

Solano Agricultural Futures Project

# Regulating, Protecting and Promoting Local Agriculture: Lessons for Solano from other Counties

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# REGULATING, PROTECTING AND PROMOTING LOCAL AGRICULTURE: LESSONS FOR SOLANO FROM OTHER COUNTIES

## 1. INTRODUCTION

As a product of the *Solano Agricultural Futures* project, this report compares Solano and seven other northern California county governments in their policies and programs that apply to agriculture.

The intent is to draw from this comparison lessons that may be useful to Solano County. How can county government policies and programs contribute to a healthy economic environment for local farmers and ranchers and the overall agricultural sector? The issue in particular concerns county regulation of value-added projects in agriculture, restricting rural residential development on farmland through agricultural zoning and other land use measures, and county government efforts to help growers market their products.

County government controls only a slice of the spectrum of conditions that influence the economy of local agriculture. The major reason is that farming and ranching operate in global, national, and regional settings, considering markets and prices, production costs, and natural resources. It is true that agriculture is a heavily regulated industry, but mostly because of state and federal laws and agencies that deal with environmental, health, employment and other conditions. Farmers and ranchers themselves also have some control over their economic status, in the decisions they make about what to grow and how to grow it.

Yet, at particular times and for certain producers, county government policies and programs have significant impacts on local agriculture. Certainly, at a community level, these policies can be more easily changed than global and national forces. They are the result of actions taken by local actors—elected and appointed officials who are responsible and subject to community preferences.

At the request of Solano County government, the University of California is conducting the Solano Agricultural Futures project, an 18-month comprehensive examination of the county's farm and ranch sector. Our focus is on the problems and future prospects of the economic base of local agriculture, with particular attention to the production and marketing of specific commodities. Two UC programs are involved in the project—the Agricultural Issues Center at UC Davis and the Cooperative Extension office in Solano County.

The project began in April, 2006, and has four major phases:

Farmer and Rancher Perceptions and Projections—as captured in focus group interviews and individual questionnaires.

The Economic Roots of Solano County Agriculture—covering production patterns, commodity markets, land ownership and leasing arrangements, agricultural land markets, operator and farm family characteristics, and the sources of agricultural income.

Lessons from Other Areas—a comparison of agricultural patterns and county programs in a half dozen other California counties.

Final Report and Recommendations—economic options for Solano County agriculture focused on commodity markets, the services provided by agricultural land, and the role of county government.

Farmers and ranchers themselves place a great deal of emphasis on how county government actions can help or hinder their operations and thus their economic well-being. In an earlier phase of this project, a sample of producers in Solano County completed a questionnaire about their agricultural operations. The 78 who responded to the question, “...*how severe are the following problems as obstacles to your agricultural operation...?*” ranked state/federal and county regulations as the fourth and fifth most serious obstacles (after low product prices, high input costs, and land costs) among 11 problems listed. Regulatory problems also were frequently cited by the farmers and ranchers who took part in the nine focus group sessions we conducted in 2006.

Thus, much of this report deals with differences in the substance and administration of county regulations. We focus mainly on those regulations those that deal with the efforts of growers to enhance the value of their products by adding facilities on their agricultural properties to sell or process commodities or to serve farm visitors. Also examined here are two other areas where county actions can make a difference in the profitability of local farming—agricultural zoning policies and programs that promote a county’s agriculture. There are some limitations to this analysis in scope and depth, because of time and resource constraints and the complexities of some aspects of county government. For example, we were not able to compare fee structures for different types of project applications and we did examine in as much detail as possible the internal regulatory processes of Solano and the other counties, including the intricacies of state-mandated health, safety, environmental and other regulations.

Our information comes primarily from phone or in-person interviews conducted with agricultural commissioners, planners and other knowledgeable persons in the eight counties (at least two interviews per county), ordinances and other county government documents in print or website form, and program descriptions.

Besides Solano, the other counties in this comparison are Contra Costa, El Dorado, Marin, San Joaquin, San Luis Obispo, Sonoma and Yolo—a mix of Bay Area, Sacramento Valley, Sierra and Central Coast counties. Solano is the middle of the pack as to the size of its agricultural sector when measured by market value of commodities (\$200 million in 2006)—bigger than Contra Costa, El Dorado and Marin; smaller than San Joaquin, San Luis Obispo, Sonoma and Yolo.

Like most of the other counties, the annual market value of Solano County agriculture declined in recent decades—38 percent in inflation-adjusted terms in 1980-2006. Only in Sonoma and San Luis Obispo did market value increase during this period.

And as common in the other counties, the relative importance of different agricultural commodities grown in Solano has shifted in recent decades. For the sample counties as a whole, the commodities that increased in market value and production in 1980-2006 were wine grapes, almonds, walnuts, nursery products, and vegetables. On the other hand, the value and production of field crops, livestock, tree fruit, and sugar beets (no longer grown in northern California) all declined during the same time period.

## **2. A QUICK SUMMARY: POSSIBLE LESSONS FOR SOLANO COUNTY**

Among the regulatory, zoning, and promotion policies and practices in the other seven counties, what arrangements merit further examination by Solano County? Here is a short list of possible lessons that summarizes the key findings of the following pages:

1. More liberal regulations for produce stands, processing facilities and wineries, regarding the source of commodities to be sold or processed (Contra Costa, Marin, San Luis Obispo, Sonoma).
2. Intermediate levels of regulatory review, between allowing projects by right and requiring a full-fledged conditional use permit, such as site reviews (San Joaquin, San Luis Obispo).
3. Allowing farm stands to sell a larger volume of value-added products and some non-ag products (Contra Costa).
4. Allowing more special events at wineries and other agriculture-related facilities (El Dorado, San Luis Obispo).
5. Adding agriculture-related expertise to county government staffs for such purposes as the review of land use proposals and regulatory assistance to producers (San Luis Obispo, Marin).
6. Written guidebooks that explain the regulatory process for producers and other applicants for projects on agricultural parcels (Marin).
7. Geographical distinctions in agricultural zoning designations that focus on the most productive agricultural regions (Contra Costa and Marin).
8. Discretionary review of lot split proposals and other changes on agriculturally-zoned parcels that go beyond minimum parcel size standards to examine impacts on agricultural resources (San Luis Obispo).
9. Requiring purchasers of agriculturally-zoned parcels, who are not farmers and intend to construct new residences, to demonstrate through a management plan that their parcels will continue to be used for commodity production (Marin).
10. County government financing and support of agricultural promotion programs (Contra Costa, Marin, San Joaquin, Yolo).

### **3. REGULATIONS ON VALUE-ADDED PROJECTS**

Nobody likes government regulations when applied to restrict the use of their property. Certainly farmers and ranchers are foremost in their distaste of such restrictions, especially when they seek to increase income by adding facilities on their land that go beyond the direct growing of crops and animals. In our focus group sessions with farmers in Solano County, many identified county regulations as a major problem for local agriculture. They highlighted what they perceived to be the inflexibility of regulations, expensive fees, confusing paperwork, lengthy reviews, and the confusing of dealing with multiple county government departments. Expressed overall was a sense of an unfair burden placed on agricultural producers seeking to add value to their commodities.

One must weigh these grievances against the public purposes inherent in the regulations. They are intended to carry out the protection of health, safety, orderly development, and other community goals, all legitimate and reinforced over time by federal, state and local legislation and court interpretations. Most of the agriculture-related regulations administered by California county governments, in fact, do not have local origins but are the products of federal and state legislation.

#### **Four Areas of Comparison**

Tables 1 through 4 compare the eight counties in four common areas of county regulation of agriculture-related enterprises. They are proposals for produce stands, agricultural processing facilities, farm bed and breakfast operations, and wineries and associated tasting rooms. The comparisons are for allowable land uses in agricultural zones—a regulatory area where county governments have considerable control. Not covered by these comparisons are the types of activities where the counties have little if any discretion, regulations they implement for state and federal governments or follow universal codes, mainly dealing with health, sanitation, safety, water, building, and parking matters.

Most counties have multiple agricultural zones, so the tables specify which zones are covered by particular regulations. A major distinction is between uses that are allowed “by right” and those that require more formal review and approval through conditional use permits (CUPs) or lesser actions (Local governments use such permits to approve specific uses not otherwise allowed in particular zones, as long as certain conditions are met.) This distinction often is between what can be quickly reviewed by county staff employees (usually in the planning or community development department) conferring with applicants at the office counter and what requires more deliberate action including public hearings and approval by planning commissions or boards of supervisors. In addition, some counties do not allow at all certain specific uses, either in particular zones or across the board.

**Table 1  
Produce Stands as Allowable Uses in Agricultural Zones\***

County	SOLANO	CONTRA COSTA	EL DORADO	MARIN
Applicable Zones	Exclusive Ag zone	All Ag zones	Varies (Defined by Ranch Marketing Ordinance)	Ag and Conservation District
<b>Allowed By Right</b>	All produce grown on- site or mix of on-and off-site. At least 80 ft from road centerline. Very incidental retail sales if clearly ancillary to produce..	Raw produce from any “local” producer, up to 1500 sq ft.  Raw produce plus value-added products up to 40% of sales area and non-ag products up to 10% of sales area. Up to 1500 sq ft. – <i>zoning permit (administrative approval at counter).</i>	Parcel of at least 10 acres, minimum 5 in permanent crops or 10 in annual crops in most ag zones. Retail sale of gifts, pre-packaged goods, bakery items, etc. concurrent with primary sale of ag products grown on site. Up to 500 sq ft; 500-1,000 with site approval.	All produce grown on site or on other ag properties in county owned by same owner; sales area under 500 sq ft.
<b>Allowed With Use Permit</b>	Located less than 80 feet from road centerline. Incidental retail sales, incidental food service, baking.	Farm market. Any amount of value-added products, up to 20% of sales area for non-ag or non-local ag products. Up to 3500 sq ft.	AP (Williamson Act) zone for all activities. Other zones--sale of ag products grown off-site; smaller ag parcels, larger sales area.	Any produce not grown by owner or if sales area exceeds 500 sq ft.
<b>Not Allowed</b>	Where all produce is grown off-site. Limited Ag zone.			
County	SAN JOAQUIN	SAN LUIS OBISPO	SONOMA	YOLO
Applicable zones	All ag zones	Ag Land Use Category	Most ag zones	AP Zone
<b>Allowed By Right</b>	Stands of 700 sq ft or less selling produce, flowers, eggs grown in county.	At least 50% of produce sold grown on-site, adjacent parcels, or other land owned or leased by owner. Sale of non-ag products limited to ag-related items, not to exceed 10% of all items for sale. Site plan review.	Incidental and temporary or seasonal sales, no more than one employee. Retail nurseries involving crops grown elsewhere (LEA, DA, LIA zones).	All produce grown on property.
<b>Allowed With Use Permit</b>	Site permit for small agricultural stores. Use permit for agricultural stores larger than 1500 sq ft.		Retail sales, more than one employee. Retail nurseries involving crops grown elsewhere (RRD, RRDWA, AR zones).	“Yolo Store” or growers’ cooperative, grown in county— <i>minor use permit.</i>
<b>Not Allowed</b>				

\*Other regulations--building, health, public works, etc. are not covered here.

**Table 2  
Agricultural Processing Facilities as Allowable Uses in Agricultural Zones\***

County	SOLANO	CONTRA COSTA	EL DORADO	MARIN
<b>Applicable Zones</b>	Exclusive Ag zone	All Ag zones	Varies	Ag and Conservation District
<b>Allowed By Right</b>	Processing of products grown on-site, no retail sales.	Sheds, warehouses, granaries, drying, hullers, packing, cold storage on parcels at least 10 acres. .	Packing and processing of ag products grown on site (most ag zones). Packing and processing that includes off-site in conjunction with on site products (AE and AP).	Processing of produce grown on site or by same owner elsewhere in county, structure under 5,000 sq ft.
<b>Allowed With Use Permit</b>	Processing of products grown off-site, no retail sales.	Value added processing including canneries. No size restriction..	Packing and processing of ag products grown off site. Accessory structures on parcels under 20 acres.	Produce grown elsewhere, structure over 5,000 sq ft.
<b>Not Allowed</b>	Limited Ag zone			
County	SAN JOAQUIN	SAN LUIS OBISPO	SONOMA	YOLO
<b>Applicable Zones</b>	Varies	Ag Land Use Category	Varies	Varies
<b>Allowed By Right</b>			Ag support services with no more than one employee, less than ½ acre. Incidental cleaning, grading, packing, sizing. On site processing of forest products (RRDWA).	Storage and processing (Ag Industry). Preparation of on-site products (AP).
<b>Allowed With Use Permit</b>	Site approval for preparation services (AG, ARM).  Use permit for Food manufacturing (AG, ARM), Preparation services (AL)	Minor use permit for packing, processing and fertilizer plants.	Preparation of products not grown on site, processing of on-site or local ag products, storage of ag products grown or processed on site, bottling or canning of on site products. Confined animal raising, feeding, breeding; slaughterhouses and rendering plants which service ag in immediate area, lumber mills (RRDWA).	Relatively intense activities, including olive press or winery (AP).
<b>Not Allowed</b>	AU zone		AR, LIA, LEA, DA, AR zones	.

\*Other regulations--building, health, public works, etc. are not covered here.



**Table 3.  
Bed and Breakfast and Farm Stays as Allowable Uses in Agricultural Zones\***

<b>County</b>	<b>SOLANO</b>	<b>CONTRA COSTA</b>	<b>EL DORADO</b>	<b>MARIN</b>
<b>Applicable Zones</b>	All Ag zones	All Ag zones	Varies	Ag & Conservation District
<b>Allowed By Right</b>	Farm Stays, 6 or fewer rooms and 10 or fewer people, in existing farm house with on-site ag.		Ag homestays on parcels of 10 acres or larger—most ag zones. Smaller parcels, with minimum of 5 acres in permanent crop, require site plan review.	3 or fewer rooms
<b>Allowed With Use Permit</b>			Bed and breakfast in all ag zones.	Up to 5 rooms
<b>Not Allowed</b>	Bed and Breakfast and farm stays with more than 6 rooms and more than 10 people.	Bed and Breakfast and farm stays.		
<b>County</b>	<b>SAN JOAQUIN</b>	<b>SAN LUIS OBISPO</b>	<b>SONOMA</b>	<b>YOLO</b>
<b>Applicable Zones</b>	Varies	Ag Land Use Category	Varies	AP
<b>Allowed By Right</b>		3 or fewer units.	1 room. Food service limited to breakfast for guests.	
<b>Allowed With Use Permit</b>	Site approval (AG, AL, AU)	4-8 units-- Minor use permit.	Up to 5 rooms. Food service limited to breakfast.	Minor use permit.
<b>Not Allowed</b>	ARM zone		LIA, RRDWA zones	

\*Other regulations--building, health, public works, etc. are not covered here.

**Table 4  
Wineries and Tasting Rooms as Allowable Uses in Agricultural Zones**

County	SOLANO	CONTRA COSTA	EL DORADO	MARIN
<b>Applicable Zones</b>	Exclusive Ag zone	All Ag zones	Varies	Ag & Conservation District
<b>Allowed By Right</b>	Wineries, including tasting rooms and incidental retail, with all grapes grown on-site.	None	Wineries, tasting, retail on parcels of at least 20 acres with minimum 5 acres in planted grapes for commercial operations—most ag zones.	Wineries and tasting rooms are not covered in the current code, in part because a small vineyard presence (about 100 grape acres). Regulations are scheduled to be revised shortly and wineries may be included as an allowed use.
<b>Allowed With Use Permit</b>	Grapes grown off-site; limited special events.	Wineries and tasting rooms.	AP zone with above minimums.	
<b>Not Allowed</b>	Limited Ag zone			
County	SAN JOAQUIN	SAN LUIS OBISPO	SONOMA	YOLO
<b>Applicable Zones</b>	Varies	Ag Land Use Category	Varies	A-P and Ag Industry
<b>Allowed By Right</b>	Tasting rooms where grapes are grown in county and maximum size of 30% of production facilities (AG, ARM).		No	Ag Industry Zone
<b>Allowed With Use Permit</b>	Site approval for wineries under 200 tons grape productions (AG, ARM). Use permit for larger wineries (AG, ARM).	Minor use permit for wineries and tasting rooms.	Tasting rooms and promotion for products grown on processed in the county. For products grown only on site or immediate area (RRD and RRDWA).	A-P Zone— <i>major use permit</i> .
<b>Not Allowed</b>	AL and AU zones		AR zone	

\*Other regulations--building, health, public works, etc. are not covered here.

The Solano rules are relatively simple. They are linked in three (produce stands, processing, wineries) of the four regulatory areas to the degree to which the farm commodities sold or processed are produced on the same site as the business. This

recognizes the need to maintain the dominant agricultural use of the parcel, avoiding over-commercialization and justifying the location of the business in an agricultural zone. Other counties make the same distinction, but also add other standards such as facility or parcel size, number of employees, etc.

In some respects, Solano's regulations are relatively liberal, compared to the other counties. For example, Solano allows some significant uses without requiring use permits—wineries using local grapes, farm stays with relatively large numbers of rooms, and produce stands not limited by facility or parcel size.

On the other hand, Solano is relatively more restrictive in other areas—not allowing bed and breakfast operations in agricultural zones (while allowing farm stays which do not include meals), imposing a minimum distance between produce stands and access roads, and tight limitations on retail sales at stands.

Worth noting as possible lessons for Solano County are the following regulatory features in other counties:

- Including in the on-site category, as allowed-by-right uses for produce stands, processing and wineries, commodities that are grown elsewhere by the parcel owner or elsewhere in the county (Contra Costa, Marin, San Luis Obispo, Sonoma).
- Expanding the agricultural processing category to include specific references to packing, storage, drying and other activities (Contra Costa, San Luis Obispo, Sonoma).
- Providing an intermediate level of review between projects allowed by right and those subject to a full fledged Conditional Use Permit that requires final approval by the planning commission or board of supervisors. Two versions of this are “site reviews” (San Joaquin, San Luis Obispo) and “minor” use permits (San Luis Obispo, Yolo) handled by county staff as administrative matters.
- Allowing farm stands to sell a considerable volume of value-added products (increasing under use permits) and some non-ag products (Contra Costa).
- Setting aside a separate agriculture-related industrial zone to accommodate processing and other non cultivation or animal production activities (Yolo).

Some of these policies in other counties are the result of recent ordinance changes. For example, Contra Costa County expanded allowable farm uses in its agricultural core area in early 2007, including what produce stands can sell; San Joaquin reworked its regulations for wineries, stands, and special events; and Yolo adopted its new Agricultural Industrial Zone in 2000. Agricultural regulations in these and other counties are an evolving area of local policy, with ordinance changes brought about by shifts in agricultural conditions and constituent preferences. Interviews noted that the policy changes don't come quickly, but involve deliberations over time. Three years of staff and citizen work went into Contra Costa's ordinance revisions affecting produce stands, stimulated in large

part by an increase in the ownership by farm stand operators of scattered, small farm parcels.

### **Use Permit Activity in Solano**

Few use permits for projects in agricultural zones have been issued by Solano County in recent years. Between 1986 and 2006, a 20-year period, only 12 such permits were approved, according to county records. They were for new wineries or expansions, truck facilities, several processing facilities including for bean sprouts and cheese, and two dairies. (Several applications—mostly new dairy proposals—were withdrawn.) No produce stand permits were issued during this period, although approximately 20 stands are in current operation—all apparently allowed by right—throughout the county, according to county staff.

### **Business Diversification**

While seeking to protect the underlying agricultural character of the farm parcel, the restrictions identified here obviously limit value-added options for producers who want to expand their businesses beyond growing crops and animals. In particular, produce stand operators or applicants seek to diversify the mix and seasonal availability of products sold beyond what they can grow themselves. This means selling produce grown off-site, either from other parcels also owned by the produce stand operator or (in a more liberal interpretation) from any farms elsewhere in the area or county.

### **Diversification**

Diversification is a current issue in Solano County, especially in the Suisan Valley where a group of growers has developed a set of proposals for reforming the regulations applied in that area. The plan calls for the designation of the valley as an enterprise zone with softened regulations. Included in the comprehensive list of reforms are (1) a more liberal definition of produce stand sales allowed by right, (2) minor processing by right, (3) expanded ability to host special events on farms and at wineries, and (4) allowing tasting rooms independent of winery processing facilities.

### **Special Events**

A separate regulatory issue is presented by the possibility of having special events at wineries or farms—such as weddings, receptions, entertainment functions, meetings, and other public gatherings. Solano’s rules currently allow “limited” special events, only on smaller agricultural parcels zoned A-20, with conditional use permits. Three other counties have more liberal regulations:

- El Dorado allows by right 6-12 events per year (depending on parcel size) with up to 125 persons per event. With a use permit, music festivals, concerns, carnivals and other major events can be held in agricultural zones.
- San Joaquin permits outdoor or indoor events in all agricultural zones with an improvement plan.
- San Luis Obispo allows six or less events per year with up to 80 persons with a minor use permit. Under a conditional use permit, the limit expands to 40 days per year with a larger number of participants per event. Outdoor amplified sound is limited.

Some counties report that special events are a rapidly growing part of their agricultural sectors, stimulated by the attractiveness of bucolic sites for public gatherings and the presence of nearby urban and affluent populations. They can be major money-makers for farm and winery owners and thus important contributors to the economic health of an agricultural area. However, depending on the size and frequency of special events, they can generate major conflicts with rural residential neighbors. As experienced in some counties, the issues include the music and other noise emanating from weddings and other visitor events and congestion on narrow and winding country roads.

### **Grading**

Local governments regulate grading, the movement of large quantities of soil, in order to minimize erosion, water pollution, and other negative impacts on the environment. While most often applied to construction activity, such regulations can also affect agricultural operations which move dirt to change cultivation, irrigation, or drainage patterns. Permit requirements, sometimes involving engineering reports, can be expensive for applicants.

In part intended to reduce the regulatory burden on agriculture, Solano County in early 2007 revised its grading ordinance. The changes included the addition of permit exemptions for specified agricultural practices, such as “routine” plowing, disking planting and other activities on level land or moderate slopes; planning to prepare for crops on level land or moderate slopes; irrigation trenching; and other work involving the movement of less than 50 cubic yards of material. Some major agricultural projects, such as terracing and other movements of large amounts of soil, still require grading permits. Typically, this would apply to the establishment of new vineyards or orchards on steep slopes.

Other counties in our comparison also have exemptions for normal agricultural operations, although specifying a minimum volume before a permit is required. The threshold in Contra Costa is 1,000 cubic yards. San Luis Obispo and other counties with considerable crop production on hillsides emphasize minimum slope grades for exemptions from permits. Yolo County does not regulate grading for agricultural operations.

#### **4. IMPLEMENTING COUNTY GOVERNMENT REGULATIONS**

As significant as the content of specific regulations is the manner in which they are implemented by county government. For applicants for permits and other county approvals, there is paperwork to be completed and filed, consultations with county staff, possibly expert advisers to be hired, fees to be paid, and delays to be endured while proposals are reviewed by multiple departments. All applicants for all kinds of projects in all zones, agricultural or otherwise, undergo this bureaucratic process. This universal truth, however, does not diminish the impatience and frustrations expressed by farmers and ranchers who want to quickly institute their value-added projects. There are costs for applicants in this process, both in the direct outlay of funds and in time spent.

How can these burdens be minimized without diluting the public purposes of the regulations? In part, this means looking for exceptions for agricultural projects to the standard regulatory policies and procedures that apply to all kinds of project proposals. Some exceptions are provided by the specific regulatory standards described in the previous section, the degree to which particular kinds of agricultural projects are allowed by right and through use permits. As to implementation, the focus turns to methods for simplifying and expediting the regulatory process.

##### **Process and Time**

Solano administers a fairly common process that contains several major steps in the review and approval of use permits and other actions, as indicated in Table 5. Included are a combination of informal and formal actions, considerable paperwork, application fees, the involvement of different county departments, public hearings, and a separate Williamson Act review if applicable.

Applicants certainly prefer a process that takes as little time as possible and thus minimizes the demands on them. Obviously a county regulation that allows a produce stand or other operation to be established by right takes up less review time than one that requires a use permit, although this affects only the land use aspect and not directly the process for obtaining building and other required permits.

In Solano County it ordinarily takes 3-6 months to complete the review and get approval for a use permit, according to a county staff member. This assumes that there are few issues that require further information from applicants.

**Table 5.**

**Steps in the Review Process for Agricultural Use Permits in Solano County**

<p><b>1.</b> Potential applicant confers with a planner at the counter of the Resources Management Department in Fairfield. The informal consultation may discuss the owner's plans, the property's allowed uses according to its zoning designation, whether the proposed project (produce stand, processing facility, etc.) can be established (by right) without formal approval or requires a use permit, other required permits (building, sanitation, encroachment, etc.), and application and review procedures. As needed, staff from other departments may be brought in at this time to participate in the consultation.</p>
<p><b>2.</b> Applications for a Conditional Use Permit (CUP), if required, and other permits are completed by the property owner and filed with the Resource Management Department. Fees are paid. Under state law, the department has 30 days to determine the completeness of the application and request additional information from the applicant if needed.</p>
<p><b>3.</b> The proposal is discussed at one of the weekly meetings of the Development Review Committee, a county staff group composed of representatives from the County Counsel, Resource Management, Building, Environmental Health and other offices. Specific project issues, information gaps, and other items are discussed by the committee. Following this initial review, additional information may be sought from applicants within the 30-day period.</p>
<p><b>4.</b> Copies of the completed application are forwarded to other county departments for review and comment. The Resource Management staff provides some coordination of this multi-department review.</p>
<p><b>5.</b> In the case of a CUP, a public hearing for the proposal is advertised and then conducted—either by the Zoning Administrator (the director of Resource Management or her staff designee) or the Planning Commission. Hearings for controversial and policy-related projects are conducted by the Commission, while more routine matters are handled administratively. The CEQA process is completed at this point.</p>
<p><b>6.</b> If a CUP is approved, its list of conditions to be met by the applicant includes the other permits to be obtained. They are approved by the pertinent departments individually.</p>
<p><b>7.</b> If a CUP is not required, the other required permits are individually reviewed and approved by the pertinent departments, with less coordination by the Resource Management Agency. Applicants are responsible for obtaining their permits from the individual departments.</p>

The estimated review and approval time for use permits for produce stands is about the same or slightly less for most of the other counties we surveyed, although winery permits usually take longer. The exception is San Luis Obispo, where the estimate is 12-18 months for most use permit approvals and 8-12 months for projects that can be approved at the staff level such as site plans. Reasons for San Luis Obispo's significantly longer time durations are the county's large volume of applications and a relatively more detailed review process which includes written staff reports on the agricultural sustainability merits of individual proposals.

What conditions expedite or slow down the review process? As reported by staff persons in the several counties who were interviewed, the following factors can add to the length of time used to complete the review and obtain approval:

- Incomplete applications that require additional information from applicants.
- Bureaucratic delays caused by heavy staff workloads, inexperience, or turnover.
- Time consumed in coordinating among the multiple departments usually involved in a project's approval. Staff committees with representatives from the various departments involved, such as Solano's Development Review Committee, can expedite the coordination.

### **Staff Expertise and Specialization**

Besides simplifying and expediting project reviews, county governments can assist local agriculture in their land use planning and regulatory processes by increasing and using agriculture-related expertise. Most counties do this to a certain extent by appointing representatives of the local agricultural community—farmers, ranchers and business people—to citizens' boards and giving them an advisory role in a defined area. Some such bodies are put directly into the planning process, with the responsibility of reviewing and making recommendations on specific land use changes that could affect agriculture. Boards in other counties, however, have a more general scope, typically assigned the job of examining certain policy issues. The latter role characterizes the Ag Advisory Committee in Solano County, with its monthly meetings that concern a variety of issues.

Perhaps a more substantial benefit to agriculture occurs when agriculture-related expertise is inserted at the staff level. This strategy can address the criticism that planning, building, environmental health, public works and other county staff are not particularly knowledgeable about agricultural issues or even sympathetic to project proposals from farmers and ranchers. If an accurate critique, the reasons are understandable—limited county budgets, the great diversity of proposals—mostly nonagricultural residential, commercial, and industrial projects—that come to county government, and staff inexperience that results from extensive turnover.

To what degree is agriculture-related expertise found among planning staffs involved in land use decisions and permitting in the sample counties? Table 6 compares the sample counties according to staff specialization in this area. Little if any such expertise is employed by most county governments, including Solano.



Two county governments, Marin and San Luis Obispo, are the exceptions. They both employ significant staff expertise in the agriculture area. Two different approaches are represented, with Marin concentrating on direct assistance to agricultural producers interested in getting approval for value added enterprises and San Luis Obispo focused on how county government reviews proposed land use projects that affect agricultural resources.

Marin County is the most advanced among the eight counties in the sample in the degree of assistance to agricultural producers coping with county regulations. Since 2004, county government has funded a part-time “agricultural specialist”, informally called an “agricultural ombudsman”, a contract staff person assigned to the county’s UC Cooperative Extension (CE) office. Reflecting the ombudsman aspect of the position, she works with producers seeking permits for processing facilities and other enterprises on agricultural land, interpreting for them the intricacies of county regulations and helping with their applications and management plans required in some cases. The specialist also trains staff in the Planning and other county departments on agricultural topics, conducts seminars for producers, and works on special agriculture-related projects for county government including issues related to the update of the general plan.

Taking a different direction, San Luis Obispo County has made the largest investment in agriculture-related specialization of any of the sample counties. At its core is the integration of this expertise into the county’s land use planning actions via two full-time “agricultural planners” located in the Agricultural Department (Agricultural Commissioner). Operating in an advisory capacity to the Planning Department and other county offices, they review the details of any land use proposal that can affect agricultural land and operations. Their recommendations—approval (usually with suggested mitigations) or denial-- carry the imprint of the Agricultural Department and are given weight in final decisions by the Planning Department, Planning Commission, and Board of Supervisors.

**Table 6.**  
**Specialization on Agricultural Matters Among County Government Staff**

<b>County</b>	<b>Degree and Form of Agricultural Specialization</b>
Solano	None
Contra Costa	Minimal specialization. Contract planner assists applicants for first year under revised regulations (July, 2007) for produce stands, etc.
El Dorado	None
Marin	Substantial specialization. Part-time, contract “agricultural specialist” assists applicants for ag-related permits, trains planner on ag issues, works on special projects.
San Joaquin	Minimal specialization. A planner is assigned to each application.
San Luis Obispo	Substantial specialization. Two “agricultural planners” in Ag Commissioner’s office review all ag-related project proposals.
Sonoma	Some specialization. Staff person in Ag Commissioner’s office is assigned to land use matters.
Yolo	None

Virtually all agriculture-related proposals come to the San Luis Obispo Agricultural Department—proposed subdivisions or lot splits, use permits for winery expansions and other enterprises, re-zonings, city annexations, other LAFCO actions, etc. Looking for “significant impacts on agricultural resources”, the agricultural planners prepare written, detailed analyses of these proposals. The analyses take account of soil quality, agricultural productivity, water supply, parcel size, adjacent and nearby land uses, the size and uses of current and proposed structures, visitor services, and other factors affecting the “ability to support a sustainable agricultural operation.” Whether required or not under California law for particular projects, the analyses resemble environmental impact reviews. The reviews are guided by policies in San Luis Obispo’s agricultural element, other parts of the general plan, the land use ordinance and other documents.

San Luis Obispo County may lead the state in such uses of agricultural-related expertise in making land use decisions, although several interviewees noted similar arrangements in Ventura and San Diego counties.

**Guidebooks**

Written guides specifically targeted on agricultural projects are another form of assistance to applicants. By explaining clearly the applicable regulations and procedures, they can improve producers’ knowledge and ability to negotiate the regulatory process.

Among the sample counties, Marin has done the most in this area. As a result of the agricultural specialist’s work, the Marin CE office has started to prepare a series of written handbooks for producers on different kinds of projects. The topics include cheese-making facilities, zoning, farm stays, and UPICK operations.

The Solano Resource Management Department provides applicants with a more rudimentary set of materials—matrices that briefly outline the “existing requirements” and

applicable code sections for different kinds of produce stands, farm stays, and special events. Staff in Solano and other counties have expressed interest in developing more detailed guides for agricultural applicants.

## 5. AGRICULTURAL ZONING AND RESIDENTIAL DEVELOPMENT

Agricultural zoning is the basic tool that California county governments use to protect agricultural land. Counties generally provide for several agricultural zones in their land use policies. As well as variations in allowed uses, the zones are differentiated by purpose and minimum parcel size. Following the examination in the last two sections of the regulation of value-added uses, here we turn to a comparison of how the counties use the parcel size and other features of zoning to protect agricultural operations.

### Designations and Parcel Size

Table 7 compares the zone designations and parcel size minimums for Solano and the seven other counties. In theory, requiring certain minimum parcel sizes--the larger the better-- helps to sustain agricultural operations which require large acreages to produce commodities.

Solano County has a relatively simple arrangement—only two basic agricultural zones. *Exclusive Agriculture* serves the bulk of the county's agricultural production and *Limited Agriculture* applies to land adjacent to Suisun Marsh wetlands. The *Exclusive Agriculture* category is further divided according to soil quality and intensive (irrigated crops) or extensive (non-irrigated crops, grazing) production, with minimum parcel sizes to match.

Most other counties have more separate agriculture zones, as Table 7 notes. Included are zones with these distinct classifications and purposes:

- Mixed residential and agriculture use (El Dorado, Marin).
- Agricultural preserve zone for parcels under Williamson Act contracts (Contra Costa, El Dorado, Sonoma, San Joaquin, Yolo).
- Agriculture-Urban Reserve (San Joaquin).
- Agricultural Industry (Yolo).
- Small scale, intensive agricultural operations (Contra Costa, El Dorado).

As to minimum parcel size, Solano County requirements range between 20-160 acres, with 80 and 40 acres as the prevailing categories for irrigated crop land. Both San Luis Obispo and Yolo Counties require 320-acre minimums for rangeland—the largest minimums among the eight counties.

Several counties emphasize geographical distinctions in their zoning and other land use policies, focusing in some cases on their most productive agricultural regions:

- Contra Costa County assigns an Exclusive Agriculture zoning designation to its Agriculture Core, an 11,000-acre area around Brentwood that contains the best soils and most productive cropland in the county. County policy treats the Ag Core both restrictively and liberally--in imposing here a higher minimum parcel size (40 acres) than allowed in other cropland areas and not permitting bed and breakfast operations,

on the one hand, while recently changing regulations to expand farm-related uses for produce stands, wineries, and processing facilities, on the other hand.

- Marin County highlights its general plan-designated Inland Rural Corridor, an area that houses virtually all of the local dairies and generates most of the county's agricultural value.
- Other counties, such as El Dorado with seven designated districts, identify and map areas with varying agricultural characteristics in their general plans.

**Table 7  
Agricultural Zoning in Solano and Other Counties**

<b>County</b>	<b>SOLANO</b>		<b>CONTRA COSTA</b>				<b>EL DORADO</b>	
<b>District</b>	Exclusive Agriculture (A)	Limited Agriculture (A-L)	General Agriculture (A2)	Heavy Agriculture (A3)	Agricultural Preserve (A4)	Exclusive Agriculture—Ag Core (A40)	Exclusive Agricultural (A20 ,A80)	Residential Agricultural (RA)
<b>Minimum Parcel Size in Acres</b>	<i>40 and 80 intensive ag on top soils, 20 and 160 extensive ag on lesser soils.</i>	<i>80, 160</i>	<i>5</i>	<i>10 (Poultry, berry, nurseries, etc. allowed on 2.5 acres)</i>	<i>40 non-prime, 10 prime.</i>	<i>40</i>	<i>20,, 80</i>	<i>20, 40, 60, 80, 160</i>
<b>Purpose</b>	Promote and preserve major ag industry in unincorporated areas. Allow ag support uses, avoid incompatible uses, protect family farms.	Buffer environmentally sensitive lands from urbanization.  Extensive ag—grain, hay, pasture, grazing—especially on grasslands adjacent to Suisun Marsh.			Parcels in Williamson Act contracts.	Protect Agriculture Core, county’s best cropland.	Protect ag from urban and other incompatible land uses.	

**Table 7**  
**Agricultural Zoning in Solano and Other Counties** (continued)

<b>County</b>	<b>EL DORADO</b> (continued)				<b>MARIN</b>		
<b>District</b>	Exclusive Agricultural (AE)	Planned Agricultural (PA)	Select Agricultural (SA-10)	Agricultural Preserve (AP)	Agriculture & Conservation (A)	Limited Agriculture (A-2)	Agricultural, Residential Planned (ARP) (Suburban Agriculture??)
<b>Minimum Parcel Size in Acres</b>	20 or adjacent 10-20 with common owner.	20 exclusive of rangeland-woodland, or larger determined by Bd of Sups; 60 ag designated rangeland or woodland	10	Same as AE	3, 5, 10, 15, 20, 30, 40, 60	2	
<b>Purpose</b>	Land under Williamson Act	Orderly develop and protection of lands with sufficient space for horticulture, husbandry and other ag , provide opportunities for added value, protect from encroachment.	Orderly develop and protection of lands with sufficient space for horticulture, husbandry and other ag , provide opportunities for added value.	Land under Williamson Act	Principal agricultural lands of county, as designated by General Plan inland ag corridor.	Commercial ag and residential.	Ag areas suitable for residential, including subdivisions.

**Table 7**  
**Agricultural Zoning in Solano and Other Counties** (continued)

<b>County</b>	<b>SAN JOAQUIN</b>				<b>SONOMA</b>				
<b>District</b>	General Agriculture (AG)	Limited Agriculture (AL)	Agriculture-Urban Reserve (AU)	Agricultural Resource Management (ARM)	Land Intensive Agriculture (LIA)	Land Extensive Agriculture (LEA)	Diverse Agriculture (DA)	Resources and Rural Development—Agr Preserve (RRDWAA)	Agriculture and Rural Residential (AR)
<b>Minimum Parcel Size in Acres</b>	20, 40, 80, 160	5, 10	20, 40, 80, 160	20, 40, 80, 160	40	60	10		2
<b>Purpose</b>	Preserve lands for commercial agriculture.	Preserve areas with concentrations of small-scale farming and residences.	Retain in ag areas planned for future urban development to facilitate compact and orderly growth and timing of services.	Provide for long-term commercial agric, protect best lands for permanent agric from incompatible land uses. (Applies to land under Williamson Act and in Primary Delta area)	High value production	Low value (per acre) production	Small scale hobby farming	Preserve best ag land, under Williamson Act, from encroachment	Crops and farm animals in areas designated mainly for rural residential use



**Table 7**  
**Agricultural Zoning in Solano and Other Counties (continued)**

<b>County</b>		<b>YOLO</b>		
<b>District</b>	Agricultural Preserve (AP)	Agricultural Exclusive (AE)	Agricultural General (A1)	Agricultural Industry (AGI)
<b>Minimum Parcel Size in Acres</b>	<i>80—soils capable for irrigated crops, 160—soils capable for crops, but not irrigated, 320-rangeland</i>	20	20	<i>Variable—specified in use permit.</i>
<b>Purpose</b>	Preserve best ag land from encroachment. For Williamson Act land.	Lands best suited for ag.	Lands best suited for ag, not include agribusiness development park areas.	Lands in rural areas for uses directly related to ag industry.

**Table 8**  
**SAN LUIS OBISPO COUNTY – Agriculture Land Use Category**

<b>Minimum Parcel Sizes Applicable to Land Divisions</b>	
<b>Size Based on Existing Use</b>	<b>Size Based on Land Capability (Soils)</b>
Irrigated row, specialty, field, orchard, vineyard, etc.. crops – 40 acres	Class I or II -- 20 acres irrigated
Irrigated pasture, grain and hay – 40 or 80 acres	Class III or IV – 40 or 80 acres irrigated, 160 non-irrigated
Dry farm field crops – 160 acres	Class VI, VII or VIII – 320 acres irrigated or non-irrigated
Grazing – 320 acres	

These geographical differences, more directly than other zoning classifications, implement general plan policies and are linked to other farmland protection tools. For example, Marin County imposes several building restrictions in its Rural Inland Corridor, which contains most of the county's agricultural activity. The agricultural easement acquisitions of the Marin Agricultural Land Trust are concentrated in this area.

### **Zoning as a Discretionary Tool: the San Luis Obispo Example**

By far the most distinctive agricultural zoning arrangement among the eight counties is the one employed since the 1990s by San Luis Obispo County. Formally, this county uses "land use" categories in place of "zones" to classify parcels. Instead of the fixed minimum parcel size standards for individual zones that are common elsewhere, county government here applies a flexible set of criteria when proposals for lot splits and other land divisions are reviewed. One of two different sets of standards for minimum parcel size is applied—either based on a parcel's existing agricultural use or its soil capability (Table 7 ). Under the existing use method, parcel sizes range between 40 and 320 acres according to four production types—irrigated crop, irrigated pasture, dry crop, and grazing. Under the capability method, parcel size requirements are between 20 and 320 acres according to soil types—Class I or II, Class III or IV, and Class VI and lesser quality.

County staff, the planning commission, and the board of supervisors exercise considerable discretion under this system. As noted above in the description of the work of the agricultural planners in the county's Agricultural Commissioner office, reviews of lot split proposals (as well as proposed value-added uses) focus on their impacts on agricultural resources—a broad mandate that stresses the sustainability and continuation of farming on subject parcels. Some of the discretion implicit in this process is the ability of the staff to recommend, and the decision-makers to approve, larger parcel sizes than formally specified as minimum requirements.

This arrangement uniquely gives San Luis Obispo County the ability to examine the particular circumstances of each individual parcel proposed for change, with the flexibility to consider a variety of agriculture-related factors.

### **Residential Development in Agricultural Zones**

As well as supporting the land requirements of agriculture, minimum parcel sizes are intended to serve a complementary purpose—to restrict residential development in agricultural zones. Only one residence can be located per parcel, not including allowances in some counties for additional houses for landowner family members or for farm workers. The assumption is that minimum size requirements—5, 10, 20, 40, 80 or more acres—limit the division and sale of agricultural properties for residential or other non-agricultural purposes. What non-farmer seeking a homesite would want to purchase and manage such a large property?

In fact, there is no shortage of eager residential purchasers for such properties, as the experiences of Solano and other counties in our sample show. Most purchases of Solano County farmland in recent years have been made by homebuyers and investors, not farmers, according to local land appraisers cited in our Report II (pages 25-26). Even the highest minimum parcel sizes—80 and 160 acres—designated in Solano’s agricultural zones do not substantially discourage such purchasers. One result is to generally raise land values beyond what is affordable for farmers seeking to expand their agricultural operations.

Landowners can divide large farms into smaller lots for sale to residential buyers, while still complying with the applicable minimum size requirements for a single residence. Dividing a parcel into four or fewer lots avoids the more stringent requirements under California law that are applied to larger subdivision projects.

Placing single residences on 5- , 20, or larger parcels in agricultural areas usually generates more negative effects on farming operations than the incremental expansion of cities at relatively high urban densities and in a compact form. The reason is that large residential lots scattered throughout a county’s agricultural landscape are a less efficient form of development, resulting in ragged agricultural-urban edges and thus increased conflicts between farms and residential neighbors. City expansion in most counties is held in check by a variety of policies and tools—such as urban limit lines, LAFCO control over annexation and spheres of influence, infill incentives, mitigation measures, and voter-approved growth restrictions like Solano’s Orderly Growth Initiative. By contrast, local controls over individual lot splits for homesites are far less rigorous.

County policies and land use controls cannot eliminate the demand for rural residential properties. But they can seek to minimize the impacts of such development on agricultural operations in several ways, such as the following:

- Limit the size of the homesite portion of a parcel, to maximize the land available for commercial agriculture.
- Locate the homesite at the corner or edge of a parcel, to reduce possible interference with agricultural operations.
- Require the purchaser to show how the property can still be used in agricultural production by submitting a farm management plan.

Solano and most other counties in our sample do not employ any of these or other tools for restricting residential development on agricultural properties, beyond minimum parcel size standards and septic tank and water well requirements where public hookups do not exist. Marin and San Luis Obispo Counties, using different tools, are exceptions.

- Before approving lot splits in agricultural zones, Marin requires purchasers who do not have farming backgrounds and intend to

construct new residences, to demonstrate through a management plan that the parcel will continued to be used for commodity production. In connection with a general plan update, the county also has been considering a cumulative size limit for the family homes allowed—up to three--on an agricultural parcel.

- San Luis Obispo has had an agricultural cluster policy in place since 1998, that calls for the concentration of homes away from the best soils of a parcel. As described earlier, this county government also extensively reviews proposals—often in the form of management plants—for lot splits and other projects that affect agricultural resources.

## **6. PROGRAMS TO PROMOTE AGRICULTURE**

Our final comparison identifies programs for promoting and expanding the economic opportunities for local agriculture. Such programs can include the branding and advertising of local commodities, workshops for producers, supermarket campaigns, institutional purchases, websites, special events, and other marketing activities. Besides county governments, the organizations that fund and engage in promotions can include growers' associations, economic development agencies, and non-profit groups.

Promotional activities are found in all eight comparison counties, as Table 8 indicates.. There are no countywide activities in Solano County, where the only organized program is focused just on the Suisun Valley, with funding from the city of Fairfield and the Solano Irrigation District. Only four counties—Contra Costa, Marin, San Joaquin and Yolo--have countywide programs that involve county government funding and/or administration. ■

**Table 9.  
Agriculture Promotion Programs**

<b>County</b>	<b>SOLANO</b>	<b>CONTRA COSTA</b>	<b>EL DORADO</b>	<b>MARIN</b>
<b>County Funded or Administered Programs</b>	None	Grant to land trust for activities in the Brentwood area..	None	“Grown in Marin”, admin by Cooperative Extension Office  --workshops, newsletter, consulting, farm diversification.
<b>Other Programs</b>	Suisun Valley programs funded by City of Fairfield and Solano Irrigation District--ag ambassador, farm family days, other activities.	Brentwood Agricultural Land Trust—branding, “buy fresh, buy local” program, hospital purchase. City of Brentwood—marketing campaign for local produce.	Apple Hill Growers—ag tourism, branding.	
<b>County</b>	<b>SAN JOAQUIN</b>	<b>SAN LUIS OBISPO</b>	<b>SONOMA</b>	<b>YOLO</b>
<b>County Funded or Administered Programs</b>	“Select San Joaquin”, admin by Agr Commissioner  --promotes local producers in stores, school field trips.	None	None	Yolo Good and Agriculture Marketing Program, admin by Agr Commissioner and operated by consultants.  --web site, events, farmer-chef connections, urban education.
<b>Other Programs</b>		“Buy Fresh, Buy Local” campaign. Farm trail map.	Wine Grape Commission	“Capay Valley Vision”  --promotes fresh fruit & vegetables from area, with support from Native American casino.