



RE; Contra Costa County Agricultural Land Use Policy Review:
Sustaining Agricultural Lands by Improving Economic Vitality

To: John Kopchik & Jennifer Cruz

I would like to thank you and the County Board of Supervisors for recognizing the need for economic vitality of our agricultural land within Contra Costa County. We are a far behind the surrounding counties capitalizing on our agricultural capabilities. I have highlighted key points in the visions & goals below.

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 Farm stand, 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.

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

The statement above is very well written, though I don't think the key item is being addressed in the Land Use Policy review. There are basically two factors that will defeat this vision and goal, one being allowed uses and restrictions in zoning regards to parcel size etc. I feel this subject is being discussed and documented.

The only input I have is that I feel "**Large Event Centers /Wineries**" should be separated into two different categories. An event center using agriculture to become an event center is not the equivalent to a bonded winery growing grapes and producing wine in Contra Costa County having events to promote agricultural products. The primary land use of a winery is to grow and produce a product, events are a secondary function that feeds the vitality of "agri-tourism". The Land Use restrictions and zoning requirements should not be the same. A Winery is defined as a Bonded Facility that can produce and store wine products, tasting room and sales of wine onsite.

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. Event Centers that are not bonded wineries 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.

The zoning code requirements for bonded wineries should otherwise remain unchanged and wineries should continue to be encouraged.

Introduction The following development guidelines, adopted by the Board of Supervisors on April 6, 2004, are to be used as policy guidance for the Department of Conservation & Development and the County's hearing bodies (Zoning Administrator, Planning Commission, and Board of supervisors) in reviewing and approving the land use permit for a winery or olive oil mill, including the uses, activities, and structures normally associated with such uses.

Winery or Olive Oil Mill Definitions **Winery:** a commercial, bonded facility for the fermentation and processing of grapes or other produce into wine, or the refermentation of still wine into sparkling wine **Olive Oil Mill:** processing of olives into olive oil

Activities and Facilities that are Specific to a Winery Use The following activities and facilities may be permitted under a land use permit for a winery:

1. Crushing or pressing grapes
2. Fermenting wine
3. Aging wine
4. Processing and blending wine
5. Bottling and labeling wine
6. Storage of wine in cellars, vats, barrels, bottles or cases
7. Laboratory or administrative (including sales) offices (subject to size limits)
8. Shipping, receiving, and distribution of wine produced on site (warehousing/distribution activities are to be limited in size and scope)
9. Truck scales
10. Equipment storage and repair subordinate to primary winery operation
11. Composting of grape by-products and other agricultural wastes: and wastewater treatment

Accessory Uses and Structures for a Winery or an Olive Oil Mill

The following accessory use and structures may be permitted under a land use permit for a winery or an olive oil mill:

1. Tasting Area: Allow for wine (or olive oil) tasting subject to the land use permit setting the size, location, hours of operation of the tasting area, and subject to securing other permits or licenses, as may be required by state or federal law, or by other agencies.
2. Retail Sales Area: Allow for the sale of wine or olive oil bottled or processed on the premises and accessory sales related to wine and wine promotion (or olive oil) subject to the land use permit setting the size, hours of operation, and location of the retail sales area, and subject to securing other permits or licenses, as may be required by state or federal law, or by other agencies.
3. Special Events: Allow for use of winery (or olive oil mill) facilities for a limited number of special events, such as weddings, fundraisers, anniversaries, winemaker dinners, or similar events, subject to the limitations on the number of days and hours as defined in the land use permit. The applicant for a land use permit shall identify the number of special events that would occur during a typical year, the days for special events (weekday or weekend), the duration and hours for special events, and the maximum size of special events (number of persons expected to attend), when requesting permission to conduct special events at the winery (olive oil mill) as part of the land use permit. The determination on granting special events in conjunction with the land use permit shall be based in part on public safety considerations, including access and parking, compatibility with nearby agricultural operations, and community disruption, such as noise or traffic congestion. The intention is to allow a limited number and size of special events, which are not injurious to public safety, not incompatible with nearby agricultural operations, and not disruptive to the community in winery locations that are appropriate for holding special events.

Minimum Parcel Size and Facility/Site Placement

Consistent with the provisions of the A-2: General Agricultural District, at Code Section 84-38.608, no winery or olive oil mill may be permitted in an agricultural zoning district on a lot of less than five (5) acres.

Consistent with the objectives of Measure C-1990: The Contra Costa 65/35 Land Preservation Plan Ordinance and the policies for the Agricultural Core, as referenced in the General Plan, to preserve and protect prime farmland (Class I & II soils), the placement of a winery or olive oil mill on a parcel in the Agricultural Core should be sized and located where it has the least impact on prime agricultural soils. The intent is to ensure that all facilities, structures, and parking/loading areas related to a winery or olive oil mill are sited or grouped on a relatively small portion of the property so that the conversion of prime agricultural soils is minimized. A land use permit for a winery in the Agricultural Core where parcels are currently zoned for commercial or light industrial, an application for winery or olive oil land use permit will be accepted with a concurrent application to rezone the site to an agricultural zoning district.

Parking and Loading Spaces, Access, Signage and Trash Disposal for a Winery or an Olive Oil Mill

Parking and Loading: Consistent with provisions of the County's Off-Street Parking Ordinance, at Code Sections 82-16.018 (15) and (16) and Section 82-16.022, the following parking and loading space requirements shall apply:

Provide one parking space per 500 square feet of floor area devoted to the accessory (or incidental) uses of a winery or olive oil mill (e.g., retail sales, tasting room, etc.);

Provide one parking space per 1,000 square feet of storage area (barrel storage and aging);

Provide off-street loading space for more than 10,000 square feet of gross floor area of winery building per the schedule at Section 82-16.022.

Access: Provide for the safe ingress and egress to winery facilities on a public roadway subject to the review and approval by the County Zoning Administrator through the land use permit process. The principle access driveway to a winery, which is open to the public for tours, tasting, or retail sales shall be clearly identified in the land use permit, and subject to review and approval by the County Zoning Administrator that the access driveway is safe and adequate. Due to traffic safety considerations, establishing a new access driveway on to State Route 4 within the Agricultural Core in connection with a winery or olive oil mill land use permit shall be generally discouraged, unless it can be demonstrated to the satisfaction of the County Traffic Engineer and/or Caltrans Traffic Engineer that the new access driveway would not create an unsafe turning movement off or onto State Route 4.

Signage: Allow for non-illuminated signage on the premises specifically related to the winery or olive oil mill use consistent with existing sign ordinances and subject to review and approval through the land use permit process. In addition, subject to the land use permit allow for up to two directional signs, each of which shall be non-illuminated and of a uniform design and consisting only of the winery or olive oil mill name, the distance and direction.

Trash Disposal: The land use permit holder for a winery or olive oil mill shall be responsible for proper disposal of trash originating from their facilities. It is the intent that the trash, litter, and garbage originating from a winery or olive oil mill establishment shall not become a nuisance, unsightly, or interfere with ongoing agricultural operations. Where applicable, the conditions for trash disposal, as defined under County Code Section 88-16.008 (Chapter 88-16, Take-Out Food Establishments) shall be used for a winery or olive oil mill land use permit.

Compliance with the County Code Chapter 82-38, Alcoholic Beverage Sales Commercial Activities

A land use permit for a winery involving the sale of alcoholic beverages shall only be granted in accordance with the requirements of County Chapter 82-83, Alcoholic Beverage Sales Commercial Activities Ordinance. Chapter 82-83 includes restrictions that prevent new alcoholic beverage sales commercial activity from being located within:

700 feet of an existing Alcoholic Beverage Sales Commercial Activity;

400 feet of a public or private accredited school, a public park, playground or recreational area, a place of worship, an alcohol or other drug recovery of treatment facility, or county social service office;

a Crime Reporting District; or iv. 600 feet of a Crime Reporting District, where the general crime rate exceeds the countywide general crime rate by more than 20 percent (§82-38.604).

These restrictions may be modified through the land use permit process.

A land use permit for a winery involving the sale of alcoholic beverages shall only be granted in accordance with the requirements of County Chapter 82-83, including the following findings (Section 82-38.606): a finding of "public convenience and necessity", if the activity will be located in areas determined by the CA Department of Alcoholic Beverage Control to have an undue concentration of liquor sales licenses and a finding that it will not aggravate existing problems created by the sale of alcohol such as loitering, public drunkenness, sale to minors, noise and litter.

Compliance with Other Agency Requirements

Liquid Waste Disposal: An applicant shall provide evidence that the winery or olive oil mill will comply with the wastewater discharge or disposal requirements as may be established by the Regional Water Quality Control Board.

Solid Waste Disposal: Pomace (fruit skins or rinds) may be used as fertilizer or soil amendment, provided that such use or other disposal shall occur in accordance with the Regional Water Quality Control Board, or the requirements of the Environmental Health Division, County Health Services Department.

Permits/Licenses: an applicant shall provide evidence that a commercial bonded wine premises permit has been approved or is under review by the Alcohol and Tobacco Tax and Trade Bureau, U.S. Department of Treasury (referred to as the Application for Basic

Permit under the Federal Alcohol Administration Act, OMB No. 1512-0089). Additionally, wine tasting, and retail sales may require certain permits or licenses from the State of California, and the applicant shall provide evidence that such a permit or license has been approved or is under review. This licensing requirement is not applicable to an olive oil mill.

The second factor is the Land Use Permitting process, fees, and requirements set by the Public Works Department. If the County is going to continue to treat agricultural land use as if it were a planned development subjecting agriculture to requirements intended for housing or commercial development, the efforts put forth so far would be for nothing. Farmers often do not have capitol investors and deep pockets to pay for improvements before a dollar is made. Farm land has been in families for generations and to leverage property to pay for unnecessary fees and improvements will and have stopped the agri-tourism economy growth in Contra Costa County.

Agricultural Land Use especially in the "AG Conservation Area" should be treated as a Ministerial Project that would create exemptions for uses that comply with the zoning and land use policy set for those areas. The main concern of items that kill projects for Agri-Tourism are as follows;

- 1) **Environmental Quality Act (CEQA)** this process is long and expensive and not necessary if you are not changing the Land Use already approved for the parcel. **Article 19. Categorical Exemption** would apply in many applications. Under 15300.3 Revisions, the County may request a new categorical exemptions.

15300. Categorical Exemptions

Section 21084 of the Public Resources Code requires these Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA.

In response to that mandate, the Secretary for Resources has found that the following classes of projects listed in this article do not have a significant effect on the environment, and they are declared to be categorically exempt from the requirement for the preparation of environmental documents

15300.1. Relation to Ministerial Projects

Section 21080 of the Public Resources Code exempts from the application of CEQA those projects over which public agencies exercise only ministerial authority. Since ministerial projects are already exempt, categorical exemptions should be applied only where a project is not ministerial under a public agency's statutes and ordinances. The inclusion of activities which may be ministerial within the classes and examples contained in this article shall not be construed as a finding by the Secretary for Resources that such an activity is discretionary.

15300.3. Revisions to List of Categorical Exemptions

A public agency may, at any time, request that a new class of categorical exemptions be added, or an existing one amended or deleted. This request must be made in writing to the Office of Planning and Research and shall contain detailed information to support the request. The granting of such request shall be by amendment to these Guidelines

- 2) **Traffic and Circulation** The burden of traffic studies and road improvements cost can exceed the cost of doing agricultural business 10 times creating a nonviable business before it starts. Widening a small section of a road is not beneficial to the area and could create an area of on street parking or a noncompliant passing lane on a two-lane road. Under the MC Division 820- Right to Farm this is not required of you pick farm stands and farming operations. The you pick season brings a large amount of traffic congestion to the area, up to 100,000 people in a single weekend as stated in the setting paragraph. traffic studies and road improvements are not imposed for these uses at which Agricultural Land Use falls under the same category. This requirement is only activated when a Land use Permit is requested.
- 3) **Drainage Division 914 Collecting and Conveying Storm water** This requirement is not applicable to agricultural land, there are no storm improvements within these areas. These properties are irrigated by the district and storm water stays on site or is returned to ECCID.
- 4) **Storm Management and Discharge Control Ordinance (NPDES)** This is also a questionable application to farm land. This was created by the state for urban development creating large amounts of impervious surface, cleaning and stabilizing the PH in storm water before it hit tributaries and water ways.
- 5) **Annexation to a Lighting District** I am not sure why Ag Land would be subject to this? This refers County permit requirements related to street lighting for new parcels, parcel development, and subdivisions. I interpret this to be projects that would have street lights and benefit from them so the burden of maintenance and repair does not fall on the county without revenue. The area of "Ag Conservation Area" has no street lights within 2 mile which are in the city of Brentwood.

MY wife and I would like to thank you for considering our input and suggestion to the Ag Land Policy Review. If you have any questions, please feel free to contact myself at 925-595-0694

Sincerely,

Bryan & Michele Lucay
Lucier Family Vineyards LLC.
Serendipity Cellars LLC.

Jennifer Cruz

From: Danielle Kelly
Sent: Monday, May 13, 2019 3:41 PM
To: Jennifer Cruz
Subject: FW: Proposed Ag Ordinances

From: Juliet Blake <julietblake@icloud.com>
Sent: Monday, May 13, 2019 2:50 PM
To: Danielle Kelly <Danielle.Kelly@dcd.cccounty.us>
Subject: Fwd: Proposed Ag Ordinances

Sent from Juliet's iPhone

Begin forwarded message:

From: Juliet Blake <julietblake@icloud.com>
Date: May 13, 2019 at 11:20:37 AM PDT
To: supervisor_burgis@bos.cccounty.us
Subject: Fwd: Proposed Ag Ordinances

I would also like to add one more thing. A good deal of this proposal includes allowing people to set up their homes for a bed and breakfast or short term rental. And while generally I support personal property rights, I can't begin to tell you how dangerous this could be.

Just last year a house in our neighborhood (Johnston Rd off Tassajara) was on AirBnB. It is at the very top of a hill on a tiny, tiny dirt road with only one way in and one way out. Several teens threw a party up there that got way out of hand. The police could barely get down here because of the narrow roads and all of the kids fleeing the party. About a week later, during fire season no less, someone was having a bon fire up there!! It could have ignited our entire valley. A fire truck would barely be able to turn around in that driveway if at all.

People from town do not understand how dry it is back here, especially in the summer. Aside from most places having very little water, there are no fire hydrants here or really any fire protection measures other than what the fire department requires. It would take one cigarette butt or bonfire to destroy our entire community. If there were a fire, again, there is only one way in and out. Our horses, livestock, and other animals could be put in extreme jeopardy. Another issue with this is that these are private roads back here maintained by the property owners. An increase in traffic would impact our roads, causing further costs to property owners who have maintained the same financial impact to our little roads for years.

During the short lived time of this Air BnB, tourist traffic impacted our road. People seem to have no common sense, so neighbors were finding these "guests" on their own private property. Gates left open where horses and livestock are kept. And people with no horse or livestock experience petting animals on private property. I certainly don't want to be liable if an Air BnB guest trespasses onto my private property despite no trespassing signs and I am liable if they get kicked by a horse or charged by a cow or simply trip and fall.

If this does proceed, this should only be in areas where there is more than one exit to a roadway, the roads are not maintained by property owners, and a fire hydrant and several holding tanks of water are on site in case of a fire.

Thank you again for your time.

Juliet Blake

Sent from Juliet's iPhone

Begin forwarded message:

From: Juliet Blake <julietblake@icloud.com>

Date: May 13, 2019 at 9:18:44 AM PDT

To: supervisor_burgis@bos.cccounty.us

Subject: Proposed Ag Ordinances

May 13, 2019

Dear Supervisor Burgis,

This morning I was sent a Change.org petition regarding some proposed changes to codes and ordinances in rural Contra Costa County. I have been a resident of the Tassajara Valley since 1984. I was raised out here, and I've raised my own son out here as well. One of the things I value most about living in a rural area is being free from the chains of a Home Owners Association, and making my own personal choices about what do on my property.

There are a few things in the draft that stand out to me as a gross overstep of the county onto private property. First, there is a section about off-road vehicle tracks. There are many people in rural Contra Costa County that enjoy riding their dirt bikes, side by sides, and four wheelers on their own property. Growing up, my brother and his friends all rode dirt bikes out here, and neighbors co-existed together without a problem. We also had horses, and they got used to the sounds of motorcycles. Additionally, those of us with larger properties use these modes of transportation to check our livestock, check fences, and in the case that we have a struggling calf, use these vehicles to bring them to safety and/or get veterinary help for them. The county should not determine how these vehicles are used on private property.

Second, there is a section regarding the storage of non-agricultural vehicles on private property. Many of us escape the city so that we can safely store our boats, motor homes, camper trailers, and so on. There is no reason why we should not continue to do so. The county should not have a say in determining what is parked on private property unless it's already violating an existing county code. We move out to the country to have all of our things in one place, avoid violations of HOA doctrines, and to prevent having to pay for storage of our personal property.

Two other sections discuss items left in partial construction or repair and also articles that are "abandoned". The wording of this is vague, and again, the county should not have any business determining how quickly a project should be

completed or if an item is in need of repair for any length of time. Many of us have tractor implements, older tractors, ranch trucks, and so on that we store on our property. Does this now mean that if we are redoing a car on our property the county will step in and say how long it should take? Or that if we have an old tractor that we haven't needed all year that it will then be deemed "abandoned" and will be required to be moved off of our property? Most ranches have some older equipment and implements lying around. Some people even use them for decoration in their yards, such as the antique hay rakes. It should not up to the county to determine what kind of farming equipment or implements are stored on private property...and it is also not up to the county to dictate on any level which equipment is most appropriate for privately owned land.

I am very disappointed in the proposal. All of the above examples show how the county could infringe on private property rights if the draft is passed. Further, it is not a function of the county to ask as a Home Owner's Association to rural residents.

Thank you for taking the time to take this under consideration. I appreciate your time.

Sincerely,

Juliet Blake

Sent from Juliet's iPhone

Jennifer Cruz

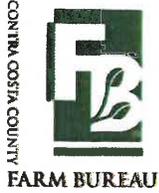
From: Ginger Conrad <gingereconrad@gmail.com>
Sent: Monday, May 13, 2019 12:15 PM
To: Jennifer Cruz
Subject: Ag land use ordinance

Mrs. Cruz,

Please make sure article 9 of this Ag use ordinance is looked at from all angles before proceeding. As it is rough drafted it stands to make small ranchette life impossible and have the county act as our de facto HOA. Many of us, myself included live out in the middle of nowhere so we can enjoy our y'all weeds and ability to store all our toys, rusty, working or not.

Thank you,

Ginger Conrad
510-693-9716



Contra Costa County Farm Bureau

5554 Clayton Road
Concord, CA 94521-4180

May 15, 2019

John Kopchik
Jennifer Cruz
Department of Conservation and Development
30 Muir Rd
Martinez, Ca 94553

John and Jennifer:

On behalf of the 300 Farm Families that the Contra Costa County Farm Bureau represents, we would like to applaud the Board and your Department for efforts to maintain Agricultural (Ag) Viability in Contra Costa County. We appreciate the ability to take part in the Ag Land Policy Review process and opportunity for comment.

Although we see the point to centralize any potential projects in areas that have the most amenities, we believe it is short sided to have an arbitrary line that may benefit only a select few. The opportunities should be available to all parcels, with criteria that establish whether a project to the site is viable. If the necessary amenities aren't available, the project isn't doable, but at least everyone is given the opportunity.

With regards to homes being built on Ag Lands, every effort should be made to position the home to maximize the continued production and ease of farming the parcel. Allowing huge homes, in the center of the parcel, completely minimizes the farming potential.

We thank you for the opportunity and look forward to continuing to work with you through the process.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Viano'.

John Viano
President



PO Box 1672, Brentwood, Ca 94513

John Kopchik
Jennifer Cruz
Department of Conservation and Development
30 Muir Rd
Martinez, CA 94553

May 17, 2019

Dear John and Jennifer:

The Contra Costa Winegrowers Association would like to thank the Board and the Department for looking into adding viability to our Agricultural (Ag) Lands. We further thank you for the opportunity to be a part of the process of looking into ways to help Ag evolve with the wants and needs of an everchanging population.

Our main focus is the winery portion to the Policy. We are assuming you will be using the guidelines adopted on 4/9/2004? Although we agree with most of these guidelines, we do feel that a Winery Land Use Permit should include: production, tasting, and sales as an all inclusive permit, rather than an additions to, as adopted. A winery needs to have the ability to do all these functions to be successful, so they shouldn't be pieced together.

Over the past few years, a couple of our members have started the process to build a winery. On the surface it appears pretty straight forward. As you get into the process, it becomes encumbered. When we started the Ag Land Policy review process, nearly 2 years ago, we were under the impression that we would be looking into ways to ease the process. We were very disappointed to hear at the last meeting that the process wasn't under the scope of this project.

Production and sales facilities blend well with the scenic beauty of nature, while bringing opportunities and returns to the local community. Simple modifications to a property should be treated with greater staff scrutiny to preserve the aesthetic beauty rather than treat them as if they were a multilevel subdivision with excessive improvements. We can have the best policy on the planet, but without a means to achieve an end, it is futile. We recommend that the process be a part of the policy review.

We look forward to working with you to complete the process.

Sincerely,

A handwritten signature in black ink, appearing to read "John Viano", is written over a white background.

John Viano

CCWA Chairman

Jennifer Cruz

From: Barbara Frantz <barb.frantz@hotmail.com>
Sent: Friday, May 17, 2019 5:56 PM
To: Jennifer Cruz; john.kopchik@dcd.cccounty
Subject: Comments regarding Recommendations on Reforming Agricultural Land Use Policies in Contra Costa County

After 10 public hearings on how you can help farms be more vital and sustainable, and grow fruits, vegetables, and animals in the Agricultural Core, I have the following comments:

1. Thank you for dedicating the time to be thorough in your evaluation of what will help land owners in the agricultural core be more vital and sustainable.
2. We must recognize that out of the 11,000 or so acres dedicated to the Agricultural Core, 60% or 6600 acres are less than 10 acre plots even though the original law intended there to be 40 acre minimum lots. That means that about 60% of the landowners in the Agricultural Core have substandard lots.
3. No matter the reason, you must acknowledge that the majority of landowners in the Ag Core have turned their 5 and 10 acre lots into residential estates. That has 2 consequences. First, they don't in general want to grow produce for sale as a business, and second, their land sells for residential estate prices, not agricultural land prices.
4. My next door neighbor is selling his 10 acre lot, with a modular home, a barn and a lake for 1.3 Million Dollars. Not very affordable for a future farmer to invest in. So, there must be an additional source to growing crops or raising animals that involves conducting business on agricultural lots.
5. We need to focus our attention on the future of Agri-tourism in Contra Costa County.
6. I bought my property in 2001 for \$200,000. The same lot today would be \$600,000.
7. I paid \$1.6 Million to build a farm market, commercial kitchen, and classroom, and all the other requirements for a public facility...well, septic system, handicap parking, fencing, etc. to comply with requirements by Public Works, Environmental Health, Fire Protection, Water Board, Lafco, Conservation and Development, the Irrigation District, and the Building Department. To pay my bills including my mortgage, Tess' needs to generate \$11,000 per month. This includes an electric bill of about \$1100 per month, insurance of \$1500 per month, pest control, linen supply, dishwasher supplies, labor, other utilities, workers compensation, and food ingredients.
8. Tess' operated its farm to table cafe/commercial kitchen/class room/farm market at break even after the 2d year. I sourced my produce from local farmers and from the farmers' market when necessary. The food was more expensive than the average restaurant, but the customers loved the experience as much as the food.
9. I designed my farm to table café to introduce the public to the importance of fresh produce in their daily lives. They enjoyed sitting out in the back, looking at the orchard, having their kids go out and pick berries and grapes. Tess' parking lot accommodates 78 cars. It has to be re-graveled every spring, because the parcel is not permitted to be asphalted, which is an impervious surface.
10. The farm to table café generated about \$16,000 per month by the second year, and we were looking forward to making improvements (irrigation so that I could plant more trees and row crops), when it was shut down pending the amendments to the Ag Land Use Policies.
11. There is a symbiosis between all of the activities at Tess'. People come in to eat, they go to the farm market and shop, and they often sign up for a cooking class. They like the food, so they might order catering or a private event.
12. When we carry fresh produce in the farm market, what people haven't bought by the second day, we can use in our meals. Without the transition, we lose about \$800 a week on unpurchased fruits and vegetables.
13. We support the community with discounted rates for non-profits who want to have a fundraiser at our place.
14. We are a working farm, albeit very small, and with a short season, but the visitors love coming out here with their kids.

15. I do not believe that Tess' should have to pay mitigation fees or any other extra fee to operate its location as a farm to table café. We have paid our dues, and educated the County on the process about the issues related to operating a farm to table café, as well as contributing to community events, and hosting activities that are beneficial to the community.
16. I have presented the County with previous emails showing how the County can limit the number of farm to table café's legally without making minimum lot sizes or verifiable farming requirements, thus addressing their issue of a glut.
17. I am a practicing attorney with 42 year's experience, including working for the South Coast Air Quality Management District, and helped write the smog legislation in the 80's. I am willing to assist County Counsel free of charge to expedite the adoption of a reasonable farm to table café ordinance.

It is important that Contra Costa County establish a "brand" around Agri-tourism, farm to fork food, u-picks, wineries, similar to what Napa did years ago with its wine. We have an amazing micro-climate in the Agricultural Core.

The County's focus should be on how to encourage the "residential estates" to do more farming on their property, educating them on what crops to grow, what's involved in growing them and creating a hub for offering their products to other farmers, instead of forcing them to increase the size of their lots to meet the original requirements of the early land use policy.

Just as the Cherry picking season generates 10,000 visitors a year in a one month period, I believe that our farm to table cafes will draw people to the land that we can use right now, as it is.

Over-protecting the populace with an over-abundance of rules is the antithesis of farming. Let's keep things simple, and let the land use permit process control the specific circumstances of each operation. People expect to get dirty on a farm. Don't limit the number of attendees categorically for farm dinners, farm to table cafes, bed and breakfasts by ordinance, do it by land use permit. What one property may tolerate for septic use, another may not. Don't dictate how much land or verifiable farming is required, unless specifically required to do so by the circumstances of that property.

Focus instead on how to give benefits to land owners who are contributing to Agri-tourism, like grants, tax credits, diminished water and electricity fees. Loan programs to get new farmers into farming or existing farmers into expansion without conventional qualifications. Partner with groups like Slo Money, UC Davis, the City of Brentwood, the Federal Farm Market Program to encourage growth in Agri-Tourism, not discourage it.

I believe that Tess' Community Farm Kitchen has provided a successful template for melding the urban with the rural, successfully operating a farm to table café with only 10 acres, including 4 acres of agriculture. We can be the beginning of Agri-tourism, as long as the County does not hinder us with regulation.



TESS' COMMUNITY
FARM KITCHEN

BARBARA A. FRANTZ, PRESIDENT
8091 BALFOUR ROAD
BRENTWOOD, CA 94513

PHONE: 800-800-5373
FAX: 925-281-5529

Jennifer Cruz

From: Thom Reinstein <thom.reinstein@gmail.com>
Sent: Friday, May 17, 2019 2:57 PM
To: John Kopchik; Diane Burgis; Jennifer Cruz; Supervisor Candace Andersen; Jeff & Nancy Wiedemann; Larry Robinson
Subject: Ag economic incentive program comments

Thank you for the opportunity to share comments. Currently, an online “petition” is being circulated suggesting that the County’s proposed new ordinances infringe on the rights of Ag landowners. The petition blindly conflates property rights and responsibilities. Suggesting that Ag zoned property means, “my property - my rules” highlights the need for clarification.

These proposed ordinances are not the work of prying busybodies; they are critical to making Ag lands economically viable. Napa and Sonoma Counties are a sterling example of keeping Ag lands free from blight that translates into the second largest tourism segment statewide and billions of dollars of economic activity and its accompanying tax revenues.

There is ample precedent of other counties curbing blatant Anti-Ag use with ordinances; storage of industrial/construction equipment and high decibel, dust inducing, off-road vehicle use being just two examples. Could it be effectively argued that the authors of the Williamson Act intended such uses to actually receive tax incentives to do so? Not likely.

Is it a secret that the appropriate place to store industrial and construction equipment is in an industrially zoned area? Or that the proper place to ride off road vehicles is at nearby Club Moto or Carnegie SVRA? This is simply zoning 101. Other counties have very specific ordinances for these Anti-Ag uses and we must have them too.

Personally, I believe that scenic protections should be at the top of the agenda; followed by whatever the County sees fit to include in its new Ag incentive program. There exists substantial and reasonable precedent for Planning to protect these scenic Ag resources before they are lost forever.

Thank you,

Thom Reinstein

Jennifer Cruz

To: Larry Robinson; John Kopchik
Subject: RE: County Plan

Blight:

We should point out that protecting agricultural lands and view scapes is important for both the counties urban areas and farm communities. Studies show that quality natural and agricultural space contribute to area economy and mental and physical health. Blight detracts from that value and can affect area crime.

Something like:

“The beauty of our 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.”

This dovetails nicely with the counties goals in scenic highway view-scapes. Enforcement is of course an issue. You know how important this is to us.

The Highland/Tassajara area is relatively unspoiled and close to major urban areas. It is frequented by commuters, bicyclists, and city folks out for weekend and evening drives. Before moving to the country 15 years ago we brought our kids out weekly for evening drives.

Farm business:

I know this may be harder but will offer some perspective.

At Victorine Valley farms we were continually lobbied for farm visits and tours. Even when we declined a full sized tour bus would occasionally show up. We would give an impromptu talk on the olive business and refer them to our store in town or the Danville farmers market. We considered but did not act on In the field dinners, cooking classes with area chefs, participation harvest events, overnight camping to augment farm income. The areas beauty and proximity make this viable in ways that challenge other parts of the county.

The Reinsteins (at the last meeting) have been on the land over 100 years. They are growing wheat for an onsite distillery as their great grandparents did generations before. Farm dinners, B&B or events should be viable options for folks like them, and in our experience, be of real value to neighboring urban communities. We are the backdoor to the Livermore wine country. I see Sonoma County pushing these efforts hard.

Water is a case by case issue. On our old place we brought in water for our trees in drought years (4000 gal, \$160, once a week, July, Aug, Sep). A mile down the road we have more water than we will ever use.

Again, hope this is of some help

Larry

RE: Preliminary working draft to amend the agricultural land use policies in Contra Costa County.

This statement is directly related only to policy implementation reform item # 9. **NEW EFFORTS TO AVOID/ADDRESS RURAL BLIGHT.**

My opening statement:

In my opinion his item intends to have the county act in an overbearing manner and regulate what personal belongings land owners can have on their properties. I did not chose to live in the country so that the county can tell me what of my personal property they deem to be acceptable and I do not want my landowner rights and freedoms infringed upon.

My understanding is the intention of item #9 is to have the AG zoned property regulations more aligned with the residential zoned property regulations that people in subdivisions must abide by. Most people who live on AG zoned land choose to pay an arm and a leg for land to live out in the country so they don't have to worry about all the stifling residential zoning regulations.

Furthermore why would anyone expect Agricultural land regulations to be anything like residential - Ag land is meant to perform a job and produce it is nothing like residential land. Ag land is not meant to be aesthetically pleasing its meant to be use full.

Prioritizing FORM over FUNCTION in agriculture is an unwise path to go down. FUNCTION should always be priority. FORM is a great accessory but typically unnecessary and usually financially burdensome - so FORM should be a choice of the landowner. Not everything needs to be aesthetically pleasing.

Item #9 was driven by a few squeaky wheels who grew discontentment in others in order to get more people to join in with them so they could be more effective in their complaining all because they didn't like their neighbors riding dirt bikes. I don't know about you but I don't think it's any of my business what my neighbor does with the land they own as long as #1 What they do is not environmentally unsafe #2 What they do is not hazardous to the long term well being of surrounding properties.

My neighbors land is theirs not mine and I shall mind my own land and stay out of their business and SO SHOULD THE COUNTY. Not sure why people think they know best and therefore should dictate how others should live their lives; but these people are now employing the county in their crusade to control their neighbors and the county has not had ample opposition because content people don't complain and are oblivious that this zoning change is happening and how drastically it could affect them and how they are currently enjoying their land could be ending soon.

Because I feel so many are unaware and to also draw awareness to this important topic I began a petition and emailed it to 207 AG Zoned land owners in Contra Costa County. In just 6 days I got 193 signatures from people who read item #9 and were in opposition to it. Unfortunately I miss informed them telling them the deadline for them to send in comments was May 23rd so I can imagine many will miss the moved up deadline of May 17, 2019 to write in with their personal comments. However this petition I hope will shine a light on how many people are unaware and when they become informed are in disagreement to the restrictions and infringement of their landowner freedoms that will take place should Item #9 go forward as it is written.

Some of the specific things in item #9 that I have opposition to:

STORAGE OF NON AGRICULTURAL ITEMS BOATS, TRAILERS, VEHICLES, STORAGE CONTAINERS

This item has received the most contention in my correspondence with other landowners. As I interpret it, it means you will not be able to keep your boats, Hot rod projects or Travel trailers stored on YOUR own property? So a person who owns acreage will need to pay storage over in town to keep these things. THAT IS 1000% RIDICULOUS. If the intention is to stop people from storing masses of junky boats, trailers and broke down cars then it should be more specific. If the intention is to not have people operating commercial storage facility businesses then code enforcement needs to go shut down the illegal unpermitted business because that is already in violation of the code we don't need more let what is already written take care of this.

Here is what I would propose in amendment to what is written

- Not more than 4 non registered or inoperable boats, travel trailers or recreational vehicles.
- Not more than 6 registered boats, travel trailers or recreational vehicles.
- The open word "Trailers" should be excluded entirely from this as there are a multitude of different types of trailers needed in the operation of land/farm/ranch maintenance.
- Storage containers should also be excluded entirely from this as many farms use storage containers to store feed and keep equipment kept away so it is tidy, dry and secure. Containers act as a way to keep all the junk needed to care for a ranch kept away in an aesthetically pleasing manner and out of sight.

ANYTHING LEFT IN A STATE OF PARTIAL CONSTRUCTION OR REPAIR FOR AN UNREASONABLE PERIOD OF TIME.

Why is the timeframe left open ended and vague what does the county consider to be an unreasonable period of time? Is "Unreasonable time" to be 3 months or 3 years?

So that fence, garage or home addition someone is building slowly on the weekends throughout the spring/summer/fall they can't do that anymore or they can??? I get that form over function is tempting a guy 3 places down from me has been building 800 ft of wood fence in 10ft increments on Saturdays for the last few months and it doesn't look "pretty" but seriously what does it really matter, he does a little with the spare money from every paycheck and works for a few hours on Saturday morning when he has time because life is busy – Someday he will be done and it's not my place to be impatient with his ugly project that is his property and his life.

I have been building my ranch for 5 years and still have about 10 more years to go before I will probably be entirely done. I am OCD about things getting completed before moving on to the next project and I want everything to be attractive but that is me and I don't expect my neighbors to do the same nor do I think they should have the county telling them they have to hurry up. Most ranches and farms are built in a progressive long process over a period of many years as money comes in you do another project otherwise you would have to capture financing and pay interest and how could that be economically feasible or sustainable for all landowners.

OFF ROAD VEHICLE TRACKS

Off road vehicle tracks should not be prohibited. We need to be able to maintain access tracks to ride our quads or UTV's around the property to check fences and care for livestock and perform maintenance on the land and maintain fire breaks.

As it is currently written it is dangerous - it needs to be specific – I understand that the people complaining intend to have the county stop people from making dirt bike tracks and using it for motocross practice so if that is the intention it needs to be specific and state that motocross practice or motocross competition is what is being prohibited not off road vehicle tracks.

Honestly though I say give the kids dirt bikes and let them enjoy themselves it's better for them than Nintendo.

OTHER ARTICLES OF PERSONAL PROPERTY THAT ARE ABANDONED

What does that mean? It could be up for complete interpretation based on a the opinion of your complaining neighbor or code enforcement personnel. This could mean anything that you own. Besides if it is on YOUR property how could it be abandoned and how does the county define abandonment specifically? This needs to be either extremely specific or removed entirely this is very wreck less as it is written.

WEEDS OVER 18 INCHES ON PROPERTIES LESS THAN 5 ACRES

So in February when it's raining cats and dogs and the weeds grow 18" every 14 days you MUST figure out how to get them down despite the reality that it's so muddy you are not going to be able to get your tractor out there to get the job done because it will get stuck in the mud. So land owners should expect to do weed mitigation on all 5 acres by hand with a weed eater twice a month. How could senior land owners be expected to physically handle this or afford to pay for labor to do this every two weeks? WHY is this necessary? Why would FORM over FUNCTION now be more important on AG zoned land? Why does the county care more about the aesthetics than the logistics? Here is the most important argument against this... Contra Costa fire protection district already regulates this and weed abatement code is May 31st the weeds must be cut. Why do we need an additional and more ridiculous regulation when this is already being regulated? This should be removed entirely or put in line with the fire protection district rules.

ACCUMULATION OF NEGLECTED EQUIPMENT OR MACHINERY

So what constitutes neglected - a bit of rust a dent or ????? This is completely vague and wholly up for interpretation. I am pretty sure just about every farm/ranch has a few ancient pieces of well worn equipment or machinery that are ugly and barely hanging on but still serve some usefulness in the management of the land, animals, vegetation or structure maintenance. Most equipment and machinery costs a fortune to replace with new equipment. Why should form over function be more important than maximizing the financial sustainability of land management by using equipment or machinery forever despite its appearance? If you are trying to specifically target non farm machinery or equipment what exactly is that because at my ranch we use construction equipment for ranch chores and facilities maintenance as often as we use farm equipment and implements so who is to say what category something falls under not everything is limited to use for its originally intended purpose.

My closing thoughts

I DO think there are a few parcels in the county where rural blight is an issue but I would say that is about 2% of properties where it is out of hand. I think that 98% of Agriculture zoned land owners in this county respect and care for the land they own and work hard to pay for the mortgage and the cost of caring for that land. I do not think that the 98% of good land owners should lose their land owner freedoms because 2% of the parcels are improperly cared for by slobs.

I also think that 98% of ag zoned land owners don't agree that the county should regulate them to this extent as is proposed in item #9. I think most people living on rural ag zoned land live there because they want to have more freedom than the people living in high/medium density subdivision housing and seek to have space away from nosey neighbors or HOA's. We paid a lot of money for our land so we could enjoy our freedoms and our rights should not be infringed upon in this manner just because a few people are complainers. The county does NOT need to respond in this manner to people who whine about a neighbor.

What I see as an appropriate correction to all of this:

1. All non agriculture related personal property of the Landowner stored for more than 60 days shall be stored inside a building or behind a 6ft tall fence only when visible from a public road. Items

- with current DMV registration are exempt. This would basically solve all of what people are concerned about and not infringe upon landowner freedoms.
2. Be very specific about time frames and not use open ended phrases like unreasonable period of time.
 3. Specifically defining what it is the county means by the following words - accumulation, neglected, abandonment, anything, other articles.
 4. Do away with the part on weed control let the fire protection district deal with this as they already do; no point in having duplicate regulations.
 5. Do not widely prohibit off road vehicle tracks. If the intent is to prevent motocross then specifically state no motocross. These two things are not the same thing.

A final reminder – This is a slippery slope. One man's trash is another man's treasure or tool so I don't think the county should be able to openly interpret all this. Where is the spirit of recycle and reuse many farm/ranch owners store materials for extended periods of time to later re purpose and reuse them around the property this maximizes the financial sustainability of owning and caring for land and minimizes the impact of throwing away what could later be useful.

I think it is typical and expected for people who work at the county offices to think of this Ag policy from a viewpoint of needing to respond to the demands placed upon them administratively. I urge county staff to think around the corner on this. When you make decisions and write them into policy in regards to things you are ALWAYS going to miss those one off situations that you do not intend to regulate and cause real problems in the life of someone you never intended these policies to be applied to. So please be cautious, careful and contentious when making life changing decisions for other people who live and breathe an industry you are just barely familiar with no one person wholly understands every aspect of agriculture it is too broad and multi faceted. Until you are in the thick of making a living on agriculture and working 365 days a year to keep the lifestyle alive you can only imagine or assume what it takes.

Lastly keep in mind most small farmers or ranchers also have a day job because it is rare that a small farm can financially sustain itself or a family especially with today's land prices. So most landowners need a day job to pay all the bills and many times these day jobs are complimentary to one another like a Contractor has an Equestrian center or a Welder is a small time cattle farmer a Well driller has a pistachio orchard a concrete pumping guy has a goat ranch, a mechanic grows alfalfa. I hope your intention is not to regulate these individuals to the point you force them to also rent storage in town to store their other "non AG equipment" that they use in their day job when it is typically that day job that helps pay the bills when the farm/ranch falls short. Remember if the intention is to create financial sustainability you need to allow people to be creative so they can problem solve and stay afloat when the farm/ranch income is thin. Do not over regulate and cause people financial harm. You should deregulate and give people more freedom to find creative ways to be self sufficient and sustainable.

When creativity is not smothered and restricted wonderful things happen.

With high hopes, Erin Clancy-Mathias

May 17, 2019

Contra Costa County Department of Conservation and Development
Attn: Jennifer Cruz, Senior Planner
30 Muir Road
Martinez, CA 94553

Re: Comments on Proposed Draft Agricultural Policy Language

Dear Jennifer,

Per your comment deadline, I'm writing to submit some additional comments on the Ag Land Use Policy review process. Some comments on specific sections below:

Re: Recommendations Section C.9 - Blight:

As you know, my family is concerned about growing rural blight in Tassajara and how it might be addressed as part of this process. We define rural blight as land uses and activities which:

- are obviously out of character or incompatible with existing/zoned agricultural land uses
- violate existing rural scenic corridor guidelines
- create eyesores and other nuisances that prevent the quiet enjoyment of the region by visitors and local producers
- discourage continued investment in the local agricultural community

We apply this definition to Tassajara but believe it may also apply to other agricultural areas of Contra Costa County.

We believe this issue dovetails with the expanded agritourism activities that have been one of the primary focuses of the Ag Land Use Policy review process. The goal of addressing blight is not to create new restrictions on agricultural producers who feel they are already prohibitively restricted. The goal is to protect producers' existing rights, while discouraging specific and obviously incompatible activities which infringe on those rights and discourage further investment in agriculture in areas the County has identified as agriculturally important.

The proposed Ag Land Use language looks good, and paired with enforcement would likely help with some of the ongoing blight issues in Tassajara.

Re: Recommendations Section C.11 – Rural home development restrictions:

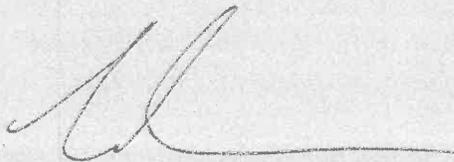
This section should be limited to the Ag Core. My family has spent over two years processing a simple subdivision of a 160 acre parcel into two 80 acre parcels in Tassajara, with no proposed construction, just a paper lot split and designation of a home site. The regulations are obviously already quite restrictive for 80-acre residential lots in Tassajara, there is no need to add additional restrictions in that area, or other areas zoned A-80.

Re: Figure 1 & 2 – “Potential Agri-Tourism Policy Area”:

If the proposed boundary is intended to limit just bed & breakfast and full-service restaurant uses to the Ag Core due to their higher water and sewer use, but not limit any of the other proposed agritourism uses in other rural areas of the County, I understand the reasoning and don't personally see much of an issue with leaving those uses in the Ag Core.

Thanks for your consideration through this process, we look forward to continuing to work with you and your staff.

Best,

A handwritten signature in black ink, appearing to be 'CW', with a long horizontal line extending to the right.

Christian Wiedemann
christian@wiedemannranch.com
(415) 794-3394

Jennifer Cruz

From: Becky Courchesne <becky@froghollow.com>
Sent: Friday, May 17, 2019 1:04 PM
To: Jennifer Cruz
Cc: Alfred Courchesne
Subject: Ag policy meeting comments

Dear Jennifer,

I have been thinking about how to comment before the meeting on Wednesday and I think you'll probably be relieved to know that I've decided to keep it short!

I think you all already know that having a 40 acre minimum parcel size will be a nonstarter for the farm-to-table restaurant concept. This is one way to limit the number however, it will only be financially possible for larger, corporate farming operations or large restaurant groups. This goes against the ideals of bringing young farmers to the land, and it would change the character of our farm economy of small, locally owned, and family farmed operations that are unique to Brentwood.

Since you have Len Hatamiyas report on your site, I know you see the trends in agriculture and consumer habits that all point to consumers desire to connect with their food. Brentwood is in such a unique position, given its proximity to major urban areas, and of course, its rich farmland.

The future of farming depends on the accessibility and experiential aspect for consumers.

I suggest the following requirements:

- The parcel must be registered with the ag dept and is a viable working farming operation.
- No chain operations
- Limit the number allowed in the ag core
- Going forward, have stricter CC&R's on 10 acre parcels, requiring that the land be cultivated and farmed and restrict where homes sites can be built.

One other comment, can we please get to this first in the meeting and leave discussions about Public Works, etc until the end?

Thank you,
Rebecca Courchesne

--

Rebecca Courchesne
Frog Hollow Farm
925.634.2845 x 208 phone
925.516.2332 fax
becky@froghollow.com

SUSTAINABLE AGRICULTURE IN TASSAJARA

Thanks for putting the Agricultural Land Use Policy Review together. Landowners and producers need the opportunity to comment on County policy. I hope we can continue this dialog throughout the General Plan update and beyond.

In this review the County wants to "**determine if policy changes are necessary to better sustain agricultural lands by improving economic vitality.**"

Policy change? Sustainability? Historically, County government has been better at impeding economic vitality than improving it. Agriculture has been swept up in our explosive population growth and the fears and frustrations that go with it.

Are we at a point where we can stop churning out endless regulations about preventing something from happening or offending someone i.e., telling us what we can do and how we may do it. How about some regulations (policies) that protect and support our ability to do things that we want without, as Adam Smith says, hurting our neighbor.

If we really want effective Ag Land Use Policies, here are some things to consider:

1. Harvard Business Review, " Food demand is expected to increase anywhere between 59% to 98% by 2050." <https://hbr.org/2016/04/global-demand-for-food-is-rising-can-we-meet-it>. Do County ag policies actually facilitate food production or impede production?
Do we value food production or just the appearance? Be Honest!
2. County permitting processes scrutinize every possible aspect of an application. Despite great time and expense, many of us dutifully apply for those approvals and comply with those regulations. Unfortunately, more and more do not. Practical regulations have a place but if people ignore them and nothing is done about it then land use planning is irrelevant and the trend continues. This may be the greatest threat to Ag and Open Space in rural areas.
3. Ancillary Income: B&B, Short Term Lodging, Farm Dinners, Farm-to-Table, Event Facilities, etc. All are good ideas and those ideas suggest that there are others that have not yet been considered. All of these opportunities should be available to all of the rural areas in the County. All ideas should be considered.

1. Harvard Business Review, " Food demand is expected to increase anywhere between 59% to 98% by 2050." <https://hbr.org/2016/04/global-demand-for-food-is-rising-can-we-meet-it>. Do County ag policies actually facilitate food production or impede production? Do we value food production or just the appearance? Is it important? Be Honest!

Agriculture is generally the business of producing food and fiber or feeding the world so that others can occupy themselves with other activities. It's a serious and complicated business and food needs and demand are growing. Populations are increasing, growing economies are demanding better food, resources are dwindling, climates are changing and on and on. To keep up with that demand, we should take food production seriously. Doubling world food production in the next 30 years would require the efforts of all producers and all regulators. Perhaps the most important component of our food is protein. Contra Costa County has some of the most productive range conditions in the country. Living mostly in a natural environment, with little confinement, with humane treatment, and on and on, cattle live better, less stressful and healthier lives than their wild counterparts and they produce some of the most complete proteins to be found from non-arable pasture. Cattle are the second largest crop in the County and their ability to Up-Cycle protein (make good from marginal protein) makes them important food producers in our hungry world. Are we smart to squeeze livestock out of the picture?

animal.ifas.ufl.edu/beef_extension/bcsc/2017/proceedings/wickersham.pdf or check out Tovar Cerulli's "*Natural Causes*": *Life and death, food and fantasy*.

2. County permitting processes scrutinize every possible aspect of an application. Despite great time and expense, many of us dutifully apply for those approvals and comply with those regulations. Unfortunately, more and more do not. Practical regulations have a place but if people ignore them and nothing is done about it then land use planning is irrelevant and the trend continues. This may be the greatest threat to Ag and Open Space in rural areas.

Tassajara is a great example of the transition of rural areas. For the last 45 years, agriculture in Tassajara has been "protected" with downzoning from 5 to 80 acre minimum parcel sizes, Urban Limit Lines, the loss of County services like pest and invasive weed control, and now a County supported MOU wants to add another layer of restrictions with the caveat:

"the parties (County, San Ramon, Danville & EBRPD) agree not to support any proposal to extend, expand or connect to urban infrastructure or service to all or any portion of the Tassajara Valley Agricultural Enhancement Area unless such extension, expansion, or connection is the minimum necessary to avoid an unconstitutional taking of private property..." Translated: Restrict as far as you can go but don't expose the County to the 5th Amendment Takings Clause.

With all this "Protecting", it's a wonder anyone is left. Or is that the goal? Ironically, with all this protecting what is being displaced is agriculture and open space. Mountains of regulations are only useful if property owners decide to comply. If someone decides to ignore the spirit of the existing laws or ignore the laws altogether, land use planning becomes irrelevant. How cognizant do you have to be to realize that a Carnegie size dirt bike track does not conform to an ag zoned ("**A-80 Exclusive Agriculture**" in your "Current County Wide Agricultural Areas" April 19, 2019 map) area of the County? How about displaying all types of urban, construction debris and some ag stuff all over your property for the purpose of selling it on e-bay. You don't have to be a genius to drive down the road and determine what is Exclusive Agriculture and what ain't. I don't have any problem with any of these activities if they are in their proper place and planned for. If I tried to build an unapproved office building in a residential neighborhood or a concrete batch plant in a shopping center it wouldn't be allowed to happen. It would be stopped and/or torn down. Are we serious about protecting our zoning regulations or should our Agricultural zoning be re-labeled: "A-80 If It Feels Good, Do It".

I don't want to be the nosy, meddling busy body in the neighborhood. I'm not a big fan of government intervention but agriculture and its attendant open space have great value for many reasons. If the County truly wants to protect these resources, they need to stop focusing on writing regulations and start enforcing the ones they already have.

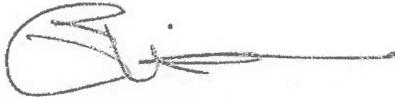
3. Ancillary Income: B&B, Short Term Lodging, Farm Dinners, Farm-to-Table, Event Facilities, etc. All are good ideas and those ideas suggest that there are others that have not yet been considered. All of these opportunities should be available to all of the rural areas in the County. All ideas should be considered.

It's obvious that the proximity of our County's agricultural areas to urban centers is an important opportunity for agriculture. Giving the public access to our farms and ranches is a very good idea on many fronts. Our urban neighbors learn about where their food comes from, they can regenerate in a peaceful setting, they don't have to travel very far to enjoy the bounty from our farms and ranches,... Conversely, we learn about our markets and provide some ancillary income to our enterprises.

As to, Where should these activities take place? Hopefully in rural areas throughout the County. The East County and Ag Core have a corner on a variety of locally grown, high quality crops. And Tassajara and areas like it can provide other kinds of settings and activities that our city cousins can enjoy. I don't think it's a good idea to draw a line around a portion of the County only allowing those within to engage in certain income producing activities. To say that outside of

that line certain activities could not work because infrastructure issues can't be overcome is not very bright. You're going to find infrastructure issues wherever you go. Excluding the vast majority of agricultural land from the "Potential Agri-Tourism Policy Area" is a great example of the kind of policy that restricts opportunities for political reasons and limits beneficial activities in areas like Tassajara. Again, are we really trying to **"determine if policy changes are necessary to better sustain agricultural lands by improving economic vitality."** ? I'd suggest that the County focus on streamlining and resolving infrastructure issues surrounding particular ancillary income projects and daily activities and let the property owners come up with their own ideas.

Respectfully,

A handwritten signature in black ink, appearing to be 'Jeff Wiedemann', with a long horizontal line extending to the right.

Jeff Wiedemann

H. Jack Hanna
Winery Consultant
PO Box 610
Bethel Island, CA 94511

May 16, 2019

Re: Development Guidelines, Contra Costa County, winery, Ag Districts

To CCC DCD, Jennifer Cruz, and Whom it may concern;

Background:

For over one hundred years, the wines of Contra Costa County have competed in quality with the better know wine regions of Napa, Livermore, and Lodi. The quality of our fruit may be evidenced by the better-known wineries outside Contra Costa who purchase our grapes.

Contra Costa County government can benefit from tax subventions generated from direct to consumer sales. Tasting rooms typically see very little traffic on weekdays. The general commerce of the County can benefit from peripheral needs of winery visitors. The unique image of our county can improve with development of our wine country.

Land Use guidelines as adopted 2004: Please consider these changes and comments.

- A. Introduction should include a statement about the **intention to promote vineyard/winery DTC** (direct to consumer) activity.
- B. At this time, CCC DCD will have no problem here. Eventually in twenty years, it may not be enough if we attract more aggressive corporate activity.
- C. # 8 ~~wine produced onsite~~

Size and scope may or may not need regulation. In extreme cases, like Sutter Home in Napa, the ability to purchase fruit or bulk wine from offsite for processing and/or bottling has been abused. In our area this is not likely, and the Administrator should not be overly restrictive.

I forgive staff of 2004 their ignorance of the wine business. Bulk wine is often employed for blending. Wine processed offsite is often the produce of a vineyard utilizing 'custom crush' from other winemaking facilities. Contra Costa County does not need to create restrictions to the discretion of a winemaker that do not exist elsewhere.

If staff feels the need to publish restrictions, review could be required for a permit when production exceeds fifteen thousand cases (or another volume beyond 'boutique' status).

- E. These are the **primary issues confronting farmer/entrepreneurs** seeking to make a living in the wine business.

Tasting and sales are **not** typically different locations or activities for DTC winery services. 1 and 2 should be simplified to reflect the intention to support and promote this beneficial use.

The Zoning Administrator enjoys some latitude and **should be directed by intention** instead of guidelines for commercial operations not associated with onsite agriculture.

Please note the remarks from the Contra Costa Winegrower's Association.

(# 3) I need to stress the importance of reasonable discretion by the Zoning Administrator in this point. Special events are a primary source of income for some wineries. Releases and other occasions meant to promote sales are necessary and are not like weddings held in a small property not capable of making enough wine to be a wine business as much as a being an event venue. Short of creating a loophole for a music and private party venue, the Administrator ***should not create undue restriction*** on the ability to promote a viable vineyard/tasting facility.

F. Although I find no problems with this language, it fails to fit intention with the typical reality of a boutique winery. The Zoning Administrator should be familiar with Amador and El Dorado County applications which would be more typical than Alameda, Napa, or Lodi. Problems can and do occur when winery production reaches more than fifteen thousand cases annually.

G. Parking etc.

(#1) ***These guidelines are not typical of use in a boutique vineyard winery*** and tasting room. Instead, with reasonable latitude, the Zoning Administrator should be encouraged to support the on-going development of useful parking short of allowing parking on the side of the rural roads which would be unsafe on weekdays.

(#2) With the changes in routes for Highway Four, # 2 may be eliminated or shortened to the specifics of Marsh Creek Rd.

(#3) While some restrictions on signage can and should be imposed, name, distance, and direction are **unnecessarily restrictive**. Permanent signage with some language about the wine, family, or history discourages reliance on sandwich board advertising, which may be negative in net effect.

H. # 1 & 2

3. Consider language to exempt winery development in agricultural areas from this section as it would only add costs to the permits by wasting staff time.

I. Any boutique DTC vineyard winery will have no problem with this section.

Conclusion:

Wine business is good for Contra Costa County and farming in general. I respectfully request that the DCD Staff, the Board of Supervisors, and the Planning Commission express an intention to promote the family owned and operated vineyard, winery, and tasting room operations struggling to find a place in the larger world of wine.

Respectfully submitted

Jack Hanna

1. Proposed reform is a very good start. It will potentially bring more agricultural business opportunities. However the reform does not go far enough to help Tassajara Valley agriculture.

Contra Costa Crop Reports, 2017 and 2016 (Attachment # 1) reported production per /acre on rangelands, the value of Field Crop \$ 21.00/acre. Tassajara Valley needs more innovative agricultural solutions to attract some other sectors of agriculture.

"..Sustainable farms are known to enhance local and regional economies. They create jobs and build strong communities...."
<http://www.aketta.com/blog/sustainable-agriculture-defined.aspx>

Board of Supervisor Order, December 20, 2016, Allocation of Funds from the Livable Communities Trust to Develop Recommendations on Agricultural Land Use Policy expressly authorized the effort.*"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 incentives agricultural sustainability and economic vitality"* There hasn't been yet any meaningful educated discussion on some unreasonable constraints AG zoning large minimum parcels size A-80, A-40 imposed on owners.

2. Preliminary Working Draft is silent about unique challenges Tassajara Valley agriculture faces in today's competitive agriculture. It would be very appropriate for the County to organize a special meeting to discuss unique situation in Tassajara Valley and together with local authorities and landowners/farmers come up with a plan for "Happy Farmers" feasible solutions.
3. Key prerequisite to any viable agriculture is reliable water supply from irrigation district. Many Tassajara farmers/landowners/residents would like to see our elected officials and local agencies to advocate for bringing man-made water infrastructure to Tassajara Valley Farmland to improve agriculture and make thrive. Although numerous properties in Tassajara Valley already have their own water supply from private groundwater wells, a global solution to bring a reliable water supply via man-made infrastructure to Tassajara Valley Farmlands of **Local Importance** is needed.

It is a heartbreaking to learn that expansion of Los Vaqueros Reservoir by 75% does not have one-drop of water for Farmlands of Local Importance in Tassajara Valley.

<https://www.cwater.com/993/Project-Documents>

4. Tassajara Valley AG-preserved district needs more land uses that would bring more diverse uses for supporting current agriculture and creating a new agriculture. The idea of not including Tassajara Valley agricultural land in new business opportunities, such as in # 3 Bed and Breakfasts is simply unfair. According to Preliminary Working Draft, Figure 1, Tassajara Valley agriculturally zoned land is not included for some uses, as in # 3.

Exclusion of Tassajara Valley directly contradicts the purpose of this effort to... *"promote economic vitality for agriculture "* (Preliminary Working Draft, January 18, 2019, and Revised April 19, 2019)

In addition, County mistakenly narrows down the definition of *"cultivated areas"* and unfairly reserves a new business opportunity, as in # 3, to only *"irrigated acreage "* ...*"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". Working Draft (January 18, 2019, and Revised April 19, 2019)

The nature of Tassajara Valley farming is farming on high-quality rangelands. Activities such as grazing on rangelands, or dry farming on rangelands, or growing olives in non-irrigated orchards (however Tassajara Valley does have some irrigated orchards) do not require irrigated acreage. **Nevertheless, this non-irrigated acreage is still food producing agricultural land that fully satisfies the definition of a cultivated land.**

"Agriculture is the process of producing food, feed, fiber and many other desired products by the cultivation of certain plants and the raising of domesticated animals (livestock)"
<https://www.sciencedaily.com/terms/agriculture.htm>

It doesn't frankly matter what types of agricultural produce an agricultural land produces. Whether it is corn, cherries, grapes or tomatoes, or whether it is meat (raising cattle), food for livestock (dry farming) or support grazing by making land available for leases so others can do grazing, **all these activities are part of the food chain production by cultivation, therefore, an agricultural land like high-quality rangeland in Tassajara Valley is a cultivated area.**

County should not capriciously pick and choose and give for instance "tomatoes land" better deal on new uses, and single out "cattle land" or high-quality rangeland, by excluding rangeland from new business opportunities like #3, Bed and Breakfasts. Cattle & Calves production takes place on rangelands and this production goes head to head with the production of tomatoes (see Crop Report 2017, Attachment # 3).

So, Tassajara Valley AG-Lands should be treated fairly, and should be given the same agricultural business opportunities. According to NRCS, Agritourism is very important part of ranching.

"As the U.S. Natural Resources Conservation Service (NRCS) describes it: "farmers and ranchers rely on the natural resources of their land - the soil, water, air, plants, wildlife, and scenery - to keep their family on the farm and the farm in their family."
<https://asi.ucdavis.edu/programs/ucsarep/about/what-is-sustainable-agriculture/practices/agritourism>

5. Tassajara Valley private wells have sufficient water to support Bed and Breakfasts facilities. Water availability can be proven on case-by-case basis, as it is normally done for any new improvements on parcels that do not have public water service.

Many properties in Tassajara Valley already have multiple wells, or just one well with sufficient water well yield for Bed and Breakfasts facility and the pool.

Tassajara Valley rolling hills tranquility, ranching lifestyle surroundings, and grazing cattle activity give perfect scenery for Bed and Breakfasts facilities for the public to enjoy a different Agritourism experience.

In addition, Tassajara Valley already is a very popular destination. For instance, Highland Rd, Collier Canyon Rd, and Carneal Rd circle is a very popular biking route, so it would be welcomed by the public to have some improvements in this area that Bed and Breakfasts could bring, for instance parking, staging area, toilets, and etc.

6. Also, in Tassajara Valley where the large parcels are there would not be negative factors from Bed and Breakfasts including impacts to neighbors, maintaining farm integrity, stress on ground water and septic from increased use, or right to farm because most of the parcels in Tassajara Valley especially AG preserve district are relatively big parcels from + 100 acres, 80 acres and that is plenty of space!
7. Tassajara Valley especially AG preserved district needs more uses, equal treatment, agricultural zoning modification comparable to other AG zoning.
8. Although Tassajara Valley has high-quality rangeland as noted in Preliminary Working Draft, farmers/owners have to manage and tailor intensity of grazing to what that high-quality of rangeland can naturally support, otherwise ecosystem risks to go out of balance.

.. "Intensity of grazing or stocking rate is a fundamental variable determining the sustainability and profitability of rangelands (Smith 1899; Sampson 1923). In determining stocking rate, grazing managers attempt to balance the forage demand of grazing animals with forage production over the changing seasons' ...

http://rangelandarchive.ucdavis.edu/Annual_Rangeland_Handbook/Grazing_Management_322

County policy makers should review terms, Land Carrying Capacity¹, and Stocking Rate² and try to understand the dilemma farmers and landowners face when farming on rangelands because of **"a fundamental variable", Stocking Rate** that is a fundamental to economic and managerial decisions farmers and landowners have to make.

Most agricultural activity in Tassajara Valley is grazing. Grazing is a super peaceful agricultural activity. People applaud those that still "hang in there". But a viable agricultural economy for farmers and their families and the community goes further than just "hang in there" endurance.

"Practitioners of sustainable agriculture seek to integrate three main objectives into their work: a healthy environment, economic profitability, and social and economic equity."

<https://asi.ucdavis.edu/programs/ucsarep/about/what-is-sustainable-agriculture>

Tassajara Valley needs more innovations in agriculture that would make economic sense and be sustainable.

Current agricultural uses combined with potential new agricultural investments could bring economic profitability for smaller parcels investing in specialty crops, or crops that bring

¹ Carrying capacity. The maximum stocking rate possible which is consistent with maintaining or improving vegetation or related resources. It may vary from year to year on the same area due to fluctuating forage production. <http://rangelandarchive.ucdavis.edu/files/244734.pdf>

² Stocking Rate is defined as the number of animals on a given amount of land over a certain period of time. Stocking rate is generally expressed as animal units per unit of land area. Carrying capacity is the stocking rate that is sustainable over time.

https://shareok.org/bitstream/handle/11244/317893/oksa_pss_2871_2003-07.pdf?sequence=1

higher value per acre to grow step-by-step. That would enhance the quality of life for farmers/landowners and their families, create local jobs, and create a local strong community while preserving farmlands in our beautiful Valley.

Many landowners in Tassajara Valley have only one single parcel to do farming, and they do not have the advantage of economies of scale that is needed for successful livestock operations. In general term, Stocking Rate dictates how many cow framers or landowners can put on specific unlit of land, so the operation is limited to that rate. In addition, many have not a possibility to outsource grazing to other lands. When neighbors try to "make things work" and try to combine single parcels together, they face many challenges: high costs for livestock fencing, high cost for developing water sources on site in different locations, and the return from grazing does not even cover those costs, neither for the farmer nor for the landowner.

"Liffmann et al (2000) found that in Alameda and Contra Costa counties about 30% of the ranchers use some public owned rangeland to augment their ranching operation. They may only be able to use the public land seasonally but they depend on it to make their operation on private land viable".

http://www.ncrcd.org/files/2813/8091/4206/General_-_Using_Livestock_Grazing_as_a_Resource_Management_Tool_in_CA.pdf

Tassajara Valley agricultural district needs more diversify agriculture. More supporting agriculture uses in general, and smaller agricultural parcels that would lessen the economic barrier to entry, and give flexibility to diversify agriculture to achieve agricultural land use supported by the production per acre that would make economic sense. **Productive agricultural land is the ultimate preservation for that land. This is win-win situation.**

9. Improved agricultural land blends very well with the environment in the rural setting, brings more tax dollars to County, provides income for farmer, while land is still protected by agricultural land use policy: still plenty of grazing land perhaps with new livestock fencing, new croplands where possible, and still many open spaces because by the default not all AG land is suitable for farming or growing crops due to land natural constraints. Again, this is win-win situation.
10. Keeping family land and land for family is very important to vast majority of ranchers, and rural area residents/landowners in Tassajara Valley. It is very important to keep family on the land together, so children, or grandchildren one day, they could build their house for their family and continue ranching to preserve rural setting in Tassajara Valley.

U.S. Natural Resources Conservation Service said:

....."keep their family on the farm and the farm in their family"...

September 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
	Labor Day					
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Field Crops

Crop	Year	Harvested Acreage	Production Per Acre	Tons Harvested	Unit	Value Per Unit	Total Value ¹
Alfalfa Hay	2017	1,774	3.75	6,650	Ton	\$167.51	\$1,114,000
	2016	1,909	4.16	7,940		\$155.70	\$1,236,000
Cereal Hay	2017	1,542	2.42	3,730	Ton	\$103.00	\$384,000
	2016	2,917	4.54	13,200		\$55.38	\$731,000
Field Corn	2017	2,781	3.16	8,790	Ton	\$155.15	\$1,364,000
	2016	7,408	3.92	29,000		\$153.55	\$4,453,000
Irrigated Pasture	2017	5,450	n/a	n/a	Acre	\$300.00	\$1,635,000
	2016	5,450				\$300.00	\$1,635,000
Rangeland	2017	169,000	n/a	n/a	Acre	\$21.00	\$3,549,000
	2016	169,000				\$21.00	\$3,549,000
Wheat	2017	2,943	1.35	3,970	Ton	\$152.38	\$605,000
	2016	3,063	2.06	6,310		\$183.68	\$1,159,000
Misc. ²	2017	2,503	various	various	var.	various	\$921,000
	2016	7,658				various	\$4,082,000
Total	2017	185,993					\$9,572,000
	2016	197,405					\$16,845,000



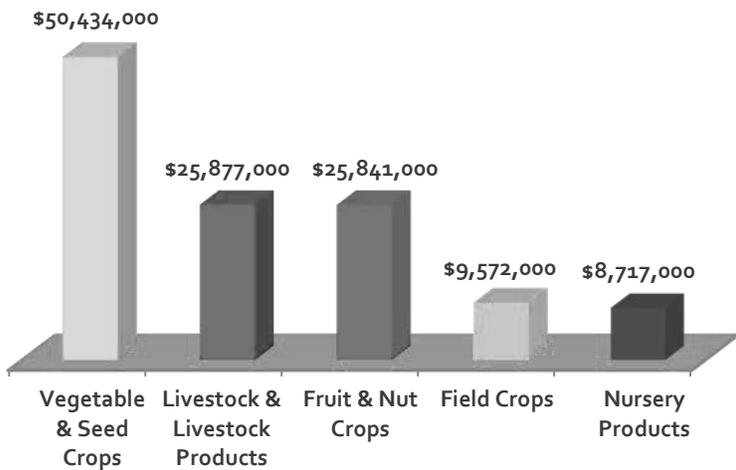
¹ Values represent rounded estimates based on data collected from producers, experts, and literature.

² Includes barley, corn silage, forage hay, hay (wild), rye, safflower, silage, straw, Sudan grass, and sorghum.

January 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 New Year's Day	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21 Martin Luther King Jr. Day	22	23	24	25	26
27	28	29	30	31		

Gross Production Values by Category



Leading Crops

