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NEVADA COUNTY
COMMUNITY DEVELOPMENT AGENCY POLICY
PLANNING DEPARTMENT

Subject:	Grading/Building Permit Approval prior to Administrative Permit Approval	Policy #:	PLN 2
Original Policy Date:	November 2, 2020	Last Revised Date:	N/A

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1. Purpose:

The purpose of this policy is to clarify when grading and/or building permits may proceed in advance of Administrative Permit finalization. Permits addressed by this policy are those associated with development that may require an Administrative Permit process but that do not independently require an approved Administrative Permit for permits to issue. Thus, some of these permits may be processed independently of the Administrative Permit, including prior to Administrative Permit issuance. The intent of clarifying this policy is to direct staff in assisting applicants in processing permits in a manner consistent with policy that works best for applicants' project timelines.

2. Definitions:

Administrative Permit:

A permit that does not require discretionary approval by a hearing body (Zoning Administrator, Planning Commission, and/or Board of Supervisors) and may include Administrative Development Permits (ADP), Zoning Compliance, and/or Commercial Cannabis Permits.

3. Analysis:

Existing County of Nevada Land-Use and Development Code Section L-II 5.5.B.2 states that no building permit shall be issued for any structure which would violate or fail to comply with any approved Development Permit and conditions for the parcel or parcels on which such structure or use is to be located.

The historical procedure related to Administrative Permit processing was to only approve building permits and grading permits after the approval of an Administrative Permit to allow a certain land

use. Certain circumstances may warrant the issuance of building and grading permits prior to the approval of an Administrative Permit that is in process. Portions of the overall project can be approved such as grading or to begin construction of a building in advance of adverse weather conditions or to be in place to operate/use as soon as the Administrative Permit is issued. Prohibiting permit issuance until after the approval of an Administrative Permit can delay a projects operation, have negative financial implications, and/or prevent projects from being constructed in a timely manner. At the same time, allowing permits subsidiary to an ADP to move forward without CDA analysis would risk allowing applicants to construct aspects of their project that later create obstacles to ADP approval. The following policy is intended to allow permits to move forward when they are not likely to result in obstacles to Cannabis ADP approval.

4. Policy:

In some cases, a building permit, including a grading permit, may be approved by the Planning Department prior to the approval of an Administrative Permit. In order for a grading and/or building permit associated with an Administrative Permit to be approved prior to approval of the Administrative Permit, the following requirements must be met:

1. The building permit/grading permit is for a structure or use that does not require the approval of the Administrative Permit to be constructed and/or occupied (i.e. the grading/structure can be used for another allowed use per the zoning code and a Management Plan is not required or has been approved). If the structure is dependent on the approved use of the Administrative Permit the building/grading permit may be issued but a final certificate of occupancy shall not be granted by the Building Department for the structure until the Administrative Permit is approved. This will allow grading/construction while the Administrative Permit review and processing is finalized.
2. A complete Administrative Permit application package has been submitted to and accepted by the Planning Department for the intended use of the building permit/grading permit.
 - a. The Administrative Permit application has been distributed and comments have been provided by all of the applicable reviewing agencies.
 - b. No comments have been received by commenting agencies that would cause the building permit/grading permit to be amended, relocated, or otherwise modified in any way in order to allow the structure or use intended by the Administrative Permit. This will prevent undue financial or other hardships to the applicant if the physical work is commenced onsite but later found to be inconsistent with requirements for ADP approval
3. The building permit structure does not require Design Review pursuant to Section L-II 5.3 of the LUDC.
4. The applicant must sign a compliance agreement that states the structure shall not be used for any such use that requires an Administrative Permit until such time that one is approved and the 10-day appeal period has elapsed without an appeal. The

agreement shall acknowledge that the applicant is being issued the building/grading permit at their own risk and that if the Administrative Permit is not issued for any reason the structure/grading may need to be removed/restored or only used for allowed uses per the applicable parcel zoning.

5. Policy Interpretation:

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

Policy Initiated By: Brian Foss, Planning Director

Approved: *Brian Foss*

Date: *11/2/2020*

Brian Foss
Planning Director