



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
BUILDING DEPARTMENT
950 MAIDU AVENUE, NEVADA CITY, CA 95959-8617
(530) 265-1222 FAX (530) 470-2939 www.nevadacountyca.gov

Trisha Tillotson
Community Development Agency Director

George Schureck
Director of Building

NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: December 10, 2024
TO: Board of Supervisors
FROM: George Schureck, Director of Building
SUBJECT: Public Hearing to consider the adoption of an Ordinance to add Chapter 17 to Title 14 of the Nevada County Code regarding regulations for Limited-Density, Owner-Built, Rural Dwellings.

RECOMMENDATION: Introduce and waive further reading of the attached Ordinance, (*Attachment 1*), allowing regulations for Limited-Density, Owner-Built, Rural Dwellings for a three-year pilot program.

FUNDING: There is no impact to the County General Fund and a budget amendment is not needed.

ATTACHMENTS:

- A. Draft Ordinance
 - 1. Exhibit A: Title 14 Amendment: Limited-Density, Owner-Built, Rural Dwellings.
- B. Public Comments (10)

BACKGROUND: At the 2024 Board Workshop, the Nevada County Board of Supervisors directed the Community Development Agency to identify updates to the Nevada County Code to allow for the development of alternative building code requirements or standards in support of the Housing Board Objective. Specifically, the Board of Supervisors directed the Building Department to develop an Ordinance to allow Limited-Density, Owner-Built, Rural Dwellings, utilizing existing models implemented by eight other California jurisdictions and a previous Nevada County Ordinance, which was in effect from 1999 until 2016.

The purpose of this Chapter is to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the public and the owners and occupants of limited density owner-built rural dwellings and accessory dwelling units. It is also the expressed purpose of this Chapter to conform the regulations regarding the construction and use of limited density, owner-built, rural dwellings and appurtenant structures to the requirements of Article 1, Section 1, of the California State Constitution, and the statutes of the State of California which require the department to consider the uniform model codes and amendments thereto; and local conditions, among which are conditions of topography, geography and general development; and to provide for the health, safety and general welfare of the public in adopting building standards. Any section, subsection, sentence, clause, or phrase of this Chapter if, for any reason, is held to be unconstitutional, or contrary to California statutes, such ruling shall not affect the validity of the remaining portions of this Chapter.

PROPOSED ORDINANCE:

To develop the proposed ordinance, Building Staff researched Limited-Density, Owner-Built, Rural Dwellings Ordinances passed by other California jurisdictions, including but not limited to Butte, Humbolt, Lassen, Shasta, and Trinity Counties, reviewed a previous Nevada County Ordinance, and conducted interviews with industry professionals, local contractors' associations, local realty associations as well as County regulatory agencies such as the Nevada County Planning Department and Environmental Health to ensure Limited-Density, Owner-Built, Rural Dwellings could meet state and local County standards. In addition to being modeled after similar ordinances, the draft Ordinance also incorporates existing standards that apply to traditionally built residential structures.

It is the intent of this Ordinance that the requirements contained herein shall apply to primary dwellings or secondary dwelling units located in rural areas to be occupied as the principal residence of the owner or the owner's family for a period of not less than two years following Certificate of Occupancy. The provisions of this Ordinance shall apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of new or existing limited density owner-built rural dwellings and structures appurtenant to said dwellings.

The draft Ordinance defines Limited-Density, Owner-Built, Rural Dwellings as follows:

LIMITED-DENSITY RURAL DWELLING: Any structure consisting of one or more habitable rooms intended or designed to be occupied by one family with facilities for living and sleeping, with use restricted to rural areas that fulfill the requirements of this Chapter. Shall include primary dwelling and accessory dwelling units.

RURAL: For purposes of qualifying under this Chapter as suitable locations for rural dwellings permitted hereunder only, "rural" shall mean legal parcels in unincorporated areas of the county that meet each of the following criteria:

1. A General Plan designation of "RUR" (Rural); or "FOR" (Forest);
2. A General Plan designation as a Rural Region, not a Community Region;
 - A. Zoned as "RA" (Residential Agricultural);
 - B. Zoned as "AG" (General Agriculture);
 - C. Zoned as "AE" (Exclusive Agricultural);
 - D. Zoned as "FR" (Forest);
 - E. Zoned as "TPZ" (Timberland Production Zone).

OWNER-BUILT: Constructed by any person or family who acts as the general contractor for, or the provider of, part or all the labor necessary to build housing to be occupied as the principal residence of that person or family, and not intended for sale, lease, rent or employee occupancy. It also means constructed by a licensed contractor for occupancy by the person or persons owning the property at the time construction is commenced.

Health and Safety Standards

Limited-Density, Owner-Built, Rural Dwellings would allow for the use of non-traditional construction methods and techniques, innovative engineering and designs, and homeowner flexibility. However, it prioritizes essential life, health, and safety standards. Where conventional plumbing, electric, and mechanical are installed, it would be required to meet current California building standards. However, alternative methods and designs which comply with the intent of the code could also be permitted

The construction of a Limited-Density, Owner-Built, Rural Dwelling would be a privilege not a right. The Building Official or designee would have full authority in the interpretation and application of the provisions of this ordinance. This would include determining eligibility of a dwelling proposed to be constructed and applicable building standards for such proposed dwelling to prioritize life, health, and safety.

As for Fire, Limited-Density, Owner-Built, Rural Dwellings would be required to meet Wildland-Urban Interface standards. Alternative methods and designs which comply with the intent of the code could be permitted. On the interior of the dwelling, smoke detectors would be mandatory. Sprinklers would be required for dwellings over 1200 square feet. Dwellings under 1200 square feet would not require sprinklers but would be highly encouraged.

Permitting and Inspections

Limited-Density, Owner-Built, Rural Dwellings would require permitting and inspections. Documents needed during the permit application process include but are not limited to:

1. A general description of the structure, which would include mechanical installations with all clearances and venting procedures detailed, electrical installations, plumbing fixtures, foundation, structural, and construction details.
2. Site plan identifying lots and building location, setback dimensions from all property lines and existing buildings, location of easements and utilities, etc.
3. Floor plan identifying room use, door and window locations. (Dwellings under this ordinance would be limited to one story unless engineered plans were submitted and approved.)
3. Structure elevation drawings which should include details on materials and construction methods for exterior wildfire exposure.
4. Foundation plan; new footing details; connection to existing foundation system.
5. Manufactured truss calculations and truss layout plan.
6. Documents detailing compliance with snow load requirements in excess of 70 pounds per square foot designed by a licensed professional.
7. Documents for a well and a septic system would need to be approved by the Environment Health Department. The parcel would need to be of sufficient size and configuration to fulfill the sewage disposal system setbacks to all property lines and all other setbacks established by law.

Other pertinent permitting details include impact fees for the applicable school district, recreation district, traffic mitigation, and other fees will be calculated accordingly. Further, fees associated with staff time to review the project will also be included.

Under this ordinance, four inspections would be required.

1. A foundation inspection prior to placement of concrete, a concrete slab or under-floor inspection and proper setbacks.
 2. A roof sheathing and shear inspection to ensure the roof and its supporting structure are properly installed.
 3. A rough framing, plumbing, electrical, and mechanical inspection prior to covering of walls.
 4. A final inspection would be conducted to ensure the structure is ready for occupancy.
- Inspections may be necessary by the fire agencies, Environmental Health, or other departments.

Recording a Disclosure for Real Estate Purposes

Prior to issuance of a permit for Limited-Density, Owner-Built, Rural Dwellings, the owner of the parcel will be required to record a notice regarding Limited-Density, Owner-Built, Rural Dwellings, including an indemnification of the County, with the County Recorder regarding the methods of construction, alternative facilities, or other factors that may be of value in the full disclosure of the nature of the dwelling and appurtenant structures.

Pilot Program

This ordinance would be in effect for an initial 3-year period as a pilot program to assess community interest and engagement.

RECOMMENDATION: Building Department staff recommend that the Board of Supervisors take the following action:

- I. **Project Action:** Recommend that the Board of Supervisors adopt the attached Ordinance, (Attachment 1), to add Chapter 17 to Title 14 of the Nevada County Code regarding regulations for Limited-Density, Owner-Built, Rural Dwellings for an initial three-year pilot program. Under Section 14.17.010 Authority, this Chapter is in accordance with the provisions of Health and Safety Code Sections 17958, 17958.2, 17958.5 and 17958.7; and, Article 8, Subchapter 1, Chapter 1, Division I, of Title 25, California Code of Regulations.

Item Initiated by: Nicholas McBurney, Senior Plans Examiner/Building Inspector
Approved by: George Schureck, Director of Building
Submittal Date: November 22, 2024

