

Attachment 3

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Neighboring Counties' Farm Stay Policies

Santa Barbara County

Overview

Santa Barbara County has just recently brought farmstays into its statutory framework. It included language in its 2016 “Gaviota Coastal Plan” that discusses farmstays directly (Attachment D-2, found [here](#)). Overall, the Santa Barbara County Planning Commission has drafted ordinance provisions that keep its farmstay policy consistent with the California Homestay Act of 1999.

Of interest to the RMA might be a detail that the Gaviota Coastal Plan mentions; “including the cost of food provided to guests in the cost of the overnight accommodations is one of the features that enables a farmstay to be exempt from Public Health Department requirements for a commercial kitchen, which would add significant costs to a farmstay applicant...” Furthermore “the language [of the County’s ordinance] would not require a farmstay to provide food, only that the cost of any food that is provided be included in the total price of the accommodations and not charged separately. These provisions would further ensure that the farmstay remains a small operation in support of the primary agricultural use of the property.”

Definition

A type of working farm or ranch operation that is partially oriented towards visitors or tourism by providing guest accommodations. Such an operation may include interactive activities where guests participate in basic farm or ranch operations such as collecting eggs and feeding animals, or a work exchange agreement where the guest works a set number of hours in exchange for free or reduced rate accommodation.

Additional Language from Santa Barbara County

Farmstays have these additional conditions:

A Farmstay operation may be allowed with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits) provided the operation complies with the following development standards:

- (1) The operation is located on a single lot of 40 acres or greater and the entire lot is located in the AG-II zone. Only one Farmstay operation may be allowed on a lot.
- (2) The operation is housed in a single permitted or nonconforming dwelling existing as of December 9, 2016.
- (3) The primary purpose of the Farmstay operation shall be the education of registered guests regarding the agricultural operations on the lot. Lodging and meals are incidental and not the primary function of the Farmstay operation.

- (a) The maximum number of registered guests that can be accommodated shall be 15 per night and they shall be accommodated in no more than six bedrooms. Only registered guests may utilize the accommodations overnight.
 - (b) Food service is only available to registered guests of the operation. The cost of any food provided shall be included in the total price for accommodation and not be charged separately.
- (4) The operation shall be consistent with the compatibility guidelines set forth in Uniform Rule Two (Compatible Uses within Agricultural Preserves) of the County Uniform Rules for Agricultural Preserves and Farmland Security Zones.
- (a) If a Farmstay operation is proposed on a lot not subject to a contract executed in accordance with the County Uniform Rules for Agricultural Preserves and Farmland Security Zones, then the applicable review authority shall determine if the operation will be consistent with the compatibility guidelines.
- (5) The operation is located on, and is part of, a farm or ranch operation that produces agricultural products, and the Farmstay operation:
- (a) Does not constitute the principal land use of the premises, and
 - (b) Is beneficial and inherently related to the farm or ranch operation.
- (6) The operation will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lot or adjacent lot(s).
- (7) No sign(s) located on the premises on which the Farmstay operation is located shall advertise or otherwise identify the existence of the Farmstay operation. b. A Farmstay operation that may not be allowed in compliance with Subsection D.2.a., above, may be allowed with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the following additional findings are first made:
- (a) The operation will not result in significant adverse impacts to visual resources.
 - (b) The operation will not include a new at-grade crossing of Highway 101.

Definition of an AG-II Zone

“The AG-II zone is applied to areas that are appropriate for agricultural land uses on prime and non-prime agricultural lands located within the Rural Area as shown on the Santa Barbara County Comprehensive Plan land use maps. The intent of the AG-II zone is to preserve these lands for long-term agricultural use. The AG-II zone also includes a minimum gross lot area designation (shown in the table below) that limits the subdivision potential of land and in some cases affects the range of allowable land uses.”

San Mateo County

Overview

San Mateo County has a set of agritourism guidelines that would apply to farmstays in the area. It does not have ordinance of guidelines that apply specifically to entities that call themselves farmstays. The guidelines define agritourism as “the act of visiting a working farm/ranch or agricultural operation for the purpose of enjoyment, education or active involvement in the activities of the farm/ranch or agricultural operation that adds to the economic viability of the agricultural operation.”

Considerations of Agritourism Guidelines

San Mateo County is trying to ensure that agritourism activities are “secondary and supplemental to existing agricultural uses of the land.” The agritourism must be compatible and beneficial to agricultural uses. Such activities much make up a limited percentage of agricultural land.

There is a laundry list of types of activities that require a permit. Those can be found in the document linked [here](#). This document could also be found using a web search for “San Mateo County Agritourism Guidelines.”

No county codes or ordinances that mention agritourism or farmstays. Ordinances dealing with rental properties do not mention interference with agriculture.

Santa Cruz County

Overview

As a part of Santa Cruz County’s “Code Modernization” effort it sought to add regulations to farmstay and homestay operations. As of a 2015 PowerPoint on the county’s website, the county defined homestays/farmstays as “up to 6 guest rooms in residential buildings that are *already allowed* in code...” and planned to “...use permit, criteria to prevent ‘motels’”.

Despite being mentioned in both the Code Modernization plan and the County’s strategic economic plan, there is no mention of farmstays or homestays in the county code. The only reference to agritourism is regarding roadside signage.

Santa Cruz County’s Vacation rental ordinance, passed May of 2017, (found [here](#)) does not make mention of farms, agriculture, farmstays, or agritourism.

San Benito County

Overview

San Benito makes repeated reference to promoting agritourism in its “2035 General Plan”. It does not outline specific policy per se, but it seems that agritourism on the county’s radar.

The 2035 General Plan can be found [here](#).

<p style="text-align: center;">Neighboring Counties' Short/Limited-term Rental Policies with Regard to Farmstays and Agritourism</p>

Ventura County

Ventura County's short-term rental policy is focused on the regulation of online rental activities like AirBnB. While this policy might overlap with the type of service that farmstays are providing, the terms "farmstay" and "agritourism" do not appear in searches of the county's ordinances.

San Luis Obispo County

San Luis Obispo County makes specific mention of rental properties that are near pre-existing agricultural production and processing operations in its "Residential Vacation Rental Ordinance." It also makes specific mention of the Williamson Act: "A residential vacation rental shall not be established on any parcel under a Land Conservation (Williamson Act) Contract."

The County's ordinance adds warnings about how rentals near agricultural land may lead to "inconveniences and/or discomfort arising from that operation." County code and California civil code protect pre-existing agricultural operations from nuisance complaints. In the case of farmstays, the rental and the agricultural operation would likely be one and the same, but the sentiment is worth noting.

The full ordinance can be found [here](#).

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California Agricultural Homestay Bill of 1999 (AB 1258)

The California Agricultural Homestay Bill, (AB 1258), passed in July 1999, paved the way for more farmers and ranchers to offer tourists overnight visits. The bill exempts farms and ranching operations that offer overnight stays from the more stringent requirements of operating a commercial restaurant. To qualify for overnight stays, the farms and ranches must produce agricultural products as their primary source of income. Additionally, farmers are limited to six guest rooms and 15 visitors a night - less than the amount allowed for a bed and breakfast operation.

The full bill can be found [here](#).

Section 113870 of the Health and Safety Code is amended to read:

113870. (a) "Restricted food service transient occupancy establishment" means either of the following:

- (1) An establishment of 20 guest rooms or less, that provides overnight transient occupancy accommodations, that serves food only to its registered guests, that serves only a breakfast or similar early morning meal, and no other meals, and with respect to which the price of food is included in the price of the overnight transient occupancy accommodation.
- (2) An agricultural homestay establishment that meets all of the following requirements:
 - a. Has not more than six guest rooms or accommodates not more than 15 guests.
 - b. Provides overnight transient accommodations.
 - c. 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
 - d. Lodging and meals are incidental and not the primary function of the agricultural homestay establishment
 - e. 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
 - f. Notwithstanding subdivision (a), a restricted food service transient occupancy establishment may serve light foods or snacks presented to the guest for self-service.
 - g. For purposes of this section, "restricted food service transient occupancy establishment" refers to an establishment as to which the predominant relationship between the occupants thereof and the owner or operator of the establishment is that of innkeeper and guest. For purposes of this section, the existence of some other legal relationships as between some occupants and the owner or operator shall be immaterial.