

# 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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## 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.