

schools, etc. This designation is also applied to public transportation corridors (freeways, highways, and BART), as well as privately-owned transportation and utility corridors such as railroads, PG&E lines, and pipelines. The largest properties in this designation are those of Military Ocean Terminal Concord.

A wide variety of public and private uses are allowed by this General Plan designation. However, construction of private residences or private commercial uses and subdivision of land are not considered compatible with this designation.

**b. Agricultural Lands (AL)**

This land use designation includes most of the privately-owned rural lands in the county, excluding private lands that are composed of prime soils or lands located in or near the Delta. Most of these lands are in hilly portions of the county and are used for grazing livestock or dry grain farming. The designation also includes non-prime agricultural lands in flat East County areas, such as outside Oakley, which are planted in orchards. Some of the Agricultural Lands south and east of Oakley and around Byron are included in the 100-year flood plain, as mapped by the Federal Emergency Management Agency (FEMA).

The purpose of the Agricultural Lands designation is to preserve and protect lands capable of and generally used for the production of food, fiber, and plant materials. The title is intended to be descriptive of the predominant land -extensive agricultural uses that take place in these areas, but the land use title or description shall not be used to exclude or limit other types of agricultural, open space, or non-urban uses such as landfills, except as noted below in the descriptions of Agricultural Core, Delta Recreation and Resources, Watershed, Parks and Recreation, and Open Space. The maximum allowable density in this designation is 1 dwelling unit per 5 acres.

Uses that are allowed in the Agricultural Lands designation include all land-dependent and non-land dependent agricultural production and related activities. In addition, the following uses may be allowed by issuance of a land use permit, which shall include conditions of approval that mitigate the impacts of the use upon nearby agricultural operations through establishment of buffer areas and other techniques:

- ◇ Facilities for processing agricultural products produced in the county such as dairies, rendering plants, and feed mills;
- ◇ Commercial agricultural support services which are ancillary to the agricultural use of a parcel, such as veterinarians, feed stores, and equipment repair and welding; and
- ◇ Small-scale visitor serving uses including small tasting rooms, stands for the sale of products grown or processed on the property, guest or dude ranches, horse training and boarding ranches, improved campgrounds, and bed and breakfast inns of five or fewer bedrooms which are on lots

of 20 acres or more, extensive recreational facilities, and private retreats.

The following standards shall apply to all uses allowed in the Agricultural Lands designation:

- (1) Any subdivision of lands shall include conditions of approval which conform with the requirements of the "Ranchette Policy," which is outlined in the "Agricultural Resources" section of the Conservation Element (Chapter 8); and
- (2) Residential and non-residential uses proposed in areas of special flood hazards, as shown on FEMA maps, shall conform to the requirements of the County Floodplain Management Ordinance (County Ordinance #87-45) and the further requirements outlined in subsection (5) of the Delta Recreation and Resources section below.

c. **Agricultural Core (AC)**

This designation applies to agricultural lands that are composed primarily of prime (Class I or II) soils in the National Resources Conservation System (NRCS) Land Capability Classifications, which are considered the very best soils for farming a wide variety of crops. Lands designated as Agricultural Core are located in East County outside the ULL to the east and south of the City of Brentwood. Much of the land in this designation is under active cultivation of intensive row crops, orchards, and vineyards. A portion of the Agricultural Core lands are included within the 100-year flood zone, as identified by the U.S. Federal Emergency Management Agency (FEMA).

The purpose of the Agricultural Core designation is to preserve and protect the farmlands of the county that are the most capable of, and generally used for, production of food, fiber, and plant materials. Agricultural operations in the Agricultural Core shall, in accordance with Measure C-1990, be protected by requiring a higher minimum parcel size than the Agricultural Lands designation, to attempt to maintain economically viable, commercial agricultural units. The creation of small uneconomical units will be discouraged by land use controls and by specifically discouraging minor subdivisions and "ranchette" housing development.

The uses allowed in the Agricultural Core designation are the same as those allowed, without issuance of a land use permit, in the Agricultural Lands designation, specified above. Except for wineries and olive oil mills, each of which typically includes tasting rooms and a limited retail sales area, none of the uses described as conditional uses in the Agricultural Lands designation are considered appropriate in the Agricultural Core designation. A land use permit for a winery in conjunction with a planted vineyard, or olive oil mill in conjunction with a planted orchard, may be issued for a parcel of 5 acres or greater and upon a determination that such agricultural processing facilities and their accessory uses will not conflict with the goal of preserving and protecting the prime farmlands in the Agricultural Core. This General Plan

discourages placement of public roadways or new utility corridors which would adversely affect the viability of the Agricultural Core if economically feasible alternatives exist.

Residential uses are allowed in the Agricultural Core according to the following standards (in accordance with Measure C-1990):

- (1) The maximum permitted residential density shall be 1 unit per 40 acres;
- (2) Subdivision of land which would create a cluster of "ranchette" housing is inconsistent with this General Plan; and
- (3) Residential and non-residential uses proposed in areas of special flood hazards, as shown on FEMA maps, shall conform to the requirements of the County Floodplain Management Ordinance (County Ordinance #87-45) and the further requirements outlined in subsection (5) of the Delta Recreation and Resources section below.

**d. Delta Recreation and Resources (DR)**

This land use designation encompasses the islands and adjacent lowlands of the Sacramento-San Joaquin Delta, excluding Bethel Island, Jersey Island, and the community of Discovery Bay which have different land use designations on the Land Use Element Map. Most of the lands designated Delta Recreation and Resources are within the 100-year flood plain mapped by FEMA, which means that the area is subjected to periodic flooding. Many of the Delta islands, and the tracts adjacent to the Delta, are currently in agricultural production of dry grains and other special crops suited to the soils and climate, such as asparagus. There are limited public water or sewer services currently available to the area.

The serious flooding danger in the area is due to the possibility that Bay and river waters will overtop the existing levees during periods of storms or other high water, as well as the possibility that portions of the earthen levees may fail entirely during storms or earthquakes, resulting in inundation of whole islands or tracts. The flooding danger is exacerbated by the effects of subsidence (sinking of Delta islands) and rising global sea waters caused by climate change. Since 1980, 27 Delta islands have been partially or completely flooded. Some of these were summer breaks that did not occur at a time of high storm runoff. Some islands in the Delta have been flooded two or three times since 1980. For example, Upper Jones Tract, in adjacent San Joaquin County, flooded in the summer of 2004 (the levee breach cost approximately \$90 million to repair).

Additionally, lands within this designation include lands with valuable wildlife habitat, some of which support species of ecological value to the county and state. These areas are an important component of the Pacific Flyway, a major waterfowl migration route in North America.

### 3. Land Use Element

Public preservation of portions of these resources is encouraged by this General Plan. Private utilization of the resources for hunting and fishing is appropriate, if the activities do not harm the long-term resource value of the Delta.

Due to their proximity to the Delta waterways, these lands have potential recreational value. The purpose of the Delta Recreation and Resources designation is to balance the recreational opportunities of the area against the need to allow only low-intensity uses which will not subject large numbers of residents or visitors to flood dangers. Agriculture and wildlife habitat are considered the most appropriate uses in the area, with limited recreation uses allowed which do not conflict with the predominant agricultural and habitat uses.

The primary uses allowed in the Delta Recreation and Resources designation are those agricultural production and processing activities allowed in the Agricultural Lands designation, described in section (b) above.

Additional uses that may be allowed through issuance of a land use permit include: marinas, shooting ranges, duck and other hunting clubs, campgrounds, and other outdoor recreation complexes.

Conditional uses allowed in the Delta Recreation and Resources designation shall be limited to those low- to medium-intensity establishments that do not rely on urban levels of service or infrastructure, i.e., a public water or sewer system, and which will not draw large concentrations of people to flood-prone areas. Uses allowed within areas designated for Delta Recreation and Resources shall be subject to the following standards:

- (1) The maximum permitted residential density shall be 1 unit per 20 acres;
- (2) All recreational uses shall be accessible by a publicly-maintained road;
- (3) Any subdivision of lands shall include conditions of approval which conform with the requirements of the "Ranchette Policy," which is outlined in the "Agricultural Resources" section of the Conservation Element;
- (4) Development shall not be permitted on lands designated by FEMA as flood-prone until a risk assessment and other technical studies have been prepared and have shown that the risk is acceptable;
- (5) All approved entitlements (land use permits, tentative, final, and parcel maps, development plan permits, and variances) and ministerial permits (building and grading permits) shall conform to the requirements of the County Floodplain Management Ordinance (County Ordinance #87-45), which are incorporated into this General Plan by reference;
- (6) All entitlements shall include conditions of approval which require that a "flood-prone area" notification statement be included in the deeds for all affected properties. The same notification statement shall be recorded on

the face of all subdivision maps, along with the specific elevations that will be required of all new building pads and habitable floors; and

(7) Dock and marina standards as described in policy 3-48.

e. **Watershed (WS)**

Areas designated Watershed in this General Plan includes much of the land owned by the two major water suppliers in the county, East Bay Municipal Utility District (EBMUD) and Contra Costa Water District (CCWD). EBMUD property designated Watershed surrounds the Lafayette, Briones, San Pablo, and Upper San Leandro Reservoirs (which are in a separate Water designation). Other EBMUD lands with this designation are located north and south of the Caldecott Tunnel and along Pinole Valley Road. CCWD lands designated Watershed include properties surrounding Los Vaqueros Reservoir in the southeastern portion of the county.

In order to safeguard the public water supplies stored in the reservoirs, only a very limited number of uses are allowed in Watershed areas. These uses include extensive agriculture, primarily grazing of livestock; intensive agriculture that does not rely upon pesticides or other chemical fertilizers, such as Christmas tree farming; passive, low-intensity recreational uses such as hiking and biking; and small-scale commercial uses that support picnicking, boating, and fishing activities on the adjacent reservoirs.

f. **Open Space (OS)**

This land use designation includes publicly-owned open space lands which are not designated as Public and Semi-Public, Watershed, or Parks and Recreation. Lands designated Open Space include, without limitation, wetlands and tidelands and other areas of significant ecological resources, or geologic hazards.

The Open Space designation also includes privately-owned properties for which future development rights have been deeded to a public or private agency. For example, significant open space areas within planned unit developments identified as being owned and maintained by a homeowners association fall under this designation. Also included are the steep, unbuildable portions of approved subdivisions which may be deeded to agencies such as EBRPD, but which have not been developed as park facilities. Other privately-owned lands have been designated as Open Space consistent with adopted city general plans.

The most appropriate uses in Open Space areas involve resource management, such as maintaining critical marsh and other endangered habitats or establishing "safety zones" around identified geologic hazards. Other appropriate uses are low-intensity, private recreation for nearby residents. Construction of permanent structures (excluding a single-family residence on an existing legally established lot), not oriented towards

## 8. Conservation Element

- 8-t Identify and map "critical erosion areas" on hillsides and in creekbeds in upland areas. Discourage excess grazing practices in erosion areas and institute reclamation measures.
- 8-u Encourage the propagation of native oaks in foothill woodlands, where appropriate, by limiting cattle grazing to compatible light or moderate levels, and/or encouraging the replanting of native oak species. Proper planting and maintenance techniques are necessary to ensure the long term survival of newly establish oaks.

### 8.7 AGRICULTURAL RESOURCES

#### INTRODUCTION

The following section presents background data on the relative importance of the County's agricultural resources. The analysis is based upon economic performance indicators, and indicates that agricultural resources in the County represent a significant economic asset.

The dominant trend in local agriculture in Contra Costa County since 1940 has been a significant decrease in the amount of acreage in production. Much of this decline is attributable to the increasing urbanization of the region, a process which over time gradually converts agricultural lands to housing and other urban uses. In Contra Costa County, land in all types of active agricultural uses (cropland and grazing lands) has declined.

Table 8-3 includes a general summary of changes in acreage devoted to the major types of agricultural production in Contra Costa County since 1940. It should be noted that range and pasture lands, which provide grazing for large farm animals and dry farming of grains for feed, have historically accounted for a large portion of total agricultural acreage in the County. These lands include all areas with steep slopes, rugged terrain, a lack of adequate water supply, or other natural constraints which make the land unsuitable for more intensive agricultural activities. In 1940, two-thirds of all agricultural lands in the County were in this rangelands category; by 2000 rangeland accounted for 84 percent of all agricultural acreage, primarily due to the decline in other intensive farming techniques.

**TABLE 8-3  
CHANGE IN AGRICULTURAL ACREAGE BY TYPE OF ACTIVITY<sup>1</sup>  
IN CONTRA COSTA COUNTY  
(1940-2000)**

	<u>1940</u>	<u>1950</u>	<u>1960</u>	<u>1970</u>	<u>1980</u>	<u>1990</u>	<u>2000</u>
Pasture and Range	275,500	246,250	271,000	187,060	175,730	179,000	168,890
Field Crops	80,780	55,990	38,170	31,210	22,800	22,800	19,080
Vegetables	21,260	10,750	16,940	7,230 <sup>2</sup>	7,680	8,560	6,774
Fruit and Nuts	<u>30,780</u>	<u>30,590</u>	<u>27,510</u>	<u>18,940</u>	<u>11,160</u>	<u>5,480</u>	<u>5,626</u>
TOTAL	408,320	343,580	299,620	217,370	217,370	215,840	200,370

<sup>1</sup> Includes only acres harvested or under cultivation, rounded to nearest 10 acres.

<sup>2</sup> Severe spring frosts during 1970 resulted in an abnormally low number of acres in vegetables. In 1969 and 1971, there were 9,660 and 8,030 acres in vegetable production, respectively.

Source: Compiled from Contra Costa County Agriculture Department annual [Crop and Livestock Reports](#).

A recurring problem in agricultural areas is the dilemma of permitting a limited amount of land subdivision, without affecting the continued viability of agricultural operations. In Contra Costa County, minor subdivisions of farming properties are often requested so that a member of the family can build an additional home on the property. Banks require collateral for construction loans; few landowners wish to risk the entire holding, or a large portion of it, as security for a construction loan. Minor subdivisions are also requested when a farming family wishes to sell of a small piece of their land in order to make up a shortfall on the remaining operation.

## 8. Conservation Element

**TABLE 8-4  
GROSS RECEIPTS OF AGRICULTURAL PRODUCTS  
(GROSS VOLUME OF SALES IN MILLIONS OF DOLLARS)**

	<u>1980</u>	<u>1984</u>	<u>1988</u>	<u>1990</u>	<u>2000</u>
<u>Nursery Products</u>					
Indoor Decoratives	4.9	2.4	1.7	1.6	1.7
Bedding Plants	4.0	5.8	9.3	12.2	22.7
Roses	3.9	5.2	5.0	4.4	.9
Vegetable Plants	1.4	0.8	0.6	.7	1.5
Herbaceous Perennials	1.1	1.1	1.7	2.0	3.3
Other Nursery Products	1.8	3.0	1.6	1.6	2.0
Subtotal	17.0	18.3	20.4	22.5	32.1
<u>Vegetables and Seed Crops</u>					
Tomatoes	5.7	7.4	9.2	7.8	5.7
Asparagus	2.4	2.9	2.4	2.3	N/A
Sweet Corn	0.7	1.7	1.4	1.5	6.9
Squash	0.6	1.0	0.3	0.4	.3
Other Vegetables and Crops	1.3	0.8	1.2	0.8	4.1
Subtotal	10.7	14.9	14.5	12.4	17.0
<u>Livestock, Poultry, Apiary</u>					
Sale of Beef Cattle	7.6	5.7	4.9	5.0	8.4
Dairy Milk	4.6	7.4	4.3	5.4	7.2
Other Livestock/Apiary/Poultry	1.9	2.9	1.2	1.9	.6
Subtotal	14.1	16.0	10.4	12.3	16.2
<u>Fruits and Nuts</u>					
Walnuts	2.8	1.3	1.5	1.1	1.2
Apricots	1.0	2.0	1.6	2.1	1.3
Pears	0.8	0.4	N/A	0.7	.2
Cherries	0.7	1.0	0.9	0.5	1.0
Grapes	0.5	0.5	1.5	0.9	8.9
Other Fruits and Nuts	0.9	1.9	2.6	3.9	5.5
Subtotal	7.0	7.1	8.1	9.2	18.1
<u>Field Crops</u>					
Pasture Crops	3.5	3.1	3.7	4.4	2.8
Sugar Beets	2.9	1.2	N/A	N/A	N/A
Wheat	1.9	1.3	0.6	0.7	.3
Hay	1.9	1.2	2.0	2.1	1.7
Field Corn	0.9	2.9	1.1	1.6	2.0
Other Field Crops	1.8	0.9	0.6	0.9	2.4
Subtotal	<u>12.9</u>	<u>10.6</u>	<u>8.0</u>	<u>9.9</u>	<u>9.2</u>
<b>GRAND TOTAL</b>	<b>61.6</b>	<b>66.8</b>	<b>61.4</b>	<b>66.4</b>	<b>92.6</b>

Source: Contra Costa County Department of Agriculture, annual Crop and Livestock Reports.

Note: Gross receipts listed above do not take into account the costs of production, transportation or marketing.

While the limited subdivision of agricultural lands for legitimate reasons should be accommodated by the County, it is apparent that allowing a proliferation of land divisions in a given area will have a disastrous effect on other farmers or ranchers who are trying to remain in business. The proliferation of minor subdivisions has the effect of creating smaller and smaller parcels of land in agricultural areas, with more and more "ranchette" units owned by non-farming families moving into the area and bidding up the price of the land, which in turn drives out the original farmers. Adequate minimum parcel sizes in agricultural zones must be maintained in order to protect the existing farm operations and to discourage urban landowners from building homes in the area.

There are a number of standards and implementation policies which the County can choose from in protecting the economic viability of agricultural land. One opportunity for assisting the farm or ranch operation to remain in business is the concept of "transfer or purchase of development credits" (TDR/PDR). Transfer or purchase of development credits is a method of preserving agricultural and other open space lands by providing the owner with compensation either by providing cash payments for a property's urban development potential or by crediting and transferring this potential to another property. In this way, the agricultural landowner reaps the benefit of agricultural land development potential without the negative effect that construction and occupation of homes on these lands can bring.

## 8. Conservation Element

Other strategies for the continued viability of agricultural pursuits include preservation agreements with the County, granting conservation easements, direct purchase, leasebacks, tax benefits for agriculture or open space land, purchase or transfer of development rights, clustering development, establishment of an agricultural soils trust fund, and agricultural mitigation fees or land dedication (in-lieu fee).

During the last few decades, the County has seen the growth of "ranchette" style housing. These homes appeal to people with urban incomes who wish to pay extra to live in the more rural, hilly parts of the county and are typically located on large lots (five acres or more). Many of these property owners are small time farmers, while some of the demand is from residents who own horses and wish to stable them near their homes. Ranchettes are also occupied by retired ranchers or farmers who do not wish to leave the area, but no longer work the land.

The policies of the Contra Costa County Board of Supervisors regarding ranchettes is contained in a 1983 resolution of the Board (No. 83/407) entitled "Rural Residential Development." The policy states that ranchettes created by such parcelization are inappropriate in prime agricultural areas where active cultivation such as row crops or orchards are present. Furthermore, the policy states ranchettes are to be discouraged within city spheres of influence.

This General Plan incorporates the Rural Residential Development policy as it relates to subdivisions of lands planned for agricultural uses. The plan specifically discourages major subdivisions in agricultural areas. However, if major subdivision occurs, the plan requires rezoning of the project area to the Planned Unit Development District, with the property owner required to deed further development rights to the County in order to mitigate the impact of development of the lands.

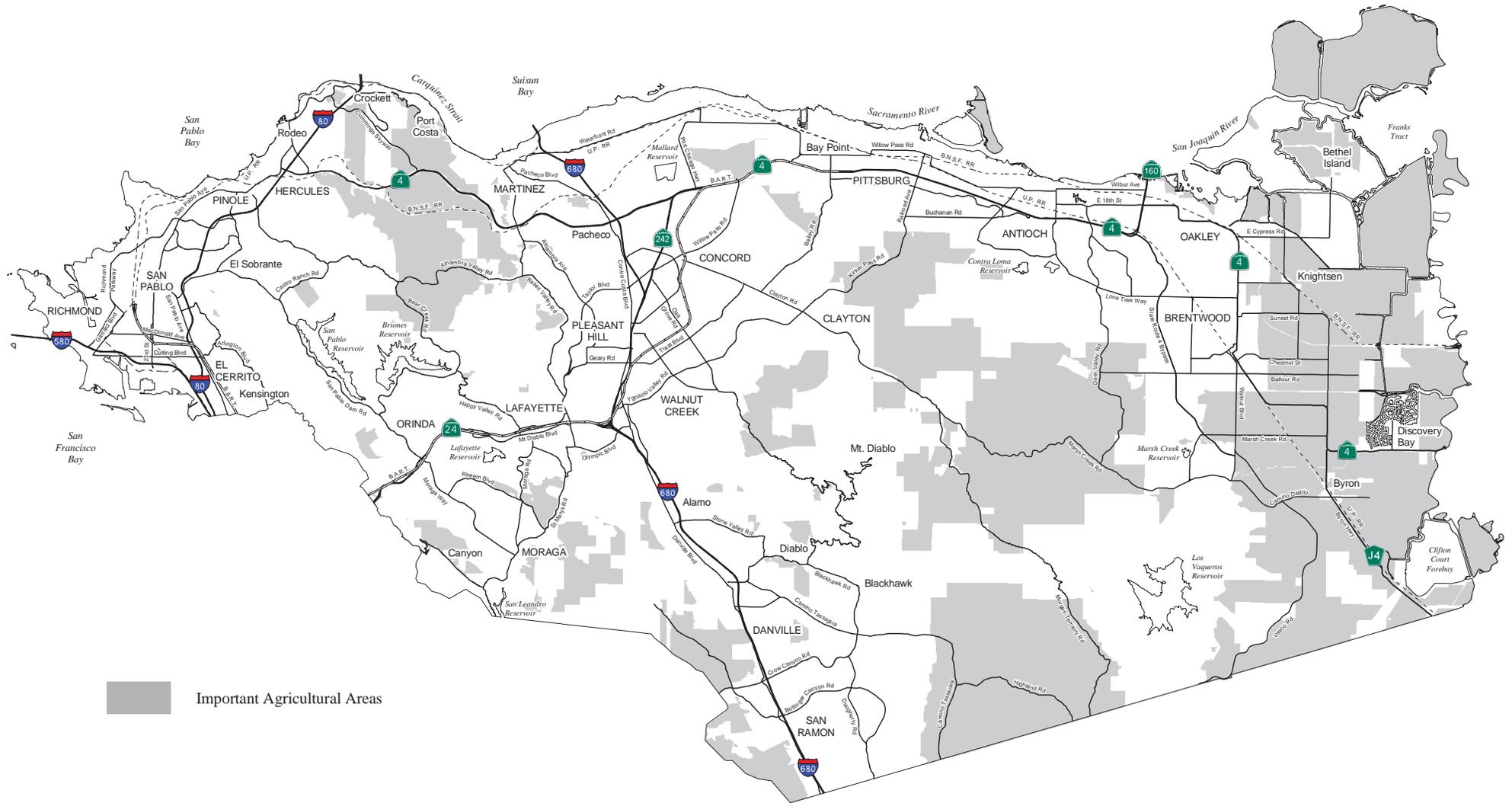
The Plan also incorporates an Urban Limit Line. Reflecting Measure C - 1990, for prime productive agricultural lands (Class I and II Soils based on the SCS Capability Classification) outside the Urban Limit Line, a minimum parcel size is determined to be 40 acres. One factor and criteria for determining whether land should be located outside the ULL is also related to the preservation of economically viable agricultural land. Land which qualifies for rating as I and II in the Soil Conservation Service Land Use Capability Classification is one of the factors to be considered in establishing the ULL. Rural residential and certain agricultural structures (allowed by applicable zoning) are included within the 65 percent non-urban uses in the 65/35 Land Preservation Standard. Agricultural lands within the Urban Limit Line would have variable sizes.

### MAPS AND INVENTORY OF AGRICULTURAL RESOURCE AREAS

Figure 8-2 illustrates the most important agricultural lands found in the County. This figure indicates that there are important grazing lands found in the Briones Hills, Bollinger Canyon, Tassajara, and other areas, while the most important orchard and row crops are located in the East County area.

While there are some public lands in the County (e.g., watershed lands owned by the East Bay Municipal Utility District (EBMUD)) that allow the grazing of livestock, these lands are not generally included on the Figure 8-2 map, since grazing is not the primary activity. The use of EBMUD lands, as well as regional or State park lands, for grazing may be discontinued in the future.

# Figure 8-2 Important Agricultural Lands



 Important Agricultural Areas

1:300,000

0 2.5 5 10 Miles



- |         |                      |  |                        |
|---------|----------------------|--|------------------------|
| ANTIOCH | Incorporated Areas   |  | Freeways and Highways  |
| Alamo   | Unincorporated Areas |  | Major Roads            |
|         |                      |  | Bay Area Rapid Transit |
|         |                      |  | Railroads              |

## CONTRA COSTA COUNTY

Map Created on August, 25 2004  
 Contra Costa County Community Development  
 651 Pine Street, 4th Floor - N. Wing, Martinez, CA 94553-0095  
 37.59:48.455N 122.06:35.384W



## 8. Conservation Element

The agricultural preservation policies found in this section focus on these remaining important grazing, orchard, and row crop areas in the County.

### **AGRICULTURAL RESOURCES GOALS**

- 8-G. To encourage and enhance agriculture, and to maintain and promote a healthy and competitive agricultural economy.
- 8-H. To conserve prime productive agricultural land outside the Urban Limit Line exclusively for agriculture.
- 8-I. To minimize conflicts between agricultural and urban uses.
- 8-J. To encourage cooperation between the County and cities in the preservation of agricultural lands.

### **AGRICULTURAL RESOURCES POLICIES**

#### **Overall Policies**

- 8-29. Large contiguous areas of the County should be encouraged to remain in agricultural production, as long as economically viable.
- 8-30. In order to reduce adverse impacts on agricultural and environmental values, and to reduce urban costs to taxpayers, the County shall not designate land located outside the ULL for an urban land use.
- 8-31. Urban development in the future shall take place within the Urban Limit Line and areas designated by this plan for urban growth.
- 8-32. Agriculture shall be protected to assure a balance in land use. The policies of Measure C - 1990 shall be enforced.
- 8-33. The County shall encourage agriculture to continue operating adjacent to developing urban areas.
- 8-34. Urban developments shall be required to establish effective buffers between them and land planned for agricultural uses.
- 8-35. Residents in or near agricultural areas shall be informed and educated regarding the potential nuisances and hazards associated with nearby agricultural practices.
- 8-36. Agriculture shall be protected from nuisance complaints from non-agricultural land uses.
- 8-37. The use of toxic and nutritive chemicals by agricultural operators shall be minimized.
- 8-38. Agricultural operations shall be protected and enhanced through encouragement of Williamson Act contracts to retain designated areas in agricultural use.
- 8-39. A full range of agriculturally-related uses shall be allowed and encouraged in agricultural areas.
- 8-40. A 40-acre minimum parcel size for prime productive agricultural land (Class I and II Soils per SCS Land Use Capability Classification) shall be established by the County for land outside the designated Urban Limit Line. To the extent feasible, the County shall enter into preservation agreements with cities in the County designed to preserve land for agriculture.

**Policies Encouraging the Economic Viability of Agriculture**

- 8-41. The promotion and marketing of locally grown agricultural products and “value-added” agricultural products, which means an agricultural product that has been changed from its natural state into an item for ultimate sale to the consumer, so as to increase the value of the agricultural product, shall be encouraged.
- 8-42. The importance of the agricultural production, processing, and services industry within the County shall be recognized, and agriculture shall be integrated into the County's overall economic development programs.
- 8-43. The physical and service infrastructure, public and private, which supports agriculture shall be promoted.
- 8-44. Agricultural processing and service businesses, including facilities for the production and direct marketing of “value-added” agricultural products, in agriculturally designated areas may be permitted.
- 8-45. Efforts to assure an adequate, high quality, and fairly priced water supply to irrigated agricultural areas shall be supported.
- 8-46. Maintenance and reconstruction of Delta levees shall be encouraged to assure the continued availability of valuable agricultural land protected by the existing network of levees and related facilities.
- 8-47. The County shall ensure that its fiscal policies and practices provide the maximum lawful protection to owners of agricultural lands.
- 8-48. Farm worker and farm family housing may be permitted in agricultural areas to meet the needs of locally employed transient and permanent farm workers and family farm workers. In addition to the 40-acre minimum parcel size, and preservation agreements, other standards and policies to protect the economic viability of agricultural land shall be established. These may include conservation easements, an agricultural soils trust fund, and agricultural mitigation fees.

**AGRICULTURAL RESOURCES IMPLEMENTATION MEASURES**

**Rural Residential Development**

- 8-v Requests for subdivision of lands designated for agricultural or open space uses shall be reviewed for consistency with this plan according to the following criteria:
  - (1) Cities should be informed in a timely manner when applications are filed and consulted as to their ultimate plans in the relevant area.
  - (2) Agricultural/Open Space subdivisions are considered a long-term, rural/residential use of the land. Parcel size shall be a minimum of 5 acres in lands designated Agricultural Lands and 20 Acres in lands designated Delta Recreation and 40 acres in lands designated prime productive agricultural lands.
  - (3) Any application for parcels to be separated from a larger parcel or parcels under the same ownership shall indicate on the plan all of the contiguous land held by the applicant.

## 8. Conservation Element

- (4) Prior to the filing of the Final or Parcel Map the applicant must comply with the following:
- (a) Each parcel must have an "on site" producing water well or install a "test well" having a minimum yield of three gallons per minute with bacterial and chemical quality in compliance with the State standards for a pure, wholesome and potable water supply (Title 22, Section 64433). If the chemical analysis exceeds the State standards for "maximum contaminant levels" for water potability, a statement must be attached and "run with the deed" advising of these levels; or
  - (b) Have verifiable water availability data from adjacent parcels presented by the applicant, or knowledge of the same, known by the Health Services Department concerning water quality and quantity per (a) above; and, have a statement that "attaches and runs with the deed" indicating that a water well shall be installed on the subject parcel complying with the general requirements stated above prior to obtaining a Conservation and Development Department permit for construction.
  - (c) In addition to the above, a hydrogeological evaluation may be required in known or suspected water short areas. This will include seasonal as well as yearly variations.
  - (d) The purpose for requesting hydrogeological evaluations is to determine the total projected number of dwelling units that can be supplied with drinking water from existing aquifers. The two primary circumstances that would generally require hydrogeological evaluations are:
    - (i. where a proposed major subdivision contemplating the addition of large numbers of dwelling units on individual wells would substantially increase the density within an existing drainage basin. Hydrogeological data relevant to recharge of aquifers and projected yield would become essential not only to support approval of large major subdivisions under these circumstances, but also to ensure that the water supplies serving existing structures would not be depleted by the proposed increase demand.
    - (ii. In those cases where density is increasing in particular drainage basins due to the buildout of previously approved subdivisions using individual wells for water supplies, existing well yields begin to evidence declines due to the increased demand or in water short basins, hydrogeological studies would be appropriate as conditions of approval of subsequent development to provide sufficient yield for proposed uses. Specific reasons will be stated in support of requested hydrogeological evaluations in each case.

## 8. Conservation Element

- (6) Road, street and access requirements, including necessary right-of-way acquisition and/or dedications, will be subject to the Department of Public Works recommendations for each parcel in accordance with the County Subdivision Ordinance and with standards and policies of that department.
- (7) The land must be suitable for septic tank use according to the County Ordinance Code criteria and Health Services Department Regulations. Percolation tests must be passed on all lots prior to the filing of the Parcel or Final Map.
- (8) The applicant shall indicate on the Tentative Subdivision Map the following information for each parcel: proposed driveways, building site, well site, leach field site, provision for water storage for fire fighting. Homesites shall be designed with a minimum of grading. Where significant grading is needed and acceptable erosion control plan shall be provided with the application. Home siting shall be reviewed for energy conservation features (building site orientation and feasibility for solar facilities will be considered).
- (9) Parcels shall be reasonable free of hazards, including, but not limited to flooding and high landsliding susceptibility.
- (10) Special detailed plans may be required for provision of flood control, roads and other services.
- (11) Developer shall obtain requirements for road and flood control improvements from County Public Works Department prior to submitting an application for subdivision. Required improvements shall be included on the Tentative Subdivision Map.
- (12) Adequate fencing shall be provided to contain domestic animals on the residential parcels with all gates to be closeable by a nearby rancher/farmer when necessary.
- (13) Exception to any of the above Rural Residential Ranchette criteria may be considered by the hearing body upon a showing, in writing, of unique or unusual circumstances relative to the subject property.

### **Development Review Process**

- 8-w Within the major resource conservation areas, consider approval of development that is only directly related to agricultural production, recreation, water-related recreation, or the utilization of mineral, soil, water, and animal resources; or agricultural/residential uses of similar character.
- 8-x Discourage applications for major subdivisions of agricultural lands. Where such applications are accepted for processing, require concurrent application for rezoning of such lands to the Planned Unit Development District. Require deed of development rights to prevent further subdivision when so doing is consistent with law.
- 8-y Identify and map those properties that include prime productive agricultural soils (Class I and II capability according to the U.S. Soil Conservation Service) for use in the review of development applications and evaluating the ULL.

### Zoning Ordinance Revisions

- 8-z Modify the agricultural zoning districts to allow agricultural service businesses and uses in agriculturally designated areas as follows:
- (1) Small agricultural service businesses, which can be defined as a home occupation, are permissible in all agricultural designations;
  - (2) Larger agricultural service businesses which have more than one employee but are clearly subordinate to on-site production activities, and which occupy less than ½ acre of land and do not adversely affect agricultural production in the area, may be permissible in all agricultural designations, subject to issuance of a land use permit;
  - (3) Agricultural service businesses that occupy more than ½ acre of land and are not subordinate to on-site production activities will require rezoning with a "Agricultural Service Combining District" overlay.
- 8-aa Agricultural employee housing may be permitted, in addition to the residential density allowed by the underlying zoning or land use designation, in accordance with the needs of the local production sector. Criteria to establish the specific conditions which will apply to the agricultural employee housing shall be included in the Zoning Ordinance and shall address permanent and transient employees.
- 8-ab. Review and revise, as necessary, minimum lot size standards in agricultural zoning districts within the Urban Limit Line to be consistent with the goals and policies in this General Plan. Minimum lot sizes for prime productive agricultural soils designated agricultural use in the Land Use Element (Class I and II) shall be set at 40 acres outside the Urban Limit Line.

### Infrastructure Services

- 8-ac. Consider detaching land in agricultural production not planned for development from any special taxing districts which are intended to serve urban needs, such as sewage treatment and hospital districts.
- 8-ad. In a manner consistent with growth management policies, allow water lines or other urban infrastructure which must be constructed across agricultural properties outside LAFCO designated Spheres of Influence in order to serve parks, other open space uses, or existing urban development, of a size as needed to serve the open space or existing urban uses. Do not require adjacent property owners to pay for the service, and generally mitigate to an insignificant level any identified growth-inducing impacts of the project.
- 8-ae. Provide a circulation system appropriate to rural development to support land uses and economic activity.
- 8-af. Discourage the construction of growth-inducing highways or roads serving areas outside LAFCO designated Spheres of Influence unless the growth-inducing impacts of the project have been mitigated. Highways built in non-urban areas should limit access to what is necessary to serve planned land uses and emergency needs.
- 8-ag. Encourage water reclamation and other public improvement projects which would increase, enhance, and protect agricultural land and its production capabilities.

**Agricultural/Urban Buffers and Conflicts**

- 8-ah. Require adequate setbacks for any non-agricultural structures located within or adjacent to cultivated agriculture.
- 8-ai. Where a discretionary development permit is sought within or adjacent to agricultural districts, reduce potential conflicts by creation of a natural or constructed buffer between the agricultural and urban land use. Such buffers must occur on the parcel for which the discretionary permit is sought.
- 8-aj. Where unmitigable conflicts exist between agricultural and residential uses, generally give priority to maintaining the agricultural use.
- 8-ak. In grazing areas, include within buffers fencing that will effectively contain grazing animals, keep domestic dogs out of grazing areas, and deter trespassing.
- 8-al. Conduct a study of the nature and extent of the conflicts between agriculture and urban land uses; identify the present and future areas where agriculture and urban land uses border one another; establish specific design guidelines which address:
  - (1) the appropriate width and design features of buffer areas and fencing;
  - (2) the necessary organizational components of homeowners' association language that provide for maintenance of buffers and fences and other measures such as surety bonds;
  - (3) necessary amendments to the Zoning Ordinance and Subdivision Ordinance which assure that the design guidelines are rigorously imposed and enforced; and
  - (4) control of trespassing, crop theft, and vandalism.
- 8-am. Require an agricultural notification statement in the property deeds for all new residential lots created in or adjacent to planned agricultural districts. The statement shall inform owners about allowed adjacent agricultural practices.
- 8-an. Sponsor educational programs in cooperation with the county's school districts and the East Bay Regional Park District to inform students regarding need to respect agricultural uses.
- 8-ao. Continue to implement the "Right-to-Farm" Ordinance which protects ranchers and farmers within an agricultural district from nuisance complaints and unreasonable restrictions or regulations on farm structures or farming practices. The ordinance will describe normal farm practices expected to occur in agricultural areas and assure the right of the farmer or rancher to continue such practices subject to appropriate health and safety standards.
- 8-ap. Vigorously enforce the provisions of the existing State of California agricultural nuisance law by the appropriate County departments.

## 8. Conservation Element

- 8-aq. Control the predation on grazing animals by domestic dogs by:
- (1) establishing a county-wide law which prohibits free running dogs;
  - (2) posting grazing areas with signs specifying the provisions and penalties imposed by the law;
  - (3) imposing civil fines upon dog owners whose dogs damage livestock; and
  - (4) increasing efforts by County Animal Control to manage free running dogs.

### **Programs to Support the Economic Viability of Agriculture**

- 8-ar. Create and support a "Locally Grown in Contra Costa" marketing program. Permit and support a wide variety of promotional and marketing activities of county-grown and processed products. Continue to support the "Harvest Time" Program.
- 8-as. Research means of maintaining and improving the economic viability of agriculture in the County.
- 8-at. Develop programs to assist agriculture provided that such assistance is requested. Individual participation shall be voluntary.
- 8-au. Ensure that the agricultural industry is as eligible for economic assistance and support as is provided to other industries.
- 8-av. To the extent possible, consider the promotion of agriculture produced in Contra Costa County as a priority in the disbursement of available County funds.
- 8-aw. Cooperate with the County's agricultural interests and communicate supportive positions to State and federal legislative bodies when major legislation is proposed which may affect local agriculture.
- 8-ax. Adopt a "Buy American" policy regarding the purchase of agricultural goods.
- 8-ay. Allow agriculturally-related commercial and industrial uses to be conveniently and accessibly located in commercial agriculture areas, subject to appropriate planning and/or permit procedures.

### **Agricultural Preserve Contracts**

- 8-az. Encourage owners of agricultural land to enter the Agricultural Preserve Program.
- 8-ba. Encourage the continued use of Agricultural Preserve contracts to maintain land in agriculture and to lower property taxes for participating farmers and ranchers.
- 8-bb. Investigate options for making Agricultural Preserve contracts more attractive, such as changes in allowable uses or increasing tax benefits.
- 8-bc. Support property tax assessments within agricultural areas based upon their agricultural use, for properties that do not qualify for the Williamson Act.

**Transfer/Purchase of Development Rights**

- 8-bd. Study the impacts of adopting Transfer or Purchase of Development Rights (TDR/PDR) programs in priority areas of the County as a means of mitigating development pressures and preserving agricultural land. Conduct a detailed study of transfer/purchase of the development credits approach to determine:
- (1) the overall feasibility and usefulness in implementing General Plan policy;
  - (2) the specific mechanisms to be utilized;
  - (3) the areas of the County where these mechanisms could be utilized;
  - (4) the organizational and administrative requirements of such a program, including an analysis of the benefits of creating a non-profit land trust to hold agricultural land and easements;
  - (5) the cost of the program to the County and potential revenue sources.

**Water Conservation and Supply**

- 8-be. Conduct a study of the agricultural irrigation water supply that addresses:
- (1) existing suppliers and their water delivery infrastructure, water contracts and rights, and their ability to provide irrigation water;
  - (2) competing demands for land and water that affect the long-term availability of irrigation water;
  - (3) investigation of alternative water supplies including treated municipal wastewater; and
  - (4) methods whereby the County can help assure the long-term supply of irrigation water to its farmers.
- 8-bf. Explore and encourage concepts for water conservation and use of agricultural irrigation in order to extend existing supplies.
- 8-bg. Encourage local, State, and Federal agencies to investigate and recommend methods of maintaining agricultural productivity with reduced amounts of toxic and nutritive chemicals which can damage water quality.

**Levee Maintenance**

- 8-bh. Seek State and Federal grants to assist in levee maintenance and reconstruction projects.
- 8-bi. Identify local financing mechanisms for funding levee improvements.
- 8-bj. Approve land use policies and other regulations which conserve and protect existing levees.
- 8-bk. Encourage levee maintenance and construction that is sensitive to the preservation of riparian habitat, where feasible.

**Other Programs**

- 8-bl. Develop programs with the assistance of the County and other appropriate agencies and non-profit organizations to provide adequate housing for transient farm workers.
- 8-bm. Support the County Farm Advisor and the other county departments and special districts which provide services to agriculture, including educational programs that assist farmers and ranchers with financial planning and to effectively utilize available State and Federal programs.

## 8. Conservation Element

- 8-bn. Promote cooperation between the County and cities to preserve agricultural land by requiring the County to pursue preservation agreements with cities.

### 8.8 RENEWABLE ENERGY RESOURCES

#### INTRODUCTION

Contra Costa County has energy resources that have yet to be fully utilized. There are two main sources of renewable energy available to the County: wind energy and solar power.

The Energy Resources Conservation and Development Commission of the State of California has identified the Altamont Pass area, including the Byron Hills portion of Contra Costa County, as an area with high wind potential. The private sector responded to that information and to federal and State tax incentives, which no longer exist, by moving rapidly into the wind energy business as a secondary use to agricultural pursuits. Applications for clusters of wind turbines are generally referred to as "Wind Farms." While the County has approved a substantial number of wind turbines and a large number of units have been constructed under those approvals, there is more property within the wind resource area that could be considered for additional wind farm development. This potential needs to be balanced against protection of the environmental resources of the southeast County area.

The County's mild climate makes solar heating feasible if structures are properly sited in developments and have their solar access protected. State legislation now exists to protect solar access to individual properties. Solar heating for swimming pools has become common; however, use of this resource is still limited.

Additionally, there are opportunities for conversion of municipal and other wastes to energy resources (e.g., methane). Furthermore, retrofitting existing structures can save substantial amounts of energy.

#### RENEWABLE ENERGY RESOURCES GOALS

- 8-K. To encourage the use of renewable resources where they are compatible with the maintenance of environmental quality.
- 8-L. To reduce energy use in the County to avoid risks of air pollution and energy shortages which could prevent orderly development.

#### MAP OF RENEWABLE ENERGY RESOURCE AREAS

Figure 8-3 shows the generalized boundaries of the wind energy resource areas based on materials developed for the State Energy Commission. The map identifies those areas that experience average wind speeds capable of being utilized for wind energy turbines (generally at least 15 mph at a height of 70 feet).

#### RENEWABLE ENERGY RESOURCES POLICIES

- 8-49. Commercial wind farms shall be restricted to the south Byron Hills portion of the County.
- 8-50. New residential uses should be discouraged within the wind energy areas (depicted in Figure 8-3), since clusters of wind turbines generate noise. Turbines could become a nuisance if new subdivisions or residences are allowed immediately adjacent to the existing turbines or on properties already approved for wind turbines.
- 8-51. All new wind turbine applications shall comply, at a minimum, with the site-specific criteria included in the wind energy conversion systems regulations in the County Ordinance Code.