



ORDINANCE No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE ADDING CHAPTER 17 TO ARTICLE 14 OF THE NEVADA COUNTY CODE ADOPTING REGULATIONS FOR LIMITED-DENSITY OWNER-BUILT RURAL DWELLINGS.

WHEREAS, pursuant to Health and Safety Code sections 17922 and 18935, the State Building Standards Commission adopted rules and regulations contained in both Title 24 of the California Code of Regulations and the various California codes; and

WHEREAS, pursuant to Health and Safety Code section 17958, the County of Nevada must adopt by ordinance regulations imposing the same requirements as those adopted by the State Building Standards Commission; and

WHEREAS, the County of Nevada may make changes or modifications in the adopted standards only to the extent authorized pursuant to Health and Safety Code sections 17958.5 and 17958.7; and

WHEREAS, pursuant to Health and Safety Code section 17958.2 the Department of Community Development adopted regulations for limited density owner- built rural dwellings which are codified in Article 8 of Title 25 of the California Code of Regulations; and,

WHEREAS, the limited density owner-built rural dwelling regulations contained in Article 8 of Title 25 do not become operative in Nevada County unless the Board of Supervisors makes findings that the application of such is reasonably necessary due to local conditions; and,

WHEREAS, the County of Nevada will permit limited density owner-built rural dwellings as authorized by Article 8 of Title 25 pursuant for a period of three years at which point this ordinance will return to the Board for review and reapproval.

WHEREAS, the County of Nevada contains limited density rural areas displaying conditions appropriate for the application of Article 8 of Title 25 of the California Code of Regulations; and

WHEREAS, the Board of Supervisors of the County of Nevada makes the following express findings that the application of Article 8 of Title 25 of the California Code of Regulations is reasonably necessary because of local conditions:

1. Portions of the unincorporated area of Nevada County are predominately rural and of limited density, with suitability for urbanization limited by their distance from and limited access to urban areas.

2. The Nevada County General Plan and implementing zoning and County codes have identified areas that can effectively and economically provide urban types of services and have directed future growth to those areas to preserve the character of the limited density rural areas and to prevent “partial suburbanization” of rural and natural areas.

3. By starting with areas designated and zoned for rural and low density uses and further excluding small parcels and housing areas that have adopted their own CC&Rs, and by applying other cumulative qualifying criteria related to public access and setbacks, the County can and has identified areas displaying conditions appropriate for application of the regulations for owner-built rural

dwellings allowed pursuant to Article 8 of Title 25 of the California Code of Regulations

4. Within the rural areas of the County so designated, there is an identified need and desire of numerous homeowners to be able to legally reside in homes they have constructed or propose to construct on their own property which pose no health or safety hazard but which would be permitted only as limited density owner-built rural dwellings authorized pursuant to Article 8 of Title 25 of the California Code of Regulations.

5. Adoption of these regulations within those rural areas would assist the bringing of illegal structures of sound structural condition in limited density areas into the system and abatement of substandard structures endangering the life, limb health or safety of their occupants.

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION I

Chapter 17 of Title 14 of the Nevada County Code is hereby adopted to read as shown in "Exhibit A" attached hereto and incorporated by reference.

SECTION II

Severability. If any portion of this Chapter is held to be invalid for any reason, or unconstitutional by a decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Chapter, including any other section, subsection, sentence, clause, or phrase therein, or the regulations supplementing those portions. Any invalid part of this Chapter shall be segregated from the remainder of the Chapter by the court holding such part invalid, and the remainder shall remain effective.

SECTION III

Sunset. This ordinance shall cease to have any force or effect three (3) years after the date it becomes effective unless an amendment is adopted to extend or expand the ordinance.

SECTION IV

This Ordinance shall take effect and be in force at the expiration of thirty (30) days from and after its passage, and it shall become operative on the 9th day of January, 2025 and before the expiration of fifteen (15) days after its passage a summary shall be published once, with the names of the Supervisors voting for and against same in the a newspaper of general circulation printed and published in the County of Nevada.