

## San Mateo County Agritourism Guidelines Review: Discussion Notes for the August 8, 2022 Agricultural Advisory Committee Meeting

Note: Existing Agritourism Guidelines available in your green binder or online [here](#).

### Length/Frequency of Agritourism Uses: 45 consecutive day events twice per year

- **Per current Agritourism guidelines:**
  - Allow temporary agritourism uses and facilities on all agricultural lands, but *limit them in scale, location, and time*. Require staff level review to confirm temporary uses are consistent with these guidelines.
  - Uses that occur for more than 45 consecutive days or more than two (2) times per year require a Planned Agricultural District Permit, or a Resource Management Permit, a Coastal Development Permit, and review by the Agricultural Advisory Committee.
- **Subcommittee Discussion Questions:**
  - *Is this secondary to agriculture on site? Is it limited in scale, location & time?*
  - *Does the amount of people onsite constitute an impact? To traffic, soils, neighbors? Is the impact limited in duration or is there a cumulative impact?*
  - *Would this trigger a PAD or LCP permit?*
  - *If the days are non-consecutive, would this constitute year-round use?*
  - *Would changing this conflict with existing PAD regulations?*
- **Notes on Subcommittee Recommendations:**
  - **Event Type:** agritourism events are currently limited by the length and frequency of the event to 45 consecutive days twice per year, originally designed around the Pumpkin and Xmas Tree seasons.
  - **Frequency:** we discussed allowing one 90 consecutive day event per year, 12 non-consecutive events not to exceed 7 days, or keeping the two 45 consecutive day events per year.
  - **Attendees:** not discussed, current guidelines do not limit or qualify agritourism events based on number of attendees/participants.

### Length/Frequency of Agritourism Uses: 12 Farm Dinners per year

- **Per current Agritourism guidelines:**
  - *From D. Agritourism Guidelines; 1. Agritourism Uses and Activities that Require a Permit; 5. Commercial Dining Events (pg 5-6):*
  - Commercial food service to groups with issuance of an Environmental Health permit and fire review occurring on an infrequent basis shall be allowed without the need of a PAD permit unless otherwise required.\*

- \*For purposes of this section, infrequent is defined as no more than twelve (12) meal servings per calendar year.
  - All other commercial food services not meeting the standards above may occur with the issuance of a PAD permit.
  - Commercial dining events cannot occur simultaneously with any temporary or seasonal agritourism event.
- **Subcommittee Discussion Questions:**
  - *As an alternative to unlimited, do we want to recommend something like: up to \_\_\_\_ (24) per year (doubling current amount), not to exceed \_\_\_\_ (4) farm dinner events per month?*
  - *How could the Planning Dept verify and check what will be served at farm dinners to ensure local ingredients? Could this potentially create additional layers of oversight when the desire is to have no permit/oversight?*
  - *Do we want to add an attendee cap to help guide future ag-tourism activities? Or do we want to leave it undefined? What is the benefit to having a defined or undefined number of attendees in the guidelines?*
- **Notes on Subcommittee Recommendations:**
  - **Event Type:** Interested in creating a preference for farm dinner events that feature what is produced on the farm hosting the dinner/ locally sourced food; note related language from the county’s Farm Stand Guidelines reads, “main part of main course is from San Mateo County;” explored requiring that a “majority of dishes served will feature products from San Mateo County” as part of a goal to promote local agriculture, where violations would be addressed via complaints.
  - **Frequency:** currently capped at 12 per year; we discussed preference for unlimited amount of farm dinners, however Agritourism Guidelines require limits in ‘scale, location, and time’; further discussion explored 24-30 farm dinners per year with no more than 8 per month, or 48 farm dinners per year, which would allow 2 farm dinners per weekend for 6 months.
  - **Attendees:** no current cap on attendees in existing guidelines, but Planning Dept does consider number of attendees when reviewing ag-tourism permits; we discussed capping attendees at up to 200 or in alignment with public safety guidelines, allowing “what the property can reasonably accommodate,” and leaving the attendees regulations as is.
  - **Facilities:** discussed that agritourism events should take place in existing structures on the property that do not require new development/construction, and that cooking facilities need to either be existing commercial kitchens or temporary structures.

# **SAN MATEO COUNTY AGRITOURISM GUIDELINES**

The San Mateo County Planning and Building Department and the San Mateo County Agricultural Advisory Committee's subcommittee on agritourism have developed the following guidelines for the review and establishment of commercial activities on agricultural land. 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 uses that are **secondary** to the agricultural uses of the land, support the economic viability of farming and ranching, and minimize conflicts with agricultural activities on said lands and/or adjacent lands. These guidelines are not intended to obviate the need for compliance with other State or Federal regulations. (Agritourism review procedures are addressed in Part F of this document.)

## **A. DEFINITIONS**

1. ***Agritourism*** – The act of visiting a working farm/ranch or agricultural operation for the purpose of enjoyment, education or active involvement in the activities of the farm/ranch or agricultural operation that adds to the economic viability of the agricultural operation.
2. ***Compatible Use(s)*** – A use that, as determined by the Community Development Director of San Mateo County, will not diminish or interfere with existing or potential agricultural productivity, and can be accommodated without adverse impact to the agricultural resources of the site or surrounding area.
3. ***Non-Prime Agricultural Land*** – Land that is not “prime agricultural land” as defined below. This may include, but is not limited to, land used for grazing or dry farming.
4. ***Prime Agricultural Land*** – Means any of the following:
  - a. All land that qualifies for rating as Class I or Class II in the Natural Resource Conservation Service (NRCS) Land Use Capability Classifications; or land that qualifies as Class III in the NRCS Land Use Capacity Classifications if producing no less than two hundred dollars (\$200) per acre annual gross income for three of the past five years.
  - b. Land which qualifies for rating 80 through 100 in the Storie Index Rating.
  - c. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.

- d. Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a non-bearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.
- e. Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars (\$200) per acre annual gross income for three of the past five years.
- f. In all cases, prime land shall have a secure water source adequate to support the agriculture on the premises.

**B. COMPATIBILITY DETERMINATIONS**

Any activity authorized by these guidelines may be made subject to a Use Permit at the discretion of the Community Development Director.

**C. GOALS**

- 1. Confirm that agritourism uses are secondary and supplemental to existing agricultural uses of the land.
- 2. Agritourism uses must be compatible with and beneficial to the agricultural uses on the land.
- 3. Allow temporary agritourism uses and facilities on all agricultural lands, but limit them in scale, location and time. Require staff level review to confirm temporary uses are consistent with these guidelines.
- 4. Limit percentage of lands utilized for agritourism.
- 5. Ensure the “Right to Farm” on all lands per Chapter 2.65 of the San Mateo County Ordinance (Administration/Agricultural Awareness).

**D. AGRITOURISM GUIDELINES**

- 1. **Agritourism Uses and Activities that Require a Permit.** Uses will be reviewed by Planning staff and the Agricultural Advisory Committee to ensure adherence to the guidelines.

Agritourism uses must be found to be compatible with the long-term agricultural uses of the land. Uses that occur for more than 45 consecutive days or more than two (2) times per year require a Planned Agricultural District Permit, or a Resource Management Permit, a Coastal Development Permit, and review by the Agricultural Advisory Committee.

**MAINTAIN COMPATIBILITY WITH AGRICULTURE BY LIMITING ATTRACTIONS AND ACTIVITIES TO NO MORE THAN THE FOLLOWING:**

- a. One (1) farm animal petting zoo on **non-prime soils**.
- b. One (1) pony ride area located on **non-prime soils** (confined animal permit or exemption required).
- c. One (1) food vendor, mobile or on-site (Environmental Health permit if applicable) located on **non-prime soils**.
- d. One (1) prepackaged food/snack bar on **non-prime soils**.
- e. One (1) haunted house/barn on **non-prime soils**.
- f. One (1) hay maze on **non-prime soils**.
- g. One (1) train and tracks located on **non-prime soils**.
- h. One (1) hayride on all soils.
- i. Train rides on rubberized wheels throughout all soils subject to case-by-case review.
- j. Inflatables\* on **non-prime soils** (subject to height limitations set forth in the Planned Agricultural District and Resource Management Regulations) subject to case-by-case review.
- k. Produce stand permitted per Section 6352(5) of the Planned Agricultural District Regulations (Environmental Health permit required).
- l. Other recreational/educational activities subject to review and approval of the Community Development Director.
- m. Days and hours of operation per determination of the Community Development Director.

2. **Performance Standards for Agritourism Uses and Activities that Require a Permit.** Agritourism uses shall be consistent with LCP and zoning standards, including but not limited to the following:

- a. Adequate on-site parking to accommodate the uses must be provided on non-prime soils and designated on the site plan for review by Planning staff.

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\*Inflatables subject to the standards of the Safe Inflatable Operators Training Organization.

- b. Parking subject to standards of Policy 10.22 (*Parking*) of the LCP.
  - c. Signage subject to standards of Policy 8.21 (*Commercial Signs*) of the LCP.
  - d. On parcels forty (40) acres or more in size, all agritourism elements shall be clustered and shall consume no more than two (2) gross acres (excludes hayrides or trains with rubberized wheels). Parking is excluded from acreage calculation.
  - e. On parcels under forty (40) acres in size, all agritourism elements shall be clustered and shall consume no more than one (1) gross acre (excludes hayrides or trains with rubberized wheels). Parking is excluded from acreage calculation.
  - f. Setbacks subject to regulations pertaining to watercourses and riparian vegetation.
3. **Temporary Seasonal Agritourism Uses and Activities that Do Not Require Permits.** Temporary seasonal visitor serving uses and facilities allowed on all agricultural lands limited in scale, elements and time. Uses will be reviewed by Planning staff and the Agricultural Advisory Committee to ensure adherence to the guidelines.
- a. Does not interfere with agricultural production on or adjacent to the lot.
  - b. Allowed for a maximum of 45 consecutive days per use and limited to no more than two (2) per year.
  - c. Days and hours of operation: Sunday through Saturday from 9:00 a.m. to sunset (no lighting shall be allowed).
  - d. Two (2) inflatables\* allowed on all lands (subject to height limits set forth in the Planned Agricultural District and Resource Management Regulations).
  - e. One (1) pony ride area (confined animal permit or exemption required).
  - f. One (1) farm animal petting zoo on all lands.
  - g. One (1) hayride on all lands.
  - h. One (1) train with rubberized wheels on all lands.

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\*Inflatables subject to the standards of the Safe Inflatable Operators Training Organization.

- i. One (1) food vendor, mobile or on-site including mobile prepackaged food/snack bar (Environmental Health permit required) located on all **soils**.
  - j. One (1) prepackaged food/snack bar on non-prime soils (may be subject to Environmental Health permit).
  - k. Other recreational/educational activities subject to review and approval of the Community Development Director.
4. **Performance Standards for Seasonal Uses and Activities that Do Not Require Permits**
- a. Adequate on-site parking to accommodate the temporary seasonal uses must be provided and designated on the site plan for review by Planning staff.
  - b. Parking subject to standards of Policy 10.22 (*Parking*) of the LCP.
  - c. Signage subject to standards of Policy 8.21 (*Commercial Signs*) of the LCP.
  - d. Meets the current standards for buffers from creeks and/or riparian vegetation.
  - e. On parcels forty (40) acres or more in size, all agritourism elements shall be clustered and shall consume no more than two (2) gross acres (excludes hayrides or trains with rubberized wheels). Parking is excluded from acreage calculation.
  - f. On parcels under forty (40) acres in size, all agritourism elements shall be clustered and shall consume no more than one (1) gross acre (excludes hayrides or trains with rubberized wheels). Parking is excluded from acreage calculation.
  - g. Setbacks subject to regulations pertaining to watercourses and riparian vegetation.
  - h. No land disturbance including import of gravel or fill.
  - i. Produce stand permitted per Section 6352(5) of the Planned Agricultural District Regulations (Environmental Health permit required).
5. **Commercial Dining Events**
- a. Commercial food service to groups with issuance of an Environmental Health permit and fire review occurring on an infrequent basis shall be allowed without the need of a PAD permit unless otherwise required.\*

- b. All other commercial food services not meeting the standards above may occur with the issuance of a PAD permit.
- c. Commercial dining events cannot occur simultaneously with any temporary or seasonal agritourism event.

**E. OTHER NON-AGRICULTURAL COMMERCIAL EVENTS**

Commercial events on PAD lands require review by the Agricultural Advisory Committee to determine whether they constitute an agritourism event.

The following examples are uses when operated as a commercial business that are not considered agritourism and require County permits.

- Weddings.
- Music concerts.
- Paint ball.
- Carnivals.

\*For purposes of this section, infrequent is defined as no more than twelve (12) meal servings per calendar year.

**F. AGRITOURISM REVIEW PROCEDURES**

For seasonal non-permit required event applications, applicants shall submit an application and accompanying materials to the Planning and Building Department two (2) months prior to desired date of event.

For seasonal permit required event applications, applicants shall submit an application and accompanying materials no later than six (6) months prior to desired date of event.

All application submittals are subject to the following:

1. Completion of permit application forms.
2. Submittal of any existing Williamson Contract on said lands.
3. Description of existing agricultural operations and statement of conformance with the goals of the agritourism standards.
4. Site plan showing existing permanent buildings and structures, all agricultural areas, watercourses, riparian areas and wells.
5. Site plan showing all agritourism uses and activities, and existing/proposed parking areas.

6. Statement of operations (days/hours).
7. Number of employees on-site for agritourism purposes.

**G. RECOMMENDED FINDINGS**

When considering proposals to establish agritourism uses, the Agricultural Advisory Committee and relevant decision makers should determine:

1. That the agritourism use is compatible with the long-term agricultural uses of the land.
2. That the agritourism operation will not adversely affect the health or safety of persons in the area and will not be materially detrimental to the public welfare or injurious to agricultural property.
3. That the agritourism operation is in substantial conformance with the goals set forth in the San Mateo County Agritourism Guidelines. Specifically, that the operation is secondary and supplemental to existing agricultural operation on said land.
4. That the proposed use and activities comply with all relevant provisions of the General Plan, Local Coastal Program, Zoning Regulations, and Williamson Act (where applicable).

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