



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/yrurts. 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:

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.
- (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.)

824-6.004~~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.)

824-6.0068 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.)~~

824-6.0814 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 82-44. 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	Board Chair
and County Administrator	

By:	_____	[SEAL]
	Deputy	

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.

(Ord. ~~No. 2024-XX § 2~~, 2010-11, § ~~24~~, ~~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.

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- (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.

(Ord.s. 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

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- 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.

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- (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:

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- (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.

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- (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 crowd 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

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- (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.

(Ord. ~~No. 2024-XX § 4~~, 2010-11, § ~~5V~~, ~~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.

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- (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.
- (Ord. ~~No. 2024-XX § 5, 2010-11, § 6VI, 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~~ county may be enforced this division by any remedy allowed under the Contra Costa County's 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).

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 caused 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

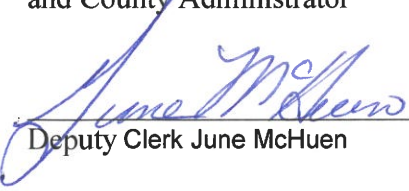
ABSENT: None

ABSTAIN: None

ATTEST: MONICA NINO,
Clerk of the Board of Supervisors
and County Administrator


Board Chair John Gioia

By:


Deputy Clerk June McHuen

[SEAL]