

NEVADA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT
ERIC ROOD ADMINISTRATION BUILDING
950 Maidu Avenue, Suite 170
Nevada City, California 95959-8617
Phone: (530) 265-1222

**APPLICATION PACKET for a
SETBACK EASEMENT**

A Setback Easement is a formal dedication of land, intended to provide adequate building setbacks for all effected parcels. Setback Easements will be recognized by the County of Nevada when their recording has been approved pursuant to the provisions of Section 12.04.105 of the Nevada County Code. Requests to record Setback Easements are considered by the Nevada County Planning Director upon receipt of this application and it's required attachments.

In order to authorize the recording of a Setback Easement, the Planning Director must be able to make findings that the recording of such easement will not jeopardize the integrity of the neighborhood, nor will it conflict with any recorded Conditions, Covenant and Restrictions for all properties. If approved, the Setback Easement will be recorded, noting the purpose and intent of the setback easement and noting that building setbacks shall be measured from the setback easement. A deed restriction will also be recorded, noting the beneficiary's responsibility to maintain the easement for fire safety.

This packet contains filing forms and instructions for submitting a complete application for a Setback Easement. You must complete all forms and submit all required supplemental documents or your application will not be accepted.

Applications must be filed in person in the Planning Department before 4:30 p.m., Monday through Friday. If all information is complete and no unusual issues arise that require additional time for reviewing your request, your project should be approved 30 days after filing the application. Following approval by the Planning Director, the applicant will be required to have documents prepared for the Setback Easement and Deed Restrictions, for both parcels. The Planning Department will provide sample forms for preparing those documents, but those documents must be returned to the Planning Department for recordation. DO NOT RECORD ANY SAMPLE FORMS YOU MAY RECEIVE. Upon recordation of those documents, any building permits that are pending this approval, can be issued.

**SUBMITTING A COMPLETE AND ACCURATE APPLICATION WILL AVOID
DELAYS IN APPROVING YOUR APPLICATION**

**SETBACK EASEMENT
FILING INSTRUCTIONS & CHECKLIST**

This form must be filed with your application. Please check off (✓) each item to verify that the required information is attached. Your application will not be accepted if any required item is missing.

- () 1. The signed and completed Application form, including a letter of authorization from the property owner(s) if forms are signed by a Representative. The Grantee (receiving benefit from the easement) should be listed as the applicant and the Grantor (person granting the easement) should be listed as the property owner.
- () 2. Filing fees pursuant to the most recently adopted Resolution of the Board of Supervisors (\$ _____).
- () 3. Submit two copies of current Grant Deeds, verifying ownership and the legal description, for each parcel (grantor and grantee parcel).
- () 4. The signed and completed Agreement to Pay Form.
- () 5. The completed Justification form.
- () 6. Two copies of a site plan drawn per instructions below. **Plans must be folded** to a maximum 8½" X 14" size. Unfolded plans will not be accepted.
- () 7. One copy 8½" X 11" reduction of the site plan.
- () 8. Thumb drive with digital copies of all project materials. Thumb drive will be retained by the Planning Department.

FORMS/CONTENT OF SITE PLAN

The following information shall be provided on all site plans if applicable.

- () 1. The site plan shall be fully dimensioned and drawn to a commonly recognized architect's or engineer's scale. The legal lot size shall be shown.
- () 2. Provide a vicinity map showing the general project location (1" = 2000' scale) in relationship to the surrounding area with the mileage from the nearest County road shown. Include Section, Township, and Range.
- () 3. Provide a North arrow and the scale to which the plan is drawn.
- () 4. Provide a legend which includes:
 - a. The project proposal (Setback Easement for... grantor name)
 - b. Property owner/applicant names(s)
 - c. Applicant's representative, if any
 - d. Date of Site Plan preparation
 - e. Assessor's Parcel Number
 - f. The water source, method of disposal, the fire protection agency and public utilities.
- () 5. Show the location and names of all abutting roads, including rights-of-ways boundaries road centerlines, width of traveled way, type of surfacing and grades.
- () 6. Show location of sewage disposal systems and wells.
- () 7. Show all required setbacks for buildings, waterways, sewage disposal and well sites.
- () 8. Show the location and purpose of all existing public and private utility easements.

- () 9. Show location of all existing and proposed structures on the property— show their setbacks from property lines, label their use, and show their size (gross square footage by floor).
- () 10. If the project site is located within the very high wildland fire hazard area severity zone the applicant shall submit a Fire Protection Plan to be approved by the Nevada County Fire Marshal and/or his/her designee, per the requirements outlines in the Nevada County Code Section 12.04.218.

ORDINANCE PROVISIONS

Title 12, Chapter 4, Sec. 12.04.105 Setback Easements.

- a. In order to provide required side and rear building setbacks on properties that cannot otherwise provide those setbacks, a building setback easement may be recorded and recognized on adjacent properties, pursuant to the following standards:
- b. Applications for setback easements shall include the written consent of the grantor and grantee property owners.
- c. Applications shall include a site plan exhibit for all affected properties, pursuant to this Chapter, including a clear delineation of the proposed easement, reflecting the required setbacks for both grantor and grantee properties.
- d. Applications for setback easements shall provide clear justification for the need of the easement, providing supporting documentation that other alternatives, including a variance, are not feasible.
- e. Setback Easements shall be recognized only after review and approval by the Planning Director who shall make findings that the recording of such easement will not jeopardize the integrity of the neighborhood, nor will it conflict with any recorded conditions, covenant and restrictions for all properties.
- f. A deed restriction shall be recorded concurrently with said easement in the Nevada County Recorder's Office, noting the purpose and intent of the setback easement and noting that building setbacks shall be measured from the setback easement.
- g. Reconveyance or other abandonment of a setback easement without the express approval of the County of Nevada shall constitute grounds for revocation of any permit issued pursuant to this Section.

(Ord. 2533. (12/05/2023))

**SETBACK EASEMENT
JUSTIFICATION FORM**

Section 12.04.105 of Zoning Regulations allows for the recognition of setback easement only when it can be demonstrated that alternatives, including a variance, a boundary line adjustment or a structure modification, are not feasible. The following information demonstrates the need for a setback easement:

1. **VARIANCE:**

A variance can only be granted if there are physical constraints on the site that preclude a reasonable use of the land. See Sec. 12.05.070 for more detail. Describe the site, identifying any physical or topographic constraints that would justify a variance.

2. **BOUNDARY LINE ADJUSTMENT:**

Explain why a boundary line adjustment cannot be recorded to reflect the required setbacks.

3. **STRUCTURAL MODIFICATIONS:**

Explain why the structure (proposed or existing) cannot be modified or moved to provide the required setbacks.

4. **ADDITIONAL INFORMATION:** Provide any additional information pertinent to this project.

NEVADA COUNTY PLANNING DEPARTMENT
LAND USE APPLICATION

Planner use only:

PLN _____

ENT _____

Please print or type in black ink

Type of application(s) for which you are applying:

- | | | |
|-----------------------------------------------------|-------------------------------------------------|------------------------------------------------------|
| <input type="checkbox"/> Tentative Map | <input type="checkbox"/> Ordinance Amendment | <input type="checkbox"/> Certificate of Compliance |
| <input type="checkbox"/> Use Permit | <input type="checkbox"/> Zone Change | <input type="checkbox"/> Voluntary Merger |
| <input type="checkbox"/> Development Permit | <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Home Business |
| <input type="checkbox"/> Administrative Dev. Permit | <input type="checkbox"/> Variance | <input type="checkbox"/> Temporary Commercial Permit |
| <input type="checkbox"/> Boundary Line Adjustment | <input type="checkbox"/> Setback Easement | <input type="checkbox"/> Management Plan |
| <input type="checkbox"/> Other (specify): _____ | | |

PROJECT DESCRIPTION: _____

Assessor's Parcel No(s): _____

Applicant Name(s): _____

Applicant Mailing Address: _____

Telephone #: () , E-Mail: _____ FAX#: _____

Property Owners Full Names: _____

Property Owner Mailing Address: _____

Telephone #: () , E-Mail: _____ FAX#: _____

Name of Representative (if applicable): _____

Address of Representative: _____

Telephone #: () , E-Mail: _____ FAX#: _____

Site address(es): _____ Acreage(s): _____

Water Source: _____ Method of Sewage Disposal: _____

I hereby acknowledge that I have read the instructions for filing this application and state under penalty of perjury that the information provided on all attached documents is correct.

Signature of () Property Owner(s) or () Authorized Representative*

_____ Date: _____

_____ Date: _____

*Representative may sign application if a Letter of Authorization from the owner(s) is provided.



AGREEMENT TO PAY

Nevada County Community Development Agency fees are based on Board of Supervisor approved fee schedules. Hourly fees and fees for services in excess of a minimum fee collected, including re-inspections, are billed to the applicant based on the Board approved fee schedule in effect at the time the work is performed by staff. This Agreement To Pay form must be signed and original signatures submitted to the NCCDA along with the completed permit forms and the initial payment of fees. Copies of current fee schedules are available from our Customer Service Staff or on the web at http://www.nevadacountyca.gov

I/We understand that the NCCDA will bill as services are rendered, and I/We agree to pay such billing within thirty (30) days of the mailing of such billing for the project/permit. If payments on outstanding invoices are not made within thirty (30) days after the date of the invoice, County staff may cease work on the project until the required payment is made, subject to any other provisions of the law. All fees must be paid prior to the granting of any permits, approvals, or any land use entitlement for which services are required. The collection of fees, however, does not guarantee the granting of any permits, approvals, or land use entitlements for which I/We are applying.

Site Information:

Invoices and/or notices to be mailed to:

Table with 2 columns: Site Information and Invoices and/or notices to be mailed to. Rows include APN, Property Owner/Business Name, Address, Phone Number, and Email.

NCCDA Staff is authorized to consult with necessary governmental agencies and the following individuals concerning this project:

I certify under proof of perjury that I am the property owner or that I am authorized to enter into this fee agreement on his/her behalf. I have read the conditions concerning Nevada County Community Development Agency Fees and I understand that in the event that the billing party I have indicated does not pay required fees, I will be responsible for payment. I further agree to advise the department in writing should I no longer be associated with the above referenced project/property, rendering this agreement invalid as of the change of the date that the letter is received by the Nevada County Community Development Agency.

Printed Name: _____ Dated: _____
Signature: _____

THIS SECTION FOR OFFICE USE ONLY

Service: _____ Department: _____ Job No: _____
Amount: \$ _____ Check #: _____ Receipt #: _____ Date of Receipt: _____



Community Development Agency

Planning Department

Planning@nevadacountyca.gov
www.nevadacountyca.gov/Planning

950 Maidu Avenue, Suite #170

PO BOX #599002

Nevada City, CA 95959

PH: (530) 265-1222 ext. 2

FAX: (530) 265-9854

LEVINE ACT DISCLOSURE STATEMENT

California Government Code Section 84308, commonly referred to as the "Levine Act," prohibits any Commissioner, Board of Supervisors member, or any Other Elected County Officer ("County Officer") from participating in any action related to a proceeding if they receive any political contributions totaling more than \$500 (as of Jan. 1, 2025) within the previous 12 months, while a proceeding is pending, and for 12 months following the date a final decision in a proceeding concerning a license, permit, entitlement, franchise or, contract (collectively "license, permit, or contract") has been made, from the person or company awarded the said license or contract. The Levine Act also requires a County Officer who has received such a contribution to disclose the contribution on the record of the proceeding.

County Elected Officials and Appointed Commissions include, but may not be limited to, the list provided below, and individual officers or commissioners are listed at the following site:

<https://www.nevadacountyca.gov/3140/Committee-Board-and-Commission-Information>

- Board of Supervisors- <https://www.nevadacountyca.gov/731/Board-of-Supervisors>
- Planning Commission
- Agricultural Advisory Commission
- South County Municipal Advisory Council
- Penn Valley Municipal Advisory Council
- Regional Housing Authority
- Nevada County Transportation Commission
- Nevada County Airport Land Use Commission- Grass Valley/Truckee
- Nevada County Airport Commission
- Local Area Formation Commission (LAFCo)
- Historical Landmarks Commission
- Fish and Wildlife Commission
- Nevada County Sanitation District No. 1 Advisory Commission

Proposers are responsible for accessing the link above to review the names prior to answering the following questions:

1. Have you or your company, or any agent on behalf of you or your company, made any political contributions of more than \$500 to any County Officer in the 12 months preceding the date of the submission of your proposals or the anticipated date of any Board or Commission action related to this license, permit, or contract?

YES

NO

If yes, please identify the County Officer(s):

2. Do you or your company, or any agency on behalf of you or your company, anticipate or plan to make any political contribution of more than \$500 to any County Officer in the 12 months following any Board or Commission action related to this license, permit, or contract?

YES

NO

If yes, please identify the County Officer(s):

Answering yes to either of the two questions above does not preclude the County of Nevada from awarding a license, permit, or contract to your firm or any taking any subsequent action related to the said license, permit, or contract. It does, however, preclude the identified County Officers from participating in any actions related to this license, permit, or contract.

Date

Signature of authorized individual

Type or write name of authorized individual

Signature of authorized individual

Type or write name of company