



# Nevada County Community Development

Planning Department

Building Department

## ACCESSORY DWELLING UNITS (ADUs) Frequently Asked Questions



### COUNTY OF NEVADA

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\*Please note that this information is intended to answer the most commonly asked general questions, it is not an exhaustive list. For more information please contact the [Planning](#) and [Building](#) Departments.

## **General Questions**

### **What is an “Accessory Dwelling Unit”?**

ADUs are also known as second units, in-law units, or granny units. An ADU may be created by:

1. Building a new detached accessory structure
2. Converting an existing accessory structure
3. Building an addition attached to the primary dwelling
4. Converting space in the primary dwelling (e.g., basement)

### **What’s new in the world of ADUs?**

On January 1, 2020, new laws in California came into effect that reduce barriers and streamline the approval process for ADUs.

- ADUs are now permitted on multifamily lots and mixed use zones,
- the applicant is not required to be an owner-occupant of the property, and
- Code, Covenant, and Restrictions (CC&Rs) can no longer prohibit ADUs.

### **Where are ADUs allowed?**

ADUs are permitted on properties that are zoned to allow residential use.

### **What zoning do I need?**

Parcels zoned R1, R2, RA, AE, AG, FR and TPZ districts are eligible for an ADU.

### **Who may apply for an ADU?**

The applicant for an ADU must be the current owner of the property. The ADU application process requires the owner’s signature on the application.

### **Does the County allow Junior ADUs (JADU)?**

Yes, currently the County allows for JADU’s to be created within the walls of a proposed single-family residence or the conversion of existing habitable space. The JADU may be no more than 500 square feet. JADU’s may share central systems, contain a basic kitchen with small plug-in appliances and may share a bathroom with the primary dwelling.

### **How many ADUs can I have on my property?**

You may have one ADU (attached or detached) per parcel as well as a JADU.

### **Are there any restrictions?**

An ADU cannot exceed the following size limitation, as measured from interior walls:

1. Attached Units: maximum 50% of the existing residence gross floor area, but not to exceed 1,200 square feet
2. Detached Units: maximum size of 1,200 square feet
3. Detached ADUs may have an attached garage or carport, not to exceed 480 square feet.
4. Covered decks and entryways cannot exceed a 10-foot depth. Enclosed decks or porches shall not exceed 15% the total gross floor area on the ADU, and be constructed as non-habitable space.

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## **Can I build an ADU and then rent it out?**

An ADU can be a long term rental. Short term rentals (less than 30 days) are generally prohibited, unless they are on properties that qualify for agritourism, are within the Soda Springs Rural Center, or within the Truckee Sphere of Influence. To find if you are within any Spheres of Influence or the Soda Springs Rural Center, visit [MyNevadaCounty.com](http://MyNevadaCounty.com) and access our [MyNeighborhood Map Portal](#). Use the City Boundaries and Community Boundaries layers in the layer list to determine your location. If you already have an ADU that was existing and permitted prior to 2019, you can rent it out for short term use.

If building within a City's Sphere of Influence, the ADU must also comply with any standards of that City, even those that are more restrictive.

## **Can I sell an ADU separately?**

The ADU is not intended for sale separate from the primary residence.

## **I already have an ADU, can I modify it?**

Previously approved senior or disabled housing units may be modified to increase the square footage, not to exceed 1,200 square feet. Your unit may have a restrictive covenant in place. Contact the Nevada County Records Office at 530-265-1221 to see if one is recorded. If you need to rescind a recorded restrictive covenant please contact the Planning Department.

## **Development Standards**

- ADUs will need to have necessary water and sewage disposal as required by the Department of Environmental Health. ADU's constructed with kitchens, which include cooking equipment, will need to install an additional septic tank to reduce the load on the existing disposal field. If the existing disposal field is not large enough to accommodate the additional flow or load from the ADU, a new, separate septic system will need to be installed for the ADU. Septic requirements will vary by project, for more information on septic requirements please contact Environmental Health at 530-265-1222 Option 3.
- Before the building permit can be issued, you will need to record a deed restriction which addresses restrictions on rental standards. A deed restriction template will be provided to you from the Planning Department during the review process of your building permit. The declaration runs with the land and is binding to the applicant and any successors.
- You may voluntarily opt to deed restrict the ADU for affordability. Doing so may make you eligible for fee deferment. To qualify for fee deferment, one of the two below criteria need to be met.
  - 1) The property owner may deed restrict the ADU to very low or low income qualified individuals or families for a minimum of 10 years. The deed restriction will need to be issued prior to issuance of the building permit.
  - 2) Construction of an 800 square foot unit or less in size.
- All fees will need to be paid prior to the issuance of the certificate of occupancy.
- Compliance and consistency with recorded deed restrictions and/or Codes, Covenants, and Restrictions (CC&R) provisions, not required by the County, are the responsibility of the owner. Contact your HOA for more information.
- A new address will be assigned to an ADU.
- For a new detached ADU, solar is mandatory per the California Energy Code.

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- ADU's are required to have separate utility disconnects from the main residence. There are some exceptions to this for ADU's inside existing residences. Consult the Building Department to review these exceptions at 530-265-1222 or [BuildingDept@co.nevada.ca.us](mailto:BuildingDept@co.nevada.ca.us).
  - ADU's cannot share heating and air conditioning systems with the main residence.
  - ADU's must adhere to standard R-3 (Residential) minimum building code requirements.
  - ADU's must meet 4 foot rear and side yard setbacks, and be consistent with local zoning regulations.

### **Fire Safety**

- Compliance is required with all local Fire Safety Regulations that are generally applicable to a single-family residence, unless otherwise exempted.
- Driveway access needs to meet minimum fire safe driveway standards. For more information please see Land Use and Development Code Chapter XVI, Section L-XVI 3.2.
- All ADUs that are located beyond dead end road limits are subject to the following:
  - A) Provide a minimum of one (1) turnout visible from both directions along the property road frontage and an additional turnout every 800-feet of property frontage as necessary. The turnouts need to meet minimum fire safe turnout standard. If the road meets minimum Fire Safe Road Standards, then turnouts will not be required.
  - B) The ADU will use the same driveway encroachment with the primary dwelling, unless the applicant can demonstrate that a common encroachment is not feasible due to site limitations (i.e.. topography, building site location, and/or environmental resources, etc...).
  - C) Before final occupancy, the property owner will need to record a Notice to Property Owner stating the ADU is beyond dead end road limits. This will be provided to you by the Planning Department during your project review.
- All ADUs within the High and Very High Fire Severity Zone as defined on the State Responsibility Area (SRA) maps and all ADUs beyond dead end road limits regardless of their SRA are subject to the following:
  - A) As part of the building permit application, you will need to submit a Fire Protection Plan which includes the following:
    - 1) The proximity to emergency responders and estimated emergency response times.
    - 2) Describe the primary (and secondary, if applicable) access road conditions.
    - 3) Identify the projects emergency water supply or emergency water storage facilities, consistent with Article 4 of Chapter XVI of the Land Use and Development Code.
    - 4) Identify if a fire sprinkler system is proposed or required.
    - 5) Provide a Fuels Management Plan that requires:
      - A) Defensible space design consistent with Public Resources Code 4291.
      - B) Identification of high fuel load areas.
      - C) How adequate defensible space will be ensured.
      - D) The mechanism for maintain defensible space.
      - E) Identification of a feasible evacuation plan and/or safe evacuation routes for use by future occupants.

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For your Fire Protection Plan, please work with the Nevada County Deputy Fire Marshall. They can be reached through the Planning Department at 530-265-1222 option 2.

- For attached ADUs, a 1-hour fire rated assembly is required between the ADU and main residence, which includes walls, ceilings and associated openings.
- Wildland Urban Interface (WUI): ADUs are required to adhere to WUI standards for Residential (R-3) Occupancy per the California Residential Code.
- Fire sprinklers are required in the AUD only if the main residence has fire sprinklers installed.

### **Plan Requirements**

The following is an overall list of items necessary for building plans. For a more comprehensive list, please see the [\*\*\*Nevada County Residential Plan Submittal Checklist\*\*\*](#).

- Site Plan
- Grading and Drainage Plans (if applicable)
- Floor Plans
- Elevations
- Cross Sections
- Electrical Plans
- Foundation Plan
- Floor Framing Plan
- Roof Framing Plan
- Truss Calculations
- Mechanical/Fuel Gas Plans
- Fire Sprinkler Plans (if applicable)
- Structural Engineering
- Structural Details
- Title 24 Energy Calculations
- Impervious Surface Coverage Calculations

## Permit Fee Estimate for ADU (2021)

Permit Fee Estimate	1,200sf ADU	Less than 750sf ADU	Less than 500sf ADU
<u>Plan Review Fees:</u>			
Building: Permit Processing Fee	\$156.14	\$156.14	\$156.14
Building: Residential Plan Review Fee	\$856.62	\$856.62	\$856.62
*Building: Fire Sprinkler Plan Review Fee	\$156.14	\$156.14	\$156.14
Planning: Site Plan Review Fee	\$161.97	\$161.97	\$161.97
Environmental Health: Plan Review Fee	\$97.86	\$97.86	\$97.86
<u>Inspection Fees:</u>			
Building: Residential Inspection Fee	\$1,436.04	\$1,436.04	\$1,436.04
*Building: Fire Sprinkler Inspection	\$156.14	\$156.14	\$156.14
<u>Impact Fees:</u>			
Public Works: Traffic Impact Fee	\$4,333.14	-	-
Nevada J.U. School Dist Fee (\$4.08/ sf living space)	\$4,896.00	\$2,856.00	-
Fire District Fee (fees vary from districts)	\$1,200.00	\$700.00	\$500.00
<u>Environmental Health Fees:</u>			
Onsite Soil Evaluation (if applicable)	\$689.91	\$689.91	\$689.91
Septic Permit Fee (Ranges from \$593.07 - \$788.79)	\$788.79	\$788.79	\$788.79
<u>State Fees &amp; Archiving Fees</u>			
State: Residential SMIP Fee	\$29.57	\$29.57	\$29.57
State: CA2009 SB1473 \$1.00—\$99mil	\$10.00	\$10.00	\$10.00
Building: Large Document Fee (per page)	\$3.80	\$3.80	\$3.80
Building: Small Document Fee (per page)	\$2.00	\$2.00	\$2.00
<b>Total Fee Estimate:</b>	<b>\$14,974.12</b>	<b>\$8,100.98</b>	<b>\$5,044.98</b>

\*if applicable

\*\*\*\* Recording fees change on a yearly basis, for fee information from the Nevada County Recorder please contact 530-265-1221