

RECEIVED

APR 11 2017

NEVADA COUNTY BOARD OF SUPERVISORS

EACH SUPERVISOR RECD.

April 10, 2017

VIA EMAIL

Nevada County Board of Supervisors
950 Maidu Avenue Suite 200
Nevada City, CA 95959

RE: Nevada County Board of Supervisors April 11, 2017 Hearing- File No. SR 17-0241-
Andresen Property, 10953 Floriston Avenue, Hirschdale, Nevada County, California

Dear Honorable Members of the Board:

It is our understanding you are once again having a closed session to discuss items under negotiation concerning price and terms of payment for a portion of our property located at 10953 Floriston Avenue, Truckee, CA 96161; Assessor's Parcel Number 48-120-21.

The design and map presented to you by Dokken Engineering shows an illustration with the largest portion of our property to be that of 19.98 feet outside of the existing 40' dedicated right of way which more or less gives the County a 60' right of way. Exhibit 1

I have included a map illustration presented by Steven Castleberry of Floriston Avenue for about a 400' area of this roadway. In this illustration Floriston Avenue has areas of 18', 24', 15', 16' and 14' which includes area outside of County right of way so realistically this is less than 14' and 16' and has been narrowed considerably. It seems unjustifiable for the County to be insisting on an area of our property of just under 20' when in fact other areas of this roadway exist at 15'. This area of roadway and neighbor's property was not included in this eminent domain process. This to me shows a great prejudice. Exhibit 2

It is also stated that the county cannot maintain a roadway that does not meet standard criteria for roadways. Yet, the County was stating they would bring Floriston Avenue into the Maintained mileage system being responsible for road improvements and snow removal. Areas of this roadway 15' wide does not meet the minimum standard requirements.

Floriston Avenue is the main roadway through Hirschdale that continues on to other properties owned beyond Floriston Avenue continuing to Iceland.

We originally presented a Road Improvement Plan, which we spent thousands of dollars, as the County Department of Public Works Director told us there are no funds for engineering an improvement plan. This plan was designed to restore the legal right of way to a standard width less than the dedicated 40' roadway but minimal for a fire safe roadway through our community removing unsafe and obstructing encroachments and meeting all standards and codes of the County. This plan did not take of anyone's individual property as this was within the already 40' wide dedicated easement This plan was designed to increase road width (as this roadway has

been narrowed by encroachments and personal use to one lane), curve radius, and line of sight, and mitigate multiple pre-existing road deficiencies, all at no cost to the County. This plan provided proper drainage for this roadway as at the current time there are multiple drainage issues. I have provided you the map illustration again presented by Steven Castleberry which shows how this can clearly be done within the right of way. The Road Improvement Plan is depicted in red. Exhibit 3

We have filed a lawsuit not out of anger or greed, but to try to rectify this issue. It was also evident that neighbors were not willing voluntarily to do anything about these encroachments nor was the County taking action. A lawsuit becomes necessary when individuals cannot resolve an issue among themselves and allows for negotiation. We are hoping for a positive resolution. We have a new roadway plan to submit to the County, but first working on having the issue of encroachments settled before submitting this plan.

Our original plan was not discussed between us, the neighbors, or our District Supervisor. We were not given a chance to show, explain and discuss this plan as it was simply denied by Public Works Director. Our plan was misunderstood by some individuals of the community whom thought our plan included the full 40' wide original dedicated road. This led some to believe this plan would be directly at their door steps and that some individuals would have to vacate their homes. I am not even sure that you as a Board had a full understanding of this plan.

There was no proof shown from the Public Records we requested from the County evidencing our property's historical use as a roadway. This was simply displayed by residents of the neighborhood. We proved this with numerous photos to the Board showing there was no use of our property for a roadway. Our adjacent neighbor's property is a different situation. His property has been used for public travel and it is very clearly marked on the roadway today. The bush planted in the roadway is a clear depiction of how the road was detoured off of the dedicated right of way and pushed out into a much narrowed portion of the right of way. In what other subdivision in Nevada County would this be allowed and accepted. This is illustrated in the Exhibit 2.

It is clear these encroachments unlawfully obstruct free passage of the Public Street or use of the street in the customary manner. Freeing this roadway of encroachments should be the focus rather than taking of another's property. "The primary purpose of a highway is the passing and repassing of the public, which is entitled...to the full, unobstructed and uninterrupted enjoyment of the entire width of the layout for that purpose" An abutting owner does not have the right to exclusive occupancy, use or control of any portion of public streets by reason of his or her ownership or occupancy of adjacent property and his or her rights are subordinate and must yield to the public use. A public body cannot grant a permit for a permanent encroachment on dedicated public land. Exhibit 4

It was stated by the Department of Public Works that removing the encroachments would take away the parking area for the Minnises. This should not be the reason for encroachments to not be removed. The illegally added structures on this property have taken away from the parking space.

There are more than one storage structure on this property which is also against County codes. If the property were brought to County Code and County standards for a single family home then this property could utilize the areas more efficiently. A washroom was built in the County right of way when in fact this washroom could be permitted and moved to the rear of the property. At one time this home was free of all these additional structures in the right of way and there was ample parking space. The waterline improvements under the railroad tie is also not a reason to not remove encroachments and allow for public use. Was this waterline permitted? Is the PUD aware this improvement? Waterlines can be rerouted and moved. This is not a reason to not use this area as dedicated as a public right of way.

In 1984 the "Minutes of Meeting" quoted that the County staff's recommendation for approval of the Hirschdale Mobile home Park Use Permit was subject to conditions. One of these conditions from Department of Public Works required Mr. Rodriquez to make road improvements on Floriston Avenue. He was required to place pavement on the roadway 18' wide with 2' shoulders. (Bottom of page 15) The mobile home park was required to improve the roadway before use of the park. Exhibit 5

Quoted in these minutes Mr. Fehrt commented about drainage issues in front of his house and taking Mr. Rodriquez to small claims court. Also quoted was Bill Austin (previous owner of 10953 Floriston Avenue) being an owner in the area for the past 7 years. John Minnis is quoted as area resident and president of the Homeowners association. (There is no homeowners association in Hirschdale) Mr. Minnis noted he was concerned about aesthetics of the park and who will police it. He noted his concern is with the size of lots, size of trailers, fire hazards, setbacks and who will control these. He asked how they could maintain a nice looking home.

My question is from these meeting notes it is obvious no one policed the area to maintain the roadway in Hirschdale why? The concerns presented in these minutes by Mr. Minnis are the same concerns of mine. Aesthetics, fire hazards, setbacks of structures, why is this not being enforced today by the County Code of Compliance Department? This same person Mr. Minnis now has encroached in the public county right of way 30'. This has been brought to the attention of Public Works, Building Department, and Code of Compliance a few times according to the records on the County website. Now rather than policing this area the County has allowed encroachments and is instead of having these encroachments removed taking the action to take of an adjacent property adding an additional 20' to the now existing 40' easement.

An aerial map of the water improvement plan was submitted which clearly shows Bill Austin's property with building supplies all the way out to the edge of his property. This property was not used for public travel as some have made the county believe. (10953) Exhibit 6

A Board of Supervisor's job is to function in a "neutral and unbiased" way. We too look up to our Board of Supervisors to represent us, but in this situation, we feel singled out. It is clear other options to this situation have been clearly presented and ignored. Instead working toward taking of our personal land. It seems this has also been a choice portrayed by a few surrounding landowners whom have made statements without factual evidence to protect one land owner from having to remove encroachments.

I ask that the Board not take action on the eminent domain approach and instead allow for the time needed to get through these current issues and allow for a resolution. You were given letters from others in support of our plan from the community whom were residents for 40+ years whom were in support of removing these encroachments and having this roadway improved. These same people feel strongly it is wrong for us to have to give up a portion of our property to allow for someone to possess the county right of way through an eminent domain when there is a 40' dedicated roadway. Exhibit 7

This taking of our property affects our area of parking tremendously. Our renters have snowmobiles and vehicles to park. As some of our other neighbors in the neighborhood they could one day want to park an RV. By taking 20 feet of our driveway this cuts off our parking area in front of our property practically the size of an area for an RV to park. There is a two car garage but limited space to park an RV away from the front of these garage doors to allow for everyday parking.

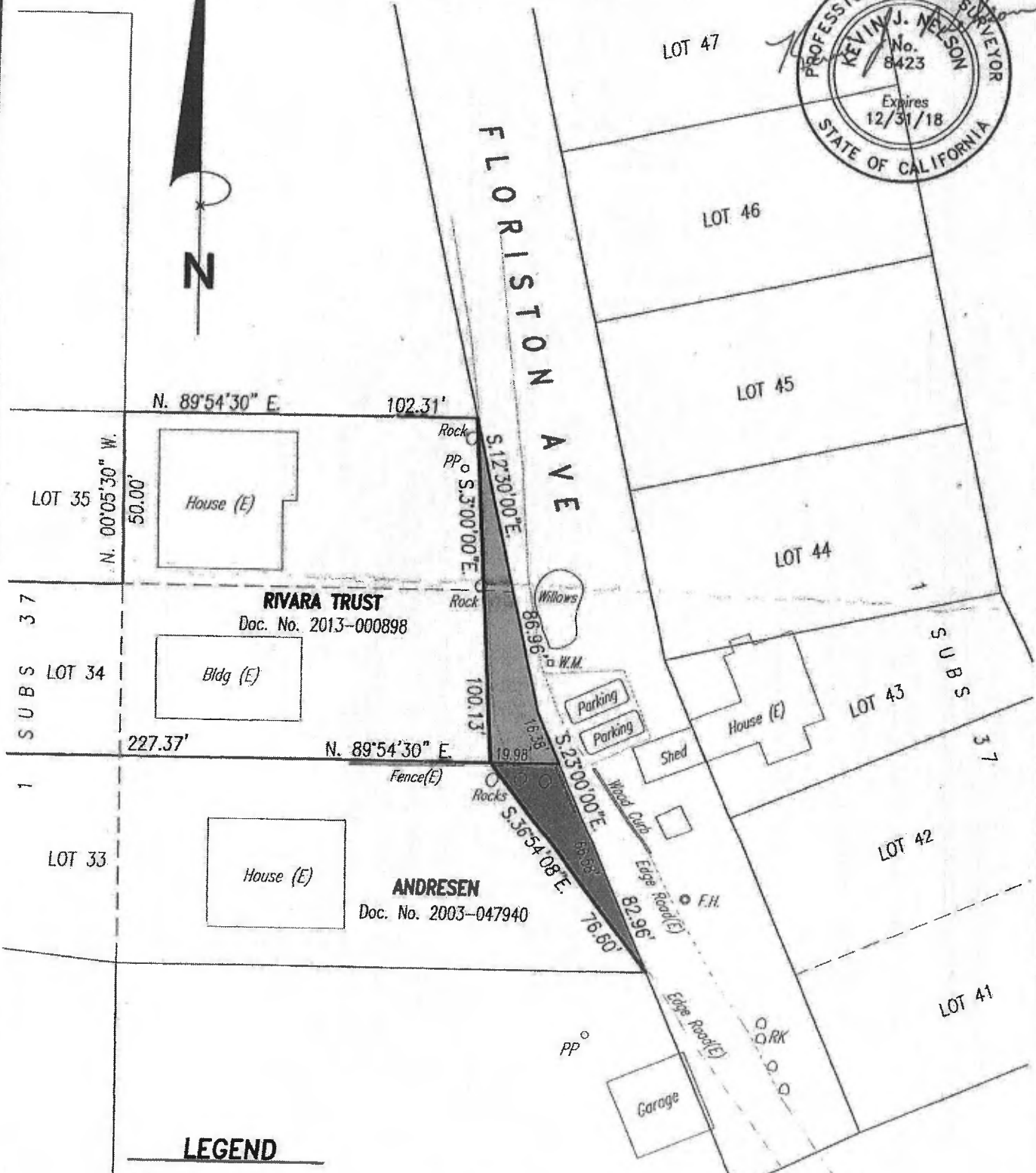
We ask in your closed session that all of these issues are discussed. Before accepting a price on our property and following through with an eminent domain offer of our property you allow for our lawsuit to process. As far as I am concerned there is no reasonable price for taking of our property as this will place limitations of our use of our property that we rightfully paid for and own at the expense of allowing one to obtain unlawful encroachments on a public right of way. It is unfair to be expected to provide property for public use for the sake of someone to be allowed to keep personal belongings on a public right of way when this was not monitored by the County.

Thank you respectfully,

Cheryl Andresen 10953 Floriston Avenue

EXHIBIT MAP

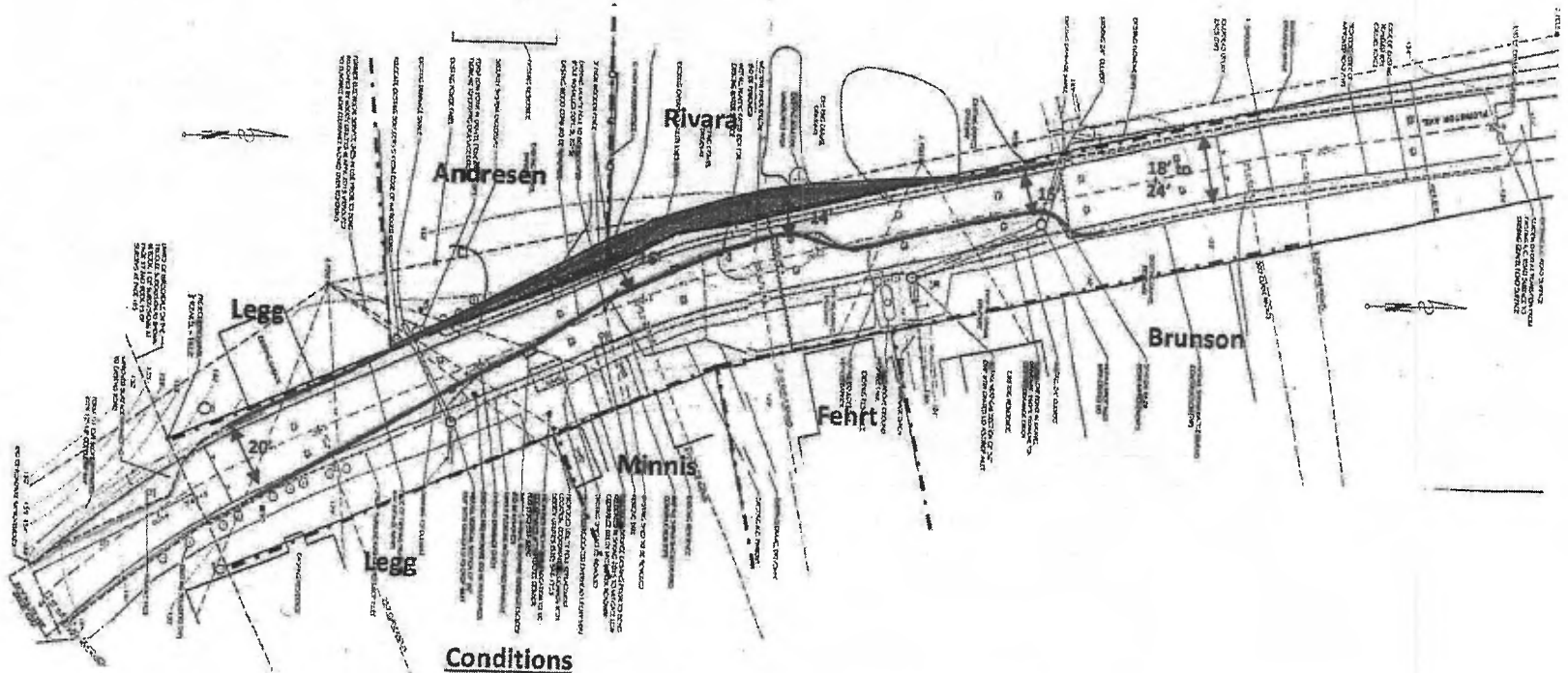
SCALE: 1" = 40'



LEGEND

- PROPOSED RIVARA TRUST R/W
ACQUISITION AREA = 869 sf
- PROPOSED ANDRESEN R/W
ACQUISITION AREA = 613 sf

Exhibit 1



Conditions

- East edge of traveled way to match existing traveled way.
- County to accept and maintain roadway to Legg parcel. No work to be done by private owners without encroachment permit. All existing encroachments subject to future removal by the County if additional problems persist.
- Alignment on Andresen and Rivara property to be as shown in shaded area. Fence at Andresen removed to first post (6' removed).
- No encroachment or permanent parking within roadway area shown on this map without County approval. Traveled way to be marked with delineators to aid in enforcement.
- No improvements to the ditch without drainage calculations.

Exhibit 2

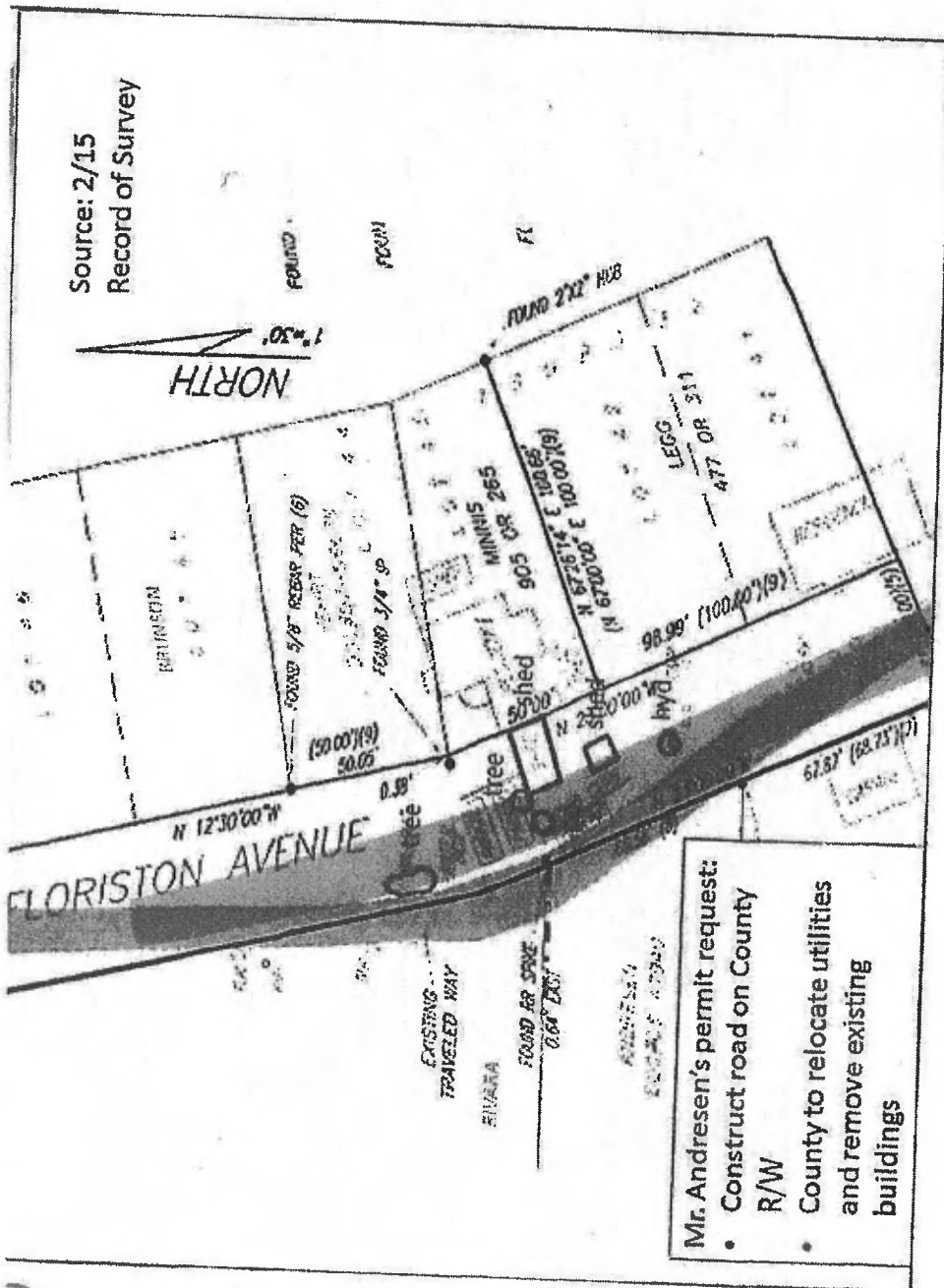
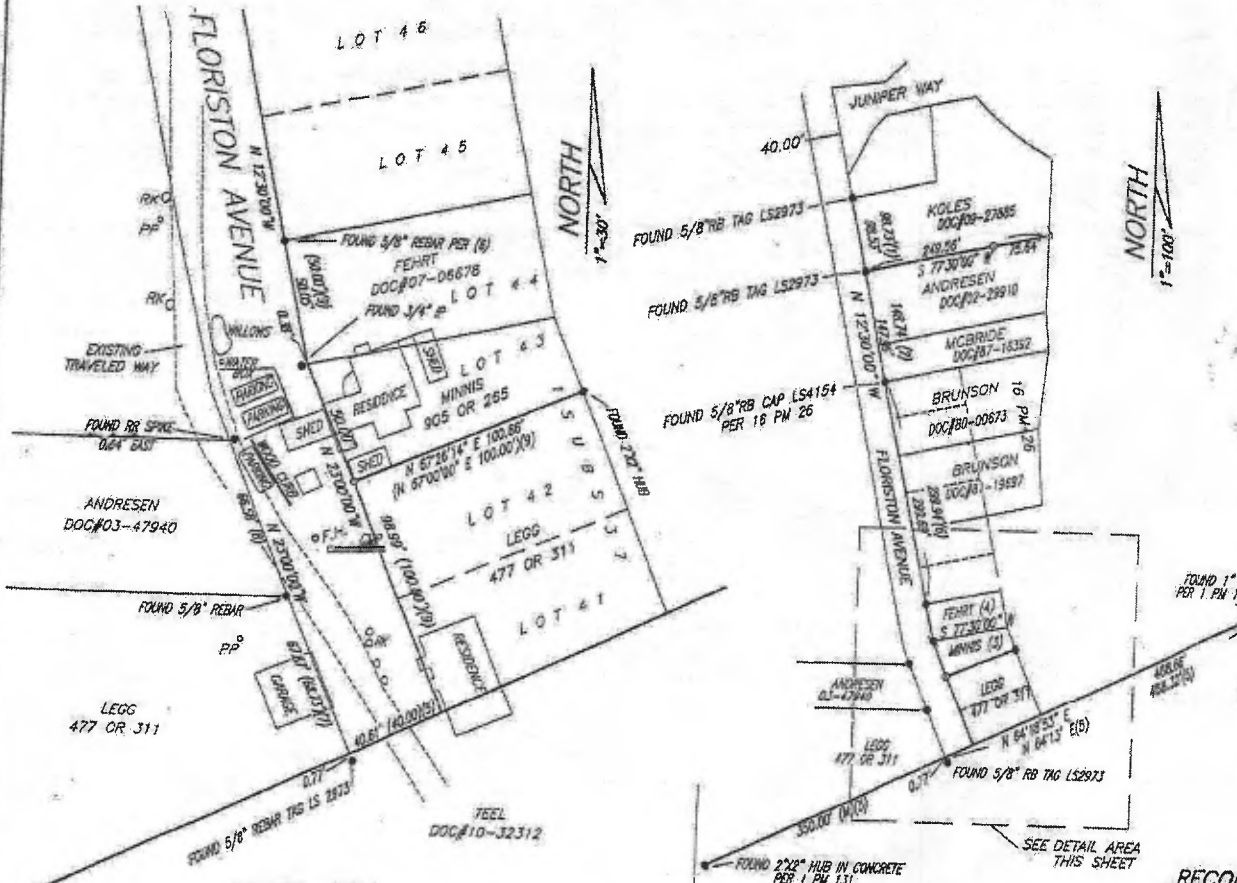


Exhibit 3

RECORD OF SURVEY

FOR JOHN MINNIS, RONALD LEGG, AND MATT KOLES
 OF A PORTION OF HIRSCHDALE ON THE TRUCKEE SUBDIVISION, BOOK 1 OF SUBDIVISIONS, PAGE 37, N.C.G.R.,
 BEING, AND TOGETHER WITH, A PORTION OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 17 EAST M.D.M. IN THE UNINCORPORATED AREA OF NEVADA COUNTY, CALIFORNIA
 COOMBS ENGINEERING INC. P.O. BOX 2495 TRUCKEE, CA 96160 DECEMBER 2014



COUNTY SURVEYOR'S STATEMENT

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE LAND SURVEYORS' ACT THIS 19TH DAY OF FEBRUARY, 2015.

Kevin Nelson
 KEVIN NELSON PLS 8423
 DEPUTY COUNTY SURVEYOR
 EXPIRES 12/31/16



SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AT THE REQUEST OF JOHN MINNIS IN SEPTEMBER, 2014.

Robert H. Coombs 9-17-18
 ROBERT H. COOMBS DATE
 RCE 27787
 EXPIRES 3/31/16



LEGEND

- FOUND POINT AS NOTED
- ★ FOUND 3/4" IP NO TAG
- SET 3/4" REBAR WITH CAP RCE 27787
- = NOTHING FOUND, NOTHING SET (N/FNS)
- (1) = DOC# 08-27885, NCOR
- (2) = DOC# 02-29910 AND #87-16392
- (3) = 905 OR 265 NCOR
- (4) = DOC# 97-08678 NCOR
- (5) = 1 PM 131 NCOR
- (6) = 16 PM 26 NCOR
- (7) = 477 OR 311 NCOR
- (8) = DOC#03-47940 NCOR
- (9) = 1 SUBS 37 NCOR
- NCOR = NEVADA COUNTY OFFICIAL RECORDS
- F.H. = FIRE HYDRANT
- PP = POWER POLE
- M=MEASURED
- CMP=CORRUGATED METAL PIPE

RECORDER'S STATEMENT

FILED THIS 26TH DAY OF FEBRUARY, 2015, AT 8:32 AM IN BOOK 15
 OF SURVEYS AT PAGE 185, AT THE REQUEST OF ROBERT COOMBS.

DOCUMENT NO. 2015-0223897
 REC: 8782

GREGORY J. DIAZ
 COUNTY RECORDER
Sam Roberts
 DEPUTY

SHEET 1 OF 1

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH 12°30'00" WEST ALONG FLORISTON AVENUE, AND IS IDENTICAL TO THAT AS SHOWN ON THAT MAP 'HIRSCHDALE ON THE TRUCKEE' AS RECORDED IN BOOK 1 OF SUBDIVISIONS AT PAGE 37, NEVADA COUNTY RECORDS AND WAS DETERMINED FROM MONUMENTS SHOWN AS FOUND.

MAP 185

Exhibit 4

RS 15/185

RECORD OF SURVEY

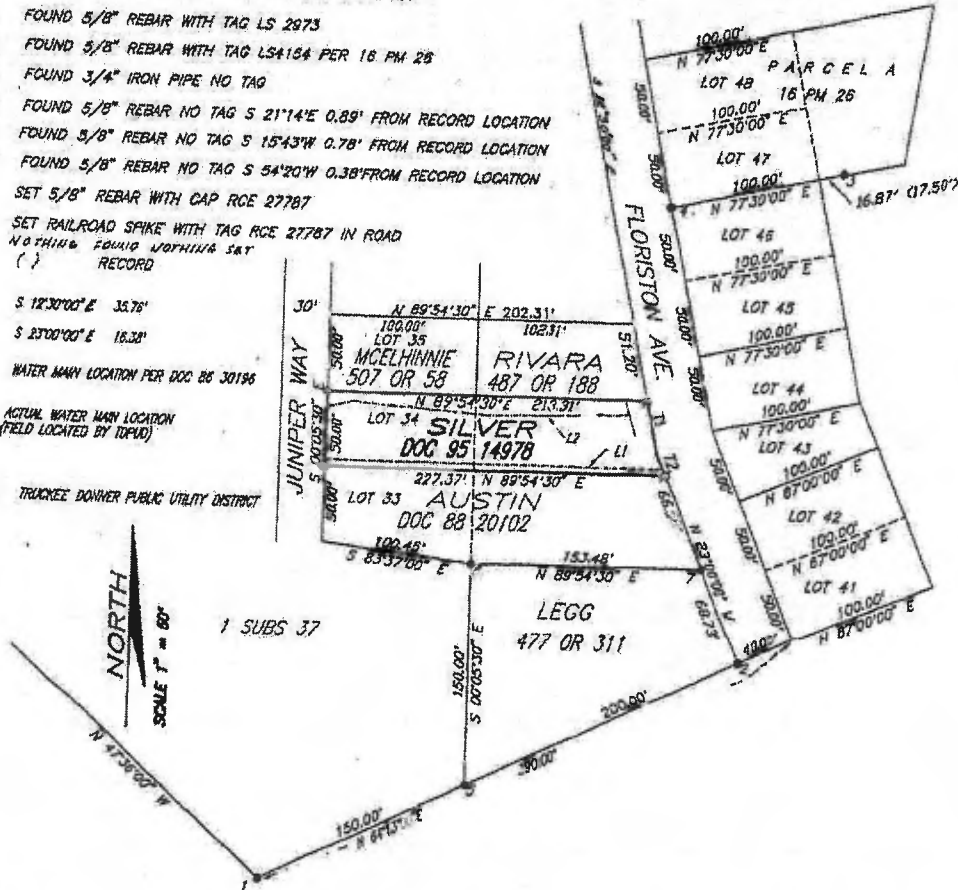
FOR R.A. AND JANET SILVER

BEING A PORTION OF SECTION 34, T18N, R17E, M.D.B. & M. IN THE UNINCORPORATED TERRITORY OF NEVADA COUNTY, CALIFORNIA. FEBRUARY, 1996 SCALE 1" = 50'
COOMBS ENGINEERING INC. TRUCKEE CALIFORNIA

LEGEND:

- 1 FOUND HUB IN CONCRETE NO TAG PER 1 PM 131
- 2 FOUND 5/8" REBAR WITH TAG LS 2973
- 3 FOUND 5/8" REBAR WITH TAG LS4154 PER 18 PM 26
- 4 FOUND 3/4" IRON PIPE NO TAG
- 5 FOUND 5/8" REBAR NO TAG S 21'14"E 0.89' FROM RECORD LOCATION
- 6 FOUND 5/8" REBAR NO TAG S 15'43"W 0.78' FROM RECORD LOCATION
- 7 FOUND 5/8" REBAR NO TAG S 54'20"W 0.38' FROM RECORD LOCATION
- ⊙ SET 5/8" REBAR WITH CAP RCE 27787
- ⊠ SET RAILROAD SPIKE WITH TAG RCE 27787 IN ROAD
- ⊢ NOTHING FOUND WITHIN SAT RECORD

- T1 S 12°30'00" E 35.76'
- T2 S 23°00'00" E 16.30'
- L1 WATER MAIN LOCATION PER DOC 88 30196
- L2 ACTUAL WATER MAIN LOCATION (FIELD LOCATED BY TDPO)
- TDPO TRUCKEE DOWNER PUBLIC UTILITY DISTRICT



BASIS OF BEARINGS:

ALL BEARINGS SHOWN HEREIN ARE BASED UPON THE SOUTH LINE OF "HIRSCHDALE ON THE TRUCKEE" SUBDIVISION, N 84°13'00" E, AS FILED IN BOOK 1 OF INSTRUMENTS AT PAGE 37, OFFICIAL RECORDS OF NEVADA COUNTY.

SURVEYORS STATEMENT:

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYORS ACT, AT THE REQUEST OF R.A. AND JANET SILVER.

Robert H. Coombs
ROBERT H. COOMBS RCE 27787
LICENSE EXPIRES 3-31-98



COUNTY SURVEYORS STATEMENT:

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8768 OF THE LAND SURVEYORS ACT THIS 4th DAY OF March, 1996.

Thomas F. Martin
THOMAS F. MARTIN PLS 5618
DEPUTY COUNTY SURVEYOR
COUNTY OF NEVADA
LICENSE EXPIRES 9-30-98



RECORDERS STATEMENT:

FILED THIS 11th DAY OF March, 1996 AT 2:00 P.M. IN BOOK 11 OF RECORD OF SURVEYS AT PAGE 300 AT THE REQUEST OF COOMBS ENGINEERING INC. DOC. NO. 9600 FEE: \$16.00

COUNTY RECORDER: BRUCE G. BOLINGER

BY DEPUTY: *Suzanne C. Beck*

Map 300

Exhibit 4

With a new condition that Phase III shall be started prior to September 1987

In approving the use permit the Commission finds that:

The 7.74 acre parcel is adequate in size and shape to accommodate the proposed use and provide parking and landscaping and other features necessary for a development of this type.

Highway 267 and the proposed on-site improvements are adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

The proposed use will not have an adverse effect on abutting properties or the permitted uses thereof.

The project is consistent with the commercial designation of the Martis Valley General Plan.

Adequate services are available for the proposed project.

Development Fees have been established by the Department of Public Works to offset the cumulative impacts this project will have on the Nevada County Regional Transportation System.

The conditions set forth are the minimum necessary to insure the protection of the public health, safety and general welfare.

The Commission also has reviewed the initial environmental studies prepared by both the applicant and planning staff and reaffirms the findings of the Advisory Review Committee and directs staff to file a negative declaration with the County Clerk's office.

MOTION PASSED by roll call vote 4-0-1: AYES: Bunyan, Davidson, Johnson, Smith; NOES: None; ABSENT: Estin.

Ten day appeal period noted for the record.

Commission Bunyan left the meeting at 4:00 p.m.

Commissioner Smith noted he felt the mini storage design was an ideal one for future developers to follow.

U84-20, GP84-3, Z84-7 General plan amendment, zone change and use permit of A. F. Rodriguez for re-establishment of the Hirschdale Mobilehome Park, Truckee

Planner Creighton noted that this is a County initiated general plan amendment and zone change for a mobilehome park. Current land use designation is Recreation, new zone change would establish an Urban Medium designation which allows three units per acre and rezoning to R2-MH, multiple family residential mobilehome zoning. Also this is a use permit application of A. F. Rodrigues to re-activate the existing 25 unit mobilehome park on that property. Site is currently developed with 25 mobilehome pads, storage building, apartment complex and a single family residence.

Water currently is by individual well and sewage is disposed of by a private system.

Mr. Creighton noted that the County has initiated this general plan amendment because in 1983 the Health Department shut down the use of the park because of failing sewage disposal system. Prior to that time the park was a legal non-conforming use as it was in existence prior to the zoning ordinance adoption in 1970. The park was shut down for a period of over 180 days invalidating the non-conforming use necessitating the general plan amendment, rezoning and use permit application. Mr. Rodriguez approached the Board and they initiated the GPA and zoning and directed him to apply for a new use permit.

Information has been received from the Health Department indicating that they have reviewed testing results and the property is capable of handling the sewage disposal. (letter attached as Exhibit A) The planner reviewed the conditions being asked for by the Health Department noting that the director of the Health Department feels there is sufficient information to make a recommendation for approval of this park.

Staff's recommendation for approval of the general plan amendment and rezoning to "1400-R2(15,500)MH" indicating a 1400 sq. ft. mobilehome pad size, R2 is multiple family district, 15,500 limits the 8.75 acres to 25 mobilehome units. Findings in support of both recommendations reviewed for the Commission.

Chairman Johnson asked about the size of the units. Planner Creighton noted the 1400 sq. ft. was the size of the existing pads as compared to the current ordinance which would require 3,000 sq. ft. This is recognizing the existing pads and noting it does not have to comply with the current requirements.

Staff's recommendation for approval of the use permit subject to conditions outlined in the staff report was given noting that DPW is asking for road improvements, Planning is asking for landscaping, fencing and recreation areas. The planner noted that this is a controversial project and that Mr. Rodriguez is attempting to comply with county requirements.

A. F. Rodriguez, propertyowner, testified that he owned the park for several years purchasing it in 1972. He was required to add a well during his ownership because the system supplies water to the park and neighboring residences. He noted that because of management mistakes undesirable tenants were allowed in the park which financially almost wiped them out. They made a management change and attempted to improve the park. They added a second well, restrooms, laundry facilities and added some landscaping and a convenience store. In October 1979 he sold the property to Fitzgerald but within two years the park had deteriorated seriously. In 1983 when Fitzgerald became delinquent in his payments they started foreclosure. During foreclosure proceedings they attempted to contact the County to resolve the sewage problems which had closed down the park. He was not allowed to review the records until the property was recorded in his name. The foreclosure proceedings were complete in September of 1983 just after the 180 day time period for the use permit expired. He had tried to convince all the agencies he wanted to improve the park and deal with the problems. He noted he recovered the park with back taxes due, the park's shutdown, back payments due on the first trust deed which had had to be taken care of in the foreclosure procedure. After four months they got a representative on the property to provide and operate the water system for the house and single-family residence on the property as well as the adjacent homeowners. He noted he had tried to convince all the agencies he was serious and intended to take over the park and make it work again. He noted he understands there are conditions on this permit, they intend to comply with those conditions although he does question the road requirements, but agree with all other

conditions and have a firm commitment to get the park back in operation. He further noted that he felt Hirschdale could be made an enjoyable place to live and that the tenants evicted in March 1983 are the real losers in this case. He stated he is trying to get back in business as soon as possible to provide this type of housing to the area.

Chairman Johnson asked which of the units currently on site would stay and which would be moved.

Mr. Rodriguez noted that some of the units stayed after the park was closed. 16 to 18 units were required to leave the park with only a three day notice. He noted that of the units still there, some would stay, some would leave, it would depend if they could meet reasonable standards as they want to improve the condition of the park. In response to a question from Mr. Creighton, Mr. Rodriguez noted that the park was established in November of 1972 when it was first used as a mobilehome park, prior to that it was used as a trailer court.

The chairman opened the public hearing.

Richard Fehrt, propertyowner in the area since 1971, noted he used the area since 1950s when he used it with his parents and he feels it is a lovely area. He noted he did not oppose the original permit for the park as he was under the opinion that it was to be used by recreational vehicles only during certain periods of the year and felt other people could enjoy the area like he did. The park, however, has become a mobilehome park with long-term residents, is not an attractive area for quite some time. He noted they have sewage problems which have been unbearable at times. He has had severe drainage problems and had to take Mr. Fitzgerald to small claims court on them. He noted that the property is run down and he does not believe it can be brought up to be an attractive useful area. He noted that with the past problems he can't believe the County would allow this amendment, zone change and use permit. He noted that in the staff report there is the statement there will be no adverse impact on surrounding property, his property is adversely affected with water drainage right now. He noted that Mr. Rodrigues when he owned the property previous kept it in fair condition and then sold it and will probably do so again.

Glen and Linda Graham, residents in Hirschdale since June 1978, noted that Hirschdale is a great place to live. The stated problems began when Rodrigues sold the park to Fitzgerald and they have had a difficult time since he took over. They noted he did nothing for his tenants or the surrounding property owners and ignored problems which arose. He stated that have known Mr. Rodrigues for some time and as he is an honorable man and if he says he will do something, he will do it. He noted that Mr. Rodrigues has been very sympathetic to their problems as tenants when they were evicted. He noted it has been a hardship to have been put out of their home for over a year and they would like to get back in. He stated they feel Mr. Rodrigues will provide them all with a park they can live with.

Commissioner Smith asked if prior to the sale was the park run satisfactorily. Mr. Graham noted he felt it was, it had a store and playground and laundry facilities.

Bill Austin, property owner in area for past 7 years, stated that the current water system is no good, the trailer area is substandard and they are creating a junkyard by allowing this size. The staff report states there will be low to moderate income housing, and asked how he would explain this to a banker when he went in to get his loan. He noted he wanted to building a dwelling and add to the area and

them to be careful with their decision with shotgun zoning. He asked for a 100% guarantee that his property value will not be affected. He noted that the tax people have tripled his value and asked that the Commission consider the next of the owners and the one after that as dealing with the bureaucracy takes years. He noted he cannot build because he can't have water, his septic system will cost between 12 and 14 thousand for a single-family house. He asked how much a system for 25 trailers would cost. He noted that things have gone down hill so far in the past 7 years that he did not think he could sell his property.

Commissioner Davidson asked about the prospect of selling his property if the permit was approved and the conditions complied with. Mr. Austin noted that the value has gone down so far now he was considering suing the County. He further stated that to answer the question he would not be satisfied with the park if approved even if it met all conditions stated.

John Corbet, member of the PUD Board and Truckee resident, testified that the Hirschdale people petitioned the Board to help them with their water supply. Their board filed for annexation into their district and applied for a grant from FHA but did not get the grant. The County Health Department has now written FHA reporting the existing health problems and they will again apply for the loan. Speaking as an individual he noted if a water system is put in, someone will have to operate it. If the trailer park is operating it would add 25 more units to spread out the cost of running a district over a larger number of people. Other possibility open to them is to get water from Glenshire Water Company, using existing wells or obtaining water from the Raley property alongside. He noted that Leif Hanson moved a trailer down their eight years ago and gave him a letter to present to them stating when Mr. Rodriguez operated the park all problems were taken care of and problems only developed after the sale of the park.

Tony Rivara, resident of Hirschdale since 1972, testified that at the time Mr. Rodriguez purchased the property from Tom Kirby, he was required to put in the #1 well, but this was not out of the goodness of his heart but because he was required to put it in. Later on he installed the second well to serve the park because he had to. At the time of sale to Fitzgerald there was a sewage problem and it took until last year for the Health Department to close the park down. He asked about changing the zoning on 7.8 acres and noted that the last time the park was only a portion of the property.

Planner Creighton noted the reason why the entire parcel is being rezoned is that it gives them control over the entire area. The applicant needs the additional acreage to comply with the density standards and the remaining land will remain in open space.

Mr. Rivara asked about reducing the requirement from 3,000 to 1,400 sq. ft. for the pad size and asked the size of the pads right now.

The planner noted the pads were 24x66 with an average of 24 x 62.

Mr. Rivara noted that on the original use permit the pad size was 10' wide which would only accommodate the older trailers which are usually run down and therefore reduce the property values. Mr. Rivara asked about paving being required.

→ The planner outlined the additional paving which will be required making the stall 24' wide to allow parking. In response to a question, he noted that the paving will have to continue to the southern end of the park and would have to be improved to a collector I standard (18' foot wide with 2 foot shoulders)

Mr. Rivara asked about the landscaping and noted that the prior landscaping failed because of lack of attention and water. The planner noted that the condition asks for a detailed plan to be prepared by a licensed landscape architect experienced in high elevation landscaping which will include irrigation, type of material, timing of installation and a maintenance program.

Mr. Rivara asked about fencing for the back of the park. He noted that previously there have been parked cars, trailers back there and when they have tried to notify the Planning Department and while the department got some cars taken out, Mr. Rodriguez did nothing and he is quite concerned about it and would like to see the fence completely around the park. He also stated he had a requirement for the water and asked about the statement which was that the PUD would have to take the system over and operate it.

Norm Greenberg, Nevada County Health Department, noted that condition 1 states the park will be served under Truckee-Donner PUD which has a water system for the Hirschdale Area, and if Mr. Rodriguez wished to change the water source they would have to reconsider their condition. He noted that prior to approval for the use permit they would have to have the water system upgraded and brought up to safe water act standards and California Domestic Water Quality and Monitoring regulations which is generally reviewed by the state engineer who reviews large water systems like the PUDs. They would have to have guarantees that the water system was adequate prior to reoccupation of the park. On the sewage disposal system he noted they have tentative soils data which indicates there are two areas available for disposal, one for sewage system and one for a backup. Before approval for construction they will need a complete design by a registered engineer, approved by their centralized sewage sanitarian and a permit would have to be obtained for installation under direction of the engineer and department. A further condition required annual renewal of the parks permit for the centralized sewage system which involves county inspection and monitoring to verify correct operation. On the water system monitoring falls under state health jurisdiction and they have annual inspection. He verified that if either system fails and the problem was not corrected they would have to vacate the park.

Jerry Blakely, Hirschdale resident since 75, noted they have had a few problems in the community with the water system but noted that Mr. Rodriguez had water brought in when they ran low, when the line froze he provided a way to thaw it out and get the system back in operation. He noted he did not have any trouble and feels Mr. Rodriguez will do the job he states he will. On the water system he stated he felt people should sit back and think about it because of the costs involved. On the trailer park, he noted he was all for it.

Tony Rivara noted that there has been a water shortage in Hirschdale for many years and he noted that Mr. Rodriguez acquired the park in November and only last week got around to fixing a leak in the system and he felt that it was his system and he should be maintaining it.

→ John Minnis, area resident and president of the Homeowners association on the water problem, noted that Mr. Rodriguez has in the past made efforts to correct some of the problems, he did sell the property, it went extremely downhill. They have several problems - aesthetics, sewer and water. They have attempted to address all of them, but they are all separate. Mr. Rodriguez wishes to upgrade the trailer park, the sewer and the water. He must cooperate with the PUD to get the water in. Mr. Minnis noted he was concerned about aesthetics of the park and asked who will police the landscaping and enforce if it is not done. He noted that Mr. Rodriguez

will probably fix up the park and sell it again and who will police the next owner. With an engineered leach field for the trailer court, they may not have any problems. On the water system, with cooperation amongst the homeowners, he feels it could be alleviated. He noted his concern is with the size of the lots, size of trailers, fire hazards, setbacks and who will control these. He further noted they have more than the standard water problem as they have had cases of giardiasis. Having 25 trailers on only 8 acres he feels is to crowded and he asked how they could maintain a nice looking home in that area.

Chairman Johnson noted she lived in a mobilehome park and has to maintain her own landscaping and feels she has more invested in her landscaping than the person who owns the land. She stated that if the park is well managed, it can be just as aesthetically nice as anyother place. She further stated she feels anything would be an improvement over what is there now. She stated her space is 75' wides with a 24x56' mobilehome and a parking area and she feels it is equal to a home and it gives her a feeling of owning something and taking care of it,

Mr. Minnis asked if the Planning Department is going to police the park. Mrs. Johnson noted the department would enforce the requirements, but people like he would do the policeing reporting problems to the department. Planner Creighton noted that conditions of approval are required to be installed prior to occupancy of the park. Onsite inspection is necessary before occupancy to verify conditions are met. On the landscaping type being proposed, he noted there has been no indication from the applicant on what they are proposing and staff is requesting more information be submitted. He noted the Commission might want to have staff make further review of landscaping and fencing prior to approval and to leave it up to staff for approval when it is submitted. He noted that review is limited to the information submitted at this time and staff is requiring further information be submitted.

Cheryl Gillis, prior resident of the trailer park, stated she was speaking for herself and several people who used to live there, she noted they would like to make it a nice place to live and with support of the community they could do this.

Mary Minnis, property owner Hirschdale, testified that they have been working for five years to obtain an alternate water source which still is not definite. They have had to deal with an illegal water system operating without a permit at this time. Mr. Rodriguez stated prior to the original sale he would cease serving the homeowners which started their looking for another source. On the sewage problem she noted it has existed since the time of the sale and she is concerned that although this sounds wonderful the proper safeguards be built in so they won't be back where they started.

Chairman Johnson asked if she understood staff's explanation of the Health Departments requirements. Mrs. Minnis noted that the sewer problem existed for four years before it was closed down by the Health Department.

Planner Creighton stated that as a condition of this permit they will have to install an operating water system to California's water standards and the same with the sewer before occupancy and as a safeguard they have to have annual inspection of these systems.

Mrs. Minnis noted additionally she was concerned since this was based on the past use of the property but that use was not consistent with what had been approved for the property. Planner noted there had been zoning violations in the past prior to the Health Departments shutting down the park and the Department was in the pro-

cess of taking legal action on it prior to the shutdown. He further noted that the only thing being recognized from the past existence of the park is in the smaller size of the required pads for the trailers. New water system, sewer system, new landscaping and fencing requirements, a new density factor is being applied and they are upgrading the facilities and the road system. They requirements have to be completed prior to any occupancy of the park and if they fail to maintain these items it is possible to revoke the permit. In response to a question from the audience Mr. Creighton noted that the permit is good for one year and he would have to have completed the improvements within that time unless he asked for a longer time period today. The planner noted that the landscaping and fencing requirements are hard to enforce but they must be completed prior to any occupancy of the park and the plan must include a maintenance program.

Chairman Johnson noted that the key to a mobilehome park is management.

Mr. Rivara verified the condition requiring the water system by the Truckee Donner PUD be installed prior to occupancy. Staff verified that the condition as written stated a system must be in and approved.

Richard Muree, park resident since 78, noted that on the leak mentioned earlier that the County Health Department had come out and determined this was a spring. It later was found to be a leak in the line which was recently fixed. He noted he feels with proper management, the owner now, they can put the park back together and make it a decent place to live.

Mark Sutherland, neighboring resident, stated he felt mobilehomes could be a nice place to live but noted that Mrs. Johnson undoubtedly had invested more in her unit than the \$2,500 mobilehomes in this park. The units are old and take up every inch of space in their spaces leaving no room for landscaping. He stated he felt this was entirely different from her park. He noted they need storage and in order to have this storage they have to give up one of the two parking stalls. He noted that the existing electrical service is on old poles which have to be some of the worst poles around and he is sure it would not meet today's codes and should be addressed. Regarding contaminates that could go into the septic system for a trailer park would have to be different than a private residence as the tenants are not responsible for the upkeep of the system. He stated there should be a restriction as to the number of animals they could keep there as there have been tenants who have had a dozen animals in one space and families with up to five children in one small trailer. He noted that these are the same trailers that are there now so nothing will change. He noted he lives above the park and is used to looking down and seeing rubbish. He noted that Mr. Rodriguez is a credible person, but he is not living here and seeing this view day after day. He noted that from his view there are spare tires laying on peoples roofs and animals running loose. On the water service he noted that in 1977 Giardiasis was found by the Health Department and they had to drain the tank and scrub it down. He noted that they drained the tank and left them without water for nine days. These types of things have had an affect on his property values. He asked for the planning department to present statements from real estate appraisers as to the effect of the mobilehome park on his property. Although it is stated that it will be maintained, it has not been maintained in the past and that is all they can go on. He stated that he felt the property owners were more against the park than for it and that the County should provide services if they are going to make this area an urban high density area. The area currently does not have sufficient services for this type of use. He noted his view is from above and he will not benefit from the landscaping and fencing and his property will be devalued. He asked if the water system is developed would each of the 25 mobilehome owners take responsibility for an equal share like the homeowners.

Chris Mortenson, neighboring resident, testified that when Mr. Rodriguez owned the park he rented one unit to people with three pigs creating problems for the neighbors. One of the people in the audience noted that Mr. Fitzgerald was the owner at that time. Mrs. Mortenson stated this was the type of thing they have had to live with.

Chairman Johnson asked if they could require CC&Rs for the park. Staff noted they had that authority.

Commissioner Smith asked what the consequences would be of not approving the park - the park will not get cleaned up, the neighborhood would probably not get the new water system, people will continue to be out of their homes and the park will sit there and deteriorate further. Chairman Johnson noted there was no one living there now.

Mr. Rivara stated the County ordinance did not allow storing trailers on vacant land and they could take action through the County to have them removed.

Janet Mutree, manager of the property at this time, stated that mobilehome owners have rights too. Just because the mobilehomes are not as expensive or permanent they are still their homes. They have invested time and money in their mobilehomes and have now spent over one year trying to protect their investment. She asked the Commission to go forward from now and now dwell in the past when the park was owned by a man who did not care and only used the property for his own greed.

William R. Gaffney, general council for Golden State mobilehome owners and as such represents 38 tenants of the Hirschdale Mobilehome Park who were thrown out in March last year and also represents the current owner, Mr. Rodriguez. He noted that Mr. Mark Sutherland's testimony about the view from his property was unusual since Mr. Sutherland was once a tenant of the park and recently sold his unit in the park and given the condition of his coach at the time of sale and the condition of his residence, he should not have a right to complain. (Mr. Gaffney presented pictures to the commission both on Mr. Sutherlands coach and current residence, said pictures are in the file.) He noted that on the statement on the water tank problem and termination of service for 9 days, Mr. Fitzgerald was the owner at the time, but also the tenants of the park were without water for that same period and had the same concerns. On the statement that the coaches were valued at \$2,500, he stated he believes this substantially understates the value of the coaches to their owners. He noted that the expenses involved in moving a mobilehome could range from \$2,500 to \$15,000. In regard to the statement regarding tires on roofs, these tires have been gone for over five years. On the CC&Rs on the mobilehome park, while parks do not have CC&Rs the terms of residency are controlled by state law which preempts all local laws other than terms of health and safety. Park rules and regulations replace CC&Rs and a violation of such rules and regs is grounds for termination of tenancy.

Commissioner Davidson asked is his group had a model which could be adopted by Mr. Rodriguez.

Mr. Gaffney stated there are several available. He stated that he felt Mr. Rodriguez would not be opposed to supplying a copy of his proposed rules to the Planning Department. He stated that the tenants have the same interest in the quality of the park as the homeowners. On the question of Mr. Rodriguez's credibility, there has been testimony taken that while Mr. Rodrigues owned the park, the park was in fair to good condition and he has responded to problems as they have come up.

He noted that the sewage problem occurred after the sale of the park. The terms of the sale of the mobilehome park required that money be set aside for certain improvements to the park, those improvements never were made by Mr. Fitzgerald. In regard to the questions regarding enforcement of conditions placed by the Planning Department. He noted the same entity will enforce these conditions that would enforce conditions on the propertyowners. He noted they have been working on this problem well over one year for the sole purpose of reopening the park and upgrading the park and get the tenants back into their units. He noted he feels the conditions are adequate to provide safeguards for the homeowners.

He noted that the conditions set forth by the Health Department requiring that the water shall be served by the Tahoe-Donner PUD. Since the primary purpose of this condition is to insure an adequate supply for the mobilehome park, even if Mr. Rodriguez has stated he will and does want to supply water to the surrounding homeowners. He noted to limit them to providing this water from the Tahoe-Donner PUD may be too restrictive in that they have to enter into an agreement for upgrading the system over a long period of time. He noted they would like: "Or a system operated by Hirschdale Water Company be certified by appropriate agencies as adequate." This would allow Hirschdale to supply that water if they can provide an adequate water system which meets potable water requirements. He asked for the flexibility so they can move quickly as they want to have the park open and operating before winter. On the upgrading of the road in front of the park at first worried them but after discussing this with Mr. Creighton it appears it will be economically feasible. The condition is now to upgrade the road to a class I collector standard 18' wide with 2' shoulders and they would accept that condition as stated but reserve the right to appeal if any other conditions are added.

Richard Fare, Hirschdale propertyowner, stated he had a deed stating spring water will be piped to the edge of his property. He noted he obtained the property prior to the establishment of the mobilehome park and had this right to spring water to the edge of his property. He asked why this has to go back to a mobilehome park and couldn't it be zoned into something else. He stated he does not see the purpose of going back into something that has failed over the past ten years and feels it does not make logical sense to repeat mistakes of the past.

→ Bill Austin asked about Mr. Gaffney's statement that they will serve property residents vs. property owners. He noted he is a property owner and needs to have water to build. Mr. Gaffney noted it will serve the entire area and if an agreement is reached with Tahoe-Donner PUD it will be to serve the park and property owners in the area.

Mary Fehrt, propertyowner in area, asked how many of the former tenants wished to move back into the park. Mr. Gaffney noted that of the 38 affected tenants about 70% of them would like to come back into the park and that if they did come back it would be under the new owner and new conditions.

Diane Munson, property owner, asked what will happen to the trailers there now who do not meet the new standards and will there be regulations on these units.

Mr. Rodriguez stated that all units will have to meet the new rules and regulations or they will have to remove those units.

Mrs. Munson asked if they could have a copy of the proposed rules.

Mr. Rodriguez noted he did not feel this was appropriate as it is park business and they have his assurance that it will be maintained in a reasonable fashion.

Mr. Rodriguez noted that the displaced park residents have suffered the most in this case, he and his wife have a substantial financial investment in this park and are interested in improving it or they would have walked away from it a long time ago.

Brunson

Mrs. Munson noted she wants to live in a community where they can all get along and work together and discuss common problems and she asked that the Commission act appropriately to protect both sides.

Commissioner Davidson asked Mr. Rodriguez if he has arranged for financing so he can abide with the conditions being asked. Mr. Rodriguez noted he could cover the presently estimate amount and will begin immediately as soon as they get the use permit. He noted that on the road improvements, if they find the entire road has to be reconstructed that might tip the scale of making the project unaffordable. He state the the cleanup work done to date has been minimal as they are reluctant to put in more money with the use permit expired but once they get this approval they are prepared to start work on the design of the system, etc.

Planner Creighton verified that the applicant understood the landscaping will including solid fencing, berming and low shrub and canopy trees in front of the recreation area.

Mr. Gaffney asked about the amendment to condition number 1. Wording read back adding that it could be a system by another agency certified as adequate. Mr. Creighton noted that in his discussions with the Health Department there are requirements for any water system serving more than four units and these are the same standards required for the Tahoe-Donner PUD. He noted it may require a public entity but they are allowed under County ordinance and he noted he felt the Health Department could live with this change in the wording.

Commissioner Smith asked about a state standard for moving trailers into a park. Mr. Gaffney noted that there used to be a law for 17 year age which is still in effect.

John Corbet from the Tahoe-Donner PUD Board noted there will be a meeting next Thursday to determine what they could do to help these people.

Commissioner Davidson noted that the public testimony today demonstrates representation of both sides of this application fairly equally and does not mandate a denial of the use permit but is fairly well balanced. He noted his personal opinion is that the finding dealing with property values is appropriate because he feels the adverse effect will be if nothing is done as opposed to getting in and cleaning it up.

MOTION by Commissioner Davidson, seconded by Smith, to recommend to the Nevada County Board of Supervisors to amend the Martis Valley General Plan from the current Recreation designation to establish a Medium Density Residential designation allowing one to three dwelling units per acre. In taking this action the Commission finds that the proposed general plan amendment would recognize past land use activities and also provide for low to moderate income housing in the Hirschdale area. Both findings are consistent with the Nevada County General Plan's goals, policies and objectives."

MOTION PASSED by roll call vote 3-0-2: AYES: Davidson, Johnson, Smith; NOES: None; ABSENT: Bunyan, Estin

MOTION by Commissioner Davidson, seconded by Smith, to recommend that the Board of Supervisors rezone the subject 8.78 acre parcel from the current "FR-40" to establish an "1400-R2(15,500)MH" 1400 sq. ft. minimum mobilehome pad size, one mobilehome unit per every 15,500 sq. ft. of land area mobilehome combining district. In rezoning the property the Commission also finds that the proposed rezoning would be consistent with the Medium Density Residential designation of the Martis Valley General Plan.

MOTION PASSED by roll call vote 3-0-2: AYES: Davidson, Johnson, Smith; NOES: None; ABSENT: Bunyan, Estin.

MOTION by Commissioner Davidson, seconded by Smith, to approve the conditional use permit of A. F. Rodriguez to re-establish the 25 unit Hirschdale Mobilehome Park with two residences and storage units with the addition of a recreational area, fencing, and landscaping and subject to conditions listed in the staff report:

- A. Department of Public Works 1 - as stated, 2 changed to allow for improvement plans or an encroachment permit.
- B. Planning Department: 1-3
- C. Health Department - as specified in their 6/13 letter (Exhibit "A") as amended.

Chairman Johnson asked for the inclusion of Planning Condition #4 asked for park rules. Davidson and Smith agreed to addition.

Commissioners agreed to having the landscaping plan reviewed and approved by the Planning Department rather than coming back before them.

Motion continued - In approving the conditional use permit, the Commission makes the following findings pursuant to article 31.5 of the Land Use and Development Code.

As demonstrated by the existing parking pad facilities and the proposed recreation area the park is adequate in size and shape to handle the proposed use and provide adequate fencing, parking, loading and landscaping areas.

The proposed streets within the park and the existing roads serving the park are adequate in size and pavement type to carry the quantity of traffic generated by the proposed use.

The proposed use will not have a significant adverse effect on surrounding properties or the permitted use thereof because additional fencing and landscaping is being provided to help buffer the park from existing residences.

With the amendments to the Martis Valley General Plan and zone change the project will be consistent with the General Plan and specific zoning for the area.

Adequate public services are available for this site and it is not within the boundaries of impacted special districts that require written statements acknowledging that services are available.

Because the park has been existing and in use for some time, development fees are not being required by the Department of Public Works per the latest resolution adopted by the Board of Supervisors.

Conditions imposed on this project are the minimum necessary to insure the protection of the public health, safety and welfare.

In taking such action the Commission also evaluated the initial study proposed for this project and reaffirms the findings of the Advisory Review Committee that a negative declaration is applicable and recommends that the Board of Supervisors adopt the negative declaration and direct staff to file such with the Clerk's office.

MOTION PASSED by roll call vote 3-0-2: AYES: Davidson, Johnson, Smith; NOES: None; ABSENT: Bunyan, Estin

Chairman Johnson noted that these are recommendations to the Board and will be scheduled before them on a hearing on the General Plan Amendment and Zone Change. The Use Permit carries a ten day appeal period.

James Grill tentative map public hearing postponed as no one present until end of meeting.

U84-33,34,35 Z84-15,16 Applications of WestStar Cable TV to construct three separate towers with microwave transmitting and receiving dishes and one with an airport beacon on property located at Donner Ski Ranch, Donner Pass Road and Ponderosa Palisades.

Planner Dale Creighton noted there were three applications for consideration by the Commission filed by WestStar Cable TV for microwave towers and dishes.

The first application is for a use permit to install a 60' tower with microwave receiving and transmitting dishes on property which is part of Donner Ski Ranch. The property is zoned for this use. Staff is recommending approval of this permit based on the existing facilities at the summit (chair lift and PG&E tower), that utilities are currently using this site, and that its a distance from the roadway.

The second application is to rezone a 50 sq. ft. parcel to establish a FR zoning district to allow private utility companies to put in transmission towers and a use permit application to install a 60' tower with a receiving microwave dish. Property is located on Donner Pass Road in Gateway on a forested hillside. Because of the request for spot zoning and the lack of any existing utilities on that site at this time, staff feels this use is out of character with uses in the area and would have a visual affect to that property and therefore is recommending denial of the rezoning and the use permit for the tower.

The third application is for construction of a 60' high tower with an aircraft beacon and 2 microwave receiving dishes. The site currently has a water tank on it. The application is asking for rezoning to Forest & Recreation to allow the use and a use permit for the tower. Staff's recommendation for approval is based on the fact that there is an existing utility use of this property. The planner noted that the Commission has to consider public testimony which the staff does not have when it comes to its decision.

Mr. DeYoung, Planning Group representing the applicant, presented a slide show to the Commission of the three sites and the surrounding property. Mr. DeYoung noted that the Ponderosa Palisades site and the Gateway sites are alternative sites, they need either one and the Donner Summit site is mandatory for their use.

Mr. Deyoung noted that at the Gateway site the tower would be located about 100 yards up the slope, there is an abandoned water tank on the site which will be removed, and the only impact would be the view from the high school.

On the Hilltop site Mr. DeYoung noted that the California Highway Patrol currently has a receiving/transmitting radio tower on the site along with the utility districts water tank. The tower will be adjacent and north of the existing tower and outside



AUSTIN

MECH

H.E.B.
RIVARA

EXISTING WATER BOX

"B" LINE

HYDRANT

INSTALL
STEEL
PIPE
NO COV

PLUG

MINNIS

HRT

LEGG

February 7, 2016

Steven Castleberry
Director of Public Works
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

A roadway improvement plan affecting a long neglected portion of Floriston Avenue in the Hirschdale Subdivision community, submitted by Andresen Construction to Nevada County agencies, was recently brought to my attention by various neighbors.

The proposed plan indicates straightening the narrowed roadway to a minimum width of 18 feet, installing adequate drainage devices, and stabilizing the roadbed with properly compacted and graded materials. Relocating several privately owned storage structures presently existing on the originally designated road right-of-way, removing some obstructing vegetation, and relocating the fire hydrant and utility pole in cooperation with affected authorities, would be required.

The plan appears to be a way to mitigate hazards to necessary vehicle travel on this portion of Floriston Avenue that can benefit not only the property owners that routinely use the road, but those requiring unimpeded access to the area in times of peril e.g. fire and rescue vehicles, as well as provide adequate access for service vehicles such as mail, trash, and utilities require.

It is my understanding that Nevada County Public Works budget and work plans do not include any resources committed to maintaining and/or improving Floriston Avenue in the Hirschdale community. If reviewed and approved by Nevada County authorities, I believe that Larry can undertake the work at the earliest possible date in cooperation with the Public Works and Land Use Planning staff requirements.

Historically, as roads within the Hirschdale subdivision have never been maintained by the County, Larry has routinely plowed excess snow and routinely maintained Floriston Avenue and Iceland Road for about 20 years. His knowledge of the access issues for all concerned is invaluable to the health and safety of property owners in the area. To assure the quality of life in this aging community, I believe we can benefit from the good intentions of neighbors concerned for our welfare and intent on maintaining property values.

As property owners in the Hirschdale Truckee riverfront community for 44+ years, our family recalls use of Floriston Avenue free of obstructions [when the road was not closed by snow] and the cooperation of all neighbors maintained an exceptional community spirit. We look forward to the review, consideration, and approval of the proposed improvement project.

Respectfully,

Martha McBride
10877 Floriston Avenue, Hirschdale Community, Truckee, CA 96161

Exhibit 7 (a)

Ron and Virginia Legg-1340 Princess Avenue-Reno NV-89502
775-329-8795

February 4, 2016

Board of Supervisors
950 Maidu Avenue Suite 200
Nevada City, Ca 95959

Dear Honorable Board of Supervisors:

We own the property located at 10965 Floriston Avenue in Hirschdale. Ours is the last residence located on this street before heading down Iceland. We have owned this property for over 47 years and can remember this roadway with no obstructions. Our house is directly beside all of these obstructions. The bush you pass approaching our home makes for a dangerous situation. Until you are right upon this bush you do not know what is on either side of it. At this point in the roadway the road becomes one lane wide. The same goes for exiting this roadway.

Over the years, the right of way has continually narrowed due to unauthorized encroachments, storage of materials, and parking, which has impeded our ability to access our property. Several encroachments were actually constructed on our private property, and were only removed by the encroacher after we expended much money on legal counsel and a surveyor. This same encroacher has unlawfully constructed encroachments on the public right of way, obstructing the free passage over Floriston Avenue. These encroachments and blockage of the right away not only affect us, but also the portion of roadway which has been designated to the public going both directions from our property.

Larry and Cheryl Andresen recently shared their plans with us to improve and widen the existing right-of-way on Floriston Avenue in order to provide fire safe access. We are writing this letter to inform you of our support of these plans. The proposed Floriston Avenue Road Improvement plan would restore the dedicated right of way, allowing access for necessary public services to reach our residence, such as fire, ambulance, and propane. We are both elderly, and allowing for safe passage of these public services, as well as unobstructed passage of our personal vehicles, is essential. The Andresen's fence is not of issue as it is place on their own property line which is acceptable to us as it is not on the dedicated County right of way.

Thank you for considering our concerns. We presented our thoughts also to Mr. Castleberry and Troy Adamson from Cal Fire. We have attached both letters to Mr. Castleberry and Troy Adamson for your review.

Sincerely,

Ron and Virginia Legg

Exhibit 7 (b)