

PRELIMINARY WORKING DRAFT OUTLINE

January 18, 2019

# Recommendations on Reforming Agricultural Land Use Policies in Contra Costa County

[NOTE: THIS IS A PRELIMINARY WORKING DRAFT OUTLINE INTENDED TO ILLUSTRATE THE **FORM** IN WHICH RECOMMENDATIONS AND OTHER MATERIALS MAY BE TRANSMITTED WHEN FINALIZED. THOSE DISCUSSIONS ARE STILL UNDERWAY AND THIS ILLUSTRATIVE DOCUMENT IS NOT MEANT TO COMMUNICATE CONSENSUS ON ANY RECOMMENDATIONS (TOO SOON FOR THAT!). THIS DOCUMENT DOES SHOW THE RANGE OF ITEMS UNDER DISCUSSION AND IS PROPOSED AS A TEMPLATE WE CAN DISCUSS, REFINE AND FORGE CONSENSUS AROUND.]

# Table of Contents

- I. Summary
- II. Vision Statement
- III. Background Information
  - a. Board Direction
  - b. Overview of Public Process Conducted to Explore Issues and Generate Recommendations
  - c. Key maps (General Plan, Zoning, Ag Core, Conserved agricultural lands, etc.)
  - d. Table of Existing Agriculturally Zoned Uses in Contra Costa County
  - e. Table Comparing Agricultural Uses in Other Counties
  - f. Table Comparing Ombudsperson in Different Counties
- IV. Recommendations

- I. Summary

The Department of Conservation and Development (DCD) was 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. Over the past six months, DCD has 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 provide input on potential modifications to these policies.

After conducting the public meetings, a number of ideas were shared, including concerns regarding the preservation of agricultural lands. This document is intended to reflect the general consensus of participants in the process. Dissenting opinions on recommendations are included with each recommendation.

[Include short summary of recommendations here.]

## 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 crops in the County. Contra Costa farmers have grown food for the Bay Area since the Gold Rush; from vast winter wheat fields in the 1880's to sweet corn, peaches and cherries. 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. A wide diversity of crops are grown in Contra Costa County from sweet corn, stone fruits, vegetables, and olives, to wine grapes and beef.

Agricultural lands composed primarily of highly fertile Class I or II soils support farming 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.

#### 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, the 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.
- Recognize that finite resources (water, transportation, space) require a balanced approach to rural development.
- Support opportunities for urban agriculture, where appropriate.

### III. Background Information

[Include information here on the following topics:]

- a. Board Direction
- b. Overview of Public Process Conducted to Explore Issues and Generate Recommendations
- c. Key maps (General Plan, Zoning, Ag Core, Conserved agricultural lands, etc.)
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## IV Recommendations

### Recommendations of Proposed New Agricultural Uses and New Agricultural Land Use Policy Initiatives

**NOTE: the pros and cons of the various concepts shown below, and whether and under what conditions to recommend them, are still being discussed by the group**

#### A. LODGING

1. Short term rental existing building for less than 90 days –

**Consensus recommendation:** TBD

**Minimum parcel size:** None  
**Maximum number of beds:** None  
**Verifiable Farming:** No  
**Hosted:** Yes  
**Max nights per year:** 90  
**New/modified bldg.:** No  
**Ministerial Permit:** Yes  
**Uses must comport with state requirements for "Farmstay":**  
TBD



**Notes:** similar to Draft Regulatory Framework considered by the Board on 9-25-18 for rentals in residential areas.

2. Allow in existing building for more than 90 days – Farm Stay/Short-term Rental

**Consensus recommendation:** TBD

**Minimum parcel size:** 10 acres  
**Maximum number of bedrooms:** 5  
**Verifiable Farming:** 50%, with farming education provided  
**Hosted:** Yes  
**Land Use Permit:** Yes, with an exception process; ministerial permit, if minimum parcel size is met

3. Allow in new or modified building for more than 90 days- Farm Stay/Short-term Rental



**Consensus recommendation:** TBD  
**Minimum parcel size:** 40 acres  
**Maximum number of bedrooms:** 5  
**Verifiable Farming:** 50%, with farming education provided  
**Hosted:** Yes  
**Land Use Permit:** Yes, with an exception process; ministerial permit, if minimum parcel size is met

4. Camping / Yurts / Little House on Wheels, tents that are owned by the property owner and not individually placed on property

**Consensus recommendation:** TBD  
**Minimum parcel size:** 40 acres  
**Maximum number of tents:** 5  
**Hosted:** Yes  
**Land Use Permit:** Yes, with an exception process; ministerial permit, if minimum parcel size is met



## B. FOOD SERVICE

5. Farm Dinners - Located within an existing building, no new buildings allowed for this use; farm dinners can be located outdoors on property. Farm dinners provide a farm experience by educating guests about the farm and the ingredients used from the farm.

**Consensus recommendation:** TBD

**Minimum parcel size:** 20 acres

**Maximum number of dinners annually:** 18

**Maximum number of guests per dinner:** 30

**Verifiable Farming:** Yes, 50%; local products with origin identified on map

**Land Use Permit:** not required, if conditions are met



6. Farm-to-Table - A farm-to-table restaurant is a restaurant where the ingredients are sourced as locally as possible and are directly 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 focusing on the environmental and cultural impacts of farming.

**Consensus recommendation:** TBD

**Minimum parcel size:** TBD

**Cap on number of farm-to-tables in CCC:** 3?

**Maximum size of farm-to-table:** 1,500 square feet of dining room area or a maximum capacity of 35 people

**Verifiable Farming:** Yes, 50%; local products with origin identified on map

**Land Use Permit:** Required



### C. WINERIES /EVENTS

**Consensus recommendation:** TBD

**Minimum parcel size:** 40 acres

**Maximum number of event centers in CCC:** 4

**Maximum size of event center:** 5,000 square feet

**Verifiable Farming:** Yes, 50%; local products with origin identified on map

**Land Use Permit:** Required



## D. POLICY / IMPLEMENTATION REFORMS



7. Mitigation requirements for conversion of agricultural land
8. New efforts to avoid/address rural blight



[SEE SEPARATE DOCUMENT WITH PRELIMINARY DRAFT PROPOSAL]

9. New efforts to address illegal dumping



10. Consider process to examine and adjust minimum parcel size

11. 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 that government permitting processes can be difficult to access 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 is seeking to identify or hire an agricultural ombudsperson.

The group learned a lot about what an agricultural ombudsperson does directly from the people who perform this role in Yolo and Sonoma Counties, (Stephanie Cormier and Karen Giovannini) who attended the agricultural meetings as guest speakers. Staff reviewed the role of an ombudsperson in five other counties and provided information to the group. 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 particular nuanced regulations such as health requirements related to beef, pork or poultry.

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

(PENDING)

**E. PROMOTION / MARKETING**

- 12. Equestrian, bike trail connecting farms.
- 13. Signage

