

# Permitting & Regulatory Considerations for Agritourism Operations

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## In this Presentation

- Permits and the permit process
- Specific permit areas
- Where to start



**Keep in mind that UCCE is here to help YOU succeed**

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As Ag Ombudsman, I am here to help:

- navigate through the permitting process
- and facilitate meetings between different county, state and federal agencies.

I am going to cover, at a very high level, some of the regulatory requirements that may come up with your operation.

Keep in mind, every project is unique, so the requirements will be unique to your operation.

I will cover:

- the permit process
- some of the different types of permits and regulations
- and suggest where you might want to start

We at the UCCE are here to help you succeed. We are a resource, so please use us.



You probably ask... why do we need all these regulations? The red tape, the fees, the time delays...

First – Sonoma County Supervisors and the Sonoma County General Plan are very supportive of agriculture lands and agriculture business. Ag land is very important to the county and they want to keep Agriculture in ag land and realize this may mean diversification of ag operations.

These particular regulations are in place to protect farm and ranch lands from uses that are detrimental to agriculture

Plus, operations that are properly permitted have a greater value and also allow you to sleep well knowing you aren't at risk of a big penalty fine or possibly being shut down.

In this current climate, the regulatory agencies only “bust” an operation if there has been a complaint, and that certainly does happen.

The UCCE is not a regulatory agency and therefore, we can work together confidentially.

## What is the Permit Process?

- Identifies potential land use or resource conflicts
- Identifies applicable procedures, permits and/or special procedures required



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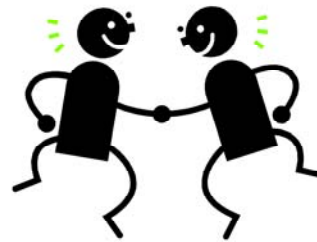
During the permit process with any agency, the goal is to come to an understanding of what the project is, what it is not, and the conditions that must be met in order to permit the project.

To do that the regulatory agency or agencies will work with you to determine the following – I can also work with you and the agencies to help facilitate the process:

- Identify the land use or resource conflicts – for example, is there enough water capacity
- Identify procedures and permits required – for example, a Use Permit will be issued only after the water issue is addressed, but you will also need a building permit

## What About the Permit Process?

- Achieves common understanding between agencies and applicant about proposed uses
- Clarifies timeframes, limitations and responsibilities of all parties



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The idea is to quickly achieve a common understanding between the agencies and the applicant – which is why it is important to have a project plan that is presented to the agencies outlining everything the project will accomplish

Once that is all clear, the agencies will provide a written list of requirements for all parties and a timeframe when applicable

# Who is Involved?



There are many County and State agencies involved in the permitting process

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I keep referencing “agencies” and that is because there are many for example:

- Sonoma County Planning and Resource Management Department PRMD
- Sonoma County Environmental Health - the health department
- California Department of Food & Agriculture – CDFA
- United States Department of Agriculture – USDA
- Water agencies, Environmental Protection Agency, and so on

And, if you live within city limits, the cities have their own planning departments.

# Permits for Agritourism Operations



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So lets look at a few of the permits, and the agencies that regulate them, that an Agritourism Operation may need.

## Use Permit

Issued by  
Sonoma County Permit and Resource  
Management Department

Know your Zone!

- Land use allowances are based on Zoning
- Use Permit is required when activity is not listed as a Permitted Use for that zone

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The Use Permit is the biggie. They are issued by the Permit and Resource Management Department, commonly referred to as Planning or PRMD.

If your operation needs a Use Permit, be prepared for the process to take 9-12 months if you are diligent. Again, I can work with you and with PRMD to get your questions answered and to help keep your project on track.

When considering a new operation for your land, for example a cheese processing plant, one of the first things you want to do is look up your planning zone.

You can find parcel Zones on the PRMD website.

## Permitted or Not?

**“Permitted by Right”** are land uses allowed without special approval... *as long as it meets zoning and other requirements*

**“Permitted Uses”** are land uses allowed *with* a Use permit



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In the zoning regulations, there are Permitted by Right and Permitted Uses.

Permitted by right uses generally do not require a Use Permit – for example growing crops or raising livestock

Permitted Uses require a Use Permit – for example creating a cheese processing plant

## Building Permit

Issued by  
Sonoma County Permit and Resource  
Management Department

Activities that may require a building  
permit:

- New or remodeled building
- Repurpose use of a building
- Removal of building
- Add on to a building



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PRMD also issues the building permits.

A building permit is required to build, dismantle or remodel any building that the public, including employees, has access to.

A building permit is also required for wells, septic and ponds.

There are other reasons to pull a building permit; that will be determined by your project.

## ADA Compliance

### Americans with Disabilities Act

Regulated by  
Sonoma County Permit and Resource  
Management Department

- Sites with access to the public or employees should be ADA compliant
- Use and Building Permit conditions will include ADA compliance



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Buildings that are accessible to the public, which includes employees, must be ADA compliant.

ADA compliance can be quite costly and is usually expressed as a percentage of the building budget.

## Water

Requirements issued by  
Sonoma County Permit and Resource  
Management Department

Permits are required to:

- Drill a well
- Create/make changes to septic system

**Well water used by  
public/employees may  
require a regulated  
public water system**



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PRMD has a whole section dedicated to water and water use.

In addition, they work with:

- the water agencies to make sure projects are environmentally sound
- and with the health department to ensure drinking water is safe and clean.

If well water is used, depending upon the number of employees and/or visitors, there may be a requirement to have a regulated public water system

## Health & Food Safety

Regulated by  
Sonoma County  
Environmental Health Department

Food Facilities Permit is required when:

- Sale of produce not grown on site
- Preparing food for sale or consumption by public
  - Licensed caterers have this permit
  - Food must be prepared in a licensed kitchen



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The county Environmental Health Department oversees the processing of food to be consumed by humans.

They enforce the state Food Safety laws.

If you are growing produce and selling it on site, you do not need a food facilities permit. Such as the blueberry stand on Occidental Road.

However, if you are serving prepared food, you will most likely need a Food Facilities Permit.

The Food Facilities Permits must be renewed annually.


All food must be prepared in a licensed kitchen unless it is prepackaged by an approved source – for example bottled water.

**Special Events**

Regulated by  
Sonoma County PRMD &  
Environmental Health Department

Permit is required when:

- Parking along the road/blocking traffic
- Live amplified music
- More than 1 day and/or beyond 7a-11p
- Overnight sleeping accommodations

*Continued...* 

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And yes, there is a special event permit that is regulated by PRMD

You would need to apply for a special events permit when your event:

- Affects the movement of traffic
- Includes amplified live music\*
- Is more than one day
- Includes overnight sleeping accommodations

\*Question at Agritourism Workshop, June 14, 2012 about Amplified Music.

Answer: This information can be found in the General Plan 2020 – Noise Element  
<http://www.sonoma-county.org/prmd/gp2020/noise.pdf>

There are allowances and guidelines around noise and special events starting on page 15 of that document.

## Special Events

*Continued...*

Permit is required when:

- Sale of food and/or beverages
- Occurs more than 1x in 30 days
- Advertised to public at large
- Admission Fee is charged



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Or if your event includes:

- the sale of food or beverages
- occurs more than once in a 30 day period
- is advertised to the public
- charges an admission fee

You may need a special events permit.

*Where  
Do  
I  
Start?*



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So with all that in mind, where should you start?

## Start at the Very Beginning

- Know your Zone and learn about permitted and allowed uses
- Create a business plan and outline everything you want to do
- Meet with the **Agriculture Ombudsman** to determine a course of action

*Continued...*

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At the very beginning of course!

Most important is to know your zone and determine if what you want to do will require a use permit

Create a business plan and outline of everything you want to do – include anything you might possibly want to do in the future. That way you can find out up front any road blocks that may stand in your way.

You can meet with me, either on the phone or in person, to discuss your project and determine a course of action

## A Very Good Place to Start

*Continued...*

- Create a good working relationship with all regulatory departments
- Let your neighbors know
- Take good notes, ask many questions

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Throughout the process you will want to:

- cultivate a good working relationship with all the regulatory departments
- let your neighbors know what you want to do as they may be asked for any objections
- take good notes and ask lots of questions
- we at the UCCE are here to help

Thank you!

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