

PRELIMINARY WORKING DRAFT

January 18, 2019 (Revised April 19, 2019)

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

[NOTE: THIS IS A PRELIMINARY WORKING DRAFT  
INTENDED TO ILLUSTRATE PRELIMINARY  
RECOMMENDATIONS AND PROMPT CONVERSATIONS.  
THOSE DISCUSSIONS ARE STILL UNDERWAY AND THIS  
ILLUSTRATIVE DOCUMENT IS NOT MEANT TO  
COMMUNICATE CONSENSUS ON ANY  
RECOMMENDATIONS]

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## 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 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.

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.
- 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.)
- d. Table of Existing Agriculturally Zoned Uses in Contra Costa County
- e. Table Comparing Agricultural Uses in Other Counties
- f. 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

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**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

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APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

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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

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

ABSENT: Federal D. Glover, District V  
Supervisor

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

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**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

RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

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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:

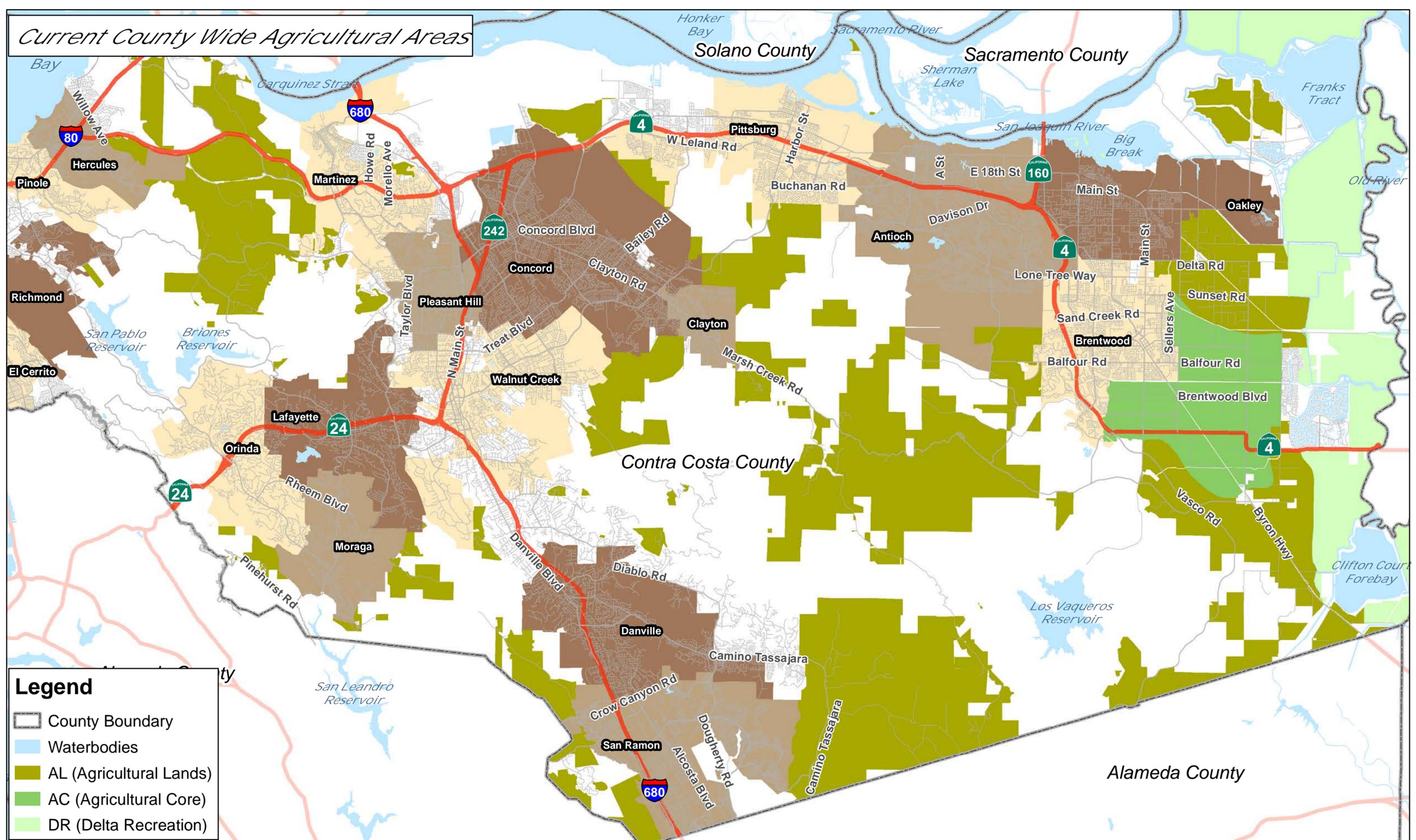
If the Department of Conservation and Development is not authorized to convene a series of stakeholder meetings in lieu of coordinating with the Ag Task Force, then the process for developing policies to improve agricultural sustainability and vitality would be delayed

## CHILDREN'S IMPACT STATEMENT:

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

## CLERK'S ADDENDUM

# Current County Wide Agricultural Areas



**Legend**

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

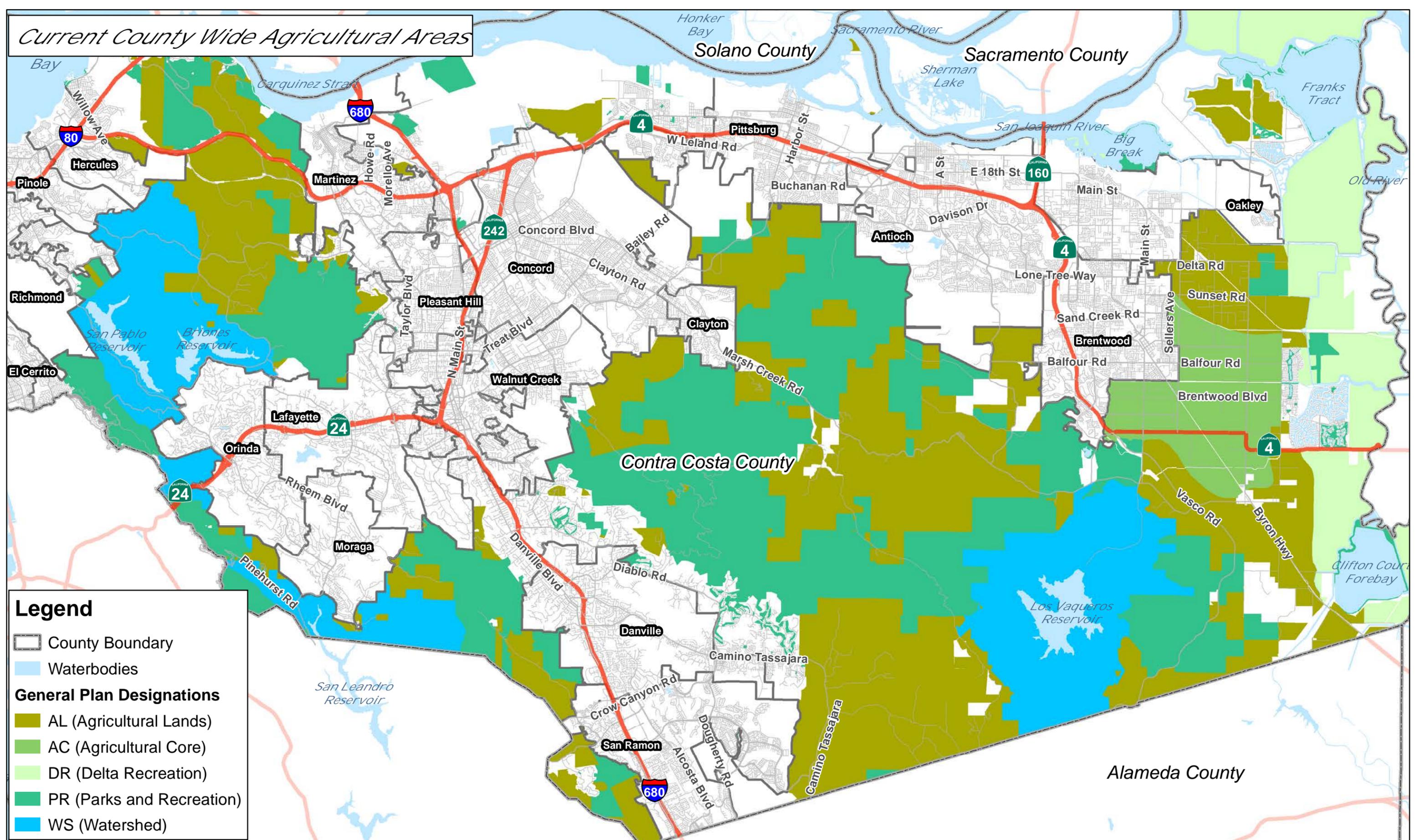
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Conservation and Development, GIS Group  
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# Current County Wide Agricultural Areas



**Legend**

- County Boundary
- Waterbodies
- General Plan Designations**
- AL (Agricultural Lands)
- AC (Agricultural Core)
- DR (Delta Recreation)
- PR (Parks and Recreation)
- WS (Watershed)

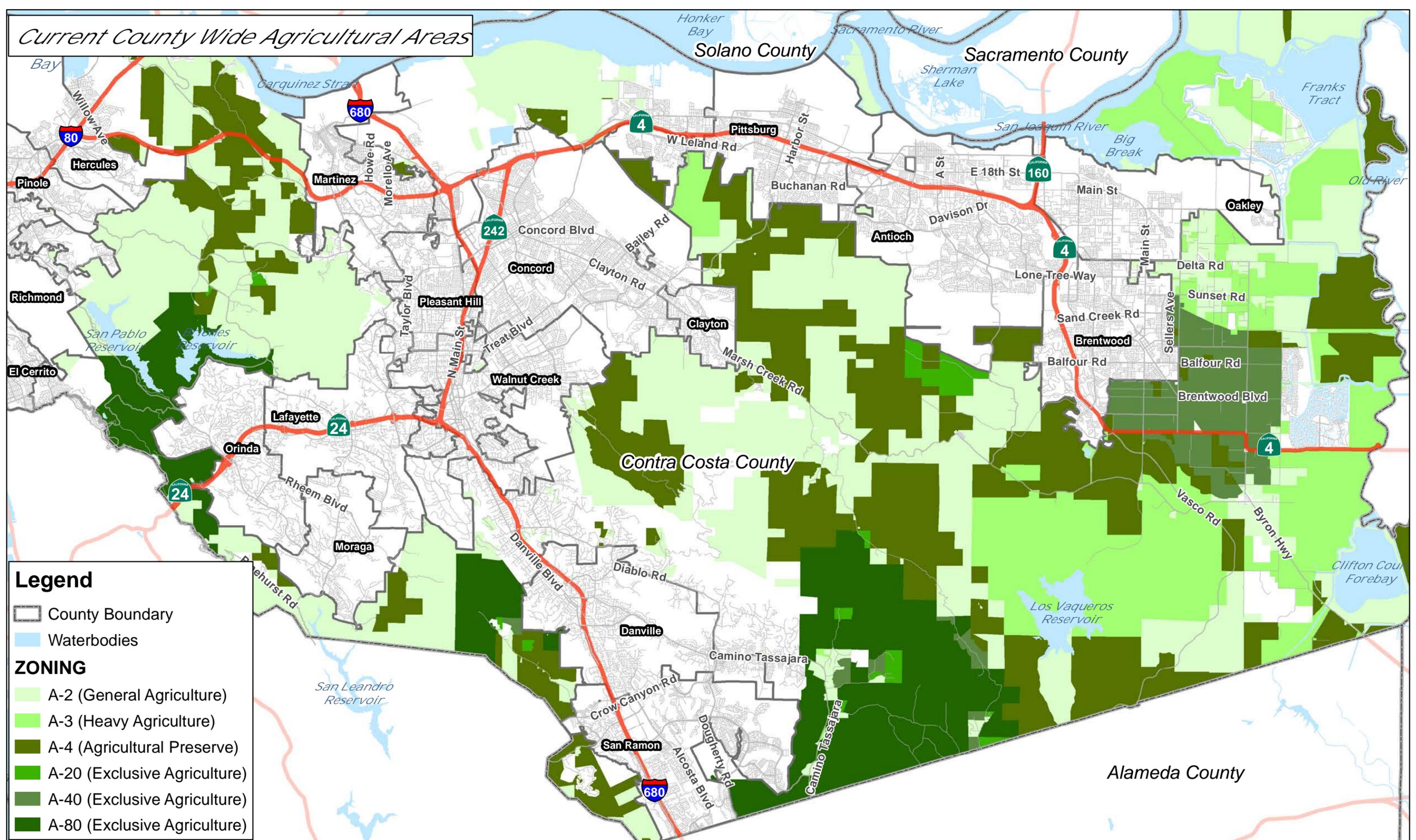


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# Current County Wide Agricultural Areas



**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)

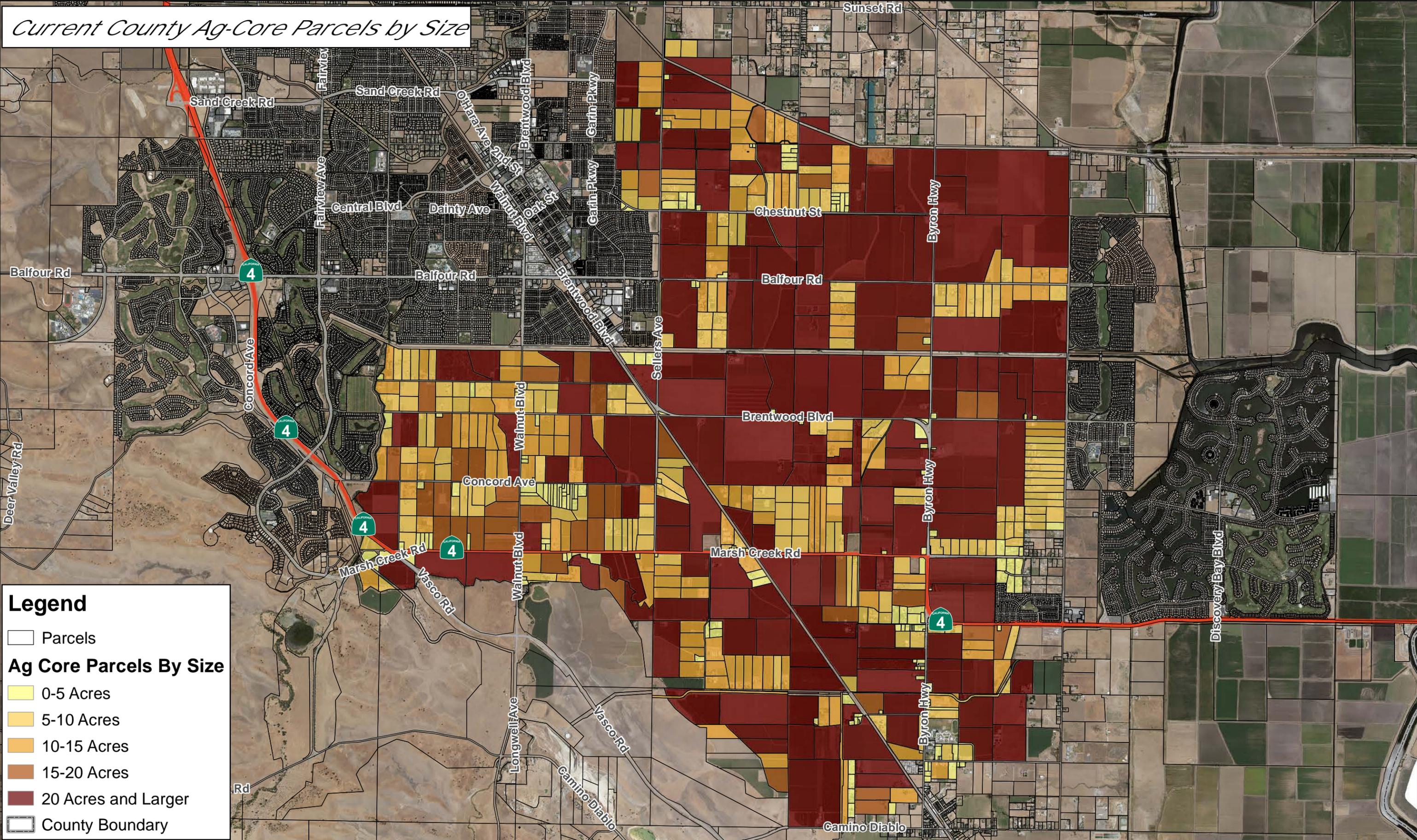


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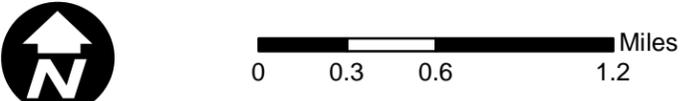


# Current County Ag-Core Parcels by Size



**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

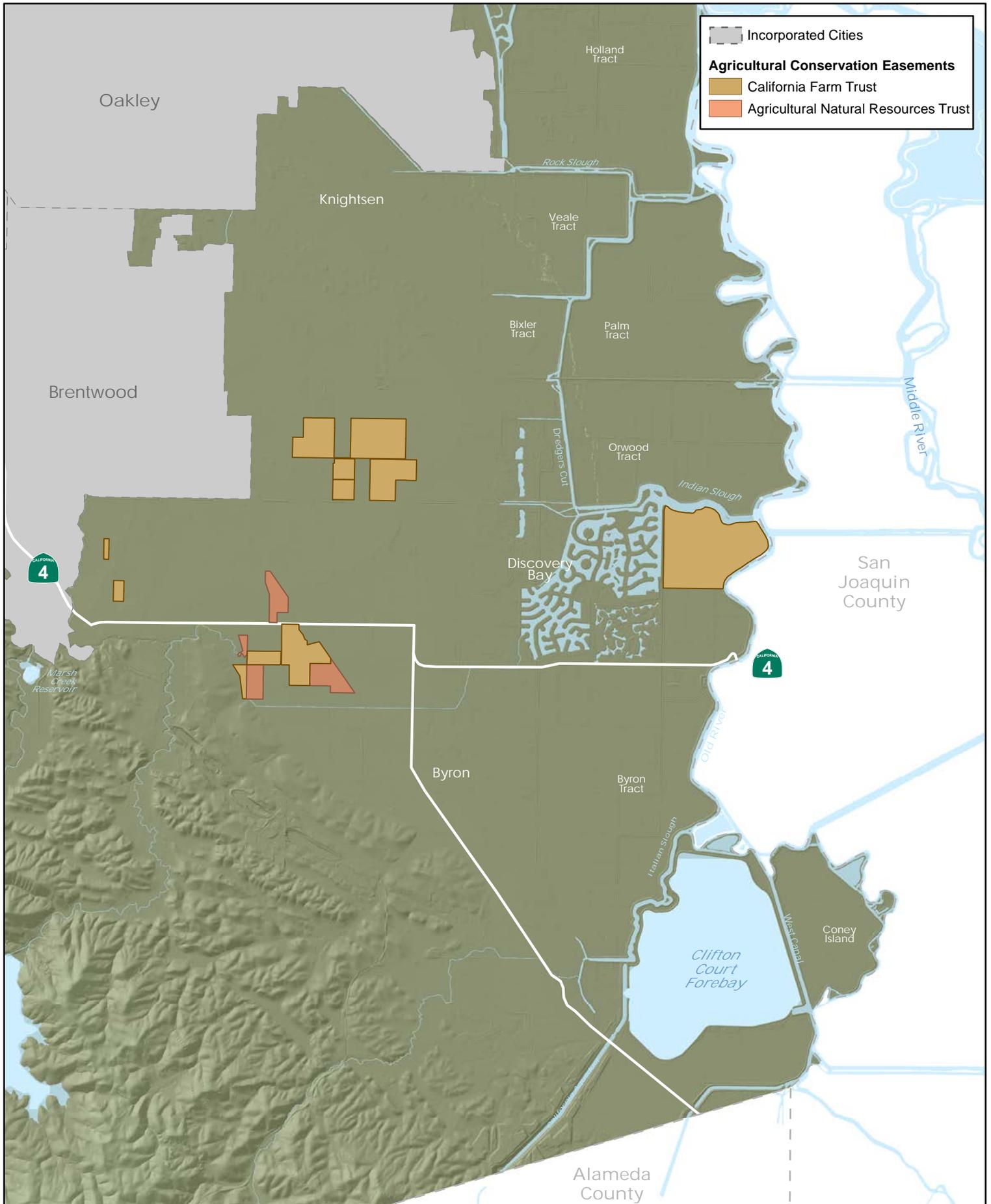


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# Agricultural Conservation Easements in East Contra Costa County

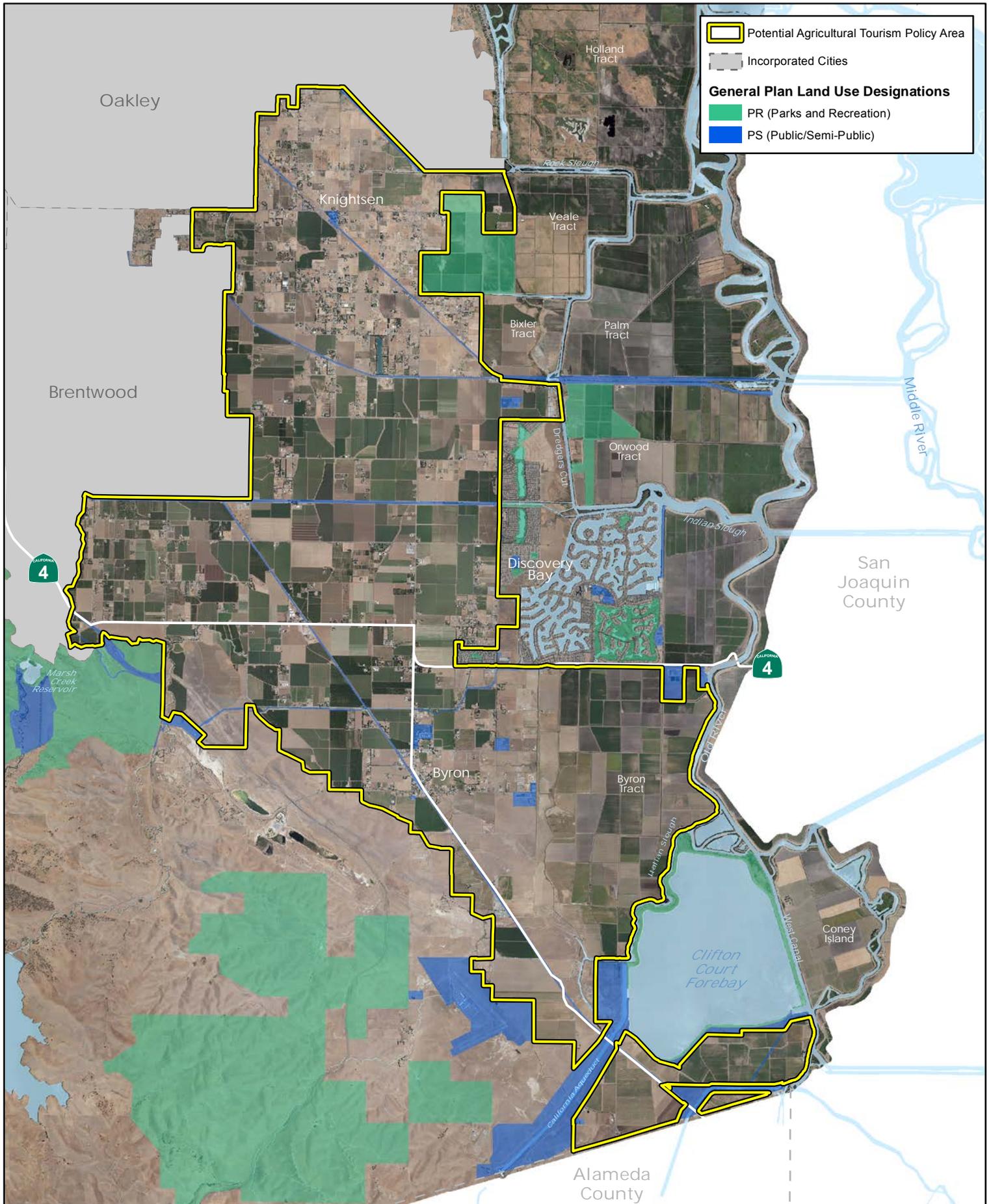


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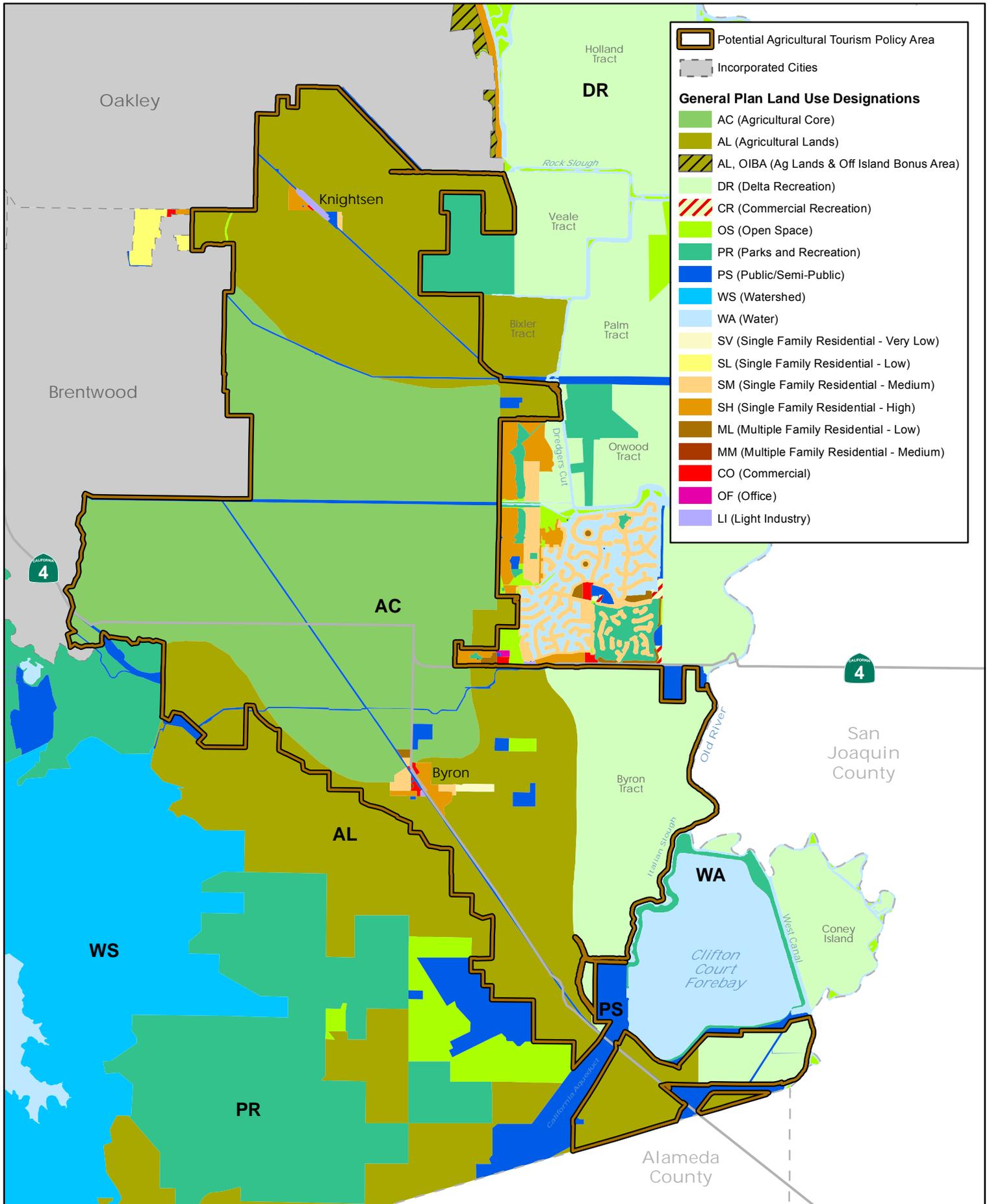
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# Figure 1: Potential Agri-Tourism Policy Area



# Figure 2: Potential Agri-Tourism Policy Area



## 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

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 one party at a time within an existing residential building for less than 90 day cumulative days per year on any agriculturally-zoned land.

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



**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).

**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.

#### Building Code Notes

- This recommendation pertains to existing residential buildings (not agricultural buildings, such as barns). With no construction and no change in use, no building permits are anticipated.

#### Health Code Notes

- If a residence changes its use, a review of the method of sewage disposal will be required from Environmental Health (EH)
- 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 requirements.

**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)
- 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 a "Restricted Food Service Facility" (not a restaurant).

### **3. Bed and Breakfast (short terms 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 of five acres of land for every guest (e.g. hosting four guests at a time would require 20 acres of verifiable active farming). Owner or manager would be 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).

Bed and Breakfasts are proposed to be limited to the irrigated and cultivated areas of the County, as generally depicted in Figure 1, in order to promote intensive production of food and to reflect the significantly greater availability of water in these irrigated areas.

**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 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	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 (fee or in-kind)	Footprint of new use, at appropriate ratio (1:1?, 3:1?) plus any deficit in farming assurances	Footprint of new use, at appropriate ratio (1:1?, 3:1?)
Alt / additional option: verifiable farming (with grant deed of development rights?) required per guest	5 acres per guest	5 acres per guest

#### 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 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 a "Restricted Food Service Facility" if breakfast and self-service snacks only; if other meals are served to guests, a restaurant permit may be required from EH.

#### **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 term 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 to 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.
- A health permit from Environmental Health may be required if overnight camping is 4 or more consecutive nights and an Organized Camp health permit will be required from EH.
- A health permit from EH may be required for a "Restricted Food Service Facility" if breakfast and self-service snacks only; if other meals are served to guests, a restaurant permit may be required from EH.

## B. FOOD SERVICE

[need to add an intro]

### 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. Maximum number of guests per dinner is 30. 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.

## 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. 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). Alternatively or in addition, the County could consider a minimum siting distance between farm-to-table-restaurants (e.g. one mile). 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 the irrigated and cultivated areas of the County, as generally depicted in Figure 1, in order to promote intensive production of food and to reflect the significantly greater availability of water in these irrigated areas.

**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. Under recommendation 3 about Bed and Breakfasts, please find a table summarizing some tools that could be used to enable smaller parcels to qualify.

Building Code Notes

- B occupancy (Business), ADA compliance is required, even if dinner is outside

Health Code Notes

- Land use, small water, and restaurant plan review required.

## 7. Larger Event Centers / Wineries

**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, the event center use has become the dominant use (often used for weddings) and some concerns have been expressed about noise and impacts to agriculture.



Event centers 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

these businesses that can be established to a relatively small number, such as four). Alternatively or in addition, the County could consider a minimum siting distance between farm-to-table-restaurants (e.g. one mile). 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 the irrigated and cultivated areas of the County, as generally depicted in Figure 1, in order to promote intensive production of food and to reflect the significantly greater availability of water in these irrigated areas.

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Health Code Notes

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**7. Larger Event Centers / Wineries**

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Event centers 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 set a large minimum parcel size for larger event centers moving forward (e.g. perhaps 40 acres for event centers allowed to host 50 or more people) and to enable such event centers to be associated with uses other than wineries (e.g. bed and breakfasts, farm-to-table restaurants or standalone event centers). The zoning code requirements for wineries should otherwise remain unchanged and wineries should continue to be encouraged.

**Zoning permit required for larger event centers:** Land use permit (discretionary; public hearing required).

**Potential key conditions, minimum parcel size and mitigation:** Similar or identical to those for Farm-To-Table restaurants. See detail in recommendation 6.

Building Code Notes

- Pending

Health Code Notes

- 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.

## C. POLICY / IMPLEMENTATION REFORMS

[Add an into]

### 8. 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 many of the agricultural tourism activities described in



this report. The County should consider establishing an agricultural mitigation program to protect cultivated agricultural lands and offset impacts to such lands (the area generally depicted in Figure 1). The program could take the form of an in lieu fee 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.

### 9. 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. 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 County is recommended to more clearly apply nuisance standards to agricultural properties, including adding new defined examples of nuisances, such as the following:

- Accumulation of non-operable, broken or neglected equipment, machinery, or other unsafe and dangerous articles not associated with agricultural uses on-site;
- Excessive storage of non-agricultural items such as: shopping carts, household equipment or broken or discarded furniture for an unreasonable period of time, boats, trailers, vehicles, vehicle parts storage containers 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, except incidental articles related to agricultural related activities;

- Weeds over eighteen inches in height on properties less than 5 acres
- Off-road vehicle recreation tracks

## **10. 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 County is recommended to pursue these more aggressive strategies to reduce illegal dumping.

## **11. 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.

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 on a property in such a way that availability of land remaining for agriculture is maximized.

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



**12. 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 and 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).

## D. PROMOTION / MARKETING

### 13. Equestrian, bike trail connecting farms.

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



### 14. 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.