Contra Costa County

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: February 4, 2020

Subject: Agricultural Land Use Policy Update Report

RECOMMENDATION(S):

ACCEPT report on "Recommendations on Reforming Agricultural Land Use Policies in Contra Costa County To Improve Both Economic Vitality and Sustainability" and DIRECT staff to take the actions necessary to further evaluate and implement the recommendations in the report, including returning to the Board for any and all necessary authorizations and approvals.

FISCAL IMPACT:

None to the General Fund. The Board previously approved the expenditure of up to $150,000 from the Livable Communities Trust (District III portion) by the Department of Conservation and Development (DCD) to conduct the public review and develop recommendations. Of this amount, approximately $40,000 remains.

The majority of the recommendations in the report relate to the proposed modifications of the zoning code and General Plan. The expense of preparing and analyzing these policy changes and conducting the necessary approval process can be covered by the remaining $40,000, and, if necessary, by DCD's existing Land Development Fund budget.

☑ APPROVE ☐ OTHER

☑ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 4, 2020

David Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

Contact: Jennifer Cruz, (925) 674-7790

cc:

FISCAL IMPACT: (CONT'D)

Most of the remaining recommendations relate to suggestions for new approaches to existing County work and can be accommodated within existing budgets. A few of the recommendations call for exploring new policies or approaches (e.g. explore establishing a noise ordinance) that could lead to public demands for additional service. The fiscal impacts of these actions will need to be evaluated in the future as part of the detailed review recommended by the report. One of the recommendations mentions seeking outside grant funding to promote agriculture in the county.

BACKGROUND:

Board Direction

On December 20, 2016, at the recommendation of then Supervisor Piepho, the Board of Supervisors approved the expenditure of up to $150,000 from the Livable Communities Trust (District III Portion) and authorized DCD, in consultation with the Ag Task Force and local agricultural stakeholders, to identify for future Board consideration specific actions the County could take to further promote and incentivize agricultural sustainability and economic vitality. The succeeding District III Supervisor, Supervisor Burgis, met with staff and outreached to the community to generate interest and ideas for the upcoming public process. On February 13, 2018, Supervisor Burgis recommended, and the Board approved, authorizing DCD to convene a series of open, public meetings with persons and groups interested in the policy reform topic, in lieu of relying on the Ag Task Force which has not met in years and does not have any members.

Public review process

Over the past 20 months, DCD convened a series of public meetings with people and parties interested in agricultural sustainability and economic vitality in Contra Costa County to review existing land use regulations and collect input on potential modifications to these policies.

The core of the policy review process was 12 large public meetings, which included a range of 20-70 participants per meeting. Participants that attended the meetings come from diverse backgrounds, ranging from various segments of the farming and ranching community, to rural residents, to proponents of various agricultural commercial ventures to conservation organizations. The meetings also included significant support and participation from the County's Departments of Agriculture, Health Services (Environmental Health Division), and Public Works, and agencies such as the University of California Cooperative Extension (UCCE) and Contra Costa Resource Conservation District (RCD).

The first three meetings were held in different areas of the County (Knightsen, Martinez, and Danville) during the months of June, July, and August 2018. The remaining meetings were held in Knightsen at the Knightsen Farm Bureau Hall, with the last meeting held on September 19, 2019. Participants provided insights on what makes the County unique, developed a shared vision for the future of agriculture in Contra Costa County, identified obstacles to a healthier agricultural economy, and discussed opportunities and constraints of agritourism. Staff researched policies and programs in other counties and developed numerous tables and maps with relevant background information. The meetings also included guest speakers from Yolo County and Sonoma County sharing their experiences promoting agriculture in their regions and their work as an agricultural ombudsperson.

The discussion among the participants and the County led to a number of specific proposals to improve agricultural land use policy. These proposals were assembled into a preliminary list of recommendations, including thoughts on key conditions and staff notes on key relevant Building, Health and Public Works provisions. Iterative drafts of the list of recommendations were discussed in meetings and commented on in numerous comment periods over the course of approximately one year.

The attached report is the result of that intensive process. It is intended to reflect the general consensus of participants in the process, where such consensus emerged. Key areas of disagreement are noted at various places within the recommendations. Challenging issues will still need to be resolved in order to implement these recommendations, but it is hoped that this report can serve as a foundation for progress toward more sustainable

and economically vibrant agriculture in Contra Costa County.

Staff appreciates the contributions provided by the many community members who gave significant time and effort to this process.

Summary of Recommendations

The recommendations can be found in Section IV of the attached report. These recommendations consist of proposed new agricultural uses and new agricultural land use policy initiatives. The recommendations in Section IV are briefly summarized below.

This report recommends various new types of lodging accommodations, including short-term rentals for 90 days or less, farm stays for up to 90 days, bed-and-breakfast, and camping/yurts/little houses on wheels. Short-term rentals and farm stays would require being located within an existing building. Bed-and-breakfast could be located within an existing, new, or modified building. These recommended uses may require a zoning permit such as a ministerial permit or a land use permit, in addition to other permits required by other agencies.

Participants of the public meetings also recommend food service uses such as farm dinners, farm-to-table restaurants, updating the Winery Ordinance, and allowing hosting of large events. These recommended uses may require a zoning permit such as a ministerial permit or a land use permit, in addition to other permits required by other agencies.

Broader policy reforms have also been a topic of discussion. Policy reforms include mitigation for conversion of agricultural land, new efforts to address rural blight and illegal dumping, examining opportunities to reduce impacts of rural development on agriculture, new efforts to facilitate communication between the farming community and regulatory agencies, improving permitting for agricultural uses, and considering a noise ordinance.

Recommendations to promote agriculture in Contra Costa County include equestrian and bike trails to connect farms, consider allowing equestrian facilities within additional agricultural districts, exploring additional funding for signage to promote agriculture in the County, updating the County's Sign Ordinance, and working with other agencies to promote agricultural vitality in the County.

Next Steps

If authorized by the Board of Supervisors, DCD will work to develop the following:

- An overall work plan and timeline for evaluating and implementing the recommendations, as directed by the Board.
- Develop draft General Plan Policies and Zoning Text Amendments, perform environmental review and present recommended new policies to the Planning Commission and the Board for consideration.
- On a parallel track, work with other agencies and partners to pursue recommendations that are not related to General Plan and Zoning changes.
- On a third parallel track, continue the outreach to, and dialog with, the community of people interested in these topics to maintain community engagement and solicit input as recommendations are evaluated and implemented.

CONSEQUENCE OF NEGATIVE ACTION:

If the Department of Conservation and Development is not authorized to take the steps to explore the recommendations, then the necessary work required to move forward with the agricultural land use policy recommendations discussed with the participants would not be implemented.

CHILDREN'S IMPACT STATEMENT:

The recommended action will not affect children's programs in the County.

CLERK'S ADDENDUM

Speakers: Jan Rix, Kamyar Aram, UC Cooperative; Jeff Weidemann, Weidemann Ranch; Kathy Griffin; Zoe Siegel, Greenbelt Alliance; Barbara Frantz, Tess' Community Farm; Rebecca Courchesne, Frog Hollow Farm; Juan Pablo Bavan, Save Mount Diablo; John Viano, CC Farm Bureau; Karen Rarey, Brentwood City Council.

The Supervisors expressed particular interest in staff addressing:

Guidelines for farm-to-table cafes, such as a particular percentage of the food served originating from the farm, and the required amount of acreage to have a permit for café or bed and breakfast being manageable;

Further examination of whether mitigation fees are an appropriate choice for the agricultural area or an economic burden;

Retaining sustainable agriculture and the rural nature of the area.

ACCEPTED the report on "Recommendations on Reforming Agricultural Land Use Policies in Contra Costa County To Improve Both Economic Vitality and Sustainability" and DIRECTED staff to take the actions necessary to further evaluate and implement the recommendations in the report, including returning to the Board for any and all necessary authorizations and approvals.

ATTACHMENTS

Recomendations on Agricultural Land Use Policy to BOS 2-4-20

Recommendations on Reforming Agricultural Land Use Policies in Contra Costa County To Improve Both Economic Vitality and Sustainability

February 4, 2020

Table of Contents

I. Summary

With authorization and direction from the Contra Costa County Board of Supervisors, the Department of Conservation and Development (DCD) conducted a public review of existing land use regulations related to agriculture to identify for future Board consideration specific actions the County could take to further promote and incentivize agricultural sustainability and economic vitality. Over the past 20 months, DCD convened a series of public meetings with people and parties interested in agricultural sustainability and economic vitality in Contra Costa County to review existing land use regulations and collect input on potential modifications to these policies.

The core of the policy review process was 12 large public meetings, which included a range of 20-70 participants per meeting. Participants that attended the meetings come from diverse backgrounds, from various segments of the farming and ranching community, to rural residents, to proponents of various agricultural commercial ventures to conservation organizations. The meetings also included significant support and participation from the County's Departments of Agriculture, Health Services (Environmental Health Division), and Public Works, and agencies such as the University of California Cooperative Extension (UCCE) and Contra Costa Resource Conservation District (RCD).

The first three meetings were held in different areas of the County (Knightsen, Martinez, and Danville) during the months of June, July, and August 2018. The remaining meetings were held in Knightsen at the Knightsen Farm Bureau Hall, with the last meeting held on September 19, 2019. Participants provided insights on what makes the County unique, developed a shared vision for the future of agriculture in Contra Costa County, and identified obstacles to a healthier agricultural economy, and opportunities and constraints of agritourism. Staff researched policies and programs in other counties and developed numerous tables and maps with relevant background information. The meetings also included guest speakers from Yolo County and Sonoma County sharing their experiences promoting agriculture in their regions and their work as an agricultural ombudsperson.

The discussion among the participants and the County led to a number of specific proposals to improve agricultural land use policy. These proposals were assembled into a preliminary list of recommendations, including thoughts on key conditions and staff notes on key relevant Building, Health and Public Works provisions. Iterative drafts of the list of recommendations were discussed in meetings and commented on in numerous comment periods over the course of approximately one year.

This report is the result of that intensive process. It is intended to reflect the general consensus of participants in the process, where such consensus emerged. Key areas of

disagreement are noted at various places within the recommendations. Challenging issues will still need to be resolved in order to implement these recommendations, but it is hoped that this report can serve as a foundation for progress toward more sustainable and economically vibrant agriculture in Contra Costa County.

Key recommendations continued in this report are summarized below:

This report recommends various new types of lodging accommodations, including short-term rentals for 90 days or less, farm stays for up to 90 days, bed-and-breakfast, and camping/yurts/little houses on wheels. Short-term rentals and farm stays would require being located within an existing building. Bed-and-breakfast could be located within an existing, new, or modified building. These recommended uses may require a zoning permit such as a ministerial permit or a land use permit, in addition to other permits required by other agencies.

Participants of the public meetings also recommend food service uses such as farm dinners, farm-to-table restaurants, updating the Winery Ordinance, and allowing hosting of large events. These recommended uses may require a zoning permit such as a ministerial permit or a land use permit, in addition to other permits required by other agencies.

Broader policy reforms have also been a topic of discussion. Policy reforms include mitigation for conversion of agricultural land, new efforts to address rural blight and illegal dumping, examining opportunities to reduce impacts of rural development on agriculture, new efforts to facilitate communication between the farming community and regulatory agencies, improving permitting for agricultural uses, and considering a noise ordinance.

Recommendations to promote agriculture in Contra Costa County include equestrian and bike trails to connect farms, consider allowing equestrian facilities within additional agricultural districts, exploring additional funding for signage to promote agriculture in the County, updating the County's Sign Ordinance, and working with other agencies to promote agricultural vitality in the County.

II. Vision and Goals to Guide Review of Agricultural Land Use Policy in Contra Costa County

Setting:

Contra Costa County's rich soils, micro-climate, and reliable water supplies have allowed generations of farmers to produce a variety of outstanding crops. Contra Costa farmers have grown a wide variety of food for the Bay Area and beyond since the Gold Rush; from vast winter wheat fields in the 1880's to sweet corn, stone fruits, vegetables, olives, wine grapes and beef today. Before the prohibition, Contra Costa County was home to over fifty wineries, including the largest winery in the world for 12 years (1907-1919), Winehaven, in Richmond. East Contra Costa has a long history of agricultural tourism, including U-pick operations going back to the 1970s. Over 100,000 people travel to Brentwood to pick cherries over Memorial Day weekend, annually. The unique combination of world class growing conditions, proud farming tradition and location within a major metropolitan area make agriculture one of Contra Costa County's most important assets.

Agricultural lands composed primarily of highly fertile Class I or II soils support a wide variety of crops and many are irrigated and intensively farmed to produce food, fiber, and plant materials. The majority of East Contra Costa's agricultural lands with Class I or II soils are located east of Brentwood in the County's Agricultural Core, a General Plan Land Use Designation intended to protect and promote agriculture on these high quality lands. The County's remaining intensively cultivated agricultural lands are primarily concentrated there, in the Sacramento-San Joaquin Delta and in the surrounding plain of Eastern Contra Costa County.

Agriculture thrives in other areas of the County as well. The Tassajara Valley area supports thousands of acres of rangeland. That area is at a crossroad; historic farming and ranching activities are merging with rural residential development, habitat conservation, public lands, and various other activities. Briones, Morgan Territory, and Las Trampas areas are also facing similar land use transitions and challenges.

Contra Costa County's History of Land Use Regulations:

In 1978, the Board of Supervisors adopted the East County Area General Plan, which included the new Agricultural Core (Ag Core) land use designation. The adopted policies were intended to preserve and protect East County's prime agricultural soils. In 1990, County voters approved Measure C, establishing the 65/35 Land Preservation Plan and Urban Limit Line (ULL) requiring at least 65 percent of all land in the county be preserved for "non-urban" uses such as agriculture, open space, wetlands, and parks. Measure C also required a 40-acre minimum parcel size for prime agricultural lands. In

2006, voters approved Measure L, which extended the term of the ULL through 2026 and placed limitations on changes to the boundary. The required 2016 review of the ULL determined capacity existed inside the ULL to accommodate jobs and housing growth through 2036.

Policies have also been adopted to protect and encourage the economic viability of agricultural land. For example, the County has adopted Farmstand, Farm-Market, and Right to Farm Ordinances to protect existing uses and allow some new ones. Additionally, the County also has adopted the Farmworker Housing Ordinance, which allows and regulates housing accommodations for farmworkers. Further, the County commissioned a report entitled Agricultural Infrastructure Report and Key Findings from agricultural economist Lon Hatamiya in 2015. That report identified economic opportunities such as demand for locally grown, source-identified, health, and sustainably-produced food, demand for organic products, potential to expand value-added food processing, manufacturing, co-processing, and co-packing across the County, and expanded agricultural tourism in Contra Costa County.

Vision and Goals for the Future of Agriculture in Contra Costa County:
A thriving agricultural sector, including sustainable agricultural lands and a vibrant and diverse agricultural economy, should remain a high priority for the County in setting land use policy.

The following are primary goals for the future of agriculture in Contra Costa County:

- Build on the unique assets of Contra Costa County to make agriculture more vibrant and sustainable. These assets include rich soils, a unique and varied climate, high-quality rangeland, reliable water supply, proximity to a major metropolitan area, natural beauty and the recognized expertise of County farmers and ranchers.
- Enable production of a diverse array of high-quality crops and agricultural products. The diversified production will make the agricultural sector more adaptable and resilient to changes in market conditions.
- Provide farmers greater opportunity to capitalize on the beauty, quality, diversity and accessibility of farmland in the County. Agricultural tourism and direct marketing opportunities should be supported and expanded.
- Protect the natural resources necessary for a thriving agricultural economy, beneficial to the quality of life for residents in the agricultural areas, important for climate resilience and ecological health and representing an important piece of the natural heritage of future generations (e.g. soil, water and water quality, air quality, biotic resources).

- Adapt regulation to meet the unique needs of the agricultural community, including making County permitting as efficient and flexible as possible (while maintaining effective regulatory protections), communicating clearly and often with the agricultural constituency and ensuring that enforcement is effective.
- Improve the sustainability of agricultural communities, by retaining and enhancing the attractive, rural, natural, agricultural character of these areas and by discouraging non-conforming uses that blight the community, while also reflecting that farmers have a right to farm. The beauty of agricultural and natural open space is a County resource with value for the economy, health, and well-being of farming communities, commuters, and surrounding urban areas.
- Recognize that finite resources (water, transportation, space, firefighting/fire resiliency) require a balanced approach to rural development.
- Support opportunities for urban agriculture, where appropriate.

III. Background Information

a. Board Direction

b. Key maps (General Plan, Zoning, Ag Core, Conserved agricultural lands, etc.)

c. Table of Existing Agriculturally Zoned Uses in Contra Costa County

d. Table Comparing Agricultural Uses in Other Counties

e. Table Comparing Role of Agricultural Ombudsperson in Other Counties

Contra Costa County

To: Board of Supervisors

From: Mary N. Piepho, District III Supervisor

Date: December 20, 2016

Subject: Allocation of Funds from the Livable Communities Trust to Develop Recommendations on Agricultural Land Use Policy

RECOMMENDATION(S):

1. AUTHORIZE the Department of Conservation and Development (DCD), in consultation with the Contra Costa County Agriculture Advisory Task Force and local agricultural stakeholders, to review existing land use regulations (e.g., General Plan policies and zoning) and identify for future Board consideration specific actions the County could take to further promote and incentivize agricultural sustainability and economic vitality; and

2. APPROVE the expenditure of up to $150,000 from the Livable Communities Trust (District III Portion) for this purpose, as recommended by Supervisor Mary Nejedly Piepho.

FISCAL IMPACT:

None to the General Fund. Up to $150,000 from the Livable Communities Trust (District III portion) will be allocated toward the effort.

BACKGROUND:

Agriculture has historically been an important part of Contra Costa County's economy and culture, with agricultural

☑ APPROVE ☐ OTHER

☑ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **12/20/2016** ☑ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor

ABSENT: Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 20, 2016

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Stephanie Mello, Deputy

Contact: TOMI RILEY, 925-252-4500

cc:

BACKGROUND: (CONT'D)

activities dating back to the Spanish colonial period. Good soils, a mild climate, and adequate water supplies allowed agriculture to become a principal element of the county's economy. However, the agricultural sector began a steady decline following World War II, as tens of thousands of acres of productive agricultural land were converted to accommodate urban and suburban growth.

Understanding the impact of development pressures on agricultural resources, in 1978 the Board of Supervisors established the Agricultural Core ("Ag Core") as part of the newly-adopted East County Area General Plan (see Note 1). The Ag Core included 14,600 acres of farmland that were the most capable of supporting and sustaining agricultural production because the soils were considered the best for farming a wide variety of plants or crops. These soils were rated as "Prime Farmland" through a soil survey conducted by the U.S. Department of Agriculture's Soil Conservation Service (now the Natural Resource Conservation Service). Additionally, the Ag Core is identified as Prime Farmland through the Farmland Monitoring and Mapping Program administered by the California Department of Conservation, Division of Land Resources Protection (see Attachment A, Contra Costa County Important Farmland Map 2014 and Note 2).

In 1990 Contra Costa voters approved Measure C, which among other things established the County's Urban Limit Line and resulted in the County rezoning the Ag Core to require 40-acre minimum parcel sizes where 10-acres had been the previous minimum. Unfortunately, the years immediately preceding Measure C's adoption saw a spike in subdivision applications within the Ag Core, which resulted in creation of numerous parcels that are undersized by today's zoning standards. These parcels are often developed as estate lots or other non-agricultural uses and may not easily lend themselves to economically-viable agricultural enterprises due to their size.

Despite public and private efforts to preserve the county's productive agricultural land over the past several decades, from 1984 through 2014 Prime Farmland decreased from 41,181 to 25,502 acres and Important Farmland decreased from 116,148 to 88,912 acres (see Note 3). Prime Farmland within the Ag Core itself has decreased from 14,600 acres to approximately 11,500 acres since the Ag Core's inception.

Despite the decrease in agricultural acreage, agriculture is still an important element of the Contra Costa County economy. In 2015 agriculture contributed $225 million and provided 2,277 jobs (1,735 direct and 542 indirect/supporting) (see Note 4). The $128.5 million gross value of the county's agricultural production ranked 38th out of the 56 California counties submitting crop reports in 2015 and 6th out of the 9 Bay Area counties (see Note 5).

While Contra Costa's agricultural production may be small compared to the $3.23 billion production of San Joaquin County, it is nearly three times larger than the agricultural production of neighboring Alameda County. Local initiatives such as Buy Fresh, Buy Local and Harvest Time in Brentwood have increased awareness of Contra Costa's agricultural

resources and products, but its agricultural tourism ("agritourism") industry lags behind Alameda County's relative to the size of its agricultural economy. In part this is because Alameda County has adopted a clear vision for its most prominent agricultural area, the South Livermore Valley, and successfully worked with the cities of Livermore and Pleasanton and local stakeholders, like the Livermore Valley Winegrowers Association, to leverage its agricultural resources. Contra Costa County can learn from and build upon Alameda County's experience.

Food production has also become an issue of intense public interest in recent years. Across the nation people have become increasingly aware of their food sources and production practices. Organically farmed and farm-to-table, concepts which were somewhat obscure a just decade ago, are now mainstream and commonly factor into consumer choices. Therefore, it is important that Contra Costa County farms remain an economically-viable local food source.

The District III Supervisor has consistently engaged with the agricultural community over the last twelve years to hear their thoughts on the future of agriculture, including convening town hall style meetings, participating in forums and conferences and engaging with individual farmers and other interested people at numerous other meetings and events. Farmers in Contra Costa County value our agricultural tradition and want to see it continue, but they also feel strongly that opportunities to promote economic vitality for agriculture need to be identified and pursued.

With these considerations in mind, the District III Supervisor recommends that the full Board authorize DCD, in consultation with the Agricultural Advisory Task Force and stakeholders in the local agricultural community, to identify for future Board consideration specific actions the County could take to further promote and incentivize agricultural sustainability and economic vitality. These could include, but are not limited to:

· Researching on how programs to promote agricultural sustainability and economic vitality have been developed and funded throughout California, including agritourism, agricultural marketing opportunities and efforts to make agriculture more sustainable.

· Reviewing the County General Plan and zoning ordinance to identify changes necessary to promote the economic vitality and sustainability of agriculture.

· Reviewing current permitting procedures for agricultural projects to identify opportunities for streamlining and removing barriers in order to promote the economic sustainability of agricultural uses.

· Review policies and programs to identify opportunities for complementing improved economic vitality with retention of the agricultural land and productivity necessary to drive a sustainable and vital agricultural economy.

Completing the actions described above will require considerable staff resources. Extensive

public outreach and engagement will be necessary. Amendments to the County General Plan and zoning ordinance are subject to review under the California Environmental Quality Act and must go through a series of public hearings. The District III Supervisor therefore recommends allocating $150,000 from the District III portion of deposits into the Livable Communities Trust Fund to DCD to cover staff time and other costs.

The Livable Communities Trust Fund (Fund) was established to implement the County's Smart Growth Action Plan. Goals of the Action Plan relevant to this proposal are the following: 3) to promote innovative land use planning and design principles that encourage mixed use and infill development (this proposal is to study innovative land use planning and is intended to improve the sustainability of agricultural lands and reduce pressure to convert such lands to urban uses, thereby enabling a focus on mixed use and infill development in existing urban areas; and 4) promote economic revitalization and urban infill communities (this proposal is intended to promote the agricultural economy).

In reviewing the purpose of the Fund, the Board of Supervisors determined on December 3, 2013 that "the goal shall be to spend the money equally among supervisorial districts." At build-out of the development projects contributing revenue to the Fund, deposits to the Fund will total $8,448,000. The interest-bearing trust account has earned over $300,000 in interest to date. So far, one expenditure has been made from the Fund (a $250,000 expenditure approved on October 22, 2013 for the Northern Waterfront Economic Development Initiative). Another expenditure was authorized on June 14, 2016, with $1,432,830 from the District I portion providing matching funds for the development of the Heritage Point affordable housing project in North Richmond. An additional proposal to authorize expenditure of up to $250,000 from the District III portion is on the December 20 agenda for a feasibility study for the Marsh Creek Corridor Multi-Use Trail.

CONSEQUENCE OF NEGATIVE ACTION:

If the funding is not allocated resources will not be available to the County to study and develop policies to improve agricultural sustainability and profitability.

CHILDREN'S IMPACT STATEMENT:

The recommended action will not affect children's programs in the County.

Contra Costa County

To: Board of Supervisors

From: Diane Burgis, District III Supervisor

Date: February 13, 2018

Subject: Modifying Ag Land Use Policy & Public Engagement

RECOMMENDATION(S):

1. ACCEPT update from the Department of Conservation and Development (DCD) on work previously authorized by the Board to review existing land use regulations related to agriculture and to identify for future Board consideration specific actions the County could take to further promote and incentivize agricultural sustainability and economic vitality; and
2. AUTHORIZE DCD to convene a series of public meetings with people and parties interested in agricultural sustainability and economic vitality in Contra Costa County to review existing land use regulations and provide input on potential modifications to these policies, in lieu of coordinating with the Contra Costa County Agriculture Advisory Task Force (Ag Task Force) which is currently dormant.

FISCAL IMPACT:

None to the General Fund. Up to $150,000 from the Livable Communities Trust (District III portion) has previously been allocated by the Board toward the effort.

☑ APPROVE ☐ OTHER

☑ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/13/2018** ☑ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 13, 2018

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Alicia Nuchols, 925-252-4500

cc:

BACKGROUND:

On December 20, 2016, at the recommendation of then Supervisor Piepho, the Board of Supervisors approved the expenditure of up to $150,000 from the Livable Communities Trust (District III Portion) and authorized DCD, in consultation with the Ag Task Force and local agricultural stakeholders, to identify for future Board consideration specific actions the County could take to further promote and incentivize agricultural sustainability and economic vitality (see Attachment 1). As the new District III Supervisor, Supervisor Burgis has heard significant community interest in this topic and is very eager to facilitate an effective public engagement effort that results in meaningful policy modifications. To initiate the discussion on policy reform needs and ideas, Supervisor Burgis worked with DCD to convene a meeting of agricultural stakeholders on November 15, 2017. Participants generated a number of ideas (see Attachment 2) for policy reforms that provide a useful starting point for future discussions. To expeditiously generate policy reforms that reflect the needs of the community and further promote and incentive both agricultural sustainability and economic vitality, DCD needs a public engagement strategy that does not depend on the Ag Task Force. The Ag Task Force has not met in years, does not have any members with current appointments and is not anticipated to be in a position to start meeting again in the near future. Therefore, it is recommended that in lieu of relying on the Ag Task Force for input, DCD be authorized to convene a series of open, public meetings with persons and groups interested in the policy reform topic. DCD would generate a contact list of interested stakeholders based on its knowledge of the issue and in consultation with District Offices, publicize the effort on its website and continuously update the list to include anyone interested in the topic and send announcements of open, public meetings (perhaps four to eight in total) on this topic to everyone on the list inviting their participation. It is recommended that meetings be held in or near agricultural areas of the County, with a majority of the meetings being held in eastern Contra Costa County where the majority of agricultural lands are located, but with some meetings in other areas as well. Participants would be invited and encouraged to all meetings, or as many as they can, to stay engaged in the process and provide consistent input as the effort progresses. The results of these discussions and the staff work would be presented to the Board for review and direction and any modifications on General Plan policies or zoning provisions would need to be considered by the County Planning Commission and approved by the Board.

CONSEQUENCE OF NEGATIVE ACTION:

If the Department of Conservation and Development is not authorized to convene a series of stakeholder meetings in lieu of coordinating with the Ag Task Force, then the process for developing policies to improve agricultural sustainability and vitality would be delayed

CHILDREN'S IMPACT STATEMENT:

The recommended action will not affect children’s programs in the County.

CLERK'S ADDENDUM

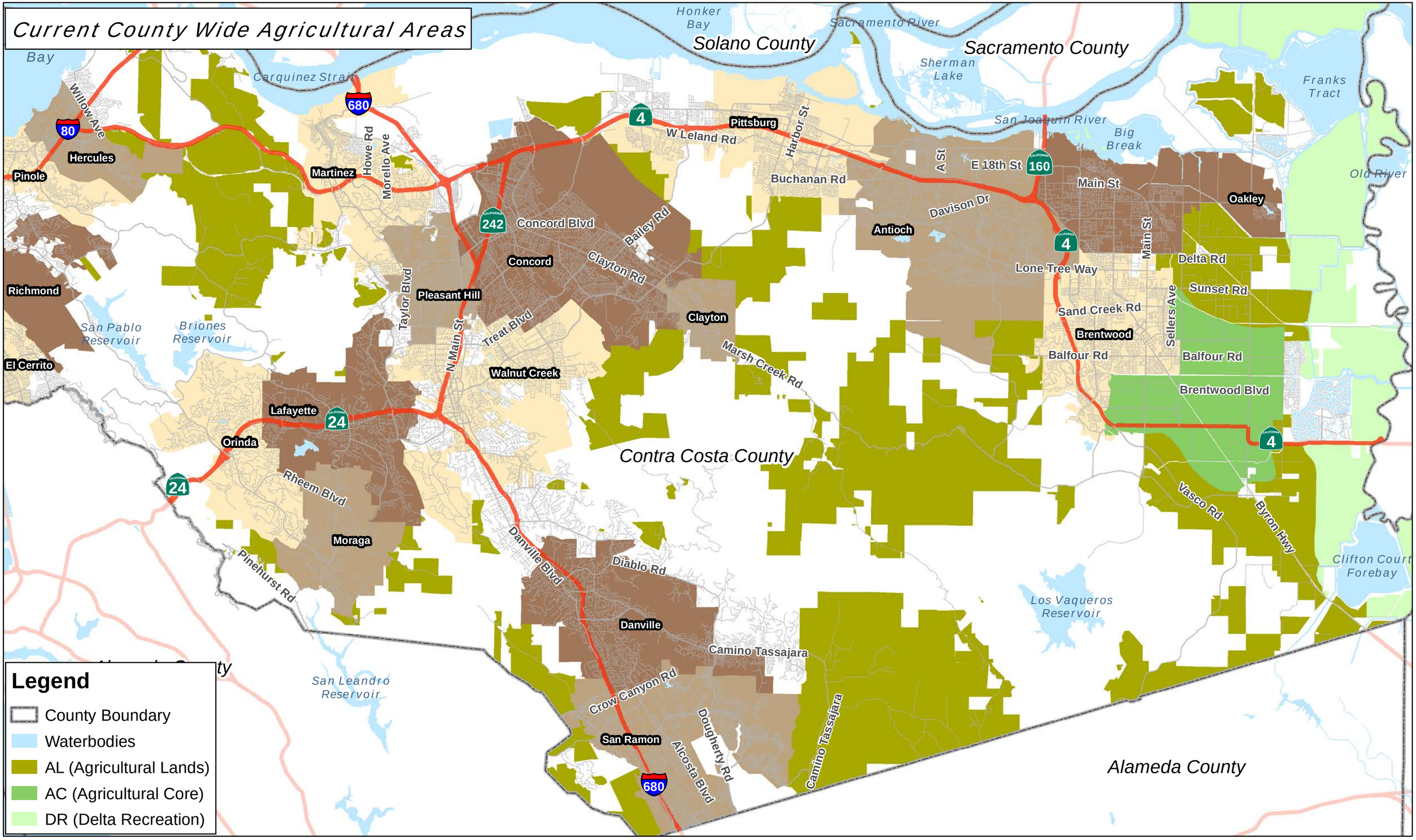
Speaker: Lisa Borba, Ron Nunn Farms.

ATTACHMENTS

12-20-16 Board Order

11-15-17 Meeting Notes

Current County Wide Agricultural Areas



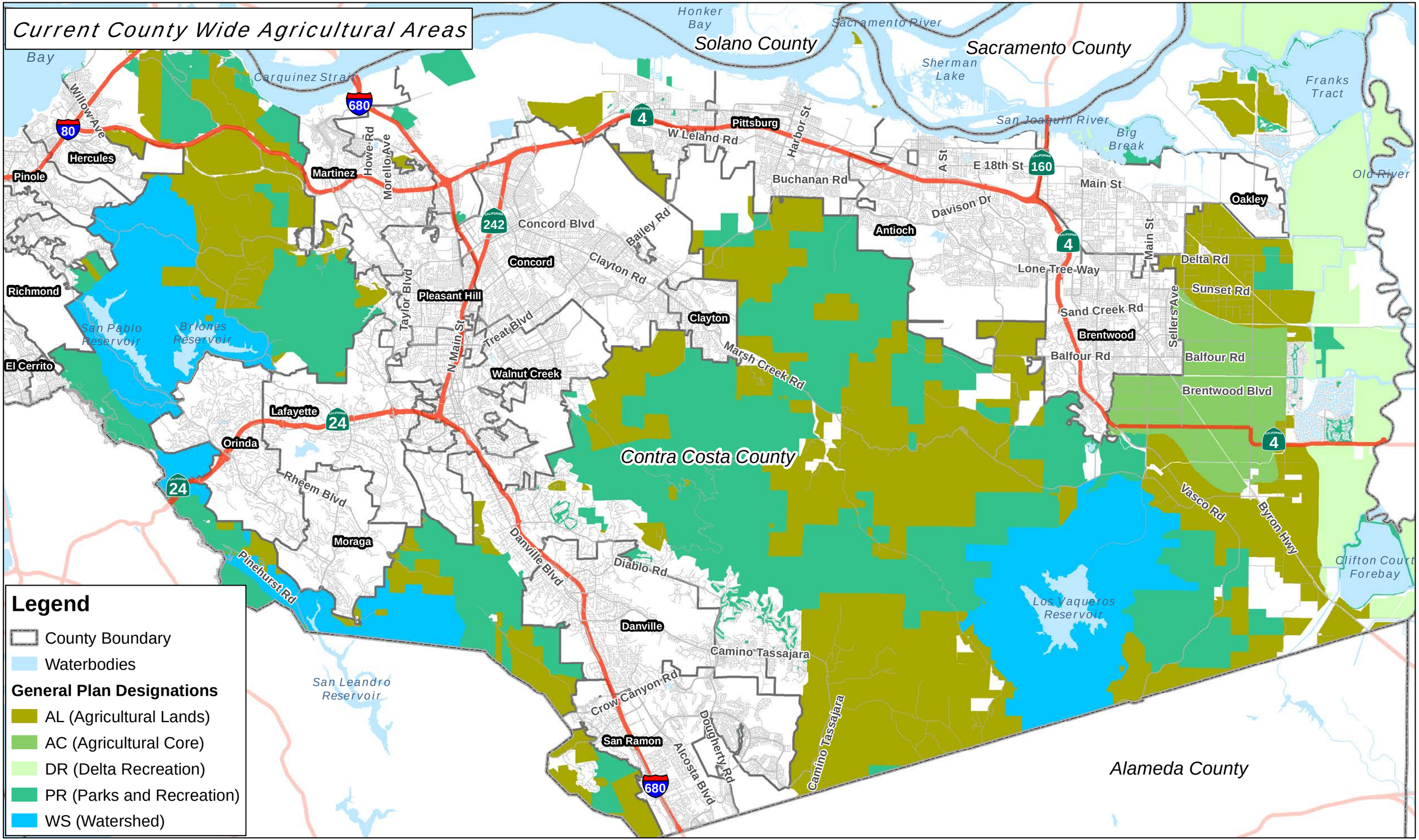
Legend

- County Boundary
- Waterbodies
- AL (Agricultural Lands)
- AC (Agricultural Core)
- DR (Delta Recreation)

0 1 2 4 Miles

Map Created 6/19/2018
by Contra Costa County Department of
Conservation and Development, GIS Group
30 Muir Road, Martinez, CA 94553
37:59:41.791N 122:07:03.756W

Current County Wide Agricultural Areas



Legend

- County Boundary
- Waterbodies

General Plan Designations

- AL (Agricultural Lands)
- AC (Agricultural Core)
- DR (Delta Recreation)
- PR (Parks and Recreation)
- WS (Watershed)

N

0 1 2 4 Miles

Map Created 6/19/2018
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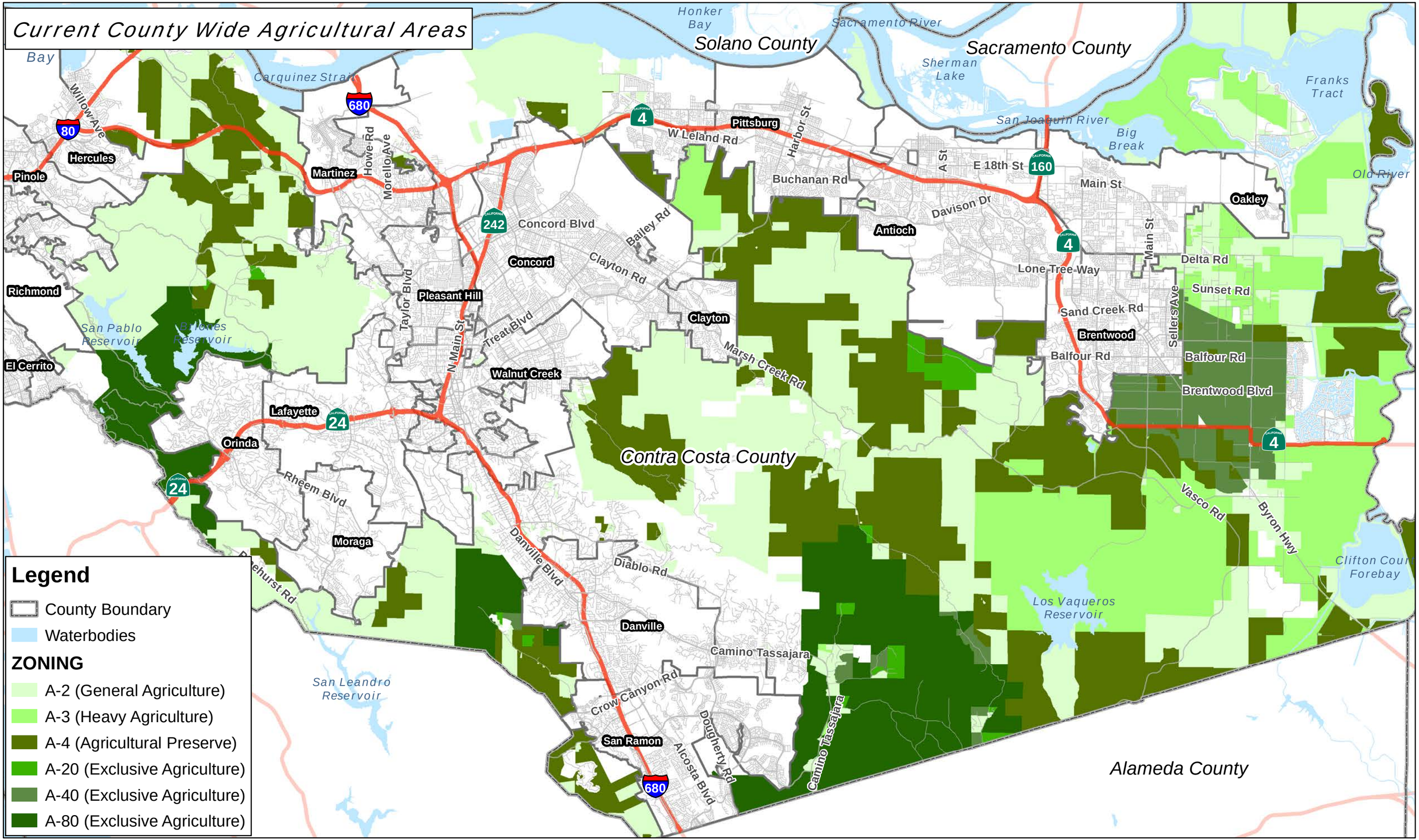
Conservation and Development, GIS Group
30 Muir Road, Martinez, CA 94553
37:59:41.791N 122:07:03.756W

Current County Wide Agricultural Areas



Legend

- County Boundary
- Waterbodies

ZONING

- A-2 (General Agriculture)
- A-3 (Heavy Agriculture)
- A-4 (Agricultural Preserve)
- A-20 (Exclusive Agriculture)
- A-40 (Exclusive Agriculture)
- A-80 (Exclusive Agriculture)

0 1 2 4 Miles

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Current County Ag-Core Parcels by Size

Legend

Parcels

Ag Core Parcels By Size

- 0-5 Acres
- 5-10 Acres
- 10-15 Acres
- 15-20 Acres
- 20 Acres and Larger
- County Boundary

Miles
0 0.3 0.6 1.2

Map Created 5/1/2018
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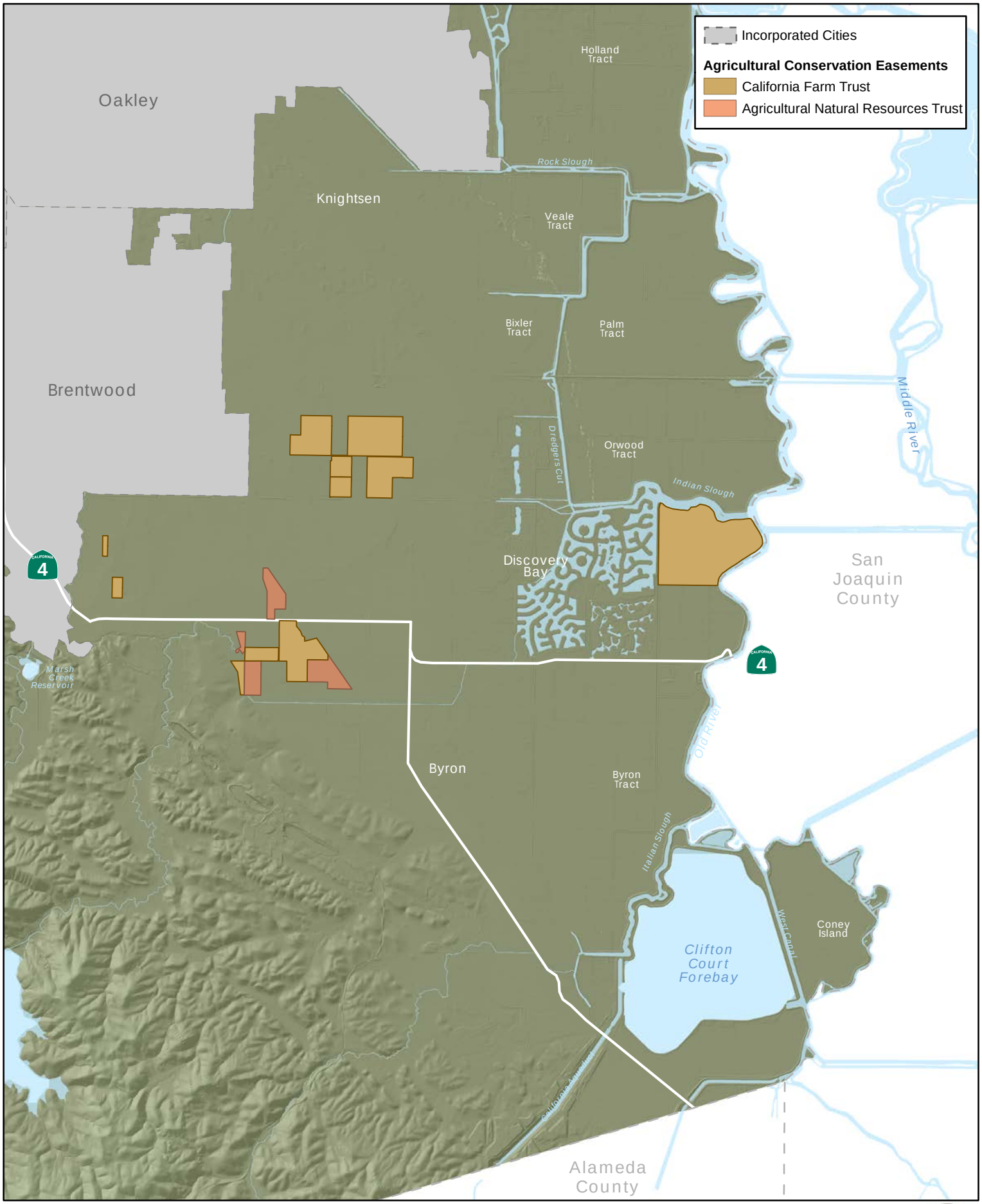
37:59:41.791N 122:07:03.756W

Agricultural Conservation Easements in East Contra Costa County



Map created 04/22/2019
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37:59:41.791N 122:07:03.756W

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Miles
0 1 2 4

N W E S

DRAFT

08/20/2018

CONTRA COSTA COUNTY
LAND USE MATRIX FOR AGRICULTURAL ZONING DISTRICTS

LAND USES \ AGRICULTURAL ZONING DISTRICT**	A-2	A-3	A-4	A-20	A-40[2]	A-80[2]
Residential (not specifically mentioned in General Plan AL designation):						
A detached single-family dwelling on each parcel & the accessory structures and uses normally auxiliary to it.	A	A	L[3]	A	A	A
One additional single-family dwelling	L	L	L[4]	L	L	L
Accessory dwelling units complying with the provisions of Chapter 82-24.	A	A	A[5]	A	A	A
A farmworker dwelling (see chapter 82-52.402)	A	A	A	A	A	A
Farmworker housing complex (see chapter 82-52.404)	A	A	A	A	A	A
Farmworker housing center (see chapter 82-52.406)	L	L	L	L	L	L
A foster family home or a small family home, as those terms are defined in Health and Safety Code section 1502(a), that has obtained all required state and local agency approvals and licenses.	A	A	-	-	-	-
A small family child care home or a large family child care home, as those terms are defined in California Code of Regulations, title 22, section 102352(f)(1), that has obtained all required state and local agency approvals and licenses.	A, L	A, L	-	-	-	-
Agricultural (growing, processing/manufacturing, storage, sales):						
Agricultural cold storage plants on parcels at least ten acres in size	A	A	-	L	L	L
Agricultural cold storage plants on parcels less than ten acres in size	L	L	-	L	L	L
Agricultural-related storage of products and equipment (e.g., sheds, warehouses, granaries)	A	A	L	A	A	A
Animal breeding	A	A	-	-	-	-
Aviaries, Apiaries	A	A	A	A	A	A
Canneries	L	L	L	L	L	L
Commercial fish farming	-	-	L	-	-	-
Dairying	A	A	L	A	A	A
Dryers & dehydration plants	A	A	L	-	-	-
Farm market	L	L	L	L	L	L
Forestry	A	A	A	A	A	A
Fruit and vegetable packing plants	A	A	L	A	A	A
Fur farms	A	A	L	-	-	-
General Farming	A	A	A	A	A	A
Grain-fed rodent raising	-	-	-	A	A	A
Grower stand or farm stand	A	A	A	A	A	A
Hog ranches	-	-	L	-	-	-
Hullers	A	A	L	A	A	A
Livestock and feed yards	-	-	L	-	-	-
Livestock auction or sales yards	L	-	-	L	L	L
Livestock breeding	-	-	-	A	A	A
Livestock production	A	A	A	A	A	A
Merchandising of agricultural supplies and services incidental to an agricultural use	L	L	-	L	L	L
Mushroom rooms, mushroom houses	A	A	L	L	L	L
Poultry raising	A	A	L	A	A	A
Processing of milk not produced on the premises	-	L	-	L	L	L
Rendering plants and fertilizer plants or yards	L	L	-	L	L	L
Retail firewood sales	L	L	-	-	-	-
Slaughterhouses and stockyards	L	L	-	-	-	-
Wholesale horticulture and floriculture	A	A	A	A	A	A
Wholesale nurseries and greenhouses	A	A	L	L	L	L
Wineries, commercial kitchens, or other facilities for creating value-added farm products	L	L	L	L	L	L
Public, Semi-Public, Recreational:						
Boat storage facilities/area within one mile by public road of a public boat launching facility/boat launching facility open to the public.	L[6]	L[6]	-	L	-	-
Churches, religious institutions, and parochial and private schools, including nursery schools	L	L	-	L	-	-
Commercial radio and television receiving and transmitting facilities but not including broadcasting studios or business offices	L	L	L	L	L	L
Commercial recreational facilities when the principal use is not in a building	L	L	-	-	-	-
Community buildings, clubs, & activities of a quasi-public, social, fraternal, or recreational character	L[7]	L[7]	-	L	-	-
Dude ranches, riding academies and stables, and dog kennels	L	L	-	L	-	-
Hospitals, animal hospitals, eleemosynary and philanthropic institutions, and convalescent homes	L	L	-	L	-	-
Medical and dental offices and medical clinics	L	L	-	L	-	-
Museums in which objects of historical, artistic, scientific or cultural importance are preserved and displayed	L	L	-	-	-	-
Publicly owned buildings and structures, except as provided in Division 82	L	L	-	-	-	-
Publicly owned parks and playground	L	L	-	-	-	-
Recycling, Energy Production:						
Recycling operations intended to sort or process material for reuse. Junkyards, defined in Section 88-4.206, are prohibited	L	L	-	-	-	-
Wind energy conversion systems, except when used only as an accessory to an allowable residential or agricultural use	L[8]	L[8]	L	L	L	L
Oil and gas drilling and production including the installation and use of only such equipment necessary and convenient for drilling and extracting operations	-	-	-	L	L	L
Williamson Act:						
Those agricultural and compatible uses specifically agreed upon between the county and the landowner at the time of entering into the agreement and designated in writing within the agreement			A			
Those uses described in Section 51201(e) of Government Code [Williamson Act]: "Compatible use" is any use determined by the county or city administering the preserve pursuant to Section 51231, 51238, or 51238.1 or by this act to be compatible with the agricultural, recreational, or open-space use of land within the preserve and subject to contract. "Compatible use" includes agricultural use, recreational use or open-space use unless the board or council finds after notice and hearing that the use is not compatible with the agricultural, recreational or open-space use to which the land is restricted by contract pursuant to this chapter.			L			

Key:

- \- Not Allowed
- A Allowed
- L Requires Land Use Permit

Footnotes:

** Check consistency with General Plan Land Use Designation. All land use permits must be consistent with all findings in Section 26-2.2008, including consistency with the General Plan.

1 AC Land Use Designation: The maximum permitted residential density is 1 unit per forty acres.

2 A-40 district: No building or other structure permitted in an A-40 district shall be erected or placed on a lot smaller than forty acres in area.
A-80 district: No building or other structure permitted in an A-40 district shall be erected or placed on a lot smaller than eighty acres in area.

3 In no event shall any residential structure be permitted to be built or additional residential structure be erected on less than forty acres per unit for non-prime agricultural land, or less than ten acres per unit of the agricultural land.

4 A separate land use permit is required for one additional single-family dwelling on the parcel.

5 ADU allowed provided a land use permit has been obtained pursuant to Section 84-42.404 for the detached single-family dwelling on the parcel. Also refer to Williamson Act Contract, if any, for allowances.

6 Vessels and vessel trailers may be stored in a boat storage facility. Recreational vehicles may be stored in a boat storage facility as long as the number of recreational vehicles stored does not exceed fifteen percent of the total number of storage spaces in the storage facility.

7 Such as golf, tennis or swimming clubs, or veterans' or fraternal organizations; these uses are prohibited if organized for monetary profit.

8 This use is allowed without a land use permit if used only as an accessory to an allowable residential or agricultural use.

Preliminary DRAFT

COMPARISON CHART OF OTHER COUNTIES

County	Alameda	El Dorado	Marin	Napa	Sacramento	San Joaquin	San Luis Obispo	Solano
Minimum Parcel Size	Every use in A District shall be on a building site not less than 100 acres	PA - 10, 20, 40, 80, 160 (lot size based on commodity type, soil type, surrounding uses, and other appropriate factors) LA - 10, 20, 40, 80, 160 (lot size based on commodity type, soil type, surrounding uses, and other appropriate factors) AG - 40, 80, 160 (based on use designation and other appropriate factors RL - 10, 20, 40, 80, 160 (lot sized based on constraints of site, surrounding use, and other applicable factors)	A-2: 2 acres A: 3 acres to 60 acres C-APZ: 60 acres	AP - 40 acres AW - 160 acres	AG-20: 20 acres AG-40: 40 acres AG-80: 80 acres AG-160: 160 acres	AG-20: 20 acres AG-40: 40 acres AG-80: 80 acres AG-160: 160 acres AL-5: 5 acres AL-10: 10 acres AU-20: 20 acres AU-40: 40 acres AU-80: 80 acres AU-160: 160 acres ARM: 20 acres ARM-40: 40 acres ARM-80: 80 acres ARM-160: 160 acres	<u>Existing AG Land Use</u> - irrigated row crops: 40 acres - irrigated pasture: 40 acres (80 acres if ag capability w/ Ag Preserve Rules and Ag and OS Element) <u>Undeveloped Ag Land</u> Class I or II - 20 acres (irrigated) Class III or IV - 40 acres irrigated (80 acres if ag capability w/Ag Preserve Rules and Ag and OS Element) VI, VII, VII - 320 acres (irrigated and non-irrigated) Rural Lands: 20 - 320 acres (20, 40, 80, 160, 320) depending on site features Rural Residential: 5 - 20 acres (5, 10, 20) depending on site features	A-20, A-40, A-60, A-80 - Not specified AL-80: 80 acres AL-160: 160 acres A-SV w/ water and sewer: 20 acres, w/water or sewer: 20 acres, w/o water or sewer: 20 acres ATC w/water and sewer: 2,000 sq. ft., w/ water or sewer: 2.5 acres, w/o water or sewer: 5 acres
Uses Permitted and Uses Requiring a Land Use Permit								
Winery	Permitted; winery or olive mill related uses w/use permit	Permitted; permitted w/use permit		small winery permitted; permitted w/use permit	large wineries/breweries w/ use permit; small wineries/specialty craft beweries permitted	large and medium w/use permit; boutqiue and small w/site approval	Permitted w/use permit;	small winery: permitted; medium winery: w/ administrative permit; large: w/use permit
Food Service/ Farm-to-table Farm to table, which is also known as 'farm to food' and 'farm to school', is a local movement that encourages the behavior of providing food from local farms to nearby organizations.		Snack foods during wine tasting allowed; dining facilities w/ use permit; tasting facilities include catered food, food prepared on premises, and winemaker dinners (not considered part of dining facility) Commercial kitchen > 20 acre parcels		Commercial kitchen w/use permit Food and wine pairing allowed No menu options, no meal service such that the winery functions as a café or restaurant		Commercial kitchen allowed for events and shall not be used as a restaurant		Commercial kitchen w/ use permit
Farm Dinners		Dining facilities w/ use permit						
Farm stay A form of agricultural tourism where a farmer or rancher hosts guests or tourists at his/her working farm or ranch to familiarize the visitors with the daily activities associated with farming or ranching.		Permitted			Permitted			Permitted
Bed and Breakfast	Permitted (South Livermore Valley Area Plan, limeted to existing homes)	Permitted w/use permit	Permitted (3 or less guest rooms); w/use permit for (4-5 guest rooms)		Permitted w/use permit	Permitted with site approval	Permitted as incidental use to visitor-serving facility; permitted w/use permit	Permitted; permitted w/use permit
Farm Tours		Permitted, limited to daylight hours (Ranch Marketing Activities and Accessory Uses)		Winery tours w/use permit	permitted in AG districts		Winery tours w/ Minor Use Permit	Agricultural education/demonstration farms permitted

Preliminary DRAFT

COMPARISON CHART OF OTHER COUNTIES

County	Sonoma	Yolo
Minimum Parcel Size	AS - w/public sewer & public water: 8, 000 sq. ft. public water only: 1 acre none: 1.5 acres AR - 1.5 acres, 1 acre w/public water DA - 10 acres LEA - 1.5 acres LIA - 20 acres RRD - 20 acres	AN: 40 acres -160 (depending of if irrigated and cultivated) AX: 160 acres for dryland farming, 320 acres for rangeland AC- 1 acre AI - 5 acre
Uses Permitted and Uses Requiring a Land Use Permit		
Winery	tasting room w/ use permit	Site plan review; w/ use permit
Food Service/ Farm-to-table Farm to table, which is also known as 'farm to food' and 'farm to school', is a local movement that encourages the behavior of providing food from local farms to nearby organizations.		Restaurant allowed in Agricultural Commercial Zone
Farm Dinners		Allowed, site plan review
Farm stay A form of agricultural tourism where a farmer or rancher hosts guests or tourists at his/her working farm or ranch to familiarize the visitors with the daily activities associated with farming or ranching.	Permitted w/ zoning permit	Allowed, site plan review
Bed and Breakfast	Permitted w/ zoning permit; w/us permit (not more than 5 guest rooms)	small: site plan review; large: use permit
Farm Tours		site plan review

Initial Draft 11-14-18 County Agricultural Ombudsman Comparison Chart

Counties	What agency or organization administers the Ag Ombudsman position?	What is the role of the Ag Ombudsman?	Percentage of time in role as an Ag Ombudsman?	Funding	Typical Tasks
Marin	University of California Cooperative Extension (UCCE)	-Neutral, non-enforcement person with whom farmers and ranchers can freely discuss their ideas and plans; -Consultation work with individual farmers and ranchers to help them through the permitting process; -Serves as a liaison between farmers/ranchers and the agencies that regulate their operations.	Time is divided between Ombudsman work and outreach aimed at sustainability of local agriculture	County General Funds and State Ag Commissioner's Office	-Provides useful information online such as guides, factsheets, and links to common permit applications; -Makes the permit process approachable and accessible, and explores options and alternatives with farmers and ranchers planning an expansion or a new activity on their farm or ranch.
San Mateo	San Mateo Resource Conservation District (RCD)	-Provides important consultative and advisory services to the County and its agricultural community; -Assists local producers with County's permitting process; -Helps County staff understand agriculture in San Mateo County; -Identifies opportunities to streamline the County's permitting process; -Works directly with ag producers who are contemplating or initiating ag developments or projects that may necessitate the County permit process; -The Agbudsman role is focused on the permitting process only, not broader agricultural issues.		County of San Mateo BOS allocated funds	-Works with the County to produce handouts for ag producers detailing a simple step-by-step process for permitting; -Participates in community meetings related to the permit streamlining project; -Attends Agricultural Advisory Committee meetings; -Attends other organizations' meetings to the extent needed to build relationships and share or elicit information; -Collaborates with County departments to develop and maintain searchable, sortable, map-able list of San Mateo County ag producers; -Tracks all activities, provides quarterly activity reports, provides an in-depth annual report, and participates in an evaluation of the program at the end of each year.

County Agricultural Ombudsman Comparison Chart

Counties	What agency or organization administers the Ag Ombudsman position?	What is the role of the Ag Ombudsman?	Percentage of time in role as an Ag Ombudsman?	Funding	Typical Tasks
Solano	Solano Small Business Development Center (Solano SBDC), hosted by Humboldt State University	-Liaison between Solano Agricultural business and the government; -Helps develop value-added agricultural projects in the County; -Advisor to local farmers and ranchers; -Connects the agricultural community with the right government agencies to navigate the permitting and regulatory process; -Encourages economic viability of farms.		County of Solano, SBDC/Small Business Administration	-Walks farmers through the process of participating in farmer's markets; -Provides free technical assistance and trainings to farming community; -Provides consulting or training services to farmers, ranchers and agriculture-related businesses located in Solano County to help navigate the various permitting processes.
Sonoma	University of California Cooperative Extension (UCCE)	-Help local ag operations (mostly small ones) navigate the permitting process; -Facilitate meetings between the various county, state, and federal agencies; -Refer general farming/ranching questions to farm advisors; -Educates ag operations about the regulations and also works with regulators to educate them about farming; -Works on large projects such as guidelines for prescribed burns and a project to evaluate ecosystems services to create payments for them as a way to support rural agricultural operations; -Is on the county planning department's Directors Advisory Group and Santa Rosa Junior College's Sustainable Ag Department Advisory Committee.	Full-time position – 35 hours a week	County Funds – housed at UCCE; five positions funded by the county	-Works with the UC on workshops; -Updates website with fact sheets; -Works on website for UCCE office, specifically the Disaster Resources pages; -Posts blogs for their office on a variety of topics; -Schedules most of the social media posts, including information on their website, upcoming workshops, resources from UC ANR, etc.; -Works on countywide efforts, for example project with Economic Development Board to create an Ag Business Council to support ag operations in the county by building on small scale technological innovations.

County Agricultural Ombudsman Comparison Chart

Counties	What agency or organization administers the Ag Ombudsman position?	What is the role of the Ag Ombudsman?	Percentage of time in role as an Ag Ombudsman?	Funding	Typical Tasks
Yolo	Ag Commissioner's Office	-Assist with the permitting process; -Bring in new ag businesses; -Promote Yolo County as a good place to locate an ag business.		Position is no longer funded	-Assist with the permitting process; -Work on ag related business opportunities with the City of Woodland;
Santa Clara	UCCE or SBDC	-Provides economic development assistance to the farming and agricultural community; -Assists members of the farming and ranching community with permitting and regulatory compliance; -Provides business assistance to new farmers seeking to establish or grow a farming operation; -Provide information to farmers on other available financial incentive programs	Full-time position (under consideration with recommendation to Board to create Farm Ombudsman program)	Santa Clara County	-Provides information about regulations and permitting applicable to farm businesses; -Assists and consults during the permitting process; -Provides information to regulatory and permitting agencies regarding unique needs of the farming community and advises on regulatory changes; -Prepares fact sheets and handouts that explain regulations and permitting requirements for farmers; -Provides feedback to farmers and ranchers who have questions regarding regulatory compliance for new and expanding farming operations; -Hosts workshops for farmers incorporating speakers, handouts, and information regarding different permitting requirements

IV. Recommendations

Proposed New Agricultural Uses and New Agricultural Land Use Policy Initiatives

A. LODGING

Enabling farmers and ranchers to provide guest accommodations at a scale and in a manner that is consistent with and enhances the rural setting, as set forth more fully in the mechanisms described below, will capitalize on the beauty and agricultural/natural resources of the setting, reinforce local support for maintaining those assets, increase transient occupancy tax revenues and add a new dimension to the agricultural tourism opportunities afforded in the County.

1. Short-term rental within existing residential building for 90 days or less.

Summary: This proposed use would allow short-term rentals by <u>one party at a time</u> within an existing residential building for less than 90 cumulative days per year on any agriculturally-zoned land.

Zoning permit required: Ministerial short-term rental permit. Neighbors are notified, but no public hearing required.

Potential key conditions: Maximum party size is two per bedroom plus two. Owner/manager not required to be present. Permit would be subject to various standards and performance measures and non-compliance could lead to suspension and revocation of the permit and potential imposition of other code enforcement tools (e.g. fines). Conditions should reflect constraints of rural communities and prevent strain on roads and law enforcement from inappropriate parties and similar incompatible uses.

Notes: Proposed to be consistent with Draft Regulatory Framework for Short-term Rentals considered by the Board on 9-25-18 for rentals in residential areas.

<u>Building Code Notes</u>	<u>Health Code Notes</u>	<u>Public Works Notes</u>
▪ This recommendation pertains to existing residential buildings (not agricultural buildings, such as barns). With no construction and no change in use, no	▪ If a residence changes its use, a review of the method of sewage disposal will be required from Environmental Health (EH)	▪ Analysis of applicable fees and requirements is pending.

building permits are anticipated.	▪ Small Water System permit from EH may be required ▪ If there are 25 or more visitors in a 60-day period, approval from California Water Resources Control Board may be required, prior to EH issuing permit.

2. Farm Stay (farm experience, lodging and meals for up to five parties at a time in an existing residential building, for up to 90 cumulative days per year).

Summary: This proposed use is intended to allow guests to have an authentic farm experience that includes accommodation, meals and observing and/or participating in farming activities for up to five parties at time. Must be in an existing residential building. Facility may be occupied by guests not more than 90 days per year.

Zoning permit required: Ministerial short-term farm-stay permit. Neighbors are notified, but no public hearing required.

Potential key conditions: Maximum occupancy is 2 persons per bedroom, not including owner-occupied rooms. Maximum number of parties at a time is five, maximum number of guest rooms is five and total maximum number of guests is 10. Food may only be served to staying guests and the cost of the food must be included in the price of the accommodation. Lodging and meals are incidental and not the primary function of the agricultural homestay facility. A minimum parcel size is recommended (perhaps ten acres), as is verifiable, active farming of five acres of land (or 25 acres of active ranching) for every guest room (e.g. use of two guest rooms would require 10 acres of verifiable active farming or 50 acres of active ranching). Owner would be required to live on site. Permit would be subject to various standards and performance measures and non-compliance

could lead to suspension and revocation of the permit and potential imposition of other code enforcement tools (e.g. fines).

Notes: Proposed to meet or be exceed standards for an agricultural homestay facility in Section 113893(a)(2) of the Health and Safety Code.

Building Code Notes

- This recommendation pertains to existing residential buildings (not agricultural buildings, such as barns). With owner occupancy required and accommodation limited to 10, use of an existing residential building would not amount to a change in use under the Building Code (remains R-3) and ADU requirements applicable to uses such as hotels and motels would not apply.
- If no construction were to occur, no building permits would be required.

Health Code Notes

- If a residence changes its use, a review of the method of sewage disposal will be required from Environmental Health (EH).
- A small water system permit from EH may be required.
- If there are 25 or more visitors in a 60-day period, approval from California Water Resources Control Board may be required, prior to EH issuing permit.
- A health permit from EH may be required for Bed and Breakfast and Agricultural Homestays (not a restaurant).
- Health & Safety Code requirements will apply when food and beverages are served to guests.

Public Works Notes

- Analysis of applicable fees and requirements is pending.

3. Bed and Breakfast (short-term stays in an existing, new or modified building)

Summary: This proposed use is intended to allow an option for a dedicated, short term agricultural lodging facility that reflects and enhances agricultural character of the site and its surroundings. No limit is proposed on the number of days per year it could be occupied by guests, but stays of individual guests would be limited to 30 days.

Zoning permit required: Land use permit (discretionary; public hearing required).

Potential key conditions: Maximum guest rooms is five, not including any owner-occupied rooms. Maximum number of parties at a time is five, and total maximum number of guests is 10. No kitchens or kitchenettes in guest rooms. Food may only be served to overnight guests. A minimum parcel size is recommended (see discussion below). Also recommended is verifiable, active farming. Owner or manager would be required to be present. There should be a one-quarter mile separation between bed and breakfast establishments. Permit would be subject to various standards and performance measures and non-compliance could lead to suspension and revocation of the permit and potential imposition of other code enforcement tools (e.g. fines).

Bed and Breakfasts are proposed to be limited to areas served by a retail water supplier in order to provide assurances that water supply is secure and water use won't harm neighbors or environment. A retail water supplier means a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission, that provides retail water service. A retail water supplier does not include a mutual water company. Retail water supply need not necessarily be used for potable water on-site. Some participants expressed concern with this limitation, preferring broader application of this new use.

Minimum parcel size and mitigation: The group discussed minimum parcel size but couldn't reach consensus on this topic. Minimums discussed ranged from 10 to 40 acres. Factors considered included impacts to neighbors, maintaining farm integrity, stress on ground water and septic from increased use, right to farm and pesticide drift as well as the existing number of relatively small agricultural parcels. The group also discussed the need to have an exception process to allow smaller parcels to qualify for the use. Below

please find a table summarizing some tools that could be used to enable smaller parcels to qualify.

Tools to Supplement Minimum Parcel Size (Intended as a menu of options that could be used in combination. Some are mutually exclusive.)	Example Requirement for a Smaller Parcel (< min parcel size)	Example Requirement for a Larger Parcel (≥ min parcel size)
Restrictions on footprint of new use, incl. parking	5% of lot area	5% of lot area
Portion of property required to be kept free of structures and in farming	90% of lot area	70% of lot area
Siting requirements and buffers / setbacks of new use to neighboring properties	Minimize impacts to farmland while also setting back 100 feet from property line (hedges could reduce via findings)	Minimize impacts to farmland while also setting back 100 feet from property line (hedges could reduce via findings)
Farming assurances: Grant deed of development rights to ensure farming on subject property and possibly adjacent properties	90% of subject property and enough acres on adjacent such that the total restricted area is at least half the min parcel size	None
Mitigation (with fees or in-kind)	Mitigation at 1:1 ratio required only for exceedance of footprint maximums or deficit in meeting minimum farming acreage.	Mitigation at 1:1 ratio required only for exceedance of footprint maximum or deficit in meeting minimum farming acreage

Building Code Notes

- Bed and breakfast considered as R-1 (hotel/motel) occupancy. Building code requires Americans with Disabilities Act (ADA), even if an existing building is being repurposed.
- If the B&B building is also the primary residence for the owner, the B&B may still qualify as an R-3 use and the ADA provisions applicable to R-1 may not apply (since guest rooms and occupancy are limited to 5 and 10, respectively).

Health Code Notes

- If a residence changes it use, a review of the method of sewage disposal will be required from Environmental Health (EH).
- A Small Water System permit from EH may be required.
- If there are 25 or more visitors in a 60-day period, approval from California Water Resources Control Board may be required, prior to EH issuing permit.
- A health permit from EH may be required for Bed and Breakfast or Agricultural Homestays. This type of facility is not considered a restaurant.
- Outdoor events where the general public are sold or given food food/beverages, an EH Temporary Food Facility permit will be required.
- Health & Safety Code requirements will apply when food and beverages are served to guests or the general public.

Public Works Notes

- Area of Benefit (AOB) fee may be required.
- Pavement of first 50 feet of driveway may be required.
- May require compliance with stormwater regulations, which requires new development projects incorporate features that control stormwater runoff to reduce the quantity of pollutants introduced into the storm drain system and our waterways and with drainage requirements.

4. Camping / Yurts / Little Houses on Wheels

Summary: This is an alternative form of short term accommodation that is intended to offer guests a different, more outdoors experience while minimizing permanent land disturbance. This proposal is for structures that are owned by the property owner or lessee of the land and not brought to the property by guests (self-service camping is not proposed to be allowed except for limited special events associated with other uses).

Zoning permit required: Land use permit (discretionary; public hearing required).

Potential key conditions: Maximum number of guest units is five. Maximum number of parties at a time is five, and total maximum number of guests is 10. No kitchens or kitchenettes in guest units. Food may only be served to overnight guests. A minimum parcel size is recommended (see discussion below). Owner or manager would be required to be present. Farm experience requirements of Farmstay (recommendation 2) also recommended. Permit would be subject to various standards and performance measures and non-compliance could lead to suspension and revocation of the permit and potential imposition of other code enforcement tools (e.g. fines).

Minimum parcel size: There should be a minimum. No consensus has been reached on what that should be. See discussion under recommendation 3 regarding ideas for alternative methods for qualifying smaller parcels for exceptions to minimum parcel size.

Building Code Notes

- Yurts are subject to building code and when offered for short terms stays will be considered as R2 (multi-family) occupancy. Building code requires Americans with Disabilities Act (ADA).
- Very challenging to design a yurt that can accommodate electricity and plumbing and comply with Building Code (cooking facilities almost certainly not possible).
- Little house on wheels would need a permit from the California Department of Motor Vehicles and would need be maintained in a state where it is movable (in which case the Building Code would not apply to vehicle). Building Code would apply to external features. ADA compliance needs more analysis.
- Separate standards apply for organized camps.

Health Code Notes

- If a residence changes its use, a review of the method of sewage disposal will be required from Environmental Health (EH).
- A Small Water System permit from EH may be required.
- If there are 25 or more visitors in a 60-day period, approval from California Water Resources Control Board may be required, prior to EH issuing permit.
- An Organized Camp health permit from EH will be required, if children under 18 are camping overnight for 4 of more consecutive nights. A health permit from EH may be required for Bed and Breakfast or Agricultural Homestays. This type of facility is not considered a restaurant. Outdoor events where the general public are sold or given food/beverages, an EH Temporary Food Facility permit may be required.
- A health permit from Environmental Health will be required for Bed and Breakfast or Agricultural Homestays. This type of facility is not considered a restaurant.
- Outdoor events where the general public are sold or given food/beverages, an EH Temporary Food Facility permit will be required.

Public Works Notes

- Area of Benefit (AOB) fee may be required.
- Pavement of first 50 feet of driveway may be required.
- May require compliance with stormwater regulations, which requires new development projects incorporate features that control stormwater runoff to reduce the quantity of pollutants introduced into the storm drain system and our waterways and with drainage requirements.

- Health & Safety Code requirements will apply when food and beverages are served to guests or the general public.

B. FOOD SERVICE

Enabling farmers to showcase farm products grown on-site or within the County and to offer a farm experience (i.e., culinary education), while maintaining the agricultural landscape provides an additional source of farm revenue and highlights the value of agriculture in the County.

5. Farm Dinners

Summary: This proposal would enable farmers to host up to twelve dinners at their farm per year for paying guests. Dinners could be located within an existing building that meets building code and fire standards appropriate for the proposed number of guests. Dinners could also be outdoors, on the farm or on a patio or deck. No new buildings allowed for this use; repurposing existing buildings in compliance with all applicable codes is possible. Farm dinners provide a farm experience by educating guests about the farm and the ingredients used from the farm.

Zoning permit required: Ministerial farm dinner permit. No public hearings.

Potential key conditions: Maximum number of dinners per year is 12, with one large event permitted per year. Maximum number of guests per dinner is 30, except for the one large annual event that would have a limit of 150 guests. Permit would be subject to

various standards and performance measures (e.g. time of day, duration, parking, etc.,) and non-compliance could lead to suspension and revocation of the permit and potential imposition of other code enforcement tools (e.g. fines).

Building Code Notes

- Applicable use category is B occupancy (Business). ADA compliance is required, even if dinner is outside. Any retrofitted buildings would need to meet the standards of B occupancy.

Health (EH) Code Notes

- If a residence changes its use, a review of the method of sewage disposal will be required from Environmental Health (EH).
- A Small Water System permit from EH may be required.
- If there are 25 or more visitors in a 60-day period, approval from California Water Resources Control Board may be required, prior to EH issuing permit.
- A health permit from Environmental Health may be required for a Temporary Food Facility. Approval from EH will only be permitted for outdoor events, where the food is prepared within an approved enclosed booth and involves agricultural educational components.
- For Culinary Experiences, where food is prepared and consumed by the guest and not sold or shared, a health permit from EH may not be required.

Public Works Notes

- Analysis of applicable fees and requirements is pending.

6. Farm-to-Table Restaurant

Summary: A farm-to-table restaurant is a full service restaurant located on a working farm. The ingredients are sourced as locally as possible (grown on-farm whenever possible) and are served fresh from the farm to the table. The farm-to-table concept encourages eating as locally as possible, taking advantage of seasonally available fruits and vegetables and increasing awareness and appreciation of where our food comes from and what goes into growing it.

Zoning permit required:
Land use permit (discretionary; public hearing required).

Potential key conditions:
Maximum dining area size is proposed to be 1500 square feet or a maximum capacity of 35 guests. A minimum parcel size is recommended (see discussion below). Also recommended is verifiable, active farming of one acre of land for every guest (e.g. hosting 35 guests at a time would require 35 acres of verifiable active farming, on-site whenever possible). A farm-to-table restaurant would need to maximize use of ingredients grown on farm and in Contra Costa County. Suggested minimum standards are 50% of fruit and vegetables grown-on farm, 75% grown in-County. There should be one mile separation between farms-to-table restaurants. Alternatively or in addition, the County may also wish to explore establishing a cap on the number of such restaurants that may be established (e.g. explore the feasibility of limiting the number of these businesses that can be established to a relatively small number, such as four). Permit would be subject to various standards and performance measures and non-compliance could lead to suspension and revocation of the permit and potential imposition of other code enforcement tools (e.g. fines).

Farm-to-table restaurants are proposed to be limited to areas served by a retail water supplier in order to provide assurances that water supply is secure and water use won't harm neighbors or environment. A retail water supplier means a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission, that provides retail water service. A retail water supplier does not include a mutual water company. Retail water supply need not necessarily be used for potable water on-site. Some participants expressed concern with this limitation, preferring broader application of this new use.

Minimum parcel size and mitigation: The group discussed minimum parcel size but couldn't reach consensus on this topic. Minimums discussed ranged from 10 to 40 acres. Factors considered included impacts to neighbors, maintaining farm integrity, stress on ground water and septic from increased use, right to farm and pesticide drift as well as the existing number of relatively small agricultural parcels. The group also discussed the need to have an exception process to allow smaller parcels to qualify for the use. Below please find a table summarizing some tools that could be used to enable smaller parcels to qualify.

Tools to Supplement Minimum Parcel Size (Intended as a menu of options that could be used in combination. Some are mutually exclusive.)	Example Requirement for a Smaller Parcel (< min parcel size)	Example Requirement for a Larger Parcel (≥ min parcel size)
Portion of property required to be kept free of structures and in farming	90% of lot area	70% of lot area
Siting requirements and buffers / setbacks of new use to neighboring properties	Minimize impacts to farmland while also setting back 100 feet from neighbor (hedges could reduce via findings)	Minimize impacts to farmland while also setting back 100 feet from neighbor (hedges could reduce via findings)
Farming assurances: Grant deed of development rights to ensure farming on subject property and possibly adjacent properties OR (see next row)	90% of subject property and enough acres on adjacent such that the total restricted area is at least half the min parcel size	None
Alternative form of assurance, if host property is not large (less than 40 acres): lease land in County to farm and/or long-term purchase agreement for farm products grown on a farm in the County	Required	Not required
Mitigation (with fees or in-kind)	Mitigation at 1:1 ratio required only for exceedance of footprint maximums or deficit in meeting minimum farming acreage or deficit in meeting farming assurances	Mitigation at 1:1 ratio required only for exceedance of footprint maximums or deficit in meeting minimum farming acreage

Building Code Notes	Health Code Notes	Public Works Notes
▪ B occupancy (Business), ADA compliance is required, even if dinner is outside	▪ Well, septic, and restaurant plan review may be required. ▪ Outdoor events where the general public are sold or given food/beverages, an EH Temporary Food Facility permit may be required.	▪ Area of Benefit (AOB) fee may be required. ▪ Pavement of first 50 feet of driveway may be required. ▪ May require compliance with stormwater regulations, which requires new development projects incorporate features that control stormwater runoff to reduce the quantity of pollutants introduced into the storm drain system and our waterways and with drainage requirements. ▪ May require a traffic study.

7. Winery and Olive Oil Mill Ordinance Update

Summary: Currently, a winery is permitted with the approval of a land use permit on properties of 5 acres or more in all Agricultural Zoning Districts. The County should update the current guidelines to better facilitate and reflect new market conditions. The current Winery and Olive Oil Mill Guidelines should be incorporated into the Zoning Ordinance. The County should explore the options to allow certain winery functions with an administrative permit (less involved than a land use permit), such as small facilities without tasting rooms. Hosting larger special events would be allowed, but is proposed to be limited to larger parcels, as further discussed in Item #8 below. The zoning code requirements for wineries should otherwise remain unchanged and wineries should continue to be encouraged.

Zoning permit required: In most instances, a land use permit (discretionary; public hearing required).

Building Code Notes	Health Code Notes	Public Works Notes
▪ Pending	▪ A winery or brewery may submit plans to Environmental Health (EH) to be permitted as a Host Facility. A Host Facility allows permitted caterers to serve from the winery. ▪ Outdoor events where the general public are sold or given food/beverages, an EH Temporary Food Facility permit is required.	▪ Area of Benefit (AOB) fee may be required. ▪ Pavement of first 50 feet of driveway may be required. ▪ May require compliance with stormwater regulations, which requires new development projects incorporate features that control stormwater runoff to reduce the quantity of pollutants introduced into the storm drain system and our waterways and with drainage requirements. ▪ May require a traffic study. May require a traffic study.

8. Hosting Larger Events at Wineries, Bed and Breakfasts, and Farm-to-Table Restaurants

Summary: Currently, event centers can be permitted as a subordinate use to a winery, which can be permitted as a subordinate use to farming (grape growing). In the past, event center use has become the dominant use (often used for weddings) and some concerns have been expressed about noise and impacts to agriculture. Large events do depend on the beauty and vibrancy of the setting and can be a complement to efforts to improve the vitality and sustainability of agricultural lands. The recommendation is to require such use to be appurtenant to significant agricultural production and agricultural visitor facilities, namely wineries, bed and breakfast, and farm-

to-table restaurants (i.e., no longer limit larger event use to only wineries). A once a year special event would be allowed as an associated use for farm dinners. Standalone event centers are not currently allowed and are not recommended.

Zoning permit required for larger event uses: Use may be approved through the land use permit granted for appurtenant agricultural use (e.g., winery). (discretionary; public hearing required).

Potential key conditions, minimum parcel size and mitigation: Moving forward, proposed uses with appurtenant large events are proposed to be required to have a large minimum parcel size moving forward (e.g., 40 acres) as well as reasonable conditions on hours, noise levels, etc., to assure the primary use of the property is for agriculture and to provide a buffer for noise impacts on adjacent neighbors. Large events can be defined as having more than 300 people present, including staff and host. There should be a one-mile separation between larger event center establishments.

Larger event uses are proposed to be limited to areas served by a retail water supplier in order to provide assurances that water supply is secure and water use won't harm neighbors or environment. A retail water supplier means a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission, that provides retail water service. A retail water supplier does not include a mutual water company. Retail water supply need not necessarily be used for potable water on-site. Some participants expressed concern with this limitation, preferring broader application of this new use.

Below please find a table summarizing some tools that could be used to enable smaller parcels to qualify.

Tools to Supplement Minimum Parcel Size (Intended as a menu of options that could be used in combination. Some are mutually exclusive.)	Example Requirement for a Smaller Parcel (< min parcel size)	Example Requirement for a Larger Parcel (≥ min parcel size)
Restrictions on footprint of new use, incl. parking	5% of lot area	5% of lot area
Portion of property required to be kept free of structures and in farming	90% of lot area	70% of lot area

Siting requirements and buffers / setbacks of new use to neighboring properties	Minimize impacts to farmland while also setting back 100 feet from property line (hedges could reduce via findings)	Minimize impacts to farmland while also setting back 100 feet from property line (hedges could reduce via findings)
Farming assurances: Grant deed of development rights to ensure farming on subject property and possibly adjacent properties	90% of subject property and enough acres on adjacent such that the total restricted area is at least half the min parcel size	None
Mitigation (with fees or in-kind)	Mitigation at 1:1 ratio required only for exceedance of footprint maximums or deficit in meeting minimum farming acreage.	Mitigation at 1:1 ratio required only for exceedance of footprint maximum or deficit in meeting minimum farming acreage.

Building Code Notes	Health Code Notes	Public Works Notes
▪ Pending	▪ A winery or brewery may submit plans to Environmental Health (EH) to be permitted as a Host Facility. A Host Facility allows permitted caterers to serve from the winery. ▪ For other uses, an event center permit from EH would be needed to allow caterers to serve at the facility.	▪ Area of Benefit (AOB) fee may be required. ▪ Pavement of first 50 feet of driveway may be required. ▪ May require compliance with stormwater regulations, which requires new development projects incorporate features that control stormwater runoff to reduce the quantity of pollutants introduced into the storm drain system and our waterways and with drainage requirements. ▪ May require a traffic study.

C. POLICY / IMPLEMENTATION REFORMS

Sustaining and enhancing agricultural lands for production of a diverse array of crop and agricultural products should be key goals for Contra Costa County. The following recommendations are consistent with the goals and policies of the County's Conservation Element of the General Plan.

9. Mitigation requirements for conversion of agricultural land

While large-scale conversion of agricultural lands to urban uses is not anticipated to occur in the future—certainly not at the scale that occurred during preceding decades before the establishment of (and near buildout to) the County's Urban Limit Line—some impacts are likely to occur, including impacts from minor subdivisions, rural home construction and some of the agricultural tourism activities described in this report. However, agricultural uses including agricultural tourism activities that comply with all standards without the need for an exception are proposed to be exempt from mitigation requirements set by proposed new agricultural mitigation program.

The County should consider establishing an agricultural mitigation program to protect irrigated and intensively cultivated agricultural lands and offset impacts to such lands. The County could also consider a mitigation effort for rangeland. The program could take the form of an in-lieu fee (funding to establish such a mechanism would need to be identified) or could be satisfied with in-kind conservation. Conserved lands would be from willing sellers only and the conservation instrument could be an agricultural conservation easement held by a land trust or some similar method. The primary purpose of the easement would be to protect the agricultural value of the encumbered land. Dedication of development rights is another option that would be easier to administer, but would have less protections and assurances. 1:1 has been suggested as a mitigation ratio typical for mitigation of irrigated and intensively cultivated lands.

10. New efforts to avoid/address rural blight

Agricultural lands in Contra Costa County are inherently beautiful and can provide a wonderful setting for rural homes and communities. However, blighted conditions can occur and can greatly harm the quality of life of neighbors. Examples of blighted conditions include but are not limited to illegal dumping, excessive storage of dumped soil and equipment unrelated to agriculture, operation of illegal businesses (cannabis, light industrial, etc.) and excessively noisy unpermitted activities. Blighted conditions are out of character or incompatible with the existing zoned agricultural land uses and creates eyesores that prevent the quiet enjoyment of the region by visitors and local producers. Most of these blighted conditions constitute a code violation in one form or another. Code enforcement actions related to property can be violations of either or both the Zoning Code and Building Code and must be addressed by the County in accordance with procedures set forth in state law (including a step-wise process to inform the property owner of the violation and afford an opportunity to address the problem or appeal). Neighbors are often frustrated with the pace of the process as well the challenges associated with recurring problems and the limitations of a finite Code Enforcement staff covering a large area.

The County is urged to continue prioritize rural code enforcement and to seek mechanisms for improving its speed and efficacy. One measure recommended now is to provide an additional regulatory tool—namely, making property nuisance code sections more applicable to agricultural areas (illegal dumping is dealt with in the next recommendation).

Below please find an excerpt from County Code specific to residential property nuisances:

720-2.006 - Residential property nuisance.

No person owning, leasing, renting, occupying or having charge or possession of residential real property shall maintain or allow the maintenance of the property in such a manner that any of the following conditions exist on the property and are visible from a street, highway, or private road:

(a) Attractive nuisances dangerous to children, such as abandoned, broken or neglected equipment, machinery, refrigerators or freezers, or unsafe pools, ponds or excavations;

(b) Shopping carts, household equipment or broken or discarded furniture for an unreasonable period of time;

(c) Garbage or trash cans for more than thirty-six hours;

(d) Boats, trailers, vehicle parts or other articles of personal property that are abandoned or left in a state of partial construction or repair for an unreasonable period of time;

(e) Construction and wood debris, including cuttings, for an unreasonable period of time;

(f) Weeds over eighteen inches in height.

The recommendation is to define nuisance standards specific to agricultural properties, recognizing that articles like old tractors that are not suitable in urban areas are perfectly suitable in agricultural areas. Participants recognize that rural properties need to be held to a different, more permissive standard than urban properties, but also that the lack of adherence to any standard does not adequately protect the rights of neighbors. Proposed examples of nuisances include the following visible from a street, highway or private road:

- Accumulation of non-operable, broken or neglected equipment, machinery, or other unsafe and dangerous articles not associated with agricultural uses;
- Excessive storage for an unreasonable period of time of non-agricultural items such as: shopping carts, home appliances, broken or discarded furniture boats, trailers, vehicles, vehicle parts, or other articles of personal property that are abandoned or left in a state of partial construction or repair except for incidental articles related to agricultural related activities;

- Tracks constructed for racing and jumping of motorcycles or other off-road vehicles and the operation of such vehicles for racing or jumping.

11. New efforts to address illegal dumping

As discussed above, illegal dumping has been a huge problem for a long time and the consensus is that it is getting worse. It is a particular hardship on rural communities as these areas are frequently targeted by dumpers and clean-up can be onerous.

The County has been considering a comprehensive strategy to address illegal dumping and the proposed measures shared with the Board in October 2018 were also shared with the people attending the agricultural policy review meetings. These strategies include dedicated law enforcement to deter dumpers, stronger enforcement of the County's mandatory subscription rules (requirement for garbage service), improved removal of illegally dumped material, easier opportunities to dispose of waste properly and greater public education.

The Board approved the illegal dumping recommendations on June 11, 2019 and funding has been secured to implement an initial phase. The County is recommended to pursue effective implementation of these more aggressive strategies to reduce illegal dumping.

12. Examine opportunities to reduce impacts of rural home development on agriculture.

The County should consider initiating a process to examine and adjust the provisions for development of homes on agricultural properties to protect agricultural vitality and sustainability. The ability to have a home on their farm is essential to many farmers. However, the development of homes on some agricultural parcels in the County have partially or completely negated the availability of the parcel to be used for agriculture. This can lead to rural residential neighborhoods instead of farming areas, leading to a cumulative loss of farmland and residences that are not close to schools, stores, jobs, etc., and increased exposure to wildfire.

The County should look at provisions to try to address this problem in the future, such as minimum parcel size requirements and requirements to site a home and other structures

on a property in such a way that availability of land remaining for agriculture is maximized on properties 40 acres or less. The County should also consider a floor area ratio for ranchette construction and should encourage restricting the storage of articles or development within one area of the property, in addition to siting restrictions.

Below are some examples of agricultural properties and the impact of home siting on agricultural use.

13. New efforts to facilitate communication between the farming community and the local regulatory agencies

During public meetings conducted as part of this process (as well as in various forums that preceded this process), farmers and representatives of owners of agricultural land expressed concern that government permitting processes can be difficult to access. Many felt this could be due to the complexity of regulations, confusion about which agency has authority over which regulation and the unique nature of permitting inquiries made by such landowners (e.g. their inquiries are not frequent and may not be similar to inquiries made by urban residents). One idea that has been discussed to try to address this concern is seeking to identify or hire an agricultural ombudsperson.

The group learned a lot about what an agricultural ombudsperson does depending on their County. The group heard directly from the people who perform this role in Yolo and Sonoma Counties (Stephanie Cormier and Karen Giovannini). Ms. Cormier and Ms. Giovannini attended the agricultural meetings as guest speakers, explained their work and answered questions. Also, CC County Staff reviewed the role of an ombudsperson in five counties and provided information to the group in the form of a comparison table. Typical duties ranged from serving as an approachable point of contact to direct applicants to the proper agency/department--to more directly assisting applicants as they navigate permitting requirements-to trying to assist the agricultural economy more generally through marketing and outreach to investors/the public--to assisting with particularly complex regulations such as health requirements related to beef, pork or poultry. A common approach was to locate the ombudsperson role in an organization that was not charged with code enforcement and was therefore perceived as approachable.

To delve deeper into the issue and try to frame an implementable recommendation, staff from the following five agencies working in Contra Costa County met in December: Contra Costa Resource Conservation District (RCD), University of California Cooperative Extension (UCCE) – Contra Costa County and the County Departments of Agriculture, Conservation and Development (DCD) and Health Services-- Division of Environmental Health. The group discussed options and sought consensus on a recommended approach. The following is a summary of the group's preliminary recommendations:

- Establish a point person for coordination in each agency. DCD's point person would be a point of contact for farmers dealing with DCD, would help farmers understand processes at DCD and help DCD staff understand the particular needs of farmers (as well as coordinate with other agencies). The RCD point person would be a more general point of contact for farmers and would maintain a working knowledge of processes at other agencies so that a farmer could be directed to the right place for detailed questions and applications. Environmental Health, County Department of Agriculture and UCCE would designate a point person to participate in coordination

meetings with other agencies and with the public. Each agency anticipates it could perform this function with existing budgeted resources.

- Point people from each local agency meet periodically to improve communication and foster understanding of permit processes across local agencies. Contra Costa County Public Works was also recommended to participate and have agreed to do so. The affected fire district(s) should also be invited to participate.
- Local agencies convene an annual, public Agricultural Forum meeting to listen to and communicate with the agricultural community. The intent is to build relationships and foster better mutual understanding. This Forum could also be a sounding board for policy initiatives, similar to the current meeting process. Staff felt an open, less-structured Agricultural Forum process was preferable at this time to re-establishing the appointed Agricultural Task Force, a County advisory committee that has not met in many years.
- Contra Costa AgForum portal web page to be created and hosted by RCD (DCD can help). This portal page will link visitors to the proper website/agency to pursue their question. It will also be the home for information on the Agricultural Forum meetings.
- UC Cooperative Extension has been recruiting for the UCCE Specialty Crops Advisor position. When Advisors commence UCANR employment, they undertake a needs assessment based on input from their farmer/crops-producer clientele. The Ag Specialty Crops Advisor can research local needs on making local permitting processes more streamlined. Such assessment will establish baseline information to determine whether current processes serve County farmer's needs well, should be improved or if it would be beneficial to replace them with a more intensive approach (assuming funds could be found to implement).

14. Improve permitting for agricultural uses

Farmers and representatives of owners of agricultural land expressed concerns with the complexity, time and expense of securing various permits, and also with some of the requirements imposed when developing their agricultural property. Many felt that farm development should not have the same requirements as commercial and residential developments. Some also mentioned that the permitting process should maximize focus on meeting the objective of the regulations. The County Departments of Conservation and Development, Agriculture, Health, and Public Works have indicated a willingness to continue to engage with the agricultural community to pursue these goals to the reduce the time and cost of processing the required permits. Collaboration as discussed in Item #13 above will be important.

The agricultural lands in the County, including grazing lands such as those found in East County, Tassajara, Central County, and the orchard and row crops located in the East County area, are unique. As such, the County should consider having distinct policies for the different agricultural regions informed by residents' vision for the future.

15. Consider a Noise Ordinance

During the agricultural land use policy meetings, a topic that has been brought up several times was on noise generated from special events occurring on neighboring properties. The County currently does not have a Noise Ordinance and has limited ability to enforce complaints received on noise, though enforcement tools increase when a land use entitlement is approved and conditions of approval regarding noise are imposed. A Noise Ordinance should be considered to provide thresholds for noise generating impacts. However, it should be recognized that even if a Noise Ordinance were adopted significant enforcement hurdles would remain.

D. PROMOTION / MARKETING

16. Equestrian, bike trail connecting farms; Consider Allowing Equestrian Facilities within the A-40 and A-80 Zoning Districts with a Land Use Permit

The County should work with partners to explore and plan for enhanced trail connections between agricultural tourism sites, including existing U-Pick operations.

Currently, the A-40 and A-80 Zoning Districts do not allow equestrian facilities. Though such uses do not capitalize on the exceptionally productive soils in the A-40 Zoning District, they also do not destroy the soils. Also, despite the prohibition, a number of equestrian uses are present today. The County should consider allowing new or existing equestrian uses through a land use permitting process incorporating standards to protect neighbors, and agricultural uses generally, and should consider requiring mitigation.

17. Signage

The County should work with partners to explore, seek funding for and implement an effort to provide more signage promoting agriculture in the County.

The County currently has a Sign Ordinance that provides standards for any proposed signage. The County is currently working on amending the existing Sign Ordinance to update the sign standards to allow way-finding signs in the right-of-way to direct people to U-pick operations.

The working group recommends the sign standards also be amended to clarify that lighted signs for lodging, food service, and winery uses may be compatible with agricultural areas if conditioned appropriate with setting (e.g. wood signs lit from the front; not neon, not lit from within).

18. Promoting Agriculture in Contra Costa County

The County should work with other agencies and non-profits to continue to promote agricultural vitality in Contra Costa County. The County should continue to evaluate its agricultural policies in the future and strive to expand the tools available to promoting a thriving, sustainable agricultural economy. Planning grants from the State's Sustainable Agricultural Lands Conservation Program should be pursued.