

## CHAPTER 21.100

# STAFF APPROVAL PERMITS

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### **21.100.010 PURPOSE**

Staff approval permits, which are revocable, conditional, and valid for either a specified or an indefinite period of time, may be issued for any of the uses which, under the terms of this title, are permitted subject to first securing a staff approval permit. The procedure for securing staff approval permits shall be as provided in this chapter. A staff approval permit shall have the same effect as a use permit, except that it is granted by the director of planning and community development rather than by the planning commission. (Ord. CS 106 Sec. 17 (part), 1984).

### **21.100.020 APPLICATION**

- A. Application for a staff approval permit shall be made by the owner of the real property for which the permit is sought, or by the authorized agent of the owner.
- B. The application shall be filed with the department of planning and community development, in writing, on a form prescribed by the planning commission and shall be signed by the owner or his authorized agent.
- C. The application shall be accompanied by plans, including elevations and other pertinent data, to show in detail the proposed use or buildings.
- D. A filing fee, in such amount as may be fixed from time to time by order or resolution of the board of supervisors, shall be paid at the time the application is filed. (Ord. CS 106 Sec. 17 (part), 1984).

### **21.100.030 ISSUANCE OR DENIAL**

Action by the director of planning and community development:

- A. In order to obtain a staff approval permit, the applicant must introduce evidence in support of his application sufficient to enable the planning director to find that the establishment, maintenance and operation of the proposed use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

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- B. The planning director may impose such conditions in connection with the staff approval permit as he deems necessary to secure the purpose of this title and may require a bond, undertaking or other assurance that such conditions are being or will be complied with.
- C. If the planning director, after receiving and considering the evidence, and any proposed conditions, is unable to make the foregoing findings, the staff approval permit shall be denied. In cases where the staff approval permit is denied, the planning director shall state his reasons for the denial. (Ord. CS 106 Sec. 17 (part), 1984).

### **21.100.040 REAPPLICATION--REQUIRED FOR BUILDING PERMIT**

- A. No application for a staff approval permit which has been denied wholly or in part by the planning director or by the planning commission, or the board of supervisors on appeal, shall be resubmitted for a period of one year from the date the order of denial became final, except on grounds of new evidence or proof of changed conditions found to be valid by the planning director, planning commission or the board of supervisors, whichever issued the order of denial.
- B. No building permit shall be issued in any case where a staff approval permit is required by the terms of this title unless and until the staff approval permit has been granted by the planning commission or board of supervisors and then only in accordance with the terms and conditions of the staff approval permit so granted. (Ord. CS 106 Sec. 17 (part), 1984).

### **21.100.050 USES REQUIRING STAFF APPROVAL**

For the purpose of this chapter, the following shall be considered to be uses, the expansion, change or modification of which shall be subject to review and staff approval of the director of planning and community development, when the changes do not alter the present character of the uses. The approval may include conditions deemed necessary and reasonable to carry out the intent of this title. Any such decision may be appealed to the planning commission, in writing, within ten days of the decision.

- A. Minor changes in legal nonconforming or other legal uses which, in the opinion of the director of planning and community development, do not change the nature of, or add new uses to, the legally established use and which do not expand the area of the building or use by more than twenty-five percent.
- B. Replacing one dwelling or mobile home with another while continuing to live in the existing dwelling until completion or occupancy of the replacement. A financial guarantee shall be required equal to one dollar per square foot of the dwelling being replaced or one thousand dollars, whichever is greater. (Ord. CS 106 Sec. 17 (part), 1984).
- C. One single-family dwelling on a parcel legally created that is less than twenty acres in size and located in the A-2-40 or -160 (General Agriculture) zoning district.

The following findings must be made in addition to the findings required pursuant to Section 21.100.030:

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1. The dwelling would be consistent with the County's General Plan;
  2. The dwelling would not likely create a concentration of residential uses in the vicinity or induce other similarly situated parcels to become developed with single-family dwellings; and
  3. The dwelling will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.(Ord. CS 1020 Section 11, 2007; Ord. CS 741, 2000)
- D. One "small wind energy system" shall be allowed on a legally created parcel of at least one acre in area located within the A-2 (General Agriculture) zoning district, providing the following criteria are met:
1. Tower heights of not more than 65 feet shall be allowed on parcels between one and five acres and tower heights of not more than 80 feet shall be allowed on parcels of five acres or more, provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.
  2. Setbacks for the system tower shall be no farther from the property line than the height of the system, provided that it also complies with any applicable fire setback requirements pursuant to Section 4290 of the Public Resources Code.
  3. Decibel levels for the system shall not exceed the lesser of 60 decibels (dBA), existing maximum noise levels applied pursuant to the noise element of a general plan for the applicable zoning classification in a jurisdiction, as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind storms.
  4. The system's turbine must have been approved by the California Energy Commission as qualifying under the Emerging Renewables Fund of the commission's Renewables Investment Plan or certified by a national program recognized and approved by the Energy Commission.
  5. The application shall include standard drawings and an engineering analysis of the system's tower, showing compliance with the Uniform Building Code or the California Building Standards Code and certification by a professional mechanical, structural, or civil engineer licensed by this state. However, a wet stamp shall not be required, provided that the application demonstrates that the system is designed to meet the most stringent wind requirements (Uniform Building Code wind exposure D), the requirements for the worst seismic class (Seismic 4), and the weakest soil class, with a soil strength of not more than 1,000 pounds per square foot, or other relevant conditions normally required by a local agency.

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6. The system shall comply with all applicable Federal Aviation Administration requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports, and the State Aeronautics Act (Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code). In the event a small wind energy system is proposed to be sited in an agricultural area that may have aircraft operating at low altitudes, the local agency shall take reasonable steps, concurrent with other notices issued pursuant to this subdivision, to notify pest control aircraft pilots registered to operate in the county pursuant to Section 11921 of the Food and Agriculture Code.
7. The applicant shall provide information demonstrating that the system will be used primarily to reduce onsite consumption of electricity and, unless the applicant does not plan to connect the system to the electricity grid, that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator.

Applicants must submit evidence in support of each of the above criteria. Small wind energy systems shall also comply with all requirements of Section 65892.13 of the California Government Code and any other additional and/or subsequent regulations pertaining to such systems as may be adopted by the State of California. (Ord. CS 798, Section 1, July 4, 2002)

- E. Corn mazes, hay mazes and similar seasonal activities when accessory to an approved Produce Stand or Produce Market and not conducted in excess of three occasions, nor more than a combined total of 45 days, within any one calendar year and where the site is returned to its previous condition within 7 days of the ending of each activity. Said activities shall comply with the required setbacks and provide off-street parking as determined necessary by the Planning Director. Conditions of Approval shall be imposed as necessary to insure compliance with all applicable fire, building, and health codes.

A staff approval for said activities shall be obtained at least 30 days prior to operation and shall be subject to yearly renewal. The property owner shall be notified 6-months in advance if the permit will not be renewed. Any notice of non-renewal may be appealed subject to Section 21.112.020 of the County Code. Any approved activity not conducted for a period of one calendar year shall be deemed expired and a new staff approval required. (Ord. CS 890, Section 9, 2004; Ord. CS 894, Section 1, October 21, 2004)