

## **Selling Produce and other Raw, Unprocessed Farm Products Directly to the Public**

Numerous exemptions are provided for selling certain farm products directly to the end consumer (direct marketing). However, some permits are still typically required depending upon your specific circumstances. The following are the types of permits that may be required. If you are located in an incorporated city (Arroyo Grande, Atascadero, Grover Beach, Morro Bay, Paso Robles, Pismo/Shell Beach, San Luis Obispo), you will need to contact the following county departments: Agriculture (for scales or packaging requirements) and Environmental Health. If you are located in a city you may need to contact the city's planning, building, public works, and tax offices. The following is information specific to direct marketing in the county.

### **Planning and Building Department**

Essentially all structures that the public can enter require a building permit. Sales of agricultural products directly from the field (i.e. "you pick") or from an outdoor location (e.g. under a tree, at a table, or from a cooler) do not require a building permit.

Most forms of direct marketing require at least a basic form of land use permit (i.e. *Zoning Clearance*). Sales from a stand or structure are called "Roadside Stands" and are further defined by whether the stand is *permanent* (an immobile structure) or *temporary* (a mobile or removable structure). Depending on several factors, a stand may require a higher level of permit, either a *Site Plan* or *Minor Use Permit*. Roadside stands must meet certain setbacks, size limitations, and sales requirements. In general, at least one-half of all agricultural products for sale must be grown on the site of the stand, on adjoining properties, or on other properties under the control of the stand owner. In certain circumstances, small amounts of agricultural-related items and packaged food may be sold if the facility obtains all the proper permits. Sales of raw agricultural products from the field and not involving a structure are exempt from land use permits.

Planning and Building's contact number is 781-5600. Their public information center is staffed Mon-Fri 8:30-4:30 at 876 Osos Street, Room 200 in downtown San Luis Obispo.

<http://www.slocounty.ca.gov/planning.htm>

### **Public Works Department**

The Department reviews site access, drainage, and roadway safety and capacity when certain types of projects are proposed on a site and a land use permit is required. This is done in conjunction with the Planning and Building Department.

The Department is also responsible for issuing encroachments permits for all activities in the County maintained public right of way. This includes any changes to driveways at their point of connection to the public road or the creation of any new driveway access. Any commercial activity in the right of way also requires an encroachment permit (encroachment permits are not granted for the sale of products within the right of way, such as roadside stands). The Department can also assist in determining whether parking is allowed within the County's right of way.

The contact for Public Works' Encroachment Unit is 781-4999.

[http://www.slocounty.ca.gov/PW/Traffic/Permits-Encroachments\\_Info.htm](http://www.slocounty.ca.gov/PW/Traffic/Permits-Encroachments_Info.htm)

If you are located on a site which is accessed directly from a state highway, CalTrans would need to be contacted issuing an encroachment permit. 549-3152. <http://www.dot.ca.gov/dist05/permit/index.htm>

## **Tax Collector**

Businesses generally require a business license. Agricultural producers are typically exempt from this requirement when they sell their product directly to consumers on the land where the product is grown or at a certified farmers' market. However, any type of sales facility (including a roadside stand) which sells any non-agricultural product, or sells any product produced by others, or is located at a site other than where the agricultural products being sold are grown, would require a business license. Business licenses are generally obtained from the Tax Collector at the same time a land use permit is granted from the Planning and Building Department.

The contact for the county Tax Collector is 781-5832.

<http://www.slocounty.ca.gov/tax/businesslicense.htm>

## **Environmental Health Department**

The Environmental Health Department oversees the implementation of state laws relating to food and water safety including the California Retail Food Code. This code regulates all facilities where food is prepared, sold or given away. If you are not planning to sell or give away any edible food items, it is unlikely you will need a permit from the health department. Also, if you only sell or give away produce (defined as "any whole fruit or vegetable in its raw and natural state") and/or shell eggs, and you are the producer (grower) of the produce and/or shell eggs, you may be exempt from food code standards.

Environmental Health's contact number is 781-5544. Their office is located at 2156 Sierra Way (near the intersection of Johnson Ave. and Bishop St.) in the City of San Luis Obispo.

<http://www.slocounty.ca.gov/health/publichealth/ehs.htm>

## **Agriculture/Weights and Measures Department**

Selling any product by weight requires the seller to utilize a certified scale. Under state and federal law, any packaged products are required to include producer identification, product identify, and the net quantity of product.

Sales of fruit, vegetables, and nuts from a retail stand located at or near the point of production or at a certified farmers' market are exempted from size, standard pack, container, and labeling requirements. Sales of produce at any other location are required to meet these standards. All fruit, nuts, and vegetables, regardless of the sales location, are required to meet maturity and quality requirements.

The Agriculture/Weights and Measures Department contact number is 781-5910. The main office is located at 2156 Sierra Way (near the intersection of Johnson Ave. and Bishop St.) in the City of San Luis Obispo. Field offices are located in Templeton and Arroyo Grande.

<http://www.slocounty.ca.gov/agcomm.htm>

## **Fire**

If you are planning to build any type of structure, utilize a tent/membrane or conduct business operations within a structure built for other types of use, you must contact the appropriate fire authority. CAL FIRE/San Luis Obispo County Fire Department can assist you with determining proper jurisdiction and/or conducting plan review for purposes of providing a fire safety plan if required.

Their contact number is 543-4244, ext. 2220 (Fire Prevention).

<http://www.calfireslo.org/preventionpermits.html>

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County Department of Agriculture/Weights and Measures