

DRAFT MEMORANDUM

COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

DATE: <date>
TO: Agricultural Advisory Committee
FROM: Planning Staff
SUBJECT: Draft Farm Stand Guidelines

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:** Agricultural products as defined by the California Code of Regulations Section CCR 1392.2, 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.
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: produce, 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. Produce and value-added products (except for added pectin, salt, seasoning, and/or sugar) must be produced in San Mateo County. All edible value-added products must comply with Environmental Health Services requirements regarding approved food preparation facilities.

*For permanent farm or road stands, the sale of produce and value-added products produced outside of San Mateo County are permitted provided they are from a San Mateo County producer-owned and operated establishment. However, the majority of products (i.e., greater than 50%) 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 is prohibited.

B. TYPES OF FARM STANDS

1. TEMPORARY FARM STANDS

- a. A temporary farm stand may operate for fewer than nine months in any calendar year. For the purposes of this section, a month counts toward the operating limit if the farm stand is open to the public on one or more days during that month.
- b. Produce and value-added 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 produce 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 are 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 per year.
- b. Produce and value-added products from different farm operations, and/or located on different parcels, in San Mateo County may be sold at permanent farm stand structures.
- c. Produce 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. Source labeling shall be clearly and legibly displayed at the farm stand to distinguish local, San Mateo County grown products from out-of-County grown products. Produce grown out-of-San Mateo County shall be limited to sources within California.
- e. Setbacks are pursuant to 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 Director of Planning and Building, or designated decision maker.
- 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 8.106.070 and 8.138.080).

C. PERFORMANCE STANDARDS

The following standards are applicable to all farm stands:

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. Licensing under the provisions of the California Produce Dealers Act issued by the California Department of Food and Agriculture is required for anyone selling farm products not of their own production.
4. The sale of prepared foods where a majority of its ingredients are from the produce being sold at its farm stand is permitted. Prepared food sales shall not comprise a majority of the farm stand offerings and is subject to approval, permit and inspection by Environmental Health Services.
5. 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. For temporary farm stand structures, the building permit and demolition permit can be consolidated.
6. Lighting - All exterior lighting shall be downward directed and contained to the project parcel.
7. 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. No impervious paving shall be required for temporary farm stands.
 - a. Adequate parking shall be 1 space per each 250 sq. ft. of sales floor area or as determined by the Director of Planning and Building.
 - b. Parking shall adhere to ADA requirements.
 - c. Parking areas and spaces shall be clearly distinguishable and delineated for visitors .
8. Hours of Operation - May not exceed the following: Daily 7:00 a.m. to 8:00 p.m.
9. Signage – Proposed signage shall be submitted for review by Planning staff. The following standards shall apply to business identification, marketing and directions for the farm stand and do not include individual product display 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, or applicable authority having jurisdiction.

- c. Freestanding signs shall not exceed eight (8) feet in height measured from existing grade to the top of the sign structure and shall be located and designed to not block vehicle lines of sight.
 - d. The quantity and sq. ft./size for all signs related to a farm stand shall be the minimum necessary for business identification and direction, not to exceed a maximum of 6 signs with a cumulative total sq. ft. of 128 sq. ft. No individual sign shall exceed 64 sq. ft.
 - e. Off-premises signage for permanent farm stand operations is prohibited.
 - f. Depending on location and size, signs may require a Building Permit and/or Encroachment Permit.
 - g. All signage shall be removed by the operator within 10 days of permanent termination of the farm stand use.
 - h. All abandoned signs shall be removed at the farm stand operator's expense.
 - i. 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.
10. 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. of 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.

Permit Requirements.

		Planned Agricultural District	Resource Management and Resource Management-Coastal Zone Districts	
Temporary Farm Stands	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		
		Potential Business License		
		Potential Encroachment Permit		
	Allowed Products	Produce, 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. Produce 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 it 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 are subject to regulations pertaining to watercourses and riparian habitat. Structures shall be located outside of sensitive habitat areas. Signs may require a Building Permit and/or Encroachment Permit. Temporary Farm Stands do not consume density credits. Business license required, unless exempt pursuant to Section 5.08.110.1.(a) of the County Municipal Code, which allows exemption for <i>owners or operators of farms or ranches who erect or maintain stands on their farms or ranches for the purpose of selling farm products raised or grown by them on the Premises, so long as proper building, zoning, and sanitary regulations are complied with.</i> Encroachment Permit required by County of San Mateo Department of Public Works or Caltrans for location within right-of-way.		

Permanent Farm Stands	Permits Required	Planned Agricultural District (PAD) Permit. Coastal Development Exemption (CDX); or Coastal Development Permit (CDP), if exemption criteria not met.	RM Resource Management (RM) Permit.	RM-CZ Resource Management-Coastal Zone (RM-CZ) Permit. Coastal Development Exemption (CDX); or Coastal Development Permit (CDP), if exemption criteria not met.
		Potential Building Permit		
		Potential Business License		
		Potential Encroachment Permit		
	Allowed Products	Produce, 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. of sales floor area. Building permit required when: over 120 sq. ft. and/or if it 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 license pursuant to the California Produce Dealer's Act by the California Department of Food and Agriculture's Marketing Enforcement Branch (CDFA MEB). A majority of produce sold as well as the primary ingredients in value-added products must be produced and sold in San Mateo County. Setbacks subject to overlaying zoning district requirements as well as regulations pertaining to watercourses and riparian vegetation. Structures shall be located outside of sensitive habitat areas. Signs may require a Building Permit and/or Encroachment Permit. Permanent Farm Stands consume density credits (refer to Zoning Regulations Sections 8.106.070 and 8.138.080). Business license required, unless exempt pursuant to Section 5.08.110.1.(a) of the County Municipal Code, which allows exemption for <i>owners or operators of farms or ranches who erect or maintain stands on their farms or ranches for the purpose of selling farm products raised or grown by them on the Premises, so long as proper building, zoning, and sanitary regulations are complied with.</i> Encroachment Permit required by County of San Mateo Department of Public Works or Caltrans for location within right-of-way.		