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
Igor Lacan
John Vars
Lauren Silberman
Ron Sturgeon

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161
Fax: 650/363-4849

SPECIAL MEETING PACKET

Date: **Monday, November 19, 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. Public Comments for Items Not on the Agenda
4. Consideration of an Agritoruism Event (PLN 2018-00409) for the upcoming 2018 Christmas tree selling season. The proposed days and hours of operation are as follows: November 15 through December 24, 2018 from 9:00 a.m. until 5:00 p.m. The proposed elements are; 1) a train on rubber tires that transport guests along an existing graveled road and 2) one food/snack bar for sales of prepackaged foods and associated seasonal related items. Location: "Santa's Tree Farm" 78 Pilarcitos Creek Road, Half Moon Bay (APN: 056-380-020). Applicant: Daniel Sare
5. Consideration of Williamson Act Non-Renewal Appeals for PLN 2015-00576. Applicant: Philomena, LLC; APNs: 081-040-010 and 081-250-010
6. Consideration of the Action Minutes for the September 10, 2018 regular meeting
7. Community Development Director's Report to be presented by the Community Development Director, Steve Monowitz
8. Adjournment – Next Meeting December 10, 2018

Agricultural Advisory Committee meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to participate in this meeting; or who have a disability and wish to request a alternative format for the agenda, meeting notice, agenda packet or other writings that may be distributed at the meeting, should contact the County Representative at least five (5) working days before the meeting at (650) 363-1829, or by fax at (650) 363-4849, or e-mail LRichstone@smcgov.org. Notification in advance of the meeting will enable the Committee to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it.

ROLL SHEET – September, 2018

Agricultural Advisory Committee Attendance 2017-2018

	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov
VOTING MEMBERS													
Vacant** Public Member			X		X	X	X	X					
BJ Burns Farmer, Vice Chair	X	X	X		X	X	X	X			X		
Vacant ** Farmer													
Louie Figone Farmer	X	X			X	X	X	X			X		
Vacant Public Member						X	X						
John Vars Farmer	X	X	X		X	X	X	X			X		
William Cook * Farmer	X	X									X		
Judith Humburg* Farmer													
Robert Marsh Farmer, Chair	X	X	X		X	X	X	X			X		
Ron Sturgeon Conservationist	X	X	X		X	X	X	X			X		
Lauren Silberman * Ag Business													
Natural Resource Conservation Staff													
San Mateo County Agricultural Commissioner		X			X	X	X						
Farm Bureau Executive Director	X	X	X		X		X				X		
San Mateo County Planning Staff	X	X	X		X	X	X	X					
UC Co-Op Extension Representative			X				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: November 19, 2018

TO: Agricultural Advisory Committee

FROM: Tiare Peña
(650) 363-1850

SUBJECT: Agritourism Event
78 Pilarcitos Creek Road (Sare)

County File Number: PLN 2018-00409

PROPOSAL

The applicant (Sare) is requesting consideration of an application for an Agritourism Event for the upcoming 2018 Christmas tree sales season. The proposed days and hours of operation are as follows: November 15 through December 24, 2018 from 9:00 a.m. until 5:00 p.m. The proposed elements are; 1) a train on rubber tires that transport guests along an existing graveled road and 2) one food/snack bar for sales of prepackaged foods and associated seasonal related items.

DECISION MAKER

Community Development Director

BACKGROUND

Report Prepared By: Tiare Peña

Location: Santa's Tree Farm, 78 Pilarcitos Creek Road, Half Moon Bay

Owner/Applicant: Daniel Sare

APN: 056-380-020

Existing Zoning: Planned Agricultural District/Coastal Development

General Plan Designation: Agriculture

Existing Land Use: Agricultural uses, residence and barn

Setting: The 127 acre parcel is located on Pilarcitos Creek Road in the unincorporated area of Half Moon Bay. The property is bisected by San Mateo Road.

Williamson Act: The project site is not under a Williamson Act contract.

Chronology:

Date		Action
November, 2016	-	Agritourism permit application approved
September, 2017	-	2017 Agritourism permit application submitted
September, 2017	-	Agricultural Advisory Committee public meeting
October 15, 2018	-	2018 Agritourism permit application submitted

DISCUSSION

Will the project be visible from a public road?

Yes, the project site is visible from San Mateo Road/Highway 92

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

Mature Christmas trees will be removed and from the site and new trees will be replanted.

Is there prime soil on the project site?

There are some prime soils interspersed throughout the site.

A. KEY ISSUES

1. Agritourism Event Certificate of Exemption

   Planning staff has reviewed this application for conformance with the Agritourism Guidelines. The proposed agritourism activities are secondary and supplemental to established agricultural uses on the property. All activities are temporary, supports the economic viability of the farm and does not prevent future agricultural uses on the land. Staff has determined that this application is in compliance with the Agritourism Guidelines.

2. Compliance with the Williamson Act:

   The subject property is not under a Williamson Act contract.

FINDINGS

1. That the agritourism use is compatible with the long-term agricultural uses of the land because the proceeds from the Christmas tree sales support the economic viability of the farm. This is an established agricultural farm, therefore this finding can be made.

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. The applicant will hire three employees for the season to assist with parking and tree sales. This finding can be made.

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 the land. Due to the ongoing agricultural uses on the property, this finding can be made.

4. That the proposed use and activities comply with all relevant provisions of the General Plan, Local Coastal Program, Zoning Regulations, and Williamson Act.

Attachments:

Application for Agritourism Event

Google earth

feet 100
meters 30

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

DATE: November 19, 2018

TO: Agricultural Advisory Committee

FROM: Melissa Ross, Planning Staff, 650/599-1559

SUBJECT: Consideration of Williamson Act Non-Renewal Appeal

County File Number: PLN 2015-00576 - Philomena, LLC

PROPOSAL

On September 10, 2018, the Agricultural Advisory Committee (AAC) heard the appeal of a County-initiated Notice of Non-Renewal for two parcels (081-040-010 and 081 250 010) located at 1570 La Honda Road, San Gregorio. The item was continued to allow the applicant to contact the Planning Department in order to submit the previously requested information required for compliance review. To date, the applicant has not contacted the Department nor have the required documents substantiating compliance with the Williamson Act been submitted. Since staff is unable to complete the compliance review, staff recommends denial of the appeal.

History

Pursuant to the California Land Conservation Act of 1965, a property owner may file a written protest (appeal) of a County initiated non-renewal. The property owner identified above has filed such a protest. In filing a written protest, a landowner has up to 3 years to substantiate compliance with the Williamson Act in order for the parcel to remain under contract. If evidence of compliance is submitted, the County may rescind the Notice of Non-Renewal for the appealed parcels.

The 3-year appeal period will end December 31, 2018 by which time the Board of Supervisors must make a determination to rescind the Notice of Non-renewal or allow the contract to expire.

If the appeal is upheld, the parcel may remain under contract. If the appeal is denied, the parcel will continue the non-renewal phase out process.

DECISION MAKER

Board of Supervisors

BACKGROUND

Report Prepared By: Melissa Ross

Applicant: David Cline

Owner: Philomena, LLC

Location: 1570 La Honda Road, San Gregorio

APN(s): 081-040-010 and 081-250-010

Parcel Size: 548.41 acres; 31.54 acres (579.95 combined)

Existing Zoning: Planned Agricultural District (PAD)

General Plan Designation: Agriculture

Local Coastal Plan Designation: Agriculture

Environmental Evaluation: Not subject to the California Environmental Quality Act review pursuant to Section 15060; the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.

DISCUSSION

A. KEY ISSUES

As presented in the September 10, 2018 AAC Report:

Review of the appeal for compliance with the Williamson Act Program could not be completed because the applicant did not submit the required documents to substantiate compliance with the Program. Staff contacted the applicant on June 8 2018, requesting a site plan showing all development and agricultural operations and acreage, mapped prime agricultural lands, and proof of commercial agriculture (e.g., tenant lease agreements, Schedule F). Staff provided a deadline of August 6, 2018 by which time no documents were submitted.

B. STAFF EVALUATION

Staff recommends denial of the appeal since the applicant has not submitted documents substantiating compliance with the Program.

AAC RECOMMENDATION

Regarding the Non-Renewal Appeal, does the AAC recommend to the Board of Supervisors that the Notice of Non-Renewal be rescinded for the appealed parcels or that the contract be allowed to expire for the appealed parcels?

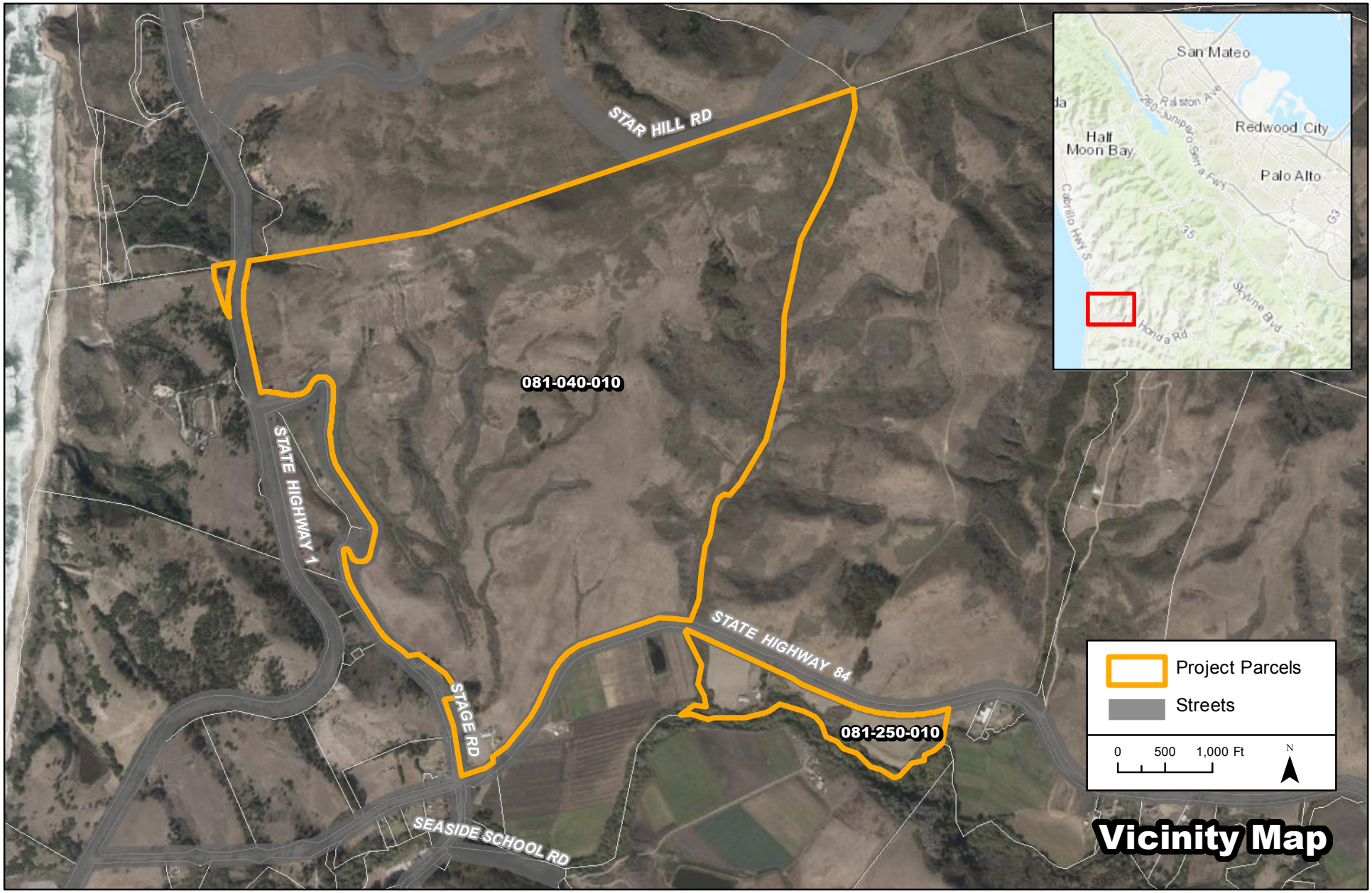
ATTACHMENTS

A. Vicinity Map
B. AAC staff report dated September 10, 2018 (Item 2 only).

MAR:ann: - MARCC0467_WNN.DOCX

County of San Mateo - Planning and Building Department

ATTACHMENT A


STAR HILL RD
081-040-010
STATE HIGHWAY 1
STAGE RD
STATE HIGHWAY 84
081-250-010
SEASIDE SCHOOL RD
San Mateo
Redwood City
Half Moon Bay
Palo Alto
Project Parcels
Streets
0 500 1,000 Ft
N
Vicinity Map

County of San Mateo - Planning and Building Department

ATTACHMENT B

ITEM 2

File No.: PLN 2015-00576

Owner: Philomena LLC

Location: 1570 La Honda Road, San Gregorio

Appealed APNs: 081-040-010 and 081-250-010

DISCUSSION

A. KEY ISSUES

Review of the appeal for compliance with the Williamson Act Program could not be completed because the applicant did not submit the required documents to substantiate compliance with the Program. Staff contacted the applicant on June 8, 2018, requesting a site plan showing all development and agricultural operations and acreage, mapped prime agricultural lands, and proof of commercial agriculture (e.g., tenant lease agreements, Schedule F). Staff provided a deadline of August 6, 2018 by which time no documents were submitted.

B. STAFF EVALUATION

Staff recommends denial of the appeal since the applicant has not submitted documents substantiating compliance with the Program.

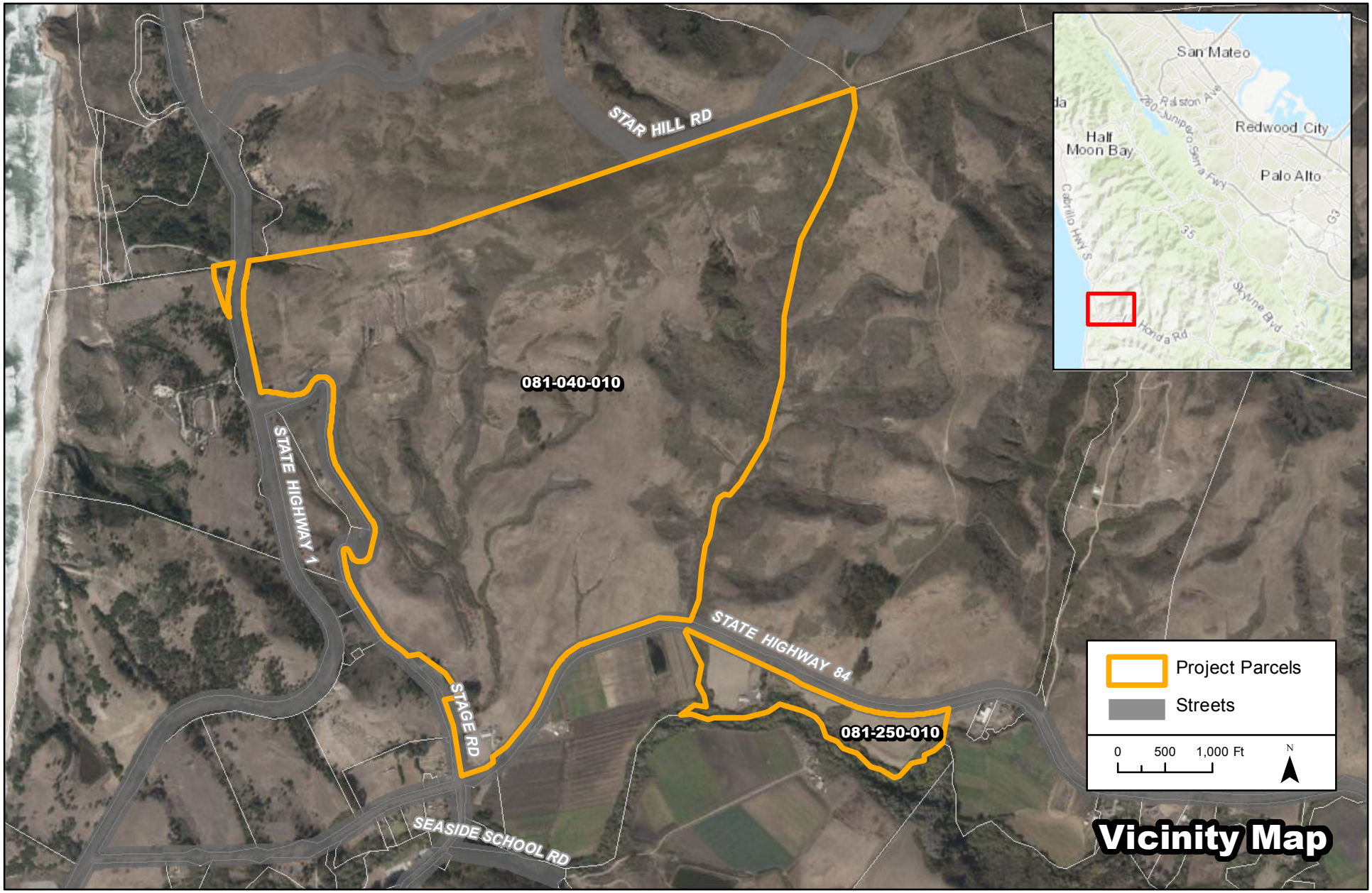
AAC RECOMMENDATION

Regarding the Non-renewal Appeal, does the AAC recommend to the Board of Supervisors that the Notice of Non-renewal be rescinded for the appealed parcels or that the contract be allowed to expire for the appealed parcels?

ATTACHMENT

A. Vicinity Maps

MR:pac - MARCC0393_WPU.DOCX


STAR HILL RD
081-040-010
STATE HIGHWAY 1
STAGE RD
STATE HIGHWAY 84
081-250-010
SEASIDE SCHOOL RD
San Mateo
Redwood City
Half Moon Bay
Palo Alto
Project Parcels
Streets
0 500 1,000 Ft
N
Vicinity Map

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Meeting Minutes
Regular Meeting September 10, 2018

1. **Call to Order**

Robert Marsh, Committee Chairman, called the Regular Meeting of the Agricultural Advisory Committee (AAC) to order at 7:31 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

Regular Voting Members Absent
None

Nonvoting Members Present
Rob Bartoli
Jess Brown
Maggie La Rochelle Gunn

Nonvoting Members Absent
Jim Howard
Fred Crowder

3. Oath of Office for William Cook, Judith Humburg, and Lauren Silberman

Planner Bartoli noted that William Cook had the oath of office administered by the Deputy Clerk of the San Mateo County Board of Supervisors earlier that day. While Judith Humburg attended at the meeting, no County staff was available at the meeting to administer the oath. Committee Member Humburg and Member Silberman, who was not in attendance, will have their oath of office administered at the next AAC meeting. Committee Member Cook and Member Humburg introduced themselves to the fellow AAC members, staff, and the public in attendance.

4. Public Comments for Items not on the Agenda

Vice Chair Burns requested a status update regarding the County's update to the subdivision regulations.

Planner Bartoli stated that the subdivision regulations were approved by the San Mateo County Board of Supervisors and the California Coastal Commission earlier this year. Planner Bartoli stated that information about the approved regulations could be brought to the AAC at a later date.

Maggie La Rochelle Gunn from UC Co-op Extension also introduced herself.

Committee Member Sturgeon stated that the Mountain Lion subcommittee has given over the task of writing a letter to the County regarding mountain lions to the San Mateo County Farm Bureau. The subcommittee will remain to provide updates to the AAC regarding the Farm Bureau's progress.

5. Consideration of Williamson Act Non-Renewal Appeals for PLN 2015-00575 – Young (APNs 081-130-030; 081-130-020; 081-140-010; 081-150-040 (excepted);081-170-040; 081-170-050 and 081-180-010) and PLN 2015-00576 - Philomena, LLC (APNs 081-040-010 and 081-250-010)

Planner Bartoli presented the staff report for PLN 2015-00575. The original contract included seven parcels (Broken Arrow Ranch); however, parcel 081-150-040 is not eligible for a contract based on its Timber Production Zone (TPZ) designation and will be non-renewed. The review below is based on the TPZ parcel being excluded from the contract. With the TPZ parcel excluded, the contiguous parcels are identified in two groups. Each group of parcels meets the requirements for cattle sales. Based on the information submitted by the landowner, staff recommends that the six appealed parcels remain under contract. The income generated by the cattle sales meets the minimum requirements and the existing compatible uses do not significantly displace or impair the ongoing agricultural operations on the parcels or within the Agricultural Preserve.

Chair Marsh asked why the cattle operation was subject to income requirements. He understood that grazing is subject to land utilization percentage and not income requirements.

Planner Bartoli stated that when cattle that are on the property are the landowner's cattle, they are treated as commodities and are subject to income requirements. If the cattle were owned by another person and there was lease agreement in place, then the grazing regulations would apply.

Chair Marsh stated that he was under the impression from the Williamson Act subcommittee, that grazing of any cattle would be subject to the grazing utilization requirements, no matter whose cows they were. He stated that if this were County's position, he would like to meet with other County Planning staff to go over this issue.

A member of the public stated that she recalled that the grazing requirements were not specific to whose cows were on the property. If the cattle are grazing on the property, the cows should be reviewed under the grazing requirements.

Peter Marchi stated that he recalled that the subcommittee agreed that any cattle would be reviewed under the grazing requirements. He gave examples that he posed during the subcommittee meetings.

Committee Member Sturgeon quoted the San Mateo County Williamson Act Regulations regarding the definition of grazing. He disagreed with County Planning's interpretation regarding the classification of cattle on this property being subject to income requirements.

Planner Bartoli read from the San Mateo County Williamson Act Regulations for agricultural commodities, which includes livestock, such as cattle.

A discussion ensued between staff and members of the AAC regarding if livestock are subject to income requirements or grazing.

Committee Member Vars had a question about if the property should be eligible or not.

Chair Burns said that he did not have an issue with the property, but he was concerned about how the application was classified, as a commodity and not as grazing.

Committee Member Sturgeon stated that this issue of grazing and commodities should be taken to the Board of Supervisors. He also wanted to have Planning staff provide evidence that the property is fenced and being utilized according to the grazing requirements. He also stated that as now that the contract consisted of non-contiguous properties, there needs to be two contracts.

The property owner stated that the property has cows on them and that they move through the parcels, including the one that is zoned TPZ.

Planner Bartoli stated that the language regarding the need for contiguous parcels for a contract is when properties are entering into a new contract, not modification or review of an existing contract.

Committee Member Sturgeon made a motion to continue the item to the next meeting and requested that staff bring additional information regarding income requirements and the need for two separate contracts.

Vice Chair Burns seconded the motion and requested that Senior Planner Ross explain the regulations to the AAC.

Vice Chair Burns stated that he was supportive of the project. He said that this is a unique situation regarding the amount of agricultural activity on the site compared to the amount of other uses on the property.

Under the motion, Planner Bartoli stated that he had two questions: 1) Does the committee feel that the two groups of parcels do not meet the income requirement as reviewed by staff? (Staff has found that the parcels do meet the requirements); and 2) If the parcels were broken into two different contracts, would the AAC still request the item to be continued.

Committee Member Sturgeon spoke about why he wanted to have the item continued. He stated that at the previous meeting regarding Williamson Act requirements, Planning staff did not take into consideration the AAC comments regarding the interpretation of the Williamson Act.

A member of the public spoke about the Williamson Act contract on the property. He did not think that was right that the contract needed to come back as it was meeting the requirements and the contract did not need to be broken into two contracts.

Mike Williams, Midpeninsula Regional Open Space District, asked if you could have two non-contiguous properties under one contract.

Planner Bartoli stated that is correct. He stated that the section that Committee Member Sturgeon is referencing is regarding new contracts only.

Committee Member Cook stated he felt that the AAC would be putting an unfair burden on the property owner if there were a time frame involved for this appeal.

Planner Bartoli stated there is a period for the appeal; however, Committee Member Sturgeon disputed that.

Chair Marsh spoke about the discussion that was held in the Williamson Act subcommittee meetings.

David Cline spoke about the history of the property and this appeal of the contract. He stated that he did not believe that this appeal should be held up, but did encourage the AAC and the County to address the questions that were brought up from a broader prospective.

Vice Chair Burns spoke about the Williamson Act, review process, and the need for more contracts to come before the AAC.

Committee Member Sturgeon stated that the staff report for the appeal was defective and should be corrected before the AAC takes action on the item.

After a discussion on the motion, Vice Chair Burns pulled his second from the original motion. No other second was obtained for the motion and due to the lack of the second, the motion was not voted on.

Committee Member Vars moved to uphold the appeal and rescind the notice of non-renewals for the appealed parcels; Committee Member Sturgeon seconded the motion. The motion was approved. (6 ayes – 0 noes)

Committee Member Sturgeon moved to have Planning staff bring information about the issues that were raised during this discussion, including grazing and commodities classification for cattle and the requirements for separate contracts back to the AAC; Vice Chair Burns seconded the motion. The motion was approved. (6 ayes – 0 noes)

Planner Bartoli presented the staff report for PLN 2015-00576. No additional information was submitted by the applicant.

David Cline, the agent for the property owner, asked for the item to be continued to provide County Planning staff additional information for this appeal.

Committee Member Cook moved to continue the item to a date uncertain; Vice Chair Burns seconded the motion. The motion was approved. (6 ayes – 0 noes)

6. Consideration of the Action Minutes for the May 14, 2018 regular meeting and June 11, 2018 regular meeting.

Vice Chair Burns moved approval of the meeting minutes for May 14, 2018 regular meeting and June 11, 2018 regular meeting; Committee Member Figone seconded the motion. The motion was approved. (5 ayes – 0 noes – 1 abstain (Cook))

7. Community Development Director's Report

Planner Bartoli presented the Director's Report. He stated that if the October AAC meeting were to be held, it would need to be a special meeting due to the holiday. He will contact AAC member to see availability.

Planner Bartoli stated that the September meeting would be his last meeting, as he was taking a position with San Mateo Local Agency Formation Commission. He thanked the AAC members for their service. He said he did not know who would staff the AAC meetings going forward.

AAC members thanked Planner Bartoli for his service.

Adjournment (8:58 p.m.)

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

DATE: November 19, 2018

TO: Agricultural Advisory Committee

FROM: Planning Staff

SUBJECT: Community Development Director's Report

CONTACT INFORMATION: Laura Richstone, Planner I, 650-363-1829, lrichstone@smcgov.org

The following is a list of Planned Agricultural District permits and Coastal Development Exemptions for the rural area of the County that have been received by the Planning Department from September 1, 2018 to October 31, 2018.

PLANNED AGRICULTURAL DISTRICT PERMIT OUTCOMES

No PAD permits were heard before the Planning Commission in the months of September and October of 2018.

UPCOMING PLANNED AGRICULTURAL DISTRICT PERMIT PROJECTS

One new application for a PAD permit was received during October 2018. PLN2018-00401 is for a PAD Permit, CDP, and Grading Permit for a new 2-story, 4,300 sq. ft. residence on a legal undeveloped 7.85-acre parcel in San Gregorio near Bogess Creek and Highway 84.

COASTAL DEVELOPMENT EXEMPTIONS FOR AGRICULTURAL PROJECTS

One rural CDX application was submitted during the months of September and October 2018. See attached status report regarding this CDX application. The CDX list includes the description of the project and the status of the permit. Copies of CDX's are available for public review at the San Mateo County Planning Department office.

ADDITIONAL ANNOUNCEMENTS

The next regular meeting of the AAC is scheduled for December 10, 2018.

ATTACHMENTS

1) CDX List

September – October 2018 CDX List						
Permit Number	Record Name	Date Opened	Description	APN	Address	Record Status
PLN2018-00413	Legalize Ag Structures	10/18/2018	CDX to X to legalize existing structures for agricultural storage; living area will be converted to storage. Located at 37 Frenchman's Ck. Rd; APN 048-320-020. Associated with Cannabis Growing Permit (MNA2018-00022)	048-023-080	37 Frenchman's Creek Road	Submitted