



## COMMUNITY DEVELOPMENT DEPARTMENT

**Subject:** Nevada County Stream Setback Variances

**Issue:** The Development Code states that setback requirements from streams may be decreased if a variance to the stream setback was approved by Nevada County prior to Town incorporation. This policy establishes guidelines on approving reductions in stream setbacks based on a previous Nevada County variance or use permit.

**Reference:** Section 18.38.040(A)(4)

**Policy/Procedure:** The project planner may approve a decrease in the stream setback through a zoning clearance if all of the following conditions are met:

1. Nevada County approved a variance or use permit to decrease the stream setback on the subject parcel.
2. The proposed structures, encroachments, and/or disturbance comply with the stream setback approved by Nevada County.
3. The proposed structures, encroachments, and/or disturbances within the stream setback are substantially similar to those structures, encroachments, and disturbances approved by Nevada County to be located within the stream setback.
4. The proposed structures, encroachments, and/or disturbances within the stream setback occupy substantially the same surface area as those structures, encroachments, and disturbances approved by Nevada County to be located within the stream setback.

**Effective Date:** October 26, 2007

Approved by: \_\_\_\_\_  
John McLaughlin, Director

Date: \_\_\_\_\_

**Attachments:**

1. List of Nevada County Variances and Use Permits for Stream Setback Reductions

Attachment 1

Nevada County Variances and Use Permits for  
Stream Setback Reductions

*This list is not complete.*

<b><u>Application No.</u></b>	<b><u>APNs</u></b>
U84-39	44-590-09, 44-590-27, 44-600-36, 44-610-38, 45-330-02(?), 45-330-04(?), 45-360-05, 45-360-06, 45-360-08
U86-24, AV86-9	18-190-03