

**ORDINANCE NO. \_\_\_\_\_**  
**ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS**  
**ESTABLISHING CHAPTER 19.19 OF MARIN COUNTY CODE PROVIDING AGRICULTURAL**  
**EXEMPTIONS FROM CERTAIN PERMIT REQUIREMENTS AND SERVICES PROVIDED BY**  
**THE COMMUNITY DEVELOPMENT AGENCY BUILDING AND SAFETY DIVISION**  
**THROUGH THE BUILDING PERMIT PROCESS**

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN HEREBY ORDAINS AS FOLLOWS:

**SECTION I: Chapter 19.19 of Title 19 –BUILDINGS-- of the MARIN COUNTY CODE is hereby established to read as follows:**

**19.19 Agricultural Exemptions from Permit Requirements.**

**19.19.010 Purpose**

The purpose of this ordinance is to reduce costs and time associated with reviewing, processing and inspecting building permits for qualified non-occupiable agricultural utility structures, while ensuring reasonable conformance with essential health and safety requirements to minimize risk and contribute to safe and sustainable communities and environmental preservation.

**19.19.020 Definitions**

(1) "Qualified non-occupied agricultural utility structures" include Group U buildings, as defined under 2007 CBC Appendix C, that are not intended for human occupancy, as well as other non-occupied incidental structures, including fences, towers and tanks, necessary to the performance of an approved agricultural use.

(2) "Approved agricultural use" shall be limited to properties that are zoned for agricultural use, including the A3 to A60, ARP, and APZ zoning districts as established in Title 22 of the Marin County Code and on which property such commercial agricultural use presently exists or substantial evidence of future commercial agricultural use is demonstrated by the property owner and/or agricultural producer. Commercial agriculture may be demonstrated by permits and/or certifications for an agricultural production operation issued by the Marin County Agricultural Commissioner or other evidence indicating how the existing or planned agricultural use(s) contribute to Marin's agricultural industry. Determinations regarding commercial agricultural use shall be at the sole discretion of the Agency Director or his/her designee.

**19.19.030 Applicability**

The provisions of this chapter are optional as requested by the property owner, and shall apply to the erection, construction, addition, alteration or repair of qualified non-occupiable agricultural utility structures proposed or situated on property for which an approved agricultural use is entitled.

Except the provisions of this chapter shall not apply to any of the following:

- (1) Any building which is within a setback to property line of the lesser of the minimum setback required by the governing zoning district or fifty (50) feet, regardless of the size of the parcel, or which maintains a setback of less than fifty (50) feet to a non agricultural exempt building, except that the distance to other buildings may be reduced to not less than forty (40) feet when allowed by the building code.
- (2) Any building exceeding two (2) stories in size.
- (3) Any building subject to use by the public.
- (4) Any building subject to more than occasional or incidental use by employees of the property owner.

#### **19.19.035 Exemption Requirements**

- (1) All work shall comply with the requirements contained within the codes adopted in Section 19.04.010 of this code and other relevant laws and ordinances as applicable.
- (2) All work shall be performed by licensed individuals, the property owner, or employees of the property owner in conformance with applicable state law.
- (3) No work shall be performed until an Agricultural Exemption Request application has been reviewed and approved and all fees paid.
- (4) Except where specifically exempted by the provisions of this chapter, Agricultural Exemption Requests are subject to application, fees and permit requirements established elsewhere in the County Code.
- (5) Plan review and site inspection services normally provided by the Community Development Agency shall be reduced under this chapter as established in the Agricultural Exemption Request application.
- (6) A final inspection shall be performed by Community Development Agency inspectors after construction and prior to use to verify that the building complies with the basic requirements in Section 19.19.020(1) above.

#### **19.19.040 Fees**

Fees for Agricultural Exemption Request shall be calculated using the approved fee schedule in effect at the time the fee is charged.

### **SECTION II: FORMER ORDINANCES AND OTHER PROVISIONS OF LAW**

Where differences occur between provisions of this chapter and other ordinances and standards, the provisions of this chapter shall apply. The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.

### **SECTION III: VALIDITY**

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this chapter. The Board of Supervisors of Marin County hereby declares that it would have adopted the ordinance

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and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof shall be declared invalid.

#### **SECTION IV: PUBLICATION AND EFFECTIVE DATE**

This ordinance is enacted pursuant to and in compliance with Government Code Sections 25120-25123, and Section 25124(b)(1), and shall be, and is hereby declared to be, in full force and effect as of July 8, 2010.

A summary of this Ordinance was published and a certified copy of the full text of this Ordinance was posted in the office of the Clerk of the Marin County Board of Supervisors at least five (5) days prior to the Board of Supervisors meeting at which it was adopted.

Within fifteen (15) days after adoption the Marin County Board of Supervisors Clerk shall publish this Ordinance, with the names of the Supervisors voting for and against the same, in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin, and shall also post in the office of the Marin County Board of Supervisors a certified copy of the full text of this Ordinance along with the names of those Board of Supervisors members voting for and against the Ordinance.

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Marin, State of California, held this \_\_\_\_ day of \_\_\_\_\_, 2010, by the following vote:

AYES:

NOES:

ABSENT:

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PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

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CLERK