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ecc: COCO, Planning

AUG 02 2024

COUNTY OF NEVADA

(Attach pages if needed)

NEVADA COUNTY **APPEAL TO BOARD OF SUPERVISORS**
BOARD OF SUPERVISORS (Per Nevada County Code section 12.05.120)

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 Agency's Action, except amendments to the General Plan or Zoning Ordinance, which shall be filed within **five (5) calendar days**. (If the final calendar day falls on a weekend or holiday, then the deadline is extended to the next working day.) 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

Nevada County Planning Commission
Agency Name

PLN23-0085; CUP23-0006; MGT23-0021; MGT24-0004; PFX24-0006; EIS23-0002 7/25/2024
Agency File No. Date of Decision

PLANNING AGENCY DECISIONS:

- 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

PUBLIC WORKS DECISIONS:

_____ Roadway Encroachment Permit
G-IV General Regulations; 4.A Regulating Roadway Encroachments;
15.1 Appeals

CDA DECISIONS:

_____ Outdoor Events
G-V Revenue; 2 Outdoor Events; 2.14 Appeal Process

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

_____ Hazardous Vegetation Abatement (Lodal Fire Official)
G-IV General Regulations; 7.9 Appeals Process (No Fee to File
Appeal)

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: _____

Conditional Use Permit (CUP23-0006)

Management Plans (MGT23-0021 and MGT24-0004)

Petition for Exception (PFX24-0006)

Environmental Initial Study (EIS23-0002)

II. STATEMENT OF THE REASONS FOR THE APPEAL:

See attached "Supplemental Information" document.

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

See attached "Supplemental Information" document.

IV. STATEMENT OF THE CHANGES OR ACTION REQUESTED OF THE BOARD OF SUPERVISORS: See attached "Supplemental Information" document.

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

See attached "Supplemental Information" document.

VI. IDENTIFICATION OF THE APPELLANT(S):

<u>Leslie Barbazette</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>
(Name)	(Mailing Address)	(Telephone)

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

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

Robert Wood [REDACTED] [REDACTED]
(Name/Representative) (Mailing Address) (Telephone)

Appellant:

Robert E. Wood
(Sign)

Dated: 08/01/2024

Robert Wood
(Print)

FOR OFFICE USE ONLY

\$1803.00
Filing Fee

8/2/2024
Date Filed

[Signature]
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

Appeal to Board of Supervisors - Supplemental Information Wolf Craft Collective

I. APPEAL:

Planning Agency Decisions - List All Agency Action(s) Taken That Are Being Appealed:

- Conditional Use Permit (CUP23-0006)
- Management Plans (MGT23-0021 and MGT24-0004)
- Petition for Exception (PFX24-0006)
- Environmental Initial Study (EIS23-0002)

II. STATEMENT OF THE REASONS FOR THE APPEAL:

We respectfully request the Board of Supervisors review and overturn the Planning Commission's decision based on several reasons listed below (1-7):

1. Compliance with Zoning Ordinance and General Plan:

The proposed Craft School aligns with the objectives of the General Plan, complies with the zoning ordinances governing the General Agriculture (AG) zoning district and is designed consistent with the County's Development Code Standards.

While the AG zone promotes agricultural uses, the zoning ordinance allows a wide range of secondary uses including the uses proposed. The AG zoning district allows for the establishment of a Craft School (Low-Intensity Camp) with the approval of a Conditional Use Permit. It is important to note the project does propose to incorporate agriculture uses including permaculture, edible gardens and raising/grazing of animals, all of which will be integrated into the Craft School experience.

The project, as proposed, is consistent with the County's definition of Low-Intensity Camps which are NOT allowed in any zones other than the rural zoning districts (which includes AG). The County's definition of a "Camp" pursuant to Sec. L-II 6.1 is as follows:

Camps means facilities providing for a sustained experience through various social, recreational, educational, and/or religious opportunities in a group setting, for a period of less than 30 days. They normally include trained leadership, organized programs, and the resources of the natural surroundings to provide for this experience. Individual facilities may include cabins, tent sites, recreational vehicles, sleeping platforms, group eating and meeting facilities, lodges, various indoor and outdoor recreational facilities, and similar facilities.

Comments were made during the hearing by both the public and Planning Commissioners that although the project was a “great” project, it was inappropriate to locate a Craft School within the AG zone or rural land use designation. This project, as defined in Sec. L-II 6.1, is only allowed in the rural land use designations which include AG zones and is not permitted within residential, commercial or industrial zones. This fact was clarified by Staff during the Q&A portion of the hearing.

2. Staff Recommendation and Findings:

Findings of Fact provide the factual basis and reasons for a decision. Staff made all the required Findings and recommended to the Planning Commission to adopt the Mitigated Negative Declaration (MND) and Mitigation and Reporting Program pursuant to California Environmental Quality Act (CEQA) Guidelines. In addition, Staff made all the required Findings to approve the following Land Use Applications:

- Conditional Use Permit (CUP23-0006)
- Management Plans (MGT23-0021 and MGT24-0004)
- Petition for Exception (PFX24-0006)
- Environmental Initial Study (EIS23-0002)

In total, there were 24 required Findings made by Staff and confirmed by the County’s Director of Planning as the factual basis to approve the Land Use Applications. Although the Planning Commission did not dispute the Findings nor question the adequacy of the Conditions of Approval, the motions to approve the applications were still denied.

3. Proper and Thorough Mitigation of Potential Impacts under CEQA:

The project was evaluated under CEQA and reviewed for potential environmental impacts through a project specific MND (EIS23-003³). Based on the review, it was determined that all potential environmental impacts could be mitigated to less than significant levels with no significant and unavoidable impacts identified.

The factors evaluated included aesthetics, biological resources, transportation, wildfire, along with many others. All the factors that had been evaluated through the CEQA process were found to be less than significant or through Conditions of Approval, were determined to be mitigated to less than significant.

Minimization of impacts to sensitive environmental resources is required. Pursuant to Sec. L-II 4.3.3.B, the intent of site development standards is to minimize or avoid impacts to sensitive resources through “clustering”.

Compliance with the general provisions of the site development standards was demonstrated through the project design which intentionally clustered most of the development within the northern half of the site. One of the Planning Commissioners who ultimately voted to deny the project, stated his concern the project was “too clustered” and “shoe-horned into a small area”. The project was intentionally designed to incorporate clustering to reduce impacts of the site and increase open space in accordance with Sec. L-II 4.3.3.B. The result of the clustering increases the setbacks from property lines and Wolf Road and achieves more than 85% of contiguous open space compared to the requirement of 15%.

It is within the Planning Commissions purview to add or modify Conditions of Approval if they feel an impact has not been adequately addressed by Staff. In this case, the Planning Commission did not choose to impose additional conditions to address their concerns, but rather deny the project and all associated applications without reason.

4. Precedent and Consistency:

The Planning Commission’s denial appears inconsistent with previous approvals for similar uses within AG zones. Several similar educational and community-oriented facilities have been permitted in comparable rural zoning districts, which sets a precedent for such uses and is in keeping with the County’s current Zoning Ordinance. The decision to deny this project without a clear, differentiating factor creates an inconsistency in the application of zoning policies, creating an indiscernible and unreliable process. Decisions should be consistent with established policies and precedents.

5. Public Support:

There has been considerable public support for the Craft School during the application process. The Planning Commission’s decision did not fully account for this public sentiment, which reflects a community interest in the educational and cultural benefits the Craft School will bring.

Much of the opposition to the project was based on an earlier Project Description that included a venue for “Social Events” up to 150 people. After hearing neighbors’ concerns during the weeks leading up to the PC Hearing and evaluating the primary goals of the Craft School, the decision was made to remove “Social Events” from the application. Many in opposition also noted the failed Montessori School across the street as a reason to deny this project. This is an unfair comparison and should not have any bearing on the approval/denial of this project.

6. Economic and Community Benefits:

The Craft School will provide significant economic and community benefits, which were not fully considered in the Planning Commission decision. The school will create jobs, support local businesses, and attract visitors to the area. Not only does this contribute to the local economy, but it also provides educational opportunities to residents. The Planning Commission's denial overlooked these positive contributions to the community.

7. Due Process and Procedural Concerns:

Due process and procedure are fundamental to ensuring fairness and legality in administrative decisions, including those made by Planning Commissions. Although Planning Commissioners have a certain amount of discretion, decisions that are not based on facts can be viewed as abuse of discretion which is contrary to law and a transparent process.

A Conditional Use Permit is an incredibly arduous and expensive process to go through. Although it is necessary to properly analyze and mitigate potential impacts associated with any project, the financial risk to an individual is enormous. That said, if we want people to continue to invest in our community, we must have a discernible, transparent and reliable process to protect individuals from decisions that are arbitrary or based on external pressures rather than objective criteria.

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

We hereby appeal the decision of the Planning Commission to deny the proposed Craft School project, specifically challenging the following provisions:

1. Denial of Conditional Use Permit (CUP23-0006):

The Conditional Use Permit was essential for the establishment of the Craft School within the AG zoning district. The denial of this permit disregards the compliance of the project with the zoning ordinances and the General Plan.

2. Denial of Management Plans (MGT23-0021 and MGT24-0004):

The Management Plans were formulated to ensure the project's alignment with environmental and operational standards. The Planning Commission's refusal to approve these plans undermines the extensive efforts by qualified professionals to mitigate potential impacts.

3. Denial of Petition for Exception (PFX24-0006):

The Petition for Exception was necessary for addressing an existing driveway that required a minor deviation from standard regulations related to grades. This Petition for Exception was analyzed thoroughly and supported by the Fire Marshal and Public Works Department. The denial of this petition ignores the unique aspects and existing conditions of the project.

4. Rejection of Environmental Initial Study (EIS23-0002) and Associated Mitigated Negative Declaration (MND):

The Environmental Initial Study and the MND confirmed that all potential environmental impacts could be mitigated to less than significant levels. The Planning Commission's rejection, particularly citing aesthetic and clustering concerns without imposing additional conditions to address those concerns, is arbitrary and lacks factual basis.

5. Failure to Recognize Consistency with General Plan and Zoning Ordinance:

The decision failed to acknowledge the project's alignment with the objectives of the General Plan and the permissibility under the AG zoning ordinance for Low-Intensity Camps, undermining established precedents and policies.

6. Disregard for Public Support and Community Benefits:

The Planning Commission's decision did not adequately consider the significant public support and the economic and educational benefits the Craft School would bring to the community.

7. Procedural Irregularities and Lack of Due Process:

The decision-making process appeared to lack transparency and was influenced by misinformation and external pressures. The denial, not based on objective criteria, constitutes an abuse of discretion and contravenes principles of due process.

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

Based on the reasons stated in Sections II and III above and summarized in Section V below, we respectfully request the Board of Supervisors review and overturn the Planning Commission's decision to deny the Conditional Use Permit (CUP23-0006); Management Plans (MGT23-0021 and MGT24-0004); Petition for Exception (PFX24-0006); and Environmental Initial Study (EIS23-0002).

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

1. Compliance with Zoning Ordinance and General Plan:

- The proposed Craft School aligns with the General Plan and complies with the AG zoning ordinance.
- The Craft School fits the County’s definition of “Low-Intensity Camp” pursuant to Sec. L-II 6.1 and the AG zoning allows Low-Intensity Camps, with a Conditional Use Permit.
- Rural land use designations are the only areas in Nevada County that allow this type of land use.
- The project incorporates agricultural uses, which will be integrated into the Craft School experience.

2. Staff Recommendation and Findings:

- Staff made all required Findings and recommended the Planning Commission adopt the Mitigated Negative Declaration (MND) and approve various Land Use Applications.
- Despite making 24 Findings and confirming their adequacy, the Planning Commission denied the applications.

3. Proper and Thorough Mitigation of Potential Impacts under CEQA:

- The project underwent a thorough CEQA review, and all potential impacts were mitigated to less than significant levels.

4. Precedent and Consistency:

- The denial is inconsistent with many previous approvals for similar uses within AG zones.
- This creates an unreliable process, as decisions should align with established policies and precedents.

5. Public Support:

- There is significant public support for the Craft School throughout the community.
- Much of the opposition was based on fears of large events and irrelevant comparisons to a failed Montessori School. Events have been removed from the Conditional Use Permit.

6. Economic and Community Benefits:

- The Craft School would provide economic benefits, create jobs, support local businesses, and offer educational opportunities.
- These benefits were overlooked in the Planning Commission's decision.

7. Due Process and Procedural Concerns:

- Fairness and legality in administrative decisions are essential.
- The denial, not based on objective criteria, appears arbitrary and capricious and discourages future investment in the community due to the lack of a transparent and reliable process.

VI. IDENTIFICATION OF THE APPELLANT(S):

Applicant:

Leslie Barbazette



Applicants Representative:

Robert Wood, AICP
471 Sutton Way, Suite 210
Grass Valley, CA 95945
530-277-5092

Sincerely,

Millennium Planning & Engineering

A handwritten signature in cursive script that reads "Robert E. Wood".

Robert E. Wood, AICP
Principal Planner



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
 950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617
 (530) 265-1222 FAX (530) 265-9854 <http://www.mynevadacounty.com>

Agricultural Commissioner Building Department Environmental Health Planning Department Dept. of Public Works

AGREEMENT TO PAY

Nevada County Community Development Agency fees are based on Board of Supervisor approved fee schedules. Hourly fees and fees for services in excess of a minimum fee collected, including re-inspections, are billed to the applicant based on the Board approved fee schedule in effect at the time the work is performed by staff. This *Agreement To Pay* form must be signed and original signatures submitted to the NCCDA along with the completed permit forms and the initial payment of fees. Copies of current fee schedules are available from our Customer Service Staff or on the web at <http://www.mynevadacounty.com>

I/We understand that the NCCDA will bill as services are rendered, and I/We agree to pay such billing within thirty (30) days of the mailing of such billing for the project/permit. If payments on outstanding invoices are not made within thirty (30) days after the date of the invoice, County staff may cease work on the project until the required payment is made, subject to any other provisions of the law. All fees must be paid prior to the granting of any permits, approvals, or any land use entitlement for which services are required. The collection of fees, however, does not guarantee the granting of any permits, approvals, or land use entitlements for which I/We are applying.

Site Information:

Invoices and/or notices to be mailed to:

APN: 057 - 030 - 011	Name: Leslie Barbazette
Property Owner/Business Name (if applicable): Leslie Barbazette	Address: [REDACTED]
Address: [REDACTED]	Grass Valley, CA 95945
Grass Valley, CA 95949	Telephone: [REDACTED]
Email: [REDACTED]	Email: [REDACTED]

I would like to opt out of receiving County emails related to this project.

NCCDA Staff is authorized to consult with necessary governmental agencies and the following individuals concerning this project: Millennium Planning & Engineering (All Staff)

I certify under proof of perjury that I am the property owner or that I am authorized to enter into this fee agreement on his/her behalf. I have read the conditions concerning Nevada County Community Development Agency Fees and I understand that in the event that the billing party I have indicated does not pay required fees, I will be responsible for payment. I further agree to advise the department in writing should I no longer be associated with the above referenced project/property, rendering this agreement invalid as of the change of the date that the letter is received by the Nevada County Community Development Agency.

Signature: Leslie Barbazette Dated: 07/31/24 CDL# A9345958
 Printed Name: Leslie Barbazette Tel #: [REDACTED]

THIS SECTION FOR OFFICE USE ONLY

Service: _____ Program: _____ Job No: _____
 DPW #: _____ Project File #: _____ Billing Code: _____
 Amount Collected: \$ 1803.60 Receipt #: _____ Date of Receipt: 8/2/2024

Service: _____ Program: _____ Job No: _____
 DPW #: _____ Project File #: _____ Billing Code: _____
 Amount Collected: \$ _____ Receipt #: _____ Date of Receipt: _____






3-Agreement to Pay Form (PDF)

Final Audit Report

2024-08-01

Created:	2024-08-01
By:	Lisa Duggins (lisad@millpe.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAr44W3jTgR2k10ryFUjpLt6gpAtSdxi_s

"3-Agreement to Pay Form (PDF)" History

-  Document created by Lisa Duggins (lisad@millpe.com)
2024-08-01 - 0:21:49 AM GMT
-  Document emailed to Leslie Barbazette (lesliebarbazette@gmail.com) for signature
2024-08-01 - 0:21:53 AM GMT
-  Email viewed by Leslie Barbazette (lesliebarbazette@gmail.com)
2024-08-01 - 0:31:47 AM GMT
-  Document e-signed by Leslie Barbazette (lesliebarbazette@gmail.com)
Signature Date: 2024-08-01 - 0:32:07 AM GMT - Time Source: server
-  Agreement completed.
2024-08-01 - 0:32:07 AM GMT



August 2, 2024

Via hand delivery to County of Nevada

Nevada County Board of Supervisors
Clerk of the Board
Eric Rood Administration Center
950 Maidu Avenue, Suite 200
Nevada City, CA 95959

Re: **PLN23-0085; CUP23-0006; MGT23-0021; MGT24-0004; PFX24-0006; EIS23-0002**
APN 057-030-011-000
10734 Wolf Road, Grass Valley, CA 95949

Dear Clerk of the Board of Supervisors:

Please accept the attached application as our formal appeal of the decision rendered by the Planning Commission on July 25, 2024, which denied the land use applications for the proposed Wolf Craft Collective located at 10734 Wolf Road in Grass Valley.

We respectfully request the Board of Supervisors review the reasons and provisions outlined in this appeal and overturn the Planning Commission's decision(s). The project not only aligns with zoning and general plan objectives but also promises to deliver significant benefits to the community and economy.

In accordance with the County's application requirements, the following items are included for your review:

1. Filing fee in the amount of \$1,803.60
2. Appeal Form (per LUDC 5.12) and Supplemental Information
3. Agreement to Pay Form

We look forward to your review and are available to meet to further discuss the project.

Sincerely,
Millennium Planning & Engineering

A handwritten signature in black ink that reads 'R. E. Wood'.

Robert E. Wood, AICP
Principal Planner