

NEVADA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT
ERIC ROOD ADMINISTRATION BUILDING
950 Maidu Avenue, Suite 170
Nevada City, California 95959-8617
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APPLICATION PACKET
ADMINISTRATIVE DEVELOPMENT PERMITS
FOR FARM STANDS AND CERTIFIED FARMERS' MARKETS

This application packet is applicable to Farm Stands and Certified Farmers' Markets, located in the C1, C2, C3, CH, OP, M1, M2, BP, IDR, PD, P and REC districts, pursuant to Section L-II 3.3 of County Zoning Regulations.

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.

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)).

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.

Projects that are authorized by an ADP must be determined to be in compliance with the County Land Use and Development Code, and all applicable State laws. Applications for an ADP must be filed in person in the Planning Department before 4:30 p.m., Monday – Friday. All required application documents must be attached and all forms completed and signed in order for your application to be accepted. After circulating your application to any affected agencies, the Planning Department will determine, within 36 days, if the application meets the required development standards by 1) approving the application, 2) approving the application with conditions, or 3) denying the application if found to not be in conformance with applicable codes and regulations.

Additional permits or approvals required for a Farm Stand:

Certification from the County Agricultural Commissioner that agricultural products to be sold from a farm stand, was grown in Nevada County by certified producers.

A Certificate of Operation will be required from the Department of Environmental Health, prior to commencing operations.

A Building Permit is required for any new structure or new electrical service connection, unless specifically exempted by the Uniform Building Code, issued by the Building Dept.

Questions regarding this application should be directed to the appropriate department by calling (530) 265-1222.

Additional permits or approvals required for a Certified Farmers' Market:

A Food Facility Permit will be required from the Department of Environmental Health, prior to commencing operations. Any questions call the Community Development Agency main phone line, (530) 265-1222, and ask for the Environmental Health Specialist on duty.

A Building Permit is required for any new structure or new electrical service connection, unless specifically exempted by the Uniform Building Code, issued by the Building Dept.

Questions regarding this application should be directed to the appropriate department by calling (530) 265-1222.

A Temporary Commercial Permit is required for the sale of prepared foods, including baked goods and coffee

Sec. L-II 3.3 Agricultural Uses

- A. **Purpose.** To encourage agriculture 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. **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.
 3. **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.
 4. **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.
 5. **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. **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.

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.
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. 2427, 1/24/17; Ord. 2235)

**FARM STAND & CERTIFIED FARMERS' MARKETS
ADMINISTRATIVE DEVELOPMENT PERMIT**

FILING INSTRUCTIONS & CHECKLIST

This form must be filed with your application. Please check off (✓) each item to verify that the required information is attached. Your application will not be accepted if any required item is missing.

- () 1. The signed and completed application form.
- () 2. A letter of authorization from the property owner(s) if applicant is not a property owner.
- () 3. Filing fees pursuant to the most recently adopted Resolution of the Board of Supervisors.
- () 4. In addition to the Planning Department filing fee, upon application for an Administrative Development Permit, the applicant must also submit payment for the Environmental Health Department fee (PE 1609).
- () 5. 3 copies of a site plan drawn to a commonly recognized architect's or engineer's scale and containing the following information:
 - () a. A legend which includes the applicant name(s) and the Assessor's Parcel Number.
 - () b. The location of existing uses including structures, parking, driveways, and road rights-of-way;
 - () c. Show the road that provides access to the site and the driveway encroachment onto that road.
 - () d. Show buildings on the site and label them by name or use.
 - () e. Show any driving aisles, parking areas and the type of surfacing proposed.
 - () f. Show the location of your sign, indicating the dimensions of the sign.
 - () g. Show the proposed location for the Farm Stand or Market and parking area for the Stand/Market.
- () 6. If the road serving the site is privately maintained, provide written confirmation from the road maintenance entity (e.g., Homeowners or Road Association) that the site hosting the farmstore/produce stand participates in road maintenance.
- () 7. The applicant shall submit a Stand/Market schedule and a facility schedule that demonstrates the Stand/Market will not conflict with approved uses on the site.

INFORMATION FORM FOR FARM STANDS AND CERTIFIED FARMERS' MARKETS

Provide the following information relative to the proposed agricultural sales facility:

1. Describe the type and size of your Farm Stand or Certified Farmers' Market, i.e., type of structure, produce cart, produce trailer:

2. Identify the site where the agricultural products will be grown:

Site address

Assessors Parcel Number

3. What agricultural product(s) are you selling from the Farm Stand or Certified Farmers' Market?

4. What are the hours of operation and the total length of time (in months) the proposed Farm Stand or Certified Farmers' Market will operate?

Hours of operation

Months

5. Describe the road providing direct access to the Farm Stand or Certified Farmers' Market site:

Road name: _____

Actual width: _____

Recorded right-of-way width: _____

Road surfacing (paved, gravel, dirt): _____

Finish grade: (16% greater or less?) _____

Deadend road? No Yes

If yes, length of road to the farm site driveway, from nearest through road:

6. Who maintains your access road(s) (County, private Road Association, property owners)?

7. Do you propose any on- or off-site signs to advertise your Farm Stand or Certified Farmers' Market?

No

Yes

If yes, described how many and where:

LAND USE APPLICATION

**FARM STANDS AND CERTIFIED FARMERS' MARKETS
ADMINISTRATIVE DEVELOPMENT PERMIT**

Please print or type in black ink

Assessor's Parcel No(s): _____

Applicants Name(s): _____

Mailing Address of Applicant(s): _____

Telephone No: () _____ E-Mail: _____

Full Name(s) of Property Owner(s): _____

Mailing Address(es) of Property Owner(s): _____

Telephone No: () _____ E-Mail: _____

Situs address(es) of the site: _____

Acreage(s): _____

Describe the developed use of the site:

Proposed use (check one or, if applicable, both):

____ Farm Stand ____ Certified Farmers' Market

Method of Sewage Disposal: _____ Water Source: _____

I hereby acknowledge that I have read the regulations and instructions for filing this application and state under penalty of perjury that the information provided on all attached documents is correct.

Signature of applicant *

Date: _____

Date: _____

* If applicant is not the property owner, authorization from the property owner is required



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
 950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617
 (530) 265-1222 FAX (530) 265-9854 <http://mynevadacounty.com>

Planning Department Environmental Health Building Department Sanitation Department Dept. of Public Works Agricultural Commissioner

AGREEMENT TO PAY FORM

Nevada County Community Development Agency fees are based on Board of Supervisor approved fee schedules. Hourly fees and fees for services in excess of a minimum fee collected, including re-inspections, are billed to the applicant based on the Board approved fee schedule in effect at the time the work is performed by staff. This *Agreement To Pay Form* must be signed and original signatures submitted to the NCCDA along with the completed permit forms and the initial payment of fees. Copies of current fee schedules are available from our Customer Service Staff or on the web at <http://www.mynevadacounty.com>

I/We understand that the NCCDA will bill as services are rendered, and I/We agree to pay such billing within thirty (30) days of the mailing of such billing for the project/permit. If payments on outstanding invoices are not made within thirty (30) days after the date of the invoice, County staff may cease work on the project until the required payment is made, subject to any other provisions of the law. All fees must be paid prior to the granting of any permits, approvals, or any land use entitlement for which services are required. The collection of fees, however, does not guarantee the granting of any permits, approvals, or land use entitlements for which I/We are applying

Site Information:

Invoices and/or notices to be mailed to

APN: _____	Name: _____
Property Owner/Business Name (if applicable): _____	Address: _____
Address: _____	
	Telephone: _____
Email: _____	Email: _____

I would like to opt out of receiving County emails related to this project.

NCCDA Staff is authorized to consult with necessary governmental agencies and the following individuals concerning this project: _____

I certify under proof of perjury that I am the property owner or that I am authorized to enter into this fee agreement on his/her behalf. I have read the conditions concerning Nevada County Community Development Agency Fees and I understand that in the event that the billing party I have indicated does not pay required fees, I will be responsible for payment. I further agree to advise the department in writing should I no longer be associated with the above referenced project/property, rendering this agreement invalid as of the change of the date that the letter is received by the Nevada County Community Development Agency.

_____ Dated: _____ CDL# _____
 Signature
 _____ Tel #: _____
 Printed Name

THIS SECTION FOR OFFICE USE ONLY

Service: _____	Program: _____	Job No: _____
DPW #: _____	Project File #: _____	Billing Code: _____
Amount Collected: \$ _____	Receipt #: _____	Date of Receipt: _____
Service: _____	Program: _____	Job No: _____
DPW #: _____	Project File #: _____	Billing Code: _____
Amount Collected: \$ _____	Receipt #: _____	Date of Receipt: _____