



**NEVADA
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CALIFORNIA

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NEVADA COUNTY BOARD OF SUPERVISORS
BOARD AGENDA MEMO

MEETING DATE: September 24, 2024

TO: Board of Supervisors

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

SUBJECT: Resolution denying the refund of the fees in the amount of \$1,803.60 related to an appeal filed by Jeff Phalen and Kristen Phalen on June 24, 2024

RECOMMENDATION: Adopt the attached Resolution.

FUNDING: The fees collected for all appeal fees are deposited into the Clerk of the Board's budget and then journaled to the Planning Department after the appeal is heard, and a decision is made by the Board of Supervisors. No funds associated with this appeal have been journaled and remain in the Clerk of the Board's budget unit. The fee covers Staff time for processing the appeal.

BACKGROUND: On June 12, 2024, the Nevada County Zoning Administrator provided notice of a conditional approval for a Condition 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 Kristin Phalen filed an Appeal to the Board of Supervisors regarding the conditional approval and paid the appeal fee of \$1,803.60. Then, on July 9, 2024, the Nevada County Board of Supervisors held a Public hearing to consider the appeal, which was continued on August 20, 2024, which the Board of Supervisors adopted Resolution 24-480 upholding the appeal filed by Jeff and Kristin Phalen overturning the decision of the Zoning Administrator to approve the Conditional Use Permit to construct a wireless communication tower and facility.

Subsequently, on August 21, 2024, Appellant Kristin Phalen formally contacted the Clerk of the Board, requesting a refund of \$1,803.60.

Nevada County Code Section 12.05.120.M.1 provides:

“Upon the conclusion of any appeal, where the Board of Supervisors upholds the appeal and overturns the decision of the Planning Agency, the Board may also authorize the return of all Appeal Fees filed by the appellant.”

It is at the discretion of the Board of Supervisors whether to authorize a return of all Appeal Fees filed by the appellant.

Staff recommends that the request for refund be denied.

Item Initiated:	Jeffrey Thorsby, Chief of Staff/Clerk of the Board
Item Submitted:	8/28/2024
Approved:	Jeffrey Thorsby, Chief of Staff/Clerk of the Board