



**DEVELOPMENT REVIEW  
COMMITTEE  
STAFF REPORT  
June 14, 2022**

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**Prepared by:** Lance E. Lowe, AICP, Principal Planner  
**Reviewed by:** Thomas Last, Community Development Director

**DATA SUMMARY:**

**Application Number:** 22PLN-12  
**Subject:** Development Review Permit for the development of a  $\pm 0.33$ -acre parcel consisting of  $\pm 1,149$  square foot Tri-plex units with a  $\pm 1,000$  square foot attached Accessory Dwelling Unit.  
**Location/APN:** East of 321 Dorsey Drive (Dorsey Drive Senior Apartments)/009-660-025  
**Applicant/Owner:** Robert & Elesia St. Germain  
**Zoning/General Plan:** Medium Density Residential (R-2A) Zone/Medium Density Residential  
**Entitlement:** Development Review Permit  
**Environmental Status:** Categorical Exemption

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**RECOMMENDATION:**

The Development Review Committee approve the Dorsey Drive Townhomes project as presented, or as modified by the Development Review Committee, which includes the following actions:

1. Determine the project Categorically Exempt as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
2. Adoption of Findings of Fact for approval of the Dorsey Drive Townhomes project as presented in the Staff Report; and,
3. Approval of the project in accordance with the Conditions of Approval as presented in the Staff Report.

**BACKGROUND:**

The project site was formally owned and used as a park for the Dorsey Drive Senior Apartments, which adjoins the property to the west. Remnants of a drinking fountain and park benches still exist on the property. The property has a four-foot-tall chain link fence around the perimeter; however, the fencing does not align with the property boundaries.

The property was purchased by the applicant in 2021 from the Dorsey Drive Senior Apartments management company.

## **PROJECT DESCRIPTION:**

The applicant is requesting a Development Review Permit for the development of a ±0.33-acre parcel consisting of ±1,149 square foot Tri-plex units with a ±1,000 square foot attached Accessory Dwelling Unit and related site improvements in the Medium Density Residential (R-2A) Zone.

The Dorsey Drive Townhome project plans include the following details:

*Site Plan* – The multiple family building is located at the northwest corner of the property ±11 feet from the westerly property line adjoining the Dorsey Drive Senior Apartments parking lot. The building is setback ±15 feet from the front property line along Dorsey Drive and ±20 feet from the rear property line adjoining Grass Valley Self Storage.

*Access, Parking & Circulation* – Access to the site is via a 20-foot-wide driveway at the east end of the property from Dorsey Drive. The sole driveway provides access to each of the four-two car garages. Backing distances for each of the garages is 24 feet.

One nine foot by eighteen-foot guest parking space is located immediately south of the units.

*Grading and Retaining Walls* – An existing ±7 foot retaining wall is situated along the south property line. New retaining walls of ±4 to ±7 feet are proposed along the west and south property lines respectively. Two foot retaining walls are proposed on the east side of the property. No retaining wall construction details are provided.

*Landscaping* – A preliminary landscaping plan has been submitted with the project plans. The landscaping consists of a combination of trees, shrubs and ground cover including White Dogwood, Japanese Maple, Butterfly Bush, Creeping Manzanita, Red Autumn Sage, Feather Reed Grass, Wall Germander, and Berkely Sedge. Total landscaped area represents ±5,000 square feet or 34% of the ±0.33-acre site.

*Architectural Design* – Architectural plans and detailing includes the following design components:

- Hardi-plank horizontal siding “Ironwood”
- 1x4 trim “Malibu Beige”
- Front door with transom window “Winter Solstice”
- 3°6° windows on front elevation
- 3°6° and 4°6° windows on rear elevation
- 6/12 gable roof with Dutch hip ends and Dutch hip over garages

*Lighting* – Lighting consists of a combination of front and rear patio and soffit lighting. A photometric plan has not been submitted with the development review application.

*Fencing* – No new fencing is proposed with the project. An existing four-foot chain link fence is located around the perimeter of the property.

*Drainage* – A preliminary drainage report has been prepared for the project. The proposed improvements include stormwater detention chambers at the north and south ends of the property.

A 50 gallon per minute oil sand separator will be used to minimize sediment and oil from moving off site.

#### **SITE DESCRIPTION AND ENVIRONMENTAL SETTING:**

The project site is elevated above the street approximately four to six feet with Scattered Pine and Cedar trees along with a water fountain and park bench remnants. A large retaining wall is located along the rear of the property separating what apparently was a railroad right-of-way. Chain link fencing has been constructed around the perimeter (**Attachment 3 – Site Photographs**).

#### **ENVIRONMENTAL DETERMINATION:**

The project qualifies for a Class 32 Categorical Exemption. A Class 32 consists of projects characterized as in-fill development meeting the following conditions: (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) the project site has no value as habitat for endangered, rare or threatened species; (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; (e) the site is adequately served by all required utilities and public services.

#### **GENERAL PLAN AND ZONING:**

**General Plan:** The project area has a land use designation of Urban Medium Density Residential (UMDR) according to the City of Grass Valley 2020 General Plan. The UMDR land use designation requires between 4.01 and 8.0 residential units per gross acre. UMDR is intended to accommodate single family detached and attached homes, single family patio homes, duplexes, and town homes.

The Dorsey Drive Townhome Project at ±0.33-acres and three units ( $0.33 \times 8 = 2.64=3$  units) is at a density consistent with the UMDR land use designation. The fourth unit identified as an Accessory Dwelling Unit does not count toward density in accordance with State law.

Multiple 2020 General Plan policies, goals, and objectives support both in-fill development and preservation of existing neighborhoods including, but not limited to:

3-LUO – Reduction in the amount of land necessary to accommodate future growth.

- 3-CG – Provide for the safe and efficient movement of people and goods in a manner that respects existing neighborhoods and the natural environment.
- 3-COSP – Encourage clustering, density averaging, and other techniques in large-scale new developments, as a means of preserving open space and natural systems.
- 4-LUG – Protect and enhance the character of established single-family neighborhoods.
- 5-LUG – Provide for a broad range of housing opportunities, including opportunities for low-, moderate- and middle-income households.
- 8-LUO – Provision of a full range of housing opportunities and types.
- 10-LUO – Preservation of existing neighborhoods.
- 12-LUO – Designation of residential building sites sufficient in number and variety to meet projected demand.
- 12-CDP – Provide a mixture of residential unit designs in all major new residential developments.
- 12-LUP – Permit increases in residential density (clustering) on portions of development areas while maintaining high design standards.
- 13-LUO – Provision of sufficient affordable housing units for those working in Grass Valley.
- 23-LUP – Encourage mixed developments incorporating a variety of densities on infill sites and in areas proposed for annexation.
- 24-LUP – On large parcels, encourage clustering of residential units on the most developable portions of the site in order to reduce infrastructure and other housing-related construction costs.

**Zoning:** The property is within the Medium Density Residential (R-2A) Zone District. The R-2A Zone implements the Medium Density General Plan land use designation. Per Table 2 – 7 Dwellings – Multi-family, Duplex, Triplex, and Fourplex are permitted uses in the R-2A zone.

**ANALYSIS:**

Per Table 7 – 2 of the City's Development Code, the Development Review Committee is authorized to approve Duplex or multi-family unit projects with no more than four dwellings, subject to design review in accordance with Section 17.44.160 of the Development Code and Community Design Guidelines.

A brief analysis of the Dorsey Drive Townhome design follows:

*Development Code* – The City's Development Code Chapter 17.44.160 requires development standards such as building facades adjacent to the street, limited paving in the front yards, off-street parking to be not visible from the street, open space provisions, outdoor lighting, and window orientation.

The site plan and architectural renderings comply with the City's Development Code Standards and Design Guidelines, as conditioned.

*Sight Distance* – Sight distance for egress does not comply with City standards according to the site distance exhibit provided by the applicant. Condition of Approval B – 12 requires a right in/right out driveway with the construction of a center median to prevent left turning movements onto Dorsey Drive.

*Landscaping* – Conditions of Approval F1 – 4 requires the final landscaping to comply with the State's Model Water Efficiency Landscape Ordinance.

*Parking* – The City's Development Code requires two covered spaces for each unit, plus 1 space for each five units for guest parking or a total of 9 parking spaces. The project complies with the minimum parking standards of the City's Development Code.

*Retaining Walls* – No retaining wall details are provided with the application. Condition of Approval A – 6 requires all exposed portions of retaining walls to be constructed of split face, slump stone or other decorative block. Colors shall be earth tone consistent with the architectural design of the buildings subject to the approval of the Director of Public Works and the Community Development Director.

*Architectural Design* – The proposed building design contains architectural components similar to buildings in the area, with compatible materials and architectural features. Condition of Approval No. A – 3 requires the garage shall be setback a minimum of 5 feet from the front façade per Table 2 –9 of the City's Development Code. This could be achieved by extending the patio area with a courtyard and/or extending the roofline for the patio area. Further discussion and recommendation by the DRC is warranted to comply with Condition of Approval A – 3.

*Fencing* – Condition of Approval No. A – 4 requires the chain link fencing to be replaced with six-foot residential wood fencing along the west, south and east property lines. Fencing shall not exceed three (3) feet in height in the front yard. Fencing shall be constructed of cedar or redwood and shall not exceed six (6) feet in height in the side and rear yards. Fencing shall be completed prior to the issuance of a Certificate of Occupancy for the project.

*Lighting* – Condition of Approval No. A – 5 requires a photometric plan be prepared together with the building plans to show the type of fixture and foot-candle in accordance with City of Grass Valley Standards.

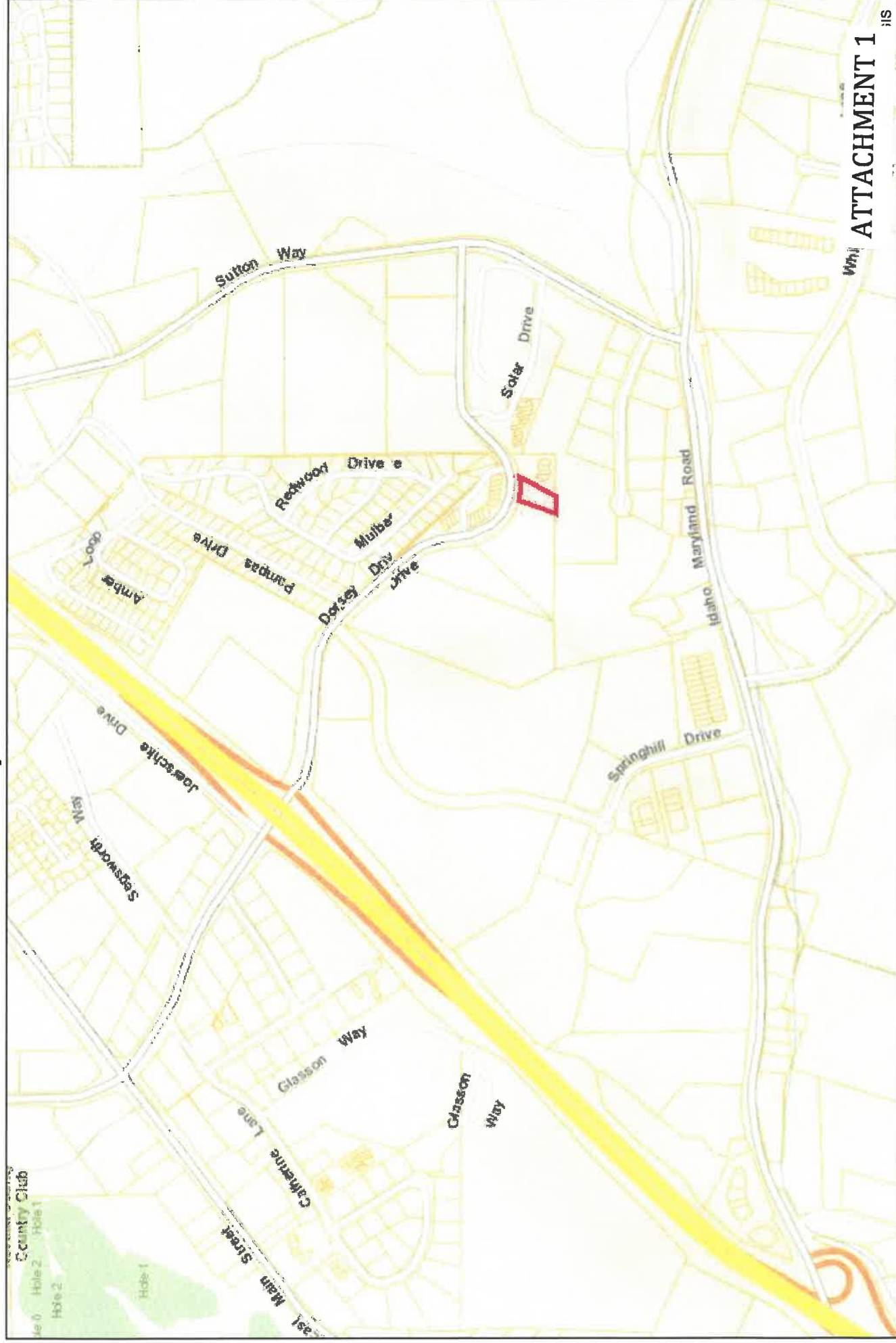
**ATTACHMENTS:**

- Attachment 1** – Vicinity Map
- Attachment 2** – Aerial Photograph
- Attachment 3** – Site Photographs
- Attachment 4** – Findings and Conditions of Approval
- Attachment 5** – Dorsey Drive Townhome Project Plans



# ATTACHMENTS

# Dorsey Drive Townhomes



ATTACHMENT 1

11S

May 31, 2022

1:9,028

0 0.075 0.15 0.3 mi

0 0.1 0.2 0.4 km

Nevada County GIS  
©2018



Dorsey Drive Townhomes



ATTACHMENT 2

ty GIS

May 31, 2022

1:1,128

0 0.0075 0.015 0.03 mi

0 0.015 0.03 0.06 km

Nevada County GIS

©2018





**FINDINGS & CONDITIONS OF APPROVAL  
DORSEY DRIVE TOWNHOMES DEVELOPMENT REVIEW PERMIT  
(22PLN-12)**

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**FINDINGS:**

In accordance with Section 17.81.060 of the Development Code, the Development Review Committee is required to make specific findings before it approves a Development Review Permit.

1. The City received a complete application for Development Review Application 22PLN-12.
2. The Community Development Department determined the project is Categorically Exempt as the appropriate environmental review in accordance with the California Environmental Quality Act (CEQA).
3. The Grass Valley Development Review Committee reviewed the application at its regularly scheduled meeting on June 14, 2022.
4. The project is consistent with the applicable sections and development standards in the Development Code.
5. The project, as conditioned, complies with the City of Grass Valley Community Design Guidelines.
6. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Development Code and the Municipal Code.
7. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.

**A. GENERAL CONDITIONS:**

1. The approval date for this project is June 14, 2022. The Development Review Permit is approved for a period of 1 year and shall expire on June 14, 2023, unless the project has been effectuated (i.e., building permit has been obtained) or the applicant requests a time extension that is approved by the Grass Valley Development Review Committee pursuant to the Development Code.
2. The project shall be constructed in accordance with the plans approved by the Development Review Committee for Development Review Permit 22PLN-12 unless changes are approved by the Development Review Committee prior to commencing such changes. Minor design changes may be approved by the Community Development Department as determined appropriate by the Community Development Director. Major changes, as determined by the Community Development Director, shall be approved by the Development Review Committee.

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3. Per the Development Code Standards in the R-2A Zone, Table 2 – 9 the garage shall be setback a minimum of 5 feet from the front façade.
4. Prior to the issuance of a Certificate of Occupancy for the project, fencing shall be installed along the west, south and east property lines. Fencing shall not exceed three (3) feet in height in the front yard. Fencing shall be constructed of cedar or redwood and shall not exceed six (6) feet in height in the side and rear yards.
5. Prior to the issuance of a building permit, a photometric plan shall be submitted in compliance with Chapter 17.30.060 of the City's Development Code.
6. The maximum exposed height of retaining walls shall be 6 feet. Retaining walls shall be stepped, with a minimum separation of 5 feet between walls. The design for any retaining walls abutting the public right-of-way shall be shown on the improvement plans. All exposed portions of the retaining wall shall be constructed of split face, slump stone or other decorative block. Colors shall be earth tone consistent with the architectural design of the buildings subject to the approval of the Director of Public Works and the Community Development Director.
7. Prior to the installation of the monument or building signage, the applicant shall obtain a sign permit from the Community Development Department.
8. All trash and storage areas, mechanical equipment, and all other building appurtenances (i.e., utility meters, electrical boxes, air conditioners, fire sprinkler backflow valves, etc.) shall be screened from public view and adjacent properties. Details shall be shown on the final construction and/or improvement plans. All screening materials shall be consistent with the main building materials and colors. Roof-mounted screens and vents shall be compatible with the final roof materials and colors.
9. Energy efficient LED lighting and high efficiency HVAC and appliances shall be used for the project.
10. Prior to construction, the applicant shall obtain the requisite building, plumbing, mechanical and electrical permits from the building division, in compliance with the California Codes.
11. The applicant shall pay all City impact fees prior to issuance of a grading and/or building permit or issuance of a Certificate of Occupancy, as applicable.
12. With five (5) days of approval of the project, the applicant shall record the Notice of Exemption (NOE) with the Nevada County Clerk/Recorder.

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13. The applicant agrees to defend, indemnify, and hold harmless the City of Grass Valley in any action or proceeding brought against the City of Grass Valley to void or annul this discretionary land use approval.

**B. PRIOR TO ISSUANCE OF GRADING PERMIT, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:**

1. The applicant shall submit to the City Engineer for review and approval, an improvements and grading plan prepared by a Registered Civil Engineer; shall obtain a Grading Permit; and shall pay all appropriate fees for plan check and inspection. The grading and improvement plans shall include but not be limited to roadway/driveway/parking lot slopes and elevations, curb, gutters, sidewalks, striping and signing, paving, water and sewer pipelines, storm drains, street/parking lot lights, accessible access from the sidewalk to the building and from the accessible parking spaces to the building, retaining walls, any necessary alteration of existing utilities, and all easements, in accordance with City Improvement Standards.
2. The proposed driveway is not constructed to City standards. The driveway shall be constructed to a new commercial driveway per City Standard Detail ST-9.
3. The applicant shall submit to the City Engineer for review and acceptance two copies of a detailed Soils Engineering Report and Engineering Geology Report certified by a Civil Engineer registered in the State of California. In addition to the California Building Code requirements, the report shall specify the pavement structural sections for the proposed roadways in relation to the proposed traffic indexes. The improvements and grading plans shall incorporate the recommendations of the approved Soils Engineering Report and Engineering Geology Report. The project developer shall retain a civil engineer, soils engineer, and engineering geologist to provide professional inspection of the grading operations. If work is observed as not being in compliance with the California Building Code and the approved improvements and grading plans, the discrepancies shall be reported immediately in writing to the permittee, the building official, and the Engineering Division.
4. The applicant shall submit to the City Engineer for review and approval, drainage plans and hydrologic and hydraulic calculations in accordance with the City of Grass Valley Improvement Standards and Storm Drainage Master Plan & Criteria. All on-site drainage shall be treated prior to discharge to the City drainage system to eliminate the potential for any toxins to reach local waterways.
5. If the project creates and/or replaces 5,000 sf. or more of impervious surfaces, measures must be implemented for site design, source control, runoff reduction, storm water treatment and baseline hydro modification management measures per the City of Grass Valley Design Standards.

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6. If more than 50 cubic yards of soil is disturbed with the project, a detailed grading, permanent erosion control and landscaping plan shall be submitted for review and approval by the Engineering Division prior to commencing grading. Erosion control measures shall be implemented in accordance with the approved plans. Any expenses made by the City to enforce the required erosion control measures will be paid by deposit.
7. If any retaining walls or other wall structures equal to or greater than four feet in height (from the base of the footing to the top of the wall) are identified on the grading/improvement plans, the applicant shall:
  - a. Place a note on the grading/improvement plans stating that any walls equal to or greater than four feet in height wall require a building permit prior to construction.
  - b. Submit design calculations for the walls for review and acceptance.
  - c. If the proposed walls are to be constructed against a cut slope that cannot be graded back per the California Building Code, submit:
    1. A signed and stamped letter from a Licensed Civil Engineer or Geotechnical Engineer identifying a temporary shoring plan and how the cut slopes for the walls will be protected from the weather during construction.
    2. A signed and stamped letter from a Licensed Civil Engineer or Geotechnical Engineer stating that a copy of the required OSHA Permit will be supplied to the City prior to any excavation on the site and that a qualified OSHA Approved Inspector or Professional Civil Engineer will:
      - i) Be onsite during exaction for and construction of the retaining walls;
      - ii) Be onsite at least once a day during inclement weather;
      - iii) Will submit daily reports to the City.
8. The improvements and grading plans shall be signed by all other jurisdictional agencies involved (i.e., NID), prior to receiving City Engineer approval.
9. Per the Development Code, the Grading Permit shall expire one (1) year from the effective date of the permit unless an extension is granted by the City Engineer (for up to 180 days).
10. All sidewalk fronting the property with cracks greater than ¼ inch in width and ½ or more vertical displacement shall be replaced.
11. The applicant shall obtain a tree removal permit from the City of Grass Valley Public Works Department.
12. A sight distance exhibit that was provided is unable to meet the sight distance requirements turning left out of the project site. Therefore, a right in/right out driveway will be required with the installation of a center median to prevent left turning movements.
13. Although parking requirements are deemed by the Development Code to have been met, a second on-site parking space is recommended. Currently, there is parking



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allowed on Dorsey Drive, but there is the potential for the traffic volumes to increase if the Dorsey Drive Marketplace is completed. Should that occur, there is the potential for both sides of Dorsey Drive to be marked "No parking" so that a center tow-way turn lane can be installed.

14. The applicant shall submit final landscape and irrigation plans, prepared by a licensed landscape architect, for review and approval by the Planning and Engineering Divisions. Landscaping design shall comply with all provisions of the City's Water Efficient Landscape Ordinance.

**C. PRIOR TO INITIATING GRADING AND/OR CONSTRUCTION OF THE SITE IMPROVEMENTS FOR THE PROJECT, THE DEVELOPER SHALL COMPLETE THE FOLLOWING:**

1. Prior to any work being conducted within the State, County or City right-of-way, the applicant shall obtain an Encroachment Permit from the appropriate Agency(s).
2. A minimum of forty-eight (48) hours prior to commencement of grading activities, the developer's contractor shall notify both the Community Development Department and Engineering Division of the intent to begin grading operations. Prior to notification, all grade stakes shall be in place identifying limits of all cut and fill activities. After notification, Community Development and Engineering staff shall be provided the opportunity to field review the grading limits to ensure conformity with the approved improvement and grading plans. If differences are noted in the field, grading activities shall be delayed until the issues are resolved.
3. The applicant shall submit two copies to the Engineering Division of the signed improvement/grading plans.

**D. DURING CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:**

1. If prehistoric or historic-period archaeological resources or human remains are encountered during grading or excavation, work shall avoid altering the materials and their context until a qualified professional has evaluated, recorded, and determined appropriate treatment of the resource, in consultation with the City. Project personnel shall not collect cultural resources. Cultural resources shall be recorded on DPR 523 historic resource recordation forms. If it is determined that the proposed development could damage a unique archaeological resource, mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. If human remains are discovered, mitigation shall be implemented in compliance with CEQA section 15064.5.
2. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Nevada County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector

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shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.

3. The developer shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period.
4. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and/or geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted by the applicant, for approval by the City Engineer. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity.
5. Where trucks may transport excavated material off-site unless the loads are adequately wetted and either covered with tarps or loaded such that the material does not touch the front, back or sides of the cargo compartment at any point less than six inches to the top of the cargo compartment. Also, all excavated material must be properly disposed of in accordance with the City's Standard Specifications.
6. The contractor shall comply with all Occupational Safety & Health Administration (OSHA) requirements.
7. Construction and demolition waste recycling shall occur in accordance with Waste Management requirements.
8. For any public work, the contractor shall comply with all Department of Industrial relations (DIR) requirements including complying with prevailing wage requirements.

**E. PRIOR TO ACCEPTANCE OF PUBLIC IMPROVEMENTS AND/OR EXONERATION OF BONDS, OR OTHER FORM OF SECURITY, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:**

1. An Improvement Performance Security shall be submitted. The amount of the security shall be for the sum of: 1) 100% of the cost of the public improvements necessary to restore the public right of way back to existing conditions or the cost of the public improvements, whichever is less; 2) 10% of the cost of erosion and sedimentation control necessary to stabilize the site; 3) 10% of the cost of tree replacement; and 4) 100% of the cost to address any features which could cause a hazard to the public or neighboring property owners if left in an incomplete state. The minimum-security amount shall be \$500.00. The cost estimate shall be provided to the Engineering Division for review and approval as part of plan submittal. All costs shall include a ten percent contingency.
2. The applicant shall offer to dedicate to the City for public use, all the public streets right-of-way or easements necessary to install, maintain, and re-install all public

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improvements described on the improvements and grading plans. All offers of dedication must be recorded and a copy provided to the Engineering Division.

3. The Applicant shall sign and record a covenant and agreement to ensure that the onsite storm water facilities will be maintained by the property owner(s).
4. "As-built" plans, signed by the Engineer of Record, must be submitted to the Engineering Division on Mylar and a CD with an AutoCAD (or equivalent) drawing of the public improvements.
5. A final report prepared by the soils engineer, in accordance with the California Building Code, must be submitted to the Engineering Division.
6. The grading contractor shall submit a statement of conformance to the as-built plans and specifications. Statement must meet intent of the California Building Code. An example follows: "As the grading contractor, I confirm that all improvements were constructed as shown on these improvement plans." Include the signature, company, and date.

**F. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY:**

1. The applicant shall obtain final approval from the City of Grass Valley, fire, planning, engineering, and building divisions.
2. The applicant's landscape architect shall submit a letter specifying that the landscaping and irrigation has been installed in accordance with the approved landscape plans.
3. The applicant's landscape architect or landscape contractor shall submit to the City for approval the "certificate of completion" form as required by MWELo.
4. The applicant shall conduct an irrigation audit pursuant to the requirements of the MWELo. This shall be conducted by a third-party certified landscape irrigation auditor that did not install or design the landscape and irrigation. Prior to the audit City must confirm the selected auditor complies with MWELo requirements.

**G. NEVADA IRRIGATION DISTRICT:**

1. A Water Demand Analysis is required to be approved by NID to confirm that the existing meter is adequate for the proposed use. If upsizing is required, applicant is responsible for any and all fees associated with upsizing the meter.
2. The appropriate backflow prevention will be required on any and all connections to NID's system at applicant's expense.
3. Applicant should include existing PUE's and utility easements on site plans.

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4. Applicant is required to provide new easements, acceptable to NID, adequate to cover any proposed NID facilities not located within the existing right-of-way.
5. NID recommends the applicant request a Fire Flow letter.
6. If a private Fire Service is requested, NID requires improvement plans to be submitted for approval.