

# **County of San Mateo Planning & Building Department**

# **Agricultural Advisory Committee**

BJ Burns Jess Brown Judith Humburg Louie Figone William Cook Fred Crowder Jim Howard Laura Richstone Robert Marsh Margaret Gunn John Vars Lauren Silberman Ron Sturgeon 455 County Center, 2<sup>nd</sup> Floor Redwood City, California 94063 650/363-4161 Fax: 650/363-4849

# REGULAR MEETING PACKET

Date: Monday, December 10, 2018

Time: 7:00 p.m.

Place: Ted Adcock Community Center - South Day Room

535 Kelly Avenue, Half Moon Bay, California

#### **AGENDA**

- 1. Call to Order
- 2. Member Roll Call
- 3. Oath of Office for Judith Humburg
- 4. Public Comments for Items Not on the Agenda
- 5. Consideration of a Coastal Development Permit and Planned Agricultural District permit to construct two (2) new Farm Labor Housing units, associated septic system, conversion of an agricultural well to a domestic well, the legalization of the conversion of an agricultural storage shed to a permanent farm stand and the installation of a water storage tank and treatment shed. County File No.: PLN 2018-00108 & PLN 2018-00109. Location: 2310 Pescadero Creek Road, Pescadero (APN: 086-080-040); Applicant: Lisa Grote
- 6. Consideration of the Action Minutes for the November 19, 2018 special meeting
- 7. Community Development Director's Report
- 8. Adjournment Next Meeting January 14, 2018

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ROLL SHEET – September, 2018													
Agricultural Advisory Committee Attendance 2017-2018													
	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec
VOTING MEMBERS													
Vacant** Public Member		Χ		Х	Х	Х	Х						
BJ Burns Farmer, Vice Chair	Х	Х		Х	Х	Х	Х			Х		X	
Vacant ** Farmer													
Louie Figone Farmer	Х			Х	Х	Х	Х			Х			
Vacant Public Member					Х	Х							
John Vars Farmer	Х	Х		Х	Х	Х	Х			Х		Χ	
William Cook * Farmer	Х									Х		Χ	
Judith Humburg* Farmer													
Robert Marsh Farmer, Chair	Х	Х		Х	Х	Х	Χ			Χ		Χ	
Ron Sturgeon Conservationist	Х	Х		Х	Х	Х	Х			Х		Χ	
Lauren Silberman * Ag Business												Χ	
Natural Resource													
Conservation Staff													
San Mateo County Agricultural Commissioner	Х			Х	Х	Х						Χ	
Farm Bureau Executive Director	Х	Х		Х		Х				Х			
San Mateo County Planning Staff	X	X		Х	Х	X	Х					Χ	
UC Co-Op Extension Representative		Х				Х						X	

X: Present

Blank Space: Absent or Excused Grey Color: No Meeting

\* As of 9/10/18 \* As of 6/1/18

# COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

**DATE:** December 10, 2018

**TO:** Agricultural Advisory Committee

**FROM:** Angela Chavez, Planning Staff, 650/599-7217

**SUBJECT:** Consideration a Coastal Development Permit and Planned Agricultural

District Permit to allow construction of two new Farm Labor Housing units, associated septic system, conversion of an agricultural well to a domestic well, and installation of a 5,000 gallon water storage tank and water treatment shed. The project also includes the legalization of the conversion of an agricultural storage shed to a permanent farm stand. The property is located at 2310 Pescadero Creek Road in the unincorporated Pescadero area of San Mateo County. The project is

appealable to the California Coastal Commission.

County File Number: PLN 2018-00108 and PLN 2018-00109

# **PROPOSAL**

The applicant is proposing to construct two new Farm Labor Housing (FLH) units, each 890 sq. ft. in size with three bedrooms, installation of a new septic system and 5,000 gallon water storage tank, a 110 sq. ft. water treatment shed, and conversion of an agricultural well to a domestic well (PLN 2018-00108). The overall project also includes the legalization of the conversion of a 1,344 sq. ft. agricultural storage shed to a permanent farm stand (PLN 2018-00109). The construction of the new FLH units and septic system would be located in the disturbed area around the existing farm center on the property.

### **DECISION MAKER**

Planning Commission

## QUESTIONS FOR THE AGRICULTURAL ADVISORY COMMITTEE

1. Will the development, including the new FLH units, non-soil dependent green houses, septic system, domestic well, and farm stand, have any negative effect on surrounding agricultural uses? If so, can any conditions of approval be recommended to minimize any such impact?

2. What position do you recommend that the Planning Department staff take with respect to the application for this project?

## **BACKGROUND**

Report Prepared By: Angela Chavez, Project Planner

Owner: Peninsula Open Space Trust

Applicant: Lisa Grote

Location: 2310 Pescadero Creek Road, Pescadero

APN: 086-080-040

Parcel Size: 135 acres (25-acre lease area)

Existing Zoning: PAD/CD (Planned Agricultural District/Coastal Development)

General Plan Designation: Agriculture/Rural

Williamson Act: Not Contracted

Existing Land Use: Row crops. Farm center which includes agricultural warehouse, agricultural storage shed, poultry shed, shipping container storage structure, and parking for vehicles and farm equipment. Open Space.

Water Supply: The applicant is proposing to convert an existing agricultural well to a domestic well for the FLH units.

Sewage Disposal: A new septic system to serve the two FLH units is proposed as part of this project.

Setting: The project parcel is accessed via a driveway located off of Pescadero Creek Road. The property has a development area that consists of a farm center. The proposed area of development would be located in an area that is clustered with the current farm center and has been previously used for vehicle/equipment storage. The parcels to the north, east, south and west, of the subject property are used for agricultural uses.

Will the project be visible from a public road?

The site is visible from Pescadero Creek Road and is located in the Stage/Pescadero Creek/Cloverdale Roads County Scenic Corridor. The proposed FLH units will be located to the rear of the existing agricultural warehouse which will provide a significant degree of screening from the scenic roadways. Further, the proposed FLH units are

single-story structures and are clustered amongst the existing development which further limits their visibility from and impacts to the scenic roadway. The proposed farm stand (to be legalized) does not result in new development as it is located within an existing building previously utilized as a straw and flower shed. This building is clearly visible from the public roadway as it is located immediately at the front of the parcel adjacent to Pescadero Creek Road. The new 5,000 gallon water storage tank and water treatment shed will be located adjacent to the existing 5,000 gallon water storage tank and will be visible from the public roadway. However, it will be no more visible than the existing water storage tank and will be finished with the same green color to match the existing tank.

Will any habitat or vegetation need to be removed for the project?

No tree or vegetation removal is necessary to accommodate the project. The proposed area of development has been previously utilized for vehicle and equipment parking/storage, and therefore does not involve disturbing vegetated or previously undisturbed areas of the parcel.

Is there prime soil on the project site?

The project parcel contains prime soils and the project site is located on prime soils (Class I). While the overall parcel is 135 acres, the leased area of the parcel which is the subject of this application is approximately 25 acres. The large majority of the lease area is utilized for agricultural activity with the farm center occupying approximately 1-acre. The area that is proposed to be developed for the FLH units, is already converted and disturbed given the existing development on the site. The area is currently utilized for the storage of agriculturally related buildings and equipment storage. There are agricultural activities located on the property on the surrounding/remaining prime soils.

# **DISCUSSION**

### A. KEY ISSUES

## 1. Zoning Regulations

In order to approve and issue a PAD Permit, the project must comply with the substantive criteria for the issuance of a PAD Permit, as applicable and as delineated in Section 6355 of the Zoning Regulations. As proposed and to be conditioned, the proposal complies with the following applicable policies, which will be discussed further in the project staff report to be prepared for the Planning Commission.

• The encroachment of all development upon land which is suitable for agricultural uses and other lands shall be minimized.

- All development permitted on a site shall be clustered.
- Development shall be located, sited and designed to carefully fit its environment so that its presence is subordinate to the pre-existing character of the site, and its surrounding is maintained to the maximum extent practicable.
- No use, development or alteration shall substantially detract from the scenic and visual quality of the County; or substantially detract from the natural characteristics of existing major water courses, established and mature trees and other woody vegetation, dominant vegetative communities or primary wildlife habitats.
- Where possible, structural uses shall be located away from prime agricultural soils.

The proposed FLH units will be located on prime agricultural land but will not convert additional prime soils not already converted or disturbed. The project will continue to take access from the existing driveway off of Pescadero Creek Road, minimizing conversion of soils for required access on the property. The existing farm stand to be legalized is located within an existing legal building that was originally utilized for flower drying. The conversion of the use of this building avoids additional conversion of lands. Locating the FLH units and utilizing the existing agricultural shed building allows the development to be clustered amongst the existing farm center and avoids additional conversion of prime soils. The proposed septic leach field is located in an area that is currently utilized as an open poultry pen. The septic leach field does not impact the continued use of this area to support the poultry operation once construction is completed. While the parcel contains soils which are not identified as prime, these areas are steep and covered by natural vegetation. Developing the non-prime soil areas would result in greater overall disturbance of the parcel as previously undisturbed areas would be impacted. Further, developing these areas would be more visible from the scenic roadway and would result in expanded infrastructure to serve the proposed development. The areas available for development are limited given that parcel is partially located within a FEMA floodway. The floodway is located just south of the project site and would not allow the placement of structures or of the septic leach field.

"Criteria for Conversion of Prime Agricultural Lands" – The PAD regulations does not generally allow the conversion of prime agricultural lands unless it can be demonstrated that:

a. No alternative site exists on the parcel for the use.

Staff Response: While the overall parcel is 135 acres the leased area of the parcel which is the subject of this application is approximately 25 acres. The large majority of the lease area is utilized for agricultural activity with the farm center occupying approximately 1-acre. The existing farm center is located toward the front/center of the parcel with partial fencing separating it from the lands currently utilized for agriculture. Outside of the existing farmed area the parcel slopes sharply upward and is covered by significant mature natural vegetation. Development of this area would have significant visual impacts and would require significant disturbance of the open space portions of the parcel. The proposed FLH units comply with the 100-foot setback required for proposed structures located in scenic corridors in rural areas and are largely obscured from view by the existing development. The available building area is limited by the adjacent floodplain. The farm stand building is legal and no additional square footage is proposed in conjunction with its legalization.

b. Clearly defined buffer areas are provided between agricultural and non-agricultural uses.

Staff Response: The subject property supports ongoing agricultural activities. The proposed project seeks to cluster both the agricultural and non-agricultural buildings in an effort to keep the current agricultural production at its current output and avoid any further conversion. The project area is unlikely to be farmed due the layout of the farm center and historical use patterns. The proposed FLH units are clustered toward the back of the farm center in an area that has been traditionally utilized for equipment/vehicle storage and agricultural staging. There is an existing crushed AC and rock area that surrounds the rear of the farm center thereby creating a semi informal buffer between the farmed areas and support buildings. The FLH units will utilize this area in order to minimize any further agricultural land conversion and utilize portions of the existing infrastructure. Given the proposed location toward the front/center of the subject parcel, the proposed development is separated from adjacent parcels where agricultural operations are occurring by agriculture, fences, large undeveloped areas, and Pescadero Creek Road.

c. The productivity of an adjacent agricultural land will not be diminished.

<u>Staff Response</u>: The addition of the FLH units and legalization of the permanent farm stand use will result in minimal changes to the land use on the site. Given the proposed project's location on the parcel and distance to any adjacent agricultural lands, the conversion of the agricultural well to a domestic well will not diminish available water for

surrounding properties for agricultural purposes. Therefore, there are no impacts to the productivity of adjacent agricultural lands.

 Public service and facility expansions and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

<u>Staff Response</u>: The FLH units and farm stand will not degrade the air and water quality. The project as proposed and conditioned does not include elements that will result in permanent degraded air and/or water quality. The San Mateo County Environmental Health Services has reviewed the project and found it to be consistent with the requirements for wastewater systems. All improvements will be on the subject parcel and will not impact surrounding uses.

# 2. General Plan Policies

Policy 9.23 (Land Use Compatibility in Rural Lands) and Policy 9.30 (Development Standards to Minimize Land Use Conflicts with Agriculture) encourages compatibility of land uses in order to promote the health, safety and economy, and seeks to maintain the scenic and harmonious nature of the rural lands; and seeks to (1) promote land use compatibility by encouraging the location of new residential development immediately adjacent to existing developed areas, and (2) cluster development so that large parcels can be retained for the protection and use of vegetative, visual, agricultural and other resources.

The subject parcel has a General Plan land use designation of "Agriculture." The proposed FLH units are located on prime soils but are clustered with the existing development on the site (also located on prime soils) which currently makes up the farm center. All development associated with the project will be located in previously disturbed areas in order to maintain the agricultural production on the property. The project has been preliminarily reviewed and conditionally approved by Environmental Health Services for the proposed septic system and well conversion.

## 3. Local Coastal Program (LCP) Agriculture Policies

Policy 5.5 (Permitted Uses on Prime Agricultural Lands Designated as Agriculture) conditionally allows farm labor housing and permanent road stands for the sale of produce (provided the amount of prime agricultural land converted for the farm stand does not exceed 1/4-acre) provided the criteria in Policy 5.8 (Conversion of Prime Agricultural Land Designated as Agriculture) are met:

- a. Prohibit conversion of prime agricultural land within a parcel to a conditionally permitted use unless it can be demonstrated:
  - (1) That no alternative site exists for the use,
  - (2) Clearly defined buffer areas are provided between agricultural and non-agricultural uses,
  - (3) The productivity of any adjacent agricultural land will not be diminished, and
  - (4) Public service and facility expansions and permitted uses will not impair agricultural viability, including by increased assessment costs or degraded air and water quality.

As discussed in Section 1, above, the project meets these requirements.

# **ATTACHMENTS**

- A. Vicinity Map of Project Parcel
- B. Project Plans
- C. Pictures of Farm Stand
- D. Prime Soils Map

AC:pac - ACCCC0584\_WPU.DOCX



**County of San Mateo - Planning and Building Department** 

# ATTACHMENT A

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

© Latitude Geographics Group Ltd.

# Vicinity Map

current, or otherwise reliable.

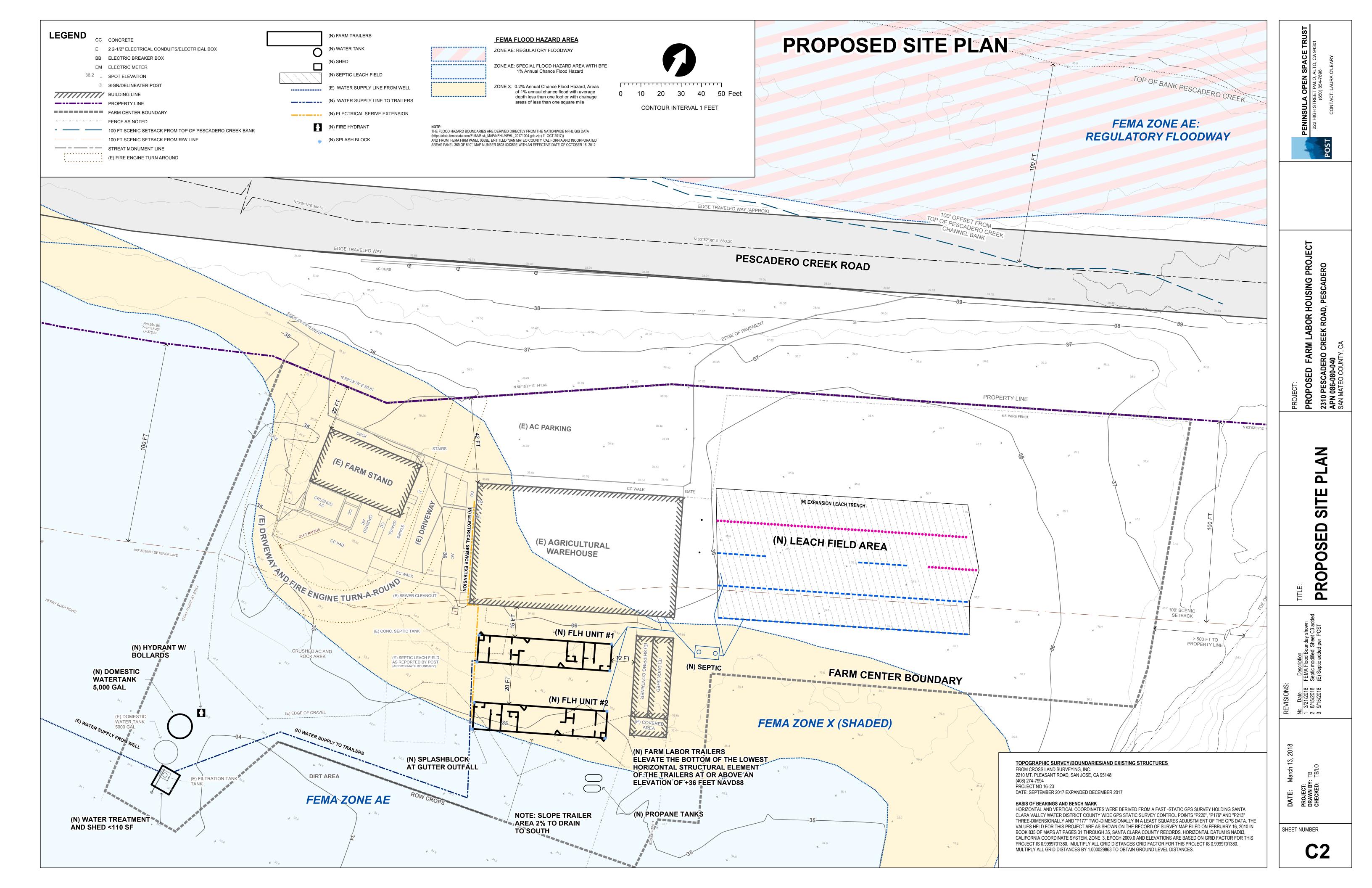
THIS MAP IS NOT TO BE USED FOR NAVIGATION





**County of San Mateo - Planning and Building Department** 

# ATTACHMENT B



44:

APPLICABLE MODEL

Attachment 5 Ph 2018 -00108 and -00109

REAR ELEVATION



THE PERSON NAMED IN COLUMN TO SERVICE AND SERVICE AND

ELEVATION

FRONT

RECEIVED

MAR 15 2018

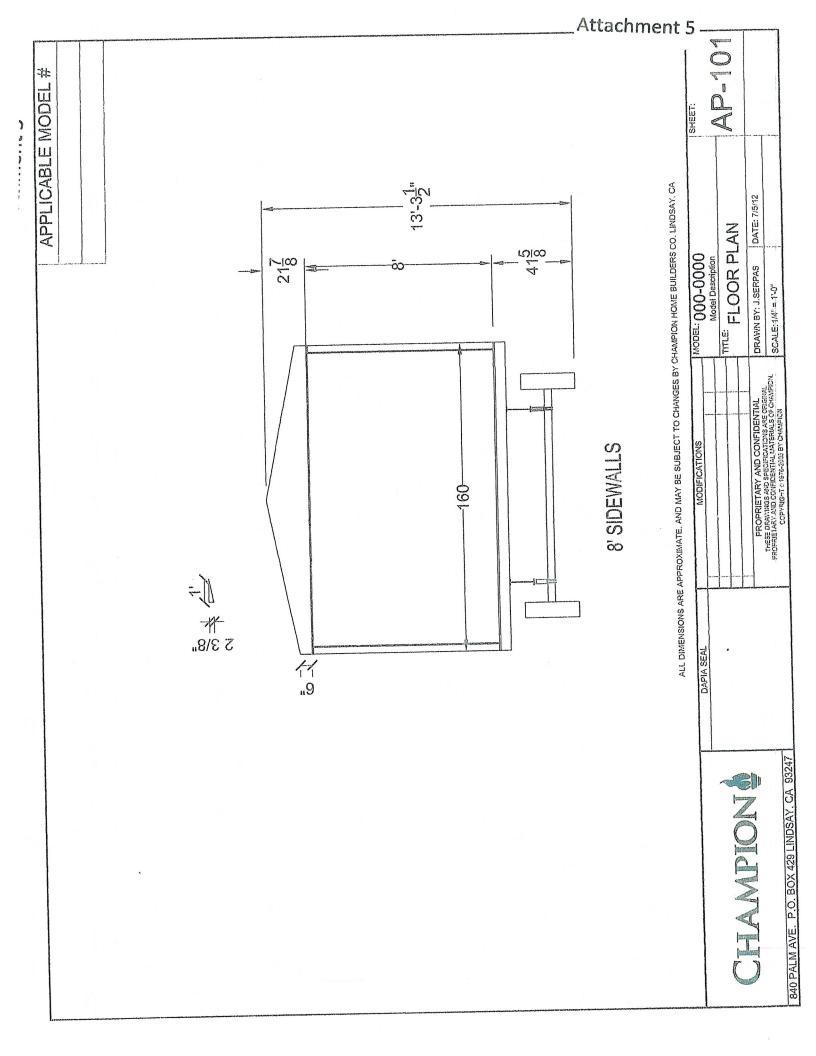
San Mateo County Planning Division

BACK ELEVATION

The Contract Contract



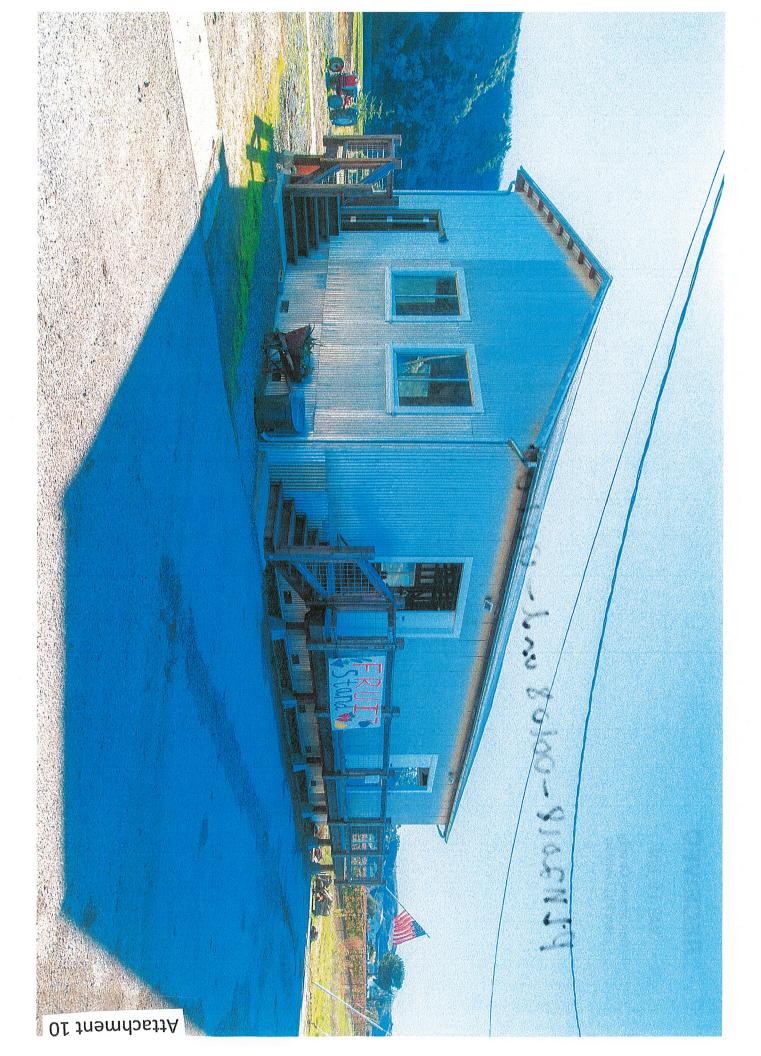






**County of San Mateo - Planning and Building Department** 

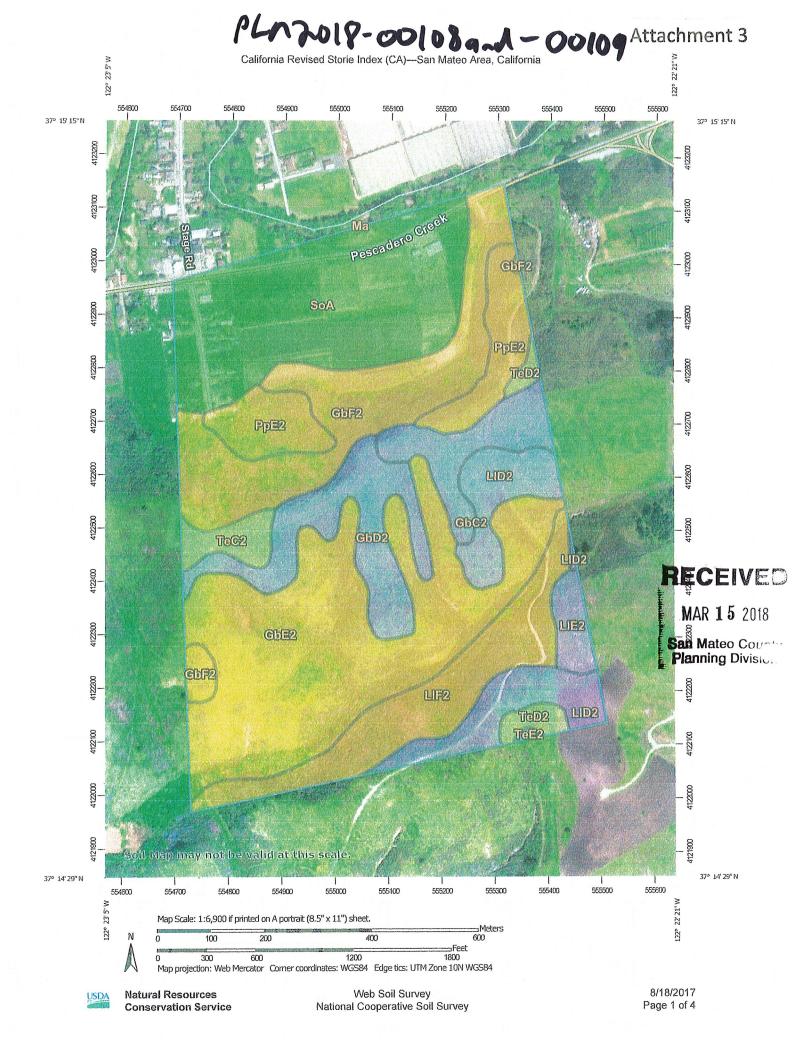
# ATTACHMENT C





**County of San Mateo - Planning and Building Department** 

# ATTACHMENT D



#### This product is generated from the USDA-NRCS certified data as Maps from the Web Soil Survey are based on the Web Mercator distance and area. A projection that preserves area, such as the Date(s) aerial images were photographed: Dec 31, 2009—Mar contrasting soils that could have been shown at a more detailed misunderstanding of the detail of mapping and accuracy of soil The orthophoto or other base map on which the soil lines were Enlargement of maps beyond the scale of mapping can cause compiled and digitized probably differs from the background projection, which preserves direction and shape but distorts Soil map units are labeled (as space allows) for map scales imagery displayed on these maps. As a result, some minor Source of Map: Natural Resources Conservation Service Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required. The soil surveys that comprise your AOI were mapped at line placement. The maps do not show the small areas of Please rely on the bar scale on each map sheet for map Coordinate System: Web Mercator (EPSG:3857) MAP INFORMATION Warning: Soil Map may not be valid at this scale. Soil Survey Area: San Mateo Area, California shifting of map unit boundaries may be evident. Survey Area Data: Version 10, Sep 12, 2016 of the version date(s) listed below. Web Soil Survey URL: 1:50,000 or larger. measurements. 16, 2017 Grade 6 - Nonagricultural Not rated or not available Grade 5 - Very Poor Streams and Canals Interstate Highways Aerial Photography Major Roads Local Roads US Routes Not rated Rails Water Features Transportation Background MAPLEGEND 100 ŧ Grade 6 - Nonagricultural Grade 6 - Nonagricultural Not rated or not available Not rated or not available Area of Interest (AOI) Grade 5 - Very Poor Grade 5 - Very Poor Grade 1 - Excellent Grade 1 - Excellent Grade 1 - Excellent Grade 2 - Good Grade 2 - Good Grade 2 - Good Grade 4 - Poor Grade 4 - Poor Grade 4 - Poor Grade 3 - Fair Grade 3 - Fair Grade 3 - Fair Soil Rating Polygons Area of Interest (AOI) Not rated Not rated Soil Rating Points Soil Rating Lines 34 臟

California Revised Storie Index (CA)—San Mateo Area, California

# Description

The Revised Storie Index is a rating system based on soil properties that govern the potential for soil map unit components to be used for irrigated agriculture in California.

The Revised Storie Index assesses the productivity of a soil from the following four characteristics:

- Factor A: degree of soil profile development
- Factor B: texture of the surface layer
- Factor C: steepness of slope
- Factor X: drainage class, landform, erosion class, flooding and ponding frequency and duration, soil pH, soluble salt content as measured by electrical conductivity, and sodium adsorption ratio

Revised Storie Index numerical ratings have been combined into six classes as follows:

- Grade 1: Excellent (81 to 100)
- Grade 2: Good (61 to 80)
- Grade 3: Fair (41 to 60)
- Grade 4: Poor (21 to 40)
- Grade 5: Very poor (11 to 20)
- Grade 6: Nonagricultural (10 or less)

The components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as the one shown for the map unit. The percent composition of each component in a particular map unit is given to help the user better understand the extent to which the rating applies to the map unit.

Other components with different ratings may occur in each map unit. The ratings for all components, regardless the aggregated rating of the map unit, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.

# Rating Options

Aggregation Method: Dominant Condition Component Percent Cutoff: None Specified

Tie-break Rule: Lower



# California Revised Storie Index (CA)

Map unit symbol	Map unit name	Rating	Component name (percent)	Acres in AOI	Percent of AOI	
GbC2	Gazos loam, sloping, eroded	Grade 3 - Fair	Gazos (85%)	7.9	4.4%	
GbD2	Gazos loam, moderately steep, eroded	Grade 3 - Fair	Gazos (85%)	13.8	7.7%	
GbE2	Gazos loam, steep, eroded	Grade 4 - Poor	Gazos (85%)	46.8	26.1%	
GbF2	Gazos loam, very steep, eroded	Grade 4 - Poor	Gazos (85%)	25.5	14.2%	
LID2	Lobitos loam, moderately steep, eroded	Grade 3 - Fair	Lobitos (85%)	14.1	7.9%	
LIE2	Lobitos Ioam, steep, eroded	Grade 3 - Fair	Lobitos (85%)	2.9	1.6%	
LIF2	Lobitos loam, very steep, eroded	Grade 4 - Poor	Lobitos (85%)	16.4	9.2%	
Ma	Mixed alluvial land	Grade 3 - Fair	Mixed alluvial land (90%)	., 0.0	0.0%	
PpE2	Pomponio loam, steep, eroded	Grade 4 - Poor	Pomponio (85%)	12.0	6.7%	
SoA	Soquel loam, over clay, nearly level	Grade 1 - Excellent	Soquel (85%)	34.4	19.1%	
TeC2	Tierra loam, sloping, eroded	Grade 2 - Good	Tierra (85%)	3.1	1.7%	
TeD2	Tierra loam, moderately steep, eroded	Grade 2 - Good	Tierra (85%)	2.3	1.3%	
TeE2	Tierra loam, steep, eroded	Grade 3 - Fair	Tierra (85%)	0.2	0.1%	
Totals for Area of I	nterest			179.4	100.0%	



# County of San Mateo Planning & Building Department

# **Agricultural Advisory Committee**

BJ Burns Jess Brown Judith Humburg Louie Figone William Cook Fred Crowder Jim Howard Laura Richstone Robert Marsh Margaret Gunn John Vars Lauren Silberman Ron Sturgeon 55 County Center, 2nd Floor Iwood City, California 94063 650/363-4161 Fax: 650/363-4849

# Meeting Minutes Special Meeting November 19, 2018

## 1. Call to Order

Robert Marsh, Committee Chairman, called the Regular Meeting of the Agricultural Advisory Committee (AAC) to order at 7:30 p.m. at the Ted Adcock Community Center - South Day Room, 535 Kelly Avenue, Half Moon Bay, California.

#### 2. Member Roll Call

Chair Marsh called the roll. A quorum (a majority of the voting members) were present, as follows:

## Regular Voting Members Present

B.J. Burns
William Cook
Robert Marsh
John Vars
Ron Sturgeon
Louie Figone
Lauren Silberman

# Regular Voting Members Absent

Judith Humburg

## Nonvoting Members Present

Steve Monowitz, San Mateo County Community Development Director Fred Crowder Maggie La Rochelle Gunn

## **Nonvoting Members Absent**

Jim Howard Jess Brown

# 3. Public Comments for Items not on the Agenda

No comments were raised.

4. Consideration of an Agritourism Event (PLN 2018-00409) for the upcoming 2018 Christmas tree selling season at "Santa's Tree Farm" 78 Pilarcitos Creek Road, Half Moon Bay; APN: 056-380-020. Applicant: Daniel Sare

Community Development Director, Steve Monowitz presented the staff report for PLN 2018-00409. The proposed elements of the agritourism event include a train on rubber tires that transport guests along an existing graveled road and one food/snack bar for sales of prepackaged foods and associated seasonal related items. The proposed event will run from November 15 through December 24, 2018 from 9:00 a.m. until 5:00 p.m.

In review by Planning staff, the application meets the requirements for an Agritourism Event Permit. The proposed activities are secondary and supplemental to the established agricultural Christmas tree cultivation on the property.

Correspondence submitted from a member of the public Lisa Ketcham requested that agritourism event signage and all other signage along Highway 92 (a County designated scenic corridor) comply with LCP Policy 8.21 which prohibits brightly illuminated colored, reflective or moving signs, pennants, or streamers. Ms. Ketcham stated that the proliferation of signs along Highway 92 has overwhelmed the area, constitutes a blight, and requested that vinyl signs along Highway 92 should be control and regulated.

The applicant stated that the signs they have for their operation have been located on their property for decades, are made out of wood and include a few colored pennants to indicate where drivers should enter the property. In addition, the applicant also stated that they do allow other community organizations to post signs on their property visible from Highway 92 and indicated they were willing to remove these signs. The applicant stated that the "Santa Tree Farm" signs are necessary for the agritourism event itself but also promote the agriculture occurring at the property itself. The applicant stated that these signs are necessary for the profitability of their business.

Mr. Steve Monowitz clarified that the regulations imply that off-premises signs are allowed provided that they are temporary and related to agriculture production and believes that this policy is intended to address permanent signage to avoid blinking, highly visible, and/or moving permanent signs as opposed to temporary seasonal agricultural signs. However, Mr. Monowitz also noted that these regulations leave some issues up to interpretation, and stated that the purpose of the forum is for the committee members to express their views on how the policy should be interpreted.

Committee member Marsh stated that signage for agritourism is necessary because agritourism is sometimes one of the biggest drivers of agriculture and that signage is how agriculture in the County tries to promote their products.

Committee Member Sturgeon stated that signage on Highway 1 is an issue and that the appearance of one bad sign leads to other similar signs. He stated that there has to be a balance between the scenic quality of area and business.

A Committee Member noted that signage is a function of competition between businesses to attract customers and stated that to ratchet down signs would have to be a fairly applied effort.

Committee Member Silberman stated that she could understand both sides of the issue: protecting the visual quality of the area vs. the economic viability of the surrounding agriculture businesses but noted that Santa Tree Farm sign an example of appropriate signage and that the streamers are necessary to direct people where to enter the property.

The Applicant provided 3 clarifications to the staff report. The applicant stated that: 1) the project site is 1-mile away from Highway 92 and is not visible from the roadway, 2) there will be no habitat removal for this event as that the Christmas trees are the crop and would be removed regardless of the agritourism permit and 3) while the parcel does contain some prime soil, the location of the barn, and agritourism event, is not located on these prime soils.

The Applicant asked if they would have to come back to the AAC next year for the same agritourism event.

Mr. Monowitz stated this event would need to come before the AAC for consideration next year. Mr. Monowitz suggested that if there are no changes that this item could be viewed as a consent item next year.

Vice Chair Burns made a motion to approve the proposed agritourism for Santa's Tree Farm. This motion was seconded by Committee Member Figone. The motion was approved. (7 ayes – 0 noes)

5. Consideration of Williamson Act Non-Renewal Appeals for PLN 2015-00576. Applicant: Philomena, LLC; APNs: 081-040-010 and 081-250-010

Community Development Director, Steve Monowitz presented the staff report for PLN 2015-00575 regarding a County-initiated Notice of Non-Renewal for the two subject parcels. This item was continued from the September 10, 2018 AAC meeting to allow the applicant to provide required documentation substantiating their compliance with the Williamson Act.

Mr. Monowitz stated that the project Planner Melissa Ross has contacted the applicant and that no documentation has been received to verify that the property meets the criteria for Williamson Act. Because no documentation has been received Mr. Monowitz stated that the Planning Department will continue forward with non-renewal.

Chair Marsh stated that he knows that the property has been grazed for many years and that the property is in compliance with the Williamson Act criteria.

Mr. Monowitz responded that the County is moving forward with non-renewal due to the fact that no documents were submitted and because these contracts run on an annual cycle and this non-renewal must be completed before the new-year.

Committee Member Silberman inquired when the applicant was last contacted.

Mr. Monowitz responded that the project planner Melissa Ross has made multiple efforts to reach out with no response from the applicant.

Chair Marsh asked if a vote of non-renewal by the AAC was final or if there is a process in which the applicant can submit their paperwork at a later date.

Mr. Monowitz replied that the non-renewal must be approved by the Board of Supervisors and that until the Board has taken a final vote, the applicant has the ability to submit the required paperwork for consideration. If submitted, Mr. Monowitz stated that the Planning Department would base their recommendation to the Board on their review of the paperwork. Mr. Monowitz stated that this item would go to the December 11, 2018 Board meeting. If the appeal fails, but the applicant can demonstrate commercial grazing on the property, Mr. Monowitz stated they could immediately apply for a new Williamson Act contract.

Committee Member Sturgeon stated that he understood the County's viewpoint but could not vote for non-renewal based on an absence of paperwork.

Vice Chair Burns agreed with Member Sturgeon and stated that he knows that agriculture is occurring on the parcel.

Committee Member Crowder stated that the paperwork is a legal requirement of the contract under State regulations and that if the paperwork demonstrating compliance is not submitted the whole Williamson Act becomes an arbitrary process.

A Committee Member stated that the property is for sale and asked if a new owner would have to wait until the contract expires to develop the property.

Mr. Monowitz replied that the contract would remain on the property until the remaining nine year term has expired.

Committee Member Silberman stated that she could relate to how difficult it is to gather the required paperwork but stated that the paperwork is required and that one cannot make a formal decision on a contract based on informal knowledge of a property's agriculture.

A Member of the Committee questioned what kind of paperwork is being requested.

Mr. Monowitz stated that the Williamson Act audit is sent by the tax collector and is the same for all Williamson Act property owners. In the event that someone had an issue providing the requested information, Mr. Monowitz stated that the Planning Department would accept an incomplete form with an explanation of why they did not disclose some information and bring that to the committee for consideration. However, no such statement or paperwork was presented for the subject project.

There was confusion about when the appeal period for this project ended. Mr. Monowitz clarified that the applicant has already taken advantage of the appeal process and stated that Planning staff has no alternative but to move forward with a recommendation of non-renewal to the Board at its December 11, 2018 meeting but committed that Staff will reach out again to the applicant.

A member of the public (Kerry Burke) stated that the committee should not be fearful about potential development on the property if the contract is non-renewed because the PAD zoning requirements are very stringent regarding the protection of the physical attributes of the property.

Committee Member Figone motioned to move forward with the recommendation for non-renewal but with a comment to the Board of Supervisors that the Committee believes that the property is in full compliance with the Williamson Act and that the proposed non-renewal is simply a failure to fill-out the required paperwork. Member Figone further recommended that if there was any way the County could assist the owner that the County should do so. The motion was seconded by Committee Member Vars. The motion was approved (3 ayes (Figone, Vars, Cook) -- 2 noes (Sturgeon & Burns) – 1 abstain (Silberman).

# 6. Consideration of the Action Minutes for the November 19, 2018 special meeting.

A committee member raised the issue of clarifying Williamson Act income vs. land utilization requirements noted in the November minutes.

Mr. Monowitz suggested that the Committee consider reconvening the subcommittee to revisit and clarify some of the more difficult portions of the Williamson Act regulations.

Vice Chair Burns moved approval of the November 19, 2018 special meeting minutes; Committee Member Cook seconded the motion. The motion was approved. (6 ayes – 0 noes – 1 abstain (Silberman))

# 7. Community Development Director's Report presented by the Community Development Director, Steve Monowitz

Mr. Monowitz presented the Director's Report and stated that the listed Coastal Development Exemption is needed to rectify previous violations on the property in an effort to eventually grow cannabis.

Committee Member Silberman inquired if the cannabis advisory committee is being developed and how those committee members are appointed.

Mr. Monowitz stated that the committee would be a multidepartment team staffed by the heads of the Planning and Building Department, Agricultural Commissioner, Environmental Health and potentially other departments. Mr. Monowitz further stated appeals of a cannabis permit would go to an individual appointed by the County Manager's Office for consideration. As of now, no individual has been appointed.

Due to the loss of Planning liaison, Rob Bartoli, Mr. Monowitz stated that the Planning and Building Department would no longer be able to staff the AAC meetings. Mr. Monowitz stated that many other advisory bodies within the County run their own meetings but stated that Planning staff would continue to prepare the packets, minutes, set the agenda, and respond to questions posed in the minutes on a trial basis.

All Committee Members present stated that they would prefer to have the Planning Department staff the meeting and encourage the Department to develop someone for the Planning liaison position as quickly as possible.

A member of the public (Kerry Burke) stated that the AAC is a dynamic body that that support from a Planner is essential to clarify regulations when issues arise.

Adjournment (8:55 p.m.)

# COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

DATE: December 10, 2018

**TO:** Agricultural Advisory Committee

**FROM:** Planning Staff

**SUBJECT:** Community Development Director's Report

CONTACT INFORMATION: Laura Richstone, Planner I, 650-363-1829, <a href="mailto:lirichstone@smcgov.org">lrichstone@smcgov.org</a>

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 November 1, 2018 to November 30, 2018.

### PLANNED AGRICULTURAL DISTRICT PERMIT OUTCOMES

No PAD permits were heard before the Planning Commission in the month of November 2018

At its November 6, 2018 hearing the Board of Supervisors upheld the Planning Commission's decision to deny a Planned Agricultural Permit and Coastal Development Permit, to allow for operation of a construction equipment and materials storage use at 4448 La Honda Road (Rogers). PLN 2016-00195 and PLN 2016-00197.

At that same meeting the Board of Supervisors also adopted a resolution authorizing the Planning and Building Department to file a Notice of Williamson Act Contract Non-Renewal for 4448 La Honda Road (Rogers); APN: 082-120-050.

### **UPCOMING PLANNED AGRICULTURAL DISTRICT PERMIT PROJECTS**

No new PAD permit applications were received during November 2019.

# COASTAL DEVELOPMENT EXEMPTIONS FOR AGRICULTURAL PROJECTS

No rural CDX applications were submitted during the month of November 2019.

## **ADDITIONAL ANNOUNCEMENTS**

The next regular meeting of the AAC is scheduled for January 14, 2018.