

## ORDINANCE NO. 2024-06

### AUTHORIZING AGRITOURISM USES IN AGRICULTURAL ZONING DISTRICTS

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

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

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

#### **Division 824 AGRITOURISM**

#### **Chapter 824-2 GENERAL AGRITOURISM REGULATIONS**

**824-2.002 Purpose and Intent.** The purpose of this division is to establish zoning regulations to allow for a variety of agritourism uses in agricultural zoning districts. Agritourism uses are uses that are located at a working farm, ranch, or other agricultural operation; are accessory to a primary agricultural use; are conducted for the enjoyment and education of visitors, guests, or clients; and generate income for the owner or operator of the working farm, ranch, or other agricultural operation. (Ord. 2024-06 § 2.)

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

- (a) “Agricamping establishment” means an establishment that provides food and lodging in accordance with this division.
- (b) “Agritourism lodging establishment” means a residence in an agricultural zoning district that is used as a bed and breakfast establishment or a farm stay establishment.
- (c) “Agritourism use” means any of the following uses located in an agricultural zoning district: agricamping; agritourism lodging establishment; farm dinner; farm market; farm stand; farm-to-table restaurant; grower stand; olive oil mill; or winery.
- (d) “Bed and breakfast establishment” means an establishment that provides food and lodging in accordance with this division.

- (e) “Farm dinner” means an occasion where food is provided in accordance with this division.
- (f) “Farm market” means an area accessory to an on-site agricultural operation that is used to sell farm products, value-added farm products, and non-agricultural items, as specified, where the total sales area does not exceed 3,500 square feet.
- (g) “Farm product” includes any of the following in its raw or natural state: any agricultural, horticultural, viticultural, or vegetable product of the soil; poultry products; livestock products; and apiary products. “Farm product” does not include any livestock, poultry, fish, or shellfish.
- (h) “Farm stand” means an area accessory to an on-site agricultural operation that is used primarily to sell farm products, value-added farm products, and non-agricultural items, as specified, where the total sales area does not exceed 1,500 square feet.
- (i) “Farm stay establishment” means an establishment that provides food and lodging in accordance with this division.
- (j) “Farm-to-table restaurant” means a restaurant that provides food in accordance with this division.
- (k) “Grower stand” means an area accessory to an on-site agricultural operation that is used to sell farm products produced on-site or proximate to the site, as specified, where the total sales area does not exceed 1,500 square feet.
- (l) “Non-agricultural item” means any item offered for sale other than farm products and value-added farm products.
- (m) “Olive oil mill” means an operation for the processing of olives into olive oil. An olive oil mill may be a small olive oil mill or a large olive oil mill.
- (n) “Olive oil production facility” means a facility or facilities at an olive oil mill used for any of the following activities or uses: harvesting, milling, pressing, and crushing fresh olives; extraction and blending of olive oil; bottling and labeling of olive oil; storage of olive oil; laboratory facilities; administrative offices; shipping, receiving, and distribution of olive oil; equipment storage and repair; composting and removal of olive pomace and other agricultural product waste, and agricultural wastewater treatment. A tasting area or on-site sales area at an olive oil mill is not part of the olive oil production facility at the olive oil mill.
- (o) “Responsible party” means a person that is designated by the applicant as a point of contact for the agritourism use.

- (p) “Value-added farm product” means a farm product that has been changed from its natural state to an item in a different form through canning, drying, freezing, preserving, fermenting, compounding, processing, packing, or a similar alteration, so as to increase the value of the farm product.
- (q) “Wine production facility” means a facility or facilities at a winery used for any of the following activities or uses: crushing or pressing grapes; fermenting wine; aging wine; processing and blending of wine; bottling and labeling of wine; storage of wine in cellars, vats, barrels, bottles, or cases; laboratory facilities; administrative offices; shipping, receiving, and distribution of wine; truck scales; equipment storage and repair; composting of grape byproducts and other agricultural product waste, and agricultural wastewater treatment. A tasting area or on-site sales area at a winery is not part of the wine production facility at the winery.
- (r) “Winery” means an operation for the fermentation and processing of grapes into wine, or the refermentation of still wine into sparkling wine. A winery may be a small winery or a large winery. (Ords. 2024-06 § 2, 2007-23 § 2.)

#### **824-2.006 Location.**

- (a) An agritourism use that complies with the provisions of this division may be located on any legal lot in an agricultural district (A-2, A-3, A-4, A-20, A-40, and A-80).
- (b) Multiple agritourism uses may be permitted on the same lot, except as follows:
  - (1) A farm stay establishment and a bed and breakfast establishment may not be permitted on the same lot.
  - (2) A farm dinner and a farm-to-table restaurant may not be permitted on the same lot.
  - (3) A farm market and a farm stand may not be permitted on the same lot.
  - (4) A farm market and a grower stand may not be permitted on the same lot.
  - (5) A farm stand and a grower stand may not be permitted on the same lot.
  - (6) A small olive oil mill and a large olive oil mill may not be permitted on the same lot.
  - (7) A small winery and a large winery may not be permitted on the same lot. (Ords. 2024-06 § 2, 2007-23 § 2.)

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

allowed on the property. (Ords. 2024-06 § 2, 2007-23 § 2.)

#### **824-2.010 Parking.**

- (a) Adequate parking for consumers and employees must be provided at an agritourism use. If an agritourism use consists of a structure, one off-street parking space must be provided for each 300 square feet of structural floor area, with a minimum of two parking spaces. Each required off-street parking space must be at least nine feet by 19 feet in size. The required parking spaces may be dirt or gravel. The required parking spaces need not be paved, striped, or otherwise improved, but must be identifiable. Parking spaces must be oriented such that vehicles are not required to back onto a public road.
- (b) Safe access to and from a public road must be provided with a durable, dustless surface, such as compacted gravel or a similar permeable surface, or asphalt, except that within 20 feet of a public road all access surfaces must be asphalt. A defined point of ingress and egress must be provided. An encroachment permit must be obtained for a new point of access to a public road.
- (c) The parking requirements of Chapter 82-16 do not apply to this division. (Ords. 2024-06 § 2, 2007-23 § 2.)

#### **824-2.012 Signs.**

- (a) One or more on-site commercial signs are allowed on a lot with an agritourism use. An “on-site commercial sign” is a sign that directs attention to the business activity conducted or products sold or produced on the lot where the agritourism use is located.
- (b) The following on-site commercial signs may be located on a lot with an agritourism use:
  - (1) One free-standing on-site commercial sign that does not exceed 12 feet in height or the height of the tallest structure, whichever is lower, and whose total display surface area does not exceed 32 square feet if the sign is single-sided or 64 square feet if the sign is double-sided.
  - (2) Additional on-site commercial signs that are affixed directly to any structure with an indoor sales area.
  - (3) One or more additional free-standing on-site commercial signs. No additional free-standing sign shall exceed 12 feet in height or have a display surface area greater than 16 square feet.
- (c) The total display surface area of all on-site commercial signs on a lot with an agritourism use shall not exceed 128 square feet.
- (d) An on-site commercial sign may not encroach on any public right of way and may not

conflict with any applicable sight distance.

- (e) An on-site commercial sign may not be illuminated unless expressly authorized by a land use permit. All illuminated signs shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties, public rights-of-way, and driveway areas. The land use permit may include conditions as to the time, intensity, direction, and quality of illumination to mitigate any negative impacts of illumination.
- (f) All signs and sign structures shall be maintained in a safe and structurally sound manner free from deterioration, rust, rot, and loose parts. Each sign face must be clean and neatly painted at all times.
- (g) A temporary on-site commercial sign must be removed when not in use.
- (h) An on-site commercial sign or signs authorized by this division may contain noncommercial copy in lieu of other copy. Nothing in this division may be construed as regulating or restricting the use of noncommercial copy or message on any sign allowed under this section.
- (i) If an agritourism use is lawfully established under the provisions of this division, on-site commercial signs that meet the requirements of this section are allowed without a separate permit.
- (j) Off-site commercial signs are prohibited on a lot with an agritourism use. An “off-site commercial sign” is an advertising sign that directs attention to a business activity conducted or product or services sold or offered at a location not on the lot where the agritourism use is located. (Ords. 2024-06 § 2, 2007-23 § 2.)

**824-2.014 Height and Setbacks.** An agritourism use must comply with the height and setback requirements that apply in the zone in which the property is located. (Ords. 2024-06 § 2, 2007-23 § 2.)

**824-2.016 Events.** Except as otherwise provided in this division, the requirements of Chapter 82-44, Temporary Events, apply to uses authorized under this division. (Ord. 2024-06 § 2.)

**824-2.018 Permits.**

- (a) No permit. No permit is required under this division for a grower stand that meets the standards contained in this division.
- (b) Ministerial permit.
  - (1) Unless a land use permit is otherwise required by subsection (c), below, a ministerial permit is required before any of the following uses may be established under this division: farm stand; farm stay; farm dinner; small winery without a

tasting/on-site sales area; or small olive oil mill without a tasting/on-site sales area.

- (2) An application for a ministerial permit must be made in writing and contain sufficient information to allow the Department of Conservation and Development to determine if the agritourism use will meet the standards in this division.
- (3) An application for a ministerial permit will be approved without discretionary review or public hearing unless any of the following grounds for denial exist:
  - (A) The application is incomplete.
  - (B) The applicant has not paid all required fees in accordance with the fee schedule adopted by the Board of Supervisors.
  - (C) The applicant is delinquent in the payment of County taxes.
  - (D) A separate agritourism use permit associated with the location or the applicant was revoked within 24 months before the date of application.
  - (E) A structure proposed for an agritourism use violates any provision of this code, including the building standards in Title 7.
- (4) After a ministerial permit for farm stay or farm dinner is issued, the department will notify all owners of property within 300 feet of the farm stay or farm dinner that a permit was issued. The notice will be in writing and contain the location of the farm stay or farm dinner, contact information for the responsible party associated with the permit, contact information for county code enforcement, and a website address where the agritourism ordinance is listed.
- (5) A ministerial permit for farm stay or farm dinner expires one year from the date the permit was approved, unless it is revoked sooner.
- (6) An application to renew a ministerial permit for farm stay or farm dinner must be filed with the Department of Conservation and Development at least 30 days before the permit expires.
- (7) An application to renew a ministerial permit for farm stays or farm dinners will be approved ministerially unless any of the following grounds for denial exist:
  - (A) Any of the grounds for denial under subsection (3) exist.
  - (B) The application is filed less than 30 days before the permit expires.
  - (C) The permit is revoked or is the subject of a revocation proceeding at the time of application.

- (8) A short-term rental proposed for an agricultural zoning district must comply with the permit requirements of Chapter 88-32.
- (c) Land use permit.
  - (1) A land use permit is required before three or more of the following uses may be established on a lot under this division: farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area; or small olive oil mill without a tasting/on-site sales area.
  - (2) A land use permit is required before any of the following uses may be established under this division: agricamping; bed and breakfast; farm market; farm-to table-restaurant; large olive oil mill; large winery; small olive oil mill with a tasting/on-site sales area; or small winery with a tasting/on-site sales area.
  - (3) An application to establish a land use permit under this division must contain all of the information required by Article 26-2.20 of this code.
  - (4) An application for a land use permit under this division will be decided in accordance with Article 26-2.20 of this code. (Ords. 2024-06 § 2, 2007-23 § 2.)

**824-2.020 Fees.** Application, review, and permit fees for agritourism uses will be in amounts established by the Board of Supervisors in the Conservation and Development Department's fee schedule. (Ords. 2024-06 § 2, 2007- 23 § 2.)

**824-2.022 Other Laws.** Agritourism uses also may be subject to ordinances, statutes and regulations administered by other county departments, including the building department, health department, public works department, and agricultural commissioner's office, and may be subject to state and federal laws and regulations. The establishment of an agritourism use under this division does not relieve anyone from the obligation to obtain any other permit or license required by this code or state or federal law. Nothing in this division authorizes the establishment of a microenterprise home kitchen operation. (Ords. 2024-06 § 2, 2007-23 § 2.)

## **Chapter 824-4**

### **GROWER STANDS, FARM STANDS, AND FARM MARKETS**

**824-4.002 Purpose and Intent.** The purpose of this chapter is to establish zoning regulations to allow for the direct marketing of farm products from agricultural producers to consumers, which the California Legislature has found benefits the agricultural community and the consumer. (Food and Agricultural Code, sections 47000 and following.) This chapter is intended to allow facilities that are accessory to on-site agricultural operations where agricultural products are produced to sell these products as specified, and is not intended to encourage the establishment of traditional retail stores or convenience markets in agricultural zoning districts. (Ords. 2024-06 § 2, 2007-23 § 2.)

#### **824-4.004 Sales Areas.**

- (a) A grower stand, farm stand, or farm market may consist of one or more outdoor sales display areas, one or more structures with an indoor sales area, or both.
- (b) The total sales area of a grower stand or farm stand, including all outdoor and indoor sales areas, may not exceed 1,500 square feet.
- (c) The total sales area of a farm market, including all outdoor and indoor sales areas, may not exceed 3,500 square feet. (Ords. 2024-06 § 2, 2007-23 § 2.)

#### **824-4.006 Product Sales.**

- (a) Grower Stands.
  - (1) A grower stand may sell farm products produced on-site or proximate to the site. Vending machines that dispense bottled or canned drinks may also be located at a grower stand.
  - (2) The sale at a grower stand of any of the following is prohibited: value-added farm products; non-agricultural items, except for bottled or canned drinks dispensed from vending machines; and farm products not produced on-site or proximate to the site.
- (b) Farm Stands.
  - (1) A farm stand may sell farm products produced on-site or proximate to the site.
  - (2) Up to 40 percent of the total sales area at a farm stand may be used for the sale of any or all of the following: value-added farm products produced on-site or proximate to the site; farm products not produced on-site or proximate to the site; and non-agricultural items. No more than 10 percent of the total sales area of a farm stand may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.
- (c) Farm Markets.
  - (1) A farm market may sell farm products produced on-site or proximate to the site and value-added farm products produced on-site or proximate to the site.
  - (2) Up to 20 percent of the total sales area at a farm market may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.



- (d) No petroleum products or tobacco may be sold or dispensed at any grower stand, farm stand, or farm market.
- (e) Except as otherwise provided in this division, nothing may be sold from a motorized vehicle at any grower stand, farm stand, or farm market unless the vehicle is owned by the property owner and all sales from the vehicle are in compliance with this chapter. (Ords. 2024-06 § 2, 2007-23 § 2.)

## **Chapter 824-6**

### **WINERIES AND OLIVE OIL MILLS**

#### **824-6.002 Accessory Facilities.**

- (a) **Production Facilities.** The cumulative maximum floor area of all wine production facilities at a winery or all olive oil production facilities at an olive oil mill is 5,000 square feet.
- (b) **Tasting/On-Site Sales Areas.** The cumulative maximum floor area of all tasting areas and on-site sales areas at a winery or olive oil mill is 30 percent of the total floor area of all wine production facilities at the winery or olive oil production facilities at the olive oil mill. (Ord. 2024-06 § 2.)

#### **824-6.004 Production Standards.**

- (a) **Production Capacity.**
  - (1) **Wineries.** A small winery may produce no more than 50,000 gallons of wine annually. A large winery may produce more than 50,000 gallons of wine annually.
  - (2) **Olive Oil Mills.** A small olive oil mill may produce no more than 50,000 gallons of olive oil annually. A large olive oil mill may produce more than 50,000 gallons of olive oil annually.
- (b) **Production Ingredients.**
  - (1) A minimum of 25 percent of a winery's production or an olive oil mill's production must be from fruit grown on the premises.
  - (2) A minimum of 50 percent of a winery's production or an olive oil mill's production must be from fruit grown in Contra Costa County.
  - (3) The owner of a winery or olive oil mill must maintain records showing the total annual production amount from fruit grown on the premises and the amount from fruit imported from off the premises. The records must indicate the dates of

receipt and the quantities of all imported fruit, and the name and location of the growing operation from which the fruit is imported. (Ord. 2024-06 § 2.)

**824-6.006 Food Service.** A winery or olive oil mill may serve food as part of a wine tasting or olive oil tasting. The following standards apply to food service at a winery or olive oil mill.

- (a) Food service must be incidental to the tasting of wine or olive oil.
- (b) Food may not be sold separately from the wine or olive oil tasting.
- (c) Food service must be limited to small appetizer-size portions with a fixed menu selected by the winery or olive oil mill. Food service may not involve menu options and meal service so that the winery or olive oil mill functions as a café or restaurant.
- (d) Food service must be limited to one food sample per type of wine or olive oil. (Ord. 2024-06 § 2.)

**824-6.08 Winery Permits and Licenses.** In addition to all other permits and licenses required by this code, state law, and federal law, a winery must have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited. (Ord. 2024-06 § 2.)

## **Chapter 824-8**

### **LODGING IN AGRICULTURAL DISTRICTS**

**824-8.002 Agritourism Lodging.**

- (a) Agritourism lodging may be provided only in a legally established residence or legally established residential accessory structure. Agritourism lodging may not be located within agricultural employee housing, seasonal or year-round farmworker housing, or accessory dwelling units.
- (b) The minimum parcel size for an agritourism lodging establishment is 10 acres.
- (c) The owner of the land on which agritourism lodging is provided, or a tenant farmer, must reside on the property.
- (d) An agritourism lodging establishment may have a maximum of five bedrooms or sleeping rooms used for lodging.
- (e) The maximum overnight occupancy for agritourism lodging is two persons per bedroom or sleeping room. Children under 18 years of age are not counted toward occupancy. The maximum number of agritourism lodging guests that may be on the premises at any

one time is 10.

- (f) An agricultural lodging establishment may not provide lodging to a guest for more than 30 consecutive days.
- (g) Food Service.
  - (A) An agricultural lodging establishment may serve food or meals at any time, but only to registered guests.
  - (B) The price of food served at a farm stay establishment or bed and breakfast establishment must be included in the price of the lodging.
  - (C) No kitchen or kitchenette facilities are allowed in a guest room within an agritourism lodging establishment.
- (h) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device outside the agritourism lodging establishment is prohibited during quiet hours.
- (i) Exterior lighting must be directed downward and away from adjacent properties.
- (j) The operator of an agricultural lodging establishment must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the lodging.
- (k) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the agricultural lodging, including how the program will promote local agriculture and educate guests.
- (l) Farm stay establishments. The following additional standard applies to farm stay establishments: the maximum number of days a farm stay establishment may host guests in a calendar year is 90 days.
- (m) Bed and breakfast establishments. The following additional standards apply to bed and breakfast establishments.
  - (1) At least 80 percent of a parcel where a bed and breakfast establishment is located must be engaged in agricultural activities and kept free of structures.

- (2) A bed and breakfast establishment may only be located on a lot served by a retail water supplier or within the boundaries of the East Contra Costa County Groundwater Subbasin. A “retail water supplier” is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier.
- (3) In land use districts where a bed and breakfast establishment regulated by this division would otherwise be a permitted use, it is unlawful to establish a bed and breakfast establishment if the location of the bed and breakfast establishment is within one-quarter mile of any parcel occupied by any other bed and breakfast establishment. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel on which the bed and breakfast establishment will be established to any point on the property line of the other parcel. (Ord. 2024-06 § 2.)

#### **824-8.004 Agricamping.**

- (a) Agricamping may be provided only in camping structures, including tent cabins and yurts, or in travel trailers owned by the property owner. Camping in tents, guest-owned structures, or guest-owned travel trailers is not allowed.
- (b) The minimum parcel size for an agricamping establishment is 10 acres.
- (c) The owner of the land on which agricamping is provided, or a tenant farmer, must reside on the property.
- (d) An agricamping establishment may have a maximum of five total camping structures or travel trailers.
- (e) The maximum overnight occupancy for agricamping is two persons per camping structure or travel trailer. Children under 18 years of age are not counted toward occupancy. The maximum number of agricamping guests that may be on the premises at any one time is 10.
- (f) An agricamping establishment may not provide lodging to a guest for more than 30 consecutive days.
- (g) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at the agricamping establishment is prohibited during quiet hours.
- (h) Exterior lighting must be directed downward and away from adjacent properties.

- (i) An agricamping establishment may serve food or meals at any time, but only to registered guests. No camp stove, kitchen, or kitchenette facilities are allowed in a camping structure or travel trailer.
- (j) The operator of an agricamping establishment must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the lodging.
- (k) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the agricamping, including how the program will promote local agriculture and educate guests. (Ord. 2024-06 § 2.)

## **Chapter 824-10**

### **FOOD SERVICE IN AGRICULTURAL DISTRICTS**

#### **824-10.002 Farm Dinners.**

- (a) Up to 12 farm dinners may be hosted at a property per year.
- (b) The maximum number of guests at a farm dinner is 30, except that one farm dinner with a maximum of 150 guests may be held at a property annually. A farm dinner is not an event subject to the requirements of Chapter 82-44, Temporary Events.
- (c) A farm dinner may be hosted in an existing structure, outdoors on a property, on a patio, or on a deck. If a farm dinner is hosted in an existing structure, the structure must meet all building codes and fire codes that apply to the proposed number of guests.
- (d) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at a farm dinner is prohibited during quiet hours.
- (e) Exterior lighting must be directed downward and away from adjacent properties.
- (f) The host of a farm dinner must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the

consideration for the farm dinner.

- (g) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the farm dinner, including how the program will promote local agriculture and educate guests.
- (h) This section does not authorize the establishment of a microenterprise home kitchen operation. Food served at a farm dinner must be prepared in accordance with all applicable local, state, and federal laws and regulations. (Ord. 2024-06 § 2.)

#### **824-10.004 Farm-to-Table Restaurant.**

- (a) A farm-to-table restaurant may be established in an existing structure or in a new structure.
- (b) The minimum parcel size for farm-to-table restaurant is 10 acres.
- (c) The maximum dining area size in a farm-to-table restaurant is 1,500 square feet.
- (d) The maximum dining area capacity in a farm-to-table restaurant is 35 guests.
- (e) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device outside the farm-to-table restaurant is prohibited during quiet hours.
- (f) Exterior lighting must be directed downward and away from adjacent properties.
- (g) Unless otherwise provided in a land use permit, at least 50 percent of the fruits and vegetables served at a farm-to-table restaurant must be grown on-site. A land use permit may, based the site's agricultural activities and seasonal impacts on production, authorize a different percentage of fruits and vegetables grown on-site that must be served at the farm-to-table restaurant. At least 75 percent of the fruits and vegetables served at a farm-to-table restaurant must be grown within Contra Costa County.
- (h) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also demonstrate how the farm-to-table restaurant will meet the percentage

requirements for fruits and vegetables that must be grown on-site. The plan must also describe the agricultural promotion program associated with the farm-to-table restaurant, including how the program will promote local agriculture and educate guests.

- (i) At least 80 percent of a parcel where a farm-to-table restaurant is located must be engaged in agricultural activities and kept free of structures.
- (j) A farm-to-table restaurant may only be located on a lot served by a retail water supplier or within the boundaries of the East Contra Costa County Groundwater Subbasin. A “retail water supplier” is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier.
- (k) In land use districts where a farm-to-table restaurant regulated by this division would otherwise be a permitted use, it is unlawful to establish a farm-to-table restaurant if the location of the farm-to-table restaurant is within one mile of any parcel occupied by any other farm-to-table restaurant. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel on which the farm-to-table restaurant will be established to any point on the property line of the other parcel. (Ord. 2024-06 § 2.)

#### **824-10.006 Mobile Food Vendors.**

- (a) Except as otherwise provided for in this section, a food truck or other mobile food vendor may not operate on any private parcel where an agritourism use is authorized under this division.
- (b) A food truck or other mobile food vendor may operate on a private parcel where an agritourism use is authorized in any of the following circumstances.
  - (1) The agritourism use is a grower stand, farm stand, or farm market, and the food truck or other mobile food vendor is accessory to and only operates during the operation of the grower stand, farm stand, or farm market. Not more than three food trucks or other mobile food vendors may operate on the private parcel at the same time.
  - (2) A land use permit issued under this division authorizes a food truck or other mobile food vendor to operate on the private parcel.
  - (3) The food truck or other mobile food vendor is part of a temporary event authorized under Chapter 82-44. (Ord. 2024-06 § 2.)

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

**SECTION 4.** Section 84-38.404 of the County Ordinance Code is amended to read:

**84-38.404 Uses—Requiring land use permit.** The following uses may be allowed in an A-2 district on the issuance of a land use permit:

- (1) Publicly owned parks and playground.
- (2) Dude ranches, riding academies and stables, and dog kennels.
- (3) Publicly owned buildings and structures, except as provided in Division 82.
- (4) Commercial radio and television receiving and transmitting facilities but not including broadcasting studios or business offices.
- (5) Wind energy conversion systems. This use is allowed without a land use permit if used only as an accessory to an allowable residential or agricultural use.
- (6) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses.
- (7) Hospitals, animal hospitals, eleemosynary and philanthropic institutions, and convalescent homes.
- (8) Churches, religious institutions, and parochial and private schools.
- (9) Community buildings, clubs, and activities of a quasi-public, social, fraternal, or recreational character, such as golf, tennis or swimming clubs, or veterans' or fraternal organizations. These uses are prohibited if organized for monetary profit.
- (10) One additional single family dwelling.
- (11) Medical and dental offices and medical clinics.
- (12) Merchandising of agricultural supplies and services incidental to an agricultural use.
- (13) Commercial kitchens or other facilities for creating value-added farm products.
- (14) Canneries.
- (15) Slaughterhouses and stockyards.
- (16) Rendering plants and fertilizer plants or yards.



- (17) Livestock auction or sales yards.
- (18) Commercial recreational facilities when the principal use is not in a building.
- (19) Boat storage facilities within one mile by public road of a boat launching facility open to the public. Vessels and vessel trailers may be stored in a boat storage facility. Recreational vehicles may be stored in a boat storage facility as long as the number of recreational vehicles stored does not exceed fifteen percent of the total number of storage spaces in the storage facility.
- (20) Retail firewood sales.
- (21) Recycling operations intended to sort or process material for reuse. Junkyards, defined in Section 88-4.206, are prohibited.
- (22) Museums in which objects of historical, artistic, scientific or cultural importance are preserved and displayed.
- (23) A farm market.
- (24) Agricultural cold storage plants on parcels less than ten acres in size.
- (25) Farmworker housing center.
- (26) Commercial cannabis activities that meet the requirements of Chapter 88-28. (Ords. 2024-06 § 4, 2022-37 § 8, 2018-18 § 5, 2017-14 § 10, 2013-12 § 6, 2009-12 § 3, 2007-23 § 4, 2003-11 § 3, 94-28 § 2, 89-46 § 2, 76-36 § 3, 7437 § 2, 60-82, 1988, 1569 § 2: prior code § 8156(b): Ords. 1406 § 3, 497 § 4, 382 § 4E.)

**SECTION 5.** Section 84-42.404 of the County Ordinance Code is amended to read:

**84-42.404 Uses—Requiring land use permit.** The following uses may be allowed in an A-4 district on the issuance of a land use permit:

- (1) Related commercial agricultural uses including the erection or modification of sheds, warehouses, granaries, hullers, dryers, fruit and vegetable packing and buildings for the storage of agricultural products and equipment.
- (2) A farm market.
- (3) A detached single-family dwelling on each parcel and the accessory structures and uses normally auxiliary to it. In no event shall any residential structure be permitted to be built or additional residential structure be erected on less than forty acres per unit for non-prime agricultural land, or less than ten acres per unit of the agricultural land. A separate land use permit is required for one additional single-family dwelling on the parcel.

- (4) Wholesale nurseries and greenhouses.
- (5) Hog ranches.
- (6) Dairying.
- (7) Fur farms.
- (8) Livestock and feed yards.
- (9) Poultry raising.
- (10) Commercial fish farming.
- (11) Commercial kitchens or other facilities for creating value-added farm products.
- (12) Canneries.
- (13) Mushroom houses.
- (14) Commercial radio and television receiving and transmitting facilities but not including broadcasting studios or business offices.
- (15) Those uses described in Government Code Section 51201(e).
- (16) Wind energy conversion systems, except when used only as an accessory to an allowable residential or agricultural use.
- (17) Farmworker housing center. (Ords. 2024-06 § 5, 2017-14 § 12, 2013-12 § 7, 2007-23 § 6, 2006-19 § 8, 2003-12 § 2, 86-61 § 3, 84-24 § 3, 68-54 § 1 (part), 1968: prior code § 8169(b).)

**SECTION 6.** Section 84-80.404 of the County Ordinance Code is amended to read:

**84-80.404 Uses with land use permit.** The following uses may be allowed in an A-20 district on the issuance of a land use permit:

- (1) Merchandising of agricultural supplies and services incidental to agricultural use.
- (2) Commercial kitchens or other facilities for creating value-added farm products.
- (3) Canneries.
- (4) Cold storage plants.
- (5) Rendering plants and fertilizer plants or yards.

- (6) Livestock auction or sales yards.
- (7) Wholesale nurseries and greenhouses.
- (8) Mushroom houses.
- (9) Processing of milk not produced on premises.
- (10) Dude ranches, riding academies, stables, dog kennels.
- (11) Hospitals, eleemosynary and philanthropic institutions, convalescent homes, and animal hospitals.
- (12) Churches, religious institutions, parochial and private schools.
- (13) Community buildings, clubs, activities of a quasi-public, social, fraternal or recreational character.
- (14) Medical and/or dental offices and clinics.
- (15) Boat storage area within one mile by public road of a public boat launching facility.
- (16) Oil and gas drilling and production including the installation and use of only such equipment necessary and convenient for drilling and extracting operations.
- (17) Commercial radio and television receiving and transmitting facilities other than broadcasting studios and business offices.
- (18) One additional single-family dwelling.
- (19) Wind energy conversion systems, except when used only as an accessory to an allowable residential or agricultural use.
- (20) A farm market.
- (21) Farmworker housing center.
- (22) Commercial cannabis activities that meet the requirements of Chapter 88-28.

(23) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses. (Ords. 2024-06 § 6, 2022-37 § 9, 2018-18 § 5, 2017-14 § 16, 2013-12 § 9, 2007-23 § 8, 2006-19 § 11, 86-61 § 4, 84-24 § 4, 79-108.)

**SECTION 7.** Section 84-82.404 of the County Ordinance Code is amended to read:

**84-82.404 Differences from A-20 district.**

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

- (1) Uses with land use permit. No land use permit may be issued in an A-40 district for the uses listed in subsections (11) through (15) of Section 84-80.404.
- (2) Area. No building or other structure permitted in an A-40 district shall be erected or placed on a lot smaller than 40 acres in area. (Ords. 2024-06 § 7, 2017-14 § 17, 79-108.)

**SECTION 8.** Section 84-84.404 of the County Ordinance Code is amended to read:

**84-84.404 Differences from A-20 district.**

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

- (1) Uses with land use permit. No land use permit may be issued in an A-20 district for the uses listed in subsections (11) through (15) of Section 84-80.404.
- (2) Area. No building or other structure permitted in an A-80 district shall be erected or placed on a lot smaller than 80 acres in area. (Ords. 2024-06 § 8, 2018-18 § 5, 2017-14 § 17, 79-108.)

**SECTION 9. EFFECTIVE DATE.** This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on March 5, 2024 by the following vote:

AYES: Gioia, Andersen, Burgis, Carlson, Glover

NOES: None

ABSENT: None

ABSTAIN: None

/s/ Board Chair Federal D. Glover

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

/s/ By: June McHuen, Deputy Clerk