Department of Conservation and Development

County Planning Commission

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

STAFF REPORT **Agenda Item #____**

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

I. PROJECT SUMMARY

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

RECOMMENDATION

Staff recommends that the County Planning Commission:

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

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

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

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

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

II. BACKGROUND

Board Direction

On December 20, 2016, at the recommendation of then Supervisor Piepho, the Board of Supervisors approved the expenditure of up to $150,000 from the Livable Communities Trust (District III Portion) and authorized the Department of Conservation and Development (DCD), in consultation with the Ag Task Force and local agricultural stakeholders, to identify for future Board consideration specific actions the County could take to further promote and incentivize agricultural sustainability and economic vitality. The succeeding District III Supervisor, Supervisor Burgis, met with staff and outreached to the community to generate interest and ideas for the upcoming public process. On February 13, 2018, Supervisor Burgis recommended, and the Board approved, authorizing DCD to convene a series of open, public meetings with persons and groups interested in the policy reform topic.

Public Review Process

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

The policy review process was held over a 12-month period starting in 2018. These large meetings, which ranged from 20-70 participants per meeting, were held in Martinez, Danville, and Knightsen. Participants that attended the meetings came from diverse backgrounds, including individuals from the farming and ranching community, rural residents, proponents of various agricultural commercial ventures, and conservation organizations. The meetings also included significant support and participation from the County's Departments of Agriculture, Health Services (Environmental Health Division), and Public Works, and agencies such as the University of California Cooperative Extension (UCCE) and Contra Costa Resource Conservation District (RCD). Participants provided insights on what makes the County unique, developed a shared vision for the future of agriculture in Contra Costa County, identified obstacles to a healthier agricultural economy, and discussed opportunities and constraints of agritourism. Staff researched policies and programs in other counties and developed numerous tables and maps with relevant background information. The meetings also included guest speakers from Yolo County and Sonoma County sharing their experiences promoting agriculture in their regions and their work as an agricultural ombudsperson.

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

Recommendations Report

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

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

Broader policy reforms were also discussed in the report. Examples include establishing mitigation requirements for conversion of agricultural land, new efforts to address rural blight and illegal dumping, examining opportunities to reduce impacts of rural development on agriculture, new efforts to facilitate communication between the farming community and regulatory agencies, improving permitting for agricultural uses, and considering a noise ordinance.

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

Board Action on Report and Implementation

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

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

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

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

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

III. PROPOSED ZONING TEXT AMENDMENTS

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

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

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

Permitting

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

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

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

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

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

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

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

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

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

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

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

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

IV. CONSISTENCY WITH THE GENERAL PLAN

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

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

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

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

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

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION

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

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

VI. CONCLUSION

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

Attachments:

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

ORDINANCE NO. 2023-___ **DRAFT**

AUTHORIZING AGRITOURISM USES IN AGRICULTURAL ZONING DISTRICTS

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

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

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

Division 824
AGRITOURISM

Chapter 824-2
GENERAL AGRITOURISM REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

824-2.006 Location.

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

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

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

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

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

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

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

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

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

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

824-2.010 Parking.

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

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

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

824-2.012 Signs.

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

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

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

feet if the sign is double-sided.

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

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

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

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

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

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

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

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

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

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

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

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

824-2.018 Permits.

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

(b) Ministerial permit.

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

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

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

(A) The application is incomplete.

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

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

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

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

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

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

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

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

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

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

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

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

(c) Land use permit.

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

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

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

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

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

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

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

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

824-4.004 Sales Areas.

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

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

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

824-4.006 Product Sales.

(a) Grower Stands.

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

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

(b) Farm Stands.

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

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

(c) Farm Markets.

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

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

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

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

Chapter 824-6
WINERIES AND OLIVE OIL MILLS

824-6.002 Minimum Lot Size.

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

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

824-6.004 Accessory Facilities.

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

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

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

824-6.006 Production Standards.

(a) Production Capacity.

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

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

(b) Production Ingredients.

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 824-8
LODGING IN AGRICULTURAL DISTRICTS

824-8.002 Agritourism Lodging.

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

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

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

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

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

(f) Food Service.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Large events at bed and breakfast establishments.

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

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

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

824-8.004 Agricamping.

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

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

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

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

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

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

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

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

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

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

Chapter 824-10
FOOD SERVICE IN AGRICULTURAL DISTRICTS

824-10.002 Farm Dinners.

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

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

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

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

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

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

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

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

824-10.004 Farm-to-Table Restaurant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 824-12
LARGE EVENTS HOSTED BY AGRITOURISM USE ESTABLISHMENTS

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

(a) A winery.

(b) An olive oil mill.

(c) A bed and breakfast establishment.

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

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

824-12.006 Conditions.

(a) Number of events.

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

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

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

(b) Number of people.

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

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

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

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

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

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

84-82.404 Differences from A-20 district.

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

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

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

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

84-84.404 Differences from A-20 district.

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

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

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

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

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

PASSED on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

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

_____
Board Chair

By: _____
Deputy

[SEAL]

TLG:

Contra Costa County

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: February 4, 2020

Subject: Agricultural Land Use Policy Update Report

RECOMMENDATION(S):

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

FISCAL IMPACT:

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

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

☑ APPROVE ☐ OTHER

☑ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

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

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: February 4, 2020

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

By: , Deputy

Contact: Jennifer Cruz, (925) 674-7790

cc:

FISCAL IMPACT: (CONT'D)

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

BACKGROUND:

Board Direction

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

Public review process

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

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

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

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

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

and economically vibrant agriculture in Contra Costa County.

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

Summary of Recommendations

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

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

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

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

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

Next Steps

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

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

CONSEQUENCE OF NEGATIVE ACTION:

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

CHILDREN'S IMPACT STATEMENT:

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

CLERK'S ADDENDUM

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

The Supervisors expressed particular interest in staff addressing:

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

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

Retaining sustainable agriculture and the rural nature of the area.

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

ATTACHMENTS

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

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

February 4, 2020

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IV. Recommendations

I. Summary

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

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

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

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

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

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

Key recommendations continued in this report are summarized below:

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

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

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

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

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

Setting:

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

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

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

Contra Costa County's History of Land Use Regulations:

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

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

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

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

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

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

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

III. Background Information

a. Board Direction

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

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

d. Table Comparing Agricultural Uses in Other Counties

e. Table Comparing Role of Agricultural Ombudsperson in Other Counties

Contra Costa County

To: Board of Supervisors

From: Mary N. Piepho, District III Supervisor

Date: December 20, 2016

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

RECOMMENDATION(S):

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

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

FISCAL IMPACT:

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

BACKGROUND:

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

☑ APPROVE ☐ OTHER

☑ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

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

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Federal D. Glover, District V Supervisor

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

ATTESTED: December 20, 2016

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

By: Stephanie Mello, Deputy

Contact: TOMI RILEY, 925-252-4500

cc:

BACKGROUND: (CONT'D)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONSEQUENCE OF NEGATIVE ACTION:

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

CHILDREN'S IMPACT STATEMENT:

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

Contra Costa County

To: Board of Supervisors

From: Diane Burgis, District III Supervisor

Date: February 13, 2018

Subject: Modifying Ag Land Use Policy & Public Engagement

RECOMMENDATION(S):

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

FISCAL IMPACT:

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

☑ APPROVE ☐ OTHER

☑ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

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

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: February 13, 2018

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

By: June McHuen, Deputy

Contact: Alicia Nuchols, 925-252-4500

cc:

BACKGROUND:

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

CONSEQUENCE OF NEGATIVE ACTION:

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

CHILDREN'S IMPACT STATEMENT:

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

CLERK'S ADDENDUM

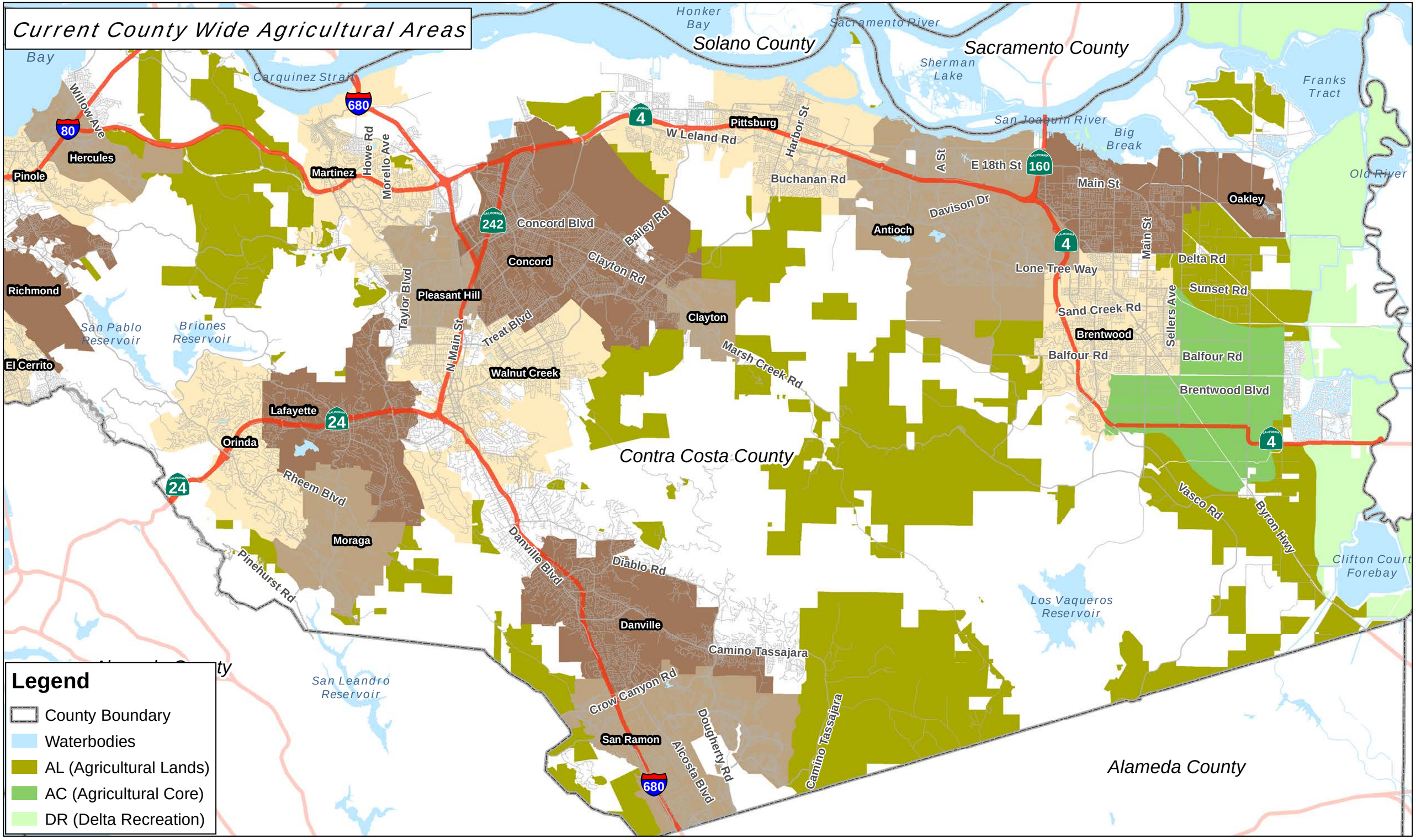
Speaker: Lisa Borba, Ron Nunn Farms.

ATTACHMENTS

12-20-16 Board Order

11-15-17 Meeting Notes

Current County Wide Agricultural Areas



Legend

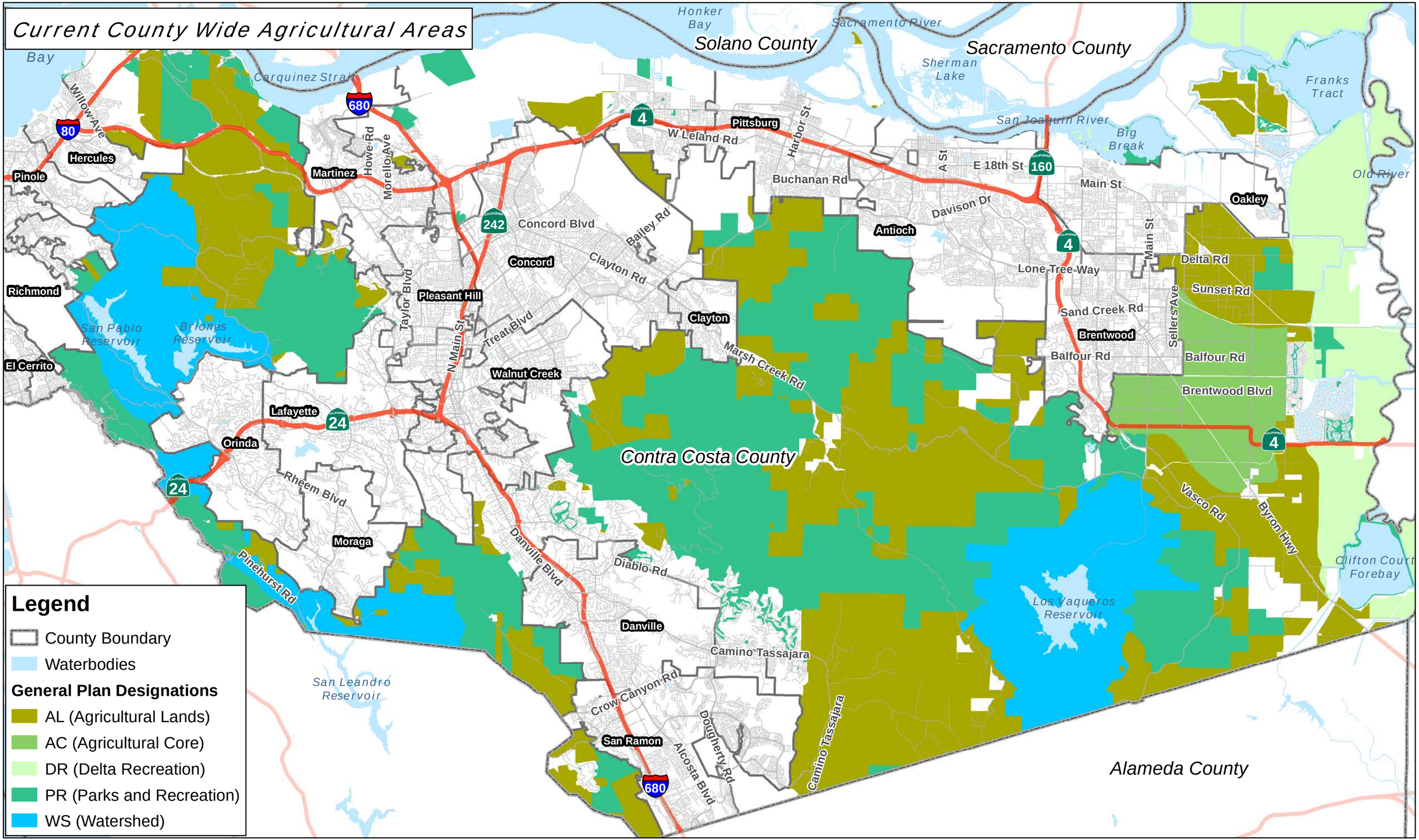
- County Boundary
- Waterbodies
- AL (Agricultural Lands)
- AC (Agricultural Core)
- DR (Delta Recreation)

Miles
0 1 2 4

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

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

Current County Wide Agricultural Areas



Legend

- County Boundary
- Waterbodies

General Plan Designations

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

0 1 2 4 Miles

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

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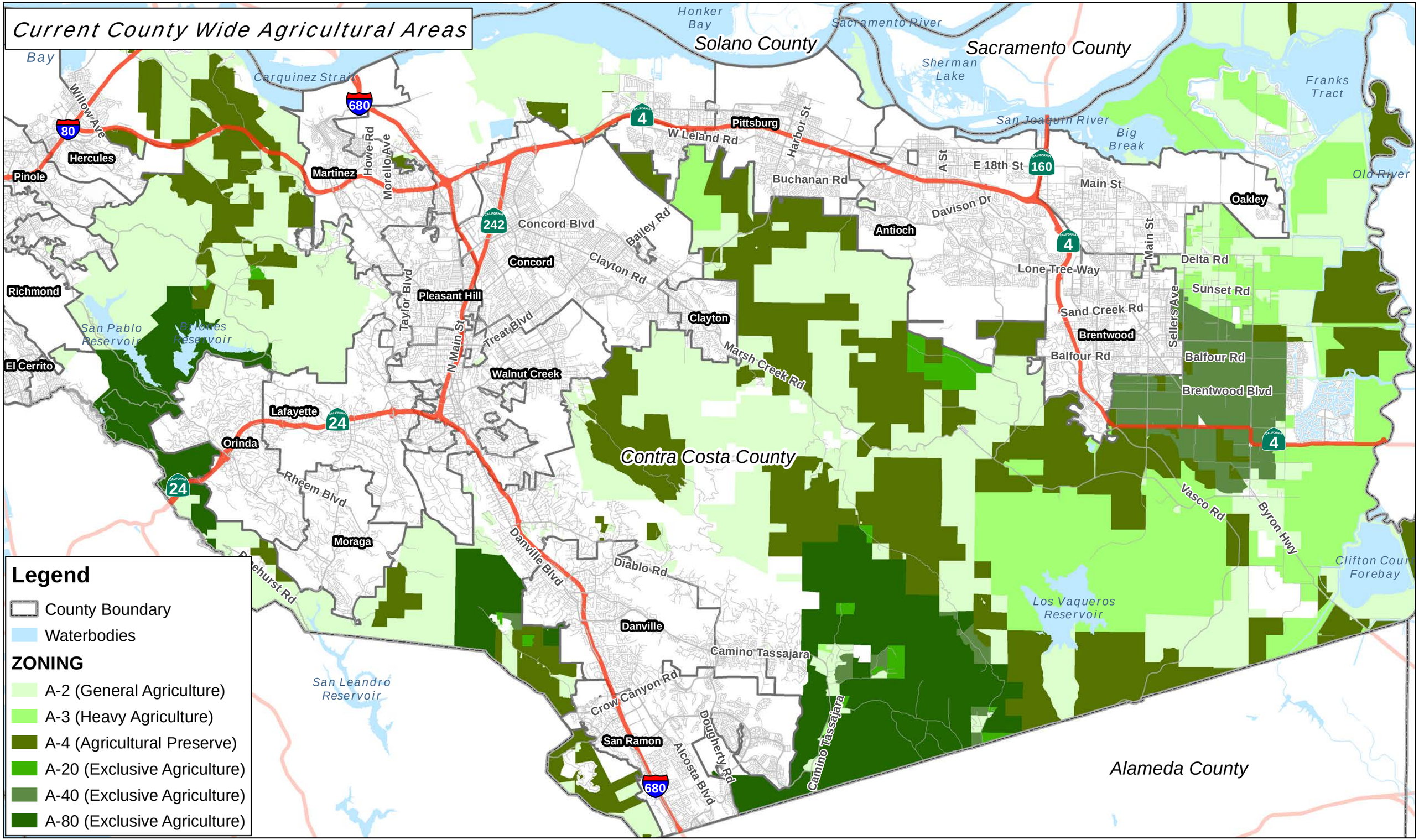
Current County Wide Agricultural Areas



Legend

- County Boundary
- Waterbodies

ZONING

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

0 1 2 4 Miles

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

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Current County Ag-Core Parcels by Size

Legend

Parcels

Ag Core Parcels By Size

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

Miles

0 0.3 0.6 1.2

Map Created 5/1/2018
by Contra Costa County Department of
Conservation and Development, GIS Group
30 Muir Road, Martinez, CA 94553
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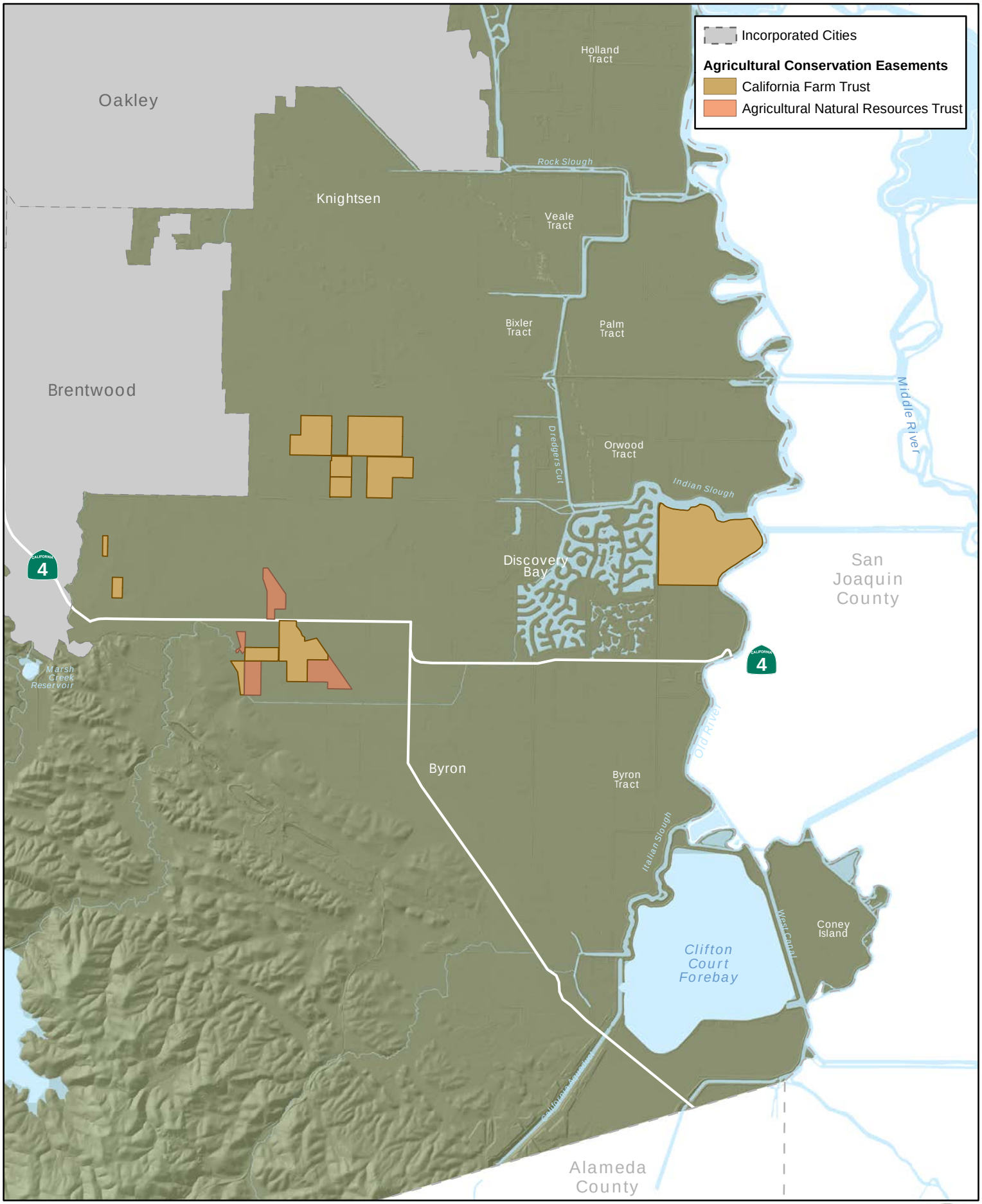
Agricultural Conservation Easements in East Contra Costa County



Map created 04/22/2019
by Contra Costa County Department of Conservation and Development, GIS Group
30 Muir Road, Martinez, CA 94553
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Miles
0 1 2 4

N W E S

DRAFT

08/20/2018

CONTRA COSTA COUNTY
LAND USE MATRIX FOR AGRICULTURAL ZONING DISTRICTS

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

Key:

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

Footnotes:

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

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

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

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

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

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

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

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

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

Preliminary DRAFT

COMPARISON CHART OF OTHER COUNTIES

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

Preliminary DRAFT

COMPARISON CHART OF OTHER COUNTIES

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

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

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

County Agricultural Ombudsman Comparison Chart

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

County Agricultural Ombudsman Comparison Chart

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

IV. Recommendations

Proposed New Agricultural Uses and New Agricultural Land Use Policy Initiatives

A. LODGING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Building Code Notes

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

Health Code Notes

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

Public Works Notes

- Analysis of applicable fees and requirements is pending.

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

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

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

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

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

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

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

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

Building Code Notes

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

Health Code Notes

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

Public Works Notes

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

4. Camping / Yurts / Little Houses on Wheels

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

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

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

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

Building Code Notes

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

Health Code Notes

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

Public Works Notes

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

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

B. FOOD SERVICE

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

5. Farm Dinners

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

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

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

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

Building Code Notes

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

Health (EH) Code Notes

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

Public Works Notes

- Analysis of applicable fees and requirements is pending.

6. Farm-to-Table Restaurant

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

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

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

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

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

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

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

7. Winery and Olive Oil Mill Ordinance Update

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

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

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

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

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

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

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

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

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

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

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

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

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

C. POLICY / IMPLEMENTATION REFORMS

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

9. Mitigation requirements for conversion of agricultural land

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

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

10. New efforts to avoid/address rural blight

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

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

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

720-2.006 - Residential property nuisance.

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

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

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

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

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

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

(f) Weeds over eighteen inches in height.

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

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

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

11. New efforts to address illegal dumping

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14. Improve permitting for agricultural uses

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

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

15. Consider a Noise Ordinance

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

D. PROMOTION / MARKETING

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

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

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

17. Signage

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

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

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

18. Promoting Agriculture in Contra Costa County

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

Attachment C – Table of Agritourism Uses

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

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

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

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

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

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

Agritourism Ordinance

County Planning Commission

February 22, 2023

Background

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

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

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

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

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

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

18 recommendations to promote and preserve agriculture

Various types of agritourism uses

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

Promote agriculture in Contra Costa County

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

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

Broader policy reforms

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

Initial Accomplishments

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

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

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

Agritourism Ordinance Key Components

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

Agritourism Definition

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

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

Permitting

Ministerial Permit

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

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

Land Use Permit

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

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

Requirements

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

Additional Requirements for Certain Agritourism Uses

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

Staff Recommendations

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

Questions?