Agritourism Webinar Series and Online Conversations
The Rules: Navigating Permits & Regulations

Three key ideas

• Write a Business Plan
• Know your zoning and what is/is not allowed on your parcel
• Basic understanding of what activities might require permits and where to go to find out

Business Plan

• Activities and products
• Anticipated # of visitors & months of operation
• Existing water & sewer systems
• Surrounding land uses
• Map: activity area(s), road access & parking
• Status of Williamson Act

Zoning

• County/Municipal planning department – regulators of the zoning code
• General Plan – every county and most municipalities have one; informs the zoning code
• Zoning Code – every parcel is zoned; zoning codes outline land uses
• Allowed/Permitted by Right Activities – outlined in zoning code
• Permitted Activities – activities that require a use permit i.e. processing

Accessibility

• California – one of the most ADA compliant states in the nation – is also the most ADA litigious. Under California law, any violation of the ADA is considered a civil rights violation and subject to a minimum statutory penalty of $4,000, plus attorney’s fees.
• Any disabled person who encounters a building condition that does not meet the accessibility requirements of the ADA or the California Building Code (CBC) is entitled to file a lawsuit and receive a minimum of $4,000 in statutory damages plus attorney’s fees.

Tax & Business Law

• Fictitious biz name statement - biz name does not include your or other owner(s) surname
• Biz license - not required for sole proprietorships or general partnerships - your county may require it. All other forms must register w state (this may be accomplished when you register locally)
• Employees - workers comp, withholding - check with Tax Collector; Labor Laws - check with US Dept of Labor

Other Agencies

• Public Works/CALTRANS - traffic and road signs - sign ordinance: roadside signs are subject to approval by the agency that regulates that road
• Fire Agency - fire prevention codes - requiring sprinklers, extinguishers
• Ag Commissioner/Weights & Measures
  • Sale by weight – certifiable scale, renew annually
  • Organic – register with CDFA or Ag Commissioner online
  • Pesticides – all pesticides used on food produce requires registration with Ag Commissioner
• Certified Producer Certificate – required to sell produce a certified farmers’ markets
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Food Safety: Sale of Food

- Sale of produce grown on site – probably no permit required; if sampling/tasting, a permit from health department will be required
- Tasting/sampling produce grown on site – permit from health department
- Sale of produce/products not grown on site: may not be allowed, check with planning department and from Health Department
- Sale of food prepared for consumption: food prep by licensed caterer/in licensed kitchen
- Serving/tasting alcohol: caterer with a liquor license/non-profit events can obtain one from CA Dept of Alcohol Beverage Control
- Sale of non-farm products – including processed food and/or products such as t-shirts or art may require a permit from both planning and health departments

Food Safety: Food Handling

- Retail food facility - for food prepared on site is sold on site; obtain from the county/municipality.
- Processed Food Registration - food prepared is sold off site; obtain from CDPH; this food can also be served/sold on the farm with a retail food facility permit from the County/municipality.
- Food Safety Certification – required when processing food on-site/at food facility; one employee/owner with food safety certification whenever unpackaged perishable food prep is occurring.
- Food Handlers Card- The rest of the facility employees working with food, whether it is unpackaged perishable food, prepackaged perishable food or prepackaged nonperishable food, must have food handler cards.
- Labeling requirements - there are many

Special Events

- Serving food and drinks and alcohol
- Disruption to traffic; parking – do not block state roads especially, recommend not parking alongside unless there is a wide space
- Disruption to neighbors i.e. noise, lights

Additional Resources

- UC Small Farm Program Agritourism
- FarmsReach California Agritourism Group
- UCCE Sonoma County AgOmbudsman Fact Sheets
- UCANR Publications Agritourism

Presented by:

Karen Giovannini
Agriculture Ombudsman UCCE Sonoma County
707-565-2328
klgiov@ucdavis.edu
ucanr.edu/agombuds