

Agricultural Permit Exemptions

PURPOSE

To establish procedures for processing agricultural permit exemptions including the implementation of Fire Safe Standards, when applicable.

GENERAL

Section 7-7 of the Sonoma County Code provides for an exemption from building permit requirements for buildings designed and constructed for use in housing farm machinery, animals, supplies or products that are harvested from or utilized on a parcel of land (Group U Occupancies per Section 312.1 of the California Building Code). Buildings constructed pursuant to this section shall, except for the exemption from a building permit, conform to all applicable codes and regulations including design and construction. In order to qualify for an agricultural exemption the following conditions shall apply:

- A. The building is 60 feet, or more, from all property lines.
- B. The building is 60 feet, or more, from other non-exempt structures except as may be specifically approved.
- C. The building cannot contain waste plumbing. Permits shall be obtained for any electrical or water systems.
- D. The parcel on which the building is located is five (5) acres or greater.
- E. The building is an agricultural building as defined in Section 202 of the California Building Code and cannot be used for human habitation or used by the public.
- F. The building is located within one of the following zoning districts:

- LIA (Land Intensive Agriculture)
- LEA (Land Extensive Agriculture)
- DA (Diverse Agriculture)
- RR (Rural Residential)
- AR (Agriculture and Residential)
- RRD (Resources and Rural Development)
- TP (Timber Production)

- G. The property on which the building will be located is presently used for agricultural purposes.
- H. The building does not exceed two (2) stories.
- I. The building is wood frame per Section 2308 of the California Building Code, with structural spans of less than 25 feet, or is a manufactured pre-engineered building.

- J. Buildings with structural spans of more than 25 feet or buildings constructed outside of Chapter 23 of the California Building Code, must be engineered.
- K. The building is not located in a flood zone as established by Sonoma County Code Chapter 7B.

FIRE SAFE STANDARDS

Even though they are exempt from building permits, Fire Safe Standards (**excluding fire sprinklers**) are applicable to certain agricultural exempt structures depending upon whether they are constructed in the State Responsibility Area (SRA). The Fire Code Official on duty at the Fire Customer Service Desk will determine the area of responsibility for fire purposes when the application for agricultural exemption is submitted. Fire Safe Standards for these buildings shall apply as follows:

A. State Responsibility Area

- 1. New agricultural exempt buildings larger than 8,000 square feet located within the State Responsibility Area are subject to Fire Safe Standards. Fire Safe Standards plan checking and inspections fees shall be charged in the same manner as for other residential structures on lines 120 and 121 in Permits Plus (PP). **New agricultural exempt buildings less than 8,000 square feet are not subject to Fire Safe Standards.**
- 2. A **new** road, a **new** driveway or a **new** bridge that is constructed to exclusively serve an agricultural exempt building which is larger than 8,000 square feet and which is located within the State Responsibility Area must comply with Fire Safe Standards. Separate permits are required for these improvements and Fire Safe Standards plan check and inspection fees shall be charged using fee items 120 and 121 in PP.
- 3. An approved onsite water supply shall be provided as approved by the Fire Code Official when the agricultural exempt building is greater than 8000 square feet.

AUTHORITY

Sonoma County Code Sections 7-7 and 13-25
California Building Code
California Fire Code

FORMS

- A. Application For Agricultural Building Permit Exemption
(s\Handouts\CNI\CNI-030 Agricultural Building Permit Exemption.wpd)
- B. Notice of Agricultural Exemption
(Document in Permits Plus)
- C. Grading Permit Questionnaire

S:\Handouts\ENG\ENG-002 Grading Permit Questionnaire.wpd

PROCEDURE

- A. Applicant submits completed CNI-030 *Application for Agricultural Building Permit Exemption* form, four (4) copies of a site plan and is directed to a Permit Technician. **Plans are not required unless the proposed building is wood frame with spans of structural members exceeding twenty-five (25) feet.** Applications for such buildings shall, in addition to four (4) copies of a site plan, be accompanied by four (4) sets of building plans prepared, stamped and signed by a licensed civil or structural engineer or architect in order to qualify for an exemption. The applicant shall also complete ENG-002 *Grading Permit Questionnaire* form, to determine if a grading permit is required.

Minimum Site Plan Requirements:

- § Drawn to scale on 8 ½" x 11" paper.
 - § Include all buildings, property lines, existing and proposed streets or roads, access to the property, septic systems, septic system reserve expansion area, wells, streams and other drainage courses.
 - § Provide dimensions of proposed agricultural building.
 - § Provide setback distances between proposed agricultural building and property lines.
 - § Provide setback distances between proposed agricultural building and other buildings.
 - § Provide relative elevation of native grade at outside four corners of proposed agricultural building.
 - § Fire Safe Standards (if applicable, see "Fire Safe Standards" above).
1. **Permit Technician.** The Permit Technician reviews the submittal package for completeness and initializes an AEX activity. There shall be one AEX activity number for each agricultural exempt building, even if on the same parcel. Required approvals are input into Permits Plus (PP) and the applicant is routed to the following cubicles. If there is an active violation on the property, the applicant shall be routed to the Code Enforcement Cubicle first.
 2. **Code Enforcement** (only if there is an active violation on the property). Code Enforcement staff will review the applicability of the existing violation to the proposed agricultural exemption. If applicable, staff will then review the proposal for compliance with Permit and Resource Management Department (PRMD) Policy and Procedure 7-0-2, Allowed Improvements within an Agricultural Exempt Structure. If approved, Code Enforcement staff completes the approval portion of the application, calculates penalties, and then completes the fee and approval screens in PP.
 3. **Zoning.** A Planner shall verify zoning requirements and determine if the agricultural exemption can be approved. If approved, the Planner completes the approval portion of

the application and completes the fee and approval screens in PP.

4. **Plan Check.** A Building Plans Examiner reviews the site plan to determine if the proposed building: (1) qualifies for an agricultural exemption; and, (2) complies with minimum setbacks from property lines and between other buildings. The Building Plans Examiner reviews all conditions of approval of the proposed exemption with the applicant who signs the application agreeing to comply with all County Ordinances and State Laws regulating building construction. The Building Plans Examiner also attaches a copy of PRMD Policy and Procedure 7-0-2 Allowed Improvements within an Agricultural Exempt Structure to the package.
5. **Fire Prevention Division.** The on-duty Fire Code Official will determine if the property is located within the State Responsibility Area and answer any questions regarding the applicability of Fire Safe Standards, including any required inspections.
6. **Well and Septic.** A Registered Environmental Health Specialist (REHS) reviews the site plan for setbacks to any septic system(s) and reserve expansion area. If the application is approved through an office clearance, the REHS completes the approval portion of the application form and the fee and approval screens in PP. If a field clearance is required, the applicant is advised of the process and additional fees.
7. **Storm Water/Grading/Drainage.** Engineering staff reviews the site plan, proposed building location, and ENG-002 Grading Permit Questionnaire. The applicant is advised if a separate grading permit is required and if the proposed building is located in a flood zone. If a grading permit is required, the grading permit must be issued prior to approval of the agricultural exemption. If the building location is located in a flood zone, the application cannot be processed and the applicant is then referred back to a Permit Technician.

B. Fees

1. Agricultural Building Permit Exemption fee (fee item 0040).
2. Application review at minimum one-half hour Building Plans Examiner hourly rate.
3. Zoning permit fee (fee item 1165 – ZONING PERMIT W/O).
4. Fire Safe Standards (fee item 120 – FSS INSPECTIONS and fee items 121 – FIRE RESIDENTIAL PLANCHECK).
5. Site evaluation fee (fee item 100 – SITE REVIEW/ELEV. CERT.).
6. Septic office/field clearance fee (fee item 366 – CLEARANCE OFFICE and fee item 372 – Field Clearance).
7. Penalties for a violation when applicable.

C. Cashier

Cashier collects fees and routes one copy of the site plan to a designated Fire Inspector who

will determine when fire inspections are required for access and water. The cashier will route the remainder of the submittal package to site evaluation.

D. Site Evaluation

Site evaluation staff conducts a review in the field to determine the following:

1. *Flood hazard zone.* Agricultural exempt buildings are not allowed in a flood hazard zone.
2. *Soil stability.* If a geotechnical report is required, an agricultural exemption cannot be approved until the report is submitted and approved.
3. *Setback requirements.* Verify that the proposed building conforms to setback requirements.
4. *Agricultural use.* Verify that an agricultural use exists on the property. If the agricultural use cannot be established on the property until after the agricultural building is constructed (i.e., can't place the horses on the property without a building to house the feed, etc.), the Department will accept evidence of the agricultural use. A letter from the property owner is acceptable.

The site evaluation checklist form is completed. If the property is located within a flood hazard zone, the property owner will be notified by letter that the exemption is denied. If it is determined that a grading permit or a geotechnical report is required, the property owner will be notified that a grading permit shall be obtained or a geotechnical report submitted prior to approval of the agricultural exemption.

If it is determined that the agricultural exemption can be approved, the *Notice of Agricultural Exemption* and the approval portion of the application are completed by inspection staff and the applicant is notified of the approval by letter. The site evaluation package is then routed back to the cashier. If it is determined that the agricultural exemption cannot be approved, inspection staff will also notify the applicant by letter of the basis for not approving the exemption.

F. Building Inspection Office Assistant

Upon receipt of the approved submittal package, the appropriate Office Assistant completes the process in the following manner:

1. Sends the Notice of Agricultural Exemption to the Recorder's Office.
2. Retains the submittal package until the Notice returns from the Recorder's Office.
3. Receives the recorded Notice from the Recorder's Office and distributes the submittal materials in the following manner:
 - a. White copy of application, recorded Notice and one copy of site plan to File Room.
 - b. Green copy of application and copy of site plan to Fire Inspector.

- c. Yellow copy of application and one site plan to Assessor's Office.
- d. Goldenrod copy of application, copy of site plan and a copy of recorded Notice to applicant.

ATTACHMENTS

None

Approved by:

/s/ Tennis Wick

Tennis Wick, Director

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Revised by : Ben Neuman, Building Division Manager, Steve Mosiurchak, Fire Services

01/29/04

11/13/13

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