



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

MEETING PACKET

Date: Monday, February 13, 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. Oath of Office for Louie Figone and John Vars
 4. Public Comments for Items Not on the Agenda
 5. Agenda Topics – Brown Act Training
 6. Agenda Topics – Farm Labor Housing Policy
 7. Consideration of the Action Minutes for the January 9, 2017 regular meeting.
 8. Community Development Director's Report
 9. Adjournment – Next meeting March 13, 2017
-

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 an 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) 363-1857, or by fax at (650) 363-4849, or e-mail rbartoli@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 – February 13, 2017

Agricultural Advisory Committee Attendance 2016-2017

	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb
VOTING MEMBERS													
Brenda Bonner Public Member	X	X		X		X			X	X	X	X	
BJ Burns Farmer, Vice Chair	X	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		X	
John Vars ** Farmer													
Peter Marchi Farmer	X	X	X	X		X	X	X	X	X	X	X	
Doniga Markegard Farmer	X									X		X	
Robert Marsh Farmer, Chair	X	X	X	X		X	X	X	X	X	X	X	
Vacant* Conservationist	X		X	X		X					X	X	
Vacant Ag Business													
Natural Resource Conservation Staff													
Natural Resource Conservation Staff													
San Mateo County Agricultural Commissioner	X	X	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	X	
UC Co-Op Extension Representative	X											X	

X: Present

Blank Space: Absent or Excused

Grey Color: No Meeting

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

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

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

DATE: February 13, 2017

TO: Agricultural Advisory Committee
FROM: Rob Bartoli, Planner III
SUBJECT: Agenda Topics – Farm Labor Housing (FLH) Regulations

BACKGROUND

At the September 12, 2016 meeting, the Agricultural Advisory Committee (AAC) requested a series of agenda items/study sessions that are focused on the regulations applied to projects that come before the Committee. The regulations and policies that staff will present to the Committee over of the next several months include: Planned Agricultural District (PAD) regulations, Farm Labor Housing regulations, Williamson Act Program Uniform Rules and Procedures, and Agritourism Guidelines. The last topic to be discussed are the Farm Labor Housing regulations.

BACKGROUND

On October 8, 2014, the Planning Commission adopted revised “Farm Labor Housing (FLH) Application Process and Procedures”, after extensive review by and input from the Agricultural Advisory Committee (AAC). The updates for the FLH regulations revised the following:

a. Certificate of Need (CN) Process

The Certificate of Need process was removed for future FLH applications. The loss of any perceived value of the CN process and input would be replaced by all FLH applications (new and amended) being: 1) sent to Environmental Health, Building, Fire, and the County Agricultural Commissioner, and reviewed and considered for recommendation by the Agricultural Advisory Committee (AAC). Review by such parties will provide ample feedback relative to the type and extent of farming activity and the justification for FLH units to support such activity.

b. FLH Income Qualification and Documentation

The prior FLH regulations had two different definitions for a “farm laborer.” The definition under the revised regulations stated that a “farm laborer” is

defined as a person who works a minimum (on average) of 20 hours a week and that at least half their income be derived from agriculturally-related work, be it on the parcel that they reside on or on a farm elsewhere in the County. Should the AAC have any reservations or issues about the documentation submitted by the FLH applicant substantiating either or both of these requirements, the AAC may: 1) ask the applicant for additional documentation or information as they deem necessary, and/or 2) recommend that, if approved, the FLH permit be brought back for an administrative review (including consideration by the AAC) in one (1) year (from the date that the FLH units have been installed and occupied).

The type of documentation to substantiate this requirement shall include letters of employment (which would confirm minimum hours worked and type of work) from the FLH applicant and/or the owner of an on-site farm operation providing the work. The FLH application form will ask the applicant to attest to the fact that the subject farm workers who are or will be living in the FLH units meet the minimum income requirements; such documentation will not be required from the farm workers themselves.

Again, upon review, the AAC may require additional documentation where they believe warranted to ensure compliance with these income requirements. That said, such documentation would likely be different with an existing FLH operation versus a proposed operation (where there is no track record of such documentation for workers who are neither yet on the property or working).

c. FLH Application Forms

The FLH forms has been simplified and consolidated. The consolidated FLH application form will be revised to ask how many workers will be housed in “x” number of units (since it is premature otherwise to assume the applicant knows who will be living in the FLH unit(s) at the application stage).

The owner’s/applicant’s signature(s) on the application will follow a disclosure clause holding the parties responsible for all information given, as well as their obligation to inform the County where circumstances change or amendments to the permit for FLH are proposed (including possible permit revocation where misinformation is given or where unabated violations occur).

d. FLH Application Approval Terms

Extend FLH Permits and Approval Terms: Where FLH operations are or will be also reviewed annually by Environmental Health under Employee Housing Permits (5 or more workers), FLH approval terms shall be for a period of 10 years. For all other FLH applications (4 or fewer workers), the term would be 3 to 5 years, upon recommendation of the AAC.

Lessor terms and/or term-specific Administrative Reviews may be mandated where violations have occurred or to ensure resolution of past problems with Fire, Building or Environmental Health, as determined by the Community Development Director (CDD).

e. Coordination with Environmental Health Division

Planning and Environmental Health will continue to coordinate to exchange information to keep the status of permits for FLH updated. For those Environmental Health camps (5+ workers) that also have permits for FLH, Planning will be notified if Environmental Health finds anything that conflicts with the information in our files or is non-compliant with Environmental Health's or Fire's regulations so that Planning can coordinate with the owner to update/amend or abate the permit as required.

f. Planning Commission Approval of Permanent FLH Units

Staff proposed that, depending upon the scope of the proposal, the Zoning Hearing Officer can consider permanent FLH facilities. As PAD permit must go to the Planning Commission, FLH in the RM or RM/CZ could be heard at ZHO. Renewals for FLH can also be heard at the ZHO.

DISCUSSION

In 2012, two critical issues had arisen leading up to the need for the changes noted above.

The first was that by 2012, staff had a total of 45 FLH applications in various, delayed states of review (some pending amendments, resolution of violations or renewal). At that time, with the Supervisor Horsley's support, Planning staff proceeded to send surveys to nearly all FLH applicants/owners. The survey responses clarified for staff those FLH operations that: a) had not proposed no changes (thus qualifying for renewal), b) cited more FLH units (or less) than the respective FLH files had upon our last review (likely requiring a FLH permit amendment), or c) no longer were active, due to the cessation of the supporting farming operation or other factors (requiring eventual follow-up to ensure that temporary or permanent FLH units were either removed or otherwise permitted with the required permits).

However, staff also received comments that focused on the frustration of the FLH permit process, with its application requirements, short term approvals, and repetitive administrative reviews, together with the need to better coordinate with Environmental Health's annual review of and requirement for Employee Housing permits (where 5+ laborers are housed).

The secondly, with the understanding that Planning had an obligation to review and process most of the pending FLH applications (to ensure compliance with zoning, health and safety regulations), Supervisor Horsley organized an Agricultural Workshop in Half Moon Bay on January 18, 2013. While the outfall of issues and exchange of discussion covered a broad arena, it was very clear that agricultural property owners and farmers were looking for application and permit processes associated with agricultural development – including those around FLH – to be simplified and, where possible, expedited. It was this issue that resulted in Planning staff's revisions to the County's FLH Procedures Policy, as cited earlier.

As an result of these two item, and upon a thorough review of the 45 cited FLH cases, 13 of those operations had responded back to Planning that neither the need for nor number of FLH units had changed on their respective properties. With the Certificate of Need Committee and actions since removed from the FLH application permitting process, the AAC's review assessed whether or not there is or remains (as in the case or renewals) the justifiable need for FLH. The AAC recommended approval of all 13 FLH cases over two meeting, April 13, 2015 and May 11, 2015. These cases were approved by the Zoning Hearing Officer on September 1, 2016.

On-Going Efforts

The San Mateo County Department of Housing is leading a variety of initiatives with the goal of improving and expanding farmworker housing in the County. The Farmworker Housing Rehabilitation and Replacement Pilot Program has been expanded to include the creation of new farm labor housing. Loans of up to \$100,000 are available for rehabilitation and replacement. Loans of up to \$150,000 are available for creation of new housing. The Agricultural Workforce Needs Assessment is complete and is available on their website at <http://housing.smcgov.org/agricultural-workforce-housing>

A Best Practices Study is underway. This Study will result in an understanding of best practices in agriculture workforce housing, both on-farm and off-farm that would be suitable for potential implementation in San Mateo County. The best practices study will focus on housing models, funding sources, and management options and will include identification of criteria for success and a constraints analysis. This work should be completed within approximately a month. An examination of regulatory barriers to creating Farmworker Housing is underway. The consultant hired to do this work has interviewed County staff who are involved in the permitting process. The consultant is in the process of interviewing agricultural stakeholders who have gone through the process in the last six year.

Most feedback related to regulatory barriers are general and do not have the specificity needed to guide action. The goal of this effort is to elicit more specific barriers, identify the source of the barrier (policy, practice, time, money), and develop recommendations for how the County and other agencies may be able to address those barriers. This work should be completed within approximately a month.

ATTACHMENTS

- A. Farm Labor Housing (FLH) Regulations
- B. Farm Labor Housing Application
- C. Farm Labor Housing Sample Site Plan

Farm Labor Housing

Application Process and Procedures

(Approved by the Planning Commission on October 8, 2014)

Planning and Building Department

455 County Center, Second Floor

Redwood City, California 94063

Tel: (650) 363-4161

Fax: (650) 363-4849

www.co.sanmateo.ca.us/planning

plngbldg@smcgov.org

County of San Mateo
Planning and Building Department

FARM LABOR HOUSING APPLICATION PROCESS

It is the policy of the County to facilitate agricultural productivity in every feasible way. County ordinance allows for the provision of temporary farm labor housing (FLH) units for farms when there is a demonstrable need for such housing. This document outlines the policies and procedures involved with requesting and obtaining approval for FLH units in rural parts of the County zoned Planned Agricultural District (PAD) or Resource Management (RM). This includes both applications for new FLH units (where none have existed on the parcel) or amendments to existing FLH development where the number of FLH units is increased or the changes are otherwise considered significant. These procedures, while not mandated in the PAD, RM, or RM-CZ regulations, were initially adopted by the Planning Commission (PC) in 1982, with this document representing revisions as adopted by the PC in 2014. (Temporary labor housing for the Timberland Preserve Zone is covered in a separate handout.)

FARM LABOR HOUSING QUALIFICATION REQUIREMENTS

Farm labor housing is housing units that can only be occupied by farm laborers and their immediate family members. A “farm laborer” is defined as a person who derives more than 20 hours per week average employment from on- or off-site agricultural operations (within San Mateo County) and earns at least half their income from agriculturally-related work. Applicants for farm labor housing must demonstrate that the size of the housing requested is no larger than the minimum needed to adequately house farm laborer(s) and their immediate family members.

Historically, FLH has been often temporary in nature, provided by mobile homes or other approved temporary buildings. A mobile home, for the purposes of these procedures, is a vehicle designed and equipped to contain one or more dwelling units, to be used without a permanent foundation. The conversion of permanent structures such as workshops and barns has occasionally been allowed with a written agreement by the applicant and the landowner certifying to the Community Development Director’s (CDD) satisfaction that these additional living quarters will be reconverted to their original condition upon termination of the permit for FLH.

More permanent housing structures for farm workers can be allowed in specific situations where there is an ongoing long-term need for farm workers. An application for the planning permits required to construct a permanent housing structure is, in most cases, reviewed by the Zoning Hearing Officer (ZHO). If approved, a permanent FLH structure can only be used for the purpose of housing farm workers, and if this use ceases, must either be demolished or used for another permitted use pursuant to a permit amendment.

The location of the housing must meet required setbacks of the zoning district. Minimum building, plumbing and electrical codes, access, water supply, sewage disposal, and Fire Marshal's requirements must be met. The FLH unit(s) shall be self-contained with a sanitary toilet, shower, lavatory facilities, approved heating and electrical lights. A kitchen shall include a refrigerator, sink and stove. The housing shall be maintained to meet the basic California Housing and Health Code requirements for habitation, as reviewed and approved by and pursuant to the County Building Inspection Section, Fire (or applicable fire authority) and Environmental Health (EH) Division regulations.

Vegetative screening or a fence will be required if the structure will be visible from a public road or other public view.

Approved farm labor housing units are accessory uses to agriculture and therefore are exempt from the density restrictions of the zoning ordinance.

If you are interested in obtaining more information about farm labor housing in the County and how to apply for the required permits, please contact the Planning counter at 650/363-1825.

APPLICATION REQUIREMENTS

- A. Fees. All Planning and Building fees have been waived for farm labor housing by Board of Supervisors' Resolution No. 54443 approved on November 13, 1990. However, if the number of farm laborers is five (5) or greater, the EH Division must also issue an "Employee Housing" permit, in which case the California Employee Housing Act mandates a fee which must be paid to the EH Division annually.
- B. Verification of parcel legality (required only if parcel is undeveloped or where past development history cannot be confirmed as having occurred with proper permits, is not considered a principally permitted use or where parcel boundaries cannot be confirmed as matching those as currently configured).
- C. Application for either a PAD permit if in the PAD, or an RMD permit and a use permit if in the Resource Management (RM) District or RM-CZ District.
- D. Application for a Coastal Development Permit (CDP), if in the Coastal Zone.
- E. A completed Environmental Disclosure Form.
- F. The property owner's signature of consent to and for disclosure elements of the application.

- G. A site plan, to scale, showing:
 - 1. Parcel boundaries and easements (i.e., access, utility).
 - 2. Location of all existing and proposed structures on the property, including access driveways and all utilities (water lines, water storage tanks, propane tanks, electrical lines, ground solar facilities, septic tank(s) and drainfield(s)).
 - 3. Existing and type of agricultural production.

- H. Farm labor housing plans, including:
 - 1. Floor plans of proposed FLH unit(s) (includes dimensions and size).
 - 2. Elevations (photos may suffice at the discretion of the CDD).
 - 3. Profile or section drawing of the proposed (if new) access to the FLH unit(s) from the nearest public road (to ensure compliance with Fire requirements).

- I. All accompanying materials listed on the application forms.

PROCEDURES

- A. Planning staff will process the FLH application by:
 - 1. Sending referrals of the application to the County EH Division, the Building Inspection Section and the Public Works Department, the applicable Fire Authority, the County Agricultural Commissioner and the San Mateo County Farm Bureau Executive Director. For either new permits or permit amendments where the EH Division would consider such development as requiring an “Employee Housing” permit, such processing shall occur concurrently with the FLH application process.
 - 2. Sending the FLH application to the Agricultural Advisory Committee for comments and a recommendation.

- B. Upon a recommendation of approval (or comments in support of approval) from the above parties, the FLH application will be considered at a public hearing. The project must comply with all other County department or agency regulations, conform to both the criteria of the Local Coastal Program (if applicable), and the PAD or the RMD Development Review Criteria.

PERMIT TERMS, TERMINATION AND AMENDMENTS

Upon approval (and unless otherwise directed by the Community Development Director (CDD) or the hearing decision maker), all approved permits for FLH shall run with the land.

Where FLH operations are or will be also reviewed annually by the County EH Division under Employee Housing Permits (5 or more workers), FLH approval terms shall be for a period of 10 years. For all other FLH approvals (4 or fewer workers), the term would

be 3 to 5 years, upon recommendation of the AAC. Lessor terms and/or term-specific Administrative Reviews may be mandated where violations have occurred or to ensure resolution of past problems or violations with Fire, Building or EH, as determined by the CDD. For FLH approvals in the PAD and RM-CZ, it is the PAD permit or Use Permit, respectively, that would be renewable; the CDP would not be and would only be required if a FLH amendment represented a significant modification and/or intensification of the FLH operation.

In the event that the farming operations justifying the FLH units ceases or if the FLH development is proposed to be enlarged or significantly changed, it shall be the owner's/applicant's responsibility to notify the County by letter of such change, and applying for the necessary permits to demolish the structure or use it for another permitted use. Accordingly, such notice shall identify the owner's/applicant's intention to either remove the FLH units (and associated infrastructure) or otherwise convert such improvements to that allowed by zoning district regulations. In either case, building permits and associated inspections by Building and EH shall be required to ensure that all structures have been removed, infrastructure properly abandoned or that such converted development complies with all applicable regulations.

In the case of proposed changes to permitted FLH, the owner/applicant shall submit a written description of the proposed change to the Planning Department, and if the change is considered significant by the CDD, submit a complete permit amendment application.

FRM00189.DOCX (3/27/15)

Application for a Farm Labor Housing

COUNTY OF SAN MATEO

Planning & Building Department

455 County Center, 2nd Floor ■ Mail Drop PLN 122
Redwood City, CA 94063

TEL (650) 599-7311 ■ FAX (650) 363-4849
www.co.sanmateo.ca.us/planning

- Initial Permit New File # Assigned by Staff: _____
- Renewal of Existing Approval
Original File #: _____
- Amendment of Existing Approval
Original File #: _____

Property Address: _____
APN(s): _____
Applicant: _____
Title/Responsibility: _____
Owner: _____

1. Instructions

In completing this FLH application, please review both the "Farm Labor Housing Process & Procedures" handout and those items listed under Section 4 of this form to ensure that all necessary forms, materials and information accompany submittal of this application. The procedures and applicable forms can be found online at the website cited above, then go to "Farm Labor Housing".

2. Project Information

◆ Proposed Farm Labor Housing Units are:

- Temporary Trailers Number _____
- Permanent Construction Number _____

Number of Laborers (L) and Dependents (D)(if known) in each proposed FLH unit:

Unit 1: _____ Unit 2: _____ Unit 3: _____ Unit 4: _____
L/D L/D L/D L/D

Total No. of proposed laborers: _____ Dependents: _____

◆ Existing Farm Labor Housing Units are:

- Temporary Trailers Number _____
- Permanent Construction Number _____

Number of Laborers (L) and Dependents (D) (if known) in each existing FLH unit:

Unit 1: _____ Unit 2: _____ Unit 3: _____ Unit 4: _____
L/D L/D L/D L/D

Total No. of existing laborers: _____ Dependents: _____

◆ Agricultural Activity

List parcel(s) [APN] where agricultural activities do or will occur on your parcel, for which Farm Labor Housing is needed:

If agricultural activities do or will occur on parcels other than the one where the FLH units are located, please list:

Describe acreage, crops, production: _____

Agricultural water source Existing: _____ Proposed: _____

Agricultural structures

Existing: _____

Proposed: _____

Domestic water source
(indicate well or private water system):
Existing: _____ Proposed: _____

Sewage disposal system
(indicate septic and/or chemical toilets):
Existing: _____ Proposed: _____

Existing non-agricultural development (i.e. main residence & associated buildings/structures):

Responsibilities of farm laborers

Existing: _____

Proposed: _____

3. Owner/Applicant Certification

Pursuant to San Mateo County’s eligibility requirements for Farm Labor Housing (FLH) occupancy, I certify and acknowledge that the farm labor housing on my property is or will be occupied by individuals (and their immediate family) who on average work more than 20 hours per week and earn at least 50% of their income through farm labor operations in San Mateo County.

I understand that, upon review, the Agricultural Advisory Committee (AAC) may request additional information deemed necessary to qualify my request to justify or confirm the accuracy of existing or proposed FLH units or farm laborer eligibility. The submittal of such information, together with additional information required by all reviewing County departments and agencies will be critical to the decision maker in order to approve the FLH application.

In the event of approval, I understand that should the farm operations that justify and qualify the total FLH units (be it on my property or on another) cease or change in any way (i.e. requiring more or less FLH units), I will inform the San Mateo County Community Development Director. In such an event, the Director may require that any temporary FLH units be removed from my property, that any permanent FLH units be converted to uses which otherwise comply with all current zoning regulations, or that this FLH permit be amended to reflect any such changes. An amended permit may require a new application, consideration before the AAC and a decision by the Director, Zoning Hearing Officer or Planning Commission.

I understand that any code compliance or building violations issued by any County department or agency shall be abated and corrected as soon as possible. If the Community Development Director determines that such violations affect the eligibility of the farm laborers or the FLH operation overall, the FLH permit may be brought back to the AAC, whose recommendation shall be forwarded to the decision maker for reconsideration of the FLH.

Owner (Print Name): _____ Applicant (Print): _____

Signature: _____ Date: _____ Signature: _____ Date: _____

4. Application Requirements

- Planning Permit Application Form¹
- Environmental Information Disclosure form¹
- CDP/PAD Application Forms^{1,2}
- Proof of Ownership (deed or tax bill)
- Vicinity/Parcel Map identifying FLH site
- Site Plan (see attached Sample)⁴
- FLH Unit Floor Plans
- FLH Unit Elevation Plans³

1. All forms can be found on the County Planning website (see top of first page) under “Farm Labor Housing”. However, check with Planning to see if other forms may be required.

2. Required only for initial FLH application or amended application where additional FLH units or other significant FLH-associated development is proposed or overall FLH facilities otherwise intensified.

3. Photos may suffice when FLH units are mobile homes.

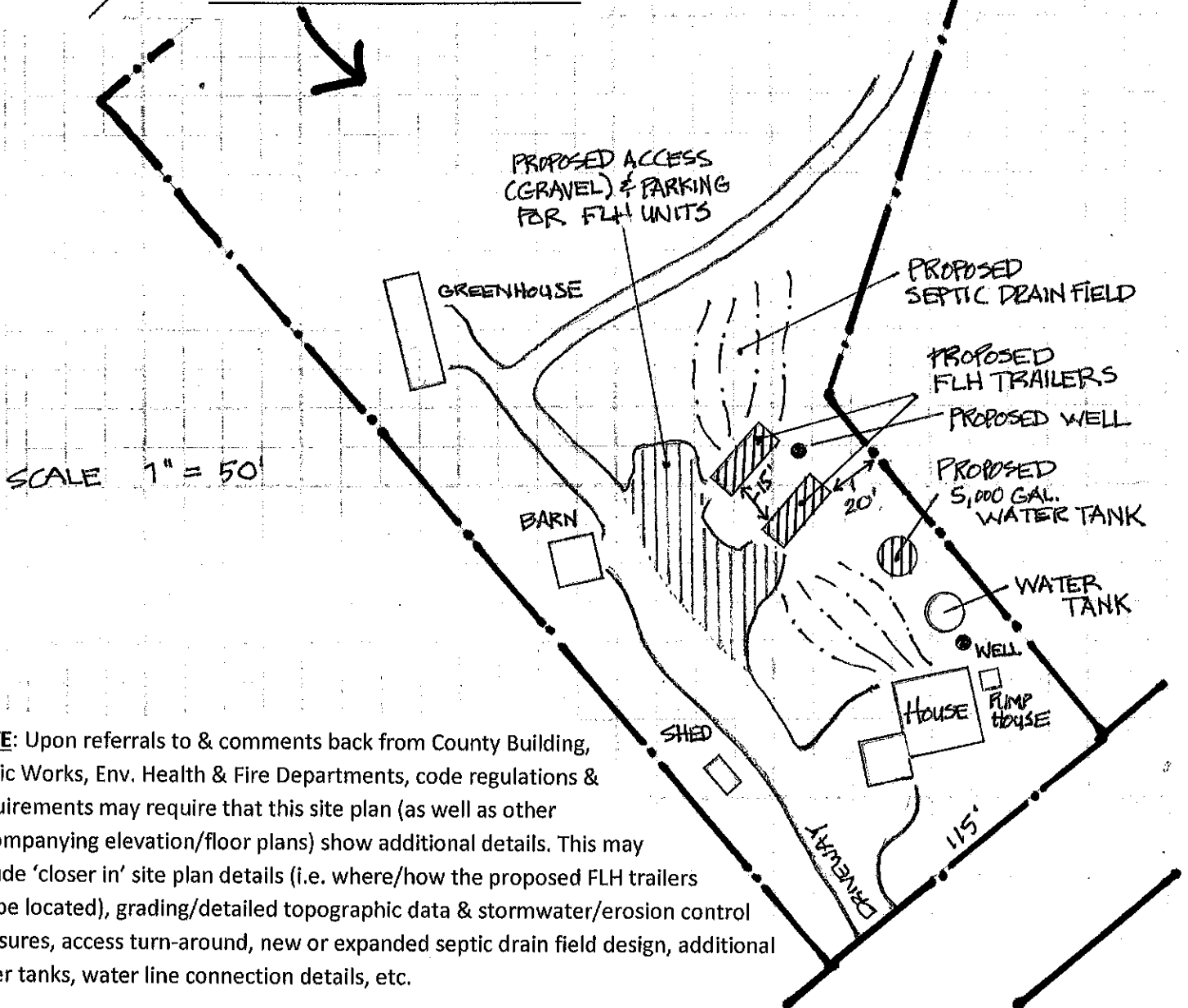
4. Depending on how large the subject property is, the location of the FLH operation, as well as whether this is an entirely new operation or merely adding development to an existing facility, additional plans and details may be required (as determined by any County department): i.e. surveyed topography or boundaries within & around the FLH development, proposed grading, location of nearby, potentially affected resources, stormwater control features, etc.

SAMPLE PARCEL MAP & SITE PLAN

PARCEL MAP

Parcel map shall show the location of proposed development as indicated on Site Plan sample below. A scaled site plan needs to accurately show all proposed/new development (e.g. FLH trailers, water tanks, wells, associated structures/buildings, septic drainfields, & their distance from one another, from existing development (if in close proximity), & from property boundaries, as well as electric line delivery (from closest existing PG&E line). The site plan shall also show all existing development, e.g. all buildings/structures/tanks, septic drainfields & internal roads/access.

Site Plan Detail Shown Below



NOTE: Upon referrals to & comments back from County Building, Public Works, Env. Health & Fire Departments, code regulations & Requirements may require that this site plan (as well as other Accompanying elevation/floor plans) show additional details. This may include 'closer in' site plan details (i.e. where/how the proposed FLH trailers will be located), grading/detailed topographic data & stormwater/erosion control measures, access turn-around, new or expanded septic drain field design, additional water tanks, water line connection details, etc.



County of San Mateo Planning & Building Department
Agricultural Advisory Committee

455 County Center, 2nd Floor
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Meeting Minutes
Regular Meeting January 9, 2017

1. Call to Order

Robert Marsh, Committee Chairman, called the Regular Meeting of the Agricultural Advisory Committee (AAC) to order at 7:05 p.m. at the Half Moon Bay Historic Train Depot, 110 Higgins Canyon Road, Half Moon Bay, CA.

2. Member Roll Call

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

Regular Voting Members Present

BJ Burns
Peter Marchi
Robert Marsh
Brenda Bonner
Louie Figone
April Vargas
Robert Cevasco
Doniga Markegard
Marilyn Johnson

Regular Voting Members Absent

None

Nonvoting Members Present

Rob Bartoli
Jess Brown
Fred Crowder
Igor Lacan, UC Extension Representative

Nonvoting Members Absent

Jim Howard

3. Public Comments for Items not on the Agenda

No comments.

4. Consideration a Coastal Development Permit, Planned Agricultural District Permit, and Non-Conforming Use Permit to allow construction of a garage and 2nd story addition to an existing single family house. The property is located in the unincorporated Half Moon Bay area of San Mateo County. The project is appealable to the California Coastal Commission. The project is located at 1590 Purisima Creek Road, Half Moon Bay. County File No. PLN2016-00454; Owner: Peter and Denise Kelly; Applicant Pablo Valle

Planner Bartoli presented the item. The applicant is proposing to construct a new attached garage and second story addition to an existing single-family house, where the addition would encroach into the required 50-foot front yard setback. The project is located at 1590 Purisima Creek Road, Half Moon Bay.

Planner Bartoli stated that the project parcel is accessed via a driveway located off of Purisima Creek Road. The project property abuts an unnamed tributary to Purisima Creek along the east property line. The creek has been determined by the biological report submitted by the applicant to be intermittent. No tree or vegetation removal is necessary to accommodate the project. The property is separated from adjacent parcels where agricultural operations are occurring by fences, a creek, and Purisima Creek Road. No additional trips are anticipated to the project site due to the addition and thus, no impact is anticipated on surrounding agricultural and non-agricultural uses.

Planner Bartoli stated that the existing single-family house was developed in the 1950s. The parcel is less than 0.5 acres and abuts an intermittent creek and riparian vegetation. While the existing structure does not conform to the required setbacks of the left side yard of the front yard, it does meet setbacks for the rear and right side. The septic system is located behind the house constraining any addition to the rear of the house. An addition to the right side of the house would increase the non-conforming front setback and possible impact the conforming right side setback. The area for the addition was converted when the Quonset hut was constructed in the 1950s and has not be under agricultural cultivation.

Chair Marsh asked about the survey for the property and a possible lot line adjustment.

Peter Kelly stated that the lot line adjustment is still in the works. He noted that the surveys have found some discrepancies with the old surveys for the property and surrounding area.

Peter Kelly noted that the Quonset foundation is failing now and the foundation under the house is also failing.

Chair Marsh spoke about the history of the property. He stated there is no ag on the property and due to the size, ag probably will never be on the property.

Committee Member Markegard asked for clarification regarding the non-conforming structure and which setbacks were not being met.

Planner Bartoli stated that the existing structure does not conform to the required setbacks of the left side yard and the front yard, it does meet setbacks for the rear and right side. The removal of the Quonset hut will further decrease the non-conforming left side yard setback.

Chair Marsh opened the public comment period.

Kerry Burke stated it is unfortunate that the property is zone PAD as there has not been ag on the property and the size of the property is only 0.5 acres.

Commissioner Crowder asked if this project is Farm Labor Housing.

Planner Bartoli stated it is not. There was a typo on the PowerPoint slide.

Chair Marsh closed the public comment period.

Vice Chair Burns moved to recommend approval of the project; Committee Member Johnson seconded the motion. The motion was approved unanimously (9 ayes – 0 noes).

5. Consideration of an Architectural Review Exemption, a Coastal Development Permit, and a Planned Agricultural District Permit to drill a domestic water well to serve a future single-family dwelling on a vacant parcel located in the unincorporated San Gregorio area of San Mateo County. The project is located within the Cabrillo Highway State Scenic Corridor and is appealable to the California Coastal Commission. County File No. PLN2016-00445; Owner: Raymond Angwin; Applicant Jim Wilkinson

Planner Bartoli presented the item. The applicant proposes to drill a domestic water well to serve a future single-family residence. An attempt to drill a well for domestic use in the northern portion of the property, approved in 2015 under PLN 2014-00421, was unsuccessful. This application was reviewed and approved by the AAC in 2014. The proposed location is approximately 95 feet from the front property line. A location approximately 45 feet from the front property line is also proposed if the initial location is unsuccessful. The two locations are both accessible from an existing road on the property, thus not requiring grading or significant vegetation removal.

The subject parcel is accessed from and located on the west side of Highway 1 (Cabrillo Highway). The parcel is bordered by a bluff top to the Pacific Ocean on its left and is located less than 1-mile south of Martin's Beach and approximately 0.5 miles north of the intersection of Cabrillo Highway and Tunitas Creek Road. The parcel is unimproved with coastal scrub and other vegetation. An intermittent pond is located on the southeastern portion of the parcel. Hay is grown on the parcel and harvested. Neighboring parcels are largely undeveloped. However, there are single-family residential development and farming activities present sporadically to the north, south, and east of the subject parcel.

He went on to state that the proposed well may convert lands suitable for agriculture. From the 26-acre size of the property, the total area of temporary disturbance is estimated to be 0.349 acres with permanent disturbance approximately 0.018 acres. The proposed well will be accessed by an existing road, minimizing the disturbance to access the project area and overall. There is no existing development on the property. Although the well itself does not result in a significant conversion, future development, if proposed, may have potential impacts for agricultural uses. However, any future development would be subject to review against all applicable requirements and require the issuance of separate Coastal Development (CD), Architectural Review, and PAD Permits.

Chair Marsh stated that he did not believe that the property has been planted with hay. The hay is grown on the property adjacent to the subject property.

Planner Bartoli stated staff will look into if any hay is planted on the property.

Chair Marsh opened the public comment period.

Ron Sturgeon stated there could be impacts to the pond on the property due to the location of the proposed wells. He stated that the pond does go dry during the dry season. The domestic well could impact the agricultural use of the pond. He stated that it should be demonstrated that there will be no impact to the pond with the construction of the domestic wells.

Committee Member Marchi asked what the requirement is from Environmental Health regarding the distance of the sanitary seal for the well. He believed that the requirement is 20 ft. to 50 ft.

Planner Bartoli stated that he did not know the required distance. He said that this is something that can be made as part of the conditional of approval for the project from the AAC. In addition, language could be added to the condition to review the impact of the proposed wells on the pond.

Committee Member Markegard stated that if water was found on the property, that the well might also provide a more reliable source of ag water for any future cattle or ag on the property along with serve the future house. She inquired if there could be a condition added to use excess water for agricultural uses on the property.

Committee Member Bonner asked if the pond was spring fed or was filled up by run-off. It was assumed that the pond was filled with rain run-off, but this could not be confirmed via the staff report.

Planner Bartoli stated that Environmental Health is also reviewing this application. The development of this property with a well requires a Negative Declaration for CEQA which will review the hydrological report and the impact on the existing pond. Any future development of this property will also require a PAD/CDP permit as the property is located west of Highway 1 and outside of the Ag Exclusion Area. Any development will be reviewed by the AAC. He suggested that conditions of approval for the project could be added regarding the potential impact of the wells on the pond.

Dante Silvestri asked about the well that had been drilled previously. He also asked about the setbacks for the proposed well.

Planner Bartoli stated he did not know the status of the existing well on the site. He also stated that wrong setbacks were shown on the site plan. The project will need to comply with the required setbacks of the PAD district.

Committee Member Marchi stated that the sanitary seal requirements will not impact the pond. He recommended approval of the project.

Committee Member Vargas asked about future development permits on the property. She asked if the applicant is looking for a domestic water source, that they probably are looking to develop the property.

Planner Bartoli stated that this is normally the case. As water is a key factor to determining if a project can be built, permits for wells are sometimes applied for prior to the submittal of an application to develop the property. If water cannot be found on the property, then the domestic use cannot be developed.

Committee Member Johnson asked if the hydrological report could be reviewed by the AAC.

Planner Bartoli stated that he could update the members of the AAC regarding the status of the project and any conditions that County Environmental Health has regarding the well and the pond. Conditions of

approval can be added to project by the AAC or staff can take comments back to the Planning Department for review.

Committee Member Markegard stated that if the pond can be maintained or enhanced as part of this project she would be OK with it. The pond is more than just water for livestock, but also can serve as habitat.

Ron Sturgeon stated that the AAC should not be just concerned with preserving agricultural soils, but also water. He stated that on this property, the pond is critical to agriculture. He stated that the hydrological report have been submitted to the AAC for their review.

Vice Chair Burns stated that the well will probably be 100 feet deep and will not impact the surface water fed pond. He asked about the limitations about where the wells can be permitted.

Chair Marsh asked if the County required the locations of the well.

Planner Bartoli stated that the well locations were chosen by the applicant.

Committee Member Markegard asked if the motion had any requests for conditions for the project.

Planner Bartoli state that the motion on the table currently has no conditions for the project.

Committee Member Marchi moved to recommend approval of the project; Committee Member Bonner seconded the motion. The motion was approved. (6 ayes – 1 noes (Johnson) – 2 abstentions (Markegard and Vargas)).

6. Consideration of the Action Minutes for the December 12, 2016 regular meeting.

Vice Chair Burns Bonner moved approval the meeting minutes ask amended for the December 12, 2016 regular meeting; Vice Chair Burns seconded the motion. The motion was approved. (7 ayes – 0 noes, 2 – abstentions (Johnson and Cevasco)).

7. Community Development Director's Report

Planner Bartoli presented the Director's Report.

Chair Marsh commented at PLN2015-00084 and their compliance with the Williamson Act. He also asked if the property at PLN2016-00515 is in compliance with their Williamson Act Contract.

Committee Member Vargas announced that this meeting would be her last meeting as a member of the AAC, as her term has expired. She stated that she enjoyed her time working with the AAC. She stated she is getting to word out the environmental and conservational community about the now vacant seat on the AAC.

Chair Marsh thanked Committee Member Vargas for her service to the committee.

Igor Lacan, from the UC Co-Op Extension, induced himself. He stated that he will be the representative from the UC Co-Op Extension to the AAC.

Chair Marsh opened and closed public comment. No comments were received.

Adjournment (8:00 p.m.)

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

DATE: February 13, 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 January 1, 2017 to January 31, 2017.

PLANNED AGRICULTURAL DISTRICT PERMIT OUTCOMES

No PAD applications went to hearing in January.

UPCOMING PLANNED AGRICULTURAL DISTRICT PERMIT PROJECTS

No new applications for a PAD permit were received during the month of January

COASTAL DEVELOPMENT EXEMPTIONS FOR AGRICULTURAL PROJECTS

No CDXs for Agricultural project were received from 1/1/17-1/31/17.

ADDITIONAL ANNOUNCEMENTS

During the recruitment process for members for the open seats on the AAC, prospective members had questions about what the roles and responsibilities of the AAC. In response to these questions and comments, County staff has created a draft Expectations of Committee Members Document for the AAC's review. After review and comment by the AAC, a final version of the document will be distributed at the March AAC meeting.

ATTACHMENTS

A) Draft of Expectations of Committee Members Document

Agricultural Advisory Committee

Purpose of the Agricultural Advisory Committee:

The purpose of the Agricultural Advisory Committee is to assist in the achievement of the objectives of the Planned Agricultural District (PAD) Ordinance and the San Mateo County Local Coastal Program. More particularly, the Committee actively assists in the preservation of agriculture throughout San Mateo County by advice and recommendation to the Planning Commission and the Board of Supervisors. This consists of reviewing applications for PAD permits, their compatibility with agricultural uses on the property or in the surrounding area, and compliance with certain regulations of the PAD district.

Expectations of Committee Members:

- Participate in an orientation meeting with Planning Department Liaison to ensure that you have an understanding of County policy as it relates to the AAC member responsibilities and of Brown Act and Conflict of Interest policies.
- Attend all meetings. Meetings are monthly, and are generally two hours in length.
- The Agricultural Advisory Committee meets on the 2nd Monday of each month, Half Moon Bay Historic Train Depot 110 Higgins Canyon Road Half Moon Bay, CA 94019. The meeting start at either 7:00 pm (during Standard time) or 7:30 pm (during Daylight Saving time).
- Request an excused absence from the AAC Chair when it is not possible to attend, and inform Planning Department Liaison of this expected absence.
- Be familiar with the policy areas for which the AAC has advisory responsibility, specifically Planned Agricultural District Permits (PAD) and Williamson Act Contract compatibility and appeals and determinations of the need or no need for Coastal Development Permit for Ag Tourism.
- Review the material provided by staff prior to each meeting and actively participate in the review of the proposals at the meeting.
- During Committee meetings, review staff reports, listen to Planning staff's presentation, hear input from the community, discuss the project with other member of the Committee, and then vote on a recommendation for the project based on your determination on your assessment of the project related to the questions below.

PAD Permits Questions

1. *Will the proposal for a new Farm Labor Housing unit 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?*

Williamson Act Contracts Questions

New Contracts

1. *What position does the AAC recommend that the Planning Department staff take with respect to the new Williamson Act contract?*

Exceptions (New and Existing Contracts)

2. *What does the AAC and Agricultural Commissioner determine for the minimum parcel size, minimum income requirement and/or minimum land utilization exception being requested? In order to grant an exception, the Agricultural Commissioner and Agricultural Advisory Committee must determine that the land is highly productive and that maintaining the land in agricultural production has a significant public benefit.*

Determination of Compatibility (New and Existing Contracts)

In order to issue a Determination of Compatibility, the AAC must determine that:

3. *The primary use of the parcel would continue to be existing commercial agriculture.*
4. *The proposed compatible use would not substantially interfere with the existing agricultural use on the subject parcel or any other property within the AGP.*
6. *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.*
6. *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.*
7. *The remaining portion of the parcel not subject to the proposed compatible use would be able to sustain the agricultural use.*

Appeal of a Contract Non-Renewal

8. *Does the AAC recommend to the Board of Supervisors that the Notice of Non-Renewal be rescinded for the appealed parcel(s) or that the contract be allowed to expire for the appealed parcel(s)?*