

**REDLINE VERSION**

Title 17 - ZONING

Chapter 17.81 ADMINISTRATIVE PERMIT AGRICULTURE TOURISM USES

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**Chapter 17.81 ADMINISTRATIVE PERMIT AGRICULTURE TOURISM USES**

**17.81.010 Purpose.**

The purpose of this chapter is to actively promote outdoor recreation opportunities such as agritourism, agri-nature-tourism, and similar uses that encourage and support agriculture in Tehama County. The ministerial administrative permit process is intended to allow the proper integration of such uses into the community, only if such uses are designed or arranged on the site in accordance with established development standards of this title and policies of the general plan. This chapter is intended to implement the 2009-2029 Tehama County General Plan Policy OS-9.4.

(Ord. No. 1972, § 20, 10-23-2012)

**17.81.020 Administrative permit—Process.**

- A. Applicants may apply for an administrative permit for an agritourism, agrinature-tourism, Geotourism, glamping, agricultural homestay, ~~sale of prepared food~~ or environmental learning tourism use on lands within the AG-1, AG-2, AG-3, AG-4, NR, ~~A-Combining District (5-acre minimum)~~ and GR zoning districts, if such use is consistent with the Administrative Permit application requirements and administrative permit standards and criteria set forth in this chapter. In the event that the proposed use or activity ~~exceeds- does not comply with~~ the standards and requirements of this chapter, the applicant shall be required to obtain a use permit under Chapter 17.70.
- B. Application for an administrative permit shall be made in writing by the owner or authorized occupant of the property on a form prescribed by the director of planning. The application shall be accompanied by a fee, as set by the board of supervisors, and plans showing the details of the site and the proposed use or activity.
- C. Prior to issuance of any administrative permit, the proposed use or activity and site plans shall be reviewed by ~~the-affected- relevant~~ county departments and other ~~affected~~ public agencies to ascertain compliance with all applicable laws, policies, codes and regulations.
- D. Administrative permits under this chapter shall be issued only upon a determination by the director of planning that: the agritourism, agri-nature-tourism, Geotourism, glamping, agricultural homestay, ~~sale of prepared food~~, or environmental learning tourism use described in the application for the permit and the plans filed therewith conform to the requirements of this chapter and other applicable laws, regulations, and ordinances; ~~;~~ and that the fee has been paid.

(Ord. No. 1972, § 20, 10-23-2012)

**17.81.030 Administrative permit—Notice and appeals.**

- A. A public hearing shall not be required ~~on any application~~ for an administrative permit prior to action being taken by the director of planning ~~to approve or deny- approving or denying~~ the application.
- B. Upon the director of planning's ~~action to approve or deny- approval or denial of~~ an administrative permit pursuant to this chapter, the Department shall notify by mail all property owners within one thousand feet of the project parcel, and the applicant, ~~shall be notified by mail~~ of the director of planning's action. The notice

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shall include the location and general description of the proposed use that may be established upon the issuance of the administrative permit. The notice shall inform the property owners and applicant of their right to appeal the approval or denial of the administrative permit to the planning commission.

- C. Appeal of the ~~action to approve or deny approval or denial of~~ an administrative permit under this chapter by the director of planning shall be made in writing to the planning commission and submitted to the planning department within ~~twenty~~ ten days of the date the notification is mailed to the property owners and applicant pursuant to subdivision B. The written appeal shall be accompanied by an appeal fee ~~prescribed as set~~ by the board of supervisors.
- D. Following a public meeting, notice of which shall be given in the manner provided in subdivision B, the planning commission may affirm, modify or reverse the action of the director of planning, based upon the standards and requirements set forth in this chapter.
- E. The decision by the planning commission to affirm, modify or reverse the action of the director of planning may be appealed to the board of supervisors within ten days of such action. The appeal shall be submitted in writing to the clerk of the board and accompanied by an appeal fee ~~prescribed as set~~ by the board of supervisors.
- F. Following a public meeting, notice of which shall be given in the manner provided in subdivision B., the board of supervisors may affirm, modify or reverse the action of the planning commission. Action by the board of supervisors on the appeal of an administrative permit shall be final.

(Ord. No. 1972, § 20, 10-23-2012)

#### **17.81.040 Administrative permit—Time limits.**

- A. In any case where an administrative permit has not been used within one year after the date of ~~granting thereof final approval, then, without further action by the director of planning,~~ the administrative permit granted shall be null and void without further action by the director of planning.
- B. In any case where an active administrative permit has been abandoned for a period of six months, the administrative permit shall be deemed null and void.
- C. The director of planning may approve one extension of the time limits set forth in this section for an approved administrative permit, for up to eighteen additional months after notice is given in the same manner as the original approval, if the director finds that such extension is consistent with the purposes of this chapter.

(Ord. No. 1972, § 20, 10-23-2012)

#### **17.81.050 Administrative permit—General provisions.**

An administrative permit may be issued under this chapter for the following uses:

- A. Limited agritourism, agri-nature-tourism, Geotourism, glamping, agricultural homestay, sale of prepared food and environmental learning tourism uses, as defined in Chapter 17.04, in accordance with the development standards established by this Chapter, shall be permitted when conducted in compliance with ~~all of~~ the following:
  - 1. ~~The daily use or activity is limited to an average of fifteen persons per day with a maximum of one hundred six in any week (not counting employees). If averages are used, they must be on a per week basis.~~

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Examples of limited agritourism and agri-nature tourism uses and activities to which this chapter applies may include, but are not limited to, star-gazing, educational and interpretive seminars, clinics, tours, and walks, horseback riding (which may include trail riding instruction necessary for the safety of guests, if pertinent to agritourism use), cross country skiing, picnics, gold panning, hiking, tours, working dog trials, horseback riding, wagon rides when confined to the agritourism parcel, wildlife viewing, photography, and youth exchange programs when related to an on-site agricultural operation and in accordance with agricultural homestay requirements.

- B. Larger and more frequent agritourism, agri-nature-tourism, Geotourism, glamping, agricultural homestay, sale of prepared food and environmental learning tourism uses, as defined in Chapter 17.04, including but not limited to collaborative agri-nature tourism events, petting zoos of resident animals, and hunting dog trials not involving the discharge of firearms, in accordance with the development standards established by this chapter, shall be permitted when conducted in compliance with all of the following:
- ~~1. A daily use or activity is limited to no more than an average of thirty five persons per day with a maximum of two hundred fifty in any given week (not counting employees). If averages are used, they must be on a per week basis.~~
  21. The use or activity is conducted in accordance with the development standards established by this chapter.
  32. Submittal of an agritourism facility compliance form to the Tehama County Planning Department shall be required annually for reporting of the permitted activities and events. The report shall include information on the number of participants, days of activity, and hours of operation.
- C. Agricultural activities associated with a non-profit agricultural youth group project or projects shall not require an administrative permit, but must still comply with applicable development and performance standards as established in this chapter.

(Ord. No. 1972, § 20, 10-23-2012)

### **17.81.060 Administrative permit—Development and performance standards.**

Any agritourism, agri-nature-tourism, Geotourism, glamping, agricultural homestay, sale of prepared food, or environmental learning tourism use or activity permitted under this chapter shall comply with the following standards:

- A. The primary use of the parcel on which the agritourism, agri-nature-tourism, Geotourism, glamping, agricultural homestay, sale of prepared food, or environmental learning tourism use or activity is located on shall be a farm, as defined in Food and Agricultural Code section 52262, that produces agricultural products ~~as its primary source of income~~. Uses and activities permitted under this chapter shall be ~~a secondary accessory use~~ to the primary ~~commercial~~ agricultural production use of the property.
- B. The amount of land allowed for permanent physical improvements (infrastructure and structural improvements) related to any use or activity permitted under this chapter shall be no more than ten percent of the parcel's acreage or five acres of total land area, whichever is ~~the lesser amount~~less. Permanent physical improvements do not include unpaved riding or hiking trails. If the permitted use or activity is conducted on multiple parcels, the maximum percentage of permanent physical improvement shall be separately calculated for each parcel on which the improved facilities are located, and there shall be no more than five acres cumulative physical improvement allowed on all of the parcels combined.

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- C. ~~If the use or activity generates more than 7.5 Average Daily Trips (ADTs), the~~ The following road access and maintenance requirements shall apply:
1. The permitted use or activity shall have access from a public or private road or roads which have adequate capacity for existing traffic and the traffic generated by the activity or use, as set forth in the Tehama County Land Development and Engineering Design Standards. If the use or activity is proposed to have access from a county maintained road that does not fully meet the standards set forth in the Tehama County Land Development and Engineering Design Standards, then the use or activity may only occur if the road is improved by the applicant to provide adequate capacity as described above.
  2. The use or activity shall have access from roads which are maintained. If primary access is not from a county maintained road or a state highway, then the operator of the use or activity shall participate in any existing active road maintenance organization for all privately maintained access roads. If no road maintenance organization exists, then the applicant and any other parties whose consent is legally required shall develop, execute, and record a road maintenance agreement which provides for maintenance of drainage and erosion control devices, fuel modification, and upkeep of road surfaces from at least the proponent's property to the nearest county maintained road or state highway. The road maintenance agreement provisions shall be developed by the applicant and shall:
    - i. Be in effect for the life of the project, unless said maintenance is taken over by the county, a special district, other governmental entity, or another recorded private road maintenance association with the approval of the county.
    - ii. Provide for annual maintenance and the immediate correction of emergency and hazard situations.
    - iii. Be in a form approved by the director of planning and county counsel.
- D. Any exterior activities for permitted uses and activities hereunder shall not commence prior to seven o'clock a.m. and shall cease by ten o'clock p.m. The director of planning may grant exceptions to these hours of operation on a case by case basis, through the administrative permit process, for specific uses which are time sensitive, including, but not limited to, bird-watching, when the director of planning makes the finding that the amended hours will not adversely impact neighbors or the public.
- E. If the use or activity is immediately adjacent to a commercial poultry operation, there shall be no exterior lights for the use or activity (except as minimally necessary for public safety, as determined by the director of planning) and there shall be no organized activities after sunset. The director of planning may waive these requirements upon determining that such waiver will not adversely affect the poultry operation, and shall consider any written comments or agreements submitted by the operator of the poultry operation. This standard shall not apply if the permitted use or activity is established before a poultry operation is established on the adjacent property.
- F. The use or activity shall not employ more than one employee per acre, up to a maximum of five total employees, on-site at any one time. This limit does not include family members, as defined in Section 1.04.205, or employees solely of the agricultural operation. The director of planning may grant limited exceptions to the number of employees allowed at an operation on a case by case basis, through the administrative permit process, for specific uses which may occasionally require more employees, when the director of planning makes the finding that the increased number of employees will not adversely impact neighbors or the public.
- G. The permitted operator of the use or activity, or their authorized agent, shall be personally present onsite at all times throughout the duration of the use or activity.

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- H. Petting zoos of resident animals shall have a minimum of one-third mile buffer from adjacent properties.
  - I. Permitted uses or activities shall be limited to the parcel or parcels identified in the application. Parcel boundaries and no trespassing signs shall be clearly posted by the operator.
  - J. Permitted uses or activities shall have adequate provisions for sewage disposal (permanent or temporary) as determined by the Tehama County Department of Environmental Health.
  - K. The use or activity shall have adequate provisions for potable water as determined by the Tehama County Department of Environmental Health.
  - L. The use or activity shall have adequate on-site parking for all employees and participants.
  - M. Any new exterior lighting installed related to a permitted use or activity shall be designed to illuminate the immediate vicinity and shall not be visible off site.
  - N. An agricultural homestay shall meet all of the following requirements:
    - 1. The parcel on which an agricultural homestay is proposed shall be ~~twenty~~ five acres in size or greater.
    - 2. The agricultural homestay is located in an existing dwelling, occupied by one or more residents, on a full-time basis, as their primary domicile.
    - 3. The primary purpose of the homestay establishment is the guest's education and active participation in the on-site agricultural activities.
    - 4. The agricultural homestay shall comply with all of the requirements for a bed and breakfast under Section 17.08.010, subdivision (j).
    - 5. The operator shall obtain and maintain a valid Transient Occupancy Registration Certificate under Chapter 4.24.
  - O. A glamping use or activity shall meet all of the following requirements:
    - 1. The parcel on which glamping is proposed shall be ~~twenty~~ five acres in size or greater.
    - 2. The glamping operation shall be located on property containing an existing dwelling occupied by one or more residents, on a full-time basis, as their primary domicile.
    - 3. The glamping operation has not more than six guest units and accommodates not more than fifteen guests. Any activities or events that involve more than fifteen guests at a glamping establishment are prohibited.
    - 4. The glamping operation serves meals only to its registered guests and serves meals at any time, and with respect to which the price of meals is included in the price of the overnight transient occupancy accommodation.
    - 5. The glamping operation conforms to all building codes, fire codes, and American Disabilities Act and other accessibility requirements.
    - 6. The operator shall obtain and maintain a valid Transient Occupancy Registration Certificate under Chapter 4.24.
  - P. In the event that a use or activity permitted hereunder is proposed in an area where there is regular agricultural spraying, the director of planning shall consider during the project review process the location of the use or activity in light of the types of chemicals commonly used in the immediate vicinity, the frequency of application and recommendations from department of pesticide regulation for the chemicals that are applied. If it is determined that there is significant health risk to future

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employees or participants in the use or activity, the permitted location shall include sufficient land to provide an adequate buffer between the use or activity and any agricultural spraying activity.

Q. Farm to fork preparation and sales shall meet all of the following requirements:

1. 33 percent of all food products used for the purpose of selling prepared foods shall be grown, harvested, raised or similarly produced within Tehama County. Operator shall maintain sourcing records available for county review.
2. Shall comply with the California Retail Food Code and obtain approvals from the Tehama County Environmental Health.
3. Management Plan. Owner/operator shall maintain a management plan that includes but is not limited to all applicable conditions of approval, approved administrative permit and plot plan, traffic management plan, exhibit map showing all close surrounding sensitive receptors, and all other operational limitations. A copy of the management plan shall be provided to the planning department and must be available for on-site inspections at all times.
4. Noise Control. Noise shall never create a nuisance for any sensitive receptor. Outdoor amplified music and speech shall not be allowed after 10:00 p.m.
5. Traffic and Circulation. The administrative permit shall include a traffic management plan. The traffic management plan shall be approved for traffic safety by the department of public works. The traffic management plan shall include the following requirements and standards:
  - a. Approved access conforming to county improvement standards as determined by the public works department.
  - b. Adequate ingress and egress shall be provided for all emergency vehicles to satisfaction of the Tehama County Fire Department and Public Works Department.
  - c. A traffic control plan to ensure an orderly and safe arrival, parking departure of all vehicles and ensure that traffic will not back-up or block private easements, county roads, intersections, or private driveways.
6. Operational Limitations. The following operational limitations apply to all agricultural tourism uses:
  - a. Agricultural tourism uses shall be accessory to the owner's primary agricultural use of property. No agricultural tourism uses will be permitted where there is no agricultural use.
  - b. Operational hours shall not exceed twelve hours per day and are limited to the hours of 9:00 a.m. and 10:00 p.m.
  - c. Permitted uses or activities shall be limited to the parcel or parcels identified in the application.
7. Setbacks. The minimum setback shall be as per the zoning code for each property.
8. Lighting. Any new exterior lighting installed related to a permitted use or activity shall be designed to illuminate the immediate vicinity and shall not shine on adjacent properties. All lighting associated with the agricultural tourism uses shall be turned off by 11:00 p.m. Parking lighting may remain on for a longer period of specified under the administrative use permit.
9. Dust Control. The administrative use permit shall control fugitive dust emissions, with fugitive dust emission control measures as, or one space for every four persons based on the maximum building occupancy, whichever is greater.

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R. Williamson Act Contract Properties. Agriculture tourism uses on Williamson Act Contract Properties shall be accessory to the agricultural use of the property. Agriculture tourism uses are permitted only when: no new permanent improvements are required; when the use does not interfere with the existing agricultural operation; and the use is otherwise in compliance with the Williamson Act Contract.

(Ord. No. 1972, § 20, 10-23-2012)