

From: [REDACTED]
Cc: BOS_PublicComment@co.nevada.ca.us
Subject: [Julie Patterson-Hunter](#)
Date: re: Andresen Appeal
Friday, September 18, 2020 4:34:55 PM
Attachments: [Appeal letter Part 4.pdf](#)

CAUTION: This email originated from outside of County of Nevada email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Part 4 of Andresen Response to Appeal hearing Sept 22, 2020
Cheryl Andresen

Trisha Tillotson

From: Trisha Tillotson
Sent: Monday, September 23, 2019 4:40 PM
To: Richard Anderson
Subject: Floriston Vegetation Removal Encroachment Permit
Attachments: L190923 Rivara.pdf; L190923 Fehrt.pdf

Hello Supervisor Anderson,

Per your request, please see the attached letters to the Rivara's and Fehrt's regarding the encroachment permit application to remove vegetation on Floriston Avenue. Meanwhile, the plans will need to be revised by the applicant.

Sincerely,

Trisha M. Tillotson, P.E.
Director of Public Works
County of Nevada
950 Maidu Avenue
Nevada City, CA 95959
(530) 265-1718 fax (530) 265-9849
trisha.tillotson@co.nevada.ca.us



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

Trisha Tillotson
Director of Public Works

September 27, 2019

Richard H & Mary E Fehrt
emailed

RE: Removal of Vegetation in Front of [REDACTED]

Hello Mr. and Mrs. Fehrt,

The Nevada County Department of Public Works has received an Encroachment Permit application to remove vegetation and a rock surround in the County road right of way in front of your property at 10941 Floriston Avenue in order to improve sight distance and allow for improved access. Looking into this matter further, my understanding is that mediation occurred earlier this year at which the County stated that it was agreeable to a) having you trim the bushes back to help improve sight distance or b) considering another alternative that was mutually acceptable to you and the Andresen's. In addition, Mr. Andresen's counsel was planning to work with you on this issue including a potential buffer to address concerns with the location of your leach field. Upon reviewing the vegetation, it has been observed in the past encroaching into the narrow travel way and is in need of trimming as a minimum. The type of plant is not ideal for its location as it will require regular maintenance to avoid future encroachment into the travel way. Although sight distance concerns are minimized on a one-lane low traffic volume low speed roadway, the removal of the vegetation and rock island has the potential to improve access and egress. With that said, the purpose of this letter is to seek your feedback on the following:

1. Was an agreement reached regarding the removal of the vegetation described above with Mr. Andresen's counsel and if so, what is the agreement?
2. Would you be willing to trim and/or remove the vegetation and rocks on your own accord? If not, the submitted encroachment permit proposes to remove the vegetation and rocks. If this were to occur, what are your concerns with the removal of the vegetation?

Should you have any questions, please reach out to me at (530) 265-1411 or by email at Trisha.Tillotson@co.nevada.ca.us.

Sincerely,

Trisha Tillotson
Director of Public Works



**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

Trisha Tillotson
Director of Public Works

September 27, 2019

Peter H Rivara
[REDACTED]

RE: Removal of Vegetation in Front of 10930 Floriston Ave

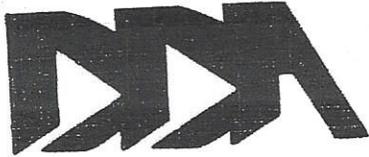
Hello Mr. Rivara,

The Nevada County Department of Public Works has received an Encroachment Permit application to remove vegetation and a rock surround in the County road right of way in front of your property at 10930 Floriston Avenue in order to improve sight distance and allow for improved access. Should you have any concerns with this work, please reach out to me at (530) 265-1411 or by email at Trisha.Tillotson@co.nevada.ca.us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Trisha Tillotson".

Trisha Tillotson
Director of Public Works



DENNIS DODDS & ASSOCIATES, INC.
CIVIL ENGINEERING • DESIGN CONSULTATION
10049 MARTIS VALLEY ROAD, SUITE D
TRUCKEE, CA 96161
530-582-1389

July 13, 2020

Ms. Trisha Tillotson
Nevada County Department of Public Works
950 Maidu Avenue
Nevada City, CA 95959

Re: Floriston Avenue Road Improvement Plans
Encroachment Permit No: 19-0140

Dear Trisha:

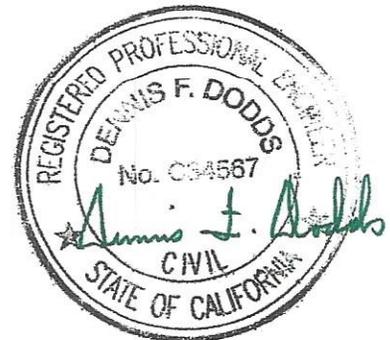
Susan is uploading revised Floriston Avenue Road Improvement Plans through Accela today. I apologize for the delay. This plan revision was done concurrently with settlement negotiations with Miriam Mennis, and has now been presented to her along with a Final Offer of Settlement.

We will keep you advised as the Settlement develops, and we will follow – up with you shortly to discuss and clarify the process and CEQA issues which you referenced in the past.

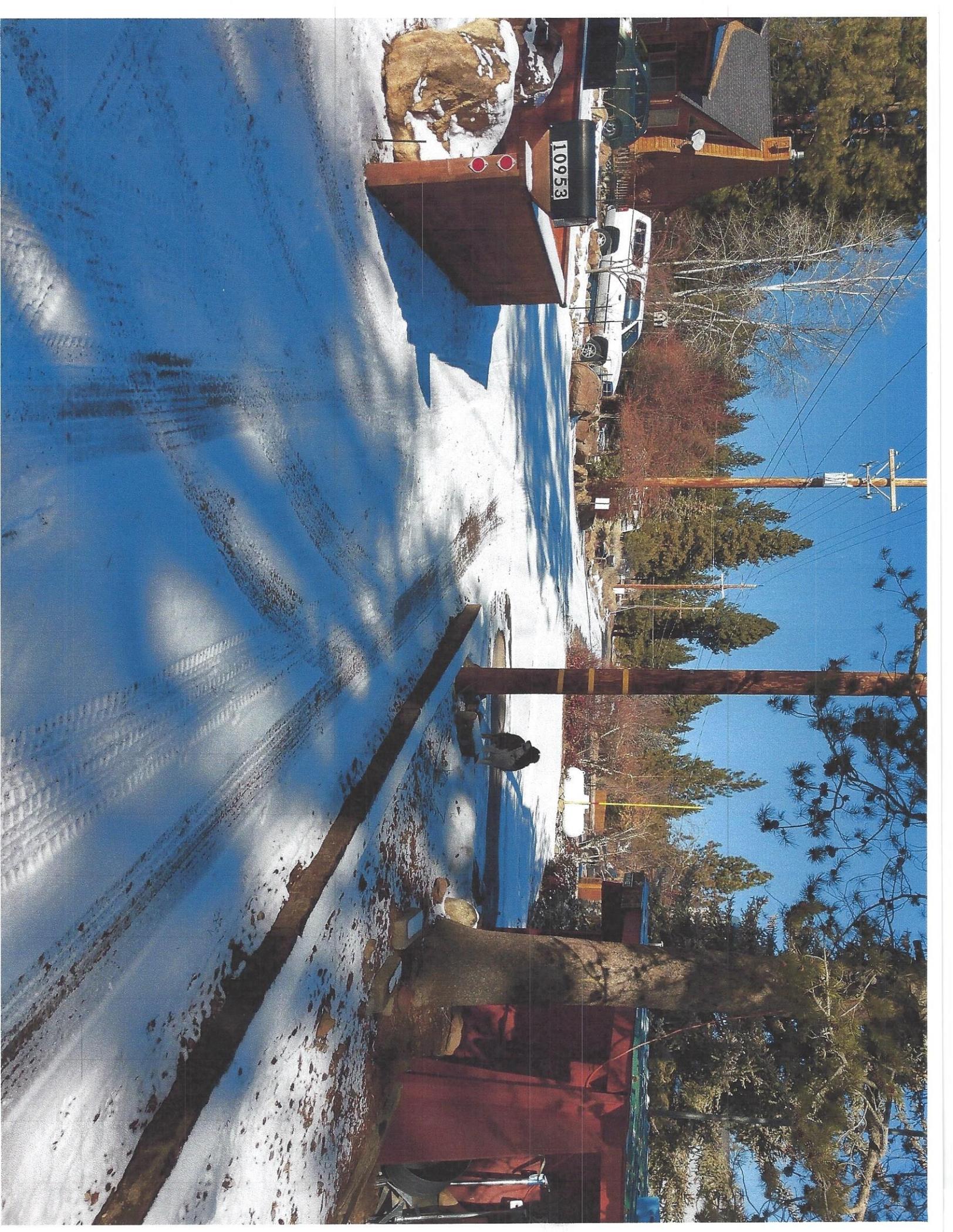
If you have any further questions about this Plan Revision, please give me a call.

Yours truly,

Dennis F. Dodds, PE



7-13-2020







Trisha Tillotson

From: Trisha Tillotson
Sent: Friday, September 27, 2019 4:10 PM
To: Mary and Dick Fehrt
Cc: Alison Barratt-Green; Richard Anderson
Subject: RE: Larry Andresen
Attachments: L190927 Fehrt.pdf

Hello Mr. and Mrs. Fehrt,

Your email below was timely as I was preparing to mail you a letter but since you've emailed, please refer to the attached document. Mr. Andresen has submitted for an encroachment permit for removal of the vegetation and rock surround only however a decision has not been made on the permit application as of yet. **Since the vegetation in question is within county right of way, the County does have the authority to require their removal if deemed necessary.** While Floriston Avenue is a one-lane low traffic volume low speed road, the vegetation in question has been observed encroaching into the narrow travel way and its trimming or removal could improve emergency egress should an event such as a wildfire occur. Please kindly review the attached letter and I would appreciate your response prior to making any determination on the submitted encroachment permit application.

Please note that any modification to the vegetation will not result in automatic approval of any future encroachment permits for modifications to Floriston Avenue. If future encroachment permit applications are submitted for any major modifications, it is my intent to require a community meeting to discuss the request and the desires of the property owners. The County Public Works Department does not have any plans to maintain or improve Floriston Avenue at this time.

Sincerely,

Trisha M. Tillotson, P.E.
Director of Public Works
County of Nevada
950 Maidu Avenue
Nevada City, CA 95959
(530) 265-1718 fax (530) 265-9849
trisha.tillotson@co.nevada.ca.us

From: Richard Anderson <Richard.Anderson@co.nevada.ca.us>
Sent: Friday, September 27, 2019 1:19 PM
To: Mary and Dick Fehrt <[REDACTED]>
Cc: Trisha Tillotson <Trisha.Tillotson@co.nevada.ca.us>; Alison Barratt-Green <Alison.Barratt-Green@co.nevada.ca.us>
Subject: Re: Larry Andresen

Mr. And Mrs. Fehrt, my understanding is that Larry Andresen is interested in doing the work you describe, but that he has not (yet) received a permit from Nevada County. I don't know whether he will or won't receive said permit. I'm copying your e-mail to our Director of Public Works, Trisha Tillotson, so that she is aware of your concerns.

Richard Anderson
Supervisor, District 5

1480.5.

The road commissioner **may** immediately remove, or by notice may require the removal of, any of the following encroachments:

(a) An encroachment which obstructs or prevents the use of a county highway by the public.

(b) An encroachment which consists of refuse.

(c) An encroachment which is a traffic hazard.

(d) An encroachment which is an advertising sign or device of any description, unless excepted by subdivision (c) of Section 1460. The road commissioner may return such sign or device to its owner, or otherwise dispose of it in his discretion, except that if the commissioner determines in good faith that the sign or other device is of more than nominal value he shall not effect such other disposition until he has made a reasonable attempt to identify and notify the owner of the sign or device and provided a reasonable time for the owner to retrieve it under provisions of this section. The return of such sign or device to its owner may be conditioned upon payment of an amount sufficient to reimburse the road commissioner for the expense of removal.

The road commissioner may recover from the person causing any of the above encroachments, in an action brought in the name of the county for that purpose, the court costs of the road commissioner, the expense of such removal, and any other damages caused by the encroachment.

1481.

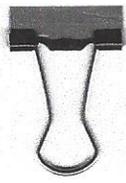
The road commissioner **may**, by notice, require the removal of any other encroachment not specified in Section 1480.5 from any county highway.

**Wildfire Prevention:
Let's Treat It as If Our Lives Depend on It**

2019-2020 Nevada County Grand Jury

Report Date: March 24, 2020

Public Release Date: June 5, 2020



**Facing Year-Long Fire Seasons:
Are We Prepared?**

2018-2019 Nevada County Grand Jury

Trisha Tillotson

From: Mary and Dick Fehrt <[REDACTED]>
Sent: Wednesday, November 27, 2019 4:48 PM
To: Trisha Tillotson
Cc: Richard Anderson
Subject: Unauthorized removal of rock planter and vegetation

November 27, 2019

Trisha Tillotson
Public Works Director
County of Nevada

Good Afternoon Ms. Tillotson –

We are still in shock after finding out yesterday that Larry Andresen totally removed the rock planter and vegetation in front of our home at 10941 Floriston Avenue, Truckee, CA. This rock planter and vegetation had been in existence for over 45 years and had given us privacy, dust control, protection of our leach field and water runoff protection. The unauthorized removal of the rock planter and vegetation opens up our property to uncontrolled water runoff, snow berming and potential traffic on our leach field and no privacy whatsoever.

We have been playing by the rules and working with the County of Nevada and the Public Works Department specifically in trying to obtain an encroachment permit which would enable us to retain the rock planter and vegetation in front of our home. Evidently, Larry Andresen feels that he does not have to play by the rules and obey the law but can just take matters into his own hands. The audacity of someone just coming onto a person's property and totally removing someone's property (rocks, shrubs, trees and soil) is beyond belief.

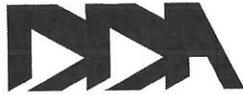
What kind of penalty does the County of Nevada have for this type of unauthorized activity? Can Larry Andresen be made to replace the rock planter and vegetation? Our request for an encroachment permit for a rock planter and vegetation in front of our home is still needed. We will work with your department to determine the exact location of the new rock planter and vegetation.

Our neighbors, Peter and Jamie Rivara who reside at 10930 Floriston Avenue called Richard Anderson, our County of Nevada Supervisor for the Truckee area and told him what was taking place and Richard came right out to the Hirschdale area to take pictures and document the unauthorized removal of private property. They also called the Nevada County Sheriff's Department and they dispatched a deputy. The Sheriff deputy's name is Brandon Lampe. The Case Number is 21196116. Peter and Jamie Rivara were kind enough to take numerous pictures of Larry Andresen and his crew removing the rock planter and vegetation and Miriam Minnis's retaining wall. We were told by Peter and Jamie Rivara that they would be sending you pictures. Please let me know if you did not get the pictures and I will send them to you.

Please keep me informed as to what action the County of Nevada plans to take and what recourse I might have. Thank you so much! Have a happy Thanksgiving holiday!

Respectfully,

Richard and Mary Fehrt
[REDACTED]



DENNIS DODDS & ASSOCIATES, INC.
CIVIL ENGINEERING • DESIGN CONSULTATION
10049 MARTIS VALLEY ROAD, SUITE D
TRUCKEE, CA 96161, 530-582-1389

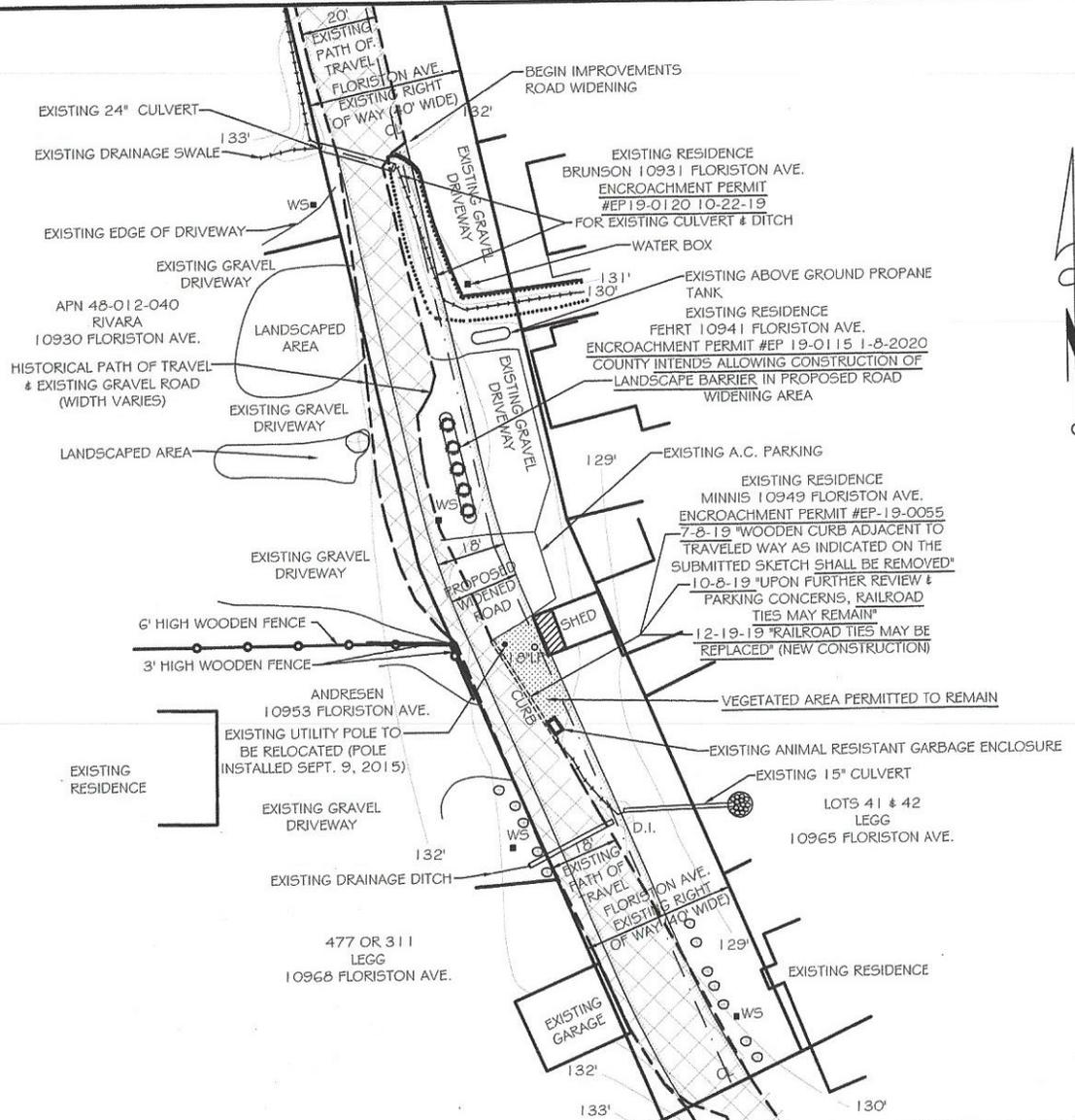


EXHIBIT FOR
FLORISTON ROAD
SHOWN ON THE MAP OF HIRSCHDALE ON THE TRUCKEE
OF SUBDIVISIONS AT PAGE 37, NEVADA CO. RECORDS
BOOK 15 OF SURVEYS AT PAGE 185

DATE:	09/17/2020
SCALE:	1" = 30'
DRAWN:	BMM
JOB:	19097 FLORISTON 1 OF 1 SHEETS



CE006785

CM



ENCROACHMENT PERMIT APPLICATION

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

COUNTY USE ONLY
Permit # _____

TO BE COMPLETED BY APPLICANT

APPLICANT/PROPERTY OWNER

Name: Richard and Mary Fehrt
Address: _____
City/State/Zip: _____
Email: _____
Phone- cell: _____
Phone - other: _____

CONTRACTOR:

Name: _____
Address: _____
City/State/Zip: _____
Email: _____
Phone -cell: _____
Phone - other: _____
Contractor's License: _____

ENCROACHMENT DETAILS

Encroachment Location/Site Address: 10941 Floriston Avenue, Truckee, CA 96161
Event or Work start date: _____
Event or Work end date: _____
Description of even or work to be performed: Retain rock planter, vegetation and water box on Nevada County property in front of home located at 10941 Floriston Avenue, Truckee, CA

ENCROACHMENT TYPE

Construction

- | | | | |
|---|--|----------------------------------|---------------------------------------|
| <input type="checkbox"/> Standard Driveway | <input type="checkbox"/> Aggregate Surface | <input type="checkbox"/> Culvert | <input type="checkbox"/> No Drainage |
| <input type="checkbox"/> Private Road | <input type="checkbox"/> Asphalt Concrete | Diameter _____ (in) | <input type="checkbox"/> Valley Swale |
| <input type="checkbox"/> Parking Pad | <input type="checkbox"/> Concrete Surface | Length: _____ (ft) | |
| <input checked="" type="checkbox"/> Other (Description of Other): | <u>Existing rock planter, vegetation and water box on Nevada County property</u> | | |

Utilities

- | | | | |
|--------------------------------|--|--|------------------------------------|
| <input type="checkbox"/> Power | <input type="checkbox"/> Cable TV | <input type="checkbox"/> Service Connection | <input type="checkbox"/> Tree Work |
| <input type="checkbox"/> Phone | <input type="checkbox"/> Overhead | <input type="checkbox"/> Mainline Extension | |
| <input type="checkbox"/> Water | <input type="checkbox"/> Underground | <input type="checkbox"/> Mainline Relocation | |
| <input type="checkbox"/> Sewer | <input type="checkbox"/> Other (Description of Other): | _____ | |

Special Events

- | | | | |
|----------------------------------|-----------------------------------|---------------------------------|--------------------------------|
| <input type="checkbox"/> Filming | <input type="checkbox"/> Athletic | <input type="checkbox"/> Parade | <input type="checkbox"/> 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 work or event 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.

Applicant Signature: R. H. Fehrt  Date: 10/8/19

Printed Name: Richard H Fehrt

FOR COUNTY STAFF USE ONLY

Exhibits	Fees		Qty	Total	Grand Total
<input type="checkbox"/> Traffic Control Plan	<input type="checkbox"/> Construction/Driveway	\$364.52	_____	_____	_____
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Admin/Event	\$129.72	_____	_____	_____
<input type="checkbox"/> Insurance Certificate	<input type="checkbox"/> Additional Inspection	\$117.40	_____	_____	_____
<input type="checkbox"/> Law Enf. Support	<input type="checkbox"/> Bond Deposit	\$ _____	_____	_____	_____

Status

Approved w/Conditions: _____ Date Issued: _____

Denied By: _____ Date: _____ Date Exp: _____

Finaled By: _____ Date: _____



ENCROACHMENT PERMIT

COUNTY OF NEVADA - DEPARTMENT OF PUBLIC WORKS
950 MAIDU AVENUE | NEVADA CITY, CA | 95959-8617
(530) 265-1411 | FAX (530) 265-9849 | <http://www.mynevadacounty.com/nc/cda/pw>

Permittee:

Richard Fehrt

Permit No.: EP19-0115**Issue Date:** 01/08/2020**Expiration:** 01/11/2021**Fee:** \$364.52**Assessor Parcel No.:****Location of Encroachment:****Contractor:****Encroachment:** Construction**Description:**

Repair rock planter per conditions of approval and retain existing encroachments including: vegetation, utilities, parking area, propane tank and water box on Nevada County Property in front of home located at 10941 Floriston Avenue.

For Development Projects - Construction per plans approved on

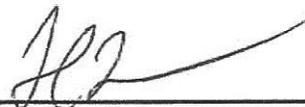
NA

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 permittee acknowledges the general conditions listed on "Encroachment Permit General Provisions" and receipt of general encroachment permit information BASED UPON PRECEDING AND ATTACHED CONDITIONS.

PLEASE NOTIFY THE PUBLIC WORKS DEPARTMENT AT (530) 265-1411, 48 HOURS PRIOR TO START OF WORK AND UPON COMPLETION OF WORK.

DIRECTOR OF PUBLIC WORKS BY



NEVADA COUNTY DEPARTMENT OF PUBLIC WORKS
ENCROACHMENT PERMIT GENERAL PROVISIONS
Encroachment Permit # 19-0115

1. **Definition:** This Permit is issued under Chapter 5.5 of Division 2 of the Streets and Highways Code, and Nevada County Ordinance No. 727. The term encroachment, as used in this Permit, is defined in the said Chapter 5.5 of said Code, and Nevada County Ordinance No. 727. Except as otherwise provided for public agencies and franchise holders, this Permit is revocable on five-(5) day notice.
2. **No Precedent Established:** This Permit is granted with the understanding that this action is not to be considered as establishing any precedent on the question of the expediency of permitting any certain kind of encroachment within right-of-way of Nevada County highways.
3. **Keep Permit on Work-Site:** This Permit shall be kept at the site of the work and must be shown to any representative of Grantor or any law enforcement officer on demand.
4. **Protection of Traffic:** Adequate provision shall be made for protection of the traveling public. Barricades with lights shall be placed at night. All traffic control, including devices and personnel requirements, shall be as required by the current *State of California Manual of Traffic Controls for Construction and Maintenance Work Zones* and as directed by Grantor.
5. **Minimum Interference with Traffic:** All work shall be planned and carried out so there will be the least possible inconvenience to the traveling public. Traffic shall be permitted to pass at all times unless otherwise specified. One-way traffic may be maintained in the area of work only during daylight hours. Two-way traffic shall be maintained at all times during hours of darkness and, where practical, during daylight hours.
6. **Storage of Material:** No material shall be stored within eight (8) feet of the edge of pavement or traveled way or within shoulder lines where shoulders are wider than eight (8) feet.
7. **Clean Up right-of-way:** Upon completion of the work, all brush, timber, scraps or other materials shall be entirely removed and right-of-way left in as presentable a condition as before work started.
8. **Supervision of Grantor:** All the work shall be done subject to supervision of, and to satisfaction of Grantor.
9. **Liability for Damages:** Permittee is responsible for all liability for personal injury or property damage, which may arise out of work herein permitted, or which may arise out of failure on Permittee's part to perform their obligations under this Permit in respect to maintenance. In the event any claim of such liability is made against County of Nevada or any Department, officer, or employee thereof, Permittee shall defend, indemnify and hold them and each of them harmless from such claim. This Permit shall not be effective for any purpose unless and until above named Permittee files with Grantor a certificate of insurance naming the County of Nevada as additional insured when required by said Grantor. Said insurance certificate shall be in form approved by Grantor with minimum coverage of \$1,000,000.00 per occurrence and \$1,000,000.00 aggregate.
10. **Care of Drainage:** The work herein contemplated shall not interfere with established drainage.
11. **Maintenance:** Permittee agrees by acceptance of the Permit to exercise reasonable care to maintain properly any encroachment placed by it in the highway, and to exercise reasonable care in inspecting for, and immediately repairing and making good any injury to any portion of the highway that occurs as a result of maintenance of encroachment in the highway or as a result of

work done under this Permit, including any and all injury to the highway that would not have occurred had such work not been done or such encroachment not placed therein.

12. **Making Repairs:** Permittee shall immediately begin work or effect repairs of maintenance of County improvements that have been disturbed by Permittee. After reasonable notice of the need for such repairs or maintenance, Grantor may elect to perform, or cause to have performed, the needed work and the cost shall be borne by Permittee. With no notice given, and as nearly as possible, any portion of the highway that has been excavated or otherwise disturbed and deemed hazardous may be immediately remedied by Grantor to its former condition. Grantor may elect to require a deposit before starting repairs in amount sufficient to cover estimated costs.
13. **Relocation:** Relocation of facilities or improvements authorized by this encroachment, if required by future road improvements, will be at the sole expense of Permittee in accordance with Section 1463 of the Streets and Highways Code.
14. **Rights Granted:** The rights granted under this Permit are limited to those possessed by County and County does not warrant it as adequate rights for the intended use.
15. **Time of Work:** Any work done from October 15 to May 15 shall be specifically authorized by Grantor. Projects partially completed during this time period shall be "winterized" to minimize erosion and tracking of mud onto roadway, as directed and approved by Grantor.
16. **As Is Condition of County Property; Disclaimer of Representations:** Permittee accepts County property in its "AS IS" condition without representation or warranty of any kind by County, its officers, agents, or employees, including and without limitation, the suitability or safety of County property or **any** facilities on County property for Permittee's use.

SPECIAL CONDITIONS

17. **Floriston Avenue:** Regarding existing encroachments on Floriston Avenue, encroachments have been in place for an unknown period time as evidenced in numerous photographs and aerial photos. As such and due to the historical location of Floriston Avenue's travelled way, the following existing encroachments are not required to be removed at this time: parking area, vegetation and landscaping existing as of January 3, 2020 (not including the recently removed rock planter with vegetation and as shown in the exhibit submitted with the encroachment permit application), propane tank, walkways, utility lines and service boxes, any underground sewer lines/systems.
18. **Rock planter with vegetation:** The submitted exhibit and application describe the rock planter with vegetation that existed at the time of application and were then removed without a permit by another. Replacement of these improvements shall not occur without submittal and County approval of a plan showing any replacement planter and/or plantings further from the travel way than previously placed (at least 14 feet east of the edge of the western road right of way to allow for a one-lane Fire Standard Access Road standard to be achieved) and with restrictions that any plantings will not encroach into the travelled way.
19. **No new encroachments:** No new encroachments are approved nor permitted with this permit. Any existing vegetation in county right of way shall not infringe into the travelled way.
20. **Repair to Damaged Utilities:** If any existing utilities have been damaged as a result of unpermitted work that occurred on November 26, 2019 by another, they may be repaired under this permit. If work will impact the travelled way, prior to scheduled repair, a traffic control plan must be submitted for review and approval prior to the work occurring. See above conditions of

approval regarding traffic control and indicate if exceptions to condition of approval #5 are necessary. In addition, if a road closure is requested, 7 days advance notice is required for notification of emergency responders and posting of a sign notifying motorists of the closure. The notification sign must be indicated on the traffic control plan.

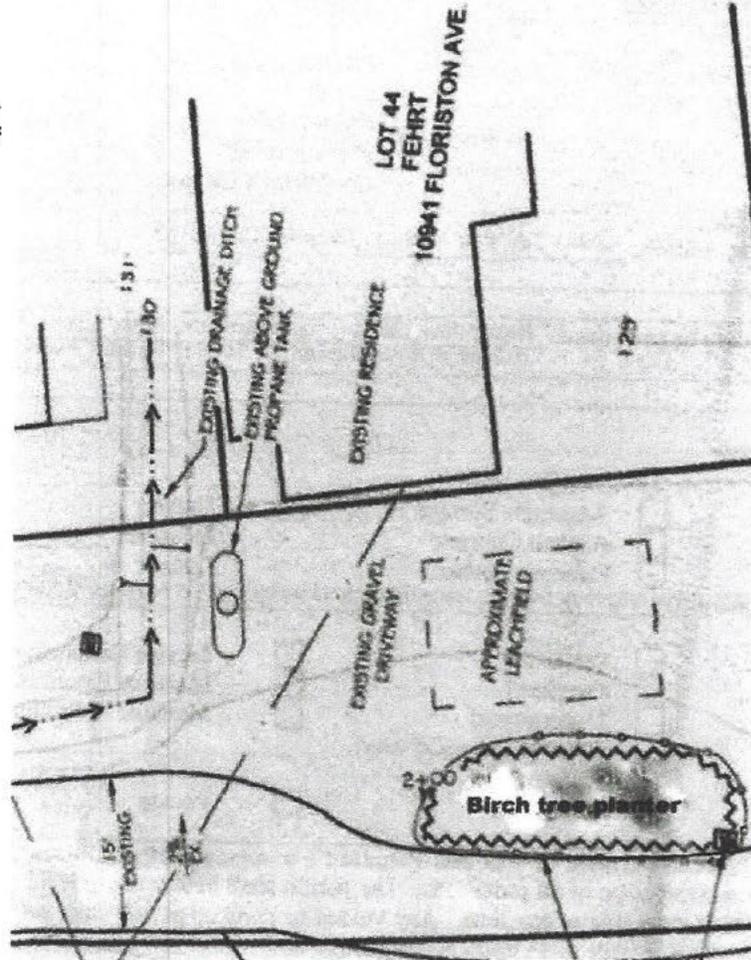
Ref: H:\PW\Engineering\Encroachments\2019\EP 19-0115 Floriston Fehrt\200106 EP Gen Provisions and Special Conditions.doc

From: Mary and Dick Fehrt
Subject: FW: Permit pdf read mode
Date: October 11, 2019 at 9:20 AM
To:

DF



Encroachment-
Permit-...19.pdf





County of Nevada Department of Public Works

Reviewed with No Exceptions

Reviewed with Changes Noted

Revise and Resubmit

Rejected

Review not in general conformance with County Road Standards and other applicable requirements

Comments: Remove items marked w "X"

Project Name: _____

Contract # _____

Submittal # _____

Review By: JWS

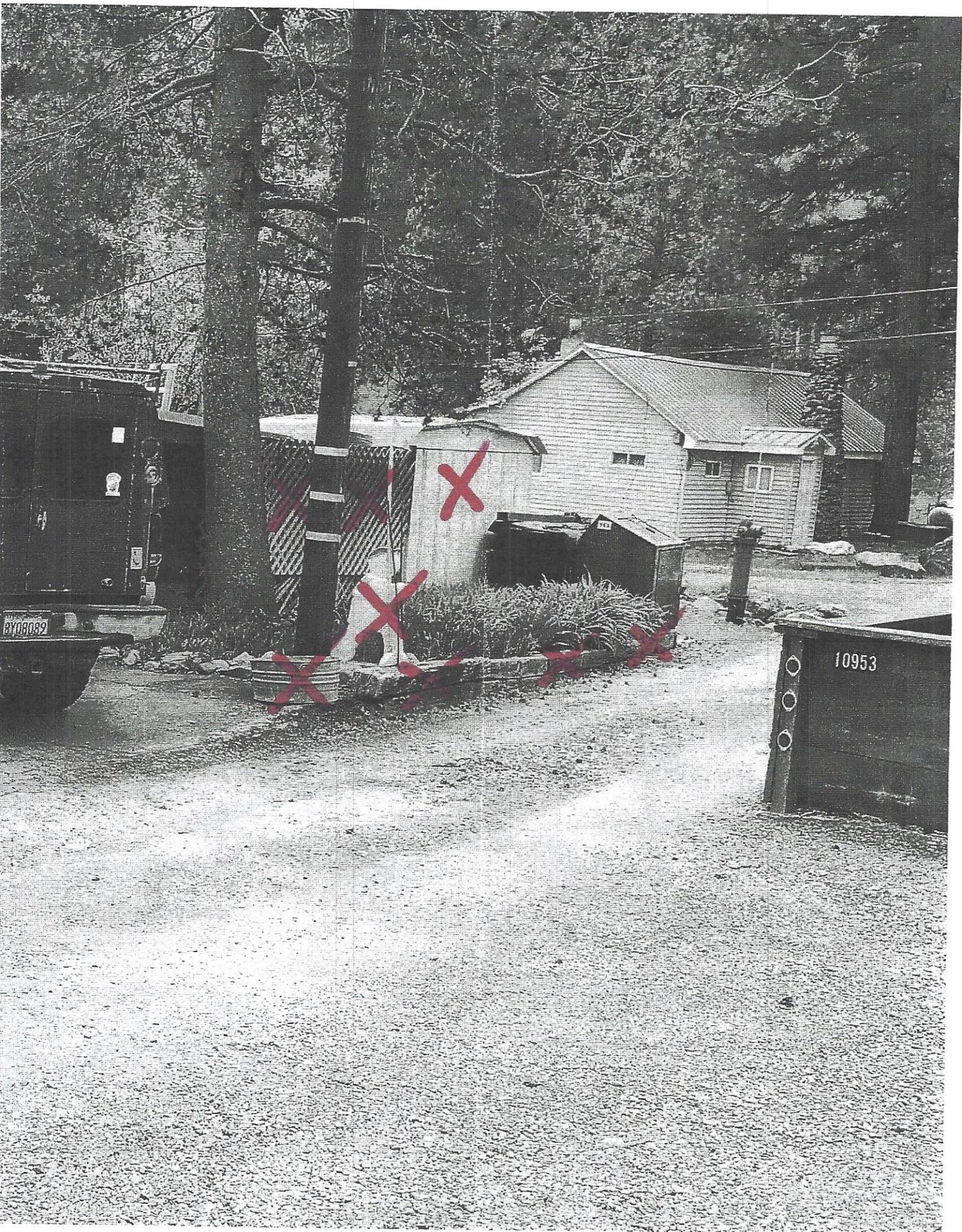
Project # 19 0055

RI # _____

Date: 10/17/19

JMT

10/18/19, upon further review & parking concerns, rail may remain.



NEVADA COUNTY DEPARTMENT OF PUBLIC WORKS
ENCROACHMENT PERMIT GENERAL PROVISIONS
REVISED December 19, 2019 – Revisions in Red Italics

1. **Definition:** This Permit is issued under Chapter 5.5 of Division 2 of the Streets and Highways Code, and Nevada County Ordinance No. 727. The term encroachment, as used in this Permit, is defined in the said Chapter 5.5 of said Code, and Nevada County Ordinance No. 727. Except as otherwise provided for public agencies and franchise holders, this Permit is revocable on five-(5) day notice.
2. **No Precedent Established:** This Permit is granted with the understanding that this action is not to be considered as establishing any precedent on the question of the expediency of permitting any certain kind of encroachment within right-of-way of Nevada County highways.
3. **Keep Permit on Work-Site:** This Permit shall be kept at the site of the work and must be shown to any representative of Grantor or any law enforcement officer on demand.
4. **Protection of Traffic:** Adequate provision shall be made for protection of the traveling public. Barricades with lights shall be placed at night. All traffic control, including devices and personnel requirements, shall be as required by the current *State of California Manual of Traffic Controls for Construction and Maintenance Work Zones* and as directed by Grantor.
5. **Minimum Interference with Traffic:** All work shall be planned and carried out so there will be the least possible inconvenience to the traveling public. Traffic shall be permitted to pass at all times unless otherwise specified. One-way traffic may be maintained in the area of work only during daylight hours. Two-way traffic shall be maintained at all times during hours of darkness and, where practical, during daylight hours.
6. **Storage of Material:** No material shall be stored within eight (8) feet of the edge of pavement or traveled way or within shoulder lines where shoulders are wider than eight (8) feet.
7. **Clean Up right-of-way:** Upon completion of the work, all brush, timber, scraps or other materials shall be entirely removed and right-of-way left in as presentable a condition as before work started.
8. **Supervision of Grantor:** All the work shall be done subject to supervision of, and to satisfaction of Grantor.
9. **Liability for Damages:** Permittee is responsible for all liability for personal injury or property damage, which may arise out of work herein permitted, or which may arise out of failure on Permittee's part to perform their obligations under this Permit in respect to maintenance. In the event any claim of such liability is made against County of Nevada or any Department, officer, or employee thereof, Permittee shall defend, indemnify and hold them and each of them harmless from such claim. This Permit shall not be effective for any purpose unless and until above named Permittee files with Grantor a certificate of insurance naming the County of Nevada as additional insured when required by said Grantor. Said insurance certificate shall be in form approved by Grantor with minimum coverage of \$1,000,000.00 per occurrence and \$1,000,000.00 aggregate.
10. **Care of Drainage:** The work herein contemplated shall not interfere with established drainage.
11. **Maintenance:** Permittee agrees by acceptance of the Permit to exercise reasonable care to maintain properly any encroachment placed by it in the highway, and to exercise reasonable care in inspecting for, and immediately repairing and making good any injury to any portion of the highway that occurs as a result of maintenance of encroachment in the highway or as a result of work done under this Permit, including any and all injury to the highway that would not have occurred had such work not been done or such encroachment not placed therein.

12. **Making Repairs:** Permittee shall immediately begin work or effect repairs of maintenance of County improvements that have been disturbed by Permittee. After reasonable notice of the need for such repairs or maintenance, Grantor may elect to perform, or cause to have performed, the needed work and the cost shall be borne by Permittee. With no notice given, and as nearly as possible, any portion of the highway that has been excavated or otherwise disturbed and deemed hazardous may be immediately remedied by Grantor to its former condition. Grantor may elect to require a deposit before starting repairs in amount sufficient to cover estimated costs.
13. **Relocation:** Relocation of facilities or improvements authorized by this encroachment, if required by future road improvements, will be at the sole expense of Permittee in accordance with Section 1463 of the Streets and Highways Code.
14. **Rights Granted:** The rights granted under this Permit are limited to those possessed by County and County does not warrant it as adequate rights for the intended use.
15. **Time of Work:** Any work done from October 15 to May 15 shall be specifically authorized by Grantor. Projects partially completed during this time period shall be "winterized" to minimize erosion and tracking of mud onto roadway, as directed and approved by Grantor.
16. **As Is Condition of County Property; Disclaimer of Representations:** Permittee accepts County property in its "AS IS" condition without representation or warranty of any kind by County, its officers, agents, or employees, including and without limitation, the suitability or safety of County property or any facilities on County property for Permittee's use.

SPECIAL CONDITIONS

17. **Floriston Avenue:** Regarding existing encroachments on Floriston Avenue, encroachments have been in place for an unknown period time as evidenced in numerous photographs and aerial photos. As such and due to the historical location of Floriston Avenue's travelled way, the following existing encroachments are not required to be removed at this time: bear box, parking area, laundry room connected to home (identified as "Shed" on the submitted sketch), vegetation (unless encroaching on travelled way), walkways, utility lines and service boxes, any underground sewer lines/systems. See below for encroachments to be removed. *Condition of Approval #19 has been met.*
18. **No new encroachments:** No new encroachments are approved nor permitted with this permit. The submitted sketch and email mention a new proposed fence. The fence is not authorized with this permit and shall not be constructed within the county right of way. No permanent storage shall occur in the county right of way for tires or other materials. Any existing vegetation in county right of way shall not infringe into the travelled way.
19. **Encroachments to be removed within 90 days:** The white shed, lattice between the white shed and laundry room (marked as "Shed" on the submitted sketch), bucket, plastic crossing figure and wooden curb adjacent to the travelled way as indicated on the submitted sketch shall be removed within 90 days of the issuance of this permit. *This condition of approval has been met.*

10/8/19 Per the request of the applicant, additional time will be allowed through 11/30/19. *Condition #19 was addressed within this time frame.*
20. **Repair to Approved Encroachment:** *The permitted railroad ties were moved by another person without an encroachment permit. They may be replaced in the location previously approved.*
21. **Repair to Damaged Utilities:** *The water service line to the property is leaking. This could be a result of unpermitted work that occurred on November 26, 2019 by another. The water lines may*

be repaired under this permit. Prior to scheduled repair, a traffic control plan must be submitted for review and approval prior to the work occurring. See above conditions of approval regarding traffic control and indicate if exceptions to condition of approval #5 are necessary. In addition, if a road closure is requested, 7 days advance notice is required for notification of emergency responders and posting of a sign notifying motorists of the closure. The notification sign must be indicated on the traffic control plan.

22. 12/19/19 *Per the request of the applicant, additional time will be allowed through July 8, 2020.*