



County of San Mateo Planning & Building Department
Agricultural Advisory Committee

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

REGULAR MEETING PACKET

Date: Monday, December 11, 2017
Time: 7:00 p.m.
Place: Half Moon Bay Historic Train Depot
110 Higgins Canyon Road, Half Moon Bay, California

AGENDA

1. Call to Order
 2. Member Roll Call
 3. Public Comments for Items Not on the Agenda
 4. Agenda Topics: Discussion of Mountain Lions in San Mateo County
 5. Consideration of the Action Minutes for the November 13, 2017 regular meeting.
 6. Community Development Director's Report
 7. Adjournment – Next meeting January 8, 2018
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ROLL SHEET – December 11, 2017

Agricultural Advisory Committee Attendance 2016-2017

	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec
VOTING MEMBERS													
Brenda Bonner Public Member	X	X	X	X	X			X	X				
BJ Burns Farmer, Vice Chair	X	X	X	X	X		X	X	X	X		X	
Robert Cevasco Farmer		X	X	X	X			X					
Louie Figone Farmer	X	X	X	X	X		X	X	X	X		X	
Marilyn Johnson Public Member		X	X	X	X		X	X	X			X	
John Vars ** Farmer			X				X		X	X		X	
Peter Marchi Farmer	X	X	X	X	X		X		X	X		X	
Doniga Markegard Farmer		X	X	X				X	X				
Robert Marsh Farmer, Chair	X	X	X	X	X		X	X	X	X		X	
Ron Sturgeon * Conservationist										X		X	
Vacant Ag Business													
STAFF													
Natural Resource Conservation Staff													
San Mateo County Agricultural Commissioner		X	X	X	X					X			
Farm Bureau Executive Director	X	X	X	X	X		X	X	X	X		X	
San Mateo County Planning Staff	X	X	X	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 9/18/17**

**** As of 2/1/17**



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Agricultural Advisory Committee

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Meeting Minutes
Regular Meeting November 13, 2017

1. Call to Order

Robert Marsh, Committee Chairman, called the Regular Meeting of the Agricultural Advisory Committee (AAC) to order at 7:04 p.m. at the Half Moon Bay Historic Train Depot, 110 Higgins Canyon Road, 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
Peter Marchi
Robert Marsh
John Vars
Louie Figone
Ron Sturgeon
Marilyn Johnson
Brenda Bonner

Regular Voting Members Absent

Doniga Markegard
Robert Cevasco

Nonvoting Members Present

Rob Bartoli
Jess Brown

Nonvoting Members Absent

Jim Howard
Igor Lacan
Fred Crowder

3. **Public Comments for Items not on the Agenda**

Dante Silvestri inquired about the process of the AAC commenting on a project or topic that the Board of Supervisors is reviewing that may have an impact on agriculture.

Planner Bartoli stated that we would need to confer with County Counsel on this question.

Vice Chair Burns spoke on the topic of mountain lions and the regulations around them.

4. **Consideration of proposed amendments to the San Mateo County Ordinance Code (Chapter 5.148) to establish regulations for the cultivation of commercial cannabis in the Unincorporated Area of San Mateo County, and to continue the temporary ban on manufacturing, retail sales, and other forms of cultivation except for specified personal and medical purposes.**

Andrew Berthelsen of the San Mateo County Manager's Office presented the item. Under the proposed ordinance, commercial cultivation of cannabis will be permitted, subject to the issuance of a Cultivation License. The County will only issue licenses for mixed-light (i.e. greenhouse) cultivation and greenhouse nursery cultivation operations in areas designated by the County General Plan for Agriculture, or on lands on which documented agriculture has been conducted for at least three years preceding the adoption of this ordinance. Adopted State law classifies cannabis as an agricultural crop, akin to any other plant such as lettuce or artichokes.

As such, the growing of commercial cannabis (within the restrictions established by this Ordinance) is permitted in all zoning districts that allow agriculture as a permitted use. The proposed ordinance will not alter any existing County Zoning Regulations or Local Coastal Program provisions. However, the construction of any new greenhouse structures for cannabis cultivation purposes will continue to be subject to discretionary review and permitting procedures. The proposed ordinance also limits the size and number of potential cannabis cultivation operations on a given site. Commercial cannabis cultivation operations will be able to occur in existing greenhouses under the proposed ordinance without additional environmental review, but subject to issuance of a ministerial Cultivation License.

Mr. Berthelsen stated that the proposed ordinance seeks to protect existing agricultural use by requiring that commercial cannabis cultivation not displace any non-cannabis commercial agricultural production existing as of January 1, 2017. Alternatively, a person seeking to engage in commercial cannabis cultivation may offset a proposed cultivation site by relocating existing agricultural production to

another area of the property on a 1:1 ratio, provided such relocation does not conflict with any applicable policy or regulation.

Indoor cultivation (in any building but a greenhouse) and outdoor cultivation for commercial purposes will continue to be prohibited in the unincorporated County. The ordinance will also establish setbacks from specified land uses, including residential areas, performance standards for such operations, and a process for the review of license applications. With regard to cultivation for medical and personal use, the ordinance exempts specific types of non-commercial cultivation from the licensing requirement, in a manner consistent with State Law.

Mr. Berthelsen noted that under the draft ordinance, all greenhouse structures associated with Cultivation shall be setback a minimum of 100 feet from property lines, and a minimum of 300 feet from residences and businesses on surrounding properties. The 300-foot setback from residences and businesses shall be measured from the nearest exterior wall of the residence/business to the nearest exterior wall of the greenhouse structure associated with Cultivation. All parcels on which Cultivation is proposed shall also be setback a minimum of 1,000 feet from any parcels designated for residential use by the San Mateo County General Plan, any school providing education to K-12 grades, public park, youth center, and any alcohol or drug treatment facility. The 1,000-foot distance shall be measured in a straight line from the closest property line of the residentially designated or otherwise protected site to the closest property line of the parcel with the Cannabis Cultivation.

Committee Member Marchi stated that he was concerned about the impacts of the cultivation operation on the existing agricultural work force in the County. He asked why the ordinance only allowed mixed light and nursery licenses.

Mr. Berthelsen stated that the Board of Supervisors did not want cultivation to occur in the urban areas of the County. He also stated that the State is still currently working on their cultivation regulations and the County is waiting to see what they will say. The County can have more restrictive regulations than the State.

Mr. Berthelsen noted that a license would be issued by the Planning Department and will be reviewed by Environmental Health, Building Department, Ag, Weights/Measures Office, and Sheriff Office. He spoke about what will be required for the application and the permit process. The permit will be reviewed at the staff level and will be a one-year renewable permit.

Committee Member Johnson asked where the setback requirements came from. She stated that she wanted the County to follow the setback requirements that the State has, which are less stringent. She also stated that she did not want the County to tell people would could or could not be grown in greenhouses.

Committee Member Marchi stated that having enough water for a cannabis operation may be difficult on the coast. He also asked if permanent bathrooms would be required for the use or if portable toilets are acceptable.

Vice Chair Burns asked about the current vacancy rate for greenhouses in the County.

Mr. Berthelsen stated that the current vacancy rate is 10%-20%. The data regarding greenhouse usage comes from the County Agriculture Department.

Committee Member Sturgeon asked if other counties are limiting cultivation to greenhouses. He also expressed his concern regarding the fee amount and requirements for the license.

Mr. Berthelsen spoke about the differences in indoor and outdoor growing and regulations in other jurisdictions. He stated that the financial documents that the County is requiring will be similar to the State's requirements. A conversation about what financial documents and how they will be reviewed occurred.

Vice Chair Burns asked if about federal grant money used for a project on a property will be impacted by cannabis cultivation.

Chair Marsh opened public comment.

Dante Silvestri asked if the application will be a public record or if some of the information, such as financial documents and the security plan will be confidential.

A member of the public asked a clarifying question regarding setback and where they are measured from.

Mr. Berthelsen stated that All structures associated with Cultivation shall be setback a minimum of 100 feet from property lines, a minimum of 300 feet from residences and businesses on surrounding properties. The 300-foot setback from residences and businesses shall be measured from the nearest exterior wall of the residence/business to the nearest exterior wall of the structure associated with Cultivation. All Premises shall also be setback a minimum of 1,000 feet from any properties designated for residential use by the San Mateo County General Plan, any school providing education to K-12 grades, public park, youth Center. The 1,000-foot distance shall be measured in a straight line from the closest property line of the residentially designated or otherwise protected site to the closest property line of the parcel with the Cannabis Cultivation.

Kerry Burke asked who in the County will review the financial information. She expressed concern about the impact on water for other agricultural uses. She stated that the required bond should start at \$250,000 and scale with the project.

A member of the public spoke about the required replacement of crops that were grown in the greenhouses.

Bill Cook spoke about the multiple businesses on one property and asked if the sq. ft. limitations were per property or per licenses. He also spoke about medical and hemp cultivation.

Adria Arko asked if the vacancy date for greenhouses was rolling or fixed. She also spoke about federal funding for properties that would have cultivation on them.

Mr. Berthelsen stated that the date would be fixed.

5. **Consideration of a Determination of Compatibility for a Coastal Development Permit to legalize a 616 square foot addition to an existing 1,344 single-family/affordable housing unit. The property is located at 4999 Stage Road in the unincorporated San Gregorio area of San Mateo County. The project is appealable to the California Coastal Commission. Applicant: Melinda Laudy**

Planner Bartoli presented the project. The applicant is proposing to legalize a 616 square foot addition to an existing 1,344 single-family/affordable housing unit. The project will add one additional bathroom to the existing three-bedroom two-bathroom unit and expanding an existing bathroom, bedroom, and kitchen. No new bedrooms will be added as part of this project.

The project parcel is accessed via a driveway located off of Stage Road. The property has a developed area that consists of an existing single-family house and agricultural support structures north of Pomponio Creek and an existing affordable housing unit located south of the creek. Each house has its own septic systems.

The project site is located on prime soils (Grade 1). The area that is proposed to be developed for the addition to the existing single-family house is already converted and disturbed via the development of the area with a road and structures. There are no agricultural activities located within the project area.

The Agricultural Advisory Committee will review proposed compatible uses to determine whether the use is in fact compatible with and incidental to the agricultural use on the parcel. If the following criteria can be met, a Determination of Compatibility will be issued: 1) The primary use of the parcel would continue to be existing commercial agriculture; 2) The proposed compatible use would not substantially interfere with the existing agricultural use on the subject parcel or any other property within the AGP; 3) The proposed compatible use would not hinder or impair agricultural operations in the area by significantly increasing the permanent or temporary human population of the area.; 4) The proposed compatible use would not significantly displace or impair current or reasonably

foreseeable agricultural operations on the parcel, or any other property within the AGP.; 5)The remaining portion of the parcel not subject to the proposed compatible use would be able to sustain the agricultural use.

Planner Bartoli stated that the property owner has initiated a non-renewal process for this contract. On October 17, 2017, the County Board of Supervisors approved the non-renewal of this parcel. The property will be out of the Williamson Act program in 9 years.

The applicant, Melinda Laudy spoke about the project. She spoke about the history of the property and the prior action by the County to deem this an affordable housing unit.

Chair Marsh asked about the permit in light of the non-renewed Williamson Act Contract.

Vice Chair Burns moved to recommend approval of the project and determination of compatibility; Committee Member Johnson seconded the motion. The motion was approved unanimously (8 ayes – 0 noes).

6. Consideration of the Action Minutes for the September 18, 2017 special meeting.

Committee Member Marchi moved approval the meeting minutes for the September 18, 2017 regular meeting; Committee Member Sturgeon seconded the motion. The motion was approved. (6 ayes – 0 noes – 2 abstain (Bonner and Johnson)

7. Community Development Director's Report

Planner Bartoli presented the Director's Report. Members of the AAC asked to have the topic of mountain lions on the next AAC agenda. Planner Bartoli stated that he will confer with County Counsel and Planning staff about the item and if it can be placed on the AAC's agenda.

Adjournment (9:20 p.m.)

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: December 11, 2017

TO: Agricultural Advisory Committee
FROM: Planning Staff
SUBJECT: Community Development Director's Report

CONTACT INFORMATION: Rob Bartoli, Planner III, 650-363-1857, rbartoli@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 1, 2017 to 30, 2017.

PLANNED AGRICULTURAL DISTRICT PERMIT OUTCOMES

No PAD permits were heard before the Planning Commission in the month of November 2017.

UPCOMING PLANNED AGRICULTURAL DISTRICT PERMIT PROJECTS

No new applications for PAD permits were received during the month of November 2017.

COASTAL DEVELOPMENT EXEMPTIONS FOR AGRICULTURAL PROJECTS

See attached status report regarding the one rural CDX application that was received by the Planning Department from 10/1/17-10/29/17. The CDX list includes the description of the project and the status of the permit. A copy of CDX is available for public review at the San Mateo County Planning Department office.

ADDITIONAL ANNOUNCEMENTS

None

ATTACHMENTS

1) CDX List

RURAL CDX'S FOR 11/1/17-11/29/17

Permit Number	RECORD NAME	DATE OPENED	DESCRIPTION	APN	Address	RECORD STATUS
PLN2017-00493	AG STRUCTURES	11/28/2017	CDX for farm improvements including a solar relay internet system, CB antenna, light pole, & replacement of electrical wiring to an existing gate; triggered by VIO 2017-00340.	089200240	5400 Cabrillo Hwy, Pescadero	Approved