

17. Adopt "Ordinance Amending Section 13.10.640 of the Santa Cruz County Code Regarding Temporary Produce Sales Areas and Produce Stands" (Approved in concept March 25, 2025) ()



## **County of Santa Cruz Board of Supervisors**

### **Agenda Item Submittal**

**From:** Clerk of the Board

**Subject:** Ordinance Amending Section 7.130.030 and 7.130.110 of the Santa Cruz County Code

**Meeting Date:** April 8, 2025

**Formal Title:** Adopt " Ordinance Amending Section 13.10.640 of the Santa Cruz County Code Regarding Temporary Produce Sales Areas and Produce Stands" (Approved in concept March 25, 2025)

### **Recommended Actions**

Adopt " Ordinance Amending Section 13.10.640 of the Santa Cruz County Code Regarding Temporary Produce Sales Areas and Produce Stands" as approved in concept on March 25, 2025.

### **Executive Summary**

n/a

### **Discussion**

On March 25, 2025, the Board of Supervisors approved the ordinance in concept and scheduled it for second reading/final adoption on April 8, 2025.

### **Financial Impact**

There is no financial impact associated with the recommended actions.

### **Strategic Initiatives**

N/A

### **Submitted By:**

Juliette Rezzato, Chief Deputy Clerk of the Board

### **Recommended By:**

Carlos J. Palacios, County Administrative Officer

### **Artificial Intelligence Acknowledgment:**

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.

**ORDINANCE NO. 5479****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**



Ordinance 5479

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.

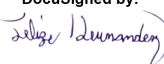
PASSED AND ADOPTED this 8th day of April 2025, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: Supervisors Koenig, Cummings and Hernandez

NOES: Supervisors De Serpa and Martinez

ABSENT: None

ABSTAIN: None

DocuSigned by:  
  
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Felipe Hernandez 4/9/2025  
Chairperson of the Board of Supervisors

ATTEST:   
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Juliette Rezzato 4/9/2025  
Clerk of the Board

APPROVED AS TO FORM:

Signed by:  
  
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Ryan Thompson  
Office of the County Counsel



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AutoNav: Enabled		701 Ocean Street
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Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

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Signatures: 2

Envelope Originator:

Certificate Pages: 5

Initials: 0

CBD eSignature

AutoNav: Enabled

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701 Ocean Street

Envelopeld Stamping: Enabled

Santa Cruz, CA 95060

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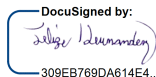
## Signer Events

Felipe Hernandez

Felipe.Hernandez@santacruzcountyca.gov

Security Level: Email, Account Authentication (None)

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Juliette Rezzato

Juliette.Rezzato@santacruzcountyca.gov

Chief Deputy Clerk of the Board of Supervisors  
County of Santa Cruz

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cbd.esignature@santacruzcountyca.gov

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Freeform Signing

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## Agent Delivery Events

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## Intermediary Delivery Events

## Status

## Timestamp

Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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### **All notices and disclosures will be sent to you electronically**



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### **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:

To contact us by email send messages to: [nada.algharib@santacruzcounty.us](mailto:nada.algharib@santacruzcounty.us)

### **To advise County of Santa Cruz of your new email address**

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](mailto: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.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

### **To request paper copies from County of Santa Cruz**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to [nada.algharib@santacruzcounty.us](mailto:nada.algharib@santacruzcounty.us) and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

### **To withdraw your consent with County of Santa Cruz**

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to [nada.algharib@santacruzcounty.us](mailto:nada.algharib@santacruzcounty.us) and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

### **Required hardware and software**

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

### **Acknowledging your access and consent to receive and sign documents electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- 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.