

# Draft Farm Stand Guidelines

## COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

**DATE:** June 14, 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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## **AAC Farm Stand Draft Guidelines: Running feedback document**

*Last update: May 21, 2021*

*Below are notes regarding past AAC discussions on the proposed Draft Farm Stand Guidelines. These notes are intended to be used as an informational item only to provide a reference and stepping stone for future conversations. Please note that this document may not necessarily include all past discussion points or thoughts.*

Location of farm stands:

- Perspectives:
  - Should only be properties with active agriculture
  - Need to be careful to not compete with commercial properties

Source of produce sold at farm stands:

- Perspectives:
  - Should only be product grown on property
  - Should be product grown by producer, including from other fields where farm stand is not
  - Produce should be SMC grown
  - These guidelines should not be more restrictive than what is currently allowed.
  - Farmers should be able to sell other local farmers' product:
    - Other farmers may not be located in high traffic areas
  - Produce should be allowed to be from outside of SMC to be more attractive to customers
    - Product outside of SMC should be supplemental. The farm stand should primarily sell what is locally grown or farm grown.
    - No limit should be placed on how much can be sold from outside of SMC. Requiring your own crop at a certain amount will be too hard.
    - 50% metric discussed. May be too high for many producers who grow seasonally.
    - Comments on source of produce outside of SMC:
      - Should be CA grown
      - Should be regionally local
      - Should be from west coast (to include Washington and Oregon who grow products that SMC cannot)
      - Majority of product should be SMC, the point is to support SMC ag. Consumers visit farm stands to buy product they cannot buy at Safeway and to support local agriculture.
      - Near consensus: Encourage signage so customers learn what is grown on farm, from SMC, and elsewhere.
      - If you are required to get a produce dealers license, you should be able to sell whatever you want.
    - Comments from Ag Dept on current regulations:

- Ag Dept monitors farm stands for labeling, packing requirements. Farms selling other farms products referred to CDFA for produce dealers license.
- Ag Dept certifies producers for farmers' markets, which requires licensing and inspections.
- Farmers at certified farmers' markets can only sell product from two other farms
  - Discussion about regulating product sold:
    - Hard to verify threshold on local product if there is one
    - Planning expressed concern about capabilities to oversee.
    - Ag Dept expressed concern about regulating something now within their purview.
    - Goal should be to keep it streamlined and not onerous.

#### Value-added products:

- Value add should be able to include non-SMC products

#### Other products not defined as produce:

- Perspectives:
  - Historically farm stands could sell prepared food
  - Farm stands should be able to sell equipment, books, gardening kits, art.
  - Farm stands should be limited to produce and related to farming

#### Density Credits:

- Perspectives:
  - Consensus: Farm stands should not require density credits
    - No farmers will pursue this
    - More farmers will pursue temporary farm stands, so they should be more expansive.
  - Farm stands should be considered a core use. Selling product is essential to farming business.
  - If density credits are required, it should be a portion
  - If density credits are required, it could limit the size and number of farm stands allowed

#### Hours of operation:

- Perspectives:
  - Time frame sounds reasonable.
  - Farm stands hours or suggested hours:
    - Sunset to sundown
    - 9-6
    - 8-8
    - 11-4
    - 10-6
    - Shouldn't be limited

#### Signage:

- Perspectives:
  - There should be a limit on the number of signs



- No restrictions on square footage of signs
- Farm stands signage or suggested signage:
  - 4-5 non-permanent signs each direction. Should not interfere with road.
  - Signage should be allowed to attract customers, especially those that aren't on main road.
  - Signage can help alert people to prepare to stop/turn to avoid collisions.
  - ~6 signs

Parking:

- Perspectives: Consensus: Farm stands should not require paved parking

Other comments:

- Farm stand size: 200 sq ft for a temporary farm stand is too small (Note: this is written into the PAD and LCP, and a change to the size limit would require changing the LCP)
- CDX: Clarifying that temporary farm stands do require coastal development permit exemptions
  - A temporary farm stand on wheels is still a change in intensity of use
  - Follow ups: Laura to get determination about whether farm stands on wheels require building permits.
- Building demo permit: Concerns about requiring a demo permit annually for temporary farm stands. Increases cost. Why is this required if the structure is just being moved?
- Portable bathrooms: Question about if these are allowed