

Agricultural Homestays in Marin County

Background

If you're interested in sharing farm life (and your home) with visitors, an Agricultural Homestay (AH, also called a Farmstay) can provide a diversified source of on-farm income. Common throughout Europe, Australia, and other parts of the world, on-farm lodging is popular with guests seeking a rural experience and a better understanding of where their food comes from. Operating AHs became simpler with the passing of the California Agricultural Homestay Bill in 1999. This bill amended the California Health and Safety Code, easing kitchen requirements for farms and ranches that offer overnight stays. Under this bill, farms and ranches that produce agricultural products as their primary source of income can provide up to six guest rooms, housing 15 visitors a night, and can serve full meals without meeting the same stringent requirements as a restaurant.



In many cases, establishing an AH may be simple, requiring very little in the way of permitting and inspection. Depending on zoning, number of guest rooms, and whether or not building modifications are needed, some situations may be much more complex, necessitating various permits and triggering more complex regulations. If you want to start an AH with three or fewer guest rooms in an existing home that you occupy, you may only need to have your kitchen inspected and obtain a Food Handlers Certificate from Marin County Environmental Health Services (EHS).

Planning Approvals

Marin County is divided into the inland areas and the Coastal Zone for the purposes of land use planning. In the inland areas, Marin County planning requirements allow the rental of up to three rooms per property as a “home occupation.” In the Coastal Zone, “home occupations” on agriculturally-zoned properties are not allowed, but you are allowed to establish a “Bed and Breakfast” with up to three bedrooms provided you meet the standards for septic systems, fire protection, and parking. If you establish a “Bed and Breakfast,” you can serve your guests light breakfasts and late night snacks, but you cannot serve lunch or dinner. It may be possible to establish a “Bed and Breakfast” with four or five rooms by obtaining Use Permit and Coastal Permit approval. Any development that you desire as part of an AH will be subject to the same planning policies and requirements as development that is not associated with an AH. All land use and planning permits are obtained from the Planning Division of the Marin County Community Development Agency. For more information, contact the Planning Division’s Public Information Counter between 8 am and 4 pm, Monday through Friday, at (415) 499-6269.

Building Permits

A building permit is not required to simply use a single family dwelling as an Agricultural Homestay if five or fewer rooms are used for lodging, but with a greater number of lodging rooms, a “change of occupancy”¹ permit would be required. If you plan to construct a new building, or modify an existing building for an AH, you’ll need a building permit from the Marin County Building and Safety Division of the Community Development Agency. Structural guidelines, requirements, and exemption criteria are described in *Bed and Breakfast/Agricultural Homestay Food Establishment Guidelines* (http://www.ccdeh.com/commttee/food/documents/Guidelines/BandB-Ag_Homestay_Guideline.pdf). Building permits and change of occupancy permits can trigger legal requirements for accessibility, which vary with scope of work and project cost. In addition, AHs must meet County Fire Department requirements.

For more information on building permits and related approvals, contact David Brunhofer, Building Inspector II, for the Marin County Building Department, at (415) 473-4142 or dbrunhofer@co.marin.ca.us.

Health Inspections and Permits

As mentioned above, the California Agricultural Homestay Bill eased regulations for on-farm lodging, especially those related to food preparation. EHS is responsible for ensuring that state health regulations are followed, as with other types of retail food establishments.² Health regulations address potable water, food handling and safety, and general sanitation.

Potable Water. Water serving the AH must be from a source approved by a domestic water permit issued by EHS. For more information, contact Scott Callow, Water Specialist for EHS, at (415) 499-6667 or scallow@co.marin.ca.us.

Kitchen and Food Preparation. AH operators must have a Food Handlers Certificate and a Permit to Operate, both of which are issued by EHS. Although food preparation areas do not have to comply with commercial kitchen requirements, they do have to meet more relaxed state standards as described in *Bed and Breakfast/Agricultural Homestay Food Establishment Guidelines* (http://www.ccdeh.com/commttee/food/documents/Guidelines/BandB-Ag_Homestay_Guideline.pdf).

Serving Farm Products. Products produced on-farm can be served in AHs, provided that they are processed in accordance with relevant regulations for retail food sales. Meats produced on-farm would need to be slaughtered and processed at USDA-approved facilities, as described in the Grown in Marin fact sheet *Livestock Slaughter and Processing Requirements in California*. Farm-raised produce, honey, and eggs can be served to guests, but home-canned foods and dairy products that have not been processed in approved facilities cannot.

For more information on obtaining Food Handlers Certificates and Permits to Operate contact Dave Smail, Supervising Registered Environmental Health Specialist for EHS, at (415) 499-6916 or dsmail@co.marin.ca.us.

Septic/waste Disposal. AHs must have a properly functioning septic system to handle bathroom and kitchen waste. If the septic system was installed without County permits, it would need to be inspected, evaluated and documented by a septic engineer. There must be an adequate “fail safe” area set aside for replacement of the septic system should it malfunction. For more information on septic system requirements, contact Janet Mullin, Senior Registered Environmental Health Specialist for the Marin County Environmental Health Department, at (415) 499-6273 or jmullin@co.marin.ca.us.

Public Works Permits and Approvals

Safe access and adequate on-site parking must be provided for AHs. The Marin County Department of Public Works (DPW) oversees ingress, egress, and parking. Intensification of use (i.e. more car trips) and site distance from existing driveways is reviewed by DPW when a planning permit is applied for. If widening or other driveway alterations are necessary, an Encroachment Permit for work within the county road right-of-way would be needed from DPW. A grading permit may also be necessary if significant grading is required. Information on Encroachment and Grading permits is available from the DPW webpage (<http://www.co.marin.ca.us/depts/pw/main/land-development.cfm>), or by contacting the Marin County Department of Public Works, at (415) 499-6647.

Other Considerations and Resources

In addition to permits, AH operators will need the following:

1. County of Marin Business license. Applications are available from the Marin County Treasurer/Tax Collector (<http://www.co.marin.ca.us/depts/TC/main/taxes/pages/buslic.cfm>).
2. Information on how to pay transient occupancy tax (TOT) from the Marin County Assessor (<http://www.co.marin.ca.us/depts/AR/main/index.cfm>). TOT is authorized under State Revenue and Taxation Code Section 7280 on revenues generated from the accommodations industry as an additional source of non-property tax revenue to local government.

3. More information on homestays, TOT, liability and risk management is available in *Agritourism and Nature Tourism in California*, UC Publication 3484, available from the ANR catalog (<http://anrcatalog.ucdavis.edu/SmallFarms/3484.aspx>).
4. To look up zoning for a specific parcel, go to Marin County Community Development Agency Current Planning (<http://www.co.marin.ca.us/depts/CD/Main/comdev/CURRENT/INDEX.cfm>), then click on Zoning Map with Parcel Information Tables. At the bottom of the page you can type in your Assessor's parcel number or street address to find your zoning. This may be helpful information to have when you contact the Planning Division's Public Information Counter.

¹A "change of occupancy" would occur with five or more guest rooms.

²Agricultural Homestays are included in the definition of a "Restricted Food Service Transient Occupancy Establishment" in the California Uniform Retail Food Facilities Law (CURFFL).

Prepared by Lisa Bush and Ellie Rilla, July 2008.

All information pertinent to Marin County Community Development Agency (MCCDA) regulations has been reviewed and approved by the MCCDA.

More information about diversifying your operation is available at the Grown in Marin website under Resources for Farmers at <http://growninmarin.org>, or by calling the UCCE Farm Advisor's office at 415/499-4204.