

AUG 05 2016

COUNTY OF NEVADA

(Attach pages if needed)

NEVADA COUNTY  
BOARD OF SUPERVISORS

*ec Planning  
Counsel*

APPEAL TO BOARD OF SUPERVISORS

(Per Article 5 of Chapter II of the Land Use and Development Code)

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 decision, except for recommendations on general plan amendments which by State law are subject to a **five (5) calendar day** appeal period. 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

Community Development Agency Planning Department  
Agency Name

Z16-001, DP15-006, AM14-001, MGT15-020, MGT16-001, MI15-020, EIS15-019  
Agency File No. Date of Decision

PLANNING AGENCY DECISIONS:

- Airport Zoning  
L-III Airport Zoning; Truckee-Tahoe Airport, 2.12 Appeals; Nevada County Air Park, 3.10
- 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 Regarding:

---

**PUBLIC WORKS DECISIONS:**

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

**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

\_\_\_\_\_ Fire Safety Standards (County Fire Marshal or Fire Chief)  
L-V Buildings; 5.8 Fire Agency Appeals

**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: \_\_\_\_\_

\_\_\_\_\_ Planning Department  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**II. STATEMENT OF THE REASONS FOR THE APPEAL:**

Item #1 - A Petition for Exceptions (MI15-020) to reduce the standards for right-of-way width from 50 to 20 feet and roadway width from 20 to 15 feet, and eliminate the fuel modification requirement on the west side of Slow Poke Lane.

---

Item #6 - A minimum of 30 parking spaces including 2 disabled parking stalls, shall be provided in substantial conformance with approved site plans and maintained for the life of the project. No new provisions for the expansion of the new building.

---



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

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

Jim Powell (Name/Representative) P.O. Box 66, Smartsville CA 95977 (Mailing Address) 530-277-7610 (Telephone)

Appellant:

Jim Powell (Sign)

Dated: 8/5/2016

Jim Powell (Print)

FOR OFFICE USE ONLY

\$1,374.20  
Filing Fee

8/5/16  
Date Filed

B. Price  
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

III Statement of the specific provisions which are being appealed:

Item #1 continued:

It is questioned whether or not a Fire Truck and Emergency Vehicles could get passed the parked cars and make the turn to residents at parcel 3 and 4. This narrow Slow Poke Lane crosses over Little Wolf Creek with a culvert carrying the water to State Park Land. At both the entrance and exit of this culvert there remains debris and during the winter it is a big issue with debris backing up on the road and flooding. Appendix C1, C2

Item #6 continued:

The request for additional on site parking due to the increased business employees, customers and deliveries was denied as was restricting employees to park in the existing parking slots on Byer's site was not required. It was decided that employees and customers can continue to park across the street on the already narrow Slow Poke Lane (Appendix D1). Reason given for this decision was Byers did not want to inconvenience their employees. It is evident that the off site parking area that has been offered by Byers and approved by the Nevada County Commissioners for employee parking is on State Park Land where State Park rules prohibit parking.(Appendix E1, E2, E3). It is noted that the State Park fencing and signs appear to have been taken down. In addition, Byer's is allowing parking at the entrance of the State Department trail entrance and restricting the turning radius of large vehicles and towing vehicles from doing so safely. (Appendix F1, F2, F3)

IV. Statement of the changes or action requested of the Board of Supervisors.

Item #2 continued:

All businesses must provide for legal parking for their employees and customers, Byer's is no different and should not be excused from this requirement. Secondly, according to the Survey Map Drawing # 30293 the current off-site parking property belongs to the Empire Mine State Historic Park (Appendix E3). This State Park land should be returned with installed fencing and signage.

V. Summation of Arguments - continued:

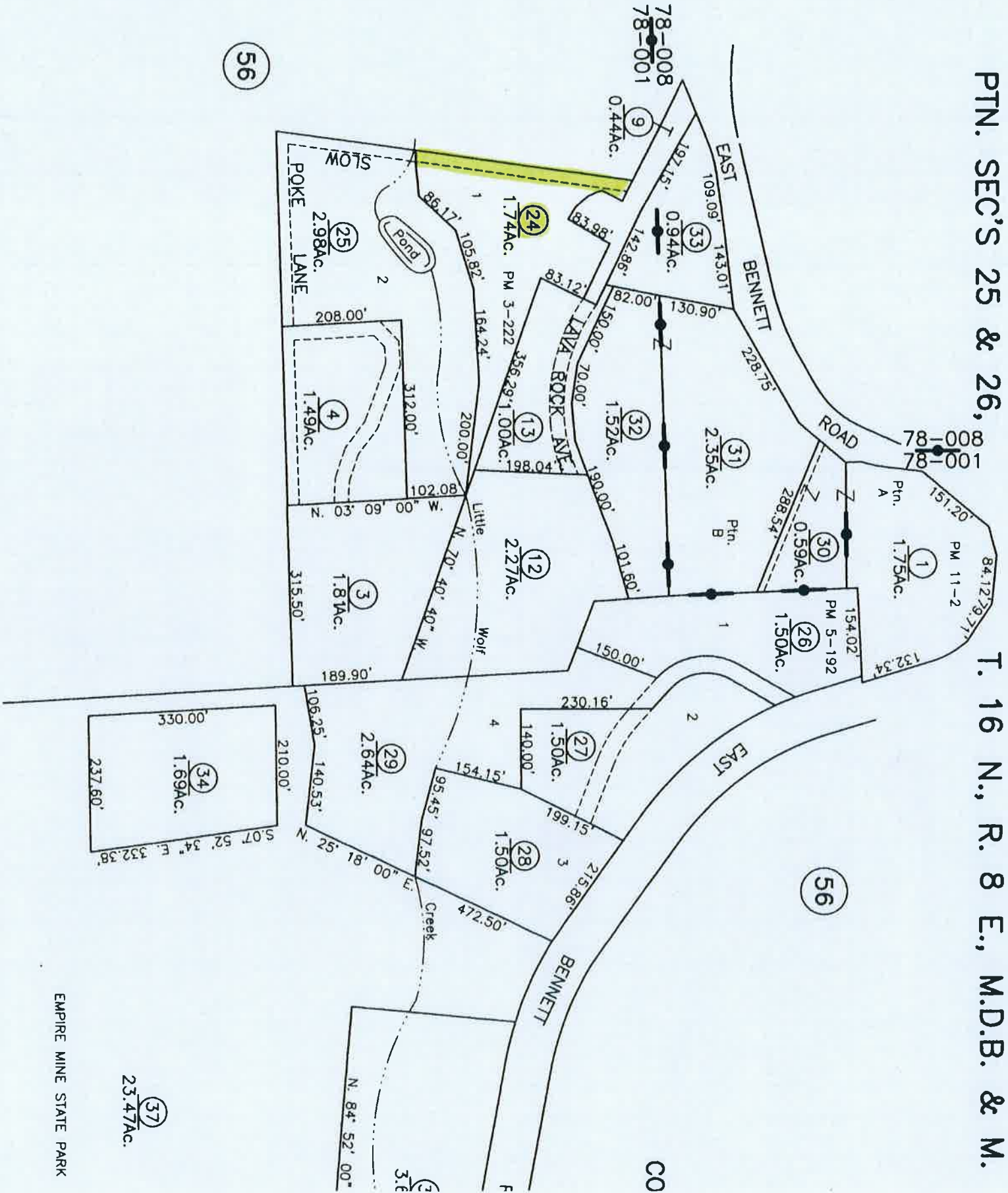
The value and respect and safety of our neighborhood and residents should always be of concern to all of us who reside in Nevada County.

We ask that consideration be made to widening Slow Poke Lane to accommodate the commercial traffic and increased cars and trucks upon expansion to a two way road. That Slow Poke Lane not be reduced in width from 20' to 15' and also, that the Slow Poke Lane Road Easement not be reduced from 50' to 20'. Secondly, that all employees' and customers' parking be within the Byer's property in parking set aside for the square footage of their new building. Last, the encroachment on State Park Department property not be approved for off site parking.

Appendix: A1

PTN. SEC'S 25 & 26,

T. 16 N., R. 8 E., M.D.B. & M.



EMPIRE MINE STATE PARK

## Appendix B1



## Appendix B2



## Appendix B3



**Appendix C1**



**Appendix C2**





## Appendix D1



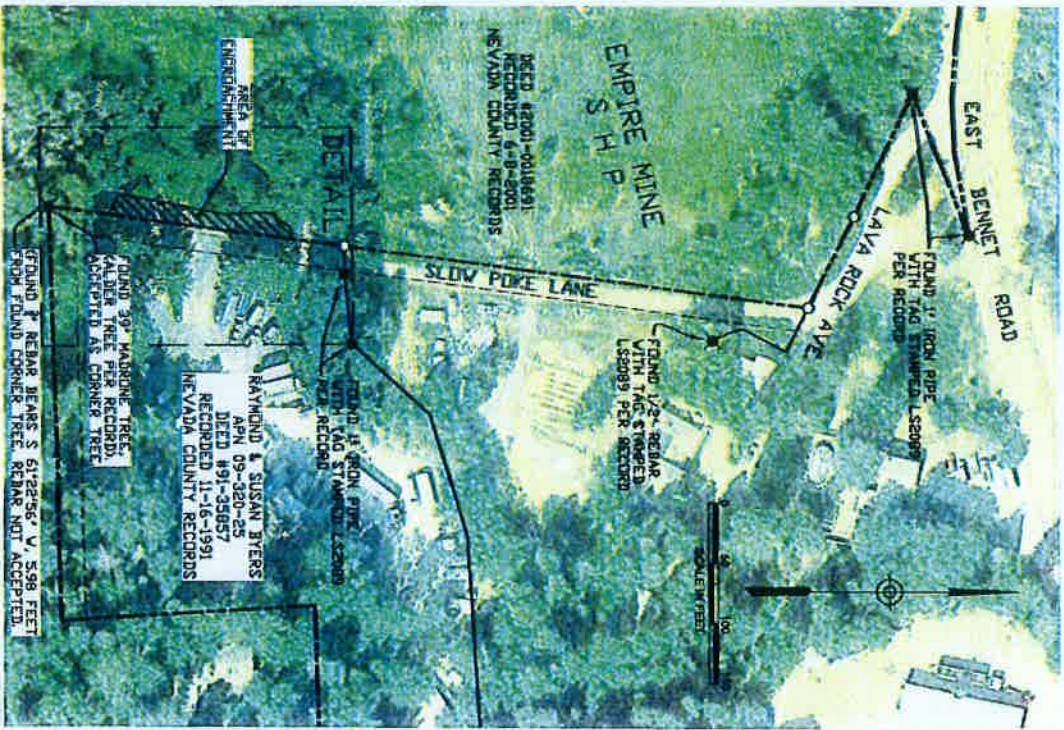
**Appendix E1**



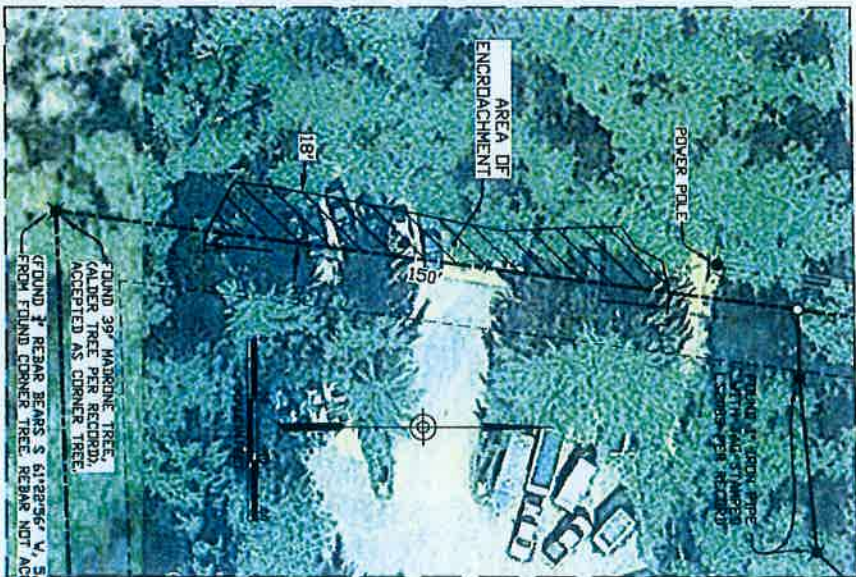
**Appendix E2**



EMPIRE MINE STATE HISTORIC PARK  
NEVADA COUNTY



DETAILED



NOTES:  
THIS EXHIBIT IS BASED ON A FIELD SURVEY IN MARCH 2014.  
AREA OF ENCROACHMENT IS APPROXIMATELY 180' X 18'.  
ALL MONUMENTS FOUND ARE PER PARCEL MAP FILED IN BOOK 3 PAGE 222 IN NEVADA COUNTY SURVEYORS OFFICE.

- LEGEND:
- ✕ FOUND MONUMENT AS NOTED
  - DIMENSION POINT, NOTHING FOUND OR ART
  - PARK BOUNDARY
  - INGRESS / EGRESS CASSEMENT

SURVEYOR'S STATEMENT:

THIS DOCUMENT WAS PREPARED UNDER MY DIRECTION IN CONFORMANCE WITH CALIFORNIA BUSINESS AND PROFESSIONS CODE § 8723.

*Stawley E. King*  
STAWLEY E. KING PLS0024



FOUND 39' HARDWIRE TREE, ALDER TREE PER RECORDED, ACCEPTED AS CORNER TREE.  
FOUND 1' REBAR BEARS S 61°22'56" V, 598 FEET FROM FOUND CORNER TREE. REBAR NOT ACCEPTED.

Appendix E3

DATE 3/2014	DRAWN C. MCKENNA	CHECKED S. MINE	REVISIONS	APPROVED	DATE
EMPIRE MINE STATE HISTORIC PARK SLOW POKE LANE ENCROACHMENT EXHIBIT			NATURAL RESOURCES AGENCY OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION		
30293	DRWING NO.				
	SHEET NO.				



**REAL ESTATE**

## Appendix I1

*Real Estate • Construction • Investments*  
*Serving Placer & Nevada Counties*  
*Website: [www.rci-realestate.net](http://www.rci-realestate.net)*

---

10831 Combie Road • Auburn, CA 95602 • (530) 268-9595 • Fax (530) 268-9039

To whom it may concern,

This is the opinion of Marla Estrada, real estate agent for RCI Real Estate Corporation.

Upon viewing the surrounding area of 11855 Slow Poke, Grass Valley. I believe the property Value to be between \$350,000 and \$400,000. The properties surrounding this address have not been Kept in a nicely showing condition which will affect this properties value.

*Marla Estrada*

*8/2/16*

---

Marla Estrada

**Appendix F1**



**Appendix F2**



**Appendix F3**



**Appendix G1**



**Appendix G2**



**Appendix H1**



**Appendix H2**



**Appendix H3**



## Appendix H4



## Appendix H5





RECEIVED

AUG 05 2016

NEVADA COUNTY BOARD OF SUPERVISORS



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

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

AGREEMENT TO PAY  
LAND USE APPEAL

Nevada County Community Development Agency (NCCDA) Appeal fees are based on Board of Supervisor approved fee schedules. Hourly fees and fees for services by departments not included in the original appeal fees are billed to the applicant based on the Board approved fee schedule in effect at the time services were performed and once the final appeal decision has been rendered by the Board. This Agreement To Pay form must be signed and original signatures submitted to the Clerk of the Board along with the completed forms and the initial payment of fees. Copy of current fee schedule is attached to the appeal packet.

I/We understand that the NCCDA may bill for services not included in the original appeal fee, and I/We agree to pay such billing within thirty (30) days of the mailing of such billing. 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, will have no effect upon the decision of the appeal by the Board of Supervisors.

Appellant Information:

Invoices and/or notices to be mailed to:

Project: <i>Location: 11773 Slow Poke Lane Grass Valley, CA 95945 APN: 09-320-25</i>	Name: <i>JAMES POWELL</i>
	Address: <i>7303 LORETTA AVE PO BOX 66 SMARTERVILLE, CA 95977</i>
	Telephone: <i>(530) 639-1810</i>

NCCDA staff is authorized to consult with necessary governmental agencies concerning this project. They are also authorized to consult with the following individuals concerning this appeal:

I certify under proof of perjury that I am the party authorized to enter into this fee agreement. 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 the letter is received by the Nevada County Community Development Agency.

*J Powell*  
Signature  
*JAMES POWELL*  
Printed Name  
Date: *8/5/16*  
DL#: *A8595465*  
PH#: *(530)639-1810*