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May 26, 2026

Nevada County Board of Supervisors
950 Maidu Avenue
Nevada City, California 95959

Re: **Appeal of Conditional Approval – Austin Ridge Events** | File Nos. PLN25-0137 / OEA25-0001 / PFX26-0001

Dear Members of the Board of Supervisors:

Buchalter LLP submits this letter on behalf of 17031 LLC (“Applicant”), owner of Austin Ridge Events at 17031 Austin Way, Truckee, California, in opposition to the appeal filed by the Wobrocks and Mountain Area Preservation (collectively, “Appellants”) on May 11, 2026. For the reasons stated below, we request that the Board deny the appeal and uphold the April 29, 2026 Conditional Approval in its entirety.

I. INTRODUCTION

The Conditional Approval authorizes a modest, seasonal outdoor events permit—eight events per year, 150 guests maximum, amplified music ending at 10:00 PM—on a 19.61-acre parcel in Truckee (APN 049-060-012). Six separate county and regional agencies reviewed this project and each issued an approval with specific conditions: the Planning Department (16 conditions), the Nevada County Public Works Department through Senior Civil Engineer Kidd Immel, PE, PLS (road exception, traffic review, 3 conditions), the Nevada County Fire Marshal (6 conditions, field inspection), the Truckee Fire Protection District (CFC Chapter 31 compliance conditions), Environmental Health (sanitation and waste management), and the Air Quality Management District (dust and air quality conditions).

The Appellants ask this Board to overrule every one of those agency determinations on the basis of eight legal grounds. As explained below, none of those grounds withstand scrutiny under the applicable legal standard.

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II. LEGAL STANDARD GOVERNING THIS APPEAL

A. The Board Reviews for Substantial Evidence—It Does Not Substitute Its Judgment

The standard governing this Board’s review is not whether the Board would have reached a different result on a blank slate. Rather, the Board reviews the administrative record to determine whether the Planning Department’s conditional approval is supported by substantial evidence. *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 514–515. Substantial evidence is all evidence that is “of ponderable legal significance, reasonable in nature, credible, and of solid value.” *Grappo v. Coventry Financial Corp.* (1991) 235 Cal.App.3d 496, 507. Under this standard, the reviewing body must resolve all conflicts in the evidence in favor of the decision below and draw all reasonable inferences in support of the agency’s findings. *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1230.

Critically, the substantial evidence standard does not permit the reviewing body to reweigh the evidence or substitute its own judgment for that of the agency that made the initial determination. *Banning Ranch, supra*, 211 Cal.App.4th at 1230. Even where evidence in the record might support a contrary result, the decision below must be upheld if it is supported by substantial evidence. *Ibid.*; *Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 571.

B. The Burden of Proof Rests with the Appellants

The burden in this appeal rests with the Appellants—not the Applicant. To reverse the Conditional Approval, the Appellants must affirmatively demonstrate either: (1) that the Planning Department committed a reversible error of law; or (2) that the record, taken as a whole, does not contain substantial evidence to support each required finding. A generalized policy objection to the use, even a sincere one, does not meet that burden.

Where expert opinion evidence is present in the record and supports the agency’s findings and decision, the Board may not disregard that opinion. *Banning Ranch, supra*, 211 Cal.App.4th at 1230–1231. Here, the County’s own licensed Senior Civil Engineer conducted an independent field inspection, reviewed core samples and accident history, and determined that Valley View Road meets the functional equivalent of county standards for this use. That determination, made by the official charged by law with making it, is entitled to deference.

C. The Conditional Approval Reflects a Legislative Determination of Compatibility

Where a legislative body enacts a zoning ordinance authorizing a category of use when properly conditioned, it has made a legislative determination that such uses are generally compatible with the zones in which they are permitted. *IT Corp.*, *supra*, 35 Cal.3d at 70. Nevada County enacted its Outdoor Events Ordinance (NCC Chapter G-V, Article 2) on a countywide basis, expressly including AG-20 zoned parcels. The Appellants' zoning-compatibility argument is, at bottom, a collateral attack on that legislative decision, and not a proper basis for reversal of an individual permit.

III. THE RECORD CONTAINS SUBSTANTIAL EVIDENCE SUPPORTING EACH REQUIRED FINDING

A. Permit Classification Is Proper (Ground 1)

The Appellants contend this use should have been processed as a discretionary use permit. That contention is unfounded. NCC Chapter G-V, Article 2 was enacted specifically to create an administrative pathway for outdoor events of the type and scale proposed here. The Code Compliance division directed the Applicant to apply for "a use permit or other applicable permit," and the Applicant did precisely that. The Ordinance's strict limits—8 events per year, 150 maximum guests, 10:00 PM music curfew, no more than 3 events per month—are the antithesis of a "permanent commercial venue."

The Appellants rely on *Neighbors in Support of Appropriate Land Use v. County of Tuolumne* (2007) 157 Cal.App.4th 997. That case is inapposite. In *Tuolumne*, the proposed use was categorically prohibited in the applicable zone, and the County attempted to authorize it through an ultra vires development agreement designed to circumvent that prohibition. Here, the use is expressly authorized by the County's own Outdoor Events Ordinance in the AG-20 zone. Thus, *Tuolumne* has no application.

B. The Use Is Compatible with AG-20 Zoning (Ground 2)

The Outdoor Events Ordinance applies countywide, including AG-20 parcels. The Board's legislative predecessors determined that outdoor events are compatible with agricultural and rural land when properly conditioned. Reversing this permit on zoning-compatibility grounds would cast doubt on every Outdoor Events Permit issued in an agricultural zone across Nevada County and raise serious equal-protection concerns for similarly situated operators. The property is residential 357 of 365 days per year and is surrounded by two undeveloped lots and two seasonally occupied second homes—precisely the profile the Ordinance was designed to accommodate.

C. Road Access and Traffic Analysis Are Adequate (Ground 3)

The County's own Senior Civil Engineer, Kidd Immel, PE, PLS, conducted an independent field inspection of Valley View Road, reviewed core samples, road profile, and accident history, and determined the road meets 94% compliance with County standards—functionally equivalent to full compliance for this use. That finding was incorporated into the Public Works memorandum. The Appellants' retained expert (Shatec / Dr. Shatnawi) prepared an adversarial report without conducting a firsthand field inspection. When a hired adversarial consultant conflicts with the County's own licensed engineer acting within his statutory authority, this Board should defer to the County engineer.

Eight events generating 80 trips each yields 640 annual event-related trips on a road carrying approximately 18,600 baseline residential trips per year. Thus, event traffic represents 3.4% of total annual traffic. The shuttle program limits onsite parking to 30 vehicles and replaces the balance with coordinated shuttle service, directly mitigating peak-period concentrations. The TIMS database recorded zero collisions on Valley View Road in the most recent three-year reporting period.

D. Wildfire and Emergency Access Are Adequately Addressed (Ground 4)

The Nevada County Fire Marshal personally inspected the site and determined the proposed improvements are sufficient for emergency vehicles. The Truckee Fire Protection District independently reviewed the project and imposed CFC Chapter 31 compliance conditions including fuel modification and defensible space requirements. Six fire extinguisher locations and yard hydrants are onsite, the nearest CalFire cistern is approximately one mile distant, and the 22,000-gallon on-site pool provides supplemental water supply. For these reasons, among others, the Fire Marshall took no issue with the use.

The shuttle program provides a meaningful evacuation advantage: professional drivers who know the route remain staged onsite throughout each event, which is far preferable to 75 or more unfamiliar guest vehicles attempting simultaneous self-evacuation. If the Board concludes that a formal written emergency evacuation plan would strengthen the permit, the Applicant offers to prepare and submit one for Fire Marshal approval as an additional condition. Denial is not warranted where a condition can address the concern. With that said, the Applicant believes the use should be permitted on the previously mandated terms as the relevant agency has already evaluated the situation and deemed those terms appropriate.

E. Nuisance Concerns Are Directly Addressed by the Conditions of Approval (Ground 5)

A professional acoustic assessment by Behrens and Associates confirms compliance with Nevada County Code Title 12 noise standards. Speakers are oriented inward and amplified music

is prohibited after 10:00 PM. Events are capped at 3 per month with no 3 consecutive weekends. Written notice is required to all property owners within 500 feet before each event—a radius the Applicant has offered to expand to all Valley View Road properties. All solid waste must be removed within 24 hours, with bear-proof containers onsite. Every specific concern raised under Ground 5 is addressed by a specific, enforceable condition of approval.

F. The Conditions Are Enforceable Prerequisites (Ground 6)

Five conditions are affirmative prerequisites that must be satisfied before a single event may lawfully occur: (1) paving of the steep road segment, certified by a licensed Civil Engineer; (2) proof of \$1,000,000 event liability insurance submitted to the County; (3) written neighbor notification to all owners within 500 feet; (4) payment of the Traffic Impact Fee; and (5) Fire Marshal pre-event inspection for CFC Chapter 31 compliance. No event may proceed until each has been satisfied and documented.

G. CEQA Review Is Adequate (Ground 7)

The Appellants contend that no adequate CEQA determination was made and that annual renewals constitute unlawful piecemealing. Neither argument has merit.

The project qualifies for a Class 4 Categorical Exemption under CEQA Guidelines Section 15304, which exempts minor temporary uses of land having negligible or no permanent significant effect on the environment. Eight events per year on a 19.61-acre rural parcel fit squarely within that exemption. No further environmental review is required.

Beyond the categorical exemption, the Outdoor Events Ordinance itself was subject to CEQA review when adopted by the Board. Individual permits issued under a duly enacted ordinance carry that programmatic review forward. The Appellants cannot collaterally attack the adequacy of that prior review through an appeal of an individual permit issued pursuant to it.

The Appellants' further contention that annual renewals constitute CEQA piecemealing misstates the doctrine. Piecemealing prohibits artificially splitting a larger, unified project to evade environmental review thresholds. *McCann v. City of San Diego* (2021) 70 Cal.App.5th 51, 84. Annual renewal of a time-limited administrative permit is not piecemealing; it is the ordinary structure of time-limited entitlements, each independently reviewable and deniable. The Outdoor Events Ordinance was itself subject to CEQA review when adopted, and individual permits issued under it are categorically exempt under CEQA Guidelines Section 15304 as minor temporary uses of land with negligible permanent effects.

Finally, requiring a full Environmental Impact Report for eight events per year at a private 19.61-acre rural parcel would be wholly disproportionate and without precedent. The

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conditional approval already addresses the project's road, noise, fire, and environmental impacts through 16 or more specific conditions of approval. There is nothing left for a full EIR to address that the conditions do not already cover.

H. Violation History Does Not Mandate Denial (Ground 8)

NCC Section 10.16.120(C) provides that a "history of materially violating" any provisions of this Code "shall constitute just cause for denying or revoking, or for revoking and reinstating upon suitable conditions, any other permits for future events at that location." This provision does not mandate denial of the Applicant's permit. The Appellants characterize the history as "four years of violations." That is factually inaccurate. The property was under active construction through June 2024. The County issued its first violation notice in August 2025, and the Applicant submitted a complete application within weeks, cooperated fully with two rounds of county-requested resubmittals, and accepted every condition imposed. Certain 2025 events were marketing photography sessions conducted under the exemption provisions of NCC Section 10.16.030, not violations of a permit that did not yet exist. None of this activity constitutes historical, material violations of the County Code and thus cannot be a basis for denial of the Applicant's permit under NCC Section 10.16.120(C).

IV. CONTROLLING AUTHORITIES

The following authorities directly support upholding the Conditional Approval:

Topanga Assn. for a Scenic Community v. County of Los Angeles (1974) 11 Cal.3d 506:

The Board reviews for substantial evidence and may not substitute its own judgment. The record here—professional noise assessment, traffic study, County engineering analysis, fire agency field inspections, zero-accident safety record—is strong under any articulation of that standard.

IT Corp. v. County of Imperial (1983) 35 Cal.3d 63:

A conditional use permit (or functional equivalent) reflects a governmental determination that the use is compatible with the surrounding area when properly conditioned. The County's approval is itself evidence of compatibility.

Banning Ranch Conservancy v. City of Newport Beach (2012) 211 Cal.App.4th:

Where expert opinion evidence is present in the record and supports the agency's findings and decision, the Board may not disregard that opinion. The findings of a governmental expert acting within his statutory authority are entitled to deference over those of an adversarial

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consultant. The Board's task is not to weigh conflicting evidence and determine who has the better argument.

McCann v. City of San Diego (2021) 70 Cal.App.5th 51, 84:

CEQA piecemealing requires artificially splitting a unified project to avoid review thresholds—not annual renewal of a time-limited administrative permit, each of which is independently reviewable and deniable.

Ridgefield Events, Humboldt County Board of Supervisors (2024):

A closely analogous neighbor appeal of a rural outdoor event venue was denied by unanimous 5-0 Board vote where conditions included event caps, decibel limits, neighbor notification, and monitoring requirements comparable to those imposed here.

V. COMMUNITY AND ECONOMIC BENEFIT

Eight events per year at Austin Ridge Events generate an estimated \$1.35 million in annual economic impact in the Truckee and Nevada County community, supporting 10 to 15 local vendor businesses across 13 categories, and producing an estimated \$59,000 in annual tax revenue.

The Applicant has invested in voluntary road improvements along Valley View Road at personal expense in 2022 and 2023, and has offered to contribute an additional \$200,000 or more in paving improvements beyond what the Conditional Approval requires. These improvements benefit every resident and property owner who uses Valley View Road and reduce ongoing maintenance obligations for the Martis Peak HOA. The Applicant is also actively pursuing a Measure T Wildfire Grant that would fund defensible space improvements on four neighboring properties in addition to his own. The adjacent property owner, Michael Hannagan of 17005 Valley View Road, has submitted a letter in support of the Conditional Approval, noting the road improvements would provide a lasting benefit to every user of Valley View Road.

VI. CONCLUSION AND REQUEST FOR RELIEF

For the foregoing reasons, 17031 LLC respectfully requests that the Board:

- Deny the appeal filed by Wobrock et al. and Mountain Area Preservation; and
- Uphold the April 29, 2026 Conditional Approval issued by the Nevada County Planning Department in its entirety.

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The Appellants want zero events under any conditions. That is not a compromise. It is a veto of the County's own land-use process and ordinance. We merely ask the Board to let the process work.

Respectfully submitted,

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