

COUNTY OF NEVADA
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Clerk of the Board

NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: December 12, 2017

TO: Board of Supervisors

FROM: Julie Patterson Hunter

SUBJECT: Resolution making findings, accepting the appeal filed by Charisse Lolli from the decision of the Planning Commission's certification of Environmental Impact Report (EIR15-001) and approval of Development Permit (DP15-004), Management Plan (MGT15-013), Certificate of Compliance (COC17-0001), and Lot-Line Adjustment (LLA16-006) and scheduling a public hearing for February 27, 2018, at 1:30pm (Dist. IV).

RECOMMENDATION: Adopt Resolution making findings as recommended by staff, accepting the appeal and setting the hearing on the appeal for February 27, 2018, at 1:30pm.

FUNDING: Filing fee collected from Appellant for costs.

BACKGROUND:

On October 26, 2017, the Planning Commission considered and certified Environmental Impact Report (EIR15-001) as adequate for three proposed Dollar General Store project locations in Alta Sierra, Rough and Ready Highway, and Penn Valley. The Planning Commission also considered and approved the following for the Penn Valley location:

1) Development Permit (DP15-004) proposing a 9,100 square foot Dollar General Store and associated improvements including but not limited to grading, parking, lighting, landscaping and signage located at 17652 Penn Valley Drive, Penn Valley, CA, 95946 (APN 51-120-06);

2) Management Plan (MGT15-013) addressing project impacts to a wetland and encroachment in the non-disturbance buffer of a separate legal parcel (APN 51-150-29);

3) Certificate of Compliance (COC17-0001) to recognize APNs 51-120-06 and 51-150-29 as separate legal entities; and

4) Lot-Line Adjustment (LLA16-006) between two adjoining parcels to reconfigure APN 51-120-06 from 5.95-acres to 1.20-acres to contain the proposed Dollar General project.

On November 6, 2017, Charisse Lolli filed an appeal regarding the Planning Commission's decisions noted above.

Table L-II 5.2 of the Nevada County Land Use and Development Code (LUDC) summarizes which County body reviews, recommends, and takes final action on land use permits. Only where a body has final permitting authority are those decisions appealable to the Board of Supervisors.

The Planning Commission is the permitting authority for the above approvals, and the Board of Supervisors is the appealing body for the Planning Commission.

Section L-II 5.12.G of the Nevada County Land Use and Development Code requires the Clerk to present the appeal to the Board of Supervisors at a regular meeting, so the Board can consider whether to accept this appeal and, if accepted, schedule it for a public hearing. County Counsel and the Clerk of the Board have reviewed the appeal and recommend that the Board find:

- The applicant is an interested party who has standing to file the appeal; and
- The appeal was timely filed; and
- The appeal satisfies the minimum requirements set forth in Section 5.12.F of the County's Land Use and Development Code.

Staff further recommends that the Board accept the appeal of the actions approved by the Planning Commission and set it for public hearing on February 27, 2018 at 1:30 p.m.

Respectfully submitted,

Item Initiated by: Jeffrey Thorsby, Senior Administrative Analyst

Approved by: Julie Patterson Hunter, Clerk of the Board