

**From:** [REDACTED]  
**To:** [Julie Patterson-Hunter](#)  
**Cc:** [bos.publiccomment@co.nevada.ca.us](mailto:bos.publiccomment@co.nevada.ca.us)  
**Subject:** Larry Andresen response to NOV Appeal  
**Date:** Sunday, September 20, 2020 4:18:24 PM  
**Attachments:** [09-20-2020 NOV Andresen Appeal .pdf](#)

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**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.

Dear Supervisors,

Attached please find my response to the Floriston Ave. NOV pending appeal scheduled for 9/22/2020

Thank you for your time and consideration.

Sincerely, Larry Andresen

[REDACTED]  
[REDACTED]

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

9/20/2020

Dear Honorable Members of the Board,

County public works director has issued me a notice of violation for working in a public roadway without county authorization and without an encroachment permit.

The work consisted of removing a landscape barrier to improve safety access and to eliminate a dangerous obstructed line of sight corner.

County public works director was aware and agreed that removing this obstruction and widening the road would indeed improve safety.

The planter extended into and blocked 34' of the 40' wide dedicated public highway restricting public use to only a 6' wide portion of the public road.

I submitted a permit application which met all requirements for the permit to be issued. Months passed and public works department would not issue the permit. Why?

The adjacent neighbor that constructed the planter requested the planter be allowed to remain, as it provided him privacy and a buffer from the road.

Pending weather conditions, time constraints, and after multiple requests for permit to be issued, out of interest for safety of life and property I proceeded with the work.

County then issued a notice of violation with fines, penalties and requirements of road barrier replacement which is why we are here today.

Included with the notice of violation county is requesting me to replace the planter, and to relocate/repair water service utilities.

It is unbelievable that county would require a roadway barrier that impedes traffic, restricts public use, diminishes public safety all because one private party requests it for the benefit of him having privacy and a buffer from road.

Not only is such a barrier a detriment to public safety, against BOS wildfire safety objectives it is also illegal by county codes and state streets and highway codes.

The requirement that this roadway landscape barrier be replaced should be rescinded, as it is illegal and a danger to public safety.

Director has required water service utilities to be repaired/relocated as a condition for rectifying the unpermitted work. The work consisted of removing surface rocks and shallow vegetation consisting of a bush. We did not damage the water facilities.

We placed a steel plate over plastic lidded water box for temporary traffic protection until TDPUD could replace the traffic rated box that had been recently removed by TDPUD.

I immediately gave a courtesy notice to Neil Kaufman, TDPUD, so he would be aware and could replace the traffic rated box as it was before.

There is no justification for requiring me to repair/replace water utility services that we did not damage during the approximately 1hour work of removing the landscape barrier. This requirement should be rescinded.

Public works director refers to code section G-VI 4.A.29 Restoring highway.

Director is using this section as grounds/justification for requiring replacement of the landscape barrier. This code refers "the permittee shall restore the County highway as the department finds **necessary** for the protection of the county highway and/or the protection or convenience of the public". Obviously restoring a roadway barrier does not protect the highway and does not protect convenience or safety of the public. We ask the Board to rescind the stated requirement that the landscape barrier be replaced/restored as it impedes traffic, impairs safety and is illegal under county and state codes.

The entire scope of work that was performed should have been permitted, as it was applied for. There was no legitimate justification for refusing to issue the permit.

Appeal to the Board of Supervisors,

The simple action of issuing the requested permit for road obstruction removal and rescinding the NOV and cease and desist order would end this non-sensible action. This would spare further unnecessary and wasteful expenditure of public funds and county staff time. Removing this roadway barrier was a benefit to public safety, was in the best interest of Nevada County and should be permitted as such. All required criteria for permit approval have been met/submitted and fees have been paid.

We ask the Board to honor this appeal and to direct staff to issue the permit "after the fact" to confirm this work is acknowledged as legitimized by the county. We also request the Board rescind the cease and desist order as it is obvious road maintenance including snow removal and the smoothing the road surface (filling of potholes) is a benefit for all. Supervisor Anderson and previous Supervisor Ted Owens both acknowledged the road maintenance was a benefit for Nevada County, and they both personally thanked me for contributing this service.

Thank you for your consideration

Sincerely,  
Larry Andresen



SEE ENGAGEMENT PERMIT APPLICATION (INCLUDING 42 PAGES)  
FOR PERMIT SUPPORTING DOCUMENTS. EP-0096 9-9-2019



11-H  
~~11-D~~

Bush Planter  
Proposed widened  
6' space  
of public  
road  
Private  
property

BEFORE Bush Removal

06/12/2016

1D

BEFORE Bush/PLANTER REMOVAL



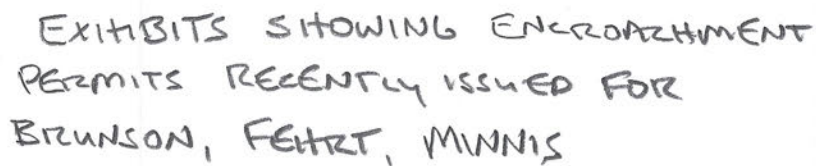
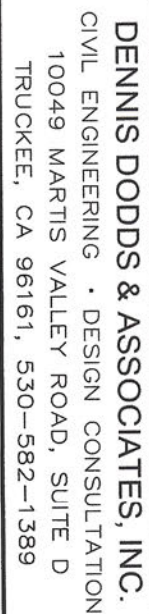


AFTER BUSY REMOVAL

4/11







**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: BMH  
JOB: 19097  
FLORISTON  
1 OF 1 SHEETS

6/11

## Trisha Tillotson

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**From:** Cheryl Andresen <serenevisions@gmail.com>  
**Sent:** Tuesday, November 12, 2019 3:35 PM  
**To:** Trisha Tillotson  
**Cc:** [REDACTED]  
**Subject:** Fwd: Andresen Encroachment Permit

Trisha,  
Ron and Virginia asked me to forward you this email as he was having issues with his computer. I told him I would be happy to retype and resend for him. He is copied on this email and asked me to give you his cell phone number to call him if you have any questions. That cell is 775-771-5423. He is having issues with his computer and was extremely frustrated.  
Cheryl Andresen

Ms. Tillotson,


The below email was originally sent to you in early October. The Andresens stated that our email to you was not included in the

Records they received from the County in regard to their encroachment permit they have applied for. We are in full support of

the approval of this encroachment permit and are resending our email from early October below:

October 4, 2019

Mrs. Tillotson: We own several properties at the end of Floriston Avenue, including 10965 and 10968 Floriston Avenue, and were recently informed that Larry Andresen has applied for an encroachment permit to remove the birch tree/shrub and rock island currently encroaching within the public right-of-way.

 We would like to voice our strong support for removal of the encroachment.

We have owned our property for approximately fifty years, and for the last several years the birch tree and parking within

Floriston Avenue have made it extremely difficult for us to access our property. There are times when the road is completely blocked by delivery trucks

stopped adjacent to the birch tree, or when cars are parked in the travelled way on Floriston Avenue.



Our last tenants moved out of our house at 10965 Floriston because they were unable to access or exit the property as a result of the truck at the Minnis property blocking the roadway. She was a deputy Sheriff for Placer County.

X We wholeheartedly support unencumbered access over Floriston Avenue for the safety and convenience of the residents.

We would be happy to schedule a meeting with you to discuss our experiences in greater detail.

Ron & Virginia Legg

**Trisha Tillotson**

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**From:** Justin Andresen [REDACTED]  
**Sent:** Monday, November 11, 2019 8:47 AM  
**To:** Trisha Tillotson

Nevada County Public Works 950 Maidu Avenue  
Suite 170  
Nevada City, Ca. 95959

Dear Trisha.; Nevada County Road Commissioner,  
As a Hirschdale resident/homeowner and frequent Floriston Avenue/Iceland road traveler I would like to express my concerns regarding existing road obstructions within Floriston Avenue.

I have been traveling this roadway through Hirschdale since I was old enough to drive, around 1999, and have driven large trucks and trailers hauling heavy equipment, logs, road gravel and other construction materials down this road.

The narrowed "choke point" which is caused by private parties that are blocking /restricting public use of the public right of way have been a nuisance and caused a difficult and unsafe passage condition for many years.

This restricted public highway condition causes reduced/impaired access, reduced impaired line of sight and definitely causes a nuisance for public travel and impairs public safety.

There have been many times that the entire one lane roadway has been blocked, which has caused delays, due to delivery trucks parked and blocking the road as they have no other choice other than to park alongside the encroachments while making these deliveries.

With 100' gas hose rolled out across roadway filling distant propane tanks these delays can and have taken significant time to clear and for roadway to be passable.

If the road was at least two lanes wide one would be able to pass by delivery trucks that need to park in 1/2 the roadway in order to make such a delivery.

Currently over thirty feet of this 40' wide dedicated road has been blocked by private parties. The safety of life and property is jeopardized by obstructed, impaired, impeded access all for the benefit of a private party's personal gain of exclusive private-use of public property.

Please consider the detriments of allowing private party use of public property that causes unsafe public travel conditions, inconvenient and inappropriate traffic circulation conditions, impaired impeded travel lane conditions, blocked line of sight conditions, increased wildfire risk conditions, and potential delays for emergency response, evacuations, and ingress and egress.

I, definitely support Nevada County Road Commissioner in allowing and permitting the removal of the tree/bush/planter area as a start for improved roadway safety including for



providing two lanes for this two-way traffic road for the benefit of improved safety and improved access.

Please allow this tree/bush planter to be permitted as pending application exists.

Thankyou for your sincere consideration and corresponding attention to this matter.

Justin Andresen

Sent from my iPhone

Trisha Tillotson

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From: [REDACTED]  
Sent: Wednesday, October 9, 2019 7:02 PM  
To: Trisha Tillotson  
Subject: Floriston ave. Improvements

To road Commissioner,

We have been residents here at 10953 Floriston Avenue since 2015. We recently became aware of an encroachment permit application to remove the birch tree and planter in the middle of Floriston Avenue. The compromised roadway condition including the Tree/bush planter area has been a nuisance and safety hazard/ concern for us since we have lived here.

It's difficult to negotiate through this area especially with a larger truck such as mine, and especially when pulling a trailer, which I do often.

We often take walks with friends and family (including with our two -year old toddler) through this congested area, and the bush planter area constrains line of sight from oncoming traffic in both directions, making pedestrians in this area vulnerable. We feel this makes for a very unsafe roadway as line of sight on this roadway is dangerous. Removal of this bush would definitely be a huge improvement on this roadway. Please allow bush/tree/planter removal to be permitted so that this work can be completed as soon as possible for everyone's safety.

Thank you,  
Michael, Chelsie, and Mable

Sent from my iPhone