

Chapter 17.40

AGRICULTURE EXCLUSIVE ZONE (AEZ)

Sections:

17.40.010 Agriculture exclusive zone (AEZ).

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The Agriculture Exclusive Zone (AEZ) as designated on the Mariposa County land use map, is applied to land considered to be most desirable for agriculture use. The purpose is to preserve the agricultural industry of Mariposa County as a viable economic activity.

A. **Development standards for the AEZ.** Development standards for the AEZ shall be as follows, with the express provision that any agritourism or agri-nature tourism use shall comply with all federal, state and local laws and regulations. In this code, agritourism and agri-nature tourism are subject to the same standards and regulations:

1. **Uses:**

a. **Permitted uses:** Ranching and commercial vineyards and orchards, nurseries, greenhouses, wineries, processing plants for products grown on-site (not including dairies), seasonal sale of agricultural products grown on-site from roadside stands or produce stands, permanent facilities for sale of and /or tasting rooms for agricultural products produced or processed on-site in accordance with the standards established by Section 17.108.070, u-pick operations, collaborative sales of agricultural products in accordance with state and federal standards, agricultural homestays in accordance with standards established by Section 17.40.010.A.4 and in conjunction with the primary agriculture production use of the property, Bed and Breakfasts and Transient Rentals which are managed by permanent on-site managers in accordance with the standards of section 17.108.180; collaborative agri-nature tourism events, horseback riding as an agritourism use, commercial row crops and other similar agricultural uses when conducted in a manner consistent with proper and accepted customs, standards, and practices, except those listed as administrative or conditional uses below; low density residential and employee housing in accordance with the density standards of this chapter; accessory buildings and accessory uses, barns, private stables, farm equipment shelters, and other out buildings; home enterprises, rural home industry, public schools, public parks and other public facilities, such as volunteer fire departments, utility transmission and distribution lines, towers, poles and substations; private airstrips and

heliports for personal use by the property owner; and agricultural activities associated with a 4-H and/or FFA project or projects; and those applicable uses listed under Chapter 17.108. Limited agritourism and agri-nature tourism uses and activities pursuant to the definitions for agritourism and agri-nature tourism and in accordance with the development standards established by Section 17.40.010.A.4 shall be permitted when conducted in compliance with all of the following:

i. A daily use or activity is limited to no more than an average of 15 persons per day with a maximum of less than 106 in any given week (not counting employees). If averages are used, they must be on a per week basis.

b. **Administrative Use Permit uses:**

i. Small scale mining in compliance with applicable standards and regulations pursuant to section 17.108.110. (Ord. 1114 Sec.VI, 2015).

ii. Larger and more frequent agritourism and agri-nature tourism uses and activities pursuant to the definitions, and including but not limited to Collaborative Agri-Nature Tourism Events, petting zoos of resident animals, and hunting dog trials when no fire arms are discharged. All of the uses shall be conducted in compliance with all of the following:

- A daily use or activity is limited to no more than an average of 35 persons per day with a maximum of 250 in any given week (not counting employees). If averages are used, they must be on a per week basis.

- The use or activity is conducted in accordance with the development standards established by Section 17.40.010.A.4.

- Submittal of an agritourism facility compliance form to the Mariposa County Planning Department is required annually for reporting of agritourism activities and events. The report shall include information on the number of participants, days of activity, and hours of operation.

Agricultural activities associated with a 4-H and/or FFA project or projects shall not be subject to an administrative use permit.

Prior to issuance of an administrative use permit, the use or activity is subject to submittal of proposed use or activity and site plans for review by County departments and State agencies as to compliance with applicable laws, policies, codes and regulations.

Said County department review may determine that proposed activity or use is required to obtain a conditional use permit as defined below in this section.

c. **Conditional uses:** Intensive commercial agricultural uses including but not limited to the following: commercial hog ranches, livestock feed lots when confinement is

for the purpose of finishing livestock for market, and commercial poultry farming; fertilizer plants or yards; animal sales yards; dairies; dairy processing plants; experimental agricultural operations determined by the planning director that the operation could impact other agricultural operations in the county, including, but not limited to, those associated with the agri-biotech industry and genetic technologies; dormitory style housing facilities for employees; slaughter houses; mining, which may include mineral or construction material processing, in conformance with the state surface mining and reclamation act and county code; very large and frequent agritourism uses and activities pursuant to the definition for agritourism for groups of 36 or more persons per day for ongoing activities up to more than 250 people per week and in accordance with the development standards established by Section 17.40.010.A.4; commercial hunting, hunting dog trials when fire arms are discharged, and game bird clubs; commercial target or shooting ranges, including archery; dude or guest ranches, riding clubs, commercial stables or animal boarding facilities and similar activities (which are not established as part of an agritourism operation or as a Rural Home Industry operation and meeting the standards and provisions listed in Section 17.108.080 and pertinent standards in 17.108.070); private schools, except as permitted by Section 17.108.060(I); churches; and recreational camps or religious organization camps; Transient Rentals with no on-site manager in accordance with the standards of Section 17.108.180; Glamping in accordance with the standards established by Section 17.108.180, except as modified by the standards herein. In addition to other conditions placed on them by the planning commission, slaughter houses shall have a minimum setback of fifteen hundred (1500) feet from state highways and adjacent higher density land use classifications or property lines. Agricultural activities associated with a 4-H and/or FFA project or projects shall not be subject to a conditional use permit. (Ord. 1114 Sec.VI, 2015; Ord. 1087 Sec.I, 2012).

d. **Prohibited uses:** All other uses not listed above are prohibited, except similar uses in compliance with section 17.08.120 and 17.108.030 of this title. (Ord. 1087 Sec.I, 2012; Ord. 1086 Sec.I, 2011).

2. **Minimum parcel or lot size:** No parcel of real property in the AEZ shall be divided or split into two (2) or more parcels by voluntary transfer, court action or other conveyance where any one (1) of the parcels so created will be less than one hundred sixty (160) acres or a legal quarter section in gross area.

3. **Density:** Two (2) single family residences per one hundred sixty (160) acres or a legal quarter section.

4. **Special Development and Performance Standards for Agritourism and Agri-Nature Tourism Uses and Activities in the Agriculture Exclusive Zone:**

a. Agri-Nature uses or activities are subject to the same development standards as agritourism uses or activities.

b. An agritourism use or activity is subject to all of the following road access and maintenance requirements, if the use or activity generates more than 7.5 Average Daily Trips (ADTs).
 i. Any agritourism use or activity which is established shall have access from a road or roads which have adequate capacity for existing traffic and the traffic proposed by the agritourism activity or use as defined by the Mariposa County Road Improvement and Circulation Policy. Any and all road improvements (public and private) must be made only as allowed by the provisions of a recorded access easement. If the agritourism activity is on a non-standard county maintained road, then an agritourism activity may only occur if the non-standard county maintained road is improved by the project proponent to provide adequate capacity as described above.

ii. Any agritourism use or activity which is established shall have access from roads which are maintained. If primary access is not from a county maintained road or a State Highway, then the proponent of the agritourism use or activity shall participate in any existing active road maintenance organization for all privately maintained access road(s). If no road maintenance organization exists, then the proponent of the agritourism use or activity shall record a road maintenance agreement which provides for maintenance of drainage and erosion control devices, fuel modification, and upkeep of road surfaces from at least the proponent's property to the nearest County maintained road or State highway. The road maintenance agreement provisions shall be developed by the project proponent and shall:

- Be in effect for the life of the project unless said maintenance is taken over by the County, a special district, other governmental entity, or a recorded private road maintenance association.

- Provide for annual maintenance and the immediate correction of emergency and hazard situations.

c. Any exterior activities for agritourism uses and activities shall not commence prior to seven o'clock (7:00) a.m. and shall cease by ten o'clock (10:00) p.m. The Planning Director can consider amendments to these hours of operation on a case by case basis through the Administrative Use Permit process for specific agritourism uses which are time sensitive, such as but not limited to bird-watching, when the Planning Director can make the finding that the amended hours will not have adverse impacts. The Planning Director may apply such conditions as are necessary in order to make this finding.

d. If the agritourism use or activity is immediately adjacent to a commercial poultry operation, there shall be no exterior lights for the agritourism use or activity

(except as minimally necessary for public safety) and there shall be no organized agritourism activities after sunset. This requirement may be waived if the agritourism proponent obtains a signed waiver from the adjacent commercial poultry producer. This standard shall not apply if the agritourism operation is established before a poultry operation is established on the adjacent property.

e. The agritourism uses and activities shall not require more than 1 (one) employee per acre up to a maximum of the equivalent of 5 (five) full-time employees on-site at any one time. The number of employees will be in full FTE increments, with 1 (one) FTE allowed per acre allowed for agritourism development as defined in 17.40.010.A.4.i. This limit does not include family members or employees solely of the agricultural operation. The Planning Director can consider amendments to the number of employees at an operation on a case by case basis through the Administrative Use Permit process for specific agritourism uses which may require more employees, when the Planning Director can make the finding that the increased number of employees will not have adverse impacts. The Planning Director may apply such conditions as are necessary in order to make this finding.

f. The owner, lessee, designated agent or a designated family member of the agritourism enterprise shall be present throughout the duration of the agritourism use or event.

g. Petting zoos of resident animals shall have a minimum of 1/3 mile buffer from adjacent properties.

h. Activities shall be limited to the on-site agritourism parcel or parcels. Parcel boundaries and no trespassing signs shall be clearly posted. The owner of an agritourism business shall be responsible for the actions, impacts and damages of his or her guests, pursuant to California Civil Code Section 1714.

i. The primary use of the parcel on which the agritourism use or activity is located shall be for commercial agricultural production. Pursuant to Section 52262 of the California Food and Agricultural Code, this shall mean a place of agricultural production which has annual sales of agricultural products of one thousand dollars (\$1,000) or more. Agritourism is permitted as a secondary use to the primary commercial agricultural production use. The amount of land permitted for permanent physical improvement (infrastructure and structural improvements) related to agritourism is limited to no more than 10% of a parcel's acreage or 5 acres of total land area, whichever is the lesser amount, to comply with this primary use standard. Developed infrastructure and structural improvements do not include unpaved riding or hiking trails. If there are multiple parcels involved in the agritourism use and development, the maximum amount of agritourism development shall be calculated based upon the parcel on which the improved facilities are

located, using the % calculation, and there shall be no more than 5 acres cumulative agritourism development allowed on all of the parcels combined.

j. Daily or ongoing agritourism uses or activities shall have adequate provisions for sewage disposal (permanent or temporary) as determined by the Mariposa County Health Department.

k. The agritourism use or activity shall have adequate provisions for public water as determined by the Mariposa County Health Department.

l. The agritourism use or activity shall have adequate access and on-site parking.

m. Any new exterior lighting installed related to an agritourism use or activity shall comply with the dark sky standards as described in the Mariposa County General Plan.

n. An agricultural homestay is subject to all of the following requirements:

i. The parcel on which an agricultural homestay is proposed shall be at least twenty (20) acres in size or greater;

ii. The agricultural homestay is located in a residence occupied by the property owner, an accessory dwelling or other existing dwelling; the agricultural homestay is located on property 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;

iii. The agricultural homestay has not more than five (5) guest rooms and accommodates not more than ten (10) adult guests; children accompanied by a guardian do not count as adult guests, but the total number of guests must not exceed fifteen (15) persons;

iv. The agricultural homestay serves meals only to its registered guests and serves meals at any time, and with respect to which the price of meals is included in the price of the overnight transient occupancy accommodation;

v. Lodging and meals are incidental and not the primary function of the agricultural homestay establishment;

vi. The agricultural homestay establishment is located on, and is a part of, a farm, as defined in Section 52262 of the California Food and Agricultural Code, that produces agricultural products as its primary business [pursuant to the referenced section of code, this shall mean a place of agricultural production which has annual sales (income) of agricultural products of one thousand dollars (\$1,000) or more];

vii. The primary purpose of the homestay establishment is the guest's education and active participation in the on-site agricultural activities

viii. Any activities or events that involve more than ten (10) adult guests at an agricultural homestay are prohibited; children accompanied by a guardian do not count as adult guests, but the total number of guests must not exceed fifteen (15) persons;

ix. A Bed and Breakfast / Transient Rental Permit pursuant to Section 17.108.180 of the Mariposa County Code shall be obtained prior to establishing an agricultural homestay, including a valid Transient Occupancy Tax Certificate.

p. A glamping operation is subject to all of the following requirements:

i. The parcel on which glamping is proposed shall be at least twenty (20) acres in size or greater;

ii. The glamping operation is located on property 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 a glamping operation;

iii. The glamping operation has not more than five (5) guest units and accommodates not more than ten (10) adult guests; children accompanied by a guardian do not count as adult guests, but the total number of guests must not exceed fifteen (15) persons;

iv. The glamping operation serves meals only to its registered guests and serves meals at any time, and with respect to which the price of meals is included in the price of the overnight transient occupancy accommodation;

v. The glamping establishment is located on, and is a part of, a farm, as defined in Section 52262 of the California Food and Agricultural Code, that produces agricultural products as its primary business [pursuant to the referenced section of code, this shall mean a place of agricultural production which has annual sales (income) of agricultural products of one thousand dollars (\$1,000) or more];

vi. Any activities or events that involve more than ten (10) adult guests at a glamping establishment are prohibited; children accompanied by a guardian do not count as adult guests, but the total number of guests must not exceed fifteen (15) persons;

vii. The glamping operation conforms to all building codes, fire codes and American Disabilities Act requirements.

viii. A Bed and Breakfast / Transient Rental Permit pursuant to Section 17.108.180 of the Mariposa County Code shall be obtained prior to establishing a glamping operation, including a valid Transient Occupancy Tax Certificate.

B. **Agricultural advisory committee.** As part of the review of an application for rezoning to place property into or remove property from the Agriculture Exclusive Zoning district, the

planning director shall refer the application to the agricultural advisory committee. The committee shall review each action described above and may, if necessary, inspect the property in question to determine if the property is bona fide agricultural land appropriate for the Agriculture Exclusive Zoning district and if such action is consistent with the general plan. The committee shall forward their recommendation for action on the rezoning application to the planning commission. (Ord. 1074 Sec.I, 2010; Ord. 1014 Sec.I, 2004; Ord. 704 Sec.1, 1988).