



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

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**NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo**

MEETING DATE: April 10, 2018

TO: Board of Supervisors

FROM: **Brian Foss, Planning Director**

SUBJECT: A Resolution denying the appeal filed by Andrew Cassano with Nevada City Engineering, Inc., on behalf of Susan Rideout, Claudia Baker and Patricia Fraga, regarding a Notice of Conditional Approval (January 19, 2018) by the Planning Director for a Boundary Line Adjustment (PLN17-0135; LLA17-0024) and making modifications to Condition of Approval #3.

RECOMMENDATION: Adopt the attached Resolution (Attachment 1) to deny the appeal, and uphold the decision of the Planning Director to approve the Boundary Line Adjustment (LLA17-0024) with conditions including modifications to Condition of Approval #3.

FUNDING: This hearing will have no impact on the General Fund. This project will affect the Planning Department's FY 17/18 budget for staff time.

ATTACHMENTS:

1. Resolution to Deny the Appeal and affirm the Planning Director's decision to approve the Conditional Approval for the Boundary Line Adjustment and making modifications to Condition of Approval #3.

SUMMARY:

At the Board of Supervisors hearing on March 27, 2018, the Board heard the appeal of the Baker/Fraga lot line adjustment. After the public hearing and receiving testimony from staff and the appellant the Board of Supervisors made a motion of intent to deny the appeal but modify Condition of Approval #3 to allow the lot line adjustment to move forward and

record on its own timeline and give the property owner 60 days to remove the structures, or apply for building permits, or provide documentation that shows the structures were permitted or otherwise legally constructed. If the building permit applications have not been applied for or the structures have not been removed or proven legal after 60 days from the approval of the lot line adjustment the issue will be referred to the Code Compliance Division to ensure the violations are corrected.

The condition of approval has been amended to give the applicant 60 days to apply for building permits from the date of the approval of the lot line adjustment. The appellant believes that the Board directed staff to modify the condition of approval to allow 60 days after the lot line adjustment is recorded to submit permit applications.

The original condition of approval would tie the timing of the correction of the building code violations to prior to the recordation of the lot line adjustment. This timing would allow the applicant to address the code violations within 3 years which is the allowable timeframe to record the lot line adjustment but would hold up the recordation until the unpermitted structures are resolved. The appellant's interpretation would allow the code violations to remain for up to 3 years plus 60 days depending on when the lot line adjustment records. The revised timing as described in the attached Resolution continuing modified Condition of Approval #3 would "uncouple" the lot line adjustment and the building code violations of the two structures in question. The revised language would require the submittal of permit applications for the unpermitted structures within 60 days of the lot line adjustment approval (which is once the Board takes final action on the appeal) and then allow the lot line adjustment to record on its own timeline without the need to consider the condition of the unpermitted structures.

The attached Resolution will implement the Board's motion of intent to deny the appeal and modify Condition of Approval #3. If the Board's direction is other than staff's language contained in the revised Condition of Approval #3 the language can be modified to reflect the desired direction of the Board of Supervisors.

Please contact me should you require additional information or background.

Item Initiated by: Brian Foss, Planning Director