

**COUNTY OF SACRAMENTO  
CALIFORNIA**

For the Agenda of:  
December 14, 2011  
Timed: 2:00 p.m.  
Agenda Item: #8

To: Board of Supervisors

From: Department of Community Planning and Development

Subject: Zoning Code Amendments  
[Control No.: PLNP2011-00047]

Supervisory  
District: All

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**Overview**

This report summarizes the Planning Commission action and other new information since the Planning Commission hearing. This series of Zoning Code Amendments is intended to provide incentives for agritourism in Sacramento County by allowing more wineries, farm stands, and farm stays by right or through a less complex entitlement process. The County Planning Commission, meeting in a regular session on November 14, 2011, voted 5-0 to recommend approval of the Zoning Code amendments. The Planning Commission asked that staff look into increasing the number of occupants allowed on the property during farm stand and winery special events. Planning staff met with stakeholders on November 30, 2011 to discuss the number of people that should be allowed at events. Subsequently, staff made a number of changes to the farm stand and winery draft ordinances as discussed in this report.

**Recommendation**

That the Board of Supervisors:

1. Determine that the environmental analysis is adequate and complete and that the Negative Declaration is appropriate.
2. Approve the proposed agricultural tourism Zoning Code amendments.

**Measures/Evaluation**

Staff will monitor the success of the ordinances and make further amendments as needed.

**Fiscal Impact**

The draft ordinances have been prepared through funds provided by the Economic Development Division.

## **BACKGROUND**

The draft ordinances were first heard by the Planning Commission on September 12, 2011. At this first Planning Commission hearing, stakeholders raised concerns about the ordinances and the Planning Commission voted to continue the item until staff could hold another meeting with stakeholders. After meeting with stakeholders on October 5, 2011, staff made a number of changes to the draft ordinances including revising the mitigation measure related to historic preservation and allowing greater flexibility with events, signage, the sale of produce and agricultural related items, and the location of community stands. On November 14, 2011, the Planning Commission voted 5-0 to recommend approval of the Zoning Code amendments. The Planning Commission also directed staff to look into increasing the number of occupants allowed on the property during events at farm stands and wineries. Planning staff meet with stakeholders on November 30, 2011 to discuss the number of people that should be allowed at events.

## **DISCUSSION**

This series of code amendments is intended to provide incentives for agritourism in Sacramento County by allowing more wineries, farm stands, and farm stays by right or through a less complex entitlement process. These amendments would allow farmers and providers of locally grown crops to expand their opportunities to bring locally grown products to the community and create additional revenue streams to keep agricultural pursuits and farming viable in Sacramento County.

### **Events at Farm Stands and Wineries**

As a result of the November 30, 2011 meeting with stakeholders, staff made a number of revisions to the draft winery and farm stand ordinances. Restrictions on the number of events per calendar year were removed from both ordinances. The maximum number of people allowed at events at field retail stands, farm stands, produce stands, agricultural markets and wineries was changed to be determined only by parcel size based on the following chart:

| <b>Total Parcel Size (Acres)</b> | <b>Maximum Number of Attendees (Peak)</b> |
|----------------------------------|---|
| 1.0-2.5                          | 50 people (1)(2)(3)                       |
| 2.51- 5.0                        | 100 people (1)(2)(3)                      |
| 5.01-10.0                        | 200 people (1)(2)(3)                      |
| 10.01-20.0                       | 300 people (1)(2)(3)                      |
| Over 20.0                        | 350 people (1)(2)(3)                      |

Notes:

1. Permitted as an accessory use; the primary use of the parcel must be agricultural.
2. Outdoor activities are limited to Sunday through Thursday 8:00 a.m. to 7:00 p.m.; and Friday, Saturday and Holidays 8:00 a.m. to 11:00 p.m. Indoor activities are permitted without restrictions as to day and time.
3. All events are subject to the Sacramento County noise ordinance.

The first note to the above chart requires that the primary use of the parcel is agricultural, preventing non-agricultural parcels from being used as private social centers without going through the entitlement process. Because these changes to the events allowed by the winery and farm stand ordinances allow greater flexibility in the size and number of events, restrictions have been added specifying when outdoor activities are permitted (note #2). Larger events than those permitted by the chart may be allowed at field retail stands, farm stands, produce stands, agricultural markets and wineries subject to the issuance of a use permit by the Zoning Administrator.

#### Farm Stand Ordinance

The previous version of the farm stand ordinance allowed 24 events per calendar year at field retail stands, farm stands, produce stands and agricultural markets subject to the issuance of a temporary use permit. The revised farm stand ordinance does not limit the number of events and does not require a temporary use permit. However, in order to sell local crops at field retail stands and farm stands that were not grown by the producer who operates the stand, a community event permit must be obtained from the Environmental Management Department (EMD). The revised farm stand ordinance includes the definition of a community event and defines it as an event of a civic, political, public or educational nature. This definition of a community event is from the California Retail Food Code Section 113755 and it is the only circumstance under which the California Retail Food Code allows field retail stands and farm stands to sell produce not grown by the producer who operates the stand.

Produce stands and agricultural markets are considered permanent food facilities under the California Retail Food Code and are required to comply with Section 114197 of the Code, which deals with waste disposal. Staff is currently concluding research to find out whether produce stands and agricultural markets could meet the requirements of Section 114197 through the use of holding tanks instead of septic systems.

#### Winery Ordinance

The previous versions of the winery ordinance allowed unlimited small events and up to 12 large events per calendar year without a conditional use permit from the Zoning Administrator. The distinction between small and large events has been removed in the new version of the ordinance and there are no limits to the number of events as long as they are permitted pursuant to the above chart. Large wineries in the agricultural zones require a use permit to be permitted and events at these wineries would be allowed based on their use permits.

Small wineries are defined as wineries with up to 15,000 cases annual production and a maximum tasting room facility of 1,500 square feet. As a result of feedback from stakeholders, staff revised the development standards for small wineries to require a use permit from the Zoning Administrator for small wineries to exceed 2,500 cases annual production if they are located in the AG (agricultural) or AR (agricultural-residential) zones and are located less than half a mile away from a RD (residential) zone.

The previous version of the winery ordinance required all wineries to be located on a parcel with a minimum size of three acres. Staff revised this requirement in the new draft so that it only applies to wineries in the AG and AR zones.

#### Historical Mitigation

At the November 30, 2011 stakeholders' meeting with staff, stakeholders indicated that they would likely request that the Board change the historical resource Mitigation Measures B and C to either raise the age at which buildings are subject to historical review or to delete the

mitigation measures from the ordinances in their entirety. DERA staff will be prepared to discuss options at the Board hearing.

### **MEASURES/EVALUATION**

Staff will monitor the success of the ordinances and make further amendments as needed.

### **FINANCIAL ANALYSIS**

The draft ordinances have been prepared through funds provided by the Economic Development Division.

Respectfully submitted,

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NAVDEEP S. GILL  
Chief Operations Officer

APPROVED:  
BRADLEY J. HUDSON  
County Executive

By: \_\_\_\_\_  
BRADLEY J. HUDSON  
County Executive

### Attachments

1. Revised Draft Ordinances
2. Planning Commission Transmittal
3. Addendum #2 (without attachments)\*
4. Addendum #1 (without attachments)\*
5. Staff Report (without attachments)\*
6. Memo from DERA Regarding Cultural Resources Mitigation

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\* Note: the only attachments were previous versions of the draft ordinance.

Draft ~~November 10~~December 1, 2011

## DRAFT

### Winery

#### A. Purpose

The purpose of this ordinance is to provide for the orderly development of wineries and associated activities within Agricultural and Industrial zones to promote economic development opportunities for the agricultural industry and to preserve agricultural lands within Sacramento County.

#### B. Definitions (Amend TITLE I, Chapter 25, Article 1)

**Large Winery:** A winery with more than 15,000 cases annual production.

~~**Large Event (Winery):** A promotional or temporary event that is attended by fifty (50) or more people at one time on a winery located on 5 acres or less, or a promotional or temporary event that is attended by one hundred (100) people or more at one time on a winery located on more than 5 acres<sup>[s1]</sup>.~~

~~**Promotional Event (Winery):** An event sponsored by the property or winery owner, an association of agricultural property owners, or a similar organization designed to promote the agricultural industry to assist in the sale of locally grown wines and allow for the direct marketing and sale of wines produced on site or from grapes produced on site. Promotional events may include wine makers dinners or events that feature food and wine pairings.~~

**Small Winery:** A winery with up to 15,000 cases annual production, and a maximum size tasting room facility of 1,500 square feet.

~~**Small Event (Winery):** A promotional or temporary event that is attended by less than fifty (50) people at one time on a winery located on 5 acres or less, or a promotional or temporary event that is attended by less than one hundred (100) people at one time on a winery located on more than 5 acres.~~

**Tasting Room:** A room where the general public can sample wine and where wine and grape products produced on site are for sale. A tasting room may not be used as an office or for wine production.

~~**Temporary Event (Winery):** An event of limited duration that may include meetings, fundraisers or weddings that are incidental to the main purpose of producing wine at the facility.~~

**Wine Case:** Twelve (12) standard wine bottles (750 milliliters each).

**Winery:** A bonded winery facility consisting of the building or buildings used to convert fruit juices into wine, and to age, bottle, store, distribute and sell. A winery shall include any or all of the following activities and facilities; crushing, fermenting, bottling, blending, bulk and bottle storage, aging, shipping, receiving, tasting room, laboratory equipment, maintenance facilities, conference room space, sales and administrative offices. A bonded winery is entitled to all privileges afforded to ABC Type02 winegrowers unless specifically restricted by this ordinance.

### C. Small Wineries

**Permitting Requirements (TITLE II, Chapter 1, Article 1, Section 201-02 (Permitted Uses Within the Buildable Area of Residential-Open Space Lots), delete C.38 and replace with a new C.38 (Small Wineries))**

| Zone                | AG-160 | AG-80 | AG-40 | AG-20 | AR-10 | AR-5 |
|---------------------|--------|-------|-------|-------|-------|------|
| C.38 Small Wineries | X      | X     | X     | X     | X     | X    |

Small wineries shall be allowed in the land use zones marked with an “X”.

**(TITLE II, Chapter 30, Article 2, Section 230-11 (Permitted Uses Within the Buildable Area of Industrial Lots), add K.30 (Small Wineries))**

| Zone                | M-1 | M-2 |
|---------------------|-----|-----|
| K.30 Small Wineries | X   | X   |

Small wineries shall be allowed in the land use zones marked with an “X”.

### **Development Standards (Add as TITLE III, Chapter 15, Article 7):**

- a. The parcel shall be licensed by the State of California Department of Alcohol Beverage Control, license Type 02 “Winegrower.”
- b. ~~If the located in the AG or AR zones, t~~**If the located in the AG or AR zones, t**he premises shall have a minimum size of three (3) acres.
- c. If the winery is accessed only via a private road shared by others, a use permit from the Zoning Administrator shall be required, and the use permit shall require the applicant to pay their fair share of the road

maintenance costs. The Director of the Community Planning and Development Department may waive the requirement for a use permit if written verification from all property owners along the private road is submitted.

- ~~e.d.~~ **If the winery is located in an AG (agricultural) or AR (agricultural residential) zone and it is located less than half a mile away from a RD (residential) zone, a use permit from the Zoning Administrator shall be required to exceed 2,500 cases annual production.**
- ~~d.e.~~ All waste, both solid and liquid, shall be managed, treated, stored, and/or disposed of in accordance with local, state and federal rules, regulations, and ordinances pertaining to such waste.
- ~~e.f.~~ The primary focus of the tasting area shall be for the marketing and sale of wine and grape products produced on site. The sale of wine related merchandise and food shall be incidental to the tasting and limited to 15% of the square footage of the tasting area. Food facilities as defined in the California Retail Food Code, Section 113789, must meet all applicable codes. If no other beverage except bottles of wine and prepackaged non-potentially hazardous beverages is offered for sale for on-site consumption and no food except for crackers are served, the facility is not subject to the California Retail Food Code regulations. If other foods are sold, the facility shall be subject to the California Retail Food Code regulations and shall require permitting by the Environmental Management Department.
- ~~f.g.~~ All buildings shall meet the general agricultural building standards of the zone in which they are located.

**Allowed Uses (Add to TITLE III, Chapter 15, Article 7):**

- a. Growing and harvesting grapes and other products suitable for wine processing and bottling of grapes and grape products produced on the premises.
- b. Processing and bottling of grapes and grape products produced off the winery premises.
- c. Sale of wine for consumption off premises whether grown or produced on premises or off.
- d. Wine tasting involving serving wine to the public for the purpose of sampling the wine, subject to the following restrictions:
  - i. Wine tasting shall be limited to five (5) days per week unless a use permit is obtained from the Zoning Administrator.
  - ii. Use of outdoor amplified sound shall be regulated per the Sacramento County noise ordinance.

- iii. Sanitary facilities and potable water shall be provided pursuant to applicable codes.
- e. ~~Small promotional and temporary events~~ **Events shall be allowed pursuant to the chart below. Larger events may be allowed pursuant to the issuance of a use permit from the Zoning Administrator:-**
- f. ~~No more than twelve (12) large events shall be allowed per calendar year unless a conditional use permit is obtained from the Zoning Administrator.~~

| Total Parcel Size (Acres) | Maximum Number of Attendees (Peak) |
|---------------------------|------------------------------------|
| 1.0-2.5                   | 50 people (1)(2)(3)                |
| 2.51- 5.0                 | 100 people (1)(2)(3)               |
| 5.01-10.0                 | 200 people (1)(2)(3)               |
| 10.01-20.0                | 300 people (1)(2)(3)               |
| Over 20.0                 | 350 people (1)(2)(3)               |

**Notes:**

1. Permitted as an accessory use; the primary use of the parcel must be agricultural.
2. Outdoor activities are limited to Sunday through Thursday 8:00 a.m. to 7:00 p.m.; and Friday, Saturday and Holidays 8:00 a.m. to 11:00 p.m. Indoor activities are permitted without restrictions as to day and time.
3. All events are subject to the Sacramento County noise ordinance.

**D. Large Wineries**

**Permitting Requirements (TITLE II, Chapter 1, Article 1, Section 201-02 (Permitted Uses Within the Buildable Area of Residential-Open Space Lots), delete C.39 and replace with a new C.39 (Large Wineries))**

| Zone                | AG-160 | AG-80 | AG-40 | AG-20 |
|---------------------|--------|-------|-------|-------|
| C.39 Large Wineries | 12     | 12    | 12    | 12    |

(Existing Condition 12 in Section 201-04: Permitted subject to the issuance of a conditional use permit by the appropriate authority.)



(TITLE II, Chapter 30, Article 2, Section 230-11 (Permitted Uses Within the Buildable Area of Industrial Lots), add K.31 (Large Wineries) and add Condition #30 to Section 230-13)

| Zone                      | M-1 | M-2 |
|---------------------------|-----|-----|
| K.31<br>Large<br>Wineries | 30  | 30  |

**Condition 30:** Large wineries shall be allowed if the tasting facilities are limited to a maximum of 15% of the square footage of the indoor portion of the winery.

**Development Standards (Add to TITLE III, Chapter 15, Article 7):**

Landowner shall comply with all the development standards of small wineries.

**Allowed Uses (Add to TITLE III, Chapter 15, Article 7):**

- a. Growing and harvesting grapes and other products suitable for wine processing and bottling of grapes and grape products produced on the premises.
- b. Processing and bottling of grapes and grape product produced off the winery premises.
- c. Sale of wine for consumption off premises whether grown or produced on premises or off.
- d. Wine tasting involving serving wine to the public for the purpose of sampling the wine, subject to the following restrictions:
  - i. Use of outdoor amplified sound shall be regulated per the Sacramento County noise ordinance.
  - ii. Sanitary facilities and potable water shall be provided pursuant to applicable codes.
- e. Promotional and temporary events
  - i. ~~Small and large events~~Events shall be allowed in the AG-20, AG-40, AG-80 and AG-160 zones subject to the winery's conditional use permit.
  - ii. ~~Small events shall be allowed in the M-1 and M-2 zones~~Events shall be allowed in the M-1 and M-2 zones pursuant to the chart below. Larger events may be allowed pursuant to the issuance of a use permit from the Zoning Administrator:

- iii. ~~No more than twelve (12) total large events shall be allowed in the M-1 and M-2 zones per calendar year unless a conditional use permit is obtained from the Zoning Administrator.~~

| Total Parcel Size (Acres) | Maximum Number of Attendees (Peak) |
|---------------------------|------------------------------------|
| 1.0-2.5                   | 50 people (1)(2)(3)                |
| 2.51- 5.0                 | 100 people (1)(2)(3)               |
| 5.01-10.0                 | 200 people (1)(2)(3)               |
| 10.01-20.0                | 300 people (1)(2)(3)               |
| Over 20.0                 | 350 people (1)(2)(3)               |

**Notes:**

1. Permitted as an accessory use; the primary use of the parcel must be agricultural.
2. Outdoor activities are limited to Sunday through Thursday 8:00 a.m. to 7:00 p.m.; and Friday, Saturday and Holidays 8:00 a.m. to 11:00 p.m. Indoor activities are permitted without restrictions as to day and time.
3. All events are subject to the Sacramento County noise ordinance.

**E. Parking Requirements (Add to TITLE III, Chapter 15, Article 7):**

1. Wineries shall not be subject to the development standards for off-street parking outlined in the Zoning Code (Title III, Chapter 30).
2. The following ratios of off-street parking shall be required for all wineries:

**Parking**

|                                  |                                    |
|----------------------------------|------------------------------------|
| Office area                      | 4.5 spaces/ 1,000 square feet      |
| Production and storage area      | 1 space/ 2,000 square feet (gross) |
| Tasting room facilities          | 1 space/300 square feet            |
| Promotional and temporary events | 1 space for every 3 attendees      |

3. All access roads must meet the standards of the Fire Marshall. All parking areas must have an active dust control program.
4. Parking lot lighting as defined in the zoning code will be required if the tasting room is open to the public after sunset.

**F. Signage (Add to TITLE III, Chapter 15, Article 7):**

Identification signs shall be allowed provided that:

- a. There is no more than one (1) sign at each major entrance.
- b. Signs are not over fifty (50) square feet in area.
- c. Signs are limited to monument signs not exceeding six (6) feet above road grade, or signs attached flat against the main building, or signage applied to a conforming wall or fence (in such a case, area shall be computed by circumscribing the lettering and counting 100%).
- d. Monument signs are set back at least sixteen (16) feet from the right-of-way of public streets unless a lesser setback is approved by the Planning Division.
- e. Illumination of the sign, if any, shall be indirect.
- f. Signs are stationary.
- g. Signs exceeding the size and height limits are permitted subject to the issuance of a use permit by the Zoning Administrator.

G. Advisory for Other Permitting Requirements (Add to TITLE III, Chapter 15, Article 7)

1. All waste, both solid and liquid, shall be managed in accordance with local, state, and federal rules, regulations, and ordinances pertaining to such waste.
2. Environment Management Department approval/permit for a water system is required unless documentation that the regulations are not applicable is provided.
3. Environmental Management Department approval/permit is required for ~~promotional events or temporary~~ events that involve food that is sold or given away to the public.
4. Approval from the Building Inspection Division and the Fire Marshall may be required prior to the use of existing building for events.
5. Mitigation Measure A: Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the Division of Environmental Review and Assessment shall be immediately notified at (916) 874-7914.

At that time, the Division of Environmental Review and Assessment will coordinate any necessary investigation of the find with appropriate specialists as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.97 of the State Public Resources Code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

6. Mitigation Measure B: In order to mitigate impacts to potentially historic buildings (buildings 50 years old and older), perform one of the following:

- i. Structures that have not been subject to a previous architectural evaluation and are at least 50 years or older and are subject to renovation shall have a historic architectural study performed by a qualified, professional architectural historian. A significance determination shall be prepared for review by the staff of the Community Planning and Development Department (CPDD). If the structure is deemed a significant historic resource, the applicant shall comply with Mitigation Measure C.

OR,

- ii. Property owners proposing to renovate an existing structure shall submit photographs of the structure to the Community Planning and Development Department (CPDD). CPDD staff shall determine whether a historical evaluation is warranted. If CPDD staff determines that an historic evaluation is warranted, the applicant shall have a historic architectural study performed by a qualified, professional architectural historian for review by CPDD staff. If the structure is deemed a significant historic resource, the applicant shall comply with Mitigation Measure C.

OR,

- iii. Comply with Mitigation Measure C and forego the need to submit photographs or an historical architectural evaluation.

7. Mitigation Measure C: Structures deemed to be significant historical architectural resources shall be preserved in situ with all proposed modifications carried out to *The Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.

## **DRAFT – Field Retail Stand, Farm Stand, Produce Stand, Community Stand and Agricultural Market**

### **Purpose**

The purpose of this article is to provide for sales locations (field retail stands, farm stands, produce stands, community stands and agricultural markets) where food products are grown and to set forth the permitting requirements and development standards to be applied to field retail stands, farm stands, produce stands, community stands and agricultural markets for the sale of crops.

### **Definitions (Amend TITLE I, Chapter 25, Article 1)**

**Agricultural Market:** A market located within a permanent building, which sells shell eggs, locally grown crops, a limited amount of non-potentially hazardous prepackaged food, and agricultural and food preparation related items.

**Community Stand:** A retail stand operated by a nonprofit organization, which sells shell eggs, locally grown crops, ~~and~~ a limited amount of non-potentially hazardous prepackaged food **and food preparation related items**.

**Crops:** Any whole edible portion of a plant in its raw and natural state and non-edible crops such as flowers.

**Community Event (Field Retail Stand, Farm Stand, Produce Stand and Agricultural Market):** A community event that is of a civic, political, public or educational nature, that is held on the premises of a field retail stand, farm stand, produce stand or agricultural market and that may include additional booths.

**Farm Stand:** A field retail stand that sells shell eggs, crops grown by the producer on premises controlled by the producer, ~~and~~ a limited amount of non-potentially hazardous prepackaged food **and food preparation related items**.

**Field Retail Stand:** A retail stand that sells only shell eggs, ~~and~~ crops grown by the producer on premises controlled by the producer **and food preparation related items**.

**Locally Grown Crops:** Crops grown within the following Counties: Sacramento, Yolo, Solano, Contra Costa, San Joaquin, Amador, El Dorado, Placer, Sutter and Yuba.

**Non-Locally Grown Crops:** Crops grown outside of the ten counties defined in the Locally Grown Crops definition.

**Non-Potentially Hazardous Food:** A food that does not require time or temperature control to limit pathogenic micro-organism growth or toxin formation.

**Prepackaged food:** Any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, food facility or other approved source.

**Produce Stand:** A retail stand, located within a permanent building, which sells shell eggs and locally grown crops.

**A. Field Retail Stand**

**Permitting Requirements (TITLE II, Chapter 1, Article 1, Section 201-02 (Permitted Uses Within the Buildable Area of Residential-Open Space Lots), delete B.6 and replace with a new B.6 (Field Retail Stand) and add Condition #41 to Section 201-04)**

| Zone                   | AG-160 | AG-80 | AG-40 | AG-20 | UR | IR | AR-10 | AR-5 | AR-2 | AR-1 | RD-1 | RD-2 | RD-3 | RR | O  |
|------------------------|--------|-------|-------|-------|----|----|-------|------|------|------|------|------|------|----|----|
| B.6 Field Retail Stand | 41     | 41    | 41    | 41    | 41 | 41 | 41    | 41   | 41   | 13   | 13   | 13   | 13   | 41 | 13 |

*(Already Existing)* **Condition 13:** Permitted subject to issuance of a conditional use permit by the Zoning Administrator.

**Condition 41:** Permitted if the development standards in TITLE III, Chapter 15, Article 1.5 are met. ~~A maximum of twenty-four (24) events per calendar year shall be permitted subject to the issuance of a temporary use permit by the Zoning Administrator. (The temporary use permit shall be valid for up to three years).~~

**Development Standards for Field Retail Stands (Delete TITLE III, Chapter 15, Article 1.5 and add a new Article 1.5 called Development Standards for Field Retail Stands, Farm Stands, Produce Stands, Community Stands and Agricultural Markets):**

- a. Field Retail Stands shall be operated by the producer and on premises controlled by the producer.

- b. Products sold shall be limited to shell eggs and crops that are grown by the producer; and agricultural and food preparation related items. Local crops not grown by the producer may be sold at events subject to a community event permit from the Environmental Management Department (EMD).
- c. Agricultural and food preparation related items shall be limited to 25% of the total storage and sales area of the field retail stand.
- c. No activities related to the sale of products from Field Retail Stands shall take place on public property right-of-way.
- d. There shall be no more than one (1) Field Retail Stand per parcel.
- e. Field Retail Stands shall meet the setback standards of the zone in which they are located.
- f. No building shall have more than 1,500 square feet of indoor sales area and shall have a total enclosed area of no more than 3,000 square feet.
- g. No part of this use, including merchandise and parking area, shall be located within the triangular visibility area described in Sections 12.12.010 or 12.12.020 of the Sacramento County Code.
- h. Signs shall be allowed provided that:
  - i. There is no more than one (1) sign at each entrance.
  - ii. The sign is not over fifty (50) square feet in area.
  - iii. The sign is not more than six (6) feet above road grade.
  - iv. The sign is setback at least sixteen (16) feet from the street right-of-way unless a lesser setback is approved by the Planning Division.
  - v. Illumination of the sign, if any, is indirect.
  - vi. The sign is stationary.

## **B. Farm Stand**

**Permitting Requirements (TITLE II, Chapter 1, Article 1, Section 201-02 (Permitted Uses Within the Buildable Area of Residential-Open Space Lots), delete B.7 and replace with a new B.7 (Farm Stand))**



| Zone           | AG-160 | AG-80 | AG-40 | AG-20 | UR | IR | AR-10 | AR-5 | AR-2 | AR-1 | RD-1 | RD-2 | RD-3 | RR | O  |
|----------------|--------|-------|-------|-------|----|----|-------|------|------|------|------|------|------|----|----|
| B.7 Farm Stand | 41     | 41    | 41    | 41    | 41 | 41 | 41    | 41   | 41   | 13   | 13   | 13   | 13   | 13 | 13 |

(Already Existing) **Condition 13:** Permitted subject to issuance of a conditional use permit by the Zoning Administrator.

**Condition 41:** Permitted if the development standards in TITLE III, Chapter 15, Article 1.5 are met. ~~A maximum of twenty four (24) events per calendar year shall be permitted subject to the issuance of a temporary use permit by the Zoning Administrator. (The temporary use permit shall be valid for up to three years).~~

**Development Standards for Farm Stands (Add to the new TITLE III, Chapter 15, Article 1.5 (Development Standards for Field Retail Stands, Farm Stands, Produce Stands, Community Stands and Agricultural Markets):**

- a. Farm Stands shall be operated by the producer and on premises controlled by the producer.
- b. Products sold shall be limited to shell eggs and crops that are grown by the producer, as regulated by State law; non-potentially hazardous prepackaged food products from an approved source that were grown or produced in close proximity to the Farm Stand; non-potentially hazardous prepackaged food products, including bottled water and soft drinks, from an approved source that have not been grown or produced in close proximity to the Farm Stand; and agricultural and food preparation related items. Local crops not grown by the producer may be sold at events subject to a community event permit from the Environmental Management Department (EMD).
- c. Non-potentially hazardous prepackaged food products, including bottled water and soft drinks, from an approved source that have not been grown or produced in close proximity to the Farm Stand shall be limited to a 50-square-foot storage and sales area.
- d. Agricultural and food preparation related items shall be limited to 25% of the total storage and sales area of the farm stand.
- e. No activities related to the sale of products from Farm Stands shall take place on public property right-of-way.



- f. There shall be no more than one (1) Farm Stand per parcel.
- g. Farm Stands shall meet the setback standards of the zone in which they are located.
- h. No building shall have more than 1,500 square feet of indoor sales area and shall have a total enclosed area of no more than 3,000 square feet.
- i. No part of this use, including merchandise and parking area, shall be located within the triangular visibility area described in Sections 12.12.010 or 12.12.020 of the Sacramento County Code.
- i. Signs shall be allowed provided that:
  - i. There is no more than one (1) sign at each entrance.
  - ii. The sign is not over fifty (50) square feet in area.
  - iii. The sign is not more than six (6) feet above road grade.
  - iv. The sign is setback at least sixteen (16) feet from the street right-of-way unless a lesser setback is approved by the Planning Division.
  - v. Illumination of the sign, if any, is indirect.
  - vi. The sign is stationary.

### C. Produce Stand

**Permitting Requirements (TITLE II, Chapter 1, Article 1, Section 201-02 (Permitted Uses Within the Buildable Area of Residential-Open Space Lots), delete B.7.2 and replace with a new B.7.2 (Produce Stand))**

| Land Use Zone       | AG-160 | AG-80 | AG-40 | AG-20 | UR | IR | AR-10 | AR-5 | AR-2 | RR | O  |
|---------------------|--------|-------|-------|-------|----|----|-------|------|------|----|----|
| B.7.2 Produce Stand | 41     | 41    | 41    | 41    | 41 | 41 | 41    | 41   | 41   | 13 | 13 |

(Already Existing) **Condition 13:** Permitted subject to issuance of a conditional use permit by the Zoning Administrator.

**Condition 41:** Permitted if the development standards in TITLE III, Chapter 15, Article 1.5 are met. ~~A maximum of twenty four (24) events per calendar year shall be permitted subject to the issuance of a temporary use permit by the Zoning Administrator. (The temporary use permit shall be valid for up to three years).~~

**Development Standards for Produce Stands (Add to the new TITLE III, Chapter 15, Article 1.5 (Development Standards for Field Retail Stands, Farm Stands, Produce Stands, Community Stands and Agricultural Markets):**

- a. Produce Stands shall be operated by the property owner or lessee of the agricultural property.
- b. Products sold shall be limited to shell eggs and crops that are locally grown; and agricultural and food preparation related items.
- c. Agricultural and food preparation related items shall be limited to 25% of the total storage and sales area of the produce stand.
- d. Produce Stands shall be located within fully enclosed structures with potable hot and cold running water, and shall have septic systems or be hooked up to the sewer system.
- e. No activities related the sale of products from Produce Stands shall take place on public property right-of-way.
- f. There shall be no more than one (1) Produce Stand per parcel.
- g. Produce Stands shall meet the setback standards of the zone in which they are located.
- h. No building shall have more than 1,500 square feet of indoor sales area and shall have a total enclosed area of no more than 3,000 square feet, including storage area.
- i. No part of this use, including merchandise and parking area, shall be located within the triangular visibility area described in Sections 12.12.010 or 12.12.020 of the Sacramento County Code.
- j. Signs shall be allowed provided that:
  - i. There is no more than one (1) sign at each entrance.
  - ii. The sign is not over fifty (50) square feet in area.
  - iii. The sign is not more than six (6) feet above road grade.
  - iv. The sign is setback at least sixteen (16) feet from the street right-of-way unless a lesser setback is approved by the Planning Division.
  - v. Illumination of the sign, if any, is indirect.
  - vi. The sign is stationary.

**D. Community Stand**

**Permitting Requirements (TITLE II, Chapter 1, Article 1, Section 201-02 (Permitted Uses Within the Buildable Area of Residential-Open Space Lots),**

**add a new B.7.3 (Community Stand) and add Conditions # 42 and #43 to Section 201-04)**

| Land Use Zone         | AG-160 | AG-80 | AG-40 | AG-20 | UR | IR | AR-10 | AR-5 | AR-2 | AR-1 |
|-----------------------|--------|-------|-------|-------|----|----|-------|------|------|------|
| B.7.3 Community Stand | 43     | 43    | 43    | 43    | 43 | 43 | 43    | 43   | 43   | 43   |

| Land Use Zone         | RR | O  | RD-1 | RD-2 | RD-3 | RD-4 | RD-5 | RD-6 | RD-7 | RD-10 |
|-----------------------|----|----|------|------|------|------|------|------|------|-------|
| B.7.3 Community Stand | 42 | 42 | 43   | 43   | 43   | 43   | 43   | 43   | 43   | 43    |

| Land Use Zone         | RD-15/20 | RD-25/30 | RD-40 | (MHP) | RM-2 |
|-----------------------|----------|----------|-------|-------|------|
| B.7.3 Community Stand | 43       | 43       | 43    | 43    | 43   |

**Condition 42:** Permitted subject to the issuance of a temporary use permit by the Zoning Administrator. (There shall be no annual limit to the number of occurrences and the temporary use permit shall be valid for up to three years.)

**Condition 43:** Permitted if under the supervision of a public agency or non-profit organization, subject to the issuance of a temporary use permit by the Zoning Administrator. (There shall be no annual limit to the number of occurrences and the temporary use permit shall be issued for up to three years.)

**Permitting Requirements (TITLE II, Chapter 25, Article 2, Section 225-11 (Permitted Uses Within the Buildable Area of Commercial Lots), delete I.6 and replace with a new I.6 (Certified Farmers Market or Community Stand) and add Condition #63 to Section 225-14))**

| Land Use Zone | SC | LC | GC | AC | TC | CO |
|---------------|----|----|----|----|----|----|
|---------------|----|----|----|----|----|----|

|   |    |    |    |    |    |    |
|---|----|----|----|----|----|----|
| I.6<br>Certified<br>Farmers Market<br>or Community<br>Stand | 63 | 63 | 63 | 63 | 63 | 63 |
|---|----|----|----|----|----|----|

**Condition 63:** Permitted subject to the issuance of a temporary use permit by the Zoning Administrator. (There shall be no annual limit to the number of occurrences and the temporary use permit shall be valid for up to three years.)

**Permitting Requirements (TITLE II, Chapter 30, Article 2, Section 230-11 (Permitted Uses Within the Buildable Area of Industrial Lots), delete K.21 and replace with a new K.21 (Certified Farmers Market or Community Stand) and add Condition #29 to Section 230-13)**

| Land Use Zone   | MP | M-1 | M-2 |
|---|----|-----|-----|
| K. 21<br>Certified<br>Farmers Market<br>or Community<br>Stand | 29 | 29  | 29  |

**Condition 29:** Permitted subject to the issuance of a temporary use permit by the Zoning Administrator. (There shall be no annual limit to the number of occurrences and the temporary use permit shall be valid for up three years.)

**Development Standards for Community Stands (Add to the new TITLE III, Chapter 15, Article 1.5 (Development Standards for Field Retail Stands, Farm Stands, Produce Stands, Community Stands and Agricultural Markets):**

- a. Community Stands shall be operated by nonprofit organizations.
- b. Community Stands shall obtain a license from the State of California Department of Food and Agriculture (CDFA) and a permit from the Sacramento County Environmental Management Department (EMD) before operating.
- c. Products sold shall be limited to shell eggs and crops that are locally grown; non-potentially hazardous prepackaged food products from an approved source that were locally grown or produced; non-potentially hazardous prepackaged food products, including bottled water and soft

- drinks, from an approved source that have not been locally grown or produced; and agricultural and food preparation related items.-
- d. Non-potentially hazardous prepackaged food products, including bottled water and soft drinks, from an approved source that have not been locally grown or produced shall be limited to a 50-square-foot storage and sales area.
  - e. Agricultural and food preparation related items shall be limited to 25% of the total storage and sales area of the farm stand.
  - f. No activities related to the sale of products from Community Stands shall take place on public property right-of-way.
  - g. No part of this use, including merchandise and parking area, shall be located within the triangular visibility area described in Sections 12.12.010 or 12.12.020 of the Sacramento County Code.
  - h. Hours of operation, stand size (up to a maximum of 1,500 square feet of indoor sales area and 3,000 square feet of total enclosed area), setbacks, signs and parking requirements shall be regulated by the temporary use permit for the Community Stand.

#### **E. Agricultural Market**

**Permitting Requirements (TITLE II, Chapter 1, Article 1, Section 201-02 (Permitted Uses Within the Buildable Area of Residential-Open Space Lots), add B.7.4 (Agricultural Market))**

| Land Use Zone             | AG-160 | AG-80 | AG-40 | AG-20 | UR | IR | AR-10 | AR-5 | AR-2 |
|---------------------------|--------|-------|-------|-------|----|----|-------|------|------|
| B.7.4 Agricultural Market | 41     | 41    | 41    | 41    | 41 | 41 | 41    | 41   | 41   |

**Condition 41:** Permitted if the development standards in TITLE III, Chapter 15, Article 1.5 are met. ~~A maximum of twenty four (24) events per calendar year shall be permitted subject to the issuance of a temporary use permit by the Zoning Administrator. (The temporary use permit shall be valid for up to three years).~~

**Development Standards for Agricultural Markets (Add to the new TITLE III, Chapter 15, Article 1.5 (Development Standards for Field Retail Stands, Farm Stands, Produce Stands, Community Stands and Agricultural Markets):**

- a. Agricultural Markets shall be operated by the property owner or lessee of the agricultural property.
- b. Products sold shall be limited to shell eggs and crops that are locally grown; non-potentially hazardous prepackaged food products from an approved source that were grown or produced in close proximity to the agricultural market; non-potentially hazardous prepackaged food products from an approved source, including bottled water and soft drinks, that have not been grown or produced in close proximity to the agricultural market; and agricultural and food preparation related items.
- c. Non- potentially hazardous prepackaged food products that have not been grown or produced in close proximity to the agricultural market shall be limited to 25% of the total storage and sales area of the Agricultural Market.
- d. Agricultural and food preparation related items shall be limited to 25% of the total storage and sales area of the agricultural market.
- e. Agricultural markets shall be located within fully enclosed structures with potable hot and cold running water, and shall have septic systems or be hooked up to the sewer system.
- f. No activities related to the sale of products from Agricultural Markets shall take place on public property right-of-way.
- g. There shall be no more than one (1) Agricultural Market per parcel.
- h. Agricultural markets shall meet the setback standards of the zone in which they are located.
- i. No building shall have more than 1,500 square feet of indoor sales area and shall have a total enclosed area of no more than 3,000 square feet, including storage area.
- j. No part of this use, including merchandise and parking area, shall be located within the triangular visibility area described in Sections 12.12.010 or 12.12.020 of the Sacramento County Code.
- k. Signs shall be allowed provided that:
  - i. There is no more than one (1) sign at each entrance.
  - ii. The sign is not over fifty (50) square feet in area.
  - iii. The sign is not more than six (6) feet above road grade.
  - iv. The sign is setback at least sixteen (16) feet from the street right-of-way unless a lesser setback is approved by the Planning Division.
  - v. Illumination of the sign, if any, is indirect.
  - vi. The sign is stationary.

**F. Events at Field Retail Stands, Farm Stands, Produce Stands, and Agricultural Markets (Add to the new TITLE III, Chapter 15, Article 1.5 (Development Standards for Field Retail Stands, Farm Stands, Produce Stands, and Agricultural Markets):**

1. Events shall be allowed at Field Retail Stands, Farm Stands, Produce Stands, and Agricultural Markets pursuant to the chart below.  
Larger events may be allowed pursuant to the issuance of a use permit from the Zoning Administrator:

| Total Parcel Size (Acres) | Maximum Number of Attendees (Peak) |
|---------------------------|------------------------------------|
| 1.0-2.5                   | 50 people (1)(2)(3)                |
| 2.51- 5.0                 | 100 people (1)(2)(3)               |
| 5.01-10.0                 | 200 people (1)(2)(3)               |
| 10.01-20.0                | 300 people (1)(2)(3)               |
| Over 20.0                 | 350 people (1)(2)(3)               |

**Notes:**

- a. Permitted as an accessory use; the primary use of the parcel must be agricultural.
- b. Outdoor activities are limited to Sunday through Thursday 8:00 a.m. to 7:00 p.m.; and Friday, Saturday and Holidays 8:00 a.m. to 11:00 p.m. Indoor activities are permitted without restrictions as to day and time.
- c. All events are subject to the Sacramento County noise ordinance.

**F.G. Parking Requirements for Field Retail Stands, Farm Stands, Produce Stands, and Agricultural Markets (Add to the new TITLE III, Chapter 15, Article 1.5 (Development Standards for Field Retail Stands, Farm Stands, Produce Stands, and Agricultural Markets):**

1. Field Retail Stands, Farm Stands, Produce Stands, and Agricultural Markets shall not be subject to the development standards for off-street parking outlined in the Zoning Code (Title III, Chapter 30).
2. The following ratio off-street parking shall be required:

**Parking**

|  |   |
|--|---|
| Field Retail Stands/ Farm Stands/ Produce Stands/ Agricultural Markets | 1 space/ 400 square feet of floor area (gross) dedicated to sales |
|--|---|



3. All access drives and parking must be of a dust free surface.
4. Parking lot lighting as defined in the zoning code will be required if the field retail stand, farm stand, produce stand, or agricultural market is open to the public after sunset.

**G.H. Advisory For Other Permitting Requirements (Add to the new TITLE III, Chapter 15, Article 1.5 (Development Standards for Field Retail Stands, Farm Stands, Produce Stands, and Agricultural Markets):**

1. All waste, both solid and liquid, shall be managed in accordance with local, state, and federal rules, regulations, and ordinances pertaining to such waste.
2. Environmental Management Department approval/permit for a water system is required unless documentation that the regulations are not applicable is provided.
3. Environmental Management Department approval is required for farm stands, produce stands, community stands and agricultural markets (EMD regulations for agricultural markets are similar to those for convenience stores).
4. Environmental Management Department (EMD) approval/permit is required for events at field retail stands, farm stands, produce stands and agricultural markets. Community event permits from EMD that allow the sale of locally grown -crops not grown on premises controlled by the producer at field retail stands and farms stands must adhere to the definition of community event in the California Retail Food Code 113755.
5. Mitigation Measure A: Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the Division of Environmental Review and Assessment shall be immediately notified at (916) 874-7914.  
At that time, the Division of Environmental Review and Assessment will coordinate any necessary investigation of the find with appropriate specialists as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.97 of the State Public Resources Code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.
6. Mitigation Measure B: In order to mitigate impacts to potentially historic buildings (buildings 50 years old and older), perform one of the following:



- i. Structures that have not been subject to a previous architectural evaluation and are at least 50 years or older and are subject to renovation shall have a historic architectural study performed by a qualified, professional architectural historian. A significance determination shall be prepared for review by the staff of the Community Planning and Development Department (CPDD). If the structure is deemed a significant historic resource, the applicant shall comply with Mitigation Measure C.

OR,

- ii. Property owners proposing to renovate an existing structure shall submit photographs of the structure to the Community Planning and Development Department (CPDD). CPDD staff shall determine whether a historical evaluation is warranted. If CPDD staff determines that an historic evaluation is warranted, the applicant shall have a historic architectural study performed by a qualified, professional architectural historian for review by CPDD staff. If the structure is deemed a significant historic resource, the applicant shall comply with Mitigation Measure C.

OR,

- iii. Comply with Mitigation Measure C and forego the need to submit photographs or an historical architectural evaluation.

- 7. Mitigation Measure C: Structures deemed to be significant historical architectural resources shall be preserved in situ with all proposed modifications carried out to *The Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.

### Summary of Allowed Uses

|                     | Sells Shell Eggs and Crops Grown on Premises controlled by Producer | Sells Locally Grown Crops not Grown on the Premises | Sells Non-Potentially Hazardous Pre-packaged Food | Sells Agricultural and Food Preparation Related Items | Holds up to 12 Events Per Year | Maximum Size: 1,500 s.f. of indoor sales area and 3,000 s.f. of total enclosed area | Requires EMD Approval |
|---------------------|---|---|---|---|--------------------------------|---|-----------------------|
| Field Retail Stand  | X   | 1   |   | X   | X                              | X   |                       |
| Farm Stand          | X   | 1   | X   | X   | X                              | X   | X                     |
| Produce Stand       | X   | X   |   | X   | X                              | X   | X                     |
| Community Stand     | X   | X   | X   | X   |                                | X   | X                     |
| Agricultural Market | X   | X   | X   | X   | X                              | X   | X                     |

1. Subject to a community event permit from EMD.

**DRAFT**

**Farm Stay Operations**

**A. Purpose**

The purpose of this ordinance is to facilitate the operation of Farm Stays in Sacramento County, in order to expand the understanding of the role of agriculture in the County, provide farmers with an opportunity to diversify income potential, and boost tourism to the County.

**B. Definitions (Amend TITLE I, Chapter 25, Article 1)**

**Farm:** A place where agricultural production is the primary use.

**Farm Stay Operation:** A working farm on which bedrooms are made available for rent in a farm house or in a detached structure, and where lodging and overnight sleeping accommodations are provided for a stay of no more than 14 days, either with or without meals.

**C. Permitting requirements (TITLE II, Chapter 1, Article 1, Section 201-02 (Permitted Uses Within the Buildable Area of Residential-Open Space Lots), add A.13 (Farm Stay) and add Condition #44 to Section 201-04)**

Farm Stay operations that meet the development standards shall be allowed in the land use zones marked with an "X".

| Zone           | AG-160 | AG-80 | AG-40 | AG-20 | UR | IR | AR-10 | AR-5 |
|----------------|--------|-------|-------|-------|----|----|-------|------|
| A.13 Farm Stay | X      | X     | X     | X     | X  | X  | 44    | 44   |

**Condition 44:** Permitted subject to the issuance of a use permit by the Zoning Administrator and the development standards in TITLE III, Chapter 15, Article 8.

**D. Development Standards for Farm Stay Operations (Add as TITLE III, Chapter 15, Article 8):**

- No more than five (5) guest rooms shall be allowed.
- Accommodations for no more than fifteen (15) total guests shall be allowed.
- Food shall be served only to registered guests, and the price of meals shall be included in the price of the overnight accommodations.

- d. Lodging and meals shall be incidental and not the primary function of the agricultural home stay establishment.
- e. Identification signs shall be allowed provided that:
  - i. There is no more than one (1) sign at each entrance.
  - ii. The sign is not over fifty (50) square feet in area.
  - iii. The sign is not more than six (6) feet above road grade.
  - iv. The sign is setback at least sixteen (16) feet from the street right-of-way unless a lesser setback is approved by the Planning Division.
  - v. Illumination of the sign, if any, is indirect.
  - vi. The sign is stationary.
- f. Farm Stay operations that do not meet the development standards shall be permitted subject to the issuance of a conditional use permit from the Planning Commission.

**E. Parking Requirements for Farm Stay Operations (Add to TITLE III, Chapter 15, Article 8):**

- a. Farm stay operations shall not be subject to the development standards for off-street parking outlined in the Zoning Code (Title III, Chapter 30).
- b. Farm stay operations shall provide one parking space per bedroom.
- c. All access roads must meet the standards of the Fire Marshal. All parking areas must have an active dust control program.

**F. Advisory For Other Permitting Requirements (Add to TITLE III, Chapter 15, Article 8) :**

- a. Environmental Management Department approval/permit is required unless documentation that the regulations are not applicable is provided.
- b. Building permits from the Building Inspection Division may be required.
- c. Mitigation Measure A: Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the Division of Environmental Review and Assessment shall be immediately notified at (916) 874-7914. At that time, the Division of Environmental Review and Assessment will coordinate any necessary investigation of the find with appropriate specialists as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.97 of the State Public Resources Code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, all work is to stop

and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

- d. Mitigation Measure B: In order to mitigate impacts to potentially historic buildings (buildings 50 years old and older), perform one of the following:
  - i. Structures that have not been subject to a previous architectural evaluation and are at least 50 years or older and are subject to renovation shall have a historic architectural study performed by a qualified, professional architectural historian. A significance determination shall be prepared for review by the staff of the Community Planning and Development Department (CPDD). If the structure is deemed a significant historic resource, the applicant shall comply with Mitigation Measure C.

OR,

- ii. Property owners proposing to renovate an existing structure shall submit photographs of the structure to the Community Planning and Development Department (CPDD). CPDD staff shall determine whether a historical evaluation is warranted. If CPDD staff determines that an historic evaluation is warranted, the applicant shall have a historic architectural study performed by a qualified, professional architectural historian for review by CPDD staff. If the structure is deemed a significant historic resource, the applicant shall comply with Mitigation Measure C.

OR,

- iii. Comply with Mitigation Measure C and forego the need to submit photographs or an historical architectural evaluation.
- e. Mitigation Measure C: Structures deemed to be significant historical architectural resources shall be preserved in situ with all proposed modifications carried out to *The Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.

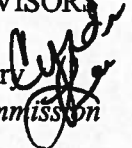
**COUNTY OF SACRAMENTO  
INTER-OFFICE CORRESPONDENCE**

November 30, 2011

(35 Minutes)

Board Date: December 14, 2011 at 2:00 p.m.

TO: BOARD OF SUPERVISORS

FROM: CYNDI LEE, Secretary   
County Planning Commission

SUBJECT: **11-ZOB-00047 - (COUNTY-WIDE / GIVANS, STEVENS, SANDMEIER)  
ZONING CODE AMENDMENTS  
(Approval by the Planning Commission is a recommendation only. Final  
approval is by the Board of Supervisors.)**

The County Planning Commission, meeting in regular session on November 14, 2011, voted unanimously to recommend approval of the following request:

**ZONING CODE AMENDMENTS**

Recommend adoption of Amendments to the Zoning Code of Sacramento County to set forth development standards for wineries, farm stands and farm stays: Title I, Chapter 25, Article 1 (Definitions)--add definitions related to wineries, farm stands and farm stay operations; Title II, Chapter 1, Article 1, Section 201-02 (Permitted Uses Within the Buildable Area of Residential-Open Space Lots) and Section 201-04 (Special Conditions)--add A.13 (Farm Stay) and add Condition 44, delete B.6, B.7 and B.7.2 and replace with a new B.6 (Field Retail Stand), a new B.7 (Farm Stand) and a new B.7.2 (Produce Stand), add B.7.3 (Community Stand) and B.7.4 (Agricultural Market), and add Conditions 41, 42 and 43, delete C.38 and C.39 and replace with a new C.38 (Small Wineries) and a new C.39 (Large Wineries); Title II, Chapter 25, Article 2, Section 225-11 (Permitted Uses Within the Buildable Area of Commercial Lots) and Section 225-14 (Special Conditions)--delete I.6 (Certified Farmers Market) and replace with a new I.6 (Certified Farmers Market or Community Stand) and add Condition 63, Title II, Chapter 30, Article 2, Section 230-11 (Permitted Uses Within the Buildable Area of Industrial Lots) and Section 230-13 (Special Conditions), add K.30 (Small Wineries) and K.31 (Large Wineries), and add Condition 30, delete K.21 (Certified Farmers Market) and replace with a new K.21 (Certified Farmers Market and Community Stand) and add Condition 29; Title III, Chapter 15, Article 1.5 (Development Standards for Seasonal Roadside Crop Sales)--delete

**AGRICULTURAL TOURISM CODE AMENDMENTS**  
**11-ZOB-00047**  
**VARIOUS PARCELS**

and replace with a new Article 1.5 called Development Standards for Field Retail Stands, Farm Stands, Produce Stands, Community Stands and Agricultural Markets; Title III, Chapter 15, Article 7 (Development Standards and Allowed Uses for Wineries)--add this article to the Zoning Code; Title III, Chapter 15, Article 8 (Development Standards for Farm Stay Operations)--add this article to the Zoning Code, subject to the findings recommended by staff in Addendum 2.

The County Planning Commission determined the environmental analysis is adequate and complete and the Negative Declaration is appropriate. The Commission further recommended the number of occupants allowed on the property during events be increased.

CL:kr

Cc: In-house

**COUNTY OF SACRAMENTO  
CALIFORNIA**

Attachment 3

Control No.: PLNP2011-00047

Type: ZOB

**A D D E N D U M #2**

**TO:** BOARD OF SUPERVISORS- COUNTY PLANNING COMMISSION

**FROM:** COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT

**SUBJECT:** AGRICULTURAL TOURISM CODE AMENDMENTS

**CONTACT:** *Troy Givans, Interim Manager of Economic Development, 874-5220;  
givanst@saccounty.net  
Tricia Stevens, Principal Planner, 874-6141; stevenst@saccounty.net  
Corinna Sandmeier, Planner II, 874-6141; sandmeierc@saccounty.net*

**Overview:**

This second addendum to the staff report for the agricultural tourism code amendments addresses minor changes to definitions in the draft winery ordinance and the draft field retail stand, farm stand, produce stand, community stand and agricultural market ordinance.

**Staff Recommendations:**

Staff is recommending **APPROVAL** of the proposed project as revised.

**I. DISCUSSION**

- A. History/Background: At the September 12, 2011 meeting of the Planning Commission, stakeholders raised concerns about the draft agricultural tourism ordinances and the Planning Commission voted to continue the item until Staff could hold another meeting with stakeholders. The first addendum addressed the changes that were made to the draft ordinances, dated November 4, 2011, as a result of the October 5, 2011 stakeholders' meeting. The additional changes discussed below were added to the November 10, 2011 drafts of the ordinances.
- B. Winery Ordinance: Staff received feedback from stakeholders that the following sentence should be added to the definition of wineries, "A bonded winery is entitled to all privileges afforded to ABC Type02 winegrowers unless specifically restricted by this ordinance." Stakeholders have also raised concerns that wineries with existing use permits that allow more lenient standards than those proposed by the draft ordinance would need to adhere to the stricter standards if the draft ordinance is adopted. However, existing use permits are not invalidated by changes to the Zoning Code and any winery with an existing use permit could continue to operate under its use permit. Wineries with use permits that have stricter standards than the proposed ordinance would be allowed to operate under the standards of the draft ordinance if it is approved.



Field Retail Stand, Farm Stand, Produce Stand, Community Stand and Agricultural Market Ordinance: Staff received feedback that the definition of “event” in this ordinance does not clearly indicate where events are allowed. The revised draft changed the definition of an event from “event (farm stand)” to “event (field retail stand, farm stand, produce stand and agricultural market)” to clarify that events may be held at any of these stands or at agricultural markets, subject to the proper permits.

## **II. STAFF RECOMMENDATIONS**

Staff is recommending **APPROVAL** of the proposed project, as modified. The actions and findings listed below reflect the revised project.

### **A. Recommended Actions:**

1. Environmental Documentation: Determine that the environmental analysis is adequate and complete and that the **NEGATIVE DECLARATION** is appropriate.
2. Zoning Code Amendments: **ADOPT** the attached ordinances to amend the zoning code as requested, subject to the findings listed in Section II.B of this report.

### **B. Recommended Findings:** The staff recommendations are based upon the following considerations:

1. The request is consistent with the County General Plan map and text.
2. Identified environmental effects and suggested mitigation measures have been taken into consideration in the recommended actions.

## **III. ATTACHMENTS**

- ### **A. Revised Draft Zoning Ordinance Amendments (dated November 10, 2011)**

This addendum report was prepared on November 10, 2011.

**COUNTY OF SACRAMENTO  
CALIFORNIA**

Control No.: PLNP2011-00047

Type: ZOB

**A D D E N D U M #1**

**TO:** BOARD OF SUPERVISORS- COUNTY PLANNING COMMISSION

**FROM:** COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT

**SUBJECT:** AGRICULTURAL TOURISM CODE AMENDMENTS

**CONTACT:** *Troy Givans, Interim Manager of Economic Development, 874-5220; givanst@saccounty.net*  
*Tricia Stevens, Principal Planner, 874-6141; stevenst@saccounty.net*  
*Corinna Sandmeier, Planner II, 874-6141; sandmeierc@saccounty.net*

**Overview:**

At the September 12, 2011 meeting of the Planning Commission, stakeholders raised concerns about the draft agricultural tourism ordinances and the Planning Commission voted to continue the item until Staff could hold another meeting with stakeholders. This addendum addresses the changes that were made to the draft ordinances as a result of the October 5, 2011 stakeholders' meeting.

**Staff Recommendations:**

Staff is recommending **APPROVAL** of the proposed project as revised.

**I. DISCUSSION**

- A. History/Background: At the September 12, 2011 meeting of the Planning Commission, stakeholders raised concerns about the draft agricultural tourism ordinances and the Planning Commission voted to continue the item until Staff could hold another meeting with stakeholders. A stakeholders meeting was held on October 5, 2011 and Staff made a number of changes to the revised ordinances as a result of feedback from the stakeholders.
- B. Changes to All Draft Ordinances: The previous drafts of the ordinances required all access roads and parking areas to be of a "dust free surface". Staff received feedback from stakeholders that this definition was not clear, so the revised ordinances require that "all access road must meet the standards of the Fire Marshall" and "all parking areas must have an active dust control program."

The environmental document prepared for these amendments included Mitigation Measures B and C related to the preservation of historical structures, defined as

structures over 50 years in age. If renovation of such structures is contemplated, Mitigation Measure B requires that an historic architectural study be conducted to determine if the structure has significant historical architectural resources. A determination of significance would then be made by the Community Planning and Development Department. If considered significant, the structure would need to be preserved in accordance with the Secretary of the Interiors' Standards. The purpose of this mitigation measure is to recognize structures that have historical significance and insure that renovation plans address the history of the structure.

Many stakeholders were opposed to this measure on the basis that it would be too costly for property owners. Environmental Review and Assessment Staff drafted two alternatives to Mitigation Measure B. Instead of requiring an historic architectural study when renovation is proposed on a structure over 50 years in age, the first alternative allows property owners to submit photographs of the structure to the Community Planning and Development Department Staff, who will then determine whether an historical evaluation is warranted. Mitigation Measure C states that "structures deemed to be significant historical architectural resources shall be preserved in situ with all proposed modifications carried out to the *The Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.*" The second alternative to Mitigation Measure B drafted by Environmental Review and Assessment Staff requires compliance with Mitigation Measure C without the need to submit photographs or an historical evaluation. These alternatives to Mitigation Measure B are included in the revised draft ordinances.

Winery Ordinance: Staff received feedback from stakeholders that the size of events at wineries should be based on the size of the property. The draft winery ordinance defines a small event as "a promotional or temporary event that is attended by less than fifty (50) people at one time" and defines a "large event" as "a promotional or temporary event that is attended by fifty (50) or more people at one time." Examples of temporary events are meetings, fundraisers or weddings. Wine makers dinners or events that feature food and wine pairs are examples of promotional events. Small wineries, defined as a winery with up to 15,000 cases annual production, are not limited in the number of small events, but are limited to twelve (12) large events per calendar year. (A small winery may be permitted to hold more than twelve large events per calendar year if a conditional use permit is obtained from the Zoning Administrator.) Large wineries, defined as a winery with more than 15,000 cases annual production, are allowed in the agricultural zones (AG-20, AG-40, AG-80 and AG-160) subject to a conditional use permit from the Planning Commission. These wineries are allowed small and large events subject to their conditional use permits. Large wineries in the industrial zones (M-1 and M-2) are allowed by right, and are not limited in the number of small events they are allowed to hold. Large wineries in the industrial zones are allowed a maximum of twelve large events per calendar year unless they obtain a conditional use permit from the Zoning Administrator.

The revised ordinance defines a small event as “a promotional or temporary event that is attended by less than fifty (50) people at one time on a winery located on 5 acres or less, or a promotional or temporary event that is attended by less than one hundred (100) people at one time on a winery located on more than 5 acres”. The revised definition of a large event is “a promotional or temporary event that is attended by fifty (50) or more people at one time on a winery located on 5 acres or less, or a promotional or temporary event that is attended by one hundred people (100) or more at one time on a winery located on more than 5 acres.

Staff received comments at the stakeholders’ meeting that all small events should be limited to 150 people, regardless of the size of the property. However, Staff believes that this limit is too high and would be disruptive to neighboring properties. At the stakeholders’ meeting there was also some discussion about notification of neighbors regarding new wineries and it was noted that the ABC licensing process provides some notice.

Staff also received comments from some stakeholders that the limit of 15,000 cases annual production is too high for small wineries and comments from other stakeholders that the limit of 15,000 cases annual production is too low. However, Staff believes that the limit of up to 15,000 cases annual production is a reasonable limit for small wineries.

Field Retail Stand, Farm Stand, Produce Stand, Community Stand and Agricultural Market Ordinance: The previous draft of this ordinance only allowed agricultural markets to sell agricultural and food related items such as cake tins. Based on feedback Staff received from stakeholders, the ordinance was revised to allow all types of stands and markets (field retail stands, farms stands, produce stands, community stands and agricultural markets) to sell agricultural and food preparation related items, with a maximum of 25% of the total storage and sales area of the stand or market devoted to these items.

Based on additional feedback, the new version of the draft ordinance deleted any restrictions on hours of operation for any of the stands or for agricultural markets.

Many of the stakeholders would like farm stands to be able to sell produce not grown by the producer who operates the stand. However, the California Retail Food Code Section 114375(c)(1), which refers to paragraph 6 of subdivision (c) of Section 13789, limits the sale of produce at farm stands to “whole produce grown by the produce,” prohibiting farm stands from selling crops grown by another farmer. The revised version of the ordinance allows the sale of produce not grown by the producer at farm stands and field retail stands during events if a community event permit is obtained from the Environmental Management Department (EMD). However, these events must be “of a civic, political, public or educational nature” in order for EMD to be able to grant a community event permit that allows the sale of produce not grown by the producer who operates the field retail or farm stand.

The revised version would allow field retail stands, farm stands, produce stands and agricultural markets that are allowed by right up to 24 events per year, with the issuance of a temporary use permit. The previous versions of the ordinances allowed up to 12 events per calendar year with the issuance of a temporary use permit, however Staff revised the ordinances to allow 24 events per calendar year with the issuance of a temporary use permit. This change will allow field retail stands and farm stands more opportunities to sell produce from other farms, as allowed by State law, during community events.

An additional change that was made to the ordinance as a result of feedback from stakeholders is that community stands in most residential and agricultural zones are allowed on private property "if under the supervision of a public agency or non-profit organization" (Condition 43 under Section D). The previous version of the ordinance limited community stands in most agricultural and residential zones to church locations, parks, public property and property owned by non-profit organizations. However, community stands maybe permitted by EMD on any property as long as the stand is under the supervision of a public agency or non-profit organization.

Staff also received feedback that more signage is necessary. The revised draft allows field retail stands, farm stands, produce stands and agricultural markets one sign at each entrance, instead of only one sign per parcel. Signage at community stands is regulated by the community stand's temporary use permit. The revised draft maintains the maximum size of signage at 50 square feet, although stakeholders requested a larger size.

Farm Stay Ordinance: The signage limits for farm stays was also changed in the draft ordinance to allow one sign per entrance, rather than one sign per parcel. Stakeholders made a number of suggestions at the October 5<sup>th</sup> meeting about expanding farm stay operations to allow additional guests, and to allow tent cabins and RV hookups. However, expanding farm stay operations beyond the limit of five guestrooms and fifteen guests would trigger additional requirements under the California Building Code and the California Retail Food Code. Staff believes that the draft ordinance is a good first step and that expanding farm stay operations at this time would be too complicated.

## **II. STAFF RECOMMENDATIONS**

Staff is recommending **APPROVAL** of the proposed project, as modified. The actions and findings listed below reflect the revised project.

### **A. Recommended Actions:**

1. Environmental Documentation: Determine that the environmental analysis is adequate and complete and that the **NEGATIVE DECLARATION** is appropriate.

2. Zoning Code Amendments: **ADOPT** the attached ordinances to amend the zoning code as requested, subject to the findings listed in Section II.B of this report.

- B. Recommended Findings: The staff recommendations are based upon the following considerations:

1. The request is consistent with the County General Plan map and text.
2. Identified environmental effects and suggested mitigation measures have been taken into consideration in the recommended actions.

### III. ATTACHMENTS

- A. Original Staff Report with Attachments
- B. Revised Draft Zoning Ordinance Amendments to Revise Zoning Code

This addendum report was prepared on November 7, 2011.

**COUNTY OF SACRAMENTO  
CALIFORNIA**

Attachment 5

Control No.: PLNP2011-00047  
Type: ZOB

**TO:** BOARD OF SUPERVISORS – COUNTY PLANNING COMMISSION

**FROM:** COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT

**SUBJECT:** AGRICULTURAL TOURISM CODE AMENDMENTS

**CONTACT:** *Troy Givans, Interim Manager of Economic Development, 874-5220;  
givanst@saccounty.net  
Tricia Stevens, Principal Planner, 874-6141; stevenst@saccounty.net  
Corinna Sandmeier, Planner II, 874-6141; sandmeierc@saccounty.net*

**PROJECT DESCRIPTION**

**ASSESSOR'S PARCEL NO(S):** Various Parcels

**LOCATION:** County-wide

**APPLICANT:**

County of Sacramento  
Community Planning and Development  
Department  
827 7<sup>th</sup> Street, Room 230  
Sacramento, CA 95814  
Attention: Corinna Sandmeier

**REQUEST:** Amendments to the Zoning Code of Sacramento County to set forth development standards for wineries, farm stands and farm stays:

- Title I, Chapter 25, Article 1 (Definitions)
  - add definitions related to wineries, farm stands and farm stay operations
- Title II, Chapter 1, Article 1, Section 201-02 (Permitted Uses Within the Buildable Area of Residential-Open Space Lots) and Section 201-04 (Special Conditions)
  - add A.13 (Farm Stay) and add Condition 44
  - delete B.6, B.7 and B.7.2 and replace with a new B.6 (Field Retail Stand), a new B.7 (Farm Stand) and a new B.7.2 (Produce Stand); add B.7.3 (Community Stand) and B.7.4 (Agricultural Market); and add Conditions 41, 42 and 43

- delete C.38 and C.39 and replace with a new C.38 (Small Wineries) and a new C.39 (Large Wineries)
- Title II, Chapter 25, Article 2, Section 225-11 (Permitted Uses Within the Buildable Area of Commercial Lots) and Section 225-14 (Special Conditions)
  - delete I.6 (Certified Farmers Market) and replace with a new I.6 (Certified Farmers Market or Community Stand) and add Condition 63
- Title II, Chapter 30, Article 2, Section 230-11 (Permitted Uses Within the Buildable Area of Industrial Lots) and Section 230-13 (Special Conditions)
  - add K.30 (Small Wineries) and K.31 (Large Wineries), and add Condition 30
  - delete K.21 (Certified Farmers Market) and replace with a new K.21 (Certified Farmers Market and Community Stand) and add Condition 29
- Title III, Chapter 15, Article 1.5 (Development Standards for Seasonal Roadside Crop Sales)
  - delete and replace with a new Article 1.5 called Development Standards for Field Retail Stands, Farm Stands, Produce Stands, Community Stands and Agricultural Markets
- Title III, Chapter 15, Article 7 (Development Standards and Allowed Uses for Wineries)
  - add this article to the Zoning Code
- Title III, Chapter 15, Article 8 (Development Standards for Farm Stay Operations)
  - add this article to the Zoning Code.

**ENVIRONMENTAL DOCUMENT:    **NEGATIVE DECLARATION****



**Overview:**

This series of Zoning Code Amendments is intended to provide incentives for agritourism in Sacramento County by allowing more wineries, farm stands, and farm stays by right in agricultural areas. These amendments would allow farmers and providers of locally grown crops to expand their opportunities to bring locally grown products to the community and create additional revenue streams to keep agricultural pursuits and farming viable in Sacramento County.

**Significant Issues:**

These amendments are generally supported by members of the agricultural community, providers of locally grown crops, and community members in the affected communities. Through the outreach process, many initial concerns have been addressed. Issues that have not been entirely resolved include: a) a desire that farm stands could sell locally grown products not grown by the producer, b) remaining concerns about some of the development standards for wineries and farm stands, and c) concern about the mitigation measure that calls for a historical evaluation when structures are 50 years or greater in age.

**Recommendations:**

Staff is recommending that the Board of Supervisors **ADOPT** the attached Zoning Ordinance Amendments to revise and set forth development standards for wineries, farm stands and farm stays.

|      |                       |    |
|------|-----------------------|----|
| I.   | Project Analysis      | 4  |
| II.  | Staff Recommendations | 11 |
| III. | Attachments           | 11 |

**I. PROJECT ANALYSIS**

- A. Background: The purpose of these amendments is to foster agritourism in the County by streamlining the permitting requirements for agritourism activities. These amendments are a result of numerous meetings with members of the agricultural community who desire to enhance the economic viability of their farms. These amendments focus on fostering the production, sale and promotion of locally grown crops in order to reduce reliance on mass-produced and imported food products.
- B. Summary: The draft Winery, Farm Stand and Farm Stay ordinances would set forth development standards for agricultural industries in Sacramento County, and promote agricultural tourism and economic development opportunities. The draft ordinances would allow some agritourism uses by right in certain zones, and allow others through the use permit process. Additionally, the draft ordinances would create specific parking and signage development standards for wineries, farm stands and farm stay operations, and outline additional permitting requirements from other departments.

In summary, the amendments accomplish the following objectives:

Sale of Produce: These amendments provide four classifications for premises that sell produce. The reason for the four classifications is to recognize the nuances of the California Food Code. All four types of farm stands would be permitted by right in agricultural zones if the indoor sales area of the stand does not exceed 1,500 square feet in size. The main difference is that produce stands and agricultural markets can sell crops that are locally grown but not grown on the premises. Such stands/markets (similar to the Delta Visitor's Center) need to have permanent facilities to meet California Food Code requirements. The main outstanding issue is that stakeholders want farm stands to be able to sell locally grown produce however, this is not permitted by the California Food Code.

These amendments are also relevant to uses in urban areas. While the Zoning Code currently allows Certified Farmers' Markets in commercial areas, these amendments would also allow "community stands" that sell locally grown crops by non-profit organizations in specified commercial areas.

Wineries: These amendments allow small wineries by right in agricultural zones. Small wineries are defined as having tasting rooms under 1,500 square feet in size. Special events are also allowed. As an example, wineries such as Scribner's Bend and Two Hands would most likely be permitted without a conditional use permit.

Farm Stays: Farm stays are a growing concept that are similar to Bed and Breakfast Inns, but focus on customers that are interested in learning and participating in farming activities. Farm Stays with five or fewer rooms would be allowed by right in agricultural zones.

- C. Description of Amendments: The following discussion outlines the proposed amendments in more detail:

1. Amendments to General Terminology and Definitions

The proposed Zoning Code amendments would add the following definitions related to agritourism to the Zoning Code:

- **Agricultural Market:** A market located within a permanent building, which sells shell eggs, locally grown crops, a limited amount of non-potentially hazardous prepackaged food, and agricultural and food preparation related items.
- **Community Stand:** A retail stand operated by a nonprofit organization, which sells shell eggs, locally grown crops and a limited amount of non-potentially hazardous prepackaged food.
- **Crops:** Any whole edible portion of a plant in its raw and natural state and non-edible crops such as flowers.
- **Dust Free Surface:** A surface that is free of dust, to allow emergency vehicle access, to the satisfaction of the local fire district.
- **Event (Farm Stand):** A community event that is of a civic, political, public or educational nature, that is held on the premises of a field retail stand, farm stand, produce stand or agricultural market and that may include additional booths.
- **Farm:** A place where agricultural production is the primary use.
- **Farm Stay Operation:** A working farm on which bedrooms are made available for rent in a farm house or in a detached structure, and where lodging and overnight sleeping accommodations are provided for a stay of no more than 14 days, either with or without meals.
- **Farm Stand:** A field retail stand that sells shell eggs, crops grown by the producer on premises controlled by the producer and a limited amount of non-potentially hazardous prepackaged food.
- **Field Retail Stand:** A retail stand that sells only shell eggs and crops grown by the producer on premises controlled by the producer.
- **Large Winery:** A winery with more than 15,000 cases annual production.
- **Large Event (Winery):** A promotional or temporary event that is attended by fifty (50) or more people at one time.
- **Locally Grown Crops:** Crops grown within the following Counties: Sacramento, Yolo, Solano, Contra Costa, San Joaquin, Amador, El Dorado, Placer, Sutter and Yuba.

- **Non-Locally Grown Crops:** Crops grown outside of the ten counties defined in the Locally Grown Crops definition.
- **Non-Potentially Hazardous Food:** A food that does not require time or temperature control to limit pathogenic micro-organism growth or toxin formation.
- **Prepackaged food:** Any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, food facility or other approved source.
- **Produce Stand:** A retail stand, located within a permanent building, which sells shell eggs and locally grown crops.
- **Promotional Event (Winery):** An event sponsored by the property or winery owner, an association of agricultural property owners, or a similar organization designed to promote the agricultural industry to assist in the sale of locally grown wines and allow for the direct marketing and sale of wines produced on site or from grapes produced on site. Promotional events may include wine makers dinners or events that feature food and wine pairings.
- **Small Event (Winery):** A promotional or temporary event that is attended by less than fifty (50) people at one time.
- **Small Winery:** A winery with up to 15,000 cases annual production, and a maximum size tasting room facility of 1,500 square feet.
- **Tasting Room:** A room where the general public can sample wine and where wine and grape products produced on site are for sale. A tasting room may not be used as an office or for wine production.
- **Temporary Event (Winery):** An event of limited duration that may include meetings, fundraisers or weddings that are incidental to the main purpose of producing wine at the facility.
- **Wine Case:** Twelve (12) standard wine bottles (750 milliliters each).
- **Winery:** A bonded winery facility consisting of the building or buildings used to convert fruit juices into wine, and to age, bottle, store, distribute and sell. A winery shall include any or all of the following activities and facilities; crushing, fermenting, bottling, blending, bulk and bottle storage, aging, shipping, receiving, tasting room, laboratory equipment, maintenance facilities, conference room space, sales and administrative offices.

2. New Development Standards and Permitted Zones for Agritourism Uses

Farm Stays: The proposed Zoning Code amendments would allow farm stays outright in the AG-160 to AG-20, UR and IR zones, and allow farm stays, subject to a use permit from the Zoning Administrator, in the AR-10 and AR-5 zones. The proposed development standards for farm stays include a limit of five total guest rooms, a limit of 15 total guests and the requirement that lodging and meals be incidental and not the primary function of the agricultural home stay establishment. Farm stay operations that do not meet the development standards would be allowed subject to the issuance of a conditional use permit from the Planning Commission.

Field Retail Stands, Farm Stands, Produce Stands and Agricultural Markets: Field retail stands, farm stands, produce stands and agricultural markets would be allowed in the AG-160 to AG-20, UR, IR and AR-10 to AR-2 zones by right, and allowed a maximum of twelve events per calendar year with the issuance of a temporary use permit by the Zoning Administrator. Field retail stands in the RR zone would also be allowed by right and allowed a maximum of twelve events per calendar year with the issuance of a temporary use permit. Field retail stands in the AR-1, RD-1 to RD-3, and O zones, farm stands in the AR-1, RD-1 to RD-3, RR and O zones, and produce stands in the RR and O zones would require a use permit issued by the Zoning Administrator.

- Field Retail Stands: In contrast to farms stands, produce stands, community stands and agricultural markets, field retail stands do not require approval from the County Environmental Management Department (EMD), but they would be limited to the sale of shell eggs and crops that are grown by the producer. (These stands were formerly called stands for the display and sale of crops grown on the premises.)
- Farm Stands: In addition to shell eggs and crops grown by the producer, farm stands would also be allowed to sell non-potentially hazardous prepackaged food products from an approved source that were grown or produced in close proximity to the farm stand and non-potentially hazardous prepackaged food products, including bottled water and soft drinks, from an approved source that have not been grown or produced in close proximity to the farm stand. The California Retail Food Code Section 114375(c)(1), which refers to paragraph 6 of subdivision (c) of Section 13789, limits the sale of produce at farm stands to “whole produce grown by the produce”, prohibiting farm stands from selling crops grown by another farmer. Pursuant to the California Retail Food Code Section 114375(c)(3), prepackaged food products that have not been grown or produced in close proximity to the farm stand are limited to a 50 square-foot storage and sales area. The proposed Zoning Code amendments would also incorporate this limit.

- Produce Stands: The California Retail Food Code, as well as the proposed Zoning Code amendments, allows produce stands, unlike field retail stands and farms stands, to sell crops that were not grown on premises controlled by the producer. The California Retail Food Code defines produce stands as “permanent food facilities”, limits produce stands to the sale of produce and shell eggs, and does not allow produce stands to sell prepackaged food. Chapter 9 of the Retail Food Code states the minimum requirements for permanent food facilities, such as being located within a fully enclosed structure with potable hot and cold running water, and having a septic system or being hooked up to the sewer system.
- Agricultural Markets: By providing a new category of agricultural markets, these amendments would allow facilities to sell locally grown crops not grown on the premises and sell prepackaged food (ancillary use under 25%).

Development Standards for Field Retail Stands, Farm Stands, Produce Stands and Agricultural Markets: The development standards would require field retail stands and farm stands to be operated by the producer on premises controlled by the producer.

Under the proposed Zoning Code amendments, field retail stands, farm stands, produce stands and agricultural markets would be limited to one stand or market per parcel and be required to meet the setback standards of the zone in which they are located. Additionally, stands and markets would be allowed to operate from sunrise to 8:00 p.m., and be limited to a maximum 1,500 square feet of indoor sales area and 3,000 square feet of total enclosed area.

Community Stands: Community stands would be allowed in the RR and O zones with the approval of a temporary use permit by the Zoning Administrator, with no annual limit to the number of occurrences. Community stands would be allowed at church locations, parks, public property and property owned by non-profit organizations in the AG-160 to AG-20, UR, IR, AR-10 to AR-1, RD-1 to RD-40, MPH and RM-2 zones subject to the issuance of a temporary use permit by the Zoning Administrator, with no annual limit to the number of occurrences. Certified farmers markets and community stands would be allowed in the SC, LC, GC, AC, TC and CO zones subject to approval of a temporary use permit by the Zoning Administrator. Certified Farmers Markets and community stands would also be allowed in the MP, M-1 and M-2 land use zones, subject to the approval of a temporary use permit by the Zoning Administrator.

Under the proposed Zoning Code Amendments, community stands would serve as “urban farm stands”, making fresh produce available to urban areas that may not currently have easy access to produce. Community stands could operate in areas that do not have enough customers to make a certified farmers market viable. Unlike farmers markets, community stands would be operated by



nonprofit organizations and not by producers themselves. Community stands would be allowed to sell shell eggs and crops that are locally grown, non-potentially hazardous prepackaged food products from an approved source that were locally grown or produced, and non-potentially hazardous prepackaged food products, including bottled water and soft drinks, from an approved source that were not locally grown or produced. Non-potentially hazardous prepackaged food products, including bottled water and soft drinks, from an approved source that have not been locally grown or produced would be limited to a 50 square foot storage and sales area. Community stands would fall under the definition of a “community event” and a “temporary food facility” in the California Retail Food Code. Under the Retail Food Code, community stands would be considered educational in nature and, therefore, be required to be run by nonprofit organizations. The hours of operation, stand size (up to a maximum of 1,500 square feet of indoor sales area and 3,000 square feet of total enclosed area), setbacks, signs and parking requirements for community stands would be regulated by the stand’s temporary use permit.

**Small Wineries:** Small wineries would be an allowed use in the AG-160 to AG-20, AR-10 and AR-5 land use zones. Small wineries would also be allowed by right in the M-1 and M-2 land use zones. Wine tasting would be limited to five days per week at small wineries unless a use permit is issued by the Zoning Administrator.

**Large Wineries:** Large wineries would be an allowed use in the AG-160 to AG-20 zones, subject to the issuance of a use permit from the appropriate authority (i.e., the Planning Commission). Large wineries would also be allowed in the M-1 and M-2 land use zones by right if the tasting facilities are limited to a maximum of 15% of the square footage of the indoor portion of the winery. Events at large wineries in the AG-160 to AG-20 zones would be regulated by the winery’s use permit.

**Development Standards for All Wineries:** A minimum lot size of three acres would be required for all wineries. If the winery is accessed only via a private road shared by others, a use permit from the Zoning Administrator would be required, and the use permit would require the applicant to pay their fair share of the road maintenance cost. The Director of the Community Planning and Development Department may waive the requirement for a use permit if written verification of approval from all property owners along the private road is submitted. The sale of wine related food and merchandise would be incidental to the tasting and limited to 15% of the square footage of the tasting area. All winery buildings would be required to meet the setback standards of the zone in which they are located. Small wineries, and large wineries in the M-1 and M-2 land use zones, would be limited to twelve large events (attended by 50 or more people at one time) per calendar year unless a conditional use permit is obtained from the Zoning Administrator.

**D. Mitigation Measures Relating to Preservation of Historical Structures**

The environmental document prepared for these amendments includes mitigation measures related to the preservation of historical structures, defined as structures over 50 years in age. If renovation of such structures is contemplated, the mitigation measures (incorporated into the draft ordinance) require that a historic architectural study be conducted to determine if the structure has significant historical architectural resources. A determination of significance would be made by the Director of the Community Planning and Development Department. If considered significant, the structure would need to be preserved in accordance with the Secretary of the Interiors' Standards. The purpose of this mitigation measure is to recognize structures that have historical significance and insure that renovation plans address the history of the structure.

These mitigation measures were presented and addressed at the second outreach meeting on August 10, 2011. Several stakeholders were opposed to these measures on the basis that they placed requirements on structures in agricultural areas that are not required of other historical structures in the County, since the County does not have an overall policy and ordinance addressing historical structures.

**E. Update of Flood Insurance Rate Maps**

It's important to note that many agricultural industries in the County are located in the Delta Community, and almost all the Delta is either already in a FEMA Special Flood Hazard Area (SFHA) or will be placed into a SFHA when the Flood Insurance Rate Maps are updated in 2012. (The National Flood Insurance Program's floodplain management regulations must be enforced within a SFHA and the purchase of flood insurance is mandatory.) The Sacramento County Floodplain Management Ordinance requires that new buildings or the entire building being substantially improved shall be constructed such that the lowest floor is elevated at least 1.5 feet above the floodplain elevation. Special flood-proofing requirements apply to the portion of a building built below the floodplain. Commercial buildings may be constructed with finished floors below the minimum floor elevation using watertight "dry flood-proof" design methods. There are large areas in the Delta that will be located in a deep floodplain (some areas as much as 25' deep) such that it could be too costly or impracticable to meet the minimum floor elevation requirement or be dry flood-proofed. Although the new flood regulations may inhibit new construction or major improvements, remodeling of existing buildings (if less than 50% of the value) is still possible, making conversions to utilize these agritourism amendments still possible.

**F. Outreach**

Two stakeholders' meetings were held on the draft ordinances, the first on February 2, 2011 and the second on August 10, 2011. The purpose of the first meeting was to give an overview of the draft ordinances. The purpose of the second meeting was to give an overview for new participants and to present changes made to the ordinances



as a result of feedback from the first meeting. Because of comments received at the first stakeholders' meeting, as well as other comments received by staff, some of the signage standards were applied to all categories. These standards include a maximum sign area of 50 square feet, a height limit of six feet above road grade for monument signs and a setback for monument signs of at least 16 feet from the right-of-way of public streets unless a lesser setback is approved by the Planning Division.

Community stands were also added to the farm stand ordinance after staff received feedback at the first meeting regarding the need for stands that sell crops in urban areas. Additionally, language was added to the three ordinances to allow temporary use permits to be valid for up to three years.

Remaining issues have to do with concerns that the development standards, especially the maximum amount of signage allowed, are still too strict, and concerns about leaving the determination of what constitutes a dust free surface up to the local fire districts. The Site Improvement and Permit Section of the County Department of Building and Code Enforcement leaves the definition of dust free surface up to the local fire districts and there are no countywide standards. Additional concerns have been expressed by stakeholders about the mitigation measures that call for historical evaluation when structures are 50 years or greater in age. However, these mitigation measures are a result of the CEQA review of the project. The additional concern that farm stands will not be allowed to sell produce grown by other farmers cannot be addressed by the agritourism code amendments because the California Retail Food Code does not allow farmers to sell produce from other farmers at farm stands.

## II. STAFF RECOMMENDATIONS

If adopted, the agricultural tourism code amendments would streamline the permitting process for wineries, farm stay operations and farm stands (including field retail stands, produce stands, community stands and agricultural markets), promote economic development opportunities for the agricultural industry and preserve agricultural lands within Sacramento County. Staff recommends that the Board of Supervisors **ADOPT** these zoning code amendments.

### A. Recommended Actions:

1. Environmental Documentation: Determine that the environmental analysis is adequate and complete and that the **NEGATIVE DECLARATION** is appropriate.
2. Zoning Code Amendments: **ADOPT** the attached ordinances to amend the zoning code as requested, subject to the findings listed in Section II.B of this report.

### B. Recommended Findings: The staff recommendations are based upon the following considerations:

1. The request is consistent with the County General Plan map and text.

**ZONING CODE AMENDMENTS-AGRICULTURAL TOURISM**  
**PLNP2011-00047**

2. Identified environmental effects and suggested mitigation measures have been taken into consideration in the recommended actions.

**III. ATTACHMENTS**

- A. Draft Zoning Ordinance Amendments to Revise Zoning Code

This staff report was prepared on August 18, 2011.

Community Planning &  
Development Department  
Nav Gill, Chief Operations Officer

Bradley J. Hudson, County Executive



Division of Environmental Review  
and Assessment

## Intra-Department Correspondence

**Date:** November 2, 2011

**To:** Tricia Stevens, Principal Planner

**From:** Tim Hawkins, Principal Environmental Analyst

**Subject:** Cultural Resources Mitigation for the Proposed Agricultural Tourism Ordinance

The Division of Environmental Review and Assessment released a Negative Declaration for the subject project on August 9, 2011. Mitigation requiring a determination on whether a building is eligible for the State or Federal Historic Register was included to protect historic structures that may be renovated. This determination requires the expertise of an architectural historian. However, there are structures on properties that clearly would not be considered historic and the proposed mitigation measure has been modified as follows to reflect this:

### **Mitigation Measure B:**

In order to mitigate impacts to potentially historic buildings (buildings 50 years old and older), perform one of the following:

1. Structures that have not been subject to a previous architectural evaluation and are at least 50 years or older and are subject to renovation shall have a historic architectural study performed by a qualified, professional architectural historian. A significance determination shall be prepared for review by the staff of the Community Planning and Development Department (CPDD). If the structure is deemed a significant historic resource, the applicant shall comply with Mitigation Measure C.

OR,

2. Property owners proposing to renovate an existing structure shall submit photographs of the structure to the Community Planning and Development Department (CPDD). CPDD staff shall determine whether a historical evaluation is warranted. If CPDD staff determines that an historic evaluation is warranted, the applicant shall have a historic architectural study performed by a qualified, professional architectural historian for review by CPDD staff. If the structure is deemed a significant historic resource, the applicant shall comply with Mitigation Measure C.

OR,

3. Comply with Mitigation Measure C and forego the need to submit photographs or an historical architectural evaluation..

December 7, 2011

**Mitigation Measure C:**

Structures deemed to be significant historical architectural resources shall be preserved in situ with all proposed modifications carried out to *The Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.

The revised mitigation measure is consistent with the intent of the original, and, therefore, is considered to be equally as effective at mitigating the impact.