

CHAPTER 18.10
AGRICULTURAL ZONES (A-1, A-1-40, A-2)

§ 18.10.010. Purpose of Agricultural Zones.

The purpose of the individual agricultural zones and the manner in which they are applied are as follows:

- A. A-1 General Agriculture Zone. The purpose of the General Agriculture Zone (A-1) is to provide for areas for intensive farming operations dependent on higher quality soils, water availability, relatively flat topography, and agricultural commercial and/or industrial uses dependent on proximity to urban areas or location in sparsely populated low traffic areas. Parcels smaller than 40 acres down to a minimum of 20 acres may be approved where consistent with surrounding parcel sizes. This zone implements the Agriculture (A), Agriculture Residential (AR), and Urban Reserve (UR) land use designations in the General Plan.
- B. A-1-40 General Agriculture Zone. The purpose of the General Agriculture Zone (A-1-40) is to provide areas where a 40-acre minimum parcel size facilitates the widest variety of farming operations including agricultural commercial/industrial uses which are dependent on medium- to high-quality soils, water availability, and larger parcel sizes separated from urban areas. This zone implements the Agriculture (A), Agriculture Residential (AR), and Urban Reserve (UR) land use designations in the General Plan.
- C. A-2 Exclusive General Agriculture Zone. The purpose of the Exclusive Agricultural Zone (A-2) is to provide for areas with considerably expanded agricultural enterprises, due mainly to the requirement of large parcels which are more economically suitable to support farming activities. The 160-acre minimum parcel size facilitates farming and ranching operations and a variety of open space functions that are typically less dependent on soil quality and are often connected more with foothill and wetlands locations; grazing and pasture land; and wildlife habitat and recreational areas. This zone implements the Agriculture (A), Agriculture Residential (AR), Foothill Pasture (FP), and Urban Reserve (UR) land use designations in the General Plan.

(Ord. 1976 § 2, 2019)

§ 18.10.020. Agricultural Zone Land Uses and Permit Requirements.

- A. Table 2-1 Agricultural Zone Allowed Uses and Permit Requirements. Table 2-1 indicates the uses allowed within each agricultural zone and any permits required to establish a use, in compliance with Article 6 (Permit Processing Procedures) and Article 7 (Zoning Code Administration).
- B. Additional Regulations. Where the last column in the Table 2-1 includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of this Zoning Code may also apply.
- C. Windshed. Figure 2-1 indicates the windshed boundary for animal confinement

facilities. The following provisions are required for the approval of these facilities:

1. The use is located more than one-half mile from the nearest boundary of Urban Community, any Rural Residential Center or Highway Interchange Center or Residentially designated property as delineated on the General Plan or from sensitive uses (i.e., schools, public parks, or hospitals);
2. The applicant has obtained approval from the Merced County Department of Public Health; and
3. The distance within the designated windshed shall be measured from the periphery of the animal confinement facility and not the property line.

D. Definitions. See Article 8 (Definitions) for land use definitions and explanations.

E. Permit Requirement Where Construction is Involved. Each land use specified in the following land use table as allowed with a "P" as a use permitted-by-right that involves/contains construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) may require the issuance of a Zoning Clearance in compliance with Chapter 18.128 (Zoning Clearances) or a Site Plan and Design Review (Chapter 18.122).

F. Uses Not Listed. Agricultural uses not listed below may be reviewed by the director to determine if they are similar to those listed and appropriate in a particular zone and, if so, the type of permit required, in compliance with Section 18.04.040 (Uses Not Classified).

Table 2-1 Agricultural Zone Allowed Uses and Permit Requirements	
P	Allowed by Right
A	Administrative Permit (Chapter 18.114)
CUP	Conditional Use Permit (Chapter 18.116)
TUP	Temporary Use Permits (Chapter 18.124)
-	Not allowed

Land Use (see Article 8 for land use definitions)	Uses Apply to All Agricultural Zones	Additional Regulations
Agricultural		
Accessory Agricultural Structures	P	18.32.030(A)
Agriculture	P	
Agricultural Processing Plants	A	18.10.040(A)
Agricultural Chemical Mixing and Storage	CUP	
Animal Confinement Facilities (5 dwelling units or less in the windshed)	A	Ch. 18.64

Land Use (see Article 8 for land use definitions)	Uses Apply to All Agricultural Zones	Additional Regulations
Animal Confinement Facilities (more than 5 dwelling units in the windshed)	CUP	Ch. 18.64
Commercial Apiary (bees)	A	
Composting Facilities	CUP	
Crop/Orchard/Vineyard Production	P	
Employee Housing, Agricultural (up to 12 units or 36 employees)	P	18.60.090
Fertilizer/Manure Storage Yards	CUP	18.10.040(F)
Fertilizer Plants	CUP	
Poultry Farms	CUP	Ch. 7.08
Ranch/Farm Office	P	
Stock Yards and Feed Lots	A	
Well Drilling Businesses (irrigation and domestic)	P	
Educational, Institutional, Public Assembly, and Recreational		
Agriculture/Historical Museums	CUP	18.10.040(D)
Game Preserve (private or public)	P	18.10.040(G)
Hunting Clubs	A	
Marina, Boat Dock, or Launch	A	18.10.040(H)
Public Parks and Recreation Areas	P	
Public Stables, Boarding Facilities, Training Facilities, Riding Academies	A	
Recreational Area (private)	CUP	18.10.040(L)
Recreational Vehicle Park	CUP	
Wildlife Management Areas	P	
Manufacturing and Storage		
Agricultural Equipment Maintenance and Storage	P	18.10.040(B)
Agricultural Products, Storage Plants and Yards	A	18.10.040(C)
Energy Generation Facilities, Wind Farms, Biomass Fuel Manufacturing (on-site energy use only)	P	

Land Use (see Article 8 for land use definitions)	Uses Apply to All Agricultural Zones	Additional Regulations
Energy Generation Facilities, Wind Farms, Biomass Fuel Manufacturing (off-site energy use)	CUP	
Land Leveling Equipment Storage	CUP	
Mines, Quarries and Gravel Pits	CUP	Ch. 18.48
Oil/Gas Wells	A	18.60.180
Rendering Plants	CUP	
Storage Yards (rock, sand and gravel)	A	18.10.040(O)
Wineries, Distilleries, and Breweries	CUP	18.10.040(Q)
Residential		
Employee Housing, Residential (6 or less residents)	P	18.10.040(N) 18.60.090
Home Occupation	P	18.60.070
Short-Term Rentals	A	18.60.270
Single-Family Dwelling	P	18.10.040(N)
Additional Residential Unit (1 to 3 units)	A	18.10.040(N) 18.60.080
Additional Residential Unit (4 or more units)	CUP	18.10.040(N) 18.60.080
Temporary Residence	P	18.60.130
Commercial		
Nursery/Greenhouse	A	18.10.040(I)
Produce Stand	P	18.10.040(J) 18.60.220
Produce Market	A	18.10.040(K) 18.60.220
Recreational Events/Weddings	CUP	
Recreational Events, Temporary	A	18.60.290
Temporary/Mobile Retail Sales	A	18.60.290
Service		
Agricultural Auction Facilities	CUP	
Agricultural Contractors, Service Repair and Maintenance	CUP	
Irrigation Pump Sales and Repair	CUP	
Animal Hospital, Veterinary Office	CUP	

Land Use (see Article 8 for land use definitions)	Uses Apply to All Agricultural Zones	Additional Regulations
Cemetery, Crematoria, Mausoleum, Columbarium (for cremated remains)	CUP	
County/Publicly-Owned Facilities	P	
Kennel (5 dogs or less)	A	Merced County Code Title 7
Kennel (6 or more dogs)	CUP	18.60.140 Merced County Code Title 7
Public Utility Facility Service Yard	A	
Transportation and Communication		
Airport/Airstrip (temporary)	P	18.10.040(E)
Airport/Airstrip (public or private)	CUP	
Communication Equipment, Electrical Distribution/ Transmission Substation	A	
Public Scales	A	
Wireless Telecommunication Towers (100 feet or less in height)	P	Ch. 18.68
Wireless Telecommunication Towers (greater than 100 feet in height)	CUP	Ch. 18.68
Transportation, Equipment Yard (10 trucks or less)	A	18.10.040(P)
Transportation, Equipment Yard (more than 10 trucks)	CUP	18.10.040(P)
Transportation, Equipment Yard (accessory)	P	18.10.040(P) 18.38.200

Table 2-2 Agricultural Zone Development Standards				
Development Feature (minimum unless otherwise indicated)	A-1	A-1-40	A-2	Additional Regulations
Parcel Area (minimum) area required for each NEWLY CREATED parcel.				
Minimum Parcel Size (acres)	20 acres	40 acres	160 acres	
Setbacks (minimum). Property lines are measured in feet, with those adjacent to the street measured from the face of the curb, or right-of-way where no curb exists.				
Front	20	20	20	18.10.040(M)
Side (Interior Parcel)	15	15	15	18.10.040(M)
Side (Corner Parcel)	20	20	20	18.10.040(M)
Rear	25	25	25	
Additional Regulations				
Accessory Structures	Chapter 18.32			
Animal Confinement Facilities	Chapter 18.64			
Fences, Walls, and Hedges	Chapter 18.34			
Landscaping	Chapter 18.36			
Off-Street Parking Regulations and Design Standards	Chapter 18.38			
Performance Standards	Chapter 18.40			
Sign Regulations	Chapter 18.44			
Solid Waste and Recycling Materials Storage	Chapter 18.46			

D. Subdivision Findings. Before any subdivision may be approved, the following findings shall be made:

1. The proposed division is consistent with the General Plan Land Use, Agriculture, and Natural Resources/Conservation elements, and this Zoning Code;
2. The proposed division shall not harm agricultural productivity or permanently remove property from cultivation;

3. If the proposed division involves land not in agricultural use, then open space and/or wildlife areas shall be recognized as a priority to the County and preserved; and
 4. Proposed parcel sizes less than 40 acres are consistent with the surrounding average parcel size within a radius of one-half mile.
- E. Agricultural Setback Requirement for Created Parcels. For agriculturally zoned parcels, with any existing habitable structure, any parcel resulting from division or adjustment shall have the boundaries of the parcel located so as to provide a physical separation of 200 feet, as measured from any existing habitable structure to any abutting parcels used for agricultural production. "Agricultural production," as used herein, means either an existing agricultural operation or an agricultural operation that would be a reasonably anticipated use.
1. Exception to Agricultural Setback Requirement. The director may approve an exception to the required agricultural setback requirement when a proposed subdivision would create a new property line between two existing dwelling units, and the distance between those dwelling units would not allow for either dwelling to meet the agricultural setback requirement. The division or adjustment shall provide for the fullest compliance with the agricultural setback and other setbacks as required by this Code.
- F. Minimum Parcel Size Exceptions. No agriculturally zoned land may be divided or have the boundaries thereof adjusted for the purposes of sale, lease, or financing, whether immediate or future, if any parcel resulting from the division or adjustment contains less than 20 acres in the A-1 zone, less than 40 acres in the A-1-40 zone, and/or less than 160 acres in the A-2 zone as measured from the center of any abutting roadway, waterway, railroad, or other public rights-of-way forming a boundary line of the parcel, unless at least one of the following exceptions apply:
1. When the parcel is used as a security instrument for financing an agricultural operation or construction of a single-family dwelling subject to the following criteria:
 - a. The parcel before division is not less than 20 gross acres in the A-1 zone, or not less than 40 gross acres in the A-1-40 and A-2 zones, the new parcel, together with the remaining acreage, shall not be separately conveyed without meeting the minimum parcel size of the zone, except for the purposes mentioned above, unless the division occurs by judicial foreclosure, trustee's sale, or other legal proceedings which discharge the lien of the security instrument.
 - b. When the parcel is used for financing a single-family dwelling, the parcel size shall be at least one net acre and not more than five net acres in size, be identified by the County Division of Environmental Health as adequate for an on-site waste disposal system, and at least one of the following conditions exists:

- (1) The parcel is to be created by the conveyance of a security instrument to finance a single-family dwelling to be occupied by the parcel owner; or
 - (2) The parcel or parcels to be created are intended as a conveyance exclusively for use by a member of the parcel owner's immediate family; there is only one parcel per related person, or per related married couple, and there is no more than one parcel per each 20 gross acres in the A-1 zone or 40 gross acres in the A-1-40 and A-2 zones.
 - c. When the parcel is used for financing an agricultural operation the parcel size shall be at least one net acre in size and certified by the County Division of Environmental Health as adequate for an on-site waste disposal system.
2. When a Boundary Adjustment (Property Line Adjustment) meets all the following conditions:
 - a. The parcels are not part of an "antiquated subdivision" as defined in Merced County Code Chapter 2.52, Section 2.52.015, except for an adjustment between two parcels;
 - (1) For any boundary adjustment involving parcels in an antiquated subdivision, all adjusted parcels must meet the minimum area requirement unless a variance is granted in compliance with Chapter 18.126 (Variances and Minor Deviations) as part of a merger and re-subdivision approval in compliance with Section 17.04.074 of the Merced County Code (Merging and resubdividing).
 - (2) A subsequent property line adjustment on the same parcels as adjusted previously of an "antiquated subdivision" in the A-1 zone within a two-year period shall be prohibited.
 - b. At least one of the parcels does not meet the minimum parcel size requirement prior to the adjustment; and
 - c. The adjustment does not result in an increase in the number of nonconforming parcels that existed prior to the adjustment.
3. The parcel is developed by a utility or quasi-utility for a television or radio antenna, electric substation, power generation plant, or other use determined by the commission and the board to be similar, subject to all the following terms and conditions:
 - a. On-site construction complies with all applicable federal, state, and local regulations.
 - b. A permit has been approved by the county for the proposed uses.
 - c. The following provisions apply, appear on the parcel map, and be duly

recorded in the public records of the county prior to any improvements of the subject parcel:

- (1) No residential uses are permitted;
 - (2) In the event the use for which the parcel division was approved no longer exists on the parcel, the title to the parcel reverts to the original transferor, or if the original transferor no longer owns the parcel from which the subsequent parcel was acquired, to the transferor's heirs, successors, or assigns;
 - (3) Within one year of the termination of use, the parcel shall be sold to an adjoining parcel owner and combined with the adjoining parcel of record through recordation of a voluntary notice of merger by the county; and
 - (4) The parcel which is subject to division in compliance with this subsection is not entitled to any variance as provided for in Government Code Section 65906. The owner waives any right to apply for a variance for the subject parcel.
4. The parcel is developed as an airstrip approved by the county for use only by aircraft engaged in agricultural-related operations, subject to all the following terms and conditions:
- a. On-site construction complies with all applicable federal, state, and local regulations.
 - b. The following provisions apply, appear on the parcel map, and be duly recorded in the public records of the county prior to any additional improvements of the subject parcel:
 - (1) The parcel which is subject to division may be used for growing crops and an agricultural airstrip, including related accessory structures. In addition, one single-family dwelling (a minimum of 400 square feet in size) for occupancy by a caretaker or watchman may be allowed as otherwise provided in this Zoning Code. No other uses are permitted on the parcel;
 - (2) In the event the property is at a later date combined with an adjacent property by recorded parcel map or recorded subdivision map which results in parcels that meet all of the minimum requirements for parcel area, width and depth for the zone existing at the time the map is recorded, then the property may be used for any use allowed in the zone;
 - (3) The parcel which is subject to division in compliance with this subsection is not entitled to any variance as provided for in Government Code Section 65906. The owner waives any right to apply for a variance for the subject parcel;

- (4) In the event the use for which the parcel division was approved no longer exists on the parcel, the title to the parcel reverts to the original transferor, or if the original transferor no longer owns the parcel from which the subsequent parcel was acquired, to the transferor's heirs, successors, or assigns; or
 - (5) Within one year of the termination of use, the parcel shall be sold to an adjoining property owner and combined with the adjoining parcel of record through recordation of a voluntary notice of merger by the county.
5. When the parcel owner desires to retain a dwelling, which has existed on the parcel for at least 10 years, the parcel owner may divide off the parcel containing the dwelling when all the following conditions are met:
- a. The portion of the parcel which does not contain the dwelling meets the minimum parcel size requirement or is combined with an abutting parcel to create a parcel which meets the minimum parcel size requirement;
 - b. The parcel containing the dwelling shall not be less than one net acre and not more than five net acres in size; and
 - c. The dwelling which is to be retained must have been lived in by the parcel owner for at least 10 years.

(Ord. 1976 § 2, 2019; Ord. 1990 § 1, 2020; Ord. 2039, 5/21/2024)

§ 18.10.040. Other Applicable Agricultural Zone Regulations.

The following agricultural regulations apply to all agriculturally zoned land:

- A. Agricultural Processing Plants. The director may determine that a Conditional Use Permit is necessary if it appears the facility may be controversial.
- B. Agricultural Equipment Maintenance and Storage. Allowed only in bona fide agricultural operations by the owner and/or property lessee on the premises.
- C. Agricultural Products, Storage Plants, and Yards. The facilities may include grain elevators, hay and hay products storage facilities, fruit, grain, and bean storage and drying. Accessory storage of materials on site is permitted and includes, but is not limited to, rock, gravel, and sand.
- D. Agricultural/Historical Museums. Food facilities are not allowed.
- E. Temporary Airport/Airstrip (Public or Private). Temporary airstrip for aircraft engaged in agricultural uses. Aircraft parking allowed on a temporary basis not to exceed six months per year.
- F. Fertilizer/Manure Storage Yards. A Conditional Use Permit is required if the sludge from sewer treatment plants is to be stored on site for more than 24 hours.
- G. Game Preserve (Private or Public). Hunting clubs and commercial hunting are

prohibited.

- H. Marinas, Boat Docks, Launches. A Conditional Use Permit may be required at the discretion of the director.
- I. Nursery/Greenhouse. Includes the sale of plants, flowers, herbs, and fruit and vegetable produce where at least one half of retail value of the produce is grown on site or on other property under the same ownership.
- J. Produce Stand. The seasonal sale of produce that must be entirely grown on site.
- K. Produce Market. Sale of produce where at least one-half of retail value of the produce must be grown on site or other property under the same ownership.
- L. Recreational Areas (Private). Commercial uses and facilities, including, but not limited to, recreational vehicle parks, country clubs and ancillary restaurant and support facilities, golf courses, golf driving ranges, and other similar facilities. Facilities for which the principle use is enclosed in a structure (i.e., a bowling alley) are prohibited.
- M. Setbacks.
 - 1. Agricultural Setback Requirement for Residential Uses. New residential dwellings and/or other habitable structure shall be set back so as to provide a physical separation of 200 feet, as measured from the dwelling or other habitable structure to any abutting parcels used for agricultural production. "Agricultural production," as used herein, means either an existing agricultural operation or an agricultural operation that would be a reasonably anticipated use. The agricultural setback may include roads, parking, trails, creeks, canals, and landscape features.
 - a. Exception to Agricultural Setback Requirement. The director may approve an exception to the required agricultural setback requirement for residential uses, when a new dwelling, or habitable structure, under the following criteria:
 - (1) The new dwelling or habitable structure, is proposed on an existing parcel whose width and/or length is such that it is physically impossible to provide the required 200-foot agricultural setback to all abutting parcels used for agricultural production; or
 - (2) There is one or more dwelling or other habitable structures already located on the parcel, and the new dwelling or habitable structure is located as close to the existing dwellings or habitable structures as permitted under the California Building Code; or
 - (3) When there are no existing dwellings or habitable structures on the subject parcel, but there is one or more dwellings or other habitable structures that are located on adjacent parcels, and the new dwelling or habitable structure is located as close to the existing dwellings or

habitable structures as is permitted under the Building Code; and

- (4) The new dwelling or habitable structure is situated in a location that provides for the fullest possible compliance with the agricultural setback and other setbacks as required by this Code.
 2. Animal Confinement Facility Setbacks. Setbacks from operational animal confinement facilities shall conform with the setbacks set forth in Chapter 18.64 (Animal Confinement Facilities).
 3. Front. Setback is measured from existing or adopted street right-of-way line (ultimate width of existing street).
 4. Side (Interior Parcel). Accessory structures may be located not less than five feet from any interior side parcel line or rear parcel line provided they are located at least 20 feet from the front property line. Animal pens enclosing animals or fowl may be located on the property line, except that these structures shall be at least 50 feet from any off-site dwellings. Livestock may be pastured upon irrigated pasture within the above-mentioned setbacks and the keeping of fowl shall be conducted in compliance with Merced County Code Chapter 7.08.
 5. Side (Corner Parcel). Setback applies only for the side fronting the street.
- N. Single-Family Homes.
1. New Single-Family Homes. A Conditional Use Permit is required to construct a new single-family home or employee housing, residential (with six residents or less) on any parcel created after December 10, 2013.
 2. Tiny Homes. Tiny homes shall be considered single-family dwellings and shall be placed on a permanent foundation system.
- O. Storage Yards (Rock, Sand, and Gravel). Agricultural products are prohibited. For storage yards accessory to agricultural operations see subsection C (Agricultural Products, Storage Plants, and Yards).
- P. Transportation, Equipment Yards.
1. Equipment yards accessory to an on-site bona fide agricultural operations on the same property and owned by the property occupant or property owner may have an unlimited number of trucks, or commercial vehicles, parked on-site.
 2. A minimum parcel size of one acre is required.
 3. Outside repair of vehicles is prohibited.
 4. Equipment yards not accessory to an on-site bona fide agricultural operation:
 - a. May park a single truck with no more than two trailers owned and operated by an occupant and used in any allowed business on or off site.

- b. Shall not be allowed on land designated prime farmland, unique farmland, or farmland of statewide importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency.

Q. Wineries, Distilleries, and Breweries.

1. Wineries. Majority of produce grown on site or on other property must be under same ownership. Allowable accessory uses to wineries include tasting rooms, outdoor picnic areas, and accessory retail of winery related products. Tasting rooms shall be part of the principal use if the floor area used for the tasting room is less than or equal to 25% of the total floor area of the facility.
2. Distilleries. Distilleries may include a tasting room as part of the principal use if the floor area used for the tasting room is less than or equal to 25% of the total floor area of the facility.
3. Breweries. Breweries may include a tasting or tap room as part of the principal use if the floor area used for the tap room is less than or equal to 25% of the total floor area of the facility.

(Ord. 1976 § 2, 2019; Ord. 1990 § 1, 2020; Ord. 1997 § 1, 2020; Ord. 2039, 5/21/2024)