Code 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 Counsel and the Clerk of the Board have reviewed the appeal and recommend that the Board find:

- The applicant is an interested party who has standing to file the appeal; and
- The appeal was timely filed; and
- The appeal satisfies the minimum requirements set forth in Section 5.12.F of the County's Land Use and Development Code.

Staff further recommends that the Board accept the appeal of the actions approved by the Planning Commission and set it for public hearing on February 27, 2018 at 1:30 p.m.

Respectfully submitted,

**Item Initiated by:** Jeffrey Thorsby, Senior Administrative Analyst

**Approved by:** Julie Patterson Hunter, Clerk of the Board