

**COUNTY OF SACRAMENTO  
CALIFORNIA**

Control No.: PLNP2011-00047  
Type: ZOB

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

For the Agenda of:  
November 14, 2011  
Agenda Item #5

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

**FROM:** COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT

**SUBJECT:** AGRICULTURAL TOURISM CODE AMENDMENTS

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**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.

**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)**

~~**Dust Free Surface:** A surface that is free of dust, to allow emergency vehicle access, to the satisfaction of the local fire district.~~

**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):**

- a. No more than five (5) guest rooms shall be allowed.

- b. Accommodations for no more than fifteen (15) total guests shall be allowed.
- c. 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 per parcel**.
  - 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.
- ~~e.—~~ All access roads **must meet the standards of the Fire Marshal. All and parking areas must have an active dust control program. must be of a dust-free surface.**

**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.**

~~d.—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 and~~

~~reviewed by the Director of the Community Planning and Development Department.~~

- 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*.

DRAFT

**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.

**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 (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.

**Field Retail Stand:** A retail stand that sells only shell eggs and crops grown by the producer on premises controlled by the producer.

**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 ~~twelve~~ **twenty-four** (~~1224~~) 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).**
- b.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. Hours of operation shall be from sunrise to 8:00 pm.~~
- ~~f.e.~~ Field Retail Stands shall meet the setback standards of the zone in which they are located.
- ~~g.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.
- ~~h.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.
- ~~i.h.~~ Signs shall be allowed provided that:
  - i. There is no more than one (1) sign ~~per parcel~~ **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 ~~twelve-twenty-four~~ **(1224)** 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; ~~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; **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.

- ~~b.d.~~ **Agricultural and food preparation related items shall be limited to 25% of the total storage and sales area of the farm stand.**
- ~~e.e.~~ No activities related to the sale of products from Farm Stands shall take place on public property right-of-way.
- ~~d.f.~~ There shall be no more than one (1) Farm Stand per parcel.
- ~~e.~~ ~~Hours of operation shall be from sunrise to 8:00 pm.~~
- ~~f.g.~~ Farm Stands shall meet the setback standards of the zone in which they are located.
- ~~g.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.
- ~~h.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 ~~per parcel~~ **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 ~~twelve~~**twenty- four (1224)** 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.-**
- ~~b.c.~~**c. Agricultural and food preparation related items shall be limited to 25% of the total storage and sales area of the produce stand.**
- ~~c.d.~~ 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.
- ~~d.e.~~ e. No activities related the sale of products from Produce Stands shall take place on public property right-of-way.
- ~~e.f.~~ f. There shall be no more than one (1) Produce Stand per parcel.
- ~~f.~~ ~~Hours of operation shall be from sunrise to 8:00 pm.~~
- 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 ~~per parcel~~**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 ~~at church locations, parks, public property and property owned by non-profit organizations~~ **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 Certified Farmers Market or Community 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 Certified Farmers Market or Community 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; ~~and~~ 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.**
- d.e. Agricultural and food preparation related items shall be limited to 25% of the total storage and sales area of the farm stand.**
- e.f. No activities related to the sale of products from Community Stands shall take place on public property right-of-way.
- f.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.
- g.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 ~~twelve~~ **twenty-four** (~~12~~**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. Hours of operation shall be from sunrise to 8:00 pm.~~
- i.h. Agricultural markets shall meet the setback standards of the zone in which they are located.
- j.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.
- ~~k.~~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 ~~per parcel~~ **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. 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
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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. 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.**

~~6. 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 and reviewed by the Director of the Community Planning and Development.~~

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 <del>12-24</del> 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	<b>1</b>		<b>X</b>	X	X	
Farm Stand	X	<b>1</b>	X	<b>X</b>	X	X	X
Produce Stand	X	X		<b>X</b>	X	X	X
Community Stand	X	X	X	<b>X</b>		X	X
Agricultural Market	X	X	X	X	X	X	X

1. **Subject to a community event permit from EMD.**

DRAFT

**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)**

~~**Dust Free Surface:** A surface that is free of dust, to allow emergency vehicle access, to the satisfaction of the local fire district.~~

**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.-**

**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. The 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.

- d. 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. 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. 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.

- 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.

**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 Large 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 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
  - 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.

**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 and parking areas must have an active dust control program. ~~be of a dust free surface.~~**
- 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.
- F. 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.**

~~6. 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 and reviewed by the Director of the Community Planning and Development Department.~~

- 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*.