CONTRA COSTA COUNTY

Administration Building Board Chambers | 1025 Escobar St., Martinez, CA

AGENDA

Tuesday, March 5, 2024

9:00 AM

BOARD OF SUPERVISORS

Supervisor John Gioia, District I
Supervisor Candace Andersen, District II
Supervisor Diane Burgis, District III
Supervisor Ken Carlson, District IV
Supervisor Federal D. Glover, District V

Clerk of the Board (925) 655-2000
clerkoftheboard@cob.cccounty.us

The public may attend the Board meeting in person and remotely via call-in or Zoom. Board meetings are televised live on Comcast Cable 27, ATT/U-Verse Channel 99, and WAVE Channel 32, and can be seen live online at www.contracosta.ca.gov. Meetings of the Board are closed-captioned in real time.

Persons who wish to address the Board during public comment or with respect to an item on the agenda may comment in person or may call in during the meeting by dialing 888-278-0254 followed by the access code 843298#. A caller should indicate they wish to speak on an agenda item by pushing "#2" on their phone. Persons who wish to address the Board in person should complete the form provided for that purpose. Access via Zoom is also available using the following link: https://cccounty-us.zoom.us/j/87344719204. Those participating via Zoom should indicate they wish to speak on an agenda item by using the "raise your hand" feature in the Zoom app. To provide contact information, please contact Clerk of the Board at clerkoftheboard@cob.cccounty.us or call 925-655-2000. A Spanish language interpreter is available to assist Spanish-speaking callers. If the Zoom connection malfunctions for any reason, the meeting may be paused while a fix is attempted. If the connection is not reestablished, the Board will continue the meeting in person without remote access.

Public comments generally will be limited to two minutes per speaker. In the interest of facilitating the business of the Board, the total amount of time that a member of the public may use in addressing the Board on all agenda items is 10 minutes. Your patience is appreciated.

A lunch break or closed session may be called at the discretion of the Board Chair. Staff reports related to open session items on the agenda are also accessible online at www.contracosta.ca.gov.

1. CALL TO ORDER; ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Gov. Code § 54956.9(d)(1))
1. John Gularte v. Contra Costa County, WCAB No. ADJ1205667
2. Kiriba Stewart v. Contra Costa County, WCAB No. ADJ15107923

4. Inspirational Thought-

"Be the change you wish to see in the world." — Mahatma Gandhi

5. CONSIDER CONSENT ITEMS (Items listed as C.1 through C.86 on the following agenda) – Items are subject to removal from Consent Calendar by request of any Supervisor. Items removed from the Consent Calendar will be considered with the Discussion Items.

6. PRESENTATIONS

PR.1 PRESENTATION proclaiming March 2024 as Women's History Month, and recognizing March 8, 2024, as International Women's Day in Contra Costa County. (Shauna Leal-Markham, Contra Costa Commission for Women and Girls)

PR.2 PRESENTATION declaring March 2024 as National Social Worker Month in Contra Costa County. (Tracy Murray, Director, Aging and Adult Services)

PR.3 PRESENTATION honoring County employees for their many years of service to Contra Costa County:

Lieutenant Manny Morales, Animal Services, for 30 years of service. (Captain Jane Andreotti, Interim Animal Services Director)

7. DISCUSSION ITEMS

D.1. CONSIDER waiving the 180-day sit-out period for Linda Martinez, Administrative Services Officer, FIND that the appointment of Linda Martinez is necessary to fill a critically needed position, and AUTHORIZE the hiring of Ms. Martinez for the period March 5, 2024 through March 4, 2025, as recommended by the County Librarian. (Alison McKee, County Librarian) **24-0695**

D.2. HEARING to consider adoption of Ordinance No. 2024-06, authorizing agritourism uses in agricultural zoning districts. (John Kopchik and Jennifer Cruz, Department of Conservation and Development) **ORD 2024-06**

Attachments:
Attachment A - Ordinance No. 2024-06 Agritourism
Attachment B Revised Table of Agriourism Uses_030524
Attachment C – Report on Recommendations on Reforming Agricultural Land Use Policies
Attachment D - County Planning Commission Staff Report February 22, 2023
Attachment E - County Planning Commission Staff Report June 7, 202
Attachment F - County Planning Commission Staff Report January 24, 2024
Attachment G- Slide Presentation

D.3. HEARING to consider adoption of Ordinance No. 2024-07, amending Chapter 82-44, Temporary Events. (John Kopchik and Jennifer Cruz, Department of Conservation and Development) **ORD 2024-07**

Attachments:
Attachment A - Ordinance No. 2024-07 Temporary Events
Attachment B - Ordinance No. 2024-07 Temporary Events REDLINE
Attachment C- Urgency Ordinance No. 2023-11
Attachment D - County Planning Commission Staff Report January 24, 2024
Attachment E- Slide Presentation

D.4. CONSIDER authorizing Department of Conservation and Development staff to evaluate whether additional regulation of noise is necessary and practical and report back to the Board of Supervisors with its findings and recommendations. (John Kopchik, Conservation and Development Director) **24-0696**

Attachments:
Urgency Ordinance Board Order.pdf
Ordinance No. 2023-11.pdf
Noise Issue Action Plan 3.5.24.pdf

D.5 CONSIDER consent item previously removed.

D.6 PUBLIC COMMENT (2 Minutes/Speaker)

D.7 CONSIDER reports of Board members.

8. ADJOURN

9. CONSENT CALENDAR

Animal Services

C.1. ACCEPT the monetary donation report from the Animal Services Department, which describes the source and value of each gift received by Animal Services for FY 2023/24, Quarter 1: July 1, 2023 through September 30, 2023, Quarter 2: October 1, 2023, through December 31, 2023. **24-0623**

Attachments: FY 23-24 ABF Fund Quarter 1 July 1 - September 30 2023
FY 23-24 ABF Fund Quarter 2 October 1 - December 31, 2023

Auditor-Controller

C.2. APPROVE and AUTHORIZE the Auditor-Controller, or designee, to distribute the 2022-23 State Highway property rental revenue pursuant to the provisions of Section 104.10 of the Streets and Highways Code, as recommended by the County Auditor-Controller. (100% Road Fund) **24-0624**

Attachments: State Highway Property Rental Revenue

Board Standing Committees (referred items)

C.3. ACCEPT the Council on Homelessness 2023 Quarter 4 report, as recommended by the Family and Human Services Committee. (No fiscal impact) **24-0625**

Attachments: Q4-2023 Report

Clerk of the Board

C.4. ADOPT Resolution No. 2024-70 declaring March 2024 as Social Worker Month in Contra Costa County, as recommended by the Employment and Human Services Director. **RES 2024-70**

C.5. ADOPT Resolution No. 2024-71 recognizing March 2024 as Red Cross Month, as recommended by Supervisor Glover. **RES 2024-71**

C.6. ADOPT Resolution No. 2024-75 recognizing Xiaopei Chinese Dance, as recommended by Supervisor Andersen. **RES 2024-75**

C.7. ADOPT Resolution No 2024-72 recognizing Lieutenant Manny Morales for his 30 years of service with the Animal Services Department, as recommended by the Animal Services Director. **RES 2024-72**

C.8. ADOPT Resolution No. 2024-73 recognizing Linda Martinez, for her 32 years of service to Contra Costa County, as recommended by the County Librarian. **RES 2024-73**

C.9. ADOPT Resolution No. 2024-74 proclaiming March 2024 as Women's History Month, and recognizing March 8, 2024, as International Women's Day in Contra Costa County, as recommended by the Contra Costa Commission for Women and Girls. **RES 2024-74**

Attachments: Women's History Month Proclamation 2024

C.10. APPOINT Antonio Shelly, Logan Robertson, Roger Boaz, Eric Britz, Carol Schaefer, Julie Ortega, Michael Castillo, and Richard Morisky to seats on the Advisory Council on Aging, as recommended by the Family and Human Services Committee. **24-0627**

Attachments: ACOA Roster.pdf
Boaz Roger Application Redacted
Britz Eric Application Redacted
Castillo Michael Application Redacted
Morisky Richard Application Redacted
Ortega Julie Application Redacted
Robertson Logan Application Redacted
Schaefer Carol Application Redacted
Shelly Antonio Application Redacted

C.11. ACCEPT the resignation of Janet Miller Evans, DECLARE a vacancy in the District 2 seat on the African American Holistic Wellness and Resource Hub Feasibility Study Steering Committee and DIRECT the Clerk of the Board to post the vacancy, as recommended by the Equity Committee. **24-0628**

Attachments: McGowan, Mark (AAHWRH) 9-20-23

C.12. ACCEPT the resignation of Timothy Barrow, from the Economic Opportunity Council, DECLARE a vacancy in the Private/Non-Profit Alternate seat #2 on the Economic Opportunity Council, for a term ending June 30, 2024, and DIRECT the Clerk of the Board to post the vacancy. **24-0629**

C.13. ACCEPT the 2023 Annual Report from the Public Law Library Board of Trustees, as recommended by the County Administrator. **24-0630**

Attachments: Public Law Library Annual Report - 2023

Conservation & Development

C.14. ADOPT Resolution No. 2024-85 approving the issuance of Tax-Exempt Revenue Bonds by the California Municipal Finance Authority in an amount not to exceed $400,000,000 for the purpose of financing and refinancing the acquisition, construction, installation, rehabilitation and improvement of solid waste disposal facilities by Republic Services, Inc., as recommended by the Conservation and Development Director. (No General Fund impact) **RES 2024-85**

Attachments: Signed TEFRA Script
Proof of Publication 2.5.2024

C.15. APPROVE a Substantial Amendment to the County's FY 2023/24 Community Development Block Grant (CDBG) Annual Action Plan to award $1,000,000 in CDBG funds for the rehabilitation of Aspen Court Apartments, located at 121 Aspen Drive, Pacheco, and to award $725,000 in CDBG funds for the acquisition/rehabilitation of Nevin Plaza 1, located at 2400 Nevin Avenue, Richmond; and APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute legal documents to provide CDBG loans to Aspen Drive Housing, Inc. and to Nevin Plaza I, L.P. (100% Federal funds) **24-0664**

C.16. APPROVE modifications to contingencies related to an award of FY 2022/23 HOME Investment Partnerships Program funds for the 699 YVR Housing Project located at 699 Ygnacio Valley Road, Walnut Creek, as recommended by the Conservation and Development Director. (100% Federal funds) **24-0665**

C.17. APPROVE a Substantial Amendment to the County's FY 2021/22 HOME Investment Partnerships (HOME) Program Action Plan, by revising an allocation of $4,197,500 in HOME funds and allocating those funds to Mayfair Affordable Housing, a 69-unit multifamily affordable rental housing project located at 11690 San Pablo Avenue, El Cerrito, as recommended by the Conservation and Development Director. (100% Federal funds) **24-0666**

C.18. APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute legal documents, subject to approval by the County Administrator and approval as to form by County Counsel, to provide a Community Development Block Grant loan of $704,554 and a Housing Opportunities for Persons with AIV/AIDS loan of $567,412 to Alvarez Court, Inc., a California nonprofit public benefit corporation, to rehabilitate Alvarez Court Apartments at 760 Alvarez Court in the City of Pinole. (100% Federal funds) **24-0692**

County Administration

C.19. ADOPT Resolution No. 2024-84 approving side letters of agreement between Contra Costa County and the Deputy Sheriff's Association (DSA) modifying Section 23.1 - Cause for Disciplinary Action of the Memorandum of Understanding for the DSA's Rank and File Unit, and modifying Section 18.1 - Cause for Disciplinary Action of the Memorandum of Understanding for the DSA's Management Unit, to include as a basis for disciplinary action the cancellation, suspension, revocation, or surrender of an employee's peace officer certification or proof of eligibility issued by the Commission on Peace Officer Standards and Training (P.O.S.T.). **RES 2024-84**

Attachments: Side Letter between Contra Costa County and the DSA Modifying Section 23.1 - Cause for Disciplinary Action
Side Letter between Contra Costa County and the DSA Modifying Section 18.1 - Cause for Disciplinary Action

C.20. ACCEPT the fiscal year 2023/24 2nd Quarter report on American Rescue Plan Act and Infrastructure, Investment and Jobs Act funding to Contra Costa County, as recommended by the County Administrator. (No fiscal impact) **24-0662**

Attachments: Attachment A - American Rescue Plan Funding Summary
Attachment B - American Rescue Plan Act, FY 2023/24 2nd Quarter Report (October-December 2023)
Attachment C - Infrastructure Investment and Jobs Act, FY 2023/24 2nd Quarter Report (October-December 2023)

County Counsel

C.21. APPROVE amended Conflict of Interest Code for the Contra Costa County Schools Insurance Group, including the list of designated positions, as recommended by the County Counsel. **24-0631**

Attachments: Exhibit A - Conflict of Interest Code of the Contra Costa County Schools Insurance Group
Exhibit B - Conflict of Interest Code of the Contra Costa County Schools Insurance Group - REDLINE

C.22. APPROVE and AUTHORIZE the County Counsel, or designee, to execute, on behalf of Contra Costa County, a contract with Terry Roemer for the provision of on-going legal assistance conducting workplace investigations, preparing for anticipated litigation, and providing legal advice. (100% User Departments) **24-0632**

Employment & Human Services

C.23. ADOPT Resolution No. 2024-76 to approve and authorize the Employment and Human Services Director, or designee, to execute a contract amendment with the State of California Department of Community Services and Development to modify production language with no change to the payment limit of $2,614,954 or term ending June 30, 2027. (100% Federal) **RES 2024-76**

C.24. APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute on behalf of the Employment and Human Services Director, a purchase order with R-Computer, Inc., in an amount not to exceed $9,340 and a Workleap Platform Inc. End User License, Maintenance and Support Agreement for the period August 22, 2024 through August 21, 2026 for the purchase of Sharegate licenses. (59% Federal, 35% State, 6% County) **24-0633**

C.25. APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with Aspiranet, to increase the payment limit by $526,933 to a new payment limit not to exceed $2,047,881 to pass through the federal cost-of-living adjustment for Early Head Start Childcare Partnership, and CalWORKs Home Visiting Program services with no change to the term ending June 30, 2024. (79% Federal, 21% State) **24-0634**

C.26. APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute on behalf of the Employment and Human Services Department, a purchase order with Allied Network Solutions, Inc. in an amount not to exceed $72,150 for the purchase of Adobe Enterprise Management Forms, a forms management solution, for the period March 1, 2024 through February 28, 2025. (59% Federal, 35% State, 6% County) **24-0635**

C.27. APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with Young Men's Christian Association (YMCA) of the East Bay to extend the term through June 30, 2024 to provide Head Start, Early Head Start and Early Head Start-Childcare Partnership services, with no change to the payment limit. (100% Federal) **24-0636**

Fire Protection District

C.28. Acting as the governing board of the Contra Costa County Fire Protection District, APPROVE the donation of surplus equipment to Bradford Island Reclamation District 2059. (No fiscal impact) **24-0637**

Attachments: Declaration of Surplus Equipment

C.29. Acting as the governing board of the Contra Costa County Fire Protection District, RATIFY the Fire District's grant application; and APPROVE and AUTHORIZE the Fire Chief, or designee, to accept grant funding, from the State Homeland Security Grant Program, in an amount not to exceed $250,000, for the purchase of a skid loader and trailer. (100% Federal) **24-0638**

C.30. Acting as the governing board of the Contra Costa County Fire Protection District, APPROVE and AUTHORIZE the Fire Chief, or designee, to execute a contract with Moraga-Orinda Fire District (MOFD), in an amount not to exceed $165,000, for fuel mitigation and exterior hazard abatement for the period November 14, 2023 through April 15, 2025. (100% MOFD) **24-0639**

C.31. Acting as the governing board of the Contra Costa County Fire Protection District, APPROVE amendments to the Contra Costa County Fire Protection District Conflict of Interest Code, as recommended by the Fire Chief. (No fiscal impact) **24-0640**

Attachments: Appendix A_February 2024_DRAFT_Redline
Appendix A_February 2024_DRAFT_Clean

C.32. Acting as the governing board of the Contra Costa County Fire Protection District, APPROVE and AUTHORIZE the Fire Chief, or designee, to execute a contract with DroneSense, Inc., in an amount not to exceed $20,000, to manage all maintenance records for Unmanned Aerial Systems and provide aerial video streaming services during emergency incidents for the period March 11, 2024 through March 10, 2025. (100% CCCFPD General Operating Fund) **24-0641**

C.33. Acting as the governing board of the Contra Costa County Fire Protection District, APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Fire Chief, a purchase order with William E. Munson Company, increasing the payment limit by $35,000 to a new payment limit of $860,000 for the purchase of a 32-foot boat for the Contra Costa County Fire Protection District Maritime Response Team. (100% CCCFPD EMS Transport Fund) **24-0642**

Health Services

C.34. APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Tegria Services Group – US, Inc., a corporation, in an amount not to exceed $4,000,000, for specialized information technology consulting services, support, training, and temporary candidacy services for Contra Costa Health Information Systems Unit for the period from January 1, 2024 through December 31, 2026. (100% Hospital Enterprise Fund I) **24-0667**

C.35. APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a five-year Data Privacy and Security Agreement with the California Department of Public Health to protect the privacy and security of the State Registrar's California Integrated Vital Records System data (Cal-IVRS Data) and allow the county to collect, create, access, use and disclose Cal-IVRS Data pursuant to statute. (Non-financial agreement) **24-0668**

C.36. APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with La Clinica de La Raza, Inc., to provide transfer and coordination of care services for patients requiring emergency medical care at Contra Costa Regional Medical for the period March 1, 2024 through February 28, 2026. (Non-financial agreement) **24-0669**

C.37. APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Options Recovery Services, in an amount not to exceed $998,727 to provide alcohol and drug abuse prevention services for adults with substance use and/or co-occurring disorders for the period February 1, 2024 through June 30, 2024. (30% Federal Medi-Cal; 30% Local Revenue Funds; 20% Assembly Bill 109; 20% State Opioid Settlement funds) **24-0670**

C.38. APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute on behalf of the Health Services Director, a purchase order amendment with MXR Imaging, Inc. to remove two ultrasound trophons from maintenance service coverage at Contra Costa Regional Medical Center with no change to the payment limit or term ending April 30, 2026. (100% Hospital Enterprise Fund I) **24-0671**

C.39. APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute on behalf of the Health Services Director, a purchase order with Altamont Software, Inc., in an amount not to exceed $7,250 for the period from February 1, 2024 through January 31, 2025, and an Altamont Software as a Service Agreement for the license of medical imaging connectivity software. (100% Hospital Enterprise Fund I) **24-0672**

C.40. APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Lao Family Community Development Inc., to extend the term through September 30, 2024 with no change in the payment limit of $1,025,000 to continue providing rapid rehousing and housing support services to individuals and families experiencing homelessness or who are at risk of becoming homeless in Contra Costa County. (49% Homeless, Housing, Assistance and Prevention funds; 12% Housing and Homelessness Incentive Program funds; 39% Measure X funds) **24-0673**

C.41. APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Bay Area Community Resources, Inc., to extend the term through September 30, 2024 with no change in the payment limit of $718,665 to continue providing rapid rehousing and homeless prevention services to individuals and families experiencing homelessness or who are at risk of becoming homeless in Contra Costa County. (90% Homeless Housing, Assistance and Prevention Grant; 10% Housing and Homelessness Incentive Program Grant) **24-0674**

C.42. APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Caminar, to extend the term through December 31, 2024 with no change in the payment limit of $400,000 to continue providing homeless prevention services to individuals and families experiencing homelessness or who are at risk of becoming homeless in Contra Costa County. (100% Homeless Housing, Assistance and Prevention Grant) **24-0675**

C.43. APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with East Bay Rheumatology Medical Group, Inc., in an amount not to exceed $240,000 to provide rheumatology services to Contra Costa Health Plan members and county recipients for the period April 1, 2024 through March 31, 2026. (100% Contra Costa Health Plan Enterprise Fund II) **24-0676**

C.44. APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Child's Play Therapy Services, P.C., in an amount not to exceed $300,000 to provide occupational and speech therapy services to Contra Costa Health Plan members and county recipients for the period April 1, 2024 through March 31, 2026. (100% Contra Costa Health Plan Enterprise Fund II) **24-0677**

C.45. APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Brain Health Professional Services, PC, in an amount not to exceed $351,437 to provide outpatient psychiatric care services to mentally ill older adults in Central Contra Costa County for the period May 1, 2024 through April 30, 2025. (100% Mental Health Services Act) **24-0678**

C.46. APPROVE and AUTHORIZE the Health Services Director, or designee, to execute an extension agreement with the California Department of Public Health, to increase the amount payable to the County by $165,006 to an amount not to exceed $561,020 and extend the term through July 31, 2024 for continuation of the Enhance Integration: Guide to HIV Prevention and Surveillance Project. (No County match) **24-0679**

C.47. APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Coffey Communications, Inc., effective March 1, 2024, to increase the payment limit by $680,000 to an amount not to exceed $900,000 for additional professional design, publication, distribution and technical assistance for Contra Costa Health Plan Member Services Health Sense Newsletter with no change in the term ending June 30, 2024. (100% Contra Costa Health Plan Enterprise Fund II) **24-0680**

C.48. APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Howard Y. Young, M.D., in an amount not to exceed $300,000 to provide radiology services at Contra Costa Regional Medical Center and Health Centers for the period February 1, 2024 through January 31, 2027. (100% Hospital Enterprise Fund I) **24-0681**

C.49. APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract amendment with Firstlocum, Inc. (dba Directshifts), effective January 1, 2024, to increase the payment limit by $7,400,000 to an amount not to exceed $11,200,000 for additional temporary physician staffing services with no change in the term ending April 30, 2025. (100% Hospital Enterprise Fund I) **24-0682**

C.50. APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Richmond Community Foundation, in an amount not to exceed $245,717 to provide culturally-based healing circles to promote mental health and wellness for the period January 1, 2024 through June 30, 2025. (100% Mental Health Services Act) **24-0683**

C.51. APPROVE and AUTHORIZE the Health Services Director, or designee, to execute a contract with Village Community Resource Center, in an amount not to exceed $248,942 to provide mental health support and the SerenaMente training program to ensure the underserved Latine community can access culturally and linguistically tailored mental well-being support groups for the period January 1, 2024 through June 30, 2025. (100% Mental Health Services Act) **24-0684**

C.52. APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute on behalf of the Health Services Director, a purchase order amendment with Securitas Healthcare LLC, to increase the payment limit by $10,316 to a new payment limit of $216,958 for staff and patient protection systems, related hardware, software, and maintenance services for Contra Costa Regional Medical Center with no change to the original term ending December 31, 2025. (100% Hospital Enterprise Fund I) **24-0685**

C.53. APPROVE the list of providers recommended by the Contra Costa Health Plan Medical Director and the Health Services Director, and as required by the State Departments of Health Care Services and Managed Health Care, and the Centers for Medicare and Medicaid Services. (No fiscal impact) **24-0686**

C.54. ACCEPT the Los Medanos Health Advisory Committee recommendations for Los Medanos Health Area Grants for 2023-2025; and APPROVE and AUTHORIZE the Health Services Director, or designee, to execute six service contracts, totaling an amount not to exceed $301,000 to identified Community Based Organizations to provide health related programs to residents of the Los Medanos Health Area during Fiscal Years 2023-24 and 2024-25. (100% Los Medanos Community Health Area Tax funds) **24-0691**

C.55. ADOPT Position Adjustment Resolution No, 26270 to add one (1) Deputy Director of Health Services-Exempt and add one (1) Assistant Director of Health Services-Exempt in the Health Services Department. (100% Hospital Enterprise Fund I) **24-0694**

Attachments: P300-26270

C.56. ADOPT Position Adjustment Resolution No. 26269 to cancel one vacant permanent-intermittent Medical Transcriber position and add one Clerk - Senior Level position in the Health Services Department. (100% Hospital Enterprise Fund I)(Represented) **24-0687**

Attachments: P300-26269

C.57. RATIFY the February 21, 2024 issuance of a 30-day advance written notice to Accela, Inc., to terminate a contract for the provision of the Accela Civic Platform for the Hazardous Materials and Environmental Health Division to track inspection and enforcement actions, effective at the close of business on March 22, 2024. (100% Hospital Enterprise Fund I) **24-0688**

C.58. CONTINUE the emergency action originally taken by the Board of Supervisors on November 16, 1999, and most recently approved by the Board on January 9, 2024 regarding the issue of homelessness in Contra Costa County, as recommended by the Health Services Director. (No fiscal impact) **24-0689**

Human Resources

C.59. ADOPT Position Adjustment Resolution No. 26267 to establish the classification of Chief of Administrative Services I - Exempt (APD6) at salary plan and grade B85 1017 ($10,073.00 – $12,243.80) and re-title the Chief of Administrative Services - Exempt (APD4) classification to Chief of Administrative Services II - Exempt (APD7) at salary plan and grade B85 1018 ($12,855.98 - $14,173.72), as recommended by the Human Resources Department. (No fiscal impact) **24-0690**

Attachments: Establish Chief of Admn Scvs I Ex and Retitle Chief of Admn Scvs Ex to II.docx

C.60. INTRODUCE Ordinance No. 2024-08 amending the County Ordinance Code to exempt from the merit system the new classification of Chief of Administrative Services I-Exempt and retitle Chief of Administrative Services-Exempt to Chief of Administrative Services II-Exempt, WAIVE READING and FIX March 19, 2024, for adoption. **ORD 2024-08**

Attachments: Ord 2024-08 re Chief Admin Srvs retitle add Chief I and II- March 2024.pdf

Information and Technology

C.61. APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Chief Information Officer, to execute a purchase order with General Datatech, L.P. in an amount not to exceed $10,000 for the purchase of Palo Alto Networks training credits for the period of March 15, 2024, through March 14, 2025. (100% User Departments) **24-0643**

C.62. APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Chief Information Officer, to execute a purchase order with GoTo Technologies USA, Inc. in an amount not to exceed $26,400 for the renewal of LogMeIn Rescue + Mobile support for the period of September 24, 2023, through September 23, 2024. (100% User Departments) **24-0644**

C.63. APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Chief Information Officer, to execute a purchase order, with General Datatech, L.P. (GDT), in an amount not to exceed $135,000 to renew licensing for Rubrik Cloud Data Management and Data Security Services for the period of September 1, 2023, through August 31, 2024. (100% User Departments) **24-0645**

C.64. APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Chief Information Officer, to execute a purchase order with ePlus Technology, Inc. and enter into an End User License Agreement with SolarWinds Worldwide, LLC., in an amount not to exceed $15,200 for the renewal of software services for the period of March 15, 2024, through March 15, 2025. (100% User Departments) **24-0646**

C.65. APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Chief Information Officer, to execute a purchase order, with AT&T Corporation in an amount not to exceed $275,000 for the purchase of Cisco networking equipment. (100% User Departments) **24-0647**

Library

C.66. APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the County Librarian, a purchase order with Rogue Services and Solutions, LLC (dba Hubley), in an amount not to exceed $19,884 for the renewal of intranet solution services, for the period April 1, 2024 through March 31, 2025. (100% Library Fund) **24-0648**

C.67. APPROVE and AUTHORIZE the County Librarian's execution of a contract amendment with Strategic Threat Management, Inc., to increase the payment limit by $118,500 to a new payment limit of $421,900 to provide additional library security services. (100 % Library Fund) **24-0649**

C.68. APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the County Librarian, a purchase order with Zoho Corporation in an amount not to exceed $4,600 for the renewal of ManageEngine OpManager Plus software subscription, for the period October 30, 2023 through October 29, 2024. (100% Library Fund) **24-0693**

C.69. ADOPT Resolution No. 2024-77 updating the County's policy governing disposal of surplus library materials, to expand the list of potential recipients to include public schools and public school libraries, other County departments, and third-party vendors pursuant to a contracts approved by the Board of Supervisors, as recommended by the County Librarian. (No fiscal impact) **RES 2024-77**

Public Defender

C.70. APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Public Defender, to purchase 67 gift cards for Arco gas in an amount of $25 each, 112 Clipper gift cards in an amount of $15 each, and 67 Lyft gift cards in an amount of $25 each for a grand total of $5,030, to provide transportation support to Alternatives to Supervision clients. (100% General Fund) **24-0650**

Public Works

C.71. ADOPT Resolution No. 2024-78 accepting completion of private improvements per the Subdivision Agreement and release of cash deposit for subdivision SD17-09467 for a project developed by Forecast Land Investment, LLC, as recommended by the Public Works Director, Bay Point area. (100% Developer Fees) **RES 2024-78**

C.72. ADOPT Resolution No. 2024-79 approving and authorizing the Public Works Director, or designee, to fully close portions of Norwood Avenue, Tassajara Avenue, Carquinez Avenue, all of Highgate Court, Francisco Way, and Arlington Court, on March 18, 2024, through April 19, 2024, from 8:00 a.m. through 5:00 p.m., for the purpose of repairing and renewing sanitary sewer systems, East Richmond Heights and Kensington areas. (No fiscal impact) **RES 2024-79**

C.73. ADOPT Resolution No. 2024-83 declaring County-owned property located at 100 38th Street, in Richmond, Assessor's Parcel No. 517-340-004, to be exempt surplus land based on the planned development of affordable housing and ancillary ground-floor commercial uses on the property, in accordance with Government Code Section 54221(f)(1)(F). (No fiscal impact) **RES 2024-83**

Attachments: Exempt Surplus Resolutio V6

C.74. ADOPT Resolution No. 2024-80 authorizing the exercise of the newly activated powers within Zone A of County Service Area R-7 and DIRECT the Clerk of the Board of Supervisors to mail a copy of the Resolution to the Contra Costa Local Agency Formation Commission, as recommended by the Public Works Director, Alamo area. (100% County Service Area R-7 Funds) **RES 2024-80**

Attachments: CC Local Agency Formation Commission Resolution No. 23-11

C.75. ADOPT Resolution No. 2024-81 accepting completion of improvements for road improvement agreement RA23-01256 for a project developed by Pulte Home Company, LLC, as recommended by the Public Works Director, Discovery Bay area. (No fiscal impact) **RES 2024-81**

C.76. ADOPT Resolution No. 2024-82 accepting completion of improvements per the Subdivision Agreement for subdivision SD18-09504 for a project developed by Casato Properties, LLC, as recommended by the Public Works Director, Alamo area. (No fiscal impact) **RES 2024-82**

Attachments: Recordable Resolution for subdivision SD18-09504

C.77. APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute, on behalf of the Public Works Director, a purchase order with Air Products Group, Inc. in an amount not to exceed $300,000 for heating, ventilation, and air conditioning filtration components for the period of March 1, 2024 through February 28, 2025, Countywide. (100% General Fund) **24-0652**

C.78. APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with Blankinship & Associates, Inc., to extend the term through March 31, 2025, for on-call professional stormwater quality services for a variety of National Pollutant Discharge Elimination System Permit requirements, with no change to the payment limit, Countywide. (No fiscal impact) **24-0653**

C.79. APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with Larry Walker Associates, Incorporated, to extend the term through March 31, 2025, for on-call stormwater consulting services, with no change to the payment limit, Countywide. (No fiscal impact) **24-0654**

C.80. APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with WSP USA Environment & Infrastructure, Inc., to extend the term through March 31, 2025, for on-call stormwater consulting and technical services, with no change to the payment limit, Countywide. (No fiscal impact) **24-0655**

C.81. APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with Geosyntec Consultants, Inc., effective March 15, 2024, to increase the payment limit by $100,000 to a new payment limit of $330,000 and extend the term through March 31, 2025, for on-call stormwater consulting services, Countywide. (100% Stormwater Utility Area Assessment Funds). **24-0656**

C.82. APPROVE and AUTHORIZE the Chief Engineer, Contra Costa County Flood Control and Water Conservation district, or designee, to execute, on behalf of the Contra Costa Clean Water Program, a contract amendment with Psomas, to extend the term through February 29, 2024, for payment of on-call geographic information system (GIS) technical support services, with no change to the payment limit, Countywide. (No fiscal impact) **24-0657**

Risk Management

C.83. DENY claims filed by Allstate a subrogee of Elodia Urbina, Veronica Herrera, Ramiro Patricio Herrera Lara, Monica Lopez, Vinhtien Nguyen, Jack Douglas Parker, Desiree Dawn Spears, Desiree Dawn Spears obo R.P., Desiree Dawn Spears obo S.P., and Jannie Williams. DENY late claim filed by Marianne Hopkins (Williams). **24-0658**

Sheriff

C.84. APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to execute a contract with the City of Oakley, to pay the County an amount not to exceed $150,000 to provide development, storage and on-going automated report writing support services for the period January 1, 2024 through December 31, 2027. (No County match) **24-0659**

C.85. APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to execute a contract with Advanced Helicopter Services, Inc., in an amount not to exceed $3,000,000, for helicopter maintenance services for the period February 1, 2024 through January 31, 2026. (76% CSA P-6 Zone funds, 22% State, 2% User Agency revenue) **24-0660**

C.86. APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Sheriff-Corner, a purchase order with Agilent Technologies in an amount not to exceed $376,920 to purchase driving under the influence detection instruments for the Office of the Sheriff, Forensic Services Division. (100% Federal) **24-0661**

GENERAL INFORMATION

The Board meets in all its capacities pursuant to Ordinance Code Section 24-2.402.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Clerk of the Board to a majority of the members of the Board of Supervisors less than 96 hours prior to that meeting are available for public inspection at 1025 Escobar Street, First Floor, Martinez, CA 94553, during normal business hours.

All matters listed under CONSENT ITEMS are considered by the Board to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Board before the Board votes on the motion to adopt. Each member of the public will be allowed two minutes to comment on the entire consent agenda.

Persons who wish to speak on matters set for PUBLIC HEARINGS will be heard when the Chair calls for public testimony. Each speaker during public testimony will be limited to two minutes. After public testimony, the hearing is closed and the matter is subject to discussion and action by the Board. Comments on matters listed on the agenda or otherwise within the purview of the Board of Supervisors can be submitted to the office of the Clerk of the Board via mail: Board of Supervisors, 1025 Escobar Street, First Floor, Martinez, CA 94553 or to clerkoftheboard@cob.cccounty.us.

In the interest of facilitating the business of the Board, the total amount of time that a member of the public may use in addressing the Board on all agenda items is 10 minutes.

Time limits for public speakers may be adjusted at the discretion of the Chair.

The County will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Clerk of the Board at least 24 hours before the meeting, at (925) 655-2000.

Anyone desiring to submit an inspirational thought nomination for inclusion on the Board Agenda may contact the Office of the County Administrator or Office of the Clerk of the Board, 1025 Escobar Street, Martinez, California.

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DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Pursuant to Government Code section 84308, members of the Board of Supervisors are disqualified and not able to participate in any agenda item involving contracts (other than competitively bid, labor, or personal employment contracts), franchises, discretionary land use permits and other entitlements if the Board member received, since January 1, 2023, more than $250 in campaign contributions from the applicant or contractor, an agent of the applicant or contractor, or any financially interested participant who actively supports or opposes the County's decision on the agenda item. Members of the Board of Supervisors who have received, and applicants, contractors or their agents who have made, campaign contributions totaling more than $250 to a Board member since January 1, 2023, are required to disclose that fact for the official record of the subject proceeding. Disclosures must include the amount of the campaign contribution and identify the recipient Board member, and may be made either in writing to the Clerk of the Board of Supervisors before the subject hearing or by verbal disclosure at the time of the hearing.

BOARD OF SUPERVISORS STANDING COMMITTEES

For more information please visit the Board of Supervisors Standing Committees page here:
https://www.contracosta.ca.gov/8633/Board-of-Supervisors-Standing-Committees

Airport Committee: June 6, 2024 at 10:00 a.m.
Equity Committee: March 18, 2024 at 10:30 a.m.
Family and Human Services Committee: March 25, 2024 at 10:30 a.m.
Finance Committee: April 1, 2024 at 9:30 a.m.
Head Start Advisory Committee: March 18, 2024 at 9:00 a.m.
Internal Operations Committee: March 11, 2024 at 11:00 a.m.
Legislation Committee: March 25, 2024 at 1:00 p.m.
Los Medanos Healthcare Operations Committee: March 11, 2024 at 1:00 p.m.
Public Protection Committee: April 1, 2024 at 1:00 p.m.
Sustainability Committee: March 18, 2024 at 1:00 p.m.
Transportation, Water and Infrastructure Committee: March 11, 2024 at 9:30 a.m.

AGENDA DEADLINE: Thursday, 12 noon, 12 days before the Tuesday Board meetings.

Glossary of Acronyms, Abbreviations, and other Terms

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. For a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings, please visit https://www.contracosta.ca.gov/8464/Glossary-of-Agenda-Acronyms.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0695 **Agenda Date:** 3/5/2024 **Agenda #:** D.1.

To: Board of Supervisors

From: Alison McKee, County Librarian

Report Title: Temporary Hire of a County Retiree and Waiver of the 180-Day "Sit-Out Period" for the Assessor's Office

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
1. CONSIDER waiving the 180-day "sit-out period" for Linda Martinez, Administrative Services Officer, for the Library Department.

2. FIND that the appointment of Linda Martinez is necessary to fill a critically needed position; and

3. APPROVE and AUTHORIZE the hiring of County retiree, Linda Martinez, as a temporary County employee for the period of March 5, 2024 through March 4, 2025.

FISCAL IMPACT:

Salary costs are included within the Department's budget. The total cost for the requested period is approximately $114,427.

BACKGROUND:

The Public Employee Pension Reform Act of 2013 requires that active members who retire on or after January 1, 2013 must wait 180 days after retirement before returning to work as a temporary employee. The Act also allows the Board, based on a finding that the appointment is necessary to fill a critically needed position, to waive the 180 day "sit-out" period.

Ms. Martinez retired from County service on February 23, 2023 after 32 years of service. She was hired in the Library Department more than 10 years ago as its Administrative Services Officer for the budget and finance work unit.

The Library Department does not have staff to train a new Administrative Services Officer to oversee the annual budget process and the ongoing budget and finance work unit's ongoing responsibilities. The Library would like to hire Ms. Martinez as a temporary employee from March 5, 2024 through March 4, 2025 in order to train the newly hired Administrative Services Officer for the budget and finance work unit.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to receive Board approval will create additional strain on existing staff and will jeopardize the completion of the Library's annual budget process and the fulfillment of the Library's ongoing fiscal responsibilities.

File #: ORD 2024-06 **Agenda Date:** 3/5/2024 **Agenda #:** D.2.

To: Board of Supervisors

From: John Kopchik, Director, Conservation and Development

Report Title: Hearing to Consider Adoption of Ordinance No. 2024-06 (Agritourism) (County File #CDZT22-00003)

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

1. OPEN the public hearing on Ordinance No. 2024-06; RECEIVE testimony; and CLOSE the public hearing.

2. ADOPT Ordinance No. 2024-06, authorizing and establishing standards for agritourism uses in agricultural zoning districts.

3. DETERMINE that adoption of Ordinance No. 2024-06 is exempt from CEQA under CEQA Guidelines Sections 15061(b)(3) (common sense exemption).

4. DIRECT staff to file a Notice of Exemption with the County Clerk..

FISCAL IMPACT:

The cost of preparing this ordinance has been funded by the Department of Conservation and Development, Land Development Fund.

BACKGROUND:

History of Board Direction on Agritourism

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 the Department of Conservation and Development (DCD), in consultation with 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.

Public engagement process on agritourism

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 policy review process was held over a 12-month period starting in 2018. These large meetings, which ranged from 20-70 participants per meeting, were held in Martinez, Danville, and Knightsen. Participants that attended the meetings came from diverse backgrounds, including individuals from the farming and ranching community, rural residents, proponents of various agricultural commercial ventures, and 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). 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.

Report with Recommendations on Agritourism

The result of the extensive stakeholder collaboration was the Report on Recommendations on Reforming Agricultural Land Use Policies in Contra Costa County To Improve Both Economic Vitality and Sustainability (“Report”). The Report included 18 recommendations to promote and preserve agriculture in Contra Costa County.

The Report recommends authorizing various new types of lodging accommodations in agricultural areas, including short-term rentals for 90 days or less, farm stays for up to 90 days, bed-and-breakfast, and camping/yurts. The Report also recommends authorizing food service uses in agricultural areas, including farm dinners and farm-to-table restaurants. The Report also recommends updating the County’s winery policies and authorizing certain new uses to host large events. The Report includes recommendations and discussion of the restrictions and development standards to be included in the regulations if the new uses were to be authorized by this Board. The Report discussed the possible permits that may be required, in addition to other permits required by other agencies.

Recommendations in the Report to promote agriculture in Contra Costa County include equestrian and bike trails to connect farms, allowing equestrian facilities within additional agricultural districts, addressing illegal dumping and impacts of commercial parties, 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.

Board Action on Agritourism Report

The Report was presented to the Board of Supervisors on February 4, 2020. The Board accepted the Report and directed staff to take the actions necessary to further evaluate and implement the recommendations in it. Since then, the County has taken various actions related to the recommendations in the Report, including funding a comprehensive Illegal Dumping Initiative, deterring disruptive parties in agricultural areas with tighter regulation of events and higher fines for violating these regulations and updating the Sign Ordinance. In

addition, DCD has also undertaken an extensive effort to establish a regulatory framework in this proposed zoning text amendment for permitting, establishing, and operating agritourism uses, as discussed in the Report.

County Planning Commission Hearings

The proposed zoning text amendment was considered by the County Planning Commission at three public hearings. The first hearing was held on February 22, 2023. The public submitted comments both by letter prior to the Commission hearing and at the Commission hearing. After considering the comments submitted, the Commission voted to continue the public hearing to a future date as determined by County staff to allow staff to address the comments received and provide any appropriate revisions to the draft zoning text amendment. The comments were related to illuminated signs, retail water supplier requirement, allow agricamping in travel trailers, seasonality of produce may preclude some agricultural operations from meeting the 50% requirement for farm-to-table restaurants, allow mobile food vendors on a private parcel where an agritourism use is authorized, increasing the maximum number of events, requirement for 80% of property to be engaged in agricultural activities and kept free of structures for hillside properties, and noise from large events.

In response to public comments and comments from the Commission, staff prepared a revised draft ordinance, which was presented and heard at the June 7, 2023, County Planning Commission. The public submitted comments both by letter prior to the Commission hearing and at the Commission hearing. The comments were primarily related to concerns about only allowing large events for the following agritourism uses wineries/olive oil mills, bed and breakfast, and farm-to-table. A public comment regarding the lot size minimum specifically for wineries was also a concern by a member of the public. Another public comment raised was regarding the unpermitted parties and the noise generated from these events. After considering all comments received, the Commission voted unanimously to recommend that the Board of Supervisors adopt an ordinance authorizing agritourism uses. That version of the ordinance also included provisions regulating events located in an agricultural zoning district.

After the County Planning Commission's decision to recommend adoption of the Agritourism Ordinance, staff met separately with parties who commented during the hearing to better understand their concerns. The concerns raised were similar to the ones raised at the June 7, 2023 Commission hearing. Following these meetings staff determined to recommend further refinements to the Planning Commission before proceeding to the Board of Supervisors.

On January 24, 2024, staff presented a revised Agritourism Ordinance together with proposed amendments to the Temporary Events Ordinance to the County Planning Commission. The primary changes to the Agritourism Ordinance were to remove event provisions from the agritourism-related ordinance and place them in the Temporary Event ordinance for clarity and to address concerns that events in agricultural areas would only be available to certain agritourism uses, refine size limitations for wineries to remove a prohibition on wineries being located on parcels smaller than five acres, and to clarify that a farm dinner is not an event subject to the requirements of the Temporary Events Ordinance.

The County Planning Commission received public comments concerning the proposed limit on the number of days to allow for food trucks at a grower stand, farm stand, or farm market. This concern was previously heard at the February 22, 2023 Commission hearing and addressed in the revised Agritourism Ordinance presented to the Commission on June 7, 2023. The revised ordinance presented to the Commission on June 7, 2023 and on January 24, 2024 allowed for food trucks or other mobile food vendors on a grower stand, farm stand, or farm market for a total of three calendar days a year. The public commented that the number of days food trucks allowed was too little and that the operational seasons extended beyond the u-pick period.

After considering and discussing the Agritourism Ordinance, the Commission approved a motion (5-1) to recommend that the Board of Supervisors adopt the Agritourism Ordinance with the proposed the change to allow food trucks at a grower stand, farm stand, or farm market as an accessory use during operations with a maximum of three food trucks at a time at one location. Staff has incorporated that recommended change into Ordinance No. 2024-06.

Key Provisions of Proposed Ordinance No. 2024-06 (Agritourism)

Agritourism uses are uses that are accessory to a primary agricultural use; are conducted for the enjoyment and education of visitors, guests, or clients; and generate income for the owner or operator of a working farm, ranch, or other agricultural operation.

The proposed Ordinance No. 2024-06 would add Division 824 to the County Ordinance Code to authorize farm stay, farm dinner, agricamping, bed and breakfast, farm-to table-restaurant, olive oil mill, and winery as agritourism uses that are permitted in agricultural zoning districts. The proposed ordinance would also incorporate the County's current regulations regarding grower stands, farm stands, farm markets into Division 824, as additional agritourism uses. The proposed ordinance would also authorize the establishment of stables in A-40 and A-80 zoning districts, consistent with the uses allowed in other agricultural zoning districts.

Below is a summary of proposed Division 824, regulating agritourism uses.

Required Permit

The following agritourism uses would be allowed upon the issuance of a ministerial permit:
• farm stand
• farm stay
• farm dinner
• small winery without a tasting/on-site sales area
• small olive oil mill without a tasting/on-site sales area.

If three or more of the above-listed uses were to be established on the same lot, a land use permit would be required.

The following agritourism uses would be allowed upon the issuance of a land use permit:

• agricamping
• bed and breakfast
• farm market
• farm-to-table restaurant
• large olive oil mill
• large winery
• small olive oil mill with a tasting/on-site sales area
• small winery with a tasting/on-site sales area.

A grower stand that met all the applicable standards in the proposed ordinance would be allowed without a separate permit.

Standards

In establishing these uses, the zoning text amendment requires a minimum lot size, specifies floor area requirements and number of guests allowed, sets standards related to frequency of events, noise, exterior lighting, percentage of parcel to engage in agricultural activities that should be kept free of structures, and

requires certain new uses provide a program of agricultural promotion and guest education regarding activities on site and in the area. The zoning text amendment also requires certain uses to be on a lot served by a retail water supplier and a distance requirement from one establishment to another.

Attached to this staff report is a table of the agritourism uses and a summary of the requirements (Attachment B).

Consistency with the General Plan

The proposed Ordinance No. 2024-06 to allow agritourism uses is consistent with the following Goals and Policies of the General Plan.

- 3-M. Protect and promote the economic viability of agricultural land.
- 3-s. Establish standards and policies designed to protect the economic viability of agricultural land which may include, but not necessarily be limited to, preservation agreements, conservation easements, clustering, and establishment of agricultural mitigation fees.
- 8-2. Areas that are highly suited to prime agricultural production shall be protected and preserved for agriculture and standards for protecting the viability of agricultural land shall be established.
- 8-G. To encourage and enhance agriculture, and to maintain and promote a healthy and competitive agricultural economy.
- 8-H. To conserve prime productive agricultural land outside the Urban Limit Line exclusively for agriculture.
- 8-I. To minimize conflicts between agricultural and urban uses.
- 8-29. Large contiguous areas of the County should be encouraged to remain in agricultural production, as long as economically viable.
- 8-39. A full range of agriculturally-related uses shall be allowed and encouraged in agricultural areas.
- 8-41. The promotion and marketing of locally grown agricultural products and "value-added" agricultural products, which means an agricultural product that has been changed from its natural state into an item for ultimate sale to the consumer, so as to increase the value of the agricultural product, shall be encouraged.
- 8-44. Agricultural processing and service businesses, including facilities for the production and direct marketing of "value-added" agricultural products, in agriculturally designated areas may be permitted.
- 8-ah. Require adequate setbacks for any non-agricultural structures located within or adjacent to cultivated agriculture.

The zoning text amendment would establish zoning regulations to allow for a variety of agritourism uses in agricultural zoning districts. Standards and requirements for these uses specified in the zoning text amendment allow working farm, ranch or other agricultural operations to generate income and still preserve agricultural lands in the County.

California Environmental Quality Act Determination

Adoption of Ordinance No. 2024-06 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3).

CEQA Guidelines section 15061(b)(3) is the "common sense exemption." A project is exempt from further environmental review where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environments. Ordinance No. 2024-06 would authorize the establishment

of agritourism uses in agricultural zoning districts after the issuance of a ministerial permit or a land use permit. No specific project is approved with this Zoning Text Amendment. The proposed new uses that could foreseeably have an environmental impact would each require separate discretionary permits and be subject to individual environmental review pursuant to CEQA. Some uses could be approved with a ministerial permit and that action would be statutorily exempt from CEQA. However, such proposed uses are minor extensions of existing allowed uses, are subordinate to the primary agricultural use and are subject to specific standard requirements related to lot area, number of bedrooms and guests, number of events, noise, and light. Thus, it can be seen with certainty that there is no possibility that the proposed actions could have a significant effect on the environment.

Conclusion

The proposed Ordinance No. 2024-06 would authorize agritourism uses in agricultural zoning districts in the County and would establish standards for these uses that would preserve agricultural land consistent with the County General Plan. Therefore, consistent with the County Planning Commission's recommendation, staff recommends the Board of Supervisors approve the zoning text amendment.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not approve the proposed ordinance, then the zoning code will not be amended to allow various agritourism uses on agricultural zoned properties.

ORDINANCE NO. 2024-06

AUTHORIZING AGRITOURISM USES IN AGRICULTURAL ZONING DISTRICTS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION 1. SUMMARY. This ordinance establishes size and location standards, sales requirements, and other regulations governing agritourism uses in agricultural zoning districts. This ordinance also recodifies Chapter 88-20 (Agricultural Farm Stands and Farm Markets) as Chapter 824-4 (Grower Stands, Farm Stands, and Farm Markets). This ordinance also amends Chapters 84-82 and 84-84 to allow stables in A-40 and A-80 agricultural zoning districts with the issuance of a land use permit.

SECTION 2. Division 824 is added to the County Ordinance Code, to read:

Division 824
AGRITOURISM

Chapter 824-2
GENERAL AGRITOURISM REGULATIONS

824-2.002 Purpose and Intent. The purpose of this division is to establish zoning regulations to allow for a variety of agritourism uses in agricultural zoning districts. Agritourism uses are uses that are located at a working farm, ranch, or other agricultural operation; are accessory to a primary agricultural use; are conducted for the enjoyment and education of visitors, guests, or clients; and generate income for the owner or operator of the working farm, ranch, or other agricultural operation. (Ord. 2024-06 § 2.)

824-2.004 Definitions. For purposes of this division, the following words and phrases have the following meanings:

(a) "Agricamping establishment" means an establishment that provides food and lodging in accordance with this division.

(b) "Agritourism lodging establishment" means a residence in an agricultural zoning district that is used as a bed and breakfast establishment or a farm stay establishment.

(c) "Agritourism use" means any of the following uses located in an agricultural zoning district: agricamping; agritourism lodging establishment; farm dinner; farm market; farm stand; farm-to-table restaurant; grower stand; olive oil mill; or winery.

(d) "Bed and breakfast establishment" means an establishment that provides food and lodging in accordance with this division.

(e) "Farm dinner" means an occasion where food is provided in accordance with this division.

(f) "Farm market" means an area accessory to an on-site agricultural operation that is used to sell farm products, value-added farm products, and non-agricultural items, as specified, where the total sales area does not exceed 3,500 square feet.

(g) "Farm product" includes any of the following in its raw or natural state: any agricultural, horticultural, viticultural, or vegetable product of the soil; poultry products; livestock products; and apiary products. "Farm product" does not include any livestock, poultry, fish, or shellfish.

(h) "Farm stand" means an area accessory to an on-site agricultural operation that is used primarily to sell farm products, value-added farm products, and non-agricultural items, as specified, where the total sales area does not exceed 1,500 square feet.

(i) "Farm stay establishment" means an establishment that provides food and lodging in accordance with this division.

(j) "Farm-to-table restaurant" means a restaurant that provides food in accordance with this division.

(k) "Grower stand" means an area accessory to an on-site agricultural operation that is used to sell farm products produced on-site or proximate to the site, as specified, where the total sales area does not exceed 1,500 square feet.

(l) "Non-agricultural item" means any item offered for sale other than farm products and value-added farm products.

(m) "Olive oil mill" means an operation for the processing of olives into olive oil. An olive oil mill may be a small olive oil mill or a large olive oil mill.

(n) "Olive oil production facility" means a facility or facilities at an olive oil mill used for any of the following activities or uses: harvesting, milling, pressing, and crushing fresh olives; extraction and blending of olive oil; bottling and labeling of olive oil; storage of olive oil; laboratory facilities; administrative offices; shipping, receiving, and distribution of olive oil; equipment storage and repair; composting and removal of olive pomace and other agricultural product waste, and agricultural wastewater treatment. A tasting area or on-site sales area at an olive oil mill is not part of the olive oil production facility at the olive oil mill.

(o) "Responsible party" means a person that is designated by the applicant as a point of contact for the agritourism use.

(p) "Value-added farm product" means a farm product that has been changed from its natural state to an item in a different form through canning, drying, freezing, preserving, fermenting, compounding, processing, packing, or a similar alteration, so as to increase the value of the farm product.

(q) "Wine production facility" means a facility or facilities at a winery used for any of the following activities or uses: crushing or pressing grapes; fermenting wine; aging wine; processing and blending of wine; bottling and labeling of wine; storage of wine in cellars, vats, barrels, bottles, or cases; laboratory facilities; administrative offices; shipping, receiving, and distribution of wine; truck scales; equipment storage and repair; composting of grape byproducts and other agricultural product waste, and agricultural wastewater treatment. A tasting area or on-site sales area at a winery is not part of the wine production facility at the winery.

(r) "Winery" means an operation for the fermentation and processing of grapes into wine, or the refermentation of still wine into sparkling wine. A winery may be a small winery or a large winery. (Ords. 2024-06 § 2, 2007-23 § 2.)

824-2.006 Location.

(a) An agritourism use that complies with the provisions of this division may be located on any legal lot in an agricultural district (A-2, A-3, A-4, A-20, A-40, and A-80).

(b) Multiple agritourism uses may be permitted on the same lot, except as follows:

(1) A farm stay establishment and a bed and breakfast establishment may not be permitted on the same lot.

(2) A farm dinner and a farm-to-table restaurant may not be permitted on the same lot.

(3) A farm market and a farm stand may not be permitted on the same lot.

(4) A farm market and a grower stand may not be permitted on the same lot.

(5) A farm stand and a grower stand may not be permitted on the same lot.

(6) A small olive oil mill and a large olive oil mill may not be permitted on the same lot.

(7) A small winery and a large winery may not be permitted on the same lot. (Ords. 2024-06 § 2, 2007-23 § 2.)

824-2.008 Accessory Use. An agritourism use is allowed only if it is an accessory use on a property that is used for agriculture, as defined in Section 82-4.206. If property is located in an agricultural zoning district but the property is not used for agriculture, then no agritourism use is

allowed on the property. (Ords. 2024-06 § 2, 2007-23 § 2.)

824-2.010 Parking.

(a) Adequate parking for consumers and employees must be provided at an agritourism use. If an agritourism use consists of a structure, one off-street parking space must be provided for each 300 square feet of structural floor area, with a minimum of two parking spaces. Each required off-street parking space must be at least nine feet by 19 feet in size. The required parking spaces may be dirt or gravel. The required parking spaces need not be paved, striped, or otherwise improved, but must be identifiable. Parking spaces must be oriented such that vehicles are not required to back onto a public road.

(b) Safe access to and from a public road must be provided with a durable, dustless surface, such as compacted gravel or a similar permeable surface, or asphalt, except that within 20 feet of a public road all access surfaces must be asphalt. A defined point of ingress and egress must be provided. An encroachment permit must be obtained for a new point of access to a public road.

(c) The parking requirements of Chapter 82-16 do not apply to this division. (Ords. 2024-06 § 2, 2007-23 § 2.)

824-2.012 Signs.

(a) One or more on-site commercial signs are allowed on a lot with an agritourism use. An "on-site commercial sign" is a sign that directs attention to the business activity conducted or products sold or produced on the lot where the agritourism use is located.

(b) The following on-site commercial signs may be located on a lot with an agritourism use:

(1) One free-standing on-site commercial sign that does not exceed 12 feet in height or the height of the tallest structure, whichever is lower, and whose total display surface area does not exceed 32 square feet if the sign is single-sided or 64 square feet if the sign is double-sided.

(2) Additional on-site commercial signs that are affixed directly to any structure with an indoor sales area.

(3) One or more additional free-standing on-site commercial signs. No additional free-standing sign shall exceed 12 feet in height or have a display surface area greater than 16 square feet.

(c) The total display surface area of all on-site commercial signs on a lot with an agritourism use shall not exceed 128 square feet.

(d) An on-site commercial sign may not encroach on any public right of way and may not

conflict with any applicable sight distance.

(e) An on-site commercial sign may not be illuminated unless expressly authorized by a land use permit. All illuminated signs shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties, public rights-of-way, and driveway areas. The land use permit may include conditions as to the time, intensity, direction, and quality of illumination to mitigate any negative impacts of illumination.

(f) All signs and sign structures shall be maintained in a safe and structurally sound manner free from deterioration, rust, rot, and loose parts. Each sign face must be clean and neatly painted at all times.

(g) A temporary on-site commercial sign must be removed when not in use.

(h) An on-site commercial sign or signs authorized by this division may contain noncommercial copy in lieu of other copy. Nothing in this division may be construed as regulating or restricting the use of noncommercial copy or message on any sign allowed under this section.

(i) If an agritourism use is lawfully established under the provisions of this division, on-site commercial signs that meet the requirements of this section are allowed without a separate permit.

(j) Off-site commercial signs are prohibited on a lot with an agritourism use. An "off-site commercial sign" is an advertising sign that directs attention to a business activity conducted or product or services sold or offered at a location not on the lot where the agritourism use is located. (Ords. 2024-06 § 2, 2007-23 § 2.)

824-2.014 Height and Setbacks. An agritourism use must comply with the height and setback requirements that apply in the zone in which the property is located. (Ords. 2024-06 § 2, 2007-23 § 2.)

824-2.016 Events. Except as otherwise provided in this division, the requirements of Chapter 82-44, Temporary Events, apply to uses authorized under this division. (Ord. 2024-06 § 2.)

824-2.018 Permits.

(a) No permit. No permit is required under this division for a grower stand that meets the standards contained in this division.

(b) Ministerial permit.

(1) Unless a land use permit is otherwise required by subsection (c), below, a ministerial permit is required before any of the following uses may be established under this division: farm stand; farm stay; farm dinner; small winery without a

tasting/on-site sales area; or small olive oil mill without a tasting/on-site sales area.

(2) An application for a ministerial permit must be made in writing and contain sufficient information to allow the Department of Conservation and Development to determine if the agritourism use will meet the standards in this division.

(3) An application for a ministerial permit will be approved without discretionary review or public hearing unless any of the following grounds for denial exist:

(A) The application is incomplete.

(B) The applicant has not paid all required fees in accordance with the fee schedule adopted by the Board of Supervisors.

(C) The applicant is delinquent in the payment of County taxes.

(D) A separate agritourism use permit associated with the location or the applicant was revoked within 24 months before the date of application.

(E) A structure proposed for an agritourism use violates any provision of this code, including the building standards in Title 7.

(4) After a ministerial permit for farm stay or farm dinner is issued, the department will notify all owners of property within 300 feet of the farm stay or farm dinner that a permit was issued. The notice will be in writing and contain the location of the farm stay or farm dinner, contact information for the responsible party associated with the permit, contact information for county code enforcement, and a website address where the agritourism ordinance is listed.

(5) A ministerial permit for farm stay or farm dinner expires one year from the date the permit was approved, unless it is revoked sooner.

(6) An application to renew a ministerial permit for farm stay or farm dinner must be filed with the Department of Conservation and Development at least 30 days before the permit expires.

(7) An application to renew a ministerial permit for farm stays or farm dinners will be approved ministerially unless any of the following grounds for denial exist:

(A) Any of the grounds for denial under subsection (3) exist.

(B) The application is filed less than 30 days before the permit expires.

(C) The permit is revoked or is the subject of a revocation proceeding at the time of application.

(8) A short-term rental proposed for an agricultural zoning district must comply with the permit requirements of Chapter 88-32.

(c) Land use permit.

(1) A land use permit is required before three or more of the following uses may be established on a lot under this division: farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area; or small olive oil mill without a tasting/on-site sales area.

(2) A land use permit is required before any of the following uses may be established under this division: agricamping; bed and breakfast; farm market; farm-to table-restaurant; large olive oil mill; large winery; small olive oil mill with a tasting/on-site sales area; or small winery with a tasting/on-site sales area.

(3) An application to establish a land use permit under this division must contain all of the information required by Article 26-2.20 of this code.

(4) An application for a land use permit under this division will be decided in accordance with Article 26-2.20 of this code. (Ords. 2024-06 § 2, 2007-23 § 2.)

824-2.020 Fees. Application, review, and permit fees for agritourism uses will be in amounts established by the Board of Supervisors in the Conservation and Development Department's fee schedule. (Ords. 2024-06 § 2, 2007- 23 § 2.)

824-2.022 Other Laws. Agritourism uses also may be subject to ordinances, statutes and regulations administered by other county departments, including the building department, health department, public works department, and agricultural commissioner's office, and may be subject to state and federal laws and regulations. The establishment of an agritourism use under this division does not relieve anyone from the obligation to obtain any other permit or license required by this code or state or federal law. Nothing in this division authorizes the establishment of a microenterprise home kitchen operation. (Ords. 2024-06 § 2, 2007-23 § 2.)

Chapter 824-4
GROWER STANDS, FARM STANDS, AND FARM MARKETS

824-4.002 Purpose and Intent. The purpose of this chapter is to establish zoning regulations to allow for the direct marketing of farm products from agricultural producers to consumers, which the California Legislature has found benefits the agricultural community and the consumer. (Food and Agricultural Code, sections 47000 and following.) This chapter is intended to allow facilities that are accessory to on-site agricultural operations where agricultural products are produced to sell these products as specified, and is not intended to encourage the establishment of traditional retail stores or convenience markets in agricultural zoning districts. (Ords. 2024-06 § 2, 2007-23 § 2.)

824-4.004 Sales Areas.

(a) A grower stand, farm stand, or farm market may consist of one or more outdoor sales display areas, one or more structures with an indoor sales area, or both.

(b) The total sales area of a grower stand or farm stand, including all outdoor and indoor sales areas, may not exceed 1,500 square feet.

(c) The total sales area of a farm market, including all outdoor and indoor sales areas, may not exceed 3,500 square feet. (Ords. 2024-06 § 2, 2007-23 § 2.)

824-4.006 Product Sales.

(a) Grower Stands.

(1) A grower stand may sell farm products produced on-site or proximate to the site. Vending machines that dispense bottled or canned drinks may also be located at a grower stand.

(2) The sale at a grower stand of any of the following is prohibited: value-added farm products; non-agricultural items, except for bottled or canned drinks dispensed from vending machines; and farm products not produced on-site or proximate to the site.

(b) Farm Stands.

(1) A farm stand may sell farm products produced on-site or proximate to the site.

(2) Up to 40 percent of the total sales area at a farm stand may be used for the sale of any or all of the following: value-added farm products produced on-site or proximate to the site; farm products not produced on-site or proximate to the site; and non-agricultural items. No more than 10 percent of the total sales area of a farm stand may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.

(c) Farm Markets.

(1) A farm market may sell farm products produced on-site or proximate to the site and value-added farm products produced on-site or proximate to the site.

(2) Up to 20 percent of the total sales area at a farm market may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.

(d) No petroleum products or tobacco may be sold or dispensed at any grower stand, farm stand, or farm market.

(e) Except as otherwise provided in this division, nothing may be sold from a motorized vehicle at any grower stand, farm stand, or farm market unless the vehicle is owned by the property owner and all sales from the vehicle are in compliance with this chapter. (Ords. 2024-06 § 2, 2007-23 § 2.)

Chapter 824-6
WINERIES AND OLIVE OIL MILLS

824-6.002 Accessory Facilities.

(a) Production Facilities. The cumulative maximum floor area of all wine production facilities at a winery or all olive oil production facilities at an olive oil mill is 5,000 square feet.

(b) Tasting/On-Site Sales Areas. The cumulative maximum floor area of all tasting areas and on-site sales areas at a winery or olive oil mill is 30 percent of the total floor area of all wine production facilities at the winery or olive oil production facilities at the olive oil mill. (Ord. 2024-06 § 2.)

824-6.004 Production Standards.

(a) Production Capacity.

(1) Wineries. A small winery may produce no more than 50,000 gallons of wine annually. A large winery may produce more than 50,000 gallons of wine annually.

(2) Olive Oil Mills. A small olive oil mill may produce no more than 50,000 gallons of olive oil annually. A large olive oil mill may produce more than 50,000 gallons of olive oil annually.

(b) Production Ingredients.

(1) A minimum of 25 percent of a winery's production or an olive oil mill's production must be from fruit grown on the premises.

(2) A minimum of 50 percent of a winery's production or an olive oil mill's production must be from fruit grown in Contra Costa County.

(3) The owner of a winery or olive oil mill must maintain records showing the total annual production amount from fruit grown on the premises and the amount from fruit imported from off the premises. The records must indicate the dates of

receipt and the quantities of all imported fruit, and the name and location of the growing operation from which the fruit is imported. (Ord. 2024-06 § 2.)

824-6.006 Food Service. A winery or olive oil mill may serve food as part of a wine tasting or olive oil tasting. The following standards apply to food service at a winery or olive oil mill.

(a) Food service must be incidental to the tasting of wine or olive oil.

(b) Food may not be sold separately from the wine or olive oil tasting.

(c) Food service must be limited to small appetizer-size portions with a fixed menu selected by the winery or olive oil mill. Food service may not involve menu options and meal service so that the winery or olive oil mill functions as a café or restaurant.

(d) Food service must be limited to one food sample per type of wine or olive oil. (Ord. 2024-06 § 2.)

824-6.08 Winery Permits and Licenses. In addition to all other permits and licenses required by this code, state law, and federal law, a winery must have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited. (Ord. 2024-06 § 2.)

Chapter 824-8
LODGING IN AGRICULTURAL DISTRICTS

824-8.002 Agritourism Lodging.

(a) Agritourism lodging may be provided only in a legally established residence or legally established residential accessory structure. Agritourism lodging may not be located within agricultural employee housing, seasonal or year-round farmworker housing, or accessory dwelling units.

(b) The minimum parcel size for an agritourism lodging establishment is 10 acres.

(c) The owner of the land on which agritourism lodging is provided, or a tenant farmer, must reside on the property.

(d) An agritourism lodging establishment may have a maximum of five bedrooms or sleeping rooms used for lodging.

(e) The maximum overnight occupancy for agritourism lodging is two persons per bedroom or sleeping room. Children under 18 years of age are not counted toward occupancy. The maximum number of agritourism lodging guests that may be on the premises at any

one time is 10.

(f) An agricultural lodging establishment may not provide lodging to a guest for more than 30 consecutive days.

(g) Food Service.

(A) An agricultural lodging establishment may serve food or meals at any time, but only to registered guests.

(B) The price of food served at a farm stay establishment or bed and breakfast establishment must be included in the price of the lodging.

(C) No kitchen or kitchenette facilities are allowed in a guest room within an agritourism lodging establishment.

(h) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device outside the agritourism lodging establishment is prohibited during quiet hours.

(i) Exterior lighting must be directed downward and away from adjacent properties.

(j) The operator of an agricultural lodging establishment must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the lodging.

(k) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the agricultural lodging, including how the program will promote local agriculture and educate guests.

(l) Farm stay establishments. The following additional standard applies to farm stay establishments: the maximum number of days a farm stay establishment may host guests in a calendar year is 90 days.

(m) Bed and breakfast establishments. The following additional standards apply to bed and breakfast establishments.

(1) At least 80 percent of a parcel where a bed and breakfast establishment is located must be engaged in agricultural activities and kept free of structures.

(2) A bed and breakfast establishment may only be located on a lot served by a retail water supplier or within the boundaries of the East Contra Costa County Groundwater Subbasin. A "retail water supplier" is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier.

(3) In land use districts where a bed and breakfast establishment regulated by this division would otherwise be a permitted use, it is unlawful to establish a bed and breakfast establishment if the location of the bed and breakfast establishment is within one-quarter mile of any parcel occupied by any other bed and breakfast establishment. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel on which the bed and breakfast establishment will be established to any point on the property line of the other parcel. (Ord. 2024-06 § 2.)

824-8.004 Agricamping.

(a) Agricamping may be provided only in camping structures, including tent cabins and yurts, or in travel trailers owned by the property owner. Camping in tents, guest-owned structures, or guest-owned travel trailers is not allowed.

(b) The minimum parcel size for an agricamping establishment is 10 acres.

(c) The owner of the land on which agricamping is provided, or a tenant farmer, must reside on the property.

(d) An agricamping establishment may have a maximum of five total camping structures or travel trailers.

(e) The maximum overnight occupancy for agricamping is two persons per camping structure or travel trailer. Children under 18 years of age are not counted toward occupancy. The maximum number of agricamping guests that may be on the premises at any one time is 10.

(f) An agricamping establishment may not provide lodging to a guest for more than 30 consecutive days.

(g) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at the agricamping establishment is prohibited during quiet hours.

(h) Exterior lighting must be directed downward and away from adjacent properties.

(i) An agricamping establishment may serve food or meals at any time, but only to registered guests. No camp stove, kitchen, or kitchenette facilities are allowed in a camping structure or travel trailer.

(j) The operator of an agricamping establishment must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the lodging.

(k) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the agricamping, including how the program will promote local agriculture and educate guests. (Ord. 2024-06 § 2.)

Chapter 824-10
FOOD SERVICE IN AGRICULTURAL DISTRICTS

824-10.002 Farm Dinners.

(a) Up to 12 farm dinners may be hosted at a property per year.

(b) The maximum number of guests at a farm dinner is 30, except that one farm dinner with a maximum of 150 guests may be held at a property annually. A farm dinner is not an event subject to the requirements of Chapter 82-44, Temporary Events.

(c) A farm dinner may be hosted in an existing structure, outdoors on a property, on a patio, or on a deck. If a farm dinner is hosted in an existing structure, the structure must meet all building codes and fire codes that apply to the proposed number of guests.

(d) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at a farm dinner is prohibited during quiet hours.

(e) Exterior lighting must be directed downward and away from adjacent properties.

(f) The host of a farm dinner must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the

consideration for the farm dinner.

(g) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the farm dinner, including how the program will promote local agriculture and educate guests.

(h) This section does not authorize the establishment of a microenterprise home kitchen operation. Food served at a farm dinner must be prepared in accordance with all applicable local, state, and federal laws and regulations. (Ord. 2024-06 § 2.)

824-10.004 Farm-to-Table Restaurant.

(a) A farm-to-table restaurant may be established in an existing structure or in a new structure.

(b) The minimum parcel size for farm-to-table restaurant is 10 acres.

(c) The maximum dining area size in a farm-to-table restaurant is 1,500 square feet.

(d) The maximum dining area capacity in a farm-to-table restaurant is 35 guests.

(e) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device outside the farm-to-table restaurant is prohibited during quiet hours.

(f) Exterior lighting must be directed downward and away from adjacent properties.

(g) Unless otherwise provided in a land use permit, at least 50 percent of the fruits and vegetables served at a farm-to-table restaurant must be grown on-site. A land use permit may, based the site's agricultural activities and seasonal impacts on production, authorize a different percentage of fruits and vegetables grown on-site that must be served at the farm-to-table restaurant. At least 75 percent of the fruits and vegetables served at a farm-to-table restaurant must be grown within Contra Costa County.

(h) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also demonstrate how the farm-to-table restaurant will meet the percentage

requirements for fruits and vegetables that must be grown on-site. The plan must also describe the agricultural promotion program associated with the farm-to-table restaurant, including how the program will promote local agriculture and educate guests.

(i) At least 80 percent of a parcel where a farm-to-table restaurant is located must be engaged in agricultural activities and kept free of structures.

(j) A farm-to-table restaurant may only be located on a lot served by a retail water supplier or within the boundaries of the East Contra Costa County Groundwater Subbasin. A "retail water supplier" is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier.

(k) In land use districts where a farm-to-table restaurant regulated by this division would otherwise be a permitted use, it is unlawful to establish a farm-to-table restaurant if the location of the farm-to-table restaurant is within one mile of any parcel occupied by any other farm-to-table restaurant. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel on which the farm-to-table restaurant will be established to any point on the property line of the other parcel. (Ord. 2024-06 § 2.)

824-10.006 Mobile Food Vendors.

(a) Except as otherwise provided for in this section, a food truck or other mobile food vendor may not operate on any private parcel where an agritourism use is authorized under this division.

(b) A food truck or other mobile food vendor may operate on a private parcel where an agritourism use is authorized in any of the following circumstances.

(1) The agritourism use is a grower stand, farm stand, or farm market, and the food truck or other mobile food vendor is accessory to and only operates during the operation of the grower stand, farm stand, or farm market. Not more than three food trucks or other mobile food vendors may operate on the private parcel at the same time.

(2) A land use permit issued under this division authorizes a food truck or other mobile food vendor to operate on the private parcel.

(3) The food truck or other mobile food vendor is part of a temporary event authorized under Chapter 82-44. (Ord. 2024-06 § 2.)

SECTION 3. Chapter 88-20 of the County Ordinance Code is repealed.

SECTION 4. Section 84-38.404 of the County Ordinance Code is amended to read:

84-38.404 Uses—Requiring land use permit. The following uses may be allowed in an A-2 district on the issuance of a land use permit:

(1) Publicly owned parks and playground.

(2) Dude ranches, riding academies and stables, and dog kennels.

(3) Publicly owned buildings and structures, except as provided in Division 82.

(4) Commercial radio and television receiving and transmitting facilities but not including broadcasting studios or business offices.

(5) Wind energy conversion systems. This use is allowed without a land use permit if used only as an accessory to an allowable residential or agricultural use.

(6) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses.

(7) Hospitals, animal hospitals, eleemosynary and philanthropic institutions, and convalescent homes.

(8) Churches, religious institutions, and parochial and private schools.

(9) Community buildings, clubs, and activities of a quasi-public, social, fraternal, or recreational character, such as golf, tennis or swimming clubs, or veterans' or fraternal organizations. These uses are prohibited if organized for monetary profit.

(10) One additional single family dwelling.

(11) Medical and dental offices and medical clinics.

(12) Merchandising of agricultural supplies and services incidental to an agricultural use.

(13) Commercial kitchens or other facilities for creating value-added farm products.

(14) Canneries.

(15) Slaughterhouses and stockyards.

(16) Rendering plants and fertilizer plants or yards.

(17) Livestock auction or sales yards.

(18) Commercial recreational facilities when the principal use is not in a building.

(19) Boat storage facilities within one mile by public road of a boat launching facility open to the public. 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.

(20) Retail firewood sales.

(21) Recycling operations intended to sort or process material for reuse. Junkyards, defined in Section 88-4.206, are prohibited.

(22) Museums in which objects of historical, artistic, scientific or cultural importance are preserved and displayed.

(23) A farm market.

(24) Agricultural cold storage plants on parcels less than ten acres in size.

(25) Farmworker housing center.

(26) Commercial cannabis activities that meet the requirements of Chapter 88-28. (Ords. 2024-06 § 4, 2022-37 § 8, 2018-18 § 5, 2017-14 § 10, 2013-12 § 6, 2009-12 § 3, 2007-23 § 4, 2003-11 § 3, 94-28 § 2, 89-46 § 2, 76-36 § 3, 7437 § 2, 60-82, 1988, 1569 § 2: prior code § 8156(b): Ords. 1406 § 3, 497 § 4, 382 § 4E.)

SECTION 5. Section 84-42.404 of the County Ordinance Code is amended to read:

84-42.404 Uses—Requiring land use permit. The following uses may be allowed in an A-4 district on the issuance of a land use permit:

(1) Related commercial agricultural uses including the erection or modification of sheds, warehouses, granaries, hullers, dryers, fruit and vegetable packing and buildings for the storage of agricultural products and equipment.

(2) A farm market.

(3) A detached single-family dwelling on each parcel and the accessory structures and uses normally auxiliary to it. 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. A separate land use permit is required for one additional single-family dwelling on the parcel.

(4) Wholesale nurseries and greenhouses.

(5) Hog ranches.

(6) Dairying.

(7) Fur farms.

(8) Livestock and feed yards.

(9) Poultry raising.

(10) Commercial fish farming.

(11) Commercial kitchens or other facilities for creating value-added farm products.

(12) Canneries.

(13) Mushroom houses.

(14) Commercial radio and television receiving and transmitting facilities but not including broadcasting studios or business offices.

(15) Those uses described in Government Code Section 51201(e).

(16) Wind energy conversion systems, except when used only as an accessory to an allowable residential or agricultural use.

(17) Farmworker housing center. (Ords. 2024-06 § 5, 2017-14 § 12, 2013-12 § 7, 2007-23 § 6, 2006-19 § 8, 2003-12 § 2, 86-61 § 3, 84-24 § 3, 68-54 § 1 (part), 1968: prior code § 8169(b).)

SECTION 6. Section 84-80.404 of the County Ordinance Code is amended to read:

84-80.404 Uses with land use permit. The following uses may be allowed in an A-20 district on the issuance of a land use permit:

(1) Merchandising of agricultural supplies and services incidental to agricultural use.

(2) Commercial kitchens or other facilities for creating value-added farm products.

(3) Canneries.

(4) Cold storage plants.

(5) Rendering plants and fertilizer plants or yards.

(6) Livestock auction or sales yards.

(7) Wholesale nurseries and greenhouses.

(8) Mushroom houses.

(9) Processing of milk not produced on premises.

(10) Dude ranches, riding academies, stables, dog kennels.

(11) Hospitals, eleemosynary and philanthropic institutions, convalescent homes, and animal hospitals.

(12) Churches, religious institutions, parochial and private schools.

(13) Community buildings, clubs, activities of a quasi-public, social, fraternal or recreational character.

(14) Medical and/or dental offices and clinics.

(15) Boat storage area within one mile by public road of a public boat launching facility.

(16) Oil and gas drilling and production including the installation and use of only such equipment necessary and convenient for drilling and extracting operations.

(17) Commercial radio and television receiving and transmitting facilities other than broadcasting studios and business offices.

(18) One additional single-family dwelling.

(19) Wind energy conversion systems, except when used only as an accessory to an allowable residential or agricultural use.

(20) A farm market.

(21) Farmworker housing center.

(22) Commercial cannabis activities that meet the requirements of Chapter 88-28.

(23) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses. (Ords. 2024-06 § 6, 2022-37 § 9, 2018-18 § 5, 2017-14 § 16, 2013-12 § 9, 2007-23 § 8, 2006-19 § 11, 86-61 § 4, 84-24 § 4, 79-108.)

SECTION 7. Section 84-82.404 of the County Ordinance Code is amended to read:

84-82.404 Differences from A-20 district.

The following regulations for A-40 districts are different from those for A-20 districts:

(1) Uses with land use permit. No land use permit may be issued in an A-40 district for the uses listed in subsections (11) through (15) of Section 84-80.404.

(2) Area. No building or other structure permitted in an A-40 district shall be erected or placed on a lot smaller than 40 acres in area. (Ords. 2024-06 § 7, 2017-14 § 17, 79-108.)

SECTION 8. Section 84-84.404 of the County Ordinance Code is amended to read:

84-84.404 Differences from A-20 district.

The following regulations for A-80 districts are different from those for A-20 districts:

(1) Uses with land use permit. No land use permit may be issued in an A-20 district for the uses listed in subsections (11) through (15) of Section 84-80.404.

(2) Area. No building or other structure permitted in an A-80 district shall be erected or placed on a lot smaller than 80 acres in area. (Ords. 2024-06 § 8, 2018-18 § 5, 2017-14 § 17, 79-108.)

SECTION 9. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: Monica Nino,
Clerk of the Board of Supervisors
and County Administrator

_____
Board Chair

By: _____
Deputy

[SEAL]

KCK:

Attachment B – *REVISED* Table of Agritourism Uses

Agritourism Use	**Type of Permit**	**Minimum Lot Area**	**Maximum Occupancy/ Sales/Floor Area/ Frequency of Activity**	**Food Sold**	**Other Noteworthy Requirements**
Grower Stands, Farm Stands, Farm Markets					
grower stand	None	None	1,500 sq. ft.	Yes, only as permitted by Section 824-4.006 (e) and 824-10.006.	▪ Sale of farm products produced on-site or proximate to the site, including bottled or canned drinks ▪ A maximum of three food trucks or mobile food vendors at a time may operate as an accessory use during operations.
farm stand	Ministerial**	None	1,500 sq. ft.	Yes, see Section 824-4.006 (b) and (e) and 824-10.006.	▪ Sale of farm products produced on-site or proximate to the site. ▪ Up to 40 percent of the total sales area used for the sale of value-added farm products produced on-site or proximate to the site; farm products not produced on-site or proximate to the site; and non-agricultural items. ▪ No more than 10 percent of the total sales area of a farm stand may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site. ▪ A maximum of three food trucks or mobile food vendors at a time may operate as an accessory use during operations.
farm market	Land Use Permit	None	3,500 sq. ft.	Yes, see Section 824-4.006 (c) and (e) and 824-10.006.	▪ Sale of farm products produced on-site or proximate to the site and value-added farm products produced on-site or proximate to the site. ▪ Up to 20 percent of the total sales area may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site. ▪ A maximum of three food trucks or mobile food vendors at a time may operate as an accessory use during operations.
Lodging					
farm stay	Ministerial** Renewed annually	10 acres	5 bdrms max; 2 p/bdrm with a max of 10 at any one time; not more than 30 consecutive days; 90 days max to host in a calendar year.	Yes, served only to guests.	▪ Noise restriction – quiet hrs 10 pm – 7 am ▪ Exterior light directed downward and away from properties. ▪ Provide an agricultural activities and promotion plan.
agricamping	Land Use Permit	10 acres	5 max camping structures or travel trailers; 2 max/camping structure with a max of 10 at any one time; not more than 30 consecutive days	Yes, served only to guests.	▪ Noise restriction – quiet hrs 10 pm – 7 am ▪ Exterior light directed downward and away from properties. ▪ Provide an agricultural activities and promotion plan.
bed and breakfast	Land Use Permit	10 acres	5 bdrms max; 2 p/bdrm with a max of 10 at any one time; not more than 30 consecutive days.	Yes, served only to guests.	▪ Noise restriction – quiet hrs 10 pm – 7 am ▪ Exterior light directed downward and away from properties. ▪ Provide an agricultural activities and promotion plan. ▪ At least 80% of parcel is engaged in agricultural activities and kept free of structures. ▪ Served by a retail water supplier or within boundaries of the East Contra Costa County Groundwater Subbasin. ▪ Not located within ¼ mile of another bed and breakfast establishment.

**Three or more of the following uses may be established on a lot with issuance of a land use permit:
farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area; or small olive oil mill without a tasting/on-site sales area.

Food Service					
farm dinner	Ministerial** Renewed annually	None	Up to 12 farm dinners/yr; 30 max guests, except one farm dinner annually with a max of 150 guests located w/in existing structure, outdoors, patio or deck.	Yes	▪ Noise restriction – quiet hrs 10 pm – 7 am ▪ Exterior light directed downward and away from properties. ▪ Provide an agricultural activities and promotion plan. ▪ Not authorized for a microenterprise home kitchen operation.
farm-to-table restaurant	Land Use Permit	10 acres	1,500 sq. ft. max dining area, 35 guests max for dining area.	Yes	▪ Noise restriction – quiet hrs 10 pm – 7 am ▪ Exterior light directed downward and away from properties. ▪ At least 50% of fruits and vegetables served must be grown on-site; at least 75% of fruits and vegetables served must be grown within CCC. A land use permit may, based on the site's agricultural activities and seasonal impacts on production, authorize a different percentage of fruits and vegetables grown on-site. ▪ Provide an agricultural activities and promotion plan. ▪ At least 80% of parcel is engaged in agricultural activities and kept free of structures. ▪ Served by a retail water supplier or within boundaries of the East Contra Costa County Groundwater Subbasin. ▪ Not located within one mile of another farm-to-table establishment.
Wineries					
small winery w/o tasting/on-site sales area	Ministerial**	None	5,000 sq. ft. cumulative max floor area.	No	▪ Produce 50,000 gallons max annually. ▪ Min 25% of production must be from fruit grown on-site. ▪ Min 50% of production must be from fruit grown CCC.
Small winery w/tasting/ on-site sales area	Land Use Permit	None	5,000 sq. ft. cumulative max floor area; cumulative max floor area of all tasting and on-site sales is 30% of total floor area of production facilities.	Yes, see Section 824-6.006	▪ Produce 50,000 gallons max annually. ▪ Min 25% of production must be from fruit grown on-site. ▪ Min 50% of production must be from fruit grown CCC
Large winery	Land Use Permit	None	5,000 sq. ft. cumulative max floor area; cumulative max floor area of all tasting and on-site sales is 30% of total floor area of production facilities.	Yes, see Section 824-6.006	▪ Produce more than 50,000 gallons annually. ▪ Min 25% of production must be from fruit grown on-site. ▪ Min 50% of production must be from fruit grown CCC.
Olive Oil Mills					
small olive oil mill w/o tasting/on-site sales area	Ministerial**	None	5,000 sq. ft. cumulative max floor area.	No	▪ Produce 50,000 gallons max annually. ▪ Min 25% of production must be from fruit grown on-site. ▪ Min 50% of production must be from fruit grown CCC
small olive oil mill w/tasting/ on-site sales area	Land Use Permit	None	5,000 sq. ft. cumulative max floor area; cumulative max floor area of all tasting and on-site sales is 30% of total floor area of production facilities.	Yes, see Section 824-6.006	▪ Produce 50,000 gallons max annually. ▪ Min 25% of production must be from fruit grown on-site. ▪ Min 50% of production must be from fruit grown CCC
large olive oil mill	Land Use Permit	None	5,000 sq. ft. cumulative max floor area; cumulative max floor area of all tasting and on-site sales is 30% of total floor area of production facilities.	Yes, see Section 824-6.006	▪ Produce more than 50,000 gallons annually. ▪ Min 25% of production must be from fruit grown on-site. ▪ Min 50% of production must be from fruit grown CCC.

**Three or more of the following uses may be established on a lot with issuance of a land use permit:
farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area; or small olive oil mill without a tasting/on-site sales area.

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

Contact: Jennifer Cruz, (925) 674-7790

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

By: , Deputy

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

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   c. Table of Existing Agriculturally Zoned Uses in Contra Costa County
   d. Table Comparing Agricultural Uses in Other Counties
   e. Table Comparing Ombudsperson in Different Counties

IV. Recommendations

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

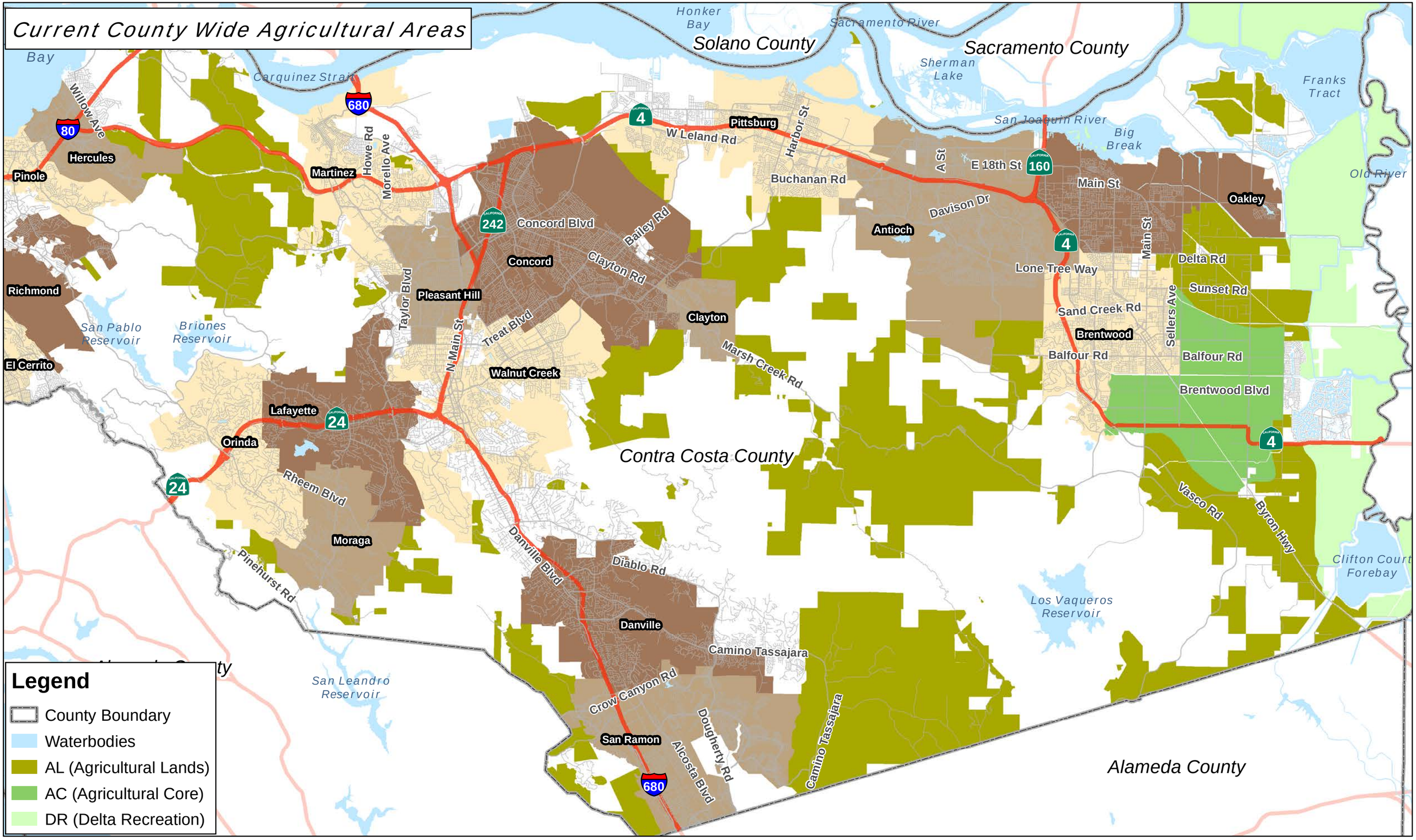
Speaker: Lisa Borba, Ron Nunn Farms.

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)

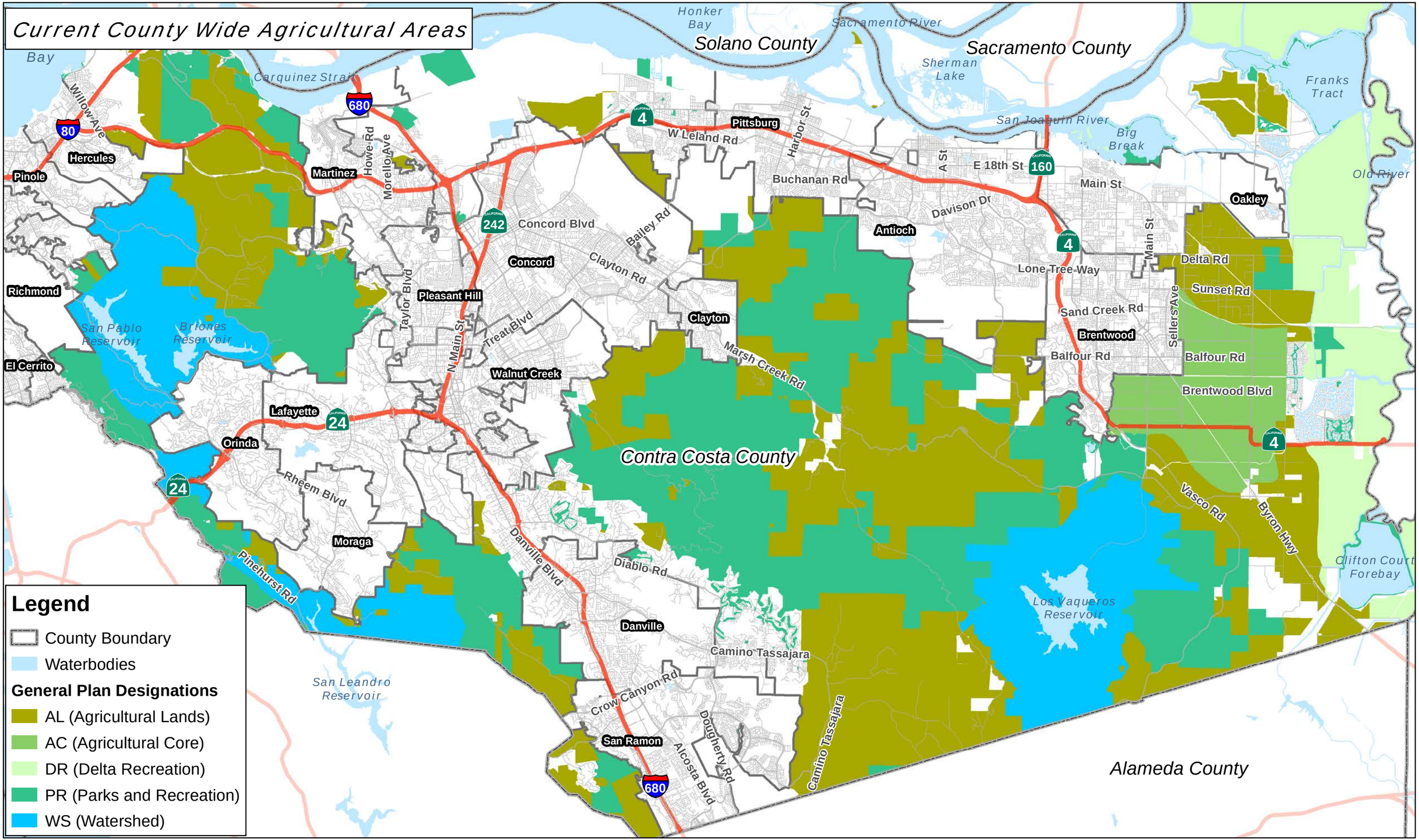
N

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

This map was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.

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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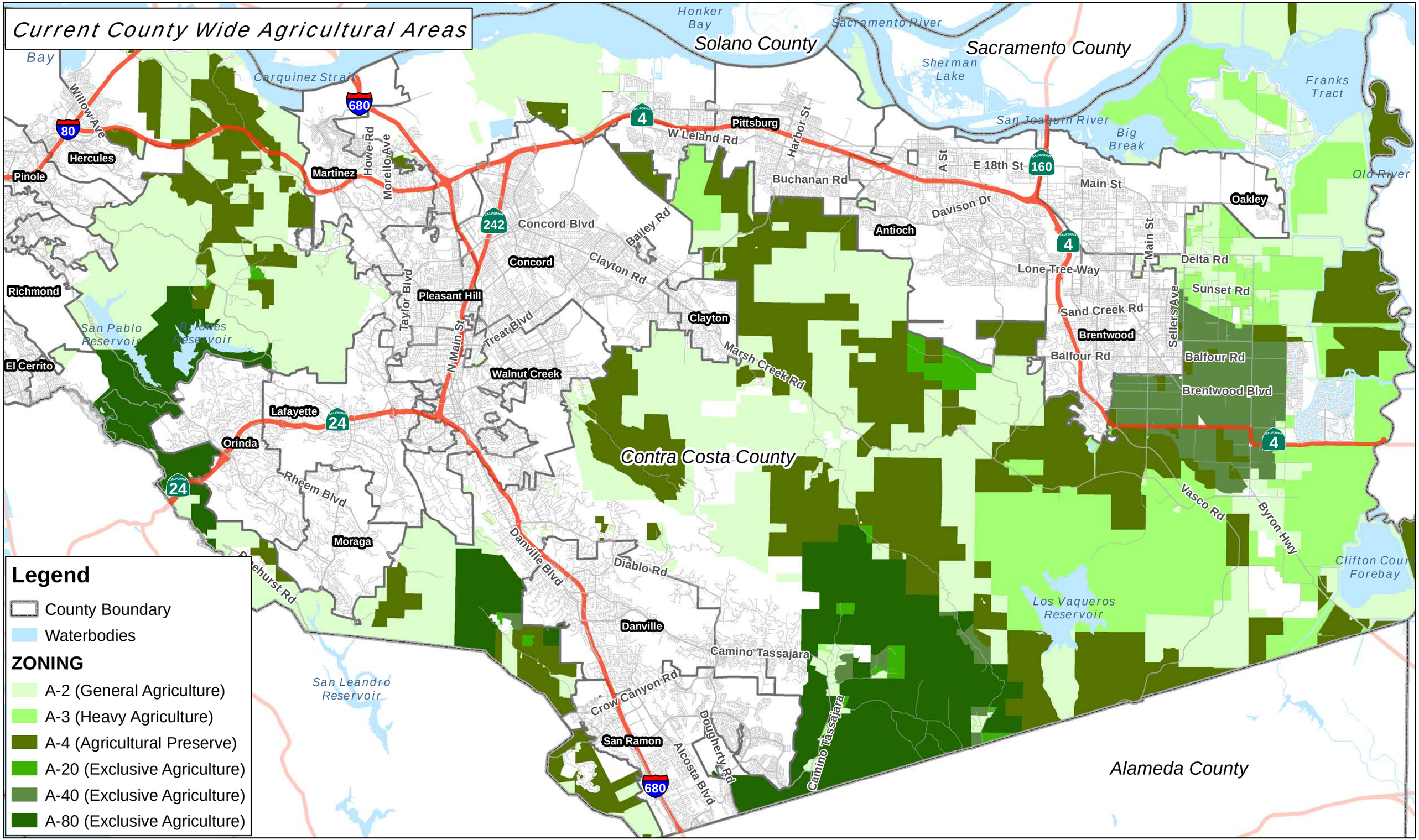

Legend

- 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

Map Created 6/19/2018
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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

0 0.3 0.6 1.2 Miles

Map Created 5/1/2018
by Contra Costa County Department of
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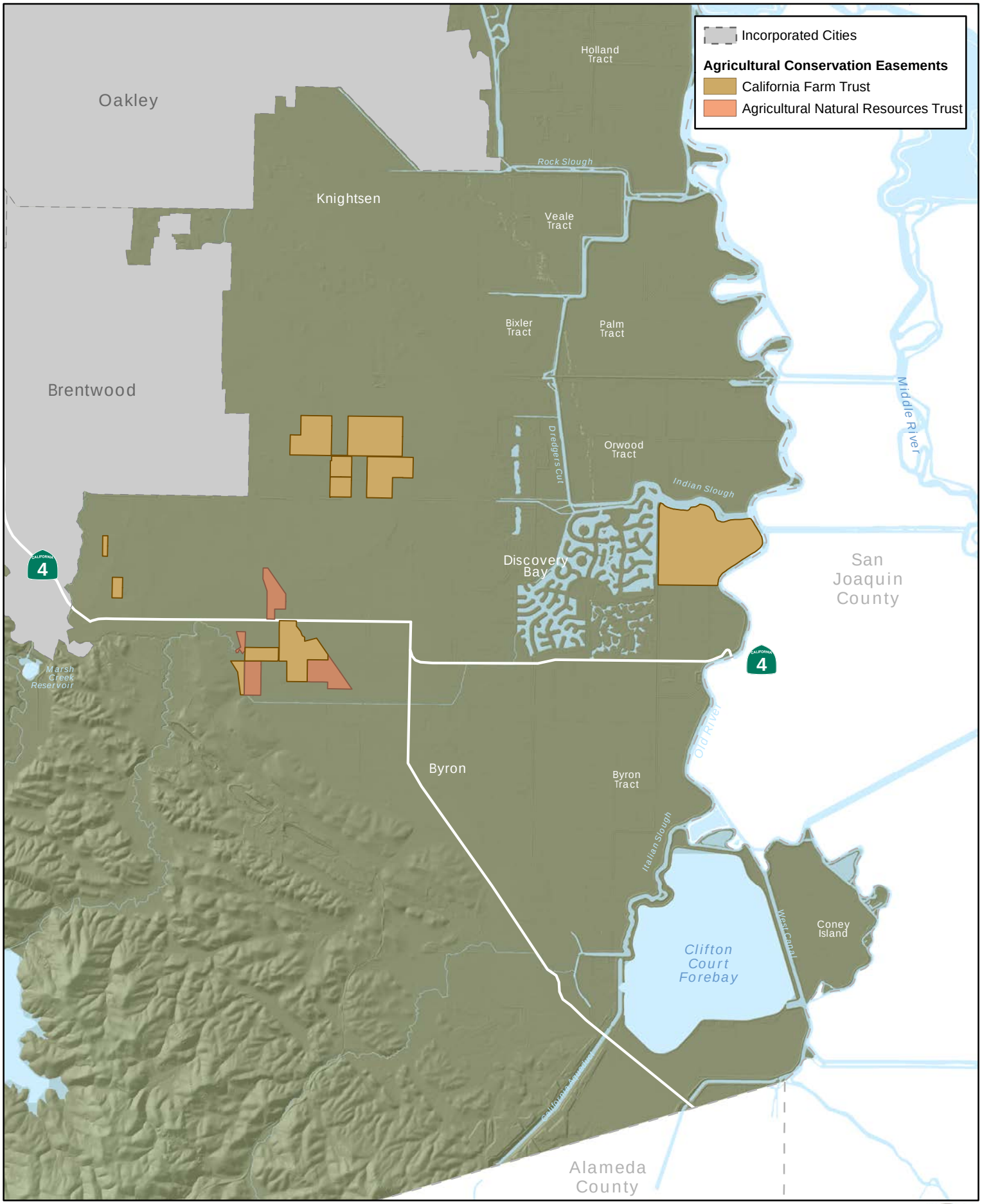
Agricultural Conservation Easements in East Contra Costa County



Map created 04/22/2019
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

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Miles
0 1 2 4

DRAFT

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 commondity type, soil type, surrounding uses, and other appropriate factors) LA - 10, 20, 40, 80, 160 (lot size based on commondity 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

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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.

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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.

Department of Conservation and Development

County Planning Commission

Wednesday, February 22, 2023 – 6:30 P.M.

STAFF REPORT **Agenda Item #____**

Project Title:	Zoning Text Amendment Establishing Agritourism Uses in Agricultural Zoning Districts
County File(s):	CDZT22-00003
Applicant:	Contra Costa County
Owner:	Contra Costa County
General Plan/Zoning:	Countywide
Site Address/Location:	Countywide
California Environmental Quality Act (CEQA) Status:	The project is exempt under Section 15061(b)(3) of the Environmental Quality Act (See Section V for additional information).
Project Planner:	Jennifer Cruz, Principal Planner (925) 655-2867 Jennifer.Cruz@dcd.cccounty.us
Staff Recommendation:	Recommend Approval to the Board of Supervisors (See Section II for complete recommendation)

I. PROJECT SUMMARY

This is a hearing on a County initiated Zoning Text Amendment to establish size and location standards, sales requirements, and other regulations governing agritourism uses in agricultural zoning districts, recodify Chapter 88-20 (Agricultural Farm Stands and Farm Markets) as Chapter 824-4 (Grower Stands, Farm Stands, and Farm Markets), and amend Chapters 84-82 and 84-84 to allow stables in A-40 and A-80 agricultural zoning districts with the issuance of a land use permit.

RECOMMENDATION

Staff recommends that the County Planning Commission:

1. OPEN the public hearing on the proposed zoning text amendment; RECEIVE testimony; and CLOSE the public hearing.

2. RECOMMEND that the Board of Supervisors take the following actions:

    A. ADOPT the proposed zoning text amendment to establish size and location standards, sales requirements, and other regulations governing agritourism uses in agricultural zoning districts, recodify Chapter 88-20 (Agricultural Farm Stands and Farm Markets) as Chapter 824-4 (Grower Stands, Farm Stands, and Farm Markets), and amend Chapters 84-82 and 84-84 to allow stables in A-40 and A-80 agricultural zoning districts with the issuance of a land use permit.

    B. DETERMINE that the proposed zoning text amendment is exempt from CEQA under CEQA Guidelines Sections 15061(b)(3) (common sense exemption).

    C. Direct staff to file a Notice of Exemption with the County Clerk.

II. 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 the Department of Conservation and Development (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.

Public Review Process

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 policy review process was held over a 12-month period starting in 2018. These large meetings, which ranged from 20-70 participants per meeting, were held in Martinez, Danville, and Knightsen. Participants that attended the meetings came from diverse backgrounds, including individuals from the farming and ranching community, rural residents, proponents of various agricultural commercial ventures, and 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). 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.

Recommendations Report

The result of the extensive stakeholder collaboration was the Recommendations on Reforming Agricultural Land Use Policies in Contra Costa County To Improve Both Economic Vitality and Sustainability Report (“Report”). The Report, attached as Attachment B, included 18 recommendations to promote and preserve agriculture in Contra Costa County.

The Report recommends authorizing various new types of lodging accommodations in agricultural areas, including short-term rentals for 90 days or less, farm stays for up to 90 days, bed-and-breakfast, and camping/yurts. The Report also recommends authorizing food service uses in agricultural areas, including farm dinners and farm-to-table restaurants. The Report also recommends updating the County's winery policies and authorizing certain new uses to host large events. The Report discussed the possible permits that may be required, in addition to other permits required by other agencies.

Broader policy reforms were also discussed in the report. Examples include establishing mitigation requirements 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.

Finally, the Report presented recommendations to promote agriculture in Contra Costa County, including equestrian and bike trails to connect farms, 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.

Board Action on Report and Implementation

The Report was presented to and accepted by the Board of Supervisors on February 4, 2020. As summarized above, the Report contains a broad array of recommendations and staff will be working with the Board to address them in phases. Some initial accomplishments include:

- Board adoption in the summer of 2022 of an urgency ordinance to adjust provisions of the County's regulations related to temporary events to provide additional tools for deterring unregulated commercial parties in agricultural areas;
- launching the County's Illegal Dumping Initiative and Board approval of a $500,000 per year allocation of Measure X funding to sustain the Initiative;
- updating the County's sign ordinance, including provisions intended to facilitate signage for farms that can be visited by the public.

This report describes the next major phase in implementation, the proposed

establishment of a regulatory framework in this proposed zoning text amendment for permitting, establishing, and operating agritourism uses. The proposed amendment is guided by the detailed recommendations of the Report but also reflects staff review of regulations in place in other California counties.

Following review, approval and initial implementation of the proposed zoning text amendment, staff plans to work with the Board to pursue the remaining Report recommendations.

III. PROPOSED ZONING TEXT AMENDMENTS

Agritourism uses are uses that are accessory to a primary agricultural use; are conducted for the enjoyment and education of visitors, guests, or clients; and generate income for the owner or operator of a working farm, ranch, or other agricultural operation.

The propose zoning text amendment would add Division 824 to the County Ordinance Code to authorize farm stay, farm dinner, agricamping, bed and breakfast, farm-to table-restaurant, olive oil mill, and winery as agritourism uses that are permitted in agricultural zoning districts. The proposed ordinance would also incorporate the County's current regulations regarding grower stands, farm stands, farm markets into Division 824, as additional agritourism uses. The proposed ordinance would also authorize the establishment of stables in A-40 and A-80 zoning districts, consistent with the uses allowed in other agricultural zoning districts.

Below is a summary of proposed Division 824, regulating agritourism uses.

Permitting

The following agritourism uses would be allowed upon the issuance of a ministerial permit:

- farm stand
- farm stay
- farm dinner
- small winery without a tasting/on-site sales area and that will not host large events
- small olive oil mill without a tasting/on-site sales area and that will not host large events.

If three or more of the above-listed uses were to be established on the same lot, a land use permit would be required.

The following agritourism uses would be allowed upon the issuance of a land use permit:

- agricamping
- bed and breakfast
- farm market
- farm-to-table restaurant
- large olive oil mill
- large winery; small olive oil mill with a tasting/on-site sales area or that will host large events
- small winery with a tasting/on-site sales area or that will host large events.

A grower stand that met all the applicable standards in the proposed ordinance would be allowed without a separate permit.

Standards
In establishing these uses, the zoning text amendment requires a minimum lot size, specifies floor area requirements and number of guests allowed, standards related to frequency of events, noise, exterior lighting, percentage of parcel to engage in agricultural activities that should be kept free of structures, and provide a program of agricultural promotion and guest education regarding activities on site and in the area. The zoning text amendment also requires certain uses to be on a lot served by a retail water supplier and a distance requirement from one establishment to another.

Attached to this staff report is a table of the agritourism uses and a summary of the requirements (Attachment C).

Large Events
A land use permit authorizing a winery, olive oil mill, bed and breakfast, or farm-to-table restaurant may also authorize the hosting of large events.

The proposed ordinance would allow up to 12 large events per year on a parcel of 40 or more acres, and up to 6 large events per year on smaller parcels. Only one large event may be hosted in a calendar month. The land use permit authorizing the hosting of large events must limit the maximum number of people at a large event to minimize impacts on traffic, parking, and neighbors, and may not permit more than 75 persons at a large event on a parcel of less than 40 acres. The proposed ordinance would also establish noise and lighting restrictions to minimize impacts to neighbors.

An agritourism use not authorized to host large events under Division 824 may host a

temporary event subject to regulations of the County's Temporary Event Ordinance.

IV. CONSISTENCY WITH THE GENERAL PLAN

The proposed zoning text amendment to allow agritourism uses is consistent with the following Goals and Policies of the General Plan.

- 3-M. Protect and promote the economic viability of agricultural land.
- 3-s. Establish standards and policies designed to protect the economic viability of agricultural land which may include, but not necessarily be limited to, preservation agreements, conservation easements, clustering, and establishment of agricultural mitigation fees.
- 8-2. Areas that are highly suited to prime agricultural production shall be protected and preserved for agriculture and standards for protecting the viability of agricultural land shall be established.
- 8-G. To encourage and enhance agriculture, and to maintain and promote a healthy and competitive agricultural economy.
- 8-H. To conserve prime productive agricultural land outside the Urban Limit Line exclusively for agriculture.
- 8-I. To minimize conflicts between agricultural and urban uses.
- 8-29. Large contiguous areas of the County should be encouraged to remain in agricultural production, as long as economically viable.
- 8-39. A full range of agriculturally-related uses shall be allowed and encouraged in agricultural areas.
- 8-41. The promotion and marketing of locally grown agricultural products and "value-added" agricultural products, which means an agricultural product that has been changed from its natural state into an item for ultimate sale to the consumer, so as to increase the value of the agricultural product, shall be encouraged.
- 8-44. Agricultural processing and service businesses, including facilities for the production and direct marketing of "value-added" agricultural products, in agriculturally designated areas may be permitted.
- 8-ah. Require adequate setbacks for any non-agricultural structures located within or adjacent to cultivated agriculture.

The Conservation Element in the County's General Plan also identifies as a Zoning Ordinance Revision to modify the agricultural zoning districts to allow agricultural service businesses and uses in agriculturally designated areas as larger agricultural service businesses which have more than one employee but are clearly subordinate to on-site production activities, and which occupy less than ½ acre of land and do not

adversely affect agricultural production in the area, subject to issuance of a land use permit).

The zoning text amendment would establish zoning regulations to allow for a variety of agritourism uses in agricultural zoning districts. Standards and requirements for these uses specified in the zoning text amendment allow working farm, ranch or other agricultural operations to generate income and still preserve agricultural lands in the County.

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION

The Zoning Text Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3).

CEQA Guidelines section 15061(b)(3) is the "common sense exemption." The proposed actions would authorize the establishment of agritourism uses in agricultural zoning districts after the issuance of a ministerial permit or a land use permit. No specific project is approved with this Zoning Text Amendment. The proposed new uses that could foreseeably have an environmental impact would each require separate discretionary permits and be subject to individual environmental review pursuant to CEQA. Some uses could be approved with a ministerial permit and that action would be categorically exempt from CEQA. However, such proposed uses are minor extensions of existing allowed uses, are subordinate to the primary agricultural use and are subject to specific standard requirements related to lot area, number of bedrooms and guests, number of events, noise, and light. Thus, it can be seen with certainty that there is no possibility that the proposed actions could have a significant effect on the environment.

VI. CONCLUSION

The proposed zoning text amendment would authorize agritourism uses in agricultural zoning districts in the County, and would establish standards for these uses that would preserve agricultural land be consistent with the County General Plan. Therefore, staff recommends the Commission recommend that the Board of Supervisors approve the zoning text amendment.

Attachments:

- Attachment A - Draft Ordinance
- Attachment B - February 4, 2020 Report - Recommendations on Reforming Agricultural Land Use Policies in Contra Costa County
- Attachment C – Table of Agritourism Uses
- Attachment D - Power Point Presentation

ORDINANCE NO. 2023-___ **DRAFT**

AUTHORIZING AGRITOURISM USES IN AGRICULTURAL ZONING DISTRICTS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION 1. SUMMARY. This ordinance establishes size and location standards, sales requirements, and other regulations governing agritourism uses in agricultural zoning districts. This ordinance also recodifies Chapter 88-20 (Agricultural Farm Stands and Farm Markets) as Chapter 824-4 (Grower Stands, Farm Stands, and Farm Markets). This ordinance also amends Chapters 84-82 and 84-84 to allow stables in A-40 and A-80 agricultural zoning districts with the issuance of a land use permit.

SECTION 2. Division 824 is added to the County Ordinance Code, to read:

Division 824
AGRITOURISM

Chapter 824-2
GENERAL AGRITOURISM REGULATIONS

824-2.002 Purpose and Intent. The purpose of this division is to establish zoning regulations to allow for a variety of agritourism uses in agricultural zoning districts. Agritourism uses are uses that are located at a working farm, ranch, or other agricultural operation; are accessory to a primary agricultural use; are conducted for the enjoyment and education of visitors, guests, or clients; and generate income for the owner or operator of the working farm, ranch, or other agricultural operation. (Ord. 2023-__ § 2.)

824-2.004 Definitions. For purposes of this division, the following words and phrases have the following meanings:

(a) "Agricamping establishment" means an establishment that provides food and lodging in accordance with this division.

(b) "Agritourism lodging establishment" means a residence in an agricultural zoning district that is used as a bed and breakfast establishment, a farm stay establishment, or a short-term rental that complies with Chapter 88-32.

(c) "Agritourism use" means any of the following uses located in an agricultural zoning district: agricamping; agritourism lodging establishment; farm dinner; farm market; farm stand; farm-to-table restaurant; grower stand; olive oil mill; or winery.

(d) "Bed and breakfast establishment" means an establishment that provides food and lodging in accordance with this division.

(e) "Farm dinner" means an occasion where food is provided in accordance with this division.

(f) "Farm market" means an area accessory to an on-site agricultural operation that is used to sell farm products, value-added farm products, and non-agricultural items, as specified, where the total sales area does not exceed 3,500 square feet.

(g) "Farm product" includes any of the following in its raw or natural state: any agricultural, horticultural, viticultural, or vegetable product of the soil; poultry products; livestock products; and apiary products. "Farm product" does not include any livestock, poultry, fish, or shellfish.

(h) "Farm stand" means an area accessory to an on-site agricultural operation that is used primarily to sell farm products, value-added farm products, and non-agricultural items, as specified, where the total sales area does not exceed 1,500 square feet.

(i) "Farm stay establishment" means an establishment that provides food and lodging in accordance with this division.

(j) "Farm-to-table restaurant" means a restaurant that provides food in accordance with this division.

(k) "Grower stand" means an area accessory to an on-site agricultural operation that is used to sell farm products produced on-site or proximate to the site, as specified, where the total sales area does not exceed 1,500 square feet.

(l) "Large event" means an occasion at an agritourism use establishment organized for a particular and limited purpose and time, not to exceed three consecutive days.

(m) "Non-agricultural item" means any item offered for sale other than farm products and value-added farm products.

(n) "Olive oil mill" means an operation for the processing of olives into olive oil. An olive oil mill may be a small olive oil mill or a large olive oil mill.

(o) "Olive oil production facility" means a facility or facilities at an olive oil mill used for any of the following activities or uses: harvesting, milling, pressing, and crushing fresh olives; extraction and blending of olive oil; bottling and labeling of olive oil; storage of olive oil; laboratory facilities; administrative offices; shipping, receiving, and distribution

of olive oil; equipment storage and repair; composting and removal of olive pomace and other agricultural product waste, and agricultural wastewater treatment. A tasting area or on-site sales area at an olive oil mill is not part of the olive oil production facility at the olive oil mill.

(p) "Responsible party" means a person that is designated by the applicant as a point of contact for the agritourism use.

(q) "Value-added farm product" means a farm product that has been changed from its natural state to an item in a different form through canning, drying, freezing, preserving, fermenting, compounding, processing, packing, or a similar alteration, so as to increase the value of the farm product.

(r) "Wine production facility" means a facility or facilities at a winery used for any of the following activities or uses: crushing or pressing grapes; fermenting wine; aging wine; processing and blending of wine; bottling and labeling of wine; storage of wine in cellars, vats, barrels, bottles, or cases; laboratory facilities; administrative offices; shipping, receiving, and distribution of wine; truck scales; equipment storage and repair; composting of grape byproducts and other agricultural product waste, and agricultural wastewater treatment. A tasting area or on-site sales area at a winery is not part of the wine production facility at the winery.

(s) "Winery" means an operation for the fermentation and processing of grapes into wine, or the refermentation of still wine into sparkling wine. A winery may be a small winery or a large winery. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.006 Location.

(a) An agritourism use that complies with the provisions of this division may be located on any legal lot in an agricultural district (A-2, A-3, A-4, A-20, A-40, and A-80).

(b) Multiple agritourism uses may be permitted on the same lot, except as follows:

(1) A farm stay establishment and a bed and breakfast establishment may not be permitted on the same lot.

(2) A farm dinner and a farm-to-table restaurant may not be permitted on the same lot.

(3) A farm market and a farm stand may not be permitted on the same lot.

(4) A farm market and a grower stand may not be permitted on the same lot.

(5) A farm stand and a grower stand may not be permitted on the same lot.

(6) A small olive oil mill and a large olive oil mill may not be permitted on the same lot.

(7) A small winery and a large winery may not be permitted on the same lot.
(A) (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.008 Accessory Use. An agritourism use is allowed only if it is an accessory use on a property that is used for agriculture, as defined in Section 82-4.206. If property is located in an agricultural zoning district but the property is not used for agriculture, then no agritourism use is allowed on the property. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.010 Parking.

(a) Adequate parking for consumers and employees must be provided at an agritourism use. If an agritourism use consists of a structure, one off-street parking space must be provided for each 300 square feet of structural floor area, with a minimum of two parking spaces. Each required off-street parking space must be at least nine feet by 19 feet in size. The required parking spaces may be dirt or gravel. The required parking spaces need not be paved, striped, or otherwise improved, but must be identifiable. Parking spaces must be oriented such that vehicles are not required to back onto a public road.

(b) Safe access to and from a public road must be provided with a durable, dustless surface, such as compacted gravel or a similar permeable surface, or asphalt, except that within 20 feet of a public road all access surfaces must be asphalt. A defined point of ingress and egress must be provided. An encroachment permit must be obtained for a new point of access to a public road.

(c) The parking requirements of Chapter 82-16 do not apply to this division. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.012 Signs.

(a) One or more on-site commercial signs are allowed on a lot with an agritourism use. An "on-site commercial sign" is a sign that directs attention to the business activity conducted or products sold or produced on the lot where the agritourism use is located.

(b) The following on-site commercial signs may be located on a lot with an agritourism use:

(1) One free-standing on-site commercial sign that does not exceed 12 feet in height or the height of the tallest structure, whichever is lower, and whose total display surface area does not exceed 32 square feet if the sign is single-sided or 64 square

feet if the sign is double-sided.

(2) Additional on-site commercial signs that are affixed directly to any structure with an indoor sales area.

(3) One or more additional free-standing on-site commercial signs. No additional free-standing sign shall exceed 12 feet in height or have a display surface area greater than 16 square feet.

(c) The total display surface area of all on-site commercial signs on a lot with an agritourism use shall not exceed 128 square feet.

(d) An on-site commercial sign may not encroach on any public right of way and may not conflict with any applicable sight distance.

(e) An on-site commercial sign may not be illuminated.

(f) All signs and sign structures shall be maintained in a safe and structurally sound manner free from deterioration, rust, rot, and loose parts. Each sign face must be clean and neatly painted at all times.

(g) A temporary on-site commercial sign must be removed when not in use.

(h) An on-site commercial sign or signs authorized by this division may contain noncommercial copy in lieu of other copy. Nothing in this division may be construed as regulating or restricting the use of noncommercial copy or message on any sign allowed under this section.

(i) If an agritourism use is lawfully established under the provisions of this division, on-site commercial signs that meet the requirements of this section are allowed without a separate permit.

(j) Off-site commercial signs are prohibited on a lot with an agritourism use. An "off-site commercial sign" is an advertising sign that directs attention to a business activity conducted or product or services sold or offered at a location not on the lot where the agritourism use is located. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.014 Height and Setbacks. An agritourism use must comply with the height and setback requirements that apply in the zone in which the property is located. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.016 Events. Except as otherwise provided for in this division, the requirements of Chapter 82-44, Temporary Events, apply to this division. (Ord. 2023-__ § 2.)

824-2.018 Permits.

(a) No permit. No permit is required under this division for a grower stand that meets the standards contained in this division.

(b) Ministerial permit.

(1) Unless a land use permit is otherwise required by subsection (c), below, a ministerial permit is required before any of the following uses may be established under this division: farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area and that will not host large events; or small olive oil mill without a tasting/on-site sales area and that will not host large events.

(2) An application for a ministerial permit must be made in writing and contain sufficient information to allow the Department of Conservation and Development to determine if the agritourism use will meet the standards in this division.

(3) An application for a ministerial permit will be approved without discretionary review or public hearing unless any of the following grounds for denial exist:

(A) The application is incomplete.

(B) The applicant has not paid all required fees in accordance with the fee schedule adopted by the Board of Supervisors.

(C) The applicant is delinquent in the payment of County taxes.

(D) A separate agritourism use permit associated with the location or the applicant was revoked within 24 months before the date of application.

(E) A structure proposed for an agritourism use violates any provision of this code, including the building standards in Title 7.

(4) After a ministerial permit for farm stay or farm dinner is issued, the department will notify all owners of property within 300 feet of the farm stay or farm dinner that a permit was issued. The notice will be in writing and contain the location of the farm stay or farm dinner, contact information for the responsible party associated with the permit, contact information for county code enforcement, and a website address where the agritourism ordinance is listed.

(5) A ministerial permit for farm stay or farm dinner expires one year from the date the permit was approved, unless it is revoked sooner.

(6) An application to renew a ministerial permit for farm stay or farm dinner must be filed with the Department of Conservation and Development at least 30 days before the permit expires.

(7) An application to renew a ministerial permit for farm stays or farm dinners will be approved ministerially unless any of the following grounds for denial exist:

(A) Any of the grounds for denial under subsection (3) exist.

(B) The application is filed less than 30 days before the permit expires.

(C) The permit is revoked or is the subject of a revocation proceeding at the time of application.

(8) A short-term rental proposed for an agricultural zoning district must comply with the permit requirements of Chapter 88-32.

(c) Land use permit.

(1) A land use permit is required before three or more of the following uses may be established on a lot under this division: farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area and that will not host large events; or small olive oil mill without a tasting/on-site sales area and that will not host large events.

(2) A land use permit is required before any of the following uses may be established under this division: agricamping; bed and breakfast; farm market; farm-to table-restaurant; large olive oil mill; large winery; small olive oil mill with a tasting/on-site sales area or that will host large events; or small winery with a tasting/on-site sales area or that will host large events.

(3) An application to establish a land use permit under this division must contain all of the information required by article 26-2.20 of this code.

(4) An application for a land use permit under this division will be decided in accordance with article 26-2.20 of this code. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.020 Fees. Application, review, and permit fees for agritourism uses will be in amounts established by the Board of Supervisors in the Conservation and Development Department's fee schedule. (Ords. 2023-__ § 2, 2007- 23 § 2.)

824-2.022 Other Laws. Agritourism uses also may be subject to ordinances, statutes and regulations administered by other county departments, including the building department, health department, public works department, and agricultural commissioner's office, and may be subject to state and federal laws and regulations. The establishment of an agritourism use under this division does not relieve anyone from the obligation to obtain any other permit or license required by this code or state or federal law. Nothing in this division authorizes the establishment of a microenterprise home kitchen operation. (Ords. 2023-__ § 2, 2007-23 § 2.)

Chapter 824-4
GROWER STANDS, FARM STANDS, AND FARM MARKETS

824-4.002 Purpose and Intent. The purpose of this chapter is to establish zoning regulations to allow for the direct marketing of farm products from agricultural producers to consumers, which the California Legislature has found benefits the agricultural community and the consumer. (Food and Agricultural Code, sections 47000 and following.) This chapter is intended to allow facilities that are accessory to on-site agricultural operations where agricultural products are produced to sell these products as specified, and is not intended to encourage the establishment of traditional retail stores or convenience markets in agricultural zoning districts. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-4.004 Sales Areas.

(a) A grower stand, farm stand, or farm market may consist of one or more outdoor sales display areas, one or more structures with an indoor sales area, or both.

(b) The total sales area of a grower stand or farm stand, including all outdoor and indoor sales areas, may not exceed 1,500 square feet.

(c) The total sales area of a farm market, including all outdoor and indoor sales areas, may not exceed 3,500 square feet. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-4.006 Product Sales.

(a) Grower Stands.

(1) A grower stand may sell farm products produced on-site or proximate to the site. Vending machines that dispense bottled or canned drinks may also be located at a grower stand.

(2) The sale at a grower stand of any of the following is prohibited: value-added farm products; non-agricultural items, except for bottled or canned drinks dispensed from vending machines; and farm products not produced on-site or proximate to the site.

(b) Farm Stands.

(1) A farm stand may sell farm products produced on-site or proximate to the site.

(2) Up to 40 percent of the total sales area at a farm stand may be used for the sale of any or all of the following: value-added farm products produced on-site or proximate to the site; farm products not produced on-site or proximate to the site; and non-agricultural items. No more than 10 percent of the total sales area of a farm stand may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.

(c) Farm Markets.

(1) A farm market may sell farm products produced on-site or proximate to the site and value-added farm products produced on-site or proximate to the site.

(2) Up to 20 percent of the total sales area at a farm market may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.

(d) No petroleum products or tobacco may be sold or dispensed at any grower stand, farm stand, or farm market.

(e) Nothing may be sold from a motorized vehicle at any grower stand, farm stand, or farm market unless the vehicle is owned by the property owner and all sales from the vehicle are in compliance with this chapter. (Ords. 2023-__ § 2, 2007-23 § 2.)

Chapter 824-6
WINERIES AND OLIVE OIL MILLS

824-6.002 Minimum Lot Size.

(a) A winery may only be located on a lot with a commercial vineyard of at least five acres.

(b) An olive oil mill may only be located on a lot with a commercial olive grove of at least five acres. (Ord. 2023-__ § 2.)

824-6.004 Accessory Facilities.

(a) Production Facilities. The cumulative maximum floor area of all wine production facilities at a winery or all olive oil production facilities at an olive oil mill is 5,000 square feet.

(b) Tasting/On-Site Sales Areas. The cumulative maximum floor area of all tasting areas and on-site sales areas at a winery or olive oil mill is 30 percent of the total floor area of all wine production facilities at the winery or olive oil production facilities at the olive oil mill.

(c) At least 80 percent of the parcel where a winery or olive oil mill is located must be engaged in agricultural activities and kept free of structures. An agricultural/farming plan must be submitted with the permit application, and annually thereafter. The agricultural/farming plan must include a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. (Ord. 2023-__ § 2.)

824-6.006 Production Standards.

(a) Production Capacity.

(1) Wineries. A small winery may produce no more than 50,000 gallons of wine annually. A large winery may produce more than 50,000 gallons of wine annually.

(2) Olive Oil Mills. A small olive oil mill may produce no more than 50,000 gallons of olive oil annually. A large olive oil mill may produce more than 50,000 gallons of olive oil annually.

(b) Production Ingredients.

(1) A minimum of 25 percent of a winery's production or an olive oil mill's production must be from fruit grown on the premises.

(2) A minimum of 50 percent of a winery's production or an olive oil mill's production must be from fruit grown in Contra Costa County.

(3) The owner of a winery or olive oil mill must maintain records showing the total annual production amount from fruit grown on the premises and the amount from fruit imported from off the premises. The records must indicate the dates of receipt and the quantities of all imported fruit, and the name and location of the growing operation from which the fruit is imported. (Ord. 2023-__ § 2.)

824-6.008 Food Service. A winery or olive oil mill may serve food as part of a wine tasting or olive oil tasting. The following standards apply to food service at a winery or olive oil mill.

(a) Food service must be incidental to the tasting of wine or olive oil.

(b) Food may not be sold separately from the wine or olive oil tasting.

(c) Food service must be limited to small appetizer-size portions with a fixed menu selected by the winery or olive oil mill. Food service may not involve menu options and meal service so that the winery or olive oil mill functions as a café or restaurant.

(d) Food service must be limited to one food sample per type of wine or olive oil. (Ord. 2023-__ § 2.)

824-6.010 Retail Water Supplier Required. A winery with a tasting/on-site sales area or that will host large events, or an olive oil mill with a tasting/on-site sales area or that will host large events, may only be located on a lot served by a retail water supplier. A "retail water supplier" is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier. (Ord. 2023-__ § 2.)

824-6.012 Winery Permits and Licenses. In addition to all other permits and licenses required by this code, state law, and federal law, a winery must have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited. (Ord. 2023-__ § 2.)

824-6.014 Large Events at Wineries and Olive Oil Mills.

(a) Except as otherwise provided for in this section, a winery or olive oil mill may not host a temporary event under Chapter 82-44, Temporary Events.

(b) A land use permit authorizing a winery or olive oil mill may also authorize the winery or olive oil mill to host large events, consistent with Chapter 824-12. Large events that are authorized by a land use permit pursuant to this section are allowed without a separate permit. (Ord. 2023-__ § 2.)

Chapter 824-8
LODGING IN AGRICULTURAL DISTRICTS

824-8.002 Agritourism Lodging.

(a) Agritourism lodging may be provided only in a legally established residence. Agritourism lodging may not be located within agricultural employee housing, seasonal or year-round farmworker housing, or accessory dwelling units.

(b) The minimum parcel size for an agritourism lodging establishment is 10 acres.

(c) The owner of the land on which agritourism lodging is provided, or a tenant farmer, must reside on the property.

(d) An agritourism lodging establishment may have a maximum of five bedrooms or sleeping rooms used for lodging.

(e) The maximum overnight occupancy for agritourism lodging is two persons per bedroom or sleeping room. Children under three years of age are not counted toward occupancy. The maximum number of agritourism lodging guests that may be on the premises at any one time is 10.

(f) Food Service.

(A) A farm stay establishment may serve food or meals at any time, but only to registered guests.

(B) A bed and breakfast establishment may serve only breakfast, and only to registered guests.

(C) The price of food served at a farm stay establishment or bed and breakfast establishment must be included in the price of the lodging.

(D) A short-term rental may not serve food or meals to guests.

(E) No kitchen or kitchenette facilities are allowed in a guest room within an agritourism lodging establishment.

(g) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device outside the agritourism lodging establishment is prohibited during quiet hours.

(h) Exterior lighting must be directed downward and away from adjacent properties.

(i) The operator of an agricultural lodging establishment must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the lodging.

(j) An agricultural promotion plan must be submitted with the permit application. The agricultural promotion plan must demonstrate that the primary use of the land is for agriculture and that the program associated with the agricultural lodging will promote agriculture and educate guests.

(k) Farm stay establishments. The following additional standard applies to farm stay establishments: the maximum number of days a farm stay establishment may host guests in a calendar year is 90 days.

(l) Bed and breakfast establishments. The following additional standards apply to bed and breakfast establishments.

(1) At least 80 percent of a parcel where a bed and breakfast establishment is located must be engaged in agricultural activities and kept free of structures. An agricultural/farming plan must be submitted with the permit application, and annually thereafter. The agricultural/farming plan must include a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities.

(2) A bed and breakfast establishment may only be located on a lot served by a retail water supplier. A "retail water supplier" is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier.

(3) In land use districts where a bed and breakfast establishment regulated by this division would otherwise be a permitted use, it is unlawful to establish a bed and breakfast establishment if the location of the bed and breakfast establishment is within one-quarter mile of any parcel occupied by any other bed and breakfast establishment. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel on which the bed and breakfast establishment will be established to any point on the property line of the other parcel.

(4) Large events at bed and breakfast establishments.

(A) Except as otherwise provided for in this subsection (4), a bed and breakfast establishment may not host a temporary event under Chapter 82-44, Temporary Events.

(B) A land use permit authorizing a bed and breakfast establishment may also authorize the bed and breakfast establishment to host large events,

consistent with Chapter 824-12. Large events that are authorized by a land use permit pursuant to this subsection (4) are allowed without a separate permit. (Ord. 2023-__ § 2.)

824-8.004 Agricamping.

(a) Agricamping may be provided only in camping structures, including tent cabins and yurts, owned by the property owner. Camping in guest-owned structures or tents is not allowed.

(b) The minimum parcel size for an agricamping establishment is 10 acres.

(c) The owner of the land on which agricamping is provided, or a tenant farmer, must reside on the property.

(d) An agricamping establishment may have a maximum of five camping structures.

(e) The maximum overnight occupancy for agricamping is two persons per camping structure. Children under three years of age are not counted toward occupancy. The maximum number of agricamping guests that may be on the premises at any one time is 10.

(f) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at the agricamping establishment is prohibited during quiet hours.

(g) Exterior lighting must be directed downward and away from adjacent properties.

(h) An agricamping establishment may serve food or meals at any time, but only to registered guests. No camp stove, kitchen, or kitchenette facilities are allowed in a camping structure.

(i) The operator of an agricamping establishment must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the lodging.

(j) An agricultural promotion plan must be submitted with the permit application. The agricultural promotion plan must demonstrate that the primary use of the land is for agriculture and that the program associated with the agricultural lodging will promote agriculture and educate guests. (Ord. 2023-__ § 2.)

Chapter 824-10
FOOD SERVICE IN AGRICULTURAL DISTRICTS

824-10.002 Farm Dinners.

(a) Up to 12 farm dinners may be hosted at a property per year.

(b) The maximum number of guests at a farm dinner is 30, except that one farm dinner with a maximum of 150 guests may be held at a property annually.

(c) A farm dinner may be hosted in an existing structure, outdoors on a property, on a patio, or on a deck. If a farm dinner is hosted in an existing structure, the structure must meet all building codes and fire codes that apply to the proposed number of guests.

(d) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at a farm dinner is prohibited during quiet hours.

(e) Exterior lighting must be directed downward and away from adjacent properties.

(f) The host of a farm dinner must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the farm dinner.

(g) An agricultural promotion plan must be submitted with the permit application. The agricultural promotion plan must demonstrate that the primary use of the land is for agriculture and that the program associated with the farm dinner will promote agriculture and educate guests.

(h) This section does not authorize the establishment of a microenterprise home kitchen operation. Food served at a farm dinner must be prepared in accordance with all applicable local, state, and federal laws and regulations. (Ord. 2023-__ § 2.)

824-10.004 Farm-to-Table Restaurant.

(a) A farm-to-table restaurant may be established in an existing structure or in a new structure.

(b) The minimum parcel size for farm-to-table restaurant is 10 acres.

(c) The maximum dining area size in a farm-to-table restaurant is 1,500 square feet.

(d) The maximum dining area capacity in a farm-to-table restaurant is 35 guests.

(e) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device outside the farm-to-table restaurant is prohibited during quiet hours.

(f) Exterior lighting must be directed downward and away from adjacent properties.

(g) At least 50 percent of the fruits and vegetables served at a farm-to-table restaurant must be grown on-site. At least 75 percent of the fruits and vegetables served at a farm-to-table restaurant must be grown within Contra Costa County.

(h) At least 80 percent of a parcel where a farm-to-table restaurant is located must be engaged in agricultural activities and kept free of structures. An agricultural/farming plan must be submitted with the permit application, and annually thereafter. The agricultural/farming plan must include a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities.

(i) A farm-to-table restaurant may only be located on a lot served by a retail water supplier. A "retail water supplier" is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier.

(j) In land use districts where a farm-to-table restaurant regulated by this division would otherwise be a permitted use, it is unlawful to establish a farm-to-table restaurant if the location of the farm-to-table restaurant is within one mile of any parcel occupied by any other farm-to-table restaurant. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel on which the farm-to-table restaurant will be established to any point on the property line of the other parcel.

(k) Large events at farm-to-table restaurants.

(1) Except as otherwise authorized provided for in this subsection (k), a farm-to-table restaurant may not host a temporary event under Chapter 82-44, Temporary Events.

(2) A land use permit authorizing a farm-to-table restaurant may also authorize the farm-to-table restaurant to host large events, consistent with Chapter 824-12. Large events that are authorized by a land use permit pursuant to this subsection (k) are allowed without a separate permit. (Ord. 2023-__ § 2.)

824-10.006 Mobile Food Vendors. A food truck or other mobile food vendor may not operate on any private parcel where an agritourism use is authorized under this division, except as otherwise allowed by a land use permit or as part of a permitted large event. (Ord. 2023-__ § 2.)

Chapter 824-12
LARGE EVENTS HOSTED BY AGRITOURISM USE ESTABLISHMENTS

824-12.002 Large Events – Authorized. A land use permit authorizing any of the following agritourism uses may also authorize the agritourism use establishment to host large events, consistent with this chapter.

(a) A winery.

(b) An olive oil mill.

(c) A bed and breakfast establishment.

(d) A farm-to-table restaurant. (Ord. 2023-__ § 2.)

824-12.004 Location. An agritourism use establishment may not host large events if it is located on a parcel that is within one mile of any parcel occupied by an agritourism use that is permitted under this division to host large events. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel that will host large events to any point on the property line of the other parcel. (Ord. 2023-__ § 2.)

824-12.006 Conditions.

(a) Number of events.

(1) On a parcel of less than 40 acres, the maximum number of large events an agricultural use establishment may host in a calendar year is six.

(2) On a parcel of 40 or more acres, the maximum number of large events an agricultural use establishment may host in a calendar year is 12.

(3) No more than one large event may be hosted in a calendar month.

(b) Number of people.

(1) A land use permit authorizing large events must limit the maximum number of people allowed at an event for purposes of minimizing impacts on traffic, parking, and neighbors. In imposing conditions regulating the maximum number of people allowed at an event, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, and the location and size of any buildings between the venue and surrounding properties.

(2) On a parcel of less than 40 acres, the maximum number of people allowed at a large event may not exceed 75.

(c) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours, during which noise must be restricted such that it cannot be heard from neighboring properties, shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at a large event is prohibited during quiet hours.

(d) Exterior lighting must be directed downward and away from adjacent properties. (Ord. 2023-__ § 2.)

SECTION 3. Chapter 88-20 of the County Ordinance Code is repealed.

SECTION 4. Section 84-82.404 of the County Ordinance Code is amended to read:

84-82.404 Differences from A-20 district.

The following regulations for A-40 districts are different from those for A-20 districts:

(1) Uses with land use permit. No land use permit may be issued in an A-40 district for the uses listed in subsections (11) through (15) of Section 84-80.404.

(2) Area. No building or other structure permitted in an A-40 district shall be erected or placed on a lot smaller than 40 acres in area. (Ords. 2023-__ § 4, 2017-14 § 17, 79-108.)

SECTION 5. Section 84-84.404 of the County Ordinance Code is amended to read:

84-84.404 Differences from A-20 district.

The following regulations for A-80 districts are different from those for A-20 districts:

(1) Uses with land use permit. No land use permit may be issued in an A-20 district for the

uses listed in subsections (11) through (15) of Section 84-80.404.

(2) Area. No building or other structure permitted in an A-80 district shall be erected or placed on a lot smaller than 80 acres in area. (Ords. 2023-__ § 5, 2018-18 § 5, 2017-14 § 17, 79-108.)

SECTION 6. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: Monica Nino,
Clerk of the Board of Supervisors
and County Administrator

_____
Board Chair

By: _____ [SEAL]
Deputy

TLG:

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

Contact: Jennifer Cruz, (925) 674-7790

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

By: , Deputy

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

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   d. Table Comparing Agricultural Uses in Other Counties
   e. Table Comparing Ombudsperson in Different Counties

IV. Recommendations

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

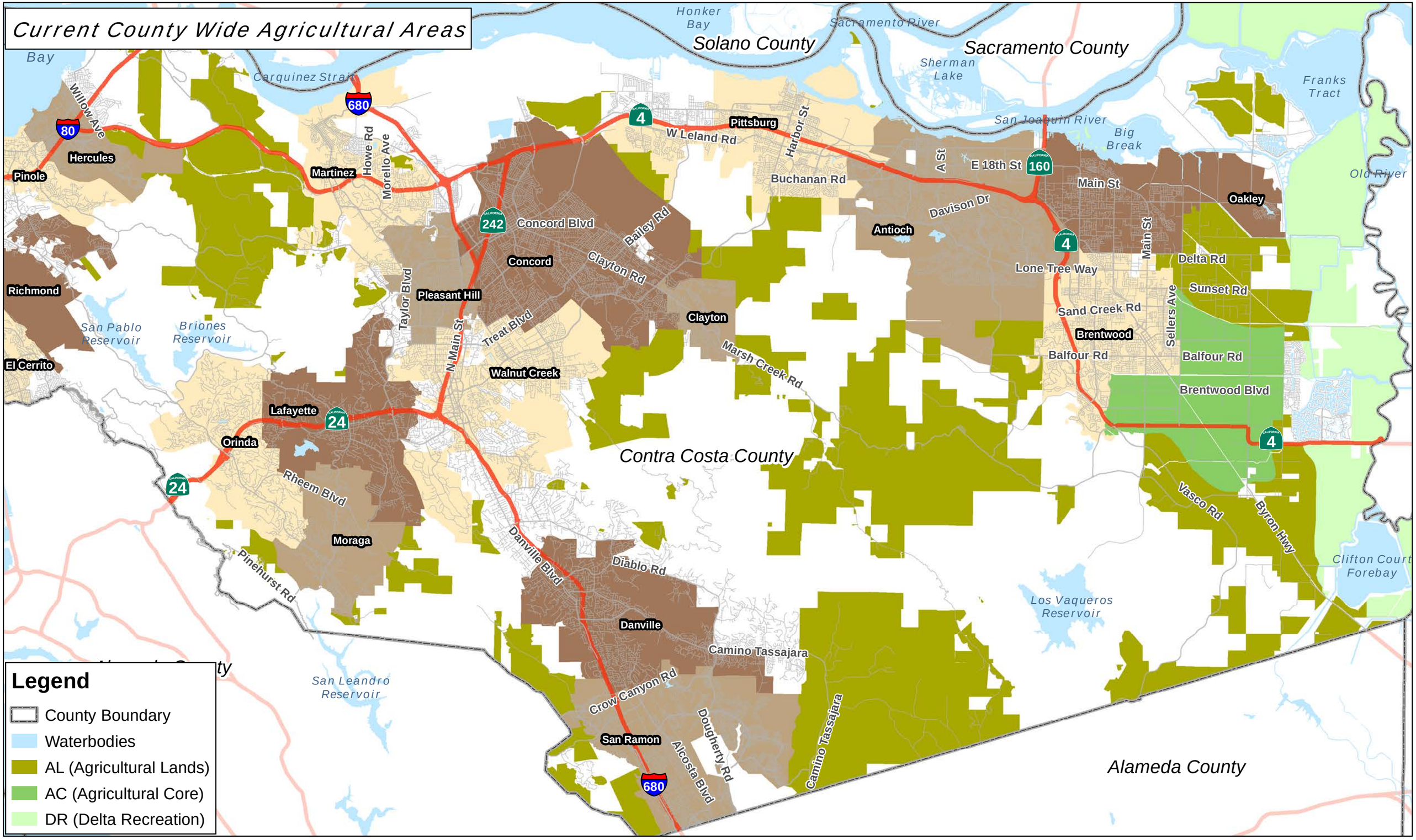
Speaker: Lisa Borba, Ron Nunn Farms.

ATTACHMENTS

12-20-16 Board Order

11-15-17 Meeting Notes

Current County Wide Agricultural Areas



Legend

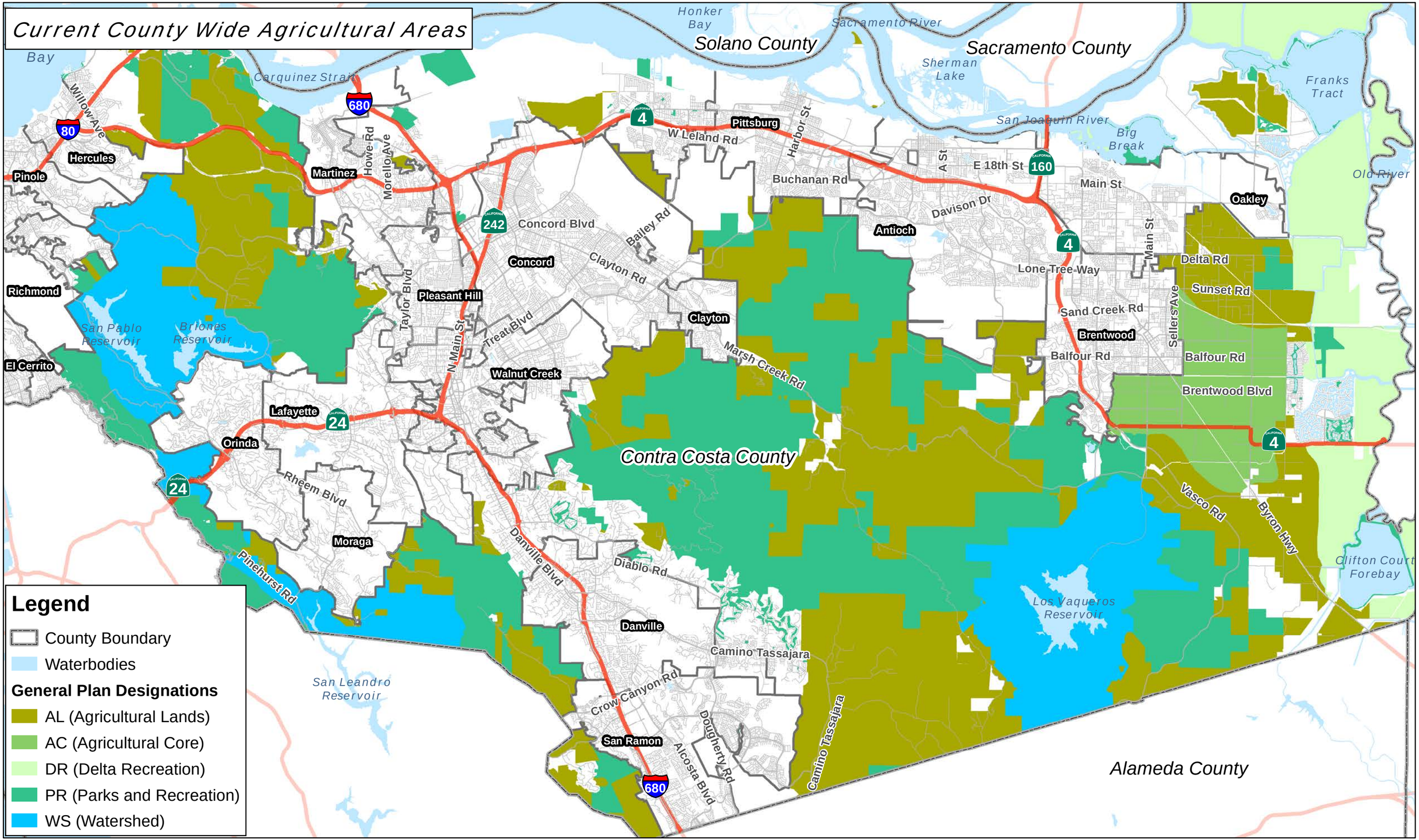
- County Boundary
- Waterbodies
- AL (Agricultural Lands)
- AC (Agricultural Core)
- DR (Delta Recreation)

Miles
0 1 2 4

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

This map was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.

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)

0 1 2 4 Miles

Map Created 6/19/2018
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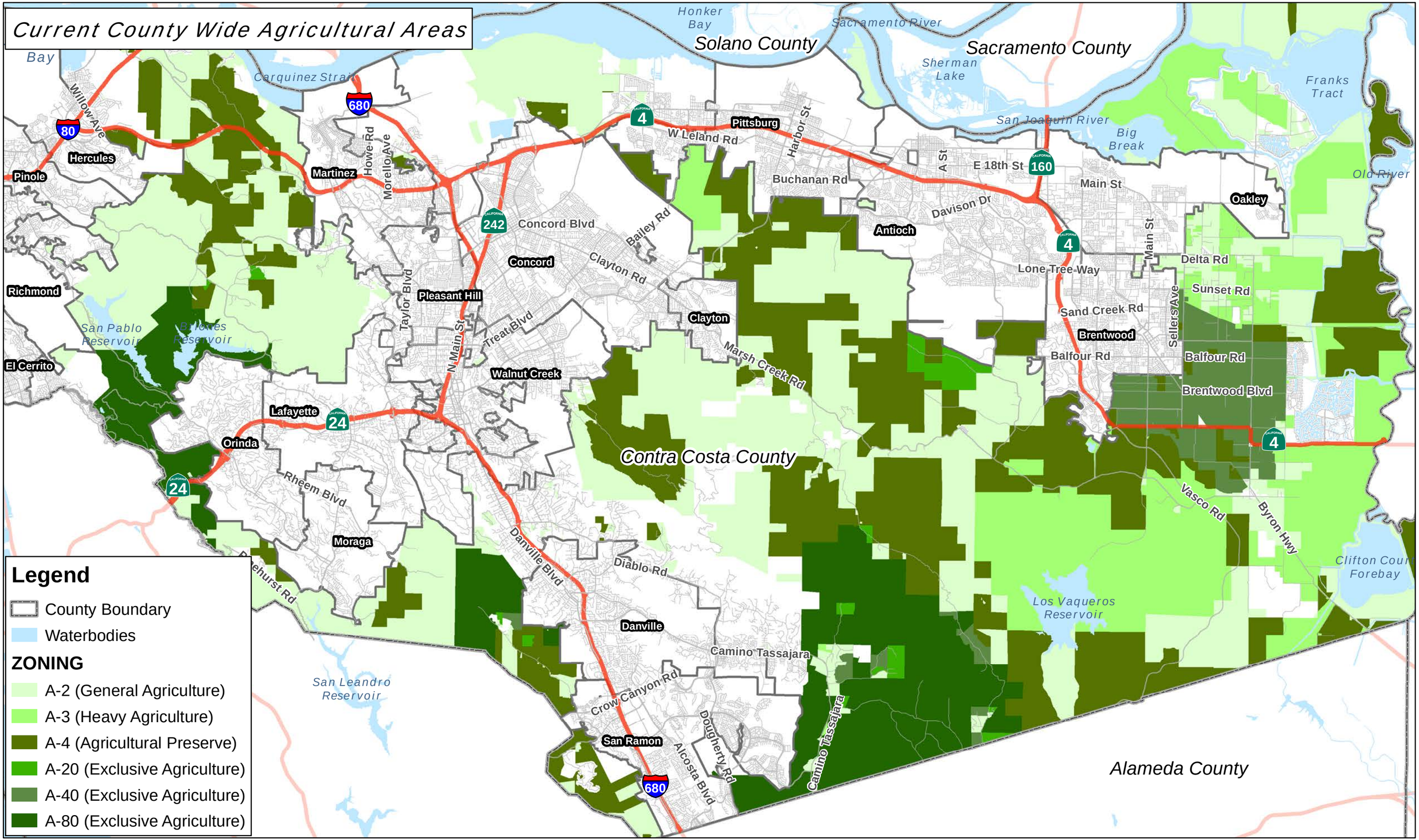

Legend

- 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

Map Created 6/19/2018
by Contra Costa County Department of
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37:59:41.791N 122:07:03.756W

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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

0 0.3 0.6 1.2 Miles

Map Created 5/1/2018
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

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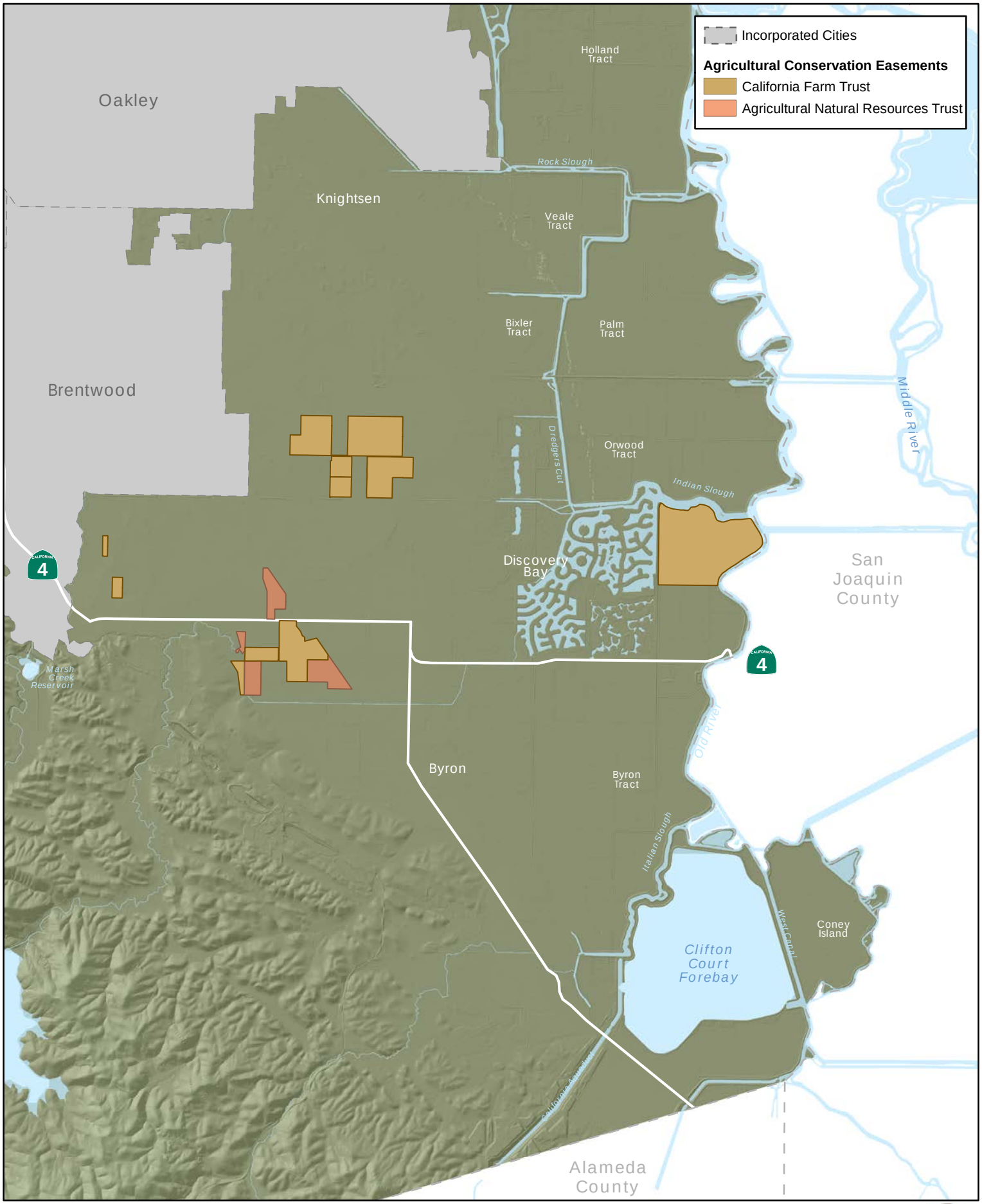
Agricultural Conservation Easements in East Contra Costa County



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Miles
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N W E S

DRAFT

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	Existing AG Land Use - irrigated row crops: 40 acres - irrigated pasture: 40 acres (80 acres if ag capability w/ Ag Preserve Rules and Ag and OS Element) Undeveloped Ag Land 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

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.

Attachment C – Table of Agritourism Uses

Agritourism Use	Type of Permit	Minimum Lot Area	Maximum Occupancy/ Sales/Floor Area/ Frequency of Activity	Food Sold	Other Noteworthy Requirements
Grower Stands, Farm Stands, Farm Markets					
grower stand	None	None	1,500 sq. ft.	No	▪ Sale of farm products produced on-site or proximate to the site, including bottled or canned drinks
farm stand	Ministerial**	None	1,500 sq. ft.	Yes, see Section 824-4.006	▪ Sale of farm products produced on-site or proximate to the site. ▪ Up to 40 percent of the total sales area used for the sale of value-added farm products produced on-site or proximate to the site; farm products not produced on-site or proximate to the site; and non-agricultural items. ▪ No more than 10 percent of the total sales area of a farm stand may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.
farm market	Land Use Permit	None	3,500 sq. ft.	Yes, see Section 824-4.006	▪ Sale of farm products produced on-site or proximate to the site and value-added farm products produced on-site or proximate to the site. ▪ Up to 20 percent of the total sales area may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.
Lodging					
farm stay	Ministerial** Renewed annually	10 acres	5 bdrms max; 2 p/bdrm with a max of 10 at any one time; 90 days max to host in a calendar year	Yes, served only to guests.	▪ Noise restriction – quiet hrs 10 pm – 7 am ▪ Exterior light directed downward and away from properties ▪ Agricultural promotion and guest education
agricamping	Land Use Permit	10 acres	5 max camping structures; 2 max/camping structure with a max of 10 at any one time	Yes, served only to guests.	▪ Noise restriction – quiet hrs 10 pm – 7 am ▪ Exterior light directed downward and away from properties. ▪ Agricultural promotion and guest education
bed and breakfast	Land Use Permit	10 acres	5 bdrms max; 2 p/bdrm with a max of 10 at any one time	Yes, breakfast only served to guests.	▪ Noise restriction – quiet hrs 10 pm – 7 am ▪ Exterior light directed downward and away from properties. ▪ Agricultural promotion and guest education ▪ At least 80% of parcel is engaged in agricultural activities and kept free of structures shown on a farm plan. ▪ Served by a retail water supplier. ▪ Not located within ¼ mile of another bed and breakfast establishment.
Food Service					
farm dinner	Ministerial** Renewed annually	None	Up to 12 farm dinners/yr; 30 max guests, except one farm dinner annually with a max of 150 guests located w/in existing structure, outdoors, patio or deck.	Yes	▪ Noise restriction – quiet hrs 10 pm – 7 am ▪ Exterior light directed downward and away from properties. ▪ Agricultural promotion and guest education ▪ Not authorize for a microenterprise home kitchen operation.

**Three or more of the following uses may be established on a lot with issuance of a land use permit:
farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area and that will not host large events; or small olive oil mill without a tasting/on-site sales area and that will not host large events.

farm-to-table restaurant	Land Use Permit	10 acres	1,500 sq. ft. max dining area, 35 guests max for dining area	Yes	▪ Noise restriction – quiet hrs 10 pm – 7 am ▪ Exterior light directed downward and away from properties. ▪ At least 50% of fruits and vegetables served must be grown on-site; at least 75% of fruits and vegetables served must be grown within CCC. ▪ At least 80% of parcel is engaged in agricultural activities and kept free of structures shown on a farm plan. ▪ Served by a retail water supplier. ▪ Not located within one mile of another farm-to-table establishment
Wineries					
small winery w/o tasting/on-site sales area and no hosting large events	Ministerial**	5 acres	5,000 sq. ft. cumulative max floor area.	No	▪ At least 80% of parcel engaged in agricultural activities and kept free of structures shown on a farm plan. ▪ Produce 50,000 gallons max annually. ▪ Min 25% of production must be from fruit grown on-site. ▪ Min 50% of production must be from fruit grown CCC.
small winery w/tasting/ on-site sales area or host large events	Land Use Permit	5 acres	5,000 sq. ft. cumulative max floor area; cumulative max floor area of all tasting and on-site sales is 30% of total floor area of production facilities.	Yes, see Section 824-6.008	See requirements under SMALL WINERY W/O TASTING/ON-SITE SALES AND NO HOSTING LARGE EVENTS and must be served by retail water supplier
large winery	Land Use Permit	5 acres	5,000 sq. ft. cumulative max floor area; cumulative max floor area of all tasting and on-site sales is 30% of total floor area of production facilities.	Yes, see Section 824-6.008	▪ At least 80% of parcel engaged in agricultural activities and kept free of structures shown on a farm plan. ▪ May produce more than 50,000 gallons max annually. ▪ Min 25% of production must be from fruit grown on-site. ▪ Min 50% of production must be from fruit grown CCC. ▪ Served by retail water supplier.
Olive Oil Mills					
small olive oil mill w/o tasting/on-site sales area and no hosting large events	Ministerial**	5 acres	5,000 sq. ft. cumulative max floor area.	No	See requirements under SMALL WINERY W/O TASTING/ON-SITE SALES AND NO HOSTING LARGE EVENTS
small olive oil mill w/tasting/ on-site sales area or host large events	Land Use Permit	5 acres	5,000 sq. ft. cumulative max floor area; cumulative max floor area of all tasting and on-site sales is 30% of total floor area of production facilities.	Yes, see Section 824-6.008	See requirements under SMALL WINERY W/O TASTING/ON-SITE SALES AND NO HOSTING LARGE EVENTS and must be served by retail water supplier
large olive oil mill	Land Use Permit	5 acres	5,000 sq. ft. cumulative max floor area; cumulative max floor area of all tasting and on-site sales is 30% of total floor area of production facilities.	Yes, see Section 824-6.008	▪ At least 80% of parcel engaged in agricultural activities and kept free of structures shown on a farm plan. ▪ May produce more than 50,000 gallons max annually. ▪ Min 25% of production must be from fruit grown on-site. ▪ Min 50% of production must be from fruit grown CCC. ▪ Served by retail water supplier.

**Three or more of the following uses may be established on a lot with issuance of a land use permit:
farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area and that will not host large events; or small olive oil mill without a tasting/on-site sales area and that will not host large events.

Large Events					
The following agritourism use may host large events ▪ Winery ▪ Olive Oil Mill ▪ Bed and breakfast ▪ Farm-to-table restaurant	Land Use Permit		▪ Parcel less than 40 acres, six max events/calendar year ▪ Parcel 40 acres or more, 12 max events/calendar year ▪ No more than one large event/calendar month ▪ Max # of people to minimize impacts on traffic, parking, and neighbors. ▪ Parcel less than 40 acres, 75 max people		▪ Not located within one mile of another agritourism use allowed to host large events. ▪ Noise restriction – quiet hrs 10 pm – 7 am ▪ Exterior light directed downward and away from properties.

**Three or more of the following uses may be established on a lot with issuance of a land use permit:
farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area and that will not host large events; or small olive oil mill without a tasting/on-site sales area and that will not host large events.

AGRITOURISM ORDINANCE

COUNTY PLANNING COMMISSION

FEBRUARY 22, 2023

Background

December 20, 2016: The Board of Supervisors authorized the Department of Conservation and Development (DCD), to identify specific actions the County could take to further promote and incentivize agricultural sustainability and economic vitality.

February 13, 2018: The Board authorized DCD to convene a series of open, public meetings with persons and groups interested in the policy reform topic.

2018-2019: Public meetings held in Martinez, Danville, Knightsen

- 20 -70 participants per meeting
- Farm and ranching community, rural residents, agricultural commercial ventures, and conservation organizations
- County's Departments of Agriculture, Health Services (Environmental Health Division), and Public Works
- University of California Cooperative Extension (UCCE) and Contra Costa Resource Conservation District (RCD)
- Proposals to improve agricultural land use policy were assembled into a list of recommendations

February 4, 2020: The Board accepted the Recommendations on Reforming Agricultural Land Use Policies Report.

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

18 recommendations to promote and preserve agriculture

Various types of agritourism uses

- lodging accommodations
- food service
- updating County's winery policies
- hosting large events

Promote agriculture in Contra Costa County

- equestrian and bike trails to connect farms,
- allowing equestrian facilities within additional agricultural districts,
- additional funding for signage to promote agriculture in the County
- updating the County's Sign Ordinance

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

Broader policy reforms

- establishing mitigation requirements for conversion of agricultural land,
- new efforts to address rural blight and illegal dumping,
- opportunities to reduce impacts of rural development on agriculture,
- facilitate communication between farming community and regulatory agencies,
- improve permitting for agricultural uses
- consider a noise ordinance

Initial Accomplishments

- Summer of 2022 Board adoption of an urgency ordinance related to temporary events to provide additional tools for deterring unregulated commercial parties in agricultural areas;
- County's Illegal Dumping Initiative launched;
- County's sign ordinance updated including provisions intended to facilitate signage for farms that can be visited by the public.

Implementation of Next Phase: Zoning Text Amendment to Establish Agritourism Uses

- Regulatory framework for permitting, establishing, and operating agritourism uses.
- Guided by the detailed recommendations of the Report but also review of regulations in other California counties.

Agritourism Ordinance Key Components

- Allow a variety of agritourism uses that are accessory to a primary agricultural use
- Incorporates the County's current regulations regarding grower stands, farm stands, farm markets as additional agritourism uses
- Allow stables in A-40 and A-80 zoning districts with the issuance of a land use permit

Agritourism Definition

"Agritourism use" means any of the following uses located in an agricultural zoning district:

- agricamping;
- agritourism lodging establishment (e.g., bed and breakfast, farm stay, or short-term rental);
- farm dinner;
- farm market;
- farm stand;
- farm-to-table restaurant;
- grower stand;
- olive oil mill; or
- winery

Permitting

Ministerial Permit

- farm stand
- farm stay
- farm dinner
- small winery without a tasting/on-site sales area and that will not host large events
- small olive oil mill without a tasting/on-site sales area and that will not host large events

A land use permit would be required to establish three or more of the above-listed uses on the same lot.

Land Use Permit

- agricamping
- bed and breakfast*
- farm market
- farm-to-table restaurant*
- large olive oil mill*
- large winery*
- small olive oil mill with a tasting/on-site sales area or that will host large events*
- small winery with a tasting/on-site sales area or that will host large events*

*A land use permit authorizing a winery, olive oil mill, bed and breakfast, or farm-to-table restaurant may also authorize the hosting of large events.

Requirements

- Minimum lot area, maximum guests, maximum sales/floor area, frequency of activities
- Noise restriction – quiet hrs: 10 pm – 7 am
- Exterior light directed downward and away from properties
- Agricultural promotion and guest education

Additional Requirements for Certain Agritourism Uses

- At least 80% of parcel is engaged in agricultural activities and kept free of structures shown on a farm plan
- Served by a retail water supplier
- Distance between agritourism uses
- Minimum requirements for food grown on-site and within CCC

Staff Recommendations

1. OPEN the public hearing on the proposed zoning text amendment; RECEIVE testimony; and CLOSE the public hearing.

2. RECOMMEND that the Board of Supervisors take the following actions:
   A. ADOPT the proposed zoning text amendment to establish size and location standards, sales requirements, and other regulations governing agritourism uses in agricultural zoning districts, recodify Chapter 88-20 (Agricultural Farm Stands and Farm Markets) as Chapter 824-4 (Grower Stands, Farm Stands, and Farm Markets), and amend Chapters 84-82 and 84-84 to allow stables in A-40 and A-80 agricultural zoning districts with the issuance of a land use permit.
   B. DETERMINE that the proposed zoning text amendment is exempt from CEQA under CEQA Guidelines Sections 15061(b)(3) (common sense exemption).
   C. Direct staff to file a Notice of Exemption with the County Clerk.

Questions?

Department of Conservation and Development

County Planning Commission

Wednesday, June 7, 2023 – 6:30 P.M.

CONTINUED PUBLIC HEARING

STAFF REPORT **Agenda Item #____**

Project Title:	Zoning Text Amendment Establishing Agritourism Uses in Agricultural Zoning Districts
County File(s):	CDZT22-00003
Applicant:	Contra Costa County
Owner:	Contra Costa County
General Plan/Zoning:	Countywide
Site Address/Location:	Countywide
California Environmental Quality Act (CEQA) Status:	The project is exempt under Section 15061(b)(3) of the Environmental Quality Act (See Section VI for additional information).
Project Planner:	Jennifer Cruz, Principal Planner (925) 655-2867 Jennifer.Cruz@dcd.cccounty.us
Staff Recommendation:	Recommend Approval to the Board of Supervisors (See Section II for complete recommendation)

I. PROJECT SUMMARY

This is a hearing on a County initiated Zoning Text Amendment to establish size and location standards, sales requirements, and other regulations governing agritourism uses in agricultural zoning districts, recodify Chapter 88-20 (Agricultural Farm Stands and Farm Markets) as Chapter 824-4 (Grower Stands, Farm Stands, and Farm Markets), and amend Chapters 84-82 and 84-84 to allow stables in A-40 and A-80 agricultural zoning districts with the issuance of a land use permit.

RECOMMENDATION

Staff recommends that the County Planning Commission:

1. OPEN the public hearing on the proposed zoning text amendment; RECEIVE testimony; and CLOSE the public hearing.

2. RECOMMEND that the Board of Supervisors take the following actions:

    A. ADOPT the proposed zoning text amendment to establish size and location standards, sales requirements, and other regulations governing agritourism uses in agricultural zoning districts, recodify Chapter 88-20 (Agricultural Farm Stands and Farm Markets) as Chapter 824-4 (Grower Stands, Farm Stands, and Farm Markets), and amend Chapters 84-82 and 84-84 to allow stables in A-40 and A-80 agricultural zoning districts with the issuance of a land use permit.

    B. DETERMINE that the proposed zoning text amendment is exempt from CEQA under CEQA Guidelines Sections 15061(b)(3) (common sense exemption).

    C. Direct staff to file a Notice of Exemption with the County Clerk.

II. 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 the Department of Conservation and Development (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.

Public review process

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 policy review process was held over a 12-month period starting in 2018. These large meetings, which ranged from 20-70 participants per meeting, were held in Martinez, Danville, and Knightsen. Participants that attended the meetings came from diverse backgrounds, including individuals from the farming and ranching community, rural residents, proponents of various agricultural commercial ventures, and 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). 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.

Recommendations Report

The result of the extensive stakeholder collaboration was the Recommendations on Reforming Agricultural Land Use Policies in Contra Costa County To Improve Both Economic Vitality and Sustainability Report (“Report”). The Report, included 18 recommendations to promote and preserve agriculture in Contra Costa County.

The Report recommends authorizing various new types of lodging accommodations in agricultural areas, including short-term rentals for 90 days or less, farm stays for up to 90 days, bed-and-breakfast, and camping/yurts. The Report also recommends authorizing food service uses in agricultural areas, including farm dinners and farm-to-table restaurants. The Report also recommends updating the County's winery policies and authorizing certain new uses to host large events. The Report discussed the possible permits that may be required, in addition to other permits required by other agencies.

Recommendations in the Report to promote agriculture in Contra Costa County include equestrian and bike trails to connect farms, 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.

Board Action on Report

The Report was presented to and accepted by the Board of Supervisors on February 4, 2020. Since then, the County has updated the Sign Ordinance. DCD has also undertaken the extensive effort to establish a regulatory framework in this proposed zoning text amendment for permitting, establishing, and operating agritourism uses, as discussed in the Report.

III. FEBRUARY 22, 2023 COUNTY PLANNING COMMISSION MEETING

The County Planning Commission held a public hearing on February 22, 2023 to consider a draft of the zoning text amendment. The draft zoning text amendment would add Division 824 to the County Ordinance Code to authorize farm stay, farm dinner, agricamping, bed and breakfast, farm-to table-restaurant, olive oil mill, and winery as agritourism uses that are permitted in agricultural zoning districts. The draft ordinance would also incorporate the County's current regulations regarding grower stands, farm stands, farm markets into Division 824, as additional agritourism uses. The draft ordinance would also authorize the establishment of stables in A-40 and A-80 zoning districts, consistent with the uses allowed in other agricultural zoning districts.

The public submitted comments both by letter prior to the Commission hearing, and at the Commission hearing. After considering the comments submitted, the Commission voted to continue the public hearing to a future date as determined by County staff to allow staff to address the comments received and provide any

appropriate revisions to the draft zoning text amendment. A summary of the comments received and staff's response and proposed revisions to the draft ordinance are detailed in the section below.

IV. REVISIONS TO THE PROPOSED AGRITOURISM ORDINANCE

In response to public comments and comments from the Commission, staff has prepared a revised draft ordinance, including the following revisions.

Illuminated Signs

The prior draft considered in February did not allow on-site signs to be illuminated. Public comments expressed an interest in illuminated signs, and the County sign ordinance permits illuminated signs in some circumstances with a permit. Staff revised the proposed ordinance to authorize illuminated signs with a land use permit and requires lighting to be directed, oriented, and shielded to prevent light trespass or glare onto adjacent property or public rights-of-way. Additionally, the land use permit may include conditions related to the time, intensity, direction, quality of illumination to mitigate any negative impacts of illumination.

Retail Water Supplier Requirement

The prior draft considered in February required that certain agritourism uses (bed and breakfast, farm-to-table restaurant, and winery or an olive oil mill with a tasting/on-site sales area or that will host large events) could only be established on a lot located within an area served by a retail water supplier. Staff revised the proposed ordinance to provide that lots located within the East Contra Costa County Groundwater Subbasin are eligible for such uses even if not in an area served by a retail water supply. This is consistent with the County's industrial hemp cultivation ordinance, which includes regulations intended to protect groundwater supplies.

Agricamping

The prior draft considered in February includes staff's recommendation that agricamping only be permitted in camping structures, including tent cabins, and yurts owned by the property owner, in order to better ensure the quality and safety of structures and prevent potential nuisance conditions. In response to public comments that little houses on wheels should also be permitted, and for consistency with the Report, staff revised the proposed ordinance to allow agricamping in travel trailers owner by the property owner.

Farm-to-Table Restaurants

The prior draft considered in February required at least 50% of fruits and vegetables served at a farm-to-table restaurant to have been grown on-site. Based on public comments, including concerns that the seasonality of produce may preclude some agricultural operations from meeting this requirement, staff revised the proposed ordinance to authorize the zoning administrator to establish a different threshold in the land use permit for the percentage of fruits and vegetables that must be grown on-site based on the site's agricultural activities and seasonal impacts on production.

Mobile Food Vendors

The prior draft considered in February prohibited mobile food vendors at agritourism uses. Public comments expressed an interest in allowing mobile food vendors in a limited fashion, particularly at seasonal u-pick type operations where other food services are not available. Staff revised the proposed ordinance to allow food trucks or mobile food vendors on a private parcel where an agritourism use is authorized in any of the following circumstances:

- the agritourism use is a grower stand, farm stand, or farm market and the total of number of days that the vendor operates does not exceed three days in a calendar year;
- a land use permit authorizing the agritourism use also authorizes the vendor to operate;
- the vendor is part of a temporary event authorized under the County's temporary events ordinance.

Large Events

Staff revised the proposed ordinance to increase the maximum number of events that may be hosted by an agritourism use establishment on parcels of 40 or more acres. The proposed draft would allow for a maximum of 26 large events on parcels of 40 acres of more (the prevision draft authorized 12). The proposed draft would still authorize a maximum of six large events on parcels less than 40 acres. In consideration of the increase in maximum number of large events that may be hosted, staff revised the proposed ordinance to provide that the zoning administrator may limit a site to a fewer number of large events based on enumerated factors including the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties, the compatibility of large events with neighboring uses, and the degree to which large events conflict with the property's primary use of agriculture.

Staff also revised the proposed ordinance by removing the restriction that no more than one large event be hosted in a calendar month and the restriction on the maximum number of people allowed at a large event on parcels less than 40 acres. On parcels less than 40 acres, the maximum number of persons allowed at a large event would be set by the zoning administrator.

Other minor changes in the proposed ordinance include the following:

- The definition of agritourism lodging establishment was revised to not reference short-term rentals, which are permitted under a separate chapter.
- The definition of large event was revised such that an event spanning up to three consecutive days constitutes a single event, and to apply to an assemblage that exceeds 75 persons, consistent with the threshold found in the Temporary Events Ordinance.
- The proposed ordinance was revised to provide that agricultural lodging establishments and agricamping establishments may not provide lodging to a guest for more than 30 consecutive days.
- The proposed ordinance was revised to authorize the establishment of an agritourism lodging use in a legally established residential accessory structure, in addition to a legally established residence.
- The proposed ordinance was revised to consolidate the various plans required of applicants for the different agritourism uses. The proposed ordinance requires a single agricultural activities and promotion plan for each of the agritourism use types that has a requirement to submit a plan regarding agricultural operations. The revised ordinance also requires an agricultural activities and promotion plan for wineries and olive oil mills that propose to host large events, consistent with the original February 2020 recommendations that uses with large events have farming assurances.
- The meal service provisions for bed and breakfast were expanded to enable the service of food or meals at any time to registered guests. Previously only breakfast was authorized. The change is proposed to make bed and breakfasts consistent with farm stay establishments which may serve meals at any time.

Hillside Properties

Several public comments expressed concern that the requirement that 80 percent of the property must be engaged in agricultural activities and kept free of structures would preclude certain hillside properties from establishing certain agritourism uses. Staff does not recommend any revision to this requirement. The 80% requirement

only applies to farm-to-table restaurants and bed and breakfasts. The stated intent of the agritourism program is to help promote, not replace, agriculture in the County. Staff believes that a threshold of 80 percent of the property used for agricultural purposes is appropriate for these more intensive agritourism uses. Further, though there can be challenges, certain agricultural practices are employed on hillsides (e.g. grazing and grapes).

Noise

Public comments raised concerns regarding noise resulting from large events. The proposed ordinance requires that noise be restricted such that it cannot be heard from neighboring properties during quiet hours identified as 10 pm through 7 am the following morning. Amplified sound is also prohibited during quiet hours. This noise restriction also applies to the following uses: farm stay, agricamping, bed and breakfast, farm dinner, and farm-to-table restaurant. Staff believes that the amplified sound restriction can be an effective tool in enforcing noise restrictions due to its relative ease of documentation and confirmation. Additionally, large events can only be established with a land use permit which may include additional appropriate conditions to address potential noise impacts.

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION

The Zoning Text Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3).

CEQA Guidelines section 15061(b)(3) is the "common sense exemption." The proposed actions would authorize the establishment of agritourism uses in agricultural zoning districts after the issuance of a ministerial permit or a land use permit. No specific project is approved with this Zoning Text Amendment. The proposed new uses that could foreseeably have an environmental impact would each require separate discretionary permits and be subject to individual environmental review pursuant to CEQA. Some uses could be approved with a ministerial permit and that action would be statutorily exempt from CEQA. However, such proposed uses are minor extensions of existing allowed uses, are subordinate to the primary agricultural use, and are subject to specific standard requirements related to lot area, number of bedrooms and guests, number of events, noise, and light. Thus, it can be seen with certainty that there is no possibility that the proposed actions could have a significant effect on the environment.

VI. CONCLUSION

The proposed zoning text amendment would authorize agritourism uses in agricultural zoning districts in the County and would establish standards for these uses that would preserve agricultural land consistent with the County General Plan. Therefore, staff recommends the Commission recommend that the Board of Supervisors approve the zoning text amendment.

Attachments:

- Attachment A - Draft Ordinance
- Attachment B – Redlined Version of Draft Ordinance
- Attachment C - Revised Table of Agritourism Uses
- Attachment D – Agricultural Zoning Districts Within Boundaries of Retail Water Supplier or East Contra Costa County Groundwater Subbasin
- Attachment E - Power Point Presentation

ORDINANCE NO. 2023-___ **DRAFT**

AUTHORIZING AGRITOURISM USES IN AGRICULTURAL ZONING DISTRICTS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION 1. SUMMARY. This ordinance establishes size and location standards, sales requirements, and other regulations governing agritourism uses in agricultural zoning districts. This ordinance also recodifies Chapter 88-20 (Agricultural Farm Stands and Farm Markets) as Chapter 824-4 (Grower Stands, Farm Stands, and Farm Markets). This ordinance also amends Chapters 84-82 and 84-84 to allow stables in A-40 and A-80 agricultural zoning districts with the issuance of a land use permit.

SECTION 2. Division 824 is added to the County Ordinance Code, to read:

Division 824
AGRITOURISM

Chapter 824-2
GENERAL AGRITOURISM REGULATIONS

824-2.002 Purpose and Intent. The purpose of this division is to establish zoning regulations to allow for a variety of agritourism uses in agricultural zoning districts. Agritourism uses are uses that are located at a working farm, ranch, or other agricultural operation; are accessory to a primary agricultural use; are conducted for the enjoyment and education of visitors, guests, or clients; and generate income for the owner or operator of the working farm, ranch, or other agricultural operation. (Ord. 2023-__ § 2.)

824-2.004 Definitions. For purposes of this division, the following words and phrases have the following meanings:

(a) "Agricamping establishment" means an establishment that provides food and lodging in accordance with this division.

(b) "Agritourism lodging establishment" means a residence in an agricultural zoning district that is used as a bed and breakfast establishment or a farm stay establishment.

(c) "Agritourism use" means any of the following uses located in an agricultural zoning district: agricamping; agritourism lodging establishment; farm dinner; farm market; farm stand; farm-to-table restaurant; grower stand; olive oil mill; or winery.

(d) "Bed and breakfast establishment" means an establishment that provides food and lodging in accordance with this division.

(e) "Farm dinner" means an occasion where food is provided in accordance with this division.

(f) "Farm market" means an area accessory to an on-site agricultural operation that is used to sell farm products, value-added farm products, and non-agricultural items, as specified, where the total sales area does not exceed 3,500 square feet.

(g) "Farm product" includes any of the following in its raw or natural state: any agricultural, horticultural, viticultural, or vegetable product of the soil; poultry products; livestock products; and apiary products. "Farm product" does not include any livestock, poultry, fish, or shellfish.

(h) "Farm stand" means an area accessory to an on-site agricultural operation that is used primarily to sell farm products, value-added farm products, and non-agricultural items, as specified, where the total sales area does not exceed 1,500 square feet.

(i) "Farm stay establishment" means an establishment that provides food and lodging in accordance with this division.

(j) "Farm-to-table restaurant" means a restaurant that provides food in accordance with this division.

(k) "Grower stand" means an area accessory to an on-site agricultural operation that is used to sell farm products produced on-site or proximate to the site, as specified, where the total sales area does not exceed 1,500 square feet.

(l) "Large event" means an occasion at an agritourism use establishment organized for a particular and limited purpose and time, not to exceed three consecutive days, and is an organized assemblage that exceeds 75 persons.

(m) "Non-agricultural item" means any item offered for sale other than farm products and value-added farm products.

(n) "Olive oil mill" means an operation for the processing of olives into olive oil. An olive oil mill may be a small olive oil mill or a large olive oil mill.

(o) "Olive oil production facility" means a facility or facilities at an olive oil mill used for any of the following activities or uses: harvesting, milling, pressing, and crushing fresh olives; extraction and blending of olive oil; bottling and labeling of olive oil; storage of olive oil; laboratory facilities; administrative offices; shipping, receiving, and distribution of olive oil; equipment storage and repair; composting and removal of olive pomace and other agricultural product waste, and agricultural wastewater treatment. A tasting area or on-site sales area at an olive oil mill is not part of the olive oil production facility at the olive oil mill.

(p) "Responsible party" means a person that is designated by the applicant as a point of contact for the agritourism use.

(q) "Value-added farm product" means a farm product that has been changed from its natural state to an item in a different form through canning, drying, freezing, preserving, fermenting, compounding, processing, packing, or a similar alteration, so as to increase the value of the farm product.

(r) "Wine production facility" means a facility or facilities at a winery used for any of the following activities or uses: crushing or pressing grapes; fermenting wine; aging wine; processing and blending of wine; bottling and labeling of wine; storage of wine in cellars, vats, barrels, bottles, or cases; laboratory facilities; administrative offices; shipping, receiving, and distribution of wine; truck scales; equipment storage and repair; composting of grape byproducts and other agricultural product waste, and agricultural wastewater treatment. A tasting area or on-site sales area at a winery is not part of the wine production facility at the winery.

(s) "Winery" means an operation for the fermentation and processing of grapes into wine, or the refermentation of still wine into sparkling wine. A winery may be a small winery or a large winery. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.006 Location.

(a) An agritourism use that complies with the provisions of this division may be located on any legal lot in an agricultural district (A-2, A-3, A-4, A-20, A-40, and A-80).

(b) Multiple agritourism uses may be permitted on the same lot, except as follows:

(1) A farm stay establishment and a bed and breakfast establishment may not be permitted on the same lot.

(2) A farm dinner and a farm-to-table restaurant may not be permitted on the same lot.

(3) A farm market and a farm stand may not be permitted on the same lot.

(4) A farm market and a grower stand may not be permitted on the same lot.

(5) A farm stand and a grower stand may not be permitted on the same lot.

(6) A small olive oil mill and a large olive oil mill may not be permitted on the same lot.

(7) A small winery and a large winery may not be permitted on the same lot. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.008 Accessory Use. An agritourism use is allowed only if it is an accessory use on a property that is used for agriculture, as defined in Section 82-4.206. If property is located in an agricultural zoning district but the property is not used for agriculture, then no agritourism use is allowed on the property. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.010 Parking.

(a) Adequate parking for consumers and employees must be provided at an agritourism use. If an agritourism use consists of a structure, one off-street parking space must be provided for each 300 square feet of structural floor area, with a minimum of two parking spaces. Each required off-street parking space must be at least nine feet by 19 feet in size. The required parking spaces may be dirt or gravel. The required parking spaces need not be paved, striped, or otherwise improved, but must be identifiable. Parking spaces must be oriented such that vehicles are not required to back onto a public road.

(b) Safe access to and from a public road must be provided with a durable, dustless surface, such as compacted gravel or a similar permeable surface, or asphalt, except that within 20 feet of a public road all access surfaces must be asphalt. A defined point of ingress and egress must be provided. An encroachment permit must be obtained for a new point of access to a public road.

(c) The parking requirements of Chapter 82-16 do not apply to this division. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.012 Signs.

(a) One or more on-site commercial signs are allowed on a lot with an agritourism use. An "on-site commercial sign" is a sign that directs attention to the business activity conducted or products sold or produced on the lot where the agritourism use is located.

(b) The following on-site commercial signs may be located on a lot with an agritourism use:

(1) One free-standing on-site commercial sign that does not exceed 12 feet in height or the height of the tallest structure, whichever is lower, and whose total display surface area does not exceed 32 square feet if the sign is single-sided or 64 square feet if the sign is double-sided.

(2) Additional on-site commercial signs that are affixed directly to any structure with an indoor sales area.

(3) One or more additional free-standing on-site commercial signs. No additional free-standing sign shall exceed 12 feet in height or have a display surface area greater than 16 square feet.

(c) The total display surface area of all on-site commercial signs on a lot with an agritourism

use shall not exceed 128 square feet.

(d) An on-site commercial sign may not encroach on any public right of way and may not conflict with any applicable sight distance.

(e) An on-site commercial sign may not be illuminated unless expressly authorized by a land use permit. All illuminated signs shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties, public rights-of-way, and driveway areas. The land use permit may include conditions as to the time, intensity, direction, and quality of illumination to mitigate any negative impacts of illumination.

(f) All signs and sign structures shall be maintained in a safe and structurally sound manner free from deterioration, rust, rot, and loose parts. Each sign face must be clean and neatly painted at all times.

(g) A temporary on-site commercial sign must be removed when not in use.

(h) An on-site commercial sign or signs authorized by this division may contain noncommercial copy in lieu of other copy. Nothing in this division may be construed as regulating or restricting the use of noncommercial copy or message on any sign allowed under this section.

(i) If an agritourism use is lawfully established under the provisions of this division, on-site commercial signs that meet the requirements of this section are allowed without a separate permit.

(j) Off-site commercial signs are prohibited on a lot with an agritourism use. An "off-site commercial sign" is an advertising sign that directs attention to a business activity conducted or product or services sold or offered at a location not on the lot where the agritourism use is located. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.014 Height and Setbacks. An agritourism use must comply with the height and setback requirements that apply in the zone in which the property is located. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.016 Events. Except as otherwise provided for in this division, the requirements of Chapter 82-44, Temporary Events, apply to this division. (Ord. 2023-__ § 2.)

824-2.018 Permits.

(a) No permit. No permit is required under this division for a grower stand that meets the standards contained in this division.

(b) Ministerial permit.

(1) Unless a land use permit is otherwise required by subsection (c), below, a ministerial permit is required before any of the following uses may be established under this division: farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area and that will not host large events; or small olive oil mill without a tasting/on-site sales area and that will not host large events.

(2) An application for a ministerial permit must be made in writing and contain sufficient information to allow the Department of Conservation and Development to determine if the agritourism use will meet the standards in this division.

(3) An application for a ministerial permit will be approved without discretionary review or public hearing unless any of the following grounds for denial exist:

(A) The application is incomplete.

(B) The applicant has not paid all required fees in accordance with the fee schedule adopted by the Board of Supervisors.

(C) The applicant is delinquent in the payment of County taxes.

(D) A separate agritourism use permit associated with the location or the applicant was revoked within 24 months before the date of application.

(E) A structure proposed for an agritourism use violates any provision of this code, including the building standards in Title 7.

(4) After a ministerial permit for farm stay or farm dinner is issued, the department will notify all owners of property within 300 feet of the farm stay or farm dinner that a permit was issued. The notice will be in writing and contain the location of the farm stay or farm dinner, contact information for the responsible party associated with the permit, contact information for county code enforcement, and a website address where the agritourism ordinance is listed.

(5) A ministerial permit for farm stay or farm dinner expires one year from the date the permit was approved, unless it is revoked sooner.

(6) An application to renew a ministerial permit for farm stay or farm dinner must be filed with the Department of Conservation and Development at least 30 days before the permit expires.

(7) An application to renew a ministerial permit for farm stays or farm dinners will be approved ministerially unless any of the following grounds for denial exist:

(A) Any of the grounds for denial under subsection (3) exist.

(B) The application is filed less than 30 days before the permit expires.

(C) The permit is revoked or is the subject of a revocation proceeding at the time of application.

(8) A short-term rental proposed for an agricultural zoning district must comply with the permit requirements of Chapter 88-32.

(c) Land use permit.

(1) A land use permit is required before three or more of the following uses may be established on a lot under this division: farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area and that will not host large events; or small olive oil mill without a tasting/on-site sales area and that will not host large events.

(2) A land use permit is required before any of the following uses may be established under this division: agricamping; bed and breakfast; farm market; farm-to table-restaurant; large olive oil mill; large winery; small olive oil mill with a tasting/on-site sales area or that will host large events; or small winery with a tasting/on-site sales area or that will host large events.

(3) An application to establish a land use permit under this division must contain all of the information required by Article 26-2.20 of this code.

(4) An application for a land use permit under this division will be decided in accordance with Article 26-2.20 of this code. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.020 Fees. Application, review, and permit fees for agritourism uses will be in amounts established by the Board of Supervisors in the Conservation and Development Department's fee schedule. (Ords. 2023-__ § 2, 2007- 23 § 2.)

824-2.022 Other Laws. Agritourism uses also may be subject to ordinances, statutes and regulations administered by other county departments, including the building department, health department, public works department, and agricultural commissioner's office, and may be subject to state and federal laws and regulations. The establishment of an agritourism use under this division does not relieve anyone from the obligation to obtain any other permit or license required by this code or state or federal law. Nothing in this division authorizes the establishment of a microenterprise home kitchen operation. (Ords. 2023-__ § 2, 2007-23 § 2.)

Chapter 824-4
GROWER STANDS, FARM STANDS, AND FARM MARKETS

824-4.002 Purpose and Intent. The purpose of this chapter is to establish zoning regulations to allow for the direct marketing of farm products from agricultural producers to consumers, which

the California Legislature has found benefits the agricultural community and the consumer. (Food and Agricultural Code, sections 47000 and following.) This chapter is intended to allow facilities that are accessory to on-site agricultural operations where agricultural products are produced to sell these products as specified, and is not intended to encourage the establishment of traditional retail stores or convenience markets in agricultural zoning districts. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-4.004 Sales Areas.

(a) A grower stand, farm stand, or farm market may consist of one or more outdoor sales display areas, one or more structures with an indoor sales area, or both.

(b) The total sales area of a grower stand or farm stand, including all outdoor and indoor sales areas, may not exceed 1,500 square feet.

(c) The total sales area of a farm market, including all outdoor and indoor sales areas, may not exceed 3,500 square feet. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-4.006 Product Sales.

(a) Grower Stands.

(1) A grower stand may sell farm products produced on-site or proximate to the site. Vending machines that dispense bottled or canned drinks may also be located at a grower stand.

(2) The sale at a grower stand of any of the following is prohibited: value-added farm products; non-agricultural items, except for bottled or canned drinks dispensed from vending machines; and farm products not produced on-site or proximate to the site.

(b) Farm Stands.

(1) A farm stand may sell farm products produced on-site or proximate to the site.

(2) Up to 40 percent of the total sales area at a farm stand may be used for the sale of any or all of the following: value-added farm products produced on-site or proximate to the site; farm products not produced on-site or proximate to the site; and non-agricultural items. No more than 10 percent of the total sales area of a farm stand may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.

(c) Farm Markets.

(1) A farm market may sell farm products produced on-site or proximate to the site

and value-added farm products produced on-site or proximate to the site.

(2) Up to 20 percent of the total sales area at a farm market may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.

(d) No petroleum products or tobacco may be sold or dispensed at any grower stand, farm stand, or farm market.

(e) Except as otherwise provided in this chapter, nothing may be sold from a motorized vehicle at any grower stand, farm stand, or farm market unless the vehicle is owned by the property owner and all sales from the vehicle are in compliance with this chapter. (Ords. 2023-__ § 2, 2007-23 § 2.)

Chapter 824-6
WINERIES AND OLIVE OIL MILLS

824-6.002 Minimum Lot Size.

(a) A winery may only be located on a lot with a commercial vineyard of at least five acres.

(b) An olive oil mill may only be located on a lot with a commercial olive grove of at least five acres. (Ord. 2023-__ § 2.)

824-6.004 Accessory Facilities.

(a) Production Facilities. The cumulative maximum floor area of all wine production facilities at a winery or all olive oil production facilities at an olive oil mill is 5,000 square feet.

(b) Tasting/On-Site Sales Areas. The cumulative maximum floor area of all tasting areas and on-site sales areas at a winery or olive oil mill is 30 percent of the total floor area of all wine production facilities at the winery or olive oil production facilities at the olive oil mill. (Ord. 2023-__ § 2.)

824-6.006 Production Standards.

(a) Production Capacity.

(1) Wineries. A small winery may produce no more than 50,000 gallons of wine annually. A large winery may produce more than 50,000 gallons of wine annually.

(2) Olive Oil Mills. A small olive oil mill may produce no more than 50,000 gallons of olive oil annually. A large olive oil mill may produce more than 50,000

gallons of olive oil annually.

(b) Production Ingredients.

(1) A minimum of 25 percent of a winery's production or an olive oil mill's production must be from fruit grown on the premises.

(2) A minimum of 50 percent of a winery's production or an olive oil mill's production must be from fruit grown in Contra Costa County.

(3) The owner of a winery or olive oil mill must maintain records showing the total annual production amount from fruit grown on the premises and the amount from fruit imported from off the premises. The records must indicate the dates of receipt and the quantities of all imported fruit, and the name and location of the growing operation from which the fruit is imported. (Ord. 2023-__ § 2.)

824-6.008 Food Service. A winery or olive oil mill may serve food as part of a wine tasting or olive oil tasting. The following standards apply to food service at a winery or olive oil mill.

(a) Food service must be incidental to the tasting of wine or olive oil.

(b) Food may not be sold separately from the wine or olive oil tasting.

(c) Food service must be limited to small appetizer-size portions with a fixed menu selected by the winery or olive oil mill. Food service may not involve menu options and meal service so that the winery or olive oil mill functions as a café or restaurant.

(d) Food service must be limited to one food sample per type of wine or olive oil. (Ord. 2023-__ § 2.)

824-6.010 Retail Water Supplier Required. A winery with a tasting/on-site sales area or that will host large events, or an olive oil mill with a tasting/on-site sales area or that will host large events, may only be located on a lot served by a retail water supplier or within the boundaries of the East Contra Costa County Groundwater Subbasin. A "retail water supplier" is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier. (Ord. 2023-__ § 2.)

824-6.012 Agricultural Activities and Promotion Plan. An agricultural activities and promotion plan must be submitted with a permit application for a winery that will host large events or an olive oil mill that will host large events. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program

associated with the winery or olive oil mill, including how the program will promote local agriculture and educate guests. (Ord. 2023-__ § 2.)

824-6.014 Winery Permits and Licenses. In addition to all other permits and licenses required by this code, state law, and federal law, a winery must have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited. (Ord. 2023-__ § 2.)

824-6.016 Large Events at Wineries and Olive Oil Mills.

(a) Except as otherwise provided for in this section, a winery or olive oil mill may not host a temporary event under Chapter 82-44, Temporary Events.

(b) A land use permit authorizing a winery or olive oil mill may also authorize the winery or olive oil mill to host large events, consistent with Chapter 824-12. Large events that are authorized by a land use permit pursuant to this section are allowed without a separate permit. (Ord. 2023-__ § 2.)

Chapter 824-8
LODGING IN AGRICULTURAL DISTRICTS

824-8.002 Agritourism Lodging.

(a) Agritourism lodging may be provided only in a legally established residence or legally established residential accessory structure. Agritourism lodging may not be located within agricultural employee housing, seasonal or year-round farmworker housing, or accessory dwelling units.

(b) The minimum parcel size for an agritourism lodging establishment is 10 acres.

(c) The owner of the land on which agritourism lodging is provided, or a tenant farmer, must reside on the property.

(d) An agritourism lodging establishment may have a maximum of five bedrooms or sleeping rooms used for lodging.

(e) The maximum overnight occupancy for agritourism lodging is two persons per bedroom or sleeping room. Children under 18 years of age are not counted toward occupancy. The maximum number of agritourism lodging guests that may be on the premises at any one time is 10.

(f) An agricultural lodging establishment may not provide lodging to a guest for more than 30 consecutive days.

(g) Food Service.

(A) An agricultural lodging establishment may serve food or meals at any time, but only to registered guests.

(B) The price of food served at a farm stay establishment or bed and breakfast establishment must be included in the price of the lodging.

(C) No kitchen or kitchenette facilities are allowed in a guest room within an agritourism lodging establishment.

(h) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device outside the agritourism lodging establishment is prohibited during quiet hours.

(i) Exterior lighting must be directed downward and away from adjacent properties.

(j) The operator of an agricultural lodging establishment must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the lodging.

(k) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the agricultural lodging, including how the program will promote local agriculture and educate guests.

(l) Farm stay establishments. The following additional standard applies to farm stay establishments: the maximum number of days a farm stay establishment may host guests in a calendar year is 90 days.

(m) Bed and breakfast establishments. The following additional standards apply to bed and breakfast establishments.

(1) At least 80 percent of a parcel where a bed and breakfast establishment is located must be engaged in agricultural activities and kept free of structures.

(2) A bed and breakfast establishment may only be located on a lot served by a retail water supplier or within the boundaries of the East Contra Costa County

Groundwater Subbasin. A "retail water supplier" is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier.

(3) In land use districts where a bed and breakfast establishment regulated by this division would otherwise be a permitted use, it is unlawful to establish a bed and breakfast establishment if the location of the bed and breakfast establishment is within one-quarter mile of any parcel occupied by any other bed and breakfast establishment. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel on which the bed and breakfast establishment will be established to any point on the property line of the other parcel.

(4) Large events at bed and breakfast establishments.

(A) Except as otherwise provided for in this subsection (4), a bed and breakfast establishment may not host a temporary event under Chapter 82-44, Temporary Events.

(B) A land use permit authorizing a bed and breakfast establishment may also authorize the bed and breakfast establishment to host large events, consistent with Chapter 824-12. Large events that are authorized by a land use permit pursuant to this subsection (4) are allowed without a separate permit. (Ord. 2023-__ § 2.)

824-8.004 Agricamping.

(a) Agricamping may be provided only in camping structures, including tent cabins and yurts, or in travel trailers owned by the property owner. Camping in tents, guest-owned structures, or guest-owned travel trailers is not allowed.

(b) The minimum parcel size for an agricamping establishment is 10 acres.

(c) The owner of the land on which agricamping is provided, or a tenant farmer, must reside on the property.

(d) An agricamping establishment may have a maximum of five total camping structures or travel trailers.

(e) The maximum overnight occupancy for agricamping is two persons per camping structure or travel trailer. Children under 18 years of age are not counted toward occupancy. The maximum number of agricamping guests that may be on the premises at any one time is 10.

(f) An agricamping establishment may not provide lodging to a guest for more than 30 consecutive days.

(g) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at the agricamping establishment is prohibited during quiet hours.

(h) Exterior lighting must be directed downward and away from adjacent properties.

(i) An agricamping establishment may serve food or meals at any time, but only to registered guests. No camp stove, kitchen, or kitchenette facilities are allowed in a camping structure or travel trailer.

(j) The operator of an agricamping establishment must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the lodging.

(k) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the agricamping, including how the program will promote local agriculture and educate guests. (Ord. 2023-__ § 2.)

Chapter 824-10
FOOD SERVICE IN AGRICULTURAL DISTRICTS

824-10.002 Farm Dinners.

(a) Up to 12 farm dinners may be hosted at a property per year.

(b) The maximum number of guests at a farm dinner is 30, except that one farm dinner with a maximum of 150 guests may be held at a property annually.

(c) A farm dinner may be hosted in an existing structure, outdoors on a property, on a patio, or on a deck. If a farm dinner is hosted in an existing structure, the structure must meet all building codes and fire codes that apply to the proposed number of guests.

(d) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be

heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at a farm dinner is prohibited during quiet hours.

(e) Exterior lighting must be directed downward and away from adjacent properties.

(f) The host of a farm dinner must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the farm dinner.

(g) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the farm dinner, including how the program will promote local agriculture and educate guests.

(h) This section does not authorize the establishment of a microenterprise home kitchen operation. Food served at a farm dinner must be prepared in accordance with all applicable local, state, and federal laws and regulations. (Ord. 2023-__ § 2.)

824-10.004 Farm-to-Table Restaurant.

(a) A farm-to-table restaurant may be established in an existing structure or in a new structure.

(b) The minimum parcel size for farm-to-table restaurant is 10 acres.

(c) The maximum dining area size in a farm-to-table restaurant is 1,500 square feet.

(d) The maximum dining area capacity in a farm-to-table restaurant is 35 guests.

(e) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device outside the farm-to-table restaurant is prohibited during quiet hours.

(f) Exterior lighting must be directed downward and away from adjacent properties.

(g) Unless otherwise provided in a land use permit, at least 50 percent of the fruits and vegetables served at a farm-to-table restaurant must be grown on-site. A land use permit may, based the site's agricultural activities and seasonal impacts on production, authorize

a different percentage of fruits and vegetables grown on-site that must be served at the farm-to-table restaurant. At least 75 percent of the fruits and vegetables served at a farm-to-table restaurant must be grown within Contra Costa County.

(h) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also demonstrate how the farm-to-table restaurant will meet the percentage requirements for fruits and vegetables that must be grown on-site. The plan must also describe the agricultural promotion program associated with the farm-to-table restaurant, including how the program will promote local agriculture and educate guests.

(i) At least 80 percent of a parcel where a farm-to-table restaurant is located must be engaged in agricultural activities and kept free of structures.

(j) A farm-to-table restaurant may only be located on a lot served by a retail water supplier or within the boundaries of the East Contra Costa County Groundwater Subbasin. A "retail water supplier" is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier.

(k) In land use districts where a farm-to-table restaurant regulated by this division would otherwise be a permitted use, it is unlawful to establish a farm-to-table restaurant if the location of the farm-to-table restaurant is within one mile of any parcel occupied by any other farm-to-table restaurant. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel on which the farm-to-table restaurant will be established to any point on the property line of the other parcel.

(l) Large events at farm-to-table restaurants.

(1) Except as otherwise authorized provided for in this subsection (l), a farm-to-table restaurant may not host a temporary event under Chapter 82-44, Temporary Events.

(2) A land use permit authorizing a farm-to-table restaurant may also authorize the farm-to-table restaurant to host large events, consistent with Chapter 824-12. Large events that are authorized by a land use permit pursuant to this subsection (l) are allowed without a separate permit. (Ord. 2023-__ § 2.)

824-10.006 Mobile Food Vendors.

(a) Except as otherwise provided for in this section, a food truck or other mobile food vendor

may not operate on any private parcel where an agritourism use is authorized under this division.

(b) A food truck or other mobile food vendor may operate on a private parcel where an agritourism use is authorized in any of the following circumstances.

(1) The agritourism use is a grower stand, farm stand, or farm market, and the total number of days that a food truck or other mobile food vendor operates on the private parcel does not exceed three days in a calendar year.

(2) A land use permit issued under this division authorizes a food truck or other mobile food vendor to operate on the private parcel.

(3) The food truck or other mobile food vendor is part of a temporary event authorized under Chapter 82-44. (Ord. 2023-__ § 2.)

Chapter 824-12
LARGE EVENTS HOSTED BY AGRITOURISM USE ESTABLISHMENTS

824-12.002 Large Events – Authorized. A land use permit authorizing any of the following agritourism uses may also authorize the agritourism use establishment to host large events, consistent with this chapter.

(a) A winery.

(b) An olive oil mill.

(c) A bed and breakfast establishment.

(d) A farm-to-table restaurant. (Ord. 2023-__ § 2.)

824-12.004 Location. An agritourism use establishment may not host large events if it is located on a parcel that is within one mile of any parcel occupied by an agritourism use that is permitted under this division to host large events. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel that will host large events to any point on the property line of the other parcel. (Ord. 2023-__ § 2.)

824-12.006 Conditions.

(a) Number of large events.

(1) A land use permit that authorizes large events at an agritourism use establishment must limit the annual maximum number of large events for the purposes of maintaining the agricultural nature of the property and reasonably limiting impacts on neighbors. In imposing conditions regulating the maximum number of

large events, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties, the compatibility of large events with neighboring uses, and the degree to which large events conflict with the property's primary use of agriculture.

(2) The number of large events allowed by a land use permit at an agritourism use establishment may not exceed the following amounts annually.

(A) On a parcel of less than 40 acres, the maximum number of large events an agricultural use establishment may host in a calendar year is six.

(B) On a parcel of 40 or more acres, the maximum number of large events an agricultural use establishment may host in a calendar year is 26.

(b) Number of people. A land use permit that authorizes large events at an agritourism use establishment must limit the maximum number of people allowed at each event for the purposes of reasonably limiting impacts on traffic, parking, and neighbors. In imposing conditions regulating the maximum number of people, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, and the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties.

(c) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours, during which noise must be restricted such that it cannot be heard from neighboring properties, shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at a large event is prohibited during quiet hours.

(d) Exterior lighting must be directed downward and away from adjacent properties. (Ord. 2023-__ § 2.)

SECTION 3. Chapter 88-20 of the County Ordinance Code is repealed.

SECTION 4. Section 84-82.404 of the County Ordinance Code is amended to read:

84-82.404 Differences from A-20 district.

The following regulations for A-40 districts are different from those for A-20 districts:

(1) Uses with land use permit. No land use permit may be issued in an A-40 district for the uses listed in subsections (11) through (15) of Section 84-80.404.

(2) Area. No building or other structure permitted in an A-40 district shall be erected or

placed on a lot smaller than 40 acres in area. (Ords. 2023-__ § 4, 2017-14 § 17, 79-108.)

SECTION 5. Section 84-84.404 of the County Ordinance Code is amended to read:

84-84.404 Differences from A-20 district.

The following regulations for A-80 districts are different from those for A-20 districts:

(1) Uses with land use permit. No land use permit may be issued in an A-20 district for the uses listed in subsections (11) through (15) of Section 84-80.404.

(2) Area. No building or other structure permitted in an A-80 district shall be erected or placed on a lot smaller than 80 acres in area. (Ords. 2023-__ § 5, 2018-18 § 5, 2017-14 § 17, 79-108.)

SECTION 6. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: Monica Nino,
Clerk of the Board of Supervisors
and County Administrator

_____
Board Chair

By: _____
Deputy

[SEAL]

TLG:

ORDINANCE NO. 2023-___ **DRAFT**

AUTHORIZING AGRITOURISM USES IN AGRICULTURAL ZONING DISTRICTS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION 1. SUMMARY. This ordinance establishes size and location standards, sales requirements, and other regulations governing agritourism uses in agricultural zoning districts. This ordinance also recodifies Chapter 88-20 (Agricultural Farm Stands and Farm Markets) as Chapter 824-4 (Grower Stands, Farm Stands, and Farm Markets). This ordinance also amends Chapters 84-82 and 84-84 to allow stables in A-40 and A-80 agricultural zoning districts with the issuance of a land use permit.

SECTION 2. Division 824 is added to the County Ordinance Code, to read:

Division 824
AGRITOURISM

Chapter 824-2
GENERAL AGRITOURISM REGULATIONS

824-2.002 Purpose and Intent. The purpose of this division is to establish zoning regulations to allow for a variety of agritourism uses in agricultural zoning districts. Agritourism uses are uses that are located at a working farm, ranch, or other agricultural operation; are accessory to a primary agricultural use; are conducted for the enjoyment and education of visitors, guests, or clients; and generate income for the owner or operator of the working farm, ranch, or other agricultural operation. (Ord. 2023-__ § 2.)

824-2.004 Definitions. For purposes of this division, the following words and phrases have the following meanings:

(a) "Agricamping establishment" means an establishment that provides food and lodging in accordance with this division.

(b) "Agritourism lodging establishment" means a residence in an agricultural zoning district that is used as a bed and breakfast establishment~~,~~ or a farm stay establishment~~, or a short-term rental that complies with Chapter 88-32~~.

(c) "Agritourism use" means any of the following uses located in an agricultural zoning district: agricamping; agritourism lodging establishment; farm dinner; farm market; farm stand; farm-to-table restaurant; grower stand; olive oil mill; or winery.

(d) "Bed and breakfast establishment" means an establishment that provides food and

lodging in accordance with this division.

(e) "Farm dinner" means an occasion where food is provided in accordance with this division.

(f) "Farm market" means an area accessory to an on-site agricultural operation that is used to sell farm products, value-added farm products, and non-agricultural items, as specified, where the total sales area does not exceed 3,500 square feet.

(g) "Farm product" includes any of the following in its raw or natural state: any agricultural, horticultural, viticultural, or vegetable product of the soil; poultry products; livestock products; and apiary products. "Farm product" does not include any livestock, poultry, fish, or shellfish.

(h) "Farm stand" means an area accessory to an on-site agricultural operation that is used primarily to sell farm products, value-added farm products, and non-agricultural items, as specified, where the total sales area does not exceed 1,500 square feet.

(i) "Farm stay establishment" means an establishment that provides food and lodging in accordance with this division.

(j) "Farm-to-table restaurant" means a restaurant that provides food in accordance with this division.

(k) "Grower stand" means an area accessory to an on-site agricultural operation that is used to sell farm products produced on-site or proximate to the site, as specified, where the total sales area does not exceed 1,500 square feet.

(l) "Large event" means an occasion at an agritourism use establishment organized for a particular and limited purpose and time, not to exceed three consecutive days, and is an organized assemblage that exceeds 75 persons.

(m) "Non-agricultural item" means any item offered for sale other than farm products and value-added farm products.

(n) "Olive oil mill" means an operation for the processing of olives into olive oil. An olive oil mill may be a small olive oil mill or a large olive oil mill.

(o) "Olive oil production facility" means a facility or facilities at an olive oil mill used for any of the following activities or uses: harvesting, milling, pressing, and crushing fresh olives; extraction and blending of olive oil; bottling and labeling of olive oil; storage of olive oil; laboratory facilities; administrative offices; shipping, receiving, and distribution of olive oil; equipment storage and repair; composting and removal of olive pomace and other agricultural product waste, and agricultural wastewater treatment. A tasting area or on-site sales area at an olive oil mill is not part of the olive oil production facility at the olive oil mill.

(p) "Responsible party" means a person that is designated by the applicant as a point of contact for the agritourism use.

(q) "Value-added farm product" means a farm product that has been changed from its natural state to an item in a different form through canning, drying, freezing, preserving, fermenting, compounding, processing, packing, or a similar alteration, so as to increase the value of the farm product.

(r) "Wine production facility" means a facility or facilities at a winery used for any of the following activities or uses: crushing or pressing grapes; fermenting wine; aging wine; processing and blending of wine; bottling and labeling of wine; storage of wine in cellars, vats, barrels, bottles, or cases; laboratory facilities; administrative offices; shipping, receiving, and distribution of wine; truck scales; equipment storage and repair; composting of grape byproducts and other agricultural product waste, and agricultural wastewater treatment. A tasting area or on-site sales area at a winery is not part of the wine production facility at the winery.

(s) "Winery" means an operation for the fermentation and processing of grapes into wine, or the refermentation of still wine into sparkling wine. A winery may be a small winery or a large winery. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.006 Location.

(a) An agritourism use that complies with the provisions of this division may be located on any legal lot in an agricultural district (A-2, A-3, A-4, A-20, A-40, and A-80).

(b) Multiple agritourism uses may be permitted on the same lot, except as follows:

(1) A farm stay establishment and a bed and breakfast establishment may not be permitted on the same lot.

(2) A farm dinner and a farm-to-table restaurant may not be permitted on the same lot.

(3) A farm market and a farm stand may not be permitted on the same lot.

(4) A farm market and a grower stand may not be permitted on the same lot.

(5) A farm stand and a grower stand may not be permitted on the same lot.

(6) A small olive oil mill and a large olive oil mill may not be permitted on the same lot.

(7) A small winery and a large winery may not be permitted on the same lot. (Ords. 2023-__ § 2, 2007-23 § 2.)

~~(A) (Ords. 2023-__ § 2, 2007-23 § 2.)~~

824-2.008 Accessory Use. An agritourism use is allowed only if it is an accessory use on a property that is used for agriculture, as defined in Section 82-4.206. If property is located in an agricultural zoning district but the property is not used for agriculture, then no agritourism use is allowed on the property. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.010 Parking.

(a) Adequate parking for consumers and employees must be provided at an agritourism use. If an agritourism use consists of a structure, one off-street parking space must be provided for each 300 square feet of structural floor area, with a minimum of two parking spaces. Each required off-street parking space must be at least nine feet by 19 feet in size. The required parking spaces may be dirt or gravel. The required parking spaces need not be paved, striped, or otherwise improved, but must be identifiable. Parking spaces must be oriented such that vehicles are not required to back onto a public road.

(b) Safe access to and from a public road must be provided with a durable, dustless surface, such as compacted gravel or a similar permeable surface, or asphalt, except that within 20 feet of a public road all access surfaces must be asphalt. A defined point of ingress and egress must be provided. An encroachment permit must be obtained for a new point of access to a public road.

(c) The parking requirements of Chapter 82-16 do not apply to this division. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.012 Signs.

(a) One or more on-site commercial signs are allowed on a lot with an agritourism use. An "on-site commercial sign" is a sign that directs attention to the business activity conducted or products sold or produced on the lot where the agritourism use is located.

(b) The following on-site commercial signs may be located on a lot with an agritourism use:

(1) One free-standing on-site commercial sign that does not exceed 12 feet in height or the height of the tallest structure, whichever is lower, and whose total display surface area does not exceed 32 square feet if the sign is single-sided or 64 square feet if the sign is double-sided.

(2) Additional on-site commercial signs that are affixed directly to any structure with an indoor sales area.

(3) One or more additional free-standing on-site commercial signs. No additional free-standing sign shall exceed 12 feet in height or have a display surface area greater than 16 square feet.

(c) The total display surface area of all on-site commercial signs on a lot with an agritourism use shall not exceed 128 square feet.

(d) An on-site commercial sign may not encroach on any public right of way and may not conflict with any applicable sight distance.

(e) An on-site commercial sign may not be illuminated unless expressly authorized by a land use permit. All illuminated signs shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties, public rights-of-way, and driveway areas. The land use permit may include conditions as to the time, intensity, direction, and quality of illumination to mitigate any negative impacts of illumination.

(f) All signs and sign structures shall be maintained in a safe and structurally sound manner free from deterioration, rust, rot, and loose parts. Each sign face must be clean and neatly painted at all times.

(g) A temporary on-site commercial sign must be removed when not in use.

(h) An on-site commercial sign or signs authorized by this division may contain noncommercial copy in lieu of other copy. Nothing in this division may be construed as regulating or restricting the use of noncommercial copy or message on any sign allowed under this section.

(i) If an agritourism use is lawfully established under the provisions of this division, on-site commercial signs that meet the requirements of this section are allowed without a separate permit.

(j) Off-site commercial signs are prohibited on a lot with an agritourism use. An "off-site commercial sign" is an advertising sign that directs attention to a business activity conducted or product or services sold or offered at a location not on the lot where the agritourism use is located. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.014 Height and Setbacks. An agritourism use must comply with the height and setback requirements that apply in the zone in which the property is located. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.016 Events. Except as otherwise provided for in this division, the requirements of Chapter 82-44, Temporary Events, apply to this division. (Ord. 2023-__ § 2.)

824-2.018 Permits.

(a) No permit. No permit is required under this division for a grower stand that meets the standards contained in this division.

(b) Ministerial permit.

(1) Unless a land use permit is otherwise required by subsection (c), below, a ministerial permit is required before any of the following uses may be established under this division: farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area and that will not host large events; or small olive oil mill without a tasting/on-site sales area and that will not host large events.

(2) An application for a ministerial permit must be made in writing and contain sufficient information to allow the Department of Conservation and Development to determine if the agritourism use will meet the standards in this division.

(3) An application for a ministerial permit will be approved without discretionary review or public hearing unless any of the following grounds for denial exist:

(A) The application is incomplete.

(B) The applicant has not paid all required fees in accordance with the fee schedule adopted by the Board of Supervisors.

(C) The applicant is delinquent in the payment of County taxes.

(D) A separate agritourism use permit associated with the location or the applicant was revoked within 24 months before the date of application.

(E) A structure proposed for an agritourism use violates any provision of this code, including the building standards in Title 7.

(4) After a ministerial permit for farm stay or farm dinner is issued, the department will notify all owners of property within 300 feet of the farm stay or farm dinner that a permit was issued. The notice will be in writing and contain the location of the farm stay or farm dinner, contact information for the responsible party associated with the permit, contact information for county code enforcement, and a website address where the agritourism ordinance is listed.

(5) A ministerial permit for farm stay or farm dinner expires one year from the date the permit was approved, unless it is revoked sooner.

(6) An application to renew a ministerial permit for farm stay or farm dinner must be filed with the Department of Conservation and Development at least 30 days before the permit expires.

(7) An application to renew a ministerial permit for farm stays or farm dinners will be approved ministerially unless any of the following grounds for denial exist:

(A) Any of the grounds for denial under subsection (3) exist.

(B) The application is filed less than 30 days before the permit expires.

(C) The permit is revoked or is the subject of a revocation proceeding at the time of application.

(8) A short-term rental proposed for an agricultural zoning district must comply with the permit requirements of Chapter 88-32.

(c) Land use permit.

(1) A land use permit is required before three or more of the following uses may be established on a lot under this division: farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area and that will not host large events; or small olive oil mill without a tasting/on-site sales area and that will not host large events.

(2) A land use permit is required before any of the following uses may be established under this division: agricamping; bed and breakfast; farm market; farm-to table-restaurant; large olive oil mill; large winery; small olive oil mill with a tasting/on-site sales area or that will host large events; or small winery with a tasting/on-site sales area or that will host large events.

(3) An application to establish a land use permit under this division must contain all of the information required by ~~a~~Article 26-2.20 of this code.

(4) An application for a land use permit under this division will be decided in accordance with ~~a~~Article 26-2.20 of this code. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.020 Fees. Application, review, and permit fees for agritourism uses will be in amounts established by the Board of Supervisors in the Conservation and Development Department's fee schedule. (Ords. 2023-__ § 2, 2007- 23 § 2.)

824-2.022 Other Laws. Agritourism uses also may be subject to ordinances, statutes and regulations administered by other county departments, including the building department, health department, public works department, and agricultural commissioner's office, and may be subject to state and federal laws and regulations. The establishment of an agritourism use under this division does not relieve anyone from the obligation to obtain any other permit or license required by this code or state or federal law. Nothing in this division authorizes the establishment of a microenterprise home kitchen operation. (Ords. 2023-__ § 2, 2007-23 § 2.)

Chapter 824-4
GROWER STANDS, FARM STANDS, AND FARM MARKETS

824-4.002 Purpose and Intent. The purpose of this chapter is to establish zoning regulations to allow for the direct marketing of farm products from agricultural producers to consumers, which the California Legislature has found benefits the agricultural community and the consumer. (Food and Agricultural Code, sections 47000 and following.) This chapter is intended to allow facilities that are accessory to on-site agricultural operations where agricultural products are produced to sell these products as specified, and is not intended to encourage the establishment of traditional retail stores or convenience markets in agricultural zoning districts. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-4.004 Sales Areas.

(a) A grower stand, farm stand, or farm market may consist of one or more outdoor sales display areas, one or more structures with an indoor sales area, or both.

(b) The total sales area of a grower stand or farm stand, including all outdoor and indoor sales areas, may not exceed 1,500 square feet.

(c) The total sales area of a farm market, including all outdoor and indoor sales areas, may not exceed 3,500 square feet. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-4.006 Product Sales.

(a) Grower Stands.

(1) A grower stand may sell farm products produced on-site or proximate to the site. Vending machines that dispense bottled or canned drinks may also be located at a grower stand.

(2) The sale at a grower stand of any of the following is prohibited: value-added farm products; non-agricultural items, except for bottled or canned drinks dispensed from vending machines; and farm products not produced on-site or proximate to the site.

(b) Farm Stands.

(1) A farm stand may sell farm products produced on-site or proximate to the site.

(2) Up to 40 percent of the total sales area at a farm stand may be used for the sale of any or all of the following: value-added farm products produced on-site or proximate to the site; farm products not produced on-site or proximate to the site; and non-agricultural items. No more than 10 percent of the total sales area of a farm stand may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.

(c) Farm Markets.

(1) A farm market may sell farm products produced on-site or proximate to the site and value-added farm products produced on-site or proximate to the site.

(2) Up to 20 percent of the total sales area at a farm market may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.

(d) No petroleum products or tobacco may be sold or dispensed at any grower stand, farm stand, or farm market.

~~(e) Nothing~~(e) Except as otherwise provided in this chapter, nothing may be sold from a motorized vehicle at any grower stand, farm stand, or farm market unless the vehicle is owned by the property owner and all sales from the vehicle are in compliance with this chapter. (Ords. 2023-__ § 2, 2007-23 § 2.)

Chapter 824-6
WINERIES AND OLIVE OIL MILLS

824-6.002 Minimum Lot Size.

(a) A winery may only be located on a lot with a commercial vineyard of at least five acres.

(b) An olive oil mill may only be located on a lot with a commercial olive grove of at least five acres. (Ord. 2023-__ § 2.)

824-6.004 Accessory Facilities.

(a) Production Facilities. The cumulative maximum floor area of all wine production facilities at a winery or all olive oil production facilities at an olive oil mill is 5,000 square feet.

~~(b)~~ Tasting/On-Site Sales Areas. The cumulative maximum floor area of all tasting areas and on-site sales areas at a winery or olive oil mill is 30 percent of the total floor area of all wine production facilities at the winery or olive oil production facilities at the olive oil mill.

~~(c)~~(b) ~~At least 80 percent of the parcel where a winery or olive oil mill is located must be engaged in agricultural activities and kept free of structures. An agricultural/farming plan must be submitted with the permit application, and annually thereafter. The agricultural/farming plan must include a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities.~~ (Ord. 2023-__ § 2.)

824-6.006 Production Standards.

(a) Production Capacity.

(1) Wineries. A small winery may produce no more than 50,000 gallons of wine annually. A large winery may produce more than 50,000 gallons of wine annually.

(2) Olive Oil Mills. A small olive oil mill may produce no more than 50,000 gallons of olive oil annually. A large olive oil mill may produce more than 50,000 gallons of olive oil annually.

(b) Production Ingredients.

(1) A minimum of 25 percent of a winery's production or an olive oil mill's production must be from fruit grown on the premises.

(2) A minimum of 50 percent of a winery's production or an olive oil mill's production must be from fruit grown in Contra Costa County.

(3) The owner of a winery or olive oil mill must maintain records showing the total annual production amount from fruit grown on the premises and the amount from fruit imported from off the premises. The records must indicate the dates of receipt and the quantities of all imported fruit, and the name and location of the growing operation from which the fruit is imported. (Ord. 2023-__ § 2.)

824-6.008 Food Service. A winery or olive oil mill may serve food as part of a wine tasting or olive oil tasting. The following standards apply to food service at a winery or olive oil mill.

(a) Food service must be incidental to the tasting of wine or olive oil.

(b) Food may not be sold separately from the wine or olive oil tasting.

(c) Food service must be limited to small appetizer-size portions with a fixed menu selected by the winery or olive oil mill. Food service may not involve menu options and meal service so that the winery or olive oil mill functions as a café or restaurant.

(d) Food service must be limited to one food sample per type of wine or olive oil. (Ord. 2023-__ § 2.)

824-6.010 Retail Water Supplier Required. A winery with a tasting/on-site sales area or that will host large events, or an olive oil mill with a tasting/on-site sales area or that will host large events, may only be located on a lot served by a retail water supplier~~.~~ or within the boundaries of the East Contra Costa County Groundwater Subbasin. A "retail water supplier" is a public

agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier. (Ord. 2023-__ § 2.)

~~824-6.012~~824-6.012 **Agricultural Activities and Promotion Plan.** An agricultural activities and promotion plan must be submitted with a permit application for a winery that will host large events or an olive oil mill that will host large events. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the winery or olive oil mill, including how the program will promote local agriculture and educate guests. (Ord. 2023-__ § 2.)

824-6.014 **Winery Permits and Licenses.** In addition to all other permits and licenses required by this code, state law, and federal law, a winery must have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited. (Ord. 2023-__ § 2.)

824-6.01~~4~~6 Large Events at Wineries and Olive Oil Mills.

(a) Except as otherwise provided for in this section, a winery or olive oil mill may not host a temporary event under Chapter 82-44, Temporary Events.

(b) A land use permit authorizing a winery or olive oil mill may also authorize the winery or olive oil mill to host large events, consistent with Chapter 824-12. Large events that are authorized by a land use permit pursuant to this section are allowed without a separate permit. (Ord. 2023-__ § 2.)

Chapter 824-8
LODGING IN AGRICULTURAL DISTRICTS

824-8.002 Agritourism Lodging.

(a) Agritourism lodging may be provided only in a legally established residence~~.~~ or legally established residential accessory structure. Agritourism lodging may not be located within agricultural employee housing, seasonal or year-round farmworker housing, or accessory dwelling units.

(b) The minimum parcel size for an agritourism lodging establishment is 10 acres.

(c) The owner of the land on which agritourism lodging is provided, or a tenant farmer, must reside on the property.

(d) An agritourism lodging establishment may have a maximum of five bedrooms or sleeping rooms used for lodging.

(e) The maximum overnight occupancy for agritourism lodging is two persons per bedroom or sleeping room. Children under ~~three~~18 years of age are not counted toward occupancy. The maximum number of agritourism lodging guests that may be on the premises at any one time is 10.

(f) An agricultural lodging establishment may not provide lodging to a guest for more than 30 consecutive days.

~~(f)~~(g) Food Service.

(A) ~~A farm stay~~An agricultural lodging establishment may serve food or meals at any time, but only to registered guests.

~~(B) A bed and breakfast establishment may serve only breakfast, and only to registered guests.~~

~~(C)~~(B) The price of food served at a farm stay establishment or bed and breakfast establishment must be included in the price of the lodging.

~~(D) A short-term rental may not serve food or meals to guests.~~

~~(E)~~(C) No kitchen or kitchenette facilities are allowed in a guest room within an agritourism lodging establishment.

~~(g)~~(h) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device outside the agritourism lodging establishment is prohibited during quiet hours.

~~(h)~~(i) Exterior lighting must be directed downward and away from adjacent properties.

~~(i)~~(j) The operator of an agricultural lodging establishment must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the lodging.

~~(j)~~(k) An agricultural activities and promotion plan must be submitted with the permit application. The ~~agricultural promotion~~ plan must demonstrate that the primary use of the land is for agriculture ~~and that~~by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of

agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the agricultural lodging, including how the program will promote local agriculture and educate guests.

~~(k)~~(l) Farm stay establishments. The following additional standard applies to farm stay establishments: the maximum number of days a farm stay establishment may host guests in a calendar year is 90 days.

~~(l)~~(m) Bed and breakfast establishments. The following additional standards apply to bed and breakfast establishments.

(1) At least 80 percent of a parcel where a bed and breakfast establishment is located must be engaged in agricultural activities and kept free of structures. ~~An agricultural/farming plan must be submitted with the permit application, and annually thereafter. The agricultural/farming plan must include a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities.~~

(2) A bed and breakfast establishment may only be located on a lot served by a retail water supplier or within the boundaries of the East Contra Costa County Groundwater Subbasin. A "retail water supplier" is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier.

(3) In land use districts where a bed and breakfast establishment regulated by this division would otherwise be a permitted use, it is unlawful to establish a bed and breakfast establishment if the location of the bed and breakfast establishment is within one-quarter mile of any parcel occupied by any other bed and breakfast establishment. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel on which the bed and breakfast establishment will be established to any point on the property line of the other parcel.

(4) Large events at bed and breakfast establishments.

(A) Except as otherwise provided for in this subsection (4), a bed and breakfast establishment may not host a temporary event under Chapter 82-44, Temporary Events.

(B) A land use permit authorizing a bed and breakfast establishment may also authorize the bed and breakfast establishment to host large events, consistent with Chapter 824-12. Large events that are authorized by a

land use permit pursuant to this subsection (4) are allowed without a separate permit. (Ord. 2023-__ § 2.)

824-8.004 Agricamping.

(a) Agricamping may be provided only in camping structures, including tent cabins and yurts, or in travel trailers owned by the property owner. Camping in tents, guest-owned structures, or ~~tents~~guest-owned travel trailers is not allowed.

(b) The minimum parcel size for an agricamping establishment is 10 acres.

(c) The owner of the land on which agricamping is provided, or a tenant farmer, must reside on the property.

(d) An agricamping establishment may have a maximum of five total camping structures or travel trailers.

(e) The maximum overnight occupancy for agricamping is two persons per camping structure~~.~~ or travel trailer. Children under ~~three~~18 years of age are not counted toward occupancy. The maximum number of agricamping guests that may be on the premises at any one time is 10.

(f) An agricamping establishment may not provide lodging to a guest for more than 30 consecutive days.

~~(f)~~(g) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at the agricamping establishment is prohibited during quiet hours.

~~(g)~~(h) Exterior lighting must be directed downward and away from adjacent properties.

~~(h)~~(i) An agricamping establishment may serve food or meals at any time, but only to registered guests. No camp stove, kitchen, or kitchenette facilities are allowed in a camping structure or travel trailer.

~~(i)~~(j) The operator of an agricamping establishment must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the lodging.

~~(j)~~(k) An agricultural activities and promotion plan must be submitted with the permit application. The ~~agricultural promotion~~ plan must demonstrate that the primary use of the land is for agriculture ~~and that~~by including a map of the parcel, the location of

agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the ~~agricultural lodging~~agricamping, including how the program will promote local agriculture and educate guests. (Ord. 2023-__ § 2.)

Chapter 824-10
FOOD SERVICE IN AGRICULTURAL DISTRICTS

824-10.002 Farm Dinners.

(a) Up to 12 farm dinners may be hosted at a property per year.

(b) The maximum number of guests at a farm dinner is 30, except that one farm dinner with a maximum of 150 guests may be held at a property annually.

(c) A farm dinner may be hosted in an existing structure, outdoors on a property, on a patio, or on a deck. If a farm dinner is hosted in an existing structure, the structure must meet all building codes and fire codes that apply to the proposed number of guests.

(d) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at a farm dinner is prohibited during quiet hours.

(e) Exterior lighting must be directed downward and away from adjacent properties.

(f) The host of a farm dinner must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the farm dinner.

(g) An agricultural activities and promotion plan must be submitted with the permit application. The ~~agricultural promotion~~ plan must demonstrate that the primary use of the land is for agriculture ~~and that~~by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the farm dinner, including how the program will promote local agriculture and educate guests.

(h) This section does not authorize the establishment of a microenterprise home kitchen operation. Food served at a farm dinner must be prepared in accordance with all applicable local, state, and federal laws and regulations. (Ord. 2023-__ § 2.)

824-10.004 Farm-to-Table Restaurant.

(a) A farm-to-table restaurant may be established in an existing structure or in a new structure.

(b) The minimum parcel size for farm-to-table restaurant is 10 acres.

(c) The maximum dining area size in a farm-to-table restaurant is 1,500 square feet.

(d) The maximum dining area capacity in a farm-to-table restaurant is 35 guests.

(e) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device outside the farm-to-table restaurant is prohibited during quiet hours.

(f) Exterior lighting must be directed downward and away from adjacent properties.

(g) ~~At~~Unless otherwise provided in a land use permit, at least 50 percent of the fruits and vegetables served at a farm-to-table restaurant must be grown on-site. A land use permit may, based the site's agricultural activities and seasonal impacts on production, authorize a different percentage of fruits and vegetables grown on-site that must be served at the farm-to-table restaurant. At least 75 percent of the fruits and vegetables served at a farm-to-table restaurant must be grown within Contra Costa County.

(h) ~~At least 80 percent of a parcel where a farm-to-table restaurant is located must be engaged in agricultural~~An agricultural activities and ~~kept free of structures. An agricultural/farming~~promotion plan must be submitted with the permit application~~, and annually thereafter.~~. The ~~agricultural/farming~~ plan must ~~include~~demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also demonstrate how the farm-to-table restaurant will meet the percentage requirements for fruits and vegetables that must be grown on-site. The plan must also describe the agricultural promotion program associated with the farm-to-table restaurant, including how the program will promote local agriculture and educate guests.

(i) At least 80 percent of a parcel where a farm-to-table restaurant is located must be engaged in agricultural activities and kept free of structures.

~~(i)~~(j) A farm-to-table restaurant may only be located on a lot served by a retail water supplier or within the boundaries of the East Contra Costa County Groundwater Subbasin. A

"retail water supplier" is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier.

~~(j)~~(k) In land use districts where a farm-to-table restaurant regulated by this division would otherwise be a permitted use, it is unlawful to establish a farm-to-table restaurant if the location of the farm-to-table restaurant is within one mile of any parcel occupied by any other farm-to-table restaurant. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel on which the farm-to-table restaurant will be established to any point on the property line of the other parcel.

~~(k)~~(l) Large events at farm-to-table restaurants.

(1) Except as otherwise authorized provided for in this subsection (~~k~~l), a farm-to-table restaurant may not host a temporary event under Chapter 82-44, Temporary Events.

(2) A land use permit authorizing a farm-to-table restaurant may also authorize the farm-to-table restaurant to host large events, consistent with Chapter 824-12. Large events that are authorized by a land use permit pursuant to this subsection (~~k~~l) are allowed without a separate permit. (Ord. 2023-__ § 2.)

824-10.006 Mobile Food Vendors. ~~A~~

(a) Except as otherwise provided for in this section, a food truck or other mobile food vendor may not operate on any private parcel where an agritourism use is authorized under this division~~, except as otherwise allowed by~~.

(b) A food truck or other mobile food vendor may operate on a private parcel where an agritourism use is authorized in any of the following circumstances.

(1) The agritourism use is a grower stand, farm stand, or farm market, and the total number of days that a food truck or other mobile food vendor operates on the private parcel does not exceed three days in a calendar year.

(2) A land use permit ~~or as~~issued under this division authorizes a food truck or other mobile food vendor to operate on the private parcel.

~~(1)~~(3) The food truck or other mobile food vendor is part of a ~~permitted large~~temporary event authorized under Chapter 82-44. (Ord. 2023-__ § 2.)

Chapter 824-12
LARGE EVENTS HOSTED BY AGRITOURISM USE ESTABLISHMENTS

824-12.002 Large Events – Authorized. A land use permit authorizing any of the following agritourism uses may also authorize the agritourism use establishment to host large events, consistent with this chapter.

(a) A winery.

(b) An olive oil mill.

(c) A bed and breakfast establishment.

(d) A farm-to-table restaurant. (Ord. 2023-__ § 2.)

824-12.004 Location. An agritourism use establishment may not host large events if it is located on a parcel that is within one mile of any parcel occupied by an agritourism use that is permitted under this division to host large events. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel that will host large events to any point on the property line of the other parcel. (Ord. 2023-__ § 2.)

824-12.006 Conditions.

(a) Number of large events.

(1) A land use permit that authorizes large events at an agritourism use establishment must limit the annual maximum number of large events for the purposes of maintaining the agricultural nature of the property and reasonably limiting impacts on neighbors. In imposing conditions regulating the maximum number of large events, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties, the compatibility of large events with neighboring uses, and the degree to which large events conflict with the property's primary use of agriculture.

(2) The number of large events allowed by a land use permit at an agritourism use establishment may not exceed the following amounts annually.

(A) On a parcel of less than 40 acres, the maximum number of large events an agricultural use establishment may host in a calendar year is six.

(B) On a parcel of 40 or more acres, the maximum number of large events an agricultural use establishment may host in a calendar year is ~~12~~26.

~~(2) No more than one large event may be hosted in a calendar month.~~

~~(b)~~ Number of people.

~~(c)~~(b) A land use permit ~~authorizing~~that authorizes large events at an agritourism use establishment must limit the maximum number of people allowed at ~~an~~each event for the purposes of ~~minimizing~~reasonably limiting impacts on traffic, parking, and neighbors. In imposing conditions regulating the maximum number of people ~~allowed at an event~~, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, and the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties.

~~(1) On a parcel of less than 40 acres, the maximum number of people allowed at a large event may not exceed 75.~~

~~(d)~~(c) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours, during which noise must be restricted such that it cannot be heard from neighboring properties, shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at a large event is prohibited during quiet hours.

~~(e)~~(d) Exterior lighting must be directed downward and away from adjacent properties. (Ord. 2023-__ § 2.)

SECTION 3. Chapter 88-20 of the County Ordinance Code is repealed.

SECTION 4. Section 84-82.404 of the County Ordinance Code is amended to read:

84-82.404 Differences from A-20 district.

The following regulations for A-40 districts are different from those for A-20 districts:

(1) Uses with land use permit. No land use permit may be issued in an A-40 district for the uses listed in subsections (11) through (15) of Section 84-80.404.

(2) Area. No building or other structure permitted in an A-40 district shall be erected or placed on a lot smaller than 40 acres in area. (Ords. 2023-__ § 4, 2017-14 § 17, 79-108.)

SECTION 5. Section 84-84.404 of the County Ordinance Code is amended to read:

84-84.404 Differences from A-20 district.

The following regulations for A-80 districts are different from those for A-20 districts:

(1) Uses with land use permit. No land use permit may be issued in an A-20 district for the uses listed in subsections (11) through (15) of Section 84-80.404.

(2) Area. No building or other structure permitted in an A-80 district shall be erected or placed on a lot smaller than 80 acres in area. (Ords. 2023-__ § 5, 2018-18 § 5, 2017-14 § 17, 79-108.)

SECTION 6. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: Monica Nino,
Clerk of the Board of Supervisors
and County Administrator

_____
Board Chair

By: _____
Deputy

[SEAL]

TLG:

Attachment C – *REVISED* Table of Agritourism Uses

Agritourism Use	Type of Permit	Minimum Lot Area	Maximum Occupancy/ Sales/Floor Area/ Frequency of Activity	Food Sold	Other Noteworthy Requirements
Grower Stands, Farm Stands, Farm Markets					
grower stand	None	None	1,500 sq. ft.	Yes, only as permitted by Section 824-4.006 (e)	▪ Sale of farm products produced on-site or proximate to the site, including bottled or canned drinks ▪ Food truck or mobile food vendor owned by the property owner may operate on the private parcel for not more than three days in a calendar year.
farm stand	Ministerial**	None	1,500 sq. ft.	Yes, see Section 824-4.006 (b) and (e)	▪ Sale of farm products produced on-site or proximate to the site. ▪ Up to 40 percent of the total sales area used for the sale of value-added farm products produced on-site or proximate to the site; farm products not produced on-site or proximate to the site; and non-agricultural items. ▪ No more than 10 percent of the total sales area of a farm stand may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site. ▪ Food truck or mobile food vendor owned by the property owner may operate on the private parcel for not more than three days in a calendar year.
farm market	Land Use Permit	None	3,500 sq. ft.	Yes, see Section 824-4.006 (c) and (e)	▪ Sale of farm products produced on-site or proximate to the site and value-added farm products produced on-site or proximate to the site. ▪ Up to 20 percent of the total sales area may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site. ▪ Food truck or mobile food vendor owned by the property owner may operate on the private parcel for not more than three days in a calendar year.
Lodging					
farm stay	Ministerial** Renewed annually	10 acres	5 bdrms max; 2 p/bdrm with a max of 10 at any one time; not more than 30 consecutive days; 90 days max to host in a calendar year.	Yes, served only to guests.	▪ Noise restriction – quiet hrs 10 pm – 7 am ▪ Exterior light directed downward and away from properties. ▪ Provide an agricultural activities and promotion plan.
agricamping	Land Use Permit	10 acres	5 max camping structures or travel trailers; 2 max/camping structure with a max of 10 at any one time; not more than 30 consecutive days	Yes, served only to guests.	▪ Noise restriction – quiet hrs 10 pm – 7 am ▪ Exterior light directed downward and away from properties. ▪ Provide an agricultural activities and promotion plan.
bed and breakfast	Land Use Permit	10 acres	5 bdrms max; 2 p/bdrm with a max of 10 at any one time; not more than 30 consecutive days.	Yes, served only to guests.	▪ Noise restriction – quiet hrs 10 pm – 7 am ▪ Exterior light directed downward and away from properties. ▪ Provide an agricultural activities and promotion plan. ▪ At least 80% of parcel is engaged in agricultural activities and kept free of structures. ▪ Served by a retail water supplier or within boundaries of the East Contra Costa County Groundwater Subbasin. ▪ Not located within ¼ mile of another bed and breakfast establishment.

**Three or more of the following uses may be established on a lot with issuance of a land use permit:
farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area and that will not host large events; or
small olive oil mill without a tasting/on-site sales area and that will not host large events.

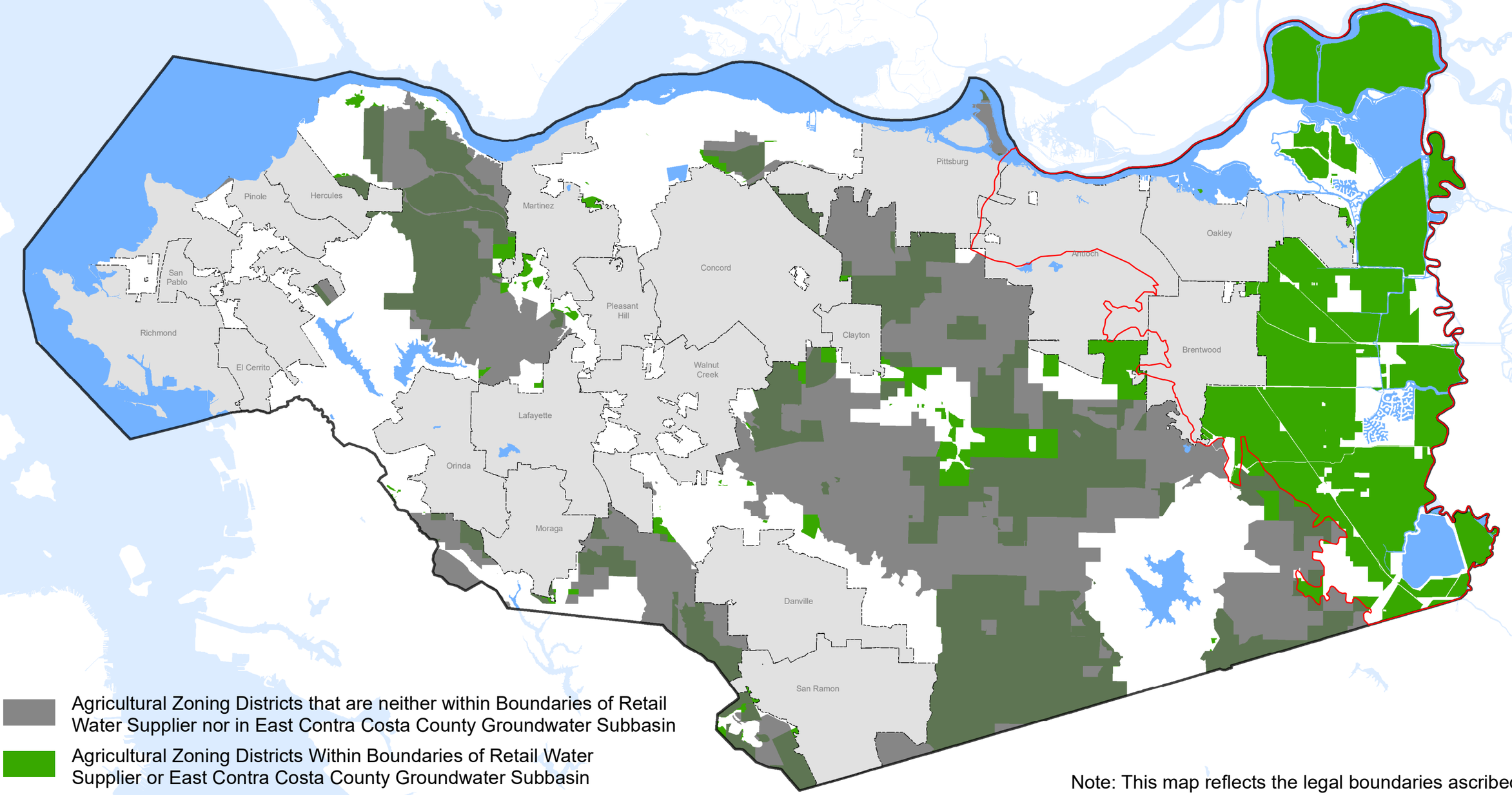
Food Service					
farm dinner	Ministerial** Renewed annually	None	Up to 12 farm dinners/yr; 30 max guests, except one farm dinner annually with a max of 150 guests located w/in existing structure, outdoors, patio or deck.	Yes	▪ Noise restriction – quiet hrs 10 pm – 7 am ▪ Exterior light directed downward and away from properties. ▪ Provide an agricultural activities and promotion plan. ▪ Not authorized for a microenterprise home kitchen operation.
farm-to-table restaurant	Land Use Permit	10 acres	1,500 sq. ft. max dining area, 35 guests max for dining area.	Yes	▪ Noise restriction – quiet hrs 10 pm – 7 am ▪ Exterior light directed downward and away from properties. ▪ At least 50% of fruits and vegetables served must be grown on-site; at least 75% of fruits and vegetables served must be grown within CCC. A land use permit may, based on the site's agricultural activities and seasonal impacts on production, authorize a different percentage of fruits and vegetables grown on-site. ▪ Provide an agricultural activities and promotion plan. ▪ At least 80% of parcel is engaged in agricultural activities and kept free of structures. ▪ Served by a retail water supplier or within boundaries of the East Contra Costa County Groundwater Subbasin. ▪ Not located within one mile of another farm-to-table establishment.
Wineries					
small winery w/o tasting/on-site sales area and no hosting large events	Ministerial**	5 acres	5,000 sq. ft. cumulative max floor area.	No	▪ Produce 50,000 gallons max annually. ▪ Min 25% of production must be from fruit grown on-site. ▪ Min 50% of production must be from fruit grown CCC.
Small winery w/tasting/ on-site sales area or host large events	Land Use Permit	5 acres	5,000 sq. ft. cumulative max floor area; cumulative max floor area of all tasting and on-site sales is 30% of total floor area of production facilities.	Yes, see Section 824-6.008	See requirements under SMALL WINERY W/O TASTING/ON-SITE SALES AND NO HOSTING LARGE EVENTS and ▪ Served by retail water supplier or within boundaries of the East Contra Costa County Groundwater Subbasin. ▪ Provide an agricultural activities and promotion plan.
Large winery	Land Use Permit	5 acres	5,000 sq. ft. cumulative max floor area; cumulative max floor area of all tasting and on-site sales is 30% of total floor area of production facilities.	Yes, see Section 824-6.008	▪ May produce more than 50,000 gallons max annually. ▪ Min 25% of production must be from fruit grown on-site. ▪ Min 50% of production must be from fruit grown CCC. ▪ Served by a retail water supplier or within boundaries of the East Contra Costa County Groundwater Subbasin. ▪ Provide an agricultural activities and promotion plan.
Olive Oil Mills					
small olive oil mill w/o tasting/on-site sales area and no hosting large events	Ministerial**	5 acres	5,000 sq. ft. cumulative max floor area.	No	See requirements under SMALL WINERY W/O TASTING/ON-SITE SALES AND NO HOSTING LARGE EVENTS
small olive oil mill w/tasting/ on-site sales area or host large events	Land Use Permit	5 acres	5,000 sq. ft. cumulative max floor area; cumulative max floor area of all tasting and on-site sales is 30% of total floor area of production facilities.	Yes, see Section 824-6.008	See requirements under SMALL WINERY W/O TASTING/ON-SITE SALES AND NO HOSTING LARGE EVENTS and ▪ Served by retail water supplier or within boundaries of the East Contra Costa County Groundwater Subbasin. ▪ Provide an agricultural activities and promotion plan.

**Three or more of the following uses may be established on a lot with issuance of a land use permit:
farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area and that will not host large events; or small olive oil mill without a tasting/on-site sales area and that will not host large events.

large olive oil mill	Land Use Permit	5 acres	5,000 sq. ft. cumulative max floor area; cumulative max floor area of all tasting and on-site sales is 30% of total floor area of production facilities.	Yes, see Section 824-6.008	▪ May produce more than 50,000 gallons max annually. ▪ Min 25% of production must be from fruit grown on-site. ▪ Min 50% of production must be from fruit grown CCC. ▪ Served by retail water supplier or within boundaries of the East Contra Costa County Groundwater Subbasin. ▪ Provide an agricultural activities and promotion plan.
Large Events					
The following agritourism use may host large events ▪ Winery ▪ Olive Oil Mill ▪ Bed and breakfast ▪ Farm-to-table restaurant	Land Use Permit		▪ Parcel less than 40 acres, six max events/calendar year ▪ Parcel 40 acres or more, 26 max events/calendar year		▪ Not located within one mile of another agritourism use allowed to host large events. ▪ Noise restriction – quiet hrs 10 pm – 7 am ▪ Exterior light directed downward and away from properties. ▪ A Land Use Permit will limit annual maximum number of large events to maintain the agricultural nature of the property and reasonably limiting impacts on neighbors. The following will be considered when imposing conditions regulating the maximum # of large events: lot size of the event venue, parking availability to serve the event venue, proximity of surrounding residences, the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties, the compatibility of large events with neighboring use, and to the degree which large event conflict with the property's primary use of agriculture. ▪ A Land use permit will limit the maximum number of people allowed at each event to limit impacts on traffic, parking, and neighbors. The following will be considered when imposing conditions regulating the maximum # of people: lot size of the event venue, parking availability to serve the event venue, proximity of surrounding residences, and the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties.

**Three or more of the following uses may be established on a lot with issuance of a land use permit:
farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area and that will not host large events; or small olive oil mill without a tasting/on-site sales area and that will not host large events.

Agricultural Zoning Districts Within Boundaries of Retail Water Supplier or East Contra Costa County Groundwater Subbasin



Agricultural Zoning Districts that are neither within Boundaries of Retail Water Supplier nor in East Contra Costa County Groundwater Subbasin

Agricultural Zoning Districts Within Boundaries of Retail Water Supplier or East Contra Costa County Groundwater Subbasin

East Contra Costa County Groundwater Subbasin

Note: This map reflects the legal boundaries ascribed to retail water suppliers. Not all properties within these boundaries currently have service.

Agritourism Ordinance

County Planning Commission

June 7, 2023

Background

December 20, 2016: The Board of Supervisors authorized the Department of Conservation and Development (DCD), to identify specific actions the County could take to further promote and incentivize agricultural sustainability and economic vitality.

February 13, 2018: The Board authorized DCD to convene a series of open, public meetings with persons and groups interested in the policy reform topic.

2018-2019: Public meetings held in Martinez, Danville, Knightsen

- 20 -70 participants per meeting
- Farm and ranching community, rural residents, agricultural commercial ventures, and conservation organizations
- County's Departments of Agriculture, Health Services (Environmental Health Division), and Public Works
- University of California Cooperative Extension (UCCE) and Contra Costa Resource Conservation District (RCD)
- Proposals to improve agricultural land use policy were assembled into a list of recommendations

February 4, 2020: The Board accepted the Recommendations on Reforming Agricultural Land Use Policies Report.

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

18 recommendations to promote and preserve agriculture

Various types of agritourism uses

- lodging accommodations
- food service
- updating County's winery policies
- hosting large events

Promote agriculture in Contra Costa County

- equestrian and bike trails to connect farms,
- allowing equestrian facilities within additional agricultural districts,
- additional funding for signage to promote agriculture in the County
- updating the County's Sign Ordinance

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

Broader policy reforms

- establishing mitigation requirements for conversion of agricultural land,
- new efforts to address rural blight and illegal dumping,
- opportunities to reduce impacts of rural development on agriculture,
- facilitate communication between farming community and regulatory agencies,
- improve permitting for agricultural uses
- consider a noise ordinance

Initial Accomplishments

- Summer of 2022 Board adoption of an urgency ordinance related to temporary events to provide additional tools for deterring unregulated commercial parties in agricultural areas;
- County's Illegal Dumping Initiative launched;
- County's sign ordinance updated including provisions intended to facilitate signage for farms that can be visited by the public.

February 22, 2023 County Planning Commission

Presented the Agritourism Ordinance

- Allowing a variety of agritourism uses that are accessory to a primary agricultural use
- Incorporates the County's current regulations regarding grower stands, farm stands, farm markets as additional agritourism uses
- Allow stables in A-40 and A-80 zoning districts with the issuance of a land use permit

February 22, 2023 County Planning Commission

- Comments were received by letter prior to the Commission hearing and at the hearing
- After considering the comments submitted, the Commission voted to continue the public hearing to a future date to allow staff to address the comments received and provide any appropriate revisions to the draft zoning text amendment

Revisions to the Proposed Agritourism Ordinance

- Illuminated Signs
- Retail Water Supplier Requirement
- Agricamping
- Farm-to-Table Restaurants
- Mobile Food Vendors
- Large Events
- Hillside Properties
- Noise
- Other minor changes

Staff Recommendations

1. OPEN the public hearing on the proposed zoning text amendment; RECEIVE testimony; and CLOSE the public hearing.

2. RECOMMEND that the Board of Supervisors take the following actions:
   A. ADOPT the proposed zoning text amendment to establish size and location standards, sales requirements, and other regulations governing agritourism uses in agricultural zoning districts, recodify Chapter 88-20 (Agricultural Farm Stands and Farm Markets) as Chapter 824-4 (Grower Stands, Farm Stands, and Farm Markets), and amend Chapters 84-82 and 84-84 to allow stables in A-40 and A-80 agricultural zoning districts with the issuance of a land use permit.
   B. DETERMINE that the proposed zoning text amendment is exempt from CEQA under CEQA Guidelines Sections 15061(b)(3) (common sense exemption).
   C. Direct staff to file a Notice of Exemption with the County Clerk.

Questions?

Department of Conservation and Development

County Planning Commission

Wednesday, January 24, 2024 – 6:30 P.M.

STAFF REPORT **Agenda Item #____**

Project Title:	Zoning Text Amendments Related to Agritourism and Temporary Events
County File(s):	CDZT22-00003
Applicant:	Contra Costa County
Owner:	Contra Costa County
General Plan/Zoning:	Countywide
Site Address/Location:	Countywide
California Environmental Quality Act (CEQA) Status:	The project is exempt under Section 15061(b)(3) of the Environmental Quality Act (See Section VI for additional information).
Project Planner:	Jennifer Cruz, Principal Planner (925) 655-2867 Jennifer.Cruz@dcd.cccounty.us
Staff Recommendation:	Recommend Approval to the Board of Supervisors (See Section II for complete recommendation)

I. PROJECT SUMMARY

This is a hearing on two County-initiated Zoning Text Amendments. The first proposed amendment is to establish size and location standards, sales requirements, and other regulations governing agritourism uses in agricultural zoning districts, recodify Chapter 88-20 (Agricultural Farm Stands and Farm Markets) as Chapter 824-4 (Grower Stands, Farm Stands, and Farm Markets), and amend Chapters 84-82 and 84-84 to allow stables in A-40 and A-80 agricultural zoning districts with the issuance of a land use permit.

The second proposed Zoning Text Amendment would amend Chapter 82-44 (Temporary Events) of the County Ordinance Code to establish specific land use permit conditions for certain types of events located in an agricultural zoning district, establish noise restrictions applicable to all permitted and unpermitted events, regulate commercial events by: prohibiting unpermitted commercial events; further defining the distinguishing features of commercial events; authorizing enforcement actions against commercial event organizers, in addition to property owners, for violations; and authorizing Sheriff's deputies, in addition to Department of Conservation Development code enforcement officers, to enforce the Temporary Events Ordinance.

RECOMMENDATION

Staff recommends that the County Planning Commission:

1. OPEN the public hearing on the proposed zoning text amendment; RECEIVE testimony; and CLOSE the public hearing.

2. RECOMMEND that the Board of Supervisors take the following actions:
    A. ADOPT the proposed zoning text amendment to establish size and location standards, sales requirements, and other regulations governing agritourism uses in agricultural zoning districts, recodify Chapter 88-20 (Agricultural Farm Stands and Farm Markets) as Chapter 824-4 (Grower Stands, Farm Stands, and Farm Markets), and amend Chapters 84-82 and 84-84 to allow stables in the A-40 and A-80 agricultural zoning districts with the issuance of a land use permit.
    B. ADOPT the proposed zoning text amendment to amend Chapter 82-44 (Temporary Events) to establish specific land use permit conditions for certain types of events located in an agricultural zoning district, establish noise restrictions applicable to all permitted and unpermitted events, regulate commercial events by: prohibiting unpermitted commercial events; further defining the distinguishing features of commercial events; authorizing enforcement actions against commercial event organizers, in addition to

property owners, for violations; and authorizing Sheriff's deputies, in addition to Department of Conservation Development code enforcement officers, to enforce the Temporary Events Ordinance.

C. RESCIND Ordinance No. 2023-11 (Urgency Ordinance Extending Regulations Related To Commercial Temporary Events) upon the date the amendment to Chapter 82-44 (Temporary Events) becomes effective.

D. DETERMINE that the proposed zoning text amendment is exempt from CEQA under CEQA Guidelines Sections 15061(b)(3) (common sense exemption).

E. Direct staff to file a Notice of Exemption with the County Clerk.

II. BACKGROUND

The Planning Commission conducted two hearings regarding the agritourism-related zoning text amendments in 2023 and recommended Board approval. Subsequently, staff met with parties who commented during the hearing to better understand their concerns, which mostly pertained to the events provisions of the agritourism-related zoning text amendments and the relationship to the Temporary Events Ordinance and the Ordinance No. 2023-11, (Urgency Ordinance Extending Regulations Related To Commercial Temporary Events), which was adopted by the Board of Supervisors on May 23, 2023 to continue to address a problematic increase in the number and impact of unpermitted commercial events. Staff's primary objectives with the recommended zoning text amendments under consideration at this hearing are to:

- Remove event provisions from the agritourism-related ordinance and place them in the Temporary Event ordinance for clarity and address concerns that events in agricultural areas would only be available to certain agritourism uses;
- Revise the existing Temporary Event Ordinance to make permanent the provisions of Ordinance No. 2023-11, (Urgency Ordinance Extending Regulations Related To Commercial Temporary Events);
- Refine the event definition to ensure that events with more 75 persons on any agricultural property would require a permit;
- Refine provisions related to commercial events to provide that agricultural properties that contain a residence are able to apply for a land use permit to host commercial events;
- Refine size limitations for wineries to remove a prohibition on wineries being located on parcels smaller than 5 acres.

History of Board Direction on Agritourism

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 the Department of Conservation and Development (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.

Public engagement process on agritourism

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 policy review process was held over a 12-month period starting in 2018. These large meetings, which ranged from 20-70 participants per meeting, were held in Martinez, Danville, and Knightsen. Participants that attended the meetings came from diverse backgrounds, including individuals from the farming and ranching community, rural residents, proponents of various agricultural commercial ventures, and 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). 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.

Report with Recommendations on Agritourism

The result of the extensive stakeholder collaboration was the Recommendations on Reforming Agricultural Land Use Policies in Contra Costa County To Improve Both Economic Vitality and Sustainability Report ("Report"). The Report, included 18 recommendations to promote and preserve agriculture in Contra Costa County.

The Report recommends authorizing various new types of lodging accommodations in agricultural areas, including short-term rentals for 90 days or less, farm stays for up to 90 days, bed-and-breakfast, and camping/yurts. The Report also recommends authorizing food service uses in agricultural areas, including farm dinners and farm-to-table restaurants. The Report also recommends updating the County's winery policies and authorizing certain new uses to host large events. The Report discussed the possible permits that may be required, in addition to other permits required by other agencies.

Recommendations in the Report to promote agriculture in Contra Costa County include equestrian and bike trails to connect farms, 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.

Board Action on Agritourism Report

The Report was presented to and accepted by the Board of Supervisors on February 4,

2020. Since then, the County has updated the Sign Ordinance. DCD has also undertaken the extensive effort to establish a regulatory framework in this proposed zoning text amendment for permitting, establishing, and operating agritourism uses, as discussed in the Report.

County Planning Commission Meetings on Agritourism

The zoning text amendments were heard by the County Planning Commission at two separate public hearings. The first hearing was held on February 22, 2023. The public submitted comments both by letter prior to the Commission hearing and at the Commission hearing. After considering the comments submitted, the Commission voted to continue the public hearing to a future date as determined by County staff to allow staff to address the comments received and provide any appropriate revisions to the draft zoning text amendment. The comments were related to illuminated signs, retail water supplier requirement, allow agricamping in travel trailers, seasonality of produce may preclude some agricultural operations from meeting the 50% requirement for farm-to-table restaurants, allow mobile food vendors on a private parcel where an agritourism use is authorized, increasing the maximum number of events, requirement for 80% of property to be engaged in agricultural activities and kept free of structures for hillside properties, and noise from large events.

In response to public comments and comments from the Commission, staff prepared a revised draft ordinance, which was presented and heard at the June 7, 2023 County Planning Commission. The public submitted comments both by letter prior to the Commission hearing and at the Commission hearing. The comments were primarily related to concerns only allowing large events for the following agritourism uses wineries/olive oil mills, bed and breakfast, and farm-to-table. A public comment regarding the lot size minimum specifically for wineries was also a concern by a member of the public. Another public comment raised was regarding the unpermitted parties and the noise generated from these events. After considering all comments received, the Commission voted unanimously to recommend that the Board of Supervisor's adopt the zoning text amendment to the County Zoning Code related to agritourism.

Staff Follow-Up Meetings

After the County Planning Commission's decision to recommend adoption of the Agritourism Ordinance, staff met separately with three members of the public who commented during the hearing to have a better understanding of their concerns. Staff met with Mark Scheberies and Beatrice Schmugler - Alhambra Christmas Tree Farm, John Bry - Perfusion Vineyard, and Liz DiGiorgio - Contra Costa County Farm Bureau. The concerns raised were similar to the ones raised at the June 7, 2023 Commission hearing. Following these meetings staff determined to recommend further refinements to the Planning Commission before proceeding to the Board of Supervisors.

III. SUMMARY OF ZONING TEXT AMENDMENTS

Staff considered the comments heard at the hearing and the follow-up meetings. The proposal is to revise the draft Agritourism Ordinance and amend the Temporary Events Ordinance to address the concerns raised. The primary concerns were related to only allowing large events for wineries/olive oil mills, bed and breakfast, and farm-to-table, lot size requirement for wineries/olive oil mills, and restriction on events Below is a summary of the changes for each ordinance.

Proposed Changes to Draft Agritourism Ordinance

The changes to the draft Agritourism Ordinance would remove the section on large events and references to large events, and remove the minimum lot size, retail water supplier requirement and agricultural activities and promotion plan for wineries and olive oil mills. Clarification is also included in the draft Agritourism Ordinance that a farm dinner is not an event subject to the requirements of the Temporary Events Ordinance.

Proposed Changes to Draft Temporary Events Ordinance

The proposed changes to the Temporary Events Ordinance integrate the provisions of Ordinance No. 2023-11, (Urgency Ordinance Extending Regulations Related To Commercial Temporary Events).

Changes include updates to the definition section of the ordinance, addition of noise restrictions, a list of conditions applicable when a land use permit is required for an event venue in an agricultural zoning district, updates to the enforcement of the ordinance, and the addition of the responsible party.

The definition of event is proposed to be updated to include gatherings of more 75 people on agriculturally-zoned properties. Additionally, "at a residence" is also defined to clarify the reference in the event definition. The definition of a commercial event is also modified to include clarification that an event that requires paid admission or charges parking or that is open or advertised to the general public would be considered a commercial event.

The addition of definitions for outdoor assemblage, persons at a venue, and vacant lot is also included in the amendment to the ordinance. The addition of noise restrictions for all events includes maximum noise levels and prohibited hours for amplified sound.

A list of conditions applicable to the issuance of a land use permit for an event located in an agricultural zoning district are also included in the ordinance. The conditions include the following: events at a venue located in an agricultural zoning district may only be issued if authorized events are an accessory use of the agricultural use established for the property and a finding is made that the events is consistent with agricultural vitality, maximum number of events and maximum of people of limited based on impacts to neighboring properties, prohibited hours for amplified noise, and exterior lighting must be directed downward and away from adjacent properties. The maximum number of events would be determined by considering the lot size of the event venue, availability of parking to serve the event venue, proximity of surrounding residences, the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties, the compatibility of events with neighboring uses, and the degree to which events conflict with the property's primary use of agriculture. On a parcel of less than 40 acres, the maximum number of events per calendar year that may be authorized by a land use permit is six. On a parcel of 40 or more acres, the maximum number of events per calendar year that may be authorized by a land use permit is 26. The maximum number of people would be determined by the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, and the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties.

The amendment also updates the enforcement of the Temporary Events Ordinance to include remedies of administrative fines, citations, and cease and desist order, officials to enforce the ordinance, and holding commercial event organizers, in addition to

property owners, liable for illegal commercial events.

IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION

The Zoning Text Amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3).

CEQA Guidelines section 15061(b)(3) is the "common sense exemption." The proposed actions would authorize the establishment of agritourism uses in agricultural zoning districts after the issuance of a ministerial permit or a land use permit. No specific project is approved with this Zoning Text Amendment. The proposed new uses that could foreseeably have an environmental impact would each require separate discretionary permits and be subject to individual environmental review pursuant to CEQA. Some uses could be approved with a ministerial permit and that action would be statutorily exempt from CEQA. However, such proposed uses are minor extensions of existing allowed uses, are subordinate to the primary agricultural use, and are subject to specific standard requirements related to lot area, number of bedrooms and guests, number of events, noise, and light. Thus, it can be seen with certainty that there is no possibility that the proposed actions could have a significant effect on the environment.

The zoning text amendment to amend to Chapter 82-44 (Temporary Events) includes additional land use permit conditions for events located in an agricultural zoning district, additional noise restrictions, additional restrictions on commercial events, and authorization for additional enforcement pathways for violations of the ordinance. These amendments would establish more restrictive regulations on a land use already permitted in the County. Accordingly, it can be seen with certainty that there is no possibility that the proposed actions could have a significant effect on the environment.

V. CONCLUSION

The proposed zoning text amendment would authorize agritourism uses in agricultural zoning districts in the County and would establish standards for these uses that would preserve agricultural land consistent with the County General Plan. Additionally, the zoning text amendment would amend the Temporary Events

Ordinance to allow large events in agricultural districts, provide noise restrictions, regulate commercial events, and authorize Sheriff's deputies, in addition to code enforcement officers to enforce the Temporary Events Ordinance. Therefore, staff recommends the Commission recommend that the Board of Supervisors approve the zoning text amendments.

Attachments:

- Attachment A - Draft Agritourism Ordinance
- Attachment B – Redlined Version of Draft Agritourism Ordinance
- Attachment C – Draft Temporary Events Ordinance
- Attachment D – Redlined Version of Draft Temporary Events Ordinance
- Attachment E – Urgency Ordinance No. 2023-11

ORDINANCE NO. 2023-___ **DRAFT**

AUTHORIZING AGRITOURISM USES IN AGRICULTURAL ZONING DISTRICTS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION 1. SUMMARY. This ordinance establishes size and location standards, sales requirements, and other regulations governing agritourism uses in agricultural zoning districts. This ordinance also recodifies Chapter 88-20 (Agricultural Farm Stands and Farm Markets) as Chapter 824-4 (Grower Stands, Farm Stands, and Farm Markets). This ordinance also amends Chapters 84-82 and 84-84 to allow stables in A-40 and A-80 agricultural zoning districts with the issuance of a land use permit.

SECTION 2. Division 824 is added to the County Ordinance Code, to read:

Division 824
AGRITOURISM

Chapter 824-2
GENERAL AGRITOURISM REGULATIONS

824-2.002 Purpose and Intent. The purpose of this division is to establish zoning regulations to allow for a variety of agritourism uses in agricultural zoning districts. Agritourism uses are uses that are located at a working farm, ranch, or other agricultural operation; are accessory to a primary agricultural use; are conducted for the enjoyment and education of visitors, guests, or clients; and generate income for the owner or operator of the working farm, ranch, or other agricultural operation. (Ord. 2023-__ § 2.)

824-2.004 Definitions. For purposes of this division, the following words and phrases have the following meanings:

(a) "Agricamping establishment" means an establishment that provides food and lodging in accordance with this division.

(b) "Agritourism lodging establishment" means a residence in an agricultural zoning district that is used as a bed and breakfast establishment or a farm stay establishment.

(c) "Agritourism use" means any of the following uses located in an agricultural zoning district: agricamping; agritourism lodging establishment; farm dinner; farm market; farm stand; farm-to-table restaurant; grower stand; olive oil mill; or winery.

(d) "Bed and breakfast establishment" means an establishment that provides food and lodging in accordance with this division.

(e) “Farm dinner” means an occasion where food is provided in accordance with this division.

(f) “Farm market” means an area accessory to an on-site agricultural operation that is used to sell farm products, value-added farm products, and non-agricultural items, as specified, where the total sales area does not exceed 3,500 square feet.

(g) “Farm product” includes any of the following in its raw or natural state: any agricultural, horticultural, viticultural, or vegetable product of the soil; poultry products; livestock products; and apiary products. “Farm product” does not include any livestock, poultry, fish, or shellfish.

(h) “Farm stand” means an area accessory to an on-site agricultural operation that is used primarily to sell farm products, value-added farm products, and non-agricultural items, as specified, where the total sales area does not exceed 1,500 square feet.

(i) “Farm stay establishment” means an establishment that provides food and lodging in accordance with this division.

(j) “Farm-to-table restaurant” means a restaurant that provides food in accordance with this division.

(k) “Grower stand” means an area accessory to an on-site agricultural operation that is used to sell farm products produced on-site or proximate to the site, as specified, where the total sales area does not exceed 1,500 square feet.

(l) “Non-agricultural item” means any item offered for sale other than farm products and value-added farm products.

(m) “Olive oil mill” means an operation for the processing of olives into olive oil. An olive oil mill may be a small olive oil mill or a large olive oil mill.

(n) “Olive oil production facility” means a facility or facilities at an olive oil mill used for any of the following activities or uses: harvesting, milling, pressing, and crushing fresh olives; extraction and blending of olive oil; bottling and labeling of olive oil; storage of olive oil; laboratory facilities; administrative offices; shipping, receiving, and distribution of olive oil; equipment storage and repair; composting and removal of olive pomace and other agricultural product waste, and agricultural wastewater treatment. A tasting area or on-site sales area at an olive oil mill is not part of the olive oil production facility at the olive oil mill.

(o) “Responsible party” means a person that is designated by the applicant as a point of contact for the agritourism use.

(p) “Value-added farm product” means a farm product that has been changed from its natural

state to an item in a different form through canning, drying, freezing, preserving, fermenting, compounding, processing, packing, or a similar alteration, so as to increase the value of the farm product.

(q) "Wine production facility" means a facility or facilities at a winery used for any of the following activities or uses: crushing or pressing grapes; fermenting wine; aging wine; processing and blending of wine; bottling and labeling of wine; storage of wine in cellars, vats, barrels, bottles, or cases; laboratory facilities; administrative offices; shipping, receiving, and distribution of wine; truck scales; equipment storage and repair; composting of grape byproducts and other agricultural product waste, and agricultural wastewater treatment. A tasting area or on-site sales area at a winery is not part of the wine production facility at the winery.

(r) "Winery" means an operation for the fermentation and processing of grapes into wine, or the refermentation of still wine into sparkling wine. A winery may be a small winery or a large winery. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.006 Location.

(a) An agritourism use that complies with the provisions of this division may be located on any legal lot in an agricultural district (A-2, A-3, A-4, A-20, A-40, and A-80).

(b) Multiple agritourism uses may be permitted on the same lot, except as follows:

(1) A farm stay establishment and a bed and breakfast establishment may not be permitted on the same lot.

(2) A farm dinner and a farm-to-table restaurant may not be permitted on the same lot.

(3) A farm market and a farm stand may not be permitted on the same lot.

(4) A farm market and a grower stand may not be permitted on the same lot.

(5) A farm stand and a grower stand may not be permitted on the same lot.

(6) A small olive oil mill and a large olive oil mill may not be permitted on the same lot.

(7) A small winery and a large winery may not be permitted on the same lot. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.008 Accessory Use. An agritourism use is allowed only if it is an accessory use on a property that is used for agriculture, as defined in Section 82-4.206. If property is located in an agricultural zoning district but the property is not used for agriculture, then no agritourism use is

allowed on the property. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.010 Parking.

(a) Adequate parking for consumers and employees must be provided at an agritourism use. If an agritourism use consists of a structure, one off-street parking space must be provided for each 300 square feet of structural floor area, with a minimum of two parking spaces. Each required off-street parking space must be at least nine feet by 19 feet in size. The required parking spaces may be dirt or gravel. The required parking spaces need not be paved, striped, or otherwise improved, but must be identifiable. Parking spaces must be oriented such that vehicles are not required to back onto a public road.

(b) Safe access to and from a public road must be provided with a durable, dustless surface, such as compacted gravel or a similar permeable surface, or asphalt, except that within 20 feet of a public road all access surfaces must be asphalt. A defined point of ingress and egress must be provided. An encroachment permit must be obtained for a new point of access to a public road.

(c) The parking requirements of Chapter 82-16 do not apply to this division. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.012 Signs.

(a) One or more on-site commercial signs are allowed on a lot with an agritourism use. An "on-site commercial sign" is a sign that directs attention to the business activity conducted or products sold or produced on the lot where the agritourism use is located.

(b) The following on-site commercial signs may be located on a lot with an agritourism use:

(1) One free-standing on-site commercial sign that does not exceed 12 feet in height or the height of the tallest structure, whichever is lower, and whose total display surface area does not exceed 32 square feet if the sign is single-sided or 64 square feet if the sign is double-sided.

(2) Additional on-site commercial signs that are affixed directly to any structure with an indoor sales area.

(3) One or more additional free-standing on-site commercial signs. No additional free-standing sign shall exceed 12 feet in height or have a display surface area greater than 16 square feet.

(c) The total display surface area of all on-site commercial signs on a lot with an agritourism use shall not exceed 128 square feet.

(d) An on-site commercial sign may not encroach on any public right of way and may not

conflict with any applicable sight distance.

(e) An on-site commercial sign may not be illuminated unless expressly authorized by a land use permit. All illuminated signs shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties, public rights-of-way, and driveway areas. The land use permit may include conditions as to the time, intensity, direction, and quality of illumination to mitigate any negative impacts of illumination.

(f) All signs and sign structures shall be maintained in a safe and structurally sound manner free from deterioration, rust, rot, and loose parts. Each sign face must be clean and neatly painted at all times.

(g) A temporary on-site commercial sign must be removed when not in use.

(h) An on-site commercial sign or signs authorized by this division may contain noncommercial copy in lieu of other copy. Nothing in this division may be construed as regulating or restricting the use of noncommercial copy or message on any sign allowed under this section.

(i) If an agritourism use is lawfully established under the provisions of this division, on-site commercial signs that meet the requirements of this section are allowed without a separate permit.

(j) Off-site commercial signs are prohibited on a lot with an agritourism use. An "off-site commercial sign" is an advertising sign that directs attention to a business activity conducted or product or services sold or offered at a location not on the lot where the agritourism use is located. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.014 Height and Setbacks. An agritourism use must comply with the height and setback requirements that apply in the zone in which the property is located. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.016 Events. The requirements of Chapter 82-44, Temporary Events, apply to this division. (Ord. 2023-__ § 2.)

824-2.018 Permits.

(a) No permit. No permit is required under this division for a grower stand that meets the standards contained in this division.

(b) Ministerial permit.

(1) Unless a land use permit is otherwise required by subsection (c), below, a ministerial permit is required before any of the following uses may be established under this division: farm stand; farm stay; farm dinner; small winery without a

tasting/on-site sales area; or small olive oil mill without a tasting/on-site sales area.

(2) An application for a ministerial permit must be made in writing and contain sufficient information to allow the Department of Conservation and Development to determine if the agritourism use will meet the standards in this division.

(3) An application for a ministerial permit will be approved without discretionary review or public hearing unless any of the following grounds for denial exist:

(A) The application is incomplete.

(B) The applicant has not paid all required fees in accordance with the fee schedule adopted by the Board of Supervisors.

(C) The applicant is delinquent in the payment of County taxes.

(D) A separate agritourism use permit associated with the location or the applicant was revoked within 24 months before the date of application.

(E) A structure proposed for an agritourism use violates any provision of this code, including the building standards in Title 7.

(4) After a ministerial permit for farm stay or farm dinner is issued, the department will notify all owners of property within 300 feet of the farm stay or farm dinner that a permit was issued. The notice will be in writing and contain the location of the farm stay or farm dinner, contact information for the responsible party associated with the permit, contact information for county code enforcement, and a website address where the agritourism ordinance is listed.

(5) A ministerial permit for farm stay or farm dinner expires one year from the date the permit was approved, unless it is revoked sooner.

(6) An application to renew a ministerial permit for farm stay or farm dinner must be filed with the Department of Conservation and Development at least 30 days before the permit expires.

(7) An application to renew a ministerial permit for farm stays or farm dinners will be approved ministerially unless any of the following grounds for denial exist:

(A) Any of the grounds for denial under subsection (3) exist.

(B) The application is filed less than 30 days before the permit expires.

(C) The permit is revoked or is the subject of a revocation proceeding at the

time of application.

(8) A short-term rental proposed for an agricultural zoning district must comply with the permit requirements of Chapter 88-32.

(c) Land use permit.

(1) A land use permit is required before three or more of the following uses may be established on a lot under this division: farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area; or small olive oil mill without a tasting/on-site sales area.

(2) A land use permit is required before any of the following uses may be established under this division: agricamping; bed and breakfast; farm market; farm-to table-restaurant; large olive oil mill; large winery; small olive oil mill with a tasting/on-site sales area; or small winery with a tasting/on-site sales area.

(3) An application to establish a land use permit under this division must contain all of the information required by Article 26-2.20 of this code.

(4) An application for a land use permit under this division will be decided in accordance with Article 26-2.20 of this code. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.020 Fees. Application, review, and permit fees for agritourism uses will be in amounts established by the Board of Supervisors in the Conservation and Development Department's fee schedule. (Ords. 2023-__ § 2, 2007- 23 § 2.)

824-2.022 Other Laws. Agritourism uses also may be subject to ordinances, statutes and regulations administered by other county departments, including the building department, health department, public works department, and agricultural commissioner's office, and may be subject to state and federal laws and regulations. The establishment of an agritourism use under this division does not relieve anyone from the obligation to obtain any other permit or license required by this code or state or federal law. Nothing in this division authorizes the establishment of a microenterprise home kitchen operation. (Ords. 2023-__ § 2, 2007-23 § 2.)

Chapter 824-4
GROWER STANDS, FARM STANDS, AND FARM MARKETS

824-4.002 Purpose and Intent. The purpose of this chapter is to establish zoning regulations to allow for the direct marketing of farm products from agricultural producers to consumers, which the California Legislature has found benefits the agricultural community and the consumer. (Food and Agricultural Code, sections 47000 and following.) This chapter is intended to allow facilities that are accessory to on-site agricultural operations where agricultural products are produced to sell these products as specified, and is not intended to encourage the establishment of traditional retail stores or convenience markets in agricultural zoning districts. (Ords. 2023-__

§ 2, 2007-23 § 2.)

824-4.004 Sales Areas.

(a) A grower stand, farm stand, or farm market may consist of one or more outdoor sales display areas, one or more structures with an indoor sales area, or both.

(b) The total sales area of a grower stand or farm stand, including all outdoor and indoor sales areas, may not exceed 1,500 square feet.

(c) The total sales area of a farm market, including all outdoor and indoor sales areas, may not exceed 3,500 square feet. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-4.006 Product Sales.

(a) Grower Stands.

(1) A grower stand may sell farm products produced on-site or proximate to the site. Vending machines that dispense bottled or canned drinks may also be located at a grower stand.

(2) The sale at a grower stand of any of the following is prohibited: value-added farm products; non-agricultural items, except for bottled or canned drinks dispensed from vending machines; and farm products not produced on-site or proximate to the site.

(b) Farm Stands.

(1) A farm stand may sell farm products produced on-site or proximate to the site.

(2) Up to 40 percent of the total sales area at a farm stand may be used for the sale of any or all of the following: value-added farm products produced on-site or proximate to the site; farm products not produced on-site or proximate to the site; and non-agricultural items. No more than 10 percent of the total sales area of a farm stand may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.

(c) Farm Markets.

(1) A farm market may sell farm products produced on-site or proximate to the site and value-added farm products produced on-site or proximate to the site.

(2) Up to 20 percent of the total sales area at a farm market may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.

(d) No petroleum products or tobacco may be sold or dispensed at any grower stand, farm stand, or farm market.

(e) Except as otherwise provided in this chapter, nothing may be sold from a motorized vehicle at any grower stand, farm stand, or farm market unless the vehicle is owned by the property owner and all sales from the vehicle are in compliance with this chapter. (Ords. 2023-__ § 2, 2007-23 § 2.)

Chapter 824-6
WINERIES AND OLIVE OIL MILLS

824-6.002 Accessory Facilities.

(a) Production Facilities. The cumulative maximum floor area of all wine production facilities at a winery or all olive oil production facilities at an olive oil mill is 5,000 square feet.

(b) Tasting/On-Site Sales Areas. The cumulative maximum floor area of all tasting areas and on-site sales areas at a winery or olive oil mill is 30 percent of the total floor area of all wine production facilities at the winery or olive oil production facilities at the olive oil mill. (Ord. 2023-__ § 2.)

824-6.004 Production Standards.

(a) Production Capacity.

(1) Wineries. A small winery may produce no more than 50,000 gallons of wine annually. A large winery may produce more than 50,000 gallons of wine annually.

(2) Olive Oil Mills. A small olive oil mill may produce no more than 50,000 gallons of olive oil annually. A large olive oil mill may produce more than 50,000 gallons of olive oil annually.

(b) Production Ingredients.

(1) A minimum of 25 percent of a winery's production or an olive oil mill's production must be from fruit grown on the premises.

(2) A minimum of 50 percent of a winery's production or an olive oil mill's production must be from fruit grown in Contra Costa County.

(3) The owner of a winery or olive oil mill must maintain records showing the total annual production amount from fruit grown on the premises and the amount from

fruit imported from off the premises. The records must indicate the dates of receipt and the quantities of all imported fruit, and the name and location of the growing operation from which the fruit is imported. (Ord. 2023-__ § 2.)

824-6.006 Food Service. A winery or olive oil mill may serve food as part of a wine tasting or olive oil tasting. The following standards apply to food service at a winery or olive oil mill.

(a) Food service must be incidental to the tasting of wine or olive oil.

(b) Food may not be sold separately from the wine or olive oil tasting.

(c) Food service must be limited to small appetizer-size portions with a fixed menu selected by the winery or olive oil mill. Food service may not involve menu options and meal service so that the winery or olive oil mill functions as a café or restaurant.

(d) Food service must be limited to one food sample per type of wine or olive oil. (Ord. 2023-__ § 2.)

824-6.08 Winery Permits and Licenses. In addition to all other permits and licenses required by this code, state law, and federal law, a winery must have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited. (Ord. 2023-__ § 2.)

Chapter 824-8
LODGING IN AGRICULTURAL DISTRICTS

824-8.002 Agritourism Lodging.

(a) Agritourism lodging may be provided only in a legally established residence or legally established residential accessory structure. Agritourism lodging may not be located within agricultural employee housing, seasonal or year-round farmworker housing, or accessory dwelling units.

(b) The minimum parcel size for an agritourism lodging establishment is 10 acres.

(c) The owner of the land on which agritourism lodging is provided, or a tenant farmer, must reside on the property.

(d) An agritourism lodging establishment may have a maximum of five bedrooms or sleeping rooms used for lodging.

(e) The maximum overnight occupancy for agritourism lodging is two persons per bedroom or sleeping room. Children under 18 years of age are not counted toward occupancy. The maximum number of agritourism lodging guests that may be on the premises at any one time is 10.

(f) An agricultural lodging establishment may not provide lodging to a guest for more than 30 consecutive days.

(g) Food Service.

(A) An agricultural lodging establishment may serve food or meals at any time, but only to registered guests.

(B) The price of food served at a farm stay establishment or bed and breakfast establishment must be included in the price of the lodging.

(C) No kitchen or kitchenette facilities are allowed in a guest room within an agritourism lodging establishment.

(h) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device outside the agritourism lodging establishment is prohibited during quiet hours.

(i) Exterior lighting must be directed downward and away from adjacent properties.

(j) The operator of an agricultural lodging establishment must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the lodging.

(k) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the agricultural lodging, including how the program will promote local agriculture and educate guests.

(l) Farm stay establishments. The following additional standard applies to farm stay establishments: the maximum number of days a farm stay establishment may host guests in a calendar year is 90 days.

(m) Bed and breakfast establishments. The following additional standards apply to bed and

breakfast establishments.

(1) At least 80 percent of a parcel where a bed and breakfast establishment is located must be engaged in agricultural activities and kept free of structures.

(2) A bed and breakfast establishment may only be located on a lot served by a retail water supplier or within the boundaries of the East Contra Costa County Groundwater Subbasin. A "retail water supplier" is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier.

(3) In land use districts where a bed and breakfast establishment regulated by this division would otherwise be a permitted use, it is unlawful to establish a bed and breakfast establishment if the location of the bed and breakfast establishment is within one-quarter mile of any parcel occupied by any other bed and breakfast establishment. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel on which the bed and breakfast establishment will be established to any point on the property line of the other parcel. (Ord. 2023-__ § 2.)

824-8.004 Agricamping.

(a) Agricamping may be provided only in camping structures, including tent cabins and yurts, or in travel trailers owned by the property owner. Camping in tents, guest-owned structures, or guest-owned travel trailers is not allowed.

(b) The minimum parcel size for an agricamping establishment is 10 acres.

(c) The owner of the land on which agricamping is provided, or a tenant farmer, must reside on the property.

(d) An agricamping establishment may have a maximum of five total camping structures or travel trailers.

(e) The maximum overnight occupancy for agricamping is two persons per camping structure or travel trailer. Children under 18 years of age are not counted toward occupancy. The maximum number of agricamping guests that may be on the premises at any one time is 10.

(f) An agricamping establishment may not provide lodging to a guest for more than 30 consecutive days.

(g) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be

heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at the agricamping establishment is prohibited during quiet hours.

(h) Exterior lighting must be directed downward and away from adjacent properties.

(i) An agricamping establishment may serve food or meals at any time, but only to registered guests. No camp stove, kitchen, or kitchenette facilities are allowed in a camping structure or travel trailer.

(j) The operator of an agricamping establishment must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the lodging.

(k) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the agricamping, including how the program will promote local agriculture and educate guests. (Ord. 2023-__ § 2.)

Chapter 824-10
FOOD SERVICE IN AGRICULTURAL DISTRICTS

824-10.002 Farm Dinners.

(a) Up to 12 farm dinners may be hosted at a property per year.

(b) The maximum number of guests at a farm dinner is 30, except that one farm dinner with a maximum of 150 guests may be held at a property annually. A farm dinner is not an event subject to the requirements of Chapter 82-44, Temporary Events.

(c) A farm dinner may be hosted in an existing structure, outdoors on a property, on a patio, or on a deck. If a farm dinner is hosted in an existing structure, the structure must meet all building codes and fire codes that apply to the proposed number of guests.

(d) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at a farm dinner is prohibited during quiet hours.

(e) Exterior lighting must be directed downward and away from adjacent properties.

(f) The host of a farm dinner must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the farm dinner.

(g) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the farm dinner, including how the program will promote local agriculture and educate guests.

(h) This section does not authorize the establishment of a microenterprise home kitchen operation. Food served at a farm dinner must be prepared in accordance with all applicable local, state, and federal laws and regulations. (Ord. 2023-__ § 2.)

824-10.004 Farm-to-Table Restaurant.

(a) A farm-to-table restaurant may be established in an existing structure or in a new structure.

(b) The minimum parcel size for farm-to-table restaurant is 10 acres.

(c) The maximum dining area size in a farm-to-table restaurant is 1,500 square feet.

(d) The maximum dining area capacity in a farm-to-table restaurant is 35 guests.

(e) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device outside the farm-to-table restaurant is prohibited during quiet hours.

(f) Exterior lighting must be directed downward and away from adjacent properties.

(g) Unless otherwise provided in a land use permit, at least 50 percent of the fruits and vegetables served at a farm-to-table restaurant must be grown on-site. A land use permit may, based the site's agricultural activities and seasonal impacts on production, authorize a different percentage of fruits and vegetables grown on-site that must be served at the farm-to-table restaurant. At least 75 percent of the fruits and vegetables served at a farm-to-table restaurant must be grown within Contra Costa County.

(h) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also demonstrate how the farm-to-table restaurant will meet the percentage requirements for fruits and vegetables that must be grown on-site. The plan must also describe the agricultural promotion program associated with the farm-to-table restaurant, including how the program will promote local agriculture and educate guests.

(i) At least 80 percent of a parcel where a farm-to-table restaurant is located must be engaged in agricultural activities and kept free of structures.

(j) A farm-to-table restaurant may only be located on a lot served by a retail water supplier or within the boundaries of the East Contra Costa County Groundwater Subbasin. A "retail water supplier" is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier.

(k) In land use districts where a farm-to-table restaurant regulated by this division would otherwise be a permitted use, it is unlawful to establish a farm-to-table restaurant if the location of the farm-to-table restaurant is within one mile of any parcel occupied by any other farm-to-table restaurant. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel on which the farm-to-table restaurant will be established to any point on the property line of the other parcel. (Ord. 2023-__ § 2.)

824-10.006 Mobile Food Vendors.

(a) Except as otherwise provided for in this section, a food truck or other mobile food vendor may not operate on any private parcel where an agritourism use is authorized under this division.

(b) A food truck or other mobile food vendor may operate on a private parcel where an agritourism use is authorized in any of the following circumstances.

(1) The agritourism use is a grower stand, farm stand, or farm market, and the total number of days that a food truck or other mobile food vendor operates on the private parcel does not exceed three days in a calendar year.

(2) A land use permit issued under this division authorizes a food truck or other mobile food vendor to operate on the private parcel.

(3) The food truck or other mobile food vendor is part of a temporary event authorized under Chapter 82-44. (Ord. 2023-__ § 2.)

SECTION 3. Chapter 88-20 of the County Ordinance Code is repealed.

SECTION 4. Section 84-38.404 of the County Ordinance Code is amended to read:

84-38.404 Uses—Requiring land use permit. The following uses may be allowed in an A-2 district on the issuance of a land use permit:

(1) Publicly owned parks and playground.

(2) Dude ranches, riding academies and stables, and dog kennels.

(3) Publicly owned buildings and structures, except as provided in Division 82.

(4) Commercial radio and television receiving and transmitting facilities but not including broadcasting studios or business offices.

(5) Wind energy conversion systems. This use is allowed without a land use permit if used only as an accessory to an allowable residential or agricultural use.

(6) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses.

(7) Hospitals, animal hospitals, eleemosynary and philanthropic institutions, and convalescent homes.

(8) Churches, religious institutions, and parochial and private schools.

(9) Community buildings, clubs, and activities of a quasi-public, social, fraternal, or recreational character, such as golf, tennis or swimming clubs, or veterans' or fraternal organizations. These uses are prohibited if organized for monetary profit.

(10) One additional single family dwelling.

(11) Medical and dental offices and medical clinics.

(12) Merchandising of agricultural supplies and services incidental to an agricultural use.

(13) Commercial kitchens or other facilities for creating value-added farm products.

(14) Canneries.

(15) Slaughterhouses and stockyards.

(16) Rendering plants and fertilizer plants or yards.

(17) Livestock auction or sales yards.

(18) Commercial recreational facilities when the principal use is not in a building.

(19) Boat storage facilities within one mile by public road of a boat launching facility open to the public. 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.

(20) Retail firewood sales.

(21) Recycling operations intended to sort or process material for reuse. Junkyards, defined in Section 88-4.206, are prohibited.

(22) Museums in which objects of historical, artistic, scientific or cultural importance are preserved and displayed.

(23) A farm market.

(24) Agricultural cold storage plants on parcels less than ten acres in size.

(25) Farmworker housing center.

(26) Commercial cannabis activities that meet the requirements of Chapter 88-28. (Ords. 2023-XX § 4, 2022-37 § 8, 2018-18 § 5, 2017-14 § 10, 2013-12 § 6, 2009-12 § 3, 2007-23 § 4, 2003-11 § 3, 94-28 § 2, 89-46 § 2, 76-36 § 3, 7437 § 2, 60-82, 1988, 1569 § 2: prior code § 8156(b): Ords. 1406 § 3, 497 § 4, 382 § 4E).

SECTION 5. Section 84-42.404 of the County Ordinance Code is amended to read:

84-42.404 Uses—Requiring land use permit. The following uses may be allowed in an A-4 district on the issuance of a land use permit:

(1) Related commercial agricultural uses including the erection or modification of sheds, warehouses, granaries, hullers, dryers, fruit and vegetable packing and buildings for the storage of agricultural products and equipment.

(2) A farm market.

(3) A detached single-family dwelling on each parcel and the accessory structures and uses normally auxiliary to it. 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. A separate land use permit is required for one additional single-family dwelling on the parcel.

(4) Wholesale nurseries and greenhouses.

(5) Hog ranches.

(6) Dairying.

(7) Fur farms.

(8) Livestock and feed yards.

(9) Poultry raising.

(10) Commercial fish farming.

(11) Commercial kitchens or other facilities for creating value-added farm products.

(12) Canneries.

(13) Mushroom houses.

(14) Commercial radio and television receiving and transmitting facilities but not including broadcasting studios or business offices.

(15) Those uses described in Government Code Section 51201(e).

(16) Wind energy conversion systems, except when used only as an accessory to an allowable residential or agricultural use.

(17) Farmworker housing center. (Ords. 2023-XX § 5, 2017-14 § 12, 2013-12 § 7, 2007-23 § 6, 2006-19 § 8, 2003-12 § 2, 86-61 § 3, 84-24 § 3, 68-54 § 1 (part), 1968: prior code § 8169(b)).

SECTION 6. Section 84-80.404 of the County Ordinance Code is amended to read:

84-80.404 Uses with land use permit. The following uses may be allowed in an A-20 district on the issuance of a land use permit:

(1) Merchandising of agricultural supplies and services incidental to agricultural use.

(2) Commercial kitchens or other facilities for creating value-added farm products.

(3) Canneries.

(4) Cold storage plants.

(5) Rendering plants and fertilizer plants or yards.

(6) Livestock auction or sales yards.

(7) Wholesale nurseries and greenhouses.

(8) Mushroom houses.

(9) Processing of milk not produced on premises.

(10) Dude ranches, riding academies, stables, dog kennels.

(11) Hospitals, eleemosynary and philanthropic institutions, convalescent homes, and animal hospitals.

(12) Churches, religious institutions, parochial and private schools.

(13) Community buildings, clubs, activities of a quasi-public, social, fraternal or recreational character.

(14) Medical and/or dental offices and clinics.

(15) Boat storage area within one mile by public road of a public boat launching facility.

(16) Oil and gas drilling and production including the installation and use of only such equipment necessary and convenient for drilling and extracting operations.

(17) Commercial radio and television receiving and transmitting facilities other than broadcasting studios and business offices.

(18) One additional single-family dwelling.

(19) Wind energy conversion systems, except when used only as an accessory to an allowable residential or agricultural use.

(20) A farm market.

(21) Farmworker housing center.

(22) Commercial cannabis activities that meet the requirements of Chapter 88-28.

(23) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses. (Ords. 2023-XX § 6, 2022-37 § 9, 2018-18 § 5, 2017-14 § 16, 2013-12 § 9, 2007-23 § 8, 2006-19 § 11, 86-61 § 4, 84-24 § 4, 79-108).**SECTION 7.** Section 84-82.404 of the County Ordinance Code is amended to read:

84-82.404 Differences from A-20 district.

The following regulations for A-40 districts are different from those for A-20 districts:

(1) Uses with land use permit. No land use permit may be issued in an A-40 district for the uses listed in subsections (11) through (15) of Section 84-80.404.

(2) Area. No building or other structure permitted in an A-40 district shall be erected or placed on a lot smaller than 40 acres in area. (Ords. 2023-__ § 7, 2017-14 § 17, 79-108.)

SECTION 8. Section 84-84.404 of the County Ordinance Code is amended to read:

84-84.404 Differences from A-20 district.

The following regulations for A-80 districts are different from those for A-20 districts:

(1) Uses with land use permit. No land use permit may be issued in an A-20 district for the uses listed in subsections (11) through (15) of Section 84-80.404.

(2) Area. No building or other structure permitted in an A-80 district shall be erected or placed on a lot smaller than 80 acres in area. (Ords. 2023-__ § 8, 2018-18 § 5, 2017-14 § 17, 79-108.)

SECTION 9. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: Monica Nino,
Clerk of the Board of Supervisors
and County Administrator

_____
Board Chair

By: _____ [SEAL]
Deputy

TLG:

ORDINANCE NO. 2023-___ **DRAFT**

AUTHORIZING AGRITOURISM USES IN AGRICULTURAL ZONING DISTRICTS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION 1. SUMMARY. This ordinance establishes size and location standards, sales requirements, and other regulations governing agritourism uses in agricultural zoning districts. This ordinance also recodifies Chapter 88-20 (Agricultural Farm Stands and Farm Markets) as Chapter 824-4 (Grower Stands, Farm Stands, and Farm Markets). This ordinance also amends Chapters 84-82 and 84-84 to allow stables in A-40 and A-80 agricultural zoning districts with the issuance of a land use permit.

SECTION 2. Division 824 is added to the County Ordinance Code, to read:

Division 824
AGRITOURISM

Chapter 824-2
GENERAL AGRITOURISM REGULATIONS

824-2.002 Purpose and Intent. The purpose of this division is to establish zoning regulations to allow for a variety of agritourism uses in agricultural zoning districts. Agritourism uses are uses that are located at a working farm, ranch, or other agricultural operation; are accessory to a primary agricultural use; are conducted for the enjoyment and education of visitors, guests, or clients; and generate income for the owner or operator of the working farm, ranch, or other agricultural operation. (Ord. 2023-__ § 2.)

824-2.004 Definitions. For purposes of this division, the following words and phrases have the following meanings:

(a) "Agricamping establishment" means an establishment that provides food and lodging in accordance with this division.

(b) "Agritourism lodging establishment" means a residence in an agricultural zoning district that is used as a bed and breakfast establishment or a farm stay establishment.

(c) "Agritourism use" means any of the following uses located in an agricultural zoning district: agricamping; agritourism lodging establishment; farm dinner; farm market; farm stand; farm-to-table restaurant; grower stand; olive oil mill; or winery.

(d) "Bed and breakfast establishment" means an establishment that provides food and lodging in accordance with this division.

(e) "Farm dinner" means an occasion where food is provided in accordance with this division.

(f) "Farm market" means an area accessory to an on-site agricultural operation that is used to sell farm products, value-added farm products, and non-agricultural items, as specified, where the total sales area does not exceed 3,500 square feet.

(g) "Farm product" includes any of the following in its raw or natural state: any agricultural, horticultural, viticultural, or vegetable product of the soil; poultry products; livestock products; and apiary products. "Farm product" does not include any livestock, poultry, fish, or shellfish.

(h) "Farm stand" means an area accessory to an on-site agricultural operation that is used primarily to sell farm products, value-added farm products, and non-agricultural items, as specified, where the total sales area does not exceed 1,500 square feet.

(i) "Farm stay establishment" means an establishment that provides food and lodging in accordance with this division.

(j) "Farm-to-table restaurant" means a restaurant that provides food in accordance with this division.

(k) "Grower stand" means an area accessory to an on-site agricultural operation that is used to sell farm products produced on-site or proximate to the site, as specified, where the total sales area does not exceed 1,500 square feet.

~~(l) "Large event" means an occasion at an agritourism use establishment organized for a particular and limited purpose and time, not to exceed three consecutive days, and is an organized assemblage that exceeds 75 persons.~~

~~(m)~~(l) "Non-agricultural item" means any item offered for sale other than farm products and value-added farm products.

~~(n)~~(m) "Olive oil mill" means an operation for the processing of olives into olive oil. An olive oil mill may be a small olive oil mill or a large olive oil mill.

~~(o)~~(n) "Olive oil production facility" means a facility or facilities at an olive oil mill used for any of the following activities or uses: harvesting, milling, pressing, and crushing fresh olives; extraction and blending of olive oil; bottling and labeling of olive oil; storage of olive oil; laboratory facilities; administrative offices; shipping, receiving, and distribution of olive oil; equipment storage and repair; composting and removal of olive pomace and other agricultural product waste, and agricultural wastewater treatment. A tasting area or on-site sales area at an olive oil mill is not part of the olive oil production facility at the olive oil mill.

~~(p)~~(o) "Responsible party" means a person that is designated by the applicant as a point of contact for the agritourism use.

~~(q)~~(p) "Value-added farm product" means a farm product that has been changed from its natural state to an item in a different form through canning, drying, freezing, preserving, fermenting, compounding, processing, packing, or a similar alteration, so as to increase the value of the farm product.

~~(r)~~(q) "Wine production facility" means a facility or facilities at a winery used for any of the following activities or uses: crushing or pressing grapes; fermenting wine; aging wine; processing and blending of wine; bottling and labeling of wine; storage of wine in cellars, vats, barrels, bottles, or cases; laboratory facilities; administrative offices; shipping, receiving, and distribution of wine; truck scales; equipment storage and repair; composting of grape byproducts and other agricultural product waste, and agricultural wastewater treatment. A tasting area or on-site sales area at a winery is not part of the wine production facility at the winery.

~~(s)~~(r) "Winery" means an operation for the fermentation and processing of grapes into wine, or the refermentation of still wine into sparkling wine. A winery may be a small winery or a large winery. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.006 Location.

(a) An agritourism use that complies with the provisions of this division may be located on any legal lot in an agricultural district (A-2, A-3, A-4, A-20, A-40, and A-80).

(b) Multiple agritourism uses may be permitted on the same lot, except as follows:

(1) A farm stay establishment and a bed and breakfast establishment may not be permitted on the same lot.

(2) A farm dinner and a farm-to-table restaurant may not be permitted on the same lot.

(3) A farm market and a farm stand may not be permitted on the same lot.

(4) A farm market and a grower stand may not be permitted on the same lot.

(5) A farm stand and a grower stand may not be permitted on the same lot.

(6) A small olive oil mill and a large olive oil mill may not be permitted on the same lot.

(7) A small winery and a large winery may not be permitted on the same lot. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.008 Accessory Use. An agritourism use is allowed only if it is an accessory use on a property that is used for agriculture, as defined in Section 82-4.206. If property is located in an agricultural zoning district but the property is not used for agriculture, then no agritourism use is allowed on the property. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.010 Parking.

(a) Adequate parking for consumers and employees must be provided at an agritourism use. If an agritourism use consists of a structure, one off-street parking space must be provided for each 300 square feet of structural floor area, with a minimum of two parking spaces. Each required off-street parking space must be at least nine feet by 19 feet in size. The required parking spaces may be dirt or gravel. The required parking spaces need not be paved, striped, or otherwise improved, but must be identifiable. Parking spaces must be oriented such that vehicles are not required to back onto a public road.

(b) Safe access to and from a public road must be provided with a durable, dustless surface, such as compacted gravel or a similar permeable surface, or asphalt, except that within 20 feet of a public road all access surfaces must be asphalt. A defined point of ingress and egress must be provided. An encroachment permit must be obtained for a new point of access to a public road.

(c) The parking requirements of Chapter 82-16 do not apply to this division. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.012 Signs.

(a) One or more on-site commercial signs are allowed on a lot with an agritourism use. An "on-site commercial sign" is a sign that directs attention to the business activity conducted or products sold or produced on the lot where the agritourism use is located.

(b) The following on-site commercial signs may be located on a lot with an agritourism use:

(1) One free-standing on-site commercial sign that does not exceed 12 feet in height or the height of the tallest structure, whichever is lower, and whose total display surface area does not exceed 32 square feet if the sign is single-sided or 64 square feet if the sign is double-sided.

(2) Additional on-site commercial signs that are affixed directly to any structure with an indoor sales area.

(3) One or more additional free-standing on-site commercial signs. No additional free-standing sign shall exceed 12 feet in height or have a display surface area greater than 16 square feet.

(c) The total display surface area of all on-site commercial signs on a lot with an agritourism use shall not exceed 128 square feet.

(d) An on-site commercial sign may not encroach on any public right of way and may not conflict with any applicable sight distance.

(e) An on-site commercial sign may not be illuminated unless expressly authorized by a land use permit. All illuminated signs shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties, public rights-of-way, and driveway areas. The land use permit may include conditions as to the time, intensity, direction, and quality of illumination to mitigate any negative impacts of illumination.

(f) All signs and sign structures shall be maintained in a safe and structurally sound manner free from deterioration, rust, rot, and loose parts. Each sign face must be clean and neatly painted at all times.

(g) A temporary on-site commercial sign must be removed when not in use.

(h) An on-site commercial sign or signs authorized by this division may contain noncommercial copy in lieu of other copy. Nothing in this division may be construed as regulating or restricting the use of noncommercial copy or message on any sign allowed under this section.

(i) If an agritourism use is lawfully established under the provisions of this division, on-site commercial signs that meet the requirements of this section are allowed without a separate permit.

(j) Off-site commercial signs are prohibited on a lot with an agritourism use. An "off-site commercial sign" is an advertising sign that directs attention to a business activity conducted or product or services sold or offered at a location not on the lot where the agritourism use is located. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.014 Height and Setbacks. An agritourism use must comply with the height and setback requirements that apply in the zone in which the property is located. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.016 Events. ~~Except as otherwise provided for in this division, t~~The requirements of Chapter 82-44, Temporary Events, apply to this division. (Ord. 2023-__ § 2.)

824-2.018 Permits.

(a) No permit. No permit is required under this division for a grower stand that meets the standards contained in this division.

(b) Ministerial permit.

(1) Unless a land use permit is otherwise required by subsection (c), below, a ministerial permit is required before any of the following uses may be established under this division: farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area ~~and that will not host large events~~; or small olive oil mill without a tasting/on-site sales area ~~and that will not host large events~~.

(2) An application for a ministerial permit must be made in writing and contain sufficient information to allow the Department of Conservation and Development to determine if the agritourism use will meet the standards in this division.

(3) An application for a ministerial permit will be approved without discretionary review or public hearing unless any of the following grounds for denial exist:

(A) The application is incomplete.

(B) The applicant has not paid all required fees in accordance with the fee schedule adopted by the Board of Supervisors.

(C) The applicant is delinquent in the payment of County taxes.

(D) A separate agritourism use permit associated with the location or the applicant was revoked within 24 months before the date of application.

(E) A structure proposed for an agritourism use violates any provision of this code, including the building standards in Title 7.

(4) After a ministerial permit for farm stay or farm dinner is issued, the department will notify all owners of property within 300 feet of the farm stay or farm dinner that a permit was issued. The notice will be in writing and contain the location of the farm stay or farm dinner, contact information for the responsible party associated with the permit, contact information for county code enforcement, and a website address where the agritourism ordinance is listed.

(5) A ministerial permit for farm stay or farm dinner expires one year from the date the permit was approved, unless it is revoked sooner.

(6) An application to renew a ministerial permit for farm stay or farm dinner must be filed with the Department of Conservation and Development at least 30 days before the permit expires.

(7) An application to renew a ministerial permit for farm stays or farm dinners will be approved ministerially unless any of the following grounds for denial exist:

(A) Any of the grounds for denial under subsection (3) exist.

(B) The application is filed less than 30 days before the permit expires.

(C) The permit is revoked or is the subject of a revocation proceeding at the time of application.

(8) A short-term rental proposed for an agricultural zoning district must comply with the permit requirements of Chapter 88-32.

(c) Land use permit.

(1) A land use permit is required before three or more of the following uses may be established on a lot under this division: farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area ~~and that will not host large events~~; or small olive oil mill without a tasting/on-site sales area ~~and that will not host large events~~.

(2) A land use permit is required before any of the following uses may be established under this division: agricamping; bed and breakfast; farm market; farm-to table-restaurant; large olive oil mill; large winery; small olive oil mill with a tasting/on-site sales area ~~or that will host large events~~; or small winery with a tasting/on-site sales area ~~or that will host large events~~.

(3) An application to establish a land use permit under this division must contain all of the information required by Article 26-2.20 of this code.

(4) An application for a land use permit under this division will be decided in accordance with Article 26-2.20 of this code. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.020 Fees. Application, review, and permit fees for agritourism uses will be in amounts established by the Board of Supervisors in the Conservation and Development Department's fee schedule. (Ords. 2023-__ § 2, 2007- 23 § 2.)

824-2.022 Other Laws. Agritourism uses also may be subject to ordinances, statutes and regulations administered by other county departments, including the building department, health department, public works department, and agricultural commissioner's office, and may be subject to state and federal laws and regulations. The establishment of an agritourism use under this division does not relieve anyone from the obligation to obtain any other permit or license required by this code or state or federal law. Nothing in this division authorizes the establishment of a microenterprise home kitchen operation. (Ords. 2023-__ § 2, 2007-23 § 2.)

Chapter 824-4
GROWER STANDS, FARM STANDS, AND FARM MARKETS

824-4.002 Purpose and Intent. The purpose of this chapter is to establish zoning regulations to

allow for the direct marketing of farm products from agricultural producers to consumers, which the California Legislature has found benefits the agricultural community and the consumer. (Food and Agricultural Code, sections 47000 and following.) This chapter is intended to allow facilities that are accessory to on-site agricultural operations where agricultural products are produced to sell these products as specified, and is not intended to encourage the establishment of traditional retail stores or convenience markets in agricultural zoning districts. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-4.004 Sales Areas.

(a) A grower stand, farm stand, or farm market may consist of one or more outdoor sales display areas, one or more structures with an indoor sales area, or both.

(b) The total sales area of a grower stand or farm stand, including all outdoor and indoor sales areas, may not exceed 1,500 square feet.

(c) The total sales area of a farm market, including all outdoor and indoor sales areas, may not exceed 3,500 square feet. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-4.006 Product Sales.

(a) Grower Stands.

(1) A grower stand may sell farm products produced on-site or proximate to the site. Vending machines that dispense bottled or canned drinks may also be located at a grower stand.

(2) The sale at a grower stand of any of the following is prohibited: value-added farm products; non-agricultural items, except for bottled or canned drinks dispensed from vending machines; and farm products not produced on-site or proximate to the site.

(b) Farm Stands.

(1) A farm stand may sell farm products produced on-site or proximate to the site.

(2) Up to 40 percent of the total sales area at a farm stand may be used for the sale of any or all of the following: value-added farm products produced on-site or proximate to the site; farm products not produced on-site or proximate to the site; and non-agricultural items. No more than 10 percent of the total sales area of a farm stand may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.

(c) Farm Markets.

(1) A farm market may sell farm products produced on-site or proximate to the site and value-added farm products produced on-site or proximate to the site.

(2) Up to 20 percent of the total sales area at a farm market may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.

(d) No petroleum products or tobacco may be sold or dispensed at any grower stand, farm stand, or farm market.

(e) Except as otherwise provided in this chapter, nothing may be sold from a motorized vehicle at any grower stand, farm stand, or farm market unless the vehicle is owned by the property owner and all sales from the vehicle are in compliance with this chapter. (Ords. 2023-__ § 2, 2007-23 § 2.)

Chapter 824-6
WINERIES AND OLIVE OIL MILLS

824-6.002 ~~Minimum Lot Size.~~

~~(a) A winery may only be located on a lot with a commercial vineyard of at least five acres.~~

~~(b) An olive oil mill may only be located on a lot with a commercial olive grove of at least five acres. (Ord. 2023-__ § 2.)~~

~~824-6.004~~ Accessory Facilities.

(a) Production Facilities. The cumulative maximum floor area of all wine production facilities at a winery or all olive oil production facilities at an olive oil mill is 5,000 square feet.

(b) Tasting/On-Site Sales Areas. The cumulative maximum floor area of all tasting areas and on-site sales areas at a winery or olive oil mill is 30 percent of the total floor area of all wine production facilities at the winery or olive oil production facilities at the olive oil mill. (Ord. 2023-__ § 2.)

824-6.00~~4~~6 Production Standards.

(a) Production Capacity.

(1) Wineries. A small winery may produce no more than 50,000 gallons of wine annually. A large winery may produce more than 50,000 gallons of wine annually.

(2) Olive Oil Mills. A small olive oil mill may produce no more than 50,000 gallons

of olive oil annually. A large olive oil mill may produce more than 50,000 gallons of olive oil annually.

(b) Production Ingredients.

(1) A minimum of 25 percent of a winery's production or an olive oil mill's production must be from fruit grown on the premises.

(2) A minimum of 50 percent of a winery's production or an olive oil mill's production must be from fruit grown in Contra Costa County.

(3) The owner of a winery or olive oil mill must maintain records showing the total annual production amount from fruit grown on the premises and the amount from fruit imported from off the premises. The records must indicate the dates of receipt and the quantities of all imported fruit, and the name and location of the growing operation from which the fruit is imported. (Ord. 2023-__ § 2.)

824-6.00~~6~~8 Food Service. A winery or olive oil mill may serve food as part of a wine tasting or olive oil tasting. The following standards apply to food service at a winery or olive oil mill.

(a) Food service must be incidental to the tasting of wine or olive oil.

(b) Food may not be sold separately from the wine or olive oil tasting.

(c) Food service must be limited to small appetizer-size portions with a fixed menu selected by the winery or olive oil mill. Food service may not involve menu options and meal service so that the winery or olive oil mill functions as a café or restaurant.

(d) Food service must be limited to one food sample per type of wine or olive oil. (Ord. 2023-__ § 2.)

~~**824-6.010 Retail Water Supplier Required.** A winery with a tasting/on-site sales area or that will host large events, or an olive oil mill with a tasting/on-site sales area or that will host large events, may only be located on a lot served by a retail water supplier or within the boundaries of the East Contra Costa County Groundwater Subbasin. A "retail water supplier" is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier. (Ord. 2023-__ § 2.)~~

~~**824-6.012 Agricultural Activities and Promotion Plan.** An agricultural activities and promotion plan must be submitted with a permit application for a winery that will host large events or an olive oil mill that will host large events. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in~~

~~agricultural activities. The plan must also describe the agricultural promotion program associated with the winery or olive oil mill, including how the program will promote local agriculture and educate guests. (Ord. 2023-__ § 2.)~~

824-6.0~~8~~14 Winery Permits and Licenses. In addition to all other permits and licenses required by this code, state law, and federal law, a winery must have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited. (Ord. 2023-__ § 2.)

~~**824-6.016 Large Events at Wineries and Olive Oil Mills.**~~

~~(a) Except as otherwise provided for in this section, a winery or olive oil mill may not host a temporary event under Chapter 82-44, Temporary Events.~~

~~(b) A land use permit authorizing a winery or olive oil mill may also authorize the winery or olive oil mill to host large events, consistent with Chapter 824-12. Large events that are authorized by a land use permit pursuant to this section are allowed without a separate permit. (Ord. 2023-__ § 2.)~~

Chapter 824-8
LODGING IN AGRICULTURAL DISTRICTS

824-8.002 Agritourism Lodging.

(a) Agritourism lodging may be provided only in a legally established residence or legally established residential accessory structure. Agritourism lodging may not be located within agricultural employee housing, seasonal or year-round farmworker housing, or accessory dwelling units.

(b) The minimum parcel size for an agritourism lodging establishment is 10 acres.

(c) The owner of the land on which agritourism lodging is provided, or a tenant farmer, must reside on the property.

(d) An agritourism lodging establishment may have a maximum of five bedrooms or sleeping rooms used for lodging.

(e) The maximum overnight occupancy for agritourism lodging is two persons per bedroom or sleeping room. Children under 18 years of age are not counted toward occupancy. The maximum number of agritourism lodging guests that may be on the premises at any one time is 10.

(f) An agricultural lodging establishment may not provide lodging to a guest for more than

30 consecutive days.

(g) Food Service.

(A) An agricultural lodging establishment may serve food or meals at any time, but only to registered guests.

(B) The price of food served at a farm stay establishment or bed and breakfast establishment must be included in the price of the lodging.

(C) No kitchen or kitchenette facilities are allowed in a guest room within an agritourism lodging establishment.

(h) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device outside the agritourism lodging establishment is prohibited during quiet hours.

(i) Exterior lighting must be directed downward and away from adjacent properties.

(j) The operator of an agricultural lodging establishment must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the lodging.

(k) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the agricultural lodging, including how the program will promote local agriculture and educate guests.

(l) Farm stay establishments. The following additional standard applies to farm stay establishments: the maximum number of days a farm stay establishment may host guests in a calendar year is 90 days.

(m) Bed and breakfast establishments. The following additional standards apply to bed and breakfast establishments.

(1) At least 80 percent of a parcel where a bed and breakfast establishment is located must be engaged in agricultural activities and kept free of structures.

(2) A bed and breakfast establishment may only be located on a lot served by a retail

water supplier or within the boundaries of the East Contra Costa County Groundwater Subbasin. A "retail water supplier" is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier.

~~(3)~~ In land use districts where a bed and breakfast establishment regulated by this division would otherwise be a permitted use, it is unlawful to establish a bed and breakfast establishment if the location of the bed and breakfast establishment is within one-quarter mile of any parcel occupied by any other bed and breakfast establishment. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel on which the bed and breakfast establishment will be established to any point on the property line of the other parcel.

~~(4) Large events at bed and breakfast establishments.~~

~~(A) Except as otherwise provided for in this subsection (4), a bed and breakfast establishment may not host a temporary event under Chapter 82-44, Temporary Events.~~

~~(B)~~(3) ~~A land use permit authorizing a bed and breakfast establishment may also authorize the bed and breakfast establishment to host large events, consistent with Chapter 824-12. Large events that are authorized by a land use permit pursuant to this subsection (4) are allowed without a separate permit.~~ (Ord. 2023-__ § 2.)

824-8.004 Agricamping.

(a) Agricamping may be provided only in camping structures, including tent cabins and yurts, or in travel trailers owned by the property owner. Camping in tents, guest-owned structures, or guest-owned travel trailers is not allowed.

(b) The minimum parcel size for an agricamping establishment is 10 acres.

(c) The owner of the land on which agricamping is provided, or a tenant farmer, must reside on the property.

(d) An agricamping establishment may have a maximum of five total camping structures or travel trailers.

(e) The maximum overnight occupancy for agricamping is two persons per camping structure or travel trailer. Children under 18 years of age are not counted toward occupancy. The maximum number of agricamping guests that may be on the premises at any one time is 10.

(f) An agricamping establishment may not provide lodging to a guest for more than 30 consecutive days.

(g) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at the agricamping establishment is prohibited during quiet hours.

(h) Exterior lighting must be directed downward and away from adjacent properties.

(i) An agricamping establishment may serve food or meals at any time, but only to registered guests. No camp stove, kitchen, or kitchenette facilities are allowed in a camping structure or travel trailer.

(j) The operator of an agricamping establishment must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the lodging.

(k) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the agricamping, including how the program will promote local agriculture and educate guests. (Ord. 2023-__ § 2.)

Chapter 824-10
FOOD SERVICE IN AGRICULTURAL DISTRICTS

824-10.002 Farm Dinners.

(a) Up to 12 farm dinners may be hosted at a property per year.

(b) The maximum number of guests at a farm dinner is 30, except that one farm dinner with a maximum of 150 guests may be held at a property annually. A farm dinner is not an event subject to the requirements of Chapter 82-44, Temporary Events.

(c) A farm dinner may be hosted in an existing structure, outdoors on a property, on a patio, or on a deck. If a farm dinner is hosted in an existing structure, the structure must meet all building codes and fire codes that apply to the proposed number of guests.

(d) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties

is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at a farm dinner is prohibited during quiet hours.

(e) Exterior lighting must be directed downward and away from adjacent properties.

(f) The host of a farm dinner must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the farm dinner.

(g) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the farm dinner, including how the program will promote local agriculture and educate guests.

(h) This section does not authorize the establishment of a microenterprise home kitchen operation. Food served at a farm dinner must be prepared in accordance with all applicable local, state, and federal laws and regulations. (Ord. 2023-__ § 2.)

824-10.004 Farm-to-Table Restaurant.

(a) A farm-to-table restaurant may be established in an existing structure or in a new structure.

(b) The minimum parcel size for farm-to-table restaurant is 10 acres.

(c) The maximum dining area size in a farm-to-table restaurant is 1,500 square feet.

(d) The maximum dining area capacity in a farm-to-table restaurant is 35 guests.

(e) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device outside the farm-to-table restaurant is prohibited during quiet hours.

(f) Exterior lighting must be directed downward and away from adjacent properties.

(g) Unless otherwise provided in a land use permit, at least 50 percent of the fruits and vegetables served at a farm-to-table restaurant must be grown on-site. A land use permit

may, based the site's agricultural activities and seasonal impacts on production, authorize a different percentage of fruits and vegetables grown on-site that must be served at the farm-to-table restaurant. At least 75 percent of the fruits and vegetables served at a farm-to-table restaurant must be grown within Contra Costa County.

(h) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also demonstrate how the farm-to-table restaurant will meet the percentage requirements for fruits and vegetables that must be grown on-site. The plan must also describe the agricultural promotion program associated with the farm-to-table restaurant, including how the program will promote local agriculture and educate guests.

(i) At least 80 percent of a parcel where a farm-to-table restaurant is located must be engaged in agricultural activities and kept free of structures.

(j) A farm-to-table restaurant may only be located on a lot served by a retail water supplier or within the boundaries of the East Contra Costa County Groundwater Subbasin. A "retail water supplier" is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier.

~~(k)~~ In land use districts where a farm-to-table restaurant regulated by this division would otherwise be a permitted use, it is unlawful to establish a farm-to-table restaurant if the location of the farm-to-table restaurant is within one mile of any parcel occupied by any other farm-to-table restaurant. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel on which the farm-to-table restaurant will be established to any point on the property line of the other parcel.

~~(l) Large events at farm-to-table restaurants.~~

~~(1) Except as otherwise authorized provided for in this subsection (l), a farm-to-table restaurant may not host a temporary event under Chapter 82-44, Temporary Events.~~

~~(2)~~(k) ~~A land use permit authorizing a farm-to-table restaurant may also authorize the farm-to-table restaurant to host large events, consistent with Chapter 824-12. Large events that are authorized by a land use permit pursuant to this subsection (l) are allowed without a separate permit.~~ (Ord. 2023-__ § 2.)

824-10.006 Mobile Food Vendors.

(a) Except as otherwise provided for in this section, a food truck or other mobile food vendor

may not operate on any private parcel where an agritourism use is authorized under this division.

(b) A food truck or other mobile food vendor may operate on a private parcel where an agritourism use is authorized in any of the following circumstances.

(1) The agritourism use is a grower stand, farm stand, or farm market, and the total number of days that a food truck or other mobile food vendor operates on the private parcel does not exceed three days in a calendar year.

(2) A land use permit issued under this division authorizes a food truck or other mobile food vendor to operate on the private parcel.

(3) The food truck or other mobile food vendor is part of a temporary event authorized under Chapter 82-44. (Ord. 2023-__ § 2.)

~~**Chapter 824-12**~~
~~**LARGE EVENTS HOSTED BY AGRITOURISM USE ESTABLISHMENTS**~~

~~**824-12.002 Large Events – Authorized.** A land use permit authorizing any of the following agritourism uses may also authorize the agritourism use establishment to host large events, consistent with this chapter.~~

~~(a) A winery.~~

~~(b) An olive oil mill.~~

~~(c) A bed and breakfast establishment.~~

~~(d) A farm-to-table restaurant. (Ord. 2023-__ § 2.)~~

~~**824-12.004 Location.** An agritourism use establishment may not host large events if it is located on a parcel that is within one mile of any parcel occupied by an agritourism use that is permitted under this division to host large events. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel that will host large events to any point on the property line of the other parcel. (Ord. 2023-__ § 2.)~~

~~**824-12.006 Conditions.**~~

~~(a) Number of large events.~~

~~(1) A land use permit that authorizes large events at an agritourism use establishment must limit the annual maximum number of large events for the purposes of maintaining the agricultural nature of the property and reasonably limiting impacts on neighbors. In imposing conditions regulating the maximum number of~~

~~large events, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties, the compatibility of large events with neighboring uses, and the degree to which large events conflict with the property's primary use of agriculture.~~

~~(2) The number of large events allowed by a land use permit at an agritourism use establishment may not exceed the following amounts annually.~~

~~(A) On a parcel of less than 40 acres, the maximum number of large events an agricultural use establishment may host in a calendar year is six.~~

~~(B) On a parcel of 40 or more acres, the maximum number of large events an agricultural use establishment may host in a calendar year is 26.~~

~~(b) Number of people. A land use permit that authorizes large events at an agritourism use establishment must limit the maximum number of people allowed at each event for the purposes of reasonably limiting impacts on traffic, parking, and neighbors. In imposing conditions regulating the maximum number of people, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, and the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties.~~

~~(c) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours, during which noise must be restricted such that it cannot be heard from neighboring properties, shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at a large event is prohibited during quiet hours.~~

~~(d) Exterior lighting must be directed downward and away from adjacent properties. (Ord. 2023-__ § 2.)~~

SECTION 3. Chapter 88-20 of the County Ordinance Code is repealed.

SECTION 4. Section 84-38.404 of the County Ordinance Code is amended to read:

84-38.404 Uses—Requiring land use permit. The following uses may be allowed in an A-2 district on the issuance of a land use permit:

(1) Publicly owned parks and playground.

(2) Dude ranches, riding academies and stables, and dog kennels.

(3) Publicly owned buildings and structures, except as provided in Division 82.

(4) Commercial radio and television receiving and transmitting facilities but not including broadcasting studios or business offices.

(5) Wind energy conversion systems. This use is allowed without a land use permit if used only as an accessory to an allowable residential or agricultural use.

(6) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses.

(7) Hospitals, animal hospitals, eleemosynary and philanthropic institutions, and convalescent homes.

(8) Churches, religious institutions, and parochial and private schools.

(9) Community buildings, clubs, and activities of a quasi-public, social, fraternal, or recreational character, such as golf, tennis or swimming clubs, or veterans' or fraternal organizations. These uses are prohibited if organized for monetary profit.

(10) One additional single family dwelling.

(11) Medical and dental offices and medical clinics.

(12) Merchandising of agricultural supplies and services incidental to an agricultural use.

(13) Commercial kitchens or other facilities for creating value-added farm products.

(14) Canneries.

(15) Slaughterhouses and stockyards.

(16) Rendering plants and fertilizer plants or yards.

(17) Livestock auction or sales yards.

(18) Commercial recreational facilities when the principal use is not in a building.

(19) Boat storage facilities within one mile by public road of a boat launching facility open to the public. 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.

(20) Retail firewood sales.

(21) Recycling operations intended to sort or process material for reuse. Junkyards, defined in Section 88-4.206, are prohibited.

(22) Museums in which objects of historical, artistic, scientific or cultural importance are preserved and displayed.

(23) A farm market.

(24) Agricultural cold storage plants on parcels less than ten acres in size.

(25) Farmworker housing center.

(26) Commercial cannabis activities that meet the requirements of Chapter 88-28. (Ords. 2023-XX § 4, 2022-37 § 8, 2018-18 § 5, 2017-14 § 10, 2013-12 § 6, 2009-12 § 3, 2007-23 § 4, 2003-11 § 3, 94-28 § 2, 89-46 § 2, 76-36 § 3, 7437 § 2, 60-82, 1988, 1569 § 2: prior code § 8156(b): Ords. 1406 § 3, 497 § 4, 382 § 4E).

SECTION 5. Section 84-42.404 of the County Ordinance Code is amended to read:

84-42.404 Uses—Requiring land use permit. The following uses may be allowed in an A-4 district on the issuance of a land use permit:

(1) Related commercial agricultural uses including the erection or modification of sheds, warehouses, granaries, hullers, dryers, fruit and vegetable packing and buildings for the storage of agricultural products and equipment.

(2) A farm market.

(3) A detached single-family dwelling on each parcel and the accessory structures and uses normally auxiliary to it. 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. A separate land use permit is required for one additional single-family dwelling on the parcel.

(4) Wholesale nurseries and greenhouses.

(5) Hog ranches.

(6) Dairying.

(7) Fur farms.

(8) Livestock and feed yards.

(9) Poultry raising.

(10) Commercial fish farming.

(11) Commercial kitchens or other facilities for creating value-added farm products.

(12) Canneries.

(13) Mushroom houses.

(14) Commercial radio and television receiving and transmitting facilities but not including broadcasting studios or business offices.

(15) Those uses described in Government Code Section 51201(e).

(16) Wind energy conversion systems, except when used only as an accessory to an allowable residential or agricultural use.

(17) Farmworker housing center. (Ords. 2023-XX § 5, 2017-14 § 12, 2013-12 § 7, 2007-23 § 6, 2006-19 § 8, 2003-12 § 2, 86-61 § 3, 84-24 § 3, 68-54 § 1 (part), 1968: prior code § 8169(b)).

SECTION 6. Section 84-80.404 of the County Ordinance Code is amended to read:

84-80.404 Uses with land use permit. The following uses may be allowed in an A-20 district on the issuance of a land use permit:

(1) Merchandising of agricultural supplies and services incidental to agricultural use.

(2) Commercial kitchens or other facilities for creating value-added farm products.

(3) Canneries.

(4) Cold storage plants.

(5) Rendering plants and fertilizer plants or yards.

(6) Livestock auction or sales yards.

(7) Wholesale nurseries and greenhouses.

(8) Mushroom houses.

(9) Processing of milk not produced on premises.

(10) Dude ranches, riding academies, stables, dog kennels.

(11) Hospitals, eleemosynary and philanthropic institutions, convalescent homes, and animal hospitals.

(12) Churches, religious institutions, parochial and private schools.

(13) Community buildings, clubs, activities of a quasi-public, social, fraternal or recreational character.

(14) Medical and/or dental offices and clinics.

(15) Boat storage area within one mile by public road of a public boat launching facility.

(16) Oil and gas drilling and production including the installation and use of only such equipment necessary and convenient for drilling and extracting operations.

(17) Commercial radio and television receiving and transmitting facilities other than broadcasting studios and business offices.

(18) One additional single-family dwelling.

(19) Wind energy conversion systems, except when used only as an accessory to an allowable residential or agricultural use.

(20) A farm market.

(21) Farmworker housing center.

(22) Commercial cannabis activities that meet the requirements of Chapter 88-28.

(23) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses. (Ords. 2023-XX § 6, 2022-37 § 9, 2018-18 § 5, 2017-14 § 16, 2013-12 § 9, 2007-23 § 8, 2006-19 § 11, 86-61 § 4, 84-24 § 4, 79-108).

SECTION 74. Section 84-82.404 of the County Ordinance Code is amended to read:

84-82.404 Differences from A-20 district.

The following regulations for A-40 districts are different from those for A-20 districts:

(1) Uses with land use permit. No land use permit may be issued in an A-40 district for the

uses listed in subsections (11) through (15) of Section 84-80.404.

(2) Area. No building or other structure permitted in an A-40 district shall be erected or placed on a lot smaller than 40 acres in area. (Ords. 2023-__ § 74, 2017-14 § 17, 79-108.)

SECTION 85. Section 84-84.404 of the County Ordinance Code is amended to read:

84-84.404 Differences from A-20 district.

The following regulations for A-80 districts are different from those for A-20 districts:

(1) Uses with land use permit. No land use permit may be issued in an A-20 district for the uses listed in subsections (11) through (15) of Section 84-80.404.

(2) Area. No building or other structure permitted in an A-80 district shall be erected or placed on a lot smaller than 80 acres in area. (Ords. 2023-__ § 85, 2018-18 § 5, 2017-14 § 17, 79-108.)

SECTION 96. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: Monica Nino,
Clerk of the Board of Supervisors
and County Administrator

_____
Board Chair

By: _____
Deputy

[SEAL]

TLG:

ORDINANCE NO. 2024-XX **DRAFT**

TEMPORARY EVENTS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance amends Chapter 82-44 of the County Ordinance Code to establish specific land use permit conditions for an event venue located in an agricultural zoning district. This ordinance also establishes noise restrictions applicable to all permitted and unpermitted events. This ordinance also further regulates commercial events by: prohibiting unpermitted commercial events; holding commercial event organizers, in addition to property owners, liable for illegal commercial events; and authorizing Sheriff's deputies, in addition to code enforcement officers, to enforce Chapter 82-44.

SECTION II. Section 82-44.206 of the County Ordinance Code is amended to read:

82-44.206 Definitions. For purposes of this chapter, the following words and phrases have the following meanings:

(a) "Event" means an occasion on private property organized for a particular and limited purpose and time and is an organized outdoor assemblage that: exceeds 75 persons at a venue in a residential zoning district or at a venue in an agricultural zoning district or at a residence in any other zoning district; or exceeds 150 persons at any other venue or location. "At a residence" means located wholly or in part on a parcel that includes a residence. "Events" include athletic events, arts and crafts shows, garden parties, carnivals, circuses, fairs, festivals, musical concerts and other cultural or live entertainment events, and swap meets. An outdoor assemblage of 75 or fewer persons at a venue in a residential zoning district or at a venue in an agricultural district or at a residence in any other zoning district, or 150 or fewer persons at any other venue or location, is not an "event" for purposes of this ordinance.

(b) "Commercial event" means an event intended to generate financial gain for the sponsors of the event, or to advertise products, goods, or services. An event that requires paid admission or charges for parking or that is open or advertised to the general public or that is held at a venue rented for that purpose is presumed to be a commercial event. An event sponsored by or intended to benefit any organization that is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the United States Internal Revenue Code is not a commercial event.

(c) "Noise level" means the "A" weighed sound pressure level in decibels obtained by using a sound level meter at slow meter response with a reference pressure of twenty micropascals.

(d) "Outdoor assemblage" means any assemblage that is not wholly contained within the interior of a residence. An "outdoor assemblage" includes any assemblage in an accessory structure, including but not limited to a barn or tent.

(e) "Parade" means a march or procession of people on any county street or right-of-way that obstructs, delays, or interferes with the normal flow of vehicular traffic, or does not comply with traffic laws or controls.

(f) "Persons at a venue" means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at an event venue.

(g) "Sound level meter" means an instrument that meets or exceeds American National Standard Institute's Standard S1.4-1971 for Type 2 sound level meters, or an instrument and the associated recording and analyzing equipment that will provide equivalent data.

(h) "Temporary event" means an event that occurs for up to one day at a residence or in a residential zoning district, or up to three consecutive days at any other location.

(i) "Venue" means the site, lot, parcel, contiguous lots or parcels under common ownership, location, area, or facility where an event is held or is proposed to be held. (Ords. 2024-XX § 2, 2010-11 § 2, 2005-25 § 2.)

SECTION III. Section 82-44.406 of the County Ordinance Code is amended to read:

82-44.406 Restrictions.

(a) No two events may be held at the same venue with fewer than seven days between events.

(b) No commercial event may be held in a residential zoning district.

(c) All events, whether or not a permit is required under this chapter, are subject to the following noise restrictions:

(1) No event may exceed the noise levels specified in Section 82-44.410.

(2) Amplified sound by any device is prohibited after 8:00 p.m. Sundays through Thursdays and after 10:00 p.m. Fridays, Saturdays, and holidays. (Ords. 2024-XX § 3, 2005-25 § 2.)

SECTION IV. Subsection (b)(2) of Section 82-44.410 (Conditions) of the County Ordinance Code is amended to read:

(2) Amplified sound by any device is prohibited after 8:00 p.m. Sundays through Thursdays and after 10:00 p.m. Fridays, Saturdays, and holidays. A temporary event permit shall not allow the use of amplified sound after these hours.

(Ords. 2024-XX § 4, 2005-25 § 2.)

SECTION V. Section 82-44.416 (Land use permit required) of the County Ordinance Code is amended by adding the following subsection (f):

(f) The following conditions shall apply to the issuance of a land use permit for an event venue located in an agricultural zoning district.

(1) A land use permit that authorizes events at a venue located in an agricultural zoning district may only be issued if the authorized events are an accessory use on a property that is used for agriculture, as defined in Section 82-4.206, and the zoning administrator finds that the proposed events will promote the vitality of agriculture in the area. If a property is located in an agricultural zoning district but the property is not used for agriculture, or the zoning administrator does not find that the proposed events will promote the vitality of agriculture in the area, then no land use permit authorizing events at the property will be issued.

(2) Number of events. A land use permit that authorizes events at a venue located in an agricultural zoning district must limit the annual maximum number of events for the purposes of maintaining the agricultural nature of the property and reasonably limiting impacts on neighbors. In imposing conditions regulating the maximum number of events, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties, the compatibility of events with neighboring uses, and the degree to which events conflict with the property's primary use of agriculture. On a parcel of less than 40 acres, the maximum number of events per calendar year that may be authorized by a land use permits six. On a parcel of 40 or more acres, the maximum number of events per calendar year that may be authorized by a land use permits is 26.

(3) Number of people. A land use permit that authorizes events at a venue located in an agricultural zoning district must limit the maximum number of people allowed at each event for the purposes of reasonably limiting impacts on traffic, parking, and neighbors. In imposing conditions regulating the maximum number of people, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, and the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties.

(4) Amplified sound by any device is prohibited after 8:00 p.m. Sundays through Thursdays and after 10:00 p.m. Fridays, Saturdays, and holidays. A land use permit for an event venue located in an agricultural zoning district shall not allow the use of amplified sound after these hours.

(5) Exterior lighting must be directed downward and away from adjacent properties. (Ords. 2024-XX § 5, 2010-11 § 6, 2005-25 § 2.)

SECTION VI. Section 82-44.418 of the County Ordinance Code is amended to read:

(a) An event may be monitored by law enforcement and code enforcement officials to determine compliance with the terms and conditions of the permit.

(b) A temporary event permit may be revoked for any violation of any term or condition that occurs at an event or for any other reason specified in Section 26-2.2022. A revocation may be appealed to the board of supervisors within seven days of the revocation.

(c) This chapter may be enforced by any remedy allowed under the Contra Costa County Ordinance Code or any other remedy allowed by law. These remedies include, but are not limited to, administrative fines, infraction citations, and cease and desist (abatement) orders.

(d) The following officials and their designees are authorized to enforce this chapter:

(1) Director of Conservation and Development.

(2) Sheriff.

(e) Nothing in this chapter is intended to preclude the enforcement by any Sheriff's deputy of Penal Code section 415, the disturbing the peace statute. (Ords. 2024-XX § 6, 2005-25 § 2).

SECTION VII. Section 82-44.420 is added to the County Ordinance Code, to read:

82-44.420 Responsible party liability.

(a) A person violates this chapter if an event that violates this chapter is held on property that the person owns, rents, leases, or otherwise has possession of, regardless of whether the person is present when the violation occurs.

(b) A person violates this chapter if an event that the person organizes, supervises, sponsors, conducts, allows, or controls violates this chapter. (Ord. 2024-XX § 7.)

SECTION VIII. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: MONICA NINO,
Clerk of the Board of Supervisors
and County Administrator

_____
Board Chair

By: _____
Deputy

[SEAL]

KCK:

Chapter 82-44 TEMPORARY EVENTS

Sections:

Article 82-44.2. General Provisions

82-44.202 Title.

This chapter is known as the Temporary Events Ordinance of Contra Costa County.

(Ord. 2005-25 § 2).

82-44.204 Purpose.

The purpose of this chapter is to establish procedures for evaluating, permitting, and regulating short-term activities and events that are conducted on private property and generate or invite considerable public participation, invitees, or spectators. Because these land uses are temporary, they have negligible or no permanent effect on the environment, and their potential impact on adjoining properties is either minimal or can be offset by conditions. The procedures authorize the zoning administrator to approve permits for temporary events and to require permit conditions or deny permits when necessary to protect the public. The procedures are necessary to protect and promote the health, safety, and welfare of the public, temporary event participants, and nearby residents. The procedures are intended to minimize the impacts of temporary events on the normal free flow of vehicular and pedestrian traffic, to minimize the impacts of noise from temporary events, to protect the safety of property, and to minimize disturbance and inconvenience to neighbors, neighboring properties and neighborhoods.

(Ord. 2005-25 § 2).

82-44.206 Definitions.

For purposes of this chapter, the following words and phrases have the following meanings:

(a) "Event" means an occasion on private property organized for a particular and limited purpose and time and is an organized outdoor assemblage that: exceeds 75~~seventy-five~~ persons at a venue in a residential zoning district or at a venue in an agricultural zoning district or at a residence in any other zoning district;~~,~~ or exceeds 150~~one hundred fifty~~ persons at any other~~a~~ venue or location~~in any other zoning district~~. "At a residence" means located wholly or in part on a parcel that includes a residence. "Events" include athletic events, arts and crafts shows, garden parties, carnivals, circuses, fairs, festivals, musical concerts and other cultural or live entertainment events, and swap meets. ~~"Persons at a venue" means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at an event venue.~~ An outdoor assemblage of 75~~seventy-five~~ or fewer persons~~people~~ at a venue in a residential zoning district or at a venue in an agricultural zoning district or at a residence in any other zoning district, or 150~~one hundred fifty~~ or fewer persons~~people~~ at any other~~a~~ venue or location~~in any other zoning district~~, is not an "event" for purposes of this ordinance.

(b) "Commercial event" means an event intended to generate financial gain for the sponsors of the event, or to advertise products, goods, or services. An event that requires paid admission or charges for parking or that is open or advertised to the general public is presumed to be a commercial event. An

event sponsored by or intended to benefit any organization that is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the United States Internal Revenue Code is not a commercial event.

(c) "Noise level" means the "A" weighed sound pressure level in decibels obtained by using a sound level meter at slow meter response with a reference pressure of twenty micropascals.

(d) "Outdoor assemblage" means any assemblage that is not wholly contained within the interior of a residence. An "outdoor assemblage" includes any assemblage in an accessory structure, including but not limited to a barn or tent.

(e) "Parade" means a march or procession of people on any county street or right-of-way that obstructs, delays, or interferes with the normal flow of vehicular traffic, or does not comply with traffic laws or controls.

(fe) "Persons at a venue" means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at an event venue.

(g) "Sound level meter" means an instrument that meets or exceeds American National Standard Institute's Standard S1.4-1971 for Type 2 sound level meters, or an instrument and the associated recording and analyzing equipment that will provide equivalent data.

(hf) "Temporary event" means an event that occurs for up to one day at a residence or in a residential zoning district, or up to three consecutive days at any other location.

(ig) "Venue" means the site, lot, parcel, contiguous lots or parcels under common ownership, location, area, or facility wherefor which an event is held or is proposed to be held.

(Ords. No. 2024-XX § 2, 2010-11, § 2II, 7-13-10; Ord. 2005-25 § 2).

Article 82-44.4. Permits

82-44.402 Temporary event permit required.

The following uses are allowed in any zoning district only after the issuance of a temporary event permit:

(a) A temporary event, unless the temporary event is exempt from the requirement to obtain a temporary event permit or a land use permit is required for the event.

(b) Retail sales of Christmas trees between Thanksgiving and December 26;

(c) Retail sales of pumpkins between October 1 and October 31.

(Ord. No. 2010-11, § III, 7-13-10; Ord. 2005-25 § 2).

82-44.404 Exemptions.

The following activities are exempt from the permit requirements of this chapter:

(a) An event held on public property, in a public facility, or in a public park, provided all other permits and licenses required by this code or state law are obtained, including encroachment permits, environmental health permits, and state alcoholic beverage control permits.

(b) An event held in a public right-of-way, including a funeral procession or parade, provided all other permits and licenses required by this code or state law are obtained, including encroachment permits, environmental health permits, and state alcoholic beverage control permits.

(c) An activity conducted by a governmental agency acting within the scope of its authority.

(d) Weddings, birthday parties, graduation parties, or other family events held at a private residence, provided that no more than four of these events are held within a twelve-month period.

(e) An event held at a members-only nonresidential facility where the only participants are members and their guests.

(f) An event held at a school, provided the event is consistent with the underlying land use entitlement.

(g) An event held at a religious entity's facility, provided the event is consistent with the underlying land use entitlement.

(h) A film-making activity for which a filming permit has been obtained in accordance with Chapter 56-8 of this code.

(i) Car washes for fund raising purposes, provided that the car washes are held on private property other than a residence, are limited to a maximum of two days each month for each sponsoring organization, and are sponsored by an educational, charitable, religious, or nonprofit group.

(j) Garage sales held at a private residence, provided that sales occur no more than four times within a twelve-month period per residence, for a maximum of two consecutive days each.

(k) A real estate open house, where a property is for sale, lease or rent.

(Ord. 2005-25 § 2).

82-44.406 Restrictions.

(a) No two events may~~shall~~ be held at the same venue with fewer than seven days between events.

(b) No commercial event may~~shall~~ be held in a residential zoning district ~~or at a residence in any other zoning district~~.

(c) All events, whether or not a permit is required under this chapter, are subject to the following noise restrictions:

(1) No event may exceed the noise levels specified in Section 82-44.410.

(2) Amplified sound by any device is prohibited after 8:00 p.m. Sundays through Thursdays and after 10:00 p.m. Fridays, Saturdays, and holidays.

(Ords. 2024-XX § 3, 2005-25 § 2).

82-44.408 Application and review.

(a) Any person, entity, business, or group wishing to hold, sponsor, conduct, operate or maintain a temporary event shall submit a completed temporary event permit application to the department of conservation and development. The application form shall be signed and verified by the applicant, if an individual; a general partner authorized to sign on behalf of a partnership; an officer or director authorized to sign on behalf of a corporation; or a participant authorized to sign on behalf of a joint venture or association. The applicant must be a qualified applicant pursuant to Section 26-2.1604.

(b) An application is not complete unless it includes all of the following information:

(1) The name, address, and telephone number of the applicant and an alternate contact person.

(2) If the event is proposed to be a commercial event, the name, address and telephone number of the organization, and the authorized head of the organization. If the event is sponsored by or intended to

benefit a non-profit organization, certification that the organization is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the United States Internal Revenue Code. The purpose of this requirement is to ensure that commercial events are not held in residential zoning districts or at residences in any other zoning district. The name of the non-profit organization is not required to be indicated on the permit application. For a period of ninety days following the event, the applicant must retain records indicating the name of the organization that the event is sponsored by or intended to benefit.

(3) The name, address and telephone number of the person who will be present and in charge of the event on the day of the event.

(4) The type of event (e.g., a concert or arts and crafts show).

(5) Date and estimated starting and ending time of the event, including the time required to prepare and clean up the venue.

(6) Location of the event, including its street address and assessor's parcel number.

(7) Estimated number of attendees or participants at the event.

(8) The type and estimated number of vehicles and structures that will be used at the event, if any.

(9) Description of any sound amplification equipment that is proposed for use at the event.

(10) Whether any food will be served or sold at the event and, if applicable, the time and manner in which caterers and catering trucks will be used.

(11) Whether any beverages, including alcoholic beverages, will be served or sold at the event, and whether any such sales will be wholesale or retail.

(12) Whether security will be employed at the event.

(13) Parking, traffic control, and crowd control measures proposed for the event.

(14) The number and type of events held at the venue in the preceding twenty-four months.

(15) A site plan showing the size and location of property lines, sidewalks, streets, and improvements on adjacent properties, clearly labeled and drawn to scale.

(16) The time and acts required to prepare the venue for the event and the time and acts required following the event to clean up and restore the regular use of the property or venue.

(17) The type and location of on-site restrooms.

(c) An application must be submitted at least forty-five days before the proposed event. The department of conservation and development will have five calendar days to determine whether an application is complete. If the application is incomplete, the applicant will be notified and will have five days from the date of notification to provide all of the information required for a complete application. The zoning administrator will have ten days after submission of a complete application to decide on the application. The zoning administrator shall approve a complete permit application and issue a permit unless one or more grounds for denial exists.

(d) No event permit application shall be denied on any grounds except for any of the following:

(1) Information contained in the application is found to be false in any material detail.

(2) The applicant fails to timely file the application form or fails to complete and submit the application form within five calendar days after having been notified of the additional information or documents required for a complete application.

(3) A violation of any term or condition of a temporary event permit previously issued within the preceding twenty-four months to the applicant or for the private property venue.

(4) Another temporary event permit application has been received prior in time, or has already been approved, to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion.

(5) The time, route, characteristics, or size of the event will substantially interrupt the safe and orderly movement of traffic contiguous to the event site or route, or disrupt the use of a street at a time when it is usually subject to great traffic congestion.

(6) The concentration of persons, animals, or vehicles at the site of the event, or the assembly and disbanding areas around an event, will prevent proper police, fire, or ambulance services to the venue and areas contiguous to the event.

(7) The location of the event will substantially interfere with a previously granted encroachment permit or with any previously scheduled construction or maintenance work scheduled to take place upon or along county streets.

(8) The proposed event is not allowed under the terms of a previously issued county land use permit.

(9) A temporary event permit previously issued within the preceding twenty-four months to the applicant or for the specific private property venue was revoked.

(10) Failure to pay an outstanding fine owed for an event previously held at the venue or owed by the applicant for any event held at any location.

(11) When the grounds for denial of an application for permit specified in subsections (4) through (7), above, can be mitigated by altering the date, time, duration, size, route, or location of the event, the zoning administrator shall conditionally approve the application upon the applicant's acceptance of conditions for permit issuance instead of denying the application. If the grounds for denial cannot be mitigated by imposing conditions, the permit will be denied.

(e) If the zoning administrator issues a permit, notice of the permit issuance and permit conditions will be mailed to all properties within three hundred feet of the event venue.

(f) The zoning administrator's decision on the issuance of a permit may be appealed to the conservation and development director. The applicant may appeal the denial of a permit and may appeal any conditions imposed on a permit. Any person affected by any time, place, or manner conditions imposed on a permit may appeal only the permit conditions. Any person other than the applicant who appeals any time, place, or manner conditions must specify which conditions are being appealed. An appeal must be in writing, must be filed within five days of the zoning administrator's decision on the permit, and must include an appeal fee. An appeal hearing will be scheduled before the conservation and development director. The director's decision will be made at least ten days before the date of the proposed event. The director's decision following an appeal hearing is final for purposes of exhaustion of administrative remedies.

(g) An application may be submitted less than forty-five days before the proposed event if the proposed event is a response to a current occurrence whose timing did not allow the applicant to file a timely application. An application submitted under this section must specify the date of the occurrence to which the proposed event is responding. If a complete application is filed less than forty-five days before the proposed event, the zoning administrator shall issue a decision as soon as reasonably practicable. Any appeal must be filed within three days of the zoning administrator's decision. The conservation and development director's decision on the appeal will be made at least five days before the date of the proposed event.

(h) Exemption.

(1) No temporary event permit is required for an event held at a venue in a residential zoning district if:

(A) Three or fewer events are held at the venue within a twelve-month period; and

(B) For properties forty thousand square feet or greater in size, two hundred or fewer total people will be present at the event; and

(C) For properties less than forty thousand square feet in size, one hundred twenty-five or fewer total people total will be present at the event.

(2) An event at a residence that is exempt under this subsection (h) from the requirement to obtain a temporary event permit must comply with the following standards and requirements:

(A) The sound levels at the event cannot exceed the levels specified in subsection (b)(1) of section 82-44.410.

(B) On-site restrooms must be provided at the event.

(C) Dedicated remote parking for the event sufficient to accommodate attendees must be available if the adjacent streets do not have a graded or paved eight-foot-wide should for parking, and if parking for all attendees is unable to occur on-site.

(D) At least ten days before the event, the property owner must inform the department of conservation and development in writing of the time, date, and location of the event.

(E) At least ten days before the event, the property owner must send a notice to all property occupants within two hundred feet of the event venue of the time, date, and location of the event.

(3) The exemption under this subsection (h) does not apply if:

(A) Four or more events are held at a venue in a residential district in a twelve-month period.

(B) One of the standards or requirements specified in subsection (h)(2) was violated at a previous event within the previous twelve months.

(C) More than two hundred people will be at an event in a residential district if the property is forty thousand square feet or more in size.

(D) More than one hundred twenty-five people will be at an event in a residential district if the property is less than forty thousand square feet in size.

(Ord. No. 2010-11, § IV, 7-13-10; Ord. 2005-25 § 2).

82-44.410 Conditions.

(a) The zoning administrator may condition the issuance of a temporary events permit by imposing any of the following requirements concerning the time, place, and manner of the event. The zoning administrator may consult with public works, fire, and law enforcement officials and may impose time, place, and manner conditions that are requested by those officials, provided the requested conditions are among the conditions specified below. No conditions other than those specified below may be placed on a permit. Conditions may not restrict expressive activity or the content of speech.

(1) Alteration of the date, time, route or location of the event proposed on the application.

(2) Conditions concerning accommodation of pedestrian or vehicular traffic.

(3) Conditions concerning parking, including, but not limited to, requirements for the use of shuttles from parking areas to the venue.

(4) Conditions concerning traffic control, including, but not limited to, requirements for the use of traffic cones or barricades.

(5) Requirements for provision of on-site restrooms.

(6) Requirements for use of security responsible for crowed control, fire watch, general security, and evacuation of occupants.

(7) Conditions concerning maximum occupancy, based on the size of the venue and for purposes of minimizing impacts on traffic and parking. In imposing conditions concerning maximum occupancy, the zoning administrator may consider the lot size of the event venue, proximity of surrounding residences, density of the underlying zoning district, and the location and size of any buildings between the venue and surrounding properties.

(8) Restrictions on the number and type of structures at the event, and inspection and approval of structures.

(9) Compliance with animal protection ordinances and laws.

(10) Requirements for use of garbage containers and cleanup.

(11) Conditions limiting the duration of time and hours of the event (including the time to prepare and clean up the venue) in order to minimize impacts on traffic and parking.

(12) Time, place, and manner restrictions on the use of amplified sound. The use of amplified sound is prohibited in a residential district unless allowed as a condition of a temporary event permit.

(b) When a temporary event permit is granted for any event in a residential zoning district or at a residence in any other zoning district, it is granted subject to the following conditions:

(1) The event shall not generate or emit any noise or sound that exceeds any of the levels specified in the table below measured at the exterior of any dwelling unit located on another residential property. The noise generated or emitted shall not exceed the levels specified in the table for the duration of time specified in the table. Exterior noise levels shall be measured with a sound level meter. The permit shall incorporate the applicable "allowable exterior noise levels" specified in the table into the permit conditions only for the duration of time allowed for the event by the permit. For example, if the permit provides that an event shall end by seven p.m., the "allowable exterior noise levels" allowed between nine a.m. and eight p.m. shall be incorporated into the conditions, but the event must end by seven p.m.

Allowable Exterior Noise Levels

Cumulative Duration of Noise	9 a.m. - 8 p.m.	8 p.m. - 10 p.m.
30 minutes per hour	60 dBA	55 dBA
15 minutes per hour	65 dBA	60 dBA
5 minutes per hour	70 dBA	65 dBA
1 minute per hour	75 dBA	70 dBA
Level not to be exceeded at any time	80 dBA	75 dBA

(2) Amplified sound by any device is prohibited after 8:00~~eight~~ p.m. Sundays through Thursdays and after 10:00~~ten~~ p.m. Fridays, Saturdays, and holidays. A temporary event permit shall not allow the use of amplified sound after these hours.

(Ords. ~~No.~~ 2024-XX § 4, 2010-11~~,~~ § 5~~V~~, ~~7-13-10; Ord.~~ 2005-25 § 2).

82-44.412 Duration.

A temporary event permit is valid only for one event. A temporary event permit is valid only for the time or times specified in the permit. A temporary event permit lapses if not used within the time or times specified.

(Ord. 2005-25 § 2).

82-44.414 Other permits and licenses.

(a) The issuance of a temporary event permit does not relieve anyone from the obligation to obtain any other permit or license required by this code or state law, including, but not limited to, encroachment permits, environmental health permits, and state alcoholic beverage control permits.

(b) The issuance of any other permit or license does not relieve anyone from the obligation to obtain a temporary event permit pursuant to this chapter.

(Ord. 2005-25 § 2).

82-44.416 Land use permit required.

(a) A land use permit is required for an event if any of the following occur:

(1) Three events that required a temporary event permit, or three events at a venue in a residential zoning district that were exempt from obtaining a permit under subsection (h) of Section 82-44.408, were previously held at a venue within the preceding twelve months.

(2) Four or more events will be held at a venue in a twelve-month period.

(3) Three or more events will be held at a venue within a forty-five-day period.

(4) An event will last more than one day at a venue in a residential zoning district or at a residence in any other zoning district, or will last more than three consecutive days at any other location.

(5) More than three hundred people will be present at an event at a venue in a residential zoning district or an event at a residence in any other zoning district.

(6) A temporary event permit previously issued to the applicant or for the venue was revoked within the preceding twenty-four months.

(b) It is a violation of this section if the number of people present at an event exceeded a size threshold specified in subsection (a) above, and a land use permit was not obtained before the event. For purposes of this section, "the number of people present at an event" means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at the event venue.

(c) If a land use permit or building permit is required for a structure associated with a temporary event, then no event may be held at the venue without a land use permit.

(d) An application for a land use permit will be decided in accordance with Article 26-2.20 of this code.

(e) No conditions that restrict expressive activity or the content of speech may be imposed on any land use permit issued for an event.

(f) The following conditions shall apply to the issuance of a land use permit for an event venue located in an agricultural zoning district.

(1) A land use permit that authorizes events at a venue located in an agricultural zoning district may only be issued if the authorized events are an accessory use on a property that is used for agriculture, as defined in Section 82-4.206, and the zoning administrator finds that the proposed events will promote the vitality of agriculture in the area. If a property is located in an agricultural zoning district but the property is not used for agriculture, or the zoning administrator does not find that the proposed events will promote the vitality of agriculture in the area, then no land use permit authorizing events at the property will be issued.

(2) Number of events. A land use permit that authorizes events at a venue located in an agricultural zoning district must limit the annual maximum number of events for the purposes of maintaining the agricultural nature of the property and reasonably limiting impacts on neighbors. In imposing conditions regulating the maximum number of events, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties, the compatibility of events with neighboring uses, and the degree to which events conflict with the property's primary use of agriculture. On a parcel of less than 40 acres, the maximum number of events per calendar year that may be authorized by a land use permit is six. On a parcel of 40 or more acres, the maximum number of events per calendar year that may be authorized by a land use permit is 26.

(3) Number of people. A land use permit that authorizes events at a venue located in an agricultural zoning district must limit the maximum number of people allowed at each event for the purposes of reasonably limiting impacts on traffic, parking, and neighbors. In imposing conditions regulating the maximum number of people, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, and the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties.

(4) Amplified sound by any device is prohibited after 8:00 p.m. Sundays through Thursdays and after 10:00 p.m. Fridays, Saturdays, and holidays. A land use permit for an event venue located in an agricultural zoning district shall not allow the use of amplified sound after these hours.

(5) Exterior lighting must be directed downward and away from adjacent properties.

(Ords. ~~No.~~ 2024-XX § 5, 2010-11~~,~~ § 6~~VI, 7-13-10; Ord.~~ 2005-25 § 2).

82-44.418 Enforcement.

(a) An event may be monitored by law enforcement and code enforcement officials to determine compliance with the terms and conditions of the permit.

(b) A temporary event permit may be revoked for any violation of any term or condition that occurs at an event or for any other reason specified in Section 26-2.2022 of this code. A revocation may be appealed to the board of supervisors within seven days of the revocation.

(c) This chapter~~e county~~ may be enforced ~~this division~~ by any remedy allowed under the Contra Costa County~~is o~~Ordinance ~~c~~Code or any other remedy allowed by law. These remedies include, but are not limited to, administrative fines, infraction citations, and cease and desist (abatement) orders.

(d) The following officials and their designees are authorized to enforce this chapter:

(1) Director of Conservation and Development.

(2) Sheriff.

(e) Nothing in this chapter is intended to preclude the enforcement by any Sheriff's deputy of Penal Code section 415, the disturbing the peace statute.

(Ords. 2024-XX § 6, 2005-25 § 2).

82-44.420 Responsible party liability.

(a) A person violates this chapter if an event that violates this chapter is held on property that the person owns, rents, leases, or otherwise has possession of, regardless of whether the person is present when the violation occurs.

(b) A person violates this chapter if an event that the person organizes, supervises, sponsors, conducts, allows, or controls violates this chapter.

(Ord. 2024-XX § 7).

Article 82-44.6. Fees and Costs

82-44.602 Application fee.

A nonrefundable application fee for a temporary event permit shall be paid when the application is submitted. An application for a temporary event permit is not complete until the application fee is paid.

(Ord. 2005-25 § 2).

82-44.604 General.

(a) Permit application fees, regulatory fees, inspection fees, and appeal fees will be in amounts established by the board of supervisors in the community development department's fee schedule.

(b) Fees required under this chapter are in addition to any other fee required under any other chapter of this code or any other county, state or federal law or regulation.

(Ord. 2005-25 § 2).

ORDINANCE NO. 2023-11

URGENCY ORDINANCE EXTENDING REGULATIONS RELATED TO COMMERCIAL TEMPORARY EVENTS

The Contra Costa County Board of Supervisors ordains as follows:

Section 1. Findings.

A. The purpose of this urgency interim ordinance is to extend regulations related to commercial temporary events while the County considers preparing amendments to Ordinance Code Chapter 82-44, the Temporary Events Ordinance of Contra Costa County, to establish permanent regulations to address impacts cause by commercial temporary events.

B. The County regulates short-term activities and events that are conducted on private property and generate or invite considerable public participation, invitees, or spectators under Chapter 82-44.

C. Chapter 82-44 establishes procedures for evaluating, permitting, and regulating temporary events. These procedures authorize the zoning administrator to approve permits for temporary events and to require permit conditions, or deny permits when necessary. These procedures are necessary to protect and promote the health, safety, and welfare of the public, temporary event participants, and nearby residents.

D. Under Chapter 82-44, commercial events held on private property without a permit, and commercial events that violate the noise or amplified sound restrictions set forth in Chapter 82-44, are illegal.

E. On April 26, 2022, the Board of Supervisors adopted Ordinance No. 2022-16, which increased fine amounts for violations of Chapter 82-44, including illegal commercial events. Ordinance No. 2022-16 establishes the following fine amounts for these violations: $150 for the first violation, $700 for a second violation occurring within three years of the first violation, and $2,500 for each additional violation occurring within three years of the first violation.

F. Over the past several years, the number of unpermitted commercial events held on private property has increased. These unpermitted commercial events typically are widely advertised, or require paid admission, or charge for parking, or are otherwise open to the public. Because they are unpermitted, these commercial events are not subject to any conditions, such as noise restrictions, parking requirements, on-site restroom requirements, and other requirements designed to minimize the impacts of these events on the normal free flow of vehicular and pedestrian traffic, minimize the impacts of noise from temporary events, protect the safety of property, and minimize disturbance and inconvenience to neighbors, neighboring properties, and neighborhoods.

G. The Department of Conservation and Development is preparing amendments to Chapter 82-44 that will hold commercial event organizers, in addition to property owners, liable

for illegal commercial events; authorize Sheriff's deputies, in addition to code enforcement officers, to enforce Chapter 82-44; and ensure that commercial event organizers do not evade the requirements of Chapter 82-44 by characterizing these commercial events as non-commercial events exempt from the Temporary Events Ordinance's permit requirements.

H. On June 7, 2022, the Board of Supervisors adopted Ordinance No. 2022-23, an urgency interim ordinance regulating commercial temporary events by: prohibiting unpermitted commercial events; holding commercial event organizers, in addition to property owners, liable for illegal commercial events; and authorizing Sheriff's deputies, in addition to code enforcement officers, to enforce Chapter 82-44. On July 12, 2022, the Board adopted Ordinance No. 2022-25, extending the regulations related to commercial temporary events for 10 months and 15 days, through June 7, 2023.

I. This ordinance, extending the regulations another year, is necessary to proceed with an orderly planning process that takes into account consideration of the amendments to the County's Temporary Events Ordinance. Since the number of unpermitted commercial events held on private property has increased, and additional unpermitted events are likely to occur before the proposed amendments to Chapter 82-44 become effective, this urgency interim ordinance is necessary to protect the public health, safety, and welfare by extending these new commercial event regulations.

Section 2. Extension. The regulations established by Ordinance No. 2022-23, and extended by Ordinance No. 2022-25, are extended for one year, through May 23, 2024.

Section 3. Definitions. For purposes of this ordinance, the following words and phrases have the following meanings:

(a) "Event" means an occasion on private property organized for a particular and limited purpose and time and is an organized outdoor assemblage that: exceeds 75 persons at a venue in a residential zoning district or at a residence in any other zoning district or on a vacant lot; or exceeds 150 persons at any other venue or location. "At a residence" means located wholly or in part on a parcel that includes a residence. "Events" include athletic events, arts and crafts shows, garden parties, carnivals, circuses, fairs, festivals, musical concerts and other cultural or live entertainment events, and swap meets. An outdoor assemblage of 75 or fewer persons at a venue in a residential zoning district or at a residence in any other zoning district or on a vacant lot, or 150 or fewer persons at any other venue or location, is not an "event" for purposes of this ordinance.

(b) "Commercial event" means an event intended to generate financial gain for the sponsors of the event, or to advertise products, goods or services. An event that requires paid admission or charges for parking or that is open or advertised to the general public is presumed to be a commercial event. An event sponsored by or intended to benefit any organization that is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the United States Internal Revenue Code is not a commercial event.

(c) "Outdoor assemblage" means any assemblage that is not wholly contained within the interior of a residence. An "outdoor assemblage" includes any assemblage in an accessory structure, including but not limited to a barn or tent.

(d) "Persons at a venue" means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at an event venue.

(e) "Vacant lot" means a lot or parcel that is unimproved.

(f) "Venue" means the site, lot, parcel, contiguous lots or parcels under common ownership, location, area, or facility where an event is held or is proposed to be held.

Section 4. Unpermitted Commercial Events Prohibited.

No commercial event may be held on private property without a permit issued under Chapter 82-44.

Section 5. Noise Restrictions.

No event may exceed the noise levels specified in Section 82-44.410.

Section 6. Responsible Party Liability.

(a) A person violates this ordinance or Chapter 82-44 if an event that violates this ordinance or Chapter 82-44 is held on property that the person owns, rents, leases, or otherwise has possession of, regardless of whether the person is present when the violation occurs.

(b) A person violates this ordinance or Chapter 82-44 if an event that the person organizes, supervises, sponsors, conducts, allows, or controls violates this ordinance or Chapter 82-44.

Section 7. Enforcement.

(a) This ordinance may be enforced by any remedy allowed under the Contra Costa County Ordinance Code or any other remedy allowed by law. These remedies include, but are not limited to, administrative fines, infraction citations, and cease and desist (abatement) orders.

(b) The following officials and their designees are authorized to enforce this ordinance and Chapter 82-44:

(1) Director of Conservation and Development.

(2) Sheriff.

(c) Nothing in this ordinance is intended to preclude the enforcement by any Sheriff's deputy of Penal Code section 415, the disturbing the peace statute.

(d) In the event of a conflict between this ordinance and any conditions or requirements of a land use permit issued by the County, the conditions or requirements of the land use permit will govern.

Section 8. Reports. In accordance with subdivision (d) of Government Code section 65858, ten days before this ordinance and any extension of it expires, the Conservation and Development Department shall file with the Clerk of the Board a written report describing the measures taken to alleviate the conditions that led to the adoption of this urgency interim ordinance.

Section 9. Severability. If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect other ordinance provisions or clauses or applications thereof that can be implemented without the invalid provision or clause or application, and to this end the provisions and clauses are declared to be severable. The Board of Supervisors declares that it would have adopted this ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional, or otherwise unenforceable.

Section 10. Declaration of Urgency. This ordinance is hereby declared to be an urgency ordinance necessary for the immediate preservation of the public peace, health, and safety of the County. The facts constituting the urgency of this ordinance's adoption are set forth in Section 1.

Section 11. Effective Date. This ordinance becomes effective immediately upon passage by four-fifths vote of the Board of Supervisors and shall continue in effect for a period of one year, through May 23, 2024, pursuant to Government Code section 65858.

Section 12. Publication. Within 15 days after passage, this ordinance shall be published once with the names of the supervisors voting for and against it in the East Bay Times, a newspaper published in this County.

PASSED ON May 23, 2023, by the following vote:

AYES: John Gioia, Candace Andersen, Diane Burgis, Ken Carlson, Federal Glover
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST: MONICA NINO,
Clerk of the Board of Supervisors
and County Administrator

By: Deputy Clerk June McHuen

Board Chair John Gioia

[SEAL]

AGRITOURISM ORDINANCE

CONTRA COSTA COUNTY BOARD OF SUPERVISORS

MARCH 5, 2024

TIMELINE

December 20, 2016: Board of Supervisors authorized the Department of Conservation and Development (DCD), to identify specific actions the County could take to further promote and incentivize agricultural sustainability and economic vitality.

February 13, 2018: Board authorized DCD to convene a series of open, public meetings with persons and groups interested in the policy reform topic.

2018-2019: 12 public meetings held in Martinez, Danville, Knightsen. Iteratively developed Report on Reforming Agricultural Land Use Policies during the course of these meetings.

February 4, 2020: Board accepted the Recommendations on Reforming Agricultural Land Use Policies Report.

February 22, 2023: Presented Draft Agritourism Ordinance to the County Planning Commission

June 7, 2023: Presented revised Draft Agritourism Ordinance to the County Planning Commission

January 24, 2024: Presented revised Draft Agritourism Ordinance and amended Temporary events Ordinance to the County Planning Commission.

FEBRUARY 2020 REPORT ON RECOMMENDATIONS ON REFORMING AGRICULTURAL LAND USE POLICIES TO IMPROVE BOTH ECONOMIC VITALITY AND SUSTAINABILITY

18 recommendations to promote and preserve agriculture

Enable and set standards for various types of agritourism uses

- lodging accommodations
- food service
- updating County's winery policies
- hosting large events

Promote agriculture in Contra Costa County

- equestrian and bike trails to connect farms
- allowing equestrian facilities within additional agricultural districts
- additional funding for signage to promote agriculture in the County
- updating the County's Sign Ordinance

FEBRUARY 2020 REPORT ON RECOMMENDATIONS ON REFORMING AGRICULTURAL LAND USE POLICIES TO IMPROVE BOTH ECONOMIC VITALITY AND SUSTAINABILITY

Recommendations (Continued)

Broader policy reforms

- establishing mitigation requirements for conversion of agricultural land,
- new efforts to address rural blight and illegal dumping,
- opportunities to reduce impacts of rural development on agriculture,
- facilitate communication between farming community and regulatory agencies,
- improve permitting for agricultural uses
- consider a noise ordinance

INITIAL ACCOMPLISHMENTS

- Spring and Summer of 2022 the Board adopts an urgency ordinance related to temporary events and approves increased fines for violations to provide additional tools for deterring unregulated commercial parties in agricultural areas;
- County's Illegal Dumping Initiative launched and receives Measure X allocation in 2021;
- County's sign ordinance updated in 2022 including provisions intended to facilitate signage for farms that can be visited by the public.

Agritourism Ordinance Key Components

- Allow and set standards for a variety of agritourism uses that are accessory to a primary agricultural use
- Incorporates the County's current regulations regarding grower stands, farm stands, farm markets as additional agritourism uses
- Update County's Winery and Olive Oil Mill policies
- Allow stables in A-40 and A-80 zoning districts with the issuance of a land use permit

PERMITTING

Ministerial Permit

- farm stand
- farm stay
- farm dinner
- small winery without a tasting/on-site sales area and that will not host large events
- small olive oil mill without a tasting/on-site sales area and that will not host large events

Land Use Permit

- agricamping
- bed and breakfast
- farm market
- farm-to-table restaurant
- large olive oil mill
- large winery
- small olive oil mill with a tasting/ on-site sales area
- small winery with a tasting/ on-site sales area

A land use permit would be required to establish three or more of the above-listed uses on the same lot.

REQUIREMENTS FOR LODGING AND FOOD SERVICE USES

- Minimum lot area, maximum guests, maximum sales/floor area, frequency of activities
- Noise restriction – quiet hrs: 10 pm – 7 am
- Exterior light directed downward and away from properties
- Agricultural promotion and guest education

*Requirements are for the following uses: Farm Stay, Agricamping, Bed and Breakfast, Farm Dinner, and Farm to Table.

Additional Requirements for Bed and Breakfast and Farm-to-Table Uses

- At least 80% of parcel is engaged in agricultural activities and kept free of structures shown on a farm plan
- Served by a retail water supplier or within boundaries of the East Contra Costa County Groundwater Subbasin
- Minimum distance between certain agritourism uses
- Minimum requirements for food grown on-site and within CCC

Requirements for Wineries and Olive Oil Mills

- Minimum 25% of production must be from fruit grown on-site.
- Minimum 50% of production must be from fruit grown CCC

STAFF RECOMMENDATIONS

1. OPEN the public hearing on Ordinance No. 2024-06; RECEIVE testimony; and CLOSE the public hearing.
2. ADOPT Ordinance No. 2024-06, authorizing and establishing standards for agritourism uses in agricultural zoning districts.
3. DETERMINE that adoption of Ordinance No. 2024-06 is exempt from CEQA under CEQA Guidelines Sections 15061(b)(3) (common sense exemption).
4. Direct staff to file a Notice of Exemption with the County Clerk.

Questions

Staff Report

File #: ORD 2024-07 **Agenda Date:** 3/5/2024 **Agenda #:** D.3.

To: Board of Supervisors

From: John Kopchik, Director, Conservation and Development

Report Title: Hearing to Consider Adoption of Ordinance No. 2024-07 (Temporary Events) (County File #CDZT22-00003)

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

Staff recommends that the Board of Supervisors:

1. OPEN the public hearing on Ordinance No. 2024-07 (Temporary Events); RECEIVE testimony; and CLOSE the public hearing.
2. ADOPT Ordinance No. 2024-07, amending the County's Temporary Events Ordinance to prohibit unpermitted commercial temporary events, establish standards for temporary events in agricultural zoning districts, establish new enforcement mechanisms, and related provisions.
3. DETERMINE that the adoption of Ordinance No. 2024-07 is exempt from CEQA under CEQA Guidelines Sections 15061(b)(3) (common sense exemption).
4. Direct staff to file a Notice of Exemption with the County Clerk.

FISCAL IMPACT:

The cost of preparing this ordinance has been funded by the Department of Conservation and Development, Land Development Fund.

BACKGROUND:

The County regulates short-term activities and events that are conducted on private property and generate or invite considerable public participation, invitees, or spectators under Ordinance Code Chapter 82-44, Temporary Events Ordinance, adopted in 2005. Chapter 82-44 establishes procedures for evaluating, permitting, and regulating temporary events. These procedures authorize the zoning administrator to approve permits for temporary events and to require permit conditions or deny permits when necessary.

In 2021 and 2022, the number of unpermitted commercial events held on private property increased. These unpermitted commercial events typically are widely advertised, or require paid admission, or charge for parking. Because they are unpermitted, these commercial events are not subject to any conditions, such as noise restrictions, parking requirements, on-site restroom requirements, and other requirements designed to minimize

the impacts of these events on the normal free flow of vehicular and pedestrian traffic, minimize the impacts of noise from these events, protect the safety of property, and minimize disturbance and inconvenience to neighbors, neighboring properties, and neighborhoods.

In an effort to deter these unpermitted events, on April 26, 2022, the Board of Supervisors adopted Ordinance No. 2022-16, to increase fine amounts for violations of Chapter 82-44.

On June 7, 2022, the Board of Supervisors adopted Ordinance No. 2022-23, an urgency interim ordinance regulating commercial temporary events by prohibiting unpermitted commercial events; holding commercial event organizers, in addition to property owners, liable for illegal commercial events, establishing quiet periods for all events including those exempt from permitting requirements, and authorizing Sheriff's deputies, in addition to code enforcement officers, to enforce Chapter 82-44.

On July 12, 2022, the Board adopted Ordinance No. 2022-25, extending the regulations related to commercial temporary events through June 7, 2023. On May 23, 2023, the Board adopted Ordinance 2023-11, extending the regulation for an additional year, expiring on May 23, 2024.

County Planning Commission

On January 24, 2024, staff presented a zoning text amendment with revisions to the Temporary Events Ordinance, together with a revised Agritourism Ordinance to the County Planning Commission. The revisions to the Temporary Events Ordinance included adding standards for temporary events in agricultural zoning districts, making permanent the provisions of Ordinance No. 2023-11, (Urgency Ordinance Extending Regulations Related To Commercial Temporary Events), amending the event definition to ensure that events with more 75 persons on any agricultural property would require a temporary event permit, and amending provisions related to commercial events to provide that agricultural properties that contain a residence are able to apply for a land use permit to host commercial events.

The Commission received public comment urging the threshold for the number of attendees on agricultural properties that would constitute an "event" be increased to 150, which was the threshold prior to enaction of the initial urgency ordinance in June of 2022. The public commenter stated that a land use permit or even a temporary event permit for an event exceeding 75 persons could be costly. The Commission considered and discussed the amendments to the Temporary Events Ordinance and voted 5-1 to recommend that the Board of Supervisors adopt the zoning text amendment to revise the Temporary Events Ordinance with a revision to increase the threshold for requiring a temporary event permit from 75 persons to 125 persons for events at a venue located in a residential or agricultural zoning district, or at a residence in any other zoning district, and to increase the threshold for requiring a temporary event permit from 150 persons to 175 persons at any other venue.

> *Staff Recommendation: Staff recommends that the Board of Supervisors adhere to the 75- and 150-person threshold as provided in the "event" definition of the attached draft Temporary Events Ordinance. Increasing the attendance threshold for requiring a temporary event permit could impact the neighborhood in which events are located. An event that has more than 75 people in a residential or agricultural district or at a residence, or that has more than 150 people at any other venue, would require a temporary event permit, which is ministerial. Larger or more frequent events would require a land use permit (e.g., four or more events held at a venue in a twelve-month period). Through the land*

use permit process, standards in the proposed zoning text amendment would apply to mitigate noise and lighting impacts resulting from an event. For events located in an agricultural district, the ordinance would establish additional land use permit standards, including that the event does not conflict with the property's primary use of agriculture. Overall, staff recommends that the thresholds remain to ensure safety and to minimize disturbance and inconvenience to neighbors, neighboring properties, and neighborhoods.

Proposed Ordinance No. 2024-07

The proposed changes to the Temporary Events Ordinance are primarily intended to: a) integrate the provisions of Ordinance No. 2023-11, (Urgency Ordinance Extending Regulations Related to Commercial Temporary Events); and b) address the portion of the 2020 Report on Recommendations on Reforming Agricultural Land Use Policies to Improve Both Economic Vitality and Sustainability that pertains to agritourism related events.

Key changes to the Temporary Events Ordinance are summarized below. With the exception of agritourism events, the provisions summarized below have generally been in effect already as they were included in the urgency interim ordinances approved by the Board since June of 2022.

The definition of event is proposed to be updated to include gatherings of more 75 people on agriculturally-zoned properties. Additionally, "at a residence" is also defined to clarify the reference in the event definition. The definition of a commercial event is also modified to include clarification that an event that requires paid admission or charges parking or that is open or advertised to the general public would be considered a commercial event.

Definitions for outdoor assemblage, persons at a venue, and vacant lot are also included in the amendment to the ordinance. Noise restrictions for all events, even those exempt from permitting requirements, include maximum noise levels and prohibited hours for amplified sound.

The proposed ordinance also establishes conditions imposed on temporary events held at a venue in an agricultural zoning district pursuant to a land use permit. These additional conditions were developed, in part, to address events that may occur along with the newly proposed agritourism uses. These conditions also address the increased event activity occurring on agriculturally zoned properties that prompted the Board's interim urgency ordinance. The conditions applicable to the issuance of a land use permit for an event located in an agricultural zoning district include the following:

- Events at a venue located in an agricultural zoning district may only be issued if authorized events are an accessory use of the agricultural use established for the property and a finding is made that the event is consistent with agricultural vitality.
- A maximum number of events. The maximum number of events would be determined by considering the lot size of the event venue, availability of parking to serve the event venue, proximity of surrounding residences, the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties, the compatibility of events with neighboring uses, and the degree to which events conflict with the property's primary use of agriculture. On a parcel of less than 40 acres, the maximum number of events per calendar year that may be authorized by a land use permit is six. On a parcel of 40 or more acres, the maximum number of events per calendar year that may be authorized

by a land use permit is 26.

- A maximum of people. The maximum number of people would be determined by the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, and the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties.
- Conditions to limit impacts on neighbors, including prohibited hours for amplified noise and requirements that exterior lighting must be directed downward and away from adjacent properties.

The amendment also updates the enforcement of the Temporary Events Ordinance to authorize the Sheriff and Sheriff's deputies to enforce the ordinance and would hold commercial event organizers, in addition to property owners, liable for violations of the ordinance.

California Environmental Quality Act Determination

Adoption of Ordinance No. 2024-07 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3).

CEQA Guidelines section 15061(b)(3) is the "common sense exemption" A project is exempt from further environmental review where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environments. Ordinance No. 2024-06 would amend to Chapter 82-44 (Temporary Events) to include additional land use permit conditions for events located in an agricultural zoning district, additional noise restrictions, additional restrictions on commercial events, and authorization for additional enforcement pathways for violations of the ordinance. These amendments would establish more restrictive regulations on a use already permitted in the County. Thus, it can be seen with certainty that there is no possibility that the proposed actions could have a significant effect on the environment.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not approve the proposed ordinance, then the zoning code will not be amended to allow events on agriculturally zoned properties, regulate commercial events, or authorize Sherriff's deputies to enforce the Temporary Events Ordinance.

ORDINANCE NO. 2024-07

TEMPORARY EVENTS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance amends Chapter 82-44 of the County Ordinance Code to establish specific land use permit conditions for an event venue located in an agricultural zoning district. This ordinance also establishes noise restrictions applicable to all permitted and unpermitted events. This ordinance also further regulates commercial events by: prohibiting unpermitted commercial events; holding commercial event organizers, in addition to property owners, liable for illegal commercial events; and authorizing Sheriff's deputies, in addition to code enforcement officers, to enforce Chapter 82-44.

SECTION II. Section 82-44.206 of the County Ordinance Code is amended to read:

82-44.206 Definitions. For purposes of this chapter, the following words and phrases have the following meanings:

(a) "Event" means an occasion on private property organized for a particular and limited purpose and time and is an organized outdoor assemblage that: exceeds 75 persons at a venue in a residential zoning district or at a venue in an agricultural zoning district or at a residence in any other zoning district; or exceeds 150 persons at any other venue or location. "At a residence" means located wholly or in part on a parcel that includes a residence. "Events" include athletic events, arts and crafts shows, garden parties, carnivals, circuses, fairs, festivals, musical concerts and other cultural or live entertainment events, and swap meets. An outdoor assemblage of 75 or fewer persons at a venue in a residential zoning district or at a venue in an agricultural district or at a residence in any other zoning district, or 150 or fewer persons at any other venue or location, is not an "event" for purposes of this ordinance.

(b) "Commercial event" means an event intended to generate financial gain for the sponsors of the event, or to advertise products, goods, or services. An event that requires paid admission or charges for parking or that is open or advertised to the general public or that is held at a venue rented for that purpose is presumed to be a commercial event. An event sponsored by or intended to benefit any organization that is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the United States Internal Revenue Code is not a commercial event.

(c) "Noise level" means the "A" weighed sound pressure level in decibels obtained by using a sound level meter at slow meter response with a reference pressure of twenty micropascals.

(d) "Outdoor assemblage" means any assemblage that is not wholly contained within the

interior of a residence. An "outdoor assemblage" includes any assemblage in an accessory structure, including but not limited to a barn or tent.

(e) "Parade" means a march or procession of people on any county street or right-of-way that obstructs, delays, or interferes with the normal flow of vehicular traffic, or does not comply with traffic laws or controls.

(f) "Persons at a venue" means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at an event venue.

(g) "Sound level meter" means an instrument that meets or exceeds American National Standard Institute's Standard S1.4-1971 for Type 2 sound level meters, or an instrument and the associated recording and analyzing equipment that will provide equivalent data.

(h) "Temporary event" means an event that occurs for up to one day at a residence or in a residential zoning district, or up to three consecutive days at any other location.

(i) "Venue" means the site, lot, parcel, contiguous lots or parcels under common ownership, location, area, or facility where an event is held or is proposed to be held. (Ords. 2024-07 § 2, 2010-11 § 2, 2005-25 § 2.)

SECTION III. Section 82-44.406 of the County Ordinance Code is amended to read:

82-44.406 Restrictions.

(a) No two events may be held at the same venue with fewer than seven days between events.

(b) No commercial event may be held in a residential zoning district.

(c) All events, whether or not a permit is required under this chapter, are subject to the following noise restrictions:

(1) No event may exceed the noise levels specified in Section 82-44.410.

(2) Amplified sound by any device is prohibited after 8:00 p.m. Sundays through Thursdays and after 10:00 p.m. Fridays, Saturdays, and holidays. (Ords. 2024-07 § 3, 2005-25 § 2.)

SECTION IV. Subsection (d) of Section 82-44.404 (Exemptions) of the County Ordinance Code is amended to read:

(d) Weddings, birthday parties, graduation parties, or other family events held at a private residence, provided that no more than four of these events are held within a twelve-month

period. This subsection (d) does not exempt a commercial event from the permit requirements of this chapter.

(Ords. 2024-07 § 4, 2005-25 § 2.)

SECTION V. Subsection (b)(2) of Section 82-44.408 (Application and review) of the County Ordinance Code is amended to read:

(2) If the event is proposed to be a commercial event, the name, address and telephone number of the organization, and the authorized head of the organization. If the event is sponsored by or intended to benefit a non-profit organization, certification that the organization is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the United States Internal Revenue Code. The purpose of this requirement is to ensure that commercial events are not held in residential zoning districts. The name of the non-profit organization is not required to be indicated on the permit application. For a period of ninety days following the event, the applicant must retain records indicating the name of the organization that the event is sponsored by or intended to benefit.

(Ords. 2024-07 § 5, 2010-11 § 4, 2005-25 § 2.)

SECTION VI. Subsection (b)(2) of Section 82-44.410 (Conditions) of the County Ordinance Code is amended to read:

(2) Amplified sound by any device is prohibited after 8:00 p.m. Sundays through Thursdays and after 10:00 p.m. Fridays, Saturdays, and holidays. A temporary event permit shall not allow the use of amplified sound after these hours.

(Ords. 2024-07 § 6, 2005-25 § 2.)

SECTION VII. Section 82-44.416 (Land use permit required) of the County Ordinance Code is amended by adding the following subsection (f):

(f) The following conditions shall apply to the issuance of a land use permit for an event venue located in an agricultural zoning district.

(1) A land use permit that authorizes events at a venue located in an agricultural zoning district may only be issued if the authorized events are an accessory use on a property that is used for agriculture, as defined in Section 82-4.206, and the zoning administrator finds that the proposed events will promote the vitality of agriculture in the area. If a property is located in an agricultural zoning district but the property is not used for agriculture, or the zoning administrator does not find that the proposed events will promote the vitality of agriculture in the area, then no land use permit authorizing events at the property will be issued.

(2) Number of events. A land use permit that authorizes events at a venue located in an agricultural zoning district must limit the annual maximum number of events for the purposes of maintaining the agricultural nature of the property and reasonably limiting impacts on neighbors. In imposing conditions regulating the maximum number of events, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties, the compatibility of events with neighboring uses, and the degree to which events conflict with the property's primary use of agriculture. On a parcel of less than 40 acres, the maximum number of events per calendar year that may be authorized by a land use permits six. On a parcel of 40 or more acres, the maximum number of events per calendar year that may be authorized by a land use permits is 26.

(3) Number of people. A land use permit that authorizes events at a venue located in an agricultural zoning district must limit the maximum number of people allowed at each event for the purposes of reasonably limiting impacts on traffic, parking, and neighbors. In imposing conditions regulating the maximum number of people, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, and the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties.

(4) Amplified sound by any device is prohibited after 8:00 p.m. Sundays through Thursdays and after 10:00 p.m. Fridays, Saturdays, and holidays. A land use permit for an event venue located in an agricultural zoning district shall not allow the use of amplified sound after these hours.

(5) Exterior lighting must be directed downward and away from adjacent properties. (Ords. 2024-07 § 7, 2010-11 § 6, 2005-25 § 2.)

SECTION VIII. Section 82-44.418 of the County Ordinance Code is amended to read:

(a) An event may be monitored by law enforcement and code enforcement officials to determine compliance with the terms and conditions of the permit.

(b) A temporary event permit may be revoked for any violation of any term or condition that occurs at an event or for any other reason specified in Section 26-2.2022. A revocation may be appealed to the board of supervisors within seven days of the revocation.

(c) This chapter may be enforced by any remedy allowed under the Contra Costa County Ordinance Code or any other remedy allowed by law. These remedies include, but are not limited to, administrative fines, infraction citations, and cease and desist (abatement) orders.

(d) The following officials and their designees are authorized to enforce this chapter:

(1) Director of Conservation and Development.

(2) Sheriff.

(e) Nothing in this chapter is intended to preclude the enforcement by any Sheriff's deputy of Penal Code section 415, the disturbing the peace statute. (Ords. 2024-07 § 8, 2005-25 § 2).

SECTION IX. Section 82-44.420 is added to the County Ordinance Code, to read:

82-44.420 Responsible party liability.

(a) A person violates this chapter if an event that violates this chapter is held on property that the person owns, rents, leases, or otherwise has possession of, regardless of whether the person is present when the violation occurs.

(b) A person violates this chapter if an event that the person organizes, supervises, sponsors, conducts, allows, or controls violates this chapter. (Ord. 2024-07 § 9.)

SECTION VIII. REPEAL OF INTERIM ORDINANCE NO. 2023-11. As of the effective date of this ordinance, Ordinance No. 2023-11 is repealed.

SECTION IX. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: MONICA NINO,
Clerk of the Board of Supervisors
and County Administrator

_____
Board Chair

By: _____
Deputy

[SEAL]

KCK:

Chapter 82-44 TEMPORARY EVENTS

Sections:

Article 82-44.2. General Provisions

82-44.202 Title.

This chapter is known as the Temporary Events Ordinance of Contra Costa County.

(Ord. 2005-25 § 2).

82-44.204 Purpose.

The purpose of this chapter is to establish procedures for evaluating, permitting, and regulating short-term activities and events that are conducted on private property and generate or invite considerable public participation, invitees, or spectators. Because these land uses are temporary, they have negligible or no permanent effect on the environment, and their potential impact on adjoining properties is either minimal or can be offset by conditions. The procedures authorize the zoning administrator to approve permits for temporary events and to require permit conditions or deny permits when necessary to protect the public. The procedures are necessary to protect and promote the health, safety, and welfare of the public, temporary event participants, and nearby residents. The procedures are intended to minimize the impacts of temporary events on the normal free flow of vehicular and pedestrian traffic, to minimize the impacts of noise from temporary events, to protect the safety of property, and to minimize disturbance and inconvenience to neighbors, neighboring properties and neighborhoods.

(Ord. 2005-25 § 2).

82-44.206 Definitions.

For purposes of this chapter, the following words and phrases have the following meanings:

(a) "Event" means an occasion on private property organized for a particular and limited purpose and time and is an organized outdoor assemblage that: exceeds 75~~seventy-five~~ persons at a venue in a residential zoning district or at a venue in an agricultural zoning district or at a residence in any other zoning district~~;~~, or exceeds 150~~one hundred fifty~~ persons at any other~~a~~ venue or location~~in any other zoning district~~. "At a residence" means located wholly or in part on a parcel that includes a residence. "Events" include athletic events, arts and crafts shows, garden parties, carnivals, circuses, fairs, festivals, musical concerts and other cultural or live entertainment events, and swap meets. ~~"Persons at a venue" means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at an event venue.~~ An outdoor assemblage of 75~~seventy-five~~ or fewer persons~~people~~ at a venue in a residential zoning district or at a venue in an agricultural zoning district or at a residence in any other zoning district, or 150~~one hundred fifty~~ or fewer persons~~people~~ at any other~~a~~ venue or location~~in any other zoning district~~, is not an "event" for purposes of this ordinance.

(b) "Commercial event" means an event intended to generate financial gain for the sponsors of the event, or to advertise products, goods, or services. An event that requires paid admission or charges for parking or that is open or advertised to the general public is presumed to be a commercial event. An

event sponsored by or intended to benefit any organization that is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the United States Internal Revenue Code is not a commercial event.

(c) "Noise level" means the "A" weighed sound pressure level in decibels obtained by using a sound level meter at slow meter response with a reference pressure of twenty micropascals.

(d) "Outdoor assemblage" means any assemblage that is not wholly contained within the interior of a residence. An "outdoor assemblage" includes any assemblage in an accessory structure, including but not limited to a barn or tent.

(e) "Parade" means a march or procession of people on any county street or right-of-way that obstructs, delays, or interferes with the normal flow of vehicular traffic, or does not comply with traffic laws or controls.

(fe) "Persons at a venue" means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at an event venue.

(g) "Sound level meter" means an instrument that meets or exceeds American National Standard Institute's Standard S1.4-1971 for Type 2 sound level meters, or an instrument and the associated recording and analyzing equipment that will provide equivalent data.

(hf) "Temporary event" means an event that occurs for up to one day at a residence or in a residential zoning district, or up to three consecutive days at any other location.

(ig) "Venue" means the site, lot, parcel, contiguous lots or parcels under common ownership, location, area, or facility wherefor which an event is held or is proposed to be held.

(Ords. No. 2024-07 § 2, 2010-11, § 2II, 7-13-10; Ord. 2005-25 § 2).

Article 82-44.4. Permits

82-44.402 Temporary event permit required.

The following uses are allowed in any zoning district only after the issuance of a temporary event permit:

(a) A temporary event, unless the temporary event is exempt from the requirement to obtain a temporary event permit or a land use permit is required for the event.

(b) Retail sales of Christmas trees between Thanksgiving and December 26;

(c) Retail sales of pumpkins between October 1 and October 31.

(Ord. No. 2010-11, § III, 7-13-10; Ord. 2005-25 § 2).

82-44.404 Exemptions.

The following activities are exempt from the permit requirements of this chapter:

(a) An event held on public property, in a public facility, or in a public park, provided all other permits and licenses required by this code or state law are obtained, including encroachment permits, environmental health permits, and state alcoholic beverage control permits.

(b) An event held in a public right-of-way, including a funeral procession or parade, provided all other permits and licenses required by this code or state law are obtained, including encroachment permits, environmental health permits, and state alcoholic beverage control permits.

(c) An activity conducted by a governmental agency acting within the scope of its authority.

(d) Weddings, birthday parties, graduation parties, or other family events held at a private residence, provided that no more than four of these events are held within a twelve-month period. This subsection (d) does not exempt a commercial event from the permit requirements of this chapter.

(e) An event held at a members-only nonresidential facility where the only participants are members and their guests.

(f) An event held at a school, provided the event is consistent with the underlying land use entitlement.

(g) An event held at a religious entity's facility, provided the event is consistent with the underlying land use entitlement.

(h) A film-making activity for which a filming permit has been obtained in accordance with Chapter 56-8 of this code.

(i) Car washes for fund raising purposes, provided that the car washes are held on private property other than a residence, are limited to a maximum of two days each month for each sponsoring organization, and are sponsored by an educational, charitable, religious, or nonprofit group.

(j) Garage sales held at a private residence, provided that sales occur no more than four times within a twelve-month period per residence, for a maximum of two consecutive days each.

(k) A real estate open house, where a property is for sale, lease or rent.

(Ords. 2024-07 § 4, 2005-25 § 2).

82-44.406 Restrictions.

(a) No two events mayshall be held at the same venue with fewer than seven days between events.

(b) No commercial event mayshall be held in a residential zoning district ~~or at a residence in any other zoning district~~.

(c) All events, whether or not a permit is required under this chapter, are subject to the following noise restrictions:

(1) No event may exceed the noise levels specified in Section 82-44.410.

(2) Amplified sound by any device is prohibited after 8:00 p.m. Sundays through Thursdays and after 10:00 p.m. Fridays, Saturdays, and holidays.

(Ords. 2024-07 § 3, 2005-25 § 2).

82-44.408 Application and review.

(a) Any person, entity, business, or group wishing to hold, sponsor, conduct, operate or maintain a temporary event shall submit a completed temporary event permit application to the department of conservation and development. The application form shall be signed and verified by the applicant, if an individual; a general partner authorized to sign on behalf of a partnership; an officer or director authorized to sign on behalf of a corporation; or a participant authorized to sign on behalf of a joint venture or association. The applicant must be a qualified applicant pursuant to Section 26-2.1604.

(b) An application is not complete unless it includes all of the following information:

(1) The name, address, and telephone number of the applicant and an alternate contact person.

(2) If the event is proposed to be a commercial event, the name, address and telephone number of the organization, and the authorized head of the organization. If the event is sponsored by or intended to benefit a non-profit organization, certification that the organization is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the United States Internal Revenue Code. The purpose of this requirement is to ensure that commercial events are not held in residential zoning districts ~~or at residences in any other zoning district~~. The name of the non-profit organization is not required to be indicated on the permit application. For a period of ninety days following the event, the applicant must retain records indicating the name of the organization that the event is sponsored by or intended to benefit.

(3) The name, address and telephone number of the person who will be present and in charge of the event on the day of the event.

(4) The type of event (e.g., a concert or arts and crafts show).

(5) Date and estimated starting and ending time of the event, including the time required to prepare and clean up the venue.

(6) Location of the event, including its street address and assessor's parcel number.

(7) Estimated number of attendees or participants at the event.

(8) The type and estimated number of vehicles and structures that will be used at the event, if any.

(9) Description of any sound amplification equipment that is proposed for use at the event.

(10) Whether any food will be served or sold at the event and, if applicable, the time and manner in which caterers and catering trucks will be used.

(11) Whether any beverages, including alcoholic beverages, will be served or sold at the event, and whether any such sales will be wholesale or retail.

(12) Whether security will be employed at the event.

(13) Parking, traffic control, and crowd control measures proposed for the event.

(14) The number and type of events held at the venue in the preceding twenty-four months.

(15) A site plan showing the size and location of property lines, sidewalks, streets, and improvements on adjacent properties, clearly labeled and drawn to scale.

(16) The time and acts required to prepare the venue for the event and the time and acts required following the event to clean up and restore the regular use of the property or venue.

(17) The type and location of on-site restrooms.

(c) An application must be submitted at least forty-five days before the proposed event. The department of conservation and development will have five calendar days to determine whether an application is complete. If the application is incomplete, the applicant will be notified and will have five days from the date of notification to provide all of the information required for a complete application. The zoning administrator will have ten days after submission of a complete application to decide on the application. The zoning administrator shall approve a complete permit application and issue a permit unless one or more grounds for denial exists.

(d) No event permit application shall be denied on any grounds except for any of the following:

(1) Information contained in the application is found to be false in any material detail.

(2) The applicant fails to timely file the application form or fails to complete and submit the application form within five calendar days after having been notified of the additional information or documents required for a complete application.

(3) A violation of any term or condition of a temporary event permit previously issued within the preceding twenty-four months to the applicant or for the private property venue.

(4) Another temporary event permit application has been received prior in time, or has already been approved, to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion.

(5) The time, route, characteristics, or size of the event will substantially interrupt the safe and orderly movement of traffic contiguous to the event site or route, or disrupt the use of a street at a time when it is usually subject to great traffic congestion.

(6) The concentration of persons, animals, or vehicles at the site of the event, or the assembly and disbanding areas around an event, will prevent proper police, fire, or ambulance services to the venue and areas contiguous to the event.

(7) The location of the event will substantially interfere with a previously granted encroachment permit or with any previously scheduled construction or maintenance work scheduled to take place upon or along county streets.

(8) The proposed event is not allowed under the terms of a previously issued county land use permit.

(9) A temporary event permit previously issued within the preceding twenty-four months to the applicant or for the specific private property venue was revoked.

(10) Failure to pay an outstanding fine owed for an event previously held at the venue or owed by the applicant for any event held at any location.

(11) When the grounds for denial of an application for permit specified in subsections (4) through (7), above, can be mitigated by altering the date, time, duration, size, route, or location of the event, the zoning administrator shall conditionally approve the application upon the applicant's acceptance of conditions for permit issuance instead of denying the application. If the grounds for denial cannot be mitigated by imposing conditions, the permit will be denied.

(e) If the zoning administrator issues a permit, notice of the permit issuance and permit conditions will be mailed to all properties within three hundred feet of the event venue.

(f) The zoning administrator's decision on the issuance of a permit may be appealed to the conservation and development director. The applicant may appeal the denial of a permit and may appeal any conditions imposed on a permit. Any person affected by any time, place, or manner conditions imposed on a permit may appeal only the permit conditions. Any person other than the applicant who appeals any time, place, or manner conditions must specify which conditions are being appealed. An appeal must be in writing, must be filed within five days of the zoning administrator's decision on the permit, and must include an appeal fee. An appeal hearing will be scheduled before the conservation and development director. The director's decision will be made at least ten days before the date of the proposed event. The director's decision following an appeal hearing is final for purposes of exhaustion of administrative remedies.

(g) An application may be submitted less than forty-five days before the proposed event if the proposed event is a response to a current occurrence whose timing did not allow the applicant to file a timely application. An application submitted under this section must specify the date of the occurrence to which the proposed event is responding. If a complete application is filed less than forty-five days before the proposed event, the zoning administrator shall issue a decision as soon as reasonably practicable. Any appeal must be filed within three days of the zoning administrator's decision. The conservation and development director's decision on the appeal will be made at least five days before the date of the proposed event.

(h) Exemption.

(1) No temporary event permit is required for an event held at a venue in a residential zoning district if:

(A) Three or fewer events are held at the venue within a twelve-month period; and

(B) For properties forty thousand square feet or greater in size, two hundred or fewer total people will be present at the event; and

(C) For properties less than forty thousand square feet in size, one hundred twenty-five or fewer total people total will be present at the event.

(2) An event at a residence that is exempt under this subsection (h) from the requirement to obtain a temporary event permit must comply with the following standards and requirements:

(A) The sound levels at the event cannot exceed the levels specified in subsection (b)(1) of section 82-44.410.

(B) On-site restrooms must be provided at the event.

(C) Dedicated remote parking for the event sufficient to accommodate attendees must be available if the adjacent streets do not have a graded or paved eight-foot-wide should for parking, and if parking for all attendees is unable to occur on-site.

(D) At least ten days before the event, the property owner must inform the department of conservation and development in writing of the time, date, and location of the event.

(E) At least ten days before the event, the property owner must send a notice to all property occupants within two hundred feet of the event venue of the time, date, and location of the event.

(3) The exemption under this subsection (h) does not apply if:

(A) Four or more events are held at a venue in a residential district in a twelve-month period.

(B) One of the standards or requirements specified in subsection (h)(2) was violated at a previous event within the previous twelve months.

(C) More than two hundred people will be at an event in a residential district if the property is forty thousand square feet or more in size.

(D) More than one hundred twenty-five people will be at an event in a residential district if the property is less than forty thousand square feet in size.

(Ords. ~~No.~~ 2024-07 § 5, 2010-11, § 4, ~~IV, 7-13-10; Ord.~~ 2005-25 § 2).

82-44.410 Conditions.

(a) The zoning administrator may condition the issuance of a temporary events permit by imposing any of the following requirements concerning the time, place, and manner of the event. The zoning administrator may consult with public works, fire, and law enforcement officials and may impose time, place, and manner conditions that are requested by those officials, provided the requested conditions are among the conditions specified below. No conditions other than those specified below may be placed on a permit. Conditions may not restrict expressive activity or the content of speech.

(1) Alteration of the date, time, route or location of the event proposed on the application.

(2) Conditions concerning accommodation of pedestrian or vehicular traffic.

(3) Conditions concerning parking, including, but not limited to, requirements for the use of shuttles from parking areas to the venue.

(4) Conditions concerning traffic control, including, but not limited to, requirements for the use of traffic cones or barricades.

(5) Requirements for provision of on-site restrooms.

(6) Requirements for use of security responsible for crowed control, fire watch, general security, and evacuation of occupants.

(7) Conditions concerning maximum occupancy, based on the size of the venue and for purposes of minimizing impacts on traffic and parking. In imposing conditions concerning maximum occupancy, the zoning administrator may consider the lot size of the event venue, proximity of surrounding residences, density of the underlying zoning district, and the location and size of any buildings between the venue and surrounding properties.

(8) Restrictions on the number and type of structures at the event, and inspection and approval of structures.

(9) Compliance with animal protection ordinances and laws.

(10) Requirements for use of garbage containers and cleanup.

(11) Conditions limiting the duration of time and hours of the event (including the time to prepare and clean up the venue) in order to minimize impacts on traffic and parking.

(12) Time, place, and manner restrictions on the use of amplified sound. The use of amplified sound is prohibited in a residential district unless allowed as a condition of a temporary event permit.

(b) When a temporary event permit is granted for any event in a residential zoning district or at a residence in any other zoning district, it is granted subject to the following conditions:

(1) The event shall not generate or emit any noise or sound that exceeds any of the levels specified in the table below measured at the exterior of any dwelling unit located on another residential property. The noise generated or emitted shall not exceed the levels specified in the table for the duration of time specified in the table. Exterior noise levels shall be measured with a sound level meter. The permit shall incorporate the applicable "allowable exterior noise levels" specified in the table into the permit conditions only for the duration of time allowed for the event by the permit. For example, if the permit provides that an event shall end by seven p.m., the "allowable exterior noise levels" allowed between nine a.m. and eight p.m. shall be incorporated into the conditions, but the event must end by seven p.m.

Allowable Exterior Noise Levels

Cumulative Duration of Noise	9 a.m. - 8 p.m.	8 p.m. - 10 p.m.
30 minutes per hour	60 dBA	55 dBA
15 minutes per hour	65 dBA	60 dBA
5 minutes per hour	70 dBA	65 dBA
1 minute per hour	75 dBA	70 dBA

Level not to be exceeded at any time	80 dBA	75 dBA

(2) Amplified sound by any device is prohibited after 8:00~~eight~~ p.m. Sundays through Thursdays and after 10:00~~ten~~ p.m. Fridays, Saturdays, and holidays. A temporary event permit shall not allow the use of amplified sound after these hours.

(Ords. ~~No.~~ 2024-07 § 6, 2010-11~~,~~ § 5~~V~~, ~~7-13-10; Ord.~~ 2005-25 § 2).

82-44.412 Duration.

A temporary event permit is valid only for one event. A temporary event permit is valid only for the time or times specified in the permit. A temporary event permit lapses if not used within the time or times specified.

(Ord. 2005-25 § 2).

82-44.414 Other permits and licenses.

(a) The issuance of a temporary event permit does not relieve anyone from the obligation to obtain any other permit or license required by this code or state law, including, but not limited to, encroachment permits, environmental health permits, and state alcoholic beverage control permits.

(b) The issuance of any other permit or license does not relieve anyone from the obligation to obtain a temporary event permit pursuant to this chapter.

(Ord. 2005-25 § 2).

82-44.416 Land use permit required.

(a) A land use permit is required for an event if any of the following occur:

(1) Three events that required a temporary event permit, or three events at a venue in a residential zoning district that were exempt from obtaining a permit under subsection (h) of Section 82-44.408, were previously held at a venue within the preceding twelve months.

(2) Four or more events will be held at a venue in a twelve-month period.

(3) Three or more events will be held at a venue within a forty-five-day period.

(4) An event will last more than one day at a venue in a residential zoning district or at a residence in any other zoning district, or will last more than three consecutive days at any other location.

(5) More than three hundred people will be present at an event at a venue in a residential zoning district or an event at a residence in any other zoning district.

(6) A temporary event permit previously issued to the applicant or for the venue was revoked within the preceding twenty-four months.

(b) It is a violation of this section if the number of people present at an event exceeded a size threshold specified in subsection (a) above, and a land use permit was not obtained before the event. For purposes of this section, "the number of people present at an event" means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at the event venue.

(c) If a land use permit or building permit is required for a structure associated with a temporary event, then no event may be held at the venue without a land use permit.

(d) An application for a land use permit will be decided in accordance with Article 26-2.20 of this code.

(e) No conditions that restrict expressive activity or the content of speech may be imposed on any land use permit issued for an event.

(f) The following conditions shall apply to the issuance of a land use permit for an event venue located in an agricultural zoning district.

(1) A land use permit that authorizes events at a venue located in an agricultural zoning district may only be issued if the authorized events are an accessory use on a property that is used for agriculture, as defined in Section 82-4.206, and the zoning administrator finds that the proposed events will promote the vitality of agriculture in the area. If a property is located in an agricultural zoning district but the property is not used for agriculture, or the zoning administrator does not find that the proposed events will promote the vitality of agriculture in the area, then no land use permit authorizing events at the property will be issued.

(2) Number of events. A land use permit that authorizes events at a venue located in an agricultural zoning district must limit the annual maximum number of events for the purposes of maintaining the agricultural nature of the property and reasonably limiting impacts on neighbors. In imposing conditions regulating the maximum number of events, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties, the compatibility of events with neighboring uses, and the degree to which events conflict with the property's primary use of agriculture. On a parcel of less than 40 acres, the maximum number of events per calendar year that may be authorized by a land use permit is six. On a parcel of 40 or more acres, the maximum number of events per calendar year that may be authorized by a land use permit is 26.

(3) Number of people. A land use permit that authorizes events at a venue located in an agricultural zoning district must limit the maximum number of people allowed at each event for the purposes of reasonably limiting impacts on traffic, parking, and neighbors. In imposing conditions regulating the maximum number of people, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, and the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties.

(4) Amplified sound by any device is prohibited after 8:00 p.m. Sundays through Thursdays and after 10:00 p.m. Fridays, Saturdays, and holidays. A land use permit for an event venue located in an agricultural zoning district shall not allow the use of amplified sound after these hours.

(5) Exterior lighting must be directed downward and away from adjacent properties.

(Ords. ~~No.~~ 2024-07 § 7, 2010-11~~,~~ § 6,~~VI, 7-13-10; Ord.~~ 2005-25 § 2).

82-44.418 Enforcement.

(a) An event may be monitored by law enforcement and code enforcement officials to determine compliance with the terms and conditions of the permit.

(b) A temporary event permit may be revoked for any violation of any term or condition that occurs at an event or for any other reason specified in Section 26-2.2022 of this code. A revocation may be appealed to the board of supervisors within seven days of the revocation.

(c) This chapter~~e county~~ may be enforced ~~this division~~ by any remedy allowed under the Contra Costa County~~is o~~Ordinance ~~c~~Code or any other remedy allowed by law. These remedies include, but are not limited to, administrative fines, infraction citations, and cease and desist (abatement) orders.

(d) The following officials and their designees are authorized to enforce this chapter:

(1) Director of Conservation and Development.

(2) Sheriff.

(e) Nothing in this chapter is intended to preclude the enforcement by any Sheriff's deputy of Penal Code section 415, the disturbing the peace statute.

(Ords. 2024-07 § 8, 2005-25 § 2).

82-44.420 Responsible party liability.

(a) A person violates this chapter if an event that violates this chapter is held on property that the person owns, rents, leases, or otherwise has possession of, regardless of whether the person is present when the violation occurs.

(b) A person violates this chapter if an event that the person organizes, supervises, sponsors, conducts, allows, or controls violates this chapter.

(Ord. 2024-07 § 9).

Article 82-44.6. Fees and Costs

82-44.602 Application fee.

A nonrefundable application fee for a temporary event permit shall be paid when the application is submitted. An application for a temporary event permit is not complete until the application fee is paid.

(Ord. 2005-25 § 2).

82-44.604 General.

(a) Permit application fees, regulatory fees, inspection fees, and appeal fees will be in amounts established by the board of supervisors in the community development department's fee schedule.

(b) Fees required under this chapter are in addition to any other fee required under any other chapter of this code or any other county, state or federal law or regulation.

(Ord. 2005-25 § 2).

ORDINANCE NO. 2023-11

URGENCY ORDINANCE EXTENDING REGULATIONS RELATED TO COMMERCIAL TEMPORARY EVENTS

The Contra Costa County Board of Supervisors ordains as follows:

Section 1. Findings.

A. The purpose of this urgency interim ordinance is to extend regulations related to commercial temporary events while the County considers preparing amendments to Ordinance Code Chapter 82-44, the Temporary Events Ordinance of Contra Costa County, to establish permanent regulations to address impacts cause by commercial temporary events.

B. The County regulates short-term activities and events that are conducted on private property and generate or invite considerable public participation, invitees, or spectators under Chapter 82-44.

C. Chapter 82-44 establishes procedures for evaluating, permitting, and regulating temporary events. These procedures authorize the zoning administrator to approve permits for temporary events and to require permit conditions, or deny permits when necessary. These procedures are necessary to protect and promote the health, safety, and welfare of the public, temporary event participants, and nearby residents.

D. Under Chapter 82-44, commercial events held on private property without a permit, and commercial events that violate the noise or amplified sound restrictions set forth in Chapter 82-44, are illegal.

E. On April 26, 2022, the Board of Supervisors adopted Ordinance No. 2022-16, which increased fine amounts for violations of Chapter 82-44, including illegal commercial events. Ordinance No. 2022-16 establishes the following fine amounts for these violations: $150 for the first violation, $700 for a second violation occurring within three years of the first violation, and $2,500 for each additional violation occurring within three years of the first violation.

F. Over the past several years, the number of unpermitted commercial events held on private property has increased. These unpermitted commercial events typically are widely advertised, or require paid admission, or charge for parking, or are otherwise open to the public. Because they are unpermitted, these commercial events are not subject to any conditions, such as noise restrictions, parking requirements, on-site restroom requirements, and other requirements designed to minimize the impacts of these events on the normal free flow of vehicular and pedestrian traffic, minimize the impacts of noise from temporary events, protect the safety of property, and minimize disturbance and inconvenience to neighbors, neighboring properties, and neighborhoods.

G. The Department of Conservation and Development is preparing amendments to Chapter 82-44 that will hold commercial event organizers, in addition to property owners, liable

for illegal commercial events; authorize Sheriff's deputies, in addition to code enforcement officers, to enforce Chapter 82-44; and ensure that commercial event organizers do not evade the requirements of Chapter 82-44 by characterizing these commercial events as non-commercial events exempt from the Temporary Events Ordinance's permit requirements.

H. On June 7, 2022, the Board of Supervisors adopted Ordinance No. 2022-23, an urgency interim ordinance regulating commercial temporary events by: prohibiting unpermitted commercial events; holding commercial event organizers, in addition to property owners, liable for illegal commercial events; and authorizing Sheriff's deputies, in addition to code enforcement officers, to enforce Chapter 82-44. On July 12, 2022, the Board adopted Ordinance No. 2022-25, extending the regulations related to commercial temporary events for 10 months and 15 days, through June 7, 2023.

I. This ordinance, extending the regulations another year, is necessary to proceed with an orderly planning process that takes into account consideration of the amendments to the County's Temporary Events Ordinance. Since the number of unpermitted commercial events held on private property has increased, and additional unpermitted events are likely to occur before the proposed amendments to Chapter 82-44 become effective, this urgency interim ordinance is necessary to protect the public health, safety, and welfare by extending these new commercial event regulations.

Section 2. Extension. The regulations established by Ordinance No. 2022-23, and extended by Ordinance No. 2022-25, are extended for one year, through May 23, 2024.

Section 3. Definitions. For purposes of this ordinance, the following words and phrases have the following meanings:

(a) "Event" means an occasion on private property organized for a particular and limited purpose and time and is an organized outdoor assemblage that: exceeds 75 persons at a venue in a residential zoning district or at a residence in any other zoning district or on a vacant lot; or exceeds 150 persons at any other venue or location. "At a residence" means located wholly or in part on a parcel that includes a residence. "Events" include athletic events, arts and crafts shows, garden parties, carnivals, circuses, fairs, festivals, musical concerts and other cultural or live entertainment events, and swap meets. An outdoor assemblage of 75 or fewer persons at a venue in a residential zoning district or at a residence in any other zoning district or on a vacant lot, or 150 or fewer persons at any other venue or location, is not an "event" for purposes of this ordinance.

(b) "Commercial event" means an event intended to generate financial gain for the sponsors of the event, or to advertise products, goods or services. An event that requires paid admission or charges for parking or that is open or advertised to the general public is presumed to be a commercial event. An event sponsored by or intended to benefit any organization that is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the United States Internal Revenue Code is not a commercial event.

(c) "Outdoor assemblage" means any assemblage that is not wholly contained within the interior of a residence. An "outdoor assemblage" includes any assemblage in an accessory structure, including but not limited to a barn or tent.

(d) "Persons at a venue" means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at an event venue.

(e) "Vacant lot" means a lot or parcel that is unimproved.

(f) "Venue" means the site, lot, parcel, contiguous lots or parcels under common ownership, location, area, or facility where an event is held or is proposed to be held.

Section 4. Unpermitted Commercial Events Prohibited.

No commercial event may be held on private property without a permit issued under Chapter 82-44.

Section 5. Noise Restrictions.

No event may exceed the noise levels specified in Section 82-44.410.

Section 6. Responsible Party Liability.

(a) A person violates this ordinance or Chapter 82-44 if an event that violates this ordinance or Chapter 82-44 is held on property that the person owns, rents, leases, or otherwise has possession of, regardless of whether the person is present when the violation occurs.

(b) A person violates this ordinance or Chapter 82-44 if an event that the person organizes, supervises, sponsors, conducts, allows, or controls violates this ordinance or Chapter 82-44.

Section 7. Enforcement.

(a) This ordinance may be enforced by any remedy allowed under the Contra Costa County Ordinance Code or any other remedy allowed by law. These remedies include, but are not limited to, administrative fines, infraction citations, and cease and desist (abatement) orders.

(b) The following officials and their designees are authorized to enforce this ordinance and Chapter 82-44:

(1) Director of Conservation and Development.

(2) Sheriff.

(c) Nothing in this ordinance is intended to preclude the enforcement by any Sheriff's deputy of Penal Code section 415, the disturbing the peace statute.

(d) In the event of a conflict between this ordinance and any conditions or requirements of a land use permit issued by the County, the conditions or requirements of the land use permit will govern.

Section 8. Reports. In accordance with subdivision (d) of Government Code section 65858, ten days before this ordinance and any extension of it expires, the Conservation and Development Department shall file with the Clerk of the Board a written report describing the measures taken to alleviate the conditions that led to the adoption of this urgency interim ordinance.

Section 9. Severability. If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect other ordinance provisions or clauses or applications thereof that can be implemented without the invalid provision or clause or application, and to this end the provisions and clauses are declared to be severable. The Board of Supervisors declares that it would have adopted this ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional, or otherwise unenforceable.

Section 10. Declaration of Urgency. This ordinance is hereby declared to be an urgency ordinance necessary for the immediate preservation of the public peace, health, and safety of the County. The facts constituting the urgency of this ordinance's adoption are set forth in Section 1.

Section 11. Effective Date. This ordinance becomes effective immediately upon passage by four-fifths vote of the Board of Supervisors and shall continue in effect for a period of one year, through May 23, 2024, pursuant to Government Code section 65858.

Section 12. Publication. Within 15 days after passage, this ordinance shall be published once with the names of the supervisors voting for and against it in the East Bay Times, a newspaper published in this County.

PASSED ON May 23, 2023, by the following vote:

AYES: John Gioia, Candace Andersen, Diane Burgis, Ken Carlson, Federal Glover
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST: MONICA NINO,
Clerk of the Board of Supervisors
and County Administrator

By: Deputy Clerk June McHuen

Board Chair John Gioia

[SEAL]

Department of Conservation and Development

County Planning Commission

Wednesday, January 24, 2024 – 6:30 P.M.

STAFF REPORT **Agenda Item #____**

Project Title:	Zoning Text Amendments Related to Agritourism and Temporary Events
County File(s):	CDZT22-00003
Applicant:	Contra Costa County
Owner:	Contra Costa County
General Plan/Zoning:	Countywide
Site Address/Location:	Countywide
California Environmental Quality Act (CEQA) Status:	The project is exempt under Section 15061(b)(3) of the Environmental Quality Act (See Section VI for additional information).
Project Planner:	Jennifer Cruz, Principal Planner (925) 655-2867 Jennifer.Cruz@dcd.cccounty.us
Staff Recommendation:	Recommend Approval to the Board of Supervisors (See Section II for complete recommendation)

I. PROJECT SUMMARY

This is a hearing on two County-initiated Zoning Text Amendments. The first proposed amendment is to establish size and location standards, sales requirements, and other regulations governing agritourism uses in agricultural zoning districts, recodify Chapter 88-20 (Agricultural Farm Stands and Farm Markets) as Chapter 824-4 (Grower Stands, Farm Stands, and Farm Markets), and amend Chapters 84-82 and 84-84 to allow stables in A-40 and A-80 agricultural zoning districts with the issuance of a land use permit.

The second proposed Zoning Text Amendment would amend Chapter 82-44 (Temporary Events) of the County Ordinance Code to establish specific land use permit conditions for certain types of events located in an agricultural zoning district, establish noise restrictions applicable to all permitted and unpermitted events, regulate commercial events by: prohibiting unpermitted commercial events; further defining the distinguishing features of commercial events; authorizing enforcement actions against commercial event organizers, in addition to property owners, for violations; and authorizing Sheriff's deputies, in addition to Department of Conservation Development code enforcement officers, to enforce the Temporary Events Ordinance.

RECOMMENDATION

Staff recommends that the County Planning Commission:

1. OPEN the public hearing on the proposed zoning text amendment; RECEIVE testimony; and CLOSE the public hearing.

2. RECOMMEND that the Board of Supervisors take the following actions:
    A. ADOPT the proposed zoning text amendment to establish size and location standards, sales requirements, and other regulations governing agritourism uses in agricultural zoning districts, recodify Chapter 88-20 (Agricultural Farm Stands and Farm Markets) as Chapter 824-4 (Grower Stands, Farm Stands, and Farm Markets), and amend Chapters 84-82 and 84-84 to allow stables in the A-40 and A-80 agricultural zoning districts with the issuance of a land use permit.
    B. ADOPT the proposed zoning text amendment to amend Chapter 82-44 (Temporary Events) to establish specific land use permit conditions for certain types of events located in an agricultural zoning district, establish noise restrictions applicable to all permitted and unpermitted events, regulate commercial events by: prohibiting unpermitted commercial events; further defining the distinguishing features of commercial events; authorizing enforcement actions against commercial event organizers, in addition to

property owners, for violations; and authorizing Sheriff's deputies, in addition to Department of Conservation Development code enforcement officers, to enforce the Temporary Events Ordinance.

C. RESCIND Ordinance No. 2023-11 (Urgency Ordinance Extending Regulations Related To Commercial Temporary Events) upon the date the amendment to Chapter 82-44 (Temporary Events) becomes effective.

D. DETERMINE that the proposed zoning text amendment is exempt from CEQA under CEQA Guidelines Sections 15061(b)(3) (common sense exemption).

E. Direct staff to file a Notice of Exemption with the County Clerk.

II. BACKGROUND

The Planning Commission conducted two hearings regarding the agritourism-related zoning text amendments in 2023 and recommended Board approval. Subsequently, staff met with parties who commented during the hearing to better understand their concerns, which mostly pertained to the events provisions of the agritourism-related zoning text amendments and the relationship to the Temporary Events Ordinance and the Ordinance No. 2023-11, (Urgency Ordinance Extending Regulations Related To Commercial Temporary Events), which was adopted by the Board of Supervisors on May 23, 2023 to continue to address a problematic increase in the number and impact of unpermitted commercial events. Staff's primary objectives with the recommended zoning text amendments under consideration at this hearing are to:

- Remove event provisions from the agritourism-related ordinance and place them in the Temporary Event ordinance for clarity and address concerns that events in agricultural areas would only be available to certain agritourism uses;
- Revise the existing Temporary Event Ordinance to make permanent the provisions of Ordinance No. 2023-11, (Urgency Ordinance Extending Regulations Related To Commercial Temporary Events);
- Refine the event definition to ensure that events with more 75 persons on any agricultural property would require a permit;
- Refine provisions related to commercial events to provide that agricultural properties that contain a residence are able to apply for a land use permit to host commercial events;
- Refine size limitations for wineries to remove a prohibition on wineries being located on parcels smaller than 5 acres.

History of Board Direction on Agritourism

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 the Department of Conservation and Development (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.

Public engagement process on agritourism

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 policy review process was held over a 12-month period starting in 2018. These large meetings, which ranged from 20-70 participants per meeting, were held in Martinez, Danville, and Knightsen. Participants that attended the meetings came from diverse backgrounds, including individuals from the farming and ranching community, rural residents, proponents of various agricultural commercial ventures, and 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). 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.

Report with Recommendations on Agritourism

The result of the extensive stakeholder collaboration was the Recommendations on Reforming Agricultural Land Use Policies in Contra Costa County To Improve Both Economic Vitality and Sustainability Report ("Report"). The Report, included 18 recommendations to promote and preserve agriculture in Contra Costa County.

The Report recommends authorizing various new types of lodging accommodations in agricultural areas, including short-term rentals for 90 days or less, farm stays for up to 90 days, bed-and-breakfast, and camping/yurts. The Report also recommends authorizing food service uses in agricultural areas, including farm dinners and farm-to-table restaurants. The Report also recommends updating the County's winery policies and authorizing certain new uses to host large events. The Report discussed the possible permits that may be required, in addition to other permits required by other agencies.

Recommendations in the Report to promote agriculture in Contra Costa County include equestrian and bike trails to connect farms, 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.

Board Action on Agritourism Report

The Report was presented to and accepted by the Board of Supervisors on February 4,

2020. Since then, the County has updated the Sign Ordinance. DCD has also undertaken the extensive effort to establish a regulatory framework in this proposed zoning text amendment for permitting, establishing, and operating agritourism uses, as discussed in the Report.

County Planning Commission Meetings on Agritourism

The zoning text amendments were heard by the County Planning Commission at two separate public hearings. The first hearing was held on February 22, 2023. The public submitted comments both by letter prior to the Commission hearing and at the Commission hearing. After considering the comments submitted, the Commission voted to continue the public hearing to a future date as determined by County staff to allow staff to address the comments received and provide any appropriate revisions to the draft zoning text amendment. The comments were related to illuminated signs, retail water supplier requirement, allow agricamping in travel trailers, seasonality of produce may preclude some agricultural operations from meeting the 50% requirement for farm-to-table restaurants, allow mobile food vendors on a private parcel where an agritourism use is authorized, increasing the maximum number of events, requirement for 80% of property to be engaged in agricultural activities and kept free of structures for hillside properties, and noise from large events.

In response to public comments and comments from the Commission, staff prepared a revised draft ordinance, which was presented and heard at the June 7, 2023 County Planning Commission. The public submitted comments both by letter prior to the Commission hearing and at the Commission hearing. The comments were primarily related to concerns only allowing large events for the following agritourism uses wineries/olive oil mills, bed and breakfast, and farm-to-table. A public comment regarding the lot size minimum specifically for wineries was also a concern by a member of the public. Another public comment raised was regarding the unpermitted parties and the noise generated from these events. After considering all comments received, the Commission voted unanimously to recommend that the Board of Supervisor's adopt the zoning text amendment to the County Zoning Code related to agritourism.

Staff Follow-Up Meetings

After the County Planning Commission's decision to recommend adoption of the Agritourism Ordinance, staff met separately with three members of the public who commented during the hearing to have a better understanding of their concerns. Staff met with Mark Scheberies and Beatrice Schmugler - Alhambra Christmas Tree Farm, John Bry - Perfusion Vineyard, and Liz DiGiorgio - Contra Costa County Farm Bureau. The concerns raised were similar to the ones raised at the June 7, 2023 Commission hearing. Following these meetings staff determined to recommend further refinements to the Planning Commission before proceeding to the Board of Supervisors.

III. SUMMARY OF ZONING TEXT AMENDMENTS

Staff considered the comments heard at the hearing and the follow-up meetings. The proposal is to revise the draft Agritourism Ordinance and amend the Temporary Events Ordinance to address the concerns raised. The primary concerns were related to only allowing large events for wineries/olive oil mills, bed and breakfast, and farm-to-table, lot size requirement for wineries/olive oil mills, and restriction on events Below is a summary of the changes for each ordinance.

Proposed Changes to Draft Agritourism Ordinance

The changes to the draft Agritourism Ordinance would remove the section on large events and references to large events, and remove the minimum lot size, retail water supplier requirement and agricultural activities and promotion plan for wineries and olive oil mills. Clarification is also included in the draft Agritourism Ordinance that a farm dinner is not an event subject to the requirements of the Temporary Events Ordinance.

Proposed Changes to Draft Temporary Events Ordinance

The proposed changes to the Temporary Events Ordinance integrate the provisions of Ordinance No. 2023-11, (Urgency Ordinance Extending Regulations Related To Commercial Temporary Events).

Changes include updates to the definition section of the ordinance, addition of noise restrictions, a list of conditions applicable when a land use permit is required for an event venue in an agricultural zoning district, updates to the enforcement of the ordinance, and the addition of the responsible party.

The definition of event is proposed to be updated to include gatherings of more 75 people on agriculturally-zoned properties. Additionally, “at a residence” is also defined to clarify the reference in the event definition. The definition of a commercial event is also modified to include clarification that an event that requires paid admission or charges parking or that is open or advertised to the general public would be considered a commercial event.

The addition of definitions for outdoor assemblage, persons at a venue, and vacant lot is also included in the amendment to the ordinance. The addition of noise restrictions for all events includes maximum noise levels and prohibited hours for amplified sound.

A list of conditions applicable to the issuance of a land use permit for an event located in an agricultural zoning district are also included in the ordinance. The conditions include the following: events at a venue located in an agricultural zoning district may only be issued if authorized events are an accessory use of the agricultural use established for the property and a finding is made that the events is consistent with agricultural vitality, maximum number of events and maximum of people of limited based on impacts to neighboring properties, prohibited hours for amplified noise, and exterior lighting must be directed downward and away from adjacent properties. The maximum number of events would be determined by considering the lot size of the event venue, availability of parking to serve the event venue, proximity of surrounding residences, the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties, the compatibility of events with neighboring uses, and the degree to which events conflict with the property’s primary use of agriculture. On a parcel of less than 40 acres, the maximum number of events per calendar year that may be authorized by a land use permit is six. On a parcel of 40 or more acres, the maximum number of events per calendar year that may be authorized by a land use permit is 26. The maximum number of people would be determined by the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, and the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties.

The amendment also updates the enforcement of the Temporary Events Ordinance to include remedies of administrative fines, citations, and cease and desist order, officials to enforce the ordinance, and holding commercial event organizers, in addition to

property owners, liable for illegal commercial events.

IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION

The Zoning Text Amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3).

CEQA Guidelines section 15061(b)(3) is the "common sense exemption." The proposed actions would authorize the establishment of agritourism uses in agricultural zoning districts after the issuance of a ministerial permit or a land use permit. No specific project is approved with this Zoning Text Amendment. The proposed new uses that could foreseeably have an environmental impact would each require separate discretionary permits and be subject to individual environmental review pursuant to CEQA. Some uses could be approved with a ministerial permit and that action would be statutorily exempt from CEQA. However, such proposed uses are minor extensions of existing allowed uses, are subordinate to the primary agricultural use, and are subject to specific standard requirements related to lot area, number of bedrooms and guests, number of events, noise, and light. Thus, it can be seen with certainty that there is no possibility that the proposed actions could have a significant effect on the environment.

The zoning text amendment to amend to Chapter 82-44 (Temporary Events) includes additional land use permit conditions for events located in an agricultural zoning district, additional noise restrictions, additional restrictions on commercial events, and authorization for additional enforcement pathways for violations of the ordinance. These amendments would establish more restrictive regulations on a land use already permitted in the County. Accordingly, it can be seen with certainty that there is no possibility that the proposed actions could have a significant effect on the environment.

V. CONCLUSION

The proposed zoning text amendment would authorize agritourism uses in agricultural zoning districts in the County and would establish standards for these uses that would preserve agricultural land consistent with the County General Plan. Additionally, the zoning text amendment would amend the Temporary Events

Ordinance to allow large events in agricultural districts, provide noise restrictions, regulate commercial events, and authorize Sheriff's deputies, in addition to code enforcement officers to enforce the Temporary Events Ordinance. Therefore, staff recommends the Commission recommend that the Board of Supervisors approve the zoning text amendments.

Attachments:

- Attachment A - Draft Agritourism Ordinance
- Attachment B – Redlined Version of Draft Agritourism Ordinance
- Attachment C – Draft Temporary Events Ordinance
- Attachment D – Redlined Version of Draft Temporary Events Ordinance
- Attachment E – Urgency Ordinance No. 2023-11

ORDINANCE NO. 2023-___ **DRAFT**

AUTHORIZING AGRITOURISM USES IN AGRICULTURAL ZONING DISTRICTS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION 1. SUMMARY. This ordinance establishes size and location standards, sales requirements, and other regulations governing agritourism uses in agricultural zoning districts. This ordinance also recodifies Chapter 88-20 (Agricultural Farm Stands and Farm Markets) as Chapter 824-4 (Grower Stands, Farm Stands, and Farm Markets). This ordinance also amends Chapters 84-82 and 84-84 to allow stables in A-40 and A-80 agricultural zoning districts with the issuance of a land use permit.

SECTION 2. Division 824 is added to the County Ordinance Code, to read:

Division 824
AGRITOURISM

Chapter 824-2
GENERAL AGRITOURISM REGULATIONS

824-2.002 Purpose and Intent. The purpose of this division is to establish zoning regulations to allow for a variety of agritourism uses in agricultural zoning districts. Agritourism uses are uses that are located at a working farm, ranch, or other agricultural operation; are accessory to a primary agricultural use; are conducted for the enjoyment and education of visitors, guests, or clients; and generate income for the owner or operator of the working farm, ranch, or other agricultural operation. (Ord. 2023-__ § 2.)

824-2.004 Definitions. For purposes of this division, the following words and phrases have the following meanings:

(a) "Agricamping establishment" means an establishment that provides food and lodging in accordance with this division.

(b) "Agritourism lodging establishment" means a residence in an agricultural zoning district that is used as a bed and breakfast establishment or a farm stay establishment.

(c) "Agritourism use" means any of the following uses located in an agricultural zoning district: agricamping; agritourism lodging establishment; farm dinner; farm market; farm stand; farm-to-table restaurant; grower stand; olive oil mill; or winery.

(d) "Bed and breakfast establishment" means an establishment that provides food and lodging in accordance with this division.

(e) “Farm dinner” means an occasion where food is provided in accordance with this division.

(f) “Farm market” means an area accessory to an on-site agricultural operation that is used to sell farm products, value-added farm products, and non-agricultural items, as specified, where the total sales area does not exceed 3,500 square feet.

(g) “Farm product” includes any of the following in its raw or natural state: any agricultural, horticultural, viticultural, or vegetable product of the soil; poultry products; livestock products; and apiary products. “Farm product” does not include any livestock, poultry, fish, or shellfish.

(h) “Farm stand” means an area accessory to an on-site agricultural operation that is used primarily to sell farm products, value-added farm products, and non-agricultural items, as specified, where the total sales area does not exceed 1,500 square feet.

(i) “Farm stay establishment” means an establishment that provides food and lodging in accordance with this division.

(j) “Farm-to-table restaurant” means a restaurant that provides food in accordance with this division.

(k) “Grower stand” means an area accessory to an on-site agricultural operation that is used to sell farm products produced on-site or proximate to the site, as specified, where the total sales area does not exceed 1,500 square feet.

(l) “Non-agricultural item” means any item offered for sale other than farm products and value-added farm products.

(m) “Olive oil mill” means an operation for the processing of olives into olive oil. An olive oil mill may be a small olive oil mill or a large olive oil mill.

(n) “Olive oil production facility” means a facility or facilities at an olive oil mill used for any of the following activities or uses: harvesting, milling, pressing, and crushing fresh olives; extraction and blending of olive oil; bottling and labeling of olive oil; storage of olive oil; laboratory facilities; administrative offices; shipping, receiving, and distribution of olive oil; equipment storage and repair; composting and removal of olive pomace and other agricultural product waste, and agricultural wastewater treatment. A tasting area or on-site sales area at an olive oil mill is not part of the olive oil production facility at the olive oil mill.

(o) “Responsible party” means a person that is designated by the applicant as a point of contact for the agritourism use.

(p) “Value-added farm product” means a farm product that has been changed from its natural

state to an item in a different form through canning, drying, freezing, preserving, fermenting, compounding, processing, packing, or a similar alteration, so as to increase the value of the farm product.

(q) "Wine production facility" means a facility or facilities at a winery used for any of the following activities or uses: crushing or pressing grapes; fermenting wine; aging wine; processing and blending of wine; bottling and labeling of wine; storage of wine in cellars, vats, barrels, bottles, or cases; laboratory facilities; administrative offices; shipping, receiving, and distribution of wine; truck scales; equipment storage and repair; composting of grape byproducts and other agricultural product waste, and agricultural wastewater treatment. A tasting area or on-site sales area at a winery is not part of the wine production facility at the winery.

(r) "Winery" means an operation for the fermentation and processing of grapes into wine, or the refermentation of still wine into sparkling wine. A winery may be a small winery or a large winery. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.006 Location.

(a) An agritourism use that complies with the provisions of this division may be located on any legal lot in an agricultural district (A-2, A-3, A-4, A-20, A-40, and A-80).

(b) Multiple agritourism uses may be permitted on the same lot, except as follows:

(1) A farm stay establishment and a bed and breakfast establishment may not be permitted on the same lot.

(2) A farm dinner and a farm-to-table restaurant may not be permitted on the same lot.

(3) A farm market and a farm stand may not be permitted on the same lot.

(4) A farm market and a grower stand may not be permitted on the same lot.

(5) A farm stand and a grower stand may not be permitted on the same lot.

(6) A small olive oil mill and a large olive oil mill may not be permitted on the same lot.

(7) A small winery and a large winery may not be permitted on the same lot. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.008 Accessory Use. An agritourism use is allowed only if it is an accessory use on a property that is used for agriculture, as defined in Section 82-4.206. If property is located in an agricultural zoning district but the property is not used for agriculture, then no agritourism use is

allowed on the property. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.010 Parking.

(a) Adequate parking for consumers and employees must be provided at an agritourism use. If an agritourism use consists of a structure, one off-street parking space must be provided for each 300 square feet of structural floor area, with a minimum of two parking spaces. Each required off-street parking space must be at least nine feet by 19 feet in size. The required parking spaces may be dirt or gravel. The required parking spaces need not be paved, striped, or otherwise improved, but must be identifiable. Parking spaces must be oriented such that vehicles are not required to back onto a public road.

(b) Safe access to and from a public road must be provided with a durable, dustless surface, such as compacted gravel or a similar permeable surface, or asphalt, except that within 20 feet of a public road all access surfaces must be asphalt. A defined point of ingress and egress must be provided. An encroachment permit must be obtained for a new point of access to a public road.

(c) The parking requirements of Chapter 82-16 do not apply to this division. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.012 Signs.

(a) One or more on-site commercial signs are allowed on a lot with an agritourism use. An "on-site commercial sign" is a sign that directs attention to the business activity conducted or products sold or produced on the lot where the agritourism use is located.

(b) The following on-site commercial signs may be located on a lot with an agritourism use:

(1) One free-standing on-site commercial sign that does not exceed 12 feet in height or the height of the tallest structure, whichever is lower, and whose total display surface area does not exceed 32 square feet if the sign is single-sided or 64 square feet if the sign is double-sided.

(2) Additional on-site commercial signs that are affixed directly to any structure with an indoor sales area.

(3) One or more additional free-standing on-site commercial signs. No additional free-standing sign shall exceed 12 feet in height or have a display surface area greater than 16 square feet.

(c) The total display surface area of all on-site commercial signs on a lot with an agritourism use shall not exceed 128 square feet.

(d) An on-site commercial sign may not encroach on any public right of way and may not

conflict with any applicable sight distance.

(e) An on-site commercial sign may not be illuminated unless expressly authorized by a land use permit. All illuminated signs shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties, public rights-of-way, and driveway areas. The land use permit may include conditions as to the time, intensity, direction, and quality of illumination to mitigate any negative impacts of illumination.

(f) All signs and sign structures shall be maintained in a safe and structurally sound manner free from deterioration, rust, rot, and loose parts. Each sign face must be clean and neatly painted at all times.

(g) A temporary on-site commercial sign must be removed when not in use.

(h) An on-site commercial sign or signs authorized by this division may contain noncommercial copy in lieu of other copy. Nothing in this division may be construed as regulating or restricting the use of noncommercial copy or message on any sign allowed under this section.

(i) If an agritourism use is lawfully established under the provisions of this division, on-site commercial signs that meet the requirements of this section are allowed without a separate permit.

(j) Off-site commercial signs are prohibited on a lot with an agritourism use. An "off-site commercial sign" is an advertising sign that directs attention to a business activity conducted or product or services sold or offered at a location not on the lot where the agritourism use is located. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.014 Height and Setbacks. An agritourism use must comply with the height and setback requirements that apply in the zone in which the property is located. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.016 Events. The requirements of Chapter 82-44, Temporary Events, apply to this division. (Ord. 2023-__ § 2.)

824-2.018 Permits.

(a) No permit. No permit is required under this division for a grower stand that meets the standards contained in this division.

(b) Ministerial permit.

(1) Unless a land use permit is otherwise required by subsection (c), below, a ministerial permit is required before any of the following uses may be established under this division: farm stand; farm stay; farm dinner; small winery without a

tasting/on-site sales area; or small olive oil mill without a tasting/on-site sales area.

(2) An application for a ministerial permit must be made in writing and contain sufficient information to allow the Department of Conservation and Development to determine if the agritourism use will meet the standards in this division.

(3) An application for a ministerial permit will be approved without discretionary review or public hearing unless any of the following grounds for denial exist:

(A) The application is incomplete.

(B) The applicant has not paid all required fees in accordance with the fee schedule adopted by the Board of Supervisors.

(C) The applicant is delinquent in the payment of County taxes.

(D) A separate agritourism use permit associated with the location or the applicant was revoked within 24 months before the date of application.

(E) A structure proposed for an agritourism use violates any provision of this code, including the building standards in Title 7.

(4) After a ministerial permit for farm stay or farm dinner is issued, the department will notify all owners of property within 300 feet of the farm stay or farm dinner that a permit was issued. The notice will be in writing and contain the location of the farm stay or farm dinner, contact information for the responsible party associated with the permit, contact information for county code enforcement, and a website address where the agritourism ordinance is listed.

(5) A ministerial permit for farm stay or farm dinner expires one year from the date the permit was approved, unless it is revoked sooner.

(6) An application to renew a ministerial permit for farm stay or farm dinner must be filed with the Department of Conservation and Development at least 30 days before the permit expires.

(7) An application to renew a ministerial permit for farm stays or farm dinners will be approved ministerially unless any of the following grounds for denial exist:

(A) Any of the grounds for denial under subsection (3) exist.

(B) The application is filed less than 30 days before the permit expires.

(C) The permit is revoked or is the subject of a revocation proceeding at the

time of application.

(8) A short-term rental proposed for an agricultural zoning district must comply with the permit requirements of Chapter 88-32.

(c) Land use permit.

(1) A land use permit is required before three or more of the following uses may be established on a lot under this division: farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area; or small olive oil mill without a tasting/on-site sales area.

(2) A land use permit is required before any of the following uses may be established under this division: agricamping; bed and breakfast; farm market; farm-to table-restaurant; large olive oil mill; large winery; small olive oil mill with a tasting/on-site sales area; or small winery with a tasting/on-site sales area.

(3) An application to establish a land use permit under this division must contain all of the information required by Article 26-2.20 of this code.

(4) An application for a land use permit under this division will be decided in accordance with Article 26-2.20 of this code. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.020 Fees. Application, review, and permit fees for agritourism uses will be in amounts established by the Board of Supervisors in the Conservation and Development Department's fee schedule. (Ords. 2023-__ § 2, 2007- 23 § 2.)

824-2.022 Other Laws. Agritourism uses also may be subject to ordinances, statutes and regulations administered by other county departments, including the building department, health department, public works department, and agricultural commissioner's office, and may be subject to state and federal laws and regulations. The establishment of an agritourism use under this division does not relieve anyone from the obligation to obtain any other permit or license required by this code or state or federal law. Nothing in this division authorizes the establishment of a microenterprise home kitchen operation. (Ords. 2023-__ § 2, 2007-23 § 2.)

Chapter 824-4
GROWER STANDS, FARM STANDS, AND FARM MARKETS

824-4.002 Purpose and Intent. The purpose of this chapter is to establish zoning regulations to allow for the direct marketing of farm products from agricultural producers to consumers, which the California Legislature has found benefits the agricultural community and the consumer. (Food and Agricultural Code, sections 47000 and following.) This chapter is intended to allow facilities that are accessory to on-site agricultural operations where agricultural products are produced to sell these products as specified, and is not intended to encourage the establishment of traditional retail stores or convenience markets in agricultural zoning districts. (Ords. 2023-__

§ 2, 2007-23 § 2.)

824-4.004 Sales Areas.

(a) A grower stand, farm stand, or farm market may consist of one or more outdoor sales display areas, one or more structures with an indoor sales area, or both.

(b) The total sales area of a grower stand or farm stand, including all outdoor and indoor sales areas, may not exceed 1,500 square feet.

(c) The total sales area of a farm market, including all outdoor and indoor sales areas, may not exceed 3,500 square feet. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-4.006 Product Sales.

(a) Grower Stands.

(1) A grower stand may sell farm products produced on-site or proximate to the site. Vending machines that dispense bottled or canned drinks may also be located at a grower stand.

(2) The sale at a grower stand of any of the following is prohibited: value-added farm products; non-agricultural items, except for bottled or canned drinks dispensed from vending machines; and farm products not produced on-site or proximate to the site.

(b) Farm Stands.

(1) A farm stand may sell farm products produced on-site or proximate to the site.

(2) Up to 40 percent of the total sales area at a farm stand may be used for the sale of any or all of the following: value-added farm products produced on-site or proximate to the site; farm products not produced on-site or proximate to the site; and non-agricultural items. No more than 10 percent of the total sales area of a farm stand may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.

(c) Farm Markets.

(1) A farm market may sell farm products produced on-site or proximate to the site and value-added farm products produced on-site or proximate to the site.

(2) Up to 20 percent of the total sales area at a farm market may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.

(d) No petroleum products or tobacco may be sold or dispensed at any grower stand, farm stand, or farm market.

(e) Except as otherwise provided in this chapter, nothing may be sold from a motorized vehicle at any grower stand, farm stand, or farm market unless the vehicle is owned by the property owner and all sales from the vehicle are in compliance with this chapter. (Ords. 2023-__ § 2, 2007-23 § 2.)

Chapter 824-6
WINERIES AND OLIVE OIL MILLS

824-6.002 Accessory Facilities.

(a) Production Facilities. The cumulative maximum floor area of all wine production facilities at a winery or all olive oil production facilities at an olive oil mill is 5,000 square feet.

(b) Tasting/On-Site Sales Areas. The cumulative maximum floor area of all tasting areas and on-site sales areas at a winery or olive oil mill is 30 percent of the total floor area of all wine production facilities at the winery or olive oil production facilities at the olive oil mill. (Ord. 2023-__ § 2.)

824-6.004 Production Standards.

(a) Production Capacity.

(1) Wineries. A small winery may produce no more than 50,000 gallons of wine annually. A large winery may produce more than 50,000 gallons of wine annually.

(2) Olive Oil Mills. A small olive oil mill may produce no more than 50,000 gallons of olive oil annually. A large olive oil mill may produce more than 50,000 gallons of olive oil annually.

(b) Production Ingredients.

(1) A minimum of 25 percent of a winery's production or an olive oil mill's production must be from fruit grown on the premises.

(2) A minimum of 50 percent of a winery's production or an olive oil mill's production must be from fruit grown in Contra Costa County.

(3) The owner of a winery or olive oil mill must maintain records showing the total annual production amount from fruit grown on the premises and the amount from

fruit imported from off the premises. The records must indicate the dates of receipt and the quantities of all imported fruit, and the name and location of the growing operation from which the fruit is imported. (Ord. 2023-__ § 2.)

824-6.006 Food Service. A winery or olive oil mill may serve food as part of a wine tasting or olive oil tasting. The following standards apply to food service at a winery or olive oil mill.

(a) Food service must be incidental to the tasting of wine or olive oil.

(b) Food may not be sold separately from the wine or olive oil tasting.

(c) Food service must be limited to small appetizer-size portions with a fixed menu selected by the winery or olive oil mill. Food service may not involve menu options and meal service so that the winery or olive oil mill functions as a café or restaurant.

(d) Food service must be limited to one food sample per type of wine or olive oil. (Ord. 2023-__ § 2.)

824-6.08 Winery Permits and Licenses. In addition to all other permits and licenses required by this code, state law, and federal law, a winery must have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited. (Ord. 2023-__ § 2.)

Chapter 824-8
LODGING IN AGRICULTURAL DISTRICTS

824-8.002 Agritourism Lodging.

(a) Agritourism lodging may be provided only in a legally established residence or legally established residential accessory structure. Agritourism lodging may not be located within agricultural employee housing, seasonal or year-round farmworker housing, or accessory dwelling units.

(b) The minimum parcel size for an agritourism lodging establishment is 10 acres.

(c) The owner of the land on which agritourism lodging is provided, or a tenant farmer, must reside on the property.

(d) An agritourism lodging establishment may have a maximum of five bedrooms or sleeping rooms used for lodging.

(e) The maximum overnight occupancy for agritourism lodging is two persons per bedroom or sleeping room. Children under 18 years of age are not counted toward occupancy. The maximum number of agritourism lodging guests that may be on the premises at any one time is 10.

(f) An agricultural lodging establishment may not provide lodging to a guest for more than 30 consecutive days.

(g) Food Service.

(A) An agricultural lodging establishment may serve food or meals at any time, but only to registered guests.

(B) The price of food served at a farm stay establishment or bed and breakfast establishment must be included in the price of the lodging.

(C) No kitchen or kitchenette facilities are allowed in a guest room within an agritourism lodging establishment.

(h) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device outside the agritourism lodging establishment is prohibited during quiet hours.

(i) Exterior lighting must be directed downward and away from adjacent properties.

(j) The operator of an agricultural lodging establishment must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the lodging.

(k) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the agricultural lodging, including how the program will promote local agriculture and educate guests.

(l) Farm stay establishments. The following additional standard applies to farm stay establishments: the maximum number of days a farm stay establishment may host guests in a calendar year is 90 days.

(m) Bed and breakfast establishments. The following additional standards apply to bed and

breakfast establishments.

(1) At least 80 percent of a parcel where a bed and breakfast establishment is located must be engaged in agricultural activities and kept free of structures.

(2) A bed and breakfast establishment may only be located on a lot served by a retail water supplier or within the boundaries of the East Contra Costa County Groundwater Subbasin. A "retail water supplier" is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier.

(3) In land use districts where a bed and breakfast establishment regulated by this division would otherwise be a permitted use, it is unlawful to establish a bed and breakfast establishment if the location of the bed and breakfast establishment is within one-quarter mile of any parcel occupied by any other bed and breakfast establishment. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel on which the bed and breakfast establishment will be established to any point on the property line of the other parcel. (Ord. 2023-__ § 2.)

824-8.004 Agricamping.

(a) Agricamping may be provided only in camping structures, including tent cabins and yurts, or in travel trailers owned by the property owner. Camping in tents, guest-owned structures, or guest-owned travel trailers is not allowed.

(b) The minimum parcel size for an agricamping establishment is 10 acres.

(c) The owner of the land on which agricamping is provided, or a tenant farmer, must reside on the property.

(d) An agricamping establishment may have a maximum of five total camping structures or travel trailers.

(e) The maximum overnight occupancy for agricamping is two persons per camping structure or travel trailer. Children under 18 years of age are not counted toward occupancy. The maximum number of agricamping guests that may be on the premises at any one time is 10.

(f) An agricamping establishment may not provide lodging to a guest for more than 30 consecutive days.

(g) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be

heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at the agricamping establishment is prohibited during quiet hours.

(h) Exterior lighting must be directed downward and away from adjacent properties.

(i) An agricamping establishment may serve food or meals at any time, but only to registered guests. No camp stove, kitchen, or kitchenette facilities are allowed in a camping structure or travel trailer.

(j) The operator of an agricamping establishment must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the lodging.

(k) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the agricamping, including how the program will promote local agriculture and educate guests. (Ord. 2023-__ § 2.)

Chapter 824-10
FOOD SERVICE IN AGRICULTURAL DISTRICTS

824-10.002 Farm Dinners.

(a) Up to 12 farm dinners may be hosted at a property per year.

(b) The maximum number of guests at a farm dinner is 30, except that one farm dinner with a maximum of 150 guests may be held at a property annually. A farm dinner is not an event subject to the requirements of Chapter 82-44, Temporary Events.

(c) A farm dinner may be hosted in an existing structure, outdoors on a property, on a patio, or on a deck. If a farm dinner is hosted in an existing structure, the structure must meet all building codes and fire codes that apply to the proposed number of guests.

(d) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at a farm dinner is prohibited during quiet hours.

(e) Exterior lighting must be directed downward and away from adjacent properties.

(f) The host of a farm dinner must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the farm dinner.

(g) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the farm dinner, including how the program will promote local agriculture and educate guests.

(h) This section does not authorize the establishment of a microenterprise home kitchen operation. Food served at a farm dinner must be prepared in accordance with all applicable local, state, and federal laws and regulations. (Ord. 2023-__ § 2.)

824-10.004 Farm-to-Table Restaurant.

(a) A farm-to-table restaurant may be established in an existing structure or in a new structure.

(b) The minimum parcel size for farm-to-table restaurant is 10 acres.

(c) The maximum dining area size in a farm-to-table restaurant is 1,500 square feet.

(d) The maximum dining area capacity in a farm-to-table restaurant is 35 guests.

(e) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device outside the farm-to-table restaurant is prohibited during quiet hours.

(f) Exterior lighting must be directed downward and away from adjacent properties.

(g) Unless otherwise provided in a land use permit, at least 50 percent of the fruits and vegetables served at a farm-to-table restaurant must be grown on-site. A land use permit may, based the site's agricultural activities and seasonal impacts on production, authorize a different percentage of fruits and vegetables grown on-site that must be served at the farm-to-table restaurant. At least 75 percent of the fruits and vegetables served at a farm-to-table restaurant must be grown within Contra Costa County.

(h) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also demonstrate how the farm-to-table restaurant will meet the percentage requirements for fruits and vegetables that must be grown on-site. The plan must also describe the agricultural promotion program associated with the farm-to-table restaurant, including how the program will promote local agriculture and educate guests.

(i) At least 80 percent of a parcel where a farm-to-table restaurant is located must be engaged in agricultural activities and kept free of structures.

(j) A farm-to-table restaurant may only be located on a lot served by a retail water supplier or within the boundaries of the East Contra Costa County Groundwater Subbasin. A "retail water supplier" is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier.

(k) In land use districts where a farm-to-table restaurant regulated by this division would otherwise be a permitted use, it is unlawful to establish a farm-to-table restaurant if the location of the farm-to-table restaurant is within one mile of any parcel occupied by any other farm-to-table restaurant. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel on which the farm-to-table restaurant will be established to any point on the property line of the other parcel. (Ord. 2023-__ § 2.)

824-10.006 Mobile Food Vendors.

(a) Except as otherwise provided for in this section, a food truck or other mobile food vendor may not operate on any private parcel where an agritourism use is authorized under this division.

(b) A food truck or other mobile food vendor may operate on a private parcel where an agritourism use is authorized in any of the following circumstances.

(1) The agritourism use is a grower stand, farm stand, or farm market, and the total number of days that a food truck or other mobile food vendor operates on the private parcel does not exceed three days in a calendar year.

(2) A land use permit issued under this division authorizes a food truck or other mobile food vendor to operate on the private parcel.

(3) The food truck or other mobile food vendor is part of a temporary event authorized under Chapter 82-44. (Ord. 2023-__ § 2.)

SECTION 3. Chapter 88-20 of the County Ordinance Code is repealed.

SECTION 4. Section 84-38.404 of the County Ordinance Code is amended to read:

84-38.404 Uses—Requiring land use permit. The following uses may be allowed in an A-2 district on the issuance of a land use permit:

(1) Publicly owned parks and playground.

(2) Dude ranches, riding academies and stables, and dog kennels.

(3) Publicly owned buildings and structures, except as provided in Division 82.

(4) Commercial radio and television receiving and transmitting facilities but not including broadcasting studios or business offices.

(5) Wind energy conversion systems. This use is allowed without a land use permit if used only as an accessory to an allowable residential or agricultural use.

(6) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses.

(7) Hospitals, animal hospitals, eleemosynary and philanthropic institutions, and convalescent homes.

(8) Churches, religious institutions, and parochial and private schools.

(9) Community buildings, clubs, and activities of a quasi-public, social, fraternal, or recreational character, such as golf, tennis or swimming clubs, or veterans' or fraternal organizations. These uses are prohibited if organized for monetary profit.

(10) One additional single family dwelling.

(11) Medical and dental offices and medical clinics.

(12) Merchandising of agricultural supplies and services incidental to an agricultural use.

(13) Commercial kitchens or other facilities for creating value-added farm products.

(14) Canneries.

(15) Slaughterhouses and stockyards.

(16) Rendering plants and fertilizer plants or yards.

(17) Livestock auction or sales yards.

(18) Commercial recreational facilities when the principal use is not in a building.

(19) Boat storage facilities within one mile by public road of a boat launching facility open to the public. 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.

(20) Retail firewood sales.

(21) Recycling operations intended to sort or process material for reuse. Junkyards, defined in Section 88-4.206, are prohibited.

(22) Museums in which objects of historical, artistic, scientific or cultural importance are preserved and displayed.

(23) A farm market.

(24) Agricultural cold storage plants on parcels less than ten acres in size.

(25) Farmworker housing center.

(26) Commercial cannabis activities that meet the requirements of Chapter 88-28. (Ords. 2023-XX § 4, 2022-37 § 8, 2018-18 § 5, 2017-14 § 10, 2013-12 § 6, 2009-12 § 3, 2007-23 § 4, 2003-11 § 3, 94-28 § 2, 89-46 § 2, 76-36 § 3, 7437 § 2, 60-82, 1988, 1569 § 2: prior code § 8156(b): Ords. 1406 § 3, 497 § 4, 382 § 4E).

SECTION 5. Section 84-42.404 of the County Ordinance Code is amended to read:

84-42.404 Uses—Requiring land use permit. The following uses may be allowed in an A-4 district on the issuance of a land use permit:

(1) Related commercial agricultural uses including the erection or modification of sheds, warehouses, granaries, hullers, dryers, fruit and vegetable packing and buildings for the storage of agricultural products and equipment.

(2) A farm market.

(3) A detached single-family dwelling on each parcel and the accessory structures and uses normally auxiliary to it. 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. A separate land use permit is required for one additional single-family dwelling on the parcel.

(4) Wholesale nurseries and greenhouses.

(5) Hog ranches.

(6) Dairying.

(7) Fur farms.

(8) Livestock and feed yards.

(9) Poultry raising.

(10) Commercial fish farming.

(11) Commercial kitchens or other facilities for creating value-added farm products.

(12) Canneries.

(13) Mushroom houses.

(14) Commercial radio and television receiving and transmitting facilities but not including broadcasting studios or business offices.

(15) Those uses described in Government Code Section 51201(e).

(16) Wind energy conversion systems, except when used only as an accessory to an allowable residential or agricultural use.

(17) Farmworker housing center. (Ords. 2023-XX § 5, 2017-14 § 12, 2013-12 § 7, 2007-23 § 6, 2006-19 § 8, 2003-12 § 2, 86-61 § 3, 84-24 § 3, 68-54 § 1 (part), 1968: prior code § 8169(b)).

SECTION 6. Section 84-80.404 of the County Ordinance Code is amended to read:

84-80.404 Uses with land use permit. The following uses may be allowed in an A-20 district on the issuance of a land use permit:

(1) Merchandising of agricultural supplies and services incidental to agricultural use.

(2) Commercial kitchens or other facilities for creating value-added farm products.

(3) Canneries.

(4) Cold storage plants.

(5) Rendering plants and fertilizer plants or yards.

(6) Livestock auction or sales yards.

(7) Wholesale nurseries and greenhouses.

(8) Mushroom houses.

(9) Processing of milk not produced on premises.

(10) Dude ranches, riding academies, stables, dog kennels.

(11) Hospitals, eleemosynary and philanthropic institutions, convalescent homes, and animal hospitals.

(12) Churches, religious institutions, parochial and private schools.

(13) Community buildings, clubs, activities of a quasi-public, social, fraternal or recreational character.

(14) Medical and/or dental offices and clinics.

(15) Boat storage area within one mile by public road of a public boat launching facility.

(16) Oil and gas drilling and production including the installation and use of only such equipment necessary and convenient for drilling and extracting operations.

(17) Commercial radio and television receiving and transmitting facilities other than broadcasting studios and business offices.

(18) One additional single-family dwelling.

(19) Wind energy conversion systems, except when used only as an accessory to an allowable residential or agricultural use.

(20) A farm market.

(21) Farmworker housing center.

(22) Commercial cannabis activities that meet the requirements of Chapter 88-28.

(23) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses. (Ords. 2023-XX § 6, 2022-37 § 9, 2018-18 § 5, 2017-14 § 16, 2013-12 § 9, 2007-23 § 8, 2006-19 § 11, 86-61 § 4, 84-24 § 4, 79-108).**SECTION 7.** Section 84-82.404 of the County Ordinance Code is amended to read:

84-82.404 Differences from A-20 district.

The following regulations for A-40 districts are different from those for A-20 districts:

(1) Uses with land use permit. No land use permit may be issued in an A-40 district for the uses listed in subsections (11) through (15) of Section 84-80.404.

(2) Area. No building or other structure permitted in an A-40 district shall be erected or placed on a lot smaller than 40 acres in area. (Ords. 2023-__ § 7, 2017-14 § 17, 79-108.)

SECTION 8. Section 84-84.404 of the County Ordinance Code is amended to read:

84-84.404 Differences from A-20 district.

The following regulations for A-80 districts are different from those for A-20 districts:

(1) Uses with land use permit. No land use permit may be issued in an A-20 district for the uses listed in subsections (11) through (15) of Section 84-80.404.

(2) Area. No building or other structure permitted in an A-80 district shall be erected or placed on a lot smaller than 80 acres in area. (Ords. 2023-__ § 8, 2018-18 § 5, 2017-14 § 17, 79-108.)

SECTION 9. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: Monica Nino,
Clerk of the Board of Supervisors
and County Administrator

_____
Board Chair

By: _____ [SEAL]
Deputy

TLG:

ORDINANCE NO. 2023-___ **DRAFT**

AUTHORIZING AGRITOURISM USES IN AGRICULTURAL ZONING DISTRICTS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION 1. SUMMARY. This ordinance establishes size and location standards, sales requirements, and other regulations governing agritourism uses in agricultural zoning districts. This ordinance also recodifies Chapter 88-20 (Agricultural Farm Stands and Farm Markets) as Chapter 824-4 (Grower Stands, Farm Stands, and Farm Markets). This ordinance also amends Chapters 84-82 and 84-84 to allow stables in A-40 and A-80 agricultural zoning districts with the issuance of a land use permit.

SECTION 2. Division 824 is added to the County Ordinance Code, to read:

Division 824
AGRITOURISM

Chapter 824-2
GENERAL AGRITOURISM REGULATIONS

824-2.002 Purpose and Intent. The purpose of this division is to establish zoning regulations to allow for a variety of agritourism uses in agricultural zoning districts. Agritourism uses are uses that are located at a working farm, ranch, or other agricultural operation; are accessory to a primary agricultural use; are conducted for the enjoyment and education of visitors, guests, or clients; and generate income for the owner or operator of the working farm, ranch, or other agricultural operation. (Ord. 2023-__ § 2.)

824-2.004 Definitions. For purposes of this division, the following words and phrases have the following meanings:

(a) "Agricamping establishment" means an establishment that provides food and lodging in accordance with this division.

(b) "Agritourism lodging establishment" means a residence in an agricultural zoning district that is used as a bed and breakfast establishment or a farm stay establishment.

(c) "Agritourism use" means any of the following uses located in an agricultural zoning district: agricamping; agritourism lodging establishment; farm dinner; farm market; farm stand; farm-to-table restaurant; grower stand; olive oil mill; or winery.

(d) "Bed and breakfast establishment" means an establishment that provides food and lodging in accordance with this division.

(e) "Farm dinner" means an occasion where food is provided in accordance with this division.

(f) "Farm market" means an area accessory to an on-site agricultural operation that is used to sell farm products, value-added farm products, and non-agricultural items, as specified, where the total sales area does not exceed 3,500 square feet.

(g) "Farm product" includes any of the following in its raw or natural state: any agricultural, horticultural, viticultural, or vegetable product of the soil; poultry products; livestock products; and apiary products. "Farm product" does not include any livestock, poultry, fish, or shellfish.

(h) "Farm stand" means an area accessory to an on-site agricultural operation that is used primarily to sell farm products, value-added farm products, and non-agricultural items, as specified, where the total sales area does not exceed 1,500 square feet.

(i) "Farm stay establishment" means an establishment that provides food and lodging in accordance with this division.

(j) "Farm-to-table restaurant" means a restaurant that provides food in accordance with this division.

(k) "Grower stand" means an area accessory to an on-site agricultural operation that is used to sell farm products produced on-site or proximate to the site, as specified, where the total sales area does not exceed 1,500 square feet.

~~(l) "Large event" means an occasion at an agritourism use establishment organized for a particular and limited purpose and time, not to exceed three consecutive days, and is an organized assemblage that exceeds 75 persons.~~

~~(m)~~(l) "Non-agricultural item" means any item offered for sale other than farm products and value-added farm products.

~~(n)~~(m) "Olive oil mill" means an operation for the processing of olives into olive oil. An olive oil mill may be a small olive oil mill or a large olive oil mill.

~~(o)~~(n) "Olive oil production facility" means a facility or facilities at an olive oil mill used for any of the following activities or uses: harvesting, milling, pressing, and crushing fresh olives; extraction and blending of olive oil; bottling and labeling of olive oil; storage of olive oil; laboratory facilities; administrative offices; shipping, receiving, and distribution of olive oil; equipment storage and repair; composting and removal of olive pomace and other agricultural product waste, and agricultural wastewater treatment. A tasting area or on-site sales area at an olive oil mill is not part of the olive oil production facility at the olive oil mill.

~~(p)~~(o) "Responsible party" means a person that is designated by the applicant as a point of contact for the agritourism use.

~~(q)~~(p) "Value-added farm product" means a farm product that has been changed from its natural state to an item in a different form through canning, drying, freezing, preserving, fermenting, compounding, processing, packing, or a similar alteration, so as to increase the value of the farm product.

~~(r)~~(q) "Wine production facility" means a facility or facilities at a winery used for any of the following activities or uses: crushing or pressing grapes; fermenting wine; aging wine; processing and blending of wine; bottling and labeling of wine; storage of wine in cellars, vats, barrels, bottles, or cases; laboratory facilities; administrative offices; shipping, receiving, and distribution of wine; truck scales; equipment storage and repair; composting of grape byproducts and other agricultural product waste, and agricultural wastewater treatment. A tasting area or on-site sales area at a winery is not part of the wine production facility at the winery.

~~(s)~~(r) "Winery" means an operation for the fermentation and processing of grapes into wine, or the refermentation of still wine into sparkling wine. A winery may be a small winery or a large winery. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.006 Location.

(a) An agritourism use that complies with the provisions of this division may be located on any legal lot in an agricultural district (A-2, A-3, A-4, A-20, A-40, and A-80).

(b) Multiple agritourism uses may be permitted on the same lot, except as follows:

(1) A farm stay establishment and a bed and breakfast establishment may not be permitted on the same lot.

(2) A farm dinner and a farm-to-table restaurant may not be permitted on the same lot.

(3) A farm market and a farm stand may not be permitted on the same lot.

(4) A farm market and a grower stand may not be permitted on the same lot.

(5) A farm stand and a grower stand may not be permitted on the same lot.

(6) A small olive oil mill and a large olive oil mill may not be permitted on the same lot.

(7) A small winery and a large winery may not be permitted on the same lot. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.008 Accessory Use. An agritourism use is allowed only if it is an accessory use on a property that is used for agriculture, as defined in Section 82-4.206. If property is located in an agricultural zoning district but the property is not used for agriculture, then no agritourism use is allowed on the property. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.010 Parking.

(a) Adequate parking for consumers and employees must be provided at an agritourism use. If an agritourism use consists of a structure, one off-street parking space must be provided for each 300 square feet of structural floor area, with a minimum of two parking spaces. Each required off-street parking space must be at least nine feet by 19 feet in size. The required parking spaces may be dirt or gravel. The required parking spaces need not be paved, striped, or otherwise improved, but must be identifiable. Parking spaces must be oriented such that vehicles are not required to back onto a public road.

(b) Safe access to and from a public road must be provided with a durable, dustless surface, such as compacted gravel or a similar permeable surface, or asphalt, except that within 20 feet of a public road all access surfaces must be asphalt. A defined point of ingress and egress must be provided. An encroachment permit must be obtained for a new point of access to a public road.

(c) The parking requirements of Chapter 82-16 do not apply to this division. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.012 Signs.

(a) One or more on-site commercial signs are allowed on a lot with an agritourism use. An "on-site commercial sign" is a sign that directs attention to the business activity conducted or products sold or produced on the lot where the agritourism use is located.

(b) The following on-site commercial signs may be located on a lot with an agritourism use:

(1) One free-standing on-site commercial sign that does not exceed 12 feet in height or the height of the tallest structure, whichever is lower, and whose total display surface area does not exceed 32 square feet if the sign is single-sided or 64 square feet if the sign is double-sided.

(2) Additional on-site commercial signs that are affixed directly to any structure with an indoor sales area.

(3) One or more additional free-standing on-site commercial signs. No additional free-standing sign shall exceed 12 feet in height or have a display surface area greater than 16 square feet.

(c) The total display surface area of all on-site commercial signs on a lot with an agritourism use shall not exceed 128 square feet.

(d) An on-site commercial sign may not encroach on any public right of way and may not conflict with any applicable sight distance.

(e) An on-site commercial sign may not be illuminated unless expressly authorized by a land use permit. All illuminated signs shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties, public rights-of-way, and driveway areas. The land use permit may include conditions as to the time, intensity, direction, and quality of illumination to mitigate any negative impacts of illumination.

(f) All signs and sign structures shall be maintained in a safe and structurally sound manner free from deterioration, rust, rot, and loose parts. Each sign face must be clean and neatly painted at all times.

(g) A temporary on-site commercial sign must be removed when not in use.

(h) An on-site commercial sign or signs authorized by this division may contain noncommercial copy in lieu of other copy. Nothing in this division may be construed as regulating or restricting the use of noncommercial copy or message on any sign allowed under this section.

(i) If an agritourism use is lawfully established under the provisions of this division, on-site commercial signs that meet the requirements of this section are allowed without a separate permit.

(j) Off-site commercial signs are prohibited on a lot with an agritourism use. An "off-site commercial sign" is an advertising sign that directs attention to a business activity conducted or product or services sold or offered at a location not on the lot where the agritourism use is located. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.014 Height and Setbacks. An agritourism use must comply with the height and setback requirements that apply in the zone in which the property is located. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.016 Events. ~~Except as otherwise provided for in this division, t~~The requirements of Chapter 82-44, Temporary Events, apply to this division. (Ord. 2023-__ § 2.)

824-2.018 Permits.

(a) No permit. No permit is required under this division for a grower stand that meets the standards contained in this division.

(b) Ministerial permit.

(1) Unless a land use permit is otherwise required by subsection (c), below, a ministerial permit is required before any of the following uses may be established under this division: farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area ~~and that will not host large events~~; or small olive oil mill without a tasting/on-site sales area ~~and that will not host large events~~.

(2) An application for a ministerial permit must be made in writing and contain sufficient information to allow the Department of Conservation and Development to determine if the agritourism use will meet the standards in this division.

(3) An application for a ministerial permit will be approved without discretionary review or public hearing unless any of the following grounds for denial exist:

(A) The application is incomplete.

(B) The applicant has not paid all required fees in accordance with the fee schedule adopted by the Board of Supervisors.

(C) The applicant is delinquent in the payment of County taxes.

(D) A separate agritourism use permit associated with the location or the applicant was revoked within 24 months before the date of application.

(E) A structure proposed for an agritourism use violates any provision of this code, including the building standards in Title 7.

(4) After a ministerial permit for farm stay or farm dinner is issued, the department will notify all owners of property within 300 feet of the farm stay or farm dinner that a permit was issued. The notice will be in writing and contain the location of the farm stay or farm dinner, contact information for the responsible party associated with the permit, contact information for county code enforcement, and a website address where the agritourism ordinance is listed.

(5) A ministerial permit for farm stay or farm dinner expires one year from the date the permit was approved, unless it is revoked sooner.

(6) An application to renew a ministerial permit for farm stay or farm dinner must be filed with the Department of Conservation and Development at least 30 days before the permit expires.

(7) An application to renew a ministerial permit for farm stays or farm dinners will be approved ministerially unless any of the following grounds for denial exist:

(A) Any of the grounds for denial under subsection (3) exist.

(B) The application is filed less than 30 days before the permit expires.

(C) The permit is revoked or is the subject of a revocation proceeding at the time of application.

(8) A short-term rental proposed for an agricultural zoning district must comply with the permit requirements of Chapter 88-32.

(c) Land use permit.

(1) A land use permit is required before three or more of the following uses may be established on a lot under this division: farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area ~~and that will not host large events~~; or small olive oil mill without a tasting/on-site sales area ~~and that will not host large events~~.

(2) A land use permit is required before any of the following uses may be established under this division: agricamping; bed and breakfast; farm market; farm-to table-restaurant; large olive oil mill; large winery; small olive oil mill with a tasting/on-site sales area ~~or that will host large events~~; or small winery with a tasting/on-site sales area ~~or that will host large events~~.

(3) An application to establish a land use permit under this division must contain all of the information required by Article 26-2.20 of this code.

(4) An application for a land use permit under this division will be decided in accordance with Article 26-2.20 of this code. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-2.020 Fees. Application, review, and permit fees for agritourism uses will be in amounts established by the Board of Supervisors in the Conservation and Development Department's fee schedule. (Ords. 2023-__ § 2, 2007- 23 § 2.)

824-2.022 Other Laws. Agritourism uses also may be subject to ordinances, statutes and regulations administered by other county departments, including the building department, health department, public works department, and agricultural commissioner's office, and may be subject to state and federal laws and regulations. The establishment of an agritourism use under this division does not relieve anyone from the obligation to obtain any other permit or license required by this code or state or federal law. Nothing in this division authorizes the establishment of a microenterprise home kitchen operation. (Ords. 2023-__ § 2, 2007-23 § 2.)

Chapter 824-4
GROWER STANDS, FARM STANDS, AND FARM MARKETS

824-4.002 Purpose and Intent. The purpose of this chapter is to establish zoning regulations to

allow for the direct marketing of farm products from agricultural producers to consumers, which the California Legislature has found benefits the agricultural community and the consumer. (Food and Agricultural Code, sections 47000 and following.) This chapter is intended to allow facilities that are accessory to on-site agricultural operations where agricultural products are produced to sell these products as specified, and is not intended to encourage the establishment of traditional retail stores or convenience markets in agricultural zoning districts. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-4.004 Sales Areas.

(a) A grower stand, farm stand, or farm market may consist of one or more outdoor sales display areas, one or more structures with an indoor sales area, or both.

(b) The total sales area of a grower stand or farm stand, including all outdoor and indoor sales areas, may not exceed 1,500 square feet.

(c) The total sales area of a farm market, including all outdoor and indoor sales areas, may not exceed 3,500 square feet. (Ords. 2023-__ § 2, 2007-23 § 2.)

824-4.006 Product Sales.

(a) Grower Stands.

(1) A grower stand may sell farm products produced on-site or proximate to the site. Vending machines that dispense bottled or canned drinks may also be located at a grower stand.

(2) The sale at a grower stand of any of the following is prohibited: value-added farm products; non-agricultural items, except for bottled or canned drinks dispensed from vending machines; and farm products not produced on-site or proximate to the site.

(b) Farm Stands.

(1) A farm stand may sell farm products produced on-site or proximate to the site.

(2) Up to 40 percent of the total sales area at a farm stand may be used for the sale of any or all of the following: value-added farm products produced on-site or proximate to the site; farm products not produced on-site or proximate to the site; and non-agricultural items. No more than 10 percent of the total sales area of a farm stand may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.

(c) Farm Markets.

(1) A farm market may sell farm products produced on-site or proximate to the site and value-added farm products produced on-site or proximate to the site.

(2) Up to 20 percent of the total sales area at a farm market may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.

(d) No petroleum products or tobacco may be sold or dispensed at any grower stand, farm stand, or farm market.

(e) Except as otherwise provided in this chapter, nothing may be sold from a motorized vehicle at any grower stand, farm stand, or farm market unless the vehicle is owned by the property owner and all sales from the vehicle are in compliance with this chapter. (Ords. 2023-__ § 2, 2007-23 § 2.)

Chapter 824-6
WINERIES AND OLIVE OIL MILLS

824-6.002 ~~Minimum Lot Size.~~

~~(a) A winery may only be located on a lot with a commercial vineyard of at least five acres.~~

~~(b) An olive oil mill may only be located on a lot with a commercial olive grove of at least five acres. (Ord. 2023-__ § 2.)~~

~~824-6.004~~ Accessory Facilities.

(a) Production Facilities. The cumulative maximum floor area of all wine production facilities at a winery or all olive oil production facilities at an olive oil mill is 5,000 square feet.

(b) Tasting/On-Site Sales Areas. The cumulative maximum floor area of all tasting areas and on-site sales areas at a winery or olive oil mill is 30 percent of the total floor area of all wine production facilities at the winery or olive oil production facilities at the olive oil mill. (Ord. 2023-__ § 2.)

824-6.00~~4~~6 Production Standards.

(a) Production Capacity.

(1) Wineries. A small winery may produce no more than 50,000 gallons of wine annually. A large winery may produce more than 50,000 gallons of wine annually.

(2) Olive Oil Mills. A small olive oil mill may produce no more than 50,000 gallons

of olive oil annually. A large olive oil mill may produce more than 50,000 gallons of olive oil annually.

(b) Production Ingredients.

(1) A minimum of 25 percent of a winery's production or an olive oil mill's production must be from fruit grown on the premises.

(2) A minimum of 50 percent of a winery's production or an olive oil mill's production must be from fruit grown in Contra Costa County.

(3) The owner of a winery or olive oil mill must maintain records showing the total annual production amount from fruit grown on the premises and the amount from fruit imported from off the premises. The records must indicate the dates of receipt and the quantities of all imported fruit, and the name and location of the growing operation from which the fruit is imported. (Ord. 2023-__ § 2.)

824-6.00~~6~~8 Food Service. A winery or olive oil mill may serve food as part of a wine tasting or olive oil tasting. The following standards apply to food service at a winery or olive oil mill.

(a) Food service must be incidental to the tasting of wine or olive oil.

(b) Food may not be sold separately from the wine or olive oil tasting.

(c) Food service must be limited to small appetizer-size portions with a fixed menu selected by the winery or olive oil mill. Food service may not involve menu options and meal service so that the winery or olive oil mill functions as a café or restaurant.

(d) Food service must be limited to one food sample per type of wine or olive oil. (Ord. 2023-__ § 2.)

~~**824-6.010 Retail Water Supplier Required.** A winery with a tasting/on-site sales area or that will host large events, or an olive oil mill with a tasting/on-site sales area or that will host large events, may only be located on a lot served by a retail water supplier or within the boundaries of the East Contra Costa County Groundwater Subbasin. A "retail water supplier" is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier. (Ord. 2023-__ § 2.)~~

~~**824-6.012 Agricultural Activities and Promotion Plan.** An agricultural activities and promotion plan must be submitted with a permit application for a winery that will host large events or an olive oil mill that will host large events. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in~~

~~agricultural activities. The plan must also describe the agricultural promotion program associated with the winery or olive oil mill, including how the program will promote local agriculture and educate guests. (Ord. 2023-__ § 2.)~~

824-6.0~~8~~14 Winery Permits and Licenses. In addition to all other permits and licenses required by this code, state law, and federal law, a winery must have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited. (Ord. 2023-__ § 2.)

~~**824-6.016 Large Events at Wineries and Olive Oil Mills.**~~

~~(a) Except as otherwise provided for in this section, a winery or olive oil mill may not host a temporary event under Chapter 82-44, Temporary Events.~~

~~(b) A land use permit authorizing a winery or olive oil mill may also authorize the winery or olive oil mill to host large events, consistent with Chapter 824-12. Large events that are authorized by a land use permit pursuant to this section are allowed without a separate permit. (Ord. 2023-__ § 2.)~~

Chapter 824-8
LODGING IN AGRICULTURAL DISTRICTS

824-8.002 Agritourism Lodging.

(a) Agritourism lodging may be provided only in a legally established residence or legally established residential accessory structure. Agritourism lodging may not be located within agricultural employee housing, seasonal or year-round farmworker housing, or accessory dwelling units.

(b) The minimum parcel size for an agritourism lodging establishment is 10 acres.

(c) The owner of the land on which agritourism lodging is provided, or a tenant farmer, must reside on the property.

(d) An agritourism lodging establishment may have a maximum of five bedrooms or sleeping rooms used for lodging.

(e) The maximum overnight occupancy for agritourism lodging is two persons per bedroom or sleeping room. Children under 18 years of age are not counted toward occupancy. The maximum number of agritourism lodging guests that may be on the premises at any one time is 10.

(f) An agricultural lodging establishment may not provide lodging to a guest for more than

30 consecutive days.

(g) Food Service.

(A) An agricultural lodging establishment may serve food or meals at any time, but only to registered guests.

(B) The price of food served at a farm stay establishment or bed and breakfast establishment must be included in the price of the lodging.

(C) No kitchen or kitchenette facilities are allowed in a guest room within an agritourism lodging establishment.

(h) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device outside the agritourism lodging establishment is prohibited during quiet hours.

(i) Exterior lighting must be directed downward and away from adjacent properties.

(j) The operator of an agricultural lodging establishment must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the lodging.

(k) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the agricultural lodging, including how the program will promote local agriculture and educate guests.

(l) Farm stay establishments. The following additional standard applies to farm stay establishments: the maximum number of days a farm stay establishment may host guests in a calendar year is 90 days.

(m) Bed and breakfast establishments. The following additional standards apply to bed and breakfast establishments.

(1) At least 80 percent of a parcel where a bed and breakfast establishment is located must be engaged in agricultural activities and kept free of structures.

(2) A bed and breakfast establishment may only be located on a lot served by a retail

water supplier or within the boundaries of the East Contra Costa County Groundwater Subbasin. A "retail water supplier" is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier.

~~(3)~~ In land use districts where a bed and breakfast establishment regulated by this division would otherwise be a permitted use, it is unlawful to establish a bed and breakfast establishment if the location of the bed and breakfast establishment is within one-quarter mile of any parcel occupied by any other bed and breakfast establishment. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel on which the bed and breakfast establishment will be established to any point on the property line of the other parcel.

~~(4) Large events at bed and breakfast establishments.~~

~~(A) Except as otherwise provided for in this subsection (4), a bed and breakfast establishment may not host a temporary event under Chapter 82-44, Temporary Events.~~

~~(B)~~(3) ~~A land use permit authorizing a bed and breakfast establishment may also authorize the bed and breakfast establishment to host large events, consistent with Chapter 824-12. Large events that are authorized by a land use permit pursuant to this subsection (4) are allowed without a separate permit.~~ (Ord. 2023-__ § 2.)

824-8.004 Agricamping.

(a) Agricamping may be provided only in camping structures, including tent cabins and yurts, or in travel trailers owned by the property owner. Camping in tents, guest-owned structures, or guest-owned travel trailers is not allowed.

(b) The minimum parcel size for an agricamping establishment is 10 acres.

(c) The owner of the land on which agricamping is provided, or a tenant farmer, must reside on the property.

(d) An agricamping establishment may have a maximum of five total camping structures or travel trailers.

(e) The maximum overnight occupancy for agricamping is two persons per camping structure or travel trailer. Children under 18 years of age are not counted toward occupancy. The maximum number of agricamping guests that may be on the premises at any one time is 10.

(f) An agricamping establishment may not provide lodging to a guest for more than 30 consecutive days.

(g) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at the agricamping establishment is prohibited during quiet hours.

(h) Exterior lighting must be directed downward and away from adjacent properties.

(i) An agricamping establishment may serve food or meals at any time, but only to registered guests. No camp stove, kitchen, or kitchenette facilities are allowed in a camping structure or travel trailer.

(j) The operator of an agricamping establishment must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the lodging.

(k) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the agricamping, including how the program will promote local agriculture and educate guests. (Ord. 2023-__ § 2.)

Chapter 824-10
FOOD SERVICE IN AGRICULTURAL DISTRICTS

824-10.002 Farm Dinners.

(a) Up to 12 farm dinners may be hosted at a property per year.

(b) The maximum number of guests at a farm dinner is 30, except that one farm dinner with a maximum of 150 guests may be held at a property annually. A farm dinner is not an event subject to the requirements of Chapter 82-44, Temporary Events.

(c) A farm dinner may be hosted in an existing structure, outdoors on a property, on a patio, or on a deck. If a farm dinner is hosted in an existing structure, the structure must meet all building codes and fire codes that apply to the proposed number of guests.

(d) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties

is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at a farm dinner is prohibited during quiet hours.

(e) Exterior lighting must be directed downward and away from adjacent properties.

(f) The host of a farm dinner must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the farm dinner.

(g) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the farm dinner, including how the program will promote local agriculture and educate guests.

(h) This section does not authorize the establishment of a microenterprise home kitchen operation. Food served at a farm dinner must be prepared in accordance with all applicable local, state, and federal laws and regulations. (Ord. 2023-__ § 2.)

824-10.004 Farm-to-Table Restaurant.

(a) A farm-to-table restaurant may be established in an existing structure or in a new structure.

(b) The minimum parcel size for farm-to-table restaurant is 10 acres.

(c) The maximum dining area size in a farm-to-table restaurant is 1,500 square feet.

(d) The maximum dining area capacity in a farm-to-table restaurant is 35 guests.

(e) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device outside the farm-to-table restaurant is prohibited during quiet hours.

(f) Exterior lighting must be directed downward and away from adjacent properties.

(g) Unless otherwise provided in a land use permit, at least 50 percent of the fruits and vegetables served at a farm-to-table restaurant must be grown on-site. A land use permit

may, based the site's agricultural activities and seasonal impacts on production, authorize a different percentage of fruits and vegetables grown on-site that must be served at the farm-to-table restaurant. At least 75 percent of the fruits and vegetables served at a farm-to-table restaurant must be grown within Contra Costa County.

(h) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also demonstrate how the farm-to-table restaurant will meet the percentage requirements for fruits and vegetables that must be grown on-site. The plan must also describe the agricultural promotion program associated with the farm-to-table restaurant, including how the program will promote local agriculture and educate guests.

(i) At least 80 percent of a parcel where a farm-to-table restaurant is located must be engaged in agricultural activities and kept free of structures.

(j) A farm-to-table restaurant may only be located on a lot served by a retail water supplier or within the boundaries of the East Contra Costa County Groundwater Subbasin. A "retail water supplier" is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier.

~~(k)~~ In land use districts where a farm-to-table restaurant regulated by this division would otherwise be a permitted use, it is unlawful to establish a farm-to-table restaurant if the location of the farm-to-table restaurant is within one mile of any parcel occupied by any other farm-to-table restaurant. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel on which the farm-to-table restaurant will be established to any point on the property line of the other parcel.

~~(l) Large events at farm-to-table restaurants.~~

~~(1) Except as otherwise authorized provided for in this subsection (l), a farm-to-table restaurant may not host a temporary event under Chapter 82-44, Temporary Events.~~

~~(2)~~(k) ~~A land use permit authorizing a farm-to-table restaurant may also authorize the farm-to-table restaurant to host large events, consistent with Chapter 824-12. Large events that are authorized by a land use permit pursuant to this subsection (l) are allowed without a separate permit.~~ (Ord. 2023-__ § 2.)

824-10.006 Mobile Food Vendors.

(a) Except as otherwise provided for in this section, a food truck or other mobile food vendor

may not operate on any private parcel where an agritourism use is authorized under this division.

(b) A food truck or other mobile food vendor may operate on a private parcel where an agritourism use is authorized in any of the following circumstances.

(1) The agritourism use is a grower stand, farm stand, or farm market, and the total number of days that a food truck or other mobile food vendor operates on the private parcel does not exceed three days in a calendar year.

(2) A land use permit issued under this division authorizes a food truck or other mobile food vendor to operate on the private parcel.

(3) The food truck or other mobile food vendor is part of a temporary event authorized under Chapter 82-44. (Ord. 2023-__ § 2.)

~~**Chapter 824-12**~~
~~**LARGE EVENTS HOSTED BY AGRITOURISM USE ESTABLISHMENTS**~~

~~**824-12.002 Large Events – Authorized.** A land use permit authorizing any of the following agritourism uses may also authorize the agritourism use establishment to host large events, consistent with this chapter.~~

~~(a) A winery.~~

~~(b) An olive oil mill.~~

~~(c) A bed and breakfast establishment.~~

~~(d) A farm-to-table restaurant. (Ord. 2023-__ § 2.)~~

~~**824-12.004 Location.** An agritourism use establishment may not host large events if it is located on a parcel that is within one mile of any parcel occupied by an agritourism use that is permitted under this division to host large events. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel that will host large events to any point on the property line of the other parcel. (Ord. 2023-__ § 2.)~~

~~**824-12.006 Conditions.**~~

~~(a) Number of large events.~~

~~(1) A land use permit that authorizes large events at an agritourism use establishment must limit the annual maximum number of large events for the purposes of maintaining the agricultural nature of the property and reasonably limiting impacts on neighbors. In imposing conditions regulating the maximum number of~~

~~large events, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties, the compatibility of large events with neighboring uses, and the degree to which large events conflict with the property's primary use of agriculture.~~

~~(2) The number of large events allowed by a land use permit at an agritourism use establishment may not exceed the following amounts annually.~~

~~(A) On a parcel of less than 40 acres, the maximum number of large events an agricultural use establishment may host in a calendar year is six.~~

~~(B) On a parcel of 40 or more acres, the maximum number of large events an agricultural use establishment may host in a calendar year is 26.~~

~~(b) Number of people. A land use permit that authorizes large events at an agritourism use establishment must limit the maximum number of people allowed at each event for the purposes of reasonably limiting impacts on traffic, parking, and neighbors. In imposing conditions regulating the maximum number of people, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, and the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties.~~

~~(c) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours, during which noise must be restricted such that it cannot be heard from neighboring properties, shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at a large event is prohibited during quiet hours.~~

~~(d) Exterior lighting must be directed downward and away from adjacent properties. (Ord. 2023-__ § 2.)~~

SECTION 3. Chapter 88-20 of the County Ordinance Code is repealed.

SECTION 4. Section 84-38.404 of the County Ordinance Code is amended to read:

84-38.404 Uses—Requiring land use permit. The following uses may be allowed in an A-2 district on the issuance of a land use permit:

(1) Publicly owned parks and playground.

(2) Dude ranches, riding academies and stables, and dog kennels.

(3) Publicly owned buildings and structures, except as provided in Division 82.

(4) Commercial radio and television receiving and transmitting facilities but not including broadcasting studios or business offices.

(5) Wind energy conversion systems. This use is allowed without a land use permit if used only as an accessory to an allowable residential or agricultural use.

(6) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses.

(7) Hospitals, animal hospitals, eleemosynary and philanthropic institutions, and convalescent homes.

(8) Churches, religious institutions, and parochial and private schools.

(9) Community buildings, clubs, and activities of a quasi-public, social, fraternal, or recreational character, such as golf, tennis or swimming clubs, or veterans' or fraternal organizations. These uses are prohibited if organized for monetary profit.

(10) One additional single family dwelling.

(11) Medical and dental offices and medical clinics.

(12) Merchandising of agricultural supplies and services incidental to an agricultural use.

(13) Commercial kitchens or other facilities for creating value-added farm products.

(14) Canneries.

(15) Slaughterhouses and stockyards.

(16) Rendering plants and fertilizer plants or yards.

(17) Livestock auction or sales yards.

(18) Commercial recreational facilities when the principal use is not in a building.

(19) Boat storage facilities within one mile by public road of a boat launching facility open to the public. 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.

(20) Retail firewood sales.

(21) Recycling operations intended to sort or process material for reuse. Junkyards, defined in Section 88-4.206, are prohibited.

(22) Museums in which objects of historical, artistic, scientific or cultural importance are preserved and displayed.

(23) A farm market.

(24) Agricultural cold storage plants on parcels less than ten acres in size.

(25) Farmworker housing center.

(26) Commercial cannabis activities that meet the requirements of Chapter 88-28. (Ords. 2023-XX § 4, 2022-37 § 8, 2018-18 § 5, 2017-14 § 10, 2013-12 § 6, 2009-12 § 3, 2007-23 § 4, 2003-11 § 3, 94-28 § 2, 89-46 § 2, 76-36 § 3, 7437 § 2, 60-82, 1988, 1569 § 2: prior code § 8156(b): Ords. 1406 § 3, 497 § 4, 382 § 4E).

SECTION 5. Section 84-42.404 of the County Ordinance Code is amended to read:

84-42.404 Uses—Requiring land use permit. The following uses may be allowed in an A-4 district on the issuance of a land use permit:

(1) Related commercial agricultural uses including the erection or modification of sheds, warehouses, granaries, hullers, dryers, fruit and vegetable packing and buildings for the storage of agricultural products and equipment.

(2) A farm market.

(3) A detached single-family dwelling on each parcel and the accessory structures and uses normally auxiliary to it. 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. A separate land use permit is required for one additional single-family dwelling on the parcel.

(4) Wholesale nurseries and greenhouses.

(5) Hog ranches.

(6) Dairying.

(7) Fur farms.

(8) Livestock and feed yards.

(9) Poultry raising.

(10) Commercial fish farming.

(11) Commercial kitchens or other facilities for creating value-added farm products.

(12) Canneries.

(13) Mushroom houses.

(14) Commercial radio and television receiving and transmitting facilities but not including broadcasting studios or business offices.

(15) Those uses described in Government Code Section 51201(e).

(16) Wind energy conversion systems, except when used only as an accessory to an allowable residential or agricultural use.

(17) Farmworker housing center. (Ords. 2023-XX § 5, 2017-14 § 12, 2013-12 § 7, 2007-23 § 6, 2006-19 § 8, 2003-12 § 2, 86-61 § 3, 84-24 § 3, 68-54 § 1 (part), 1968: prior code § 8169(b)).

SECTION 6. Section 84-80.404 of the County Ordinance Code is amended to read:

84-80.404 Uses with land use permit. The following uses may be allowed in an A-20 district on the issuance of a land use permit:

(1) Merchandising of agricultural supplies and services incidental to agricultural use.

(2) Commercial kitchens or other facilities for creating value-added farm products.

(3) Canneries.

(4) Cold storage plants.

(5) Rendering plants and fertilizer plants or yards.

(6) Livestock auction or sales yards.

(7) Wholesale nurseries and greenhouses.

(8) Mushroom houses.

(9) Processing of milk not produced on premises.

(10) Dude ranches, riding academies, stables, dog kennels.

(11) Hospitals, eleemosynary and philanthropic institutions, convalescent homes, and animal hospitals.

(12) Churches, religious institutions, parochial and private schools.

(13) Community buildings, clubs, activities of a quasi-public, social, fraternal or recreational character.

(14) Medical and/or dental offices and clinics.

(15) Boat storage area within one mile by public road of a public boat launching facility.

(16) Oil and gas drilling and production including the installation and use of only such equipment necessary and convenient for drilling and extracting operations.

(17) Commercial radio and television receiving and transmitting facilities other than broadcasting studios and business offices.

(18) One additional single-family dwelling.

(19) Wind energy conversion systems, except when used only as an accessory to an allowable residential or agricultural use.

(20) A farm market.

(21) Farmworker housing center.

(22) Commercial cannabis activities that meet the requirements of Chapter 88-28.

(23) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses. (Ords. 2023-XX § 6, 2022-37 § 9, 2018-18 § 5, 2017-14 § 16, 2013-12 § 9, 2007-23 § 8, 2006-19 § 11, 86-61 § 4, 84-24 § 4, 79-108).

SECTION 74. Section 84-82.404 of the County Ordinance Code is amended to read:

84-82.404 Differences from A-20 district.

The following regulations for A-40 districts are different from those for A-20 districts:

(1) Uses with land use permit. No land use permit may be issued in an A-40 district for the

uses listed in subsections (11) through (15) of Section 84-80.404.

(2) Area. No building or other structure permitted in an A-40 district shall be erected or placed on a lot smaller than 40 acres in area. (Ords. 2023-__ § 74, 2017-14 § 17, 79-108.)

SECTION 85. Section 84-84.404 of the County Ordinance Code is amended to read:

84-84.404 Differences from A-20 district.

The following regulations for A-80 districts are different from those for A-20 districts:

(1) Uses with land use permit. No land use permit may be issued in an A-20 district for the uses listed in subsections (11) through (15) of Section 84-80.404.

(2) Area. No building or other structure permitted in an A-80 district shall be erected or placed on a lot smaller than 80 acres in area. (Ords. 2023-__ § 85, 2018-18 § 5, 2017-14 § 17, 79-108.)

SECTION 96. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: Monica Nino,
Clerk of the Board of Supervisors
and County Administrator

_____
Board Chair

By: _____
Deputy

[SEAL]

TLG:

ORDINANCE NO. 2024-XX **DRAFT**

TEMPORARY EVENTS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance amends Chapter 82-44 of the County Ordinance Code to establish specific land use permit conditions for an event venue located in an agricultural zoning district. This ordinance also establishes noise restrictions applicable to all permitted and unpermitted events. This ordinance also further regulates commercial events by: prohibiting unpermitted commercial events; holding commercial event organizers, in addition to property owners, liable for illegal commercial events; and authorizing Sheriff's deputies, in addition to code enforcement officers, to enforce Chapter 82-44.

SECTION II. Section 82-44.206 of the County Ordinance Code is amended to read:

82-44.206 Definitions. For purposes of this chapter, the following words and phrases have the following meanings:

(a) "Event" means an occasion on private property organized for a particular and limited purpose and time and is an organized outdoor assemblage that: exceeds 75 persons at a venue in a residential zoning district or at a venue in an agricultural zoning district or at a residence in any other zoning district; or exceeds 150 persons at any other venue or location. "At a residence" means located wholly or in part on a parcel that includes a residence. "Events" include athletic events, arts and crafts shows, garden parties, carnivals, circuses, fairs, festivals, musical concerts and other cultural or live entertainment events, and swap meets. An outdoor assemblage of 75 or fewer persons at a venue in a residential zoning district or at a venue in an agricultural district or at a residence in any other zoning district, or 150 or fewer persons at any other venue or location, is not an "event" for purposes of this ordinance.

(b) "Commercial event" means an event intended to generate financial gain for the sponsors of the event, or to advertise products, goods, or services. An event that requires paid admission or charges for parking or that is open or advertised to the general public or that is held at a venue rented for that purpose is presumed to be a commercial event. An event sponsored by or intended to benefit any organization that is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the United States Internal Revenue Code is not a commercial event.

(c) "Noise level" means the "A" weighed sound pressure level in decibels obtained by using a sound level meter at slow meter response with a reference pressure of twenty micropascals.

(d) "Outdoor assemblage" means any assemblage that is not wholly contained within the interior of a residence. An "outdoor assemblage" includes any assemblage in an accessory structure, including but not limited to a barn or tent.

(e) "Parade" means a march or procession of people on any county street or right-of-way that obstructs, delays, or interferes with the normal flow of vehicular traffic, or does not comply with traffic laws or controls.

(f) "Persons at a venue" means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at an event venue.

(g) "Sound level meter" means an instrument that meets or exceeds American National Standard Institute's Standard S1.4-1971 for Type 2 sound level meters, or an instrument and the associated recording and analyzing equipment that will provide equivalent data.

(h) "Temporary event" means an event that occurs for up to one day at a residence or in a residential zoning district, or up to three consecutive days at any other location.

(i) "Venue" means the site, lot, parcel, contiguous lots or parcels under common ownership, location, area, or facility where an event is held or is proposed to be held. (Ords. 2024-XX § 2, 2010-11 § 2, 2005-25 § 2.)

SECTION III. Section 82-44.406 of the County Ordinance Code is amended to read:

82-44.406 Restrictions.

(a) No two events may be held at the same venue with fewer than seven days between events.

(b) No commercial event may be held in a residential zoning district.

(c) All events, whether or not a permit is required under this chapter, are subject to the following noise restrictions:

(1) No event may exceed the noise levels specified in Section 82-44.410.

(2) Amplified sound by any device is prohibited after 8:00 p.m. Sundays through Thursdays and after 10:00 p.m. Fridays, Saturdays, and holidays. (Ords. 2024-XX § 3, 2005-25 § 2.)

SECTION IV. Subsection (b)(2) of Section 82-44.410 (Conditions) of the County Ordinance Code is amended to read:

(2) Amplified sound by any device is prohibited after 8:00 p.m. Sundays through Thursdays and after 10:00 p.m. Fridays, Saturdays, and holidays. A temporary event permit shall not allow the use of amplified sound after these hours.

(Ords. 2024-XX § 4, 2005-25 § 2.)

SECTION V. Section 82-44.416 (Land use permit required) of the County Ordinance Code is amended by adding the following subsection (f):

(f) The following conditions shall apply to the issuance of a land use permit for an event venue located in an agricultural zoning district.

(1) A land use permit that authorizes events at a venue located in an agricultural zoning district may only be issued if the authorized events are an accessory use on a property that is used for agriculture, as defined in Section 82-4.206, and the zoning administrator finds that the proposed events will promote the vitality of agriculture in the area. If a property is located in an agricultural zoning district but the property is not used for agriculture, or the zoning administrator does not find that the proposed events will promote the vitality of agriculture in the area, then no land use permit authorizing events at the property will be issued.

(2) Number of events. A land use permit that authorizes events at a venue located in an agricultural zoning district must limit the annual maximum number of events for the purposes of maintaining the agricultural nature of the property and reasonably limiting impacts on neighbors. In imposing conditions regulating the maximum number of events, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties, the compatibility of events with neighboring uses, and the degree to which events conflict with the property's primary use of agriculture. On a parcel of less than 40 acres, the maximum number of events per calendar year that may be authorized by a land use permits six. On a parcel of 40 or more acres, the maximum number of events per calendar year that may be authorized by a land use permits is 26.

(3) Number of people. A land use permit that authorizes events at a venue located in an agricultural zoning district must limit the maximum number of people allowed at each event for the purposes of reasonably limiting impacts on traffic, parking, and neighbors. In imposing conditions regulating the maximum number of people, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, and the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties.

(4) Amplified sound by any device is prohibited after 8:00 p.m. Sundays through Thursdays and after 10:00 p.m. Fridays, Saturdays, and holidays. A land use permit for an event venue located in an agricultural zoning district shall not allow the use of amplified sound after these hours.

(5) Exterior lighting must be directed downward and away from adjacent properties. (Ords. 2024-XX § 5, 2010-11 § 6, 2005-25 § 2.)

SECTION VI. Section 82-44.418 of the County Ordinance Code is amended to read:

(a) An event may be monitored by law enforcement and code enforcement officials to determine compliance with the terms and conditions of the permit.

(b) A temporary event permit may be revoked for any violation of any term or condition that occurs at an event or for any other reason specified in Section 26-2.2022. A revocation may be appealed to the board of supervisors within seven days of the revocation.

(c) This chapter may be enforced by any remedy allowed under the Contra Costa County Ordinance Code or any other remedy allowed by law. These remedies include, but are not limited to, administrative fines, infraction citations, and cease and desist (abatement) orders.

(d) The following officials and their designees are authorized to enforce this chapter:

(1) Director of Conservation and Development.

(2) Sheriff.

(e) Nothing in this chapter is intended to preclude the enforcement by any Sheriff's deputy of Penal Code section 415, the disturbing the peace statute. (Ords. 2024-XX § 6, 2005-25 § 2).

SECTION VII. Section 82-44.420 is added to the County Ordinance Code, to read:

82-44.420 Responsible party liability.

(a) A person violates this chapter if an event that violates this chapter is held on property that the person owns, rents, leases, or otherwise has possession of, regardless of whether the person is present when the violation occurs.

(b) A person violates this chapter if an event that the person organizes, supervises, sponsors, conducts, allows, or controls violates this chapter. (Ord. 2024-XX § 7.)

SECTION VIII. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: MONICA NINO,
Clerk of the Board of Supervisors
and County Administrator

_____
Board Chair

By: _____
Deputy

[SEAL]

KCK:

Chapter 82-44 TEMPORARY EVENTS

Sections:

Article 82-44.2. General Provisions

82-44.202 Title.

This chapter is known as the Temporary Events Ordinance of Contra Costa County.

(Ord. 2005-25 § 2).

82-44.204 Purpose.

The purpose of this chapter is to establish procedures for evaluating, permitting, and regulating short-term activities and events that are conducted on private property and generate or invite considerable public participation, invitees, or spectators. Because these land uses are temporary, they have negligible or no permanent effect on the environment, and their potential impact on adjoining properties is either minimal or can be offset by conditions. The procedures authorize the zoning administrator to approve permits for temporary events and to require permit conditions or deny permits when necessary to protect the public. The procedures are necessary to protect and promote the health, safety, and welfare of the public, temporary event participants, and nearby residents. The procedures are intended to minimize the impacts of temporary events on the normal free flow of vehicular and pedestrian traffic, to minimize the impacts of noise from temporary events, to protect the safety of property, and to minimize disturbance and inconvenience to neighbors, neighboring properties and neighborhoods.

(Ord. 2005-25 § 2).

82-44.206 Definitions.

For purposes of this chapter, the following words and phrases have the following meanings:

(a) "Event" means an occasion on private property organized for a particular and limited purpose and time and is an organized outdoor assemblage that: exceeds 75~~seventy-five~~ persons at a venue in a residential zoning district or at a venue in an agricultural zoning district or at a residence in any other zoning district~~;~~, or exceeds 150~~one hundred fifty~~ persons at any other~~a~~ venue or location~~in any other zoning district~~. "At a residence" means located wholly or in part on a parcel that includes a residence. "Events" include athletic events, arts and crafts shows, garden parties, carnivals, circuses, fairs, festivals, musical concerts and other cultural or live entertainment events, and swap meets. ~~"Persons at a venue" means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at an event venue.~~ An outdoor assemblage of 75~~seventy-five~~ or fewer persons~~people~~ at a venue in a residential zoning district or at a venue in an agricultural zoning district or at a residence in any other zoning district, or 150~~one hundred fifty~~ or fewer persons~~people~~ at any other~~a~~ venue or location~~in any other zoning district~~, is not an "event" for purposes of this ordinance.

(b) "Commercial event" means an event intended to generate financial gain for the sponsors of the event, or to advertise products, goods, or services. An event that requires paid admission or charges for parking or that is open or advertised to the general public is presumed to be a commercial event. An

event sponsored by or intended to benefit any organization that is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the United States Internal Revenue Code is not a commercial event.

(c) "Noise level" means the "A" weighed sound pressure level in decibels obtained by using a sound level meter at slow meter response with a reference pressure of twenty micropascals.

(d) "Outdoor assemblage" means any assemblage that is not wholly contained within the interior of a residence. An "outdoor assemblage" includes any assemblage in an accessory structure, including but not limited to a barn or tent.

(e) "Parade" means a march or procession of people on any county street or right-of-way that obstructs, delays, or interferes with the normal flow of vehicular traffic, or does not comply with traffic laws or controls.

(fe) "Persons at a venue" means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at an event venue.

(g) "Sound level meter" means an instrument that meets or exceeds American National Standard Institute's Standard S1.4-1971 for Type 2 sound level meters, or an instrument and the associated recording and analyzing equipment that will provide equivalent data.

(hf) "Temporary event" means an event that occurs for up to one day at a residence or in a residential zoning district, or up to three consecutive days at any other location.

(ig) "Venue" means the site, lot, parcel, contiguous lots or parcels under common ownership, location, area, or facility wherefor which an event is held or is proposed to be held.

(Ords. No. 2024-XX § 2, 2010-11, § 2II, 7-13-10; Ord. 2005-25 § 2).

Article 82-44.4. Permits

82-44.402 Temporary event permit required.

The following uses are allowed in any zoning district only after the issuance of a temporary event permit:

(a) A temporary event, unless the temporary event is exempt from the requirement to obtain a temporary event permit or a land use permit is required for the event.

(b) Retail sales of Christmas trees between Thanksgiving and December 26;

(c) Retail sales of pumpkins between October 1 and October 31.

(Ord. No. 2010-11, § III, 7-13-10; Ord. 2005-25 § 2).

82-44.404 Exemptions.

The following activities are exempt from the permit requirements of this chapter:

(a) An event held on public property, in a public facility, or in a public park, provided all other permits and licenses required by this code or state law are obtained, including encroachment permits, environmental health permits, and state alcoholic beverage control permits.

(b) An event held in a public right-of-way, including a funeral procession or parade, provided all other permits and licenses required by this code or state law are obtained, including encroachment permits, environmental health permits, and state alcoholic beverage control permits.

(c) An activity conducted by a governmental agency acting within the scope of its authority.

(d) Weddings, birthday parties, graduation parties, or other family events held at a private residence, provided that no more than four of these events are held within a twelve-month period.

(e) An event held at a members-only nonresidential facility where the only participants are members and their guests.

(f) An event held at a school, provided the event is consistent with the underlying land use entitlement.

(g) An event held at a religious entity's facility, provided the event is consistent with the underlying land use entitlement.

(h) A film-making activity for which a filming permit has been obtained in accordance with Chapter 56-8 of this code.

(i) Car washes for fund raising purposes, provided that the car washes are held on private property other than a residence, are limited to a maximum of two days each month for each sponsoring organization, and are sponsored by an educational, charitable, religious, or nonprofit group.

(j) Garage sales held at a private residence, provided that sales occur no more than four times within a twelve-month period per residence, for a maximum of two consecutive days each.

(k) A real estate open house, where a property is for sale, lease or rent.

(Ord. 2005-25 § 2).

82-44.406 Restrictions.

(a) No two events may~~shall~~ be held at the same venue with fewer than seven days between events.

(b) No commercial event may~~shall~~ be held in a residential zoning district ~~or at a residence in any other zoning district~~.

(c) All events, whether or not a permit is required under this chapter, are subject to the following noise restrictions:

(1) No event may exceed the noise levels specified in Section 82-44.410.

(2) Amplified sound by any device is prohibited after 8:00 p.m. Sundays through Thursdays and after 10:00 p.m. Fridays, Saturdays, and holidays.

(Ords. 2024-XX § 3, 2005-25 § 2).

82-44.408 Application and review.

(a) Any person, entity, business, or group wishing to hold, sponsor, conduct, operate or maintain a temporary event shall submit a completed temporary event permit application to the department of conservation and development. The application form shall be signed and verified by the applicant, if an individual; a general partner authorized to sign on behalf of a partnership; an officer or director authorized to sign on behalf of a corporation; or a participant authorized to sign on behalf of a joint venture or association. The applicant must be a qualified applicant pursuant to Section 26-2.1604.

(b) An application is not complete unless it includes all of the following information:

(1) The name, address, and telephone number of the applicant and an alternate contact person.

(2) If the event is proposed to be a commercial event, the name, address and telephone number of the organization, and the authorized head of the organization. If the event is sponsored by or intended to

benefit a non-profit organization, certification that the organization is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the United States Internal Revenue Code. The purpose of this requirement is to ensure that commercial events are not held in residential zoning districts or at residences in any other zoning district. The name of the non-profit organization is not required to be indicated on the permit application. For a period of ninety days following the event, the applicant must retain records indicating the name of the organization that the event is sponsored by or intended to benefit.

(3) The name, address and telephone number of the person who will be present and in charge of the event on the day of the event.

(4) The type of event (e.g., a concert or arts and crafts show).

(5) Date and estimated starting and ending time of the event, including the time required to prepare and clean up the venue.

(6) Location of the event, including its street address and assessor's parcel number.

(7) Estimated number of attendees or participants at the event.

(8) The type and estimated number of vehicles and structures that will be used at the event, if any.

(9) Description of any sound amplification equipment that is proposed for use at the event.

(10) Whether any food will be served or sold at the event and, if applicable, the time and manner in which caterers and catering trucks will be used.

(11) Whether any beverages, including alcoholic beverages, will be served or sold at the event, and whether any such sales will be wholesale or retail.

(12) Whether security will be employed at the event.

(13) Parking, traffic control, and crowd control measures proposed for the event.

(14) The number and type of events held at the venue in the preceding twenty-four months.

(15) A site plan showing the size and location of property lines, sidewalks, streets, and improvements on adjacent properties, clearly labeled and drawn to scale.

(16) The time and acts required to prepare the venue for the event and the time and acts required following the event to clean up and restore the regular use of the property or venue.

(17) The type and location of on-site restrooms.

(c) An application must be submitted at least forty-five days before the proposed event. The department of conservation and development will have five calendar days to determine whether an application is complete. If the application is incomplete, the applicant will be notified and will have five days from the date of notification to provide all of the information required for a complete application. The zoning administrator will have ten days after submission of a complete application to decide on the application. The zoning administrator shall approve a complete permit application and issue a permit unless one or more grounds for denial exists.

(d) No event permit application shall be denied on any grounds except for any of the following:

(1) Information contained in the application is found to be false in any material detail.

(2) The applicant fails to timely file the application form or fails to complete and submit the application form within five calendar days after having been notified of the additional information or documents required for a complete application.

(3) A violation of any term or condition of a temporary event permit previously issued within the preceding twenty-four months to the applicant or for the private property venue.

(4) Another temporary event permit application has been received prior in time, or has already been approved, to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion.

(5) The time, route, characteristics, or size of the event will substantially interrupt the safe and orderly movement of traffic contiguous to the event site or route, or disrupt the use of a street at a time when it is usually subject to great traffic congestion.

(6) The concentration of persons, animals, or vehicles at the site of the event, or the assembly and disbanding areas around an event, will prevent proper police, fire, or ambulance services to the venue and areas contiguous to the event.

(7) The location of the event will substantially interfere with a previously granted encroachment permit or with any previously scheduled construction or maintenance work scheduled to take place upon or along county streets.

(8) The proposed event is not allowed under the terms of a previously issued county land use permit.

(9) A temporary event permit previously issued within the preceding twenty-four months to the applicant or for the specific private property venue was revoked.

(10) Failure to pay an outstanding fine owed for an event previously held at the venue or owed by the applicant for any event held at any location.

(11) When the grounds for denial of an application for permit specified in subsections (4) through (7), above, can be mitigated by altering the date, time, duration, size, route, or location of the event, the zoning administrator shall conditionally approve the application upon the applicant's acceptance of conditions for permit issuance instead of denying the application. If the grounds for denial cannot be mitigated by imposing conditions, the permit will be denied.

(e) If the zoning administrator issues a permit, notice of the permit issuance and permit conditions will be mailed to all properties within three hundred feet of the event venue.

(f) The zoning administrator's decision on the issuance of a permit may be appealed to the conservation and development director. The applicant may appeal the denial of a permit and may appeal any conditions imposed on a permit. Any person affected by any time, place, or manner conditions imposed on a permit may appeal only the permit conditions. Any person other than the applicant who appeals any time, place, or manner conditions must specify which conditions are being appealed. An appeal must be in writing, must be filed within five days of the zoning administrator's decision on the permit, and must include an appeal fee. An appeal hearing will be scheduled before the conservation and development director. The director's decision will be made at least ten days before the date of the proposed event. The director's decision following an appeal hearing is final for purposes of exhaustion of administrative remedies.

(g) An application may be submitted less than forty-five days before the proposed event if the proposed event is a response to a current occurrence whose timing did not allow the applicant to file a timely application. An application submitted under this section must specify the date of the occurrence to which the proposed event is responding. If a complete application is filed less than forty-five days before the proposed event, the zoning administrator shall issue a decision as soon as reasonably practicable. Any appeal must be filed within three days of the zoning administrator's decision. The conservation and development director's decision on the appeal will be made at least five days before the date of the proposed event.

(h) Exemption.

(1) No temporary event permit is required for an event held at a venue in a residential zoning district if:

(A) Three or fewer events are held at the venue within a twelve-month period; and

(B) For properties forty thousand square feet or greater in size, two hundred or fewer total people will be present at the event; and

(C) For properties less than forty thousand square feet in size, one hundred twenty-five or fewer total people total will be present at the event.

(2) An event at a residence that is exempt under this subsection (h) from the requirement to obtain a temporary event permit must comply with the following standards and requirements:

(A) The sound levels at the event cannot exceed the levels specified in subsection (b)(1) of section 82-44.410.

(B) On-site restrooms must be provided at the event.

(C) Dedicated remote parking for the event sufficient to accommodate attendees must be available if the adjacent streets do not have a graded or paved eight-foot-wide should for parking, and if parking for all attendees is unable to occur on-site.

(D) At least ten days before the event, the property owner must inform the department of conservation and development in writing of the time, date, and location of the event.

(E) At least ten days before the event, the property owner must send a notice to all property occupants within two hundred feet of the event venue of the time, date, and location of the event.

(3) The exemption under this subsection (h) does not apply if:

(A) Four or more events are held at a venue in a residential district in a twelve-month period.

(B) One of the standards or requirements specified in subsection (h)(2) was violated at a previous event within the previous twelve months.

(C) More than two hundred people will be at an event in a residential district if the property is forty thousand square feet or more in size.

(D) More than one hundred twenty-five people will be at an event in a residential district if the property is less than forty thousand square feet in size.

(Ord. No. 2010-11, § IV, 7-13-10; Ord. 2005-25 § 2).

82-44.410 Conditions.

(a) The zoning administrator may condition the issuance of a temporary events permit by imposing any of the following requirements concerning the time, place, and manner of the event. The zoning administrator may consult with public works, fire, and law enforcement officials and may impose time, place, and manner conditions that are requested by those officials, provided the requested conditions are among the conditions specified below. No conditions other than those specified below may be placed on a permit. Conditions may not restrict expressive activity or the content of speech.

(1) Alteration of the date, time, route or location of the event proposed on the application.

(2) Conditions concerning accommodation of pedestrian or vehicular traffic.

(3) Conditions concerning parking, including, but not limited to, requirements for the use of shuttles from parking areas to the venue.

(4) Conditions concerning traffic control, including, but not limited to, requirements for the use of traffic cones or barricades.

(5) Requirements for provision of on-site restrooms.

(6) Requirements for use of security responsible for crowed control, fire watch, general security, and evacuation of occupants.

(7) Conditions concerning maximum occupancy, based on the size of the venue and for purposes of minimizing impacts on traffic and parking. In imposing conditions concerning maximum occupancy, the zoning administrator may consider the lot size of the event venue, proximity of surrounding residences, density of the underlying zoning district, and the location and size of any buildings between the venue and surrounding properties.

(8) Restrictions on the number and type of structures at the event, and inspection and approval of structures.

(9) Compliance with animal protection ordinances and laws.

(10) Requirements for use of garbage containers and cleanup.

(11) Conditions limiting the duration of time and hours of the event (including the time to prepare and clean up the venue) in order to minimize impacts on traffic and parking.

(12) Time, place, and manner restrictions on the use of amplified sound. The use of amplified sound is prohibited in a residential district unless allowed as a condition of a temporary event permit.

(b) When a temporary event permit is granted for any event in a residential zoning district or at a residence in any other zoning district, it is granted subject to the following conditions:

(1) The event shall not generate or emit any noise or sound that exceeds any of the levels specified in the table below measured at the exterior of any dwelling unit located on another residential property. The noise generated or emitted shall not exceed the levels specified in the table for the duration of time specified in the table. Exterior noise levels shall be measured with a sound level meter. The permit shall incorporate the applicable "allowable exterior noise levels" specified in the table into the permit conditions only for the duration of time allowed for the event by the permit. For example, if the permit provides that an event shall end by seven p.m., the "allowable exterior noise levels" allowed between nine a.m. and eight p.m. shall be incorporated into the conditions, but the event must end by seven p.m.

Allowable Exterior Noise Levels

Cumulative Duration of Noise	9 a.m. - 8 p.m.	8 p.m. - 10 p.m.
30 minutes per hour	60 dBA	55 dBA
15 minutes per hour	65 dBA	60 dBA
5 minutes per hour	70 dBA	65 dBA
1 minute per hour	75 dBA	70 dBA
Level not to be exceeded at any time	80 dBA	75 dBA

(2) Amplified sound by any device is prohibited after 8:00~~eight~~ p.m. Sundays through Thursdays and after 10:00~~ten~~ p.m. Fridays, Saturdays, and holidays. A temporary event permit shall not allow the use of amplified sound after these hours.

(Ords. ~~No.~~ 2024-XX § 4, 2010-11~~,~~ § 5~~V~~, ~~7-13-10; Ord.~~ 2005-25 § 2).

82-44.412 Duration.

A temporary event permit is valid only for one event. A temporary event permit is valid only for the time or times specified in the permit. A temporary event permit lapses if not used within the time or times specified.

(Ord. 2005-25 § 2).

82-44.414 Other permits and licenses.

(a) The issuance of a temporary event permit does not relieve anyone from the obligation to obtain any other permit or license required by this code or state law, including, but not limited to, encroachment permits, environmental health permits, and state alcoholic beverage control permits.

(b) The issuance of any other permit or license does not relieve anyone from the obligation to obtain a temporary event permit pursuant to this chapter.

(Ord. 2005-25 § 2).

82-44.416 Land use permit required.

(a) A land use permit is required for an event if any of the following occur:

(1) Three events that required a temporary event permit, or three events at a venue in a residential zoning district that were exempt from obtaining a permit under subsection (h) of Section 82-44.408, were previously held at a venue within the preceding twelve months.

(2) Four or more events will be held at a venue in a twelve-month period.

(3) Three or more events will be held at a venue within a forty-five-day period.

(4) An event will last more than one day at a venue in a residential zoning district or at a residence in any other zoning district, or will last more than three consecutive days at any other location.

(5) More than three hundred people will be present at an event at a venue in a residential zoning district or an event at a residence in any other zoning district.

(6) A temporary event permit previously issued to the applicant or for the venue was revoked within the preceding twenty-four months.

(b) It is a violation of this section if the number of people present at an event exceeded a size threshold specified in subsection (a) above, and a land use permit was not obtained before the event. For purposes of this section, "the number of people present at an event" means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at the event venue.

(c) If a land use permit or building permit is required for a structure associated with a temporary event, then no event may be held at the venue without a land use permit.

(d) An application for a land use permit will be decided in accordance with Article 26-2.20 of this code.

(e) No conditions that restrict expressive activity or the content of speech may be imposed on any land use permit issued for an event.

(f) The following conditions shall apply to the issuance of a land use permit for an event venue located in an agricultural zoning district.

(1) A land use permit that authorizes events at a venue located in an agricultural zoning district may only be issued if the authorized events are an accessory use on a property that is used for agriculture, as defined in Section 82-4.206, and the zoning administrator finds that the proposed events will promote the vitality of agriculture in the area. If a property is located in an agricultural zoning district but the property is not used for agriculture, or the zoning administrator does not find that the proposed events will promote the vitality of agriculture in the area, then no land use permit authorizing events at the property will be issued.

(2) Number of events. A land use permit that authorizes events at a venue located in an agricultural zoning district must limit the annual maximum number of events for the purposes of maintaining the agricultural nature of the property and reasonably limiting impacts on neighbors. In imposing conditions regulating the maximum number of events, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties, the compatibility of events with neighboring uses, and the degree to which events conflict with the property's primary use of agriculture. On a parcel of less than 40 acres, the maximum number of events per calendar year that may be authorized by a land use permit is six. On a parcel of 40 or more acres, the maximum number of events per calendar year that may be authorized by a land use permit is 26.

(3) Number of people. A land use permit that authorizes events at a venue located in an agricultural zoning district must limit the maximum number of people allowed at each event for the purposes of reasonably limiting impacts on traffic, parking, and neighbors. In imposing conditions regulating the maximum number of people, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, and the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties.

(4) Amplified sound by any device is prohibited after 8:00 p.m. Sundays through Thursdays and after 10:00 p.m. Fridays, Saturdays, and holidays. A land use permit for an event venue located in an agricultural zoning district shall not allow the use of amplified sound after these hours.

(5) Exterior lighting must be directed downward and away from adjacent properties.

(Ords. ~~No.~~ 2024-XX § 5, 2010-11~~,~~ § 6~~VI, 7-13-10; Ord.~~ 2005-25 § 2).

82-44.418 Enforcement.

(a) An event may be monitored by law enforcement and code enforcement officials to determine compliance with the terms and conditions of the permit.

(b) A temporary event permit may be revoked for any violation of any term or condition that occurs at an event or for any other reason specified in Section 26-2.2022 of this code. A revocation may be appealed to the board of supervisors within seven days of the revocation.

(c) This chapter~~e county~~ may be enforced ~~this division~~ by any remedy allowed under the Contra Costa County~~is~~ ~~o~~Ordinance ~~c~~Code or any other remedy allowed by law. These remedies include, but are not limited to, administrative fines, infraction citations, and cease and desist (abatement) orders.

(d) The following officials and their designees are authorized to enforce this chapter:

(1) Director of Conservation and Development.

(2) Sheriff.

(e) Nothing in this chapter is intended to preclude the enforcement by any Sheriff's deputy of Penal Code section 415, the disturbing the peace statute.

(Ords. 2024-XX § 6, 2005-25 § 2).

82-44.420 Responsible party liability.

(a) A person violates this chapter if an event that violates this chapter is held on property that the person owns, rents, leases, or otherwise has possession of, regardless of whether the person is present when the violation occurs.

(b) A person violates this chapter if an event that the person organizes, supervises, sponsors, conducts, allows, or controls violates this chapter.

(Ord. 2024-XX § 7).

Article 82-44.6. Fees and Costs

82-44.602 Application fee.

A nonrefundable application fee for a temporary event permit shall be paid when the application is submitted. An application for a temporary event permit is not complete until the application fee is paid.

(Ord. 2005-25 § 2).

82-44.604 General.

(a) Permit application fees, regulatory fees, inspection fees, and appeal fees will be in amounts established by the board of supervisors in the community development department's fee schedule.

(b) Fees required under this chapter are in addition to any other fee required under any other chapter of this code or any other county, state or federal law or regulation.

(Ord. 2005-25 § 2).

ORDINANCE NO. 2023-11

URGENCY ORDINANCE EXTENDING REGULATIONS RELATED TO COMMERCIAL TEMPORARY EVENTS

The Contra Costa County Board of Supervisors ordains as follows:

Section 1. Findings.

A. The purpose of this urgency interim ordinance is to extend regulations related to commercial temporary events while the County considers preparing amendments to Ordinance Code Chapter 82-44, the Temporary Events Ordinance of Contra Costa County, to establish permanent regulations to address impacts cause by commercial temporary events.

B. The County regulates short-term activities and events that are conducted on private property and generate or invite considerable public participation, invitees, or spectators under Chapter 82-44.

C. Chapter 82-44 establishes procedures for evaluating, permitting, and regulating temporary events. These procedures authorize the zoning administrator to approve permits for temporary events and to require permit conditions, or deny permits when necessary. These procedures are necessary to protect and promote the health, safety, and welfare of the public, temporary event participants, and nearby residents.

D. Under Chapter 82-44, commercial events held on private property without a permit, and commercial events that violate the noise or amplified sound restrictions set forth in Chapter 82-44, are illegal.

E. On April 26, 2022, the Board of Supervisors adopted Ordinance No. 2022-16, which increased fine amounts for violations of Chapter 82-44, including illegal commercial events. Ordinance No. 2022-16 establishes the following fine amounts for these violations: $150 for the first violation, $700 for a second violation occurring within three years of the first violation, and $2,500 for each additional violation occurring within three years of the first violation.

F. Over the past several years, the number of unpermitted commercial events held on private property has increased. These unpermitted commercial events typically are widely advertised, or require paid admission, or charge for parking, or are otherwise open to the public. Because they are unpermitted, these commercial events are not subject to any conditions, such as noise restrictions, parking requirements, on-site restroom requirements, and other requirements designed to minimize the impacts of these events on the normal free flow of vehicular and pedestrian traffic, minimize the impacts of noise from temporary events, protect the safety of property, and minimize disturbance and inconvenience to neighbors, neighboring properties, and neighborhoods.

G. The Department of Conservation and Development is preparing amendments to Chapter 82-44 that will hold commercial event organizers, in addition to property owners, liable

for illegal commercial events; authorize Sheriff's deputies, in addition to code enforcement officers, to enforce Chapter 82-44; and ensure that commercial event organizers do not evade the requirements of Chapter 82-44 by characterizing these commercial events as non-commercial events exempt from the Temporary Events Ordinance's permit requirements.

H. On June 7, 2022, the Board of Supervisors adopted Ordinance No. 2022-23, an urgency interim ordinance regulating commercial temporary events by: prohibiting unpermitted commercial events; holding commercial event organizers, in addition to property owners, liable for illegal commercial events; and authorizing Sheriff's deputies, in addition to code enforcement officers, to enforce Chapter 82-44. On July 12, 2022, the Board adopted Ordinance No. 2022-25, extending the regulations related to commercial temporary events for 10 months and 15 days, through June 7, 2023.

I. This ordinance, extending the regulations another year, is necessary to proceed with an orderly planning process that takes into account consideration of the amendments to the County's Temporary Events Ordinance. Since the number of unpermitted commercial events held on private property has increased, and additional unpermitted events are likely to occur before the proposed amendments to Chapter 82-44 become effective, this urgency interim ordinance is necessary to protect the public health, safety, and welfare by extending these new commercial event regulations.

Section 2. Extension. The regulations established by Ordinance No. 2022-23, and extended by Ordinance No. 2022-25, are extended for one year, through May 23, 2024.

Section 3. Definitions. For purposes of this ordinance, the following words and phrases have the following meanings:

(a) "Event" means an occasion on private property organized for a particular and limited purpose and time and is an organized outdoor assemblage that: exceeds 75 persons at a venue in a residential zoning district or at a residence in any other zoning district or on a vacant lot; or exceeds 150 persons at any other venue or location. "At a residence" means located wholly or in part on a parcel that includes a residence. "Events" include athletic events, arts and crafts shows, garden parties, carnivals, circuses, fairs, festivals, musical concerts and other cultural or live entertainment events, and swap meets. An outdoor assemblage of 75 or fewer persons at a venue in a residential zoning district or at a residence in any other zoning district or on a vacant lot, or 150 or fewer persons at any other venue or location, is not an "event" for purposes of this ordinance.

(b) "Commercial event" means an event intended to generate financial gain for the sponsors of the event, or to advertise products, goods or services. An event that requires paid admission or charges for parking or that is open or advertised to the general public is presumed to be a commercial event. An event sponsored by or intended to benefit any organization that is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the United States Internal Revenue Code is not a commercial event.

(c) "Outdoor assemblage" means any assemblage that is not wholly contained within the interior of a residence. An "outdoor assemblage" includes any assemblage in an accessory structure, including but not limited to a barn or tent.

(d) "Persons at a venue" means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at an event venue.

(e) "Vacant lot" means a lot or parcel that is unimproved.

(f) "Venue" means the site, lot, parcel, contiguous lots or parcels under common ownership, location, area, or facility where an event is held or is proposed to be held.

Section 4. Unpermitted Commercial Events Prohibited.

No commercial event may be held on private property without a permit issued under Chapter 82-44.

Section 5. Noise Restrictions.

No event may exceed the noise levels specified in Section 82-44.410.

Section 6. Responsible Party Liability.

(a) A person violates this ordinance or Chapter 82-44 if an event that violates this ordinance or Chapter 82-44 is held on property that the person owns, rents, leases, or otherwise has possession of, regardless of whether the person is present when the violation occurs.

(b) A person violates this ordinance or Chapter 82-44 if an event that the person organizes, supervises, sponsors, conducts, allows, or controls violates this ordinance or Chapter 82-44.

Section 7. Enforcement.

(a) This ordinance may be enforced by any remedy allowed under the Contra Costa County Ordinance Code or any other remedy allowed by law. These remedies include, but are not limited to, administrative fines, infraction citations, and cease and desist (abatement) orders.

(b) The following officials and their designees are authorized to enforce this ordinance and Chapter 82-44:

(1) Director of Conservation and Development.

(2) Sheriff.

(c) Nothing in this ordinance is intended to preclude the enforcement by any Sheriff's deputy of Penal Code section 415, the disturbing the peace statute.

(d) In the event of a conflict between this ordinance and any conditions or requirements of a land use permit issued by the County, the conditions or requirements of the land use permit will govern.

Section 8. Reports. In accordance with subdivision (d) of Government Code section 65858, ten days before this ordinance and any extension of it expires, the Conservation and Development Department shall file with the Clerk of the Board a written report describing the measures taken to alleviate the conditions that led to the adoption of this urgency interim ordinance.

Section 9. Severability. If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect other ordinance provisions or clauses or applications thereof that can be implemented without the invalid provision or clause or application, and to this end the provisions and clauses are declared to be severable. The Board of Supervisors declares that it would have adopted this ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional, or otherwise unenforceable.

Section 10. Declaration of Urgency. This ordinance is hereby declared to be an urgency ordinance necessary for the immediate preservation of the public peace, health, and safety of the County. The facts constituting the urgency of this ordinance's adoption are set forth in Section 1.

Section 11. Effective Date. This ordinance becomes effective immediately upon passage by four-fifths vote of the Board of Supervisors and shall continue in effect for a period of one year, through May 23, 2024, pursuant to Government Code section 65858.

Section 12. Publication. Within 15 days after passage, this ordinance shall be published once with the names of the supervisors voting for and against it in the East Bay Times, a newspaper published in this County.

PASSED ON May 23, 2023, by the following vote:

AYES: John Gioia, Candace Andersen, Diane Burgis, Ken Carlson, Federal Glover
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST: MONICA NINO,
Clerk of the Board of Supervisors
and County Administrator

By: _____
Deputy Clerk June McHuen

_____
Board Chair John Gioia

[SEAL]

AMENDMENT TO THE TEMPORARY EVENTS ORDINANCE

CONTRA COSTA COUNTY BOARD OF SUPERVISORS

MARCH 5, 2024

TIMELINE

2005: Temporary Events Ordinance adopted

April 6, 2022: Board of Supervisors adopted Ordinance No. 2022-16, which increased fine amounts for violations of Chapter 82-44.

June 7, 2022: Board of Supervisors adopted Ordinance No. 2022-23, an urgency interim ordinance regulating commercial temporary events.

July 12, 2022: Board adopted Ordinance No. 2022-25, extending the regulations related to commercial temporary events through June 7, 2023.

May 23, 2023: Board of Supervisors adopted Ordinance No. 2023-11, extending the regulations related to commercial temporary events through May 23, 2024.

January 24, 2024: Presented proposed zoning text amendment to the Temporary Events Ordinance to the County Planning Commission.

Update to Temporary Events Ordinance Is Primarily Intended To Accomplish the Following:

a) Integrate the provisions of Ordinance No. 2023-11, (Urgency Ordinance Extending Regulations Related to Commercial Temporary Events); and

b) Address the portion of the 2020 Report on Recommendations on Reforming Agricultural Land Use Policies to Improve Both Economic Vitality and Sustainability that pertains to agritourism related events.

Key Updates to the Definition Section of the Ordinance and Addition of Noise Restrictions (Note: The provisions below have generally been in effect already As a Result of the Urgency Ordinances)

- Definition of event is would be updated to include gatherings of more 75 people on agriculturally- zoned properties.
- "At a residence" is also defined to clarify the reference in the event definition.
- Commercial event is also modified to include clarification that an event that requires paid admission or charges parking or that is open or advertised to the general public would be considered a commercial event.
- Addition of definitions for outdoor assemblage, persons at a venue, and vacant lot is also included in the amendment to the ordinance.
- Addition of noise restrictions for all events includes maximum noise levels and prohibited hours for amplified sound.

List of Conditions Applicable When a Land Use Permit is Requirement for an Event Venue in an Agricultural Zoning District

- Events at a venue located in an agricultural zoning district may only be issued if authorized events are an accessory use of the agricultural use established for the property and a finding is made that the event is consistent with agricultural vitality.
- The maximum number of events would be determined by considering the lot size of the event venue, availability of parking to serve the event venue, proximity of surrounding residences, the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties, the compatibility of events with neighboring uses, and the degree to which events conflict with the property's primary use of agriculture.
  - On a parcel of less than 40 acres, the maximum number of events per calendar year that may be authorized by a land use permit is six.
  - On a parcel of 40 or more acres, the maximum number of events per calendar year that may be authorized by a land use permit is 26.

List of Conditions Applicable When a Land Use Permit is a Requirement for an Event Venue in an Agricultural Zoning District (Continued)

- The maximum number of people would be determined by the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, and the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties.
- Conditions to limit impacts on neighbors, including prohibited hours for amplified noise and requirements that exterior lighting must be directed downward and away from adjacent properties.

Updates related to the enforcement of the ordinance

- Amendment would authorize the Sheriff and Sheriff's deputies to enforce the ordinance.
- Holding commercial event organizers, in addition to property owners, liable for violations of the ordinance.

STAFF RECOMMENDATIONS

1. OPEN the public hearing on Ordinance No. 2024-07 (Temporary Events); RECEIVE testimony; and CLOSE the public hearing.
2. ADOPT Ordinance No. 2024-07, amending the County's Temporary Events Ordinance to prohibit unpermitted commercial temporary events, establish standards for temporary events in agricultural zoning districts, establish new enforcement mechanisms, and related provisions.
3. DETERMINE that the adoption of Ordinance No. 2024-07 is exempt from CEQA under CEQA Guidelines Sections 15061(b)(3) (common sense exemption).
4. Direct staff to file a Notice of Exemption with the County Clerk.

QUESTIONS

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0696 **Agenda Date:** 3/5/2024 **Agenda #:** D.4.

To: Board of Supervisors

From: John Kopchik, Director, Conservation and Development

Report Title: Consider Authorization of Public Outreach Regarding Noise Related Issues

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
AUTHORIZE Department of Conservation and Development (DCD) staff to evaluate whether additional regulation of noise is necessary and practical and report back to the Board of Supervisors with its findings and recommendations.

FISCAL IMPACT:
Staff costs associated with this work are expected to be modest ($15,000 to $30,000) and may be accomplished utilizing existing staff and budget.

BACKGROUND:
Noise concerns are frequently raised with the County by members of the public. Specific noise complaints are reported to Board of Supervisors offices, DCD Code Enforcement, the Sherriff's Office and other departments. These complaints often relate to large events, loud parties and construction, but other noise concerns are also raised. Community noise concerns have been discussed repeatedly at some Municipal Advisory Committee (MAC) meetings. DCD and Sherriff's Office staff have been invited to attend these meetings to make presentations and hear community concerns. Concern with noise issues and calls for a "noise ordinance" were expressed at community meetings convened by Supervisors and DCD as part of the Envision Contra Costa Process to gather input for the ongoing update to the County's General Plan and subsequent update to the County's Zoning Code.

The County has existing regulations to address noise, and in fact has recently expanded regulation to address the emerging problem of loud commercial events. But the County's regulations are not comprehensive. Expanding regulation of noise and effectively enforcing would be challenging but is worthy of further evaluation.

Existing Regulation, Gaps in Regulation and Challenges

The current County General Plan has noise standards appropriate for various land use designations. Land use permits and other discretionary permits issued by the County must be consistent with these standards. In addition, the County's Temporary Events Ordinance, first adopted in 2005, addresses noise for gatherings large enough to qualify as "events" under the Ordinance (e.g. 75 or 150 or more persons, depending upon the zoning district), establishes specific noise limitations by time of day and prohibits amplified sound at certain periods of the night and morning. The Board tightened these regulations on June 7, 2022, when it adopted Ordinance No.

2022-23, an urgency interim ordinance that was intended to address a proliferation of loud commercial events, particularly in rural areas of the County, by clarifying definitions and reducing exceptions. On April 26, 2022 the Board also increased the fines associated with violation of the Temporary Events Ordinance to match the recently-increased state limits. DCD staff and Sherriff's Office staff collaborated to increase enforcement efforts of the expanded regulations.

With respect to construction noise and hours, DCD imposes such limitations in discretionary permits. The standard construction window imposed is 8:00 A.M. to 5:00 P.M., Monday through Friday, and prohibited on State and Federal holidays. The County's Grading Ordinance limits the work hours for grading activity. However, for construction projects that do not require a discretionary permit or do not involve grading, there are no limitations on construction hours.

The County's Draft General Plan released on October 17, 2023 (and currently open for public comment through April 8, 2024) includes the following proposed Action related to noise:

> HS-A14.1 Study the feasibility of adopting a noise ordinance establishing maximum exterior noise levels at sensitive receptors for noise generated by permanent and temporary stationary, non-transportation sources and construction sources.

The feasibility of a noise ordinance relates primarily to challenges with enforcement. Concerns raised regarding noise can be related to sounds or vibrations occurring outside of typical working hours when DCD staff may not be available to respond and investigate (or when Sherriff staff resources may be limited). Additionally, some noise and vibrations occur intermittently and irregularly which could complicate enforcement. Further, establishing and upholding the threshold for an unreasonable level of noise can also pose challenges regarding measurements of such noise for duration of the activity. Finally, the cost of enforcing such an ordinance, primarily with respect to increased demand for staff time, are not currently known but could be significant.

Proposed Process For Collecting Community Input and Assessing Options

DCD staff will write a letter to each Municipal Advisory Committee (MAC) providing background and explaining the County's desire to better understand community concerns. A follow-up survey with noise-related questions will be sent to the MACs with a request for a response.

DCD staff will attend a meeting with each MAC, if requested, to provide additional opportunities for public input regarding specific community-related noise issues that may not have been addressed in the initial survey.

DCD staff will consult other jurisdictions that have adopted noise ordinances to understand common issues, responses and enforcement. Staff will also coordinate with the Sherriff's Office and County Counsel to evaluate options for additional regulations, including enforcement capabilities.

DCD staff will work through the MACs to invite interested people to join a countywide work group to dive deeper into the issues, including identifying which noise concerns are of highest priority and discussing enforcement challenges, as well as provide additional input.

Staff will collect the findings and concerns expressed from MAC members, stakeholders and other interested persons within the County and draft a report on the noise related issues raised to be presented to the Board at a later date. Staff currently estimates this could occur in the second half of 2024. Staff will also make recommendations on options for follow-up actions to the Board based on the information presented.

CONSEQUENCE OF NEGATIVE ACTION:

DCD would not reach out to the community for input on noise issues and would not analyze and report back on regulatory options.

Contra Costa County

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: May 23, 2023

Subject: Hearing to Consider Adopting Urgency Interim Ordinance No. 2023-11

RECOMMENDATION(S):
1. OPEN the public hearing on Ordinance No. 2023-11, RECEIVE testimony, and CLOSE the public hearing.

2. ADOPT Ordinance No. 2023-11, an urgency interim ordinance that extends, through May 23, 2024, a prohibition on unpermitted commercial temporary events, establishes new enforcement mechanisms, and related provisions.

3. DETERMINE that adoption of Ordinance No. 2023-11 is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061 (b)(3).

4. DIRECT staff to file a CEQA Notice of Exemption with the County Clerk-Recorder.

FISCAL IMPACT:
None.

BACKGROUND:
On June 7, 2022, the Board of Supervisors adopted Ordinance No. 2022-23, an urgency interim ordinance that immediately implemented regulations related to commercial temporary events, including a prohibition on unpermitted commercial temporary events and new enforcement mechanisms. On July 12, 2022, the Board adopted Ordinance No. 2022-25, extending the regulations related to commercial temporary events through June 7, 2023. This urgency ordinance, Ordinance No. 2023-11, would extend the regulations related to commercial temporary events through May 23, 2024, while the County continues developing amendments to Ordinance Code Chapter 82-44, the Temporary Events Ordinance of Contra Costa County.

This urgency interim ordinance extension is necessary to address significant negative impacts caused by an increase in unpermitted commercial events within the County. The County regulates short-term activities and events that are conducted on private property and generate or invite considerable public participation, invitees, or spectators under Chapter 82-44. Chapter 82-44 establishes procedures for evaluating, permitting, and regulating temporary events. These procedures authorize the zoning administrator to approve permits for temporary events and to require

☑ APPROVE ☐ OTHER

☑ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/23/2023** ☐ 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: May 23, 2023

Monica Nino, County Administrator and Clerk of the Board of Supervisors

Contact: Francisco Avila, 925-655-2866

By: , Deputy

cc:

BACKGROUND: (CONT'D)

permit conditions, or deny permits when necessary. These procedures are necessary to protect and promote the health, safety and welfare of the public, temporary event participants, and nearby residents. Under Chapter 82-44, commercial events held on private property without a permit, and commercial events that violate the noise or amplified sound restrictions set forth in Chapter 82-44, are illegal.

Over the past several years, the number of unpermitted commercial events held on private property has increased. These unpermitted commercial events typically are widely advertised, or require paid admission, or charge for parking. Because they are unpermitted, these commercial events are not subject to any conditions, such as noise restrictions, parking requirements, on-site restroom requirements, and other requirements designed to minimize the impact of these events on the normal free flow of vehicular and pedestrian traffic, minimize the impacts of noise from these events, protect the safety of property, and minimize disturbance and inconvenience to neighbors, neighboring properties, and neighborhoods.

In an effort to deter these unpermitted events, on April 26, 2022, the Board of Supervisors adopted Ordinance No. 2022-16, to increase fine amounts for violations of Chapter 82-44. Ordinance No. 2022-16 establishes the following fine amounts for violations of Chapter 82-44: $150 for the first violation, $700 for a second violation occurring within three years of the first violation, and $2,500 for each additional violation occurring within three years of the first violation. Code enforcement officers have begun to issue increased fines to property owners for holding unpermitted commercial events and for other violations of Chapter 82-44.

Adopting this urgency ordinance to extend the regulations related to commercial temporary events will allow staff to continue developing amendments to Chapter 82-44 that will hold commercial event organizers, in addition to property owners, liable for illegal commercial events; will authorize Sheriff's deputies, in addition to code enforcement officers, to enforce Chapter 82-44; ensure that commercial event organizers do not evade the requirements of Chapter 82-44 by characterizing these commercial events as non-commercial events exempt from the Temporary Events Ordinance's permit requirements.

Staff recommends the Board adopt the proposed urgency ordinance to extend the regulations related to commercial temporary events while DCD prepares amendments to Chapter 82-44 of the County Ordinance Code. The amendments to Chapter 82-44 must be considered by the County Planning Commission before being considered for adoption by the Board of Supervisors, and will not go into effect until 30 days after adoption by the Board. Since the number of unpermitted commercial events held on private property had increased prior to the June 7, 2022 adoption of the regulations proposed for extension, and additional unpermitted events are likely to occur before the proposed amendments to Chapter 82-44 become effective, this urgency ordinance is necessary to protect the public health, safety, and welfare.

CEQA COMPLIANCE

Adoption of the proposed urgency interim ordinance is exempt from CEQA because it can be seen with certainty that adoption of the ordinance will not have a significant effect on the environment. The proposed ordinance would extend temporary regulations related to commercial temporary events. These regulations include a prohibition on unpermitted commercial temporary events and the establishment of new enforcement mechanisms.

CONSEQUENCE OF NEGATIVE ACTION:

The failure to extend the urgency ordinance may result in continued significant negative impacts caused by unpermitted commercial events that adversely affect the general health, safety, and welfare of County residents.

ATTACHMENTS

5.10.23 Rpt to Board

ORDINANCE NO. 2023-11

ORDINANCE NO. 2023-11

URGENCY ORDINANCE EXTENDING REGULATIONS RELATED TO COMMERCIAL TEMPORARY EVENTS

The Contra Costa County Board of Supervisors ordains as follows:

Section 1. Findings.

A. The purpose of this urgency interim ordinance is to extend regulations related to commercial temporary events while the County considers preparing amendments to Ordinance Code Chapter 82-44, the Temporary Events Ordinance of Contra Costa County, to establish permanent regulations to address impacts cause by commercial temporary events.

B. The County regulates short-term activities and events that are conducted on private property and generate or invite considerable public participation, invitees, or spectators under Chapter 82-44.

C. Chapter 82-44 establishes procedures for evaluating, permitting, and regulating temporary events. These procedures authorize the zoning administrator to approve permits for temporary events and to require permit conditions, or deny permits when necessary. These procedures are necessary to protect and promote the health, safety, and welfare of the public, temporary event participants, and nearby residents.

D. Under Chapter 82-44, commercial events held on private property without a permit, and commercial events that violate the noise or amplified sound restrictions set forth in Chapter 82-44, are illegal.

E. On April 26, 2022, the Board of Supervisors adopted Ordinance No. 2022-16, which increased fine amounts for violations of Chapter 82-44, including illegal commercial events. Ordinance No. 2022-16 establishes the following fine amounts for these violations: $150 for the first violation, $700 for a second violation occurring within three years of the first violation, and $2,500 for each additional violation occurring within three years of the first violation.

F. Over the past several years, the number of unpermitted commercial events held on private property has increased. These unpermitted commercial events typically are widely advertised, or require paid admission, or charge for parking, or are otherwise open to the public. Because they are unpermitted, these commercial events are not subject to any conditions, such as noise restrictions, parking requirements, on-site restroom requirements, and other requirements designed to minimize the impacts of these events on the normal free flow of vehicular and pedestrian traffic, minimize the impacts of noise from temporary events, protect the safety of property, and minimize disturbance and inconvenience to neighbors, neighboring properties, and neighborhoods.

G. The Department of Conservation and Development is preparing amendments to Chapter 82-44 that will hold commercial event organizers, in addition to property owners, liable

for illegal commercial events; authorize Sheriff's deputies, in addition to code enforcement officers, to enforce Chapter 82-44; and ensure that commercial event organizers do not evade the requirements of Chapter 82-44 by characterizing these commercial events as non-commercial events exempt from the Temporary Events Ordinance's permit requirements.

H. On June 7, 2022, the Board of Supervisors adopted Ordinance No. 2022-23, an urgency interim ordinance regulating commercial temporary events by: prohibiting unpermitted commercial events; holding commercial event organizers, in addition to property owners, liable for illegal commercial events; and authorizing Sheriff's deputies, in addition to code enforcement officers, to enforce Chapter 82-44. On July 12, 2022, the Board adopted Ordinance No. 2022-25, extending the regulations related to commercial temporary events for 10 months and 15 days, through June 7, 2023.

I. This ordinance, extending the regulations another year, is necessary to proceed with an orderly planning process that takes into account consideration of the amendments to the County's Temporary Events Ordinance. Since the number of unpermitted commercial events held on private property has increased, and additional unpermitted events are likely to occur before the proposed amendments to Chapter 82-44 become effective, this urgency interim ordinance is necessary to protect the public health, safety, and welfare by extending these new commercial event regulations.

Section 2. Extension. The regulations established by Ordinance No. 2022-23, and extended by Ordinance No. 2022-25, are extended for one year, through May 23, 2024.

Section 3. Definitions. For purposes of this ordinance, the following words and phrases have the following meanings:

(a) "Event" means an occasion on private property organized for a particular and limited purpose and time and is an organized outdoor assemblage that: exceeds 75 persons at a venue in a residential zoning district or at a residence in any other zoning district or on a vacant lot; or exceeds 150 persons at any other venue or location. "At a residence" means located wholly or in part on a parcel that includes a residence. "Events" include athletic events, arts and crafts shows, garden parties, carnivals, circuses, fairs, festivals, musical concerts and other cultural or live entertainment events, and swap meets. An outdoor assemblage of 75 or fewer persons at a venue in a residential zoning district or at a residence in any other zoning district or on a vacant lot, or 150 or fewer persons at any other venue or location, is not an "event" for purposes of this ordinance.

(b) "Commercial event" means an event intended to generate financial gain for the sponsors of the event, or to advertise products, goods or services. An event that requires paid admission or charges for parking or that is open or advertised to the general public is presumed to be a commercial event. An event sponsored by or intended to benefit any organization that is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the United States Internal Revenue Code is not a commercial event.

(c) "Outdoor assemblage" means any assemblage that is not wholly contained within the interior of a residence. An "outdoor assemblage" includes any assemblage in an accessory structure, including but not limited to a barn or tent.

(d) "Persons at a venue" means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at an event venue.

(e) "Vacant lot" means a lot or parcel that is unimproved.

(f) "Venue" means the site, lot, parcel, contiguous lots or parcels under common ownership, location, area, or facility where an event is held or is proposed to be held.

Section 4. Unpermitted Commercial Events Prohibited.

No commercial event may be held on private property without a permit issued under Chapter 82-44.

Section 5. Noise Restrictions.

No event may exceed the noise levels specified in Section 82-44.410.

Section 6. Responsible Party Liability.

(a) A person violates this ordinance or Chapter 82-44 if an event that violates this ordinance or Chapter 82-44 is held on property that the person owns, rents, leases, or otherwise has possession of, regardless of whether the person is present when the violation occurs.

(b) A person violates this ordinance or Chapter 82-44 if an event that the person organizes, supervises, sponsors, conducts, allows, or controls violates this ordinance or Chapter 82-44.

Section 7. Enforcement.

(a) This ordinance may be enforced by any remedy allowed under the Contra Costa County Ordinance Code or any other remedy allowed by law. These remedies include, but are not limited to, administrative fines, infraction citations, and cease and desist (abatement) orders.

(b) The following officials and their designees are authorized to enforce this ordinance and Chapter 82-44:

(1) Director of Conservation and Development.

(2) Sheriff.

(c) Nothing in this ordinance is intended to preclude the enforcement by any Sheriff's deputy of Penal Code section 415, the disturbing the peace statute.

(d) In the event of a conflict between this ordinance and any conditions or requirements of a land use permit issued by the County, the conditions or requirements of the land use permit will govern.

Section 8. Reports. In accordance with subdivision (d) of Government Code section 65858, ten days before this ordinance and any extension of it expires, the Conservation and Development Department shall file with the Clerk of the Board a written report describing the measures taken to alleviate the conditions that led to the adoption of this urgency interim ordinance.

Section 9. Severability. If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect other ordinance provisions or clauses or applications thereof that can be implemented without the invalid provision or clause or application, and to this end the provisions and clauses are declared to be severable. The Board of Supervisors declares that it would have adopted this ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional, or otherwise unenforceable.

Section 10. Declaration of Urgency. This ordinance is hereby declared to be an urgency ordinance necessary for the immediate preservation of the public peace, health, and safety of the County. The facts constituting the urgency of this ordinance's adoption are set forth in Section 1.

Section 11. Effective Date. This ordinance becomes effective immediately upon passage by four-fifths vote of the Board of Supervisors and shall continue in effect for a period of one year, through May 23, 2024, pursuant to Government Code section 65858.

Section 12. Publication. Within 15 days after passage, this ordinance shall be published once with the names of the supervisors voting for and against it in the East Bay Times, a newspaper published in this County.

PASSED ON May 23, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: MONICA NINO,
Clerk of the Board of Supervisors
and County Administrator

_____
Board Chair

By: _____
Deputy

[SEAL]

CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION AND DEVELOPMENT
30 MUIR ROAD
MARTINEZ, CA 94597

Subject: Proposal to Prepare and Action Plan for Community Outreach Regarding Noise Concerns Within the Unincorporated Areas of Contra Costa County

Scope of Project

Task 1: Initial Outreach to Municipal Advisory Committees (MACs)

Department of Conservation and Development (DCD) staff will craft an introductory memo addressing the possibility of noise concerns within MAC communities and the County's intent to understand these concerns. Subsequently, a follow up survey to include noise-related questions will be sent to the MACS with a request for response.

Task 2: Extend Invitations to Host In Person Meetings Related to Noise Concerns

DCD Staff will extend offers to host in person meetings with each MAC if requested, to provide additional opportunities for public input regarding specific community-related noise issues that may not have been addressed in the initial outreach survey.

Task 3: Invite MAC Members and Other Interested People to Join a Countywide Work Group

Upon conclusion of the MAC member survey and in person public meeting outreach, DCD staff will solicit interested people in joining a countywide work group to stay abreast of ongoing noise related issues as well as provide additional input as concerns come up.

Task 4: Report the Findings of the Outreach Survey, In Person Meetings and Work Group to the Board of Supervisors

Staff will collect the findings and concerns expressed from MAC members and other interested persons within the County and draft a report on the noise related issues raised to be presented to the Board at a later date. Staff will also make recommendations of follow-up actions to the Board based on the information presented.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0623 **Agenda Date:** 3/5/2024 **Agenda #:** C.1.

To: Board of Supervisors

From: Jane Andreotti, Interim Animal Services Director

Report Title: Animal Services Monetary Donation Reports for July 1, 2023, through December 31, 2023

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
ACCEPT the monetary donation report from the Animal Services Department, which describes the source and value of each gift received by Animal Services for FY 2023/24, Quarter 1: July 1, 2023, through September 30, 2023, and Quarter 2: October 1, 2023, through December 31, 2023.

FISCAL IMPACT:

This is an informational item only. No fiscal impact. The total value of donations received during FY 2023/24 Quarter 1, Quarter 2 is $41,835.

BACKGROUND:

In 1998, the Animal Benefit Fund was created by the Animal Services Department to allow the Department to receive donations from individuals, animal welfare organizations and businesses to support animal health and welfare projects that are not funded by departmental or general County revenue. On April 19, 2016, the Board of Supervisors delegated specific authority to the Animal Services Director to accept any monetary donation, gift, bequest, or device made to or in favor of the Contra Costa County Animal Services Department, as allowed under Government Code section 25355, and to solicit donations for the benefit of shelter animals. Along with this delegated authority, the Animal Services Director must file a report with the Board of Supervisors every quarter that describes the source and value of each gift.

On December 8, 2020, the Board of Supervisors adopted Resolution No. 2020/326, which authorized the Animal Services Director to implement the following programs within the Animal Benefit Fund beginning FY 2021/22:

1. Medical Assistance Program: This program is for medical assistance and emergency veterinary care for animals that are in the County's jurisdiction and/or have been accepted into the County shelter's care. Funds are used for medical care over and above the mandated medical care for animals in the care of the shelter and that need further assistance to be made available for adoption or released to a transfer agency. Funds may also be used to provide necessary medical care to an animal to help keep the animal out of the shelter.

2. Humane Education Program: This program helps to support humane education services at the County animal

shelter and within the community. Humane education support may also be used to help pet owners resolve behavioral problems that might otherwise cause them to give up their pet, to help shelter animals with behavioral issues that might keep them from being easily adopted, and to create humane education programs for school age children.

3. Shelter Intervention Program: Often, families in a crisis turn to surrendering their pet to a shelter due to lack of financial resources. The intervention program helps to provide resources to keep animals in their homes. Examples of intervention tools: spay/neuter, behavior/training assistance, fence repair and grooming. This program may also be used to help domestic violence victims or seniors on limited incomes to keep their pets in their lives when they may otherwise have had to consider relinquishment due to lack of funds for basic daily needs or medical concerns.

4. Spay Neuter and Wellness Program: This program allows spay/neuter, vaccinations, and microchips to be more affordable and accessible in Contra Costa County. Contra Costa Animal Services accomplishes this by establishing partnerships and is developing mobile programs to reach into the areas of the County in greatest need, targeting the species/breeds of animals most likely to be found in the County shelter, and supporting healthy community cats through TNR/RTF (trap-neuter-return / return- to-field) and Working Cat Adoptions.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to accept the report will delay the information the Board of Supervisors has requested.

Animal Services Department FY 2023/24
Donation Report Quarter 1 - July 1, 2023 through September 30, 2023

Program	Description	Date Posted	Amount
GENERAL ABF	GENERAL DONATION	7/6/2023	$60.00
GENERAL ABF	GENERAL DONATION	7/7/2023	$538.34
GENERAL ABF	GENERAL DONATION	7/7/2023	$100.00
GENERAL ABF	GENERAL DONATION	7/20/2023	$225.00
GENERAL ABF	GENERAL DONATION	7/20/2023	$90.00
GENERAL ABF	GENERAL DONATION	7/20/2023	$156.00
GENERAL ABF	GENERAL DONATION	7/20/2023	$244.00
GENERAL ABF	GENERAL DONATION	7/26/2023	$20.76
GENERAL ABF	GENERAL DONATION	7/27/2023	$40.00
GENERAL ABF	GENERAL DONATION	7/31/2023	$2,237.32
GENERAL ABF	GENERAL DONATION	8/2/2023	$1,000.00
GENERAL ABF	GENERAL DONATION	8/2/2023	$100.00
GENERAL ABF	GENERAL DONATION	8/2/2023	$100.00
GENERAL ABF	GENERAL DONATION	8/2/2023	$50.00
GENERAL ABF	GENERAL DONATION	8/2/2023	$2,420.00
GENERAL ABF	GENERAL DONATION	8/2/2023	$135.00
GENERAL ABF	GENERAL DONATION	8/4/2023	$500.00
GENERAL ABF	GENERAL DONATION	8/4/2023	$942.48
GENERAL ABF	GENERAL DONATION	8/4/2023	$40.00
GENERAL ABF	GENERAL DONATION	8/7/2023	$0.34
GENERAL ABF	GENERAL DONATION	8/8/2023	$64.00
GENERAL ABF	GENERAL DONATION	8/10/2023	$12.50
GENERAL ABF	GENERAL DONATION	8/15/2023	$85.00
GENERAL ABF	GENERAL DONATION	8/15/2023	$100.00
GENERAL ABF	WEBSITE DONATION	8/17/2023	-$1.28
GENERAL ABF	GENERAL DONATION	8/18/2023	$70.00
GENERAL ABF	GENERAL DONATION	8/18/2023	$123.13
GENERAL ABF	GENERAL DONATION	8/18/2023	$500.00
GENERAL ABF	WEBSITE DONATION	8/23/2023	$100.00
GENERAL ABF	GENERAL DONATION	8/23/2023	$1,000.00
GENERAL ABF	GENERAL DONATION	8/23/2023	$20.76
GENERAL ABF	GENERAL DONATION	8/25/2023	$436.46
GENERAL ABF	GENERAL DONATION	8/25/2023	$20.00
GENERAL ABF	GENERAL DONATION	8/25/2023	$5.00
GENERAL ABF	GENERAL DONATION	8/25/2023	$100.00
GENERAL ABF	GENERAL DONATION	8/30/2023	$1,045.00
GENERAL ABF	GENERAL DONATION	8/31/2023	$6.00
GENERAL ABF	GENERAL DONATION	8/31/2023	$6.00
GENERAL ABF	GENERAL DONATION	9/5/2023	$40.00
GENERAL ABF	GENERAL DONATION	9/6/2023	$0.08
GENERAL ABF	GENERAL DONATION	9/6/2023	$100.00
GENERAL ABF	GENERAL DONATION	9/7/2023	$5.00
GENERAL ABF	GENERAL DONATION	9/7/2023	$40.00
GENERAL ABF	GENERAL DONATION	9/7/2023	$609.11
GENERAL ABF	GENERAL DONATION	9/8/2023	$200.00
GENERAL ABF	GENERAL DONATION	9/8/2023	$40.00
GENERAL ABF	GENERAL DONATION	9/13/2023	$625.00
GENERAL ABF	GENERAL DONATION	9/15/2023	$20.76
GENERAL ABF	GENERAL DONATION	9/20/2023	$200.00
GENERAL ABF	GENERAL DONATION	9/27/2023	$30.00
GENERAL ABF	GENERAL DONATION	9/28/2023	$350.00
GENERAL ABF	GENERAL DONATION	9/28/2023	$50.00
GENERAL ABF	GENERAL DONATION	9/28/2023	$50.00
GENERAL ABF	GENERAL DONATION	9/28/2023	$40.00
GENERAL ABF	GENERAL DONATION	9/28/2023	$40.00

Summary by Donation Type

Type	Total
GENERAL DONATION	$15,033.04
WEBSITE DONTATION	$98.72
Grand Total	**$15,131.76**

Animal Services Department FY 2023/24
Donation Report Quarter 2 - October 1, 2023 through December 31, 2023

Program	Description	Date Posted	Amount
GENERAL ABF	GENERAL DONATION	10/2/2023	$48.17
GENERAL ABF	GENERAL DONATION	10/4/2023	$50.00
GENERAL ABF	GENERAL DONATION	10/4/2023	$75.00
GENERAL ABF	GENERAL DONATION	10/5/2023	$65.00
GENERAL ABF	GENERAL DONATION	10/11/2023	$507.00
GENERAL ABF	GENERAL DONATION	10/11/2023	$99.11
GENERAL ABF	GENERAL DONATION	10/13/2023	$0.24
GENERAL ABF	GENERAL DONATION	10/13/2023	$200.00
GENERAL ABF	GENERAL DONATION	10/16/2023	$50.00
GENERAL ABF	GENERAL DONATION	10/18/2023	$105.00
GENERAL ABF	GENERAL DONATION	10/18/2023	$50.00
GENERAL ABF	GENERAL DONATION	10/18/2023	$25.00
GENERAL ABF	GENERAL DONATION	10/18/2023	$100.00
GENERAL ABF	GENERAL DONATION	10/19/2023	$500.00
GENERAL ABF	GENERAL DONATION	10/20/2023	$90.00
GENERAL ABF	GENERAL DONATION	10/24/2023	$50.00
GENERAL ABF	GENERAL DONATION	10/25/2023	$175.00
GENERAL ABF	GENERAL DONATION	10/26/2023	$123.80
GENERAL ABF	GENERAL DONATION	10/27/2023	$65.00
GENERAL ABF	GENERAL DONATION	10/30/2023	$100.00
GENERAL ABF	GENERAL DONATION	10/30/2023	$25.50
GENERAL ABF	GENERAL DONATION	10/30/2023	$150.00
GENERAL ABF	GENERAL DONATION	10/31/2023	$9,196.93
GENERAL ABF	GENERAL DONATION	11/2/2023	$31.14
GENERAL ABF	GENERAL DONATION	11/3/2023	$6.00
GENERAL ABF	GENERAL DONATION	11/3/2023	$40.00
GENERAL ABF	GENERAL DONATION	11/6/2023	$127.00
GENERAL ABF	GENERAL DONATION	11/6/2023	$1,078.28
GENERAL ABF	GENERAL DONATION	11/6/2023	$1,796.00
GENERAL ABF	GENERAL DONATION	11/6/2023	$25.00
GENERAL ABF	GENERAL DONATION	11/9/2023	$40.00
GENERAL ABF	GENERAL DONATION	11/13/2023	$148.40
GENERAL ABF	GENERAL DONATION	11/13/2023	$100.00
GENERAL ABF	GENERAL DONATION	11/16/2023	$40.00
GENERAL ABF	GENERAL DONATION	11/16/2023	$355.00
GENERAL ABF	GENERAL DONATION	11/16/2023	$132.00
GENERAL ABF	GENERAL DONATION	11/16/2023	$20.00
GENERAL ABF	GENERAL DONATION	11/16/2023	$50.00
GENERAL ABF	GENERAL DONATION	11/16/2023	$6.00
GENERAL ABF	GENERAL DONATION	11/16/2023	$12.00
GENERAL ABF	GENERAL DONATION	11/16/2023	$52.50
GENERAL ABF	GENERAL DONATION	11/17/2023	$0.57
GENERAL ABF	GENERAL DONATION	11/21/2023	$20.76
GENERAL ABF	GENERAL DONATION	11/30/2023	$17.00
GENERAL ABF	GENERAL DONATION	12/1/2023	$200.00
GENERAL ABF	GENERAL DONATION	12/1/2023	$925.00
GENERAL ABF	GENERAL DONATION	12/1/2023	$340.00
GENERAL ABF	GENERAL DONATION	12/4/2023	$435.00
GENERAL ABF	GENERAL DONATION	12/4/2023	$100.00
GENERAL ABF	GENERAL DONATION	12/4/2023	$50.00
GENERAL ABF	GENERAL DONATION	12/7/2023	$150.00
GENERAL ABF	GENERAL DONATION	12/7/2023	$764.11
GENERAL ABF	GENERAL DONATION	12/7/2023	$330.00
GENERAL ABF	GENERAL DONATION	12/7/2023	$500.00
GENERAL ABF	GENERAL DONATION	12/14/2023	$616.14
GENERAL ABF	GENERAL DONATION	12/14/2023	$65.00
GENERAL ABF	GENERAL DONATION	12/15/2023	$550.00
GENERAL ABF	GENERAL DONATION	12/19/2023	$247.00
GENERAL ABF	GENERAL DONATION	12/19/2023	$100.00
GENERAL ABF	GENERAL DONATION	12/19/2023	$300.00
GENERAL ABF	GENERAL DONATION	12/19/2023	$5.00
GENERAL ABF	GENERAL DONATION	12/19/2023	$92.50
GENERAL ABF	GENERAL DONATION	12/22/2023	$2.50
GENERAL ABF	GENERAL DONATION	12/22/2023	$550.00
GENERAL ABF	GENERAL DONATION	12/22/2023	$34.50
GENERAL ABF	GENERAL DONATION	12/22/2023	$0.29
GENERAL ABF	GENERAL DONATION	12/27/2023	-$25.00
GENERAL ABF	GENERAL DONATION	12/27/2023	$52.50
GENERAL ABF	GENERAL DONATION	12/27/2023	$170.00
GENERAL ABF	GENERAL DONATION	12/27/2023	$3,577.50
GENERAL ABF	GENERAL DONATION	12/29/2023	$317.50
GENERAL ABF	GENERAL DONATION	12/29/2023	$106.00
GENERAL ABF	GENERAL DONATION	12/29/2023	$200.00
			$26,703.94

Summary by Donation Type

Type	Total
GENERAL DONATION	$26,703.94
WEBSITE DONTATION	$0.00
Grand Total	**$26,703.94**

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0624 **Agenda Date:** 3/5/2024 **Agenda #:** C.2.

To: Board of Supervisors

From: Robert Campbell, Auditor-Controller

Report Title: DISTRIBUTION OF STATE HIGHWAY PROPERTY RENTAL REVENUE

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Auditor-Controller, or designee, to distribute the 2022-23 State Highway property rental revenue in the amount of $74,815.20 to the County Road Fund pursuant to the provisions of Section 104.10 of the Streets and Highways Code, as follows: County Road Fund $74,815.20.

FISCAL IMPACT:
This action has no impact on the General Fund. The County Road Fund will receive $74,815.20.

BACKGROUND:
Section 104.6 of the Streets and Highways Code authorizes the State Department of Transportation to lease any lands it holds which are not presently needed for State Highway purposes and provides that 24 percent of such rental revenue shall be allocated pursuant to Section 104.10. Section 104.13 provides that all funds distributed to the County shall be deemed to be in full or partial payment of the possessory interest taxes due on such leased properties. The recommended distribution is in accordance with those State laws.

CONSEQUENCE OF NEGATIVE ACTION:
The funds will not be distributed.

DISTRIBUTION OF 2022-23 HIGHWAY PROPERTY RENTAL REVENUE
(Right of Way Rental Income)

County Road Fund	$74,815.20
TOTAL	$74,815.20

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0625 **Agenda Date:** 3/5/2024 **Agenda #:** C.3.

To: Board of Supervisors

From: Family & Human Services Committee

Report Title: ACCEPT the Council on Homelessness 2023 Quarter 4 report

☐Recommendation of the County Administrator ☒ Recommendation of Board Committee

RECOMMENDATIONS:
ACCEPT the 2023 Quarter 4 report from the Council on Homelessness.

FISCAL IMPACT:
There is no fiscal impact for this action.

BACKGROUND:
In November 2014, the Board approved "Forging Ahead Towards Preventing and Ending Homelessness: An Update to Contra Costa's 2004 Strategic Plan," that renewed the County's 2004 plan with the latest data, best practices, and community feedback and reaffirmed the County's commitment to the Housing First approach. As such, "Forging Ahead" establishes this guiding principle: "Homelessness is first a housing issue, and necessary supports and services are critical to help people remain housed. Our system must be nimble and flexible enough to respond through shared responsibility, accountability, and transparency of the community." The Strategic Plan Update identifies two goals: 1) Decrease the length of time people experience homelessness by focusing on providing Permanent Housing and Services; and 2) Decrease the percentage of people who become homeless by providing Prevention activities. To achieve these goals, three strategies emerged: - Implement a coordinated entry/assessment system to streamline access to housing and services while addressing barriers, getting the right resources to the right people at the right time; - Use best, promising, and most effective practices to give the consumer the best possible experience through the strategic use of resources; and - Develop the most effective platforms to provide access, support advocacy, and connect to the community about homelessness and available resources. The Homeless Program of the Health, Housing and Homeless Services Division partners with the Homeless Advisory Board and Continuum of Care to develop and carry out an annual action plan that identifies the objectives and benchmarks related to each of the goals and strategies of Forging Ahead. Further, the Homeless Program incorporates the strategic plan goals into its own delivery system of comprehensive services, interim housing and permanent supportive housing as well as contracting with community agencies to provide additional homeless services and housing with the goal of ending homelessness in our community. On February 26, 2024, the Family and Human Services Committee accepted the attached 2023 Quarter 4 report from the Council on Homelessness and directed staff to forward the report to the Board of Supervisors for their information.

CONSEQUENCE OF NEGATIVE ACTION:
The Board of Supervisors will not receive the information included in the 2023 Quarter 4 report from the Council on Homelessness.

Contra Costa County Homeless System of Care Quarterly Report for Quarter 4, 2023 (October - December)

LETTER FROM THE CHAIR AND VICE CHAIR

Dear Contra Costa County Board of Supervisors,

The highlight to the fourth quarter of 2023 for us was all of the Homelessness Awareness Month events, activities and resources that were shared with the community. We also saw our system of care receive $16m from the state through the Homekey program and an application go in for the fifth round of the state's Homeless, Housing and Assistance Program funding. Our committees finalized workplans for 2024 and for 2024 are pleased to welcome six new Council members and four returning members for the ten seats that opened at the end of this quarter.

Sincerely,

Juno Hedrick, Chair of the Council on Homelessness

and

Jo Bruno, Vice Chair of the Council on Homelessness

INTRODUCTION

The Contra Costa Council on Homelessness (CoH) is the governing and oversight body for the County homeless Continuum of Care (CoC) and is appointed by the Board of Supervisors. The Council provides advice and input to the Board of Supervisors on the operations of homeless services, program operations, and program development efforts in Contra Costa County. The Contra Costa Council on Homelessness is the governing body for the Contra Costa County Continuum of Care (CoC).

The Contra Costa CoC is comprised of multiple partners, including service providers, members of faith communities, local businesses, private and public funders, community members, education systems and law enforcement, and others who are working collaboratively to end homelessness. The COH and COC are supported by Contra Costa Health Services Health, Housing & Homeless Services (H3) Division. H3 functions as the CoC administrative entity and collaborative applicant, CoC Lead Agency and Homeless Management Information System (HMIS database) Lead Agency.

The purpose of this report is to share information about the CoC and COH activities with the Contra Costa County Board of Supervisors and to provide recommendations from the COH to the County Board of Supervisors on long range planning and policy formulation that would support the county homeless CoC. This report includes information on system data, funding and policy activities, and CoC initiatives. All information will reflect activities and data for the prior quarter.

This report was produced on behalf of the CoH by H3 in collaboration with the CoH and CoC partners.

SYSTEM FUNDING

This quarter the CoC continued to evaluate the system of care and pursued funding opportunities to address the gaps in Contra Costa's homeless system, including our largest source of funding, the Housing and Urban Development (HUD) Continuum of Care (CoC) Notice of Funding Opportunity (NOFO).

FEDERAL

HUD NOFO: In this quarter**,** HUD began contract execution for awards announced in the Continuum of Care Supplemental Notice of Funding to Address Unsheltered homelessness and providers worked collaboratively with the CoC to ensure an on-time submission of grant documents. The Supplemental NOFO provides three-year awards and will support enhancement of the CoC's HMIS database, as well as 28 units of permanent supportive housing provided by SHELTER, Inc.

STATE

Homeless, Housing and Assistance Program (HHAP): HHAP grant through the California Interagency Council on Homelessness (Cal-ICH) that provides local jurisdictions, including federally recognized tribal governments, with flexible funding to continue efforts to end and prevent homelessness in their communities. In this quarter, H3, on behalf of the County and CoC, began to review and complete the application for the fifth round of HHAP funding (HHAP-5). H3 received data from the State's HDIS system to support with goal setting.

Homekey 3: In this quarter, the Department of Housing and Community development awarded the County $16 million the Homekey Program. H3 submitted an application in Q2 for the Homekey Program that is aimed to rehab physical facilities. The project will be a 54-unit building in San Pablo to house chronically homeless households to provide rental assistance and support services with an expected date of occupancy in Spring 2024. H3 received feedback from state on application and supplied updates to execute the grant agreement.

LOCAL

Measure X: The Council heard updates from Health, Housing and Homeless Services about the RFP process for Measure X funding allocated for housing/homeless services.

SYSTEM INITIATIVES

The CoC regularly engages in multiple activities, partnerships, evaluations, and improvement that are designed to improve services to clients and achieve various system goals.

Equity:
While progress on workplan goals for Q3 and Q 4 (test newly revised materials with PWLE, providers and amplifiers and for Q4, refine and launch revised materials, and assess success of engaging new amplifiers) moved more slowly than planned, the committee did determine the priorities for 2024 and created a new work plan with the goal: "*By Dec 31, 2024, Equity Committee will have provided equity focused input to all COH committees and Working Groups, partnered on equity focused projects and strengthened relationships with partners essential to increasing equity*." The Committee will continue to move the materials development forward and in future reports, will report out on Equity Committee work progress using this framework: 1) providing equity focused input to all COH committees and Working Groups, 2) partnerships on equity focused projects and 3) strengthening relationships with partners essential to increasing equity.

Engagement of People with Lived Experience of Homelessness: The CoC continued to recruit people with lived experience to participate in a variety of activities, including the work of the Equity Committee and Homelessness Awareness Month planning and activities. Additionally,

H3 began implementation of a Youth and Young Adult (YYA) Community Needs Assessment. YYA with lived experience of homelessness were invited to participate in the Community Needs Assessment planning as advisory group members and as participants in key informant interviews and focus groups.

Homelessness Awareness Month: Community members, including people with a lived experience of homelessness were deeply involved in planning and creating materials and events for Homelessness Awareness Month (HAM) in November. To mark Homelessness Awareness Month (November), the Council on Homelessness supported the following activities:

- Development of a 100+ page toolkit showcasing opportunities to engage and learn.
- Creation of a short video amplifying the voices of people with lived experience of homelessness called: Challenging Myths About Homelessness: A Message For Your Neighbors (2023 HAM)
- Recognition of nearly 40 outstanding individuals and agencies impacting homelessness via formal recognitions in 4 categories at the November Council on Homelessness meeting.
- A presentation to the Board of Supervisors about Homelessness Awareness Month on 11/7, which included the Board adopting resolutions declaring November Homelessness Awareness Month and declaring 12/21 Homeless Person's Memorial Day.
- Hosted a Homeless Person's Memorial Event on 12/21: https://youtu.be/YFmZJ5zZRps.

Performance Based Contracting: Providers continued quarterly meetings with H3 to discuss progress and identify goals for the next quarter. Results from the CoC Participant Satisfaction Survey were discussed in the October Oversight and PATH Committee meetings. 450 were collected and 97% of participants surveyed said they would recommend CoC services to others.

Point in Time Count (PIT): The Council on Homelessness approved the 2024 Point-In-Time Count Methodology (almost identical methodology as last year) as recommended by the Point-In Time Count Committee. The count will take place January 24, 2024.

GOVERNANCE/REPORTING

- COH recommended 10 candidates to the Board of Supervisors in December for open seats.
- The Council will select a new Chair and Vice Chair in January 2024.
- The Council approved a workplan for 2024 (See Appendix B for the Work Plan)
- Polls conducted at the beginning of each Council on Homelessness regular meetings capture data on # of Council meetings previously attended, lived experience of homelessness and race/ethnicity of attendees. (See Appendix C for Q4 averages.)

MEETINGS, TRAININGS AND EVENTS

Council on Homelessness (COH) Meetings: The Council on Homelessness held three (3) regular business meetings in addition to an Orientation this quarter. In addition to the regular Council on Homelessness meetings, the following committees met:

Committee	Purpose
Equity Committee	Create accessible information, outreach, and educational materials to engage hard to reach or previously unreached communities in Contra Costa County.
Funding Committee	Direct the community input process for several time-sensitive federal and state funding streams. NOFO prep work that previously happened at the CoC/ESG Committee will now happen at the Funding Committee.
HMIS Policy Committee	Develops and shares updates on HMIS policies and practices, compliance, and troubleshooting; Plans technical assistance and training; Informs standards of practice and monitoring
Oversight Committee	Reviewing and assessing the development, implementation, and improvement of the CoC, Coordinated Entry System, HMIS database, and system outcomes
PATH Innovation Committee	Work towards the goal of reducing unsheltered homeless in Contra Costa County by 75% by 2024
Point in Time Count Committee	Plan and implement the annual Point-in-Time Count, an annual HUD-required count of sheltered and unsheltered people experiencing homelessness

Trainings

- Case Management (12/11/23)
- Equal Access Rule (11/13/23)
- Trauma Informed Care (10/16/23)

Events

- CoC Provider Meetings (3)
- Homeless Persons' Memorial Day event

The recordings, minutes and materials for trainings and meetings can be found on the H3 website[1] and on the County agenda center[2], and a calendar of upcoming meetings and events can be found on the H3 website.

RECOMMENDATIONS

- Continue to expand on training opportunities presented to Advisory Boards.

[1] Trainings | Contra Costa Health (cchealth.org)
[2] https://www.contracosta.ca.gov/agendacenter

APPENDIX A

Commonly Used Acronyms and Terms

Acronym	Definition
APR	Annual Performance Report (for HUD homeless programs)
BIPOC	Black and Indigenous People of Color
CARE	Coordinated Assessment and Resource
CCYCS	Contra Costa Youth Continuum of Services
CDBG, CDBG-CV	Community Development Block Grant (federal and state programs) and the federal Community Development Block Grant CARES Act coronavirus allocation.
CESH	California Emergency Solutions and Housing program (state funding)
Continuum of Care (CoC)	Continuum of Care approach to assistance to the homeless. Federal grant program promoting and funding permanent solutions to homelessness.
Con Plan	Consolidated Plan, a locally developed plan for housing assistance and urban development under CDBG.
CORE	Coordinated Outreach Referral, Engagement program
COVID-19	Coronavirus
DCD	(Contra Costa County) Department of Conservation and Development
DOC	Department Operations Center
EHSD	(Contra Costa County) Employment and Human Services Division
EOC	Emergency Operations Center
ESG and ESG-CV	Emergency Solutions Grant (federal and state program) and the federal Emergency Solutions Grant CARES Act coronavirus allocation.
ESG-CV	Emergency Solutions Grant CARES
FMR	Fair Market Rent (maximum rent for Section 8 rental assistance/CoC grants)
HCD	Housing and Community Development (State office)
HEAP	Homeless Emergency Aid Program (State funding)
HEARTH	Homeless Emergency and Rapid Transition to Housing (HEARTH) Act of 2009
HHAP	Homeless Housing and Assistance Program
HMIS	Homeless Management Information System
HOME	Home Investment Partnerships (CPD program)
HUD	U.S. Department of Housing and Urban Development (federal)
MHSA	Mental Health Services Act
NOFA/NOFO	Notice of Funding Availability/ Notice of Funding Opportunity
PHA	Public Housing Authority
PUI	Persons Under Investigation
PWLE	People With Lived Experience of Homelessness
SAMHSA	Substance Abuse & Mental Health Services Administration
SRO	Single-Room Occupancy housing units

SSDI	Social Security Disability Income
SSI	Supplemental Security Income
TA	Technical Assistance
TAY	Transition Age Youth (usually ages 18-24)
VA	Veterans Affairs (U.S. Department of)
VASH	Veterans Affairs Supportive Housing
VI-SPDAT	Vulnerability Index – Service Prioritization Decision Assistance Tool

Contra Costa County COVID-19 Resources:

Please see below for additional resources on COVID-19.

- *Health Services COVID Data Dashboard-* https://www.coronavirus.cchealth.org/dashboard
- *Health Services Homeless Specific Data Dashboard- https://www.coronavirus.cchealth.org/homeless-dashbc*
- *Health Services COVID Updates-* https://www.coronavirus.cchealth.org/health-services-updates
- *Health Services Homeless-Specific COVID Resources* -https://www.coronavirus.cchealth.org/for-the-homeles

APPENDIX B

2024 Council on Homelessness Work Plan

2024 COUNCIL ON HOMELESSNESS WORKPLAN

1. Work towards the countywide goal of reducing unsheltered homelessness by 75% by 2024 through the work of the PATH Innovations Committee.
2. Continue to provide advice and recommendations to the Board of Supervisors about issues relating to homelessness
3. Convene stakeholders, in partnership with H3, to create a regional action plan as part of the application to the State's HHAP program
4. Update and redesign the CoC's Coordinated Entry prioritization and assessment tools to create a more equitable process
5. Continue to seek opportunities for individuals with lived experience of homelessness to engage in policy-making and planning conversations, especially as relates to assessment and prioritization within the Coordinated Entry System
6. Implement changes to the CoC NOFO scoring tools to better prioritize resources during the annual funding competition

APPENDIX C

Poll Question Answers Q4

How many Council on Homelessness meetings have you attended?	Q4 avg
This is my first meeting	20%
I've attended some meetings	23%
I've attended a lot of meetings	57%
I prefer not to answer	0

Do you have lived experience of homelessness?	
Yes, currently	1%
Yes, within the past 7 years	15%
Yes, more than 7 years ago	30%
No	62%
I prefer not to answer	0

What best describes your racial identity?*	
African American/Black	23%
American Indian/Alaskan Native	5%
Asian/Pacific Islander/Native Hawaiian	8%
Hispanic/Latinx	19%
White	30%
Multi-racial	7%
I prefer not to answer	1%
I describe myself in another way	5%

*This category allows people to select multiple options

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: RES 2024-70 **Agenda Date:** 3/5/2024 **Agenda #:** C.4.

To: Board of Supervisors

From: Marla Stuart, Employment and Human Services Director

Report Title: Social Worker Month

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
ADOPT a resolution declaring March 2024 as National Social Work Month in Contra Costa County.

FISCAL IMPACT:
There is no fiscal impact for this action.

BACKGROUND:
Social Work Month in March is a time to celebrate the great profession of social work.

The theme for Social Work Month 2024 is **Empowering Social Workers!**.

Social Work Month is a time to learn more about the many positive contributions of the profession, and celebrate all the social workers in Contra Costa County.

CONSEQUENCE OF NEGATIVE ACTION:
None.

The Board of Supervisors of Contra Costa County, California

IN THE MATTER OF proclaiming March 2024 as Social Work Month in Contra Costa County

WHEREAS, Social Work is a profession truly dedicated to helping people improve their well-being and enhance their basic and complex needs, especially those who are vulnerable, oppressed, or living in poverty; and

WHEREAS, the 2024 Social Work Month theme “Empowering Social Workers” embodies the need for our community to support Social Workers so they can continue to do the life-affirming work helping individuals and families overcome hurdles, access resources, and thrive; and

WHEREAS, in 2023, Contra Costa County had 342 Social Workers who positively touch the lives of residents each day through human services programs, medical clinics and hospitals, and the court system; and

WHEREAS, in 2023, the 105 Social Workers of Contra Costa Health Services served community members through programs such as Black Infant Health, the Ryan White AIDS program, psychiatric emergency services, juvenile probation, school-based clinics, and Healthcare for the Homeless; and

WHEREAS, in 2023, the 12 Social Workers and Case Managers of the Public Defender's Office advocated for and connected more than 600 clients through assessment, transportation, holistic intervention partnership, substance abuse treatment coordination, mental health diversion, youth defender social work, re-entry support, and services to promote health, well-being, and prosocial engagement, while also educating stakeholders and partners in the criminal justice system on the benefits of the holistic defense model; and

WHEREAS, in 2023, the 225 Social Workers of the Employment and Human Services Department protected children and youth from abuse and neglect by receiving and responding to 8,506 Child Protective Services referrals; supported 925 children and youth in foster care and guardianship placements; protected an average of 865 older and disabled adults each month from abuse and neglect; ensured 15,170 In-Home Supportive Services consumers were able to live safely and independently at home; and assisted 2,538 parents to overcome barriers to employment; and

WHEREAS, Social Workers are on the frontlines in helping our community solve pressing social problems, including an increased demand for mental health services; an opioid addiction crisis; and economic inequality;

and

WHEREAS, Contra Costa County Social Workers respect the dignity and worth of all people and help advocate for human rights, including for people of all nationalities, genders, ethnicities, cultures, colors, faiths, languages, and preferences; and

WHEREAS, Contra Costa County Social Workers collaborate with and appreciate Social Workers serving in schools and a variety of community based organizations.

NOW, THEREFORE, BE IT RESOLVED: in recognition of the numerous contributions by Contra Costa County's Social Workers, we proclaim the month of March 2024 as Social Work Month, in celebration and support of this noble profession.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: RES 2024-71 **Agenda Date:** 3/5/2024 **Agenda #:** C.5.

To: Board of Supervisors

From: Federal D. Glover, District V Supervisor

Report Title: Resolution proclaiming March 2024 as Red Cross Month

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
ADOPT the ceremonial resolution proclaiming March 2024 as Red Cross Month

FISCAL IMPACT:
No fiscal impact

BACKGROUND:
This resolution recognizes March 2024 as Red Cross Month in honor of all those who lead with their heart to serve people in need

CONSEQUENCE OF NEGATIVE ACTION:
None

The Board of Supervisors of Contra Costa County, California

IN THE MATTER OF

WHEREAS, March is American Red Cross month, when we recognize the compassion of people in Contra Costa County and reaffirm our commitment to care for one another in times of crisis; and

WHEREAS, this generous spirit is woven into the fabric of our community and advances the humanitarian legacy of American Red Cross founder Clara Barton - one of the most honored women in our country's history - who nobly dedicated herself to alleviating suffering; and

WHEREAS, people have counted on the American Red Cross for the information and skills they need to be safe at home, at work, at school, and at play, training people in lifesaving skills in CPR, first aid, fire prevention and water safety; and

WHEREAS, with 1,032 volunteers in Contra Costa County, the American Red Cross assisted or responded to 115 disasters; and through our Sound the Alarm program, the American Red Cross installed 583 smoke alarms, making 205 homes safer, and trained 577 individuals and families about fire prevention; and trained 617 youth through the Pillowcase Project and Prepare With Pedro; and

WHEREAS, Contra Costa County residents donated nearly 16,736 units of lifesaving blood; hosted 538 blood drives; and trained 6,522 citizens in first aid, CPR and AED; and 3,803 in Water Safety; and 756 military members and their families received support and services; and humanitarian aid was provided internationally; and

WHEREAS, we hereby recognize this month of March in honor of all those who lead with their hearts to serve people in need, and we ask everyone to join in this commitment to strengthen our community.

NOW, THEREFORE, BE IT RESOLVED: I, Supervisor Federal D. Glover, of Pittsburg, by virtue of the authority vested in me by the laws of Contra Costa County and California, do hereby proclaim March 2024 as Red Cross Month. I encourage all citizens of Contra Costa County to reach out and support its humanitarian mission.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: RES 2024-75 **Agenda Date:** 3/5/2024 **Agenda #:** C.6.

To: Board of Supervisors

From: Candace Andersen, District II Supervisor

Report Title: Recognize Xiaopei Chinese Dance established in 2009

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
ADOPT resolution recognizing Xiaopei Chinese Dance established in 2009.

FISCAL IMPACT:
None

BACKGROUND:
See resolution for more information.

CONSEQUENCE OF NEGATIVE ACTION:
N/A

The Board of Supervisors of Contra Costa County, California

IN THE MATTER OF Recognizing Xiaopei Chinese Dance established in 2009.

WHEREAS, Xiaopei Chinese Dance, established in 2009, is a dance school and company well known and appreciated among the Bay Area's Chinese communities; and

WHEREAS, the mission of Xiaopei Chinese Dance is to provide professional and authentic dance classes and programs, to showcase and promote the splendid Chinese culture through dance and to develop and train talented, strong, graceful and confident students and dancers; and

WHEREAS, the founder is Xiaopei He Gelb, a renowned Chinese dancer and choreographer who won the Gold Medal at Japan's Saitama International Creative Dance Competition, she was the chief director of the Cow Palace Gala for the Beijing Olympics in San Francisco, she is the producer of many stage productions in the Bay Area and a chief judge and organizer at many World Dance Competitions; and

WHEREAS, students and dancers at Ziaopei Chinese Dance have performed countless times at many different community events, stage productions and public venues throughout the Bay Area and in China, and won awards at numerous competitions, as well as being invited to perform during a Golden State Warriors Basketball game.

NOW, THEREFORE, BE IT RESOLVED: that the Contra Costa County Board of Supervisors recognizes and honors Xiaopei Chinese Dance for the fifteen years of authentic and inspirational dance promoting the Chinese Culture.

File #: RES 2024-72 **Agenda Date:** 3/5/2024 **Agenda #:** C.7.

To: Board of Supervisors

From: Jane Andreotti, Interim Animal Services Director

Report Title: Recognizing Lieutenant Manny Morales for his 30 years of service to Contra Costa County Animal Services

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
ADOPT Resolution No 2024/XX in honor of Contra Costa County Animal Services Lieutenant Manny Morales for his 30 years of service.

FISCAL IMPACT:
None

BACKGROUND:
None

CONSEQUENCE OF NEGATIVE ACTION:
None

The Board of Supervisors of Contra Costa County, California

IN THE MATTER OF

Honoring Lieutenant Manny Morales upon the occasion of 30 years of dedicated service to Contra Costa County Animal Services.

WHEREAS,
WHEREAS, Manny Morales began his career with Contra Costa County as an Animal Services Officer for Contra Costa County Animal Services on October 4, 1993.

WHEREAS, Manny Morales was promoted to the rank of Lieutenant on May 1, 2017.

WHEREAS, the CCAS staff celebrate Manny Morales contributions to performing his duties in accordance with the values and integrity of Contra Costa County Animal Services mission statement through his work as both an officer and a lieutenant.

WHEREAS, Manny Morales has displayed an excellent work ethic and knowledge imperative to both the public and in mentoring staff in the department.

WHEREAS, Manny Morales continues to serve Animal Services and the community by his efforts to educate the community in animal welfare, applicable ordinances, and laws.

NOW, THEREFORE, BE IT RESOLVED:

File #: RES 2024-73 **Agenda Date:** 3/5/2024 **Agenda #:** C.8.

To: Board of Supervisors

From: Alison McKee, County Librarian

Report Title: Recognizing Linda Martinez for her 32 years of service to Contra Costa County

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
ADOPT Resolution recognizing Linda Martinez for her 32 years of service to Contra Costa County.

FISCAL IMPACT:
No fiscal impact.

BACKGROUND:

CONSEQUENCE OF NEGATIVE ACTION:

The Board of Supervisors of Contra Costa County, California

IN THE MATTER OF recognizing Linda Martinez on the occasion of her retirement from Contra Costa County.

WHEREAS, Linda Martinez began her career in Contra Costa County on March 2, 1992, as an Account Clerk-

Beginning Level in the Auditor-Controller's office and was promoted to Account Clerk-Experienced Level on April 1, 1993; and

WHEREAS, on February 2, 1994, Linda transferred to the County Counsel's office as an Account Clerk-Experienced Level and was then promoted to Advanced Level on December 1,1994; and

WHEREAS, on December 1, 1997, she was promoted to Administrative Analyst at the Public Works Department, advanced to Administrative Services Assistant II on June 1,1999, and was again promoted to Administrative Services Assistant III on January 1, 2001; and

WHEREAS, on September 1, 2010, Linda accepted a promotion to Director of Support Services for the Office of the Sheriff; and

WHEREAS, on February 18, 2014, Linda was promoted into her final position with the County as Administrative Services Officer for the Library; and

WHEREAS, Linda has been a critical and valuable member of the Library's Leadership team; and

WHEREAS, Linda developed and submitted balanced and sound budgets for the Library Department for 10 years, and determined the Library's budget could bear and support increasing base weekly Library open hours from 35 to 40, a significant service level increase benefitting all library patrons; and

WEHREAS, she led the project to successfully move Library Administration from its original location in Pleasant Hill to its current location in Martinez; and

WHEREAS, Linda is a 2018 credentialed executive of the California State Association of Counties Excellence in County Government program; and

WHEREAS, during her 32 years of service to the County, Linda trained, advised and mentored numerous colleagues and direct reports; and

WHEREAS, Linda has contributed her expertise, wisdom, hard work, determination and keen intellect to countless County initiatives and projects;

NOW, THEREFORE, BE IT RESOLVED: that the Contra Costa County Board of Supervisors does hereby honor and congratulate Linda Martinez for her 32 years of service to Contra Costa County on the occasion of her retirement on February 23, 2024.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: RES 2024-74 **Agenda Date:** 3/5/2024 **Agenda #:** C.9.

To: Board of Supervisors

From: Monica Nino, County Administrator

Report Title: Proclaiming March 2024 as Women's History Month and Recognizing March 8, 2024, as International Women's Day

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
ADOPT a resolution proclaiming March 2024 as Women's History Month, and recognizing March 8, 2024, as International Women's Day in Contra Costa County, as recommended by the Contra Costa County Commission for Women and Girls.

FISCAL IMPACT:
None.

BACKGROUND:
The Contra Costa County Commission for Women and Girls has requested that a Resolution recognizing March 2024 as Women's History Month, and March 8, 2024, as International Women's Day, be adopted by the Contra Costa County Board of Supervisors.

CONSEQUENCE OF NEGATIVE ACTION:
None.

The Board of Supervisors of Contra Costa County, California

IN THE MATTER OF PROCLAIMING MARCH 2024 AS WOMEN'S HISTORY MONTH, AND RECOGNIZING MARCH 8, 2024, AS INTERNATIONAL WOMEN'S DAY IN CONTRA COSTA COUNTY.

WHEREAS, *women of Contra Costa County of every race, class, sexual orientation, and ethnic background have made historic contributions to the growth and strength of our County in countless recorded and unrecorded ways; and*

***Whereas**, women of Contra Costa County have played and continue to play a critical economic, cultural and social role in every sphere of the life of the County by constituting a significant portion of the labor force working inside and outside of the home; and*

***Whereas**, women of Contra Costa County where particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our County; and*

***Whereas**, women of Contra Costa County have played a unique role throughout the history of the County by providing the majority of the volunteer labor force of the County; and*

***Whereas**, women of Contra Costa County of every race, class, sexual orientation, and ethnic background served as early leaders in the forefront of many major progressive social change movements; and*

***Whereas**, women of Contra Costa County have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements which create a more fair and just society for all; and*

***Whereas**, the County of Contra Costa recognizes International Women's Day on March 8th as the worldwide holiday to educate all people about the condition of women and girls throughout the world. International Women's Day is a global day celebrating the social, economic, cultural, and political achievements of women. The day also marks a call to action for accelerating gender parity. Significant activity is witnessed worldwide as groups come together to celebrate women's achievements or rally for women's equality; and*

NOW, THEREFORE, BE IT RESOLVED: *that the Contra Costa County Board of Supervisors, hereby proclaims March 2024 as Women's History Month, and recognizing March 8, 2024, as International Women's Day in Contra Costa County and encourage all residents of Contra Costa County to participate in ceremonies and events to commemorate and honor women for their countless contributions to our community.*

The Board of Supervisors of
Contra Costa County, California

In the matter of: **Resolution No. 2024/**

IN THE MATTER OF PROCLAIMING MARCH 2024 AS WOMEN'S HISTORY MONTH, AND RECOGNIZING MARCH 8, 2024, AS INTERNATIONAL WOMEN'S DAY IN CONTRA COSTA COUNTY.

***Whereas**, women of Contra Costa County of every race, class, sexual orientation, and ethnic background have made historic contributions to the growth and strength of our County in countless recorded and unrecorded ways; and*

***Whereas**, women of Contra Costa County have played and continue to play a critical economic, cultural and social role in every sphere of the life of the County by constituting a significant portion of the labor force working inside and outside of the home; and*

***Whereas**, women of Contra Costa County where particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our County; and*

***Whereas**, women of Contra Costa County have played a unique role throughout the history of the County by providing the majority of the volunteer labor force of the County; and*

***Whereas**, women of Contra Costa County of every race, class, sexual orientation, and ethnic background served as early leaders in the forefront of many major progressive social change movements; and*

***Whereas**, women of Contra Costa County have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements which create a more fair and just society for all; and*

***Whereas**, the County of Contra Costa recognizes International Women's Day on March 8th as the worldwide holiday to educate all people about the condition of women and girls throughout the world. International Women's Day is a global day celebrating the social, economic, cultural, and political achievements of women. The day also marks a call to action for accelerating gender parity. Significant activity is witnessed worldwide as groups come together to celebrate women's achievements or rally for women's equality; and*

***NOW, THEREFORE, BE IT RESOLVED**, that the Contra Costa County Board of Supervisors, hereby proclaims March 2024 as Women's History Month, and recognizing March 8, 2024, as International Women's Day in Contra Costa County and encourage all residents of Contra Costa County to participate in ceremonies and events to commemorate and honor women for their countless contributions to our community.*

FEDERAL D. GLOVER
Chair,
District V Supervisor

JOHN GIOIA
District V Supervisor

CANDACE ANDERSEN
District II Supervisor

DIANE BURGIS
District III Supervisor

KEN CARLSON
District IV 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: March ____, 2024

Name,

By:_____, Deputy

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0627 **Agenda Date:** 3/5/2024 **Agenda #:** C.10.

To: Board of Supervisors

From: Family & Human Services Committee

Report Title: Advisory Council on Aging Appointments

☐Recommendation of the County Administrator ☒ Recommendation of Board Committee

RECOMMENDATIONS:

APPOINT Antonio Shelly, Logan Robertson, Roger Boaz, Eric Britz, Carol Schaefer, Julie Ortega, Michael Castillo, and Richard Morisky to seats on the Advisory Council on Aging, as recommended by the Family and Human Services Committee.

FISCAL IMPACT:

There is no fiscal impact for this action.

BACKGROUND:

On January 7, 2020, the Board of Supervisors adopted Resolution No. 2020/1 adopting policy amendments governing appointments to boards, committees, and commissions that are advisory to the Board of Supervisors. Included in this resolution was a requirement that applications for at-large/countywide seats be reviewed by a Board of Supervisors committee.

The Advisory Council on Aging (ACOA) provides a means for county-wide planning, cooperation and coordination for individuals and groups interested in improving and developing services and opportunities for the older residents of this County. The Council provides leadership and advocacy on behalf of older persons and serves as a channel of communication and information on aging.

The Advisory Council on Aging consists of 40 members serving 2 year staggered terms, each ending on September 30. The Council consists of representatives of the target population and the general public, including older low-income and military persons; at least one-half of the membership must be made up of actual consumers of services under the Area Plan. The Council includes: 19 representatives recommended from each Local Committee on Aging, 1 representative from the Nutrition Project Council, 1 Retired Senior Volunteer Program, and 19 Members at-Large.

Pursuant to the ACOA Bylaws, the ACOA may recommend for appointment up to four (4) alternate Member-at-Large (MAL) members, who shall serve and vote in place of members (City or MAL) who are absent from, or who are disqualifying themselves from participating in a meeting of the ACOA.

The Area Agency on Aging, the ACOA and the Clerk of the Board, using Contra Costa TV (CCTV), assisted with recruitment. Area Agency on Aging staff has encouraged interested individuals including minorities to apply through announcements provided at the Senior Coalition meetings and at the regular monthly meetings of the ACOA. The Contra Costa County Employment and Human Services Department (EHSD) website contains dedicated web content where interested members of the public are encouraged to apply. The website provides access to the Board of Supervisors' official application with instructions on whom to contact for ACOA related inquiries, including application procedures.

At the February 26, 2024 Family and Human Services Meeting, the Committee approved the appointment of eight (8) individuals to the Advisory Council on Aging.

The Committee approved the appointment of following individuals with a term expiring on September 30, 2024:

- Member at Large #12 seat - Antonio Shelly
- Member at Large #15 seat - Logan Robertson
- Member at Large #13 seat - Roger Boaz

The Committee approved the appointment of the following individuals with a term expiring on September 30, 2025:

- City of Brentwood seat - Eric Britz
- Member at Large #11 seat - Carol Schaefer
- Member at Large #9 seat - Julie Ortega
- At-Large Alternate #1 - Michael Castillo
- City of Lafayette - Richard Morisky

CONSEQUENCE OF NEGATIVE ACTION:

Failure to reappoint members will reduce public participation in advising policy development.

Contra Costa Advisory Council on Aging Roster (as of 10/2023)

Seat Title	Term Expiration	Current Incumbent	District	BOS Appointment Date	Notes
At-Large 1	9/30/2024	Lang, Thomas	I	3/21/2023	
At-Large 2	9/30/2024	Krohn, Shirley	IV	10/11/2022	
At-Large 3	9/30/2025	Hayes, Michelle	I	6/13/2023	
At-Large 4	9/30/2024	Shafiabady, Sara	V	10/11/2022	
At-Large 5	9/30/2024	Card, Deborah	V	10/11/2022	
At-Large 6	9/30/2024	Lipson, Steve	I	10/11/2022	
At-Large 7	9/30/2024	Awadalla, Mike	IV	5/23/2023	
At-Large 8	9/30/2024	Lee, George	III	5/23/2023	
At-Large 9		Vacant			
At-Large 10	9/30/2024	Tobey, Terri	II	10/11/2022	
At-Large 11		Vacant			
At-Large 12		Vacant			
At-Large 13		Vacant			
At-Large 14	9/30/2025	Yee, Dennis	IV	10/19/2021	
At-Large 15					
At-Large 16	9/30/2025	O'Toole, Brian	IV	10/19/2021	
At-Large 17	9/30/2024	Donovan, Kevin D.	II	10/11/2022	
At-Large 18	9/30/2024	Wener, Michael	II	11/2/2021	
At-Large 19	9/30/2025	Kleiner, Jill	II	10/19/2021	
At-Large 20	9/30/2024	Sakai-Miller, Sharon	II	3/22/2022	
Local Seat: Antioch	9/30/2024	Fernandez, Rudy	III	10/25/2020	
Local Seat: Brentwood		Vacant	III		
Local Seat: Clayton	9/30/2025	Berman, Michelle	IV	10/19/2021	
Local Seat: Concord	9/30/2025	Fowler, Marilyn	IV	5/23/2023	
Local Seat: Danville	9/30/2025	Donnelly, James	II	10/19/2021	
Local Seat: El Cerrito	9/30/2024	Kehoe, Carol	I	7/12/2022	
Local Seat: Hercules	9/30/2024	Doran, Jennifer	V	10/25/2020	
Local Seat: Lafayette		Vacant			
Local Seat: Martinez	9/30/2025	Iorns, Jody	V	2/22/2022	
Local Seat: Moraga		Vacant			
Local Seat: Oakley	9/30/2025	Rigsby, Michael	III	12/14/2021	
Local Seat: Orinda	9/30/2025	Evans, Candace	II	10/19/2021	
Local Seat: Pinole		Vacant			
Local Seat: Pittsburg		Vacant			
Local Seat: Pleasant Hill	9/30/2025	Van Ackeren, Lorna	IV	10/19/2021	
Local Seat: Richmond	9/30/2024	Burkhart, Cate	I	3/21/2023	
Local Seat: San Pablo	9/30/2024	Vacant			
Local Seat: San Ramon		Vacant			
Local Seat: Walnut Creek	9/30/2025	Vacant			

Contra Costa Advisory Council on Aging Roster (as of 10/2023)

Seat Title	Term Expiration	Current Incumbent	District	BOS Appointment Date	Notes
Nutrition Project Council	9/30/2024	Vacant			
Alternate Member 1	9/30/2025	Vacant			
Alternate Member 2	9/30/2025	Vacant			
Alternate Member 3	9/30/2025	Vacant			
Alternate Member 4	9/30/2025	Vacant			

Pending BOS Approval

Vacant

Application Form

Profile

Roger (irs Name) G (Middle ni ial) Boaz (Las Name)

[redacted] (Home Address) (Sui e or Ap)

Byron (Ci y) CA (S a e) 94505 (Pos al Code)

[redacted] (Primary Phone)

[redacted] (mail Address)

District Locator Tool

Resident of Supervisorial District:

☑ D str ct 3

Resources for O der Amer cans & Ret rees (ROAR) (mployer) CEO (Job i le)

Length of Employment

3 years

Do you work in Contra Costa County?

◉ Yes ○ No

If Yes, in which District do you work?

A

How long have you lived or worked in Contra Costa County?

17 years

Are you a veteran of the U.S. Armed Forces?

○ Yes ◉ No

Board and Interest

Which Boards would you like to apply for?

Adv sory Counc on Ag ng: Subm tted

Seat Name

Have you ever attended a meeting of the advisory board for which you are applying?

◉ Yes ○ No

If Yes, how many meetings have you attended?

1

Education

Select the option that applies to your high school education *

☑ H gh Schoo D p oma

College/ University A

Name of College Attended

CSU Fu erton

Degree Type / Course of Study / Major

F duc ary/Bus ness Mgmt Trust, Estates, Conservatorsh ps

Degree Awarded?

◉ Yes ○ No

College/ University B

Name of College Attended

Las Pos tas

Degree Type / Course of Study / Major

Bus ness

Degree Awarded?

◉ Yes ○ No

College/ University C

Name of College Attended

Degree Type / Course of Study / Major

Degree Awarded?

○ Yes ○ No

Other Trainings & Occupational Licenses

Other Training A

2011-2023 Annua CA State F duc ary ECE

Certificate Awarded for Training?

◉ Yes ○ No

Other Training B

Cert f ed Ag ng F nanc a Counse or

Certificate Awarded for Training?

◉ Yes ○ No

Occupational Licenses Completed:

Qualifications and Volunteer Experience

Please explain why you would like to serve on this particular board, commitee, or commission.

I founded my oca nonprof t organ zat on, ROAR (Resources for O der Amer cans and Ret rees) three years ago as the resu t of my extens ve profess ona work serv ng the needs of o der adu ts - w th keen awareness for the fast-approach ng surge n Ca forn a's 65+ popu at on and the part cu ar mpact w th n our county. ROAR s current y m d-campa gn w th our n t at ve for every commun ty to become Age Fr end y by 2030. For examp e, n D scovery Bay, we recent y aunched a 'Chamber Cha enge', partner ng w th the Chamber of Commerce to conduct an Age-Fr end y Commun ty Wa k Aud t of every street n town. From th s, we w comp e our data and so ut ons and present t to the DB CSD and BOS for cons derat on and mp ementat on. In 2023, ROAR has prov ded an average of 527 ag ng referra s per week. We ass st fam es n p ann ng for f nanc a susta nab ty, bu d ADUs for o der adu ts n/at homes n Far East County, and we are current y deve op ng a 90-un t ow- ncome sen or hous ng project on the De ta. ROAR wants to be of serv ce n creat ng Age Fr end y commun t es by 2030!

Describe your qualifications for this appointment. (NOTE: you may also include a copy of your resume with this application)

I have been a censed f duc ary for 17 years, rout ne y appo nted and trusted by the Contra Costa County Super or Court to manage the best nterests of o der adu ts, prov de for the r care, for the r estates, and protect them from abuse. S nce 2011 I have been a member n good stand ng w th PFAC (Profess ona F duc ary Assoc of Ca forn a), and each year attend conferences and earn ECE un ts to ma nta n my cense. ROAR ho ds the CoCo County EHSD contract to prov de f nanc a serv ces for c ents of the Dept of Ag ng, Adu t Protect ve Serv ces Bureau, and I have recent y been appo nted to two County overs ght comm ss ons on ag ng/e der abuse. Through our contract w th CCC EHSD, I am appo nted cases, typ ca y v a soc a workers who dent fy or rece ve nformat on about an o der adu t strugg ng to susta n themse ves or may be potent a v ct ms of e der f nanc a abuse.

Upload a Resume

Would you like to be considered for appointment to other advisory bodies for which you may be qualified?

◉ Yes ○ No

Do you have any obligations that might affect your attendance at scheduled meetings?

◉ Yes ○ No

If Yes, please explain:

I w a so be serv ng as the nonprof t adv sor w th two recent y estab shed comm ss ons (n cooperat on w th the DA and Sher ff) w th n th s County's Ag ng Serv ces Department. I'm not sure these meet ng dates are set n stone yet, but I don't ant c pate th s body's current scheduke to conf ct w th those. I am a so ab e to send our Execut ve D rector, Amanda Ha , n my absence f necessary, to gather and report nformat on so I can cont nue to be of serv ce.

Are you currently or have you ever been appointed to a Contra Costa County advisory board?

◉ Yes ○ No

If Yes, please list the Contra Costa County advisory board(s) on which you are currently serving:

EHSD

If Yes, please also list the Contra Costa County advisory board(s) on which you have previously served:

EHSD

List any volunteer or community experience, including any advisory boards on which you have served.

I am.the founder and CEO of ROAR, am appo nted v a EHSD to county adv sory posts, and have served on the boards of the D scovery Bay Chamber of Commerce, L ons C ub, DB Yacht C ub, Bay ner Yacht C ub, and now San Joaqu n Yacht C ub on Bethe ls and. ROAR s a so the host of the 2023 D scovery Bay Parade of L ghts!

Conflict of Interest and Certification

Do you have a familial or financial relationship with a member of the Board of Supervisors? (Please refer to the relationships listed under the "Important Information" section below or Resolution No. 2021/234)

○ Yes ◉ No

If Yes, please identify the nature of the relationship:

Do you have any financial relationships with the County such as grants, contracts, or other economic relationships?

◉ Yes ○ No

If Yes, please identify the nature of the relationship:

My nonprof t, ROAR, ho ds the EHSD contract to prov de ass stance to c ents of the Adu t Protect ve Serv ces Bureau,

Please Agree with the Following Statement

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and undersand that all information in this application is publicly accessible. I understand that misstatements and/or omissions of material fact may cause forfeiture of my rights to serve on a board, committee, or commission in Contra Costa County.

☑ I Agree

Important Information

1. This application and any attachments you provide to it is a public document and is subject to the California Public Records Act (CA Government Code §6250-6270).
2. All members of appointed bodies are required to take the advisory body training provided by Contra Costa County.
3. Members of certain boards, commissions, and committees may be required to: (1) file a Statement of Economic Interest Form also known as a Form 700, and (2) complete the State Ethics Training Course as required by AB 1234.
4. Meetings may be held in various locations and some locations may not be accessible by public transportation.
5. Meeting dates and times are subject to change and may occur up to two (2) days per month.
6. Some boards, committees, or commissions may assign members to subcommittees or work groups which may require an additional commitment of time.
7. As indicated in Board Resolution 2021/234, a person will not be eligible for appointment if he/she is related to a Board of Supervisors' member in any of the following relationships:
   (1) Mother, father, son, and daughter;
   (2) Brother, sister, grandmother, grandfather, grandson, and granddaughter;
   (3) Husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepson, and stepdaughter;
   (4) Registered domestic partner, pursuant to California Family Code section 297;
   (5) The relatives, as defined in 1 and 2 above, for a registered domestic partner;
   (6) Any person with whom a Board Member shares a financial interest as defined in the Political Reform Act (Gov't Code §87103, Financial Interest), such as a business partner or business associate.

Contra Costa County

Print Form

Please return completed applications to:
Clerk of the Board of Supervisors
1025 Escobar Street, 1st Floor
Martinez, CA 94553
or email to: ClerkofTheBoard@cob.cccounty.us

BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

First Name Eric | **Middle Initial** M | **Last Name** Britz

Home Address - Street | **City** Brentwood | **State** CA | **Postal Code** 94513

Primary Phone (best number to reach you) | **Email Address**

Resident of Supervisorial District (if out of County, please enter N/A): Yes. 3 District Locator Tool

Do you work in Contra Costa County? ☑ Yes ☐ No **If Yes, in which District do you work?** 5

Current Employer Marathon Petroleum | **Job Title** Maintenance Supervisor | **Length of Employment** 20 years

How long have you lived or worked in Contra Costa County? 20 Years

Board, Committee, or Commission Advisory Council on Aging | **Seat Name**

Have you ever attended a meeting of the advisory board for which you are applying?

Please check one: ☐ Yes ☑ No If Yes, how many?

EDUCATION

Check appropriate box if you possess one of the following:

☑ High School Diploma ☐ CA High School Proficiency Certificate ☐ G.E.D. Certificate

Colleges or Universities Attended	Degree Type/ Course of Study/Major	Degree Awarded
Perry Technical Institute	Automation and Instrumentation	☑ Yes ☐ No
		☐ Yes ☐ No
		☐ Yes ☐ No

Occupational Licenses Completed:

Other Trainings Completed:

Certificate Awarded for Training?

☐ Yes ☐ No

☐ Yes ☐ No

Do you have any obligations that might affect your attendance at scheduled meetings? ☐ Yes ☑ No

If Yes, please explain:

Would you like to be considered for appointment to other advisory bodies for which you may be qualified? ☑ Yes ☐ No

Are you a veteran of the U.S. Armed Forces? ☐ Yes ☑ No

THIS FORM IS A PUBLIC DOCUMENT

Please explain why you would like to serve on this particular board, committee, or commission.

I want to get involved in my community and be a contributing member to the betterment of life in Contra Costa County and Brentwood CA.

Describe your qualifications for this appointment. (NOTE: you may also include a copy of your resume).

I am a 20 year resident of Contra Costa County and know the difficulties with life in the Bay Area. These challenges are compounded for aging residents of the county.

I am including my resume with this application:

Please check one: ☐ Yes ☑ No

Are you currently or have you ever been appointed to a Contra Costa County advisory board?

Please check one: ☐ Yes ☑ No

If Yes, please list the Contra Costa County advisory board(s) on which you are **currently** serving:

If Yes, please also list the Contra Costa County advisory board(s) on which you have **previously** served:

List any volunteer and community experience, including any boards on which you have served.

Do you have a familial relationship with a member of the Board of Supervisors? (Please refer to the relationships listed under the "Important Information" section on page 3 of this application or Resolution No. 2021/234).

Please check one: ☐ Yes ☑ No

If Yes, please identify the nature of the relationship:

Do you have any financial relationships with the county, such as grants, contracts, or other economic relationships?

Please check one: ☐ Yes ☑ No

If Yes, please identify the nature of the relationship:

THIS FORM IS A PUBLIC DOCUMENT

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publicly accessible. I understand and agree that misstatements and/or ommissions of material fact may cause forfeiture of my rights to serve on a board, committee, or commission in Contra Costa County.

Signed: Eric Britz **Date:** 12/14/23

Submit this application to: ClerkofTheBoard@cob.cccounty.us **OR** Clerk of the Board
1025 Escobar Street, 1st Floor
Martinez, CA 94553

Questions about this application? Contact the Clerk of the Board at (925) 655-2000 or by email at ClerkofTheBoard@cob.cccounty.us

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Contra Costa County

Print Form

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Martinez, CA 94553
or email to: ClerkofTheBoard@cob.cccounty.us

BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

First Name Michael | **Middle Initial** S | **Last Name** Castillo

Home Address - Street [redacted] | **City** Pleasant Hill | **State** CA | **Postal Code** 94523

Primary Phone (best number to reach you) [redacted] | **Email Address** [redacted]

Resident of Supervisorial District (if out of County, please enter N/A): yes

Do you work in Contra Costa County? ☑ Yes ☐ No **If Yes, in which District do you work?** Martinez

EDUCATION *Check appropriate box if you possess one of the following:*

☑ High School Diploma ☐ CA High School Proficiency Certificate ☐ G.E.D. Certificate

Colleges or Universities Attended	Degree Type/Course of Study/Major	Degree Awarded	
College of Saint Scholastica. Duluth, MN	Doctor of Physical Therapy	☑ Yes	☐ No
California State University Stanislaus	Master in Public Administration	☑ Yes	☐ No
University of Indianapolis, Indianapolis, IN	Master in Health Science	☑ Yes	☐ No

Other Training Completed: CA Licensed Physical Therapist

Certificate Awarded for Training? ☐ Yes ☐ No

Board, Commission, or Committee NA | **Seat Name** NA

Have you ever attended a meeting of the advisory board for which you are applying?

Please check one: ☐ Yes ☑ No If Yes, how many?

Please explain why you would like to serve on this particular board, committee, or commission.

I've spent my career in public organizations and private corporations, and I am resolute in offering and volunteering my services to public service. I am passionate with being involved in improving the quality of life and health outcomes for our seniors. I believe that I can effectively direct my energy toward this goal by being a member of this advisory council.

Describe your qualifications for this appointment. (NOTE: you may also include a copy of your resume with this application)

I'm Michael S. Castillo, a proud resident and homeowner in Pleasant Hill. I am confident that my experience, education and background are well suited to be of service to this council. I am 55 years old now and has been in the profession of geriatric care for 33 years. That is how long I've been a physical therapist with national board-certification on geriatrics and neurology. In my career, I've worked in skilled nursing facilities, acute care, inpatient rehab, outpatient and home health, they're all settings affecting the continuum of care and health for adults, up to our community-dwelling seniors. Currently, I work for Kaiser Permanente, one of the county's largest employer as the Diablo Service Area home health rehab manager. The territory encompasses most of Contra Costa county and part of Alameda county. My responsibilities include the leadership, supervision and direction of a professional home health rehab team comprised of physical, occupational therapists and speech language pathologists, in their work in facilitating the rehabilitation of Kaiser Permanente members toward their successful recovery from serious illness.

This team makes the difference between many individuals being able to keep living in their own homes or being forced to abandon the only life and that they've known, and apart from the family and friends that makes it worth living. This is the kind of expertise and commitment that I will bring to the table when I join the council.

Profession and experience aside, my involvement in geriatric care was rooted in something else more personal. I am the only son of my elderly parents. They have been my inspiration since I was a young kid and their values have guided me in my pursuit of profession that will not only make me a success like they are, but to make a positive influence in other people's lives. I've strived hard to live up to the lessons that my parents have imparted in my youth and I developed to become the leader that I am now. This is the kind of passion that I will bring to this council position.

I am looking forward in hearing from your office.

I am including my resume with this application:

Please check one: ☑ Yes ☐ No

I would like to be considered for appointment to other advisory bodies for which I may be qualified.

Please check one: ☑ Yes ☐ No

THIS FORM IS A PUBLIC DOCUMENT

Are you currently or have you ever been appointed to a Contra Costa County advisory board?

Please check one: ☐ Yes ☑ No

If Yes, please list the Contra Costa County advisory board(s) on which you are **currently** serving:

NA

If Yes, please also list the Contra Costa County advisory board(s) on which you have **previously** served:

NA

List any volunteer and community experience, including any boards on which you have served.

Co-Trainer and Educator, Alameda County Adult Day Services Network: Hong Fook- Family Bridges, Inc. Center. January to April 2013, Oakland, CA
Volunteer guest presenter for San Joaquin County public high schools for Mom-Baby home economics classes. 2006 to 2008.

Do you have a familial relationship with a member of the Board of Supervisors? (Please refer to the relationships listed under the "Important Information" section below or Resolution No. 2021/234).

Please check one: ☐ Yes ☑ No

If Yes, please identify the nature of the relationship: NA

Do you have any financial relationships with the county, such as grants, contracts, or other economic relationships?

Please check one: ☐ Yes ☑ No

If Yes, please identify the nature of the relationship: NA

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publicly accessible. I understand and agree that misstatements and/or ommissions of material fact may cause forfeiture of my rights to serve on a board, committee, or commission in Contra Costa County.

Signed: Michael S. Castillo **Date:** 9/12/2023

Submit this application to: ClerkofTheBoard@cob.cccounty.us **OR** Clerk of the Board
1025 Escobar Street, 1st Floor
Martinez, CA 94553

Questions about this application? Contact the Clerk of the Board at (925) 655-2000 or by email at ClerkofTheBoard@cob.cccounty.us

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MICHAEL S. CASTILLO, PT, DPT, MHS, MPA, GCS, NCS, COS-C

Pleasant Hill, California

[redacted]@yahoo.com

Mission: To lead a more impactful life filled with memorable experiences and authentic joy, that I can be proud to look back on and remember.

Vision: To inspire others greatly or simply, either by the way I lead my life or by what I'm trying to achieve, and to do so with integrity and dignity.

Education

2018 – 2020	**Graduate, Transitional Doctorate of Physical Therapy (tDPT)** The College of Saint Scholastica, Duluth, MN
2004 – 2008	**Graduate, Master in Public Administration (MPA)** California State University- Stanislaus. Turlock, CA
1995 – 1997	**Post-Professional Master of Health Science in Physical Therapy (MHS)** University of Indianapolis, Indianapolis, IN
1988 – 1990	**Bachelor of Science in Physical Therapy (BSPT)** Emilio Aguinaldo College Manila, Manila, Philippines
1984 – 1988	**Bachelor of Science in Biology (BS Biology)** University of Santo Tomas, Manila, Philippines

Fellowships and Awards

- 2023 – Present: Certified OASIS Specialist- Clinical (COS-C), OASIS Answers, Inc.
- 2014 – Present: Board Certified Neurologic Clinical Specialist *(NCS)* in Physical Therapy
- 2012-13: Graduate- Kaiser Permanente Neurologic Physical Therapy Residency Program. Redwood City, California
- 2012-13: APTA- Acute Care Section 2013 National Research Grant Award, Primary Investigator: *The Effect of a Structured Intradialytic Exercise Program on Lower Extremity Function, Fatigue and Quality of Life in Patients on Hemodialysis in an Acute Care Setting: A Pilot Study.*
- 2009 – 2010: KPFH- Manteca Hospital *Butler Service* (Employee-of-the-Year) *Excellence Awardee*
- 2009 – 2010: Kaiser Permanente *Asian Pacific American Heritage Month* (Regional) *Awardee*
- 2000 – Present: Board Certified Geriatric Clinical Specialist (*GCS*) in Physical Therapy American Board of Physical Therapy Specialties
- 2004 – 2006: Member, Specialization Academy of Content Experts (*SACE*) American Board of Physical Therapy Specialties (*ABPTS*)
- 1994 – Present: *NDT* – Certified Physical Therapist in the Treatment of Adult Hemiplegia

Publications and Presentations:

- Castillo MS. Physical therapy differential diagnosis for a patient with viral central nervous system infection (CNS) in acute care: A case study. *Philippines Journal of Physical Therapy*. Summer 2022.
- 2020 & 2014 : Contributing Author, chapter on "Renal and Urologic Systems" in the 4th & 5th Eds. of the book, *Pathology: Implications for the Physical Therapist* by Goodman C, et al.
- Lazaro RT and Castillo MS. The effect of a structured intradialytic exercise program on fatigue and quality of life of a patient on hemodialysis in an acute care setting: A case report. *Phys Ther Rehabil.* 2020; 7:6. http://dx.doi.org/10.7243/2055-2386-7-6
- Adjunct Faculty, Evidence in Motion (EIM). Louisville, KY. Co-Developer- Balance and Fall Prevention Curriculum.
- Guest Lecturer, Neurologic Exam and Neurologic Screening-PT 201 Patient Management and Assessment. Program curriculum, UCSF/SFSU Department of Physical Therapy. August 9, 2013.
- Co-Presenter, *Evidence-based Interventions in the Management of People with Degenerative Disease of the Nervous System*. Samuel Merritt University, March 23, 2013.

- Co-Presenter and Co-Author, I-*ACTED: Exercise During Dialysis* webinar. KP Community Benefits Program continuing education seminar series. February 13, 2013.
- Co-Trainer and Educator, *Alameda County Adult Day Services Network: Hong Fook- Family Bridges, Inc. Center*. January to April 2013, Oakland, CA

Professional Experience

02/16 – Present KPFH- Martinez Home Health, Martinez, CA
Home Health Rehab Clinical Services Supervisor
- Manages a team of PTs/OT/SLPs providing home health services to large diverse demographic population of Kaiser Permanente members.
- Leadership role in the Continuum of Care. Involved in performance improvement efforts, bridging across departments and service lines.
- Involved in quality care, training and development and project management. Working with multiple stakeholders to advance common interests.
- Resource and collaborator with outside agencies and contracts for continuum of care services of Kaiser members.

11/10 – 11/15 KPFH- Walnut Creek Medical Center. Walnut Creek, CA
Clinical Specialist – Inpatient Physical Therapy
- Primarily assigned to treat the complex medical cases. Resource person for staff therapists. Project lead for the department's roll out of the peer-to-peer mentoring program. Designated department stroke committee representative. Department CCCE for PT student affiliations.

07/08 – 11/10 KPFH- Manteca Medical Center. Manteca, CA
Senior Physical Therapist – Inpatient Physical Therapy

06/01 – 07/08 San Joaquin County General Hospital, French Camp, CA
Physical Therapist IV – Assistant Department Manager
- Supervisor and/or preceptor for PTs/OTs/STs, assistants and other para-professional staff. Co-leadership role in the management team for the Therapy Services department of San Joaquin General Hospital (designated County Trauma Center).

05/03 – 11/10 Outreach Therapy Services. Stockton, CA
Home Health Physical Therapist- Contractual Provider
- Provided contract Physical Therapy services to Home Health Agencies serving the San Joaquin County area. Developed and coordinated the plan of care for home bound patients and provided case management services as needed.

07/96 – 06/01 Valley Gardens Healthcare and Rehab (Kindred HC), Stockton, CA
Physical Therapy Supervisor, SNF

11/95 – 07/96 Crestwood Hampton Rehab and Convalescent Hospital (Aegis HC), Stockton, CA
Staff Physical Therapist, SNF

08/93 – 11/95 TravelCare, USA, Houston, TX
Traveling Home Health and Facility Physical Therapist
- Provided contract physical therapy services to Home Health agencies and SNFs.

03/92 – 08/93 Chattanooga Rehabilitation Hospital, Chattanooga, TN
Senior Staff Physical Therapist

03/91 – 03/92 Tri-County Therapy Services, Inc., McKenzie, TN
Staff Physical Therapist

06/90 – 01/91 Emilio Aguinaldo College Manila, Manila, Philippines
Full-time Faculty and Academic Coordinator of Clinical Education (ACCE)

Print Form

Contra Costa County

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BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

First Name Richard

Last Name Morisky

Home Address - Street [redacted]

City Lafayette

Zip Code 94549

Phone (best number to reach you) [redacted]

Email [redacted]

Resident of Supervisorial District: 2

EDUCATION *Check appropriate box if you possess one of the following:*

☑ High School Diploma ☐ CA High School Proficiency Certificate ☐ G.E.D. Certificate

Colleges or Universities Attended	Course of Study/Major	Degree Awarded
University of California- Berkeley B.S,	Accounting/Finance	■ Yes ☐ No
University of California-Berkeley MBA	Accounting/Finance	■ Yes ☐ No
University of San Francisco School of Law J.D.	Law	■ Yes ☐ No

Other Training Completed:

Board, Committee or Commission Name Contra Costa County Advisory Council on Aging (ACOA)

Seat Name Lafayette Representative

Have you ever attended a meeting of the advisory board for which you are applying?

■ No ☐ Yes If yes, how many?

Please explain why you would like to serve on this particular board, committee, or commission.

I believe that serving as the Lafayette Representative for the Board is an opportunity to contribute positively to both Lafayette and Contra Costa County. It's also an opportunity to make a difference in someone's life. I deeply enjoyed my experience as a Board Member and President of the Lafayette School Board and want to continue to offer my services where needed. As a member of the San Francisco Bar Association, I provided Pro Bono legal services in connection with tax controversy representation before the IRS.

Thank you for your consideration of my candidacy for the position of Lafayette representative for the Contra Costa Advisory Counci on Aging (ACOA)

Describe your qualifications for this appointment. (NOTE: you may also include a copy of your resume with this application)

My experience with the Lafayette School Board and the San Francisco Bar Association are both excellent backgrounds for effective participation as an ACOA Representative. In addition, my service as an Eagle Scout; Lieutenant in the U.S. Navy and 25+ years as a tax partner in an International CPA firm have given me leadership experience that can be directly applied to this position.

I am including my resume with this application:

Please check one: ☐ Yes ■ No

I would like to be considered for appointment to other advisory bodies for which I may be qualified.

Please check one: ☐ Yes ■ No

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Are you currently or have you ever been appointed to a Contra Costa County advisory board?

Please check one: ☐ Yes ■ No

List any volunteer and community experience, including any boards on which you have served.

1. Board Member and President of the Lafayette School Board
2. Pro Bono services as a member of the San Francisco Bar Association
3. Church usher as a member of Christ The King Catholic Parish in Pleasant Hill
4. Secretary and Board Member of Baywood HOA

Do you have a familial relationship with a member of the Board of Supervisors? (Please refer to the relationships listed below or Resolution no. 2011/55)

Please check one: ☐ Yes ■ No

If Yes, please identify the nature of the relationship:

Do you have any financial relationships with the county, such as grants, contracts, or other economic relationships?

Please check one: ☐ Yes ■ No

If Yes, please identify the nature of the relationship:

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publicly accessible. I understand and agree that misstatements and/or ommissions of material fact may cause forfeiture of my rights to serve on a board, committee, or commission in Contra Costa County.

Signed: Richard Morisky **Date:** 08/17/2023

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Martinez, CA 94553

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8. A person will not be eligible to serve if the person shares a financial interest as defined in Government Code §87103 with a Board of Supervisors Member.

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Application Form

Profile

Julie
First Name

A
Middle Initial

A. Ortega
Last Name

Home Address

Suite or Apt

City

CA
State

94526
Postal Code

Primary Phone

Email Address

District Locator Tool

Resident of Supervisorial District:

☑ District 2

Evolutionary Aging
Employer

Founder
Job Title

Length of Employment

March 2023

Do you work in Contra Costa County?

◉ Yes ○ No

If Yes, in which District do you work?

2

How long have you lived or worked in Contra Costa County?

20 plus years

Are you a veteran of the U.S. Armed Forces?

○ Yes ◉ No

Board and Interest

Which Boards would you like to apply for?

Advisory Council on Aging: Submitted

Seat Name

Have you ever attended a meeting of the advisory board for which you are applying?

◉ Yes ○ No

If Yes, how many meetings have you attended?

Twice

Education

Select the option that applies to your high school education *

☑ None of the above

College/ University A

Name of College Attended

San Francisco State University, San Francisco, CA

Degree Type / Course of Study / Major

Master of Arts in Gerontology

Degree Awarded?

◉ Yes ○ No

College/ University B

Name of College Attended

California State University East Bay, Hayward, CA

Degree Type / Course of Study / Major

Bachelor of Arts in Psychology

Degree Awarded?

◉ Yes ○ No

College/ University C

Name of College Attended

Peralta Colleges Jr. College, Alameda/Oakland

Degree Type / Course of Study / Major

Associate of Arts in Business & Associate of Science in Radiology Technology

Degree Awarded?

◉ Yes ○ No

Other Trainings & Occupational Licenses

Other Training A

Society of Certified Senior Advisors, Certified Senior Advisor,

Certificate Awarded for Training?

◉ Yes ○ No

Other Training B

Certificate Awarded for Training?

○ Yes ○ No

Occupational Licenses Completed:

Please see resume

Qualifications and Volunteer Experience

Please explain why you would like to serve on this particular board, commitee, or commission.

I am excited to put forth my candidacy for a seat on the Advisory Council on Aging applying for one of the twelve seats opening posted at. As a highly qualified professional with a Master of Arts in Gerontology degree from San Francisco State University, paired with more than 10 years of diverse experience working with adult and geriatric populations, I am eager and well-prepared to apply my skillset to this challenging and rewarding position. I look forward to the opportunity to exceed expectations for every patient/client, family, and colleague whom I will serve as a (Job Title) with your organization. In March of 2023, after graduating with my Master's in Gerontology, I founded Evolutionary Aging, a business that specializes in helping aging adults thrive in place. This experience has equipped me with valuable insights into the evolving needs and challenges of the aging population, and it has further solidified my commitment to enhancing their quality of life. Additionally, as a volunteer representative for the AARP Aging California Planning Academy Spring 2024 Cohort, I bring a strong educational background in gerontology and psychology, coupled with practical experience working directly with seniors. My certification as a senior advisor underscores my commitment to this field. I am deeply passionate about improving the lives of aging adults and have a track record of innovation, including founding Evolutionary Aging, an organization dedicated to addressing evolving senior needs. My industry recognition demonstrates my ability to make a positive impact. I am excited to contribute my expertise and collaborate with AARP to advocate for California's seniors. As you will see upon reviewing my profile, I possess a robust foundation of training and experience in the delivery and management of evidence-based, direct and indirect care for adult and geriatric populations in diverse environments. Moreover, I have developed a strong background in both business and education, driving increased levels of organizational productivity and improved levels of patient/family satisfaction. My highly transferable skills, coupled with my ability to learn quickly, will allow me to rapidly and seamlessly integrate into your team to provide valuable insights into daily patient care operations. In addition to my skills above, I offer strengths in the areas of presentation, leadership, and collaboration. My supervisors and colleagues have consistently commended me for my attention to details and my ability to actively listen to and address concerns with a clear and articulate approach, allowing each individual and their family to feel empowered, comfortable, and confident with their care choices. Thank you in advance for your time and consideration. I look forward to hearing from you soon. Sincerely, Julie A. Ortega

Describe your qualifications for this appointment. (NOTE: you may also include a copy of your resume with this application)

Please see attached resume

Upload a Resume

Would you like to be considered for appointment to other advisory bodies for which you may be qualified?

◉ Yes ○ No

Do you have any obligations that might affect your attendance at scheduled meetings?

○ Yes ◉ No

If Yes, please explain:

Are you currently or have you ever been appointed to a Contra Costa County advisory board?

○ Yes ◉ No

If Yes, please list the Contra Costa County advisory board(s) on which you are currently serving:

If Yes, please also list the Contra Costa County advisory board(s) on which you have previously served:

List any volunteer or community experience, including any advisory boards on which you have served.

I am currently volunteering at the Senior Center in Danville, CA (Cafe Costa) on July 10th, 2023. Caring Hands Administrative, John Muir Hospital, Walnut Creek, CA, 10/2018–08/2019 Volunteer/Intern Bridge Hospice, Walnut Creek, CA, 11/2018 Administrative Volunteer/Intern

Conflict of Interest and Certification

Do you have a familial or financial relationship with a member of the Board of Supervisors? (Please refer to the relationships listed under the "Important Information" section below or Resolution No. 2021/234)

○ Yes ◉ No

If Yes, please identify the nature of the relationship:

Do you have any financial relationships with the County such as grants, contracts, or other economic relationships?

○ Yes ◉ No

If Yes, please identify the nature of the relationship:

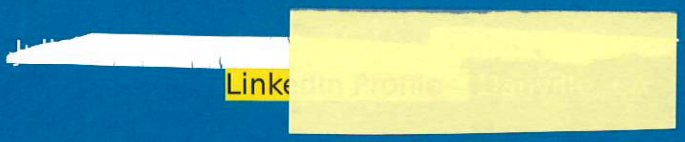
Please Agree with the Following Statement

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and undersand that all information in this application is publicly accessible. I understand that misstatements and/or omissions of material fact may cause forfeiture of my rights to serve on a board, committee, or commission in Contra Costa County.

☑ I Agree

Important Information

Julie A. Ortega



Diversly Experienced Healthcare Professional

A leader in providing individualized care and support for geriatric and older adult populations

Enthusiastic, talented, and compassionate professional with demonstrated expertise in the direct and indirect care of geriatric populations. Empathetic and outcomes focused colleague; adept at employing strong communication and critical thinking skills to elicit detailed client information, analyze observations/findings, and advocate for comprehensive needs to promote maximized quality of life. Innovative and forward thinking leader with a proven ability to train and oversee personnel, streamline processes, and increase productivity to consistently meet performance objectives while upholding the mission, vision, and values of the organization. Eager to build upon advanced education and professional experiences to contribute to the holistic wellbeing of diverse populations in our community.

Core Competencies

- Geriatric Biopsychosocial Assessments
- Individualized Client Intervention Plans
- Hospice & Palliative Care Knowledge
- Patient Safety & Advocacy
- Community Resource Partnerships
- Therapeutic Communication Skills
- Patient, Family & Staff Education
- Holistic Health & Wellness Promotion
- Knowledge of Aging Processes

Education and Credentials

Master of Arts in Gerontology, San Francisco State University, San Francisco, CA (2021)

Capstone: Does One's Attitudes Toward Aging Matter for Health?

Bachelor of Arts in Psychology, California State University East Bay, Hayward, CA (2018)

Associate of Arts in Business & Associate of Science in Radiology Technology, Peralta Colleges Jr. College, Alameda/Oakland, CA

California Department of Public Health – Radiologic Health Branch, Certified Radiology Technologist, (Current)

Society of Certified Senior Advisors, Certified Senior Advisor, (Current)

Internship Related Experience

Caring Hands – John Muir Hospital, Walnut Creek, CA **10/2018 – 08/2019**
Intern

Conducted telephonic biopsychosocial assessments of senior/geriatric populations to identify and advocate for their needs supporting holistic wellbeing. Empowered older adults to make informed choices with respect to care, resources, and support services upon the transition/closure of this organization. Collated and reviewed data to ensure file currency supporting the unique needs of each individual and/or their families.

- Reduced organizational expenditures by approximately $47, per hour, and streamlined admissions process by completing intake procedures otherwise completed by a licensed social worker.

Bridge Hospice, Walnut Creek, CA **11/2018**
Administrative Volunteer and Intern

Leveraged healthcare experience, communication, leadership, and interpersonal skills to provide direct support for a team of professionals responsible for the care of individuals and their families. Partnered

with licensed and unlicensed personnel to deliver orientation programming for volunteers ensuring their readiness to provide the highest quality of care while upholding the respect, dignity, and worth of each individual.

- Instrumental in launching this organization through collaborative efforts with interdisciplinary colleagues increasing access to resources, service, and support for patients experiencing a terminal illness.
- Played a pivotal role in increasing patient support volunteers through strategic recruitment efforts
- Streamlined new patient intake processes by actualizing the use of admission binders to identify and track healthcare needs/preferences.

Related Professional Experience

Independent Client, City, ST **03/2009 – 04/2017**
Private Caregiver

Independently provided comprehensive, compassionate care for an elderly client diagnosed with Alzheimer's disease. Consulted and conferred with physicians to develop and deliver care utilizing therapeutic and preventative interventions promoting his ability to age in place with minimal risks of hospitalization prior to transitioning into an assisted living facility. Liaised between the client and insurance providers to establish long term insurance minimizing anxiety or concerns related to next levels of care. Scheduled and accompanied patient to medical appointments offering encouragement and assistance in navigating complex healthcare environments. Coordinated stimulating entertainment and holiday activities to maintain and support cognitive, social, and personal engagement. Consulted and conferred with the client and contractors to divest his privately held business ensuring proper disposal of all confidential records. Managed all finances and end of life wishes as expressly outlined by the client.

- Received praise and recognition from the client for helping him to experience and enjoy moments at the end of his life that would not otherwise have been possible.

Stephens Ministry, Danville, CA **09/2012 – 12/2015**
Counselor

Employed the full scope of the therapeutic process to assess client needs, develop individualized interventions, advocate for resources and/or services to meet basic needs, and evaluate responses to support to optimize holistic outcomes. Quickly established strong rapport and empowered individuals to cope with life challenges while fostering the development of coping skills and increasing self-confidence. Educated and support a team of volunteers in developing the requisite skills need to best serve their diverse clients needs while adhering to healthy boundaries.

- Successfully completed 50 hours of training in preparation to offer one-to-one care for individuals across the lifespan experiencing challenges related to grief, divorce, job loss, acute or terminal illness, relocation, or separation due to military deployment.
- Acknowledge by a client for her influence and support in navigating a complex situation that ultimately resulted in improved personal circumstances.

Medical Insights Diagnostic Centers Inc., Concord, CA **01/2012 – 12/2014**
Radiology Technologist and Patient Coordinator (Part Time)

Autonomously operated all fixed and mobile diagnostic imaging equipment providing routine and specialized radiographic exams for patients across the lifespan; assisted colleagues with the complete of MRI and fluoroscopy procedures, as needed. Ensured timely delivery of images and results to physicians supporting diagnosis and treatment of varied conditions. Provided pre-procedure instructions to minimize patient anxieties and increase compliance. Maintained a safe environment for patients and personnel by adhering to rigorous professional standards with respect to radiation protection, PPE utilization, infection control, and disposal of hazardous products.

- Contributed to reduced salary expenditures by the organization through serving as a specialist and assisting the physician only in non-independent procedures.
- Boosted call volume by 10% as a result of prompt and professional efforts with colleagues.

Honors and Awards

Sigma Phi Omega Gerontology Honor Society Inductee
Psi Chi International Honor Society Inductee
Phi Theta Kappa Honor Society Inductee

Contra Costa County

Print Form

Please return completed applications to:
Clerk of the Board of Supervisors
1025 Escobar Street, 1st Floor
Martinez, CA 94553
or email to: ClerkofTheBoard@cob.cccounty.us

BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

First Name: Logan | **Middle Initial:** M | **Last Name:** Robertson

Home Address - Street: [redacted] | **City:** Concord | **State:** CA | **Postal Code:** 94521

Primary Phone (best number to reach you): [redacted] | **Email Address:** [redacted]

Resident of Supervisorial District (if out of County, please enter N/A): | District Locator Tool

Do you work in Contra Costa County? ☑ Yes ☐ No **If Yes, in which District do you work?**

Current Employer: Front Porch Home Match | **Job Title:** Associate Director | **Length of Employment:** 1 year

How long have you lived or worked in Contra Costa County? 6 years

Board, Committee, or Commission | **Seat Name**

Have you ever attended a meeting of the advisory board for which you are applying?

Please check one: ☑ Yes ☐ No If Yes, how many? 1

EDUCATION

Check appropriate box if you possess one of the following:

☑ High School Diploma ☐ CA High School Proficiency Certificate ☐ G.E.D. Certificate

Colleges or Universities Attended	Degree Type/ Course of Study/Major	Degree Awarded	
San Francisco State University	BS in Psychology	☑ Yes	☐ No
UC Davis	Masters in Business Administration	☑ Yes	☐ No
		☐ Yes	☐ No

Occupational Licenses Completed:

Other Trainings Completed:

Certificate Awarded for Training?

☐ Yes ☐ No

☐ Yes ☐ No

Do you have any obligations that might affect your attendance at scheduled meetings? ☐ Yes ☐ No

If Yes, please explain: None at this time.

Would you like to be considered for appointment to other advisory bodies for which you may be qualified? ☑ Yes ☐ No

Are you a veteran of the U.S. Armed Forces? ☐ Yes ☑ No

THIS FORM IS A PUBLIC DOCUMENT

Please explain why you would like to serve on this particular board, committee, or commission.

As the Associate Director of Home Match for Contra Costa I am committed to improving services for older adults in the county. I desire to be more involved in the planning and coordination of programming as become more informed on aging issues.

Describe your qualifications for this appointment. (NOTE: you may also include a copy of your resume).

I have done community work with groups of all ages, from direct response to child abuse report cases as a case manager, to social work with developmentally disabled adults. While I have done work with older adults including in my current position as Associate Director of Home Match, I have personal ties to the aging community. My parents, both in their 80's, live in the county and struggle to find services or programs that may assist them as they age. With a range of expertise and lived experience I believe I can be an asset to this council.

I am including my resume with this application:

Please check one: ☐ Yes ☑ No

Are you currently or have you ever been appointed to a Contra Costa County advisory board?

Please check one: ☐ Yes ☑ No

If Yes, please list the Contra Costa County advisory board(s) on which you are **currently** serving:

If Yes, please also list the Contra Costa County advisory board(s) on which you have **previously** served:

List any volunteer and community experience, including any boards on which you have served.

American Cancer Society Discover Shop-Walnut Creek
Advisory Council on Aging Housing Work Group

Do you have a familial relationship with a member of the Board of Supervisors? (Please refer to the relationships listed under the "Important Information" section on page 3 of this application or Resolution No. 2021/234).

Please check one: ☐ Yes ☑ No

If Yes, please identify the nature of the relationship:

Do you have any financial relationships with the county, such as grants, contracts, or other economic relationships?

Please check one: ☐ Yes ☑ No

If Yes, please identify the nature of the relationship:

THIS FORM IS A PUBLIC DOCUMENT

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publicly accessible. I understand and agree that misstatements and/or ommissions of material fact may cause forfeiture of my rights to serve on a board, committee, or commission in Contra Costa County.

Signed: Logan Robertson **Date:** 10/17/2023

Submit this application to: ClerkofTheBoard@cob.cccounty.us **OR** Clerk of the Board
1025 Escobar Street, 1st Floor
Martinez, CA 94553

Questions about this application? Contact the Clerk of the Board at (925) 655-2000 or by email at ClerkofTheBoard@cob.cccounty.us

Important Information

1. This application and any attachments you provide to it is a public document and is subject to the California Public Records Act (CA Government Code §6250-6270).
2. All members of appointed bodies are required to take the advisory body training provided by Contra Costa County.
3. Members of certain boards, commissions, and committees may be required to: 1) file a Statement of Economic Interest Form also known as a Form 700, and 2) complete the State Ethics Training Course as required by AB 1234.
4. Meetings may be held in various locations and some locations may not be accessible by public transportation.
5. Meeting dates and times are subject to change and may occur up to two (2) days per month.
6. Some boards, committees, or commissions may assign members to subcommittees or work groups which may require an additional commitment of time.
7. As indicated in Board Resolution 2021/234, a person will not be eligible for appointment if he/she is related to a Board of Supervisors' member in any of the following relationships: (1) Mother, father, son, and daughter; (2) Brother, sister, grandmother, grandfather, grandson, and granddaughter; (3) Husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepson, and stepdaughter; (4) Registered domestic partner, pursuant to California Family Code section 297; (5) The relatives, as defined in 1 and 2 above, for a registered domestic partner; (6) Any person with whom a Board Member shares a financial interest as defined in the Political Reform Act (Gov't Code §87103, Financial Interest), such as a business partner or business associate.

THIS FORM IS A PUBLIC DOCUMENT

Application Form

Profile

Carol
First Name

Middle Initial

Schaefer
Last Name

PO Box 2633
Home Address

Suite or Apt

Walnut Creek
City

CA
State

94595
Postal Code

Primary Phone

Email Address

District Locator Tool

Resident of Supervisorial District:

☑ District 2

Retired
Employer

Job Title

Length of Employment

Do you work in Contra Costa County?

○ Yes ◉ No

If Yes, in which District do you work?

How long have you lived or worked in Contra Costa County?

4 yrs

Are you a veteran of the U.S. Armed Forces?

○ Yes ◉ No

Board and Interest

Which Boards would you like to apply for?

Advisory Council on Aging: Submitted

Seat Name

Have you ever attended a meeting of the advisory board for which you are applying?

○ Yes ◉ No

If Yes, how many meetings have you attended?

Education

Select the option that applies to your high school education *

☑ High School Diploma

College/ University A

Name of College Attended

UC Davis

Degree Type / Course of Study / Major

Philosophy

Degree Awarded?

◉ Yes ○ No

College/ University B

Name of College Attended

Degree Type / Course of Study / Major

Degree Awarded?

○ Yes ○ No

College/ University C

Name of College Attended

Degree Type / Course of Study / Major

Degree Awarded?

○ Yes ○ No

Other Trainings & Occupational Licenses

Other Training A

Certificate Awarded for Training?

○ Yes ○ No

Other Training B

Certificate Awarded for Training?

○ Yes ○ No

Occupational Licenses Completed:

Qualifications and Volunteer Experience

Please explain why you would like to serve on this particular board, commitee, or commission.

I worked in the Alcohol and Drug field for 25 years

Describe your qualifications for this appointment. (NOTE: you may also include a copy of your resume with this application)

I worked in the Alcohol and Drug field for 25 years

Upload a Resume

Would you like to be considered for appointment to other advisory bodies for which you may be qualified?

● Yes ○ No

Do you have any obligations that might affect your attendance at scheduled meetings?

○ Yes ● No

If Yes, please explain:

Are you currently or have you ever been appointed to a Contra Costa County advisory board?

○ Yes ● No

If Yes, please list the Contra Costa County advisory board(s) on which you are currently serving:

If Yes, please also list the Contra Costa County advisory board(s) on which you have previously served:

List any volunteer or community experience, including any advisory boards on which you have served.

Travel Ambassador and Usher Lesher Center Walnut Creek Parks and Recreation

Conflict of Interest and Certification

Do you have a familial or financial relationship with a member of the Board of Supervisors? (Please refer to the relationships listed under the "Important Information" section below or Resolution No. 2021/234)

○ Yes ◉ No

If Yes, please identify the nature of the relationship:

Do you have any financial relationships with the County such as grants, contracts, or other economic relationships?

○ Yes ◉ No

If Yes, please identify the nature of the relationship:

Please Agree with the Following Statement

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and undersand that all information in this application is publicly accessible. I understand that misstatements and/or omissions of material fact may cause forfeiture of my rights to serve on a board, committee, or commission in Contra Costa County.

☑ I Agree

Important Information

Contra Costa County Boards & Commissions

Submit Date: Sep 01, 2023

Application Form

Profile

ANTONIO
First Name

T
Middle Initial

SHELLY
Last Name

[redacted]

Suite or Apt

CA
State

94505
Postal Code

District Locator Tool

Resident of Supervisorial District:

☑ District 3

UNEMPLOYED
Employer

Job Title

Length of Employment

Do you work in Contra Costa County?

○ Yes ◉ No

If Yes, in which District do you work?

How long have you lived or worked in Contra Costa County?

1

Are you a veteran of the U.S. Armed Forces?

◉ Yes ○ No

Board and Interest

Which Boards would you like to apply for?

Advisory Council on Aging: Submitted

Seat Name

ANTONIO T SHELLY

Have you ever attended a meeting of the advisory board for which you are applying?

○ Yes ○ No

If Yes, how many meetings have you attended?

Education

Select the option that applies to your high school education *

☑ High School Diploma

College/ University A

Name of College Attended

Los Medanos College

Degree Type / Course of Study / Major

Business Administration

Degree Awarded?

○ Yes ○ No

College/ University B

Name of College Attended

American Career College

Degree Type / Course of Study / Major

Optometry

Degree Awarded?

○ Yes ○ No

College/ University C

Name of College Attended

Degree Type / Course of Study / Major

Degree Awarded?

○ Yes ○ No

Other Trainings & Occupational Licenses

Other Training A

Navy Nuclear Engineering

Certificate Awarded for Training?

◉ Yes ○ No

Other Training B

Certificate Awarded for Training?

○ Yes ○ No

Occupational Licenses Completed:

Qualifications and Volunteer Experience

Please explain why you would like to serve on this particular board, commitee, or commission.

There are immediate vacancies on all the committees that I'm applying to. I want to get involved in community government to understand where our tax dollars are going and what programs are available to residents.

Describe your qualifications for this appointment. (NOTE: you may also include a copy of your resume with this application)

Resume attached.

Upload a Resume

Would you like to be considered for appointment to other advisory bodies for which you may be qualified?

◉ Yes ○ No

Do you have any obligations that might affect your attendance at scheduled meetings?

◉ Yes ○ No

If Yes, please explain:

I have class 4 days a week at Los Medanos College MW (11-1230), TuTh(930-11)

Are you currently or have you ever been appointed to a Contra Costa County advisory board?

○ Yes ○ No

If Yes, please list the Contra Costa County advisory board(s) on which you are currently serving:

If Yes, please also list the Contra Costa County advisory board(s) on which you have previously served:

List any volunteer or community experience, including any advisory boards on which you have served.

Conflict of Interest and Certification

Do you have a familial or financial relationship with a member of the Board of Supervisors? (Please refer to the relationships listed under the "Important Information" section below or Resolution No. 2021/234)

○ Yes ◉ No

If Yes, please identify the nature of the relationship:

Do you have any financial relationships with the County such as grants, contracts, or other economic relationships?

○ Yes ◉ No

If Yes, please identify the nature of the relationship:

Please Agree with the Following Statement

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and undersand that all information in this application is publicly accessible. I understand that misstatements and/or omissions of material fact may cause forfeiture of my rights to serve on a board, committee, or commission in Contra Costa County.

☑ I Agree

Important Information

ANTONIO T. SHELLY

Honorably discharged Navy veteran who is experienced in leadership roles and is accustomed to roles/position of increasing responsibility. Demonstrated ability to achieve project goals/tasks quickly and efficiently. Highly motivated, dedicated and responsible individual with well-developed analytical skills. Go-getter/can-do attitude with excellent written and verbal communication skills. Outstanding people skills and proven team player. A model employee and demonstrated leader who is an asset to any organization.

EXPERIENCE

2/2021 – Current

Manager of Data Center Operations, CoreSite

Data center subject matter expert for electrical, mechanical, controls, and fire life safety systems. Operate, monitor, maintain, and respond to abnormal conditions in facilities systems. Tracking and trending operational characteristics. Mentoring of junior staff. Work with the site Data Center Manager to track and complete an aggressive preventive and predicative maintenance schedule. Work with and provides guidance, to the site Data Center Manager to determine maintenance requirements for mechanical and electrical systems
including integrated systems and IT. Manage systems to avoid unplanned, customer-impacting outages. Manage a budget of $2M.

8/2018 – 4/2019

Outside Sales Consultant, *Sunrun*

Sales consultant responsible for conducting demonstrations, providing specifications and detailed information about the operation of solar panels and solar batteries.

6/2017 – 6/2018

Regional Channel Manager/Channel Account Manager, *Tesla*

Responsible for managing business partnerships with customers, managing personnel, recruiting training, onboarding new personnel, managing the fleet vehicles, fuel fleet cards and maintenance schedules for fleet vehicles.

- Took low performing team and transformed them into one of the top performing 10%

8/2016 – 6/2017

Executive Director, *Urban Barber College*

Acted in the following roles while acting as director: Marketing

director, staff accountant, staff counselor, outreach grant coordinator. Responsible for all money coming into the school, managed new/ongoing student files, maintained/cultivated relationships with county grant coordinators, also conducted marketing for the school which resulted in enrollment increasing from 4 to 32 in less than nine months.

6/2015 – 6/2016

Inside Sales Engineer, *Emerson Process Management (Caltrol)*
Responsible for engineering and quoting the best technical control solutions to customers. Proficient in knowledge of control valves, actuators and regulators. While in this role all quarterly sales goals were met and exceeded.

2/2013 – 5/2015

Maintenance Technician, *Koch Industries Inc. – Koch Pipeline Company LP*
Responsible for operations, scheduling work and maintenance of pipeline and station assets which included but was not limited to maintenance of valves, pumps, piping and tanks. Responsible for repair and maintenance of positive displacement, centrifugal pumps, valves, actuators and other equipment necessary for pipeline operations. Daily tasks include responding to customers' needs/concerns, facility station checks and measurements.

4/1999 – 7/2011

Nuclear Power Senior Mechanical Technician, *US Navy*
Twelve years of experience in the administration, operation, training and maintenance of an A4W nuclear power plant for the US Navy.
Contributed to the writing and administration of 20 personnel qualification exams. Conducted over 500 hours of technical/nuclear power training with top ratings. Assigned to positions normally staffed by more senior personnel, to include: the Process Improvement Coordinator for Maintenance Planning, Production Manager for the Pump Shop and Command Duty Officer.
Developed a process improvement procedure to complete the review and issuance of 3000 controlled work packages with zero losses. Managed a budget of $15,000 while conducting 110 hours of training and performing ceremonies for retired enlisted and officers. Performed quality assurance inspections of work sites during and after maintenance.

EDUCATION

Optometry Medical School, *Los Angeles, CA* April 2019 – 12/2019

San Diego City College, *San Diego, CA* 2008

Completed Real Estate licensing courses

Thomas Edison State College, *Trenton, NJ* 2005 – 2008
Completed college courses towards BS Nuclear Engineering Technology

SPECIAL SKILLS

Microsoft Office expert

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0628 **Agenda Date:** 3/5/2024 **Agenda #:** C.11.

To: Board of Supervisors

From: Equity Committee

Report Title: Vacancy on the African American Holistic Wellness and Resource Hub Feasibility Study Steering Committee

☐Recommendation of the County Administrator ☒ Recommendation of Board Committee

RECOMMENDATIONS:
ACCEPT the resignation of Janet Miller Evans, DECLARE a vacancy in the District 2 seat on the African American Holistic Wellness and Resource Hub Feasibility Study Steering Committee and DIRECT the Clerk of the Board to post the vacancy, as recommended by the Equity Committee.

FISCAL IMPACT:
N/A

BACKGROUND:
Staff received the resignation of Janet Miller Evans, member of the Steering Committee for the African American Holistic Wellness and Resource Hub Feasibility Study, residing in District 2.

CONSEQUENCE OF NEGATIVE ACTION:
The seat will not be vacated and a new appointment would not be able to be made.

Contra Costa County

Print Form

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Clerk of the Board of Supervisors
1025 Escobar Street, 1st Floor
Martinez, CA 94553
or email to: ClerkofTheBoard@cob.cccounty.us

BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

First Name Mark | **Middle Initial** A | **Last Name** McGowan

Home Address - Street [redacted] | **City** [redacted] | **State** [redacted] | **Postal Code** [redacted]

Primary Phone (best number to reach you) [redacted] | **Email Address** [redacted]

Resident of Supervisorial District (if out of County, please enter N/A): | District Locator Tool

Do you work in Contra Costa County? ☐ Yes ☑ No **If Yes, in which District do you work?**

Current Employer Empower Retirement | **Job Title** Sr. Regional Manager | **Length of Employment** 20

How long have you lived or worked in Contra Costa County? 2

Board, Committee, or Commission African American Holistic Wellness Hub | **Seat Name**

Have you ever attended a meeting of the advisory board for which you are applying?

Please check one: ☐ Yes ☑ No If Yes, how many?

EDUCATION

Check appropriate box if you possess one of the following:

☐ High School Diploma ☐ CA High School Proficiency Certificate ☐ G.E.D. Certificate

Colleges or Universities Attended	Degree Type/ Course of Study/Major	Degree Awarded	
University of Illinois Urbana	Communications/Econ	☑ Yes	☐ No
University of Missouri St. Louis	Clinical Counseling	☐ Yes	☑ No
		☐ Yes	☐ No

Occupational Licenses Completed: Series 6, 63, Insurance. Former Series 7, AIF

Other Trainings Completed:	Certificate Awarded for Training?	
Accredited Investment Fiduciary	☑ Yes	☐ No
	☐ Yes	☐ No

Do you have any obligations that might affect your attendance at scheduled meetings? ☐ Yes ☐ No

If Yes, please explain: I have involvement in other organizations, but this would take priority.

Would you like to be considered for appointment to other advisory bodies for which you may be qualified? ☑ Yes ☐ No

Are you a veteran of the U.S. Armed Forces? ☐ Yes ☑ No

THIS FORM IS A PUBLIC DOCUMENT

Please explain why you would like to serve on this particular board, committee, or commission.

Thank you for your consideration. I have lived in the Bay Area for 6 years. My connections to the community have primarily been with Contra Costa and Alameda Counties. I understand the challenges of being an African American in this community, in addition to having an understanding of the full spectrum of the Black American experience. I believe my professional background, perspective and leadership would provide great value to any initiatives that come from this committee.

Describe your qualifications for this appointment. (NOTE: you may also include a copy of your resume).

In my current role I lead/participate in fiduciary committee meetings with Bay Area C- Level executives, and provide consulting on financial/retirement goals. Over my professional career, I have led corporate wide initiatives which involved collaborating with various stakeholders to implement strategies. I have experience working with community initiatives focused on economic development and working directly as a teacher and mentor.

My goal is to use my knowledge to impact the area and black community in a lasting positive way.

I am including my resume with this application:

Please check one: ☑ Yes ☐ No

Are you currently or have you ever been appointed to a Contra Costa County advisory board?

Please check one: ☐ Yes ☑ No

If Yes, please list the Contra Costa County advisory board(s) on which you are **currently** serving:

If Yes, please also list the Contra Costa County advisory board(s) on which you have **previously** served:

List any volunteer and community experience, including any boards on which you have served.

YMCA volunteer, Church on the Rock - Youth Mentor, Revitalize Englewood (Chicago) - Facilitator, Diablo Valley Black Men's Group - Acting Treasurer, Greene Scholars - Parent Facilitator.

Do you have a familial relationship with a member of the Board of Supervisors? (Please refer to the relationships listed under the "Important Information" section on page 3 of this application or Resolution No. 2021/234).

Please check one: ☐ Yes ☑ No

If Yes, please identify the nature of the relationship:

Do you have any financial relationships with the county, such as grants, contracts, or other economic relationships?

Please check one: ☐ Yes ☑ No

If Yes, please identify the nature of the relationship:

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publicly accessible. I understand and agree that misstatements and/or ommissions of material fact may cause forfeiture of my rights to serve on a board, committee, or commission in Contra Costa County.

Signed: Mark A McGowan **Date:** 9/08/2023

Submit this application to: ClerkofTheBoard@cob.cccounty.us **OR** Clerk of the Board
1025 Escobar Street, 1st Floor
Martinez, CA 94553

Questions about this application? Contact the Clerk of the Board at (925) 655-2000 or by email at ClerkofTheBoard@cob.cccounty.us

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2. All members of appointed bodies are required to take the advisory body training provided by Contra Costa County.
3. Members of certain boards, commissions, and committees may be required to: 1) file a Statement of Economic Interest Form also known as a Form 700, and 2) complete the State Ethics Training Course as required by AB 1234.
4. Meetings may be held in various locations and some locations may not be accessible by public transportation.
5. Meeting dates and times are subject to change and may occur up to two (2) days per month.
6. Some boards, committees, or commissions may assign members to subcommittees or work groups which may require an additional commitment of time.
7. As indicated in Board Resolution 2021/234, a person will not be eligible for appointment if he/she is related to a Board of Supervisors' member in any of the following relationships: (1) Mother, father, son, and daughter; (2) Brother, sister, grandmother, grandfather, grandson, and granddaughter; (3) Husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepson, and stepdaughter; (4) Registered domestic partner, pursuant to California Family Code section 297; (5) The relatives, as defined in 1 and 2 above, for a registered domestic partner; (6) Any person with whom a Board Member shares a financial interest as defined in the Political Reform Act (Gov't Code §87103, Financial Interest), such as a business partner or business associate.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0629 **Agenda Date:** 3/5/2024 **Agenda #:** C.12.

To: Board of Supervisors

From: Marla Stuart, Employment and Human Services Director

Report Title: Economic Opportunity Council Resignation & Declare Vacancy

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
ACCEPT the resignation of Timothy Barrow, from the Economic Opportunity Council, DECLARE a vacancy in the Private/Non-Profit Alternate seat #2 on the Economic Opportunity Council, for a term ending June 30, 2024, and DIRECT the Clerk of the Board to post the vacancy.

FISCAL IMPACT:
There is no fiscal impact for this action.

BACKGROUND:
Timothy Barrow was appointed by the Board of Supervisors on April 18, 2023 with a term ending on June 30, 2024.

CONSEQUENCE OF NEGATIVE ACTION:
The seat would remain occupied and not allow a new appointment to be made.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0630 **Agenda Date:** 3/5/2024 **Agenda #:** C.13.

To: Board of Supervisors

From: Monica Nino, County Administrator

Report Title: Contra Costa County Public Law Library Board of Trustees Annual Report

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
ACCEPT the Contra Costa County Public Law Library Board of Trustees' 2023 Annual Report.

FISCAL IMPACT:
None.

BACKGROUND:
On January 7, 2020, the Board of Supervisors adopted Resolution No. 2020/1, which requires that each regular and ongoing board, commission, or committee annually report to the Board of Supervisors on its activities, accomplishments, membership attendance, required training, certification programs, and proposed work plan or objectives for the following year.

CONSEQUENCE OF NEGATIVE ACTION:
The Public Law Library would be out of compliance with Resolution No. 2020/1.

ADVISORY BODY ANNUAL REPORT

Advisory Body Name: Contra Costa County Public Law Library Board of Trustees

Advisory Body Meeting Time/Location: 12:15 p.m.; monthly on pre-scheduled dates

Chair (during the reporting period): Hon. Terri Mockler, President, Board of Trustees

Staff Person (during the reporting period): Carey Rowan, Library Director

Reporting Period: January 1-December 31, 2023

I. Activities (estimated response length: 1/2 page)

Describe the activities for the past year including areas of study, work, special events, collaborations, etc.

-The Law Library provides access to legal information, court forms, referrals to other services and agencies, as well as workshops and clinics. There are computers for use in legal research, online workshops and completing court forms.
-Our Lawyer in the Library clinic remains extremely popular with self-represented individuals. Lawyer in the Library provides a free legal consultation to persons with a legal problem or question who need information, direction or advice from an experienced attorney. Clinics were held 1-2 times per month throughout the year.
-We have also partnered with the Congress of Neutrals to assist people with landlord tenant questions.
-Court Accounting workshops were held 6 times during the year, usually bimonthly.
-We continue to work the Contra Costa County and its contracted professionals in the planning of the much-anticipated new building at the corner of Main Street and Pine Street which will house the main branch of the county law library, now housed in the A.F. Bray Courthouse.

II. Accomplishments (estimated response length: 1/2 page)

Describe the accomplishments for the past year, particularly in reference to your work plan and objectives.

The Law Library serves approximately 100 in-person patrons per day. Law Library staff serve both legal professionals and the lay public, most of whom are unrepresented as they attempt to navigate the complexities of the legal system. Topics frequently requested are Family Law, Landlord/Tenant, Domestic Violence, Elder Abuse, Emancipation, Estate Planning, Civil Litigation, Conservatorship, Guardianship, and Name Change.
We continue to offer Lawyer in the Library, which has been redesigned to better serve those needing assistance.
Our Conserveratorship Training and Resources program has been redesigned with a detailed Question and Answer section added to the library's website. We now use an updated, safe, and user-friendly method of accessing the requisite training for family Conservators. COVID forced libraries to change the way that some of services are delivered and create a new and improved format in many cases.
The Law Library continues to offer material which can be accessed remotely by patrons, including Matthew Bender treatises and Nolo Press books. These services are very popular with by our users.

III. Attendance/Representation (estimated response length: 1/4 page)

Describe your membership in terms of seat vacancies, diversity, level of participation, and frequency of achieving a quorum at meetings.

The Law Library Board of Trustees consists of 5 judges and two attorneys, making up a 7 member board. There were no vacancies during the past year, and achieving a quorum for monthly meetings has not been a problem. Trustees on the board during 2023 were Hon. Terri Mockler, President; Hon. Virginia George, Vice-President; Nolan Armstrong, Esq., Secretary; Hon. Wendy Coats, Trustee; Hon. John Devine, Trustee; Hon. Jill Fannin, Trustee and Joshua Klein, Trustee. The Board of Trustees is one of the strengths of our Law Library because our trustees are all seasoned professionals, and have a strong dedication to their service on the board.

IV. Training/Certification (estimated response length: 1/4 page)

Describe any training that was provided or conducted, and any certifications received, either as a requirement or done on an elective basis by members. NOTE: Please forward copies of any training certifications to the Clerk of the Board.

The 7 members of the Contra Costa County Public Law Library Board of Trustees are all either sitting judges or practicing attorneys in good standing with the state bar. Therefore, they all complete mandatory training, including training on Implicit Bias, on a regular basis.

V. Proposed Work Plan/Objectives for Next Year (estimated response length: 1/2 page)

Describe the advisory body's workplan, including specific objectives to be achieved in the upcoming year.

-Conduct monthly open board meetings in compliance with state law and local ordinances;
-Continue serving our users, both in-person and remote, where indicated;
-Continue participating in planning for relocation to the new building in the 1st quarter of 2024, with anticipated move into the new library space in May;
-Continue the library's long-standing practice of evaluation of all library materials so as to balance service needs with the operating budget;
-Participate in the annual Richmond Senior Health and Information fair in Spring of 2024;
-Exercise fiscal responsibility and collaborative advocacy for an updated funding mechanism for California's county law libraries.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: RES 2024-85 **Agenda Date:** 3/5/2024 **Agenda #:** C.14.

To: **Board of Supervisors**

From: John Kopchik, Director, Conservation and Development

Report Title: Tax-Exempt Revenue Bonds - Republic Services Inc.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

ADOPT a resolution:

1. Approving the issuance of Tax-Exempt Revenue Bonds by California Municipal Finance Authority (CMFA) in an amount not to exceed $400,000,000 for the benefit of Republic Services Inc., a corporation duly organized and existing under the laws of the State of Delaware, and/or affiliates thereof (collectively, the "Borrower") to provide for the purpose of financing and refinancing the acquisition, construction, installation, rehabilitation, improvement and/or equipping of solid waste disposal facilities. A portion of the Bonds, in a principal amount not expected to exceed $55,000,000, will be used to finance and/or refinance certain capital projects located in the territorial limits of the County of Contra Costa (the "County") at Keller Canyon Landfill, 901 Bailey Road, Pittsburg, California (the "Project"), owned and/or operated by Keller Canyon Landfill Company. Such adoption is solely for the purposes of satisfying the requirements of Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), the Code and the California Government Code Section 6500 (and following).

2. Finding and declaring that the recitals contained in the proposed resolution are true and correct;

3. Acknowledging that such approval is solely for the purposes of satisfying the requirements of Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and Section 147(f) of the Internal Revenue code of 1986, as amended (the "Code") to finance the costs of the acquisition, development, construction, or rehabilitation of the Project subject to Board of Supervisors approval of all documents related to the Bonds to which the County is a party;

4. Acknowledging that adoption of this resolution does not relieve or exempt the project sponsor from obtaining required permits or approvals, nor obligate the County to incur any obligation to provide financial assistance with respect to the Bonds or the Project; and

5. Authorizing and directing the Chair of the Board of Supervisors, the Vice-Chair of the Board of Supervisors, the County Administrator, the Director of the Department of Conservation and

Development, the Assistant Deputy Director of the Department of Conservation and Development, County Counsel and the Clerk of the Board to take any and all actions and execute and deliver any and all certificates, agreements and other documents needed in connection with the Bonds.

FISCAL IMPACT:
No impact to the General Fund. The County will be reimbursed for any costs incurred in the process of conducting the TEFRA Hearing and obtaining Board of Supervisors' approval. The issuance authorization is for the sole purpose of satisfying the provisions of the Code. No County funds are pledged to secure the Bonds. The CMFA will issue tax-exempt bonds on behalf of the Borrower. Repayment of the Bonds is solely the responsibility of the Borrower.

BACKGROUND:

California Municipal Finance Authority (CMFA), serving as the municipal issuer of the Bonds for Republic Services, Inc. has requested the County to conduct a Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) hearing for the issuance of Tax-Exempt Revenue Bonds in an amount not to exceed $400,000,000. A portion of the Bonds, in a principal amount not expected to exceed $55,000,000, will be used to finance and/or refinance certain capital projects located in the territorial limits of the County of Contra Costa (the "County") at Keller Canyon Landfill, 901 Bailey Road, Pittsburg, California (the "Project"), owned and/or operated by Keller Canyon Landfill Company.

The main purpose of the proposed resolution is to acknowledge that a public hearing was held by the Department of Conservation and Development on February 13, 2024, where members of the community were given an opportunity to speak in favor of or against the use of tax-exempt bonds for the financing for the Project, and to meet other bond issuance requirements which are specified in Section 147(f) of the Internal Revenue Code. No public comments were received. A notice of the hearing was published in the East County Times (proof of publication attached) on February 5, 2024.

The County's only role in this transaction was to hold the TEFRA hearing and to grant the limited approval described above. Additional actions related to the bond issuance will be the responsibility of CMFA and the Borrower.

CONSEQUENCE OF NEGATIVE ACTION:

Negative action would prevent CMFA from providing tax-exempt financing for the Republic Services, Inc. projects in Contra Costa County.

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CONTRA COSTA APPROVING A PLAN OF FINANCE FOR THE ISSUANCE OF CALIFORNIA MUNICIPAL FINANCE AUTHORITY SOLID WASTE DISPOSAL REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $400,000,000 FOR THE PURPOSE OF FINANCING AND REFINANCING THE ACQUISITION, CONSTRUCTION, INSTALLATION, REHABILITATION, IMPROVEMENT AND/OR EQUIPPING OF SOLID WASTE DISPOSAL FACILITIES BY REPUBLIC SERVICES, INC. AND CERTAIN AFFILIATES THEREOF, AND CERTAIN OTHER MATTERS RELATING THERETO

WHEREAS, Republic Services, Inc., a corporation duly organized and existing under the laws of the State of Delaware, and/or affiliates thereof (collectively, the "Borrower"), has requested that the California Municipal Finance Authority (the "Authority") issue exempt facility bonds for qualified solid waste disposal facility projects pursuant to section 142(a)(6) of the Internal Revenue Code of 1986 (the "Code") in one or more series from time to time in an aggregate principal amount not to exceed $400,000,000 (the "Bonds"); and

WHEREAS, a portion of the proceeds of the Bonds, in a principal amount not expected to exceed $55,000,000, will be used to finance and/or refinance certain capital projects located in the territorial limits of the County of Contra Costa (the "County") at Keller Canyon Landfill, 901 Bailey Road, Pittsburg, CA 94565, owned and/or operated by Keller Canyon Landfill Company, an affiliate of Republic Services, Inc.; and

WHEREAS, the projects to be financed and/or refinanced at such location (collectively, the "Project") include: (a) improvements to existing landfill facilities, including construction of new disposal cells and liners within currently permitted acreage, (b) additions and improvements to the leachate collection and treatment system, including leachate trenching, (c) additions and improvements to the methane gas systems, (d) installation of new liners for intermittent and final closure of completed sections of the landfill facilities, (e) site improvements, (f) acquisition of equipment to be used at the landfill facilities, and (g) acquisition of other equipment and assets necessary to support the foregoing improvements and to place them into service; and

WHEREAS, pursuant to Section 147(f) of Code, the issuance of the Bonds by the Authority must be approved by an "applicable elected representative" of the governmental unit in which the Project is situated; and

WHEREAS, the Board of Supervisors of the County (the "Board") is the elected legislative body of the County and is an "applicable elected representative" for purposes of approving the issuance of the Bonds under Section 147(f) of the Code; and

WHEREAS, the Authority has requested that the Board approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the "Agreement"), among certain local agencies, including the County; and

WHEREAS, the Authority has advised that the Bonds may be issued pursuant to a "plan of finance" and that, for purposes of this resolution, the plan of finance consists of a general plan of the Authority and the Borrower to monitor capital markets and the capital needs of the Borrower within the County and, if market conditions warrant, issue one or more series of Bonds in an aggregate principal amount not to exceed $55,000,000 to finance and/or refinance the Project within the three-year period commencing on the date of the issuance of the first series of Bonds pursuant to this resolution; and

WHEREAS, the Bonds may also finance and/or refinance projects of the Borrower located outside of the County but any such projects outside of the County would be required to be approved by the applicable elected representatives of the governmental units in which such projects are situated, pursuant to Section 147(f) of the Code; and

WHEREAS, pursuant to Section 147(f) of the Code and Section 6586.5 of the Government Code of the State of California, the Board has, following notice duly given, held a public hearing regarding the Project and the plan of finance for the issuance of the Bonds, and now desires to approve the Project and the plan of finance for the issuance of the Bonds by the Authority;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Contra Costa, as follows:

Section 1. The Board hereby finds and declares that the foregoing recitals are true and correct.

Section 2. The Board hereby approves the issuance of the Bonds for the purposes of Section 147(f) of the Code.

Section 3. The adoption of this Resolution does not (i) relieve or exempt the Borrower from obtaining any permits or approvals that are required by, or determined to be necessary from, the County in connection with the Project, nor (ii) obligate the County to incur any obligation or provide financial assistance with respect to the Bonds or the Project.

Section 4. All actions heretofore taken by the officers and agents of the County with respect to the financing of the Project and the issuance of Bonds are hereby approved, ratified and confirmed, and the Chair of the Board of Supervisors, the Vice-Chair of the Board of Supervisors, the County Administrator, the Director of the Department of Conservation and Development, the Assistant Deputy Director of the Department of Conservation and Development, the County Counsel and the Clerk of the Board are each hereby authorized and directed, for and in the name and on behalf of the County, to do any and all things and take any and all actions and execute and deliver any and all certificates, agreements and other documents needed in connection with the modifications to the documents for the Bonds so long as the modifications do not in any way increase the obligations or liability of the County under such documents.

Section 5. This Resolution shall take effect upon its adoption.

TRANSCRIPT FOR THE TEFRA HEARING

February 13, 2024 10:00 a.m.

This noticed public hearing is required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"). The hearing is with regard to the proposed issuance of tax-exempt revenue bonds ("bonds") by the California Municipal Finance Authority (CMFA) in an amount not to exceed four hundred million dollars ($400,000,000). A portion of the proceeds from the sale of the bonds, in an amount not to exceed fifty-five million ($55,000,000) will be used to finance and/or refinance certain capital projects at the Keller Canyon Landfill located at 901 Bailey Road, Pittsburg, CA 94565.

TEFRA requires that a public hearing be held by a governing body of the jurisdiction in which a project to be financed is located, and that the governing body approve the proposed financing solely for the purposes of satisfying the requirements of TEFRA, the Code, and the California Government Code Section 6500. The Contra Costa County Board of Supervisors may consider adoption of a resolution approving the issuance of the bonds on February 27, 2024. Any comments provided at this hearing will be made available to the Board of Supervisors prior to their taking action on February 27 or on such later date as the matter may be considered by the Board of Supervisors.

If there are parties present who wish to voice their opinion and provide comments on the proposed financing of the development or the issuance of the bonds, I would ask that they be recognized now by raising their hand. I will then let each person provide any written or oral testimony that they may wish to provide on this matter.

Opened hearing: 10:00 am
Speakers present: 0
Closed hearing: 10:02 am

By: _____
Gabriel Lemus,
Assistant Deputy Director,
Department of Conservation and Development,
County of Contra Costa

Date: February 13, 2024

East County Times
Bay Area News Group
5179 Lone Tree Way
Antioch, CA 94531
925-779-7115

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LOS ANGELES, CA 90060

PROOF OF PUBLICATION

FILE NO. 3780529

East County Times

I am a citizen of the United States. I am over the age of eighteen years and I am not a party to or interested in the above entitled matter. I am the Legal Advertising Clerk of the printer and publisher of the East County Times, a newspaper published in the English language in the City of Antioch, County of Contra Costa, State of California.

I declare that the East County Times is a newspaper of general circulation as defined by the laws of the State of California as determined by court decree dated January 6, 1919, Case Number 8268 and modified January 19, 2006, Case Number N05-1494. Said decree states that the East County Times is adjudged to be a newspaper of general circulation for the City of Antioch, County of Contra Costa and State of California. Said order has not been revoked.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

02/05/2024

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.
On this 5th day of February, 2024.

Signature

Legal No. **0006807671**

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that, on February 13, 2024, the Assistant Deputy Director of the Department of Conservation and Development of the County of Contra Costa (the "County") will conduct a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), at which such hearing officer will hear and consider information concerning the proposed issuance by the California Municipal Finance Authority (the "Authority") of qualified solid waste disposal facility bonds pursuant to section 142(a)(6) of the Code in an aggregate principal amount not to exceed $400,000,000 (the "Bonds"). The Bonds will be part of a plan of finance, and may be issued in one or more series from time to time over a period of multiple years.

A portion of the proceeds of the Bonds, in an amount not expected to exceed $55,000,000, is intended to finance and/or refinance certain capital projects located in the County at Keller Canyon Landfill, 901 Bailey Road, Pittsburg, CA 94565, owned and/or operated by Keller Canyon Landfill Company, an affiliate of Republic Services, Inc. The current owner and/or operator set forth above, and its affiliates, including Republic Services, Inc., are collectively referred to herein as the "Borrower."

The projects to be financed and/or refinanced at such location (collectively, the "Project") include: (a) improvements to existing landfill facilities, including construction of new disposal cells and liners within currently permitted acreage, (b) additions and improvements to the leachate collection and treatment system, including leachate trenching, (c) additions and improvements to the methane gas systems, (d) installation of new liners for intermittent and final closure of completed sections of the landfill facilities, (e) site improvements, (f) acquisition of equipment to be used at the landfill facilities, and (g) acquisition of other equipment and assets necessary to support the foregoing improvements and to place them into service.

The Bonds and the obligation to pay principal of and interest thereon and any redemption premium with respect thereto do not constitute indebtedness or an obligation of the County, the Authority, the State of California or any political subdivision thereof, within the meaning of any constitutional or statutory debt limitation, or a charge against the general credit or taxing powers of any of them. The Bonds shall be a limited obligation of the Authority, payable solely from certain revenues duly pledged therefor and generally representing amounts paid by the Borrower.

The hearing will commence at 10:00 a.m. or as soon thereafter as the matter can be heard. Interested persons wishing to express their views on the issuance of the Bonds or on the nature and location of the facilities proposed to be financed may do so in person at the public hearing, or by attending virtually through Zoom webinar or toll-free teleconference. The public hearing will be conducted in person at the Department of Conservation and Development, located at 30 Muir Road, Martinez, CA 94553. The Zoom webinar can be accessed on the internet through this Zoom link: https://cccounty-us.zoom.us/j/89153121647, and using Meeting ID 891 5312 17647. The toll-free teleconference can be accessed by dialing (888) 278-0254 and using conference code 198675 when prompted. Public comments may also be submitted by email to deidre.hodgers@dcd.cccounty.us, or by mail to 30 Muir Road, Martinez, CA 94553, Attention Deidre Hodgers, at least 24 hours in advance of the hearing. All timely public comments will be provided to the Board of Supervisors and will become part of the public record.

Additional information concerning the above matter may be obtained from the Clerk of the Board, County of Contra Costa, P.O. Box 350, Martinez, California 94553.

Dated: February 5, 2024
2/5/24
CNS-3780529#
EAST COUNTY TIMES
ECT 6807671 February 5, 2024

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0664 **Agenda Date:** 3/5/2024 **Agenda #:** C.15.

To: Board of Supervisors

From: John Kopchik, Director, Conservation and Development

Report Title: Substantial Amendment to the FY 2023/24 Annual Action Plan - Community Development Block Grant Funds - Aspen Court, Pacheco and Nevin Plaza 1, Richmond

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

1. APPROVE a Substantial Amendment to the County's FY 2023/24 Annual Action Plan to award a total of $1,725,000 in Community Development Block Grant (CDBG) funds to two affordable multifamily rental apartment projects: Aspen Court Apartments in Pacheco and Nevin Plaza 1 in Richmond.

2. APPROVE a loan of CDBG funds in the amount of $1,000,000 to Aspen Drive Housing, Inc. a California nonprofit public benefit corporation (Aspen Developer), for use in the rehabilitation of Aspen Court Apartments in Pacheco.

3. AUTHORIZE the Conservation and Development Director, or designee, to execute (i) an amended and restated loan agreement between the County and Aspen Developer to incorporate the $1,000,000 loan of CDBG funds into an existing loan agreement between the County and Aspen Developer, and (ii) ancillary documents as needed, all subject to approval by the County Administrator and approval as to form by County Counsel.

4. APPROVE a loan of CDBG funds in the amount of $725,000 to Nevin Plaza I, L.P., a California limited partnership (Nevin Developer), for use in the rehabilitation of Nevin Plaza 1 in Richmond.

5. AUTHORIZE the Conservation and Development Director, or designee, to execute (i) an amended and restated loan agreement between the County and Nevin Developer to incorporate the $725,000 loan of CDBG funds into an existing loan agreement between the County and Nevin Developer, and (ii) ancillary documents as needed, all subject to approval by the County Administrator and approval as to form by County Counsel.

FISCAL IMPACT:

No General Fund impact. CDBG funds are federal funds provided to the County on a formula allocation basis through the U.S. Department of Housing and Urban Development. CFDA Number: 14.218.

BACKGROUND:

Substantial Amendment to FY 2023/24 Annual Action Plan

On May 9, 2023, the Board of Supervisors (Board) approved the Contra Costa County Annual Action Plan for FY 2023/24 CDBG funds (Action Plan). A portion of the CDBG funds were not allocated in the Action Plan and were set aside for future projects. Additionally, after the approval of the Action Plan, the CDBG program received program income that is also available for eligible CDBG projects.

On December 18, 2023, (i) the developer of Aspen Court Apartments in Pacheco submitted an application for $1,000,000 of CDBG funds for the rehabilitation of Aspen Court Apartments, and (ii) the developer of Nevin Plaza 1 in Richmond submitted an application for $725,000 of CDBG funds for the rehabilitation of Nevin Plaza 1.

Recommendations related to funds for affordable housing projects are typically made by the Affordable Housing Finance Committee (AHFC) and forwarded to the Board of Supervisors for approval. The AHFC usually meets once or twice each year, and as needed to review other off-cycle items, including revising any previous awards or recommending additional awards. A meeting was attempted to be held in early February 2024 to consider the additional award of CDBG funds to the two respective projects. Unfortunately, due to lack of quorum, the meeting was unable to be held.

As required by the County's CDBG Citizen Participation Plan and as required by the U.S. Department of Housing and Urban Development (HUD), a Substantial Amendment to the County's FY 2023/24 CDBG Action Plan is required for the Board's approval to allocate the additional CDBG funds to these two projects.

Aspen Court Apartments

Aspen Court Apartments is an affordable development constructed in 1999. It provides 11 one-bedroom apartments for very low-income individuals disabled by HIV/AIDS. The additional $1,000,000 in CDBG funds will allow for much-needed rehabilitation of the project to address American with Disabilities Act (ADA) accessibility upgrades and deferred maintenance needs.

On May 16, 2023, the Board approved legal documents to loan $600,000 in HOPWA funds for the needed rehabilitation scope of work at Aspen Court Apartments project. Since execution of the HOPWA loan documents, the project has experienced a $1,000,000 financing gap due to an increased scope of work from what was originally anticipated. The original Physical Needs Assessment, which the costs of the rehabilitation were based on, was found to understate the repair costs for the required plumbing work, costs of demolition and drywall repair.

The building was constructed over 20 years ago and has capital needs that cannot be addressed with available resources. The project was originally financed as a small HUD-811 project that currently serves as a 100% HOPWA special needs population. HUD-811 sites were funded as an interest free capital advance with operating subsidies to nonprofit developers of affordable housing for persons with disabilities. Tenants' rents are capped at 30% of their monthly income with the HUD Project Rental Assistance Contract (PRAC) to provide operating funds equal to the difference between annual operating costs and project revenues. The PRAC assistance is used to ensure project feasibility while enabling the project to achieve a deep level of affordability housing extremely-low-income households.

The current scope of the approved rehabilitation includes exterior accessibility upgrades to the parking lot, exterior lighting and security camera system improvements, exterior painting, roof replacement, water/plumbing pipeline replacement, water pump upgrades, central water heater upgrades, replacement of

heaters in all units, and unit upgrades to kitchens, bathrooms, and flooring as needed.

The additional $1,000,000 in CDBG funds will be combined with the $600,000 HOPWA funds in a combined CDBG/HOPWA loan agreement (CDBG/HOPWA loan) through an amended and restated loan agreement. The combined CDBG/HOPWA loan is being made to finance the predevelopment and construction costs associated with the rehabilitation activities for Aspen Court and is intended to maintain the supply of affordable rental housing in the County. With this CDBG/HOPWA loan, the County will designate 11 units as CDBG- and HOPWA-assisted for an additional 55-year term. The terms of the HOPWA loan are unchanged; the HOPWA loan will bear no interest with payments being fully deferred during the term of the loan. The CDBG loan is proposed at 3% simple annual interest with annual payments due from surplus cash or residual receipts.

The recommended actions include authorization for the Director of the Department of Conservation and Development, or designee, to execute any and all documents and to take any and all actions necessary to implement the activities authorized under the loan documents, including execution of loan amendments or modifications for the purposes of agreeing to reasonable extensions of time deadlines.

Due to the high construction costs and limited revenue from the restricted rents, the total amount of the financing provided to the project will likely exceed the value of the completed project. Even though the proposed equity investment from low-income housing tax credits is substantial compared to the amount of long -term debt, the partnership agreement will have numerous safeguards of the investor's equity. These safeguards essentially subordinate the County's debt to the investor's equity. Therefore, the County CDBG funds may not be fully secured through the value of the property. However, the CDBG program funds are granted, not loaned, to the
County, so the County general fund will not have any exposure as a result of this loan. The County structures its CDBG investments as loans rather than grants in order to maintain involvement in the financial team in the event the project experiences any serious issues over the 55-year term.

National Environmental Policy Act (NEPA): CDBG and HOPWA projects are subject to NEPA and 24 CFR Part 58 review. The NEPA review for this project has been completed and the project is exempt.

Nevin Plaza I

Nevin Plaza I is an existing 140-unit seven-story low-income senior residential community located at 2400 Nevin Avenue, Richmond. The development includes 12 studio apartments, 120 one-bedroom units, and 8 two-bedroom units. The development was previously owned and operated by the Richmond Housing Authority since its completion in 1986. EAH Housing is partnering with the Richmond Housing Authority to renovate the development. The construction for renovations started on March 20, 2023, and is scheduled to be complete in February 2025. The $725,000 in CDBG funds will be used for construction-related costs for the rehabilitation of the units ($700,000) plus project delivery costs ($25,000). These additional funds are needed due to supply chain issues and unforeseen conditions at the property that have increased the overall development budget.

The County previously loaned CDBG funds for the rehabilitation of this development. The original CDBG loan was made on December 1, 2019, to repair and/or replace two elevators at the development. The loan was made to the Richmond Housing Authority (RHA), the then owner of the development. On February 28, 2023, the Board (i) approved an assignment of the original CDBG loan agreement to Nevin Plaza I, L.P. (EAH affiliated limited partnership), (ii) approved an amendment to the original CDBG loan agreement, (iii) approved the transfer of the development to Nevin Plaza I, L.P., and (iv) consented to a ground lease of the property by RHA to Nevin Plan I, L.P.

The additional CDBG funds will be provided as a loan and will be combined with the existing CDBG loan agreement through an amended and restated loan agreement. This additional loan is being made to finance the construction costs associated with the rehabilitation activities for the development and is intended to maintain the supply of affordable rental housing in the County. With this additional CDBG loan, the 140 units will be designated as affordable for an additional 55-year term. The CDBG loan will bear 3% interest or the applicable federal rate, compounded annually.

The recommended actions needed to implement the proposed rehabilitation include amending and restating the existing CDBG loan of $401,523 with accrued interest, to loan additional CDBG funds in the amount of $700,000. Together, the new CDBG loan amount will be approximately $1,101,523 plus accrued interest.

The recommended actions also include authorization for the Director of the Department of Conservation and Development, or designee, to execute any and all documents and to take any and all actions necessary to implement the activities authorized under the Loan Documents, including execution of loan amendments or modifications for the purposes of agreeing to reasonable extensions of time deadlines.

Due to the high construction costs and limited revenue from the restricted rents, the total amount of the financing provided to the project will likely exceed the value of the completed project. Even though the proposed equity investment from low-income housing tax credits is substantial compared to the amount of long -term debt, the partnership agreement will have numerous safeguards of the investor's equity. These safeguards essentially subordinate the County's debt to the investor's equity. Therefore, the County CDBG funds may not be fully secured through the value of the property. However, the CDBG program funds are granted, not loaned, to the
County, so the County general fund will not have any exposure as a result of this loan. The County structures its CDBG investments as loans rather than grants in order to maintain involvement in the financial team in the event the project experiences any serious issues over the 55-year term.

National Environmental Policy Act (NEPA): HOPWA projects are subject to NEPA and 24 CFR Part 58 review. The NEPA review for this project has been completed and the project is exempt.

CONSEQUENCE OF NEGATIVE ACTION:
Not approving the allocation of CDBG funds and not authorizing the execution of the respective legal documents would prevent the projects from proceeding on schedule and risk a reduction in future CDBG allocations.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0665 **Agenda Date:** 3/5/2024 **Agenda #:** C.16.

To: Board of Supervisors

From: John Kopchik, Director, Conservation and Development

Report Title: APPROVE Modifications to Contingencies related to an award of HOME Funds for the 699 YVR Housing Project in Walnut Creek

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE modifications to contingencies related to an award of FY 2022/23 HOME Investment Partnerships Program funds for the 699 YVR Housing Project located at 699 Ygnacio Valley Road, Walnut Creek, as recommended by the Conservation and Development Director.

FISCAL IMPACT:
No General Fund impact. HOME funds are provided to the County on a formula allocation basis through the U.S. Department of Housing and Urban Development. CFDA #14.239.

BACKGROUND:

699 YVR Housing
On June 21, 2022, the Board of Supervisors awarded Resources for Community Development (RCD) $1,870,000 in Fiscal Year 2022/2023 HOME funds for the 699 YVR Housing project located in Walnut Creek, CA. The property will have 92 low-income apartments including 30 units set aside for people experiencing homelessness and severe mental illness with onsite and offsite supportive services.

The allocation of HOME funds was originally contingent upon the following:

1. All other financing commitments secured by December 31, 2023.
2. HOME funds committed, as evidenced by an executed loan, by August 31, 2024. HOME funds will be recaptured by January 2024 if significant progress is not being made to meet the August 31, 2024, HOME commitment deadline.
3. Confirmation that the project's financials are in compliance with the County's Affordable Housing Program Guidelines.

In total, RCD has submitted eight State of California funding applications. Due to limited funding available compared to the large number of projects in the pipeline in the Bay Area region and statewide, 699 YVR has had limited success in securing enough financing commitments to meet the approved funding contingencies above.

The HOME program's federal regulations require that annual HOME grants to localities are committed within two years, construction begins within three years, and HOME funds are fully expended within five years. Therefore, timeliness is a critical consideration for an award of HOME funds. HOME Federal Regulations include a definition of commitment (24 CFR 92.2):

"Commitment means: (1) The participating jurisdiction has executed a legally binding written agreement (that includes the date of the signature of each person signing the agreement) with a … contractor to use a specific amount of HOME funds to produce affordable housing … (2) Commit to a specific local project means: (i) If the project consists of construction … the participating jurisdiction … and project owner have executed a written legally binding agreement under which HOME assistance will be provided to the owner for an identifiable project *for which all necessary financing has been secured*, a budget and schedule have been established, and underwriting has been completed and under which construction is scheduled to start within 12 months of the agreement date…"

The 2022 project contingency recommendations were prepared to align with the above requirements. During the COVID-19 pandemic HUD waived the 24-month commitment deadline through December 31, 2023, for all HOME funds allocated from FY 2018 through FY 2022.

Modified Contingencies

RCD has requested modifications to the HOME contingencies as additional financing commitments are sought to fill the financing gap and be eligible for an award of tax credits in 2024. Staff recommends the following revised contingencies which are consistent with the timeline waiver approved by HUD:

1. All other financing commitments are secured by December 31, 2024.
2. HOME funds committed, as evidenced by an executed loan, by August 31, 2025. HOME funds will be recaptured by January 1, 2025, if significant progress is not being made to meet the August 31, 2025, HOME commitment deadline.
3. Confirmation that the project's financials are in compliance with the County's Affordable Housing Program Guidelines.

Recommendations related to the HOME program funds are typically made by the Affordable Housing Finance Committee (AHFC) and forwarded to the Board for approval. The AHFC usually meets once or twice each year and as needed to review other off-cycle items. A meeting was attempted to be held in February 2024 to consider the modifications to the respective project contingencies. Unfortunately, due to lack of quorum, the meeting was unable to be held. Due to the timing needs of the proposed projects as well as the expenditure timelines associated with the CDBG program, staff is bringing its recommendation directly to the Board.

CONSEQUENCE OF NEGATIVE ACTION:

If the modifications to the contingencies are not approved, it would jeopardize the award of HOME funds to the 699 YVR project and possibly delay or prevent the development of the project. Furthermore, staff would need to find an additional viable affordable housing project to award the HOME funds that could meet the same contingencies.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0666 **Agenda Date:** 3/5/2024 **Agenda #:** C.17.

To: Board of Supervisors

From: John Kopchik, Director, Conservation and Development

Report Title: Substantial Amendment to the FY 2021/22 Action Plan - HOME Funds

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE a Substantial Amendment to the County's FY 2021/22 HOME Investment Partnerships Program Action Plan, to award $4,247,500 in HOME Investment Partnership Program (HOME) funds to Mayfair Affordable Housing, a 69-unit affordable multifamily rental housing project located at 11690 San Pablo Avenue, El Cerrito.

FISCAL IMPACT:
There is no fiscal impact to the County General Fund. HOME funds are federal funds provided to the County on a formula allocation basis through the U.S. Department of Housing and Urban Development.

Catalog of Federal Domestic Assistance #14.239

BACKGROUND:
Annually, the County receives an allocation of HOME funds from the United States Department of Housing and Urban Development (HUD). The HOME program aims to expand the supply of decent, safe, sanitary, and affordable housing for very low and low-income households. HUD allocates HOME funds to eligible participating jurisdictions and HOME consortia on a formula basis. HOME funds received by the County may be spent anywhere in the County, including all 19 cities. DCD is responsible for administrating and managing the HOME program. A condition of administering the HOME program is ensuring the timely use of funds.

On May 11, 2021, the Board of Supervisors (the "Board") approved the Contra Costa County Annual Action Plan for FY 2021/22 HOME funds (the "Action Plan"). On January 9, 2024, the Board approved the recapture of $5,946,000 in HOME funds from previously awarded FY 2021/22 HOME Action Plan housing projects, which are currently delayed:

1. HOME funding of $2,660,000 to the Legacy Court project, a 43-unit affordable new construction rental project in the City of Richmond. The project has not been successful in securing other financing commitments and will not be able to start construction as planned in 2024.

2. HOME funding of $3,286,000 to the Choice in Aging Senior Housing project, an 82-unit affordable new construction rental project in the City of Pleasant Hill. The project has not been successful in securing other financing commitments and will not be able to start construction as planned in 2024.

Mayfair Affordable Housing

The Mayfair Affordable Housing project is for the new construction of a 69-unit affordable rental development located at 11690 San Pablo Avenue in the City of El Cerrito. On May 9, 2023, the Board approved the award of $4,197,500 in FY 2023/24 Measure X/Local Housing Trust Fund (LHTF) monies for construction of the project. On December 6, 2023, the project obtained an award for tax credits and bonds and has all funding awarded to the project and will be starting construction by June 2024.

The FY 2021/22 HOME funds have a contract and expenditure deadline at the end of this year. The Mayfair Affordable Housing project has all funding in place and is ready to begin construction in May/June 2024 after legal documents have been prepared and executed for the construction loan. In order to meet the HOME expenditure deadline, Contra Costa County staff recommends removing the previously awarded $4,197,500 of Measure X/LHTF funds and allocating $4,197,500 in FY 2021/22 HOME funds for the Mayfair Affordable Housing project, plus an additional $50,000 for project delivery costs (total of $4,247,500 in HOME Funds).

There will be $1,698,500 of the recaptured FY 2021/22 HOME funds that will continue to be unallocated and will be added to the available HOME funds for the FY 2024/25 HOME Action Plan. If this recommendation is approved, the FY 2023/24 Measure X/LHTF funds would be replaced by the FY 2021/22 HOME funds for the construction loan with the addition of $50,000 for project delivery related costs. The $4,197,500 in Measure X/LHTF funds that were previously awarded to the Mayfair Affordable Housing project will be added to the available Measure X Housing funds to be distributed as part of the FY 2024/25 affordable housing awards. The affordable housing recommendations for the FY 2024/25 Measure X Housing awards are anticipated to come to the Board for its consideration in May/June 2024.

Affordable Housing Finance Committee

Recommendations related to the HOME program funds are typically made by the Affordable Housing Finance Committee (AHFC) and forwarded to the Board for approval. The AHFC usually meets once or twice each year, and as needed to review other off-cycle items, including revising any previous awards or recommending additional awards. A meeting was attempted to be held in early February 2024 to consider the modifications to the respective project contingencies. Unfortunately, due to lack of quorum, the meeting was not held. Due to the timing needs of the proposed projects as well as the expenditure timelines associated with the HOME program, staff is bringing its recommendation directly to the Board.

CONSEQUENCE OF NEGATIVE ACTION:

Not approving the allocation of HOME funds would prevent the project from proceeding and risk a reduction in future HOME allocations.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0692 **Agenda Date:** 3/5/2024 **Agenda #:** C.18.

To: Board of Supervisors

From: John Kopchik, Director, Conservation and Development

Report Title: Approval of $704,554 CDBG Loan and $567,412 HOPWA Loan for Alvarez Court Apartments, Pinole

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE a loan of (i) Community Development Block Grant (CDBG) funds in the amount of $704,554, and (ii) and a loan of Housing Opportunities for Persons with HIV/AIDS (HOPWA) funds in the amount of $567,412 to Alvarez Court, Inc., a California nonprofit public benefit corporation (Developer), for use in the rehabilitation of the Alvarez Court Apartments Project located at 760 Alvarez Court in the City of Pinole.

AUTHORIZE the Conservation and Development Director, or designee, to execute loan documents between the County and Developer to evidence the $704,554 loan of CDBG funds and the loan of $567,412 of HOPWA funds into an existing loan agreement between the County and Developer, including a loan agreement, deed of trust, and regulatory agreement, all subject to approval by the County Administrator and approval as to form by County Counsel.

FISCAL IMPACT:
No General Fund Impact. CDBG funds are provided to the County on a formula allocation basis through the U.S Department of Housing and Urban Development (HUD). CDBG CFDA # 14-218. HOPWA funds are provided on a formula allocation basis through the City of Oakland, as HOPWA Grantee. HOPWA CFDA #14.241.

BACKGROUND:

On May 9, 2023, the Board of Supervisors approved an allocation of $704,554 in CDBG funds and $567,412 in HOPWA funds to Resources for Community Development (RCD) for the rehabilitation of Alvarez Court Apartments, a 19-unit affordable housing rental property located at 760 Alvarez Court in the City of Pinole. The project was initially financed as a small HUD Section 811 Supportive Housing for Persons with Disabilities project to subsidize rental housing with the availability of supportive services for very low- and extremely low-income adults with disabilities.

The CDBG/HOPWA loan is being made to finance the predevelopment and construction costs associated with the rehabilitation activities for Alvarez Court Apartments and is intended to maintain the supply of affordable rental housing in the County. With this CDBG/HOPWA loan, the County will designate 18 units as CDBG-assisted and 10 as HOPWA-assisted for a total of 18 County-assisted units for an additional 55-year term.

The CDBG/HOPWA funds will be provided by the County in the form of a 55-year loan. The Program Guidelines for Affordable Housing detail CDBG rates accrue 3% simple interest with annual payments due from surplus cash or residual receipts, while HOPWA has different program requirements, and that loan will bear no interest with payments fully deferred for 55 years. Affordability and use restrictions are incorporated into the CDBG/HOPWA loan documents.

The building was constructed 20 years ago and has capital needs that cannot be addressed with available resources. The scope of the approved rehabilitation includes repairs to the existing walkways, balconies, and decks, dry rot repair and water-proofing, roof replacement, exterior painting, security camera upgrades, accessibility upgrades to ensure public areas are accessible, and unit upgrades to kitchen cabinets, counters, appliances, flooring/carpet, and bathroom vanities.

The recommended action includes authorization for the Director of the Department of Conservation and Development, or designee, to execute any and all documents and to take any and all actions necessary to implement the activities authorized under the Loan Documents, including execution of loan amendments or modifications for the purposes of agreeing to reasonable extensions of time deadlines.

Due to the high construction costs and limited revenue from the restricted rents, the total amount of the financing provided to the project will likely exceed the value of the completed project. Even though the proposed equity investment from low-income housing tax credits is substantial compared to the amount of long -term debt, the partnership agreement will have numerous safeguards of the investor's equity. These safeguards essentially subordinate the County’s debt to the investor’s equity. Therefore, the County CDBG/HOPWA funds may not be fully secured through the value of the property. However, the CDBG/HOPWA program funds are granted, not loaned, to the County, so the County general fund will not have any exposure as a result of this loan. The County structures its investments as loans rather than grants in order to maintain involvement in the financial team in the event the project experiences any serious issues over the 55-year term.

National Environmental Policy Act (NEPA): HOPWA projects are subject to NEPA and 24 CFR Part 58 review. The NEPA review for this project has been completed and the project is exempt.

CONSEQUENCE OF NEGATIVE ACTION:

HUD requires timely expenditure of CDBG funds, precipitating this request. If the recommendation is not approved, the much-needed rehabilitation to the residential building will be delayed or will not occur, which would severely impact the preservation and habitability of affordable housing units.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: RES 2024-84 **Agenda Date:** 3/5/2024 **Agenda #:** C.19.

To: **Board of Supervisors**

From: Monica Nino, County Administrator

Report Title: Side Letter between Contra Costa County and the Deputy Sheriff's Association Rank and File Unit.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

ADOPT a Resolution approving the side letters of agreement between Contra Costa County and the Deputy Sheriff's Association (DSA) modifying Section 23.1 - Cause for Disciplinary Action of the Memorandum of Understanding governing wages, hours, and other terms and conditions of employment for the DSA's Rank & File Unit, and Section 18.1 of the Memorandum of Understanding governing wages, hours, and other terms and conditions of employment for the DSA's Management unit, to include as a basis for disciplinary action the cancellation, suspension, revocation, or surrender of an employee's peace officer certification or proof of eligibility issued by the Commission on Peace Officer Standards and Training (P.O.S.T.), if the employee is employed in a peace officer classification.

FISCAL IMPACT:

None.

BACKGROUND:

On September 30, 2021, Governor Gavin Newsom signed into law Senate Bill 2 (SB 2), which requires law enforcement agencies to employ as peace officers only those individuals who hold a current and valid Basic certificate from the Commission on Peace Officer Standards and Training (P.O.S.T.), except for provisional employment for up to 24 months for individuals awaiting certification. SB 2 also requires P.O.S.T. to revoke certification when an individual has become ineligible to hold office as a peace officer under California Government Code Section 1029, or when an individual has been terminated for cause for, or otherwise engaged in, "serious misconduct".

These side letters memorialize the County and the DSA's agreement, consistent with the foregoing legislation, that the cancellation, suspension, revocation, or surrender of an employee's peace officer certification or proof of eligibility issued by P.O.S.T. is a basis for discipline, up to and including termination of employment, if the employee is employed in a peace officer classification.

CONSEQUENCE OF NEGATIVE ACTION:

The memoranda of understanding between the County and the DSA will not explicitly state that the cancellation, suspension, revocation, or surrender of an employee's (P.O.S.T.) certification is a basis for discipline, up to and including termination of employment, if the employee is employed in a peace officer classification.

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

IN THE MATTER OF The Side Letter Agreements between the County of Contra Costa and the Deputy Sheriffs' Association - Rank and File Unit and Management Unit, amending each respective Memorandum of Understanding to include revocation of peace officer certification as a basis of discipline.

The Contra Costa County Board of Supervisors acting in its capacity as the governing board of the County of Contra Costa RESOLVES THAT:

Effective the first day of the month following adoption by the Board of Supervisors, the Side Letter Agreements between Contra Costa County and the Deputy Sheriffs' Association Rank and File Unit and Management Unit be ADOPTED.

SIDE LETTER AGREEMENT
BETWEEN CONTRA COSTA COUNTY & DEPUTY SHERIFFS ASSOCIATION, RANK & FILE UNIT

This Side Letter is by and between the Deputy Sheriffs Association (DSA), on behalf of its Rank & File Unit, and the County of Contra Costa (County) and is effective the first day in the month Board of Supervisors approval of this Side Letter.

DSA and the County (Parties) agree to amend Section 23.1 (Cause for Disciplinary Action) of the Memorandum of Understanding between the County and DSA Rank & File Unit (MOU) (July 1, 2023-June 30, 2027) as set forth below:

23.1 Cause for Disciplinary Action.

The appointing authority may dismiss, suspend, demote, or reduce within class, any employee for cause. The following are sufficient causes for such action; the list is indicative rather than inclusive of restrictions and dismissal, suspension, reduction or demotion may be based on reasons other than those specifically mentioned:

a. absence without leave,

b. conviction of any criminal act involving moral turpitude,

c. conduct tending to bring the merit system and/or Office of the Sheriff-Coroner into disrepute,

d. disorderly or immoral conduct,

e. incompetence or inefficiency,

f. insubordination,

g. being at work under the influence of liquor or drugs, carrying onto the premises liquor or drugs or consuming or using liquor or drugs during work hours and/or on County premises,

h. neglect of duty, (i.e. non-performance of assigned responsibilities),

i. negligent or willful damage to public property or waste of public supplies or equipment,

j. violation of any lawful or reasonable regulation or order given by a supervisor or department head,

k. willful violation of any of the provisions of the merit system ordinance or Personnel Management Regulations,

l. material and intentional misrepresentation or concealment of any fact in connection with obtaining employment,

m. misappropriation of County funds or property,

n. unreasonable failure or refusal to undergo any physical, medical, and/or psychiatric exam and/or treatment authorized by this MOU,

o. dishonesty or theft,

p. excessive or unexcused absenteeism and/or tardiness,

q. sexual harassment, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal, or physical conduct of a sexual nature, when such conduct has the purpose or effect of affecting employment decisions concerning an individual, or unreasonably interfering with an individual's work performance, or creating an intimidating and hostile working environment~~.~~,

r. cancellation, suspension, revocation, or surrender of the employee's peace officer certification or proof of eligibility issued by the Commission on Peace Officer Standards and Training (P.O.S.T.) if the employee is employed in a peace officer classification.

This Side Letter will remain in effect for the term of the current MOU between the County and DSA Rank & File Unit (July 1, 2023 – June 30, 2027). The terms of this Side Letter will be incorporated into the successor MOU unless otherwise negotiated by the parties. All other terms and conditions of the current MOU between the County and DSA Rank & File Unit remain unchanged by this Side Letter.

Date: 1/24/2024

Contra Costa County: *(Signature/Printed Name)*	**Deputy Sheriffs Association Rank & File Unit:** *(Signature/Printed Name)*
James M. Bickert / Jim Bickert	/ David Santaella
Lucas / Lucky Chestnut	/
/	/

SIDE LETTER AGREEMENT

BETWEEN CONTRA COSTA COUNTY & DEPUTY SHERIFFS ASSOCIATION, MANAGEMENT UNIT

This Side Letter is by and between the Deputy Sheriffs Association (DSA), on behalf of its Management Unit, and the County of Contra Costa (County) and is effective the first day in the month following the Board of Supervisors approval of this Side Letter.

DSA and the County (Parties) agree to amend Section 18.1 (Cause for Disciplinary Action) of the Memorandum of Understanding between the County and DSA Management Unit (MOU) (July 1, 2023-June 30, 2027) as set forth below:

18.1 **Cause for Disciplinary Action.** The appointing authority may dismiss, suspend, demote, or reduce within class, any employee for cause. The following are sufficient causes for such action; the list is indicative rather than inclusive of restrictions and dismissal, suspension, reduction or demotion may be based on reasons other than those specifically mentioned:

a. absence without leave,

b. conviction of any criminal act involving moral turpitude,

c. conduct tending to bring the merit system and/or Office of the Sheriff-Coroner into disrepute,

d. disorderly or immoral conduct,

e. incompetence or inefficiency,

f. insubordination,

g. being at work under the influence of liquor or drugs, carrying onto the premises liquor or drugs or consuming or using liquor or drugs during work hours and/or on County premises,

h. neglect of duty, (i.e. non-performance of assigned responsibilities),

i. negligent or willful damage to public property or waste of public supplies or equipment,

j. violation of any lawful or reasonable regulation or order given by a supervisor or department head,

k. willful violation of any of the provisions of the merit system ordinance or Personnel Management Regulations,

l. material and intentional misrepresentation or concealment of any fact in connection with obtaining employment,

m. misappropriation of County funds or property,

n. unreasonable failure or refusal to undergo any physical, medical, and/or psychiatric exam and/or treatment authorized by this MOU,

o. dishonesty or theft,

p. excessive or unexcused absenteeism and/or tardiness,

q. sexual harassment, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal, or physical conduct of a sexual nature, when such conduct has the purpose or effect of affecting employment decisions concerning an individual, or unreasonably interfering with an individual's work performance, or creating an intimidating and hostile working environment.,

r. cancellation, suspension, revocation, or surrender of the employee's peace officer certification or proof of eligibility issued by the Commission on Peace Officer Standards and Training (P.O.S.T.) if the employee is employed in a peace officer classification.

This Side Letter will remain in effect for the term of the current MOU between the County and DSA Management Unit (July 1, 2023 – June 30, 2027). The terms of this Side Letter will be incorporated into the successor MOU unless otherwise negotiated by the parties. All other terms and conditions of the current MOU between the County and DSA Management Unit remain unchanged by this Side Letter.

Date: 1/24/2024

Contra Costa County: *(Signature/Printed Name)*	**Deputy Sheriffs Association Management Unit:** *(Signature/Printed Name)*
James M. Bickert / JIM BICKERT	David Santa Ana
/ Lucky Chestnut	/
/	/

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0662 **Agenda Date:** 3/19/2024 **Agenda #:** C.20.

To: Board of Supervisors

From: Monica Nino, County Administrator

Report Title: FY 2023/24 2ND QUARTER UPDATE - AMERICAN RESCUE PLAN ACT (ARPA) & INFRASTRUCTURE INVESTMENT AND JOBS ACT (IIJA)

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

ACCEPT the fiscal year 2023/24 2nd Quarter report on American Rescue Plan Act (ARPA) and Infrastructure, Investment and Jobs Act (IIJA) funding to Contra Costa County.

FISCAL IMPACT:

No fiscal impact, this item is informational only.

American Rescue Plan Act: As of December 31, 2023, the County has identified $343.9 million of known ARPA revenue allocations across 23 unique grant programs. Of that amount, the County has received $331.7 million or 96.5%, and has spent $273.2 million, or 79.4%. A full accounting of the above figures, by unique grant program, is included in the "American Rescue Plan - Quarterly Report Worksheet," included as Attachment B to this staff report.

Infrastructure Investment and Jobs Act: As of December 31, 2023, the County has applied for $221 million in federal IIJA funded grants, including a required County match of $21.7 million, across 38 unique grant programs. Of that amount, the County has been awarded $97.8 million of federally funded grants, including a required County match of $12.8 million, among 20 unique grant programs. A full accounting of the above figures, by unique grant program, is included in the "Infrastructure Investment and Jobs Act - Quarterly Report Worksheet," included as Attachment C to this staff report.

BACKGROUND:

The American Rescue Plan Act (ARPA) was signed into law on March 11, 2021 by President Biden. The ARPA is a broad and far-reaching funding package totaling $1.9 trillion, which provided direct stimulus to taxpayers, advances on child tax credit payments, direct allocations to State and Local governments as well as a myriad of competitive grant programs administered by federal agencies. A summary of the ARPA, including national funding figures, is included as Attachment A for reference.

County History of American Rescue Plan Act Actions

During the fiscal year 2021/22 budget development process, the County Administrator's Office requested information from departments about known impacts from the ARPA for context in assembling the fiscal year 2021/22 Recommended Budget. Because the passage of the ARPA occurred late in the County's budget process, there was very little information to share in subsequent budget presentations, with the exception of the Coronavirus State and Local Fiscal Recovery Fund (CSLFRF), which was widely being tracked throughout the legislative process by state and local government professional organizations such as the National Association of Counties (NACo). At that time, the County was estimated to receive slightly more than $220 million over a two -year period.

On June 28, 2021, the County Administrator sent correspondence to department heads establishing guidance for reporting impacts of the ARPA on their respective departments. This included an initial assessment of ARPA impacts by program area, a request for information about unreimbursed COVID-19 costs incurred, a survey of one-time needs and templates of required quarterly reporting documents. The results were reported on during a public ARPA workshop hosted by the Board of Supervisors on August 3, 2021 (D.4 <http://64.166.146.245/agenda_publish.cfm?id=&mt=ALL&get_month=8&get_year=2021&dsp=agm&seq=45964&rev=0&ag=1790&ln=93090&nseq=46388&nrev=0&pseq=46497&prev=0>). In summary, departments reported the following information at that time:

- Known ARPA Revenue: $317,327,304, of which $127,606,232 has been received by the County
- Unreimbursed COVID-19 Costs: $16,882,139, including $7,368,000 of unrealized gas tax revenue due to Shelter in Place orders
- One-Time Needs: $71,655,531, including $4,120,000 that could be leveraged from non-ARPA funding sources

It is important to note that the One-Time Needs figure above reflected projects that could be obligated prior to December 31, 2024, consistent with CSLFRF guidelines discussed further below.

At the conclusion of the August 2021 public workshop, the Board directed the full $112 million allocation of Year 1 CSLFRF funding to the Health Services Department to defray the cost impacts of COVID-19 response activities. Subsequently, on January 25, 2022, the Board acknowledged that the fiscal year 2022/23 Recommended Budget would include $53 million of Year 2 CSLFRF funding in the Health Services Department budget. On April 12, 2022, the Board approved the fiscal year 2022/23 Recommended Budget as presented, including the additional $53 million of Year 2 CSLFRF funding. At the conclusion of fiscal year 2021/22, the Health Services Department had not spent the entire $112 million allocation. $30 million of that amount was re-budgeted in fiscal year 2022/23, making the total amount budgeted $83 million ($53 million of Year 2 funds + $30 million of unspent Year 1 funds).

Review of Primary ARPA Revenue Drivers

There are two ARPA grant programs that provide the majority of funding to the County; specifically, the

CSLFRF and a second allocation of Emergency Rental Assistance Program (ERAP) funds. Below are additional details about both revenue streams.

Coronavirus State and Local Fiscal Recovery Fund - $224,058,903

Contra Costa County was allocated $224,058,903 of CSLFRF funds directly from the U.S. Treasury. The funding was allocated in two 50% tranches, the first of which was received by the County on May 18, 2021 in the amount of $112,029,451. The second tranche was distributed to the County in an equal amount on June 8, 2022. The ARPA outlines four specific eligible uses for CSLFRF funding:

• COVID-19 response activities or its negative economic impacts;
• Premium pay to eligible workers performing essential work during COVID-19;
• Government services to the extent of the reduction in revenue due to COVID-19; and
• Infrastructure investments specifically for water, sewer and broadband.

Each category above has several nuances associated with it, which staff has presented on several occasions beginning in August 2021 and at subsequent Board meetings. The ARPA requires CSLFRF recipients with populations of over 250,000 residents to submit an annual Recovery Plan Performance Report, including descriptions of projects and information on performance indicators and objectives of each award. CSLFRF expenditures must be incurred by December 31, 2024 and ultimately spent by December 31, 2026.

Emergency Rental Assistance Program 2 - $71,605,012 ($38,941,950 Federal + $32,663,062 State)

Contra Costa County was allocated an additional $71,605,012 in ERAP 2 funds directly from the U.S. Treasury and via the State of California through the State's ARPA funding allocation. This funding complements ERAP 1 funding previously received both from the U.S. Treasury and from the State in the amount of $75,822,311, making a total of $147,427,324 rental and utility assistance funding available to Contra Costa residents, landlords and utility providers. The State of California requested letters of intent from counties and cities slated to receive State allocations of ERAP 2 funds, subject to final approval by governing boards, to secure funding allocations. The County Administrator's Office filed the letter of intent with the State on July 27, 2021 and subsequently received Board approval to continue participating in the State's Housing is Key program, providing coordinated rental and utility assistance throughout the state, including to Contra Costans.

ERAP 2 funds were to be used largely in a similar fashion to ERAP 1, but also allowed for relocation cost and security deposit assistance to eligible residents. ERAP 1 funds were to be expended by September 30, 2022 and ERAP 2 funds must be expended by September 30, 2025. The State program has concluded and all funds were distributed prior to the deadlines outlined above. For reference, as of February 26, 2024, the total amount of ERAP assistance provided in Contra Costa County, among all funding programs, was $234.3 million, serving 17,236 households - $87 million above the County's initial allocation amounts, which was funded by State General Fund.

Fiscal Year 2023/24 2nd Quarter (October - December 2023) ARPA Status Report

As of December 31, 2023, the County has identified $343.9 million of known ARPA revenue allocations across 23 unique grant programs. Of that amount, the County has received $331.8 million, or 96.5%, and has spent

$273.2 million, or 79.4%. A full accounting of the above figures, by unique grant program, is included in the "American Rescue Plan - Quarterly Report Worksheet," included as Attachment B to this staff report. Specific reporting on the CSLFRF program is presented below:

Status of ARPA CSLFRF Funding

As of December 31, 2023, the County had received the entire CSLFRF allocation of $224.1 million and expended $178.2 million. The County Administrator's Office worked with the Health Services Department during the fiscal year 2023/24 budget development process to determine how much CSLFRF allocation should be budgeted for COVID-19 wind down activities resulting in the ultimate appropriation of $15 million. Based on actual expenditures in fiscal years 2021/22 and 2022/23 and the anticipated re-budget of unused funds in fiscal year 2023/24, the current amount of CSLFRF funds remaining unallocated is approximately $37.5 million as illustrated below.

ARPA - CSLFRF Allocation Projected Expenditures, thru 6/30/24	FY 2021/22 Actuals	FY 2022/23 Actuals	FY 2023/24 Projected	Total
Funding Sources:	**$ 112,029,452**	**$ 112,029,452**	**$0**	**$224,058,903**
Funding Uses:				
Health Services (COVID-19)	79,214,397	67,204,394	15,795,606	162,214,397
Pandemic Service Relief Payment	0	24,300,111	0	24,300,111
Total Claimed	**$ 79,214,397**	**$ 91,504,505**	**$ 15,795,606**	**$186,514,508**
Fund Balance				**$ 37,544,395**

Infrastructure Investment and Jobs Act (IIJA)

According to the Government Finance Officer's Association (GFOA), the Infrastructure Investment and Jobs Act (IIJA), also referred to as the Bipartisan Infrastructure Law (BIL), was signed into law by President Biden on November 15, 2021. The law authorizes $1.2 trillion for transportation and infrastructure spending with $550 billion of that figure going toward “new” investments and programs. Funding from the IIJA is expansive in its reach, addressing energy and power infrastructure, access to broadband internet, water infrastructure, and more. Some of the new programs funded by the bill could provide the resources needed to address a variety of infrastructure needs at the local level. Specific highlights of the IIJA funding program include:

Public Transportation: The IIJA invests $91.2 billion to repair and modernize transit. The legislation supports expanded public transportation choices nationwide, replacing thousands of deficient transit vehicles, including buses, with clean, zero emission vehicles, and improving accessibility for the elderly and people with disabilities.

Airports and Federal Aviation Administration Facilities: The IIJA invests $25 billion to address repair and maintenance needs, reduce congestion and emissions, and modernize our National Aerospace System.

Ports and Waterways: The IIJA invests over $16.7 billion to improve infrastructure at coastal ports, inland ports

and waterways, and land ports of entry along our border.

Electric Vehicles, Buses, and Ferries: The IIJA includes a $7.5 billion investment in electric vehicle charging to help build out a national network of 500,000 electric vehicle chargers. In addition, there are investments from the IIJA for specific vehicles to transition to electric school buses, transit buses, and even passenger ferries to reduce emissions for their riders, including children and low-income families that bear the greatest burdens of pollution while trying to meet their mobility needs.

Broadband Deployment and Access: The IIJA included a $65 billion investment to help close the digital divide and ensure access for all Americans to reliable, high speed, and affordable broadband. The additional funding builds off of investments in previous laws, including the American Rescue Plan (ARPA) and the Consolidated Appropriations Act of 2021. As a result of the additional funding, the National Telecommunications and Information Administration (NTIA) plans to implement several new programs with these aggregate investments.

Water Infrastructure: The IIJA invests more than $50 billion through the Environmental Protection Agency's (EPA) drinking water, wastewater, and storm water infrastructure programs.

Resiliency: The IIJA makes our communities safer and our infrastructure more resilient to the impacts of climate change and cyber-attacks, with an investment of more than $50 billion to protect against draughts, heat, floods and wildfires, in addition to major investments in weatherization. The legislation is the largest investment in the resilience of physical and natural systems in American history.

Fiscal Year 2023/24 2nd Quarter (October - December 2023) IIJA Status Report

Contra Costa County has been aggressively pursuing IIJA dollars for local infrastructure projects. As of December 31, 2023, the County has applied for $221.4 million in IIJA related grants, including $199.7 million in federal funding (administered by the State in most cases) and $21.7 million in required County match across 38 unique grant programs. Of that amount, the County has been awarded $97.8 million, including $84.9 million in federal funding and $12.8 million in required County match across 20 unique grant programs. Of those 20 grant awards, the County has expended $5.6 million, including $4.9 million in federal funds and $637,867 in required County match across four (4) unique grant programs. A full accounting of the above figures, by unique grant program, is included in the "Infrastructure Investment and Jobs Act - Quarterly Report Worksheet," included as Attachment C to this staff report.

CONSEQUENCE OF NEGATIVE ACTION:

The fiscal year 2023/24 2nd Quarter report on the American Rescue Plan Act (ARPA) and the Infrastructure Investment and Jobs Act (IIJA) will not be formally accepted by the Board of Supervisors.

AMERICAN RESCUE PLAN - FUNDING SUMMARY			ATTACHMENT A
Program Area	**Program Title**	**Federal Budget Augmentation**	**Summary Description**
Fiscal Recovery Funds	State & Local Fiscal Recovery Funds	$130.2B	Contra Costa will receive $224M
Fiscal Recovery Funds		$2B	This only applies if a jurisdiction gets Payment in Lieu of taxes (PILT): Provides an additional $1.5 billion, split evenly over FY 2022 and 2023, for eligible revenue share counties (i.e., public land counties)
Assistance to Individuals and Families	Supplemental Nutrition Assistance Program (SNAP) Administration	$1.1B	Pass through from the state for local SNAP administration and supplemental costs of running the program
Assistance to Individuals and Families	SNAP 15% Benefit Extension	$3.5B	Extends the benefit increase through 9/30/2021
Assistance to Individuals and Families	Women, Infant, Child (WIC) Program	$0.9B	Emergency funds which will enhance benefits for four months plus $390 million of which will support outreach innovation and program modernization funding.
Assistance to Individuals and Families	Pandemic Electronic Benefits Transfer (EBT)	$5.6B	Provides +15% monthly SNAP benefits to low-income children (including under 6 years old) who have lost access to free/reduced price meals at school or child care due to the pandemic; May not apply in CA
Assistance to Individuals and Families	Commodity Supplemental Food Program	$37M	Funds supplementing low-income, 60+ individuals with healthy food commodities
Assistance to Individuals and Families	Family Violence Prevention and Services	$0.5B	Formula grants may be available to counties for Domestic Violence hotlines and survivor support programs
Assistance to Individuals and Families	Community-based Child Abuse Prevention	$0.3B	Through 9/30/2023; Going to state lead entities but may be available to counties through competitive sub-awards
Assistance to Individuals and Families	Pandemic Emergency Assistance	$1.0B	Targeted cash assistance supplement
Assistance to Individuals and Families	Older Americans Act (OAA) Programs	$1.4B	Additional funds for nutrition, community support and ombudsperson services provided directly to local Area Agencies on Aging (Triple A)

AMERICAN RESCUE PLAN - FUNDING SUMMARY			ATTACHMENT A
Program Area	**Program Title**	**Federal Budget Augmentation**	**Summary Description**
Assistance to Individuals and Families	Elder Justice Act Programs	$276M	Funding through Federal FY 2022 to prevent elder fraud and abuse
Assistance to Individuals and Families	Early Childhood Home Visiting	$150M	States receive these funds and may subaward to county entities providing services
Assistance to Individuals and Families	Family Planning	$50M	Federal grant program providing low-income and adolescent patients with essential family planning and preventative health services. County health departments are eligible applicants of these grants.
Assistance to Individuals and Families	Tenant-Based Rental Assistance	$5B	Provides housing choice vouchers, with funds available through September 30, 2030.
Assistance to Individuals and Families	Homelessness Assistance	$5B	Provides rental assistance, provides supportive services and development of affordable housing through acquisition or creation of non-congregate shelter units. Funding will be allocated using the HOME Investment Partnerships Program.
Assistance to Individuals and Families	Emergency Rental Assistance	$21.6B	Provides an additional round of funding for the Emergency Rental Assistance Program. Funding is distributed to counties with 200,000 residents or more, to help keep residents stably housed during the COVID-19 pandemic.
Education and Childcare	Child Care and Development Block Grants (CCDBG)	$15B	Administered by state in CA, but may be available as a subaward to counties
Education and Childcare	Child Care Entitlements to States	$633M	Permanent increase in funding to states and State match waiver through end of FFY 2022. These changes should make more money available to counties
Education and Childcare	Low Income Household Drinking Water and Wastewater Assistance Program (LIHWAP)	$4.5B	County administered program has a flexible structure and can support household heating and cooling expenses, weatherization assistance, crisis assistance, and services such as counseling.
Education and Childcare	Low Income Home Energy Assistance Program (LIHEAP)	$0.5B	Federal government is directing states to model LIHWAP after LIHEAP, it is possible that county governments functioning as a local LIHEAP agency will be responsible for administering this new program as well and may receive funds.
Education and Childcare	Head Start	$1.0B	Emergency funding to be distributed across existing Head Start agencies according to their share of total enrolled children.
Health	Certified Community Behavioral Health Clinic Expansion Grant Program	$420M	Grants aimed to increase access to, and improve the quality of community mental and substance use disorder treatment through the expansion of CCBHCs

AMERICAN RESCUE PLAN - FUNDING SUMMARY			ATTACHMENT A
Program Area	**Program Title**	**Federal Budget Augmentation**	**Summary Description**
Health	Youth Suicide Prevention Programs	$20M	Counties that are public organizations designated by a state to develop or direct the youth suicide early intervention and prevention strategy are eligible to receive funds.
Health	Community Mental Health Services Block Grant	$1.5B	Counties may use block grant dollars to provide a range of services for adults and children with serious mental illnesses.
Health	Substance Abuse Prevention and Treatment Block Grant	$1.5B	Funding for county behavioral health authorities to serve vulnerable, low-income populations, such as those with HIV/AIDS, pregnant and parenting women, youth and others by ensuring access to substance abuse services.
Health	Community-based Funding for Local Substance Use Disorder Services	$30M	Provides grants to local governments for community-based overdose prevention programs, syringe services programs and other harm reduction services in light of increased pandemic related drug-misuse
Health	Community-based Funding for Local Behavioral Health Needs	$50M	Provides grants to local governments to address increased community behavioral health needs worsened by the COVID-19 pandemic.
Health	Project Aware	$30M	Provides grants, contracts and cooperative agreements to entities to advance wellness and resiliency in education.
Health	Community Health Centers	$7.6B	Provides grants to Federally Qualified Health Centers (FQHCs) to respond to the COVID-19 pandemic
Health	Public Health Workforce	$7.66B	Provides funding to establish, expand and sustain a public health workforce including grants to local public health departments
Health	National Health Services Corps	$800M	Provides funding for the scholarship as well as federal and state loan repayment programs for the healthcare workforce
Health	Nurse Corp	$200M	Provides funding for the federal loan repayment programs for nurses
Health	Mental and Behavioral Health Professionals Training	$80M	Provides funding for grants or contracts to local governments and other entities, to run training programs in strategies for reducing and addressing suicide, burnout, mental health conditions and substance use disorders among health care professionals.
Health	Grants for Health Care Providers to Promote Mental and Behavioral Health	$80M	Provides funding to award grants or contracts to entities providing health care, including federal qualified health centers, to establish or expand programs to promote mental health among their providers and others
Health	Pediatric Mental Health Care Access	$40M	Provides funding to award grants to counties to promote behavioral health integration in pediatric primary care through the development and support pediatric mental health care telehealth access programs
Health	Grants for Testing	$47.8B	Provides funding for COVID-19 testing, contact tracing and mitigation activities. Note that this funding will be distributed to local jurisdictions through existing cooperative agreements

AMERICAN RESCUE PLAN - FUNDING SUMMARY			ATTACHMENT A
Program Area	**Program Title**	**Federal Budget Augmentation**	**Summary Description**
Health	Grants for Vaccines	$7.5B	Provides funding for COVID-19 vaccine activities. Note that this funding will be distributed to local jurisdictions through existing cooperative agreements
Other	FEMA Disaster Relief Funds	$50B	Provides additional funds to meet the immediate needs of local governments
Other	Emergency Food and Shelter Program	$400M	Local governmental entities that provided food, shelter and supportive services to people with economic emergencies services in their communities are eligible to apply for this supplemental funding
Other	Emergency Food and Shelter Program - Humanitarian Relief	$110M	Local governmental entities that provided food, shelter and supportive services to people with economic emergencies services in their communities are eligible to apply for this supplemental funding through the National Board for the Emergency Food and Shelter Program
Other	Assistance to Firefighter Grants (AFG)	$100M	Fire agencies can apply for supplemental funds to purchase PPE for first responders
Other	Staffing for Adequate Fire and Emergency Response (SAFER) Grants	$200M	Funding for local fire and emergency response teams to help them increase or maintain the number of trained, "front line" firefighters available in their communities
Other	Emergency Management Performance Grants	$100M	Grant funding for local emergency management agencies for implementation of the National Preparedness System and works toward the National Preparedness Goal of a secure and resilient nation.
Other	Economic Development Assistance (EDA) Programs	$3.0B	Local government is eligible to apply for the EDA program and can use the funding for economic recovery projects. 25% of the funds are reserved for communities that have suffered economic injury due to job losses in the travel, tourism or outdoor recreation sectors.
Other	Categorical Grants - Air Pollution	$50M	Local government can apply for grants and activities related to air quality monitoring and the prevention and control of air pollution
Other	Emergency Connectivity Fund for Libraries (and schools)	$7.2B	This competitive grant funding provides a 100% reimbursement to schools and libraries for internet access and connected devices for students and teachers for remote learning and library services.

AMERICAN RESCUE PLAN
QUARTERLY REPORT

DEPARTMENT: *Countywide*
REPORTING PERIOD: *FY 2023/24 - Q2 (period ending December 31, 2023)*

ATTACHMENT B

PROGRAM INFORMATION						FINANCIAL INFORMATION		
CCC Department	**CFDA**	**Federal Grantor Agency**	**State Passthrough Agency Name (if any)**	**Program Title**	**Program Description**	**Est. Federal Grant Allocation to County**	**Federal Grant Allocation Received**	**Federal Grant Allocation Expended**
CAO	21.027	U.S. Treasury	N/A	Coronavirus State and Local Fiscal Relief Fund (CSLFRF)	$350 billion to state, local, territorial, and Tribal governments to bolster their response to the COVID-19 emergency and its economic impacts. Eligible expenses include • Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff; • Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector; • Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic; • Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and, • Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.	$ 224,058,903	$ 224,058,903	$ 178,219,590
CAO	21.023	U.S. Treasury	N/A	Emergency Rental Assistance Program (ERAP) 2 - Federal Direct Allocation	ERA2 payments are made directly to states, U.S. territories and local governments with more than 200,000 residents. ERA2 sets aside $2.5 billion for eligible grantees with a high need for ERA2 assistance, based on the number of very low-income renter households paying more than 50 percent of income on rent or living in substandard or overcrowded conditions, rental market costs, and change in employment since February 2020. At least 90 percent of awarded funds must be used for direct financial assistance, including rent, rental arrears, utilities and home energy costs, utilities and home energy costs arrears, and other expenses related to housing. Remaining funds are available for housing stability services, including case management and other services intended to keep households stably housed. ERA2 funds generally expire on September 30, 2025.	$ 38,941,950	$ 38,941,950	$ 38,941,950
CAO	21.023	U.S. Treasury	California Housing and Community Development Department	Emergency Rental Assistance Program (ERAP) 2 - State Subrecipient Allocation	ERA2 payments are made directly to states, U.S. territories and local governments with more than 200,000 residents. ERA2 sets aside $2.5 billion for eligible grantees with a high need for ERA2 assistance, based on the number of very low-income renter households paying more than 50 percent of income on rent or living in substandard or overcrowded conditions, rental market costs, and change in employment since February 2020. At least 90 percent of awarded funds must be used for direct financial assistance, including rent, rental arrears, utilities and home energy costs, utilities and home energy costs arrears, and other expenses related to housing. Remaining funds are available for housing stability services, including case management and other services intended to keep households stably housed. ERA2 funds generally expire on September 30, 2026	$ 32,663,062	$ 32,663,062	$ 32,663,062

PROGRAM INFORMATION						FINANCIAL INFORMATION		
CCC Department	**CFDA**	**Federal Grantor Agency**	**State Passthrough Agency Name (if any)**	**Program Title**	**Program Description**	**Est. Federal Grant Allocation to County**	**Federal Grant Allocation Received**	**Federal Grant Allocation Expended**
CAO	21.032	U.S. Treasury	N/A	Local Assistance and Tribal Consistency Fund	The Local Assistance and Tribal Consistency Fund provides flexible support for eligible revenue sharing counties and eligible Tribal governments to meet their jurisdiction's needs. Specifically, the statute directs that recipients may use funds for any governmental purpose other than a lobbying activity. As a general matter, recipients may treat these funds in a similar manner to how they treat funds generated from their own revenue. Programs, services, and capital expenditures that are traditionally undertaken by a government are considered to fulfill a "governmental purpose." For Tribal governments, investing in activities undertaken by Tribal enterprises, such as operating or capital expenditures for businesses that are owned or controlled by a Tribal government, are considered a governmental purpose.	$ 100,000	$ 100,000	$ -
ConFire	97.083	Federal Emergency Management Agency (FEMA)	N/A	FY 2021 SAFER (Staffing for Adequate Fire and Emergency Response) Grant	Funding for local fire and emergency response teams to help them increase or maintain the number of trained, "front line" firefighters available in their communities.	$ 7,548,363	$ -	$ 2,310,211
EHSD	93.600	Administration for Children & Families-Office of Head Start	N/A	Head Start	American Rescue Plan (ARP): Fiscal Year 2021 funding increase for Head Start grantees to support program work toward full re-opening of in-person comprehensive services as local health guidance allows. Federal allocation is $1 billion.	$ 2,881,131	$ 2,881,131	$ 1,685,141
EHSD	93.568	Administration for Children & Families-Office of Community Services	California Department of Community Services & Development	Low Income Home Energy Assistance Program (LIHEAP)	Provides $4.5 billion in emergency LIHEAP funds to remain available until September 30, 2022.	$ 4,692,311	$ 4,692,311	$ 4,662,013
EHSD	95.053	Health and Human Services - Administration for Community Living (ACL)	California Department of Aging	Emergency Older Americans Act (OAA) Program Funding	Provides $1.43 billion in emergency OAA funding, including $750 million for senior nutrition programs, $460 million for home-and-community-based support services, $45 million for disease prevention, $10 million for the long-term care ombudsman program and $145 million in assistance for grandparents caring for grandchildren.	$ 3,810,565	$ 3,810,565	$ 1,341,363
EHSD	93.747	Health and Human Services - Administration for Community Living (ACL)	California Department of Social Services	Elder Justice Act Programs	Provides at least $188 million for the Elder Justice Act in both FY 2021 and FY 2022, and $88 million for grants to public transit systems to improve transportation access for older adults and people with disabilities.	$ 15,381	$ 15,381	$ 7,500
EHSD	93.591	Health and Human Services - Administration for Children & Families-Family and Youth Services Bureau	CalOES	Family Violence Prevention and Services Act (FVPSA) Program Supplemental Grants	$450 million Federal funds allocated. Will provide 296 supplement grant awards to states, territories, tribes and local domestic violence organizations to respond to domestic violence. While counties are ineligible to receive direct allocations through the FVPSA program, they may receive funding through their state.	TBD	$ -	$ -
EHSD	93.590	Health and Human Services - Administration for Children & Families-Children's Bureau	California Department of Social Services	Community Based Child Abuse Prevention (CBCAP) and Child Abuse Prevention Treatment Act (CAPTA) Supplemental Funding	$25 Million Federal Funds allocated. Counties and tribes with Title IV-E agreement with state opt-in to the ARPA-CBCAP suplemental funding, a one-time allocation that can be spent through September 30, 2025 without a requirement for non-federal matching fund for child abuse prevention direct services and planing activites.	$ 522,976	$ 522,976	$ -
EHSD	93.575	Administration for Children & Families -Office of Childcare	California Department of Social Services	Child Care Development Block Grant (CCDBG)	ARPA provides a total of nearly $39 billion in emergency funds for the Child Care Community Block Grant (CCDBG), of which nearly $15 billion is for child care subsidies through FY 2024. The remaining $24 billion will be available to states to make stabilization subgrants directly to child care providers to assist in maintaining operations.	TBD	$ -	$ -
EHSD	93.596	Administration for Children & Families -Office of Childcare	California Department of Social Services	Child Care Slots / Child Care Stabilization Funds	Increases child care access by 206,500 slots in Alternative Payment, General Child Care, Migrant Child Care, bridge program for foster children, and prioritizes ongoing vouchers for essential workers currently receiving short-term child care. Potential increase in the standard reimbursement rate and regional market rate ceilings. Two one time stipends will be issued out to providers: the first will be $600 per child using March 2021 enrollment and the second will be based on facility type and licensing capacity. Stipends are to be used to support with COVID-19 pandemic relief, and, in the case of decreased enrollment or closures, to support child care providers and state preschool programs in remaining open or reopening. Budget to also include a hold harmless clause for all State Programs. Federal allocation is $24 billion.	TBD	$ -	$ -
EHSD	93.568	Administration for Children & Families-Office of Community Services	California Department of Community Services & Development	Low-Income Household Drinking Water and Wastewater Emergency Assistance Program (LIHWAP)	Created under the FY 2021 Omnibus to assist with payments for drinking water and wastewater expenses. Federal allocation is $500 million.	$ 1,989,789	$ 1,989,789	$ 1,961,617
EHSD	93.558	Administration for Children & Families-Office of Family Assistance	California Department of Social Services	Temporary Assistance for Needy Families (TANF) Pandemic Emergency Assistance Fund	Provides $1 billion in short-term targeted aid (cash assistance or otherwise) to families in crisis. States will receive funds based on their population's share of children and portion of prior TANF expenditures dedicated to cash assistance.	$ 3,721,600	$ 3,721,600	$ 3,721,600

AMERICAN RESCUE PLAN
QUARTERLY REPORT

DEPARTMENT: *Countywide*
REPORTING PERIOD: *FY 2023/24 - Q2 (period ending December 31, 2023)*

ATTACHMENT B

PROGRAM INFORMATION						FINANCIAL INFORMATION		
CCC Department	**CFDA**	**Federal Grantor Agency**	**State Passthrough Agency Name (if any)**	**Program Title**	**Program Description**	**Est. Federal Grant Allocation to County**	**Federal Grant Allocation Received**	**Federal Grant Allocation Expended**
EHSD	93.747	Health and Human Services - Administration for Community Living (ACL)	California Department of Social Services	Elder Abuse Prevention Interventions Program	Funds are available for county expenditure between August 1, 2021 and September 30, 2023. While maximum flexibility is afforded to the counties in determining how they will spend the funds, counties are advised to exercise judgement consistent with the Elder Justice Act Section 2042(b); Section 9301 of the ARPA of 2021; and guidance provided by the federal Administration for Community Living. Based on ACL No. 22-07, examples of how to spend the allocation noted in the Federal Register Notice include:•Establishing or enhancing the availability for elder shelters and other emergency,short-term housing and accompanying "wrap-around" services; •Establishing, expanding, or enhancing state-wide and local-level elder justicenetworks; •Working with tribal APS efforts; •Improving or enhancing existing APS processes; •Improving and supporting remote work; •Improving data collection and reporting at the case worker, local, and state levelsin a manner that is consistent with the National Adult Maltreatment ReportingSystem; •Establishing new, or improving existing processes for responding to allegedscams and frauds; •Community outreach; •Providing goods and services to APS clients; •Acquiring personal protection equipment and supplies; •Paying for extended hours/over-time for staff, hiring temporary staff, andassociated personnel costs; •Training; •Assisting APS clients to secure the least restrictive option for emergency oralternative housing, and with obtaining, providing, or coordinating with caretransitions as appropriate.	$ 406,037	$ 406,037	$ -
HSD	93.224	Health Resources and Services Administration (HRSA), U.S. Department of Health and Human Services (HHS)	N/A	American Rescue Plan Act Funding for Health Centers	Appropriates funds to the Department of Health and Human Services (HHS) to be distributed to community health centers for: • Vaccine planning, preparation, distribution, and tracking • COVID-19 testing, monitoring, and contract tracing, including mobile testing and vaccinations • Health care workforce expansion • Health care services and infrastructure modification • Community outreach related to COVID-19	$ 3,355,250	$ 3,355,250	$ 3,355,250
HSD	93.958	Substance Abuse and Mental Health Services Administration (SAMHSA), U.S. Department of Health and Human Services (HHS)	CA Department of Health Care Services (DHCS)	Community Mental Health Services Block Grant (MHBG)	Appropriates funds to HHS for Substance Abuse and Mental Health Services Administration (SAMHSA) block grants to states for community mental health services. Period covered is September 1, 2021 through June 30, 2025.	$ 2,597,143	$ 743,029	$ 898,255
HSD	93.959	Substance Abuse and Mental Health Services Administration (SAMHSA), U.S. Department of Health and Human Services (HHS)	CA Department of Health Care Services (DHCS)	Substance Abuse Prevention and Treatment Block Grant (SABG)	Appropriates funds to HHS for Substance Abuse and Mental Health Services Administration (SAMHSA) block grants to states for SUD programs. States will have some discretion in how funds are expended consistent with federal block grant requirements, and may choose to utilize some dollars consistent with existing block grant programs/services while allocating other dollars to new or one-time activities and priorities. All expenditures are subject to approval by SAMHSA.	$ 2,508,139	$ 1,133,961	$ 1,350,740
HSD	93.354	Centers for Disease Control and Prevention (CDC), U.S. Department of Health and Human Services (HHS)	CA Department of Public Health (CDPH)	Public Health Workforce	Appropriates funds to CDC to support 21st century outbreak response needs by: 1. Expanding and enhancing frontline public health staff 2. Conducting DIS workforce training and skills building 3. Building organizational capacity for outbreak response 4. Evaluating and improving recruitment, training, and outbreak response efforts Funds will be made available during the two-year budget period and period of performance (July 1, 2021 to June 30, 2023).	$ 1,910,858	$ 477,715	$ 1,910,854

AMERICAN RESCUE PLAN
QUARTERLY REPORT

DEPARTMENT: *Countywide*
REPORTING PERIOD: *FY 2023/24 - Q2 (period ending December 31, 2023)*

ATTACHMENT B

PROGRAM INFORMATION						FINANCIAL INFORMATION		
CCC Department	**CFDA**	**Federal Grantor Agency**	**State Passthrough Agency Name (if any)**	**Program Title**	**Program Description**	**Est. Federal Grant Allocation to County**	**Federal Grant Allocation Received**	**Federal Grant Allocation Expended**
HSD	93.498	Health Resources and Services Administration (HRSA), U.S. Department of Health and Human Services (HHS)	N/A	Provider Relief Fund - American Rescue Plan (ARP) Rural Distribution	Appropriates funds to the Department of Health and Human Services (HHS) to be distributed to providers and suppliers who have served rural Medicaid, Children's Health Insurance Program (CHIP), and Medicare beneficiaries from January 1, 2019 through September 30, 2020. ARP Rural is intended to help address the disproportionate impact that COVID-19 has had on rural communities and rural health care providers.	$ 133,362	$ 133,362	$ 133,362
HSD	93.527	Health Resources and Services Administration (HRSA), U.S. Department of Health and Human Services (HHS)	N/A	HHS Bridge Access Program For COVID-19 Vaccines and Treatments	Appropriates funds to the Department of Health and Human Services (HHS) to maintain broad access to COVID-19 vaccines for millions of uninsured Americans. The program has two major components: • First, provide support for the existing public sector vaccine safety net, which is implemented through local health departments (LHDs) and Health Resources and Services Administration (HRSA) supported health centers. • Second, create a novel, funded partnership with pharmacy chains that will enable them to continue offering free COVID-19 vaccinations and treatments to the uninsured through their network or retail locations as has been done during the COVID-19 Public Health Emergency (PHE). Period covered is September 01, 2023 through December 31, 2024.	$ 14,526	$ 14,526	$ 14,526
DCD	14.239	U.S Department of Housing and Urban Development	N/A	HOME-ARP: HOME Investment Partnerships American Rescue Plan Program	Assist individuals or households who are homeless, at risk of homelessness, and other vulnerable populations, by providing housing, rental assistance, supportive services, and non-congregate shelter, to reduce homelessness and increase housing stability. HOME-ARP funds can be used for four eligible activities: production or preservation of affordable housing; tenant-based rental assistance; supportive services, homeless prevention services, and housing counseling; purchase and development of non-congregate shelter.	$ 12,090,215	$ 12,090,215	$ 40,050
						$ 343,961,561	**$ 331,751,763**	**$ 273,217,084**
						as %	**96.5%**	**79.4%**

INFRASTRUCTURE, INVESTMENTS AND JOBS ACT (IIJA) **DEPARTMENT:** *Countywide*

DEPARTMENT IMPACT WORKSHEET **REPORTING PERIOD:** *FY 2023/24 - Q2 (period ending December 31, 2023)* **ATTACHMENT C**

PROGRAM INFORMATION						FINANCIAL INFORMATION					
						Application Amount		Grant Award Amount		Amount Expended	
CCC Department	CFDA	Federal Grantor Agency	State Passthrough Agency Name (if any)	Program Title	Program Description	Federal Share	County Match	Federal Share	County Match	Federal Share	County Match
PW		Federal Highway Administration (FHWA)	–	Rebuilding American Infrastructure with Sustainability and Equity	San Pablo Dam Road Rehabilitation: Roadway embankment stabilization and pavement rehabilitation along several segments of San Pablo Dam Road. Project awards announced on June 28, 2023. Application not awarded.	$ 16,825,000	$ -	$ -	$ -	$ -	$ -
PW		Federal Highway Administration (FHWA)	California Department of Transportation	Highway Safety Improvement Program	Countywide Guardrail Upgrades – Phase 2: This project proposes to upgrade existing guardrails along arterials, collectors, and local roads at various locations countywide. This project is a continuation of systemically upgrading all guardrails in the unincorporated County. Areas under consideration for this project are: West County, Saranap, Alamo, and South Walnut Creek. These guardrails have been selected to assure cost effectiveness.	$ 999,990	$ 493,710	$ 999,990	$ 493,710	$ -	$ -
PW		Federal Highway Administration (FHWA)	California Department of Transportation	Highway Safety Improvement Program	Appian Way at Fran Way Pedestrian Crosswalk Enhancements: This project proposes to upgrade the existing crosswalk at the intersection of Appian Way and Fran Way in unincorporated El Sobrante.	$ 249,840	$ 260,960	$ 249,840	$ 260,960	$ -	$ -
PW		Federal Highway Administration (FHWA)	California Department of Transportation	Highway Safety Improvement Program	Walnut Boulevard Bike Safety Improvements: This project will improve bicyclist safety by widening the roadway shoulder for the southbound direction along approximately 850 feet of Walnut Boulevard between the intersections of Marsh Creek Road and Vasco Road in unincorporated Brentwood.	$ 249,415	$ 900,585	$ 249,415	$ 900,585	$ -	$ -
PW		Federal Highway Administration (FHWA)	California Department of Transportation	Highway Safety Improvement Program	Byron Highway Safety Improvements: This project proposes to construct safety improvements along Byron Highway between Clifton Court Road and Bruns Road. Improvements such as street lighting, edgeline rumble strips and curve advance warning flashing beacons are being considered.	$ 1,316,520	$ 146,280	$ 1,316,520	$ 146,280	$ 7,257	$ 806
PW		Federal Highway Administration (FHWA)	California Department of Transportation	Highway Safety Improvement Program	Vasco Road Safety Improvements: This project proposes to install safety improvements along Vasco Road between Walnut Boulevard and Camino Diablo in unincorporated Brentwood. These improvements include constructing a 0.75-mile-long no-passing zone with median striping, centerline rumble strip, and delineators along the Vasco Road median.	$ 715,050	$ 79,450	$ 715,050	$ 79,450	$ -	$ -
PW		Federal Highway Administration (FHWA)	California Department of Transportation	Highway Safety Improvement Program	Deer Valley Road Traffic Safety Improvements: This project proposes to install safety improvements along several of the horizontal roadway curves of Deer Valley Road where severe collisions have occurred. Improvements such as curve advance warning signs and widening shoulders will be used.	$ 1,125,810	$ 125,090	$ 1,125,810	$ 125,090	$ 10,220	$ 1,135
PW		Federal Highway Administration (FHWA)	California Department of Transportation	Transportation Alternatives/Active Transportation Program	San Pablo Avenue Complete Street/Bay Point Trail Gap Closure: This project proposes to implement a road diet and construct a Class I shared-use path along the San Francisco Bay Trail.	$ 10,517,000	$ 1,200,000	$ 10,517,000	$ 1,200,000	$ 6,761	$ -
PW		Federal Highway Administration (FHWA)	California Department of Transportation	Transportation Alternatives/Active Transportation Program	Pacifica Avenue Safe Routes to School: Reconfigure Pacifica Avenue to install a two-way cycle track, new and widened sidewalks, bulb-outs, and raised crosswalks from Intel Drive to Port Chicago Highway.	$ 3,902,000	$ 440,000	$ 3,902,000	$ 440,000	$ 6,141	$ -
PW		Federal Highway Administration (FHWA)	California Department of Transportation	Bridge Investment Program/Highway Bridge Program	Marsh Creek Road Bridge Replacement (Bridge No. 28C143 & 28C145)	$ 14,268,379	$ 3,671,629	$ 14,268,379	$ 3,671,629	$ 3,088,469	$ 400,144
PW		Federal Highway Administration (FHWA)	California Department of Transportation	Bridge Investment Program/Highway Bridge Program	Byron Highway Bridge Replacement over California Aqueduct (Bridge No. 28C0121)	$ 19,870,559	$ 1,791,030	$ 19,870,559	$ 1,791,030	$ 1,819,860	$ 235,782
PW		Federal Highway Administration (FHWA)	California Department of Transportation	Bridge Investment Program/Highway Bridge Program	Del Monte Drive Bridge Painting and Poly Overlay (Bridge No. 28C0207)	$ 793,000	$ 374,000	$ 793,000	$ 374,000	$ -	$ -
PW		Federal Highway Administration (FHWA)	California Department of Transportation	Bridge Investment Program/Highway Bridge Program	Freeman Road and Briones Valley Road Bridge Maintenance	$ 723,000	$ 217,000	$ 723,000	$ 217,000	$ -	$ -
PW		Federal Highway Administration (FHWA)	California Department of Transportation	Bridge Investment Program/Highway Bridge Program	Second Avenue Bridge Replacement (Bridge No. 28C0383)	$ 7,108,000	$ 1,262,000	$ 7,108,000	$ 1,262,000	$ -	$ -
PW		Federal Emergency Management Agency (FEMA)	California Office of Emergency Services (CalOES)	Building Resilient Infrastructure and Communities 2020	Grayson/Walnut Creek Levee Improvement at CCCSD Treatment Plant: (FC is co-applicant with CCCSD). Application is in review.	$ 2,465,235	$ 405,674	Award pending	Award pending	TBD	TBD
PW		US Army Corps of Engineers (USACE)	-	Section 1135 – Project Modifications for Improvement of the Environment	Wildcat / San Pablo Creeks Ecosystem Restoration: Application is ongoing. Needs local match source.	$ 15,363,000	$ 1,500,000	Award pending	Award pending	TBD	TBD

INFRASTRUCTURE, INVESTMENTS AND JOBS ACT (IIJA) **DEPARTMENT:** *Countywide*

DEPARTMENT IMPACT WORKSHEET **REPORTING PERIOD:** *FY 2023/24 - Q2 (period ending December 31, 2023)* **ATTACHMENT C**

PROGRAM INFORMATION						FINANCIAL INFORMATION					
						Application Amount		Grant Award Amount		Amount Expended	
CCC Department	CFDA	Federal Grantor Agency	State Passthrough Agency Name (if any)	Program Title	Program Description	Federal Share	County Match	Federal Share	County Match	Federal Share	County Match
PW		US Army Corps of Engineers (USACE)	-	Section 1135 – Project Modifications for Improvement of the Environment	Pinole Creek Habitat Restoration: Application is ongoing. Needs local match source.	$ 8,000,000	$ 750,000	Award pending	Award pending	TBD	TBD
PW		US Army Corps of Engineers (USACE)	-	Section 1135 – Project Modifications for Improvement of the Environment	Rodeo Creek Habitat Restoration: Application is ongoing. Needs local match source.	$ 13,949,000	$ 450,000	Award pending	Award pending	TBD	TBD
PW		US Army Corps of Engineers (USACE)	-	Section 1135 – Project Modifications for Improvement of the Environment	Rheem Creek Habitat Restoration: Application is ongoing. Needs local match source.	$ 6,990,000	$ 400,000	Award pending	Award pending	TBD	TBD
PW		US Environmental Protection Agency (EPA)	State Water Board	State Water Quality Improvment Fund Clean Watersheds for All	County-wide underserved communities GSI and water quality improvements.	$ 1,000,000	$ -	$ 1,000,000	$ -	$ -	$ -
PW		Federal Highway Administration (FHWA)	-	Charging and Fueling Infrastructure Program	Contra Costa County EV4All Project - installation and deployment of 60 Level 2 chargers and 52 Direct Current Fast Chargers at 15 Contra Costa County Library sites. Five percent (5%) of the requested award will support outreach and education activities. Project awarded. $300,000 earmarked for County admin costs.	$ 14,999,200	$ -	$ 14,999,200	$ -	$ -	$ -
PW		Federal Highway Administration (FHWA)	California Department of Transportation	Transportation Alternatives/Active Transportation Program	Appian Way Pedestrian Crossing Enhancements: The project will construct pedestrian crossing safety enhancements and sidewalk improvements at five uncontrolled crosswalks to improve pedestrian safety and multi-modal access along Appian Way. Project not awarded. A portion of the project was awarded Highway Safety Improvement Program funding.	$ 3,265,000	$ 51,000	$ -	$ -	N/A	N/A
PW		Federal Highway Administration (FHWA)	California Department of Transportation	Transportation Alternatives/Active Transportation Program	Carquinez Middle School Trail Connection: The project will construct multi-modal, ADA-compliant path along Crockett Boulevard to access two schools and close a gap in a regional trail. Install pedestrian crossing improvements. Project not awarded.	$ 4,459,000	$ 409,000	$ -	$ -	N/A	N/A
PW		Federal Highway Administration (FHWA)	California Department of Transportation	Transportation Alternatives/Active Transportation Program	4th Street Crosswalk Enhancements: The project will construct bulb-outs, close a sidewalk gap, upgrade sub-standard sidewalks, install RRFBs and new high-visibility crosswalks at three intersections on Fourth Street Project not awarded.	$ 1,576,000	$ -	$ -	$ -	N/A	N/A
PW		Federal Highway Administration (FHWA)	California Department of Transportation	Transportation Alternatives/Active Transportation Program	Market Avenue Complete Street: The project will construct widened and ADA-accessible sidewalks, ADA-compliant curb ramps, curb extensions, shared-lane bicycle markings, and narrow travel lanes along 0.3 miles of Market Avenue. Project not awarded.	$ 3,437,000	$ 60,000	$ -	$ -	N/A	N/A
PW		Federal Highway Administration (FHWA)	California Department of Transportation	Highway Safety Improvement Program	Camino Diablo Safety Improvements: This project proposes to install street lighting and rumble stripes along Camino Diablo Road between Vasco Road and McCabe Drive. Project not awarded.	$ 890,460	$ 98,940	$ -	$ -	N/A	N/A
PW		Federal Highway Administration (FHWA)	California Department of Transportation	Highway Safety Improvement Program	Camino Tassajara Street Lighting Improvements: This project proposes to install street lighting at various locations along Camino Tassajara between Finley Road and Windemere Parkway. Project not awarded.	$ 1,221,840	$ 135,760	$ -	$ -	N/A	N/A
PW		Federal Highway Administration (FHWA)	–	Safe Streets and Roads for All	San Pablo Avenue Complete Street/Bay Point Trail Gap Closure: Project not awarded. This project was awarded Active Transportation Program funding.	$ 9,484,184	$ 2,371,046	$ -	$ -	N/A	N/A
PW		Federal Highway Administration (FHWA)	–	Rebuilding American Infrastructure with Sustainability and Equity	San Pablo Avenue Complete Street/Bay Point Trail Gap Closure: Project not awarded. This project was awarded Active Transportation Program funding.	$ 8,122,790	$ -	$ -	$ -	N/A	N/A

INFRASTRUCTURE, INVESTMENTS AND JOBS ACT (IIJA) **DEPARTMENT:** *Countywide*

DEPARTMENT IMPACT WORKSHEET **REPORTING PERIOD:** *FY 2023/24 - Q2 (period ending December 31, 2023)* **ATTACHMENT C**

PROGRAM INFORMATION						FINANCIAL INFORMATION					
						Application Amount		Grant Award Amount		Amount Expended	
CCC Department	CFDA	Federal Grantor Agency	State Passthrough Agency Name (if any)	Program Title	Program Description	Federal Share	County Match	Federal Share	County Match	Federal Share	County Match
PW		Federal Highway Administration (FHWA)	–	Safe Streets and Roads for All	Vision Zero Tier One Implementation Project: This project combination of five individual projects countyside, including: (1) San Pablo Dam Rd and Valley View Rd Intersection Improvements; (2) Danville Blvd Complete Streets; (3) Marsh Creek Rd Safety Improvements; (4) Camino Diablo and Vasco Rd Intersection Improvements; and (5) Byron Hwy Safety Improvements. All five components are identified as Tier One projects on the County's Vision Zero Action Plan. Project not awarded.	$ 9,043,000	$ 2,261,000	$ -	$ -	N/A	N/A
PW		Federal Highway Administration (FHWA)	–	Rural and Tribal Assistance Pilot Program	Vasco Road Corridor Safety Improvements: This project proposes to study the Vasco Road corridor and propose countermeasures to safety concerns. The grant opportunity would fund a feasibility study and reimburse consultant time. Project awarded.	$ 320,000	$ -	$ 320,000	$ -	$ -	$ -
PW		US Environmental Protection Agency (EPA)	–	San Francisco Bay Water Quality Improvement Fund	Wildcat Creek Fish Passage Implementation	$ 1,800,000	$ 1,883,371	$ 1,800,000	$ 1,883,371	TBD	TBD
PW		US Environmental Protection Agency (EPA)	–	Clean Watersheds for All Water Quality Improvement Fund $1 M grant	Underserved communities throughout Contra Costa County	$ 1,000,000	$ -	$ 1,000,000	$ -	TBD	TBD
PW		US Environmental Protection Agency (EPA)	–	Regional Watching Our Waterways Trash Water Quality Improvement Fund $3.6 M	Receiveing water monitoring in waterbodies in Contra Costa, Alameda, San Mateo, and Santa Clara County 50% local match. San Mateo CCAG is lead. Trash receiving water monitoring, anti-littering outreach, and enhancement of regional partnerships.	$ 3,600,000	$ -	$ 3,600,000	$ -	TBD	TBD
PW		US Environmental Protection Agency (EPA)	–	San Francisco Bay Water Quality Improvement Fund, FY 2023	Restoring Wildcat Creek: Community-Led Watershed Health Update and Priority Project Implementation In partnership with SFEP, UT, TWP, EBRPD, WCWD, TU, SPCWC, WRE, WRI, CUSP, CCCWA, and Greenbelt Alliance	$ 6,102,000	$ -	Award pending	Award pending	TBD	TBD
Conservation and Development		Federal Department of Energy	California Department of Community Services and Development	Bipartisan Infrastructure Law (BIL) Department of Energy (DOE) Weatherization Assistance Program (WAP)	Provide energy efficiency measures for low-income residents of the county. Funds relased in August 2023 $392,243 more funding to be relased at a later date.	$ 2,614,954	$ -	$ -	$ -	N/A	N/A
Conservation and Development		Federal Department of Energy		Energy Efficiency Conservation Block Grant (EECBG)	One-time funding to implement strategies that reduce energy use, reduce fossil fuel emissions, and improve energy efficiency. This includes but is not limited to policy and program development, retrofits to county-owned facilities and infrastructure, application of energy distribution technologies, updates to the building code and inspection services, and retaining technical consultant services. Staff submitted required Pre-Award Information Sheet on April 28, 2023. The full application is due no later than April 30, 2024. Staff reported on the EECBG to the Sustainablity Committee on July 17, 2023. Staff propose to use the EECBG funds to as follows: $250,000 to expand the County Asthma Initiative program to make energy efficiency upgrades at no cost to buildings that operate as childcare facilities, with priority for home-based childcare facilities operating in an existing home that are in Impacted Communities; and $100,000 to perform a specific building inventory and cost analysis to determine the most effective approach to transition buildings to be all-electric.	$ 356,510	$ -	$ 356,510	$ -	$ -	$ -

INFRASTRUCTURE, INVESTMENTS AND JOBS ACT (IIJA) **DEPARTMENT:** *Countywide*

DEPARTMENT IMPACT WORKSHEET **REPORTING PERIOD:** *FY 2023/24 - Q2 (period ending December 31, 2023)* **ATTACHMENT C**

PROGRAM INFORMATION						FINANCIAL INFORMATION					
						Application Amount		Grant Award Amount		Amount Expended	
CCC Department	CFDA	Federal Grantor Agency	State Passthrough Agency Name (if any)	Program Title	Program Description	Federal Share	County Match	Federal Share	County Match	Federal Share	County Match
Conservation and Development		National Oceanic and Atmospheric Administration	N/A	Inflation Reduction Act (IRA) Climate Resilience Regional Challenge	Grant program focused on funding collaborative projects that increase the resilience of coastal communities to extreme weather and other impacts of climate change, including sea level rise and drought. Funded projects will address risk reduction and regional collaboration and equity, and build enduring capacity for adaptation. Letter of Intent submitted on August 28, 2023 to support the preparation of the Contra Costa County Sea Level Rise Resilience and Adaptation Plan. Staff were notified on October 13, 2023 that the proposal would not advance to the next stage of the application process. Project not awarded.	$ 941,500	$ -	N/A	N/A	N/A	N/A
						$ 199,664,236	**$ 21,737,525**	**$ 84,914,273**	**$ 12,845,105**	**$ 4,938,708**	**$ 637,867**

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0631 **Agenda Date:** 3/5/2024 **Agenda #:** C.21.

To: Board of Supervisors

From: Thomas Geiger, County Counsel

Report Title: Conflict of Interest Code for the Contra Costa County Schools Insurance Group

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

APPROVE amended Conflict of Interest Code for the Contra Costa County Schools Insurance Group ("CCCSIG"), including the list of designated positions.

FISCAL IMPACT:

None.

BACKGROUND:

CCCSIG has amended its Conflict of Interest Code and submitted the revised code, attached as Exhibit A, to the Board for approval pursuant to Government Code sections 87306 and 87306.5.

The code has been revised to update the list of positions designated to file conflict of interest statements, by adding one position and revising the title of one position. These changes will ensure that the Conflict of Interest Code accurately reflects the current positions and organizational structure of CCCSIG. The changes are shown on the red-line version, attached as Exhibit B.

CONSEQUENCE OF NEGATIVE ACTION:

None.

cc: Monica Nino, Clerk of the Board of Supervisors, Kurtis C. Keller, Deputy County Counsel, Jürg Morach, Executive Director, CCCSIG

RECEIVED
FEB 09 2024
By Clerk of the Board

CONFLICT OF INTEREST **AP207**

The Agency shall adopt a Conflict of Interest Code pursuant to California Government Code, Section 81000 et seq., Political Reform Act and Government Code, Section 87300 thereafter.

The Contra Costa County Schools Insurance Group, also referred to as "Agency," is a separate public entity formed pursuant to a joint exercise of powers agreement and within the meaning of the Government Code.

PROCEDURES

The Political Reform Act, Government Code sections 81000 et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, Title 2 California Code of Regulations section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of Title 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Contra Costa County Schools Insurance Group.

Designated officials and employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions; and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original.

Pursuant to section (b)4 of the standard Code, designated officials and employees shall file statements of economic interests with the Executive Director of the Agency who will make the statements available for public inspection and reproduction (Gov. Code Section 81008). The original statements submitted by the Executive Director, Board members, and Alternate Board members will be forwarded to the Clerk of the Board of Supervisors of Contra Costa County and the original statements of all other designated employees will be retained by the Contra Costa County Schools Insurance Group.

APPENDIX

Designated Employees	Disclosure Categories
Directors of the Board	One
Board Alternates	One
Executive Director	One
Chief Financial Officer	One
Health & Safety Services Manager	One
Human Resources/Communications Manager	One
Claims Manager	One
Claims Supervisor	One
Consultants*	One
Controller	One
Accountant	One
Information Services Manager	One
Senior Claims Examiner	Two
Claims Examiner	Two
Executive Assistant	Two
Information Services Coordinator	Two
Sr. Accounting/Payroll Specialist	Two
Accounting Assistant	Two

DISCLOSURE CATEGORIES

General Rule

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

- ***Designated Employees in Category "One" must report:***
  - All investments, interests in real property, and income, and any business entity in which the employee is a director, officer, partner, trustee, employee, or holds any position of management. These financial interests are reportable only if located within Contra Costa County or if the business entity is doing business or planning to do business in the County (and such plans are known by the designated employee) or has done business within the County at any time during the two years prior to the filing of the statement.
  - Investments in any business entity, income from any source and status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which has within the last two years contracted or foreseeably may contract with the Agency, or with any public agency within Contra Costa County, to provide services, supplies, materials, machinery or equipment to either party.

- ***Designated Employees in Category "Two" must report:***
  - Investments in any business entity, income from any source, and status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which has within the last two years contracted, or foreseeably may contract, with the Contra Costa County Schools Insurance Group to provide services, supplies, materials, machinery or equipment to the Agency.

**With respect to Consultants, the Chairperson of the Board or the Executive Director, however, may determine in writing that a particular consultant, although a "designated person", is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in this Section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. A copy of this determination shall be retained by Contra Costa County Schools Insurance Group. Nothing herein excuses any such consultant from any other provision of the Conflict of Interest Code.*

WRITTEN EXPLANATION OF REASONS FOR DESIGNATIONS & DISCLOSURE RESPONSIBILITIES FOR THE AGENCY

Designations

The positions noted under "Designated Employees" have been designated as those positions subject to provisions of the Conflict of Interest Code in that those positions are the only positions having any substantial responsibility relative to the Agency's decision-making process or policy.

Disclosure Responsibilities

The categories relative to the types of interests that must be disclosed are based upon the types of financial interests relevant to the Agency business which is confined to providing Workers' Compensation and Health Benefits coverage to member districts.

Revised: August 30, 2018
Revised: August 27, 2020
Revised: August 25, 2022
Revised: January 25, 2024

RECEIVED
FEB 09 2024
By Clerk of the Board

CONFLICT OF INTEREST **AP207**

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Designated officials and employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions; and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original.

Pursuant to section (b)4 of the standard Code, designated officials and employees shall file statements of economic interests with the Executive Director of the Agency who will make the statements available for public inspection and reproduction (Gov. Code Section 81008). The original statements submitted by the Executive Director, Board members, and Alternate Board members will be forwarded to the Clerk of the Board of Supervisors of Contra Costa County and the original statements of all other designated employees will be retained by the Contra Costa County Schools Insurance Group.

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Senior Claims Examiner	Two
Claims Examiner	Two
Executive Assistant	Two
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Accounting Assistant	Two

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General Rule

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  - All investments, interests in real property, and income, and any business entity in which the employee is a director, officer, partner, trustee, employee, or holds any position of management. These financial interests are reportable only if located within Contra Costa County or if the business entity is doing business or planning to do business in the County (and such plans are known by the designated employee) or has done business within the County at any time during the two years prior to the filing of the statement.
  - Investments in any business entity, income from any source and status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which has within the last two years contracted or foreseeably may contract with the Agency, or with any public agency within Contra Costa County, to provide services, supplies, materials, machinery or equipment to either party.

- ***Designated Employees in Category "Two" must report:***
  - Investments in any business entity, income from any source, and status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which has within the last two years contracted, or foreseeably may contract, with the Contra Costa County Schools Insurance Group to provide services, supplies, materials, machinery or equipment to the Agency.

**With respect to Consultants, the Chairperson of the Board or the Executive Director, however, may determine in writing that a particular consultant, although a "designated person", is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in this Section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. A copy of this determination shall be retained by Contra Costa County Schools Insurance Group. Nothing herein excuses any such consultant from any other provision of the Conflict of Interest Code.*

WRITTEN EXPLANATION OF REASONS FOR DESIGNATIONS & DISCLOSURE RESPONSIBILITIES FOR THE AGENCY

Designations

The positions noted under "Designated Employees" have been designated as those positions subject to provisions of the Conflict of Interest Code in that those positions are the only positions having any substantial responsibility relative to the Agency's decision-making process or policy.

Disclosure Responsibilities

The categories relative to the types of interests that must be disclosed are based upon the types of financial interests relevant to the Agency business which is confined to providing Workers' Compensation and Health Benefits coverage to member districts.

Revised: August 30, 2018
Revised: August 27, 2020
Revised: August 25, 2022
Revised: January 25, 2024

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0632 **Agenda Date:** 3/5/2024 **Agenda #:** C.22.

To: Board of Supervisors

From: Thomas Geiger, County Counsel

Report Title: Contract for Employment Investigative Services

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

APPROVE and AUTHORIZE the County Counsel, or designee, to execute on behalf of Contra Costa County, a contract for specialized professional services with Terry Roemer.

FISCAL IMPACT:

Services will be billed at the hourly rate of $380 per hour for legal and investigatory services and $400 per hour for testimony.

BACKGROUND:

County Counsel assists County departments with workplace investigations, preparing for anticipated litigation, and providing legal advice. Terry Roemer has specialized expertise in the area of employment law and litigation. It is anticipated that the services of Terry Roemer will be of assistance to the County Counsel in workplace investigations.

This contract supersedes the previous contract between the parties dated January 1, 2021.

CONSEQUENCE OF NEGATIVE ACTION:

The County will be unable to obtain the firm's services.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: RES 2024-76 **Agenda Date:** 3/5/2024 **Agenda #:** C.23.

To: **Board of Supervisors**

From: Marla Stuart, Employment and Human Services Director

Report Title: 2022 State of California Department of Community Services and Development, Bipartisan Infrastructure Law (BIL), Department of Energy Weatherization Assistance Program Amendment

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
ADOPT a resolution to approve and authorize the Employment and Human Services Director, or designee, to execute a contract amendment with the State of California Department of Community Services and Development to modify production rates for the Bipartisan Infrastructure Law, Department of Energy Weatherization Assistance Program with no change to the payment limit of $2,614,954 or term ending June 30, 2027.

FISCAL IMPACT:
No change to original contract/revenue agreement amount of $2,614,954 (100% Federal funds).

BACKGROUND:
On December 13, 2022 (C.33), the Board of Supervisors approved the Employment and Human Services Director, or designee, to affirm participation in the Bipartisan Infrastructure Law (BIL) Department of Energy (DOE) Program. On July 18, 2023 (C.39), the Board of Supervisors authorized the Employment and Human Services Director to execute a revenue agreement. This board resolution is to amend the production language on the agreement with no changes to payment limit of $2,614,954 nor the term limit of June 1, 2023, through June 30, 2027.

CHILDREN'S IMPACT STATEMENT:
The BIL DOE funding supports the fourth community outcome established in the Children's Report Card: "Families that are Safe, Stable and Nurturing" by the provision of home energy assistance to keep households warm in winter and to increase household energy efficiency.

CONSEQUENCE OF NEGATIVE ACTION:
If not approved, County agreement documents will not have updated production language changes in order to commence serving eligible clients in Contra Costa County.

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

IN THE MATTER OF: 2022 State of California Department of Community Services and Development (CSD), Bipartisan Infrastructure Law (BIL), Department of Energy (DOE) Weatherization Assistance Program Amendment.

WHEREAS: On November 15, 2021, the President signed into law the Infrastructure Investment and Jobs Act (Public Law 117-58), also referred to as the Bipartisan Infrastructure Law (BIL), which provides $3.5 billion in funding for Weatherization, and **WHEREAS:** Provisions of the BIL include the application of Davis-Bacon prevailing wage, Buy American, Historic Preservation and National Environmental Policy Act (NEPA) requirements, and **WHEREAS:** In addition to BIL requirements, CSD issued a "Production Amendment" to establish the first production period covering the period of November 1, 2023, to January 31, 2026, and **WHEREAS:** The Production Amendment facilitates the release of DOE BIL Weatherization Assistance Program (WAP) grant funds to Contra Costa County, initiates the performance of direct service activities by the County, and grants Contra Costa County the authority to expend 50 percent of the total contract amount of $2,614,954, estimating 102 units to be served, and **WHEREAS:** On December 13, 2022 (C.33), the Board of Supervisors approved the Employment and Human Services Director, or designee, to affirm participation in the BIL DOE Program, and **WHEREAS:** On July 18, 2023 (C.39), the Board of Supervisors authorized the Employment and Human Services Director to execute an agreement with the State of California Department of CSD in the amount of $2,614,954 for the California BIL, DOE WAP for the period June 1, 2023 through June 30, 2027.

NOW, THEREFORE, BE IT RESOLVED: The Contra Costa County Board of Supervisors approve and authorize the Employment and Human Services Director, or designee, to execute a contract/revenue agreement amendment with the State of California Department of Community Services and Development, with no change to the payment limit of $2,614,954 for the California Bipartisan Infrastructure Law (BIL), Department of Energy (DOE) Weatherization Assistance Program (WAP) and no change to the term period June 1, 2023, through June 30, 2027.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0633 **Agenda Date:** 3/5/2024 **Agenda #:** C.24.

To: Board of Supervisors

From: Marla Stuart, Employment and Human Services Director

Report Title: Purchase Sharegate Subscription through R-Computer, Inc.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute on behalf of the Employment and Human Services Director, a purchase order with R-Computer, Inc., in an amount not to exceed $9,340 and a Workleap Platform Inc. End User License, Maintenance and Support Agreement for the period August 22, 2024 through August 21, 2026, for the purchase of Sharegate licenses.

FISCAL IMPACT:
$9,340 (59% Federal; 35% State; 6% County General Fund), $4,281 of which is budgeted in FY 23-24, $4,670 of which will be budgeted in FY 24-25, and $389 of which will be budgeted in FY 25-26.

BACKGROUND:
Sharegate is a management software that supports the SharePoint management platform. The SharePoint platform (on Sharegate software) is used to house the Employment and Human Services intranet website, which provides for simplification of complex tasks, and enhances efficiency. This purchase includes an agreement that includes a mutual indemnification clause.

CHILDREN'S IMPACT STATEMENT:
This agreement/contract supports all five of the community outcomes established in the Children's Report Card: (1) "Children Ready for and Succeeding in School"; (2) "Children and Youth Healthy and Preparing for Productive Adulthood";(3) "Families that are Economically Self-Sufficient"; (4) "Families that are Safe, Stable and Nurturing"; and (5) "Communities that are Safe and Provide a High Quality of Life for Children and Families," by supporting staff working directly with families and children.

CONSEQUENCE OF NEGATIVE ACTION:
The County will not be able to maintain its SharePoint environment in support of its customers.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0634 **Agenda Date:** 3/5/2024 **Agenda #:** C.25.

To: Board of Supervisors

From: Marla Stuart, Employment and Human Services Director

Report Title: Aspiranet Contract Amendment

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, to execute a contract amendment with Aspiranet, to increase the payment limit by $526,933 for a new payment limit not to exceed $2,047,881 to pass through the federal cost-of-living adjustment for Early Head Start Childcare Partnership, and CalWORKs Home Visiting Program services with no change to the term July 1, 2023, through June 30, 2024.

FISCAL IMPACT:
Increase of $526,933 for a total payment limit not to exceed $2,047,881: The contract is funded by 79% federal, and 21% State funds which is budgeted in FY 23-24. There is no County cost.

BACKGROUND:
On June 27, 2023, the Board of Supervisors approved and authorized the Employment and Human Services Director, or designee, to execute a contract with Aspiranet, a nonprofit corporation, in an amount not to exceed $1,520,948, to provide Early Head Start Childcare Partnership, and CalWORKs Home Visiting Program services for the term July 1, 2023 through June 30, 2024, (C.99). Contra Costa County receives funds from the U.S. Department of Health and Human Services, Administration services for eligible County residents. Aspiranet is the only partner that provides home based services for the Early Head Start program. This amendment is to pass through the Cost-of-Living Adjustment (COLA) provided by the federal Administration for Children and Families to County for Early Head Start childcare services.

CONSEQUENCE OF NEGATIVE ACTION:
If this contract is not approved, fewer eligible families may be served by the County's Early Head Start Enhancement program and CalWORKs Initiative.

CHILDREN'S IMPACT STATEMENT:
This contract supports three of Contra Costa County's community outcomes - Outcome 1: "Children

Ready for and Succeeding in School," Outcome 3: "Families that are Economically Self-sufficient," and, Outcome 4: "Families that are Safe, Stable, and Nurturing." These outcomes are achieved by offering comprehensive services, including high quality early childhood education, nutrition, and health services to low-income children throughout Contra Costa County.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0635 **Agenda Date:** 3/5/2024 **Agenda #:** C.26.

To: Board of Supervisors

From: Marla Stuart, Employment and Human Services Director

Report Title: Adobe Enterprise Management with Allied Network Solutions

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute on behalf of the Employment and Human Services Department, a purchase order with Allied Network Solutions, Inc. in an amount not to exceed $72,150 for the purchase of Adobe Enterprise Management Forms, a forms management solution, for the period March 1, 2024 through February 28, 2025.

FISCAL IMPACT:
$72,150: Funded by 59% Federal; 35% State; 6% County funds, full allocation budgeted in FY23-24.

BACKGROUND:
The Employment and Human Services Department (EHSD) seeks to renew the Adobe Enterprise Management - AEM Forms software, that enables EHSD to create forms quickly and efficiently from various departmental data sources. This purchase order includes a service agreement that includes mutual indemnification between the County and Adobe Inc. The service agreement also contains a limitation of liability on behalf of Adobe. EHSD solicited quotes from a minimum of three vendors and awarded Allied Network Solutions due to its competitive market price.

CHILDREN'S IMPACT STATEMENT:
This purchase order supports the 4th community outcome established in the Children's Report Card: "Families that are Safe, Stable and Nurturing".

CONSEQUENCE OF NEGATIVE ACTION:
The Employment and Human Services Department will experience delays and inefficiencies in generating forms for the public.

Staff Report

File #: 24-0636 **Agenda Date:** 3/5/2024 **Agenda #:** C.27.

To: Board of Supervisors

From: Marla Stuart, Employment and Human Services Director

Report Title: Young Men's Christian Association (YMCA) of the East Bay Contract Extension

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

APPROVE and AUTHORIZE the Employment & Human Services Director, or designee, to execute an amendment with Young Men's Christian Association (YMCA) of the East Bay to extend the contract term through June 30, 2024 to provide Head Start, Early Head Start and Early Head Start-Childcare Partnership services, with no changes to the budget.

FISCAL IMPACT:

$2,421,936, which was budgeted in Fiscal Year 2022-2023, is now budgeted in Fiscal Year 2023-2024.

BACKGROUND:

On November 6, 2023, the Office of Head Start awarded Contra Costa County an extension of the Head Start grant, changing the project end date from December 31, 2023 to June 30, 2024. No additional funds were obligated under this award. Approval of this contract extension through June 30, 2024 will allow the continued provision of Head Start, Early Head Start and Early Head Start-Childcare Partnership services in alignment with the County's Head Start grant project period. The selected Childcare Delegate agency shall provide the following services to eligible children within the County: education, health and nutrition screening, mental health resources, parent, and family engagement.

On January 21, 2022, Contra Costa County Employment and Human Services Department (EHSD) issued a Request for Proposal (RFP) #1184 to select a contractor to serve as a Delegate agency. Young Men's Christian Association (YMCA) was selected through the RFP on April 13, 2022, to provide services in East County. The Board of Supervisor approved Young Men's Christian Association (YMCA) to continue the partnership with EHSD. The contract renewal was approved on December 13, 2022 (C.73), for the term period of January 1, 2023, to December 31, 2023.

CHILDREN'S IMPACT STATEMENT:

The Employment and Human Services Department Community Services Bureau supports three community outcomes established in the Children's Report Card - Outcome 1: "Children Ready for and Succeeding in School," Outcome 3: "Families that are Economically Self-sufficient," and Outcome 4: "Families that are Safe,

Stable, and Nurturing." These outcomes are achieved by offering comprehensive services, including high-quality early childhood education, nutrition, and health services to low-income children throughout Contra Costa County.

CONSEQUENCE OF NEGATIVE ACTION:
If not approved, the County will not be able to distribute childcare availability through partnership with YMCA.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0637 **Agenda Date:** 3/5/2024 **Agenda #:** C.28.

To: Board of Supervisors

From: Lewis Broschard, Chief, Contra Costa County Fire Protection District

Report Title: Donation of Surplus Equipment

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

Acting as the governing Board of the Contra Costa County Fire Protection District, APPROVE the donation of Contra Costa County Fire Protection District surplus equipment to the Bradford Island Reclamation District 2059.

FISCAL IMPACT:

There is no fiscal impact associated with the donation of this equipment as the equipment has reached the end of its use with the District.

BACKGROUND:

Bradford Island is in the far northeast corner of Contra Costa County and is not within the jurisdiction of a fire district or an incorporated city. The ferry, watercraft, or rotary-wing aircraft is the only way to get to Bradford Island. Contra Costa County Fire Protection District (District) will respond to medical and other emergencies involving a threat to life; no formal fire protection agency is responsible for protecting Bradford Island.

Contra Costa County Fire Protection District leadership met with Bradford Island Reclamation District 2059 leaders in November 2023 to discuss areas of mutual concern. It was identified during this meeting the Reclamation District lacks basic firefighting capabilities on the island and is interested in obtaining some essential equipment, much like a farmer, rancher, or duck club would do in remote areas with limited access.

The Contra Costa County Fire Protection District routinely surpluses outdated items that no longer have value in our system. The District has identified unit 529, a 1991 Freightliner water tender, as surplus. This vehicle was the property of the former East Contra Costa Fire Protection District and has been replaced with a newer water tender. The unit carries 2,000 gallons of water and a 500-gallon per minute pump.

Bradford Island Reclamation District staff has inspected the vehicle and is interested in receiving it for use on the island. The District would also supply a limited stock of nozzles, hoses, and other appliances, as well as training and orientation on operating the unit.

There would be no revenue associated with this transaction. If this vehicle was sold at a surplus, a sales price of $5,000 could be achieved. It is in the public interest for Bradford Island Reclamation District to have this limited firefighting capability on the island.

The CCCFPD Advisory Fire Commission approved the surplus of the equipment at its February 12, 2024 meeting.

CONSEQUENCE OF NEGATIVE ACTION:

If unapproved, the District would not be able to donate this equipment.

CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT
SURPLUS EQUIPMENT

February 7, 2024

CONDITION:

A= Obsolete C= Beyond economical repair
B= Worn out D= Damaged/wrecked beyond repair

PAGE 1 OF _1_

	COUNTY #	QUANTITY	DESCRIPTION	ESTIMATED VALUE	CONDITION
1.	122186	1	1992 Freightliner Type I water tender, VIN: 2FVN4ZY96NV525364, License plate: 12660	$5,000	A
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1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0638 **Agenda Date:** 3/5/2024 **Agenda #:** C.29.

To: Board of Supervisors

From: Lewis Broschard, Chief, Contra Costa County Fire Protection District

Report Title: FY 21 State Homeland Security Grant Program - Skid Loader and Trailer

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

Acting as the governing Board of the Contra Costa County Fire Protection District, RATIFY the Fire District's grant application; and APPROVE and AUTHORIZE the Fire Chief, or designee, to accept grant funding from the State Homeland Security Grant Program (SHSGP), in an amount not to exceed $250,000, for the purchase of a skid loader and trailer.

FISCAL IMPACT:

The Contra Costa County Fire Protection District (District) will receive up to $250,000 in federal funds for the purchase of a skid loader and trailer. There is no local agency cost sharing requirement. The grant deadline for completion is March 30, 2025.

BACKGROUND:

The California Governor's Office of Emergency Services (Cal OES) is responsible for designing and implementing homeland security initiatives and ensuring that the state is ready to protect lives and property by effectively preparing for, preventing, responding to, and recovering from all threats, crimes, hazards, and emergencies. To help fulfill this mission, Cal OES administers a pass-through program of federal homeland security grant funds to local public agencies throughout California. This program is critical to maintaining the quality and quantity of homeland security initiative programs provided within the County.

The grant funds were awarded to the Fire District after additional funds became available subsequent to the initial round of awards.

The Contra Costa County Fire Protection District has requested funds for the purchase of one skid steer loader and one trailer to assist with fire trail maintenance. Skid loaders are maneuverable and lightweight and can perform heavy tasks in small spaces. They can be used for digging, trenching, excavation, and hauling materials. The trailer will allow the skid loader to be transported to the fire trails.

CONSEQUENCE OF NEGATIVE ACTION:

Without this grant, the District will lose the opportunity to purchase an important piece of equipment used to maintain the area's fire trails unless an alternate funding method is identified. Fire trails are essential to provide firefighters access to the landscape to prevent, fight, manage and contain vegetation fires.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0639 **Agenda Date:** 3/5/2024 **Agenda #:** C.30.

To: Board of Supervisors

From: Lewis Broschard, Chief, Contra Costa County Fire Protection District

Report Title: Moraga-Orinda Fire District Fuel Mitigation and Hazard Abatement Agreement

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

Acting as the governing Board of the Contra Costa County Fire Protection District, APPROVE and AUTHORIZE the Fire Chief, or designee, to execute an Agreement, with Moraga-Orinda Fire District, in an amount not to exceed $165,000, for fuel mitigation and hazard abatement, effective November 14, 2023, through April 15, 2025.

FISCAL IMPACT:

Moraga-Orinda Fire District (MOFD) will pay Contra Costa County Fire Protection District (CCCFPD) based on each property's needs. This action will be cost neutral since MOFD will reimburse CCCFPD for the labor and equipment costs associated with each assignment.

BACKGROUND:

This agreement is part of the much larger ongoing fuel mitigation and external hazard abatement work conducted by CCCFPD that includes roadway clearance for evacuation routes, brush removal, prescribed burns, and other related fuel mitigation work during non-peak fire season (fall/winter). The work is anticipated to take about 72 weeks.

CONSEQUENCE OF NEGATIVE ACTION:

If not approved, CCCFPD will not be able to assist MOFD with fuel mitigation and external hazard abatement work. The requested projects to reduce the fuel load and exterior hazards in Moraga and Orinda would not occur prior to the 2024 fire season. It is critical to assist MOFD in these efforts, especially pile burning, to finalize the cleanup for the designated projects that have already completed fuel mitigation.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0640 **Agenda Date:** 3/5/2024 **Agenda #:** C.31.

To: Board of Supervisors

From: Lewis Broschard, Chief, Contra Costa County Fire Protection District

Report Title: Conflict of Interest Code of the Contra Costa County Fire Protection District

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

Acting as the governing Board of the Contra Costa County Fire Protection District, APPROVE amendments to the Contra Costa County Fire Protection District Conflict of Interest Code to substitute the attached as Appendix A to said Code.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

The Contra Costa County Fire Protection District has amended its Conflict of Interest code and submitted the revised code, attached as Appendix A, to the Board for approval pursuant to Government Code section 87306 and 87306.5. Appendix A has been revised to include an updated list of positions. These changes are shown on the attached 'redline' version of Appendix A.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the Contra Costa County Fire Protection District Conflict of Interest Code will not be amended pursuant to Government Code 87306 and 87306.5.

APPENDIX "A"

Employee Designation	Disclosure Category(ies)
Member of Advisory Fire Commission	1 & 2
Fire Chief, Chief Administrator	1 & 2
Medical Director	1 & 2
Public Information Officer	2
Deputy Fire Chief, Administration Section	1 & 2
Chief of Administrative Services	1 & 2
Fiscal Officer	2
Human Resources Analyst	2
Assistant Fire Chief, Communications	1 & 2
Information Systems Manager	1 & 2
Telecommunications Manager	2
Telecommunications Specialist	3 (E)
Assistant Fire Chief, Support Services	1 & 2
Apparatus Shop Manager	2
Apparatus Service Coordinator	3 (P)
Facilities Manager	3 (B) (C) (W)
Logistics Manager	3 (G) (W)
Deputy Fire Chief, Planning and Development Section	1 & 2
Assistant Fire Chief / Fire Marshal, Fire Prevention Services	1 & 2
Fire Prevention Captain	2
Clerical Supervisor	3 (F) (Q)
Deputy Fire Chief, Operations Section	1 & 2
Battalion Chief, Special Operations	1 & 2
Assistant Fire Chief, District (Shift)	1 & 2
Battalion Chief	1 & 2
Fire Captain	2
Operations Program Supervisor	2
Assistant Fire Chief, Emergency Medical Services (EMS)	1 & 2
Fire EMS Chief	1 & 2
EMS Captain	2
EMS Quality Improvement Coordinator	2
Assistant Fire Chief, Training and Safety	1 & 2
Battalion Chief, Safety	1 & 2
Training Captain	2
Training and Staff Development Specialist	2
Member of Advisory Committee	
Apparatus Committee	3 (P)
Emergency Medical Services Committee	3 (O)
Safety Committee	3 (G)

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Employee Designation	Disclosure Category(ies)
Member of Advisory Fire Commission	1 & 2
Fire Chief, Chief Administrator	1 & 2
Medical Director	1 & 2
Public Information Officer	2
Deputy Fire Chief, Administration Section	1 & 2
Chief of Administrative Services	1 & 2
Fiscal Officer	2
Human Resources Analyst	2
Assistant Fire Chief, Communications	1 & 2
Information Systems Manager	1 & 2
Telecommunications Manager	2
Telecommunications Specialist	3 (E)
Assistant Fire Chief, Support Services	1 & 2
Apparatus Shop Manager	2
Apparatus Service Coordinator	3 (P)
Facilities Manager	3 (B) (C) (W)
Logistics Manager	3 (G) (W)
Deputy Fire Chief, Planning and Development Section	1 & 2
Assistant Fire Chief / Fire Marshal, Fire Prevention Services	1 & 2
Fire Prevention Captain	2
Clerical Supervisor	3 (F) (Q)
Deputy Fire Chief, Operations Section	1 & 2
Battalion Chief, Special Operations	1 & 2
Assistant Fire Chief, District (Shift)	1 & 2
Battalion Chief	1 & 2
Fire Captain	2
Operations Program Supervisor	2
Assistant Fire Chief, Emergency Medical Services (EMS)	1 & 2
Fire EMS Chief	1 & 2
EMS Captain	2
EMS Quality Improvement Coordinator	2
Assistant Fire Chief, Training and Safety	1 & 2
Battalion Chief, Safety	1 & 2
Training Captain	2
Training and Staff Development Specialist	2
Member of Advisory Committee	
Apparatus Committee	3 (P)
Emergency Medical Services Committee	3 (O)
Safety Committee	3 (G)

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0641 **Agenda Date:** 3/5/2024 **Agenda #:** C.32.

To: Board of Supervisors

From: Lewis Broschard, Chief, Contra Costa County Fire Protection District

Report Title: DroneSense Inc.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
Acting as the governing Board of the Contra Costa County Fire Protection District, APPROVE and AUTHORIZE the Fire Chief, or designee, to execute an agreement with DroneSense, Inc., in an amount not to exceed $20,000, effective March 11, 2024, for a time period of twelve (12) months, to manage all maintenance records for Unmanned Aerial Systems (UAS), including the batteries, remote controls, propellers, and camera and software updates; and provide video streaming services to Fire District staff during emergency incidents to provide Incident Command with time-sensitive situational awareness and an aerial perspective to assist with strategy and tactics.

FISCAL IMPACT:
100% CCCFPD Operating Fund

BACKGROUND:
Contra Costa County Fire Protection District has been operating Unmanned Aerial Systems (UAS) or drones since 2019. In the beginning CCCFPD only operated two drones throughout the district with several pilots. The UAS program has grown to over 20 pilots operating 8 drones throughout the district. The primary pilots are with the Fire Investigation Unit or on the Hazmat Team. Since the team has grown substantially with the number of pilots and UAS platforms that are utilized, it is necessary to use a UAS software platform that tracks maintenance, pilot logs and flight records. The proposed software will also allow the UAS pilot to live stream the drone video to the incident commander or other chief officers at locations outside the incident command post.

This agreement includes a provision for mutual indemnification between DroneSense, Inc. Services and the County.

CONSEQUENCE OF NEGATIVE ACTION:
If not approved, CCCFPD will not be able to ensure the necessary maintenance procedures and documentation are occurring on all of the operational drones since they are spread-out amongst various locations in the

jurisdiction. CCCFPD will also be limited on the ability to stream live UAS footage to chief officers at emergency incidents. Instead, the chief officer or incident commander would need to be next to the UAS pilot to view the screen. This could provide delays in receiving critical information and situational awareness about emergency incidents.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0642 **Agenda Date:** 3/5/2024 **Agenda #:** C.33.

To: Board of Supervisors

From: Lewis Broschard, Chief, Contra Costa County Fire Protection District

Report Title: Purchase of Boat for Maritime Response Team

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

Acting as the governing Board of the Contra Costa County Fire Protection District, APPROVE and AUTHORIZE the purchasing agent to execute, on behalf of the Fire Chief, a purchase order with William E. Munson Company, increasing the previously approved purchasing authority by $35,000 from $825,000 to $860,000 for the purchase of a 32-foot boat for the Contra Costa County Fire Protection District Maritime Response Team.

FISCAL IMPACT:

The requested purchase will be funded 100% by the EMS Transport Fund.

BACKGROUND:

On July 11, 2023 the Fire District Board of Directors authorized this purchase with a ceiling not to exceed $825,000. Since then, a shipping estimate has been provided for $5,200 to deliver the vessel from the manufacturer in Washington State to Contra Costa County. The original estimate and board order did not include California Sales Tax for $67,813.82. With sales tax and delivery, the total price now exceeds the original board authority of $825,000.

The vessel's purchase price has not changed since the July 2023 Board Order. The new, not-to-exceed price of $860,00 contains approximately $10,000 of contingency budget for unforeseen needs during the construction or delivery.

The Contra Costa County Fire Protection District (District) Maritime Response Team responds to medical emergencies, fires, spills, and rescues on 30 miles of navigable waterways with multiple high-value target hazards.

Following the annexation of the former East Contra Costa Fire Protection District, the marine response program needs to develop assets for responses to emergencies in the far east end of the County. The proposed rescue/fire boat would be based in the Discovery Bay Marina for rapid response in the far reaches of the County.

The 32-foot Munson fire boat offers a large working deck with an enclosed cabin, a landing craft style bow door, quick response capability, and low maintenance costs. The versatility and dependability of this platform will allow the District to respond in an "All Hazards" manner to protect lives, property, and the environment for many years. This would be the sister vessel to another identical vessel owned and operated by the Fire District and based in Pittsburg.

This vessel is being acquired under Federal General Services Administration (GSA) contract number 47QSWA22D006M. This system allows state and local government agencies to procure goods and services under the federal bid and contract award process.

CONSEQUENCE OF NEGATIVE ACTION:

If this action is not approved, the District will not acquire a second fire rescue boat of this size, and response time and capabilities in the far east end of Contra Costa County would suffer as travel times by water from Pittsburg are extended.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0667 **Agenda Date:** 3/5/2024 **Agenda #:** C.34.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: Contract #23-571-11 with Tegria Services Group - US, Inc.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract #23-571-11 with Tegria Services Group - US, Inc., a corporation, in an amount not to exceed $4,000,000, for specialized information technology consulting services, support, training, and temporary candidacy services for Contra Costa Health Information Systems Unit for the period from January 1, 2024 through December 31, 2026.

FISCAL IMPACT:
This contract will result in contractual service expenditures of up to $4,000,000 over a 3-year period and will be funded 100% by Hospital Enterprise Fund I revenues (Rate increase).

BACKGROUND:
This contract meets the needs of Contra Costa Health (CCH) by providing services and support for Epic, CCH's Electronic Health Records (EHR) system. As part of the Epic Systems of applications utilized by the Contra Costa Health Plan (CCHP), Epic Tapestry consolidates multiple modules into one system, allowing for a single source of comprehensive information about a covered member. Tegria Services Group - US, Inc., provides focused Tapestry expertise across all Epic modules and other third-party health plan software utilized by CCHP concerning the quality management of its member(s) eligibility, enrollment, relationship, referral, authorization, benefits, claims, utilization review, and in compliance with the County Board of Supervisors' approval of CCH's initiative to move to a Single Health Plan Model and California's Department of Health Care Services initiative, California Advancing and Innovating Medi-Cal (CalAIM), the statewide, long-term commitment to transform and strengthen Medi-Cal; Tegria Services Group - US, Inc., also provides training, and consulting services on Epic Systems to Contra Costa Regional Medical Center's (CCRMC) clinical staff, patients, and health care providers, and Health Services IT support, including temporary candidacy services and professional technical support - Tegria has been providing ongoing support and services since 2015.

Considering CCH's transition to a Single Health Plan Model and the consequent expected increase in CCHP memberships, securing talent of this aptitude is even more essential. However, CCH has found that capable talent has been hard to find in local and nationwide pools, so CCH solicited Tapestry management providers. As a result of the lack of talent resources in this (area of specialty), the bid process and solicitation to multiple vendors have not returned any qualified responses. Due to the lack of response, CCH requested, and the County Purchasing Agent awarded a one-time sole-source status to Tegria Services Group - US, Inc., the current

Tapestry management service provider, for the services provided under this contract, for a term ending December 31, 2026.

On January 5, 2021, the Board of Supervisors approved Contract #23-571-6 with BlueTree Network, Inc., in an amount not to exceed $2,500,000, for the provision of consulting, technical support, and training to the Health Services Information Director on Information Systems, including assistance with Epic, the EHR and billing system for CCRMC, for the period from January 1, 2021, through December 31, 2023.

On November 1, 2022, the Board of Supervisors approved Contract Amendment Agreement #23-571-7 with BlueTree Network, Inc., effective June 15, 2022, to reflect the corporations name change from BlueTree Network, Inc., to Tegria Services Group - US, Inc., with no change in the payment limit or original term.

On June 27, 2023, the Board of Supervisors approved Contract Amendment Agreement #23-571-8 with Tegria Services Group - US, Inc, effective April 15, 2023, to increase the payment limit by $1,000,000 to a new payment limit of $3,500,000 for continued consulting, technical support, and training to the Health Services Information Systems Unit with no changes in the term.

Tegria offers consultation and temporary candidacy services regarding CCH's use, management, and optimization of Tapestry, part of its EHR system of applications. The measurable outcome of the services provided is improved efficiency and effectiveness of the EHR system based on the consultation provided. The Contra Costa Health Information Systems Unit worked with Contra Costa Health Personnel to obtain approval from the Labor Relations Division of the County Administrator’s Office for this contract. This contract is late due to the waiting period to obtain approval from CCH Personnel after the Meet and Confer process with the Labor Union(s).

Approval of Contract #23-571-11 will allow the contractor to continue to provide services through December 31, 2026.

CONSEQUENCE OF NEGATIVE ACTION:
If this contract is not approved, the department will experience an interruption in services needed to meet the contractual obligations of its CCHP, Public Health, and CCRMC divisions, leaving the department unable to pay related invoices. Monies owed will remain outstanding, causing the cancellation of services resulting in a negative effect on patient care.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0668 **Agenda Date:** 3/5/2024 **Agenda #:** C.35.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: Agreement #72-217 with the California Department of Public Health

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Health Services Director or designee to execute on behalf of the County a Data Privacy and Security Agreement with the California Department of Public Health (CDPH) to protect the privacy and security of the California Integrated Vital Records System data (Cal-IVRS Data) to permit the County to collect, create, access, use and disclose Cal-IVRS Data pursuant to statute for a period of five (5) years from the date of the last signature on the agreement.

FISCAL IMPACT:
This is a non-financial Agreement.

BACKGROUND:
CDPH, designated as the State Registrar pursuant to Division 102 of the California Health & Safety Code, is charged with duties of registering, maintaining, indexing and issuing certified copies of California's birth, death and fetal death records. As part of these activities, CDPH operates multiple databased and information technology systems. The data in these systems is, collectively, the Cal-IVRS Data.

Division 102 of the Health & Safety Code designates the County Health Officer as the local register of births and deaths (Local Registrar). To assess, use and disclose Cal-IVRS Data for purposes including epidemiologic, analysis, surveillance and program evaluation, the Local Registrar must execute the five-year Cal-IVRS Data Privacy and Security Agreement.

The Cal-IVRS Data Privacy and Security Agreement requires the County to indemnify, hold harmless, and defend CDPH from and against any and all claims, losses, liabilities, damages, costs and other expense that arise from the negligent act, omissions, or willful misconduct of the Local Register, its officers, agents or workforce.

CONSEQUENCE OF NEGATIVE ACTION:
Without authority to execute the Cal-IVRS Data Privacy and Security Agreement, the County will be unable to access Cal-IVRS Data as necessary to fulfill the duties of the Local Registrar.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0669 **Agenda Date:** 3/5/2024 **Agenda #:** C.36.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: Contract #26-410-4 with La Clinica de La Raza, Inc.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract #26-410-4 containing mutual indemnification with La Clinica de La Raza, Inc., a non-profit corporation, to provide transfer and coordination of care for patients requiring emergency medical care at Contra Costa Regional Medical Center (CCRMC) for the period from March 1, 2024 through February 28, 2026.

FISCAL IMPACT:
This is a non-financial agreement.

BACKGROUND:
The county has been contracting with La Clinica de La Raza, Inc., since March 2016 to provide transfer and coordination of care for patients requiring emergency medical care at CCRMC. The goal of this Care Transition Agreement is to provide continuity of care for La Clinica de La Raza, Inc. patients who are treated at CCRMC and ensure that these patients are connected with their primary medical home after the hospital visit. This contract is entered into under and subject to the following legal authorities: California Government Code §§ 26227 and 31000. This contract was approved by Health Services Personnel to ensure there is no conflict with labor relations.

On April 12, 2022, the Board of Supervisors approved Contract #26-410-3 with La Clinica de La Raza, to provide transfer and coordination of care for patients requiring emergency medical care at CCRMC, for the period March 1, 2022 through February 29, 2024.

Approval of Contract #26-410-4 will articulate the roles of the parties with regard to transfer and coordination of patients who have been hospitalized at CCRMC, through February 28, 2026. This agreement includes mutual indemnification to hold harmless both parties for any claims arising out of the performance of this Agreement.

CONSEQUENCE OF NEGATIVE ACTION:
If this contract is not approved, the transfer and coordination of care for these patients may not be in compliance with all applicable Federal and State statutes and regulations, including the Emergency Medical Treatment and Labor Act (EMTALA).

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0670 **Agenda Date:** 3/5/2024 **Agenda #:** C.37.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: Cancellation Agreement Contract #74-652-3 and Contract #74-652-4 with Options Recovery Services

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County, as follows: (1) Cancellation Agreement #74-652-3 with Options Recovery Services, a non-profit corporation, effective at the end of business on January 31, 2024; and (2) Contract #74-652-4 in an amount not to exceed $998,727, to provide alcohol and drug abuse prevention services for adults with substance use and/or co-occurring disorders, for the period February 1, 2024 through June 30, 2024.

FISCAL IMPACT:
Approval of this contract will result in budgeted expenditures of up to $998,727 and will be funded by 30% Federal Medi-Cal ($303,516), 30% Local Revenue Funds ($303,516), 20% Assembly Bill 109 ($200,000), and 20% State Opioid Settlement Funds ($191,695). (No rate increase)

BACKGROUND:
This contract meets the social needs of county's population by providing specialized alcohol and drug abuse prevention services, so that men and women are provided an opportunity to achieve and maintain sobriety and to experience the associated benefits of self-sufficiency, family reunification, cessation of criminal activity and productive engagement in the community. Options Recovery Services has been providing alcohol and drug abuse prevention services since June 2022.This contract is entered into under and subject to the following legal authorities: California Government Code §§ 26227 and 31000. This contract was approved by Health Services Personnel to ensure there is no conflict with labor relations. The Behavioral Health's Quality Management, Utilization Management and Contract Monitor Staff meet on a regular basis to ensure monitoring and performance measures in the contract are upheld. Per Administrative Bulletin 600.3 this contractor was approved by the Public Works Department's Purchasing Division on February 20, 2024.

On July 11, 2023, the Board of Supervisors approved Contract #74-652-2, in an amount not to exceed $1,434,303, to provide alcohol and drug abuse prevention services for adults with substance use and/or co-occurring disorders, for the period July 1, 2023 through June 30, 2024.

In consideration of the contractor's agreement to continue providing specialized alcohol and drug abuse prevention services and the department's need to comply CALAIM's Payment Reform to meet with Drug Medi -Cal (DMC) mandates, the department and contractor have agreed to (1) mutual cancellation of the current

contract in accordance with General Conditions Paragraph 5 (Termination), of the contract (Cancellation Agreement #74-652-3 will accomplish this cancellation), and (2) establish a new contract with the correct terms and conditions for the next three years.

Under new Contract #74-652-4, Contractor will continue providing alcohol and drug abuse prevention services with a new contract term February 1, 2024 through June 30, 2024. This contract is late due to prolonged negotiations between the Contractor and Division regarding the CalAIM payment reform.

CONSEQUENCE OF NEGATIVE ACTION:
If this contract is not approved, county's clients may experience reduced or discontinued alcohol and drug abuse prevention services.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0671 **Agenda Date:** 3/5/2024 **Agenda #:** C.38.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: Amendment to Purchase Order with MXR Imaging, Inc.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute on behalf of the Health Services Director, an amendment to Purchase Order #28569 with MXR Imaging, Inc. to remove two (2) ultrasound trophons (Serial #s: 110291s70n, 110276s70n) from maintenance service coverage at Contra Costa Regional Medical Center (CCRMC) with no changes to the payment limit of $157,050 or the original term of May 1, 2023 through April 30, 2026.

FISCAL IMPACT:
Approval of these actions will result in expenditures of up to $157,050 over a three-year period and will be funded by Hospital Enterprise Fund I revenues.

BACKGROUND:
Merry X-Ray Corporation provides diagnostic imaging equipment and repair services for the Diagnostic Imaging Department at CCRMC and Health Centers. CCRMC providers use ultrasound exams and ultrasound probes for several purposes, including during pregnancy, for diagnosing conditions, and image guidance during certain procedures without needing to make an incision.

Merry X-Ray Corporation has been operating in the diagnostic imaging market for over 60 years and is a national service and equipment provider for all levels of healthcare with a full range of imaging equipment and highly trained technicians to service the different modalities. The company also provides CT, MRI, and ultrasound equipment and services with high-quality cost-efficient service solutions nationwide.

On July 11, 2023 the Board of Supervisors approved agenda item C.51 to execute a purchase order with MXR Imaging, Inc. in an amount of $157,050 and two related maintenance agreements for service on ultrasound machines at CCRMC including parts and labor for repairs as well as replacement and service for Transesophageal Echocardiograph (TTE) and stipulated Transthoracic Echocardiography probes for the period from May 1, 2023 through April 30, 2026.

The original agreement specifies that MXR Imaging, Inc. will have no liability to the County, or any third party for any consequential, incidental, indirect, punitive, or special losses or damages, the agreements are effective upon customer signature and MXR Imaging, Inc. acceptance through the end of the 36-month term.

CCRMC is currently contractually obligated to pay GE Healthcare for maintenance services on the two trophons under an agreement that was signed with GE Precision Healthcare in 2020 (#76-696). This amendment will ensure that CCRMC avoids paying for maintenance services under both agreements.

CONSEQUENCE OF NEGATIVE ACTION:
If this action is not approved, CCRMC and Health Centers will unnecessarily pay twice the cost for the maintenance of these two pieces of ultrasound equipment.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0672 **Agenda Date:** 3/5/2024 **Agenda #:** C.39.

To: Board of Directors

From: Anna Roth, Health Services Director

Report Title: Purchase Order with Altamont Software, Inc.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute on behalf of the Health Services Director, (1) a purchase order with Altamont Software, Inc., in an amount not to exceed $7,250 for the period from February 1, 2024 through January 31, 2025, and (2) an Altamont Software as a Service Agreement for the license of medical imaging connectivity software.

FISCAL IMPACT:
Approval of this action will result in expenditures of up to $7,250 and will be funded by Hospital Enterprise Fund I revenues.

BACKGROUND:
Contra Costa Health (CCH) seeks to renew its subscription to Altamont CaptureWare software, a crucial tool for the Diagnostic Imaging Department to manage medical images and documents in the County electronic medical record system. The software offers a centralized platform for importing, processing, and outputting diagnostic images and related documents.

Delays were encountered due to processing backlog and policy changes. CCH IT Procurement is actively engaged in collaborative efforts with the vendor and stakeholders to ensure that renewal requests are submitted at least 180 days in advance of expiration, aiming to mitigate potential delays in the future.

The agreement obligates the County to indemnify the contractor for claims arising out of the negligence or omissions of County in performing the agreement.

CONSEQUENCE OF NEGATIVE ACTION:
Failure to approve this renewal will disrupt the seamless management of medical images and documents within the Diagnostic Imaging Department, negatively impacting operational efficiency.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0673 **Agenda Date:** 3/5/2024 **Agenda #:** C.40.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: Extension Agreement #25-106-1 with Lao Family Community Development Inc.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Extension Agreement #25-106-1 with Lao Family Community Development Inc., a non-profit corporation, to amend Contract #25-106, effective June 30, 2024, to extend the termination date from June 30, 2024 to September 30, 2024 with no change in the payment limit of $1,025,000 to continue providing rapid rehousing and housing support services to individuals and families experiencing homelessness or who are at risk of becoming homeless in Contra Costa County.

FISCAL IMPACT:
Approval of this extension will not impact the budget of expenditures up to $1,025,000 funded by 49% Homeless, Housing, Assistance and Prevention (HHAP) ($500,000), 12% Housing and Homelessness Incentive Program (HHIP) ($125,000), and 39% Measure X funds ($400,000). (No rate increase)

BACKGROUND:
This contract meets the social needs of county's population by providing rapid rehousing and housing support services to the homeless population in Contra Costa County. These services include case management which will assist participants with food assistance, substance use treatment, education and training, employment and benefits assistance, health care, mental health counseling, childcare, and credit repair. Rapid rehousing services will include providing financial assistance for security deposits, utility deposits/payments, moving costs, hotel/motel vouchers, paid shelter costs, housing application and credit/background check fees, partial, tiered or full rental subsidies, to individuals and families experiencing homelessness or who are at risk of becoming homeless.

This contract is entered into under and subject to the following legal authorities: California Government Code § 26227 and 31000. This contract was approved by Health Services Personnel to ensure there is no conflict with labor relations. The Health, Housing and Homeless Services Division Contract Monitoring staff meet on a regular basis to ensure monitoring of performance measures set forth in the contract are upheld. The request for proposal (RFP) was posted on January 11, 2023 and closed on March 3, 2023. Lao Family Community Development Inc. was selected through the RFP process on April 28, 2023.

On September 19, 2023, the Board of Supervisors approved Contract #25-106 with Lao Family Community Development Inc., in an amount not to exceed $1,025,000 for the provision of rapid rehousing and housing

support services to individuals and families experiencing homelessness or who are at risk of becoming homeless for the period July 1, 2023 through June 30, 2024.

Approval of Extension Agreement #25-106-1 will allow Contractor to continue providing services through September 30, 2024.

CONSEQUENCE OF NEGATIVE ACTION:
If this extension is not approved, individuals and families will not receive the necessary rapid rehousing and housing support services, further putting individuals and families experiencing homelessness or who are at risk of becoming homeless at risk.

CHILDREN'S IMPACT STATEMENT:
This program supports the following Board of Supervisors' community outcomes: "Children Ready for and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0674 **Agenda Date:** 3/5/2024 **Agenda #:** C.41.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: Extension Agreement #25-108-1 with Bay Area Community Resources, Inc.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Extension Agreement #25-108-1 with Bay Area Community Resources, Inc., a non-profit corporation, to amend Contract #25-108, effective June 30, 2024, to extend the termination date from June 30, 2024 to September 30, 2024 with no change in the payment limit of $718,665 to continue providing rapid rehousing and homeless prevention services to individuals and families experiencing homelessness or who are at risk of becoming homeless in Contra Costa County.

FISCAL IMPACT:
Approval of this extension will not impact the budget of expenditures up to $718,665 and funded 90% by Homeless Housing, Assistance and Prevention (HHAP) grant funds ($643,665), and 10% by Housing and Homelessness Incentive Program (HHIP) grant funds ($75,000). (No rate increase)

BACKGROUND:
This contract meets the social needs of county's population by providing rapid rehousing and homeless prevention services to the homeless population in Contra Costa County. These services include case management which will assist participants with food assistance, substance use treatment, education and training, employment and benefits assistance, health care, mental health counseling, childcare, and credit repair. Rapid rehousing services will include providing financial assistance for security deposits, utility deposits/payments, moving costs, hotel/motel vouchers, paid shelter costs, housing application and credit/background check fees, partial, tiered or full rental subsidies, to individuals and families experiencing homelessness or who are at risk of becoming homeless.

This contract is entered into under and subject to the following legal authorities: California Government Code § 26227 and 31000. This contract was approved by Health Services Personnel to ensure there is no conflict with labor relations. The Health, Housing and Homeless Services Division Contract Monitoring staff meet on a regular basis to ensure monitoring of performance measures set forth in the contract are upheld. The request for proposal (RFP) was posted on January 11, 2023 and closed on March 3, 2023. Bay Area Community Resources, Inc. was selected through the RFP process on April 28, 2023.

On September 19, 2023, the Board of Supervisors approved Contract #25-108 with Bay Area Community Resources, Inc., in an amount not to exceed $718,665 for the provision of rapid rehousing and homeless

prevention services to individuals and families experiencing homelessness or who are at risk of becoming homeless for the period July 1, 2023 through June 30, 2024.

Approval of Extension Agreement #25-108-1 will allow the contractor to continue providing services through September 30, 2024.

CONSEQUENCE OF NEGATIVE ACTION:
If this extension is not approved, individuals and families will not receive the necessary rapid rehousing and homeless prevention services further putting individuals and families experiencing homelessness or who are at risk of becoming homeless at risk.

CHILDREN'S IMPACT STATEMENT:
This program supports the following Board of Supervisors' community outcomes: "Children Ready for and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0675 **Agenda Date:** 3/5/2024 **Agenda #:** C.42.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: Extension Agreement #25-109-1 with Caminar

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Extension Agreement #25-109-1 with Caminar, a non-profit corporation, to amend Contract #25-109, effective June 30, 2024, to extend the termination date from June 30, 2024 to December 31, 2024 with no change in the payment limit of $400,000 to continue providing homeless prevention services to individuals and families experiencing homelessness or who are at risk of becoming homeless in Contra Costa County.

FISCAL IMPACT:
Approval of this extension will not impact the budget of expenditures up to $400,000 funded 100% by the State Homeless Housing Assistance and Prevention (HHAP) program grant. (No rate increase)

BACKGROUND:
This contract meets the social needs of county's population by providing homeless prevention services to at least twenty-five (25) individuals and families at-risk of experiencing homeless in Contra Costa County. Services include housing problem solving strategies to stabilize existing housing, conflict resolution, landlord and tenant mediation, financial assistance to assist with utility or rent arrears, first month's rent or deposit, and other costs associated with relocating to more stable housing.

This contract is entered into under and subject to the following legal authorities: California Government Code § 26227 and 31000. This contract was approved by Health Services Personnel to ensure there is no conflict with labor relations. The Health, Housing and Homeless Services Division Contract Monitoring staff meet on a regular basis to ensure monitoring of performance measures set forth in the contract are upheld. The request for proposal (RFP) was posted on January 11, 2023 and closed on March 3, 2023. Caminar was selected through the RFP process on April 28, 2023.

On September 19, 2023, the Board of Supervisors approved Contract #25-109 with Caminar, in an amount not to exceed $400,000 for the provision of homeless prevention services to individuals and families experiencing homelessness or who are at risk of becoming homeless for the period July 1, 2023 through June 30, 2024.

Approval of Extension Agreement #25-109-1 will allow the contractor to continue providing services through December 31, 2024.

CONSEQUENCE OF NEGATIVE ACTION:
If this extension is not approved, individuals and families will not receive the necessary homeless prevention services further putting individuals and families experiencing homelessness or who are at risk of becoming homeless at risk.

CHILDREN'S IMPACT STATEMENT:
This program supports the following Board of Supervisors' community outcomes: "Children Ready for and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0676 **Agenda Date:** 3/5/2024 **Agenda #:** C.43.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: Contract #77-461-1 with East Bay Rheumatology Medical Group, Inc.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract #77-461-1 with East Bay Rheumatology Medical Group, a corporation, in an amount not to exceed $240,000, to provide rheumatology services to Contra Costa Health Plan (CCHP) members and county recipients, for the period April 1, 2024 through March 31, 2026.

FISCAL IMPACT:
Approval of this contract will result in contractual service expenditures of up to $240,000 over a two-year period and will be funded 100% by CCHP Enterprise Fund II revenues. (No rate increase)

BACKGROUND:
CCHP has an obligation to provide certain rheumatology services for its members under the terms of their Individual and Group Health Plan membership contracts with the county. This contractor has been a part of the CCHP Provider Network providing rheumatology services and fostering a deep understanding of the CCHP organizations mission, values, and long-term objectives since April 1, 2022. This contract is entered into under and subject to the following legal authorities: California Government Code §§ 26227 and 31000; Health and Safety Code § 1451. Health Services Personnel approved this contract to ensure no conflicts with labor relations. This contractor currently cooperates with and participates in CCHP's Quality Management Program which consists of quality improvement activities to improve the quality of care and services and member experience. Cooperation includes collection and evaluation of performance measurement data and participation in the organization's clinical and service measure Quality Improvement Programs. Per Administrative Bulletin 600.3 CCHP physician services are exempt from solicitation requirements.

In March 2022, the County Administrator approved, and the Purchasing Services Manager executed Contract #77-461with East Bay Rheumatology Medical Group, Inc., in an amount not to exceed $200,000, for the provision of rheumatology services for CCHP members and county recipients, for the period April 1, 2022 through March 31, 2024.

Approval of Contract #77-461-1 will allow the contractor to continue providing rheumatology services to CCHP members and county recipients through March 31, 2026.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, certain rheumatology services for CCHP members under the terms of their Individual and Group Health Plan membership contracts with the county will not be provided and may cause a delay in services to CCHP members.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0677 **Agenda Date:** 3/5/2024 **Agenda #:** C.44.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: Contract #77-552-1 with Child's Play Therapy Services, P.C.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract #77-552-1 with Child's Play Therapy Services, P.C., a corporation, in an amount not to exceed $300,000, to provide occupational and speech therapy services to Contra Costa Health Plan (CCHP) members and county recipients, for the period April 1, 2024 through March 31, 2026.

FISCAL IMPACT:
Approval of this contract will result in contractual service expenditures of up to $300,000 over a two-year period and will be funded 100% by CCHP Enterprise Fund II revenues. (No rate increase)

BACKGROUND:
CCHP has an obligation to provide certain occupational and speech therapy services for its members under the terms of their Individual and Group Health Plan membership contracts with the county. This contractor has been a part of the CCHP Provider Network providing these services and fostering a deep understanding of the CCHP organizations mission, values, and long-term objectives since April 1, 2023. This contract is entered into under and subject to the following legal authorities: California Government Code §§ 26227 and 31000; Health and Safety Code § 1451. Health Services Personnel approved this contract to ensure no conflicts with labor relations. This contractor currently cooperates with and participates in CCHP's Quality Management Program which consists of quality improvement activities to improve the quality of care and services and member experience. Cooperation includes collection and evaluation of performance measurement data and participation in the organization's clinical and service measure Quality Improvement Programs. These contracted services were determined to be exempt from Administrative Bulletin 600.3 solicitation requirements by the Public Works Department's Purchasing Division.

In March 2023, the County Administrator approved, and the Purchasing Services Manager executed Contract #77-552 with Child's Play Therapy Services, P.C., in an amount not to exceed $200,000, for the provision of occupational and speech therapy services for CCHP members and county recipients, for the period April 1, 2023 through March 31, 2024.

Approval of Contract #77-552-1 will allow the contractor to continue providing occupational and speech therapy services to CCHP members and county recipients through March 31, 2026.

CONSEQUENCE OF NEGATIVE ACTION:
If this contract is not approved, certain occupational and speech therapy services for CCHP members under the terms of their Individual and Group Health Plan membership contracts with the county will not be provided and may cause a delay in services to CCHP members.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0678 **Agenda Date:** 3/5/2024 **Agenda #:** C.45.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: Contract #74-462-13 with Brain Health Professional Services, PC

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract #74-462-13 with Brain Health Professional Services, PC, a professional corporation, in an amount not to exceed $351,437, to provide outpatient psychiatric care services for mentally ill older adults in Central Contra Costa County, for the period May 1, 2024 through April 30, 2025.

FISCAL IMPACT:
Approval of this contract will result in budgeted expenditures of up to $351,437 and will be funded 100% by Mental Health Services Act Funds. (No rate increase)

BACKGROUND:
This contract meets the social needs of county's population by providing psychiatric services including, but not limited to: diagnosing, counseling, evaluating, medication management and providing medical and psychiatric therapeutic treatment for mentally ill older adults in Central Contra Costa County. This contractor has been providing outpatient psychiatric care services since May 1, 2013. Health Services Personnel approved this Contract to ensure no conflicts with labor relations. This contract is entered into under and subject to the following legal authorities: California Government Code §§ 26227 and 31000; and Welfare and Institutions Code, § 5600 et seq. (The Bronzan - McCorquodale Act). Acting as the Mental Health Plan as designated by Department of Health Care Services (DHCS) Contra Costa Behavioral Health is required to meet federal and state Network Adequacy standards to ensure that all Medi-Cal managed care covered services are available and accessible to beneficiaries in accordance with timely access and time and distance standards. These physician services were determined to be exempt from Administrative Bulletin 600.3 solicitation requirements by the Public Works Department's Purchasing Division.

On April 24, 2023, the Board of Supervisors approved Contract #74-462-12 with Brain Health Professional Services, PC, in an amount not to exceed $351,437, for the provision of outpatient psychiatric care services for mentally ill older adults in Central Contra Costa County for the period May 1, 2023 through April 30, 2024.

Approval of Contract #74-462-13, will allow the contractor to continue providing outpatient psychiatric care services to mentally ill older adults in Central Contra Costa County through April 30, 2025.

CONSEQUENCE OF NEGATIVE ACTION:
If this contract is not approved, County clients will not have access to contractor's psychiatric care services

which could result in increased wait time for services.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0679 **Agenda Date:** 3/5/2024 **Agenda #:** C.46.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: Amendment Agreement #28-850-6 with the California Department of Public Health

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Amendment Agreement #28-850-6 (#22-10784, A2) with the California Department of Public Health, to increase the amount payable to the County by $165,005.75 from $396,014 to a new total of $561,019.75 and extend the termination date from May 31, 2024 to July 31, 2024 for continuation of the Enhance Integration: Guide to HIV Prevention and Surveillance Project.

FISCAL IMPACT:
Approval of this Extension Agreement will result in an additional amount payable to the County not to exceed $165,005.75 from the California Department of Public Health. No County funds are required.

BACKGROUND:
The goals of the Enhance Integration: Guide to HIV Prevention and Surveillance Project include: 1) strengthen disease investigation infrastructure; 2) expand and provide navigation services; and 3) expand access to syringe services for people who inject drugs.

On March 21, 2023, the Board of Supervisors approved Standard Agreement #28-850-4 with California Department of Public Health, in an amount not to exceed $396,014 for County's HIV prevention services to Contra Costa County residents, for the period from January 1, 2023 through December 31, 2023.

On September 12, 2023, the Board of Supervisors approved Extension Agreement #28-850-5 with the California Department of Public Health to extend the termination date from December 31, 2023 to May 31, 2024 with no change in the amount payable to the county of $396,014.

Approval of Amendment Agreement #28-850-6 will allow the County to receive additional funds to support the Enhance Integration Project through July 31, 2024. This agreement includes including continuing to indemnify and hold the State harmless for claims arising out of the County's performance under the Agreement.

CONSEQUENCE OF NEGATIVE ACTION:
If this extension is not approved, County will not be able to provide support to reduce transmission of HIV, reduce hospitalization and support to HIV-positive individuals to live at home through July 31, 2024.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0680 **Agenda Date:** 3/5/2024 **Agenda #:** C.47.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: Amendment Agreement #77-485-2 with Coffey Communications, Inc.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract Amendment Agreement #77-485-2 with Coffey Communications, Inc., a corporation, effective March 1, 2024, to amend Contract #77-485-1, to increase the payment limit by $680,000, from $220,000 to a new payment limit of $900,000, with no change in the original term of July 1, 2023 through June 30, 2024.

FISCAL IMPACT:
Approval of this amendment will result in additional expenditures of up to $680,000 and will be funded 100% by Contra Costa Health Plan (CCHP) Enterprise Fund II revenues. (No rate increase)

BACKGROUND:
This contractor provides consultation and technical assistance, and hosts an automated system for producing, printing, and mailing CCHP Member Services Health Sense Newsletter. This contractor produces three (3) issues per year and twelve (12) versions which includes current and critical health information pertaining to health education topics and services to comply with California state mandates. This contractor has been providing professional design, publication, distribution of the Health Sense Newsletter services and fostering a deep understanding of the CCHP organizations mission, values, and long-term objectives since July 1, 2022. This contract is entered into under and subject to the following legal authorities: California Government Code §§ 26227 and 31000; Health and Safety Code § 1451. Health Services Personnel approved this contract to ensure no conflicts with labor relations.

On May 16, 2023, the Board of Supervisors approved Contract #77-485-1 with Coffey Communications, Inc., in an amount not to exceed $220,000, for the provision of professional design, publication, distribution and technical assistance services in regard to the CCHP Member services Health Sense Newsletter, for the period July 1, 2023 through June 30, 2024.

Approval of Contract Amendment Agreement #77-485-2 increases the payment limit to allow the contractor to provide additional professional design, publication, distribution, and technical assistance services for CCHP through June 30, 2024.

CONSEQUENCE OF NEGATIVE ACTION:
If this amendment is not approved, the contract will not have sufficient funds to pay contractor and CCHP

members will not receive the Health Sense Newsletter and CCHP will be out of compliance with California state mandates.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0681 **Agenda Date:** 3/5/2024 **Agenda #:** C.48.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: Contract #76-516-11 with Howard Y. Young, M.D.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of County Contract #76-516-11 with Howard Y. Young, M.D., an individual, in an amount not to exceed $300,000, to provide radiology services at Contra Costa Regional Medical Center (CCRMC) and Contra Costa Health Centers, for the period February 1, 2024 through January 31, 2027.

FISCAL IMPACT:
Approval of this contract will result in contractual service expenditures of up to $300,000 over a three-year period and will be funded 100% by Hospital Enterprise Fund I revenues.

BACKGROUND:
Due to the limited number of specialty providers available within the community, CCRMC and Contra Costa Health Centers relies on contractors to provide necessary specialty health services to its patients. Contractor will provide radiology services including, but not limited to: clinic coverage, consultation and on-call coverage. CCRMC has been contracting with Dr. Young for radiology patient care services October 2003. This contract is entered into under and subject to the following legal authorities: California Government Code §§ 26227 and 31000; Health and Safety Code § 1451. Health Services Personnel approved this contract to ensure no conflicts with labor relations. Per Administrative Bulletin 600.3, CCRMC Physician services are exempt from solicitation requirements.

In December 2023, the County Administrator approved and the Purchasing Manager executed Contract #76-516-10 with Howard Y. Young, M.D. in an amount not to exceed $50,000, for the provision of radiology services at CCRMC and Contra Costa Health Centers, for the period October 1, 2023 through January 31, 2024.

Approval of Contract #76-516-11 will allow the contractor to continue providing radiology services at CCRMC and Contra Costa Health Centers through January 31, 2027. The delay of this contract was due to ongoing negotiations between the division and contractor.

CONSEQUENCE OF NEGATIVE ACTION:
If this contract is not approved, the necessary specialty radiology services needed for patient care will not be available or will create increased wait times due to the limited number of specialty providers available within the community.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0682 **Agenda Date:** 3/5/2024 **Agenda #:** C.49.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: Amendment #76-662-9 with Firstlocum, Inc. (dba Directshifts)

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract Amendment Agreement #76-662-9 with Firstlocum, Inc. (dba Directshifts), a corporation, effective January 1, 2024, to amend Contract #76-662-8, to increase the payment limit by $7,400,000, from $3,800,000 to a new payment limit of $11,200,000 for additional temporary physician staffing services with no change in the original term of May 1, 2023 through April 30, 2025.

FISCAL IMPACT:
Approval of this amendment will result in additional annual expenditures of up to $7,600,000 and will be funded as budgeted by the department by 100% Hospital Enterprise Fund I. (No rate increase)

BACKGROUND:
Contra Costa Regional Medical Center (CCRMC) and Contra Costa Health Centers have an obligation to provide medical staffing services to patients. Therefore, the county contracts with temporary help firms to ensure patient care is provided during peak loads, temporary absences, vacations and emergency situations where additional staffing is required. The county has been using the Contractor's temporary staffing services since July 1, 2019. This contract is entered into under and subject to the following legal authorities: California Government Code §§ 26227 and 31000. CCRMC's Quality Management, Utilization Management and Contract Monitor Staff meet on a regular basis to ensure monitoring and performance measures in the contract are upheld. Per Administrative Bulletin 600.3 CCRMC Physician services are exempt from Solicitation requirements.

On May 9, 2023, the Board of Supervisors approved Contract #76-662-8 with FirstLocum Inc. (dba DirectShifts), in an amount not to exceed $3,800,000, for the provision of temporary physician staffing services to ensure patient care is provided during peak loads, temporary absences, vacations and emergency situations, and for the provision of recruitment services for the period May 1, 2023 through April 30, 2025.

Approval of Contract Amendment Agreement #76-662-9 will allow the contractor to provide additional temporary specialty physicians at CCRMC and Contra Costa Health Centers through April 30, 2025. This amendment is late due to ongoing negotiations between the contractor and CCRMC. There was an unanticipated increase in utilization for various specialties. This contract includes services provided by represented classifications and the county has met its obligations with the respective labor partner(s).

CONSEQUENCE OF NEGATIVE ACTION:
If this amendment is not approved, County will not have access to contractor's temporary physician staffing services.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0683 **Agenda Date:** 3/5/2024 **Agenda #:** C.50.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: Contract #74-684 with Richmond Community Foundation

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract #74-684 with Richmond Community Foundation, a non-profit corporation, in an amount not to exceed $245,717, to provide culturally-based healing circles to promote mental health and wellness to populations that are known to hold stigma against psychotherapeutic interventions, for the period January 1, 2024 through June 30, 2025.

FISCAL IMPACT:
Approval of this contract will result in budgeted expenditures of up to $245,717 and will be funded 100% by Mental Health Services Act (MHSA).

BACKGROUND:
This contract meets the social needs of County's population by providing culturally-based healing circles which promote individual and collective healing, build trust among marginalized groups, and connect across differences within communities, using storytelling to build belonging, and utilizing culturally affirming somatic practices to foster healing and wellbeing. Healing circles will be hosted virtually as well as at several venues across Contra Costa County. Through the MHSA Community Defined Practices Project grant, this contractor will host a series of at least six (6) Healing Circles within each of the following communities: Black young adults in West Contra Costa, Black women and girls in East Contra Costa; Spanish speaking; and Pacific Islander. This contract is entered into under and subject to the following legal authorities: California Government Code §§ 26227 and 31000. This contract was approved by Health Services Personnel to ensure there is no conflict with labor relations.

This provider was selected in collaboration with community stakeholder advisory bodies and was approved as part of the comprehensive Mental Health Services Act Three-Year Plan as required by State regulation. Providers interested in providing specialized services were invited proactively to participate in program development and offered the opportunity to submit interest at dozens of publicly noticed meetings. The services and vendors were identified in the formal Three-Year plan was approved on the following schedule that was noticed to the public and approved by the Board on August 1, 2023. The Three-Year Plan was posted for public comment from June 5, 2023 through July 5, 2023, there was a Public Hearing at the Mental Health Commission meeting on July 5, 2023, and it was approved by the Board of Supervisors on August 1, 2023.

Under new Contract #74-684, Richmond Community Foundation will provide culturally-based healing circles to promote mental health and wellness for the period January 1, 2024 through June 30, 2025. This contract is late due to the lengthy selection process which took longer than the Division anticipated.

CONSEQUENCE OF NEGATIVE ACTION:
If this contract is not approved, MHSA wellness health services will not be available to populations that are known to hold stigma against psychotherapeutic interventions services, leading to reduced levels of service to the community and potential placement in higher levels of care.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0684 **Agenda Date:** 3/5/2024 **Agenda #:** C.51.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: Contract #74-683 with Village Community Resource Center

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract #74-683 with Village Community Resource Center, a non-profit corporation, in an amount not to exceed $248,942, to provide mental well-being support and the SerenaMente training program to ensure the underserved Latine community can access culturally and linguistically tailored mental well-being support groups for the period January 1, 2024 through June 30, 2025.

FISCAL IMPACT:
Approval of this contract will result in budgeted expenditures of up to $248,942 and will be funded 100% by Mental Health Services Act (MHSA).

BACKGROUND:
This contract meets the social needs of County's population by providing culturally based mental well-being support and a training program through the MHSA Community Defined Practices Project grant to empower participants with techniques to identify specific stress factors and their impact on the body, as well as provide tools to manage and control stress effectively. This proactive approach enables individuals to gain control over stress before it escalates into anxiety or depression. This contract is entered into under and subject to the following legal authorities: California Government Code §§ 26227 and 31000. This contract was approved by Health Services Personnel to ensure there is no conflict with labor relations.

This provider was selected in collaboration with community stakeholder advisory bodies and was approved as part of the comprehensive MHSA Three-Year Plan as required by State regulation. Providers interested in providing specialized services were invited proactively to participate in program development and offered the opportunity to submit interest at dozens of publicly noticed meetings. The services and vendors were identified in the formal Three-Year plan was approved on the following schedule that was noticed to the public and approved by the Board on August 1, 2023. The Three-Year Plan was posted for public comment from June 5, 2023 through July 5, 2023, there was a Public Hearing at the Mental Health Commission meeting on July 5, 2023, and it was approved by the Board of Supervisors on August 1, 2023.

Under new Contract #74-683, the contractor will provide mental well-being support and the SerenaMente training program to promote mental health and wellness for the period January 1, 2024 through June 30, 2025. This contract is late due to the lengthy selection process which took longer than the Division anticipated.

CONSEQUENCE OF NEGATIVE ACTION:
If this contract is not approved, mental well-being support and the SerenaMente training program will not be available to an underserved Latine community, possibly leading to reduced levels of service to the community and potential placement in higher levels of care.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0685 **Agenda Date:** 3/5/2024 **Agenda #:** C.52.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: Amendment to Purchase Order with Securitas Healthcare LLC

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute on behalf of the Health Services Director, an amendment to purchase order #29703 with Securitas Healthcare LLC, to increase the payment limit by $10,316 to a new payment limit of $216,958 for staff and patient protection systems, related hardware, software, and maintenance services for Contra Costa Regional Medical Center (CCRMC) with no change to the original term of December 12, 2023 through December 31, 2025.

FISCAL IMPACT:
Approval of this action will result in expenditures of up to $216,958 and will be funded by Hospital Enterprise Fund I revenues.

BACKGROUND:
In 2022, CCRMC implemented a duress security system on specific floors to enhance staff safety. This system enables staff to activate alarms discreetly via wearable devices, ensuring swift assistance without causing disruption. The 24/7 security system promptly receives alerts, identifies the caller, and provides real-time location updates. Following a comprehensive solicitation, Securitas Healthcare was selected for its competitive cost, reliability, and ease of implementation.

Simultaneously, CCRMC needs to upgrade the current infant protection system in the perinatal unit, as the existing system approaches its end-of-life in November 2024. This system, designed to prevent unauthorized infant removal, has been in use for over 10 years. After a thorough assessment, Securitas was chosen for its competitive cost, comprehensive support services, and ease of implementation, surpassing systems from Centrak and Airfinder.

In connection with this purchase order, the parties executed a Master Service Agreement for the purchase and use of Contractor's products. Securitas Healthcare's total liability under the agreement is limited to the amount actually paid or payable by the County in the twelve (12) month period preceding the event giving rise to a claim.

On November 21, 2023 the Purchasing Agent approved the use of Securitas Healthcare LLC through the end of the requested purchase order term at which point the department must work with Purchasing Services to prepare and post a solicitation.

On December 12, 2023, the Board of Supervisors approved agenda item C.69 to execute a purchase order with Securitas Healthcare, LLC in the amount of $206,642 and Master Service Agreement to purchase staff and patient protection systems, related hardware, software, and maintenance services for CCRMC for the period from December 12, 2023 through December 31, 2025. Approval of this action will allow the purchase order to include related sales tax.

CONSEQUENCE OF NEGATIVE ACTION:
Failure to approve this action will limit access to the staff protection system to a reduced number of staff and result in the loss of support for the current infant protection system. This limitation compromises the overall safety and well-being of unattended staff members and patients, potentially leaving them vulnerable in distress situations.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0686 **Agenda Date:** 3/5/2024 **Agenda #:** C.53.

To: Board of Directors

From: Anna Roth, Health Services Director

Report Title: Approve New and Recredentialing Providers in Contra Costa Health Plan's Community Provider Network

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE the list of providers recommended by the Contra Costa Health Plan Medical Director and Health Services Director on February 13, 2024, as required by the State Departments of Health Care Services and Managed Health Care, and the Centers for Medicare and Medicaid Services.

FISCAL IMPACT:
There is no fiscal impact for this action.

BACKGROUND:
The National Committee on Quality Assurance (NCQA) requires that evidence of Board of Supervisor approval must be contained within each Contra Costa Health Plan (CCHP) provider's credentials file. Approval of this list of providers as recommended by the CCHP Medical Director will enable the Contra Costa Health Plan to comply with this requirement.

CONSEQUENCE OF NEGATIVE ACTION:
If this action is not approved, Contra Costa Health Plan's Providers would not be appropriately credentialed and not be in compliance with the NCQA.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0691 **Agenda Date:** 3/5/2024 **Agenda #:** C.54.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: Los Medanos Health Advisory Committee 2023-2025 Grant Program, 6 Additional Grant proposals

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

1. ACCEPT the Los Medanos Health Advisory Committee (LMHAC) recommendations for the second set of Los Medanos Health Area Grants for 2023-2025; and

2. APPROVE and AUTHORIZE the Health Services Director, or designee, to execute 6 service contracts, totaling an amount not to exceed $301,000 to identified Community Based Organizations (CBOs) that the LMHAC have determined to be eligible for awards during Fiscal Years 2023-24 and 2024-25 due to funding available through property tax revenue designated to provide health related programs to residents of the Los Medanos Health Area.

FISCAL IMPACT:

Approval of these actions would allocate up to $301,000 of the ongoing Los Medanos Health Area property tax revenues to community programs within the health area boundaries. There is no fiscal impact to the County General Fund. (100% Los Medanos Community Health Area Tax Funding).

BACKGROUND:

On July 10, 2018, the Board of Supervisors adopted Resolution No. 2018/436 establishing the Los Medanos Health Advisory Committee to develop and implement the Los Medanos Area Health Plan Grant Program. The LMHAC is tasked with:

1. Developing an area health plan that identifies the major health disparities that impact residents of the former LMCHD service area and identifies priorities for improving health outcomes. The plan will be presented to the Board of Supervisors for review and will not be final unless adopted by the Board of Supervisors. The LMHAC may engage an outside consultant to assist in developing the plan. The LMHAC shall submit an updated plan for approval by the Board of Supervisors no less than every five years.

2. Soliciting proposals from service providers that are interested in participating in the Los Medanos Area Health Plan Grant Program (the "Grant Program") and are capable of addressing the priorities outlined in the adopted plan. Funding for grants will be provided from (i) a special fund established by the Auditor-Controller, at the direction of the Board of Supervisors, that is used to segregate the property

tax revenue received by the County as a result of the dissolution of the District, and (ii) any other funds made available to the grant program (e.g. through restricted donations, grants, etc.).

3. The advisory committee will recommend a list of proposed grantees to the Board of Supervisors for approval.

4. Monitor the efficacy of the programs funded by the grant program.

5. Report to the Board of Supervisors no less than once per year on the execution of the adopted plan, the allocated funds provided in the form of service contracts under the grant program, the results achieved through the adopted plan and through the program, and other matters that relate to the LMHAC's purpose and duties.

The Los Medanos Health Advisory Committee has developed five priority areas for the Los Medanos Health Area. On October 2, 2023, staff reported to the Los Medanos Healthcare Operations Committee on the health priorities and the Grant RFP process.

The LMHAC's Grant Program will support activities that meet one of the program goals listed below.

1) Improve the availability of and/or access to affordable healthcare services (e.g., elder care, health related clinics, and linkage to care).
2) Provide mental health awareness, education, and prevention programs (e.g., depression, anxiety, stress, and suicide prevention).
3) Provide awareness, education, and prevention programs targeted at chronic disease (e.g., cardiovascular disease, diabetes, asthma, food insecurity).
4) Provide service or access programs for the unhoused, prioritizing families and children.
5) Provide substance use awareness, education, and prevention programs (alcohol, drugs and tobacco).

The following are the terms of the Grant Program, as approved by the LMHAC:
Eligibility is limited to not-for-profit (501c3) community-based organizations, hospitals, local government, or public health agency service providers. To be eligible for funding, applicants must:

- Provide all funded services within the boundaries of the Los Medanos Health Area; and
- Demonstrate sufficient capacity to provide services to meet the programmatic objectives;
- Funds may not be spent on building/facilities improvements or to make payments for recipients of services; and
- Demonstrate fiscal stability (An agency with outstanding federal/state tax obligations is not eligible to apply for funding).

The grant program includes a public solicitation and request for proposals (RFP) process.

On December 12, 2023 the Board of Supervisors approved agenda item C.63 accepting the LMHAC recommendations for the Los Medanos Health Area Grants for 2023-2025; and authorized the execution of 19 service contracts, totaling an amount of $1,400,000 to identified CBOs that the LMHAC determined to be eligible for awards during fiscal years 2023/24 and 2024/25 due to funding available through property tax revenue designated to provide health related programs to residents of the Los Medanos Health Area.

Also on December 12th, 2023 at a public meeting of the Los Medanos Health Advisory Committee, six (6) additional program proposals from community based organizations were reviewed. The advisory committee recommends the agency programs listed below for grant support. These additional considerations and will bring the total number of recommended agency programs to 25.

Below are the individual contractors recommended under this action:

Contractor	Program	Contract Payment Limit	Term Length	Term Dates
The Center for Human Development	Fitness: Get Walking Program	$80,000.00	2 Years	4/1/24-6/30/25
City of Pittsburg Recreation Dept.	Youth Basketball Program	$99,986.00	2 Years	4/1/24-6/30/25
City of Pittsburg Recreation Dept.	Buchannon Swim Program	$30,000.00	2 Years	4/1/24-6/30/25
Monument Crisis Center	Bay Point/Pittsburg Food Distribution	$50,000.00	1 Year	4/1/24-12/31/24
Souljahs	Community Health Fairs	$15,000.00	1 Year	4/1/24-12/31/24
Stoneman Village	Senior Dinner Program	$26,000.00	1 Year	4/1/24-12/31/24
Total		$300,986.00		

CONSEQUENCE OF NEGATIVE ACTION:
If this action is not approved, the LMHAC will not be able to make funding recommendations to include this group in the LMCHD grant programs for 2023-2025.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0694 **Agenda Date:** 3/5/2024 **Agenda #:** C.55.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: Adopt Position Adjustment Resolution No. 26270 to add one (1) Deputy Director of Health Services-Exempt and add one (1) Assistant Director of Health Services-Exempt in the Health Services Department

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
Adopt Position Adjustment Resolution 26270 to add one (1) Deputy Director of Health Services-Exempt (VCB4) at salary plan and grade level B85-1000 ($22,455 - $27,294) and add one (1) Assistant Director of Health Services-Exempt (VCB1) at salary plan and grade level B82-1991 ($11,055 -$17,674) in the Health Services Department. (unrepresented)

FISCAL IMPACT:
These positions are funded 100% by Hospital Enterprise Fund I. This action will incur an annual cost of $902,390.36, including $126,604.86 in pension costs.

BACKGROUND:
For the past three decades, the Contra Costa Health Department Finance Division has relied on contract staff to manage its operations. With the upcoming retirements of several leadership positions within the Contra Costa Health Finance Division, Resolution No. 26210 was adopted on October 24, 2023 to add one (1) Deputy Director of Health Services - Exempt position (including a 7.5% differential). This position will be used to fill the Chief Financial Officer role for the Contra Costa Health Department. The department is working with an executive recruiter to conduct a nationwide recruitment for this position.

Through the transition planning process, the department has also identified the need to add two (2) additional positions within the Contra Costa Health Department Finance Division. These positions will serve as the Deputy Chief Financial Officer and the Finance Director for the Contra Costa Health Department. The Deputy Chief Financial Officer role will be filled by a Deputy Director of Health Services - Exempt position, and the Finance Director role will be filled by an Assistant Director of Health Services - Exempt position. Both positions will report to the Chief Financial Officer. These positions will assist with day-to-day leadership and oversight of the Contra Costa Health Department Finance Division including planning, organizing, and directing the development of the Contra Costa Health budget, as well as overseeing its financial operations.

CONSEQUENCE OF NEGATIVE ACTION:
Without these key leadership positions within the Finance program, Contra Costa Health's overall operations will be adversely affected.

POSITION ADJUSTMENT REQUEST

NO. 26270
DATE 2/28/2024

Department No./
Department Health Services Budget Unit No. 0540 Org No. 6549 Agency No. A18

Action Requested: Adopt Position Adjustment Resolution No, 26270 to add one (1) Deputy Director of Health Services-Exempt and add one (1) Assistant Director of Health Services-Exempt in the Health Services Department

Proposed Effective Date: 3/6/2024

Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☒ No ☐

Total One-Time Costs (non-salary) associated with request: $0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost $902,390.36 Net County Cost $0.00

Total this FY $300,796.78 N.C.C. this FY 0

SOURCE OF FUNDING TO OFFSET ADJUSTMENT 100% Hospital Enterprise Fund I

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Mary Jane De Jesus-Saepharn
_____
(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Sarah Kennard for 2/28/2024
_____ _____
Deputy County Administrator Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS DATE _____
Exempt from Human Resources review under delegated authority

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.
Effective: ☒ Day following Board Action.
☐ _____(Date)

_____ _____
(for) Director of Human Resources Date

COUNTY ADMINISTRATOR RECOMMENDATION: DATE _____
☐ Approve Recommendation of Director of Human Resources
☐ Disapprove Recommendation of Director of Human Resources
☐ Other: _____

_____
(for) County Administrator

BOARD OF SUPERVISORS ACTION:
Adjustment is APPROVED ☐ DISAPPROVED ☐

Monica Nino, Clerk of the Board of Supervisors and County Administrator

DATE _____ BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION
Adjust class(es) / position(s) as follows:

P300 (M347) Rev 3/15/01

REQUEST FOR PROJECT POSITIONS

Department _____ Date _____ No. _____

1. Project Positions Requested:

2. Explain Specific Duties of Position(s)

3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)

4. Duration of the Project: Start Date _____ End Date _____
   Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.

5. Project Annual Cost

   a. Salary & Benefits Costs: _____

   b. Support Costs: _____
   (services, supplies, equipment, etc.)

   c. Less revenue or expenditure: _____

   d. Net cost to General or other fund: _____

6. Briefly explain the consequences of not filling the project position(s) in terms of:
   a. potential future costs
   b. legal implications
   c. financial implications
   d. political implications
   e. organizational implications

7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.

8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted

9. How will the project position(s) be filled?
   - ☐ a. Competitive examination(s)
   - ☐ b. Existing employment list(s) Which one(s)? _____
   - ☐ c. Direct appointment of:
     - ☐ 1. Merit System employee who will be placed on leave from current job
     - ☐ 2. Non-County employee

   Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0687 **Agenda Date:** 3/5/2024 **Agenda #:** C.56.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: Cancel one vacant permanent-intermittent Medical Transcriber position and add one Clerk - Senior Level position in the Health Services Department

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
Adopt Position Adjustment Resolution 26269 to cancel one vacant permanent-intermittent Medical Transcriber (J9WD) position number 14047 in salary plan and grade 3RX 1088 ($4,375.67 - $5,587.91) and add one Clerk-Senior Level (JWXC) in salary plan and grade 3RX 1033 ($4,433.81 - $5,662.16) in the Health Services Department. (represented)

FISCAL IMPACT:
This action will incur an annual cost of $1,431.00, including $209.00 in pension costs. This will be funded 100% by Hospital Enterprise Fund I.

BACKGROUND:
Over time, as technology has evolved, especially with the Health Services continued advanced use of electronic medical record software, and the Diagnostic Imaging Unit has realized a decline in our providers' use of Medical Transcribers. Conversely, the Diagnostic Imaging Unit has noticed a growing business need for a Clerk - Senior Level position to provide general clerical support to the Radiologists by performing varied and complex clerical duties. Having a Clerk - Senior Level will help Radiologists focus on higher-level duties when performing diagnostic imaging procedures on patients. If this is not approved, there will be delays in patient care and the unit's clerical workflow will be inefficient.

CONSEQUENCE OF NEGATIVE ACTION:
If this request is not approved, the Diagnostic Imaging Unit will have the incorrect organization structure which will have negative effects on provider productivity and workflow efficiencies.

POSITION ADJUSTMENT REQUEST

NO. 26269
DATE 2/22/2024

Department Health Services
Agency No. A-18

Department No./
Budget Unit No. 0540 Org No. 6355

Action Requested: Cancel one permanent-intermittent Medical Transcriber (J9WD) in salary plan and grade 3RX 1088 ($4,375.67 - $5,587.91) in position number 14047 and add one Clerk-Senior Level (JWXC) in salary plan and grade 3RX 1033 ($4,433.81 - $5,662.16) in the Diagnostic Imaging Unit of the Health Services Department. (Represented)

Proposed Effective Date: 3/6/2024

Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☒ No ☐

Total One-Time Costs (non-salary) associated with request: _____

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost increase $1,431.00 Net County Cost 0

Total this FY $477.00 N.C.C. this FY 0

SOURCE OF FUNDING TO OFFSET ADJUSTMENT: 100% funded by Hospital Enterprise Fund I

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Mary Jane De Jesus-Saepharn
_____
(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

Sarah Kennard for 2/27/2024
_____ _____
Deputy County Administrator Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS DATE 2/22/23

Exempt from Human Resources review under delegated authority.

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.
☐ _____(Date)

_____ _____
(for) Director of Human Resources Date

COUNTY ADMINISTRATOR RECOMMENDATION: DATE _____

☐ Approve Recommendation of Director of Human Resources
☐ Disapprove Recommendation of Director of Human Resources
☐ Other: _____

_____
(for) County Administrator

BOARD OF SUPERVISORS ACTION:
Adjustment is APPROVED ☐ DISAPPROVED ☐

Monica Nino, Clerk of the Board of Supervisors and County Administrator

DATE _____ BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION
Adjust class(es) / position(s) as follows:

P300 (M347) Rev 3/15/01

REQUEST FOR PROJECT POSITIONS

Department _____ Date_____ No. xxxxx

1. Project Positions Requested:

2. Explain Specific Duties of Position(s)

3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)

4. Duration of the Project: Start Date _____ End Date _____
   Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.

5. Project Annual Cost

   a. Salary & Benefits Costs: _____ b. Support Costs: _____
   (services, supplies, equipment, etc.)

   c. Less revenue or expenditure: _____ d. Net cost to General or other fund: _____

6. Briefly explain the consequences of not filling the project position(s) in terms of:
   a. potential future costs
   b. legal implications
   c. financial implications
   d. political implications
   e. organizational implications

7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.

8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted

9. How will the project position(s) be filled?
   - ☐ a. Competitive examination(s)
   - ☐ b. Existing employment list(s) Which one(s)? _____
   - ☐ c. Direct appointment of:
     - ☐ 1. Merit System employee who will be placed on leave from current job
     - ☐ 2. Non-County employee

   Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0688 **Agenda Date:** 3/5/2024 **Agenda #:** C.57.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: Ratify the issuance of 30-day advance written notice to terminate Contract #23-731 with Accela, Inc.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
RATIFY the February 21, 2024 issuance of a 30-day advance written notice to Accela, Inc., a corporation, requesting termination of Contract #23-731, regarding the provision of its Accela Civic Platform for the Hazardous Materials and Environmental Health Divisions to track inspection and enforcement actions effective at the close of business on March 22, 2024.

FISCAL IMPACT:
This contract was funded by 100% Hospital Enterprise Fund I.

BACKGROUND:
In 2021, Accela, Inc. informed Contra Costa Health (CCH) of its plans to discontinue its EnvisionConnect application in 2024. As a result, CCH conducted a full and open request for proposal process by sending requirements to all leading vendors within the market space. Several vendors responded, submitting questions, and providing demonstrations of their products. After a review of those options, CCH decided to upgrade from EnvisionConnect to Accela's Software as a Service (SaaS) subscription-based products, Accela Civic Platform and Environmental Health Civic Application, to continue to fulfill its need for a data management system to track inspection and enforcement actions in its Hazardous Materials and Environmental Health Divisions.

On October 11, 2022, the Board of Supervisors approved Contract #23-731 with Accela, Inc., in an amount not to exceed $370,800, regarding configuration and onboarding activities to implement Accela's Software as a Service (SaaS) based solution, Accela Civic Platform. This offering was to include Environmental Health Civic Application, Accela Citizen Access Public Portal, Accela Inspector Mobile Application, Geographic Information System (GIS), Accela Construct Application Programming Interface, functionalities regarding mobile and remote inspection, and integrations with third-party systems, payment processing, time accounting, and reporting, for the period from October 11, 2022, through November 1, 2026.

Given the failure of Accela to implement its SaaS platform at Conta Costa County and no specific date for implementation given for the near future, the county is terminating the agreement for non-performance. To ensure compliance with California Assembly Bill 2286 - mandating upgrades to electronic reporting to the State of California, CCH Public Health will renew the software and support services being provided under Contract #23-731 for EnvisionConnect while reigniting the effort of finding a replacement system to track inspection

data and enforcement actions carried out by its Health Services Hazardous Materials and Environmental Health Divisions.

Approval by the Board of Supervisors will allow the ratification of the issuance of the 30-day advance written notice to the contractor, in accordance with Section 11.3 (Termination or Suspension for Cause) of the Accela Subscription Services Agreement, that the contract is terminated at the close of business on March 22, 2024.

CONSEQUENCE OF NEGATIVE ACTION:
If this termination is not approved, the contract will not be terminated, and the county will continue to pay for the application which has not been implemented.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0689 **Agenda Date:** 3/5/2024 **Agenda #:** C.58.

To: Board of Supervisors

From: Anna Roth, Health Services Director

Report Title: CONTINUE EXTENSION OF EMERGENCY DECLARATION REGARDING HOMELESSNESS

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
CONTINUE the emergency action originally taken by the Board of Supervisors on November 16, 1999 regarding the issue of homelessness in Contra Costa County.

FISCAL IMPACT:
There is no fiscal impact for this action.

BACKGROUND:
On November 16, 1999, the Board of Supervisors declared a local emergency, pursuant to the provisions of Government Code Section 8630 on homelessness in Contra Costa County. Government Code Section 8630 requires that, for a body that meets weekly, the need to continue the emergency declaration be reviewed at least every 60 days until the local emergency is terminated. The Board of Supervisors last reviewed and continued the emergency declaration on January 9, 2024.

With the continuing high number of homeless individuals and insufficient funding available to assist in sheltering all homeless individuals and families, the emergency situation still exists and it is, therefore, appropriate for the Board to continue the declaration of a local emergency regarding homelessness.

CONSEQUENCE OF NEGATIVE ACTION:

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0690 **Agenda Date:** 3/5/2024 **Agenda #:** C.59.

To: Board of Supervisors

From: Ann Elliott, Human Resources Director

Report Title: Establish the classification of Chief of Administrative Service I - Exempt (APD6) and re-title the Chief of Administrative Services - Exempt (APD4) classification to Chief of Administrative Services II - Exempt (APD7)

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
ADOPT Position Adjustment Resolution No. 26267 to establish the classification of Chief of Administrative Services I - Exempt (APD6) at salary plan and grade B85 1017 ($10,073.00 - $12,243.80) and re-title the Chief of Administrative Services - Exempt (APD4) classification to Chief of Administrative Services II - Exempt (APD7) at salary plan and grade B85 1018 ($12,855.98 - $14,173.72), as recommended by the Human Resources Department.

FISCAL IMPACT:
There is no fiscal impact for the re-title. Incumbent employees will remain at their current salary. As additional employees are added to the new Chief of Administrative Services I - Exempt classification, the fiscal impact will be evaluated and submitted for approval.

BACKGROUND:
Currently there are several administrative job classifications within the County that perform work functions within personnel, fiscal, and departmental operations. These classifications differ in title and pay, but have similarities within levels of complexity, authority, and scope. Consolidation of these classifications into the Chief of Administrative Services I - Exempt and Chief of Administrative Services II - Exempt will allow appropriate differentiation in levels of responsibility and authority to reflect the needs in the respective departments as well as aligning the salary structure of the positions across County departments.

Incumbents in the existing Chief of Administrative Services - Exempt will be re-titled to Chief of Administrative Services II - Exempt and remain at their current rate of pay. The new salary plan and grade for Chief of Administrative Services I - Exempt will be reflective of the job classifications that will be consolidated. As current employees are moved into the new class, the fiscal impact will be calculated and provided for Board of Supervisors approval. When employees are moved to the new job classifications their rate of pay will be very close to their current step with minimal adjustments to accommodate the 5% steps in the new range.

CONSEQUENCE OF NEGATIVE ACTION:

Should this recommendation not be approved, the County will continue to see an increase in single position classifications performing similar duties within fiscal, HR and operations.

POSITION ADJUSTMENT REQUEST

NO. 26267
DATE 2/23/2024

Department Human Resources Department
Department No./ Budget Unit No. _____ Org No. _____ Agency No. ___

Action Requested: Establish the classification of Chief of Administrative Services I - Exempt at salary plan and grade B85 1017 ($10,073.00 - $12,243.80) and re-title the Chief of Administrative Services - Exempt classification to the Chief of Administrative Services II - Exempt at salary plan and grade B85 1018 ($12,855.98 - $14,173.72)

Proposed Effective Date: 3/20/2024

Classification Questionnaire attached: Yes ☐ No ☒ / Cost is within Department's budget: Yes ☐ No ☐

Total One-Time Costs (non-salary) associated with request: $0.00

Estimated total cost adjustment (salary / benefits / one time):

Total annual cost _____ Net County Cost $0.00

Total this FY _____ N.C.C. this FY $0.00

SOURCE OF FUNDING TO OFFSET ADJUSTMENT _____

Department must initiate necessary adjustment and submit to CAO.
Use additional sheet for further explanations or comments.

Gladys Reid
_____
(for) Department Head

REVIEWED BY CAO AND RELEASED TO HUMAN RESOURCES DEPARTMENT

r

_____ _____
Deputy County Administrator Date

HUMAN RESOURCES DEPARTMENT RECOMMENDATIONS DATE 2/23/2024

Establish the classification of Chief of Administrative Services I - Exempt (APD6) at salary plan and grade B85 1017 (S10,073.00 - $12,243.80) and re-title the Chief of Administrative Services - Exempt (APD4) classification to Chief of Administrative Services II - Exempt (APD7) at salary plan and grade B85 1018 ($12,855.98 - $14,173.72)

Amend Resolution 71/17 establishing positions and resolutions allocating classes to the Basic / Exempt salary schedule.

Effective: ☒ Day following Board Action.
☐ _____(Date)

Gladys Reid 2/23/2024

_____ _____
(for) Director of Human Resources Date

COUNTY ADMINISTRATOR RECOMMENDATION: DATE 2/28/2024

☒ Approve Recommendation of Director of Human Resources
☐ Disapprove Recommendation of Director of Human Resources
☐ Other: _____

Jason Chan
_____
(for) County Administrator

BOARD OF SUPERVISORS ACTION:
Adjustment is APPROVED ☒ DISAPPROVED ☐

Monica Nino, Clerk of the Board of Supervisors and County Administrator

DATE _____ BY _____

APPROVAL OF THIS ADJUSTMENT CONSTITUTES A PERSONNEL / SALARY RESOLUTION AMENDMENT

POSITION ADJUSTMENT ACTION TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT FOLLOWING BOARD ACTION
Adjust class(es) / position(s) as follows:

P300 (M347) Rev 3/15/01

REQUEST FOR PROJECT POSITIONS

Department _____ Date _____ No. _____

1. Project Positions Requested:

2. Explain Specific Duties of Position(s)

3. Name / Purpose of Project and Funding Source (do not use acronyms i.e. SB40 Project or SDSS Funds)

4. Duration of the Project: Start Date _____ End Date _____
   Is funding for a specified period of time (i.e. 2 years) or on a year-to-year basis? Please explain.

5. Project Annual Cost

   a. Salary & Benefits Costs: _____ b. Support Costs: _____
   (services, supplies, equipment, etc.)

   c. Less revenue or expenditure: _____ d. Net cost to General or other fund: _____

6. Briefly explain the consequences of not filling the project position(s) in terms of:
   a. potential future costs
   b. legal implications
   c. financial implications
   d. political implications
   e. organizational implications

7. Briefly describe the alternative approaches to delivering the services which you have considered. Indicate why these alternatives were not chosen.

8. Departments requesting new project positions must submit an updated cost benefit analysis of each project position at the halfway point of the project duration. This report is to be submitted to the Human Resources Department, which will forward the report to the Board of Supervisors. Indicate the date that your cost / benefit analysis will be submitted

9. How will the project position(s) be filled?
   - ☐ a. Competitive examination(s)
   - ☐ b. Existing employment list(s) Which one(s)? _____
   - ☐ c. Direct appointment of:
     - ☐ 1. Merit System employee who will be placed on leave from current job
     - ☐ 2. Non-County employee

   Provide a justification if filling position(s) by C1 or C2

USE ADDITIONAL PAPER IF NECESSARY

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: ORD 2024-08 **Agenda Date:** 3/5/2024 **Agenda #:** C.60.

To: Board of Supervisors

From: Ann Elliott, Human Resources Director

Report Title: Introduce Ordinance No. 2024-08

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
INTRODUCE Ordinance No. 2024-08 amending the County Ordinance Code to exempt from the merit system the new classification of Chief of Administrative Services I-Exempt and retitle Chief of Administrative Services -Exempt to Chief of Administrative Services II-Exempt, WAIVE READING and FIX March 19, 2024, for adoption.

FISCAL IMPACT:
There is no fiscal impact for the re-title. Incumbent employees will remain at their current salary. As additional employees are added to the new Chief of Administrative Services I - Exempt classification, the fiscal impact will be evaluated and submitted for approval.

BACKGROUND:
Currently there are several administrative job classifications within the County that perform work functions within personnel, fiscal, and departmental operations. These classifications differ in title and pay, but have similarities within levels of complexity, authority, and scope. Consolidation of these classifications into the Chief of Administrative Services I - Exempt and Chief of Administrative Services II - Exempt will allow appropriate differentiation in levels of responsibility and authority to reflect the needs in the respective departments as well as aligning the salary structure of the positions across County departments.

Incumbents in the existing Chief of Administrative Services - Exempt will be re-titled to Chief of Administrative Services II - Exempt and remain at their current rate of pay. The new salary plan and grade for Chief of Administrative Services I - Exempt will be reflective of the job classifications that will be consolidated. As current employees are moved into the new class, the fiscal impact will be calculated and provided for Board of Supervisors approval. When employees are moved to the new job classifications their rate of pay will be very close to their current step with minimal adjustments to accommodate the 5% steps in the new range.

CONSEQUENCE OF NEGATIVE ACTION:

Should this recommendation not be approved, the County will continue to see an increase in single position classifications performing similar duties within fiscal, HR and operations.

ORDINANCE NO. 2024-008

(Exclude from the Merit System the new classification of Chief of Administrative Services I-Exempt and Retitle the Classification of Chief of Administrative Services-Exempt to Chief of Administrative Services II-Exempt)

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I: Section 33-5.375 of the County Ordinance Code is amended to exclude from the merit system the new classification of Chief of Administrative Services I-Exempt and retitle the classification of Chief of Administrative Services-Exempt to Chief of Administrative Services II-Exempt:

33-5.375 – Countywide Departmental Exempt Classifications.

(a) The departmental human resources officer I-exempt and departmental human resources officer II-exempt are excluded and are appointed by any department head as may be authorized by the board.

(b) The chief of administrative services I-exempt and chief of administrative services II-exempt are excluded and are appointed by any department head as may be authorized by the board.

(Ord. Nos. 2024-08, § 1, 3-19-2024; 2022-05, § 1, 2-01-2022; 2021-14, § 1, 04-27-21; 2018-03 § 1, 02-06-18; Editor's note: Ord. No. 2014-01, § II, adopted January 14, 2014, repealed § 33-5.375 in its entirety. Former § 33-5.375 pertained to general services and was derived from Ord. No. 85-54 § 2; Ord. No. 85-79 § 2; Ord. No. 2000-34; Ord. No. 2000-42; Ord. No. 2002-51 § 1; Ord. No. 2005-30 § 1; Ord. No. 2009-22, § I, adopted October 20, 2009 and Ord. No. 2010-06, § I, adopted June 22, 2010.)

SECTION II: **EFFECTIVE DATE**. This ordinance becomes effective 30 days after passage, and within 15 days of passage shall be published once with the names of the supervisors voting for and against it in the _____, a newspaper published in this County.

PASSED ON _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: MONICA NINO, Clerk of the
Board of Supervisors and County Administrator

By:_____ _____
Deputy Board Chair

[SEAL]

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0643 **Agenda Date:** 3/5/2024 **Agenda #:** C.61.

To: Board of Supervisors

From: Marc Shorr, Information Technology Director

Report Title: Purchase Order with General Datatech, L.P.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Chief Information Officer, to execute a purchase order with General Datatech, L.P. (GDT) in an amount not to exceed $10,000 for the purchase of Palo Alto Networks training credits for the period of March 15, 2024, through March 14, 2025, or one year after the credit initial redemption date.

FISCAL IMPACT:

The cost is charged to the user department. (100% User Fees)

BACKGROUND:

The Department of Information Technology (DoIT) handles Countywide internet traffic and is responsible for the security and safety of all County users. The contract with GDT, as a third-party reseller, provides access to Palo Alto Networks (PAN) which has pioneered the next generation of network security with an innovative platform that allows DoIT to secure the County Network and safely enable an increasingly complex and rapidly growing number of applications. At the core of this platform is the PAN Next Generation Firewall, which delivers visibility and control over applications, users, and content within the firewall using highly optimized hardware and software architecture. To properly maintain the PAN Next Generation firewalls at the primary and secondary County data centers, DoIT staff must have the necessary knowledge and skills to effectively utilize the PAN cybersecurity solutions to protect the County's network, data, and users from cyber threats. Having access to PAN training will allow DoIT's staff to extend their fundamental knowledge of managing cloud security threat detection and endpoint protection as well and confidently configure and manage essential features of the PAN Next Generation Firewall. The training credits will expire one year from the date they are redeemed by DoIT Staff.

The agreement with GDT contains a limitation of GDT's liability to the County of the lesser of $1,000 or 100% of any amount the County has paid GDT for non-conforming goods or services.

CONSEQUENCE OF NEGATIVE ACTION:

If this purchase is not approved DoIT staff may be hindered in their ability to effectively manage cybersecurity risks, protect sensitive data and maintain compliance with relevant regulations.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0644 **Agenda Date:** 3/5/2024 **Agenda #:** C.62.

To: Board of Supervisors

From: Marc Shorr, Information Technology Director

Report Title: Purchase Order with GoTo Technologies, USA, Inc.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Chief Information Officer, to execute a purchase order with GoTo Technologies USA, Inc. in an amount not to exceed $26,400 for the renewal of LogMeIn Rescue + Mobile support for the period of September 24, 2023, through September 23, 2024.

FISCAL IMPACT:

The cost is charged to the user department. (100% User Departments)

BACKGROUND:

LogMeIn Rescue is a remote support software specializing in remote connectivity and collaboration solutions, which enables technicians to remotely access and control various end user devices over the internet to diagnose problems, troubleshoot software issues, configure settings, and perform tasks such as file transfers or software installations remotely. LogMeIn Mobile is an extension of the LogMeIn Rescue remote support software specifically tailored to provide technical support to mobile devices such as smartphones and tablets. The LogMeIn Rescue + Mobile is used by the Dept of Information Technology Network Services team to assist in resolving issues for all County users.

The contract with GoTo Technologies USA, Inc. contains a limitation of GoTo's liability to the sum of the amounts paid for the applicable service during the 12 months immediately preceding the incident giving rise to the liability. The purchase order will be effective as of September 2023 to allow for incidental services and billing that occurred in between the prior service term and the delayed execution of the current agreement, for which the causes of the delay have been remedied for future terms.

CONSEQUENCE OF NEGATIVE ACTION:

If this purchase is not approved the DoIT Network Services team will be limited in the type or remote support they can provide to County department users, which could delay resolution of issues.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0645 **Agenda Date:** 3/5/2024 **Agenda #:** C.63.

To: Board of Supervisors

From: Marc Shorr, Information Technology Director

Report Title: Purchase Order with General Datatech, L.P. for Rubrik Cloud Data Management and Data Security Services

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Chief Information Officer, to execute a purchase order, with General Datatech, L.P. (GDT), in an amount not to exceed $135,000 to renew licensing for Rubrik Cloud Data Management and Data Security Services for the period of September 1, 2023, through August 31, 2024.

FISCAL IMPACT:

The cost of this product is included in the department's FY 23-24 budget. (100% User Departments)

BACKGROUND:

In 2020, DoIT purchased the Rubrik Cloud Data Management and Data Security Services back-up solution through reseller, Integrated Archive Systems (now General Datatech L.P.), as the existing County backup appliances were end-of-life, and unreliable. DoIT, in conjunction with other County departments represented on the County's ITAC committee, evaluated new vendors to provide a replacement for the County's current backup solution, and Rubrik was recommended as the new County standard. The original three-year agreement included licensing, maintenance, and support.

In 2023, DoIT, in cooperation with Purchasing Services, facilitated a formal bid for the renewal of Rubrik licensing and support. General Datatech, L.P. was selected as the most cost-effective and capable vendor to provide the Rubrik services. The licensing and support will be governed by Rubrik's End User License Agreement. The vendor provided continuity of service while the County solicitation process was conducted and finalized, resulting in the term being effective back to September 2023.

Rubrik's End User License Agreement contains Indemnification and a Limitation of Liability which limits the total liability of Rubrik and its affiliates and licensors to the total fees paid by the County to Rubrik (or to the applicable channel partner) for the products in the twelve (12) months preceding the date of the first event giving rise to liability under this agreement. General DataTech's Terms of Use include a limitation of liability which limits General DataTech's liability to the lesser of $1,000 or the amount paid for services.

CONSEQUENCE OF NEGATIVE ACTION:

The County departments supported by DoIT will be at risk of not meeting standards for security, performance, reliability, and cost effectiveness. Additionally, the Rubrik products improve the County's ability to protect and recover its intellectual assets in the event of a cyber-attack.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0646 **Agenda Date:** 3/5/2024 **Agenda #:** C.64.

To: Board of Supervisors

From: Marc Shorr, Information Technology Director

Report Title: Purchase Order with ePlus Technology, Inc. for SolarWinds Software and Licensing

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Chief Information Officer, to execute a purchase order with ePlus Technology, Inc. and enter into an End User License Agreement with SolarWinds Worldwide, LLC., in an amount not to exceed $15,200 for the renewal of SolarWinds software services for the period of March 15, 2024, through March 15, 2025.

FISCAL IMPACT:
The cost of this product is included in the department's FY 23-24 budget (100% User Departments).

BACKGROUND:
In 2023, the Department of Information Technology (DoIT) purchased the following SolarWinds software licensing and services to provide the WAN (Wide Area Network) team with greater visibility into the County's wide area network:

Network Performance Monitor:

- Provides proactive end-to-end observability
- Allows performance insights across infrastructure, network, databases and applications for rapid resolution, anomaly detection and reduces mean time to resolution (MTTR)

Network Traffic Analyzer:

- Provides real-time network utilization monitoring tool, NetFlow analyzer and bandwidth monitoring software for bandwidth monitoring, application traffic alerting, network traffic analysis, VMware vSphere distributed switch support, and performance analysis dashboard and advanced application recognition

Network Configuration Monitor:

- Consolidates and automates all network configurations in one place
- Reduces the time required to manage critical changes and repetitive tasks across complex, multi-vendor

networks

- Assists in resolving operational issues faster by easily identifying, troubleshooting, and fixing problems
- Reduces downtime by helping ensure that the network is compliant and secure
- Promotes best practices, consistency, by seeing the most critical details

These services have increased the WAN team's depth of knowledge and provided them with the tools for more efficient troubleshooting, quicker issue resolution, and more thorough overall network maintenance.

ePlus Technology, Inc., is a third-party reseller for SolarWinds. The SolarWinds' EULA (End User License Agreement), which governs the service agreement, contains Intellectual Property Indemnity and a Limitation of SolarWinds liability to the amount of licensing fees which have been paid by the County to SolarWinds in the twelve (12) months preceding the date upon which any cause of action arose for the applicable software.

CONSEQUENCE OF NEGATIVE ACTION:

If the SolarWinds software is not renewed through ePlus Technology, Inc., the Department of Information Technology's WAN team will have limited visibility into the County's network which will significantly increase the timeframes and accuracy for new network configurations, issue resolution, and network maintenance.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0647 **Agenda Date:** 3/5/2024 **Agenda #:** C.65.

To: Board of Supervisors

From: Marc Shorr, Information Technology Director

Report Title: Purchase Order with AT&T Corporation for Cisco Equipment

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Purchasing Agent, on behalf of the Chief Information Officer, to execute a purchase order, with AT&T Corporation in an amount not to exceed $275,000 for the purchase of Cisco networking equipment.

FISCAL IMPACT:

The cost for this purchase will be charged to user departments through the Department of Information Technology's bill process. (100% User Departments)

BACKGROUND:

The Department of Information Technology is currently engaged in the process of procuring and deploying Cisco networking equipment, for the support of Audio-Visual (AV) services, at the new County building located at 1026 Escobar, Martinez. The new Cisco equipment will provide the necessary infrastructure and capabilities for streaming, conferencing, and delivering multimedia content across the County network, for the various departments which will be located at this site.

The Cisco networking equipment is designed to scale effortlessly to support growing demands for AV services, and their high-performance switches and routers ensure sufficient throughput and bandwidth to accommodate high-definition video streams and large-scale deployments. The County leverages the following features provided by Cisco to ensure all service and conferencing requirements meet County standards:

1. **Quality of Service (QoS)**: Cisco devices offer sophisticated QoS features that prioritize AV traffic to ensure consistent and reliable delivery. QoS mechanisms prioritize audio and video packets over less time-sensitive data to minimize latency and packet loss, thereby enhancing the overall AV experience.

2. **Multicast Support**: Cisco switches and routers support multicast routing protocols such as Protocol Independent Multicast (PIM) to efficiently distribute AV streams to multiple recipients simultaneously. This is crucial for applications like live streaming or video conferencing where the same content needs to be delivered to multiple recipients.

3. **Unified Communications (UC) Solutions**: Cisco offers UC solutions like Cisco Unified

Communications Manager (CUCM) and Cisco Webex that integrate AV services with other communication channels such as voice, messaging, and presence. These solutions provide features like video conferencing, desktop sharing, and real-time collaboration over IP networks.

4. **Video Conferencing Infrastructure**: Cisco provides video conferencing solutions such as Cisco Telepresence, which rely on networking equipment to establish connections between endpoints, manage bandwidth allocation, and ensure optimal video and audio quality during conferences.

5. **Content Delivery Networks (CDN)**: Cisco offers CDN solutions that optimize the delivery of multimedia content by caching frequently accessed content closer to end-users. This reduces latency and network congestion, resulting in smoother AV streaming experiences.

Beginning with the implementation of AV services at 1850 Muir (Sheriff, EOC) and 1025 Escobar (CAO), the Department of Information and Technology (DoIT) has prioritized the standardization and deployment of AV equipment and transport services. This standardization ensures uniform functionality across all AV conference rooms, office systems, and broadcast services, regardless of their location. Additionally, the DoIT Wide Area Network (WAN) team has standardized the use of Cisco networking equipment for all County enterprise services and Internet access. By deploying Cisco networking equipment to support AV services, the DoIT WAN team can effectively monitor and maintain the network infrastructure as a cohesive unit. AT&T was selected through a competitive solicitation process to provide Cisco equipment.

CONSEQUENCE OF NEGATIVE ACTION:
If this purchase is not approved, the departments moving into the new building will lack the necessary setup for utilizing AV services, consequently limiting their capacity to engage in remote and efficient communication with other County departments. Furthermore, deviating from the County's standardization strategy for AV, transport, enterprise, and internet services can lead to a myriad of challenges. These include interoperability issues, heightened complexity, increased costs, susceptibility to security vulnerabilities, constrained scalability, quality of service discrepancies, and integration hurdles. Such challenges ultimately impede the County's operational efficiency, agility, and innovative capabilities.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0648 **Agenda Date:** 3/5/2024 **Agenda #:** C.66.

To: Board of Supervisors

From: Alison McKee, County Librarian

Report Title: Purchase order with Rogue Services and Solutions, LLC for the renewal of intranet solution services through March 31, 2025

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the County Librarian, a purchase order including modified limitation of liability with Rogue Services and Solutions, LLC (dba Hubley), in an amount not to exceed $19,884 for the renewal of intranet solution services for the period April 1, 2024 through March 31, 2025.

FISCAL IMPACT:
100% Library Fund.

BACKGROUND:
The Library Department has and continues to use Rogue Services and Solutions, LLC (dba Hubley) for its intranet solutions. Hubley is an intranet solution with configurable webparts and modules built on Microsoft M365/SharePoint. Hubley covers corporate messaging, collaboration and engagement features and is what the Library uses for its intranet.

The Terms and Conditions of the purchase order include a limitation of liability provision, approved by County Counsel.

CONSEQUENCE OF NEGATIVE ACTION:
If the Purchase Order is not approved, the Contra Costa County Library's intranet will have limited communication, collaboration, and connection for its staff.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0649 **Agenda Date:** 3/5/2024 **Agenda #:** C.67.

To: Board of Supervisors

From: Alison McKee, County Librarian

Report Title: Contract Amendment with Strategic Threat Management , Inc.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

APPROVE and AUTHORIZE the County Librarian's execution of a contract amendment with Strategic Threat Management, Inc., to increase the payment limit by $118,500 to a new payment limit of $421,900 to provide additional library security services.

FISCAL IMPACT:

100% Library Fund.

BACKGROUND:

On June 21, 2022, the Board of Supervisors approved a contract with Strategic Threat Management, Inc. to provide security services at the Antioch Library, the Prewett Library, and Library Administration for the period July 1, 2022 through June 30, 2024. The Contra Costa County Library is requesting approval for a contract amendment with Strategic Threat Management, Inc., to provide additional armed security services at the Antioch Library due to the increase in frequency and severity of incidents over the last several months.

The security services provided will promote the safety of library patrons and employees at library locations and the safeguard equipment and property. The contractor will conduct visual checks of areas in and around Library locations, monitor and respond to staff requests, and report any illegal activity or suspected illegal activity to Antioch PD.

These services will assist in creating a safe and welcoming environment for library patrons and a safe environment for library staff.

CONSEQUENCE OF NEGATIVE ACTION:

If not approved, the Antioch Library will not have sufficient security to ensure the safety of library staff and patrons.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0693 **Agenda Date:** 3/5/2024 **Agenda #:** C.68.

To: Board of Supervisors

From: Alison McKee, County Librarian

Report Title: Purchase Order - Zoho Corporation Manage Engine OpManager Plus Professional

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the County Librarian, a purchase order with Zoho Corporation in an amount not to exceed $4,600 for the renewal of ManageEngine OpManager Plus software subscription, for the period October 30, 2023, through October 29, 2024.

FISCAL IMPACT:

100% Library Fund.

BACKGROUND:

Library Department has and continues to use ManageEngine software provided by Zoho Corporation to manage networks, servers, applications, service desk, Active Directory, security, desktops, and mobile devices.

The Terms and Conditions of the purchase order include a Limitation of Liability and Indemnification provision approved by County Counsel.

CONSEQUENCE OF NEGATIVE ACTION:

If the Purchase Order is not approved, the Contra Costa County Library's IT operations will not be able to function as they have been, and library services to patrons will be impacted.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: RES 2024-77 **Agenda Date:** 3/5/2024 **Agenda #:** C.69.

To: **Board of Supervisors**

From: Alison McKee, County Librarian

Report Title: Disposal of Surplus Library Materials

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

ADOPT Resolution approving and authorizing the County Librarian to dispose of library books and materials that the County Librarian has determined to be surplus to the Library's needs by (1) donating the material to "Friends" groups and foundations that support Library activities, public schools and public school libraries, and other County departments, and (2) working with a third-party vendor pursuant to a contract approved by the Board of Supervisors.

FISCAL IMPACT:

None.

BACKGROUND:

By virtue of Board Resolution Nos. 78/107, 83/140 and 98/460, the County Librarian is authorized to dispose of library books and materials that the County Librarian has determined to be surplus to the Library's needs by donating the material to "Friends" groups and foundations that support Library activities. In April 2020, this Board authorized the County Librarian to execute a contract with a third-party vendor to dispose of surplus Library materials and pay a share of any proceeds to the Library.

The Resolution recommended today will update and supersede the previous Board resolutions to add public schools, public school libraries, other County departments, and a third-party vendor whose contract has been approved by the Board of Supervisors to the list of potential recipients of the Library's surplus materials.

CONSEQUENCE OF NEGATIVE ACTION:

The Library's current policies related to the disposition of surplus materials will remain unchanged.

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

IN THE MATTER OF DIRECTING THE COUNTY LIBRARIAN TO ARRANGE FOR THE DISPOSAL OR REDISTRIBUTION OF SURPLUS LIBRARY MATERIALS

RESOLUTION NO. 2024-___

WHEREAS Contra Costa County ("County") operates a public library system that is comprised of 26 community libraries serving the County's diverse population (the "Library").

WHEREAS, consistent with the Library's mission of bringing people and ideas together, the Library strives to offer the public a collection of materials that is current and engaging.

WHEREAS maintaining a collection of materials that is current and engaging requires culling materials that the County Librarian determines have become outdated, damaged, superseded, or no longer relevant to the collection ("Surplus Materials").

WHEREAS other groups or organizations may be able to repurpose the Surplus Materials through sales that benefit the Library or through the use of the Surplus Materials for a public benefit.

WHEREAS the Library desires to dispose of Surplus Materials in a manner that simultaneously is efficient, serves the public and promotes environmental sustainability.

NOW, THEREFORE, BE IT RESOLVED NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of the County of Contra Costa (the "Board") that the County Librarian is authorized to do all of the following:

1. Declare as surplus library materials, including books, magazines, and other items from the collection, that are determined to be outdated, damaged, superseded, or no longer relevant to the collection.

2. Dispose of Surplus Materials by donating them to one or more of the following: (i) groups and foundations known as "Friends" of the Library, (ii) public schools, (iii) public school libraries, (iv) other County departments, and (v) local non-profit organizations approved by the County Librarian.

3. Dispose of Surplus Materials by working with one or more third-party vendors, in accordance with a contract that has been approved by the Board.

4. Make space available in Library facilities for groups and foundations known as "Friends" of the Library, to enable such groups to sell Surplus Materials or to otherwise dispose of Surplus Materials in a manner that benefits the public.

BE IT FURTHER RESOLVED that this Resolution supersedes and replaces Resolution Nos. 78/107, 83/140, and 98/460.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0650 **Agenda Date:** 3/5/2024 **Agenda #:** C.70.

To: Board of Supervisors

From: Ellen McDonnell, Public Defender

Report Title: Transportation gift cards to support Alternatives to Supervision clients

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
RESCIND prior Board action from October 3, 2023 (C.56, 23-505) which authorized the Purchasing Agent, on behalf of the Public Defender's Office to purchase $5,040 of gift cards for transportation support, and APPROVE and AUTHORIZE the Purchasing Agent, or designee, to purchase, on behalf of the Public Defender's Office, 67 gift cards for Arco gas in an amount of $25 each, 67 gift cards for Lyft in an amount of $25 each, and 112 gift cards for Clipper cards in an amount of $15 each, for a grand total of $5,030 to provide transportation support to Alternatives to Supervision (ATS) clients.

FISCAL IMPACT:
These gift cards will be 100% funded by General Funds through an interdepartmental agreement between the Public Defender's Office and the Alliance to End Abuse unit in the Employment and Human Services Department (EHSD).

BACKGROUND:
On October 3, 2023, the Board of Supervisors approved Consent Item C.56 (23-505), for the purchase of 112 Arco gas cards in an amount of $15 each and 112 Lyft cards in an amount of $15 each. During the procurement process, the Public Defender's Office (CCPD) learned that both the Arco and Lyft gift cards have minimum requirement value of $25. Due to such restrictions, CCPD can only purchase 67 Arco and 67 Lyft gift cards, instead of 112 each, changing the total amount from $3,360 ($1,680 for each set of cards) to $3,350 ($1,675 each).

The Public Defender (CCPD) is requesting a change to the number and credit limit for both the Arco and Lyft gift cards from 112 cards in the amount of $15 each to 67 cards in the amount of $25 each. There will be no changes to the number or credit limit for the Clipper cards.

CONSEQUENCE OF NEGATIVE ACTION:
If unapproved, the Public Defender's Office will not be able to provide support to ATS clients who are attending Batterer's Intervention Program (BIP) classes. ATS clients may then drop out of their BIP classes due

to lack of transportation access.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: RES 2024-78 **Agenda Date:** 3/5/2024 **Agenda #:** C.71.

To: **Board of Supervisors**

From: Warren Lai, Public Works Director/Chief Engineer

Report Title: Accepting completion of private improvements for subdivision SD17-09467, Bay Point area.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
ADOPT Resolution accepting completion of private improvements per the Subdivision Agreement and release of cash deposit for faithful performance for subdivision SD17-09467 (cross-reference development permit DP17-03017) for a project developed by Forecast Land Investment, LLC, as recommended by the Public Works Director, Bay Point area. (District V)

FISCAL IMPACT:
100% Developer Fees.

BACKGROUND:
The developer has completed the private improvements per the Subdivision Agreement, and in accordance with Title 9 of the County Ordinance Code.

CONSEQUENCE OF NEGATIVE ACTION:
The completion of improvements will not be accepted.

c: Larry Gossett-Engineering Services, Kellen O'Connor-Engineering Services, Marke Smith, Engineering Services, Randy Sanders-Design/Construction, Kimberly Rodriguez, Design/Construction, Chris Lau, Maintenance, Renee Hutchins, Records, Karen Piona, Records, Chirs Halford, Mapping, Rachel Brown, Finance, Forecast Land Investment, LLC, Lexon Insurance Company, T-1/5/2025

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

IN THE MATTER OF: Accepting completion of private improvements per the Subdivision Agreement and release of cash deposit for faithful performance for subdivision SD17-09467 (cross-reference development permit DP17-03017) for a project developed by Forecast Land Investment, LLC, as recommended by the Public Works Director, Bay Point area. (District V)

WHEREAS, the Public Works Director has notified this Board that the private improvements in subdivision SD17-09467 have been completed as provided in the Subdivision Agreement with Forecast Land Investment, LLC, heretofore approved by this Board in conjunction with the filing of the Subdivision Map.

WHEREAS, these improvements are located at Pullman Avenue, and North Bella Monte Avenue.

NOW, THEREFORE, BE IT RESOLVED that the improvements have been **COMPLETED** as of March 5, 2024, thereby establishing the six-month terminal period for the filing of liens in case of action under said Subdivision Agreement:

DATE OF AGREEMENT: February 1, 2022

NAME OF SURETY: Lexon Insurance Company

BE IT FURTHER RESOLVED the payment (labor and materials) surety for $24,500.00, Bond No. LICX1210918 issued by the above surety be **RETAINED** for the six-month lien guarantee period until September 5, 2024, at which time the Board **AUTHORIZES** the release of said surety less the amount of any claims on file.

BE IT FURTHER RESOLVED that there is no warranty period required, and the Public Works Director is **AUTHORIZED** to refund the $1,000.00 cash security for performance (Auditor's Deposit Permit No. DP839131, dated November 22, 2021) plus interest in accordance with Government Code Section 53079, if appropriate, to Forecast Land Investment, LLC, pursuant to the requirements of the Ordinance Code; and the Subdivision Agreement and surety bond, Bond No. LICX1210918, dated November 30, 2021 are exonerated.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: RES 2024-79 **Agenda Date:** 3/5/2024 **Agenda #:** C.72.

To: **Board of Supervisors**

From: Warren Lai, Public Works Director/Chief Engineer

Report Title: Approve & Authorize to fully close a portion Norwood Avenue, and several nearby roads, on March 18, 2024 through April 19, 2024, East Richmond Heights Kensington areas.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
ADOPT Resolution approving and authorizing the Public Works Director, or designee, to fully close a portion of Norwood Avenue, between Arlington Court and Highgate Road, Tassajara Avenue, between Hazel Avenue and Barrett Avenue, Carquinez Avenue, between Hazel Avenue and Barrett Avenue, all of Highgate Court, Francisco Way, and Arlington Court, on March 18, 2024, through April 19, 2024, from 8:00 a.m. through 5:00 p.m., for the purpose of sewer main rehabilitation for Stege Sanitary District, East Richmond Heights and Kensington areas. (District I)

FISCAL IMPACT:
No fiscal impact.

BACKGROUND:
APB General Engineering shall follow guidelines set forth by the Public Works Department. The focus is on rehabilitating the sanitary sewer mainline located in public rights-of-way. These rehabilitation efforts are crucial for maintaining the integrity of the sewer infrastructure and ensuring efficient wastewater conveyance.

CONSEQUENCE OF NEGATIVE ACTION:
APB General Engineering will be unable to close the road for the Stege Sanitary District's sewer main rehabilitation project in the East Richmond Heights and Kensington areas.

c: Larry Gossett-Engineering Services, Kellen O'Connor-Engineering Services, Bob Hendry, Engineering Services, Marke Smith, Engineering Services, Devon Petal, Engineering Services, Chris Lau, Maintenance, Kensington Police & Fire Department

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

IN THE MATTER OF: Approving and authorizing the Public Works Director, or designee, to fully close a portion of Norwood Avenue, between Arlington Court and Highgate Road, Tassajara Avenue, between Hazel Avenue and Barrett Avenue, Carquinez Avenue, between Hazel Avenue and Barrett Avenue, all of Highgate Court, Francisco Way, and Arlington Court, on March 18, 2024, through April 19, 2024, from 8:00 a.m. through 5:00 p.m., for the purpose of sewer main rehabilitation for Stege Sanitary District, East Richmond Heights and Kensington areas. (District I)

RC24-12

NOW, THEREFORE, BE IT RESOLVED that permission is granted to APB General Engineering to fully close Norwood Avenue, between Arlington Court and Highgate Road, Tassajara Avenue, between Hazel Avenue and Barrett Avenue, Carquinez Avenue, between Hazel Avenue and Barrett Avenue, all of Highgate Court, Francisco Way, and Arlington Court, except for emergency traffic, local residents, US Postal Service and garbage trucks, on March 18, 2024, through April 19, 2024, from 8:00 a.m. through 5:00 p.m., subject to the following conditions:

1. Traffic will be detoured via roads identified in a traffic control plan, reviewed by the Public Works Department. Emergency vehicles, residents within the construction area and essential services will be allowed access as required.
2. All signing to be in accordance with the California Manual on Uniform Traffic Control Devices.
3. APB General Engineering shall comply with the requirements of the Ordinance Code of Contra Costa County.
4. Provide the County with a Certificate of Insurance in the amount of $1,000,000.00 for Comprehensive General Public Liability which names the County as an additional insured prior to permit issuance.
5. Obtain approval for the closure from the Kensington Police Department, and Kensington Fire Department, CHP and Sheriff.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: RES 2024-83 **Agenda Date:** 3/5/2024 **Agenda #:** C.73.

To: **Board of Supervisors**

From: Warren Lai, Public Works Director/Chief Engineer

Report Title: Resolution Declaring the Property at 100 38th Street, in Richmond, to be Exempt Surplus Land

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
ADOPT a resolution declaring County-owned property located at 100 38th Street, in Richmond, Assessor's Parcel No. 517-340-004, to be exempt surplus land based on the planned development of affordable housing and ancillary ground-floor commercial uses on the property, in accordance with Government Code Section 54221(f)(1)(F).

FISCAL IMPACT:
Declaring the property to be exempt surplus land has no fiscal impact.

BACKGROUND:
Property and Proposed Development

The County owns an approximately 2.0-acre parcel, located at 100 38th Street, in Richmond, having Assessor's Parcel No. 517-340-004. The property is the site of the former West County Health Center, which has been relocated to San Pablo. The subject property is improved with a multi-story, 83,884 square-foot building that has been vacant since November 2018. The subject property is no longer needed for County purposes and the County desires to dispose of the property.

Before disposing of surplus land, local agencies are required to satisfy the requirements of the Surplus Land Act, Government Code section 54220, et seq. (the "SLA"). In 2019, following notifications to various housing groups in accordance with the provisions of the SLA then in effect, a partnership between Eden Housing, Inc., a California nonprofit public benefit corporation, and Community Housing Development Corporation of North Richmond, a California nonprofit public benefit corporation, (together, the "Developer") proposed building affordable housing on the subject property in two phases. In the first phase, the Developer will rehabilitate the existing building to create 59 supportive housing units affordable to very low-income households. In the second phase, the Developer will construct a new building with 76 family housing units affordable to low-income households, and approximately 8,500 square feet of ground floor commercial space, including a YMCA childcare facility. (Together, the two phases are the "Development.")

In December 2019, the Board of Supervisors authorized an Exclusive Negotiating Rights Agreement (ENRA) between the County and the Developer. The ENRA enabled the Developer to perform due diligence on the property, apply for land use entitlements from the City of Richmond and negotiate the purchase price for the

property.

On October 4, 2022, the City Council for the City of Richmond unanimously approved land use entitlements for the Development. On July 18, 2023, the County and the Developer entered into an option agreement, establishing the purchase price of the property. The Developer now plans to seek financing for the construction of the first phase of the Development.

Resolution Declaring the Property to be Exempt Surplus Land

Effective January 1, 2020, the SLA was amended to require local agencies to declare surplus land to be either "exempt surplus land," or "surplus land," prior to disposing of the land. Declaring the property to be "exempt surplus land" streamlines the process for disposing of land. The SLA includes various types of "exempt surplus land," including an exemption for certain affordable housing projects in Government Code section 54221(f)(1)(F). Under that exemption, land that will be developed as affordable housing must meet the following requirements: (i) at least 75% of the residential units must be restricted and affordable to lower-income households, and (ii) the remaining residential units must be restricted to low or moderate-income households. (Gov. Code, § 54221(f)(1)(F)(i).) Ancillary ground-floor commercial space is permitted. As explained above, the Development meets these requirements.

A restrictive covenant must be recorded against the subject property to restrict the use of the property to affordable housing meeting the above requirements for a minimum of 55 years (in the case of affordable rental property). (Gov. Code, § 54221(f)(1)(F)(ii).) In connection with the sale of the property, a restrictive covenant meeting these requirements will be recorded against the subject property at the time it is conveyed to the Developer.

Real Estate Division staff recommend that the Board adopt the attached resolution declaring the subject property to be exempt surplus land under Government Code section 54221(f)(1)(F). The resolution will then be forwarded to the California Department of Housing and Community Development at least 30 days before the transfer of the property to the Developer.

CONSEQUENCE OF NEGATIVE ACTION:
The subject property would not be declared to be "exempt surplus land" under Government Code section 54221(f)(1)(F).

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DECLARING THE PROPERTY AT 100 38TH STREET IN RICHMOND, CALIFORNIA, TO BE EXEMPT SURPLUS LAND IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54221(f)(1)(F) FOR THE REUSE OF THE FORMER WEST COUNTY HEALTH CENTER AS AN AFFORDABLE HOUSING DEVELOPMENT

RESOLVED, by the Board of Supervisors of the County of Contra Costa, State of California:

WHEREAS the County of Contra Costa (the "County") owns an approximately 2.0-acre property located at 100 38th Street, Richmond, California, having Assessor's Parcel No. 517-340-004 (the "Property").

WHEREAS the Property is the site of the former West County Health Center, which has been relocated to San Pablo and the Property is no longer necessary for County use.

WHEREAS the Property is improved with a multi-story, 83,884-square-foot building (the "Building") that has been vacant since November 2018.

WHEREAS on May 1, 2019, in compliance with the requirements of Government Code section 54220 et seq. (the "Surplus Land Act") then in effect, the County notified various public agencies and low-income housing groups of the County's intention to dispose of the Property as surplus.

WHEREAS two low-income housing groups responded to the County's notice of intention to dispose of the Property and both were asked to submit proposals to the County for development of the Property.

WHEREAS both proposals were reviewed by a committee consisting of members of four different County departments, including the Health Services Department and the Conservation and Development Department.

WHEREAS the proposal submitted by a partnership of Eden Housing, Inc. and Community Housing Development Corporation of North Richmond (such partnership, the "Developer"), which is comprised of two phases, the first of which consists of an estimated 59 residential rental units, all of which will be affordable to very low-income households, and the second of which consists of an estimated 76 residential rental units, all of which will be affordable to low-income households, and ancillary commercial ground floor uses (the "Development"), was unanimously selected as the preferred option.

WHEREAS the Board of Supervisors of Contra Costa County (the "Board"), at its duly noticed regular public meeting held on December 17, 2019, approved an exclusive negotiating rights agreement between the County and the Developer to enable the Developer to perform due diligence on the potential purchase of the Property, apply for land use entitlements from the City of Richmond for the development of the Development, and negotiate a purchase price for the Property with the County.

WHEREAS, on October 4, 2022, the City Council for the City of Richmond unanimously approved the land use entitlements sought by the Developer for the Development.

WHEREAS a covenant will be recorded against the Property, in a form approved by County Counsel, restricting 100% of the residential units to persons and families of low or moderate income, with at least 75% of the units restricted to lower income households, as determined pursuant to section 50053 of the Health and Safety Code, for a minimum of 55 years (the "Restrictive Covenant").

WHEREAS the Restrictive Covenant will run with the land and be enforceable against any owner who violates the Restrictive Covenant and each successor in interest who continues the violation.

WHEREAS the transfer of the Property to the Developer for the construction of the Development and the recordation of the Restrictive Covenant satisfy the criteria for exempt surplus land as defined in Government Code section 54221(f)(1)(F).

WHEREAS the Board, at its duly noticed regular public meeting held on July 18, 2023, approved an option agreement between the County and the Developer that establishes the price the Developer will pay to purchase the Property for the development of the Development.

WHEREAS the Board, at its duly noticed regular public meeting held on March 5, 2024, considered the decision to declare the Property exempt surplus land.

NOW THEREFORE BE IT RESOLVED that the Board hereby finds and determines that the foregoing recitals are true and correct.

BE IT FURTHER RESOLVED that the Board hereby declares that the Property is "exempt surplus land," as that term is defined in Government Code section 54221(f)(1)(F).

BE IT FURTHER RESOLVED that the Board hereby authorizes the Public Works Director, or his designee, to take all actions necessary to complete the transaction contemplated in this Resolution, including the execution and recordation of the Restrictive Covenant.

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

ATTESTED: _____, 2024

By: _____ [SEAL]
County Administrator and Clerk
of the Board of Supervisors

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: RES 2024-80 **Agenda Date:** 3/5/2024 **Agenda #:** C.74.

To: **Board of Supervisors**

From: Warren Lai, Public Works Director/Chief Engineer

Report Title: Authorization to exercise new powers in County Service Area R-7, Zone A, Alamo area.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

1. RECEIVE a copy of Resolution No. 23-11 of the Contra Costa Local Agency Formation Commission (LAFCO), activating specified latent powers of County Service Area (CSA) R-7 within Zone A.

2. ADOPT Resolution authorizing the exercise of the newly activated powers within Zone A, and DIRECT the Clerk of the Board of Supervisors to mail a copy of the resolution to Contra Costa LAFCO within 30 days.

FISCAL IMPACT:

Costs associated with the exercise of the new powers will be funded with existing ad valorem tax revenues allocated to CSA R-7, Zone A, or revenues from new funding sources approved by the property owners in CSA R-7, Zone A.

BACKGROUND:

On July 18, 2023, at the direction of the Board, an application was submitted to Contra Costa LAFCO for a change in organization of CSA R-7 to activate latent powers under Government Code section 25213, subdivisions (j), (o) and (w), to do the following within Zone A:

1. Maintain street landscaping in the Boulevard of Trees area;

2. Provide funding for the services of the Alamo Municipal Advisory Council (MAC); and

3. Acquire, construct, improve, maintain, and operate community facilities, such as a community center.

On November 8, 2023, Contra Costa LAFCO adopted Resolution No. 23-11, approving the activation of latent powers to provide street landscape maintenance services and funding for services of the Alamo MAC, and to acquire, construct, improve, operate, and maintain community facilities, including but not limited to a community center within the district boundaries. The latent power pertaining to community facilities was conditioned upon adequate financing.

Government Code section 25213.5, subdivision (c), provides that a CSA may exercise a latent power after receiving approval of the local agency formation commission, and requires the clerk of the board of the CSA to mail to the local agency formation commission a copy of a resolution adopted by the board, within 30 days of its adoption. The adoption of Resolution is recommended to comply with this statutory requirement.

CONSEQUENCE OF NEGATIVE ACTION:
Resolution will not be adopted.

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

IN THE MATTER OF: Authorizing the Exercise of New Powers in County Service Area R-7 within Zone A, Alamo area (District II)

A. On January 28, 1974, the Board of Supervisors adopted Resolution No. 74/105, establishing County Service Area (CSA) R-7 to provide parks and recreation services in the San Ramon Valley area, including Alamo, subject to confirmation by the voters in a special election on the question of establishment of the county service area.

B. On July 9, 1974, the Board adopted Resolution No. 74/597, in which the Board determined that a combined measure on the question of the formation of the CSA, and to authorize a maximum tax rate, was passed, and declared that the establishment of CSA R-7 was finally established.

C. Zone A of CSA R-7 was created in 1984 and encompasses the Alamo area.

D. On July 18, 2023, the County applied to the Contra Costa Local Agency Formation Commission (LAFCO) for a change in organization of CSA R-7 to activate latent powers under Government Code section 25213, subdivisions (j), (o) and (w), to do the following within Zone A:

1. Maintain street landscaping in the Boulevard of Trees area;
2. Provide funding for the services of the Alamo MAC; and
3. Acquire, construct, improve, maintain, and operate community facilities, such as a community center.

E. On November 8, 2023, the Contra Costa LAFCO adopted Resolution No. 23-11, activating the latent powers of CSA R-7 to provide street landscape maintenance services and funding for services of the Alamo MAC, and to acquire, construct, improve, operate and maintain community facilities, including but not limited to a community center within district boundaries. The latent power pertaining to community facilities was conditioned upon adequate financing.

F. Government Code section 25213.5, subdivision (c), provides that a CSA may exercise a latent power after receiving approval of the local agency formation commission, and requires the clerk of the board of the CSA to mail to the local agency formation commission a copy of a resolution adopted by the board, within 30 days of its adoption.

NOW, THEREFORE, THE BOARD OF SUPERVISORS RESOLVED THAT:

In addition to the power to provide parks and recreation services as authorized in Resolution No. 74/105, CSA R-7 is authorized to exercise the powers activated by Contra Costa LAFCO Resolution 23-11, effective

immediately.

C: Laura Strobel, County Administrator, CAO, Robert Campbell, Auditor Controller, Thomas L. Geiger, County Counsel, Jocelyn LaRocque, Public Works, Engineering Services, Diana Oyler, Public Works, Finance, Carl Roner, Public Works Special Districts, Rochelle Johnson, Public Works, Special Districts

RESOLUTION NO. 23-11

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION MAKING DETERMINATIONS AND APPROVING ACTIVATION OF LATENT POWERS OF COUNTY SERVICE AREA R-7 (Street Landscape Maintenance, Fund Services of the Alamo Municipal Advisory Council, and Acquire, Construct, Improve, Operate and Maintain Community Facilities in the Alamo area)

WHEREAS, Section 56824.12 of the Cortese-Knox-Hertzberg Local Government Reorganization Act requires that a proposal to provide a new or different function or class of services within all or part of the jurisdictional boundaries of a special district, pursuant to Section 56654(b), shall be made by the adoption of a resolution of application by the legislative body of the special district and shall include all of the matters specified for a petition in Section 56700 (except paragraph (6) of subdivision (a)), and be submitted with a plan for services prepared pursuant to Section 56653; and

WHEREAS, the above-referenced proposal to activate certain latent powers of County Service Area R-7 was filed with the Executive Officer of the Contra Costa Local Agency Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (§56000 et seq. of the Government Code); and

WHEREAS, the Executive Officer examined the application and executed her certification in accordance with law, determining and certifying that the filing is sufficient; and

WHEREAS, at the time and in the manner required by law, the Executive Officer gave notice of the Commission's consideration of the proposal; and

WHEREAS, the Executive Officer reviewed available information and prepared a report including her recommendations therein, and the report and related information were presented to and considered by the Commission; and

WHEREAS, at a public hearing held on November 8, 2023, the Commission heard, discussed, and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendations, the environmental documents and determinations, spheres of influence, and related factors and information including those contained in Gov. Code §56668; and

WHEREAS, the applicant delivered to LAFCO an executed indemnification agreement providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions to challenge the activation of latent powers; and

WHEREAS, the Local Agency Formation Commission determines the proposal to be in the best interest of the affected area and the organization of local governmental agencies within Contra Costa County.

NOW, THEREFORE, the Contra Costa Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. The Commission is a Responsible Agency under the California Environmental Quality Act (CEQA), and in accordance with CEQA, finds the proposed change of organization is exempt

from review under CEQA pursuant to CEQA Guidelines sections 15061, subdivision (b)(3), 15262, 15301, subdivision (h), and 15304, subdivision (b).

2. The Commission approves the activation of the following latent powers for CSA R-7: provide street landscape maintenance services; funding for the services of the Alamo Municipal Advisory Council; and acquire, construct, improve, operate and maintain community facilities, including but not limited to a community center within the district boundaries. The latent power pertaining to community facilities is conditioned adequate financing.
3. The boundary of the subject area is found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
4. The subject area is inhabited.
5. There is no protest proceeding or election in conjunction with activation of latent powers.
6. All subsequent proceedings in connection with the activation of latent powers shall be conducted in compliance with the Commission's approval and any terms and conditions specified in this resolution.

* *

PASSED AND ADOPTED THIS 8th day of November 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

FEDERAL GLOVER, CHAIR, CONTRA COSTA LAFCO

I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated.

Dated: November 8, 2023

Lou Ann Texeira, Executive Officer

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: RES 2024-81 **Agenda Date:** 3/5/2024 **Agenda #:** C.75.

To: **Board of Supervisors**

From: Warren Lai, Public Works Director/Chief Engineer

Report Title: Accepting completion of improvements for road improvement agreement RA23-01256 (cross-reference subdivision SD19-0957), Discovery Bay area.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
ADOPT Resolution accepting completion of improvements for road improvement agreement RA23-01256 (cross reference subdivision SD19-0957) for a project developed by Pulte Home Company, LLC, as recommended by the Public Works Director, Discovery Bay area. (District III)

FISCAL IMPACT:
No fiscal impact.

BACKGROUND:
The developer has completed the traffic signal improvements per the road improvement agreement RA 23-01256, and in accordance with Title 9 of the County Ordinance Code. Said improvements are an off-site requirement of subdivision SD19-09527 and are secured under separate agreement.

CONSEQUENCE OF NEGATIVE ACTION:
The completion of improvements will not be accepted.

c: Larry Gossett-Engineering Services, Kellen O'Connor-Engineering Services, Devon Pate; Engineering Services, Randy Sanders-Design/Construction, Kimberly Rodriguez, Design/Construction, Chris Lau, Maintenance, Renee Hutchins, Records, Karen Piona, Records, Chirs Halford, Mapping, Rachel Brown, Finance, Rochelle Johnson, Special Districts, Jessi Duffy, Special Districts, Ron Alderman, Signal Shop, Fernando Valdez, Transportation Engineering, Monish Sen, Transportation Engineering, Pulte Home Company, LLC, Argonaut Insurance Company, T-1/5/2025

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

IN THE MATTER OF: Accepting completion of improvements for road improvement agreement RA23-01256 (cross reference subdivision SD19-0957) for a project developed by Pulte Home Company, LLC, as recommended by the Public Works Director, Discovery Bay area. (District III)

WHEREAS, the Public Works Director has notified this Board that the improvements in road improvement agreement RA23-01256 have been completed as provided in the Agreement with Pulte Home Company, LLC, heretofore approved by this Board in conjunction with the filing of the Subdivision Map.

WHEREAS, these improvements are located at Bixler Road and Point of Timber Road.

NOW, THEREFORE, BE IT RESOLVED that the improvements have been **COMPLETED** as of March 5, 2024, thereby establishing the six-month terminal period for the filing of liens in case of action under said Agreement:

DATE OF AGREEMENT: **August 26, 2022**

NAME OF SURETY: **Argonaut Insurance Company**

BE IT FURTHER RESOLVED the payment (labor and materials) surety for $393,500.00, Bond No. SUR0073401 issued by the above surety be **RETAINED** for the six month lien guarantee period until September 5, 2024, at which time the Board **AUTHORIZES** the release of said surety less the amount of any claims on file.

BE IT FURTHER RESOLVED that the improvements have been constructed in accordance with the road improvement agreement and are **ACCEPTED AS COMPLETE**.

BE IT FURTHER RESOLVED that the beginning of the warranty period is hereby established, and the $8,000.00 cash deposit (Auditor's Deposit Permit No. 855726, dated September 9, 2022) made by Pulte Home Company, LLC, and the performance/maintenance surety bond rider for $111,000.00, Bond No. SUR0073401 issued by Argonaut Insurance Company **RETAINED** pursuant to the requirements of Section 94-4.406 of the Ordinance Code until release by this Board.

CONTRA COSTA COUNTY

1025 ESCOBAR STREET
MARTINEZ, CA 94553

Staff Report

File #: RES 2024-82 **Agenda Date:** 3/5/2024 **Agenda #:** C.76.

To: Board of Supervisors

From: Warren Lai, Public Works Director/Chief Engineer

Report Title: Accepting completion of improvements for subdivision SD18-09504, Alamo area.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
ADOPT Resolution accepting completion of improvements per the Subdivision Agreement for subdivision SD18-09504 for a project developed by Casato Properties, LLC, as recommended by the Public Works Director, Alamo area. (District II)

FISCAL IMPACT:
No fiscal impact.

BACKGROUND:
The developer has completed the improvements per the Subdivision Agreement, and in accordance with Title 9 of the County Ordinance Code.

CONSEQUENCE OF NEGATIVE ACTION:
The completion of improvements will not be accepted.

c: Larry Gossett-Engineering Services, Kellen O'Connor-Engineering Services, Marke Smith, Engineering Services, Randy Sanders-Design/Construction, Kimberly Rodriguez, Design/Construction, Chris Lau, Maintenance, Renee Hutchins, Records, Karen Piona, Records, Chirs Halford, Mapping, Rachel Brown, Finance, Casato Properties, LLC, Markel Insurance Company, T-1/5/2025

Recorded at the request of: **Clerk of the Board**
Return To: **Public Works Dept**

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on _____by the following vote:

AYE:	
NO:	
ABSENT:	
ABSTAIN:	
RECUSE:	

Resolution No.

IN THE MATTER OF accepting completion of improvements per the Subdivision Agreement for subdivision SD18-09504 for a project developed by Casato Properties, LLC, as recommended by the Public Works Director, Alamo area. (District II)

WHEREAS, the Public Works Director has notified this Board that the improvements in subdivision SD18-09504 have been completed as provided in the Subdivision Agreement with Casato Properties, LLC, heretofore approved by this Board in conjunction with the filing of the Subdivision Map.

WHEREAS, these improvements are approximately located near Danville Boulevard, and Camille Avenue.

NOW, THEREFORE, BE IT RESOLVED that the improvements have been **COMPLETED** as of March 5, 2024, thereby establishing the six-month terminal period for the filing of liens in case of action under said Subdivision Agreement:

DATE OF AGREEMENT: July 12, 2022
NAME OF SURETY: Markel Insurance Company

BE IT FURTHER RESOLVED the payment (labor and materials) surety for $198,500.00, Bond No. 4451800 issued by the above surety be **RETAINED** for the six-month lien guarantee period until September 5, 2024, at which time the Board **AUTHORIZES** the release of said surety less the amount of any claims on file.

BE IT FURTHER RESOLVED that the widening of Danville Boulevard is **ACCEPTED** and **DECLARED** to be a County road as shown and dedicated for public use on the map of subdivision SD18-09504 filed July 22, 2022, in Book **551** of final maps at page **21-24**, Official Records of Contra Costa County, State of California; and as conveyed by separate instrument recorded on July 22, 2022, in DOC-2022-0116969 of Official Records.

BE IT FURTHER RESOLVED that the beginning of the warranty period is hereby established, and the $3,970.00 cash deposit (Auditor's Deposit Permit No. DP850707, dated June 17, 2022) made by Casato Properties, LLC, and the performance/maintenance surety bond rider for $393,030.00, Bond No. 4451800 issued by Markel Insurance Company **RETAINED** pursuant to the requirements of Section 94-4.406 of the Ordinance Code until release by this Board.

Contact: Kellen O'Connor
(925) 313-2278

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:
Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc: Larry Gossett-Engineering Services, Kellen O'Connor-Engineering Services, Marke Smith, Engineering Services, Randy Sanders-Design/Construction, Kimberly Rodriguez, Design/Construction, Chris Lau, Maintenance, Renee Hutchins, Records, Karen Piona, Records, Chirs Halford, Mapping, Rachel Brown, Finance, Casato Properties, LLC, Markel Insurance Company, T-1/5/2025

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0652 **Agenda Date:** 3/5/2024 **Agenda #:** C.77.

To: Board of Supervisors

From: Warren Lai, Public Works Director/Chief Engineer

Report Title: Purchase Order with Air Products Group, Inc., Countywide.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

APPROVE and AUTHORIZE the Purchasing Agent, or designee, to execute on behalf of the Public Works Director, a purchase order with Air Products Group, Inc. in an amount not to exceed $300,000 for heating, ventilation, and air conditioning filtration components for the period of March 1, 2024 through February 28, 2025, Countywide.

FISCAL IMPACT:

Facilities Maintenance Budget. (100% General Fund)

BACKGROUND:

Facilities Services maintains all County buildings, including hospitals, clinics, detention centers, and congregate care facilities. Heating, ventilation, and air conditioning filtration is part of this maintenance, and these products ensure the air filtration systems are performing at their optimum level. Each building maintained by Facilities Services uses several types and sizes of air filters, each designed for specific purposes (e.g., pollen removal, biohazard, prevention, etc.).

Facilities Services was previously awarded a blanket purchase order with Air Products Group, Inc. on March 15, 2022 with effective dates March 8, 2022 through February 28, 2024 totaling $550,000.

This request is for a one-year purchase order for the term March 1, 2024 through February 28, 2025. A one-year purchase order is needed so that Facilities Services has enough time to work with the Purchasing Division to complete a formal solicitation process. The purchase order will be used as needed, with no minimum amount per order that must be used.

CONSEQUENCE OF NEGATIVE ACTION:

If this purchase order is not approved, then purchasing through Air Products Group, Inc. for heating, ventilation, and air conditioning filtration will be discontinued, negatively impacting the quality of County air filtration systems.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0653 **Agenda Date:** 3/5/2024 **Agenda #:** C.78.

To: Board of Supervisors

From: Warren Lai, Public Works Director/Chief Engineer

Report Title: On-call Contract Amendment with Blankinship & Associates, Inc., Countywide.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with Blankinship & Associates, Inc., to extend the term through March 31, 2025, for on-call professional stormwater quality services for a variety of National Pollutant Discharge Elimination System (NPDES) Permit requirements, with no change to the payment limit, Countywide.

FISCAL IMPACT:
There is no fiscal impact with this action, as it is only to extend the term of the contract. This project, including the contract, will be funded 80% by the agencies under the Aquatic Pesticides NPDES Permit Joint Exercise of Powers Agreement (JEPA), including Contra Costa County Flood Control and Water Conservation District (FC District), and 20% by the Stormwater Utility Area Assessment Funds. Project No. 7517-6W7241

BACKGROUND:
The Contra Costa County Watershed Program (CWP) is responsible for implementing the San Francisco Bay Regional Water Quality Control Board Municipal Stormwater Permit (MRP) under the NPDES No. CAS612008 on behalf of Contra Costa County, including Contra Costa County Public Works and the FC District. The FC District is one agency under the JEPA for the Aquatic Pesticide Permit. The other JEPA members include the City of Antioch, Alameda County Public Works, and Zone 7 Water Agency. The City of Concord was active when the group was formed in the early 2000s, but has been inactive with the JEPA and NPDES for over a decade. The JEPA was formed to develop and implement a monitoring plan for each discharger's permit under the Aquatic Pesticide (Water Quality Order No. 2013-0002-DWQ, General Permit No. CAG990005) general NPDES Permit.

The NPDES MRP requires municipalities to reduce pollutants in the stormwater flowing through their drainage systems and waterway, subsequently reducing negative impacts to receiving waters from trash, abandoned waste, and other pollutants of concern found in urban runoff.

The CWP requires on-call professional service contracts for the provision of expertise in a variety of technical fields in support of meeting requirements of the NPDES Permits and additional County initiatives.

CONSEQUENCE OF NEGATIVE ACTION:
Without the approval of this contract by the Board of Supervisors, Contra Costa County will be unable to meet its requirements under the amended MRP No. CAS612008 and General Permit No. CAG990005.

cc: Allison Knapp, Deputy Public Works Director, allison.knapp@pw.cccounty.us
Tim Jensen, Flood Control, tim.jensen@pw.cccounty.us
Michele Mancuso, Flood Control, County Watershed Program, Michele.Mancuso@pw.cccounty.us
Jennifer Joel, Flood Control, County Watershed Program, Jennifer.Joel@pw.cccounty.us
Rachelle Untal, Flood Control, Rachelle.Untal@pw.cccounty.us
Catherine Windham, Flood Control, catherine.windham@pw.cccounty.us

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0654 **Agenda Date:** 3/5/2024 **Agenda #:** C.79.

To: Board of Supervisors

From: Brian M. Balbas, Public Works Director/Chief Engineer

Report Title: On-call Contract Amendment with Larry Walker Associates, Incorporated, Countywide.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with Larry Walker Associates, Incorporated, to extend the term through March 31, 2025, for on-call stormwater consulting services, with no change to the payment limit, Countywide.

FISCAL IMPACT:
There is no fiscal impact to this action, as it is only to extend the term of this contract. This project, including the contract, is funded by 100% Stormwater Utility Area Assessment Funds. Project No. 7517-6W7078

BACKGROUND:
The County Watershed Program (CWP) is responsible for implementing measures to reduce trash/litter and other pollutants of concern found in local waterways in unincorporated Contra Costa County. As such, CWP requires routine and on-call assistance with coordination and support for implementing the Contra Costa County Green Infrastructure Plan and for control measures and activities related to provisions C.11, Mercury Controls, and C.12, Polychlorinated Biphenyls controls, in order to comply with the Municipal Regional Stormwater NPDES (National Pollutant Discharge Elimination System) Permit (MRP) from the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board).

CONSEQUENCE OF NEGATIVE ACTION:
Without the approval of this contract by the Board of Supervisors, Contra Costa County will be out of compliance with the MRP from the Water Board.

cc: Allison Knapp, Deputy Public Works Director, allison.knapp@pw.cccounty.us
Tim Jensen, Flood Control, tim.jensen@pw.cccounty.us
Michele Mancuso, County Watershed Program, Michele.Mancuso@pw.cccounty.us
Jennifer Joel, County Watershed Program, Jennifer.Joel@pw.cccounty.us
Catherine Windham, Flood Control, catherine.windham@pw.cccounty.us

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0655 **Agenda Date:** 3/5/2024 **Agenda #:** C.80.

To: Board of Supervisors

From: Warren Lai, Public Works Director/Chief Engineer

Report Title: On-call Contract Amendment with WSP USA Environment & Infrastructure, Inc., Countywide.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with WSP USA Environment & Infrastructure, Inc., to extend the term through March 31, 2025, for on-call stormwater consulting and technical services, with no change to the payment limit, Countywide.

FISCAL IMPACT:
There is no fiscal impact with this action, as it is only to extend the term of the contract. This project, including the contract, is funded by 100% Stormwater Utility Area Assessment Funds. (Project No. 7517-6W7089)

BACKGROUND:
The County Watershed Program (CWP) is responsible for implementing measures to reduce trash/litter and other pollutants of concern found in local waterways in unincorporated Contra Costa County. As such, CWP requires routine and on-call assistance with coordination and support for implementing the Contra Costa County Green Infrastructure Plan and for control measures and activities in order to comply with the Municipal Regional Stormwater NPDES (National Pollutant Discharge Elimination System) Permit (MRP) from the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board).

CONSEQUENCE OF NEGATIVE ACTION:
Without the approval of this contract by the Board of Supervisors, Contra Costa County will be out of compliance with the MRP from the Water Board.

cc: Allison Knapp, Deputy Public Works Director, allison.knapp@pw.cccounty.us
Tim Jensen, Flood Control, tim.jensen@pw.cccounty.us
Michele Mancuso, Flood Control, County Watershed Program, Michele.Mancuso@pw.cccounty.us
Jennifer Joel, County Watershed Program, Jennifer.Joel@pw.cccounty.us
Rachelle Untal, Flood Control, Rachelle.Untal@pw.cccounty.us
Catherine Windham, Flood Control, catherine.windham@pw.cccounty.us

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0656 **Agenda Date:** 3/5/2024 **Agenda #:** C.81.

To: Board of Supervisors

From: Warren Lai, Public Works Director/Chief Engineer

Report Title: On-Call Amendment with Geosyntec Consultants, Inc., Countywide. Project No. 7517-6W7263

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with Geosyntec Consultants, Inc., effective March 15, 2024, to increase the payment limit by $100,000 to a new payment limit of $330,000 and extend the term through March 31, 2025, for on-call stormwater consulting services.

FISCAL IMPACT:
This project is funded by 100% Stormwater Utility Area Assessment Funds.

BACKGROUND:
The County Watershed Program (CWP) is responsible for implementing measures to reduce trash/litter and other pollutants of concern found in local waterways in unincorporated Contra Costa County. As such, CWP requires routine and on-call assistance with coordination and support for implementing the Contra Costa County Green Infrastructure Plan and for control measures and activities related to provisions C.11, Mercury Controls, C.12, Polychlorinated Biphenyls Controls, in order to comply with the Municipal Regional Stormwater NPDES (National Pollutant Discharge Elimination System) Permit (MRP) from the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board).

CONSEQUENCE OF NEGATIVE ACTION:
Without the approval of this contract by the Board of Supervisors, Contra Costa County will be out of compliance with the MRP from the Water Board.

cc: Allison Knapp, Deputy Public Works Director, allison.knapp@pw.cccounty.us
Tim Jensen, Flood Control, tim.jensen@pw.cccounty.us
Michele Mancuso, Flood Control, County Watershed Program, Michele.Mancuso@pw.cccounty.us
Jennifer Joel, Flood Control, County Watershed Program, Jennifer.Joel@pw.cccounty.us
Rachelle Untal, Flood Control, Rachelle.Untal@pw.cccounty.us
Catherine Windham, Flood Control, catherine.windham@pw.cccounty.us

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0657 **Agenda Date:** 3/5/2024 **Agenda #:** C.82.

To: Board of Supervisors

From: Warren Lai, Public Works Director/Chief Engineer

Report Title: APPROVE a Contract Amendment with Psomas for GIS Technical Support Services

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Chief Engineer, Contra Costa County Flood Control and Water Conservation district, or designee, to execute, on behalf of the Contra Costa Clean Water Program, a contract amendment with Psomas, to extend the term through February 29, 2024, for payment of on-call geographic information system (GIS) technical support services, with no change to the payment limit, Countywide.

FISCAL IMPACT:
No fiscal impact.

BACKGROUND:
The Contra Costa Clean Water Program (the "CCCWP") consists of Contra Costa County, its 19 incorporated cities/towns and the Contra Costa County Flood Control and Water Conservation District (hereinafter referred to collectively as "Permittees"). The CCCWP was established in 1991 through a Program Agreement in response to the 1987 amendments to the Federal Clean Water Act (the "CWA"), which established a framework for regulating municipal stormwater discharges under the National Pollutant Discharge Elimination System ("NPDES") Permit Program. The United States Environmental Protection Agency (the "USEPA") published final rules implementing the 1987 CWA amendments in November 1990. The rules mandate that Permittees obtain and implement stormwater permits designed to reduce and eliminate the discharge of pollutants into and from Municipal Separate Storm Sewer Systems (the "MS4s") they own and operate. Through the CCCWP, Permittees conduct many of the mandated activities collectively (referred to as "Group Activities"), such as water quality monitoring, special studies, and public education. The roles and responsibilities of the CCCWP and Permittees are outlined in the Contra Costa Clean Water Program Agreement, which was last updated and adopted by all Permittees in June 2010. The current San Francisco Bay Region Municipal Regional Stormwater NPDES Permit No. CAS612008, Order R2-2022-0018 ("Permit"), was issued in May of 2022.

Psomas is uniquely qualified to provides stormwater-related technical support and expertise for development, modification, customization, and configuration of the geographic information system (GIS) tools, applications, maps, and reports along with other technical assistance.

A new firm, Arini Geographics, was selected as a result of a solicitation process for future work with implementation of the NPDES program. Some tasks, however, have been delayed due to uncontrollable circumstances related to licensing and infrastructure. Therefore, CCCWP staff, on behalf of the Permittees, respectfully request approval of a contract amendment with Psomas to extend the term through February 29, 2024.

CONSEQUENCE OF NEGATIVE ACTION:
Without the approval of the Board of Supervisors, the CCCWP, 19 Cities and Towns, Contra Costa County, and the Flood Control District will be unable to meet the NPDES Permit requirements set forth by the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit No. CAS612008, Order R2-2022-0018

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0658 **Agenda Date:** 3/5/2024 **Agenda #:** C.83.

To: Board of Supervisors

From: Monica Nino, County Administrator

Report Title: Claims

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

DENY claims filed by Allstate a subrogee of Elodia Urbina, Veronica Herrera, Ramiro Patricio Herrera Lara, Monica Lopez, Vinhtien Nguyen, Jack Douglas Parker, Desiree Dawn Spears, Desiree Dawn Spears obo R.P., Desiree Dawn Spears obo S.P., and Jannie Williams. DENY late claim filed by Marianne Hopkins (Williams).

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

Allstate a subrogee of Elodia Urbina: Subrogation claim for damage to vehicle in the amount of $7,198.96.

Veronica Herrera: Personal injury claim related to an automobile accident in an amount in excess of $1,000,000.

Ramiro Patricio Herrera Lara: Personal injury claim related to an automobile accident in an amount in excess of $1,000,000.

Monica Lopez: Property claim for broken cell phone in the amount of $200.

Vinhtien Nguyen: Personal injury claim related to dangerous condition in an amount to be determined.

Jack Douglas Parker: Personal injury claim related to an automobile accident in an amount to exceed $1,000,000.

Desiree Dawn Spears: Personal injury claim related to an automobile accident in an amount to exceed $1,000,000.

Desiree Dawn Spears on behalf of R.P.: Personal injury claim related to an automobile accident in an amount to exceed $1,000,000.

Desiree Dawn Spears on behalf of S.P.: Personal injury claim related to an automobile accident in an amount to exceed $1,000,000.

Jannie Williams: Personal injury claim from trip and fall in an amount to exceed $25,000.

Marianne Hopkins (Williams): Application to the Board of Supervisors to accept late claim related to removal of child.

CONSEQUENCE OF NEGATIVE ACTION:

Not acting on the claims could extend the claimants' time limits to file actions against the County.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0659 **Agenda Date:** 3/5/2024 **Agenda #:** C.84.

To: Board of Supervisors

From: David O. Livingston, Sheriff-Coroner

Report Title: Automated Report System - City of Oakley

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:

APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to execute a contract with the City of Oakley, including mutual indemnification, to pay the County an amount not to exceed $100,000 to provide development, storage and on-going support of the Automated Report System (ARS) for the period January 1, 2024 through December 31, 2027.

FISCAL IMPACT:

There is no county cost. Approval of this request will result in up to $100,000 in revenue over 4 years.

BACKGROUND:

The Office of the Sheriff will provide the ARS report writing system that our Office developed. The system was developed to be more user friendly and to ease the entry of data and seamless transfer into our system. With constant legislative changes we can quickly update our system to meet those requirements.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to approve this contract will result in the inability of Sheriff's Office to provide the City of Oakley with a superior report writing system than they are currently using and reduced revenue for the Office of the Sheriff and the County General Fund.

1025 ESCOBAR STREET
MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0660 **Agenda Date:** 3/5/2024 **Agenda #:** C.85.

To: Board of Supervisors

From: David O. Livingston, Sheriff-Coroner

Report Title: Advanced Helicopter Services, Inc.

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Sheriff-Coroner, or designee, to execute a contract with Advanced Helicopter Services, Inc., in an amount not to exceed $3,000,000 for helicopter maintenance services for the period February 1, 2024 through January 31, 2026.

FISCAL IMPACT:
Approval of this request will result in up to $3,000,000 in contractual service expenditures over a 2-year period and will be funded by 76% CSA P-6 Zone, 22% State Supplemental Law Enforcement Services Fund, and 2% User Agency fees.

BACKGROUND:
Advanced Helicopter Services, Inc., will provide maintenance services for the Sheriff's helicopters. The helicopter program is an integral element of effective law enforcement operations, providing enhanced patrol, surveillance, and search and rescue capabilities.

Continuation of the helicopter program hinges on the maintenance services provided under this contract. Costs associated with this contract are partially offset by revenue generated by neighboring jurisdictions contracting for helicopter services.

CONSEQUENCE OF NEGATIVE ACTION:
If unapproved, the continuation of the helicopter program will be at risk without a maintenance agreement.

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MARTINEZ, CA 94553

CONTRA COSTA COUNTY

Staff Report

File #: 24-0661 **Agenda Date:** 3/5/2024 **Agenda #:** C.86.

To: Board of Supervisors

From: David O. Livingston, Sheriff-Coroner

Report Title: Purchase Order - Agilent Technologies

☒Recommendation of the County Administrator ☐ Recommendation of Board Committee

RECOMMENDATIONS:
APPROVE and AUTHORIZE the Purchasing Agent to execute, on behalf of the Sheriff-Corner, a purchase order with Agilent Technologies in an amount not to exceed $376,920 to purchase two Agilent Heated Headspace Gas Chromatography Mass Spectrometry with Flame Ionization Detection Systems for the Office of the Sheriff, Forensic Services Division.

FISCAL IMPACT:
100% Federal Funds, no net County cost. This request will be fully funded through the Federal Fiscal Year 2024 OTS (Office of Traffic Safety) Grant.

BACKGROUND:
The Contra Costa County, Office of the Sheriff, Forensic Services Division (FSD) operates an ISO 17025 ANAB Accredited Crime Laboratory able to provide County-wide Forensic Alcohol testing services.

The FSD's Alcohol Unit is responsible for the analysis of blood and urine evidence for driving under the influence (DUI) cases. The Office of Traffic Safety (OTS) grant funds are needed to ensure efficient processing and analysis of DUI-related offenses. The OTS Grant funds will be used to purchase two Agilent Heated Headspace Gas Chromatography Mass Spectrometry with Flame Ionization Detection Systems (GC/MS-FID). The GC/MS-FID Systems will enable the FSD to provide more comprehensive information on driving under the influence (DUI) cases without the need to send evidence to an outside testing laboratory. The instrument will have the ability to rapidly detect and quantitate volatile substances that could cause impairment. The purchase of this System will allow the FSD to provide more comprehensive and meaningful results to our criminal justice partners.

Agilent Technologies has been selected because the vendor meets the "Buy America Act" guidelines, which is a requirement of the Office of Traffic Safety Grant.

On February 7, 2023, the CCC Board of Supervisors adopted Resolution No 2023/31, authorizing the Sheriff-Coroner to apply for and accept a grant from the California Office of Traffic Safety to purchase this equipment.

CONSEQUENCE OF NEGATIVE ACTION:
A decision not to purchase the Agilent GC/MS-FID will not allow the laboratory to provide comprehensive

results for the criminal justice partners.