



RESOLUTION No. 17-474

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION MAKING FINDINGS, ACCEPTING IN PART AND REJECTING IN PART THE APPEAL FILED BY KIM & DON CREVOISERAT, GARY & PAULINE RUDOLPH, KENNETH & ELISE STUPI, ROBERT & CANDACE BURBAGE, CARTER & LOUISE TAYLOR, STERLING & CONNIE BAILEY, DANA & FAYRENE DICKEY AND RON & MARY ARNESON FROM THE DECISION OF THE PLANNING COMMISSION APPROVING DEVELOPMENT PERMIT (PLN16-0072; DVP16-8; EIS16-0002) AND FROM THE DECISION OF THE AIRPORT LAND USE COMMISSION TO APPROVE RESOLUTION NO. 17-01 FOR NORTHERN SIERRA PROPANE FOR PROPERTY LOCATED AT 13145 LOMA RICA DRIVE, GRASS VALLEY, ASSESSOR'S PARCEL NUMBER (APN 06-920-10); AND SCHEDULING THE APPEAL FOR A PUBLIC HEARING

WHEREAS, on August 10, 2017, the Planning Commission considered and approved an Application by Northern Sierra Propane for Development Permit (PLN16-0072; DVP16-8), Mitigated Negative Declaration (EIS16-002) to allow the construction and operation of a propane distribution business consisting of a 2,000-square foot office, 2,016-square foot warehouse, and 2,500-square foot outdoor storage area with two 30,000-gallon propane tanks for a propane business at 13145 Loma Rica Drive, Grass valley (APN 06-920-10); and

WHEREAS, The Nevada County Airport Land Use Commission adopted Resolution 17-01 on May 17, 2017 stating that the Northern Sierra Propane Company project will not create a safety hazard to the people on the ground, or to aircraft in flight, nor will it result in excessive noise exposure for the proposed use, the proposed project is determined to be consistent with the Nevada County Airport Land Use Commission Plan; and

WHEREAS, pursuant to Sections L-II 5.12.D of the Nevada County Land Use and Development Code, the Planning Commission's approval of the Application is appealable to the Board of Supervisors within 10 days after the date of the decision; and

WHEREAS, on August 21, 2017, Appellants Kim & Don Crevoiserat, Gary & Pauline Rudolph, Kenneth & Elise Stupi, Robert & Candace Burbage, Carter & Louise Taylor, Sterling & Connie Bailey, Dana & Fayrene Dickey and Ron & Mary Arneson (collectively "Appellants") filed a timely appeal of the Planning Commission's decision; and

WHEREAS, the appeal also included a request for the Board of Supervisors to reverse the decision by the Nevada County Airport Land Use Commission to approve a Request For Consistency Determination (Resolution 17-01) for the Northern Sierra Propane Project; and,

WHEREAS, the Nevada County Transportation Commission (NCTC) accepted designation as the Nevada County Airport Land Use Commission on May 19, 2010 and is a separate legal entity from the County; and

WHEREAS, the Board of Supervisors has no jurisdiction over the decisions and actions of the Airport Land Use Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Nevada that:

1. Appellants are interested parties who have standing to appeal the Planning Commission's approval of the application for a Development Permit for Northern Sierra Propane (PLN 16-0072; EIS16-0002; DVP16-8); and
2. Appellants' appeal of the Planning Commission's approval of the application was timely filed and satisfies the minimum requirements set forth in Section L-II 5.12.F of the Nevada County Land Use and Development Code, and
3. Appellants' appeal of the Planning Commission's approval of the application for a Development Permit for Northern Sierra Propane (PLN 16-0072; EIS 16-0002; DVP 16-8) is hereby accepted by the Board of Supervisors and the Clerk of the Board is directed to schedule a Public Hearing on this appeal on October 10, 2017 at 1:30 pm. at the Nevada County Board Chambers at 950 Maidu Avenue, Nevada City, CA 95959; and
4. To the extent that Appellants' attempt to appeal a Nevada County Airport Land Use Commission to approve a Request For Consistency Determination (Resolution 17-01) for the Northern Sierra Propane Project, the Appeal is summarily rejected as a matter of law because decisions and actions of the Nevada County Airport Land Use Commission are outside the jurisdiction of, and not appealable, to the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 12th day of September, 2017, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Hank Weston, Chair

9/12/2017 cc: Planning*
Counsel*