

## Main Changes to the Commercial Agricultural Zoning Regulations

| <u><b>Existing Regulations</b></u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <u><b>New Regulations</b></u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <p><b><u>Current level of review for applications:</u></b></p> <p>Large special event facilities and large bed and breakfasts/lodging in the two main agricultural zones (A-N and A-X) = Minor Use Permit (public hearing before the Zoning Administrator)</p> <p>Small special event facilities in the two main agricultural zones (A-N and A-X) = non-discretionary Site Plan Review (no public hearing)</p> <p>In Clarksburg Agricultural District, large special event facilities and large bed and breakfasts/lodging = Minor Use Permit</p> <p>In Clarksburg, small special event facilities and small bed and breakfasts/lodging = Site Plan Review</p> | <p><b><u>Higher level of review for new applications:</u></b></p> <p>Large special event facilities and large bed and breakfasts/lodging in the two main agricultural zones (A-N and A-X) = Major Use Permit (public hearing before the Planning Commission) required.</p> <p>Small special event facilities in the two main agricultural zones (A-N and A-X) = Minor Use Permit (public hearing before the Zoning Administrator)</p> <p>In the Clarksburg Agricultural District, no changes.</p> |
| <p><b><u>“By right” special event facilities on large parcels</u></b></p> <p style="text-align: center;"><b><i>[This is per previous Board action]</i></b></p> <p>Existing regulations allows a special event facility on a 40+ acre parcel “by right” (no zoning permits required) if:</p> <ul style="list-style-type: none"> <li>the use holds no more than one event per month or 8 events per year; attracts fewer than 150 attendees and generate less than 100 vehicle trips per event.</li> </ul>                                                                                                                                                       | <p><b><u>“By right” special event facilities on large parcels</u></b></p> <p>No change.</p>                                                                                                                                                                                                                                                                                                                                                                                                       |

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| <u>Existing Regulations</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <u>New Regulations</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <p><b><u>Access for special event facilities</u></b></p> <p>Section 8-2.306(k)(7)<br/>           Access to any tourist or sales facility shall be connected directly to a public road. Where a facility is located on a private road, access shall be subject to the review and approval of the Director, and the local Fire District.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                | <p><b><u>Access for special event facilities</u></b><br/>           Language has been strengthened to include review by appropriate agencies.<br/>           Section 8-2.306(k)(7)<br/>           Access to <b>a special event</b> facility shall be connected directly to a public road <b>and</b> access shall be subject to the review and approval of the Director, and <b>all jurisdictional authorities including</b> the local Fire District <b>and CalFire. The adequacy of access to the site shall also be reviewed for comment by the County Sheriff's Office and the Highway Patrol, as appropriate.</b></p>                                                                                                                                                                                                                                                          |
| <p><b><u>Special Event Facilities in Fire Hazard Severity Zones</u></b></p> <p>No regulation</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p><b><u>Special Event Facilities in Fire Hazard Severity Zones</u></b><br/>           Section 8-2.306(k)(10)<br/> <b>An application for a small or large special event facility located in a Fire Hazard Severity Zone shall include a public safety/fire and emergency evacuation plan. The Public Safety Plan shall require: a detailed fire plan, including evacuation; a staffing plan; employees/staff training in all safety procedures; a smoking policy; and a ban on all fireworks.</b></p>                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b><u>Bed and Breakfast</u></b><br/>           Currently, by definition, both small and large B&amp;B include special events:<br/>           Section 8-2.306(l)(1)<br/>           A "small" bed and breakfast is defined as one which has six (6) guest rooms or less; <b>and that holds less than twelve special events per year and the events have less than 150 attendees; and which generates less than 100 vehicle trips on any given day of operations (such as a wedding).</b></p> <p>A "large" bed and breakfast has more than six guest rooms and not more than ten (10) guest rooms, <b>and/or holds more than one event per month, or twelve special events per year, and/or generates more than 100 vehicle trips on any given day of operations.</b></p> | <p><b><u>Bed and Breakfast</u></b><br/>           The proposed regulations eliminate the included special events from the definition, expands to include lodging, clarifies distinct regulations for Clarksburg, and clarifies that B&amp;Bs that hold special events, those must comply with all regulations for special events:</p> <p>Section 8-2.306(l)(1)<br/>           A "small" bed and breakfast/lodging is defined as one which has six (6) guest rooms or less. A "large" bed and breakfast/lodging has more than six guest rooms and not more than ten (10) guest rooms.<br/>           Different thresholds apply within the Clarksburg Agricultural District (see Sec. 8-2. 401). A bed and breakfast/lodging of any size that holds "special events" shall also comply with all applicable requirements for special event facilities found in Sec. 8-2.306(k).</p> |

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| <u>Existing Regulations</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <u>New Regulations</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <p><b><u>Agri-tourism uses incidental to existing agriculture and consistency with the Williamson Act</u></b></p> <p>The current “Agricultural Commercial and Rural Recreation Uses” <u>description</u> states:</p> <p>“This Use Type includes commercial uses <b>incidental to the agricultural or horticultural operations of the area</b> that preserve the rural lifestyle and stimulate the agricultural economy...”</p> <p>However, the term “incidental” is not defined in this section of the Code, nor used in the regulations.</p> <p>Wineries, special event facilities, B&amp;B’s, and farm stays are permitted on lands under Williamson Act contract (compatibility findings under Government Code Section 51238.1 are normally adopted as part of approval). No regulations specifically require this.</p> | <p><b><u>Agri-tourism uses incidental to existing agriculture and consistency with the Williamson Act</u></b></p> <p>The term “incidental” is now incorporated directly in the regulations, for projects in lands under a Williamson Act contract or in Agricultural Preserves.</p> <p>Section 8-2.306(k)(5)</p> <ul style="list-style-type: none"> <li>Large special event facilities located on land under a Williamson Act contract must be found to be incidental to the agricultural use of the parcel.</li> </ul> <p>Section 8-2.306(k)(11)</p> <ul style="list-style-type: none"> <li>A large special event facility located on lands under a Williamson Act contract or in a Williamson Act Agricultural Preserve must be incidental to an agricultural operation and found to comply with the Williamson Act statutes, including Government Code Section 51238.1. If a finding of consistency or compatibility with the Williamson Act cannot be made, the land must have exited the Williamson Act program prior to permit approval.</li> </ul> <p>Section 8-2.306(l)(6)</p> <ul style="list-style-type: none"> <li>A large bed and breakfast/lodging facility located on lands under a Williamson Act contract or in a Williamson Act agricultural preserve must be incidental to an agricultural operation and found to comply with the Williamson Act statutes, including Government Code Section 51238.1. If a finding of consistency or compatibility with the Williamson Act cannot be made, the contract must be cancelled or must have exited the Williamson Act program through non-renewal prior to permit approval.</li> </ul> <p>The term “Incidental” is now defined in this section of the Code:<br/> <b><i>“Incidental” shall mean a use or activity that is accompanying but not a major part of a primary use.</i></b></p> |

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| <u>Existing Regulations</u>                                                                                                                                                                                                                                               | <u>New Regulations</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| <p><b><u>Definition of “Special Event”:</u></b></p> <p>No specific definition.</p>                                                                                                                                                                                        | <p><b><u>Definition of “Special Event”:</u></b></p> <p>New definition:</p> <p>“A “special event” or “event” is a community or private gathering such as a harvest festival, wedding, farm dinner, corporate retreat, party, seasonal tasting, or rodeo, that is held at a special event facility/tasting room. An event includes all such gatherings, whether paid or unpaid. However, an event does not include farm tours by school children, FHA groups, small informal gatherings of family members or personal friends of the special event operator/owner, or one-time annual events such as festivals, charity fundraisers, or Day in the Country.”</p>                                                                                                                                                                                                                                                                                                                                         |
| <p><b><u>Spray buffers</u></b></p> <p>No specific requirements, only “The project must be designed to be compatible with any adjoining agricultural operations and single family residences, including <b><i>appropriate setbacks</i></b>, landscaping, and parking.”</p> | <p><b><u>Spray buffers</u></b></p> <p>New requirement for small and large special event facilities and small and large bed and breakfast/lodging facilities:</p> <p>“Special event facilities [or B&amp;B] subject to discretionary approval shall include an agricultural spraying buffer or setback, up to 500 feet, from any nearby established and active orchard or farm field that employs spraying, measured from the outdoor areas where participants may congregate, considering recommendations from the Agricultural Commissioner based on existing nearby agricultural operations. The facility’s buffer or setback may be reduced or eliminated, either permanently or for a fixed number of years, with the approval of all owners of neighboring properties affected by the buffer. Such approval must be in writing, binding on all successors in interest, filed with the Department of Community Services and Agricultural Commissioner, and recorded with the County Recorder.”</p> |