

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](#)

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