

JW's COMMENTS ON DRAFT AG POLICIES REFORM DOCUMENT DATED 9/6/2019

First, I would like to commend and thank the County staff and participants for the effort put into reviewing and considering the issues facing agriculture in Contra Costa County. We may find that food production plays an increasingly important role in our changing world.

Secondly, I would encourage the County to take seriously ag productivity and sustainability outside of the Ag Core. The Ag Core is a unique and highly productive area that benefits from and suffers under strict zoning constraints. I'm not arguing in favor of stricter regulation but there has been little or no enforcement of existing protections for agriculture in areas outside the Ag Core. These areas represent the County's largest economic crop, livestock. And these areas can produce a large number and variety of crops that are ideal for answering the demands of our urban neighbors.

The greatest threat to this productivity and economic sustainability is to have the County and other agencies ignore their own existing regulations. Allowing the encroachment and eventual dominance of non-conforming land uses contrary to your own General Plan language, Zoning language, Williamson Act language, Scenic Route language and on and on will result in rural blight that smothers ag communities, natural resources and agricultural productivity. If you think you can address this existing problem during the next General Plan update 10 or 20 years from now, you're in for a surprise.

As to the DRAFT AG POLICIES DOCUMENT:

IV. Recommendations.

A. LODGING and B. FOOD SERVICE

I strongly believe, and the neighbors and other concerned parties I have talked with strongly believe that excluding non-Ag Core rural areas from most agrotourism opportunities because of some imaginary water and sewage disposal issues is contrary to the intent of this Ag Policy Review and the months of meetings we have attended. From this report's title, TO IMPROVE BOTH ECONOMIC VITALITY AND SUSTAINABILITY. Look at our friends' language in Sonoma County: *A facility is approved for six (6) events per year. Specifically, four (4) events of up to one hundred people and two (2) events up to two thousand people. In this case the facility may choose to service the (2) two thousand person events and (2) of the one hundred people events solely with portable toilets.*

We are all very suspicious about these restrictions. We are not talking about moving the Cow Palace to rural Tassajara. Some events would have as few as 25 or 30 people. There are plenty of examples of agritourism functioning safely and efficiently without using "Retail Water Suppliers" or "polluting the ground water". There is so much opportunity to enhance areas like Tassajara for the benefit of the ranchers, the farmers, the County and the Community. Our vision includes vibrant agricultural communities throughout the County. Nobody is going to make big money fast on this stuff. But we can make it a better place before that opportunity is lost. I'd sure rethink your

Recommendations...

Looks like the **Potential Agri-Tourism Policy Area** map was not included in the September 6th draft. Was it just not included or has it been omitted? Omitted, I hope...

10. New efforts to avoid/address rural blight

So far, County efforts to manage rural blight have been disappointing. 18 months ago, a group of Tassajara residents met with Supervisor Burgis, Jason Crapo and several other County staff members in Martinez. We expressed our concern that two neighbors in particular (Mr. Eghtesad and Mr. Watteyne) were ignoring historic land uses, ignoring zoning regulations and ignoring expressed concerns by several neighbors. We considered construction of a full-scale Moto-cross dirt bike track now covering the Watteyne's entire 42 acre property and Mr. Eghtesad's display and e-Bay sale of numerous non-agricultural materials and equipment to be a violation of County ordinances and the intent of zoning and General Plan.

Since that meeting, Mr. Crapo issued a grading permit to Mr. Watteyne for the purpose of constructing a dirt bike track. (Now, apparently, it's legal?) Fish & Wildlife gave Mr. Eghtesad a slap on the wrist for filling about 50 yards of creek. He pulled the junk out of the creek and it now sits at the edge of the creek. No news on the sizable commercial retail sales operation specializing in construction equipment and construction materials (Mr. Eghtesad's business). We appreciate the Ag Policies review but the proof is in the pudding.

If the standard is that "any land use is permissible as long as it can be restored to agricultural use in the future" (the County's policy) then I guess anything goes. Maybe not radioactive waste sites. The problem here is that when our neighbors tell others: Hey! We bought some ground out in Tassajara, Yeah, it's zoned agriculture but we can do whatever we want with no risk. Pretty soon we have private paint-ball parks, private drag strips, and on and on. You don't have to drive very far to see what used to be productive ag lands but is now covered with non-conforming uses. We are talking about recent sales of ag land and the new owners making flagrant violations. Can you see what's coming?

16. Signage

You might consider placing SCENIC ROUTE signs along those routes. In the case of Highland Road in Tassajara, it might encourage residents to be aware of their surroundings and the visual importance.

Other thoughts not in this report

- The "Farmbudsman" could play a useful role explaining what uses are allowed in ag areas and which are not. And someone needs to coordinate the many agencies affecting these rural issues, not just Zoning and Building, but also Fire, Health, Williamson Act, Sheriff, Fish & Wildlife, and on and on. It's a simple test; is it agriculture or isn't it? A five year old kid could probably answer that.
- In terms of a "Carrot" vs "Stick", I would encourage you to consider verifiable farming or a certified farm that would make many of the above activities "Allowed By Right". Reward people for making the effort to engage in agricultural activities.
- Encourage Building Envelopes to confine homes, ancillary buildings, yards, etc. rather than spreading all the above everywhere.



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

September 11, 2019

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.

I would like to address some concerns about Potential Key Conditions as suggested in paragraph below referred to page 19 of 30 on the draft. In order to meet criteria of the **Visions and Goals for Future of Agriculture in Contra Costa County**, it is vitally necessary to adapt regulations to meet the needs of the agricultural community by allowing the permit process to be as flexible, feasible, and efficient as possible. Even though we can all agree that there needs to be guidelines for the safety of the public and protection of our resources, the goal is to promote Agricultural tourism, to provide sustainability of high-quality crops.

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

To create Agricultural tourism, direct marketing opportunities needs to be supported and expanded upon, this relies heavily on events. Without events you have no tourism. I do not agree with setting a minimum parcel size to the number of people as a set-in stone guideline or saying large events should be one mile apart for multiple reasons. In reviewing the County Ag-Core Parcels by size map, there might be 40 parcels within the area that are 40 acres plus. They are all grouped in clusters of 5 or more and some do not have road frontage for accessibility. Since there are so few of these size parcels it is most likely that these parcels will remain vacant land for row crop or orchard purpose only. By suggesting the guidelines above you just eliminated 98% of the parcels for opportunity to provide an Agricultural Tourism business. Now factor in the person that is in the top 1% income bracket that wants to make that investment in Contra Costa County The goal for Agricultural Tourism is now defeated.

I suggest the number of people for an event should be based on the availability of parking, ingress & egress, and accessibility for first responders providing safety for the public. The agricultural; retail water, and set back requirements will keep the event size proportionate to the size of the property. These terms should be negotiated and approved through the permit process.

Stand alone event centers are not allowed or recommended, Bed and Breakfast generally do not have events but do see the positive effect of event locations by providing local stay. So, this basically leaves event locations to Wineries and Farm to Table Restaurant businesses. Wineries should be defined as a bonded producing facility of wine products in Contra Costa County. I only know of two bonded facilities in the East County only one in the Ag-Core, a third potential winery holding a land use permit but not constructed and we would be the fourth in the East County and second within the Ag-Core if approved. I personally do not know of any Bed & Breakfast.

It appears to be a sense of concern by the County that a vast amount of party event centers will pop up on many of the 0-10-acre parcels. To prevent the situation of event centers becoming the dominant use of the property as stated on page 20 of 30. I would suggest the following.

- 1) For Agriculture Tourism application, i.e. Large event center subordinate to farming (grape growing) on parcels without a production facility on property could be held to a minimum parcel size (e.g., 40 acres) this would pertain to parcels that have vineyards, orchards, etc. also complying with the Ag, zoning, health & safety requirements.
- 2) No minimum parcel size for events subordinate to farming held on parcels that have production facilities on property. Production facility would be defined as a place of processing or preparing agricultural products grown within Contra Costa County such as Winery or Farm to Table Restaurant also complying with Ag, zoning, health & safety requirements.

Facilities that produce product are Agricultural Tourism, providing product of farming practices. Also, other than having events to show case and sale products of our County, we can provide tours of the facility and education to the public.

Thank you for reviewing and considering our suggestion on reforming agricultural land use policies.

Sincerely,

Bryan & Michele Lucay

Lucier Family Vineyards LLC.

Serendipity Cellars LLC.

Jennifer Cruz

From: mathiashorses <mathiashorses@aol.com>
Sent: Friday, September 13, 2019 6:01 PM
To: Hilaria Li; Jennifer Cruz; Danielle Kelly
Cc: mathiashorses; mathiasconst@aol.com
Subject: Re: Revised draft of Agricultural Policy Recommendations for Discussion at September 19 meeting

Hi

Thank you for sending the updated draft.

I would like to submit my comments; is an email acceptable or should I send a PDF letter?

Can my comments be read at the meeting or should I attend in person if I want my comments to be considered?

Thanks, Erin Mathias

I have the following comments regarding page 25 of 30 on the draft dated 9-2-19

I really appreciate the changes the county staff made to section 10 Rural Blight since the April draft.

Thank you to county staff for being receptive and listening. This is a wonderful and refreshing example of how a county can do really positive things.

I look forward to the county having a new tool to clearly and properly address rural blight in our community. It will be wonderful to see some changes where blight has become a problem.

Because I do feel there is rural blight happening I welcome your effort to responsibly create an ordinance that very specifically limits this in a way that is not over bearing to land owners and is clearly defined to avoid confusion.

I have three requests regarding undefined language that is being used. My feelings is it needs to be reasonably defined to make it more easily enforceable and to also protect landowners from misguided over use.

1. I would like to see the word "accumulation" specifically defined so that it is not left up to interpretation. My suggestion is to add this: **An accumulation is defined as: When more than 8% of the viewable surface land of the parcel is covered by an accumulation of the items described here or anytime this accumulation exceeds 1 acre of viewable surface space regardless of parcel size.**

Example a 1 acre parcel could have no more than approximately 3,520 square feet of viewable surface land used to store the outlined items (For reference a 60x60 square area is 3600 sq ft). Non viewable land like behind the fence of your backyard would be excluded so you could store your antique equipment for example with out worry.

If everyone kept 92% of their property in a clean and tidy manner and only used 8% for storing their junky treasures it would be great. But it needs to be clearly defined so it can be enforced uniformly and so those landowners being requested to comply know where the county draws the line on junk "AKA: treasure".

2. I would like to see the word "Excessive" specifically defined so that it is not left up to interpretation. The quantity the county considers to be excessive should be outlined clearly.

Here is two real life examples of why this section needs clarity.

Example A: This is true to an acquaintance. Family of 9 people all of driving age occupies a large ranch home on 4 acres. They have a total of 11 registered vehicles. Nine they drive daily to/from work and school, one ranch truck and one running show worthy hot rod; is eleven vehicles considered excessive? Is each person living there to be allowed to park the vehicle they own at the place where they reside, no street parking is available as it's a rural road?

Let's be real registration is expensive as heck if they paid this government fee and the vehicle can legally be driven or parked in any public road or parking space then they should be allowed to park it on their land also. This blight ordinance should address non operational, non registered, or commercial non AG vehicles ONLY.

Example B: This is true to my life. I have a 14ft dump trailer to move manure off site for disposal. I have a big gooseneck 30ft flat bed trailer to transport hay. I have a car trailer I use to transport my backhoe and 3pt hitch tractor to/from the mechanic when they require service. (I use the backhoe to move manure and re-sand arenas it is only used for ranch chores.) I have a 10ft trailer for moving trail obstacles and jump courses from one arena to another, I have a water donky trailer for watering arenas, I have two horse trailers - a small one and a big one because who wants to tow a 30ft 4h living quarters when your only taking one horse for the day. I have one camping trailer and one boat. One little hay trailer for feeding horses daily. All 10 of these trailers are used on a regular basis. I store them in a tidy way so my ranch looks attractive and uncluttered and all are 100% roadworthy. I am concerned that someone's uneducated or with biased opinion may deem this excessive. It is my position that some random person who doesnt understand the needs of my ranch or lifestyle should not have a say in what trailers I am allowed to keep and use on my land if I am in compliance with DMV regulations. Every ranch or farm will have different needs. The generic word "trailers" as it is being used here makes me concerned.

I would like to see the following clearly defined language: **Excessive is defined as: The quantity of stored unregistered non operational vehicles, class B commercial vehicles, stored boats, boat trailers, camping trailers, rv's, motorhomes, semi truck / box van trailers, commercial or non AG trailers shall be limited to 2 per acre with a maximum of 5 regardless of parcel size of any combination of these specific types; more than 5 shall be considered excessive. Functional trailers used for agriculture purposes shall be an allowable exception and shall not be calculated in this maximum quantity count. Roadworthy, non commercial, registered vehicles are an allowable exception and should not be calculated in this maximum quantity count.**

3. I would like to see the phrase "unreasonable peroid of time" specifically defined so that it is not left up to interpretation. I suggest you add **An unreasonable period of time is defined as in excess of 10 months.** My reasoning is ten months should be a sufficient amount of time for someone affording to do a clean up project, working on refurbishing a piece of equipment, doing a construction project, trying to get a vehicle running or sold, storing supplies needed for a upcoming ranch improvement project. Not defining your terms makes it hard to enforce or comply.

Jennifer Cruz

From: Paul Kunkel <kunkel1962@yahoo.com>
Sent: Monday, September 16, 2019 2:01 PM
To: Hiliana Li
Cc: Jennifer Cruz; Danielle Kelly
Subject: Re: Revised draft of Agricultural Policy Recommendations for Discussion at September 19 meeting

Jennifer,

Reading this latest draft, one comment I have is that the language from County Code 720-2.006, "residential property nuisance" should be removed from this document. I think it is confusing and causes people to believe these restrictions are applicable to agricultural parcels when they are not.

I understand that one person on social media has been misstating that these provisions are already the law with regard to Ag parcels probably due to them being referenced in the document.

Thanks

Paul Kunkel
Knightsen

September 17, 2019

To: John Kopchik, Contra Costa County Department of Conservation and Development
From: Zoe Siegel, Greenbelt Alliance
Subject: Comments on Agricultural Land Use Policy Draft, Contra Costa County

Thank you for working to develop and incorporate feedback on the draft Agricultural Land Use Policies in Contra Costa County to ensure the long term viability of the agricultural economy. We have been participating in Contra Costa County's Agricultural Land Use Policy Review Process to ensure the protection of the County's agricultural lands. Protecting these lands is essential to promoting the economic success of the County's farms and ranches. While not all the feedback that we made in previous meetings and memos were incorporated into this draft, the existing document is an excellent compromise and we support the agricultural land use reform efforts.

We applaud the effort to make Contra Costa agriculture more vibrant and sustainable in order to enable production of a wide range of crops and economic opportunity while also protecting the natural resources necessary for a thriving agricultural economy. We also applaud inclusion of concern for the impact of rural residential development highlighted in the draft policy. We believe that limiting non-agricultural residential development should be a priority for the County.

Per our previous recommendations, we would again like to draw your attention to the [Santa Clara Valley Agricultural Plan](#) as a possible model for creating a regional agricultural conservation easement purchasing program. The County needs to pursue a diverse financial model in order to ensure the program's long term viability. We also recommend pairing a mitigation program with other tax incentives for farmers, such as increasing Williamson Act participation.

In the draft policy, County staff highlights a multi layered approach to supporting agritourism while also mitigating for non-farm development. We believe it is essential in ensuring farmers have access to sufficient sources of income to ensure they can stay in their profession. We agree with the addition of the one quarter mile separation between bed and breakfast establishments but believe that additional measures should be taken to make sure they are truly geared toward connecting guests with the rural setting. As per our previous suggestion, we believe that recommendations for limiting the footprint of new construction, as well as requiring verifiable farming will be essential to ensuring the genuine application of this new policy.

We support the increase in parcel size from 10 acres to 40 acres for large scale events with a one mile separation between event centers. This will reduce the number of event centers and prioritize smaller parcels for agriculture use. Per our previous recommendation, non-farm development must be mitigated for. While new construction for event centers should not be allowed on agricultural land, any new construction that does occur for event centers, restaurants, and bed and breakfasts should be subject to a mitigation policy. We support the prioritization of locally grown farm products when providing opportunities for farm dinners. This will provide a unique opportunity to connect consumers to food production while still ensuring the locally grown products will be utilized.

Finally, we applaud the effort by County staff to highlight the progress made towards coordinating County agricultural resources but still believe that this does not replace the need for an agricultural ombudsperson to act as a liaison between growers and local agencies to facilitate the permitting and approval of projects that can increase farm income, advocate for the needs of farmers within County governance, help farmers apply for funding, or provide other types of technical assistance.

Overall, we support these recommendations and look forward to continuing to work together to support Contra Costa County agricultural land conservation.

Thank you,

Zoe Siegel
Director, Special Projects
Greenbelt Alliance

Please find enclosed comment to the latest revised Draft dated 09/06/2019.
Comments are addressed point by point as they appeared in the latest Draft 09/06/2019.

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

Comments & Requests:

In addition to reaching out to five agencies working in Contra Costa County, County should reach out to the public and invite property owners to hear their concerns and suggestions because hurdles of the permitting process mostly and directly affects property owners.

D. PROMOTION / MARKETING

15. Equestrian, bike trail connecting farms; Consider Allowing Equestrian Facilities within A-40 Zoning District with a Land Use Permit

Comments & Requests:

Promotion and marketing is a very important tool in promoting and improving agriculture throughout the entire county. Therefore, County should offer the same to A-80 agricultural district. Similar condition as describe by the county in A-40 district also exists in A-80 district. County should consider allowing equestrian uses in both A-40 and A-80 districts, and as mentioned, incorporate standards to protect neighbors, and agricultural uses generally.

It is correct that "...*equestrian facility, does not destroy the soils...*" to the contrary, a horse manure is an excellent source of nutrients for soil. Equestrian facilities would bring benefits where less exceptionally productive soil type exists within other agricultural lands.

More diversity in agricultural land use policy gives more choices and ultimately provides farmers/landowners with needed tools to choose what best would work for them. Thriving local farming gives the boost to the local agricultural economy and ultimately preserves agricultural lands. A-80 district should be given similar practical options as offered to A-40. For instance, equestrian facility proposed within A-40 district can also perfectly exist within A-80 district. Equestrian Facilities can bring new local jobs, more demand for locally grown quality hay giving the economic boost to dry farming lands, and provide with an option for more complete use of agricultural land while preserving that land for future agricultural uses. All that ultimately brings benefits to the local economy and improves the image of the local rural area in A-80 and A-40 districts in general.

Jennifer Cruz

From: Wiedemann Jeff <jeff@wiedemannranch.com>
Sent: Wednesday, September 18, 2019 12:03 PM
To: Jennifer Cruz; Danielle Kelly; John Kopchik; Robinson Larry; Reinstein Thom; Wiedemann Christian; Wiedemann Clayton; Wiedemann Susan; Wiedemann Jeff
Subject: The Latecomer
Attachments: Adopted Area Policies.pdf

Hi Jennifer

Further comments on Draft Ag Issues Report. I left a couple things off the letter that I sent last night. It got late and I was pretty groggy. I don't expect to include this in any discussions on Thursday. I mostly wanted to include some thoughts for your consideration.

- I'm interested to see what might come out of an Adopted Area Policy for our portion of Tassajara.

Thanks again

Jeff
c. 925-980-2684

Figure 3-2 Unincorporated Communities with Adopted Area Policies



