



## County of San Mateo Planning & Building Department Agricultural Advisory Committee

John Vars  
Koren Widdel  
Jess Brown  
Jim Howard

Frank McPherson  
Judith Humburg  
Lauren Silberman  
Louie Figone

William Cook  
Peter Marchi  
Natalie Sare  
Summer Burlison

County Office Building  
455 County Center, 2<sup>nd</sup> Floor  
Redwood City, California 94063  
650/363-1825  
Fax: 650/363-4849

### Regular Meeting

**\*\*BY VIDEOCONFERENCE ONLY\*\***

**Date: Monday, October 18, 2021**  
**Time: 7:00 p.m. to 9:00 p.m.**  
**Place: Virtual Meeting due to COVID-19 Shelter in Place Order**

Pursuant to the Shelter in Place Orders issued by the San Mateo County Health Officer and the Governor, the Governor's Executive Order N-29-20, and the CDC's social distancing guidelines which discourage large public gatherings, the Half Moon Bay Public Library is no longer open to the public for Agricultural Advisory Committee meetings.

#### **\* PUBLIC PARTICIPATION**

##### **Written Comments:**

Members of the public may provide written comments by email to [SBurlison@smcgov.org](mailto:SBurlison@smcgov.org) and should include the specific agenda item on which you are commenting, or note that your comment concerns an item that is not on the agenda.

The length of the emailed comment should be commensurate with the 5 minutes customarily allowed for verbal comments, which is approximately 300-400 words. To ensure your comment is received and read into the record for the appropriate agenda item, please submit your comments no later than 5:00 p.m. the day before the meeting. The County will make every effort to read emails received after that time, but cannot guarantee such emails will be read into the record. Any emails received after the deadline which are not read into the record will be provided to the Committee after the meeting and become part of the administrative record.

Individuals who require special assistance or a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the agenda, meeting notice, agenda packet, or other writings that may be distributed at the meeting should contact Summer Burlison, the Planning Liaison, by 10:00 a.m. on the Friday before the meeting at [SBurlison@smcgov.org](mailto:SBurlison@smcgov.org). Notification in advance of the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting, the materials related to it, and your ability to comment.

## **Virtual Meeting/Spoken Comments**

Spoke public comments will be accepted during the meeting through Zoom. **Please read the following instructions carefully:**

1. The October 18, 2021 Agricultural Advisory meeting may be accessed through Zoom online at <https://smcgov.zoom.us/j/93346728864>. The **meeting ID** is: **933 4672 8864**. The meeting may also be accessed via telephone by dialing +1 669-900-6833 (Local). Enter the meeting ID: **933 4672 8864** then press #. (To find your local number: <http://smcgov.zoom.us/u/admSDqceDg>).
2. You may download the Zoom client or connect to the meeting using an internet browser. If using your browser, make sure you are using a current, up to date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionalities may be disabled in older browsers including internet explorer.
3. You may be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
4. When the Committee calls for the item on which you wish to speak, click on “raise hand” or \*9 if calling in on a phone. The Secretary will activate and unmute speakers in turn. Speakers will be notified shortly before they are called to speak.
5. When called, please limit your remarks to the time limit allotted.

### **MATERIALS PRESENTED FOR THE MEETING:**

Applicants and members of the public are encouraged to submit materials to the Agricultural Advisory Committee. All materials (including but not limited to models and pictures) submitted on any item on the agenda are considered part of the administrative record for that item and must be retained by the Committee Secretary. If you wish to retain the original of an item, a legible copy must be left with the Committee Secretary.

### **AGENDAS AND STAFF REPORTS ONLINE:**

To view the agenda, please visit our website at <https://planning.smcgov.org/agricultural-advisory-committee>. Staff reports will be available on the website one week prior to the meeting. For further information on any item listed below please contact the corresponding Project Planner indicated.

### **CORRESPONDENCE TO THE COMMITTEE:**

Summer Burlison, Interim Agricultural Advisory Committee Liaison  
455 County Center, 2<sup>nd</sup> Floor  
Redwood City, CA 94062  
Email: [SBurlison@smcgov.org](mailto:SBurlison@smcgov.org)

### **NEXT MEETING:**

The next regularly scheduled Agricultural Advisory Committee meeting is on November 8, 2021.

**AGENDA**  
**7:00 p.m.**

1. **Call to Order**
2. **Member Roll Call**
3. **Adopt a Resolution** that, as a result of the continuing COVID-19 pandemic state of emergency, meeting in person would present imminent risks to the health and safety of attendees.
4. **Officer Elections** for chair and vice chair.
5. **Oral Communications** to allow the public to address the Committee on any matter not on the agenda. If your subject is not on the agenda, the Chair will recognize you at this time.
6. **Committee Member Update(s) and/or Questions** to allow Committee Members to share news and/or concerns for items not on the agenda.
7. **Committee Discussion and Update** on the current COVID-19 pandemic, potential policies needed to protect local agricultural and water from contamination, how the pandemic may affect local food supply, and access to farm labor and resources available to producers and farm workers.
8. **Committee Discussion and Update** on next action steps for market development for San Mateo County's agricultural production and potential.
9. **Informational Notice** that the San Mateo County 2020 Agricultural Crop Report is available online:  
<https://agwm.smcgov.org/sites/agwm.smcgov.org/files/documents/files/2020%20San%20Mateo%20County%20Crop%20Report.pdf>

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**REGULAR AGENDA**

10. **Finalize Committee Review of Draft Farm Stand Guidelines.** The Guidelines were previously discussed at the March 8, 2021, April 12, 2021, May 10, 2021, June 14, 2021, July 12, 2021, August 9, 2021, and September 13, 2021 AAC Meetings.
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11. **Community Development Director's Report**
  12. **Adjournment**
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Agricultural Advisory Committee meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to participate in this meeting; or who have a disability and wish to request a alternative format for the agenda, meeting notice, agenda packet or other writings that may be distributed at the meeting, should contact the County Representative at least five (5) working days before the meeting at (650) 363-1829, or by fax at (650) 363-4849, or e-mail LRichstone@smcgov.org. Notification in advance of the meeting will enable the Committee to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it.

**ROLL SHEET – October 18, 2021**

Agricultural Advisory Committee Attendance 2020-2021

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct
<b>VOTING MEMBERS</b>													
Judith Humburg Public Member	X	X	X	X	X	X		X	X	X	X	X	
Vacant Position*** Farmer	X	X	X	X	X	X	X	X	X	X	X	X	
Natalie Sare Farmer	X	X	X	X	X	X		X		X	X		
Louie Figone Farmer			X	X		X	X	X	X		X		
Vacant Position** Public Member	X	X	X	X		X	X	X	X				
John Vars Farmer, Vice-Chair	X	X	X	X		X		X	X		X	X	
William Cook Farmer	X		X	X		X	X	X			X	X	
Peter Marchi Farmer		X	X	X	X	X	X	X	X	X	X	X	
Vacant Position*** Farmer							X			X			
Vacant Position*** Conservationist	X	X	X	X	X	X	X	X	X	X	X	X	
Lauren Silberman Ag Business	X	X	X	X	X	X	X	X	X	X	X	X	
Natural Resource Conservation Staff Jim Howard													
San Mateo County Agricultural Commissioner Koren Widdel	X	X	X	X	X	X	X	X	X	X	X	X	
Farm Bureau Executive Director Jess Brown	X	X	X	X	X	X	X	X	X	X	X	X	
San Mateo County Planning Staff Summer Burlison	X	X	X	X	X	X	X	X	X	X	X	X	
UC Co-Op Extension Representative Frank McPherson				X	X				X				

**X: Present**

**Blank Space: Absent or Excused**

**Grey Color: No Meeting**

**\* Special Meeting**

**\*\* Position Vacant as of June 2021**

**\*\*\* Position Vacant as of October 2021**



**COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT**

**ITEM**

**3**

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** October 18, 2021

**To:** Agricultural Advisory Committee  
**From:** Summer Burlison, Planning Liaison  
**Subject:** Resolution to make findings allowing continued remote meetings under Brown Act

**RECOMMENDATION:**

Adopt a resolution finding that, as a result of the continuing COVID-19 pandemic state of emergency, in person meetings of the Agricultural Advisory Committee would present imminent risks to the health or safety of attendees.

**DISCUSSION:**

On September 28, 2021, the County of San Mateo Board of Supervisors adopted Resolution No. 078447 finding that, as a result of the continuing COVID-19 pandemic state of emergency, meeting in person would present imminent risks to the health and safety of attendees. The Board's adopted resolution invokes the provisions of recently enacted state legislation (AB 361) to continue teleconferencing for meetings, and strongly encourages other County legislative bodies to make similar findings and continue meeting remotely through teleconferencing.

As encouraged by the Board of Supervisors, and for the reasons set forth in the proposed resolution, which tracks Resolution No. 078447 adopted by the Board of Supervisors, we recommend that your Committee similarly avail itself of the provisions of AB 361 allowing continuation of remote meetings by adopting findings to the effect that conducting in-person meetings would present an imminent risk to the health and safety of attendees. A resolution to that effect, and directing staff to return each 30 days with the opportunity to renew such findings, is attached hereto.

If the resolution is not adopted, the Committee must meet in person, effective as of October 1, 2021.

**ATTACHMENTS:**

- A. Resolution for Adoption
- B. County of San Mateo Board of Supervisors Board Memo, dated September 28, 2021
- C. County of San Mateo Board of Supervisors Resolution No. 078447, adopted September 28, 2021

**RESOLUTION NO.**

**RESOLUTION FINDING THAT, AS A RESULT OF THE CONTINUING COVID-19 PANDEMIC STATE OF EMERGENCY, IN PERSON MEETINGS OF THE AGRICULTURAL ADVISORY COMMITTEE WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES**

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**RESOLVED**, by the Agricultural Advisory Committee of the County of San Mateo, State of California, that

**WHEREAS**, on March 4, 2020, pursuant to section 8550, *et seq.*, of the California Government Code, Governor Newsom proclaimed a state of emergency related to the COVID-19 novel coronavirus and, subsequently, the County of San Mateo Board of Supervisors declared a local emergency related to COVID-19, and the proclamation by the Governor and declaration by the Board remain in effect; and

**WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions in the California Open Meeting Law, codified at Government Code section 54950, *et seq.* (the “Brown Act”), related to teleconferencing by local agency legislative bodies, provided that certain requirements were met and followed; and

**WHEREAS**, on June 11, 2021, the Governor issued Executive Order N-08-21, which extended certain provisions of Executive Order N-29-20 that waive otherwise-applicable Brown Act requirements related to remote/teleconference meetings by local agency legislative bodies through September 30, 2021; and

**WHEREAS**, on September 16, 2021, Governor Newsom signed AB 361, which provides that a local agency legislative body may continue to meet remotely without complying with otherwise-applicable requirements in the Brown Act related to remote/teleconference meetings by local agency legislative bodies, provided that a state of emergency has been declared and the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and provided that the legislative body makes such finding at least every thirty days during the term of the declared state of emergency; and

**WHEREAS**, on September 28, 2021, the County of San Mateo Board of Supervisors made the finding that, as a result of the continuing COVID-19 pandemic state of emergency, meeting in person would present imminent risks to the health and safety of attendees, and therefore adopted Resolution No. 078447 invoking the provisions of AB 361 to continue teleconferencing for meetings, and strongly encouraging other County legislative bodies to make similar findings and continue meeting remotely through teleconferencing; and,

**WHEREAS**, the Agricultural Advisory Committee concludes that there is a continuing threat of COVID-19 to the community, and that Committee meetings have characteristics that give rise to risks to health and safety of meeting participants (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to participate fully in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings); and

**WHEREAS**, California Department of Public Health and the federal Centers for Disease Control and Prevention caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, that it may cause more severe illness, and that even fully



vaccinated individuals can spread the virus to others, resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>); and

**WHEREAS**, this Agricultural Advisory Committee has an important interest in protecting the health and safety of those who participate in meetings of this Committee; and

**WHEREAS**, this Agricultural Advisory Committee typically meets in-person in a public setting, such that the number of people present at these meetings may impair the safety of the occupants; and

**WHEREAS**, the COVID-19 pandemic has informed County agencies about the unique advantages of online public meetings, which are substantial, as well as the unique challenges, which are frequently surmountable; and

**WHEREAS**, in the interest of public health and safety, as affected by the state of emergency caused by the spread of COVID-19, the San Mateo County Agricultural Advisory Committee finds that meeting in person would present imminent risks to the health or safety of attendees, and the Committee will therefore invoke the provisions of AB 361 related to teleconferencing for meetings of the Agricultural Advisory Committee, as strongly encouraged by the Board of Supervisors, to make such findings and continue meeting remotely through teleconferencing.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that

1. The recitals set forth above are true and correct.
2. The Agricultural Advisory Committee finds that meeting in person would present imminent risks to the health or safety of meeting attendees.
3. The Planning staff liaison to the Committee is directed to continue to agendize public meetings of the Agricultural Advisory Committee only as online teleconference meetings, as strongly encouraged by the Board of Supervisors, until the risk of community transmission has further declined.
4. No later than thirty (30) days, or at the beginning of the next regular meeting, after the date of adoption of this resolution the Committee shall again consider whether to make the findings required by AB 361 in order to continue meeting remotely under its provisions.



# County of San Mateo

## Inter-Departmental Correspondence

**Department:** COUNTY MANAGER

**File #:** 21-746

Board Meeting Date: 9/28/2021

**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors  
**From:** Michael P. Callagy, County Manager  
**Subject:** Resolution to make findings relating to remote meetings under the Brown Act

**RECOMMENDATION:**

Adopt a resolution finding that, as a result of the continuing COVID-19 pandemic state of emergency, meeting in person would present imminent risks to the health or safety of attendees.

**BACKGROUND:**

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which rescinded his prior Executive Order N-29-20 and which waived, through September 30, 2021, certain provisions of the Brown Act relating to teleconferences/remote meetings by local agency legislative bodies. The Executive Order waived, among other things, the provisions of the Brown Act that otherwise required the physical presence of members of local agency legislative bodies or other personnel in a particular location as a condition of participation or as a quorum for a public meeting.

If these waivers set forth in the Executive Order were to fully sunset on October 1, 2021, and absent any further State action, local agency legislative bodies subject to the Brown Act would be required to fully comply with the Brown Act's meeting requirements as they existed prior to March 2020, including the requirement that the public be afforded physical access to all teleconference locations from which board members were participating.

On September 16, 2021, the Governor signed Assembly Bill (AB) 361, a bill that codifies certain of the teleconference procedures that local agencies have adopted in response to the Governor's Brown Act-related Executive Orders. Specifically, AB 361 allows a local agency to continue to use teleconferencing under the same basic rules as provided in the Executive Orders under certain prescribed circumstances or when certain findings have been made and adopted by the local agency legislative body.

AB 361 also requires that, if the state of emergency lasts for more than 30 days, the local agency legislative body must make findings every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules. Specifically, the legislative body must find that there is a continuing need

for teleconferencing due to dangers posed by the ongoing state of emergency. This means that local agencies will have to put an item on the public meeting agenda at least every thirty days to make findings regarding the circumstances of the emergency and to vote to continue relying upon the law's teleconference provisions.

Under AB 361, local agency legislative bodies must return to in-person meetings on October 1, 2021, unless they choose to continue with fully teleconferenced meetings and make the prescribed findings related to the existing state of emergency. Specifically, AB 361 allows local agency legislative bodies to continue to conduct virtual meetings as long as there is a proclaimed state of emergency, in combination with (1) local health official recommendations for social distancing or (2) findings adopted by the local agency legislative body that meeting in person would present risks to health. AB 361 is effective immediately as urgency legislation and will sunset on January 1, 2024.

### **DISCUSSION:**

The County's high vaccination rate, successfully implemented local health measures (such as indoor masking), and best practices by the public (such as voluntary social distancing) have proven effective, *in combination*, at controlling the local spread of COVID-19.

However, the California Department of Public Health and the federal Centers for Disease Control and Prevention have cautioned that the Delta variant of COVID-19, currently the dominant strain in the country, is more transmissible than prior variants of the virus, that it may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others, resulting in rapid and alarming rates of COVID-19 cases and hospitalizations ( <https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>).

Reducing the circumstances under which people come into close contact remains a vital component of the County's COVID-19 response strategy. While local agency public meetings are an essential government function, the last 18 months have proven that holding such meetings *in person* is often not essential.

Public meetings pose high risks for COVID-19 spread for several reasons. These meetings may bring together people from throughout a geographic region, increasing the opportunity for COVID-19 transmission. Further, the open nature of public meetings makes it difficult to enforce compliance with vaccination, physical distancing, masking, cough and sneeze etiquette, or other safety measures. Moreover, some of the safety measures used by private businesses to control these risks may be less effective for public agencies.

Finally, the Board of Supervisors shares the Hall of Justice building with the Courts and other County offices and staff who perform essential government functions that cannot be conducted online. The social distancing measures currently in place to maintain the safe occupancy of the building could be undermined by periodically introducing many members of the public at the building's entrances and in its elevators, cafeteria and restrooms.

These factors combine to make in-person public meetings imminently risky to health and safety.

We therefore recommend that the Board adopt findings that conducting in-person meetings at the present time would present an imminent risk to the health and safety of attendees. A resolution to that effect and directing staff to return each 30 days to afford the Board the opportunity to reconsider such findings, is included herewith.

The proposed resolution also encourages other County legislative bodies to consider making similar findings and directs the County Manager to assist those legislative bodies in continuing to meet remotely.

**FISCAL IMPACT:**

None

**RESOLUTION NO. 078447**

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

\* \* \* \* \*

**RESOLUTION FINDING THAT, AS A RESULT OF THE CONTINUING COVID-19 PANDEMIC STATE OF EMERGENCY, MEETING IN PERSON WOULD PRESENT IMMEDIATE RISKS TO THE HEALTH OR SAFETY OF ATTENDEES**

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**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, on March 4, 2020, pursuant to section 8550, *et seq.*, of the California Government Code, Governor Newsom proclaimed a state of emergency related to the COVID-19 novel coronavirus and, subsequently, this Board of Supervisors declared a local emergency related to COVID-19, and the proclamation by the Governor and declaration by this Board remain in effect; and

**WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions in the California Open Meeting Law, codified at Government Code section 54950, *et seq.* (the "Brown Act"), related to teleconferencing by local agency legislative bodies, provided that certain requirements were met and followed; and

**WHEREAS**, on June 11, 2021, the Governor issued Executive Order N-08-21, which extended certain provisions of Executive Order N-29-20 that waive otherwise-applicable Brown Act requirements related to remote/teleconference meetings by local agency legislative bodies through September 30, 2021; and

**WHEREAS**, on September 16, 2021, Governor Newsom signed AB 361, which provides that a local agency legislative body may continue to meet remotely without complying with otherwise-applicable requirements in the Brown Act related to remote/teleconference meetings by local agency legislative bodies, provided that a state of emergency has been declared and the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and provided that the legislative body makes such finding at least every thirty days during the term of the declared state of emergency; and

**WHEREAS**, this Board concludes that there is a continuing threat of COVID-19 to the community, and that Board meetings have characteristics that give rise to risks to health and safety of meeting participants (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to participate fully in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings); and

**WHEREAS**, California Department of Public Health and the federal Centers for Disease Control and Prevention caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, that it may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others, resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>); and

**WHEREAS**, the County has an important interest in protecting the health and safety of those who participate in meetings of this Board and of the County's various other legislative bodies; and

**WHEREAS**, this Board of Supervisors and several other County legislative bodies typically meet in-person in public building where other essential governmental functions take place, such that increasing the number of people present in those buildings may impair the safety of the occupants; and

**WHEREAS**, the COVID-19 pandemic has informed County agencies about the unique advantages of online public meetings, which are substantial, as well as the unique challenges, which are frequently surmountable; and

**WHEREAS**, in the interest of public health and safety, as affected by the state of emergency caused by the spread of COVID-19, the San Mateo County Board of Supervisors finds that meeting in person would present imminent risks to the health or safety of attendees, and the Board will therefore invoke the provisions of AB 361 related to teleconferencing for meetings of the Board of Supervisors, and this Board strongly encourages other County legislative bodies to make similar finding and continue meeting remotely through teleconferencing.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that

1. The recitals set forth above are true and correct.
2. The Board of Supervisors finds that meeting in person would present imminent risks to the health or safety of meeting attendees and directs the



Clerk and County Manager to continue to agendize public meetings of the Board of Supervisors only as online teleconference meetings.

3. The Board of Supervisors strongly encourages all legislative bodies of the County of San Mateo that are subject to the Brown Act, including but not limited to, the Planning Commission, the Assessment Appeals Board, the Civil Service Commission, and all other oversight and advisory boards, committees and commissions established by the Board of Supervisors and subject to the Brown Act, to make a similar finding and avail themselves of teleconferencing until the risk of community transmission has further declined, and directs the County Manager to provide necessary support for these legislative bodies to continue teleconferencing procedures when they have adopted such findings.
4. Staff is directed to return to this Board in a public meeting no later than thirty (30) days after the date of adoption of this resolution with an item for the Board to consider regarding whether to make the findings required by AB 361 in order to continue meeting remotely under its provisions.

\* \* \* \* \*

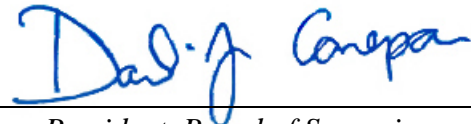
*Regularly passed and adopted this 28<sup>th</sup> day of September, 2021*

*AYES and in favor of said resolution:*

*Supervisors:* \_\_\_\_\_ *DAVE PINE*  
\_\_\_\_\_ *CAROLE GROOM*  
\_\_\_\_\_ *DON HORSLEY*  
\_\_\_\_\_ *WARREN SLOCUM*  
\_\_\_\_\_ *DAVID J. CANEPA*

*NOES and against said resolution:*

*Supervisors:* \_\_\_\_\_ *NONE*



\_\_\_\_\_  
*President, Board of Supervisors  
County of San Mateo  
State of California*

***Certificate of Delivery***

*I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.*



\_\_\_\_\_  
*Assistant Clerk of the Board of Supervisors*



**COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT**

**ITEM**

**10**

# Draft Farm Stand Guidelines

## COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

**DATE:** May 10, 2021

**TO:** Agricultural Advisory Committee

**FROM:** Planning Staff

**SUBJECT:** Draft Farm Stand Guidelines

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The San Mateo County Planning and Building Department has developed the following guidelines for the review and establishment of farm stands within the Planned Agricultural District, Resource Management District, and Resource Management-Coastal Zone zoning districts in the unincorporated County. These guidelines seek to provide guidance regarding the application of existing Local Coastal Program (LCP) policies and zoning regulations in a manner that facilitates the establishment of farm stands that support the economic viability of farming and minimize conflicts with agricultural activities on said lands and/or adjacent lands. These guidelines are not intended to prevent or remove compliance with other local, state or federal regulations.

### **A. DEFINITIONS**

1. **PRODUCE:** Whole farm products, including fresh fruits and vegetables, flowers, plants, grains, nuts, eggs, honey, dairy, and meats, as well as other farm products and agricultural commodities grown in San Mateo County. Farm products may also include “value-added” farm products.
2. **VALUE-ADDED PRODUCTS:** Farm products in which the primary\* ingredients are produced in San Mateo County and which are lightly processed to include only the following added ingredients: pectin, salt, seasoning, and/or sugar. Value-added products must be sold in accordance with local, state, and federal regulations. Examples include but are not limited to: jams, nut butters, preserves, juices, pickles etc.

\*Primary ingredients are defined as an ingredient that constitutes greater than 50% of the product ingredients. Product ingredients are those products defined under produce above.

Products that are characterized as services, compost, fertilizers, foraged foods, and types of wares etc. are *not* considered produce and will not be permitted to be sold either in a Temporary or Permanent farm stand.

3. **FARM STAND OR ROAD STAND:** A business established and operated for the display and sale of agricultural products grown on the premises, or on adjacent lands, or other lands within San Mateo County. Farm or road stands shall not contain a commercial kitchen or cooking facilities. All products sold must be in accordance with local, state, and federal regulations and subject to all applicable health codes.

Permitted products to be sold at a farm or road stand include: whole farm products, including fresh fruits and vegetables, flowers, plants, grains, nuts, eggs, meat, dairy, and honey as well as value-added products permitted under Cottage Food Law. Whole farm products and value-added products (except for added pectin, salt, seasoning, and/or sugar) must be produced in San Mateo County. Unless made in a commercial kitchen, edible value-added products must comply with Environmental Health Services requirements.

For permanent farm or road stands, the sale of whole farm products and value-added products produced outside of San Mateo are permitted. However, the majority of products sold at permanent farm or road stand structures must be produced and sold in San Mateo County (refer to Section B.2 for standards).

Sale of alcoholic or cannabis products prohibited.

## **B. TYPES OF FARM STANDS**

### **1. TEMPORARY FARM STANDS**

- a. Operations are limited to a less than a nine-month operating period per year.
- b. Agricultural products from different farm operations, and/or located on different parcels in San Mateo County, may be sold at temporary farm stand structures. Products sold are limited to value-added and agricultural products grown/produced in San Mateo County as defined under Produce above.
- c. Farm stand size shall be limited to 200 sq. ft.
- d. The structure and all other supporting structures shall be of portable construction and removed from the site within 10 days of the seasonal closure of the farm stand.
- e. Setbacks subject to regulations pertaining to watercourses and riparian vegetation. Structures shall be located outside of sensitive habitat areas.
- f. For the purposes of density credit calculation, temporary farm stands do not consume density credits.

### **2. PERMANENT FARM STANDS**

- a. Operations occur for 9 months or more.
- b. Agricultural products from different farm operations, and/or located on different parcels in San Mateo County, may be sold at permanent farm stand structures.
- c. Agricultural and value-added products produced and/or grown outside of San Mateo County may also be sold. Note that a majority of products sold must be produced and/or grown within San Mateo County.
- d. A Produce Dealer's License issued by the San Mateo County Agricultural Weights and Measures Department will be required for anyone selling farm products grown outside of San Mateo County.

- e. Setbacks subject those of the overlaying zoning district as well as regulations pertaining to watercourses and riparian vegetation. Structures shall be located outside of sensitive habitat areas.
- f. Structures are limited to 1,000 sq. ft. of sales floor area. Larger structures are subject to the discretion of the Community Development Director.
- g. For the purposes of density credit calculation, permanent farm stand structures in the PAD and RM-CZ shall consume density credits (refer to SECTIONS 6356 and 6906).

### **C. PERFORMANCE STANDARDS**

The following standards are applicable to all farm stand:

- 1. Farm stand operations shall not interfere with agricultural production on or adjacent to the parcel on which the farm stand is located.
- 2. If located in the Planned Agricultural District, a maximum of 1/4 acres of prime agricultural soils may be converted to accommodate a permanent farm stand with appropriate permits.
- 3. A Building Permit shall be required if: the farm stand structure is 120 sq. ft. or larger, electrical or plumbing is required, and/or the farm stand is in operation for 180 days or longer. A demolition permit is required to remove any structure that required a Building Permit to construct.
- 4. Lighting All exterior lighting shall be downward directed and contained to the project parcel.
- 5. Parking Adequate parking to accommodate the farm stand structure and use must be provided and designated on the site plan for review by Planning staff.
  - a. Adequate parking shall be 1 space per each 250 sq. ft. of sales floor area or as determined by the Community Development Director.
  - b. Parking shall adhere to ADA requirements.
  - c. Parking for permanent farm stands shall be of permanent construction (i.e. paved) and striped.
- 6. Hours of Operation May not exceed the following: Daily 7:00 a.m. to 8:00 p.m.
- 7. Signage
  - a. Attached signs shall not exceed the height of the building or structure to which the sign is attached, extend above the roofline, or project more than four (4) feet from the building or structure to which the sign is attached.
  - b. Attached or freestanding signs shall not project beyond any parcel boundary except signs may project a maximum of four (4) feet into the public right-of-way subject to the approval of the Director of Public Works.
  - c. Freestanding signs shall not exceed eight (8) feet in height measured from grade to the top of the sign structure.

- d. Off-premises signage for permanent farm stand operations is prohibited.
  - e. All signage shall be removed by the operator within 10 days of the closure of the farm stand.
  - f. All abandoned signs shall be removed at the farm stand operator's expense.
  - g. Signage for farm stands located in the Coastal Zone is subject to Policy 8.21 (*Commercial Signs*) of the Local Coastal Program.
    - i. Prohibit off-premises commercial signs except for seasonal temporary agricultural signs.
    - ii. Design on premises commercial signs as an integral part of the structure they identify and which do not extend above the roofline.
    - iii. Prohibit brightly illuminated colored, rotating, reflective, blinking, flashing, or moving signs, pennants or streamers.
    - iv. Design and minimize information and direction of signs to be simple, easy-to-read, and harmonize with surrounding elements.
8. Health and Safety- All farm stands shall comply with health and safety standards including but not limited to the following:
- a. Food preparation is prohibited at farm stands with the exception of food samples.
  - b. Environmental Health Services approved toilet and handwashing facilities shall be available for use by farm stand operators or their employees when food sampling is conducted in accordance with California Health and Safety Code.
  - c. Prepackaged food products, including bottled water and/or soft drinks, shall be limited to a 50 sq. ft. storage and sales area.
  - d. No live animals, birds, or fowl shall be kept or allowed within 20 feet of any area where food is stored or held for sale.
  - e. All garbage and refuse shall be stored and disposed in an appropriate manner.
  - f. All prepackaged processed food products shall be stored in an approved vermin proof area or container when the farm stand facility is closed.

		Planned Agricultural District	Resource Management and Resource Management-Coastal Zone Districts	
<b>Temporary Farm Stands</b>	Permits Required	Coastal Development Exemption (CDX);	RM	RM-CZ
		Coastal Development Permit (CDP) if exemption criteria not met.	N/A	Coastal Development Exemption (CDX); Coastal Development Permit (CDP) if exemption criteria not met.
	Potential Building Permit			
Allowed Products	Whole farm products, including fresh fruits and vegetables, flowers, plants, grains, nuts, eggs, meat, dairy and honey as well as value-added products allowed under Cottage Food Law. Whole farm products and value-added products (except for added pectin, salt, seasoning, and/or sugar) must be produced in San Mateo County. Sale of alcoholic or cannabis products prohibited.			
Considerations	Limited to 200 sq. ft. in size. Building permit required when: over 120 sq. ft. and/or if requires utilities or operates for 180 days or longer. Operations limited to less than 9 months Products sold are limited to those produced and/or grown in San Mateo County Setbacks subject to regulations pertaining to watercourses and riparian habitat Temporary Farm Stands do not consume density credits.			
<b>Permanent Farm Stands</b>	Permits Required	Planned Agricultural District (PAD) Permit. Coastal Development Exemption (CDX);	RM	RM-CZ
		Coastal Development Permit (CDP) if exemption criteria not met.	Resource Management (RM) Permit.	Resource Management-Coastal Zone (RM-CZ) Permit; Coastal Development Exemption (CDX); Coastal Development Permit (CDP) if exemption criteria not met.
	Potential Building Permit.			
Allowed Products	Whole farm products, including fresh fruits and vegetables, flowers, plants, grains, nuts, eggs, meat, dairy and honey as well as value-added products allowed under Cottage Food Law. Sale of alcoholic or cannabis products prohibited.			
Considerations	Limited to 1,000 sq. ft.			
	Building permit required when: over 120 sq. ft. and/or if requires utilities or operates for 180 days or longer. Operations occur for 9 months or more. Products grown or produced outside of San Mateo County may be sold with the issuance of a Produce Dealer's License issued by the San Mateo County Agricultural Weights and Measures Department. A majority of whole farm products sold as well as the primary ingredients in value-added products must be produced and sold in San Mateo County			



		<p>Setbacks subject to overlying zoning district requirements as well as regulations pertaining to watercourses and riparian vegetation. Structures shall be located outside of sensitive habitat areas.</p> <p>Permanent Farm Stands consume density credits (Refer to SECTIONS 6356 and 6906).</p>
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DRAFT

## Discussion Notes on Draft Farm State Guidelines

Consolidated from March – July 2021 Meetings  
San Mateo County Agricultural Advisory Committee

### General Notes

- The primary goal of the committee is to protect and promote San Mateo County (SMC) grown produce and farmers – in a way that doesn't limit economic viability of farm stands.
- Committee feels that these new guidelines should not be more restrictive than current PAD/LCP regulations.
- Committee strongly disagrees with requiring that new farm stands use up a density credit, and there was consensus that this requirement would severely limit the ability for farmers to create new farm stands and new commercial outlets for their produce and value-added products. It would not be economically viable if farm stands (temporary or permanent) required a density credit.
  - If density credits are required:
    - Committee wants temporary farm stand rules to be more expansive to allow for farm stands without the use of a precious density credit.
    - Committee wants to explore partial density credit use, so that an entire density credit isn't used on a farm stand (instead of housing).
  - As an alternative to density credit usage, committee discussed limiting the size and number of farm stands across the county.

### Definitions

- Produce
  - Committee discussed if farm stands should only sell produce grown on that parcel or by that farmer, but later decided that would be too restrictive.
  - Committee had a large discussion on source of produce sold at the farm stand, and if it should be limited to SMC grown produce. However, several seasoned committee members let the committee know that it is nearly impossible to run a sustainable farm stand without produce grown from outside of the county (ie out-of-season/out-of-county fruit will draw in customers, who will then purchase county grown produce) so don't want to limit in a way that will make it economically unviable
  - Committee then turned to discussion of:
    - Near consensus reached on requiring labeling of source of produce at the farm stand, to highlight locally/SMC grown produce without limiting out-of-county grown produce.
    - Near consensus reached on requiring that some of the produce be SMC grown, along with out-of-county grown produce – a 50% SMC grown produce requirement was discussed, but many later felt this would be too restrictive and did not discuss a different threshold/percentage.

- Committee also discussed limiting source of produce to 300-mile radius or only California grown produce, but later felt there wasn't a need to put these types of restrictions in place.
- Value-Added Products
  - In discussions of value-added products definition, the committee felt that they should be allowed to include non-SMC produced products.
  - Historically, farm stands could sell prepared food, and committee doesn't want to limit this ability (within existing Environmental Health regulations)
  - Discussion also included exploring allowing the sales of equipment, books, gardening kits, and other related gear – however, many committee members felt this strayed too far from promoting primary agricultural use; later discussion focused on allowing farm stands to sell produce, value-added products, and products related to farming/prime agricultural use.

### **Types of Farm Stands**

- Location of Any Farm Stand
  - Committee discussed farm stand locations only on properties with active agriculture, or on a property owned by someone doing active agriculture elsewhere. For example, a farmer may own farming property not on main road, and also property on a main road – committee wants to allow farmers to use prime property near road, but only if doing active agriculture elsewhere.
  - General goal of the committee to not encourage broad commercial use that isn't related to active agriculture, so want to make sure this isn't too broad and allows non-farmers to use property for farm stands not related to active agriculture.
- Temporary
  - While temporary farm stands are limited to 9 months of the year, a building permit is required for structures lasting more than 6 months – so there is an inconsistency (as required by existing PAD/LCP regulations); committee would prefer if temporary farm stands didn't require building permit/density credit.
  - Committee felt that the 200 sq ft limit for a temporary farm stand is too small, but noted that the existing PAD/LCP regulations require this.
  - Committee asked and received clarification that temporary farm stands do require a CDX (Coastal Development Permit Exemptions).
    - Committee asked if a temporary farm stands on a trailer/non-permanent structure is an intensity of use on the land and requires a CDX, and would like some further clarification.
  - Committee had concerns about requiring a demolition permit annually for temporary farm stands, which would increase overall cost; committee raised questions about a temporary farm stand on wheels/non-permanent structure, which may allow for more flexibility when dealing with regulations.
- Permanent
  - Committee felt that the proposed guidelines for permanent farm stands, along with requirement for Produce Dealer's License, made sense for a permanent structure and business operation.

## **Performance Standards**

- Parking
  - Committee has consensus that farm stands should not require paved parking.
- Hours of Operation
  - Committee had consensus that the proposed hours will work.
- Signage
  - Committee discussed a limit on the number of signs allows for farm stands, in alignment with existing signage rules for agricultural use/scenic byways.
  - Other signage ideas explored included:
    - Allowing 4-6 non-permanent signs in each direction that don't interfere with the road
    - Signage should be allowed to attract customers, especially for farm stands not located on a main road
    - Signage should help alert people to prepare to turn/avoid road collisions

## **Chart**

- We generally felt that the chart with an overview of proposed farm stand guidelines was well put together and easy to navigate. It helped us as a reference guide during discussions, and can continue to be a great reference tool for others.

June 9, 2021

## **Comments on Draft Farm Stand Guidelines**

Submitted by: Ryan Casey, Blue House Farm and Jered Lawson, Pie Ranch

It is our understanding that the purpose of updating farm stand guidelines within San Mateo County is to update some of the outdated verbiage and to expand and clarify what can and cannot be sold. However, as the guidelines are being proposed, we believe that these will not only hinder existing farm stands from operating legally and profitably, but will make farm stands an impractical option in the future for other agricultural businesses. We both speak from direct experience in saying that having a farm stand has been an essential source of income for our operations. In a time of increasing challenges facing agriculture, we believe that the County should assist producers by providing favorable guidelines that support our ability to sell and market products directly to the public through farm stands, rather than create additional roadblocks.

Items of concern:

***"Farm or road stands shall not contain a commercial kitchen or cooking facilities."***

An on-site commercial kitchen could be a great way to process extra or blemished produce into a value-added marketable product, creating less waste and generating income. We have an excellent example of this at Swanton Berry Farm just down the coast in Santa Cruz County and at Gizdich Ranch in Watsonville, among others. Historically, farm stands could sell prepared foods.

For Pie Ranch, a commercial kitchen in the Farmstand has been the vision since the beginning -- to be able to harvest ingredients and bring them directly to the kitchen, with visitors having the smell of pies baking when they stop for a visit. We have wanted that experience to help inspire people to learn more about the farm, and more about the history of efforts in San Mateo County to preserve the food producing character of the coast.

It's not clear what is being accomplished by excluding that possibility. If it's to prevent non-farm related kitchens, then there may be a better way to prevent that than diminishing a kitchen's potential to support farming.

***“Whole farm products and value- added products (except for added pectin, salt, seasoning, and/or sugar) must be produced in San Mateo County.”***

Does “produced” mean processed from raw to value-added product? Currently there are no kitchens in San Mateo County offering this as a viable service. Whereas, there are Santa Cruz, Monterey, and Sonoma counties, which is where producers are now sending raw product to be processed into pies, jams, pickles, etc.. for farmers markets, CSA’s, and farm stands.

***“Operations are limited to a less than a nine-month operating period per year.”***

Farming is changing in the County and increasingly more farms are operating year-round. Why should we not be allowed to sell year-round?

***“The structure and all other supporting structures shall be of portable construction and removed from the site within 10 days of the seasonal closure of the farm stand.”***

Why do they need to be removed? What if a producer does not have another “site” to move it to?

***“Structures are limited to 1,000 sq. ft. of sales floor area.”***

This is way too small. For perspective, Blue House Farm is currently at 1,800 sq ft, but plans to expand to 2,500’ as more products are coming in from the field. Bigger displays are more effective at selling more produce. Why limit our ability to market our products effectively?

At Pie Ranch, the Farmstand fits beautifully and functionally within the historic redwood packing shed built in 1934. It is 1800 sq. ft. While the actual sales floor area is approximately 1000 sq. ft., we agree with Ryan that the decision about how to market products effectively does not need to be regulated in this way. If the concern is the size of the building, why not just let the existing building permit process for ag structures determine what is appropriate.

***“For the purposes of density credit calculation, permanent farm stand structures in the PAD and RM-CZ shall consume density credits (refer to SECTIONS 6356 and 6906).”***

This could be the single biggest inhibitor for the future of farm stands in the County. This makes it impossible for a farm operation without a density credit to construct a farmstand. Also, the potential value of a density credit in the form of housing, another structure, or the retention of it for resale value is likely to be far greater than the value earned through on-farm sales, especially after permitting and construction costs.

***“Parking for permanent farm stands shall be of permanent construction (i.e. paved) and striped.”***

Paving should be discouraged on agricultural lands. Perhaps require rocked or mulched surfaces as a less-permanent option. The cost of paving is likely to be prohibitive. The ability to use dirt parking as overflow parking during the dry-season is desirable.

***“off-premises signage for permanent farm stand operations is prohibited”***

With permission from neighboring properties, off-premise signage can not only be beneficial in attracting more customers, but more importantly can alert drivers to approaching entrances and facilitate safer driving conditions on busy roads.

In lieu of preventing off-premises signs entirely, why not say that off-premise signs are allowed with agreements with neighboring property owners, and open to review by the Ag Advisory Committee if any complaints come in to the County for having too many, too large, or done it a way that detracts from the scenic beauty of the viewshed.



**COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT**

**ITEM**

**11**



**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** October 7, 2021

**TO:** Agricultural Advisory Committee  
**FROM:** Planning Staff  
**SUBJECT:** Community Development Director's Report

**CONTACT INFORMATION:** Summer Burlison, Senior Planner, [SBurlison@smcgov.org](mailto:SBurlison@smcgov.org)

The following is a list of Planned Agricultural District permits and Coastal Development Exemptions for the rural area of the County that have been received by the Planning Department from September 2, 2021 to October 7, 2021.

**PLANNED AGRICULTURAL DISTRICT (PAD) PERMIT OUTCOMES**

No PAD permit applications were heard or considered by the Board of Supervisors and/or Planning Commission during this time period.

**UPCOMING PLANNED AGRICULTURAL DISTRICT PERMIT PROJECTS**

No new PAD permit applications were filed during this time period.

**COASTAL DEVELOPMENT EXEMPTIONS FOR AGRICULTURAL PROJECTS**

Three (3) rural CDX applications were submitted during this time period. Please see the attached status report regarding the applications. The CDX list includes the descriptions of the projects and their status. Copies of the CDXs are available for public review upon request.

**ADDITIONAL ANNOUNCEMENTS**

1. The next regular meeting of the AAC is scheduled for November 8, 2021.
2. AAC meetings will be held via videoconference until further notice to adhere to social distancing guidelines.
3. The application deadline for the four (4) AAC vacancies is Friday, October 22, 2021 at 5:00 p.m. Applications are available online at the County Boards and Commission's website at <https://bnc.smcgov.org/vacancies>, or by contacting Sherry Golestan, Deputy Clerk of the Board, at (650) 363-4609 or [sgolestan@smcgov.org](mailto:sgolestan@smcgov.org).

# COUNTY OF SAN MATEO

<b>Count Distinct (RECORD ID)</b>
3

Permit Number	RECORD NAME	DATE OPENED	DESCRIPTION	APN	ADDRESS	RECORD STATUS
<a href="#">PLN2021-00342</a>	AG WELLS	9/2/2021	Coastal Development Permit Exemption for three ag wells on three parcels (one per parcel).	081270010 081270020 087180030	6090 STAGE RD, SAN GREGORIO 3225 POMPONIO CREEK RD, SAN GREGORIO	Agency Referrals
<a href="#">PLN2021-00351</a>	RANCH ROAD	9/13/2021	Coastal Development Permit Exemption to relocate 1,450 linear feet of access road from Higgins Canyon Road to an agricultural pond and farm fields on Johnston Ranch. The road is being realigned to place it entirely on POST's property. The road realignment will not reduce the farmer's field size or otherwise affect his operation and follows an existing path used by the farmer for equipment access (alongside his planted field). The road surface is compacted aggregate rock (i.e. unpaved).	065210110	110 HIGGINS CANYON ROAD, RURAL MIDCOAST	Approved
<a href="#">PLN2021-00384</a>	WATER TANK	10/5/2021	Coastal Development Permit Exemption to install a 97,000-gallon water tank to provide water for horses and for agriculture. The tank is needed as the creek and well are running dry.	066320170	321 VERDE RD, SAN GREGORIO	Submitted