

Chapter 17.18 AGRICULTURE PRESERVE (AP) ZONE¹

Sections:

17.18.010 Purpose.

The purpose of the AP zone is to protect and preserve lands for intensive agriculture and ranching production. Agriculture preserve zoning applies to lands for which a Williamson Act contract has been executed. The AP zone may also be utilized for open space protection and preservation. All of the listed permitted and conditional uses allowed in the AP zone are determined by the board of supervisors to be compatible with the definition of agricultural use, recreational or open space use of the land and thus a use authorized in the AP zoning and for lands under a Williamson Act Contract.

(Ord. 2859 § 5(part), 2005; Ord. 1807 § 1(part), 1986).

17.18.015 Right to farm.

Any legally existing agriculture land use (farming, ranching, orchard, livestock, row crops, food processing) is considered to have a right to enjoy the productive and economic fruits of labors without fear of infringement on this right by encroaching residential or other nonagriculture development on adjoining parcels and lands in the general vicinity. The right to farm shall take precedence over all other adjoining and nearby land uses.

(Ord. 1807 § 1(part), 1986).

17.18.020 Permitted uses.

Uses marked with a superscript (#) are subject to additional requirements as set forth in Section 17.18.060 of this chapter.

- A. The following uses are permitted in the AP zone⁹:
1. Agricultural operations;
 2. Agricultural product storage;
 3. Dairies: mature dairy cows, six to less than two hundred heads;
 4. Field rock extraction/sale;
 5. Fish farm/hatchery wholesale/retail;
 6. Forestry;
 7. Greenhouse and wholesale/retail nursery;

¹Prior ordinance history: Chapter 17.18 was renumbered by Ord. 1810. Provisions of Chapter 17.18 were formerly codified at Chapter 17.16 deriving from Ords. 945, 990, 1072, 1206, 1343, 1349, 1603 and 1624.

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8. Hog farms: swine (less than fifty-five pounds), thirty to two thousand nine hundred ninety-nine heads;
 9. Hog farms: swine (greater than fifty-five pounds), ten to seven hundred forty-nine heads;
 10. Incidental and accessory structures;
 11. Incidental agricultural support uses²;
 12. Livestock feed lot or feed yard: cattle, ten to two hundred ninety-nine heads;
 13. Livestock feed lot or feed yard: sheep or lambs, fifty to two thousand nine hundred ninety-nine heads;
 14. Poultry facilities: ducks, one hundred to one thousand four hundred ninety-nine;
 15. Poultry facilities: laying hens or broilers, one hundred to eight thousand nine hundred ninety-nine;
 16. Poultry facilities: turkeys, one hundred to sixteen thousand four hundred ninety-nine;
 17. Rabbit facilities: rabbits, twenty-five to one thousand four hundred ninety-nine;
 18. Processing and manufacturing:
 - a. Agricultural accessory structures,
 - b. Agricultural processing,
 - c. Winery (small), oil press or cider mill,
 - d. Winery,
 - e. Wood yard;
 19. Residential uses:
 - a. Accessory dwelling pursuant to Chapter 17.66 of this title,
 - b. Agricultural employee housing,
 - c. Logging camp,
 - d. Residential accessory use or structure,
 - e. Residential care facility, six or fewer clients,
 - f. Rural home business,
 - g. Single-family dwelling (one per legal parcel),
 - h. Temporary farm labor camps;
 - i. Yard or garage sales, maximum six events per year.
 20. Retail trade:
 - a. Agricultural product sales,
 - b. Agricultural equipment sales and rental²,
 - c. On-farm sales,
 - d. Roadside stand,
 - e. Produce stand,

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- f. Tasting room⁷,
 - g. U-pick operations;
21. Recreational and educational:
- a. Agritourism activities not otherwise specified (less than seventy-five persons on-site at one time),
 - b. Agricultural/environmental education center, private/public,
 - c. Educational and interpretive seminars, clinic, walks,
 - d. Equestrian facility, personal,
 - e. Equestrian facility, private over twenty acres (one to fifteen clients),
 - f. Hunting/gamebird club⁸,
 - g. Rural recreation and camping,
 - h. Special events¹⁰.
22. Agricultural services, business:
- a. Agricultural contractor base,
 - b. Contractor base/yard²,
 - c. Horticultural and landscaping services,
 - d. Rural veterinary clinic,
 - e. Veterinary clinic;
23. General services, business:
- a. Child day care, twelve or fewer children,
 - b. Lodging: agricultural homestay, up to five rooms,
 - c. Medical services, rural home doctor office;
24. Transportation, communications, infrastructure:
- a. Heliport,
 - b. Power generation (on-site residential or agricultural use)⁵,
 - c. Public safety facility.

(Ord. 2859 § 5(part), 2005; Ord. 2614 § 3 Exh. A(part), 2000; Ord. 1872 § 2(part), 1987; Ord. 1807 § 1(part), 1986).

(Ord. No. 3020, § I, 2-12-2013)

17.18.030 Conditional uses.

Uses marked with a superscript (#) are subject to additional requirements as set forth in Section 17.18.060 of this chapter.

- A. The following uses are permitted in the AP zone upon approval and validation of a temporary use permit:
 - 1. Temporary outdoor sales, other than agricultural product sales already permitted.

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- B. The following uses are permitted in the AP zone upon the approval and validation of an administrative use permit:
1. Dairies: mature dairy cows, two hundred plus heads;
 2. Hog farms: swine (less than fifty-five pounds), three thousand plus heads;
 3. Hog farms: swine (greater than fifty-five pounds), seven hundred fifty plus heads;
 4. Livestock feed lot or feed yard: cattle, three hundred plus heads;
 5. Livestock feed lot or feed yard: sheep or lambs, three thousand plus heads;
 6. Poultry facilities: ducks, one thousand five hundred plus;
 7. Poultry facilities: laying hens or broilers, nine thousand plus;
 8. Poultry facilities: turkeys, sixteen thousand five hundred plus;
 9. Rabbit facilities: rabbits, one thousand five hundred plus;
 10. Retail trade:
 - a. Agricultural equipment sales and rental,
 - b. Farm supply and feed store,
 - c. Farmer's market,
 - d. Flea market;
 11. Recreational and educational:
 - a. Agritourism activities not otherwise specified (more than seventy-five persons on-site at one time),
 - b. Equestrian facility, private, less than twenty acres (one to fifteen clients),
 - c. Equestrian facility, public (or private with over fifteen clients),
 - d. Public visitor information or interpretive center,
 - e. Retreat (ten people or more),
 - f. Special events¹⁰,
 - g. Reserved,
 - h. Target or shooting range, archery;
 12. General services, business:
 - a. Cemetery, private family,
 - b. Kennel, private,
 - c. Recreational vehicle storage²;
 13. Transportation, communications, infrastructure:
 - a. Personal landing field,
 - b. Telecommunications facility,
 - c. Utility facility, public;

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- C. The following uses are permitted in the AP zone upon the approval and validation of a conditional use permit:
1. Livestock sales yard;
 2. Processing and manufacturing:
 - a. Slaughter/butchering (fabrication)/storage/transport³,
 - b. Surface and subsurface mining operations when concurrently zoned with the ME (mineral extraction) zoning combining district and subject to the ME (mineral extraction) requirements (Chapter 17.56 of this title);
 3. Residential uses:
 - a. Residential care facility, seven or more clients;
 4. Recreational and educational:
 - a. Campground (developed),
 - b. Organized camp,
 - c. Recreational vehicle park,
 - d. Special events¹⁰,
 - e. Target or shooting range, firearm;
 5. General services, business:
 - a. Child day care, more than twelve children,
 - b. Kennel, commercial;
 6. Transportation, communications, infrastructure:
 - a. Nonmunicipal air strips and glider ports,
 - b. Waste disposal site, food processing waste,
 - c. Waste disposal site, septage.

(Ord. 2859 § 5(part), 2005; Ord. 2818 § 5(part), 2004; Ord. 2715 § 5(part), 2002; Ord. 2624 § 3 Exh. A(part), 2000; Ord. 2614 § 3 Exh. A(part), 2000; Ord. 2017 § 3 Exh. A(part), 1989; Ord. 1807 § 1(part), 1986).

(Ord. No. 3020, § I, 2-12-2013)

17.18.040 Temporary uses.

The following uses are permitted in the AP zone on a temporary basis not to exceed twelve months, the duration of a building permit, or the provisions of this title, whichever is shortest:

- A. Continued use of an existing building during construction of a new building on the subject property;
- B. Temporary use of a mobile home in conformance with Section 17.04.130 of this code;
- C. Temporary storage of contractor's equipment during construction of new structures on-site;
- D. Temporary storage of trucks, equipment, trailers, and other vehicles or equipment used in planting, harvesting, or transfer of agriculture commodities or products and livestock.

(Ord. 1807 § 1(part), 1986).

17.18.050 Accessory uses.

The following accessory uses, consistent with the definition in Section 17.06.0080 of this code are permitted in the AP zone:

- A. Residential garages and/or carports;
- B. Swimming pool located not closer than twenty feet to any property line or within the front setback;
- C. Fences, walls;
- D. Business in the home in conformance with Chapter 17.68 of this code;
- E. Signs in conformance with Chapter 17.72 of this code;
- F. Usual and customary accessory structures and uses associated with a residence.

(Ord. 2576 § 2(part), 1999; Ord. 1807 § 1(part), 1986).

17.18.060 Performance standards.

In the AP zone, the following performance standards shall apply in addition to any other standards in this title:

- A. No land in the AP zone shall be included in the PD or DR zones.
- B. No restrictions in terms of agricultural land use shall be imposed upon a legally existing agriculture use pursuant to Section 17.18.015 of this chapter.
- C. Agriculture uses shall comply with federal, state, and local regulations in relation to the storage, handling, application, and disposal of toxic and hazardous materials.
- D. Uses listed in Sections 17.18.020 and 17.18.030 of this chapter identified with a numeric superscript are subject to the following:
 - 1. The use is allowed as a primary commercial use.
 - 2. The use is permitted subject to the following limitations:
 - a. When carried on as clearly secondary use/occupation in conjunction with a bona fide agricultural operation;
 - b. Where no more than three percent of the total land or ten acres, whichever is less, is used;
 - c. Where no more than three persons other than the owner are employed in such activities, and which are owned and operated by the owner or occupant of the premises.
 - 3. The use is allowed only on a parcel of twenty acres or contiguous parcels totaling twenty acres or more.
 - 4. The use is allowed only on a parcel of one hundred acres or contiguous parcels totaling one hundred acres or more.
 - 5. Although the use is primarily intended for on-site consumption, the facility is permitted to tie into the main power grid.
 - 6. Agricultural homestay is subject to all of the following requirements:
 - a. The property proposed for an agricultural homestay is at least twenty acres or greater in size;

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- b. Located in the primary residence occupied by the property owner, as evidenced by a homeowners' exemption carried on the latest equalized assessor rolls, accessory dwelling or other existing dwelling. Failure to maintain the homeowners' exemption shall be grounds for prohibition of further occupancy as an agricultural homestay;
 - c. Has not more than five guest rooms and accommodates not more than ten guests;
 - d. Serves food only to its registered guests and serves meals at any time, and with respect to which the price of food is included in the price of the overnight transient occupancy accommodation;
 - e. Lodging and meals are incidental and not the primary function of the agricultural homestay establishment;
 - f. The agricultural homestay establishment is located on, and is a part of, a farm, as defined in Section 52262 of the Food and Agricultural Code, that produces agricultural products as its primary source of income;
 - g. The primary purpose of the homestay establishment is the guest's education and active participation in the on-site agricultural activities;
 - h. Any activities or events that involve more than ten guests are not allowed.
7. When utilizing lands within an agricultural preserve zone, a tasting room shall be an incidental use and located on land sustaining a bona fide agricultural operation that is producing the crops or crops associated with the product being offered such as, but not limited to: vineyard/wine, olive orchard/olives or olive oil, apple orchard/cider etc.
 8. Any such hunting facility will address the location of property boundaries, proper use of property and facilities, safety areas where hunting may be restricted and general hunter safety rules, as prescribed by the State Department of Fish and Game.
 9. Road Maintenance.
 - a. Any permitted use, beyond that legally existing at the time of adoption of the ordinance codified in this chapter, having legal access on or over roads maintained by a county service area, a community service district, a recorded road maintenance agreement or pursuant to Civil Code Section 845, may, to the extent allowed by the grant of access, generate additional traffic on those roads. Prior to commencing any nonresidential permitted use, the proponent of the nonresidential permitted use shall secure an administrative use permit to address the permitted use's road impacts only, unless the proponent can demonstrate that the proposed use will not generate traffic in excess of permitted residential uses. To demonstrate the absence of any additional traffic, the proponent shall estimate the average daily traffic (ADT) averaged over a one-month time period that will be generated by the permitted use. If this estimate indicates that traffic generated by such use is less than the ADT generated by a single-family residence (currently seven and one-half ADT), then an administrative use permit will be not required.
 - b. As a condition of approval of the administrative use permit, the proponent of the use shall be required to pay a road maintenance fee to mitigate the impacts caused by the use. This condition of approval is intended to protect the public health, safety and welfare, as required by Chapter 17.83 of this code. Such fees shall be paid as follows:
 - i. The fee shall be calculated based on the ADT of the use divided by the ADT generated by a single-family residence (seven and one-half ADT) and multiplying the annual fee paid by a single-family residence in the area by this proportional factor. Determination of the ADT generated by the use shall be

supported by substantial evidence, as approved by the public works department.

- ii. Road maintenance fees for uses having legal access on roads maintained by a county service area shall be paid to the county auditor's office and deposited in the appropriate account, as specified in the condition of approval in the administrative use permit. Evidence of such deposit shall be provided to the planning department prior to the commencement of the use.
 - iii. Road maintenance fees for uses having legal access on roads maintained by a community service district shall be paid to the community service district, as specified in the condition of approval in the administrative use permit. Evidence of such deposit shall be provided to the planning department prior to the commencement of the use.
- c. Proponents of uses having legal access over private roads not maintained by the county, or a local agency, shall do one of the following:
- i. Enter into any existing road maintenance agreement for the road(s) providing access to the use;
 - ii. Amend any existing road maintenance agreement to which the proponent of the use is already a party to in order to provide for an additional road maintenance fee for the use;
 - iii. If there is no existing road maintenance agreement, record a road maintenance agreement for that portion of the road located on the real property where the use is located;
 - iv. Evidence of compliance with any of the above-stated options shall be provided to the planning department prior to the commencement of the use.
- d. Failure to obtain an administrative use permit under this section may result in initiation of code compliance proceedings or other remedies, including, but not limited to, the remedies specified in Chapter 17.100 of this code, and may require the proponent of the permitted use to pay a road impact fee for the impact caused by the use that was conducted in violation of this section.
- e. The procedures set forth in Section 17.98.070 of this code are applicable to this section.
10. Limitations on special events.
- a. Up to twelve special events can be held in a calendar year as a permitted use;
 - b. Thirteen to twenty-four special events during a calendar year requires an administrative use permit;
 - c. Over twenty-four special events during a calendar year requires a conditional use permit.
 - d. Incidental to agricultural operations.

(Ord. 2859 § 5(part), 2005: Ord. 1807 § 1(part), 1986).

(Ord. No. 3020, § I, 2-12-2013)

17.18.070 Site development standards.

In the AP zone, the following site development standards apply:

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- A. Minimum parcel size for new parcels:
 - 1. With individual well and on-site sewage disposal system: fifty acres, provided that each new parcel qualifies for a separate and independent Williamson Act contract,
 - 2. With public water and on-site sewage disposal system: fifty acres, provided that each new parcel qualifies for a separate and independent Williamson Act contract,
 - 3. With public water and public sewage disposal: fifty acres, provided that each new parcel qualifies for a separate and independent Williamson Act contract;
 - B. Maximum density:
 - 1. With individual well and on-site sewage disposal system: one dwelling per fifty acres, provided that each new parcel qualifies for a separate and independent Williamson Act contract,
 - 2. With public water and on-site sewage disposal system: one dwelling per fifty acres, provided that each new parcel qualifies for a separate and independent Williamson Act contract,
 - 3. With public water and public sewage disposal: one dwelling per fifty acres, provided that each new parcel qualifies for a separate and independent Williamson Act contract;
 - C. Maximum lot coverage: no requirement;
 - D. Maximum building height:
 - 1. Residential, thirty-five feet,
 - 2. Agriculture, no requirement;
 - E. Lot width:
 - 1. Average: no requirement,
 - 2. At the road: no requirement;
 - F. Lot depth:
 - 1. Average: no requirement,
 - 2. Minimum: no requirement;
 - G. Minimum building setbacks:
 - 1. For purposes of this chapter, the following shall apply:
 - a. Front, thirty feet from the property line, or sixty feet from the centerline of the road right-of-way or easement, whichever distance is greater,
 - b. Corner, or lots with multiple lot lines fronting roads, same distance as front for all property lines fronting road rights-of-way or easements,
 - c. Side, twenty feet,
 - d. Rear, thirty feet,
 - e. Between buildings, ten feet, or the requirements of the responsible fire agency, whichever is greater,
 - f. Vision clearance: thirty-five feet,
 - 2. In addition to the setbacks specified in subsection (G)(1) of this section, minimum building setbacks shall meet the requirements of Section 8.10.120 in order to achieve defensible space, which requires a thirty-foot setback from all property lines and/or center of the road for parcels

one acre or larger, and same practical effect shall be provided for parcels less than one acre.
Procedures for exceptions to these standards shall comply with Sections 8.10.150 and 8.10.190.

(Ord. 2345 § 3 Exh. A(part), 1993; Ord. 1807 § 1(part), 1986).