



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
DEPARTMENT OF PUBLIC WORKS
950 MAIDU AVENUE, NEVADA CITY, CA 95959-8617
(530) 265-1411 FAX (530) 265-9849 www.mynevadacounty.com

Sean Powers
Community Development Agency Director

Steve Castleberry
Director of Public Works

File: 660.101 001

NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: June 28, 2016
TO: Board of Supervisors
FROM: Steve Castleberry, Public Works Director
SUBJECT: **Appeal to the decision of the Public Works Director regarding application for encroachment permit on Floriston Avenue/Iceland Road**

RECOMMENDATION: Deny the appeal

FUNDING: Not Applicable.

BACKGROUND: On April 5, 2016, Larry Andresen submitted an application for an encroachment permit to improve 440' of Floriston Avenue in the community of Hirschdale. The encroachment permit also requested the County relocate utilities and remove existing structures within the right-of-way.

The permit was denied for the following reasons:

- The proposed improvements do not serve the convenience of others in the Hirschdale community.
- The road is constrained in width on each end of the project and the improvements therefore don't provide significant benefit. The road was adequate for fire access prior to Mr. Andresen's fence construction.
- The project is not an improvement in roadway safety over the existing improvements as there is no crash history at this location.
- The proposed improvements require financial investment by and liability to the County.

Sec. G-IV 4.A.15.1 of the Nevada County Development Code states encroachment permits may be denied if they adversely affect the interest of the County or the convenience or safety of the public. In this case, the County's interests are best served through reestablishment of the historic path of travel, and not through the proposed disruption of existing buildings and landscaping.

A resolution consistent with the recommendation to deny the appeal is provided. If you should have any questions, please contact me.

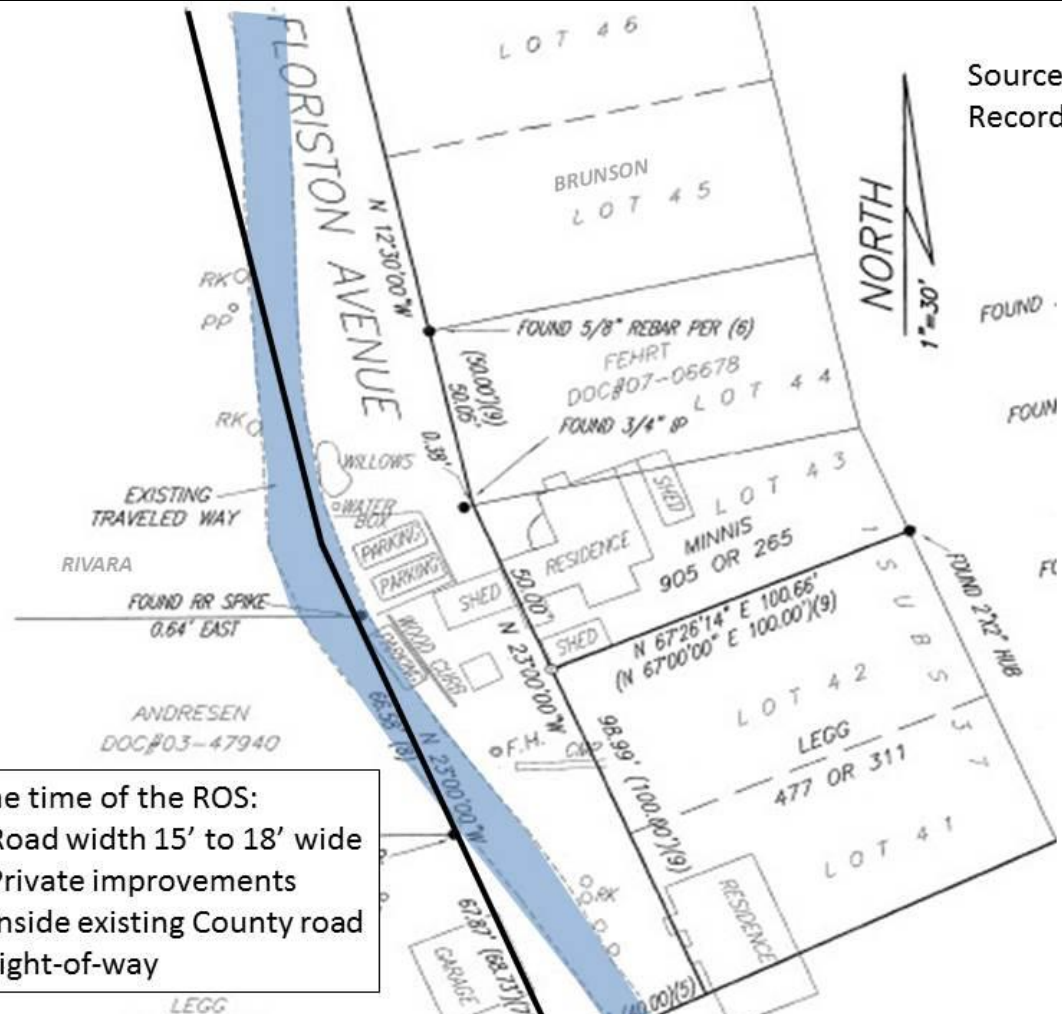
Item and Approved by: Steve Castleberry, Public Works Director

Submittal Date: June 15, 2016

Source: 2/15
Record of Survey

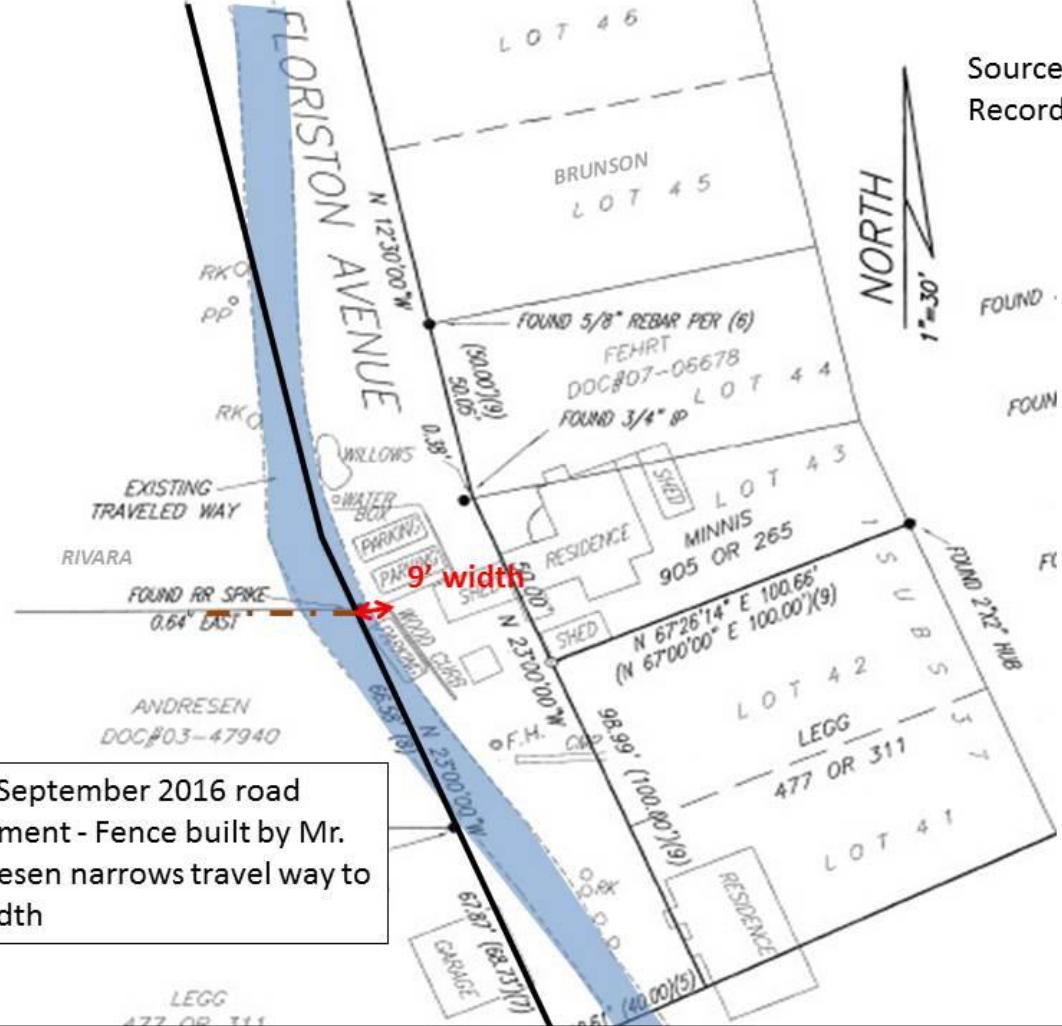
At the time of the ROS:

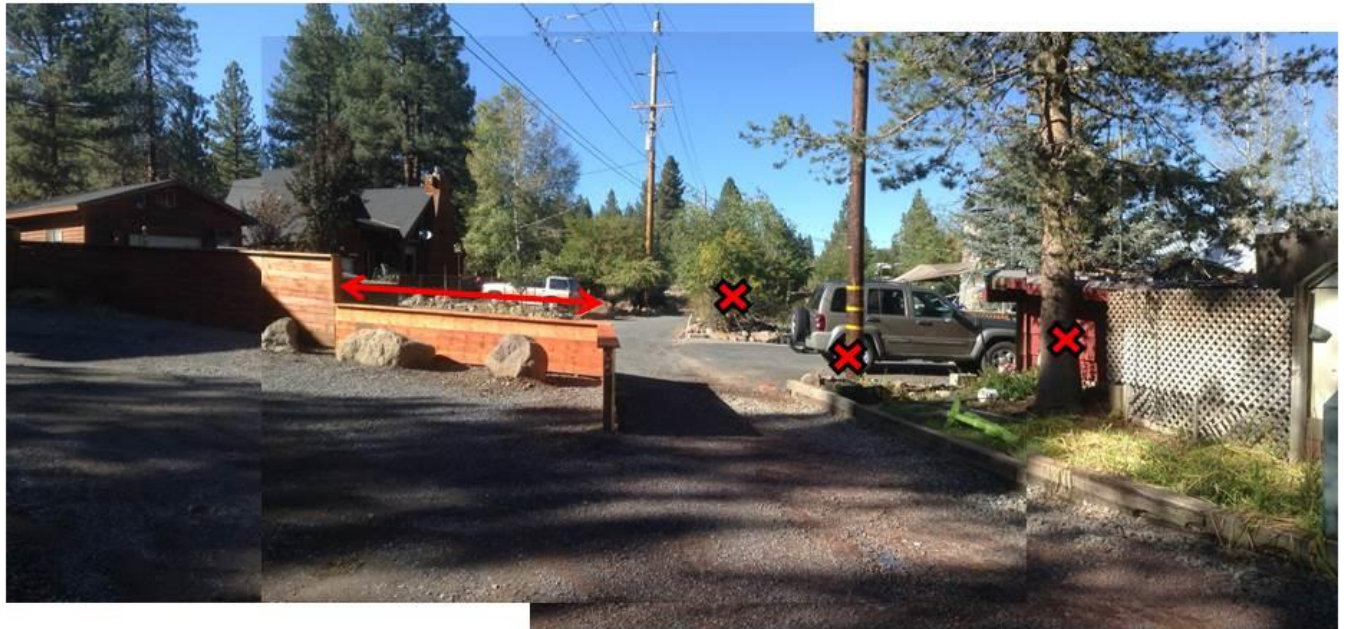
- Road width 15' to 18' wide
- Private improvements inside existing County road right-of-way



Source: 2/15
Record of Survey

Post September 2016 road alignment - Fence built by Mr. Andresen narrows travel way to 9' width





Floriston/Iceland Road after fence construction

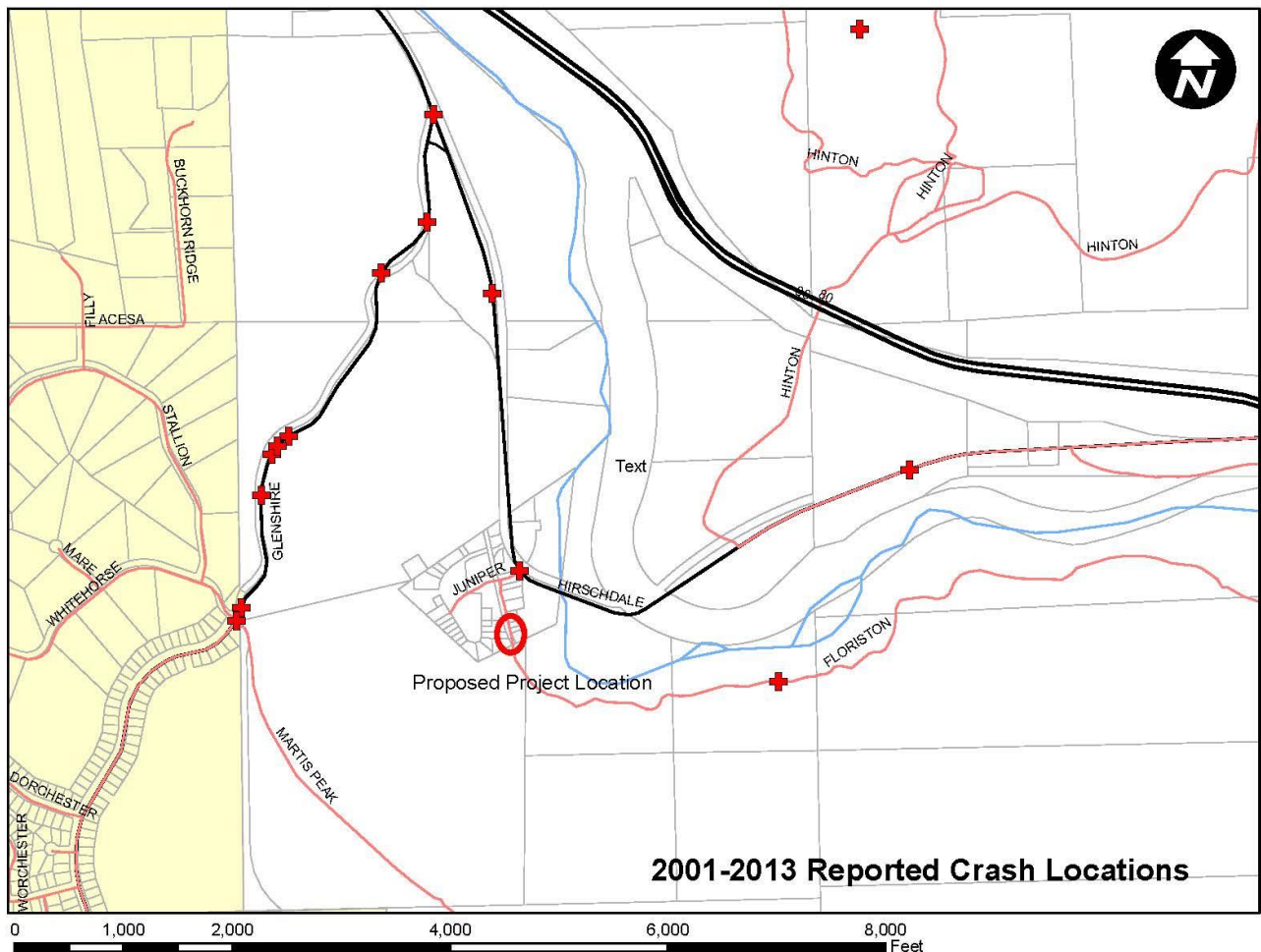


Floriston/Iceland Road after fence construction
Approximate right-of-way line

Reasons for permit denial

- Does not serve the convenience of others in the Hirschdale community.
- The road is constrained in width on each end of the project and the improvements therefore don't provide significant benefit. The road was adequate for fire access prior to Mr. Andresen's fence construction.
- Not an improvement in roadway safety as there is no crash history at this location.
- Proposed improvements require financial investment by and liability to the County.

Sec. G-IV 4.A.15.1 of the Nevada County Development Code states encroachment permits may be denied if they adversely affect the interest of the County or the convenience or safety of the public. In this case, the County's interests are best served through reestablishment of the path of travel depicted on the Record of Survey, and not through the proposed disruption of existing buildings and landscaping.



A P P L I C A T I O N
for
ENCROACHMENT PERMIT

County of Nevada
Department of Transportation
950 Maidu Avenue
Nevada City, CA 95959-8600

Applicant:
LARRY & CHERYL ANDRESEN
[P BOX 34047
TRUCKEE, CA 96160
530)582-7965

Permit # 9541
Date 04/05/16
Fee \$185.00
Receipt # 66-15705

Contractor:
ANDRESEN CONSTRUCTION
PO BOX 34047
TRUCKEE, CA 96160
530)587-7965

Assessor Parcel #
Location of Encroachment:
PORTION OF FLORISTON ROAD
FLORISTON

Encroachment Type:
MISCELLANEOUS

Application Comments:
IMPROVE PORTION OF COUNTY ROAD AS PER SUBMITTED PLANS AND COUNTY
DETAIL. NOTIFY COUNTY 48 HRS. PRIOR TO START OF WORK.

Construction Plans Prepared by

Dated

The permit is approved subject to payment of fees and Permittee's acceptance of conditions of approval. The start of any specified work shall constitute acceptance of all provisions. The permit shall become void if all contemplated work is not completed before the expiration date and is revocable at any time. Any voided or revoked permit shall become a violation which will be handled in accordance with applicable State and County regulations.

The applicant acknowledges the general conditions listed on "Encroachment Permit General Provisions" and receipt of general encroachment permit information as follows:

- _____ Residential Driveway
- _____ Residential Road
- _____ Residential Parking Pad
- _____ Trench Details

Other _____

Signed _____

NO WORK SHALL COMMENCE PRIOR TO ISSUANCE OF PERMIT.



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ENCROACHMENT PERMIT APPLICATION

APPLICANT TO COMPLETE ONLY THE APPLICABLE PORTIONS NOTED BY SHADED AREAS

Assessor's Parcel No.: <u>NA</u>	Building Permit No. _____
Use Permit No.: <u>NA</u>	Encroachment No. <u>9541</u> Fee: \$185.00
Site Plan No.: <u>NA</u>	Receipt No.: _____
Land Division No. <u>NA</u>	Issue Date: _____
	Expiration Date: _____

Permittee: <u>LARRY & CHERYL ANDRESEN</u> <u>PO Box 34047</u> <u>TRUCKEE, CALIF. 96160</u> EMAIL: <u>LARANDRESEN@GMAIL.COM</u> Telephone Number: <u>530-587-7965</u>	Contractor: <u>ANDRESEN CONST</u> <u>PO Box 34047</u> <u>TRUCKEE, CA 96160</u> Telephone Number: <u>530-587-7965</u>
Location of Encroachment: <u>A PORTION OF FLORISTON AVE</u>	

ROAD CONNECTION:

<input type="checkbox"/> Standard Driveway	<input type="checkbox"/> Private Road	<input type="checkbox"/> Parking Pad
<input type="checkbox"/> Aggregate Surface	<input type="checkbox"/> Asphalt Concrete	<input type="checkbox"/> Concrete Surface
<input type="checkbox"/> Dike Section	<input type="checkbox"/> Valley Swale	<input type="checkbox"/> No Drainage
<input type="checkbox"/> Culvert - Diameter _____ inches length _____ feet	<input type="checkbox"/> Other	

UTILITIES, if applicable:

<input type="checkbox"/> Power	<input type="checkbox"/> Phone	<input type="checkbox"/> Water	<input type="checkbox"/> Sewer	<input type="checkbox"/> Cable TV
<input type="checkbox"/> Blanket Permit	<input type="checkbox"/> Service Connection	<input type="checkbox"/> Overhead		
<input type="checkbox"/> Underground	<input type="checkbox"/> Mainline Extension or Relocation			

SPECIAL EVENTS:

<input type="checkbox"/> Filming/Commercial	<input type="checkbox"/> Athletic	<input type="checkbox"/> Parade	<input type="checkbox"/> Road Closure	<input type="checkbox"/> Other
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Construction Plans Prepared by: DDA Dated: _____

DEVELOPMENT PROJECTS:

Construct per plans approved on _____ by the Director of Public Works

OTHER:

This permit is approved subject to payment of fees and Permittee's acceptance of conditions of approval. The start of any specified work shall constitute acceptance of all provisions. The permit shall become void if all contemplated work is not completed before the expiration date and is revocable at any time. Any voided or revoked permit shall become a violation, which will be handled in accordance with applicable State and County Regulations.

The applicant acknowledges the general conditions listed on "Encroachment Permit General Provisions" and receipt of general encroachment permit information as follows:

Signed: [Signature]

NO WORK SHALL COMMENCE PRIOR TO ISSUANCE OF PERMIT



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Sean Powers
Community Development Agency Director

Steve Castleberry
Director of Public Works

April 27, 2016

Mr. Larry Andresen
P.O. Box 34047
Truckee, CA 96160

Re: Floriston Avenue/Iceland Road, Encroachment Permit 9541

Dear Mr. Andresen:

I am writing in response to your request for an encroachment permit dated April 5, 2016 and the accompanying improvement plans which were previously submitted on January 25, 2016. Your application proposed to widen approximately 440 feet of Floriston Avenue, as well as remove existing landscaping and vegetation. In addition, your permit request required that, as a condition of your planned improvements, the County relocate the power pole and fire hydrant as well as direct removal of existing sheds owned by private parties. Finally, you requested the road be posted for no parking.

For decades, Floriston Avenue has not followed the County right-of-way but meandered out of the right-of-way onto property owned by you and your neighbors. This alignment is shown on Record of Survey Book 15 Page 185. Your proposal is intended to reroute the path of travel depicted on that Record of Survey. At the time of the survey, the road width was approximately 15' to 18' and was adequate for emergency vehicle access.

In September, you constructed a fence into the path of travel depicted in the Record of Survey, narrowing the road width to approximately 9'. As a result, the road does not currently meet the County's minimum width road standard as described in Public Resources Code 4290. From a practical perspective, the fence construction precludes large emergency vehicles from passing the fence location. Your proposed improvements mitigate a risk you created by construction of your fence.

Sec. G-IV 4.A.15.1 of the Nevada County Development Code guides that encroachment permits may be denied if they adversely affect the interest of the County or the convenience or safety of the public. By establishing a new alignment, your plan does not serve the convenience of your

neighbors in the Hirschdale community, nor is it a significant safety improvement over the old alignment, which adequately served the community for years. In this case, the County's interests are best served through reestablishment of the path of travel depicted on the Record of Survey, and not through your proposed disruption of existing buildings and landscaping.

We are therefore denying your request for an encroachment permit and requesting the roadway be restored to its previous width by removal of the fence and boulders from the path of travel. If you would like to modify the path of travel, we recommend you work with your neighbors along the road to formulate and present a proposal to the County.

Please let me know if you have any questions.



STEVE CASTLEBERRY
DIRECTOR OF PUBLIC WORKS

H/engineering/correspondence/2016/042716andresen

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