

# **Compliance Permit Program Eligibility and criteria for compliance with the Building Standards or with the Regulations for Limited Density Owner-Built Rural Dwellings**

## **What is the Compliance Permit Program?:**

A program to allow owners of existing unpermitted works that qualify an opportunity to legalize said works, allowing continued occupancy while bringing the works into compliance over an extended period of time, with either the Building Standards or the Regulations for Limited Density Owner-Built Rural Dwellings, as adopted in Nevada County, under a limited pilot program.

## **What is Eligible?:**

- A. A single-family dwelling that does not have current, finalized permits for all portions of its construction may qualify for enrollment in the compliance program if all of the following conditions are satisfied:
1. The dwelling is owner occupied or, if owned by a family trust, occupied by the Trustor/Trustee or the Beneficiary;
  2. All unpermitted construction on the dwelling occurred prior to January 1, 1998;
  3. The dwelling is not on a parcel where any other unpermitted dwelling or structure exists, which is excluded from the application or ineligible to be enrolled in the Compliance Program;
  4. The parcel on which the dwelling is located is currently zoned to permit a single-family dwelling without securing any further land use permits or approvals;
  5. The dwelling, as constructed, complies with applicable current site development standards, including, without limitation, setbacks, coverage and height restrictions;
  6. The dwelling meets at least minimum health and safety (including fire safety) standards; and
  7. The dwelling does not pose any imminent threat to life or safety by continued occupancy.
- B. Senior citizen and disabled housing and second dwelling units, otherwise meeting the criteria of Section L-II 3.33 of Chapter II of the Land Use and Development Code, that do not have current, finalized permits for all portions of their construction may qualify for enrollment in the Compliance Program only if they are occupied by qualified occupants and otherwise meet all of the criteria for single family dwellings in A.2-7 above.

- C. Accessory structures necessarily and customarily incidental to the single family dwelling use that are permitted, subject to a building permit, without securing any further land use permits or approvals, that do not have current, finalized permits for all portions of their construction also qualify for enrollment in the Compliance Program concurrent with enrollment of a dwelling only if they are not used for human habitation and, as constructed, comply with all applicable current site development standards and pose no imminent threat to life or safety.

## Criteria for compliance with the Building Standards and compliance with Regulations for Limited Density Owner-Built Rural Dwellings:

### Building Standards

#### **Regulation of use.**

No restriction as to owner occupancy, sale, lease or rental.

#### **Regulation of location.**

Allowed in any zoning district single-family dwellings are permitted uses.

#### **Construction – Regulations.**

All buildings and structures shall comply with the basic construction requirements contained in the California Building Code.

### Regulations for Limited Density Owner-Built Rural Dwellings

#### **Regulation of use.**

Restricted to principle residence of owner or owner's family. Not for sale, lease, rent or employee occupancy.

#### **Regulation of location.**

Restricted to "rural areas" of the County which comply with all of the following:

1. Parcel size of five acres minimum.
2. General Plan designation of "RUR" (rural-5 through 160 acre minimums); "REC" (recreation); or "FOR" (forest-40 through 640 acre minimums);
3. Zoned as "RA" (residential agricultural); "A1" (general agricultural); "AE" (exclusive agricultural); "REC" (recreational); "FR" (forest); or "TPZ" (timberland preservation zone);
4. The parcel is of sufficient size and configuration so as to fulfil the sewage disposal system setbacks;
5. The parcel is not subject to "CC&R's" (covenants, codes and restrictions).

#### **Construction – Requirements.**

All buildings and structures shall be constructed in accordance with requirements contained in the California Building Code with exceptions applicable to the construction of limited-density owner-built rural dwellings:

- No minimum room width dimensions.
- No minimum heating capacity or temperature maintenance for building heating system.

Building Standards  
(Cont'd.)

**Mechanical – Regulations.**

All buildings and structures shall comply with the basic mechanical requirements contained in the California Mechanical Code.

**Electrical – Regulations.**

All buildings and structures shall comply with the basic electrical requirements contained in the California Electrical Code.

**Plumbing – Regulations.**

All buildings and structures shall comply with the basic plumbing requirements contained in the California Plumbing Code.

**Energy Standards.**

The State energy conservation standards shall be complied with if non-renewable sources of energy are utilized for space heating, water heating or lighting.

**Fire Safety Regulations.**

Fire Safety Regulations of Chapter XVI, Nevada County Land Use and Development Code shall be complied with.

Regulations for Limited Density  
Owner-Built Rural Dwellings  
(Cont'd.)

**Mechanical – Requirements.**

Mechanical equipment and appliances installed in buildings shall be installed in accordance with the requirements contained in basic mechanical regulations of the California Mechanical Code.

**Electrical – Requirements.**

No dwelling or appurtenant structures shall be required to be connected to a source of electrical power, or wired, or otherwise fitted for electrification. Where electrical wiring or appliances are installed, the installation shall be in accordance with the provisions of the California Electrical Code.

**Plumbing – Requirements.**

Plumbing equipment and installation shall be in accordance with requirements contained in the California Plumbing Code with exceptions applicable to the construction of limited-density owner-built rural dwellings:

- A water closet shall not be required when an alternate system is provided and has been approved by the Environmental Health Director.
- It shall not be required that plumbing facilities be located within the dwelling.
- Potable water shall be available but need not be pressurized.

**Energy Standards.**

The State energy conservation standards shall be complied with if non-renewable sources of energy are utilized for space heating, water heating or lighting.

**Fire Safety Regulations.**

Fire Safety Regulations of Chapter XVI, Nevada County Land Use and Development Code shall be complied with.

driveway, including its grade and surfacing materials; etc. A sample site (plot) plan and plan checklist is attached.

FLOOR PLAN(S). A floor plan for each floor showing all walls, partitions, doors, windows and use of each room. Critical dimensions shall be provided. Location of equipment, cabinets, plumbing fixtures, water heater, space heating appliance, electrical outlets and fixtures, etc. shall be indicated.

## **5) Health & Safety Inspection**

The Board of Supervisors has established in Resolution No. 99451 minimum health and safety standards for continued occupancy which must be met by any dwelling to qualify and participate in the compliance program (the resolution is available on the CDA Web Site or in printed form at the permit processing center at no cost).

The purpose of the health and safety inspection is not to identify every possible code violation, but rather to identify those conditions that present immediate threat to the health and safety of the building's occupants. Once a health and safety inspection has been conducted and any unsafe conditions corrected a temporary occupancy may be approved for the building.

## **6) Action on Application**

The compliance program administrator will provide written notice of the decision to enroll, enroll only if certain conditions are met, or deny enrollment. Enrollment may be approved upon verification that the following requisite conditions of this program have been accomplished:

- Assessed value of property with improvements is entered on the tax rolls.
- All taxes and fees, including mitigation fees are paid or payments arranged and supporting documentation provided.
- Permits have been issued by the departments for all "as-built" and corrective construction.
- Buildings and structures have been inspected and minimum health and safety standards adopted pursuant to this program have been met.

## **7) Compliance Schedule**

With notice of approval for enrollment in the compliance program, a comprehensive list of corrective work necessary to bring the works into full compliance will be

provided. Enrollment will be finalized when the following has been accomplished:

1. A plan is submitted for completing the necessary corrective work within a reasonable time, but in no case exceeding 10 years. The plan shall include anticipated completion dates for certain milestones.
2. Enter into and record an agreement with the County to complete all of the corrective work prior to any sale, lease, conveyance or other transfer of the property.

Upon enrollment into the Compliance Program, a Compliance Program Temporary Occupancy Permit will be issued for continued occupancy while the work proceeds.

## **8) "After-the-Fact" Inspection – What does the Building Inspector look at?**

Responsibilities of the inspector include verify structural integrity of the structure; verify that the electrical system, plumbing systems and mechanical systems are installed to approved plans and adopted code; verify that California Energy Efficiency Standards have been followed; and, verify housing regulations and County Land Use and Development Code standards have been complied with. Inspection is limited to those elements that can be visually inspected and evaluated by non-destructive investigation.

### **SITE DEVELOPMENT STANDARDS**

1. Compliance with required setbacks, maximum building height and required off-street parking.
2. Compliance with use restrictions and recorded easements.
3. Compliance with Fire Safety Regulations (not applicable to dwelling units on the tax rolls as of October 10, 1991)
  - Driveway construction standards

### **GENERAL CODE APPLICATION**

1. Minimum Natural Light and Ventilation Requirements.
  - (a) Habitable rooms provided with natural light by glazed openings that are at least 1/10 of the floor area (min. 10 sq. ft.) and natural ventilation by openable exterior openings that are at least 1/20 of the floor area (min. 5 sq. ft.).
  - (b) Bathrooms, water closet compartments, laundry rooms, etc., provided with natural ventilation by openable exterior openings that are not less than 1/20 of the floor area (min. of 1-1/2 sq. ft.) or mechanical ventilation systems that supply at least 5 changes per hour.
2. Minimum Ceiling Heights.
  - (a) Habitable rooms with a ceiling height of not less than 7'-6" except as otherwise permitted.
  - (b) Minimum ceiling height for laundry rooms, hallways, corridors, kitchens and bathrooms of 7'-0".
3. Minimum Dwelling Sanitation.

- (a) A bathroom equipped with facilities consisting of a toilet, lavatory and either a bathtub or shower.
  - (b) A kitchen equipped with a kitchen sink.
4. Minimum Room Dimensions.
- (a) Habitable rooms contain at least 70 square feet with no dimension less than 7'-0" (width dimension not required for limited density owner-built rural dwellings).
  - (b) At least one room not less than 120 square feet of floor area.
  - (c) Water closet compartments with 30" width and 24" clear in front of the water closet.
5. Fire-Warning System.
- An approved smoke detector installed in each bedroom and at a point centrally located in the hallway or area providing access to each separate bedroom. Where ceiling height of a room open to the hallway serving bedrooms exceed that of the hallway by 24" or more; smoke detectors installed in the hallway and in the adjacent room. In dwellings with more than one story, smoke detectors installed in each story and in the basement.
6. Minimum Exits.
- (a) At least one exit door from the dwelling 3 feet in width and 6 feet 8 inches in height.
  - (b) Exterior landings provided at exterior doors.
  - (c) Exterior stair landing at least 36" deep provided at the top of stairs to residences.
  - (d) Minimum 36 inches width of corridors and stairways (30" may be possible depending on edition of code in force when construction commenced).
7. Emergency Escape or Rescue Windows
- Unless an approved door for emergency escape is provided, there will be at least one openable window located within every sleeping room. Egress will conform with the following requirements:
- Maximum finished sill height from floor level - 44".
  - Minimum net clear opening area - 5.7 Sq. ft.
  - Minimum height of opening - 24", minimum width - 20".
8. Stairs
- (a) Rise of steps in stairway not less than 4 inches or greater than 8 inches and the run not less than 9 inches.
  - (b) Stairway headroom minimum of 6'-8" (6'-6" may be possible depending on edition of code in force when construction commenced).
  - (c) Handrails 34" to 38" above an imaginary line connecting the nosing of stair treads (30" to 34" may be possible depending on edition of code in force when construction commenced). Handrail cross section 1-1/2" to 2" in handgrip dimension.
  - (d) Guardrails a min. 36" in height, open guardrails and stair railing have intermediate rails such that no object 4" in diameter can pass through (greater intermediate spacing of rails may be possible depending on edition of code in force when construction commenced).

- (e) Walls and soffits of enclosed spaces under stairs protected on the enclosed side as required for one-hour fire resistive construction.
- 9. Safety Glazing
  - (a) Glass windows and doors including shower enclosures subject to human impact.
  - (b) Windows located within 36" of the inside rim of tub-shower (fixture) and not higher than 60" from tub-shower drain and any glazing mounted directly on the rim of the fixture.
- 10. Attached Garage Separation
  - (a) All surfaces of the garage adjacent to the house provided with materials approved for one-hour construction. Doorways in such walls to be 1-3/8" solid wood self-closing.
  - (b) No openings between a private garage and a room used for sleeping purposes.
- 11. Roof Covering
  - Minimum Class-A or non-combustible roofing.

## ELECTRICAL

Comply with the basic electrical requirements contained in the California Electrical Code.

1. Receptacles provided around the perimeter of habitable rooms so that a receptacle is located within 6' from any point along the wall, including one on walls 2' or wider.
2. Receptacles located at exterior, garage, bathroom and kitchen receptacles serving counter tops with ground fault circuit interrupter protection.

EXCEPTION: No dwelling or appurtenant structures under the limited density owner-built pilot program shall be required to be connected to a source of electrical power, or wired, or otherwise fitted for electrification. Where electrical wiring or appliances are installed, the installation shall be in accordance with the provisions of the California Electrical Code.

## MECHANICAL

Mechanical equipment and appliances installed in accordance with the requirements contained in basic mechanical requirements of the California Mechanical Code.

1. Heating facilities capable of maintaining a room temperature of 70 F. at a point 3' above the floor in all habitable rooms (No minimum heating capacity or temperature maintenance required in limited density owner-built rural dwellings).
2. Combustion air openings installed within 12" of the floor and ceiling for gas burning equipment.
3. Central warm air furnaces not to be installed in a bedroom, bathroom, and closet or enclosed space with access only through such room.
4. Appliances generating a glow, spark or flame set at least 18" above garage floor level.
5. LPG appliances not to be installed in a below ground pit, basement or similar locations. Appliances installed in an above grade underfloor space or basement provided with an approved means for removal of unburned gas.

## PLUMBING

Plumbing equipment and installation in accordance with requirements contained in the California Plumbing Code with exceptions applicable to the construction of limited density owner-built rural dwellings. A water closet shall not be required when an alternate system is provided and has been approved by the Environmental Health Director. Under the limited density owner-built pilot program (1) it shall not be required that plumbing facilities be located within the dwelling and (2) potable water shall be available but need not be pressurized.

## ENERGY STANDARDS

Compliance with measures of the State energy conservation standards if non-renewable sources of energy are utilized for space heating, water heating or lighting.

As-built buildings and structures pose many unique, site-specific inspection problems. The building inspector may require verification and inspection access as necessary. He may also require certification regarding adequacy of a building system or structural element.

## 9) Inspection Requests

Call the Building Department for inspections at (530) 265-1222, for next workday service. If you have any questions regarding inspections, consult your building inspector between 7:15 a.m. – 8:00 a.m. or 3:00 p.m. – 3:30 p.m., Monday through Friday, or call (530) 265-1222.

In order for your permit to remain valid, you must have your first inspection within 360 days of the date you take out the permit. Thereafter you must have inspections showing substantial progress at intervals of no more than 360 days.

## 10) Appeals

The Board of Supervisors has established a Building Standards Board of Appeals and a Limited Density Owner-Built Rural Dwelling Board of Appeals made up of knowledgeable members of the public. The Board of Appeals is empowered to:

- Hear and decide appeals of discretionary orders, decisions or determinations made by the Chief Building Inspector;
- Investigate and determine the suitability of alternate materials and types of construction;
- Provide reasonable interpretations of the provisions of the building standards; and
- In cases of extreme hardship, provide for deferral of the effective date of an order of abatement.

All appeals to the Board of Appeals must be within the scope of authority described above.

Any decision of the County Administrator or designee declining to enroll property in or revocation or termination of enrollment in the Compliance Program may be appealed to the Nevada County Board of Supervisors.

## **11) "After-the-Fact" Inspection - What does the Environmental Health Specialist look at?**

### **Sewage Disposal**

Sewage must be disposed of safely. This means NO surface disposal and NO discharge into groundwater of either blackwater, graywater or kitchen waste. Several options exist, some of which are interim and some are permanent. Whichever options are selected, ALL of the waste must be safely disposed, including, blackwater, graywater and kitchen waste. The options are as follows:

#### **INTERIM OPTIONS (per Resolution 99-451)**

##### **1) Vault Privy (Blackwater or Blackwater/Graywater) (T-074):**

- Fee: Hourly, not to exceed \$120
- Temporary solution (not to exceed length of program)
- Must be eligible for Compliance Program
- 1,000 gal minimum tank size
- Annual permit required (inspected by EH once in three years if only accepts blackwater; inspected once per year if accepting both black and graywater)
- Setbacks apply
- Construction must be inspected by EH
- Must either demonstrate that a septic system can/will be installed in the future (via an OSSE) OR record deed notification that sewage disposal is NOT guaranteed for this property

##### **2) Pit Privies (Blackwater) (T-076):**

- Fee: Hourly, not to exceed \$120
- Temporary solution
- Must be in existence already
- Must be eligible for Compliance Program
- Must be used in conjunction with approved kitchen waste & graywater system
- Setbacks apply
- Construction must be inspected by EH
- Must either demonstrate that a septic system can/will be installed in the future (via an OSSE) OR record deed notification that sewage disposal is NOT guaranteed for this property.

- Must be replaced by a different type of permitted/approved sewage disposal system within 2 years, once permitted. A one-year extension may be granted.
- Annual permit required (inspected once per year @ \$79.50 per hour)
- Must be constructed in accordance with the minimum requirements contained in Section T-108.

## **PERMANENT OPTIONS**

### **3) Waterless Toilet (Blackwater) (T-080):**

- Fee: Hourly, not to exceed \$120
- Meets requirements of Chapter VI, Article 5, of the LUDC
- Types include, but not limited to "Composting Toilet", "Incinerating Toilet" or another device that is approved for this purpose
- Must be commercially manufactured and installed per manufacturer's specs
- Annual permit required (inspected once per year @ \$79.50 per hour)
- Variance required (Fee: \$79.50 per hour) for owner built composting toilet

### **4) Kitchen Waste & Graywater Disposal System (T-082 & T-084):**

- Fee: \$79.50 per hour
- Must verify via a test pit that soil is suitable type AND depth to groundwater is adequate-normally 6½ feet deep.
- 2 separate systems required-one for graywater, one for kitchen waste
- Sub surface disposal is required
- Average graywater trench is 69 feet long, 18" wide and 18" deep
- Average kitchen waste trench is 26 feet long, 18" x 18"
- Trenches must be installed on contour

### **5) Septic Tank/Leachfield System:**

- Fee: As Per Board Resolution
- Meets requirements for typical septic tank/leachfield system, as per Chapter VI, Article 1 of the LUDC.

### **6) Prohibited: Cesspools (water delivered waste into a hole in the ground)**

## **Water Supply**

### **1) Source:**

- Potable water must be available at ALL times. Per Ordinance, Potable is defined as "water obtained from below the surface of the ground at a depth that has been protected from surface pollution or contamination, and which is free from contaminants injurious to health." Therefore, the source must be either a well or developed spring. A water sample will be collected by Environmental Health staff at the first inspection (H&S). The lab fee for this service is approximately \$30.

## **2) Quantity:**

- Standard requirement is at least 3 gallons per minute.
- Standard requirement for 1-3 gpm supply would necessitate a 1,000-gallon storage tank.
- In the interim, if in the Compliance Program, 100 gallons per bedroom of storage is required.

## **12) Further Information**

The Community Development Agency staff is available to assist you and to answer your questions from 8:00 a.m. – 5:00 p.m., Monday through Friday, on a first-come, first-served basis, or you may call the appropriate staff member in advance for an appointment.

**NEVADA COUNTY BUILDING DEPARTMENT  
SITE PLAN CHECK LIST**

AP# \_\_\_\_\_ BP# \_\_\_\_\_

This check list has been provided to ensure that you building permit is processed promptly and efficiently. Please read carefully. All items must be checked or marked not applicable (N/A).

**1. Submit three (3) copies of site plan**

Tech Approval

- \_\_\_ A. Accurately drawn in ink to a commonly recognized scale. \_\_\_\_\_
- \_\_\_ B. Drawn on clear unlined paper, minimum size 8 1/2" by 11". \_\_\_\_\_
- \_\_\_ C. The entire property must be shown. \_\_\_\_\_

**2. Site plan must clearly show:**

- \_\_\_ A. All property dimensions. Include north arrow. \_\_\_\_\_
- \_\_\_ B. All existing and proposed buildings and structures including out buildings on the property and labeled as to use. Include any proposed or existing trailers or mobilehomes. \_\_\_\_\_
- \_\_\_ C. All easements, including utility and road easements: label named roads. Included shall be any and all special notes on recorded maps; such as fire flow restrictions, dedicated right-of-ways. \_\_\_\_\_
- \_\_\_ D. All Year-round water cources, drainage ditches, etc. Show 100 year flood plains and distances from the flood plain. This shall include all bodies of water (ponds, creeks, rivers, NID ditches). \_\_\_\_\_
- \_\_\_ E. Setbacks of all structures and septic systems from property lines, watercourses (including ditches and canals), roads/right-of-ways. \_\_\_\_\_
- \_\_\_ F. Parking: Two 9' x 18' spaces are required per single family residence. \_\_\_\_\_
- \_\_\_ G. Show driveway width slope and surfacing. \_\_\_\_\_
- \_\_\_ H. Location of well and septic ( leach field and repair area ). \_\_\_\_\_
- \_\_\_ I. Note amount of lot coverage of all structures and other impervious surfaces. \_\_\_\_\_
- \_\_\_ J. Site Drainage Plan. \_\_\_\_\_
- \_\_\_ K. Finish Floor Elevation ( this can be actual or 0 base floor elevation ) \_\_\_\_\_

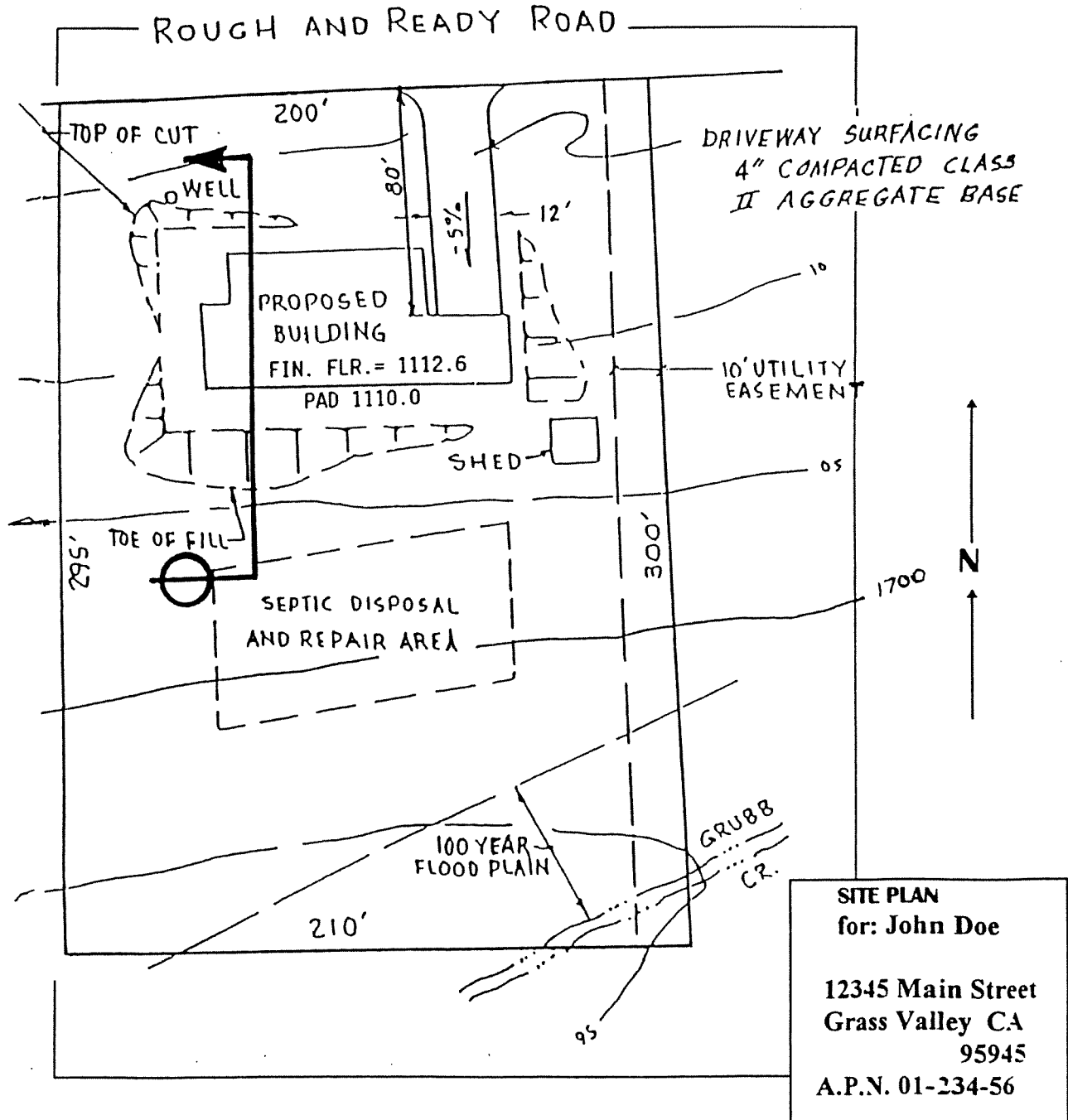
**3. General Information Required on All Site Plans**

- \_\_\_ A. Ovner's name. \_\_\_\_\_
- \_\_\_ B. Owner's mailing address. \_\_\_\_\_
- \_\_\_ C. Project address. \_\_\_\_\_
- \_\_\_ D. Vicinity map. \_\_\_\_\_
- \_\_\_ E. Assessor's Parcel Number. \_\_\_\_\_

APPLICANT SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

COUNTER PERSON SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

# SAMPLE SITE PLAN



Note #1: The leachfield setback from a property line is 50ft. If the adjacent parcel is served by public water it is 10 feet.

Note #2: Contact the Environmental Health department concerning well setbacks prior to submitting.