

# ALAMEDA COUNTY BOARD OF SUPERVISORS' TRANSPORTATION/ PLANNING COMMITTEE

Monday, May 6, 2024  
9:30 a.m.

Supervisor David Haubert, Chair  
Supervisor Nate Miley

Location: Board of Supervisors Chamber – 5th Floor  
County Administration Building  
1221 Oak Street, Oakland, CA 94612

## Summary/Action Minutes

### I. INFORMATIONAL ITEM: Update on the Watercourse Protection Ordinance [Attachment](#)

Daniel Woldesenbet, Director, Public Works Agency, presented a memorandum to update the Committee on the Watercourse Protection Ordinance.

A year ago, the ordinance was presented to a committee and various other bodies. The U.S. Geological Survey (USGS) is collaborating with the Department of Water Resources (DWR) to revise their mapping approach, expected to complete in 2025. The ordinance currently relies on the 2021 USGS maps, but new 3D mapping using advanced technologies like LiDAR will replace these maps. The future mapping will use stream permanence values instead of traditional classifications like ephemeral, intermittent, and perennial streams. Aside from local ordinances, watercourses are regulated by multiple state and federal agencies.

The Public Works Agency recommendation is to continue using the current maps until 2025, then update the ordinance to align with the new USGS mapping. This recommendation has been supported by the Agricultural Advisory Committee and the Planning Commission.

#### Speakers

Chuck Meadows, Sandra Frost, Bruce King, Chuck Moore, Karen Carey, Ann Maris, Matt Turner, Peter Mangarella, Chris Higgins, Roxann Lewis, Carin High, Marlina Rose Selva, Liz Ames, Marc Crawford and Bill Mulgrew and Rex Warren commented on the Watercourse Protection Ordinance.

The Committee discussed the complexity of defining creeks due to differences in how perennial, intermittent, and ephemeral watercourses behave over time. Changing definitions from various agencies have altered the course of the Board's decision-making process.

The Transportation and Planning Committee directed staff to gather information from other counties and cities, engaging with relevant agencies like the US Geological Survey (USGS) and Fish and Wildlife, and considering the implications of various definitions of creeks, consulting legal counsel, and exploring the feasibility of evaluating submitted creeks. Staff will return to the Committee at their August 2024 meeting.

#### Purpose:

- Report progress
- Advocacy or Education**
- Request Transportation and Planning Committee recommendation
- Other:

This item was informational only and required no Committee action.

**II. INFORMATIONAL ITEM: Update on the Soil Importing Ordinance enforcement, permits and approved importing project**

[Attachment](#)

Edward Labayog Code Enforcement Manager, Planning Department Community Development Agency, presented a memorandum to update the Committee on the Soil Importing Ordinance enforcement, permits and approved importing project.

The ordinance was introduced to address issues related to soil and fuel dumping, and to regulate the importing of soil in unincorporated areas to promote soil stability and reduce environmental, health, traffic, and ecological risks.

Since its implementation, there has been a substantial decline in large commercial soil importing operations and few actionable complaints. Most properties cited for violations complied by obtaining permits or removing the soil. Over the years, cases have decreased from 19 in 2020 to 3 so far in 2024, totaling 58 cases. The memorandum provided data on the distribution of cases, the statuses of ongoing investigations, and the challenges in enforcing the ordinance, such as relying on complaints and difficulty in obtaining substantial evidence. Property owners sometimes face difficulties in meeting permit requirements.

It is recommended to revise the ordinance to better address the needs of residential areas, improving regulations for properties unable to provide adequate proof of imported soil, and increasing regulations for sensitive areas to enhance enforcement efforts.

**Speakers**

Chris Higgins, Chuck Meadows, Kelly Abreu and Karen Carey commented on the Soil Importing Ordinance enforcement, permits and approved importing project.

The Transportation & Planning Committee supports revisiting the ordinance to make necessary changes and ensure it addresses current issues effectively. The goal is to maintain order and ensure that residents know the government is committed to upholding regulations and protecting the community.

**Purpose:**

- Report progress
- Advocacy or Education**
- Request Transportation and Planning Committee recommendation
- Other:

This item was informational only and required no Committee action.

**III. ACTION ITEM: Consider forwarding Draft Environmental Justice Element of the County General Plan and Notice of Exemption from CEQA to full Board of Supervisors for approval – *continued***

Ali Abbors, Senior Planner, Planning Department, Community Development Agency

[Attachment](#)

[Attachment](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

[Attachment D](#)

[Attachment E](#)

[Attachment F](#)

#### **IV. PUBLIC COMMENT**

Kelly Abreu commented that the county is facing budget challenges and projects funded by the General Services Administration require county staff time. Despite low ridership, the county is building a new BART parking lot. There is a current underuse of existing lots.

Clayton Koopmann commented that his family has managed their ranch since 1918 and faced significant challenges with the county's planning department in obtaining permits. The process to obtain a permit for a personal-use horse arena took over three years, which was too long. There have been some improvements in communication with certain county staff but stressed the need for changes in the system.

Matt Turner attended the California Trails and Greenways Conference and noted the importance of the San Lorenzo Creekway Trail Project, which is delayed due to the lack of an MOU with Alameda County Public Works. The project has potential benefits for underserved communities and urged the Board to expedite the MOU to avoid cost escalations.

Michelle from Fairview commented on the presence of both good and bad aspects within the county and warned against manipulation and misrepresentation by individuals seeking personal gain. The county should carefully examine ordinances and policies to ensure they are not being exploited for personal profit.