

Planning Department POLICY

1. **Purpose:**

This memo serves as the Planning Department policy regarding allowable number of Accessory Dwelling Units are allowed as accessory to a single-family dwelling.

2. **Analysis:**

The State of California is constantly changing requirements regarding how many Accessory Dwelling Units (ADU) are allowed on a property that are accessory to an existing single-family dwelling. Recently the State Department of Housing and Community Development (HCD) has released its 2025 ADU Handbook. <https://www.hcd.ca.gov/sites/default/files/docs/policy-and-research/adu-handbook-update.pdf>. The handbook states the following regarding the number of allowed ADUs:

“This means that on single-family lots, local agencies must allow at least one ADU constructed from existing space [states existing SFD space or accessory structure], one JADU, and one newly constructed detached ADU. For multifamily lots, local agencies must permit at least one ADU constructed from existing non-livable space (or up to 25 percent of the number of multifamily units), and two detached ADUs.”

In addition, Senate Bill 1211 (Skinner) went into effect on January 1, 2025, which further defined how many ADUs are allowed on multi-family lots as follows:

“This bill would instead authorize, under that variation, up to 8 detached ADUs to be created on a lot with an existing multifamily dwelling, provided that the number of ADUs does not exceed the number of existing units on the lot, and up to 2 detached ADUs on a lot with a proposed multifamily dwelling.”

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1211

3. **Policy:**

Nevada County shall allow the following number of ADU's as required by State Law, assuming the unit meets the requirements of State Law and as applicable the Nevada County Code: Title 12, Chapter 3, Section 12.03.190.

- A Junior ADU, within the walls of the existing single-family dwelling not to exceed 500 square feet.

- A conversion ADU constructed from existing space, either within the SFD or an accessory structure, pursuant to the allowances within state law.
- A new detached ADU or attached ADU as allowed for by the County's Codes up to 1,200 square feet. If the ADU is detached and qualifies as a "state exempt" ADU not to exceed 800 square feet, then that unit shall be afforded the allowance of state law regarding, setbacks, lot coverages, etc. Only one of these ADUs are allowed per single family lot
- Eight detached ADUs to be created on a lot with an existing multifamily dwelling, provided that the number of ADUs does not exceed the number of existing units on the lot, and up to 2 detached ADUs on a lot with a proposed multifamily dwelling.

See Government Code 66313 and 66323 for additional information, including specific provisions allowed by State law that are in addition to County Code allowances. <https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units>

4. **Policy Interpretation:**

The Director of Planning Department or their designee shall have the authority for the interpretation of this policy.

Policy Initiated By: Tyler Barrington, Principal Planner

Approved By: Brian Foss, Director of Planning

Approved: Brian Foss

Date: 2/27/25