

Land-Use Permitting Associated with Preexisting Unpermitted Improvements & Expired Building Permits



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
BUILDING DEPARTMENT**
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NEVADA COUNTY BUILDING DEPARTMENT POLICY

Subject:	Land-Use Permitting Associated with Preexisting Unpermitted Improvements & Expired Building Permits	Policy #:	BD-CSC-22-001
Original Policy:	July 1, 2022	Last Revised:	N/A

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1. Purpose:

The purpose of this policy is to establish procedures for land-use permitting associated with preexisting unpermitted improvements on properties consistent with the mission of the Building Department to safeguard life and limb, health, property, and public welfare of citizens and visitors of Nevada County by providing services that result in compliance with minimum housing, building, and safety laws, and to serve customers in a timely, efficient, and effective manner. This policy will streamline land-use permitting associated to properties that have preexisting unpermitted improvements that do not pose an imminent threat to fire, life, and/or safety as determined by the Building Official.

2. Definitions:

- **Building Official**
The officer or other designated authority charged with the administration and enforcement of the California Building Standards Codes and local ordinances, or a duly authorized representative.
- **Express Permit:**
Building permits for electrical, backflow prevention devices, mechanical, reroofs, siding, solar arrays, window change-out, and wood/gas stoves as shown in the Accela Land-Use permitting software.
- **Over-the-Counter Permit:**
Building permits for ag exempt structures, agricultural buildings, covered decks/patios, decks, demolition, electrical, fences, generators, mechanical, plumbing, remodels, reroofs, residential additions, solar arrays, below and above ground tanks, and temporary recreational vehicles as shown in the Accela Land-Use permitting software.

Background

- Adopted July 1st, 2022
- As-Built Policy Advisory Group was formed, developed the policy over the course of a year and included members of the public and County staff.

Definition: Over-the-Counter Permits

- Ag exempt structures
- Agricultural buildings
- Covered decks/patios
- Decks
- Demolition
- Electrical
- Fences
- Generators
- Mechanical
- Plumbing
- Remodels
- Reroofs
- Residential additions
- Solar arrays
- Below and above ground
- Temporary recreational vehicles

Definition: Express Permits

- Ag exempt structures
- Electrical
- Backflow prevention devices
- Mechanical
- Reroofs
- Siding
- Solar arrays
- Window change-out
- Wood/gas stoves

Policy

- When customers proactively apply for building permits and land-use entitlements it is the goal of the department to ensure these improvements are completed legally, safely, and meet all minimum land-use standards. Providing this service in a non-punitive way supports the departments mission. The approval of any building permit and/or land-use entitlement in no way legalizes any other existing unpermitted improvements.

Customer Inquiries

- Information and education will be provided by staff to the customer without initiating a code case, placing any notices on property files, or taking any other punitive action.

Review of Building Permits and Unpermitted Property Improvements

- Upon receipt of building permit applications for all Express Permits and Over-the-Counter permits, no permit history will be reviewed in comparison with aerial imagery.
- Parcels with active code compliance cases shall obtain approval from the Code Compliance Officer managing the case prior to issuing building permits on the property.
- If the proposed improvement(s) are altering or affecting an unpermitted structure the structure shall be legally permitted.

Review of Building Permits and Expired Building Permits on Properties

- Upon receipt of all building permit applications a review of expired building permits shall be conducted.
- If the expired permit is for an Express Permit or Over-the-Counter permit the new permit application may be issued once the new permit is deemed in compliance with minimum standards.

Building Department Review of Land-Use Entitlements

- Land-use entitlements routed to the Building Department for review will examine the project and property in compliance with state laws and local ordinances.
- If unpermitted improvements are viewed on the parcel(s) a comment will be made noting the unpermitted improvements and steps to legalize these improvements.

Imminent Threat

- The aforementioned procedures for all four service areas are conditional that any unpermitted improvements do not pose an imminent threat to fire, life, and/or safety to the community and/or environment as determined by the Building Official. If an imminent threat to fire, life and safety is known, investigation and enforcement may be required.

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