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AGRICULTURAL ENTERPRISE ORDINANCE

County Planning Commission – December 13, 2023

Presentation Overview

- Comment Summary/General Themes
- Health & Safety Considerations – County Code Compliance
- Specific Use Considerations

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Comment Summary/General Themes

Food Crop Cultivation & Grazing

- Food Crop Cultivation
  - Food safety
  - Uses bringing public to adjacent premises may cause conflicts
  - Setbacks, buffers may address concerns
  - Rural recreational uses may not be appropriate
- Livestock Grazing, Ranching
  - Less intensive use
  - More flexibility for rural recreational uses
  - Potentially more enjoyable location for guests

Suggestions Raised

- Zoning Overlay
  - To allow rural recreation uses on lands most suitable or exclude where not suitable
- Variable Setbacks
  - Grazing land
  - Food crop cultivation

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Setbacks & Buffers

- Proposed Setbacks – A Starting Point for Discussion
  - 500 to 1,000 feet
- From Premises Boundaries not Lot Lines
- Address Multiple Impacts & Land Use Incompatibilities
  - Noise
  - Food safety, trespass, vandalism
  - Agricultural practices that may affect guests of enterprise use

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Board of Supervisors Direction

Uses Added

- Incidental Food Service
- Educational Experiences & Opportunities
- Small-scale Special Events
  - Farm-to-table dinners
  - Cooking classes

Uses Considered, Not Added

- Restaurants
- Bed & Breakfast Inns
- Trails
- Concerts
- ATVs, Off-Road Vehicles
- and many others

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Adding Uses to a Project …

- … after Draft EIR Public Review
- Draft EIR = Informational Document
- Recirculation required
  - When significant new information is added
- Recirculation not required
  - Where new information clarifies or amplifies or makes insignificant modifications to an adequate EIR

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Health & Safety Considerations

County Code Compliance

County Fire – Fire Code

- Fire Safety, Life Safety
- 74% of Calls – Medical Emergencies
  - Address or site plan
  - Access
- Repurposed Building – Previously Ag Exempt
  - Fire and Building Code – safety upgrades may be required depending on use, especially when inviting the public to the site
  - Operational Permits may be required

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County Fire – Fire Protection Plan

- Can be Simple – Depending upon Use
- Can be Prepared by Applicant with Fire Department Guidance
  - Fire Protection Engineer not always required
- Benefits
  - Ensure site/use is known to County Fire
  - Annual inspections to ensure Fire Code compliance and safety
  - Issuance of any Fire Code required Operational Permits

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County Fire – Fire Protection Plan
Potential Components – As Needed

- Defensible space plan
- Basic map/site plan
- Potential ignition sources
- Open burning practices
- Measures to reduce wildfire potential
- Emergency contacts
- Roadside clearing plan
- Emergency ingress & egress plan
- Water and water sources
- Firefighting infrastructure
- Shelter in place locations

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Environmental Health Services

- Several Chapters of County Code
- Chapter 16 – Food Facilities
- Chapter 18C – Wastewater
- Chapter 34B – Domestic Water Systems
  - Chapter 34A – Wells

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Currently Allowed Food Related Uses

- Farm Stand / U-Pick
- Temporary Events
  - Pursuant to temporary use regulations
- Winemaker Dinners / Winery Special Events
  - Pursuant to approved winery permit
- Cottage Food Operation
- Microenterprise Home Kitchen Operation (MEHKO)

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EHS – No Food Facility Permit

- Farm Stand/U-Pick selling Whole Produce, Whole Eggs
- Commercially Prepackaged Food – Not Potentially Hazardous (25 square feet display area)
- Permitted Mobile Food Facilities (e.g., food truck)
  - Mobile food facility has permit
- Catered Private Event
  - Caterer must have food facility permit

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EHS – Food Facility Permit Required

- Host Facility
  - Allows caterer (with permit) to sell food at site
- Cottage Food Operation
- MEHKO
- Sale/Preparation of Potentially Hazardous Food for Sale
  - Depends on type of food, size, scale of operation

EHS – Wastewater

- LAMP – Local Agency Management Program
- Onsite Wastewater Treatment Systems (OWTS)
  - Permanent, ongoing uses
- Domestic Water Supply required for OWTS
- Portable Toilets
  - Temporary uses
- Compost Toilets, Portable Toilets
  - May be approved for ongoing uses only where OWTS is demonstrated infeasible

EHS – Water

- Water System Requirements
  - Number of users/population
  - Number of connections
  - System capacity – well(s) and storage volume
- Public Water System
  - 25 or more people per day using water system for at least 60 days per year (existing users + any guests)
  - EHS is permitting agency but State approval also
- Food Facility

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Campgrounds/Camping

- Special Occupancy Park Act
  - Applies to <u>any</u> camping on private lands
- Water/Wastewater Requirements
  - Domestic water (potable)
  - Requires toilet, shower, and lavatory based on number of spaces

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Specific Use Considerations

Farmstay = Agricultural Homestay

- State Agricultural Homestay Regulations Determine:
  - Maximum number of guests = 15
  - Maximum number of guest rooms = 6
  - Allows fewer requirements for kitchen to allow food service to guests
- Farmstay is <u>not</u>:
  - Bed & breakfast or rural inn

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Winery Events

- Not in Scope
- Regulated by Winery Ordinance
  - LUDC Section 35.42.280
- Proposed Regulations for Small-Scale Special Events for AG-II not Applicable to Winery Premises
- Proposed Regulations for Educational Experiences for AG-II are Applicable to Winery Premises

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Incidental Food Service at Wineries

- Board of Supervisor Direction
  - Did not include restaurant
- Incidental Food Service Linked to Tasting Room Use
- Types of Food/Food Service
- Hours of Operation = Same as Tasting Room

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Planning Commission Direction

- Recommendations for Amendments
  - Appropriate permit tiers for each use
  - Appropriate intensities of use for each permit tier
  - Appropriate development standards to address land use compatibility
  - How to address multiple agricultural enterprise uses on one premises ("stacking" uses)

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AGRICULTURAL ENTERPRISE ORDINANCE

County Planning Commission – December 13, 2023

From: **Claire Wineman** claire.wineman@grower-shipper.com
Subject: LGMA metrics
Date: December 7, 2023 at 3:46 PM
To: rnsnsn@comcast.net

Hello,

Thank you for reaching out! As requested, please see attached for a small excerpt of the current LGMA metrics. They do evolve over time, often increasing in scope. This particular section is on "ENVIRONMENTAL ASSESSMENTS - TABLE 0. Crop Land and Water Source Adjacent and Nearby Land Use" and are one of the more quantitative sections. The current metrics are a combination of qualitative and quantitative factors.

It is also important to note that private buyers also have strict standards—we had a member that was impacted by an RV parked on a County roadway being used as a residence on the east side of town. The buyer would not purchase any produce within a certain radius of that encampment location (I don't recall what it was but it was a significant loss).

The full LGMA metrics can be found here:
https://lgma-assets.sfo2.digitaloceanspaces.com/downloads/CURRENT-PUBLISHED-VERSION_CA-LGMA-Metrics_2023.09.20_FINAL.pdf

I can also tell you that the word "compost" comes up 114 times in the Metrics. =) Please let me know if you have any questions or if I can provide additional information!

Thank you,
Claire

Claire Wineman
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CA-LGMA-Metrics...AL.pdf

Non-leafy green crops	**Cannabis/hemp, cover crops, dates, flowers, grapes, other**	The approximate safe distance depends on risk and mitigation factors	History of risk identification, distance from adjacent operation, topography, crop production timeline, foreign object, animal/bird attractant, grazing animals, harvest practices.	Physical barriers, pre-harvest pathogen testing, increased monitoring, knowledge of process
Water Source and Systems	**Well Head distance from Untreated Manure**	200 feet	History of risk identification, distance from adjacent operation, topography, opportunity for water run off through or from untreated manure, or composting operations, soil leaching	Adjacent operation management practices, Increased monitoring, preventive barriers, type of system (closed vs open), water treatment
	Surface Water Distance from Untreated Manure	100-300 feet	History of risk identification, distance from adjacent operation, topography, opportunity for water run off through or from untreated manure or composting operations, flooding, soil leaching	Adjacent operation management practices, increased monitoring, preventive barriers, water treatment
	Water Storage and Conveyance systems	30--300 feet	History of risk identification, distance from adjacent operation, topography, flooding, animal Intrusion, trash and debris, excessive vegetation, integrity of water storage, conveyance and distribution	Adjacent operation management practices, increased monitoring, type of system (closed vs open), water treatment
Urban Settings	**Homes or other building with a septic leach field**	30 feet	History of risk identification, distance, topography, leach field status (active vs inactive), runoff	Preventive barriers, knowledge of septic field
Other Environmental Considerations	**Habitat/Riparian Area**	The approximate safe distance depends on risk and mitigation factors.	History of risk identification, distance from potential risk, topography, potential for animal intrusion, physical hazards	Preventive barriers, increased monitoring

Growers should check for local, state, and federal laws and regulations that protect riparian habitat, restrict removal of vegetation or habitat, or restrict construction of wildlife deterrent fences in riparian areas or wildlife corridors. Growers may want to contact the relevant agencies (e.g., the Regional Water Quality Control Board and state and federal fish and wildlife agencies) to confirm the details of these requirements.

426 **TABLE 0. Crop Land and Water Source Adjacent and Nearby Land Use**

			Considerations for Risk Analysis	
Adjacent and Nearby Land Uses		**Current Metric**	**Risk Factors**	**Mitigation Factors**
Animal operations	**AFOs**	30 feet (no composting) 400 feet (with composting)	Distance, topography, water runoff, number of animal units, wind direction, history	Pre-harvest pathogen testing, water treatment, vegetative buffers, barriers, increased buffers, animal and insect monitoring
	CAFO	1200 feet / 1 mile	Distance, topography, water runoff, number of animal units, wind direction, history	Pre-harvest pathogen testing, water treatment, vegetative buffers, barriers, increased buffers, animal and insect monitoring
	Grazing Lands	30 feet	Distance, topography, water runoff, number of animal units, wind direction, history	Pre-harvest pathogen testing, water treatment, vegetative buffers, barriers, increased buffers, animal and insect monitoring
	Domestic Animals/Hobby Farms	30 feet	Distance, topography, water runoff, number of animal units, wind direction, history	Pre-harvest pathogen testing, water treatment, vegetative buffers, barriers, increased buffers, animal and insect monitoring
Compost/Soil Amendment Operations	**Compost Operations** (Manure or Animal Products)	400 feet	Distance, timing of production, production process, volume of production, topography, water runoff, wind direction, history	Preventive barriers, pre-harvest pathogen testing, knowledge of process, water treatment
	Non-synthetic Soil Amendment Pile (containing manure or animal products)	400 feet	Distance, timing of production, production process, volume of production, topography, water runoff, wind direction, history	Preventive barriers, pre-harvest pathogen testing, knowledge of process, water treatment
	Non-synthetic Soil Amendment Pile (not containing manure or animal products)	400 feet	Distance, timing of production, production process, volume of production, topography, water runoff, wind direction, history	Preventive barriers, pre-harvest pathogen testing, knowledge of process
	Biosolids	400 Feet	Distance, timing of production, production process, volume of production, topography, water runoff, wind direction, history	Preventive barriers, pre-harvest pathogen testing, knowledge of process

- Generic *E. coli*: All 20 samples ≤ 10 MPN or CFU/ gram of soil
- *Salmonella*: All 10 samples - Negative or non-detect
- *E. coli* O157:H7: All 10 samples - Negative or non-detect
- STEC or EHEC: All 10 samples - Negative or non-detect

- Results:
  - If you meet the acceptance criteria, planting can commence.
  - If you do not meet the acceptance criteria:
    - Consider conducting additional groundwork with the use of tractors and implements to turn the soil to encourage drying out and aeration.
    - Repeat sampling and testing until the criteria have been met or you have reached 60 days from when the water has receded from the ranch.

13. ISSUE: PRODUCTION LOCATIONS – CLIMATIC CONDITIONS AND ENVIRONMENT

Lettuce/leafy greens are grown in varying regions but generally in moderate weather conditions. Cool, humid conditions favor human pathogen persistence (Takeuchi and Frank 2000; Takeuchi et al. 2000) while drier climates may present other problems such as requirements for additional water that may increase the potential for introduction of human pathogens. Heavy rains in certain areas may also cause lettuce/leafy greens to be exposed to contaminated soil due to rain splashing. It is important to tailor practices and procedures designed to promote food safety to the unique environment in which each crop may be produced.

The Best Practices Are:

- Consider harvest practices such as removing soiled leaves, not harvesting soiled heads, etc., when excessive soil or mud builds up on lettuce/leafy greens.

The Best Practices for Environmental Source of Pathogens and Conditions and Environments:

- Take care to reduce the potential for windborne soil, including soil from roads adjacent to fields, water, or other media that may be a source of contamination to come into direct contact with the edible portions of lettuce and leafy greens. Do not allow runoff from adjacent properties to come into contact with produce.
- Evaluate and implement practices to reduce the potential for the introduction of pathogens into production blocks by wind or runoff. Such practices may include but are not limited to berms, windbreaks, diversions, ditches, and vegetated filter strips.
- Establish an SOP for production locations that have environmental source of pathogens (i.e., CAFO, dairy, hobby farm, and manure or livestock compost facility) and the potential for contamination during weather conditions and events.
- When soil has accumulated on plants, remove soil during the harvest or further processing.

14. ISSUE: PRODUCTION LOCATIONS – ENCROACHMENT BY ANIMALS AND URBAN SETTINGS

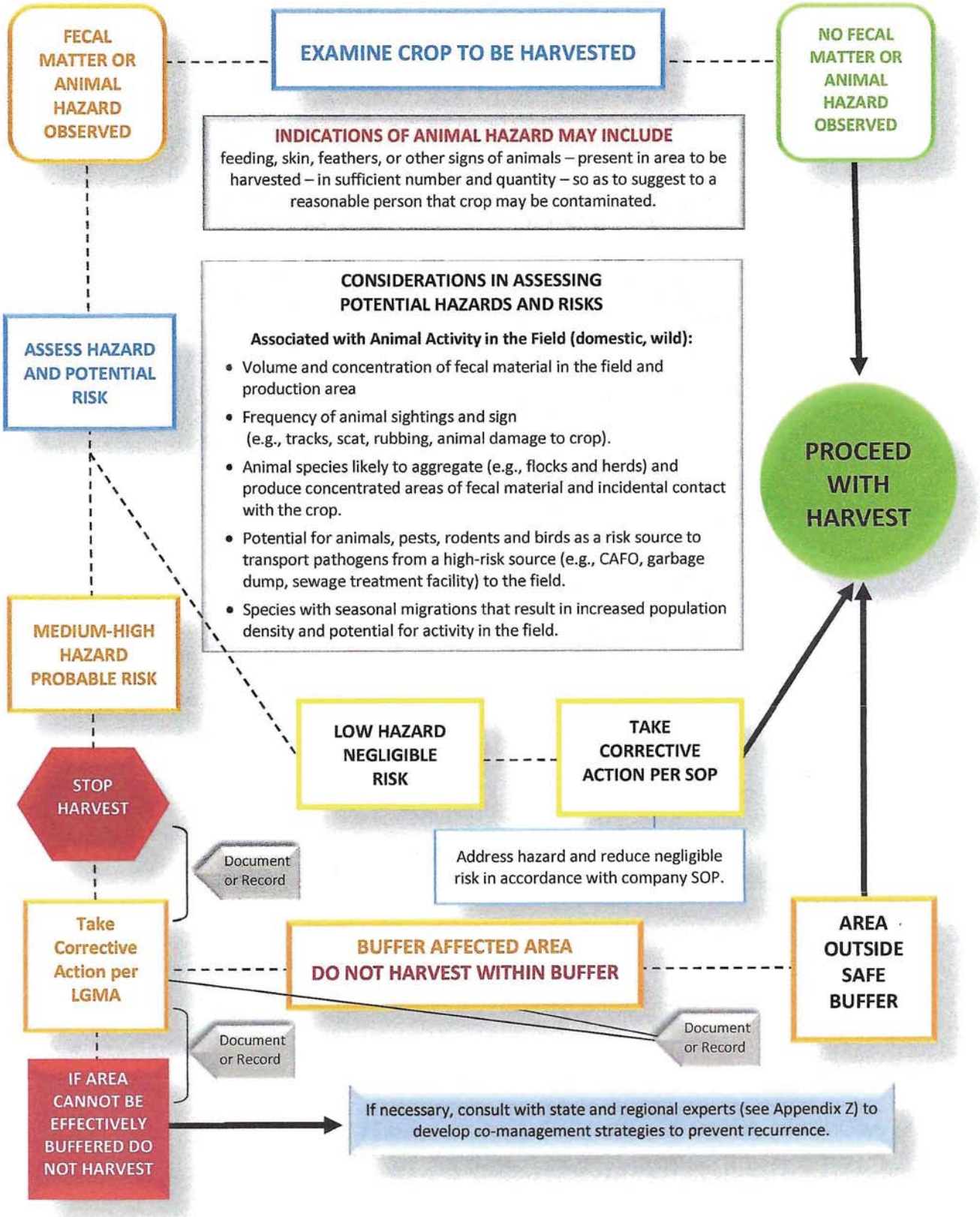
Lettuce/leafy greens are generally grown in rural areas that may have adjacent wetlands, wildlands, parks and/or other areas where animals may be present. Some animal species are known to be potential carriers of various human pathogens (Fenlon 1985; Gorski et al. 2011; Jay et al. 2007; Keene et al. 1997; LeJeune et al 2008; Perz et al. 2001). In addition, extensive development in certain farming communities has also created situations with urban encroachment and unintentional access by domestic animals and/or livestock which may also pose varying degrees of risk. Finally, it is possible that some land uses may be of greater concern than others when located near production fields. Table 0 provides a list of these uses and recommended buffer distances.

The Best Practices Are:

- See Tables 0 and 6 and Decision Tree (Figure 9) for numerical criteria and guidance applicable to animal encroachment and adjacent and nearby land uses. The Technical Basis Document (Appendix B) describes the process used to develop these metrics.
- During the Environmental Assessments discussed in Section 5, the location of any adjacent and nearby land uses that are likely to present a food safety risk should be documented and a detailed risk assessment of adjacent and nearby land shall be performed to determine the risk level as well as to evaluate potential strategies to control or reduce the introduction of human pathogens.
- In addition, as specified in Table 0, any deviations from the recommended buffer distances due to mitigation factors or increased risk should be documented in a detailed risk assessment of adjacent and nearby land.
- Evaluate and monitor animal activity in and proximate to lettuce/leafy greens fields and production environments. Conduct and document periodic monitoring and pre-season, pre-harvest, and harvest assessments. If animals present a probable risk (medium/high hazard), make particular efforts to reduce their access to lettuce and leafy green produce.
- Fencing, vegetation removal, and destruction of habitat may result in adverse impacts to the environment. Potential adverse impacts include loss of habitat to beneficial insects and pollinators; wildlife loss; increased discharges of sediment and other pollutants resulting from the loss of vegetative filtering; and increased air quality impacts if bare soil is exposed to wind. It is recommended that growers check for local, state, and federal laws and regulations that protect riparian habitat and wetland areas, restrict removal of vegetation or habitat, or regulate wildlife deterrence measures, including hazing, harassment, lethal and non-lethal removal, etc.
- Evaluate the risk to subsequent crop production or production acreage that has experienced recent postharvest grazing with or by domesticated animals that used field culls as a source of animal feed.
- Document any probable risk (medium/high hazard) during production and/or harvest periods and take appropriate corrective action per Table 0 in LGMA metrics.
- Locate production blocks to minimize potential access by animals and maximize distances to possible sources of microbial contamination. For example, consider the proximity to water (i.e., riparian areas), animal harborage, open range lands, non-contiguous blocks, urban centers, etc. Periodically monitor these factors and assess during pre-season and pre-harvest assessments as outlined in Tables 0 and 6.
- DO NOT harvest areas of fields where unusually heavy activity by animals has occurred (see Figure 9 Decision Tree).
- If animal intrusions are common on a particular production field, consider fencing, barriers, noisemakers, and other practices that may reduce intrusions.
- Train harvest employees to recognize and report evidence (e.g., feces) of animal activity.

- Pooled water (e.g., a seasonal lake) from rainfall may attract animals and should be considered as part of any land use evaluation.
- Consider controlling risks associated with encroachment by urban development. Risks may include, but are not limited to, domestic animal fecal contamination of production fields and harvest equipment and septic tank leaching.
- After a significant event (such as flooding or an earthquake) that could negatively impact a sewage or septic system, takes appropriate steps to ensure that sewage and septic systems continue to operate in a manner that does not contaminate produce, food-contact surfaces, areas used for produce handling, water sources, or water distribution systems.
- Growers are encouraged to contact the relevant agencies (e.g., the Regional Water Quality Control Board and state and federal fish and wildlife agencies) to confirm the details of these requirements. In addition, growers may wish to consult with local USDA Natural Resources Conservation Service (NRCS) staff to evaluate the food safety risks associated with wildlife, livestock, domestic animals and other adjacent and nearby land uses and to develop and document strategies to manage or reduce the introduction of human pathogens for each production block.

FIGURE 9. PRE-HARVEST and HARVEST Assessment – Animal Hazard/Fecal Matter Decision Tree



1414

1415 **TABLE 6. Animal Hazard in Field (Wild or Domestic)**

1416 When evidence of animal intrusion in a production block occurs.

Issue	Metric	Remedial Actions
Evidence of Intrusion	Frequency • There shall be a periodic monitoring plan in place for production fields. • There shall be Pre-Season, Pre-Harvest, and Harvest Assessments Variables • Physical observation of animals in the field • Downed fences • Animal tracks in production block • Animal feces or urine in production block • Damaged or eaten plants in production block	• If there is evidence of intrusion by animals, the production block must undergo a detailed food safety assessment by appropriately trained food safety personnel (see Glossary) prior to harvest, as defined in the text of this document. • Animal intrusion events shall be categorized as low or medium/high hazard. An example of a low hazard might be a sign of animal intrusion into the leafy green production area by a single small animal or solitary bird with minimal to no fecal deposition. • Corrective actions for "low hazard" animal intrusion shall be carried out according to company SOP. • Corrective actions for "medium/high hazard" animal intrusion shall be carried out per the accepted LGMA metrics and must include food safety buffers and do not harvest areas. • In developing preventive remedial and corrective actions, consider consulting with wildlife and/or domestic animal experts as appropriate. • If remedial actions, such as appropriate no harvest buffers, cannot be formulated to control or eliminate the identified risk, do not harvest, and instead destroy the contaminated crop. • Equipment used to destroy crop must be cleaned and sanitized upon exiting the field. • Formulate effective corrective actions. Prior to taking action that may affect natural resources, growers should check local, state, and federal laws and regulations that protect riparian habitat and wetland areas, restrict removal of vegetation or habitat, or regulate wildlife deterrence measures, including hazing, harassment, lethal and non-lethal removal, etc. • Food safety assessments and corrective actions shall be documented and available for verification for a period of two years.
Allowable Harvest Distance from Evidence of Intrusion		

Please see Figure 9. Decision Tree for Conducting Pre-Harvest and Harvest Assessments.

Monitoring

- Conduct periodic monitoring and pre-season, pre-harvest, and harvest assessments. Evaluate and monitor animal activity in and proximate to lettuce/leafy greens fields and production environments.

Pre-Harvest Assessment and Daily Harvest Assessment:

- Conduct the pre-harvest assessment not more than one week prior to harvest.
- Conduct the daily harvest assessment on each day of harvest.

Fecal Material

- Do not harvest any produce that has come into direct contact with fecal material.
- If evidence of fecal material is found, conduct a food safety assessment using qualified personnel. Do not harvest any crop found within a minimum 5-foot radius buffer distance from the spot of the contamination unless remedial action can be found that adequately control the risk. The food safety professional can increase this buffer distance if deemed appropriate.

Intrusion

- If evidence of animal intrusion is found in a production field, conduct a visual food safety assessment to determine whether the intrusion is a probable (medium/high hazard) or negligible (low hazard) risk. Low hazard (negligible risk) can be corrected by following a company SOP. Medium to high hazard (probable risk) intrusion should include a three-foot buffer radius around a do not-harvest area where the impacted crop has been isolated.

Daily Harvest Assessment ONLY

If evidence of medium/high hazard risk animal intrusion into the production block is not discovered until harvest operations:

- Stop harvest operations.
- Initiate an intensified block assessment for evidence of further contamination and take appropriate actions per the aforementioned actions.
- If evidence of intrusion is discovered during production block harvest operations and the harvest rig has been potentially contaminated by contaminated product or feces, clean and sanitize the equipment before resuming harvest operations.
- Require all employees to wash and sanitize their hands/gloves before resuming harvest operations.
- If contamination is discovered in harvest containers such as bins/totes, discard the product, and clean and sanitize the container before reuse.

Verification

Archive documentation for a period of two years following the intrusion event. Documentation may include photographs, sketched maps, or other means of delineating affected portions of production fields.

Rationale

- The basis of these metrics is qualitative assessment of the relative risk from a variety of intrusions. Some animal feces and some signs of intrusion (feces vs. tracks) are considered to be of more concern than others. Because it is difficult to develop quantitative metrics for these types of risks, a food safety assessment is considered appropriate for this issue.
- Individual companies need to make the determination as to the level of hazard after considering the following risk factors: the concentration and volume of fecal matter, frequency of animals (observed or indicators) in the

field, density of animal population and surrounding area risk – all identified during a risk assessment. A trained food safety professional should be involved in decisions related to animal intrusion. See Appendix B for more details on the qualifications for this person.

- Appendix B describes in detail the process used to develop these metrics

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