

Section L-II 3.3 Agricultural Uses

A. **Purpose.** To encourage agriculture in Rural Regions and to promote a strong and sustainable local agricultural economy.

B. **Definitions.**

- ~~1. **Agricultural Products** For the purpose of this section, includes fresh fruits, vegetables, nuts, herbs, flowers, honey, poultry, fish, animal & animal products, hay and Christmas trees, but does not include plant nursery stock, live animals, wine or wine products.~~
- ~~2. **Farmstand** Temporary or permanent agricultural structures used or intended to be used for the display or sale of agricultural products grown on-site and sold directly from the farm to consumers.~~
- ~~3. **Produce Stands** Temporary or permanent agricultural structures used or intended to be used for the display or sale of unprocessed agricultural products sold directly to consumers from a farm site other than where the products are grown and which does not include feedstores. "Unprocessed" for the purposes of this section shall be defined as an agricultural product in its raw or natural state.~~
- ~~4. **Farmstore** Temporary or permanent structure, other than a farmstand or produce stand as defined herein, intended to be used for the display or sale of processed agricultural food products sold directly to consumers from a farm for human consumption.~~
- ~~5. **Certified Farmers' / Growers' Market** A temporary location approved by the County Agricultural Commissioner where agricultural products are sold by producers or certified producers directly to consumers, in accordance with the provisions of the California Code of Regulations for direct marketing.~~
1. **Certified Farmers' Market (CFM) (3 CCR § 1392.2) - A location approved by the County Agricultural Commissioner of that county where agricultural products are sold by producers or certified producers directly to consumers or to individuals, organizations, or entities that subsequently sell or distribute the products directly to end users. A certified farmers' market may only be operated by one or more certified producers, by a nonprofit organization, or by a local government agency.**
2. **Community Supported Agriculture (CSA) - Consists of a relationship between an agricultural producer certified by the County Agricultural Commissioner and buyer intended to support and promote the Nevada County agricultural economy and provide citizens with access to Nevada County grown agricultural products through a pre-paid subscription where the subscription pick-up location may include either the host farm or an off-site location when permission is previously**

granted from the landowner and when the use is not otherwise prohibited by the County Zoning Ordinance.

3. **Field Retail Stand** (FAC 47030) - Field retail stands are producer-owned and operated premises located at or near the point of production established in accordance with local ordinances and land use codes. Field retail stands are restricted to only selling fresh, farm-produced fruits, vegetables, nuts and shell eggs, grown by the producer on or near the site. Field retail stands are exempt from standard wholesale size and pack requirements and are exempt from the California Health and Safety Code.
4. **Farm Stand** (FAC 47050) - Farm stands are field retail stands, that sell or offer for sale California agricultural products grown or produced by the producer, and also sell or offer for sale non-potentially hazardous prepackaged food products from an approved source or bottled water or soft drinks. Farm stands allow farmers to sell fresh produce and eggs grown on their farm as well as Processed Agricultural Products made with ingredients produced on or near the farm, thus enhancing their income and the local economy (FAC 47000 (d)).

C. **Standards.**

1. **Crop and tree farming.** In any district the use of land for crop and tree farming shall be allowed. Within those districts not intended for agriculture as a primary or secondary use, crop and tree farming shall be considered an interim use.
- ~~2. **Agricultural Marketing.** In any zoning district where agricultural uses and structures are an allowed use, as provided within the Article 2 District Tables, of this Chapter, agricultural marketing shall be allowed, as follows:~~
2. **Community Supported Agriculture.** Is an allowed use in any district where crop and tree farming is allowed. Pick-up locations shall be consistent with those outlined in the definitions above.
 - ~~a. **Farmstands.** The sale of agricultural products from a farmstand established on the same site where the products are grown shall be an allowed use; however, the sale of processed agricultural food products is allowed with a permit issued by the Department of Environmental Health.~~
 - ~~b. **Produce Stands.** The sale of agricultural products from produce stands shall be allowed, subject to approval of one Administrative Development Permit for each site selling produce, providing that each separate produce stand satisfies the following standards:~~
 - ~~1) Any agricultural products to be sold from a produce stand, as herein defined, must have been grown in Nevada County by~~

~~certified producers as confirmed by the County Agricultural Commissioner.~~

- ~~2) The produce stand shall be located on a site which is developed with an allowed agricultural use and which sells agricultural products grown on the site.~~
- ~~3) The sale of agricultural products grown off site shall comply with all applicable County, State and Federal laws and regulations pertaining to the handling, transport and sale of agricultural products.~~
- ~~4) The sale of agricultural products grown off site shall comply with all applicable County, State and Federal laws and regulations pertaining to the sale of food products, including permit(s) issued by the Nevada County Department of Environmental Health pursuant to the California Health and Safety Code.~~
- ~~5) The sale of processed agricultural food products shall not be permitted from a produce stand.~~
- ~~6) The produce stand site shall have direct access to a road improved to a minimum Fire Safe Road Standard pursuant to Section L-XVII of the Nevada County Land Use and Development Code, which is maintained by a public entity, a road maintenance district, or with the produce stand adequately participating in a property owner's road association.~~
- ~~7) Any road improvements within a County right of way shall be subject to obtaining an encroachment permit from the County Department of Transportation.~~
- ~~8) All parking for the produce stand shall be provided on the produce stand site with adequate area for vehicles to enter and exit the site without backing into a road right of way or road.~~
- ~~9) Produce stands shall be limited to a total of 1,000 square feet on any one site.~~
- ~~10) Mobile trailers may be used as temporary produce stands but must be located outside of any buildings, may not be placed in designated parking areas, and must be removed from the produce stand site at the end of each season.~~
- ~~11) Hours of operation for the produce stand are limited to daylight hours.~~

~~12) Signage for a produce stand is limited to on-site agricultural signage allowed by Section 4.2.12 of County Zoning Regulations.~~

~~e. **Farmstores.** The sale of processed agricultural products sold from a farm site other than where the products are grown are subject to approval of an Administrative Development Permit for each site selling processed produce and compliance with all of the above standards applicable to produce stands.~~

3. Field Retail Stands and Farm Stands. The sale of agricultural products from a field retail stand and/or a farm stand is an allowed use subject to building permit issuance and zoning compliance in the AE, AG, FR and RA zoning districts and the following standards:

- a. Field retail stands and farm stands are subject to authorization by the County Agricultural Commissioner and farm stands may require a permit from the County Department of Environmental Health, if processed agricultural food products are being sold.
- b. The sale of agricultural products, shall comply with all applicable County, State and Federal laws and regulations pertaining to the direct marketing, handling, transport, and protection from contamination of food products.
- c. A producer may sell products they grow out-of-county as long as it's no more than 1/3 of the volume sold as verified by the Agricultural Commissioner through submitted Certified Producers Certificates.
- d. Field retail stands and farm stands shall be limited to a total of 1,000 square feet on any one site and shall be limited to 10 producers.
- e. Mobile trailers may be used for the temporary sale of produce but must be located outside of any buildings, may not be placed in designated parking areas, and must be removed from the site at the end of each season.
- f. Field retail stands and farm stands shall meet the minimum requirements of the California Building Code for site accessibility and usability to persons with disabilities as determined by the County Building Official.
- g. Any structure used for a field retail stand or farm stand shall meet the requirements of the California Fire Code regarding general fire safety.
- h. A field retail stand or farm stand shall provide direct access to a publicly-maintained road or if the property does not have direct access to a publicly-maintained road, the applicant shall be required to form a new or join an existing road maintenance district (i.e., permanent road division,

county service area, community service district). If a homeowners' or road association oversees the maintenance of the private road(s), participation in maintaining the road as defined by Section 845 of the California Civil Code is required.

- i. All parking shall be provided on site with adequate area for vehicles to enter and exit the site without backing into a road right-of-way or road.
- j. Driveways providing access shall meet County driveway standards. Any road improvements within the County right-of-way shall be subject to obtaining an encroachment permit from the County Department of Public Works.
- k. Hours of operation are limited to daylight hours.
- l. Signage shall be consistent with "Signs in Agricultural Districts" as shown in Section L-II 4.2.12.

4. Farm Stands. The sale of agricultural products from a farm stand may be allowed in the C1, C2, C3, CH, OP, M1, M2, BP, IDR, PD, P and REC districts subject to approval of an Administrative Development Permit for each site selling produce, providing that the farm stand satisfies those standards provided in LUDC Sec. L-II 3.3.C.3 and the following:

- a. Farm stands are prohibited in the TPZ, R1, R2, R3, and OS zoning districts.
- b. Farm stands may be permitted for up to 3 years.
- c. The Administrative Development Permit application for a farm stand shall include the following:
 - 1) A site plan of the proposed location, drawn to a recognized engineer's scale, delineating the following information:
 - a) The location of any existing uses including structures, parking, driveways, and road rights-of-way;
 - b) The proposed location for the market and parking area for the market.
 - c) Location of sanitation facilities that will be used during operating hours.
 - d) Location of animal enclosures, if applicable.

d. ~~**Certified Farmers'/Growers' Markets.** Within all Residential and Rural districts, Certified Farmers' Markets shall be allowed, subject to an Administrative Development Permit, based on the following standards:~~

~~1) This section authorizes the sale of agricultural products in accordance with California Food & Agriculture Code regulations governing Certified Farmers' Markets and requires that a minimum 50% of products sold must be certified produce.~~

~~2) Locational criteria. Farmer's Market locations must satisfy the following criteria:~~

~~a) Sites located within Residential or Rural Districts are limited to sites that are developed with an institutional or community support facility with established parking, including schools, churches and community centers.~~

~~b) The market site must have direct access to a County maintained road.~~

~~c) The market site may not be located in any public right of way or roadway.~~

~~d) The market site must provide adequate area for vehicles to enter and exit the site without backing into a road right of way or roadway.~~

~~3) **Duration of Use.** Farmers' Markets shall occur no more than three days per week on any one site.~~

~~4) **Permit requirements.** The permit application shall include the following:~~

~~a) Written authorization from the property owner(s) on whose land the use is proposed.~~

~~b) A site plan of the proposed location, drawn to scale, delineating the following information:~~

~~i) The location of any existing uses including structures, parking, driveways, and road rights of way;~~

~~ii) The proposed location for the market and parking area for the Market.~~

~~e) — Markets proposing to utilize an improved parcel shall submit a market schedule and a facility schedule that demonstrates the market will not conflict with approved uses on the site.~~

~~5) — Parking shall be provided completely on the same site as the market. If operating during the business hours of an existing use, the market shall be limited to areas that do not interfere with required parking or parking lot circulation. In no case shall sellers set up within wheelchair-accessible parking stalls established on the site.~~

~~6) — Signage is limited to one temporary, on-site sign with a maximum allowable aggregate area of 20 square feet.~~

~~7) — Any new electrical service connection shall require a building permit unless specifically exempted by the Uniform Building Code.~~

~~8) — A permit is required by the Department of Environmental Health for Certified Farmers' Markets.~~

~~9) — This Section is not intended to preclude the sale of agricultural products from sites authorized pursuant to Section L II 3.23 of this Chapter, Temporary Commercial Permits.~~

~~10) — Farmers' Markets shall be subject to compliance with all County, State and Federal Codes applicable to the direct marketing and handling of foods, including approval of the origin or source of agricultural products by the County Agricultural Commissioner.~~

~~11) — This sale of prepared foods, including baked goods and coffee, which requires a Temporary Commercial Permit and a Community events permit issued by the Department of Environmental Health pursuant to California Uniform Retail Food Facilities Law.~~

5. Certified Farmers' Markets. Certified farmers' markets may be allowed within all zoning districts except those provided under standard 5.a below, subject to an Administrative Development Permit and an annual County Department of Environmental Health Food Permit, based on the following standards:

a. Certified farmers' markets are prohibited in the TPZ, R1, R2, R3, and OS Zoning districts.

- b.** This section authorizes the sale of agricultural products in accordance with California Food & Agriculture Code regulations governing certified farmers' markets.
- c.** The sale of agricultural products at a certified farmers' market shall comply with all applicable County, State and Federal laws and regulations pertaining to the direct marketing, handling, transport, protection from contamination, and provisions for adequate sanitation facilities, including obtaining permit(s) issued by the County Department of Environmental Health pursuant to the California Health and Safety Code.
- d.** Signage for certified farmers' markets shall be consistent with "Signs in Agricultural Districts" as shown in Section L-II 4.2.12, shall be temporary and removed at the close of the market each day.
- e.** The additional sale of prepared foods, including baked goods and coffee, requires a separate Community Events Permit issued by the County Department of Environmental Health pursuant to the California Uniform Retail Food Facilities Law, Retail Food Code. A Community Event can occur adjacent to, but cannot be a part of, the certified farmers' market.
- f.** Certified farmers' markets located within Residential or Rural Districts are limited to sites that are developed with an institutional or community support facility with established parking, including schools, churches and community centers.
- g.** The market site must have direct access to a County maintained road and may not be located in any public right of way or roadway.
- h.** Driveways providing access to market sites must meet County driveway standards. Any road improvements within the County right-of-way shall be subject to obtaining an encroachment permit from the County Department of Public Works.
- i.** The certified farmers' market site must provide adequate parking area for vehicles to enter and exit the site without backing into a road right-of-way or roadway. Parking shall be provided completely on the same site as the market. If operating during the business hours of an existing use, the market shall be limited to areas that do not interfere with required parking or parking lot circulation. In no case shall sellers set up within wheelchair-accessible parking stalls established on the site.
- j.** Any structure used for a certified farmers' market shall meet the requirements of the California Fire Code regarding general fire safety.

- k.** Certified farmers' markets shall occur no more than three consecutive days per week on any one site and may be permitted for up to 3 years.
- l.** The Administrative Development Permit application for certified farmers' markets shall include the following:

 - 1)** Written authorization from the property owner(s) on whose land the use is proposed.
 - 2)** A copy of the completed application for a certified farmers' market, signed by the Agricultural Commissioner or designee.
 - 3)** Certified farmers' markets proposing to utilize an improved parcel shall submit a market schedule and a facility schedule that demonstrates the market will not conflict with approved uses on the site.
 - 4)** A site plan of the proposed location, drawn to a recognized engineer's scale, delineating the following information:

 - a)** The location of any existing uses including structures, parking, driveways, and road rights-of-way;
 - b)** The proposed location for the market and parking area for the market.
 - c)** Location of sanitation facilities that will be used during operating hours.
 - d)** Location of animal enclosures, if applicable.
 - e)** Certified and non-certified sections of the market.

(Ord. #2235)