

ORDINANCE NO. ____

**AN ORDINANCE AMENDING SECTION 13.10.640 OF THE
SANTA CRUZ COUNTY CODE REGARDING TEMPORARY
PRODUCE SALES AREAS AND PRODUCE STANDS**

The Board of Supervisors of the County of Santa Cruz (the “Board”) hereby finds and declares the following:

WHEREAS, on June 4, 2024, the Board of Supervisors for the County of Santa Cruz (“Board”) directed the Santa Cruz County Cannabis Licensing Office (“CLO”) to prepare and propose revisions to the County’s Cannabis Program, specifically to Santa Cruz County Code (“SCCC”) Chapter 13.10, to allow retail sales at farm stands and temporary produce stands; and

WHEREAS, the Board also directed the Planning Commission to hold a public hearing on the proposed changes to the farm stand and temporary produce stand regulations; and

WHEREAS, the Planning Commission finds that the proposed amendments to SCCC sections 13.10.640 are consistent and compatible with the Santa Cruz County General Plan and all components of the Local Coastal Program implementing ordinances; and

WHEREAS, on November 15, 2022, the Board certified an Environmental Impact Report (EIR) for the County of Santa Cruz Sustainability Policy and Regulatory Update (Sustainability Update), consisting of amendments to the County’s General Plan/Local Coastal Program (LCP), including four updated General Plan elements, amendments to sections of the SCCC, adoption of County Design Guidelines, and General Plan land use map and/or zoning map amendments (State Clearinghouse No. 2020079005); and

WHEREAS, Sections 15162 and 15164 of the California Environmental Quality Act (“CEQA”) Guidelines require an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred; and

WHEREAS, the County has prepared an Addendum to the Santa Cruz County Sustainability Update EIR pursuant to Section 15164 of the CEQA Guidelines, and has determined that the revisions to Chapter 13.10 of the SCCC to allow retail sales at farm stands and temporary produce stands are consistent with the environmental impacts evaluated in the Sustainability Update EIR and subsequent addenda as documented by the review contained in the Addendum,, and none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR have occurred..

NOW, THEREFORE, the Board of Supervisors of the County of Santa Cruz hereby ordains as follows:

SECTION I

Section 13.10.640 of the Santa Cruz County Code is hereby amended to read as follows:

13.10.640 Temporary produce sales areas, produce stands, and produce markets.

(A) The purpose of these regulations is to provide for and regulate the sale of farm commodities produced on-site, and also to allow the sale of related goods that promote agricultural products originating in Santa Cruz County and neighboring counties.

(B) Definitions.

(1) “Retail food law” for purposes of this chapter, means any chapter of any California Code regulating health and sanitation standards for retail food facilities. Retail food law shall be administered and enforced by County of Santa Cruz Environmental Health Services, unless another agency is specifically identified by law.

(C) General Standards. The following general standards shall apply to all produce sales areas, stands, and markets regulated by this chapter:

(1) One temporary produce sales area, one produce stand, or one produce market per site is allowed, subject to approval as set forth in SCCC [13.10.312](#)(D), Agricultural Uses Chart, and Chapter [13.11](#) SCCC.

(2) A temporary produce sales area or produce stand shall be allowed only if:

(a) It is located in the A (Agriculture), CA (Commercial Agriculture), TP (Timber Production), or SU (Special Use) Zoning District;

(b) It is accessory to agricultural production on the same parcel;

(c) At least 75 percent of the gross site area, that can be utilized for agricultural production, is devoted to agricultural production;

(d) The entirety of any subject parcel is owned or leased by the produce area/stand proprietor; and

(e) The floor area, excluding storage, shall not exceed 800 square feet. A larger floor area up to 1,600 square feet may be considered with an MUP or may be allowed if the building has a pre-existing commercial use which allowed for direct consumer

services, including, but not limited to, wine tasting rooms, prepared food service, sales.

- (3) A produce market shall be allowed only if:
 - (a) It is located in the A Zoning District;
 - (b) It is accessory to agricultural production on the same site;
 - (c) At least 75 percent of the gross site area is devoted to agricultural production;
 - (d) The entirety of any subject parcel is owned or leased by the produce market proprietor; and
 - (e) The floor area, excluding storage, does not exceed 1,800 square feet. A floor area of up to 3,600 square feet may be considered with approval of a CUP, where it can be demonstrated that a need for a market larger than 1,800 square feet exists, such as may be required for a larger agricultural operation.
- (4) The produce stand, produce market, and associated parking and circulation areas shall remove as little land as possible from agricultural production or potential production. To minimize disturbance to agricultural soils, all associated improvements shall be located off, or on the perimeter of, Type 1—3 soils to the maximum extent feasible. Stands and markets should be located at the front of the parcel in conjunction with roadway access, or clustered with the existing development on the site.
- (5) Safe ingress and egress from the site shall be provided.
- (6) Produce stands and produce markets may have a maximum of one double-faced free-standing sign and one sign attached to the structure, not including small, pedestrian-oriented price signs up to one-half square feet each placed with produce. No sign or face shall exceed 10 square feet. No illuminated signs or off-site signs shall be allowed. All signs shall be located outside the public right-of-way and shall not obstruct ingress, egress, or vehicular site distance.
- (7) The point of origin of each commodity sold at the produce stand or produce market, including the name of the farm and county where it was grown, shall be prominently displayed indoors, using legible lettering, preferably with produce price signs.

(8) Produce stands and produce markets shall be subject to the laws and regulations administered by other County of Santa Cruz departments, as well as the requirements of other jurisdictional agencies such as the California Department of Food and Agriculture and California Department of Transportation.

(D) Temporary Produce Sales Area. Temporary produce sales areas are subject to the following standards and requirements:

(1) Three parking spaces shall be provided. Each parking space shall be at least eight and one-half feet by 18 feet in size, shall be located off, or on the perimeter, of good agricultural soils and shall not encroach upon any public rights-of-way or create a traffic hazard. Parking is not required to be paved unless specified by permit.

(2) A temporary produce sales area may sell only raw, unprocessed fruits, vegetables, nuts, cut flowers, and other agricultural produce in its raw or natural state produced on land that the produce stand's proprietor controls. No other commodities may be sold from a temporary produce sales area.

(3) A temporary produce sales area may only be open for up to 90 consecutive days per year to coincide with the harvest of the commodity. The applicant must obtain an administrative use permit to operate a produce stand if the produce sales area will be open for longer than 90 consecutive days in a year or if produce sales will be staggered (non-consecutive) due to differing harvest times.

(4) During the time when the temporary produce sales area is closed, all signage pertaining to the produce sales area, the temporary structure, and all for-sale products shall be removed from view.

(E) Produce Stands. Produce stands are permitted subject to the following standards and requirements along with any other requirements deemed necessary due to the size, configuration, and location of the site.

(1) One off-street parking space shall be provided for each 400 square feet of gross floor area or a minimum of three parking spaces, whichever is greater. Each parking space shall be at least eight and one-half feet by 18 feet in size, shall be located off, or on the perimeter, of Type 1—3 agricultural soils, and shall not encroach upon any public rights-of-way or create a traffic hazard. Parking is not required to be paved unless specified by

discretionary permit as appropriate to control dust or mud, or to prevent erosion and sedimentation.

(2) A produce stand shall be used to sell primarily raw, unprocessed fruits, vegetables, eggs, honey, cut flowers, and other agricultural produce in its raw or natural state produced on land that the produce stand's proprietor controls.

(3) Up to 15 percent of the area of the produce stand may be used for the sales of processed, pre-packaged, non-potentially hazardous foods, and other agricultural products, including, but not limited to, dried fruit, jams, jellies, fruit pies, soaps, essential oils, topical products and other items produced by the stand proprietor within the County. All processed agricultural products are subject to County use permit requirements for agricultural processing and any applicable retail food law.

(4) Produce stands not in use for a period of three consecutive years shall be removed from the premises at the landowner's expense.

(5) Cold storage shall not be included as part of the allowable produce stand size and may require a separate approval, pursuant to SCCC [13.10.312](#) and Chapter [13.11](#) SCCC.

(6) A produce stand may be open to the public up to seven days a week as long as the farm is producing agricultural products to be sold at a produce stand.

(F) Produce Markets. Produce markets are subject to the following standards and requirements along with any other requirements deemed necessary due to the size, configuration, and location of the site.

(1) One off-street parking space shall be provided for each 400 square feet of gross floor area with a minimum of three parking spaces. Each parking space shall be at least eight and one-half feet by 18 feet in size, shall be located off, or on the perimeter of, Type 1—3 agricultural soils and shall not encroach upon any public rights-of-way or create a traffic hazard. Surfacing materials for the parking spaces shall be specified by discretionary permit.

(2) A produce market shall be used to sell primarily raw, unprocessed fruits, vegetables, eggs, honey, cut flowers, nursery plants or flowers, nuts, and other agricultural produce in its raw or natural state that have been grown in the County of Santa Cruz.

- (3) Up to 25 percent of the area of the produce market may be used for the display of processed, pre-packaged, non-potentially hazardous foods including, but not limited to, dried fruit, jams, jellies, and fruit pies. All processed foods are subject to any applicable retail food law and must be obtained from approved sources. Products may also be obtained from cottage food operations within the County of Santa Cruz.
- (4) Up to five percent of the display area may be used for sales of taxable items that advance the sale of agricultural products or educate the public about the agricultural industry.
- (5) Except as provided in subsection (F)(4) of this section, no taxable items may be sold at produce markets and the sale of petroleum products, alcoholic beverages, tobacco, or magazines is specifically prohibited.
- (6) Cold storage accessory to a produce market shall be located within or attached to the main structure and shall be used to store raw produce products and bottled water only for on-site sale. Cold storage facilities for wholesale agricultural commodities may require a separate site development permit pursuant to Chapter [13.11](#) SCCC.
- (7) A produce market may operate up to 365 days a year. [Ord. 5423 § 24, 2022].

SECTION II

The adoption of this ordinance is subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15162 and 15164, which require an addendum to a previously certified EIR if changes are made that do not result in unaccounted for impacts. The proposed amendments to Santa Cruz County Code have been addressed in the Sustainability Plan Final EIR, and an Addendum to the EIR has been drafted.

SECTION III

The Board of Supervisors further finds and determines in its reasonable discretion on the basis of the entire record before it that the proposed amendments to Santa Cruz County Code Section 13.10.640 are consistent and compatible with and will not frustrate the objectives, policies, general land uses, and programs specified in the General Plan and Local Coastal Program.

SECTION IV

Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION V

This ordinance shall take effect in areas outside the Coastal Zone on the 31st day after the date of final passage and shall take effect in areas within the Coastal Zone on the 31st day after the date of final passage, or upon certification by the Coastal Commission, whichever is later.

PASSED AND ADOPTED this ____ day of ____ 2025, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

ABSTAIN: SUPERVISORS

Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:

Signed by:

Ryan Thompson

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Office of the County Counsel

Certificate Of Completion

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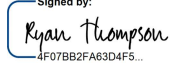
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Signing Complete	Security Checked	2/28/2025 12:39:49 PM
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Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact County of Santa Cruz:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

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To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at nada.algharib@santacruzcounty.us and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

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- Until or unless you notify County of Santa Cruz as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by County of Santa Cruz during the course of your relationship with County of Santa Cruz.