

# 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:** January 9, 2018

**TO:** Board of Supervisors

**FROM:** Julie Patterson Hunter

**SUBJECT:** Resolution making findings, accepting the appeal filed by Johanna Finney from the decision of the Zoning Administrator's adoption of Mitigated Negative Declaration (EIS17-0022) and approval of Conditional Use Permit (CUP17-0015) for the construction and installation of an unmanned 130-foot mono-pine telecommunications tower and equipment facility (PLN17-0073) located at 19406 Burning Bush Road (APN 34-090-03), and scheduling a public hearing for February 13, 2018, at 10:30am (Dist. V).

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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 13, 2018, at 10:30am.

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

**BACKGROUND:**

On November 29, 2017, the Zoning Administrator considered and adopted Mitigated Negative Declaration (EIS17-0022) as adequate for a proposed unmanned 130-foot mono-pine telecommunications tower and equipment facility (PLN17-0073) located at 19406 Burning Bush Road (APN 34-090-03). The Zoning Administrator also considered and approved Conditional Use Permit (CUP17-0015).

On December 11, 2017, Johanna Finney filed an appeal regarding the Zoning Administrator's decisions noted above and all related permits and approvals, which included appellants Cynthia Pierce, Alex Giron, Lisa Reinhardt, Shawn Blue, Ryan McVay, Krsna Bryant, Govinda Bryant, Matt King, Dorothy Sullivan, and Don Rivenes.

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 Zoning Administrator is the permitting authority for the above approvals, and the Board of Supervisors is the appealing body for the Zoning Administrator.

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 Zoning Administrator and set it for public hearing on February 13, 2018 at 10:30 a.m.

Respectfully submitted,

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

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