

ALAMEDA COUNTY BOARD OF SUPERVISORS' TRANSPORTATION/ PLANNING COMMITTEE

Monday, June 6, 2022
8:45 a.m.

Supervisor Nate Miley, Chair
Supervisor David Haubert

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

Summary/Action Minutes

I. Consider Recommendations for the Onsite Wastewater Treatment System (OWTS) Commission to Conduct Appeal Hearings and Revisions to Ordinance Section 15.18.40 and OWTS Commission Bylaws Regarding Appeal Hearings

[Attachment](#)

Ronald Browder, Director, Environmental Health Department, Health Care Services Agency, presented a memorandum to consider Recommendations for the Onsite Wastewater Treatment System (OWTS) Commission to Conduct Appeal Hearings and Revisions to Ordinance Section 15.18.40 and OWTS Commission Bylaws Regarding Appeal Hearings.

The Environmental Health Department recommends that the Transportation and Planning Committee direct the Alameda County Department of Environmental Health (DEH) to bring the following recommendations forward at the next available Board of Supervisors meeting:

- A. Adopt the proposed ordinance revisions to amend the appeal process for Onsite Wastewater Treatment System (OWTS) decisions.
- B. Approve the new Bylaw Section Article VII, "Appeal Hearings".
- C. Authorize the OWTS Commission to make minor administrative changes to the Onsite Wastewater Treatment System Commission Bylaws for efficiency, consistency, or clarity, with approval as to form by County Counsel.

The proposed ordinance revisions create authority for the OWTS Commission to hear appeals and the new Bylaw Article VII Appeal Hearings establishes an appeal hearing process in an advisory capacity, both of which are attached. Staff recommends that the Alameda County Transportation and Planning Committee advance these recommendations to the Alameda County Board of Supervisors for consideration and adoption.

Purpose:

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

Recommendation from the Transportation & Planning Committee: Support. Move to the full Board of Supervisors.

II. LAFCo – Measure D Update

[Attachment](#)

Rachel Jones, Executive Officer, Alameda Local Agency Formation Commission, presented a PowerPoint presentation and staff report on Measure D Report.

The Measure D report has been commissioned to provide objective information and data that may better inform deliberations and potential future policy decisions pertaining to Measure D and Alameda County's East County Area Plan (ECAP). The purpose of the report is to review whether Measure D's land use policies and regulations may be contributing or suppressing agriculture and open space needs in the region.

Proposed recommendations based on the report include:

- 1) Support a discretionary review of maximum building envelopes
- 2) Support the County's ballot measure to allow for the potential of up to 2% maximum floor area ratio (FAR) in ECAP and 3.5% FAR in South Livermore Valley Area Plan
- 3) Work with the Alameda County Agricultural Advisory Board to develop policies on how to enhance agricultural business going forward
- 4) Encourage the County to approve proposed amendments to Alameda County's ECAP, South Livermore Valley Area Plan and Zoning Code as specified in Attachment 1 of the report

Speakers

David Stark., Chuck Moore, Kelly Abreu, and Dr. Larry Gosselin gave public comment on the LAFCo Measure D Report.

Purpose:

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

This item was informational only and required no Committee action.

III. Update on Draft Ballot Measure to increase Floor Area Ratio requirements for agricultural buildings in Large Parcel Agriculture designation and allow additional square footage for covered equestrian arenas

[Attachment](#)

Liz McElligott, Assistant Agency Director, Community Development Agency, presented a memorandum to provide an update on the Draft Ballot Measure to increase Floor Area Ratio requirements for agricultural buildings in Large Parcel Agriculture designation and allow additional square footage for covered equestrian arenas.

The proposed ballot measure to amend Measure D would apply the additional .025 FAR now allowed for greenhouses in the LPA designation to all types of agricultural buildings only on properties designated LPA. In addition, the ballot measure would allow a .025 FAR for covered equestrian arenas up to a maximum of 60,000 square feet, with no less than 20,000 square feet allowed for arenas on small parcels. The additional FAR for covered equestrian arenas would be allowed on parcels designated LPA and RM in East County and the Castro Valley Canyonlands.

To be placed on the November 8, 2022, ballot, the Board of Supervisors must conduct a second reading of the ordinance no later than August 12, 2022. The tentative meeting schedule for approval of the proposed ballot question and ordinance is provided below:

- July 5, 2022, Planning Commission
- July 19, 2022, Board of Supervisors, first reading of ordinance
- August 2, 2022, Board of Supervisors, second reading of ordinance

Staff requests that the Committee review the project schedule, take public testimony, and provide any direction to staff.

Speakers

Chuck Moore, Kelly Abreu, and Dr. Larry Gosselin gave public comment on the Measure D Ballot update.

Purpose:

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

This item was informational only and required no Committee action.

IV. Code Enforcement Process - Soil Importing Ordinance Update

[Attachment](#)

Albert Lopez, Director, Planning Department, Community Development Agency, presented a memorandum on the Code Enforcement Process for the Soil Importing Ordinance.

At the May 9, 2022, meeting the Transportation and Planning Committee members asked for additional information related to the code enforcement process, and for staff to present results-oriented options when prosecuting difficult cases. The nature of the request was specific to the Soil Importing ordinance, and staff has provided information in response to the request. While applicable to Soil Importing, the discussion below can be applied generally to the County's Code Enforcement process.

Code Enforcement Process and BZA/BOS actions

The code enforcement process set forth in County ordinances provides that the East and West County Board of Zoning Adjustments (BZAs) have jurisdiction over declaring nuisances and issuing abatement orders for violations (Zoning, Neighborhood Preservation, Junk Vehicle, Alcoholic Beverage, and Tobacco Retail). If the BZA finds a Zoning violation occurred, "the enforcement officer shall prepare findings and an order for the board of zoning adjustments adoption, which shall specify the nature of the nuisance, the methods(s) of abatement and the time within which the work shall be commenced and completed which shall not exceed sixty (60) calendar days." (17.59.060).

Speakers

Chuck Meadows, Kelly Abreu, Roxann Lewis, Dale Silva, Brenda Clark, and Chris Higgins gave comment regarding the lack of enforcement of the Soil Importing Ordinance.

Purpose:

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

Recommendation from the Transportation & Planning Committee: The Planning Department and County Counsel will work to amend the ordinance to allow for an appeal process for the Soil Importing Ordinance and return to this Committee for its review.

V. Realizing the Heritage – a UC Davis Study, an impartial assessment of the economic viability of the Livermore Valley Wine Region

[Attachment](#)

Lori Souza, Chair, Tri-Valley Conservancy Board of Directors, presented a PowerPoint presentation on Realizing the Heritage – a UC Davis Study, an impartial assessment of the economic viability of the Livermore Valley Wine Region.

The Tri-Valley Conservancy commissioned research with UC Davis in January 2020. The purpose was to create an impartial assessment of the economic viability of the Livermore Valley Wine Region. In addition, the study sought to look at the past, present, and future to identify measurable and achievable goals to support the South Livermore Valley Area Plan (SLVAP). Also, to build broader public understanding of the Tri-Valley Conservancy’s strategies and their relationship to a successful implementation of the SLVAP.

Recommendations from the Study

- Enhance Wine Tourism by adding agriculturally related visitor-attracting retail per the vision of the SLVAP-Resort Hotel/spa, Bed and Breakfast Establishments, Tasting rooms
- Improve the quality and consistency of local wine
- Focus on a signature varietal(s) for the region
- Attract mid-sized wineries to invest in the region
- Clarify land use provisions and align them with SLVAP goals

Speakers

Kelly Abreu, Dr. Larry Gosselin, and David Kent gave comment on the UC Davis Study of the economic viability of the Livermore Valley Wine Region

Purpose:

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

This item was informational only and required no Committee action.

PUBLIC COMMENT

Kelly Abreu stated that on the Regular Board of Supervisors agenda for tomorrow, the Board only allows comments in the beginning of the meeting and the commenters do not have the benefit of hearing the report prior to commenting, as it is with the Transportation & Planning Committee meeting.