



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

950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617
(530) 265-1222 FAX (530) 265-8794 www.mynevadacounty.com

**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

<u>Index:</u>	1. Purpose
	2. Definitions
	3. Policy
	4. Procedures
	5. Policy Interpretation

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.

3. **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. This policy will include procedures regarding:

- Proactive customer inquiries regarding existing properties and land-use compliance
- The review of newly submitted building permits related to unpermitted property improvements
- The review of newly submitted building permits and expired building permits on properties
- The Building Department review of land-use entitlements associated with unpermitted improvements

4. **Procedures:**

Customer Inquiries:

Customers that are proactively reviewing property land-use history, asking about land-use permitting requirements and/or related inquiries engaging with Community Development Agency staff will not face punitive action related to these subject properties. 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. Customers can interface with staff without fear of repercussion or punitive action. The goal is to provide helpful information and educate customers on land-use compliance so they can make informed decisions.

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. Staff will focus on the specific building permit application and verifying compliance with minimum requirements prior to permit issuance. Once deemed in compliance with all minimum standards these building permits may be issued. Additional types of building permits may be reviewed and issued in compliance with these procedures if approved by the Building Official or their designee. 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 (e.g.: photovoltaic solar panels mounted on an unpermitted barn, deck for unpermitted pool, etc) the structure shall be legally permitted. The Building Official or their designee may review projects on a case-by-case basis to evaluate equivalent alternatives for building permits altering or affecting unpermitted structures.

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 an expired building permit exists on the property, staff shall inform the building permit applicant verbally and/or in writing of this expired permit and process to resolve the permit. 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. Staff will then inform the Permit Processing Assistant or designee to send out an expired building permit notice to the property owner in accordance with existing processes and

procedures. If the expired permit is other than an Express Permit or Over-the-Counter permit the expired permit shall be resolved prior to issuance of the new building permit or approval shall be obtained from the Building Official or their designee.

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. These comments will be saved in the digital land-use entitlement file to provide information to the applicant.

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.

5. Policy Interpretation:

The Director of Building and/or approved Building Department designee shall have the authority for the interpretation of this policy.

Policy Initiated By: Craig Griesbach

Approved: Craig Griesbach

Date: July 1, 2022

Craig Griesbach
Director of Building