



LAFCO

Alameda Local Agency Formation Commission

NOTICE OF REGULAR MEETING AND AGENDA

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

THURSDAY, MAY 12, 2022

2:00 P.M.

[This meeting will be conducted by Teleconference](#)

[Written public comments may be submitted PRIOR to the meeting \(Deadline May 11th at 5:00 P.M.\)](#)

[Public comments DURING the meeting:](#)

[See COVID-19 – Notice of Meeting Procedures on page 5 of the Agenda](#)

Sblend Sblendorio, Chair — Nate Miley — David Haubert — Melissa Hernandez — Bob Woerner — Ralph Johnson — Ayn Wieskamp
Dave Brown, Alternate — Karla Brown, Alternate — Georgean Vonheeder-Leopold, Alternate — John Marchand, Alternate

<https://us02web.zoom.us/j/87306628835?pwd=Rjl3VjhKOG8xK2FwOHpGQVVZSm45QT09>

Meeting ID: 873 0662 8835

Password (if prompted): alameda

Join Teleconference Meeting by Telephone:

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Follow the prompts: Meeting ID: 873 0662 8835

Password (if prompted): 9380207

Please avoid the speakerphone function to prevent echoing.

If you need assistance before the meeting, please contact Executive Officer, Rachel Jones at:
rachel.jones@acgov.org

1. **2:00 P.M. – Call to Order**
2. **Welcome Returning Commissioner:** The Commission will acknowledge the appointment of alternate Commissioner Dave Brown to Alameda LAFCO by the Alameda County Board of Supervisors on April 19, 2022.
3. **Public Comment:** Anyone from the audience may address the Commission on any matter not listed on the agenda and within the jurisdiction of Alameda LAFCO. The Commission cannot act upon matters not appearing on the agenda. *Speakers are limited to three (3) minutes.*

4. **Appointment of Public Member** – The Alameda Local Agency Formation Commission (LAFCO) will consider the recommendation of its Ad Hoc Selection Committee on the appointment of a Public Member.
5. **Consent Items:**
 - a. Approval of Meeting Minutes: March 10, 2022 Regular Meeting
 - b. 4th Quarter Budget Report for Fiscal Year 2021-2022
 - c. Approval of Resolution to Continue Virtual Meetings due to COVID-19 Pandemic
6. **Proposed Out of Area Service Agreement with the City of Pleasanton and 720 Mockingbird Lane** (Public Hearing) – The Commission will consider an out of area service agreement filed by the City of Pleasanton requesting approval to extend public water and wastewater services outside of its jurisdictional boundary to one parcel located at 720 Mockingbird Lane in the unincorporated community of Happy Valley.
7. **Draft Report on Alameda LAFCO's 20-Year Review of Measure D** (Public Hearing) – The Commission will consider accepting a final report on its *20-Year Review of Measure D*, and approve the report's conclusions and findings, to present to stakeholders, local agencies and the public, to better enhance the agricultural needs of the region. The final report returns to the Commission after a public review and comment period with additional information incorporated to highlight Alameda County's agricultural economic viability based on the comments and feedback received.

LAFCO Staff Recommendation: Formally accept the final report.

8. **Final Budget and Workplan for FY 2022-2023** (Public Hearing) – Alameda LAFCO will consider adopting a final budget and workplan for fiscal year 2022-2023. The item returns from the Commission after a public review and comment period, and remains intact from its initial draft. Operating budget expenses total \$746,428, and represent an increase of \$91,093 or 13.9% from the current fiscal year. The increase is marked by expenses for professional services in the Service and Supplies Unit for additional LAFCO studies, and a rise in rent/moving costs for new LAFCO Office space.

LAFCO Staff Recommendation: Staff recommends adopting the draft resolution and sending the final budget and workplan for fiscal year 2022-2023 to LAFCO's funding agencies.

9. **Alameda LAFCO and ACRCO SALC Grant Project Update** (Business) – Alameda LAFCO will receive a presentation from the Alameda County Resource Conservation District (ACRCO) on work to date regarding LAFCO's and ACRCO's Sustainable Agricultural Lands Conservation (SALC) Planning Grant project. The update will be presented by ACRCO Executive Director, Katherine Boxer and staff.

LAFCO Staff Recommendation: The report is being presented to the Commission for information and discussion only.

10. **Matters Initiated by Members of the Commission**
11. **Executive Officer Report**
 - a. Preliminary Comprehensive Fiscal Analysis on Castro Valley and Surrounding Communities (verbal report)

- 12. Informational Items**
 - a. Current and Pending Proposals
 - b. Progress Report on Work Plan

- 13. Adjournment of Regular Meeting**

Next Meetings of the Commission

Policy and Budget Committee Meeting

Thursday, June 2, 2022 at 2:00 p.m., Online Meeting

Regular Meeting

Thursday, July 14, 2022 at 2:00 p.m., Online Meeting

DISCLOSURE OF BUSINESS OR CAMPAIGN CONTRIBUTIONS TO COMMISSIONERS

Government Code Section 84308 requires that a Commissioner (regular or alternate) disqualify herself or himself and not participate in a proceeding involving an "entitlement for use" application if, within the last twelve months, the Commissioner has received **\$250 or more in business or campaign contributions from an applicant, an agent of an applicant, or any financially interested person who actively supports or opposes a decision on the matter.** A LAFCo decision approving a proposal (e.g., for an annexation) will often be an "entitlement for use" within the meaning of Section 84308. Sphere of Influence determinations are exempt under Government Code Section 84308.

If you are an applicant or an agent of an applicant on such a matter to be heard by the Commission and if you have made business or campaign contributions totaling \$250 or more to any Commissioner in the past twelve months, Section 84308(d) requires that you disclose that fact for the official record of the proceeding. The disclosure of any such contribution (including the amount of the contribution and the name of the recipient Commissioner) must be made either: 1) In writing and delivered to the Secretary of the Commission prior to the hearing on the matter, or 2) By oral declaration made at the time the hearing on the matter is opened. Contribution disclosure forms are available at the meeting for anyone who prefers to disclose contributions in writing.

Pursuant to GC Section 84308, if you wish to participate in the above proceedings, you or your agent are prohibited from making a campaign contribution of \$250 or more to any Commissioner. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until 3 months after a final decision is rendered by LAFCO. If you or your agent have made a contribution of \$250 or more to any Commissioner during the 12 months preceding the decision, in the proceeding that Commissioner must disqualify himself or herself from the decision. However, disqualification is not required if the Commissioner returns that campaign contribution within 30 days of learning both about the contribution and the fact that you are a participant in the proceedings. Separately, any person with a disability under the Americans with Disabilities Act (ADA) may receive a copy of the agenda or a copy of all the documents constituting the agenda packet for a meeting upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting. Please contact the LAFCO office at least three (3) working days prior to the meeting for any requested arrangements or accommodations.

Alameda LAFCO Administrative Office
224 West Winton Avenue, Suite 110
Hayward, CA 94544
T: 510.670.6267
W: alamedalafco.org

MEETING INFORMATION

CORONAVIRUS (COVID-19) – Notice of Meeting Procedures

Join Teleconference Meeting ***Virtually*** (computer, tablet, or smartphone): click on the link below:

<https://us02web.zoom.us/j/87306628835?pwd=Rjl3VjhKOG8xK2FwOHpGQVVZSm45QT09>

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SUBMITTING WRITTEN COMMENTS TO BE READ AT THE MEETING

Any member of the public may submit a written comment to the Commission before the meeting by **May 11, 2022 at 5:00 P.M.** by email to rachel.jones@acgov.org or by mail to Alameda LAFCO 224 West Winton Avenue, Suite 110, Hayward, CA 94544. If you are commenting on a particular item on the agenda, please identify the agenda item number and letter. Any comments of 500 words or less (per person, per item) will be read into the record if: (1) the subject line includes “COMMENT TO COMMISSION – PLEASE READ”, and (2) it is received by the Executive Officer prior to the deadline of **May 11, 2022 at 5:00 P.M.**

SUBMITTING SPOKEN COMMENTS DURING THE COMMISSION MEETING

Electronically:

1. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
2. When the Commission calls for the item on which you wish to speak, click “participants,” a menu will appear, click on the “raise hand” icon. Staff will activate and unmute speakers in turn.
3. When called, please limit your remarks to the time limit allotted (3 minutes).

By phone (landline):

1. Your phone number will appear but not your name.
2. When the Commission calls for the item on which you wish to speak, press *9 to “raise your hand”. Staff will activate and unmute speakers in turn. You will be called upon using the last four digits of your phone number, since your name is not visible.
3. When you are called upon to speak please provide your name for the record.

VIEWING RECORDING OF THE TELECONFERENCE MEETING

The Commission's teleconference meeting will be recorded. Members of the public may access the teleconference meeting and other archived Commission meetings by going to lafco.acgov.org/meetings.page?.

ADA ACCESIBILITY: Meetings are accessible to persons with disabilities. Requests for assistive listening devices or other considerations should be made 72 hours in advance through the Executive Officer at (510) 670-6267 or rachel.jones@acgov.org.

**LAFCO***Alameda* Local Agency Formation Commission**AGENDA REPORT**

May 12, 2022

Item No. 4

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Appointment of Public Member

The Alameda Local Agency Formation Commission (LAFCO) will consider the recommendation of its Ad Hoc Selection Committee on the appointment of a Public Member.

Summary

At its March 10th regular meeting, the Commission authorized staff to begin the recruitment of its Public Member seat and establish an ad hoc selection committee that includes Commissioners Haubert, Johnson, and Woerner to review applications, conduct interviews of candidates, and make a recommendation to the Commission on its appointment. These committee members were chosen to have representation from each of the appointing authorities. Due to scheduling conflicts, the Chair authorized Commissioner Wieskamp to fill in for Commissioner Johnson as the special district representative on the committee.

A notice of applications for the Public Member Seat was widely distributed in January 2022. A total number of two applications were received by the deadline of March 4, 2022. On April 25, 2022, the Committee interviewed the two applicants – incumbent Sblend Sblendorio and Patricia M. Castro.

Based on the interviews, the Committee recommends the appointment of Sblend Sblendorio as the Public Member. As a reminder, the appointment of the public member requires an affirmative vote of at least one member from each of the appointing authorities: County, City, and Special District.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Appoint Sblend Sblendorio as the Public Member.

Alternative Two:

Continue the item to a future meeting and provide direction to staff as needed.

Administrative Office

Rachel Jones, Executive Officer
224 West Winton Avenue, Suite 110
Hayward, California 94544
T: 510.670.6267
www.alamedalafco.org

Nate Miley, Regular
County of Alameda

David Haubert, Regular
County of Alameda

Dave Brown, Alternate
County of Alameda

Bob Woerner, Regular
City of Livermore

Melissa Hernandez, Reg
City of Dublin

Karla Brown, Alternate
City of Pleasanton

Ralph Johnson, Regular
Castro Valley Sanitary District

Ayn Wieskamp, Regular
East Bay Regional Park District

Georgian Vonheeder-Leopold, Alternate
Dublin San Ramon Services District

Sblend Sblendorio, Chair
Public Member

John Marchand, Alternate
Public Member

Alternative Three:

Disapprove of the appointment and instruct staff to create a new notice of applications for the vacant seat.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Respectfully,

A handwritten signature in blue ink, appearing to read "Rachel Jones", with a long horizontal flourish extending to the right.

Rachel Jones
Executive Officer

Attachments: none

SUMMARY ACTION MINUTES
ALAMEDA LOCAL AGENCY FORMATION COMMISSION
SPECIAL MEETING

Hosted by Zoom Video-Conference Service

March 10, 2022

Call to Order

Chair Sblendorio called the meeting to order at 2:05 p.m.

1. Roll Call.

The roll was called. A quorum was present of the following commissioners:

| | |
|----------------------------------|--|
| <u>County Members:</u> | David Haubert and Nate Miley |
| <u>City Members:</u> | Bob Woerner, Melissa Hernandez, and alternate Karla Brown |
| <u>Special District Members:</u> | Ayn Wieskamp, Ralph Johnson |
| <u>Public Members:</u> | Sblend Sblendorio and alternate John Marchand |
| <u>Not Present:</u> | Alternate Dave Brown and alternate Georgean Vonheeder-Leopold |
| <u>Staff present:</u> | Rachel Jones, Executive Officer, April Raffel, Clerk, and Andrew Massey, Legal Counsel |

2. Public Comment

Chair Sblendorio invited members in the audience to address the Commission on any matter not listed on the agenda and within the jurisdiction of the Commission.

A public comment made by Kelly Abreau emphasized a need to ensure the LAFCO Commission followed ethics.

3. Priority Item: Approval of Resolution to Continue Virtual Meetings due to COVID-19 Pandemic (Public Hearing)

- This item was for Alameda LAFCO looking for approval of the resolution to continue the virtual meetings due to the COVID-19 pandemic and to meet within a 30-day period to host virtual meetings. Staff recommended approval.

Chair Sblendorio asked if there was any discussion on this item, and there was none.

Upon motion by Commissioner Woerner, second by Commissioner Hernandez, the item was approved.

| | | |
|----------|---|---|
| AYES: | 6 | Haubert, Hernandez, Johnson, Miley, Sblendorio, and Woerner |
| NOES: | 0 | |
| ABSENT: | 1 | Wieskamp |
| ABSTAIN: | 0 | |

4. Consent Items:

- a. Approval of Meeting Minutes: January 13, 2022, Regular Meeting
- b. 3rd Quarter Budget Report for the Fiscal Year 2021-2022
- c. Timeline Update for Countywide Fire MSR and Contract Amendment

Chair Sblendorio opened and closed the public hearing with no comments being offered.

Upon motion by Commissioner Johnson, second by Commissioner Haubert, the item was approved.

AYES: 6 Haubert, Hernandez, Johnson, Miley, Sblendorio, and Woerner
NOES: 0
ABSENT: 1 Wieskamp
ABSTAIN: 0

5. Establish Ad Hoc Public Member Selection Committee – The Alameda Local Agency Formation Commission (LAFCO) considered establishing an Ad Hoc Selection Committee for its Public Member Seat to expire in May 2022.

- The Commission appointed City Member Woerner, County Member Haubert, and Special District Member Johnson to the Ad Hoc Selection Committee for its Public Member seat.

Chair Sblendorio opened and closed the public hearing with no comments being offered.

Upon motion by Commissioner Haubert, second by Commissioner Hernandez, the item was approved.

AYES: 6 Haubert, Hernandez, Johnson, Miley, Sblendorio, and Woerner
NOES: 0
ABSENT: 1 Wieskamp
ABSTAIN: 0

6. Draft Report Alameda LAFCO's 20-Year Review of Measure D (Public Hearing) – The Alameda Local Agency Commission (LAFCO) received a draft report and presentation from consultant Scott Gregory of Lamphier-Gregory on its *20-Year Review of Measure D*. The draft has been prepared as part of the adopted work plan. It independently examines the economic and open space needs of the eastern county area and the impacts that the Measure has had on agriculture since the ballot measure passed in November of 2000.

- This item is for the Commission to receive and review the special study on Measure D consistent with its the adopted work plan and ahead of staff initiating a formal 30-day public review and comment period. Feedback will be incorporated as appropriate into a final report.
- The report aims to review whether Measure D's land use policies and regulations may be contributing or suppressing agriculture and open space needs in the region.
- Overall, the report shows that Measure D has been permissive in wine-related uses, keeping growth within boundaries and effective in land preservation, but restrictive with building requirements and perhaps a contributing factor to a current stagnant agricultural economy.
- Before the Commission discussion and feedback, staff introduced Scott Gregory of Lamphier-Gregory to provide a summary of the draft report's findings and conclusions.

Discussion:

After discussion, the Commission established an Ad Hoc Committee to prepare a report with findings and recommendations and share this information with County staff, in time for the ballot measure. Executive Officer Jones mentioned this objective report would be presented to the Commission as early as May, but as late as our July meeting. Staff would also be making presentations to the City Councils of Livermore, Dublin, and Pleasanton, Alameda County Transportation/Planning Committee, Alameda County Planning Commission, Tri-Valley Conservancy, and Alameda County Agricultural Advisory Committee. Commissioner Miley asked if LAFCO could endorse a ballot measure in November to amend Measure D? Counsel Andrew Massey will research and report back to the Commission.

Chair Sblendorio opened and closed the public hearing with public comments from the following speakers:

- Dick Schneider, Kelly Abreau, Lori Souza of the Tri-Valley Conservancy and Larry Gosselin addressed comments to the Commission regarding the draft report.

The Chair summarized the discussion with the need to establish an Ad Hoc Committee for Measure D and appoint members to that committee. He requested that we reach out to the individuals involved in the cattle industry to see if they can provide some input to Mr. Gregory, even though we sent them copies of the draft report and agenda. Executive Officer Rachel Jones agreed to follow up with the cattle industry.

- The Commission appointed County Member Haubert, City Member Woerner, and alternate Public Member Marchand to the Ad Hoc Committee.

Upon motion by Commissioner Hernandez, second by Commissioner Miley, the item was approved.

| | | |
|----------|---|---|
| AYES: | 7 | Haubert, Hernandez, Johnson, Miley, Sblendorio, Wieskamp, and Woerner |
| NOES: | 0 | |
| ABSENT: | 0 | |
| ABSTAIN: | 0 | |

- 7. Draft Budget and Work plan for FY 2022-2023 (Public Hearing) – Alameda LAFCO will consider adopting a draft budget and work plan for the fiscal year 2022-2023 to take final action at its next regular meeting. Proposed budget expenses total \$746,428 and represent an increase of \$91,093 or 13.9% from the current fiscal year. The increase is marked by expenses for professional services in the Service and Supplies Unit for additional LAFCO studies and a rise in rent/moving costs for new LAFCO Office space.**

- This increase is supplemented with a fund balance offset of \$250,000, a \$65,000 increase from the current fiscal year, to help increase agency contributions by \$26,094, or 6% from the current fiscal year that is split amongst LAFCO's 29 local funding agencies.
- The proposed work plan includes additional studies such as a Countywide Police municipal service review, an initial analysis report on the feasibility of incorporating of unincorporated areas such as Castro Valley, Ashland and Cherryland, and other projects such as creating a countywide regional water and wastewater committee.
- Adoption will precede a formal public review and comment period and conclude with final

action taken at the next meeting scheduled for May 12th. Staff recommended adopting the draft resolution and initiating a formal public review and comment period.

Commissioner Johnson agreed with Commissioner Miley that it's a good time to do this.

Chair Sblendorio opened and closed the public hearing with no comments being offered. Upon motion by Commissioner Woerner, second by Commissioner Miley, the item was approved.

AYES: 6 Hernandez, Johnson, Miley, Sblendorio, Wieskamp, and Woerner,
NOES: 0
ABSENT: 1 Haubert
ABSTAIN: 0

- 8. Implementation of Municipal Service Review Recommendations (Business)** – Alameda LAFCO will consider directing staff to contact each affected agency and request a written response on how and when the agency plans to address the findings and/or implement the recommendations presented in its 2021 Countywide Municipal Service Review (MSR) on Water, Wastewater, Stormwater, and Flood Control Services and provide an explanation if the agency disagrees with a finding or does not plan to implement a recommendation.

- Per the example letter found in Attachment 1 of the staff report, staff will request a written response from each agency no later than June 10th and provide those responses to LAFCO at its July 14th regular meeting. Staff recommends approval.

Chair Sblendorio asked if there were any comments and questions from the Commission. There were none.

Upon motion by Commissioner Hernandez, second by Commissioner Woerner, the item was approved.

AYES: 5 Hernandez, Johnson, Miley, Sblendorio, and Woerner
NOES: 0
ABSENT: 2 Haubert and Wieskamp
ABSTAIN: 0

- 9. New LAFCO Logo and Contract Amendment with Chase Designs for Professional Services (Business)** – The Commission will consider approving a contract amendment with Chase Designs to provide professional services in creating LAFCO brochures, pamphlets, and branding for its PowerPoint Presentations at a not-to-exceed cost of \$10,000.

- Creative Director, Chris Chase of Chase Designs Inc worked with staff to create a new logo that encompasses the dynamism of Alameda County and LAFCO's role on balancing local circumstances and conditions in evaluating the delivery of municipal services for orderly growth and development.
- The new logo illustrates the blend of agricultural and urban areas of Alameda County with emphasis on interstate highway 580 as a path, showcasing the connectivity of both western and eastern parts of the County. The hills are used to demonstrate LAFCO's ability in redirecting urban uses away from agricultural and open space lands for preservation, while on the other side of the highway, the County's diverse housing needs are highlighted. Other markers are used to indicate access points and the sun is a reminder of the County's bright

future as a great place to live and work. The blue circle that encompasses the logo represents LAFCO's planning tool, its sphere of influence, and underscores LAFCO's duty to facilitate change when merited.

- Staff now seeks to amend the original contract with Chase Designs to include useful illustrative brochures and pamphlets that will assist LAFCO in better outreach and engagement with the public to summarize its studies and objectives for wider audiences. The amendment would extend the contract with Chase Designs by 12-months and not to exceed costs of \$10,000. Staff recommended approval.

Chair Sblendorio asked if there were any comments or questions from the Commissioners. Commissioners Marchand, Hernandez and Wieskamp complimented the logo.

Chair Sblendorio requested comments from the public and the Commission received on from Kelly Abreau mentioning he would like to see LAFCO going out to major agencies and communicating what is going on and how LAFCO impacts them.

Upon motion by Commissioner Johnson, second by Commissioner Wieskamp, the item was approved.

| | | |
|----------|---|--|
| AYES: | 6 | Hernandez, Johnson, Miley, Sblendorio, Wieskamp, and Woerner |
| NOES: | 0 | |
| ABSENT: | 1 | Haubert |
| ABSTAIN: | 0 | |

10. Request to Support SB 938 (Business) – Alameda LAFCO will consider submitting a letter of support for Senate Bill 938 (Hertzberg) that seeks to amend protest provisions included in the Cortese-Knox-Hertzberg Reorganization Act of 2000 (“CKH”).

- This item is for the Commission to consider providing a letter of support for SB 938 to ensure that LAFCOs have the tools they need to carry out their statutory obligations to maintain orderly and functioning local government services and to create greater consistency in the statute.
- Senator Hertzberg introduced SB 938 on February 8th. The bill is set for a hearing in the Senate Governance and Finance Committee and represents a collaborative three-year effort to clean up, consolidate and clarify existing protest provisions, specifically for consolidations and dissolutions of special districts.

Staff recommended the Commission take a “SUPPORT” Position on SB 938.

Chair Sblendorio asked if there were any comments or questions from the Commissioners and public. There were none.

Upon motion by Commissioner Wieskamp, second by Commissioner Woerner, the item was approved.

AYES: 6 Hernandez, Johnson, Miley, Sblendorio, Wieskamp, and Woerner
NOES: 0
ABSENT: 1 Haubert
ABSTAIN: 0

11. Matters Initiated by Members of the Commission

There were none.

12. Executive Officer Report

a. LAFCO Website Update – www.alamedalafco.org

13. Informational Items - Staff offered brief remarks on the following items:

- a. Current and Pending Proposals
- b. Progress Report on Work Plan.
- c. 2020-2021 Strategic Plan Performance Review
- d. Cancellation of 2022 CALAFCO Staff Workshop, March 23-25 in Newport Beach, Orange County
- e. Form 700: Due April 1
- f. Commissioners with terms ending May 2022:
 - 1. Sblend Sblendorio
 - 2. Dave Brown

Chair Sblendorio asked about the status of the MSR connectivity with broadband. Executive Officer Jones responded that we sent out the request for proposals for the Community Service Review and received one proposal. Our Policy and Budget Committee recommended that we resubmit the request for proposal for this MSR by next month, so the Commission may award a contract at its July Meeting.

14. Adjournment of Regular Meeting

Chair Sblendorio adjourned the meeting at 3:47 p.m.

Next Meetings of the Commission

Policy and Budget Committee Meeting

Thursday, April 7, 2022, at 2:00 p.m. Online Meeting

Regular Meeting

Thursday, May 12, 2022, at 2:00 p.m.

It is anticipated that both meetings will be held remotely up to our May 2022 Meeting.

**LAFCO***Alameda* Local Agency Formation Commission**AGENDA REPORT**

May 12, 2022

Item No. 5b

TO: Alameda Commissioners**FROM:** Rachel Jones, Executive Officer**SUBJECT: Budget Update for Fiscal Year 2021-2022 | 4th Quarter Report**

The Alameda Local Agency Formation Commission (LAFCO) will review a report comparing budgeted to actual transactions through the fourth quarter of the fiscal year 2021-2022. Actual expenses processed through the first ten months totaled \$464,785, an amount representing 70.9% of the budgeted total with 83% of the fiscal year complete. The report is being presented to the Commission to accept and file and to provide direction to staff as needed.

Information

Alameda LAFCO's adopted final budget for 2021-2022 totals \$655,335. This amount represents the total approved operating expenditures for the fiscal year divided between three active expense units: salaries and benefits; services and supplies; and internal services. A matching revenue total was also budgeted to provide a year-end balance of \$0 and with a purposeful aid of a planned \$185,000 transfer from reserves. Budgeted revenues are divided amongst three active units: intergovernmental contributions, application fees, and investments.

Discussion

This item is for the Commission to receive an updated comparison of (a) budgeted to (b) actual expenses and revenues through the month of April. The report provides the Commission the opportunity to track expenditure trends accompanied by year-end operating balance projections from the Executive Officer. The report is being presented to the Commission to formally accept and file and provide related direction to staff as needed.

| Budgeted Expenses FY 21-22 | Budgeted Revenues FY 21-22 | Budgeted Year End Balance FY 21-22 |
|-------------------------------|-------------------------------|---------------------------------------|
| \$655,335 | \$655,335 | (\$0) |

Summary of Operating Expenses

The Commission's budgeted operating expense total for 2021-2022 is \$655,335. Actual expenses processed through the first ten months totaled \$464,785, an amount representing 70.9% of the budgeted total with 83% of the fiscal year complete. Actuals through the first ten months and related analysis suggest the Commission is ahead to finish the fiscal year with a balanced budget. A discussion on budgeted and actual expenses through the first ten months and related year-end projections follow.

| Expense Units | Adopted | Actuals | Percent Expended | Remaining Balance |
|--------------------------|-----------|-----------|------------------|-------------------|
| Salaries and Benefits | 373,975 | 310,399 | 83% | 63,576 |
| Services and Supplies | 169,610 | 130,106 | 77% | 39,504 |
| Internal Service Charges | 61,750 | 24,280 | 39% | 37,470 |
| Contingencies | 50,000 | 0 | 0% | 50,000 |
| | \$655,335 | \$464,785 | 71% | \$190,550 |

Staffing Unit

The Commission budgeted \$373,975 in Staffing or Salaries and Benefits Unit for 2021-2022. Through the first ten months, the Commission's estimated expenses within the affected accounts totaled \$310,399 or 83% of the budgeted amount. It is projected the Commission finish the fiscal year with actuals equal to the budgeted amount.

Services and Supplies Unit

The Commission budgeted \$169,610 in the Services and Supplies Unit for 2021-2022 to provide funding for *direct* support services necessary to operate Alameda LAFCO. Through the first ten months, the Commission's actual expenses within the affected 14 accounts totaled \$130,106 or 76.7% of the budgeted amount. Only two of the affected accounts – Memberships and Professional Consultant Services – finished with balances exceeding the proportional 83% threshold with explanations provided below. It was projected the unit will finish the fiscal year with an operating deficit of \$30,000 based on LAFCO's projects and studies, however a budget amendment of \$100,000 was applied to meet projected expenses.

- Memberships

This account covers the Commission's annual dues for ongoing membership with several outside agencies and organizations as previously authorized by the members. This includes CALAFCO and the California Special Districts Association memberships. The Commission budgeted \$10,760 in this account for 2021-2022 based on recent trends. Actual expenses through April totaled \$10,760 or 100% of the budgeted amount and tied to providing full payment of all budgeted costs. Staff projects no additional expenses to this account.

▪ Professional Consulting Services

This account covers the Commission's outside planning and professional costs for applications, special projects, CEQA review, and consulting expertise. The Commission budgeted \$100,000 in this account for the fiscal year. Actual expenses through April totaled \$111,522 or 112% of the budgeted amount and were tied to LAFCO's ongoing projects and studies. Expenses in this account that exceed the proportional 83% threshold can be attributed to delays in processing LAFCO's contracts from the previous fiscal year. Staff projects an additional \$65,000 expensed to this account based on recent reports and invoices. Staff was granted a budget transfer at the Commission's November 2021 special meeting in the amount of \$100,000 to cover these costs for the fiscal year.

Internal Services and Supplies

The Commission budgeted \$61,750 in the Internal Services and Supplies Unit for 2021-2022 to provide funding for *indirect* support services necessary to operate Alameda LAFCO. Through the first ten months, the Commission's actual expenses within the four affected accounts totaled \$24,280, or 39.3% of the budgeted amount. None of the affected accounts finished with balances exceeding the proportional 83% threshold, and staff estimates the unit to finish the fiscal year with a balanced budget.

Summary of Operating Revenues

The Commission's budgeted operating revenue total for 2021-2022 at \$655,335. Actual revenues collected through the first ten months totaled \$641,332. This amount represents 97.9% of the budgeted total with 83% of the fiscal year complete. A summary comparison of budgeted to actual operating revenue follows. Actuals through the first ten months and related analysis suggest the Commission's year-end revenue totals will tally at \$655,335, and result in a balanced budget. An expanded discussion on the budgeted and actual revenues through the first ten months follows.

| Revenue Units | Adopted | Actuals | Percent Expended | Remaining Balance |
|----------------------|-----------|-----------|------------------|-------------------|
| Agency Contributions | 433,355 | 427,833 | 99% | 5,502 |
| Application Fees | 30,000 | 22,734 | 76% | 7,266 |
| Interest | 7,000 | 5,765 | 82% | 1,235 |
| Fund Balance Offset | 185,000 | 185,000 | 100% | 0 |
| | \$655,335 | \$641,332 | 98% | \$14,003 |

Agency Apportionments

The Commission budgeted \$433,355 in the Agency Apportionments Unit for 2021-2022. This total budgeted amount was to be divided in three equal shares at \$144,445 and invoiced among the County of Alameda, 14 cities, and 15 independent special districts as provided under State statute. Alameda LAFCO has received 98.7% of the agency apportionments and has notified the County Auditor to send a third invoice for LAFCO payments to three special districts.

Application Fees Unit

The Commission budgeted \$30,000 in the Application Fees Unit for 2021-2022. Through the first ten months, \$22,734 has been collected in this unit. Staff projects the Commission collect an additional \$6,000 in fees before the end of the fiscal year.

Interest Unit

The Commission budgeted \$7,000 in the Interest Unit for 2021-2022. Through the first ten months, \$5,765 has been collected in this unit by the County Treasurer.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Accept and file the report as presented and provide direction as needed to staff with respect to any related matters for future consideration.

Alternative Two:

Continue consideration of the report to a future meeting and provide direction to staff as needed.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Procedures

This item has been placed on Alameda LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

Respectfully,



Rachel Jones
Executive Officer

Attachments:

1. 2021-2022 General Ledger through April 30, 2022

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

Regional Service Planning | Subdivision of the State of California

Expense Ledger

| | | FY 2018-2019 | | FY 2019-2020 | | FY 2020-2021 | | FY2021-2022 | | | |
|---------------------------------|--------------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|---------------------------|------------------|-------------------|
| | | Adopted | Actuals | Adopted | Actuals | Adopted | Actuals | Adopted | Actuals As of 04-30-22 | Difference | Percent of Budget |
| Salary and Benefit Costs | | | | | | | | | | | |
| <u>Account</u> | <u>Description</u> | | | | | | | | | | |
| 60001 | Staff Salaries | 321,692 | 263,373 | 308,307 | 263,373 | 234,254 | 172,085 | 250,564 | 207,968 | (42,596) | 83.0% |
| - | (ACERA) | 149,961 | 149,961 | 175,275 | 149,961 | 122,903 | 88,649 | 123,411 | 102,431 | (20,980) | 83.0% |
| | | 471,653 | 413,334 | 483,581 | 324,575 | 357,157 | 260,735 | 373,975 | 310,399 | (63,576) | 83.0% |
| Service and Supplies | | | | | | | | | | | |
| <u>Account</u> | <u>Description</u> | | | | | | | | | | |
| - | Intern | 1,600 | - | 1,600 | - | 1,600 | - | - | - | - | - |
| 610077 | Postage | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | 500 | - | - | - |
| 610141 | Copier | 3,000 | 3,000 | 3,000 | 3,000 | 3,000 | - | 1,000 | - | - | - |
| 610191 | Pier Diems | 7,700 | 7,700 | 7,800 | 7,800 | 8,000 | 7,100 | 8,500 | 4,900 | (3,600) | 57.6% |
| 610211 | Mileage/Travel | 200 | 2,628 | 1,300 | 1,300 | 1,300 | - | 500 | - | - | - |
| 610461 | Training (Conferences and Workshops) | 20,000 | 20,000 | 13,000 | 6,000 | 5,000 | - | 2,500 | - | - | - |
| 610241 | Records Retention | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | 303 | 350 | 210 | (140) | 60.1% |
| 610261 | Consultants | 96,000 | 90,000 | 90,000 | 90,000 | 96,000 | 42,527 | 100,000 | 111,522 | 11,522 | 111.5% |
| 610261 | Mapping - County | 5,000 | 5,000 | 5,000 | 5,000 | 5,000 | - | 500 | - | - | - |
| 610261 | Planning Services | 25,000 | 5,000 | 5,000 | 6,000 | 5,000 | - | 5,000 | - | - | - |
| 610261 | Legal Services | 40,000 | 40,000 | 30,000 | 21,775 | 25,000 | - | 20,000 | - | - | - |
| 610311 | CAO/CDA - County - Services | 11,000 | 11,000 | 11,000 | 11,000 | 1,000 | 7,700 | 1,000 | - | - | - |
| 610312 | Audit Services | 10,000 | 7,500 | 7,700 | 10,000 | 10,000 | - | 10,000 | - | - | - |
| 610351 | Memberships | 9,000 | 9,026 | 10,476 | 10,476 | 10,762 | 10,662 | 10,760 | 10,760 | - | 100.0% |
| 610421 | Public Notices | 5,000 | 5,000 | 5,000 | 5,000 | 5,000 | 2,149 | 3,000 | 2,453 | (547) | 81.8% |
| 610441 | Assessor - County - Services | 2,500 | 2,500 | 2,500 | 2,500 | 2,500 | - | 500 | - | - | - |
| 610461 | Special Departmental | 1,500 | 1,500 | 1,500 | 1,500 | 1,500 | 1,000 | 1,500 | 233 | (1,267) | 15.5% |
| 620041 | Office Supplies | 4,000 | 4,000 | 4,000 | 4,000 | 4,000 | 916 | 4,000 | 28 | - | - |
| | | 243,500 | 215,854 | 200,876 | 187,351 | 186,662 | 73,357 | 169,610 | 130,106 | (39,504) | 76.7% |
| Internal Service Charges | | | | | | | | | | | |
| <u>Account</u> | <u>Description</u> | | | | | | | | | | |
| 630051 | Office Lease/Rent | 3,200 | 3,200 | 25,000 | 35,000 | 32,500 | 32,500 | 32,500 | 2,990 | (29,510) | 9.2% |
| 630021 | Communication Services | 3,878 | 3,878 | 3,950 | 3,950 | 100 | - | 100 | - | - | - |
| 630061 | Information Technology | 21,578 | 23,370 | 27,373 | 27,373 | 27,373 | 25,870 | 25,870 | 21,290 | (4,580) | 82.3% |
| 630081 | Risk Management | 3,034 | 3,034 | 3,100 | 3,100 | 3,100 | 3,280 | 3,280 | - | - | - |
| | | 31,690 | 37,482 | 59,423 | 69,423 | 63,073 | 61,650 | 61,750 | 24,280 | (37,470) | 39.3% |
| Contingencies | | | | | | | | | | | |
| | | 50,000 | - | 50,000 | - | 50,000 | - | 50,000 | - | - | - |
| <u>Account</u> | <u>Description</u> | | | | | | | | | | |
| - | Operating Reserve | - | - | - | - | - | - | - | - | - | - |
| | | - | - | - | - | - | - | - | - | - | - |
| EXPENSE TOTALS | | 796,843 | 666,670 | 793,880 | 581,349 | 656,892 | 395,742 | 655,335 | 464,785 | (190,550) | 70.9% |

| Revenue Ledger | | FY2018-2019 | | FY2019-2020 | | FY2020-2021 | | FY2021-2022 | | | |
|---------------------------|----------------------|-------------|---------|-------------|---------|-------------|---------|-------------|---------------------------|------------|-------------------|
| | | Adopted | Actuals | Adopted | Actuals | Adopted | Actuals | Adopted | Actuals As of 04-30-22 | Difference | Percent of Budget |
| Intergovernmental | | | | | | | | | | | |
| Account | Description | | | | | | | | | | |
| - | Agency Contributions | | | | | | | | | | |
| | County of Alameda | 196,948 | 196,948 | 192,127 | 192,127 | 146,630 | 146,631 | 144,445 | 144,445 | - | 100.0% |
| | Cities | 196,948 | 196,948 | 192,127 | 192,127 | 146,630 | 146,631 | 144,445 | 144,445 | - | 100.0% |
| | Special Districts | 196,948 | 196,948 | 192,127 | 192,127 | 146,630 | 146,631 | 144,445 | 138,943 | - | 96.2% |
| | | 590,844 | 590,844 | 576,380 | 576,380 | 439,891 | 439,891 | 433,335 | 427,833 | (5,502) | 98.7% |
| Service Charges | | | | | | | | | | | |
| - | Application Fees | 30,000 | 10,000 | 30,000 | 25,000 | 30,000 | 38,643 | 30,000 | 22,734 | (7,266) | 75.8% |
| Investments | | | | | | | | | | | |
| - | Interest | - | 11,531 | 7,500 | 7,500 | 7,000 | 8,965 | 7,000 | 5,765 | (1,235) | 82.4% |
| Fund Balance Offset | | | | | | | | | | | |
| | | 176,000 | 176,000 | 180,000 | - | 180,000 | - | 185,000 | 185,000 | - | - |
| | REVENUE TOTALS | 796,844 | 788,375 | 793,880 | 608,880 | 656,891 | 487,499 | 655,335 | 641,332 | (14,003) | 97.9% |
| OPERATING NET | | - | 121,705 | - | 27,531 | (1) | 91,757 | - | 176,548 | - | - |
| UNRESTRICTED FUND BALANCE | | 714,299 | | 741,830 | | 833,587 | | | | | |
| As of June 30th | | | | | | | | | | | |

**LAFCO***Alameda* Local Agency Formation Commission**AGENDA REPORT**

May 12, 2022

Item No. 5c

TO: Alameda Commissioners**FROM:** Rachel Jones, Executive Officer**SUBJECT: Resolution to Continue Virtual Meetings due to COVID-19 Pandemic**

The Alameda Local Agency Formation Commission (LAFCO) will consider adopting a resolution declaring its intent to continue remote video and teleconference meetings due to the Governor's Proclamation of State of Emergency and state regulations related to physical distancing due to the threat of COVID-19 consistent with California Assembly Bill (AB) 361 and amended California Government Code Section 54953.

Background

Alameda LAFCO switched from in-person Commission meetings to fully remote meetings following Governor Newsom's declaration of a state of emergency in March 2020 due to the COVID-19 pandemic. The transition authorized by Executive Orders N-25-20, N-29-20, and N-35-20, which collectively modified requirements of the Ralph M. Brown Act, and the State's local agency public meeting law. On June 11, 2021, the Governor issued Executive Order N-08-21 which rescinds the prior executive orders modifying the Brown Act effective September 30, 2021. To accommodate the desire on the part of local governments to maintain virtual meetings as may be necessary during the pandemic, the Legislature approved Assembly Bill 361 (AB 361). AB 361 is an urgency statute and took effect upon the Governor's signature on September 16, 2021.

The Commission may continue to meet virtually until such time the Governor declares the State of Emergency due to Covid-19 over, and measures to promote social distancing are no longer recommended, or can return to in-person meetings sooner, if desired. In order to continue to hold virtual meetings, the Commission will need to review and make findings every thirty days to declare that the state of emergency continues to directly impact the ability of the members to meet safely in person, and that state and local officials continue to impose or recommend measures to promote social distancing.

Administrative Office

Rachel Jones, Executive Officer
224 West Winton Avenue, Suite 110
Hayward, California 94544
T: 510.670.6267
www.alamedalafco.org

Nate Miley, Regular
County of Alameda

David Haubert, Regular
County of Alameda

Dave Brown, Alternate
County of Alameda

Bob Woerner, Regular
City of Livermore

Melissa Hernandez, Reg
City of Dublin

Karla Brown, Alternate
City of Pleasanton

Ralph Johnson, Regular
Castro Valley Sanitary District

Ayn Wieskamp, Regular
East Bay Regional Park District

Georgian Vonheeder-Leopold, Alternate
Dublin San Ramon Services District

Sblend Sblendorio, Chair
Public Member

John Marchand, Alternate
Public Member

Discussion

This item is for Alameda LAFCO to consider actions necessary to proceed with virtual meetings in accordance with AB 361. The attached resolution has been prepared accordingly and makes the necessary findings authorizing LAFCO to conduct virtual meetings of the Commission for the next 30 days. LAFCO will need to adopt a version of this resolution at each of its subsequent meetings if it desires to maintain fully remote meetings.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Approve the resolution authorizing the use of virtual meetings for a 30-day period.

Alternative Two:

Reject the resolution authorizing the use of virtual meetings for a 30-day period, and cancel the public meeting for Alameda LAFCO's March 10th regular meeting.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Respectfully,

A handwritten signature in blue ink, appearing to read "Rachel Jones", with a long horizontal flourish extending to the right.

Rachel Jones
Executive Officer

Attachments:

1. Resolution

ALAMEDA LOCAL AGENCY FORMATION COMMISSION**RESOLUTION NO. 2022-XX****AUTHORIZING THE CONTINUANCE OF VIRTUAL MEETINGS OF THE COMMISSION**

WHEREAS, the Alameda Local Agency Formation Commission is committed to preserving and nurturing public access and participation in meetings of the Commissioners; and

WHEREAS, all meetings of the Commission's legislative bodies are open and public, as required by the Ralph M. Brown Act (California Government Code sections 54950-54963), so that any member of the public may attend, participate, and watch the Commission conduct its business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for virtual participation in meetings by members of a legislative body, without compliance with requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, such conditions now exist in the Alameda County, specifically, the Governor proclaimed a State of Emergency on March 4, 2020 due to COVID-19; and

WHEREAS, the Division of Occupational Safety and Health of California's (Cal/OSHA) issued Emergency Temporary Standards that require employers to train and instruct employees that the use of social distancing helps combat the spread of COVID-19 (8 Cal. Code Regs. 3205(c)(5)(D).); and

WHEREAS, on September 28, 2021, the Board of Supervisors of the County of Alameda accepted the recommendation of the Health Care Services Agency Director for continued social distancing at all meetings of the full Board of Supervisors and at all Board of Supervisors Committee meetings; and

WHEREAS, as a consequence of the state of emergency and the state and local public health guidance, the Commission does hereby find that the Commission, including all its Committees, shall conduct meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and shall comply with the

requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953

WHEREAS, the Commission does hereby find that conducting virtual meetings present the best compromise between the competing goals of facilitating in-person, public meetings under the Brown Act and social distancing necessary to combat the spread of COVID-19; and

WHEREAS, members of the public will be able to participate remotely through the digital means listed on the meeting agenda, and for hybrid meetings, may also participate in person provided applicable social distancing and masking protocols are observed.

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. The Commission finds that state and local officials have imposed or recommended measures to promote social distancing. The Commission has reconsidered the circumstances of the state of emergency and finds that state and local officials continue to impose or recommend measures to promote social distancing.
3. The Commission finds that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. The Commission has reconsidered the circumstances of the state of emergency and finds that the state of emergency continues to directly impact the ability of the members to meet safely in person.
4. The Commission therefore determines that it and its legislative bodies shall conduct their meetings by teleconferencing in accordance with Government Code section 54953(e).
5. This Resolution expires thirty (30) days after the date of its adoption only to the extent required by law. Otherwise, this Resolution shall remain in effect until repealed by the Commission.

PASSED AND ADOPTED by the Alameda Local Agency Formation Commission on May 12, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Sblend Sblendorio
Chair

ATTEST:

Rachel Jones
Executive Officer

APPROVED TO FORM:

Andrew Massey
Legal Counsel

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**LAFCO***Alameda* Local Agency Formation Commission**AGENDA REPORT**

May 12, 2022

Item No. 6

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: **Proposed Out of Area Service Agreement |
720 Mockingbird Lane to the City of Pleasanton**

The Alameda Local Agency Formation Commission (LAFCO) will consider an out of area service agreement filed by the City of Pleasanton requesting approval to extend public water and wastewater services outside of its jurisdictional boundary to one parcel located at 720 Mockingbird Lane in the unincorporated community of Happy Valley. The affected territory as submitted is developed with a single-family residence on one legal lot. The purpose of the proposal is for the affected territory to connect to City water and wastewater services as a result of a failing septic system and dry on-site groundwater well. Staff recommends approval of the proposal with standard terms.

Background

Alameda LAFCO has received a proposal through a resolution of application from the City of Pleasanton on behalf of landowners (Kevin Nguyen and Eleanore Yee) requesting an out of area service agreement (OASA) involving one legal lot totaling 1.19 acres within the City's sphere of influence. The affected territory has a situs address of 720 Mockingbird Lane and is located within the unincorporated community of Happy Valley. The parcel is developed with a single-family residence built in 1968 and one additional dwelling unit. The County of Alameda Assessor's Office identifies the subject parcel as 949-0006-001-06.

Other Affected Agencies

The affected territory lies within the unincorporated area of Alameda County. It also lies within the boundaries of the following special districts subject to Commission oversight:

- Alameda County Fire Department
 - Alameda County Mosquito Abatement District
 - Alameda County Vector Control Services District
 - East Bay Regional Parks District
- * The affected territory also lies within the Pleasanton Unified School District and lies within County Supervisorial District No. 4 (Nate Miley).

Administrative Office

Rachel Jones, Executive Officer
224 West Winton Avenue, Suite 110
Hayward, California 94544
T: 510.670.6267
www.alamedalafco.org

Nate Miley, Regular
County of Alameda

David Haubert, Regular
County of Alameda

Dave Brown, Alternate
County of Alameda

Bob Woerner, Regular
City of Livermore

Melissa Hernandez, Reg
City of Dublin

Karla Brown, Alternate
City of Pleasanton

Ralph Johnson, Regular
Castro Valley Sanitary District

Ayn Wieskamp, Regular
East Bay Regional Park District

Georgian Vonheeder-Leopold, Alternate
Dublin San Ramon Services District

Sblend Sblendorio, Chair
Public Member

John Marchand, Alternate
Public Member

Discussion

This item is for the Commission to consider approving – with or without modifications – the City’s proposal for an OASA with the affected territory. The Commission may also consider applying conditions to an approval so long as it does not directly regulate land use, property development, or subdivision requirements.

Purpose of the Proposal

The primary purpose of the proposal is to facilitate the extension of public water and wastewater services in step with removing an old septic system with the potential of creating a public health and safety hazard and supplying public water service as a result of a private dry well. The OASA connection to the wastewater system would serve as an alternative to repairing or replacing the system.

Properties in unincorporated Alameda County typically have private water wells and private septic systems. However, due to the Alameda County Department of Environmental Health’s concerns about high nitrate concentrations from private septic systems and livestock contaminating groundwater, the Alameda County Department of Environmental Health (ACDEH) does not permit new septic systems in the unincorporated Happy Valley area. Rather, ACDEH encourages landowners in the unincorporated community of Happy Valley to connect to City water and wastewater services.

The landowners also wish to expand the existing residence for their growing family. ACDEH informed the landowners that a secondary septic system would be required to support the contemplated expansion. ACDEH reviewed the conditions of the existing on-site system, and made a recommendation on May 14, 2021, and again on January 19, 2022, for the site to abandon the existing septic system and connect to the City of Pleasanton’s wastewater system. An existing City-owned water main and sanitary sewer main are located directly in front of the affected territory on Amber Lane. The property owners will be responsible for all of the associated costs to connect to the City water and wastewater systems.

Development Potential

The affected territory as proposed is planned for low density residential within the East County Area General Plan of the County of Alameda. The zoning designation is under the County of Alameda’s classification as R-1-L-BE for single family residence with limited agriculture with a minimum lot size of 5,000 square feet. The affected territory has a lot size of 51,836 square feet and as a result of the zoning designation can be further subdivided. The landowners also intend to add additional square footage to the existing single-family residence on the lot.

Analysis

Government Code (G.C.) Section 56133 requires that a city or special district obtain written LAFCO approval prior to extending services by contract or agreement outside of the agency's jurisdictional boundary. This authority supports LAFCO's legislated role to promote orderly growth and development within the region. LAFCO may authorize out of area service agreements only if the proposal is to extend services to the affected territory either:

1. Outside the jurisdictional boundary but within the sphere of influence in anticipation of a later change of organization; or
2. Outside the jurisdictional boundary and outside the SOI in response to an existing or impending documented threat to public health or safety of the affected residents.

The City of Pleasanton has requested approval of the OASA on the premise of addressing a public health and safety threat tied to the failed septic system and private dry well, even though the subject territories are located within the City of Pleasanton's sphere of influence. The County of Alameda's Department of Environmental Health has also provided LAFCO with a letter noticing the potential threat (Attachment 2).

Annexations are the preferred method under LAFCO law to use boundary changes to ensure the relationship between land and service providers, unless local conditions suggest otherwise. The City of Pleasanton indicates in its application that the annexation of the parcel is not feasible at this time due to lack of resident interest and the necessity for infrastructure improvements after the City presented the Commission at its March 9, 2017 meeting, a comprehensive study on Happy Valley Water and Sewer Services. The City prefers to annex the entire territory than on an individual basis.

Staff finds that the local conditions sufficiently justify an OASA as the most responsive means to provide water and wastewater services to the affected territory. Water and wastewater services proposed by the City will not facilitate a change of land use nor will they promote or induce growth on the property or surrounding properties. The City states it has the capacity to serve the affected territory. The proposed service agreement is consistent with LAFCO law and the policies of this Commission in that the subject property is within the City of Pleasanton's sphere of influence and the landowners have consented to annexation upon request by the city.

The Commission does have the authority to also approve the OASA on the condition that the City of Pleasanton submits an annexation application within a specified period of time. Under Government Code Section 56375.5, the statute allows for cities to annex islands through a streamlined process that does not require protest proceedings or elections provided that the island meets special criteria and is 150 acres or less in size. Given that the affected territory is substantially surrounded by the City, and is less than 150 acres, it fits this criteria and could make it easier for the City of Pleasanton to annex the unincorporated island.

Nevertheless, staff does not recommend for the Commission to condition a specified time period for the City to submit an annexation application if the proposed OASA is approved. This is due to the City of Pleasanton's hesitance of approving one-by-one annexations that may miss the chance to fund overall infrastructure improvements in the unincorporated area of Happy Valley. Additionally, the City and County have to come to an agreement regarding the funding of the infrastructure needs set out in the 2017 Happy Valley Water & Sewer Study. Until an agreement has been reached, staff recommends the Commission move forward with the OASA proposal.

Other Mandated Considerations

Environmental Review

The Commission serves as the responsible agency under the California Environmental Quality Act (CEQA) for the proposed OASA. The City has determined the proposal is a project under CEQA, but exempt from further review under Public Resources Code Section 15061(b)(3). This exemption applies to an activity when there is no possibility that the activity in question may have a significant effect on the environment. Staff independently concurs the City has made appropriate determinations.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Adopt the draft resolution (Attachment 3) approving the out of area service agreement of 720 Mockingbird Lane with the City of Pleasanton.

Alternative Two:

Continue consideration of the report to a future meeting and provide direction for more information as needed.

Alternative Three:

Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year unless a request for reconsideration is filed and approved by the Commission within 30 days.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Respectfully,

A handwritten signature in blue ink, appearing to read "Rachel Jones", with a long horizontal flourish extending to the right.

Rachel Jones
Executive Officer

Attachments:

1. Application Materials
2. Letter from County of Alameda Department of Environmental Health
3. Draft Resolution

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April 12, 2022

Rachel Jones
Executive Officer
Alameda LAFCo
Alameda County Administrator's Office
1221 Oak Street, Suite 555
Oakland, CA 94612

**Subject: 720 Mockingbird Lane
APN 949 000600106**

Dear Ms. Jones,

Please find the enclosed an application for Out-of-Area Service request for water and sanitary sewer services for the property located at 720 Mockingbird Lane (APN 949 000600106) in unincorporated Alameda County. Included as part of the application submittal are supporting documents per LAFCo's application submittal checklist and digital files of the application package (PDF files in a flash drive).

If you have any questions regarding the submitted information, please call me at (925) 931-5615, or via email at jsoo@cityofpleasantonca.gov. Thank you in advance for reviewing the application. We'll see you at the LAFCo virtual meeting on May 12, 2022.

Sincerely,

Jenny Soo
Associate Planner

COMMUNITY DEVELOPMENT
www.cityofpleasantonca.gov

P. O. BOX 520 · 200 Old Bernal Avenue
Pleasanton, CA 94566-0802

Planning
(925) 931-5600
Fax: 931-5483

Building & Safety
(925) 931-5300
Fax: 931-5478

Code Enforcement
(925) 931-5620
Fax: 931-5478

Permit Center
(925) 931-5630
Fax: 931-5478

Traffic Engineering
(925) 931-5677
Fax: 931-5483

List of Attachments

720 Mockingbird Lane Out of Area Service (Water and Sanitary Sewer)

1. City of Pleasanton City Council Resolution No. 22-1276 Approving a PreAnnexation Agreement to Provide Water and Sanitary Sewer Connections to 720 Mockingbird Lane
2. PreAnnexation Agreement (2 sets)
3. Vicinity and Sphere of Influence Maps
4. Alameda County Zoning Designation
5. Alameda County East County Area Plan Land Use Designation
6. City of Pleasanton 2005-2025 General Plan Land Use Designation
7. Draft Notice of Exemption
8. Notification Map
9. Notification List (w/2 sets of mailing labels)
10. Financial Disclosure Statement
11. Indemnification Agreement
12. ACDEH Letter
13. March 1, 2022 City of Pleasanton City Council Agenda Report
14. Landowner Consent to Annexation Form

Appendix B3. Out of Area Service Agreement Application (updated 1/2008)
Alameda Local Agency Formation Commission

1. Name and Address of Applicant (must be public agency):

City of Pleasanton

2. Contact Name and Title:

- Brian Dolan, Interim City Manager
Phone: (925) 931-5002
E-Mail: bdolan@cityofpleasantonca.gov
- Ellen Clark, Director of Community Development
Phone: (925) 931-5616
E-Mail: eclark@cityofpleasantonca.gov
- Jenny Soo, Associate Planner
Phone: (925) 931-5615
E-Mail: jsoo@cityofpleasantonca.gov

3. Application Initiated By:

Agency Name: City of Pleasanton
Resolution No.: 22-1276
Date Adopted: March 1, 2022

Submit 1 copy of Resolution of Application (Attachment 1) and 2 copies of proposed out of area service agreement with application (Attachment 2). The PreAnnexation agreement will be signed and recorded after LAFCo's approval.

4. Property Owner and Location of Property to Be Served (List additional owners/properties on separate sheet if necessary)

Name of Property Owners: Kevin Nguyen and Eleanore Yee
Address: 720 Mockingbird Lane
City: Unincorporated Alameda County
State: California 94566

5. Type of Service to Be Provided

Check one or more: ☒ Water ☒ Sewer ☐ Police ☐ Fire ☐ Garbage

6. Description of Property to Be Served

- 6a. Is parcel to be served WITHIN your current Sphere of Influence (SOI)?
☒ Yes ☐ No

- 6b. If Yes, provide (a) general description of property location in relationship to current city/district boundary line and (b) attach a project area map showing parcel/s, district and SOI boundaries.

The subject property is located at 720 Mockingbird Lane in the southeast quadrant of the City of Pleasanton.

Please refer to Attachment 3 for a map of the subject site relative to City boundaries and Sphere of Inference (SOI).

- 6c. If No, provide (a) description of property location in relationship to the SOI boundary, (b) identify other agencies with jurisdiction over area in which property is located, and (c) attach a project area map showing parcel/s, SOI boundary of agency requesting service, and SOI boundary/ies of other agency's that may provide service.

Description: N/A

Other Agencies that could provide service: N/A

- 6d. How is the property currently used?

☒ Residential ☐ Commercial ☐ Agriculture ☐ Vacant/Undeveloped
☐ Church, school, other public use ☐ Industrial ☐ Habitat, Recreation

- 6e. What is current zoning designation?

Alameda County

The Alameda County General Plan designates the site as Low Density Residential within the East County Area Plan and as R1-L-BE Zoning District (Single-Family Zoning District, Uses of a rural nature).

Please see Figure 1 for County Zoning. Please also refer to Attachment 4.

City of Pleasanton

The subject site is within the Happy Valley Specific Plan (HVSP). The HVSP has land use and zoning designation of Planned Use Development – Semi-Rural Density Residential (PUD-SRDR). Please see Figure 2 for County Zoning. Please also refer to Attachment 4.

Figure 1: Alameda County Zoning Designation of the Project Site

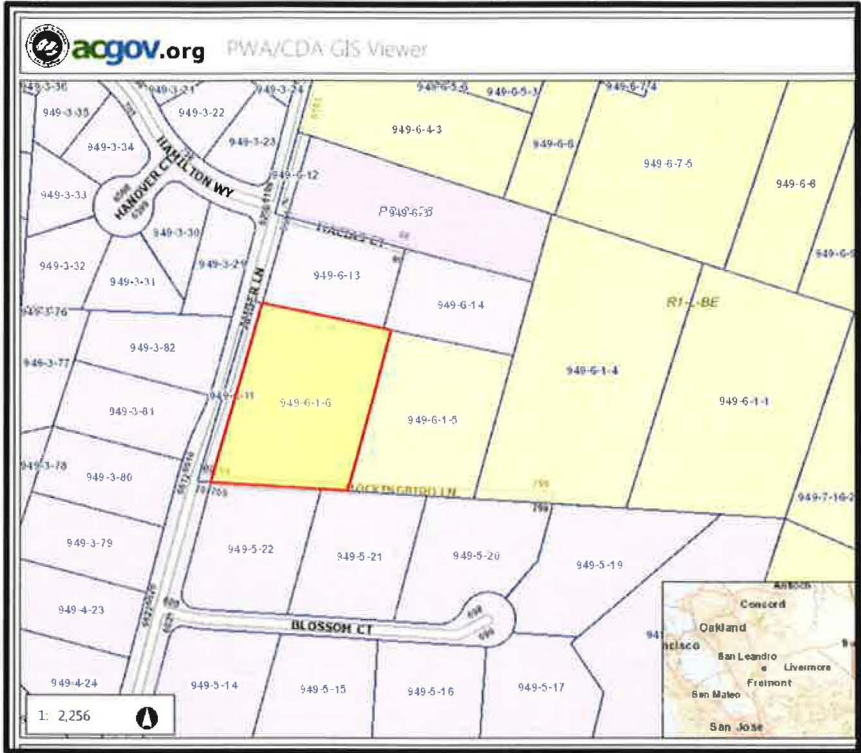
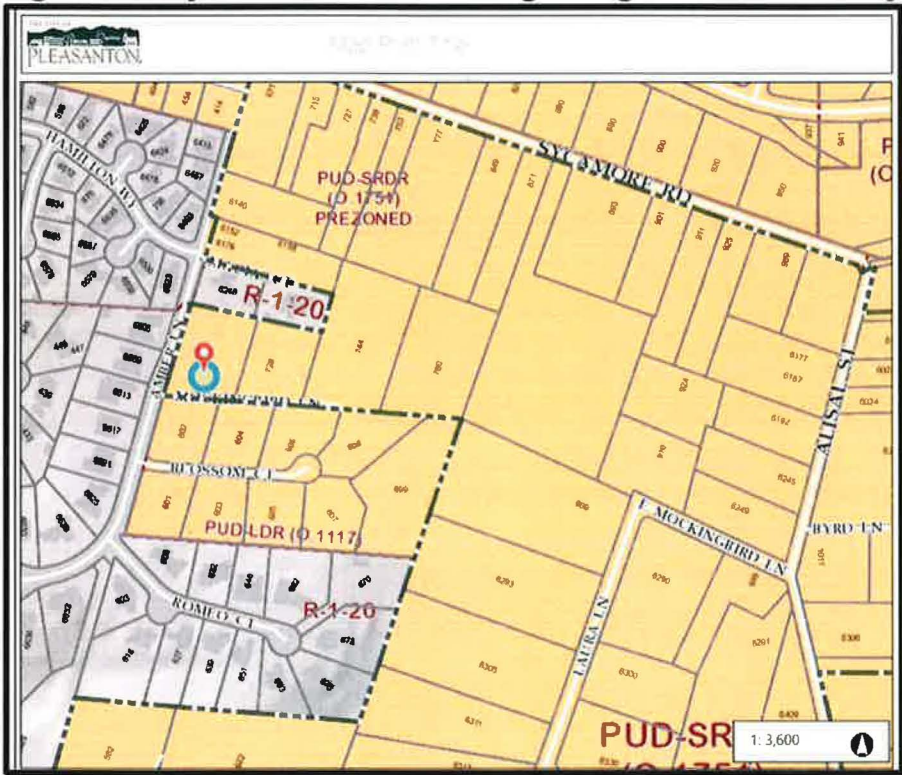


Figure 2: City of Pleasanton Zoning Designation of the Project Site



What is current General Plan?

Alameda County

The Alameda County East County Area Plan designates the site as Low Density Residential within the East County Area Plan. Please see Figure 3. Please also refer to Attachment 5.

City of Pleasanton

The City of Pleasanton 2005-2025 General Plan Land Use Element designates the project site as Low Density Residential, 1 dwelling unit per 2 gross acre. Please see Figure 4. Please also refer to Attachment 6.

Figure 3: Alameda County East County Area Plan Land Use Designation

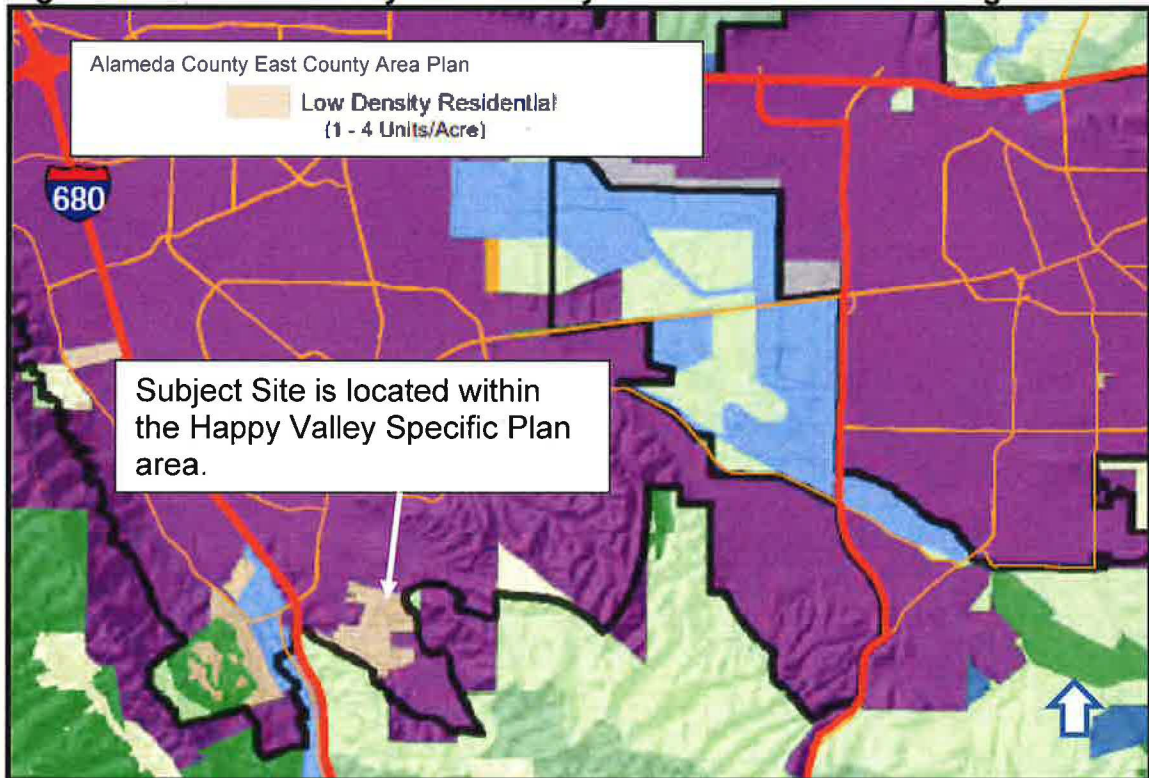
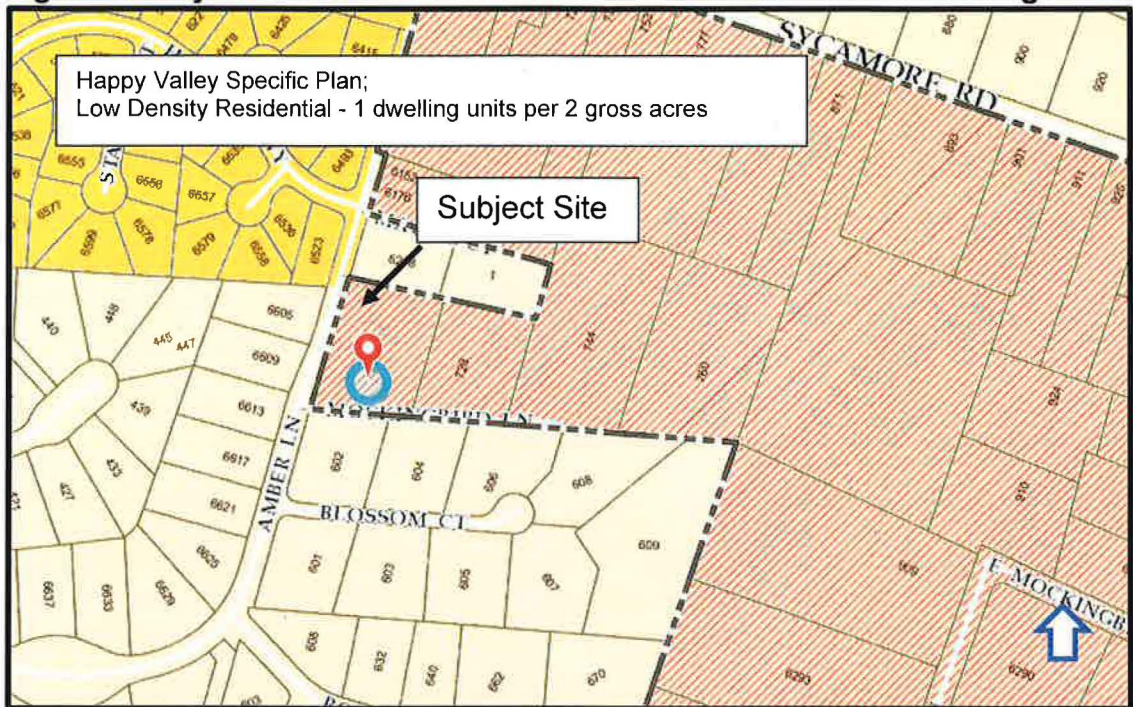


Figure 4: City of Pleasanton 2005-2025 General Plan Land Use Designation



6f. Are there any development or building applications on file that would authorize a different or higher density on the subject property/ies or adjacent property/ies?

No.

If Yes, explain and attach a list of projects and application processing numbers.
N/A

6g. Is property inhabited? ☒ Yes ☐ No If Yes, how many residents?

The subject site is currently occupied by a single-family residence.

6h. Provide the number of existing dwelling units/buildings on the property.

One dwelling/ one accessory structure.

Single family: ☒ Multi-Family: n/a Commercial/Industrial: n/a
Square footage for commercial industrial: n/a

6i. Are there other service contracts/agreements currently in effect to serve this parcel or adjoining parcels? ☒ Yes ☐ No

If Yes, (a) explain and (b) attach 2 copies of other agreements or contracts.

The Pleasanton City Council, at its meeting of March 1, 2022 approved a Pre-Annexation Agreement allowing the subject site to be connected to the City's water and sanitary sewer services if the request for out-of-area service is approved by LAFCo. The Resolution approving the Pre-Annexation agreement is included as Attachment 1. Staff notes, said agreement will be executed and recorded with LAFCO's approval.

6j. Adjacent Land Use

| | Existing Land Uses | Alameda County | | City of Pleasanton | |
|--------------|-------------------------------|--------------------------|-----------------------------------|--------------------------|--------------------|
| | | General Plan Designation | Zoning Designation | General Plan Designation | Zoning Designation |
| North | Residential (City and County) | Low Density Residential | R1-L-BE Single Family Residential | Low Density Residential | PUD-SRDR |
| South | Residential (City) | | | | |
| East | Residential (County) | | | | |
| West | Residential (City) | | | | |

7. Environmental Review

This application is subject to the requirements of the California Environmental Quality Act (CEQA). If CEQA review has already been undertaken by another agency, please provide two copies of the environmental documentation including the Notice of Exemption or Notice of Determination and proof of payment of applicable State Fish and Game Department Fees.

7a. Lead Agency. City of Pleasanton

7b. Responsible Agency/ies. City of Pleasanton

7c. Type of action taken:

X_ Exemption ____ Negative Declaration Environmental Impact Report

After LAFCo's approval, the City will file a Notice of Exemption under Section 15061(b)(3). A copy of the draft NOE is attached as reference (Attachment 7).

7d. Date of Certification/Adoption: Please refer to 7c.

8. Contract Service Issues

- 8a. Explain how services are to be extended, what the costs of extension will be and how the costs will be financed?

Water and sanitary sewer lines are available in front of the property on Amber Lane. Per the agreement with the City, the property owners will be responsible for all costs to connect to the city water and sanitary sewer systems.

- 8b. Will the provision of services be growth inducing? Explain.

The provision of extended water and sanitary sewer infrastructure to an existing single-family residence would not be growth inducing and the system improvements would be sized to serve only one single-family residence.

- 8c. Does the proposed service provider have existing capacity to serve the project site?

Yes. Based on an evaluation by the City of Pleasanton's Engineering and Operation Services Departments, the existing City systems have the capacity to serve the project site.

- 8d. Will existing customers continue to receive the same or higher level of service if this project is approved? Will the same level of service be provided to the project site as other customers receive?

Yes, because the project would not compromise or place substantial new demand on the capacity of the local water and waste water conveyance. As such, existing customers will continue to receive the same level of service if this project is approved, and the same level of service will be provided to the subject site as is received by other customers.

9. Justification for Out of Area Service Agreement (must check one box below)

Pursuant to Government Code Section 56133, this application is submitted (*you must check one*)

- ☒ To address a threat to public health or safety (answer question 9a); or
☐ In anticipation of a future annexation (answer question 9b)

*Unless there is a threat to public health or safety, the jurisdiction must **justify** why a service agreement is being considered instead of an application for annexation.*

9a. Public Health or Safety Condition

- i. Please summarize the nature, extent and duration of the public health or safety emergency (attach additional page(s) if needed) and attach a copy of

certification from appropriate Public Health Officials and any additional information verifying existence of emergency situation.

As part of the request, the property owners submitted an inspection report for the existing septic tank system, prepared by A1 Tank Service dated September 17, 2021. The inspection report states the existing septic system failed flow test and recommends troubleshooting the existing drain field. Staff was informed the property owners purchased the existing three-bedroom residence in 2020 and wish to expand the existing residence for their growing family. After having become aware of the required process to connect to the City's systems, the owners' representative contacted ACDEH for installation of a secondary septic system to support the contemplated expansion. The ACDEH has historically supported conversion of septic systems to connections to sewer systems if they are readily available to the project site. The ACDEH reviewed the conditions of the existing on-site system, and made a recommendation on May 14, 2021 and again on January 19, 2022 for the site to abandon the existing septic system and connect to the City's sanitary sewer system." (see Attachment 12)

City staff conferred with LAFCo staff, who support the requested sanitary sewer connection for health and safety reasons due to the failing septic system and the availability of City sanitary sewer service.

- ii. What alternatives have been explored to mitigate emergency situation in lieu of executing out of agency service agreement?

The Alameda County Department of Environmental Health has reviewed the request. It recommended connection to a municipal sewer system instead of repairing and continuing to use the on-site septic system. LAFCo staff support the connections.

- ii. Is Interim Emergency Approval (expedited review) requested?

☒ Yes ☐ No

9b. Other Special Circumstances

What are other special conditions or unique circumstances that justify use of an out of area service agreement in lieu of filing for annexation? Respond to following (use extra sheet of paper if necessary):

Has annexation been considered? ☒ Yes ☐ No
Why was it found infeasible?

Annexation of the project site would constitute spot annexation; thus, is not supported at this time.

What barriers need to be overcome before filing an annexation application?

Properties that are located between the City boundary and the subject site need to be annexed either prior to, or at the same time, that the subject site is annexed. The property owners have been required to sign a pre-annexation agreement, indicating their willingness for the property be annexed to the City of Pleasanton at such a time as that becomes viable.

How long would the annexation be anticipated to take?

The amount of time is undetermined as other properties would be involved, and the associated property owners would need to request annexation.

Is there a contractual obligation?

The subject site is not located in the Pleasanton Water Township; thus, there is no contractual obligation for the City to provide services.

10. Public Notice, Disclosure, and Other Requirements

- 10a. Provide an 8 ½" X 11" map indicating the project site and identifying all parcels adjacent to and within 300 feet of the project site. Outer boundaries (not adjacent to project site) of large parcels need not be identified. All parcel numbers need to be indicated. (See Appendix E, Exhibit H)

Please see Attachment 8.

- 10b. Provide a list of all parcel numbers within the 300 foot radius and include the name and address of the property owner as of the most recent assessment roll being prepared.

Please see Attachment 9.

- 10c. Provide signed financial disclosure statement/s (See Appendix E, Exhibit C) pursuant to Government Code Section 56700.1.

Please see Attachment 10.

- 10d. Provide one copy of an indemnification agreement (See Appendix E, Exhibit H).

Please see Attachment 11.

- 10e. Provide two sets of original mailing labels that separately identify applicants, affected agencies, school districts, registered voters and landowners on project site, property owners within 300 feet of project site, and any other party to which notification must be provided. Labels must be current and complete and in Avery 5160 format.

Two sets of mailing labels are enclosed.

11. Final Comments

11a. List any conditions LAFCo should include in its resolution for approval.

The City would request that all conditions of approval set forth in Council No. 22-1276 be included. Please refer to Attachment 1.

11b. Provide any other comments or justifications regarding the proposal from any affected local agency, landowner or resident.

None.

11c. Enclose all pertinent staff reports and supporting documentation related to this proposal. Note any changes in the approved project that are not reflected in these materials.

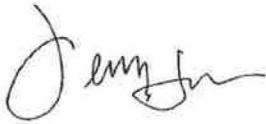
Attachment 13 includes the Pleasanton City Council Agenda Report dated March 1, 2022 for consideration of the preannexation agreement for the subject property. Attachment 14 is the Landowner Consent to Annexation form.

12. Certification

I hereby certify that the above information and accompanying documents are true and correct to the best of my knowledge. I hereby agree to pay all required filing and processing fees as may be needed to complete this application. Further, I understand that LAFCo will not process an incomplete application and that LAFCo's adopted Procedures require that specific documentation be submitted as part of this application.

Jenny Soo, Associate Planner, City of Pleasanton

Name of Applicant's Authorized Representative



Signature of Applicant's Authorized Representative

April 4, 2022

Date

RESOLUTION NO. 22-1276

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING A PREANNEXATION AGREEMENT TO PROVIDE WATER AND SANITARY SEWER CONNECTIONS FOR 720 MOCKINGBIRD LANE AND AUTHORIZING AN APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION FOR AN OUT-OF-AREA SERVICE AGREEMENT

WHEREAS, at the meeting of March 1, 2022, the City Council received a report from the Director of Community Development regarding the request from Kevin Nguyen and Eleanore Yee for water and sanitary sewer connections to an existing residence located at 720 Mockingbird Lane in the unincorporated Happy Valley area of Alameda County; and

WHEREAS, Cal. Government Code §56133 requires that a city make an application to the Local Agency Formation Commission (LAFCo) for an Out-of-Area Service Agreement before connecting any property outside the city limits to city water and sanitary sewer services; and

WHEREAS, the request meets the criteria for out-of-area services prior to annexation due to: the property being located within the City's sphere of influence, the failure of the existing septic system, and the owners' consent to enter into an agreement which meet the City's interests; and

WHEREAS, the request additionally meets the criteria for the provision of out-of-area water and sanitary sewer services prior to annexation as the property owners agree to: a) pay sanitary sewer connection fees; b) pay all costs associated with making physical connections to City water and sanitary sewer systems in a manner consistent with City standards in the determination of the City Engineer or designee; c) abandon the existing septic system on the property; d) pay pro-rata share of previously constructed City water and sanitary sewer infrastructures in Happy Valley; e) pay pro-rata share of future frontage improvements along the property if the County or City in the future undertake public street frontage improvements (including, but not limited to, curb, gutter/stormdrain system, sidewalk, street lights, etc.); f) agree to (or vote in favor if) any future proposed annexation of the property to the City; g) obtain City design review approval for any future addition or alteration to the property requiring a building permit from the County; h) agree to not subdivide the property; i) pay all City and County processing fees for LAFCo; receive approval from LAFCO; and (j) receive approval from the Livermore Amador Valley Water Management Agency (LAVWMA), as applicable.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:

SECTION 1. That this request is categorically exempt from review under the California Environmental Quality Act pursuant to Title 14 California Code of Regulations §15303(d) for new sewage extension.

SECTION 2. Approves the request for water and sanitary sewer service connections to the property at 720 Mockingbird Lane, which connections are conditioned on LAFCo approval, and authorizes the City Manager to execute a Preannexation Agreement with Kevin Nguyen and Eleanore Yee in generally the form shown in the attached Exhibit A, subject to minor modifications approved by the City Manager and City Attorney.

SECTION 3. Authorizes staff to coordinate with the property owners and Alameda County to file an application with LAFCo for its consideration of an Out-of-Area Service Agreement

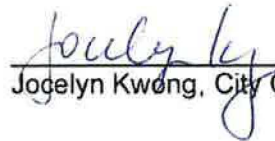
for the City to provide water and sanitary sewer services to the existing residence located at 720 Mockingbird Lane after receipt of the requisite filing fees.

SECTION 4. This resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on March 1, 2022.

I, Jocelyn Kwong, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 1st day of March 2022, by the following vote:

Ayes: Councilmembers Arkin, Balch, Narum, Testa, Mayor Brown
Noes: None
Absent: None
Abstain: None


Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:



Daniel G. Sodergren, City Attorney

RECORDING REQUESTED BY and
When Recorded, Return to:

Office of the City Clerk
City of Pleasanton
P.O. Box 520
Pleasanton, CA 94566

Recording requested Pursuant to
Government Code Sections
27383 & 6103

PREANNEXATION AND PROVISION OF WATER AND SEWERAGE FACILITY AND SERVICE AGREEMENT

This Preannexation and Provision of Water and Sewerage Facility and Service Agreement (the "Agreement") is made _____, 2022 between the City of Pleasanton, a municipal corporation (the "City") and Kevin Nguyen and Eleanore Yee (the "Owners").

RECITALS

A. Owners are the owner of certain real property commonly known as 720 Mockingbird Lane (APN 949-6-1-6), Pleasanton, CA, and more particularly described in Exhibit A (the "Property") and incorporated by this reference.

B. Owners wish to connect the existing home on the Property to the City's water system, even though the Property is located in the unincorporated area of Alameda County and not within the corporate limits of the City of Pleasanton.

C. Owners wish to remove the existing septic system on the Property and instead connect the existing home on the Property to the City's sanitary sewer system, even though the Property is located in the unincorporated area of Alameda County and not within the corporate limits of the City of Pleasanton.

D. Generally, City policy requires property to be annexed prior to extending City utility services.

E. Owners are willing to annex the Property to the City in the future either as part of a larger annexation or as part of a smaller annexation involving other property contiguous to the City.

F. City is willing to extend its water and sanitary sewer services to the Property only if there are assurances that the Property will not be further subdivided without City approval, any new residence and any future additions to structures on the Property are subject to City review and approval of the design, Owners will construct frontage improvements when the City or Alameda County proceed with such work, Owners pay all required fees, and approvals from other agencies are received.

NOW, THEREFORE, in consideration of the mutual covenants and conditions in this Agreement, City and Owner agrees as follows:

1. Water and Sanitary Sewer Service. Owner may connect the existing residence on the Property to the City's water and sanitary sewer systems prior to the City's annexation of the Property upon the satisfaction of all of the following conditions:

(a) Owners shall pay applicable Dublin San Ramon Services District (DSRSD) and City water and sanitary sewer connection fees.

(b) Owners shall connect to City water and sanitary sewer services in a manner consistent with City standards in the determination of the City Engineer or designee.

(c) Owners shall abandon the septic system on the Property in accordance with the requirements of the Alameda County Department of Environmental Health, and any other regulatory agencies, and shall provide the City a copy of such County and/or other regulatory agency approval upon City request.

(d) Owners shall pay a pro-rata share of previously constructed City water and sanitary sewer infrastructures in Happy Valley.

(e) Owners shall pay a pro-rata share of future frontage improvements along the Property if the County or City in the future undertake public street frontage improvements (including, but not limited to, curb, gutter/storm drain system, sidewalk, street lights, etc.).

(f) Owners acknowledge that Owners, via City as applicant, must receive approval from the Alameda County Local Agency Formation Commission (LAFCo), as well as pay all fees related to LAFCo for an application for the extension of sanitary sewer service to the Property.

(g) Owners acknowledge that Owner may be required to receive approval from the Livermore-Amador Valley Water Management Agency (LAVWMA) for the extension of sanitary sewer service to the Property. If such approval is required, Owner agrees to pay all fees related to any such LAVWMA application.

2. Agreement to Annex. Owners shall consent to annexation of the Property to the City of Pleasanton at such time as the City may require. This Agreement, State and County laws, and City ordinances and resolutions shall control the responsibilities of both parties at the time of annexation. Owners shall cooperate with City in the annexation of the Property, whether as part of a larger area or as part of a smaller area; Owners expressly waives the right to protest said annexation and shall agree to do no act calculated or tending to prevent, impede, or defeat the successful annexation of the Property. More specifically, by signing this Agreement, Owners acknowledge and agree that if: (a) any annexation is subject to an election, the Owner deems Owner's vote as counted as a vote

in favor of annexation; or (b) Owner shall sign as consenting to any annexation application if annexation is for a smaller area.

3. No Further Subdivision. Owners shall not subdivide the Property without the prior approval of the City, unless preempted by State law.

4. Subdivision Created by State Law. Owners acknowledge this Agreement does not grant utility connection for a subdivision created by State law. A separate City approval of an out of area service agreement shall be required for any new lots on the Property prior to such new lots connecting to City's water or sanitary sewerage facilities.

5. Design Review Approval. Owners shall submit any future plans for the development of the Property to the City for the City's review and approval. Assuming the Property is still in the unincorporated area of Alameda County at the time the Owners intend to apply for a building permit for the Property, Owners shall neither apply for nor obtain a building permit from the County of Alameda unless and until City has approved the design of the plans for any proposed redevelopment, additions, and new construction on the Property, excepting an accessory dwelling unit which shall not be subject to City design review.

6. Bonded Debt. Owners consent that, upon annexation of the Property to the City, said Property shall be taxed to pay their share of existing bonded indebtedness of City. This Agreement shall serve as such consent, and a copy shall be filed with Treasurer-Tax Collector of Alameda County, if evidence of such consent is required.

7. Benefit or Assessment Districts. Owners shall cooperate with City in the formation of any mutual benefit districts or assessment districts which City deems necessary for the installation of public improvements serving, in whole or in part, the Property, whether such districts are formed at the time of annexation or some time in the future. In this regard, Owners waive their right to protest the formation of any of said districts and shall do no act calculated or tending to prevent, impede, or defeat the successful formation thereof; provided, however, that this waiver is not intended, nor shall it be construed, to affect or limit the rights of the Owners to participate in the hearings and/or other aspects of the district formation proceedings to the extent necessary and appropriate to protect and further the Owners' interest or the public interests so long as said action does not tend to prevent or defeat the formation of the districts.

8. Covenants Running with the Land. All of the provisions contained in this Agreement shall be binding upon the Owners and Owners' respective heirs, successors and assigns, representatives, lessees, and all other persons acquiring all or a portion of the Property, or any interest therein, whether by operation of law or in any manner whatsoever. All of the provisions contained in this Agreement shall be enforceable as equitable servitudes and shall constitute covenants running with the land pursuant to California law including, without limitation, California Civil Code §1468.

9. Recording. The execution of this Agreement shall be acknowledged before a Notary Public, and the Agreement shall be recorded with the Recorder of Alameda County.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day set forth above.

CITY OF PLEASANTON

**OWNERS – Kevin C. Nguyen &
Eleanore M. Yee, TRS**

Brian Dolan, Interim City Manager

Kevin C. Nguyen

Eleanore M. Yee

ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

RECORDING REQUESTED BY and
When Recorded, Return to:

Office of the City Clerk
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E. Owners are willing to annex the Property to the City in the future either as part of a larger annexation or as part of a smaller annexation involving other property contiguous to the City.

F. City is willing to extend its water and sanitary sewer services to the Property only if there are assurances that the Property will not be further subdivided without City approval, any new residence and any future additions to structures on the Property are subject to City review and approval of the design, Owners will construct frontage improvements when the City or Alameda County proceed with such work, Owners pay all required fees, and approvals from other agencies are received.

NOW, THEREFORE, in consideration of the mutual covenants and conditions in this Agreement, City and Owner agrees as follows:

1. Water and Sanitary Sewer Service. Owner may connect the existing residence on the Property to the City's water and sanitary sewer systems prior to the City's annexation of the Property upon the satisfaction of all of the following conditions:

(a) Owners shall pay applicable Dublin San Ramon Services District (DSRSD) and City water and sanitary sewer connection fees.

(b) Owners shall connect to City water and sanitary sewer services in a manner consistent with City standards in the determination of the City Engineer or designee.

(c) Owners shall abandon the septic system on the Property in accordance with the requirements of the Alameda County Department of Environmental Health, and any other regulatory agencies, and shall provide the City a copy of such County and/or other regulatory agency approval upon City request.

(d) Owners shall pay a pro-rata share of previously constructed City water and sanitary sewer infrastructures in Happy Valley.

(e) Owners shall pay a pro-rata share of future frontage improvements along the Property if the County or City in the future undertake public street frontage improvements (including, but not limited to, curb, gutter/storm drain system, sidewalk, street lights, etc.).

(f) Owners acknowledge that Owners, via City as applicant, must receive approval from the Alameda County Local Agency Formation Commission (LAFCo), as well as pay all fees related to LAFCo for an application for the extension of sanitary sewer service to the Property.

(g) Owners acknowledge that Owner may be required to receive approval from the Livermore-Amador Valley Water Management Agency (LAVWMA) for the extension of sanitary sewer service to the Property. If such approval is required, Owner agrees to pay all fees related to any such LAVWMA application.

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in favor of annexation; or (b) Owner shall sign as consenting to any annexation application if annexation is for a smaller area.

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4. Subdivision Created by State Law. Owners acknowledge this Agreement does not grant utility connection for a subdivision created by State law. A separate City approval of an out of area service agreement shall be required for any new lots on the Property prior to such new lots connecting to City's water or sanitary sewerage facilities.

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6. Bonded Debt. Owners consent that, upon annexation of the Property to the City, said Property shall be taxed to pay their share of existing bonded indebtedness of City. This Agreement shall serve as such consent, and a copy shall be filed with Treasurer-Tax Collector of Alameda County, if evidence of such consent is required.

7. Benefit or Assessment Districts. Owners shall cooperate with City in the formation of any mutual benefit districts or assessment districts which City deems necessary for the installation of public improvements serving, in whole or in part, the Property, whether such districts are formed at the time of annexation or some time in the future. In this regard, Owners waive their right to protest the formation of any of said districts and shall do no act calculated or tending to prevent, impede, or defeat the successful formation thereof; provided, however, that this waiver is not intended, nor shall it be construed, to affect or limit the rights of the Owners to participate in the hearings and/or other aspects of the district formation proceedings to the extent necessary and appropriate to protect and further the Owners' interest or the public interests so long as said action does not tend to prevent or defeat the formation of the districts.

8. Covenants Running with the Land. All of the provisions contained in this Agreement shall be binding upon the Owners and Owners' respective heirs, successors and assigns, representatives, lessees, and all other persons acquiring all or a portion of the Property, or any interest therein, whether by operation of law or in any manner whatsoever. All of the provisions contained in this Agreement shall be enforceable as equitable servitudes and shall constitute covenants running with the land pursuant to California law including, without limitation, California Civil Code §1468.

9. Recording. The execution of this Agreement shall be acknowledged before a Notary Public, and the Agreement shall be recorded with the Recorder of Alameda County.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day set forth above.

CITY OF PLEASANTON

**OWNERS – Kevin C. Nguyen &
Eleanore M. Yee, TRS**

Brian Dolan, Interim City Manager

Kevin C. Nguyen

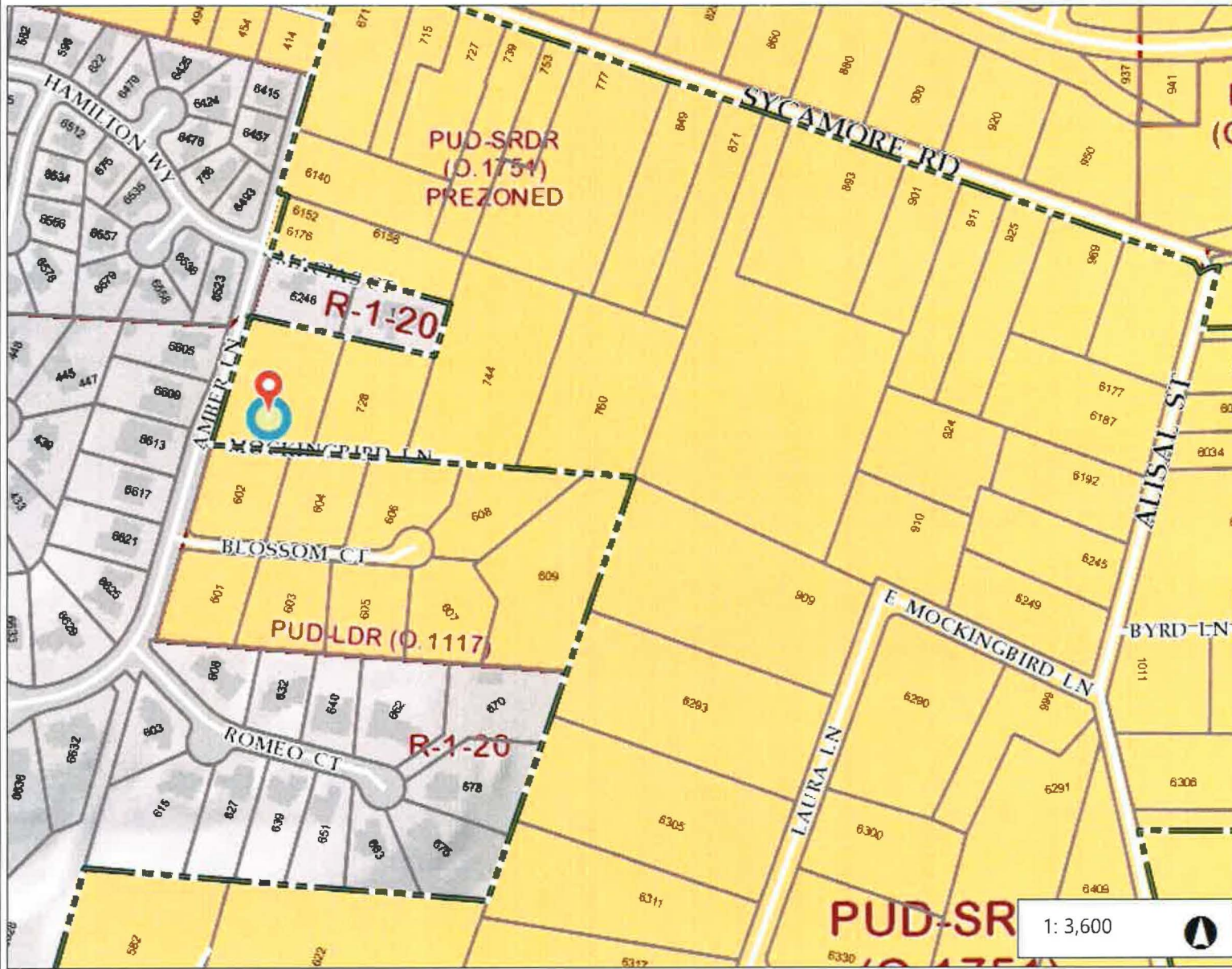
Eleanore M. Yee

ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney



Legend

- Fire Station
- School
- Park

Notes

Notes

600.0 0 300.00 600.0 Feet

NAD_1983_2011_StatePlane_California_III_FIPS_0403_Ft_US
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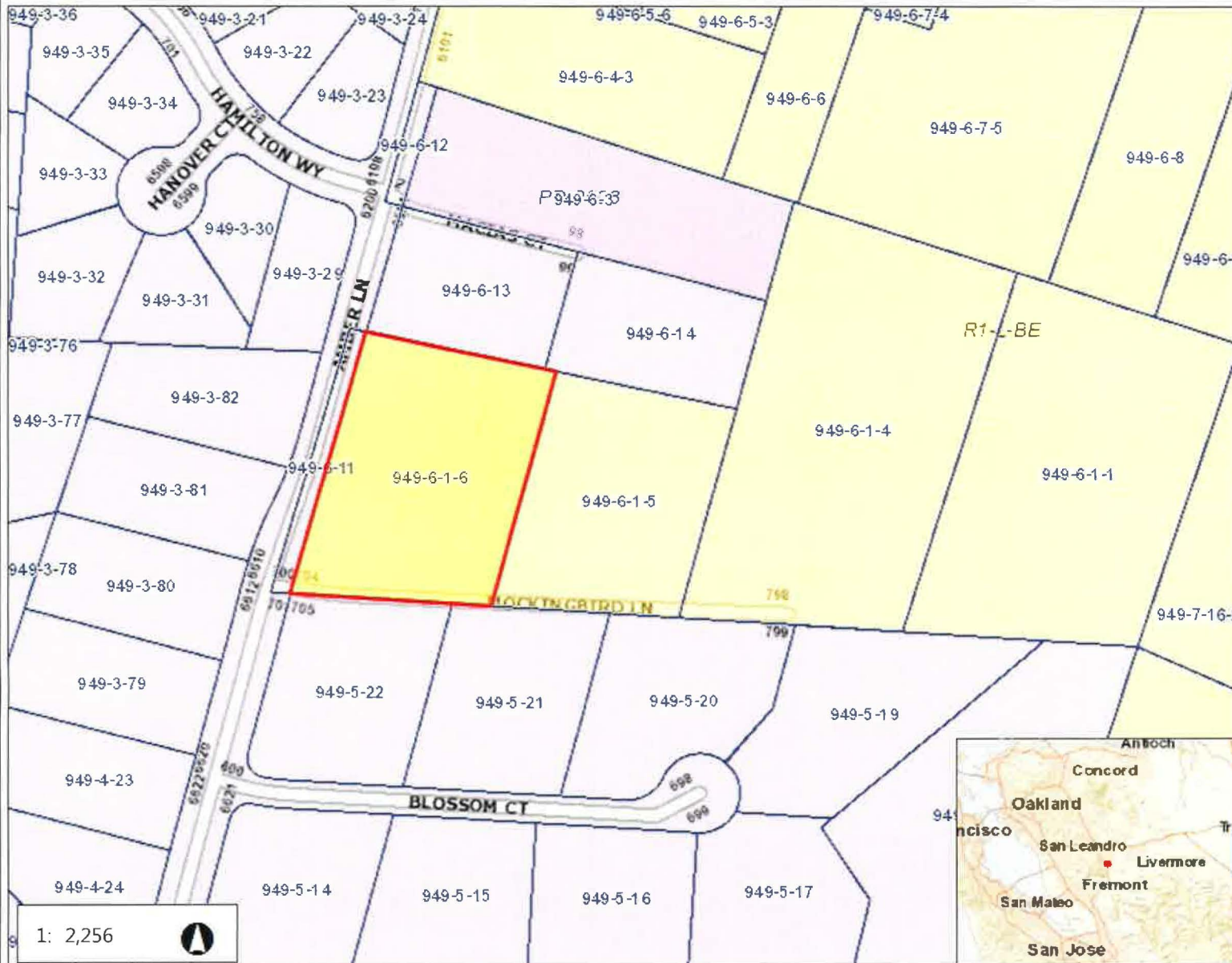
THIS MAP IS NOT TO BE USED FOR NAVIGATION



acgov.org

PWA/CDA GIS Viewer

Attachment 4



Legend

Parcels

Zones

A

AC-BC

AC-CMU-C

AC-CMU-R

AC-CN

AC-CN-C

AC-DC

AC-DMU

AC-OS

AC-P

AC-R1

AC-R2

AC-R3

C1

C2

CN

CO

H1

HP

M1

M2

MU

PD

R1

R2

R3

R4

RPD-2

RPD-7

RS

S01

S02

Notes

6/23/2021 11:29 AM

1: 2,256



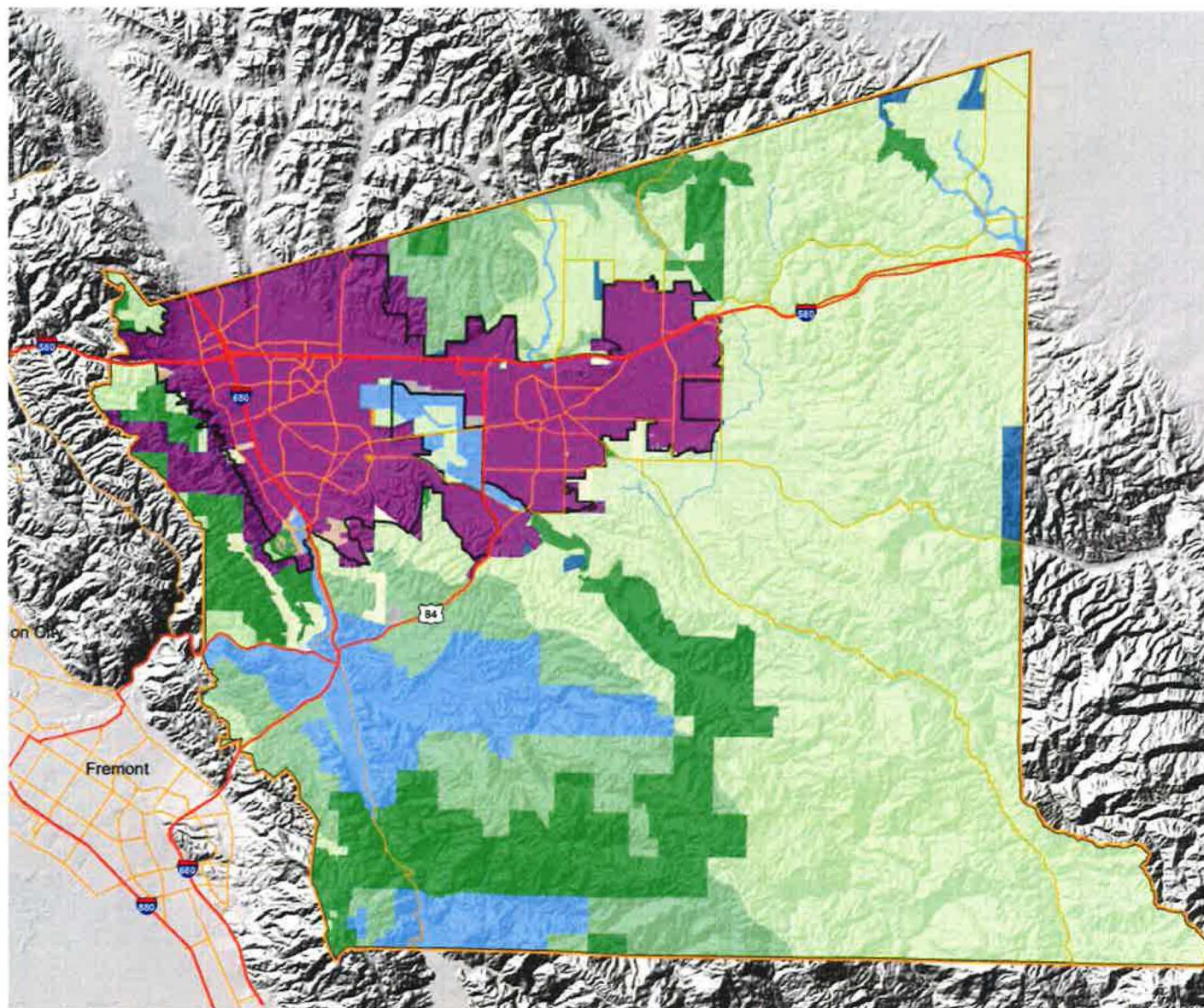
376.0 0 188.00 376.0 Feet

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© Alameda County

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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East County Area Plan

Land Use Diagram

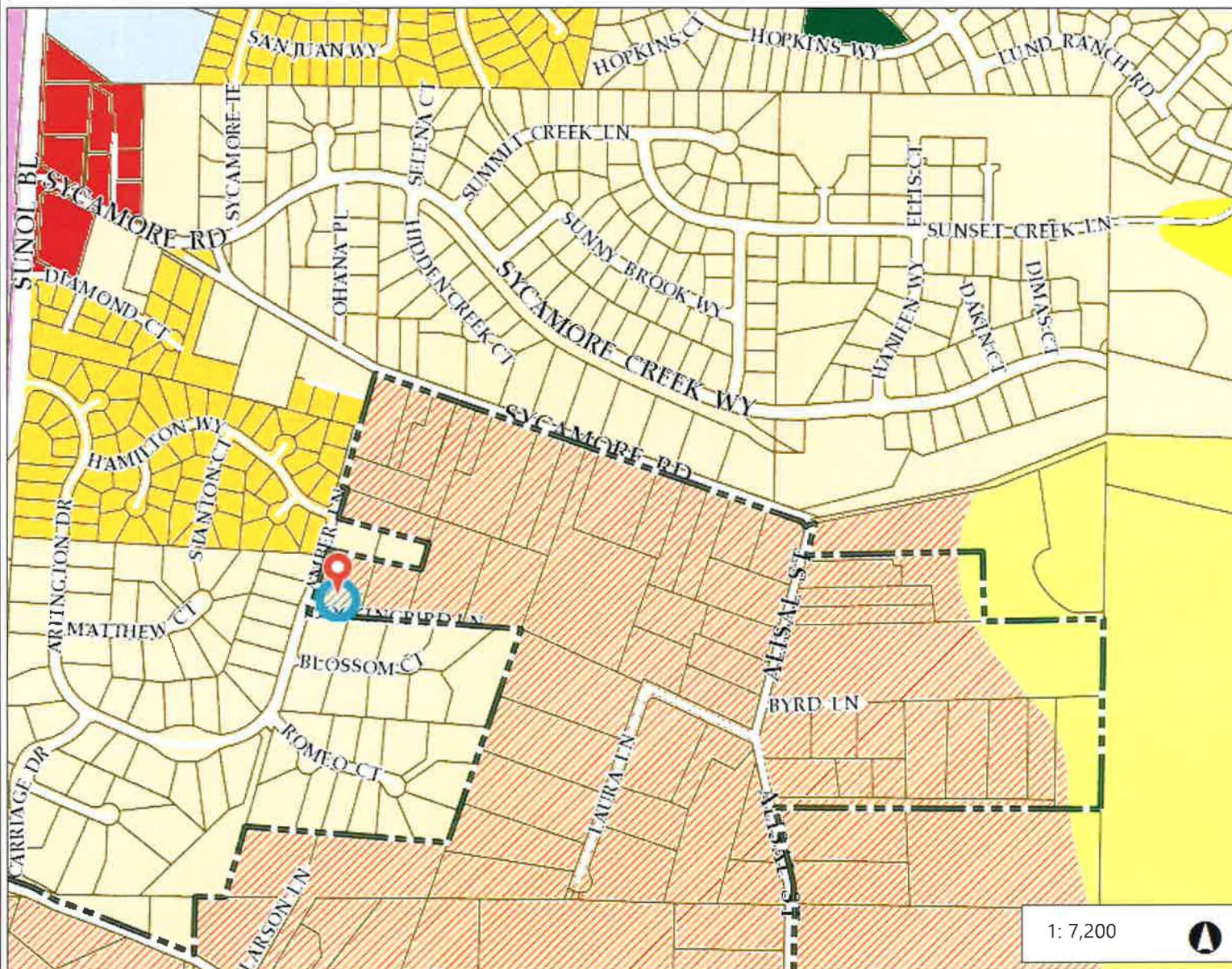
Legend

- Highway
- Major Roads
- Lands Within City Limits
- Urban Growth Boundary
- ECAP Boundary
- Land Use**
 - Rural Density Residential (Maximum 1 Unit/5 Acres)
 - Low Density Residential (1 - 4 Units/Acre)
 - Medium Density Residential (4.1 - 8 Units/Acre)
 - Downtown Sunol
 - Industrial
 - Mixed Use
 - Parklands
 - Resource Management
 - Large Parcel Agriculture
 - Major Public
 - Water Management

0 0.5 1 2 3 Miles



Alameda County Community Development Agency, October 2015



Legend

- Fire Station
- School
- Park
- Parcels
- General Plan Land Use**
 - RURAL DENSITY
 - LOW DENSITY
 - LOW DENSITY 1 DWELLING PER
 - MEDIUM DENSITY
 - MEDIUM & HIGH DENSITY
 - Residential, High Density
 - SAND AND GRAVEL HARVESTING
 - COMMERCIAL
 - GENERAL AND LIMITED INDUSTRIAL
 - BUSINESS PARK
 - LAKE-SAND AND GRAVEL HARVESTING
 - SCHOOLS
 - PUBLIC AND INSTITUTIONAL
 - MIXED USE
 - Mixed Use, Mixed Use Business Park
 - PARKS AND RECREATION
 - AGRICULTURE AND GRAZING
 - PUBLIC HEALTH AND SAFETY
 - WILDLAND OVERLAY
 - WATER MANAGEMENT & RECREATION
 - BART STATION

Notes

City of Pleasanton
Happy Valley Specific Plan - Low Density
Residential - 1 du/2 gross acre

1,200.0 0 600.00 1,200.0 Feet

NAD_1983_2011_StatePlane_California_III_FIPS_0403_Ft_US
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***ENVIRONMENTAL DECLARATION**

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

LEAD AGENCY NAME AND ADDRESS

City of Pleasanton
P.O. Box 520
Pleasanton, CA 94566

FOR COUNTY CLERK USE ONLY

FILE NO: _____

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:
(PLEASE MARK ONLY ONE CLASSIFICATION)

1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION☒ A - STATUTORILY OR CATEGORICALLY EXEMPT

\$ 50.00 - COUNTY CLERK HANDLING FEE

2. NOTICE OF DETERMINATION (NOD)☐ A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

\$ 2,548.00 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

☐ B - ENVIRONMENTAL IMPACT REPORT (EIR)

\$ 3,539.25 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

3. OTHER: _____

*****A COPY OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH EACH COPY OF AN ENVIRONMENTAL DECLARATION BEING FILED WITH THE ALAMEDA COUNTY CLERK.*****

BY MAIL FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND TWO (2) SELF-ADDRESSED ENVELOPES.

IN PERSON FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND ONE (1) SELF-ADDRESSED ENVELOPES.

ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING.

FEES ARE EFFECTIVE JANUARY 1, 2022

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Alameda

1106 Madison Street

Oakland, CA 94607

From: (Public Agency): City of Pleasanton

P.O. Box 520

Pleasanton, CA 94566

(Address)

Project Title: Out of Area Service Agreement

Project Applicant: City of Pleasanton

Project Location - Specific:
720 Mockingbird Lane

Project Location - City: unincorporated Alameda C Project Location - County: Alameda

Description of Nature, Purpose and Beneficiaries of Project:

Application requesting connections of the existing residence to the City of Pleasanton water and sanitary sewer systems.

Name of Public Agency Approving Project: City of Pleaanton

Name of Person or Agency Carrying Out Project: Jenny Soo

Exempt Status: (check one):

☐ Ministerial (Sec. 21080(b)(1); 15268);

☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));

☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

☒ Categorical Exemption. State type and section number: Section 15061(b)(3)

☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The Alameda County Department of Environmental Health has reviewed the request and determined that continued use of the existing on-site septic system has a potential to create a public health and safety hazard. It recommended the project site be connected to a municipal sewer system. The City water system is readily available at the project site. This is a "common sense exemption" and is supported by Alameda LAFCo.

Lead Agency

Contact Person: Jenny Soo

Area Code/Telephone/Extension: 925-931-5615

If filed by applicant:

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: 

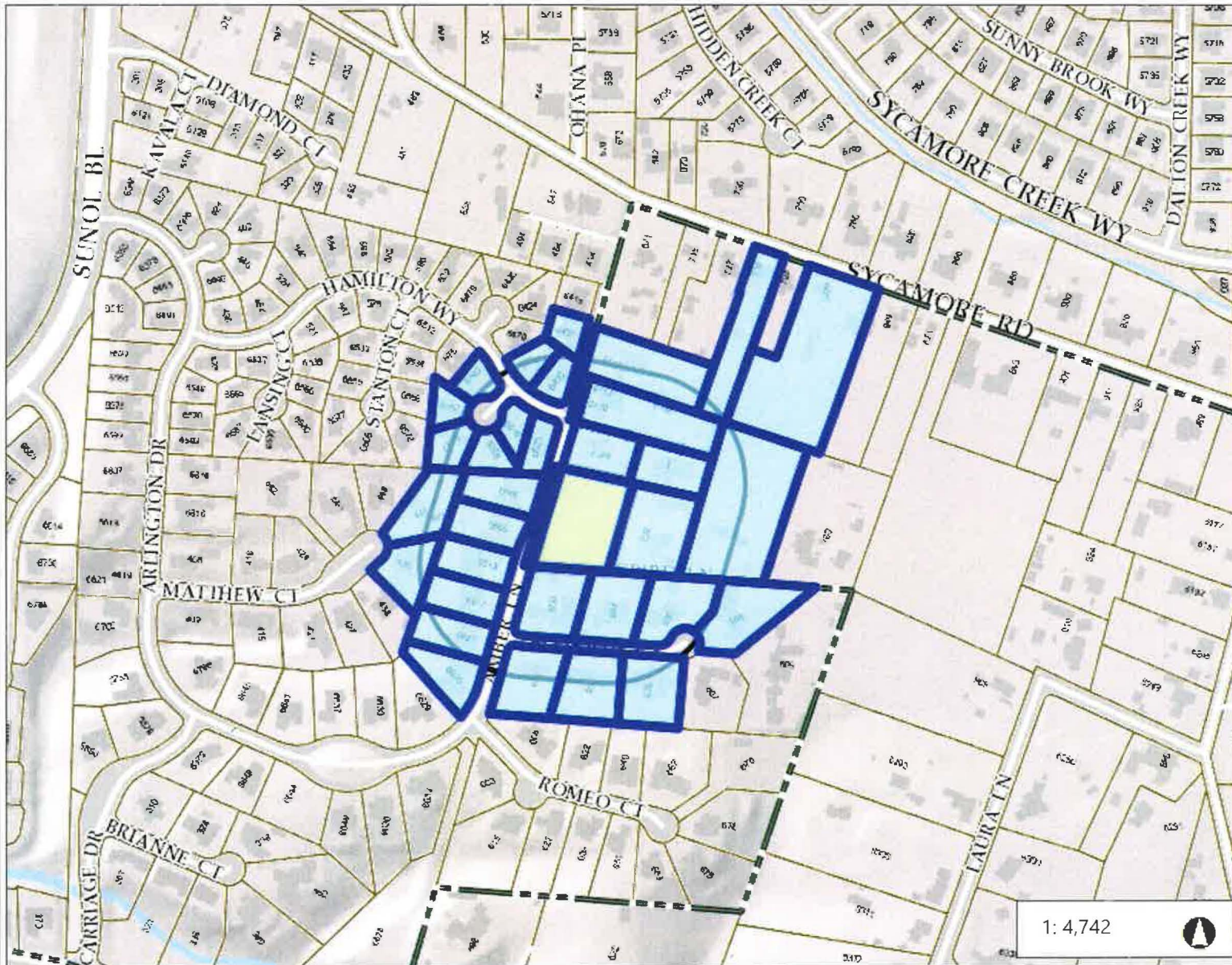
Date: 4.12.22

Title: Associate Planner

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____



Legend

- Fire Station
- School
- Park
- Parcels

Notes

Notes

790.4 0 395.19 790.4 Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Attachment 9

OCCUPANT
756 Hamilton Way
Pleasanton, CA 94566
DANOPOULOS ANDREW & BARLAAN SYLVIA
6579 Hanover Ct
Pleasanton, CA 94566

ZALEWSKI CAROLYN A & ANDREW J
6617 Amber Ln
Pleasanton, CA 94566

NEJAD AZITA & MAHER
601 Blossom Ct
Pleasanton, CA 94566
IANNACCONE IVAN P & PELLEGRINI GLORIA TRS
602 Blossom Ct
Pleasanton, CA 94566

OCCUPANT
6158 Amber Ln
Pleasanton, CA 94566
SMITH JOHN E & JANET H TRS
6030 E San Cristobal St
Tucson, AZ 85715

SWEETNAM DONALD R & ELIZABETH C TRS
6457 Amber Ln
Pleasanton, CA 94566

FERRY RICHARD A & STARLETT A TRS
6535 Hanover Ct
Pleasanton, CA 94566

LAHR GINA M & TRUELOVE BILLY R
6609 Amber Ln
Pleasanton, CA 94566

PETERSON JOSEPH L & REGINA K TRS
605 Blossom Ct
Pleasanton, CA 94566

OCCUPANT
744 Mockingbird Ln
Pleasanton, CA 94566

MCKEWON RICHARD R & SYLVIA L TRS
739 Sycamore Rd
Pleasanton, CA 94566

KNABENSHUE BRIAN H & ELIZABETH C
1 Macias Ct
Pleasanton, CA 94566

OROURKE JANIS H & MICHAEL J TRS
6536 Hanover Ct
Pleasanton, CA 94566

OCCUPANT
447 Matthew Ct
Pleasanton, CA 94566

PAULSON JAMES K & MARIANNE
6621 Amber Ln
Pleasanton, CA 94566

GERLACH THEODORE J & JODI A TRS
606 Blossom Ct
Pleasanton, CA 94566

NGUYEN KEVIN C & YEE ELEANORE M TRS
720 Mockingbird Ln
Pleasanton, CA 94566

CITY OF PLEASANTON
PO Box 520
Pleasanton, CA 94566

Exhibit C - Financial Disclosure Statement

Local Agency Formation Commission of Alameda County
FINANCIAL DISCLOSURE STATEMENT

Consistent with the requirements of the State of California Fair Political Practices Commission, each applicant or their agent must complete and submit this Statement of Disclosure form with any application that requires discretionary action by Alameda LAFCo (Government Code Section 84308 of the Political Reform Act).

Person is defined as: "Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit."

1. List the names of all persons having any ownership interest in the property involved or any financial interest in the application.

Kevin C. Nguyen, Husband
Eleanore M. Yee, Wife

2. If any person identified pursuant to #1 is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

3. If any person identified pursuant to #1 is a non-profit organization or a trust, list the names of any person serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

4. Has any person identified pursuant to #1 had \$250 or more worth of business transacted with any Commissioner or Alternate or Commission staff person within the past 12 months? Yes / No No

If "Yes", please indicate person's name/s: _____

5. Has any person identified pursuant to #1, or his or her agent, contributed \$250 or more to any Commissioner or Alternate within the past 12 months?

Yes ☐ No ☒

If Yes, please indicate person(s) or agent(s) making contribution:

and name/s of Commissioner(s)/Alternate(s) receiving contribution:

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Name/Title and Number of Application (Please print or type)

Name of Applicant (Please print or type)

Signature of Applicant

9/17/2020
Date

Signature of Applicant

9/17/2020
Date

Signature of Applicant

Date

Signature of Applicant

Date

Exhibit H - Sample Indemnification Agreement**Indemnification Agreement**

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the Alameda Local Agency Formation Commission, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of, or in connection with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the Alameda Local Agency Formation Commission, its agents, officers, attorneys, and employees.

Executed at Palo Alto, California on the 24th day of September 2020

Applicant

By: Dixon Yee

Title: Chief Petitioner

Mailing Address: 3091 Bryant St
Palo Alto, CA 94306

REAL PARTY IN INTEREST
(If Different From Applicant)

By: Eleanore Yee and Kevin Nguyen

Title: Owners of 720 Mockingbird Lane, Pleasanton

Mailing Address: 1493 Como Drive
Manteca, CA 95337

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
COLLEEN CHAWLA, Director



Department of Environmental Health
Onsite Wastewater Treatment Program
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

January 19, 2022

Rachel Jones, Executive Officer
Alameda Local Agency Formation Commission
(Sent via E-mail to: Rachel.Jones@acgov.org)

Subject: Recommendation for Connection to City Sewer and Abandonment of Existing
Onsite Wastewater Treatment System (OWTS) at
720 Mockingbird Ln, Pleasanton, CA (APN: 949-6-1-6)

Dear Rachel Jones:

On May 3, 2021, Alameda County Department of Environmental Health (ACDEH) Onsite Wastewater Treatment System (OWTS) Program was informed that the subject property is within 200 feet of a City of Pleasanton Sewer main and that the property owner wishes to connect to this sewer main. This property is located within the Zone 7 Water Agency's Areas of Concern for high groundwater nitrate concentrations.

The County of Alameda Onsite Wastewater Treatment System Ordinance (Chapter 15.18, Section 15.18.060 – Connection to Public Sewer) indicates that every building or other structure having plumbing for wastewater drainage, or which creates, collects or stores wastewater must have a connection to a public sewer, except where there is no public sewer available within 200 feet from any proposed building or exterior drainage facility. Per ACDEH's records, there appears to be an existing City of Pleasanton sewer main that passes in front of the subject property.

Based on this information, ACDEH recommends that this site be considered for an Out of Area Service Agreement by the Alameda Local Agency Formation Commission so that the subject property may connect to the City of Pleasanton Sewer. This recommendation is contingent upon the following conditions:

- Following connection to city sewer, all existing OWTS on the site must be abandoned with an OWTS Abandonment Permit from ACDEH.

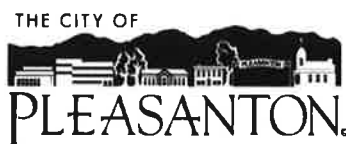
Should you have any questions or concerns regarding this correspondence, please send me an electronic email message at natali.colom@acgov.org.

Sincerely,

Natali Colom Cruz

Natali Colom Cruz,
Senior Hazardous Material Specialist, OWTS Program

cc: Dilan Roe, Chief of Land Water Division, ACDEH, (Sent via E-mail to Dilan.Roe@acgov.org)
Joshua Barbosa, Hazardous Material Specialist, OWTS Program (Sent via E-mail to Josh.Barbosa@acgov.org)



CITY COUNCIL AGENDA REPORT

March 1, 2022
Community Development
Planning Division

TITLE: ADOPT A RESOLUTION APPROVING A PREANNEXATION AGREEMENT WITH KEVIN NGUYEN AND ELEANORE YEE FOR WATER AND SANITARY SEWER CONNECTIONS TO AN EXISTING RESIDENCE LOCATED AT 720 MOCKINGBIRD LANE IN UNINCORPORATED ALAMEDA COUNTY

SUMMARY

Kevin Nguyen and Eleanore Yee, property owners of 720 Mockingbird Lane in the Happy Valley area in unincorporated area of Alameda County, are requesting connections to the City's water and sanitary sewer systems. Prior to allowing properties outside the Pleasanton city limits to connect to City utilities, the City requires the property owners to enter into a preannexation agreement. If the preannexation agreement is approved, a party (the City, the County or the property owners) must apply for and receive an out-of-area service agreement from the Alameda County Local Agency Formation Commission (LAFCo). The Livermore-Amador Valley Water Management Agency (LAVWMA) may also require approval of the water connection.

RECOMMENDATION

1. Approve the Preannexation Agreement between Kevin Nguyen and Eleanore Yee and the City of Pleasanton, subject to modifications approved by the City Manager and City Attorney, and authorize the City Manager to execute the agreement.
2. Authorize staff to file an application with LAFCo for the extension of water and sanitary sewer services to this property and authorize staff to seek LAVWMA approval, if needed, of the water connection.
3. Authorize connection of 720 Mockingbird Lane (APN 949-6-1-6) to the City water and sanitary sewer system, provided: all connection work is done to the satisfaction of the City Engineer; all costs are borne by the property owner; and the proposed extension of City services is approved by LAFCo, and LAVWMA, if needed.

FINANCIAL STATEMENT

The property owners would be required to pay all costs associated with extending the water and sanitary sewer service, including City, County, and LAFCo permitting costs, and other agency fees, connection charges and meter fee.

BACKGROUND

In the Happy Valley area of southern Pleasanton, some properties are within the City limits, and other properties remain in unincorporated Alameda County. The City provides municipal water and sanitary sewer services to properties within the City limits.

Properties in unincorporated Alameda County typically have private water wells and private septic systems. However, due to the Alameda County Department of Public Health's concerns about high nitrate concentrations from private septic systems and livestock contaminating groundwater, the Alameda County Department of Environmental Health (ACDEH) does not permit new septic systems in unincorporated Happy Valley area. Rather, the ACDEH encourages owners of property in unincorporated Happy Valley to connect to City water and sewer services. This can be done by an out-of-area service agreement approved by the City, LAFCo and LAVWMA.

In September 2014, the LAFCo Board of Commissioners voted to delay approval of such out-of-area service agreements and requested the City conduct a study to analyze the feasibility and financial impact to extend water and sanitary services throughout the entire Happy Valley area of Alameda County. The City had RMC Engineering conduct the study (the *Technical Memorandum Happy Valley Water & Sewer Study* Nov. 2016) to determine how and at what cost City water and sanitary sewer services could be extended into the Happy Valley area so every property could connect if desired, not just the properties close to existing City water and sanitary sewer pipelines. The RMC study determined the cost (in 2016) to extend water and sanitary sewer would be approximately \$5.7 million. The study was presented to LAFCo and Alameda County. Alameda County has advised funding is not available to construct the water and sanitary sewer extensions to properties in unincorporated Happy Valley as identified in the study. The City subsequently adopted a policy to allow properties within the unincorporated areas of Happy Valley within the City's urban growth boundary to apply for City water and sanitary sewer connections on a case-by-case basis [see City Council Resolution No. 17-961 (Res. 17-961), provided as Attachment 2]. If pursuant to Res. 17-961 the City approves a preannexation agreement, the property owner must still petition LAFCo for approval of an out-of-area service agreement, as well as obtain consent of LAVWMA.

The subject site at 720 Mockingbird Lane is located on the northeast corner of Amber Lane and Mockingbird Lane in unincorporated Alameda County, but within Pleasanton's Happy Valley Specific Plan (HVSP) urban growth boundary area (see Figure 1). The site is currently occupied by a single-family residence, supported by an on-site groundwater well and septic system. Existing City-owned water main and sanitary sewer main are located directly in the front of the site.

Figure 1: Subject Site Location and Surroundings



The property owners, as recommended by Alameda County Department of Environmental Health (ACDEH), are requesting connections to the City's water and sanitary sewer systems.

DISCUSSION

Res. 17-961 allows Happy Valley properties within the City's urban growth boundary to apply for City water and sanitary sewer services on a case-by-case basis subject to the following factors:

Property owner(s) executing and having recorded against the property a pre-annexation agreement which provides that the owner(s) shall (as applicable):

- a. pay water and sanitary sewer connection fees;
- b. pay all costs associated with making physical connections to City water and sanitary sewer services in a manner consistent with City standards in the determination of the City Engineer or designee;
- c. abandon the existing septic system on the property;
- d. pay pro-rata share of previously constructed City water and sanitary sewer infrastructures in Happy Valley;
- e. pay pro-rata share of future frontage improvements along the property if the County or City in the future undertake public street frontage improvements (including, but not limited to, curb, gutter/storm drain system, sidewalk, street lights, etc.);

- f. agree to (or vote in favor if) any future proposed annexation of the property to the City;
- g. obtain City design review approval for any future addition or alteration to the property requiring a building permit from the County;
- h. agree to not subdivide the property;
- i. pay all City and County processing fees for LAFCo;
- j. obtain approval of LAVWMA, as applicable.

As part of the request, the property owner submitted an inspection report for the existing septic tank system, prepared by A1 Tank Service dated September 17, 2021. The inspection report states the existing septic system failed flow test and recommends troubleshooting the existing drain field. Staff was informed the property owners purchased the existing three-bedroom residence in 2020 and wish to expand the existing residence for their growing family. After having become aware of the required process to connect to the City's systems, the owners' representative contacted ACDEH for installation of a secondary septic system to support the contemplated expansion. The ACDEH has historically supported conversion of septic systems to connections to sewer systems if they are readily available to the project site. The ACDEH reviewed the conditions of the existing on-site system, and made a recommendation on May 14, 2021 and again on January 19, 2022 for the site to abandon the existing septic system and connect to the City's sanitary sewer system.

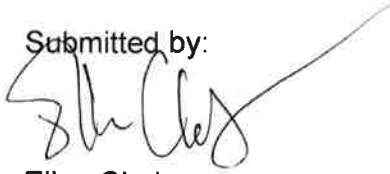
The City's utility system shows water and sanitary sewer lines are located in Amber Lane directly in front of the site. Engineering Department staff indicates the sanitary sewer line and the water line have the capacity to handle the anticipated water usage and wastewater discharge from the existing residence. As the existing residence would remain as a single-family home with or without an addition and the City system has the capacity to serve, staff does not object to the request to connect to the City's water system. Staff recommends the City Council approve the request and authorize the City Manager to execute a preannexation agreement with the property owner including the service provisions listed in Res. 17-961. The draft preannexation agreement (Attachment 1) includes language reflecting these provisions. If the Council approves the requested connections, a hearing must be scheduled before LAFCo. While per Cal. Government Code §56133 the City's past practice has been to apply to LAFCo on behalf of the property owner located outside of City limits, the applicant will be asked to submit their request to the LAFCo Board.

Staff has shared Res. 17-961 with the property owner; no objection to any of its requirements was received. Additionally, City staff conferred with LAFCo staff, who support the requested sanitary sewer connection for health and safety reasons due to the failing septic system and the availability of City sanitary sewer service. LAFCo staff does not express concerns for the requested water connection.

In addition to LAFCo's approval on service extensions, the request needs to be supported by LAVWMA. In November 2018, the LAVWMA Board of Directors preapproved up to ten (10) extensions each in the unincorporated Happy Valley and

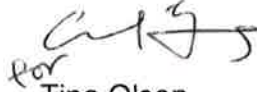
Remen Tract areas, subject to LAFCo approval and a four-year sunset limitation. If approved, the request would be the fifth of the pre-approved ten connections.

Submitted by:



Ellen Clark
Director of
Community Development

Fiscal Review:



for
Tina Olson
Director of Finance

Approved by:



Brian Dolan
Interim City Manager

Attachment:

1. Draft Resolution with preannexation agreement
2. City Council Resolution No. 17-961

RESOLUTION NO. 22-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING A PREANNEXATION AGREEMENT TO PROVIDE WATER AND SANITARY SEWER CONNECTIONS FOR 720 MOCKINGBIRD LANE AND AUTHORIZING AN APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION FOR AN OUT-OF-AREA SERVICE AGREEMENT

WHEREAS, at the meeting of March 1, 2022, the City Council received a report from the Director of Community Development regarding the request from Kevin Nguyen and Eleanore Yee for water and sanitary sewer connections to an existing residence located at 720 Mockingbird Lane in the unincorporated Happy Valley area of Alameda County; and

WHEREAS, Cal. Government Code §56133 requires that a city make an application to the Local Agency Formation Commission (LAFCo) for an Out-of-Area Service Agreement before connecting any property outside the city limits to city water and sanitary sewer services; and

WHEREAS, the request meets the criteria for out-of-area services prior to annexation due to: the property being located within the City's sphere of influence, the failure of the existing septic system, and the owners' consent to enter into an agreement which meet the City's interests; and

WHEREAS, the request additionally meets the criteria for the provision of out-of-area water and sanitary sewer services prior to annexation as the property owners agree to: a) pay sanitary sewer connection fees; b) pay all costs associated with making physical connections to City water and sanitary sewer systems in a manner consistent with City standards in the determination of the City Engineer or designee; c) abandon the existing septic system on the property; d) pay pro-rata share of previously constructed City water and sanitary sewer infrastructures in Happy Valley; e) pay pro-rata share of future frontage improvements along the property if the County or City in the future undertake public street frontage improvements (including, but not limited to, curb, gutter/stormdrain system, sidewalk, street lights, etc.); f) agree to (or vote in favor if) any future proposed annexation of the property to the City; g) obtain City design review approval for any future addition or alteration to the property requiring a building permit from the County; h) agree to not subdivide the property; i) pay all City and County processing fees for LAFCo; receive approval from LAFCO; and (j) receive approval from the Livermore Amador Valley Water Management Agency (LAVWMA), as applicable.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:

SECTION 1. That this request is categorically exempt from review under the California Environmental Quality Act pursuant to Title 14 California Code of Regulations §15303(d) for new sewage extension.

SECTION 2. Approves the request for water and sanitary sewer service connections to the property at 720 Mockingbird Lane, which connections are conditioned on LAFCo approval, and authorizes the City Manager to execute a Preannexation Agreement with Kevin Nguyen and Eleanore Yee in generally the form shown in the attached Exhibit A, subject to minor modifications approved by the City Manager and City Attorney.

SECTION 3. Authorizes staff to coordinate with the property owners and Alameda County to file an application with LAFCo for its consideration of an Out-of-Area Service Agreement for the City to provide water and sanitary sewer services to the existing residence located at 720 Mockingbird Lane after receipt of the requisite filing fees.

SECTION 4. This resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on March 1, 2022.

I, Jocelyn Kwong, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 1st day of March, 2022, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Jocelyn Kwong, City Clerk

Dated: _____

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

RECORDING REQUESTED BY and
When Recorded, Return to:

Office of the City Clerk
City of Pleasanton
P.O. Box 520
Pleasanton, CA 94566

Recording requested Pursuant to
Government Code Sections
27383 & 6103

**PREANNEXATION AND PROVISION OF WATER AND SEWERAGE
FACILITY AND SERVICE AGREEMENT**

This Preannexation and Provision of Water and Sewerage Facility and Service Agreement (the "Agreement") is made _____, 2022 between the City of Pleasanton, a municipal corporation (the "City") and Kevin Nguyen and Eleanore Yee (the "Owners").

RECITALS

A. Owners are the owner of certain real property commonly known as 720 Mockingbird Lane (APN 949-6-1-6), Pleasanton, CA, and more particularly described in Exhibit A (the "Property") and incorporated by this reference.

B. Owners wish to connect the existing home on the Property to the City's water system, even though the Property is located in the unincorporated area of Alameda County and not within the corporate limits of the City of Pleasanton.

C. Owners wish to remove the existing septic system on the Property and instead connect the existing home on the Property to the City's sanitary sewer system, even though the Property is located in the unincorporated area of Alameda County and not within the corporate limits of the City of Pleasanton.

D. Generally, City policy requires property to be annexed prior to extending City utility services.

E. Owners are willing to annex the Property to the City in the future either as part of a larger annexation or as part of a smaller annexation involving other property contiguous to the City.

F. City is willing to extend its water and sanitary sewer services to the Property only if there are assurances that the Property will not be further subdivided without City approval, any new residence and any future additions to structures on the Property are subject to City review and approval of the design, Owners will construct frontage improvements when the City or Alameda County proceed with such work, Owners pay all required fees, and approvals from other agencies are received.

NOW, THEREFORE, in consideration of the mutual covenants and conditions in this Agreement, City and Owner agrees as follows:

1. Water and Sanitary Sewer Service. Owner may connect the existing residence on the Property to the City's water and sanitary sewer systems prior to the City's annexation of the Property upon the satisfaction of all of the following conditions:

(a) Owners shall pay applicable Dublin San Ramon Services District (DSRSD) and City water and sanitary sewer connection fees.

(b) Owners shall connect to City water and sanitary sewer services in a manner consistent with City standards in the determination of the City Engineer or designee.

(c) Owners shall abandon the septic system on the Property in accordance with the requirements of the Alameda County Department of Environmental Health, and any other regulatory agencies, and shall provide the City a copy of such County and/or other regulatory agency approval upon City request.

(d) Owners shall pay a pro-rata share of previously constructed City water and sanitary sewer infrastructures in Happy Valley.

(e) Owners shall pay a pro-rata share of future frontage improvements along the Property if the County or City in the future undertake public street frontage improvements (including, but not limited to, curb, gutter/storm drain system, sidewalk, street lights, etc.).

(f) Owners acknowledge that Owners, via City as applicant, must receive approval from the Alameda County Local Agency Formation Commission (LAFCo), as well as pay all fees related to LAFCo for an application for the extension of sanitary sewer service to the Property.

(g) Owners acknowledge that Owner may be required to receive approval from the Livermore-Amador Valley Water Management Agency (LAVWMA) for the extension of sanitary sewer service to the Property. If such approval is required, Owner agrees to pay all fees related to any such LAVWMA application.

2. Agreement to Annex. Owners shall consent to annexation of the Property to the City of Pleasanton at such time as the City may require. This Agreement, State and County laws, and City ordinances and resolutions shall control the responsibilities of both parties at the time of annexation. Owners shall cooperate with City in the annexation of the Property, whether as part of a larger area or as part of a smaller area; Owners expressly waives the right to protest said annexation and shall agree to do no act calculated or tending to prevent, impede, or defeat the successful annexation of the Property. More specifically, by signing this Agreement, Owners acknowledge and agree that if: (a) any annexation is subject to an election, the Owner deems Owner's vote as counted as a vote

in favor of annexation; or (b) Owner shall sign as consenting to any annexation application if annexation is for a smaller area.

3. No Further Subdivision. Owners shall not subdivide the Property without the prior approval of the City, unless preempted by State law.

4. Subdivision Created by State Law. Owners acknowledge this Agreement does not grant utility connection for a subdivision created by State law. A separate City approval of an out of area service agreement shall be required for any new lots on the Property prior to such new lots connecting to City's water or sanitary sewerage facilities.

5. Design Review Approval. Owners shall submit any future plans for the development of the Property to the City for the City's review and approval. Assuming the Property is still in the unincorporated area of Alameda County at the time the Owners intend to apply for a building permit for the Property, Owners shall neither apply for nor obtain a building permit from the County of Alameda unless and until City has approved the design of the plans for any proposed redevelopment, additions, and new construction on the Property, excepting an accessory dwelling unit which shall not be subject to City design review.

6. Bonded Debt. Owners consent that, upon annexation of the Property to the City, said Property shall be taxed to pay their share of existing bonded indebtedness of City. This Agreement shall serve as such consent, and a copy shall be filed with Treasurer-Tax Collector of Alameda County, if evidence of such consent is required.

7. Benefit or Assessment Districts. Owners shall cooperate with City in the formation of any mutual benefit districts or assessment districts which City deems necessary for the installation of public improvements serving, in whole or in part, the Property, whether such districts are formed at the time of annexation or some time in the future. In this regard, Owners waive their right to protest the formation of any of said districts and shall do no act calculated or tending to prevent, impede, or defeat the successful formation thereof; provided, however, that this waiver is not intended, nor shall it be construed, to affect or limit the rights of the Owners to participate in the hearings and/or other aspects of the district formation proceedings to the extent necessary and appropriate to protect and further the Owners' interest or the public interests so long as said action does not tend to prevent or defeat the formation of the districts.

8. Covenants Running with the Land. All of the provisions contained in this Agreement shall be binding upon the Owners and Owners' respective heirs, successors and assigns, representatives, lessees, and all other persons acquiring all or a portion of the Property, or any interest therein, whether by operation of law or in any manner whatsoever. All of the provisions contained in this Agreement shall be enforceable as equitable servitudes and shall constitute covenants running with the land pursuant to California law including, without limitation, California Civil Code §1468.

9. Recording. The execution of this Agreement shall be acknowledged before a Notary Public, and the Agreement shall be recorded with the Recorder of Alameda County.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day set forth above.

CITY OF PLEASANTON

**OWNERS – Kevin C. Nguyen &
Eleanore M. Yee, TRS**

Brian Dolan, Interim City Manager

Kevin C. Nguyen

Eleanore M. Yee

ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

RESOLUTION NO. 17-961

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON RESCINDING RESOLUTION 16-828 (INTERIM POLICY), AND ALLOWING PROPERTIES WITHIN THE UNINCORPORATED HAPPY VALLEY TO: APPLY FOR CITY WATER AND/OR CITY SEWER SERVICES, WHICH APPLICATIONS WILL BE CONSIDERED ON A CASE-BY-CASE BASIS USING SPECIFIED FACTORS; OR APPLY FOR ANNEXATION

WHEREAS, at its February 21, 2017 meeting, the City Council accepted the report of the Department of Engineering regarding the *Technical Memorandum Happy Valley Water & Sewer Study* (RMC Nov. 2016) evaluating existing water and sewer facilities in Happy Valley, improvements needed to serve the area's future development, and estimated capital costs of such improvements; and

WHEREAS, after forwarding the *Technical Memorandum* to the County of Alameda the City received a letter dated June 7, 2017 from the County advising that "the County does not have the resources available to provide the City of Pleasanton with its requested funding of \$5 million to extend the proposed utility services [in Happy Valley as described in the *Technical Memorandum*]" and

WHEREAS, based on continued interest from property owners within the unincorporated Happy Valley area seeking to receive City water and/or City sewer services, the City Council will allow such applications to be received and considered on a case-by-case basis (similar to the preceding December 3, 2002 policy), subject to the factors described in this resolution, and will also allow for annexation applications.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:

SECTION 1. The City Council rescinds Resolution No. 16-828 (interim policy).

SECTION 2. The City Council authorizes staff to accept applications from property owners within the unincorporated Happy Valley area for City water service and/or City sewer service which will be considered on a case-by-case basis subject to the following factors:

- A. Property owner(s) executing and having recorded against the property a pre-annexation agreement which provides that the owner(s) shall (as applicable):
 - a. pay water and/or sewer connection fees;
 - b. pay all costs associated with making physical connections to City water service and/or City sewer service in a manner consistent with City standards in the determination of the City Engineer or his or her designee;
 - c. abandon the existing septic system on the property if connecting to City sewer service;
 - d. pay pro-rata share of previously constructed City water and/or City sewer infrastructure in Happy Valley;
 - e. pay pro-rata share of future frontage improvements along the property if the County or City in the future undertake public street frontage improvements

- (including, but not limited to, curb, gutter / stormdrain system, sidewalk, street lights, etc.);
- f. agree to (or vote in favor of) any future proposed annexation of the property to the City;
 - g. obtain City design review approval for any future proposed addition or alteration to the property requiring a building permit from the County; and
 - h. does not represent City approval of any future subdivision of the property.
- B. The Local Agency Formation Commission (LAFCo)'s approval of an out of area service agreement and owner(s) payment of all City and County processing fees;
- C. The residence(s) on the property generally must be within the City's urban growth boundary;
- D. The (proposed) use of the property is consistent with the General Plan and Happy Valley Specific Plan.

SECTION 3. The City Council authorizes staff to accept applications for annexation from property owners within the unincorporated Happy Valley area, subject to the requirements of the General Plan and Happy Valley Specific Plan, and payment of all requisite City, County, and LAFCo processing fees and costs related to such applications.

SECTION 4. The factors described in Section 2, above, are not required to be considered in emergency situations involving an existing or pending public health and safety threat as determined by the Director of Engineering or his or her designee, LAFCo policies and California Government Code §56133(c).

SECTION 5. Finds that the rescission of Res. 16-828 and adoption of the specified factors for case-by-case consideration of applications by properties in the unincorporated Happy Valley area for City water service and/or City sewer service are exempt from the California Environmental Quality Act (CEQA) as there is no possibility that the actions may have a significant effect on the environment per Title 14 Cal. Code of Regs. §15061(b)(3), as future applications for service will each be subject to separate environmental review unless exempted as an individual utility connection per Title 14 Cal. Code of Regs. §15268(b)(4).

PASSED, APPROVED AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on July 18, 2017.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 18th day of July, 2017, by the following vote:

Ayes: Councilmembers Brown, Narum, Olson, Pentin, Mayor Thorne
Noes: None
Absent: None
Abstain: None


Karen Diaz, City Clerk

APPROVED AS TO FORM:

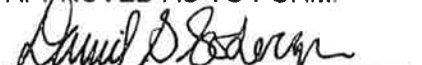

Daniel G. Sodergren, City Attorney

Exhibit F - Landowner Consent to Annexation Form**Local Agency Formation Commission of Alameda County****LANDOWNER CONSENT TO ANNEXATION**

Name/Title of Proposal: Out of area service agreement
PO Annexation with City of Pleasanton

Project Number: _____

Name of Applicant: Dixon Yee

I/We, the undersigned, constitute all the owners of the following parcel(s) of land:

Assessor's Parcel No. 949-6-1-6 No. of Acres 1.19

Assessor's Parcel No. _____ No. of Acres _____

Assessor's Parcel No. _____ No. of Acres _____



Assessor's Parcel No. _____ No. of Acres _____

Assessor's Parcel No. _____ No. of Acres _____

I/We, the undersigned, hereby make Application for Annexation of the above referenced parcels into:

 Name of Annexing Local Agency

and, furthermore, hereby agree not to protest this annexation.

| Name of Property Owner (Please print or type) | Signature of Property Owner | Date Signed | Parcel No. |
|--|---|----------------|------------|
| Kevin Nguyen |  | 6/20/21 | 949-6-1-6 |
| Eleanore Yee |  | 6/20/21 | 949-6-1-6 |
| | | | |
| | | | |
| | | | |

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
COLLEEN CHAWLA, Director



Department of Environmental Health
Onsite Wastewater Treatment Program
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

January 19, 2022

Rachel Jones, Executive Officer
Alameda Local Agency Formation Commission
(Sent via E-mail to: Rachel.Jones@acgov.org)

Subject: Recommendation for Connection to City Sewer and Abandonment of Existing
Onsite Wastewater Treatment System (OWTS) at
720 Mockingbird Ln, Pleasanton, CA (APN: 949-6-1-6)

Dear Rachel Jones:

On May 3, 2021, Alameda County Department of Environmental Health (ACDEH) Onsite Wastewater Treatment System (OWTS) Program was informed that the subject property is within 200 feet of a City of Pleasanton Sewer main and that the property owner wishes to connect to this sewer main. This property is located within the Zone 7 Water Agency's Areas of Concern for high groundwater nitrate concentrations.

The County of Alameda Onsite Wastewater Treatment System Ordinance (Chapter 15.18, Section 15.18.060 – Connection to Public Sewer) indicates that every building or other structure having plumbing for wastewater drainage, or which creates, collects or stores wastewater must have a connection to a public sewer, except where there is no public sewer available within 200 feet from any proposed building or exterior drainage facility. Per ACDEH's records, there appears to be an existing City of Pleasanton sewer main that passes in front of the subject property.

Based on this information, ACDEH recommends that this site be considered for an Out of Area Service Agreement by the Alameda Local Agency Formation Commission so that the subject property may connect to the City of Pleasanton Sewer. This recommendation is contingent upon the following conditions:

- Following connection to city sewer, all existing OWTS on the site must be abandoned with an OWTS Abandonment Permit from ACDEH.

Should you have any questions or concerns regarding this correspondence, please send me an electronic email message at natali.colom@acgov.org.

Sincerely,

A handwritten signature in cursive script that reads "Natali Colom Cruz".

Natalí Colom Cruz,
Senior Hazardous Material Specialist, OWTS Program

cc: Dilan Roe, Chief of Land Water Division, ACDEH, (Sent via E-mail to Dilan.Roe@acgov.org)
Joshua Barbosa, Hazardous Material Specialist, OWTS Program (Sent via E-mail to Josh.Barbosa@acgov.org)



May 14, 2021

Rachel Jones, Executive Officer
Alameda Local Agency Formation Commission
(Sent via E-mail to: Rachel.Jones@acgov.org)

Subject: Recommendation for Connection to City Sewer and Abandonment of Existing
Onsite Wastewater Treatment System (OWTS) at
720 Mockingbird Ln. Pleasanton, CA (APN: 949-6-1-6)

Dear Rachel Jones:

On May 3, 2021, Alameda County Department of Environmental Health (ACDEH) Onsite Wastewater Treatment System (OWTS) Program was informed that the subject property is within 200 feet of a City of Pleasanton Sewer main and wishes to connect to this sewer main.

The County of Alameda Onsite Wastewater Treatment System Ordinance (Chapter 15.18, Section 15.18.060 – Connection to Public Sewer) indicates that every building or other structure having plumbing for wastewater drainage, or which creates, collects or stores wastewater must have a connection to a public sewer, except where there is no public sewer available within 200 feet from any proposed building or exterior drainage facility. Per ACDEH's records, there appears to be an existing City of Pleasanton sewer main that passes in front of the subject property.

Based on this information, ACDEH recommends that this site be considered for an Out of Area Service Agreement by the Alameda Local Agency Formation Commission so that the subject property may connect to the City of Pleasanton Sewer. This recommendation is contingent upon the following condition:

- All existing OWTS on the site must be abandoned with an OWTS Abandonment Permit from ACDEH

Should you have any questions or concerns regarding this correspondence, please send me an electronic email message at natali.colom@acgov.org.

Sincerely,

A handwritten signature in cursive script that reads "Natali Colom Cruz".

Natalí Colom Cruz,
Senior Hazardous Material Specialist, OWTS Program

cc: Dilan Roe, Chief of Land Water Division, ACDEH, (Sent via E-mail to Dilan.Roe@acgov.org)
Joshua Barbosa, Hazardous Material Specialist, OWTS Program (Sent via E-mail to Josh.Barbosa@acgov.org)

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 2022-XX

APPROVAL OF OUT OF AREA SERVICE AGREEMENT FOR THE CITY OF PLEASANTON TO SERVE 720 MOCKINGBIRD LANE FOR THE PROVISION OF WATER AND WASTEWATER SERVICES

WHEREAS, the Alameda Local Agency Formation Commission, hereinafter referred to as the “Commission,” is responsible for regulating boundary changes affecting cities and special districts under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, a Resolution of Application (Resolution No. 22-1276 dated March 1, 2022) was filed with the Executive Officer of the Alameda Local Agency Commission by the City Council of Pleasanton, pursuant to Title 5, Division 3, commencing with Section 56000 of the California Government Code;

WHEREAS, said resolution is for the purpose of requesting approval of an out of area service agreement (OASA) to extend water and wastewater services outside the City of Pleasanton’s jurisdictional boundary to the property located at 720 Mockingbird Lane (949-0006-001-06).

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report with recommendations; and

WHEREAS, the Executive Officer’s report and recommendations on the proposal have been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission considered all factors required by law under Government Code Section 56133 and adopted local policies and procedures;

WHEREAS, a public meeting was held on May 12, 2022, Alameda LAFCO heard and received all oral and written protests, objections, and evidence which were made, presented or filed and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said application.

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. The Commission’s determinations on the proposal incorporate the information and analysis provided in the Executive Officer’s written report presented on May 12, 2022.
2. The Commission serves as the responsible agency under the California Environmental Quality Act (CEQA) in considering the impacts of the proposal. That, the Commission independently concurs with the City of Pleasanton’s findings that the action is a project under CEQA, but exempt from further CEQA review under the California CEQA Guidelines Section 15061(b)(3).

3. The agreement will permit the provision of water and wastewater services to the property located at 720 Mockingbird Lane in the unincorporated community of Happy Valley of Alameda County.
4. The service agreement will not facilitate a change of land use, promote or induce growth on the property or surrounding properties, or facilitate the delivery of other types of services or functions; and
5. That the request of the City of Pleasanton for an out of area service agreement between the City of Pleasanton and the subject property owners for the provision of water and wastewater services to the property located at 720 Mockingbird Lane (949-0006-001-06) in the unincorporated community of Happy Valley is hereby approved and authorized subject to any and all terms and conditions as set forth in the service agreement between the City of Pleasanton and the subject property owners.
6. As part of conditional approval of the OASA, the property owners located at 720 Mockingbird Lane must sign a pre-annexation agreement with the City of Pleasanton.
7. As allowed under Government Code 56883, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defect, error, irregularity, or omission.

PASSED AND ADOPTED by the Alameda Local Agency Formation Commission on May 12, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Sblend Sblendorio
Chair

Rachel Jones
Executive Officer

APPROVED TO FORM:

Andrew Massey
Legal Counsel



LAFCO

Alameda Local Agency Formation Commission

AGENDA REPORT

May 12, 2022

Item No. 7

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Final Report on Alameda LAFCO's 20-Year Review of Measure D

The Alameda Local Agency Commission (LAFCO) will consider accepting a final report on its *20-Year Review of Measure D*, and approve the report's conclusions and findings, to present to stakeholders, local agencies and the public, to better enhance the agricultural needs of the region. The final report returns to the Commission after a public review and comment period with additional information incorporated to highlight Alameda County's agricultural economic viability based on the comments and feedback received. The final report addresses the impacts that the ballot measure has had on agriculture since it passed in November of 2000. Staff recommends for the Commission to formally accept the final report. In step with approving the report, staff plans to return to the Commission at its next regular meeting for members to consider adopting recommendations that will further direct the Commission's own agricultural and open space policies and help aid in future policy decisions to amend ballot Measure D.

Background

By November of 2000, Measure D passed on the Alameda countywide ballot that ultimately eliminated new urban development within unincorporated East County, increased restrictions on building intensities, established minimum parcel sizes, and outlined permitted uses in rural areas. After 20 years since the passage of Measure D, and at its January 14, 2021 regular meeting, Alameda LAFCO amended its study schedule to include a special study reviewing how Measure D has supported or constrained the agricultural viability of the eastern part of the County and its impacts on the delivery of efficient and effective services to the area and its surrounding communities

Alameda LAFCO's *20-Year Review of Measure D* has been prepared by consultant, Scott Gregory of Lamphier-Gregory as part of the Commission's adopted 2021-2022 workplan. A draft report of the study was presented at Alameda LAFCO's March 10, 2022 regular meeting, and immediately preceded the initiation of a 30-day formal public review and comment period ending on April 15th. LAFCO received comment letters from the Livermore Valley Winegrowers Association, the Tri-Valley Conservancy, and the public (Attachment 2). Additional information was incorporated in the final report to reflect feedback received from LAFCO's March 10th regular meeting and during the comment period.

Administrative Office

Rachel Jones, Executive Officer
224 West Winton Avenue, Suite 110
Hayward, California 94544
T: 510.670.6267
www.alamedalafco.org

Nate Miley, Regular
County of Alameda

David Haubert, Regular
County of Alameda

Dave Brown, Alternate
County of Alameda

Bob Woerner, Regular
City of Livermore

Melissa Hernandez, Reg
City of Dublin

Karla Brown, Alternate
City of Pleasanton

Ralph Johnson, Regular
Castro Valley Sanitary District

Ayn Wieskamp, Regular
East Bay Regional Park District

Georgian Vonheeder-Leopold, Alternate
Dublin San Ramon Services District

Sblend Sblendorio, Chair
Public Member

John Marchand, Alternate
Public Member

Staff was also directed to present summary findings of the draft report to the list of stakeholders below, but was unfortunately unable to get on the agendas in time for the Commission's May meeting.

- City Councils of Livermore, Dublin, and Pleasanton
- Alameda County Transportation/Planning Committee (scheduled for June 6th)
- Alameda County Planning Commission
- Tri-Valley Conservancy
- Alameda County Agricultural Advisory Committee (staff presentation provided on March 1st)

The Commission also established an Ad Hoc Sub-Committee (Haubert, Marchand, and Woerner) to develop recommendations based on the report's findings and conclusions. Staff aims to work with the sub-committee to finalize these recommendations for adoption at the Commission's next regular meeting.

Discussion

This item is for the Commission to accept a final report prepared by Lamphier-Gregory and approve its findings and conclusions, so staff in turn, can present the final report to key stakeholders and agencies in the region to help facilitate policy decisions surrounding the proposed amendment to ballot Measure D, and develop recommendations with the Commission's Ad Hoc Sub-Committee for adoption at its July 14th regular meeting.

Analysis

The 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.

A summary of key conclusions and findings follows:

Permissive Winery-Related Uses

Of the counties studied, Alameda County zoning regulations appear to have the broadest definition of permitted winery-related uses and activities than other counties (e.g. wine processing, wine production, and tasting rooms). These more permissive definitions result in a less restrictive permitting process for winery-related uses, whereby nearly all defined winery activities and uses are permitted by right and/or through administrative review, as opposed to a discretionary use permitting process.

Growth Within Boundaries

The East County has grown by nearly 70,000 people and 22,300 new housing units since 2000, nearly all of which has occurred within city boundaries, and nearly all (with the exception of certain incorporated city lands in Dublin) within the Urban Growth Boundary (UGB) as established by Measure D.

Effective in Preservation

Establishment of ECAP's UGB has reciprocally been highly effective in protecting and preserving those agricultural and open space lands that are located on the outside of the UGB. Since 2000, no changes to the UGB have occurred, and no urban development has displaced agricultural or open space lands on the outside of the UGB.

Restrictive Maximum Building Intensity

However, of the nine different counties studied, only four counties (Alameda, Sonoma, Marin, and Monterey) have regulations that restrict the maximum building intensity, or floor-to-area-ratio requirements (FAR), for non-residential uses in agriculturally designated or zoned lands. Of those other four counties that do have applicable FAR regulations, Alameda County's 1% FAR regulations are substantially more restrictive on the size of non-residential buildings. In comparison, Sonoma, Marin, and Monterey County's regulations allow the potential for up to a maximum 5% FAR, and the other four counties included in this study have no FAR restriction at all.

Maximum Building Envelope

Similarly, Alameda County appears to be the only one of the counties studied in this report to define a maximum building envelope (generally, all agricultural land uses must be located on a contiguous development envelope not to exceed 2 acres). Instead, the other counties reviewed for this report approach building sites in a more individual and discretionary process, whereby development proposals are required, through a discretionary process, to limit development on agricultural soils and other natural resource values, and to ensure that these uses are secondary and incidental to agricultural production activities.

Stagnant Agricultural Economy

Despite significant losses in farm-based employment, the revenue from Easy County agricultural operations appears to remain stable, but not growing. The stability of overall agricultural business revenue is driven by continued strong growth in sales in wine grapes. The wine industry's revenue growth (in sales, but not a reflection of profit margin or increased acreage) eclipses the relatively sizable decline in sales revenue and productive agricultural use of other agricultural activities (e.g., crop harvesting and horse boarding) within East County. While revenue may be sufficient to cover annual operating expenses, in many cases the amount of annual revenue above annual operating expenses is not sufficient to cover the amortized expenses of establishing a vineyard or to generate a return on the investment in the vineyard.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Accept the final report on *LAFCO's 20-Year Review of Measure D* and approve its findings and conclusions with the anticipation of staff returning to the Commission to adopt recommendations at the Commission's next regular meeting.

Alternative Two:

Continue consideration of the item to its next regular meeting.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Procedures

This item has been placed on the agenda for action as part of a noticed public hearing. The following procedures are recommended for consideration.

- 1) Receive a verbal report from staff;
- 2) Invite questions from the Commission;
- 3) Open the public hearing and invite comments from audience (mandatory); and
- 4) Close the public hearing, discuss item, and consider recommendation.

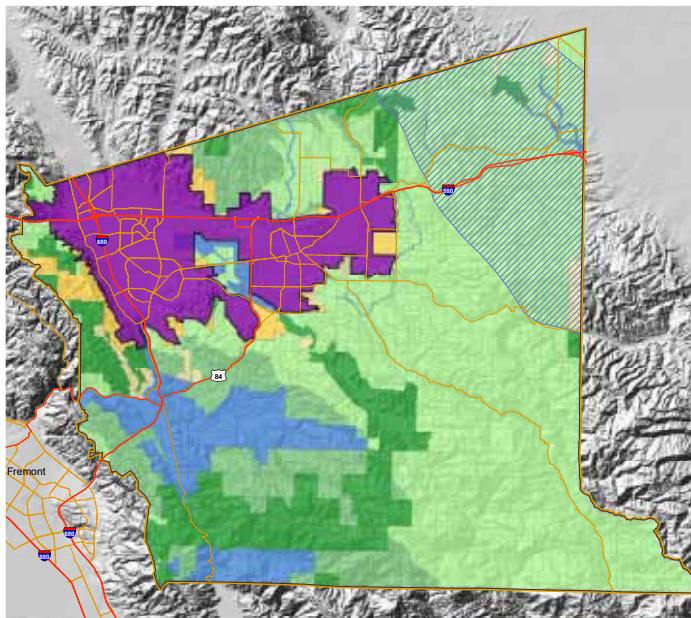
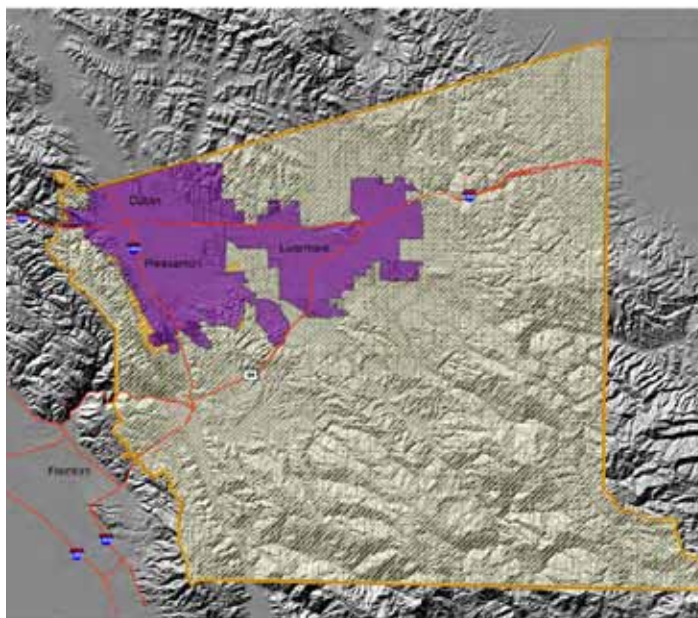
Respectfully,



Rachel Jones
Executive Officer

Attachments:

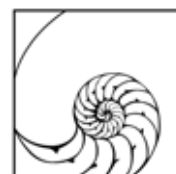
1. Final Report on *Alameda LAFCO's 20-Year Review of Measure D*
2. Comment Letters



20-Year Review of Measure D “Save Agriculture and Open Space Lands” Initiative

Prepared for:
Alameda County Local Agency Formation Commission (Alameda LAFCO)

Prepared by:
Lamphier-Gregory and
Economic and Planning
Systems, Inc.



May 2022

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Chapter 1: Introduction

Measure D (known as the Save Agriculture and Open Space Lands Initiative) was placed on the Alameda countywide ballot in November of 2000. The primary components of the Measure D initiative included:

- amending the County's Urban Growth Boundary
- increasing restrictions on building intensity, minimum parcel sizes and permitted uses in rural areas of the County
- establishing that all County planning policies and zoning regulations must be consistent with provisions of Measure D, and
- mandating that any changes to the land use designations, building intensity or minimum parcel sizes as established by Measure D be subject to a new vote of the County electorate

Measure D passed with a 57% majority of Alameda County voters, and became effective as of December 22, 2000. By May of 2002, Alameda County completed and adopted its corresponding amendments to the applicable Alameda County General Plan (the East County Area Plan, or ECAP), effectively eliminating new urban development within unincorporated East County.

Purpose of this Study

Now, approximately 20 years since the passage of Measure D and the incorporation of Measure D provisions into ECAP, the Alameda County Local Agency Formation Commission (Alameda County LAFCO) has requested preparation of a special independent study. The purposes of this study are to review how Measure D has affected agricultural and open space lands and the surrounding communities, and to consider how implementation of Measure D has or has not met its own LAFCO policies pertaining to agriculture and open space. These Alameda LAFCO policies principally include:

- Supporting urbanization in cities, not on prime agricultural land or important open space (Alameda LAFCO Policies 4.3 and 4.4)
- Identifying important agricultural lands and open space included in annexation and Sphere of Influence proposals, and protecting adjacent agricultural lands (Alameda LAFCO Policy 4.9)
- Conditioning approvals of annexations and Sphere of Influence changes on the retention of Measure D restrictions, as applicable (Alameda LAFCO Policy 4.11),
- Including only those territories within existing Spheres of Influence for urbanization needed within 10-15 years (Alameda LAFCO Policy 13.13), and
- Establishing incentives to support agricultural and open space viability (Alameda LAFCO Policy 4.10)

Alameda LAFCO understands and appreciates that it does not have land use regulatory authority, and has no means to affect direct action on any potential changes in Alameda County land use policy. However, as a State-mandated agency that acts on boundary matters as an independent agency, it is empowered to adopt and consider changes to its own policies to reflect local conditions, and to assist in seeking a balance between competing interests. Accordingly, this special study report makes no recommendations about whether any of the Measure D policies as fully incorporated into ECAP should or should not be made. Nor does this study weigh-in on the question of whether any policy or regulatory changes to ECAP that might be considered, would need to be processed pursuant to a new countywide

ballot measure or could be implemented by technical amendments to Measure D made by the Board of Supervisors.

Rather, this special study is intended to provide Alameda LAFCO with objective information and data to in an effort to provide a better understanding of the economic and open space needs of the area, and to assess whether the current ECAP policies, as directed by Measure D, support or constrain these needs. Specifically, this report reviews the effectiveness of current ECAP policies related to the following key indicators:

- Have the current ECAP policies supported urbanization in cities and not on prime agricultural land or important open space, and have they focused new growth and development only in those territories within existing Spheres of Influence as needed for population growth and urbanization?
- Have the current ECAP policies identified and protected important agricultural lands and open spaces, especially as related to LAFCO considerations of annexations and Sphere of Influence change proposals?
- Have the current ECAP policies supported and established incentives for viable open space preservation and agricultural operations?

Additionally, this report provides objective comparative information as to:

- Are Alameda County's ECAP and its corresponding County zoning regulations that specifically pertain to agricultural uses more or less restrictive as compared to comparable regulations of other Bay Area and relevant counties?
- Do the policies of ECAP and its corresponding zoning regulations disadvantage Alameda County's agricultural businesses to a greater degree than the agricultural rules and regulation of other locations?

Background

The Alameda County Board of Supervisors has considered at least two amendments to ECAP since Measure D was adopted. In 2013, the Supervisors considered an amendment to increase the floor-to-area ratio (FAR) allowed for horse breeding and training facilities,¹ and in 2020, the Supervisors considered an amendment to increase the permitted FAR for defined "agricultural buildings", in addition to the FAR allowed for "non-residential" buildings.² Alameda County convened a stakeholder group consisting of members of the public that represent differing and potentially competing interests on these matters, to discuss issues related to Measure D and to identify potential approaches for addressing these issues. Among the interests that were represented in the stakeholder's group include:

- those interests of the drafters and supporters of the original Measure D language, who view Measure D, as written, as being critical to the preservation of agricultural and open space lands,

¹ Alameda County Community Development Agency, Staff Report to the Board of Supervisors, *"Proposed Amendments to East County Area Plan and Castro Valley General Plan to Increase the Floor Area Ratio Allowed for Equine Facilities"*, December 2012

² Alameda County Community Development Agency, Staff Report to the Board of Supervisors, *"Update on Proposed Amendments to Measure D to Increase the Floor Area Ratio Allowed for Agricultural Buildings"*, December 7, 2020

and who do believe that any changes to Measure D cannot be initiated without a countywide vote of the people, and

- those interests of certain Alameda County agricultural property owners, local wineries and equestrian facility operators that seek remedies to what they see as restrictions that are too prohibitive and that do not support the county's agricultural businesses

At that time, these stakeholder groups did not reach agreement on these issues, nor did they find agreement on means by which these issues might be resolved (i.e., via a new ballot measure, or by technical amendments to Measure D). Until recently, the Alameda County Supervisors had similarly not reached agreement, and had not taken action on either of these two amendments.

However, in 2021, the County Agricultural Advisory Committee, the Board of Supervisors' Transportation and Planning Committee and other County advisory bodies considered draft language that was offered by a stakeholder group seeking to find consensus on these issues. Based on these reviews, the County Board of Supervisors directed Planning staff to draft language for a ballot measure that would amend certain provisions of Measure D, to conduct public outreach on these proposed amendments, and to prepare environmental review of such amendments. The County Supervisors now intend to place a ballot measure on the November 2022 elections that, if passed, would amend Measure D to provide, in addition to the floor-area ratio (FAR) currently allowed for non-residential buildings:

- (1) a maximum floor area ratio (FAR) of .025 for agricultural buildings (including greenhouses) in areas designated under the General Plan as Large Parcel Agriculture, and
- (2) a maximum FAR of .025, with at least 20,000 square feet allowed on smaller parcels, up to a maximum of 60,000 square feet on larger parcels, for covered equestrian riding arenas in areas designated under the General Plan as Large Parcel Agriculture and Resource Management

As a State-mandated agency that acts on boundary matters, LAFCO is an independent agency and is empowered to seek a balance between competing land use interests. In an effort to seek such a balance, Alameda LAFCO has commissioned this report to provide objective information and data that may help inform deliberations and potential future decisions on this anticipated upcoming ballot measure. Important policy matters addressed in this report pertain to Measure D/ECAP and its effects on city-centered growth, open space and agricultural land preservation, and the viability of agricultural-based industry and land use.

Summary of Findings

As discussed in detail in Chapter 2 of this report, the findings pertaining to the questions posed by Alameda LAFCO related to the effectiveness of Measure D can be summarized as follows:

- Measure D and its subsequent amendments to the County's ECAP have been highly effective in directing that urbanization occur in the East County cities of Dublin, Pleasanton and Livermore, and not on prime agricultural land or important open spaces outside of the Urban Growth Boundary (UGB). No amendments to the UGB have been made, and no expansion of existing Spheres of Influence to support urbanization has occurred since the year 2000. Alameda LAFCO has worked with each of the East County cities to ensure that annexations of land into those cities retain the land use restrictions as established by Measure D.
- The East County has grown by nearly 70,000 people and 22,300 new housing units since 2000, nearly all of which has occurred within City boundaries, and nearly all (with the exception of certain incorporated City lands in Dublin) within the UGB as established by Measure D.

- Establishment of ECAP's UGB has reciprocally been highly effective in protecting and preserving those agricultural and open space lands that are located on the outside of the UGB. Since 2000, no changes to the UGB have occurred and no urban development has displaced agricultural or open space lands on the outside of the UGB.
- Of the total increase of approximately 14,570 acres of urbanized lands in East County that has occurred over the past 34 years, approximately two-thirds of this increase in urban land occurred in the nearly 20 years prior to Measure D. Only one-third of this increase in urban land occurred in the nearly 20 years post-Measure D. This smaller increase in urbanized land accommodated a relatively similar increase in population, as occurred pre-Measure D.
- According to the Department of Conservation's GIS database, more than 3,570 net acres of East County farmlands were lost or converted to other land use categories between the years 1984 to 2018. Nearly all of this net loss in farmland occurred after year 2000 (or post-Measure D). However, about 84% of this total loss in farmlands occurred in areas immediately adjacent to and within East County cities, in areas within the established UGB.
- Although the Department of Conservation's GIS database shows that the East County lost nearly 4,430 acres of Prime farmland over the 34-year period from 1984 to 2018, there was a concurrent increase of 1,854 acres in Farmland of Statewide Importance and Unique farmland. Much of this change can be attributed to the Department of Conservation's re-designation of certain properties in the South Livermore Valley from Prime, to Statewide Important or Unique farmland. These re-designations do not indicate a lesser valued farmland, but rather a recognition that vineyards (where most of this re-designation occurred) represent sustained production of a specific high-quality and high-yield crop of economic importance to California" (i.e., Statewide Important or Unique farmland).
- Despite significant losses in farm-based employment, the revenue from East County agricultural operations appears to remain stable, but not growing. The stability of overall agricultural revenue is driven by continued strong revenue growth in sales in wine grapes. The wine industry's revenue growth (in sales, but not a reflection of profit margin or increased acreage) eclipses the relatively sizeable decline in sales revenue and productive agricultural use of other agricultural activities (e.g., pasture and dry farming, ranching and horse boarding) within East County.
- The relative economic viability of agriculture in East County is a function of multiple variables including macro-economic trends, micro-economic decisions and capabilities of local agricultural operators, climate, water availability, labor availability and other costs. An assessment of how these variables have affected East County agricultural operations is generally beyond the scope of this report, but is informed by several economic studies and statistics that have been prepared by others, including a recent University of California, Davis study titled, "*Realizing the Heritage*".³ This report provides an impartial assessment of the economic viability of wine production in the Livermore Valley, and includes the important finding that, "many of Livermore's independent vineyards have not been profitable. While revenue may be sufficient to cover annual operating expenses, in many cases the amount of annual revenue above annual operating expenses is not sufficient to cover the amortized expenses of establishing a vineyard or to generate a return on the investment in the vineyard".

³ Lapsley, James T. and Sumner, Daniel A., UC Davis report, "*Realizing the Heritage, Grape Growing and Winemaking in the Livermore Valley*", 2022

- LAFCO staff has also made preliminary drafts of this report available to numerous stakeholders, including owners of winery, equestrian and other agricultural businesses within the County. These owners have also reported that the sales revenue from agricultural business is not keeping pace with rising costs, and that regulatory provisions are contributing factors that prevent business growth necessary to maintain profitability.

Conclusions

The purpose of this report is to review whether Measure D's land use policies and regulations may be a contributing factor in the lack of growth in East County's agricultural industry, especially as compared to the regulations of other relative counties (see Chapter 4). These conclusions can be summarized as follows:

- Of those counties studied, Alameda County zoning regulations appear to have the broadest definition of permitted winery-related uses, including more types of uses and activities than other counties (e.g., wine processing, wine production and tasting rooms). These more permissive definitions result in a less restrictive permitting process for winery-related uses, whereby nearly all defined winery activities and uses are permitted by right and/or through administrative review, as opposed to a discretionary use permit processes.
- Similarly, of those counties studied, Alameda County zoning regulations appears to have the broadest definition of permitted equine uses, including more types of uses and activities than other counties (e.g., commercial stables, horse training and riding academies). These more permissive definitions result in a less restrictive permitting process for equestrian-related uses, whereby nearly all equestrian activities and uses are permitted by right and/or through administrative review, as opposed to a discretionary use permit processes.
- However, of the nine different counties studied, only four counties (Alameda, Sonoma, Marin and Monterey) have regulations that restrict the maximum building intensity (or FAR) for non-residential uses in agriculturally designated or zoned lands. Of those other four counties that do have applicable FAR regulations, Alameda County 1% FAR regulations are substantially more restrictive on the size of non-residential buildings. In comparison, Sonoma, Marin and Monterey County's regulations allow the potential for up to a maximum 5% FAR, and the other four counties included in this study have no FAR restriction at all.
- Alameda County appears to be the only county studied in this report that defines a maximum building envelope. The other counties reviewed for this report approach building sites in a more individual and discretionary process, whereby development proposal are required to limit development on agricultural soils and other natural resource values, and to ensure that these uses are secondary and incidental to agricultural production activities.

These differences in regulatory provisions between Alameda County and other relevant counties can be generally regarded as providing Alameda County applicants with a more certainty outcome in the approval process, but only if proposed agricultural development can fully comply with the more restrictive Alameda County standards, which generally permit smaller-scaled agricultural development. Conversely, the other counties included in this study generally provide more flexibility and greater development potential for larger-scaled agricultural-related uses, but these land use approvals are subject to a more rigorous discretionary approval processes (including CEQA), and with less certain outcomes.

Chapter 2: Overview of Measure D

2.1: Measure D – the “Save Agriculture and Open Space Lands” Initiative

Measure D (known as the Save Agriculture and Open Space Lands Initiative) was placed on the November 2000 countywide ballot by citizens' groups. The question that was posed to the voters of Alameda County was straightforward:

“Shall an ordinance amending the Alameda County General Plan to, among other things, revise the urban growth boundary in the East County to reserve less land for urban growth and more land for agriculture and open space, apply similar policies to rural Castro Valley, require new housing to be located primarily within existing cities, modify land use restrictions applicable to rural areas, and require a County-wide vote on changes to these policies, be adopted?”¹

Measure D passed with a 57% majority of Alameda County voters, and became effective as of December 22, 2000.

By May of 2002, Alameda County completed and adopted its corresponding amendments to the applicable Alameda County General Plan (the East County Area Plan, or ECAP).² As noted in the Preface to the Goals, Policies and Programs of the 2002 amended ECAP, the purposes of these amendments (per the Initiative) were to, “preserve and enhance agriculture and agricultural lands, and to protect the natural qualities, the wildlife habitats, the watersheds and the beautiful open space of Alameda County from excessive, badly located and harmful development. The measure establishes a County Urban Growth Boundary which will focus urban-type development in and near existing cities where it will be efficiently served by public facilities, thereby avoiding high costs to taxpayers and users as well as to the environment. The ordinance is designed to remove the County government from urban development outside the Urban Growth Boundary.”

The Initiative also resulted in the addition, deletion and revision of more than 60 policies and programs of the previously applicable ECAP, as well as establishment of and changes to the Urban Growth Boundary and the Land Use Diagram. Major changes made in the 2002 ECAP in response to Measure D included the following:

- The Urban Growth Boundary (UGB) was redrawn to remove North Livermore from urban development, and the County withdrew from a joint planning Settlement Agreement with the City of Livermore and North Livermore landowners. North Livermore west of Dagnino Road was delineated as an Intensive Agriculture area, with the potential for 20-acre enhanced agricultural parcels upon demonstration of available water (among other requirements).
- The South Livermore Valley Area Plan was amended to place absolute limits on density and its geographical extent.
- Lands previously designated for Urban Reserve were re-designated as Large Parcel Agriculture. Land use policies for the Large Parcel Agriculture, Resource Management and Rural Residential designations became more restrictive, including changes related to standards for subdivisions and Site Development Review for Agricultural parcels.

¹ League of Women Voters, accessed at: <http://www.smartvoter.org/2000/11/07/ca/alm/meas/D/>

² Alameda County, *East County Area Plan*, as adopted by the Board May 2002

- Lands in the Castro Valley and Palomares Canyonlands were re-designated as Resource Management.
- The County was directed to meet State housing obligations for the East County area within the new County Urban Growth Boundary “to the maximum extent feasible”. If State-imposed housing obligations made it necessary to go beyond the UGB, the voters of the county may approve an extension of the boundary, and the Board of Supervisors may approve housing outside the UGB for the purpose of meeting housing obligations if, subject to the requirements of the State housing law, criteria specified by the Initiative can be met.
- The County was prohibited from providing or authorizing expansion of public facilities or other infrastructure that would create more capacity than needed to meet the development allowed by the Initiative. The Initiative does not prohibit public facilities or other infrastructure that has no excessive growth-inducing effect on the East County area, with permit conditions to ensure that no service can be provided beyond that consistent with development allowed by the Initiative.
- No new quarry or open-pit mine may be approved outside the East County Urban Growth Boundary unless approved by the voters. Excavation not adjacent to an existing quarry site and on the same or adjoining parcel is regarded as a new quarry.
- While new regulations pursuant to Measure D do not affect existing parcels, development, structures or uses that were legal at the time they became effective, structures may not be enlarged or altered and uses expanded or changed inconsistent with the new ECAP policies, programs and regulations, except as authorized by State law.
- The portions of ECAP that were revised or enacted under the Initiative may not be amended except by voter approval, with the exception that the Board of Supervisors can impose restrictions on development and land use that are more stringent.

2.2: Generalized ECAP Land Use Strategy

As amended by Measure D, the ECAP clearly delineates areas suitable for urban development and open space areas for long-term protection of natural resources, agriculture, and public safety. It establishes a County Urban Growth Boundary (UGB) that divides areas inside the UGB and next to existing cities as generally suitable for urban development, and areas outside of the UGB as suitable for long-term protection of natural resources, agriculture, public health and safety, and buffers between communities.

ECAP’s Land Use Diagram identifies urban designations (inclusive of incorporated and unincorporated areas of East County) that are expected to be sufficient to accommodate projected growth. The urban land use designations in unincorporated areas are contained within the UGB, and are not to be expanded to accommodate lower than planned densities. ECAP requires that urban development be phased according to the availability of infrastructure and public services, to achieve a balanced sub-region featuring compact communities, a diverse economic base, affordable housing and a full complement of public facilities and amenities. Accordingly, ECAP supports phased development in East Dublin to provide for efficient planning of infrastructure and prevent urban sprawl in the Dublin Hills. ECAP requires the County to work with cities and service districts to plan for adequate infrastructure capacity to accommodate new urban development within the UGB, but also limits the level of new development based on adequacy of transportation and infrastructure improvements and the extent to

which these improvements can be funded. ECAP prohibits the County from providing or authorizing public facilities or other infrastructure in excess of that needed for permissible development.³

ECAP's residential goal is to provide an adequate supply of housing in a range of densities to meet State requirements, to accommodate projected housing growth, and to respond to the needs of all income groups.

ECAP's Land Use Diagram also identifies non-urban land use designations intended to protect regionally significant open space and agricultural land from further development. It calls on the County to work with East County cities to preserve a continuous open space system outside the Urban Growth Boundary, with priority given to the permanent protection of the Resource Management area between Dublin and North Livermore and the area north of the Urban Growth Boundary in North Livermore. The preserved open space areas are intended for the protection of public health and safety, the provision of recreational opportunities, production of natural resources (e.g., agriculture, wind power and mineral extraction), protection of sensitive viewsheds, preservation of biological resources, and the physical separation between neighboring communities. This open space system is to include a continuous band of various plant communities and wildlife habitats that provide for comprehensive, rather than piecemeal, habitat conservation. The open space for habitat conservation is to be located outside of the UGB and contiguous to large open space areas in neighboring Contra Costa, Santa Clara and San Joaquin Counties. To maintain this open space system, ECAP policies call for the following implementation strategies:

- Approve only open space, park, recreational, agricultural, limited infrastructure, public facilities (e.g., limited infrastructure, hospitals, research facilities, landfill sites, jails, etc.) and other similar and compatible uses outside the UGB
- Use zoning and other mechanisms such as purchase or dedication of easements through density transfer or density bonuses and fee purchase to preserve open space outside the UGB
- Require that all new developments dedicate or acquire land for open space and/or pay equivalent in-lieu fees to be committed to open space land acquisition and management, and to encourage the East County cities to impose similar open space requirements on development in incorporated areas
- Encourage the Alameda County Open Space Land Trust to acquire fee title or easements on strategic parcels that would permanently secure the UGB and complete the continuous open space system surrounding Eastern Dublin, North Livermore, South Livermore and the existing cities of Pleasanton, Dublin and Livermore.

To maximize the long-term productivity of East County's agricultural resources, ECAP calls for the conservation of prime agricultural soils, and Farmland of Statewide Importance and Unique Farmland outside the Urban Growth Boundary. It also calls for the preservation of the Mountain House area near the San Joaquin County boundary for intensive agricultural use.

ECAP also seeks to protect unique visual resources and sensitive viewsheds by preserving the following major visually sensitive ridgelines largely in open space use:

- The ridgelines of Pleasanton, Main, and Sunol Ridges west of Pleasanton

³ "Infrastructure" is defined as including public facilities, community facilities and all structures and development that is necessary for the provision of public services and utilities.

- The ridgelines of Schafer, Shell, Skyline, Oak and Divide Ridges west of Dublin, and the ridgelines above Doolan Canyon east of Dublin
- The ridgelines above Collier Canyon and Vasco Road, and the ridgelines surrounding Brushy Peak north of Livermore
- The ridgelines above the vineyards south of Livermore, and
- The ridgelines above Happy Valley south of Pleasanton

In the southerly portion of East County, ECAP seeks to protect important watershed land from the direct and indirect effects of development. To achieve this goal, ECAP encourages public water management agencies (e.g., the SFPUC) to explore recreational opportunities on watershed lands, particularly at reclaimed quarries, and to provide limited public access on trails that pass through the watershed lands surrounding San Antonio and Calaveras Reservoirs, Sunol Watershed, and the Arroyo de la Laguna.

Agricultural Land Use Designations

In general, the ECAP identifies three primary agricultural and/or open space-related land use designations on its Land Use Diagram (see **Figure 2-1**):

- Large Parcel Agriculture (LPA): This land use designation generally applies to the majority of the easterly portions of unincorporated East County. The LPA designation is primarily intended to provide for low-intensity agricultural and grazing uses, and also permits agricultural processing facilities (e.g., wineries and olive presses), limited agricultural support service uses (e.g., animal feed facilities, silos, stables and feed stores), secondary residential units, visitor-serving commercial facilities (e.g., tasting rooms, fruit stands, bed and breakfast inns), recreational uses, public and quasi-public uses, solid waste landfills and related waste management facilities, quarries, windfarms, utility corridors, and similar uses compatible with agriculture. Specific policy limitations that apply within the Large parcel Agriculture land use include:
 - A minimum parcel size of 100 acres (with exceptions for smaller existing parcels)
 - A maximum building intensity for non-residential buildings of a .01 FAR (floor area ratio) but not less than 20,000 square feet, but where permitted, greenhouses shall have a maximum intensity of .025
 - One single-family home per parcel is allowed provided that all other County standards are met for adequate road access, sewer and water facilities, building envelope location, visual protection, and public services
 - Residential and residential accessory buildings shall have a maximum floor space of 12,000 square feet. Additional residential units may be allowed if they are occupied by farm employees required to reside on-site.
 - Apart from infrastructure, all buildings shall be located on a contiguous development envelope not to exceed 2 acres, except they may be located outside the envelope if necessary for security reasons or, if structures for agricultural use, necessary for agricultural use
- Resource Management (RM): This land use designation applies to lands that surround Watershed Management lands, the area between Dublin and North Livermore, and the area north of the Urban Growth Boundary in North Livermore. This designation is intended mainly for

land designated for long-term preservation as open space, but may include low intensity agriculture, grazing and very low-density residential use. The purpose of this land use designation is to permit agricultural uses, recreational uses, habitat protection, watershed management, public and quasi-public uses in areas typically unsuitable for human occupation. This includes areas subject to due to public health and safety hazards such as earthquake faults, floodways, unstable soils, or areas containing wildlife habitat and other environmentally sensitive features. This land use classification generally requires a minimum parcel size of 100 acres , and 1 single family home per parcel is allowed (provided all other County standards are met for adequate road access, sewer and water facilities, building envelope location, visual protection, and public services). This designation is intended mainly for land designated for long-term preservation as open space, but may include low intensity agriculture, grazing and very low-density residential use.

- Water Management (WM): This land use designation generally applies to the lands owned by the San Francisco Water Department and watershed lands surrounding San Antonio and Calaveras Reservoirs, the Sunol Watershed and the Arroyo de la Laguna. This land use designation is intended to provide for the protection of watershed land from the direct and indirect effects of development. The minimum parcel size is generally 100 acres, one single family home per parcel is allowed (provided all other County standards are met for adequate road access, sewer and water facilities, building location, visual protection, and public services). This designation also provides for sand and gravel quarries, reclaimed quarry lakes, watershed lands, arroyos and similar and compatible uses.

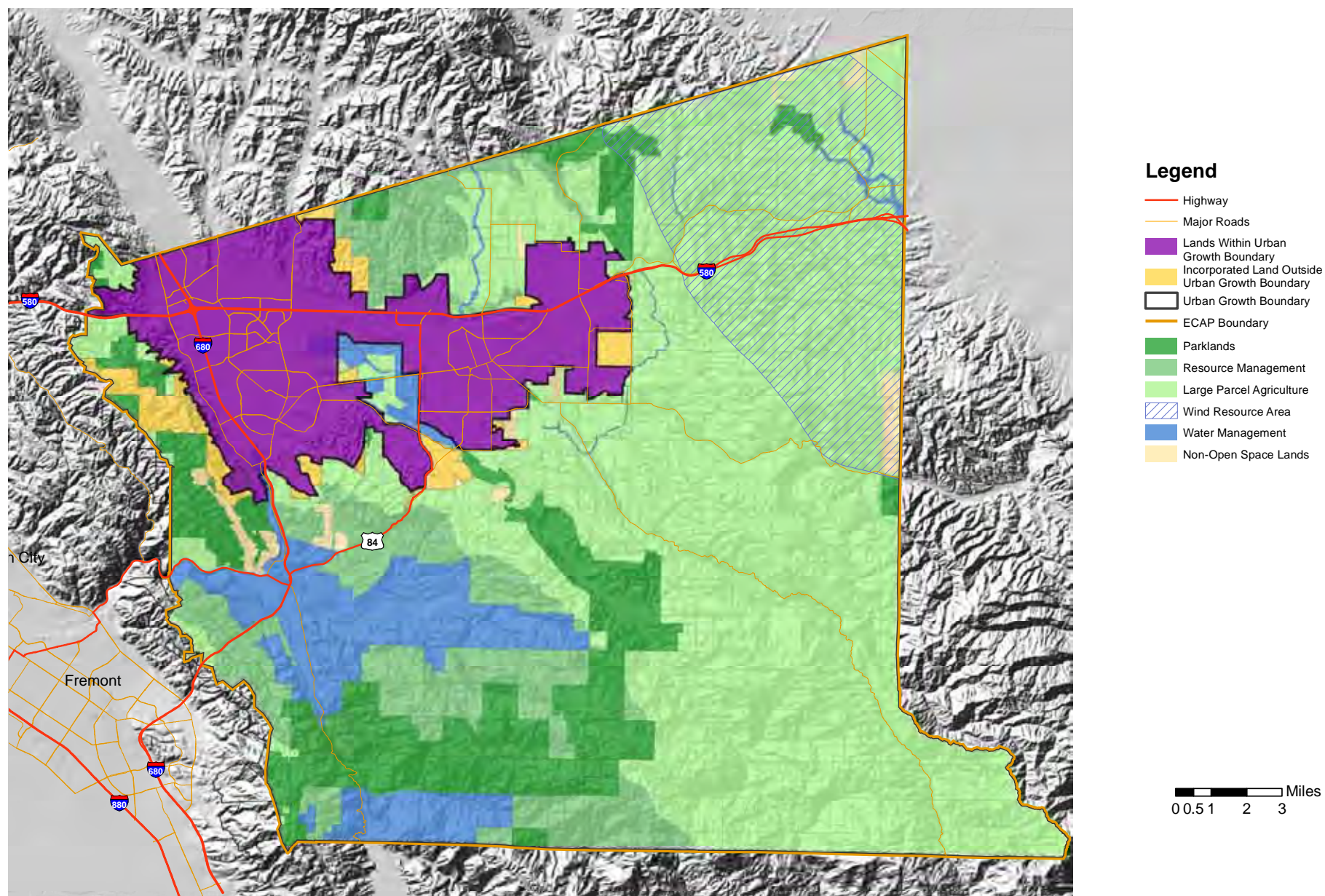


Figure 2-1
East County Area Plan (ECAP), Open Space Diagram and Urban Growth Boundary

Source: Alameda County, *East County Area Plan*, Figure 4, as amended October 2016

2.3: South Livermore Valley Area Plan/Specific Plan

South Livermore Valley Area Plan – Unincorporated Alameda County

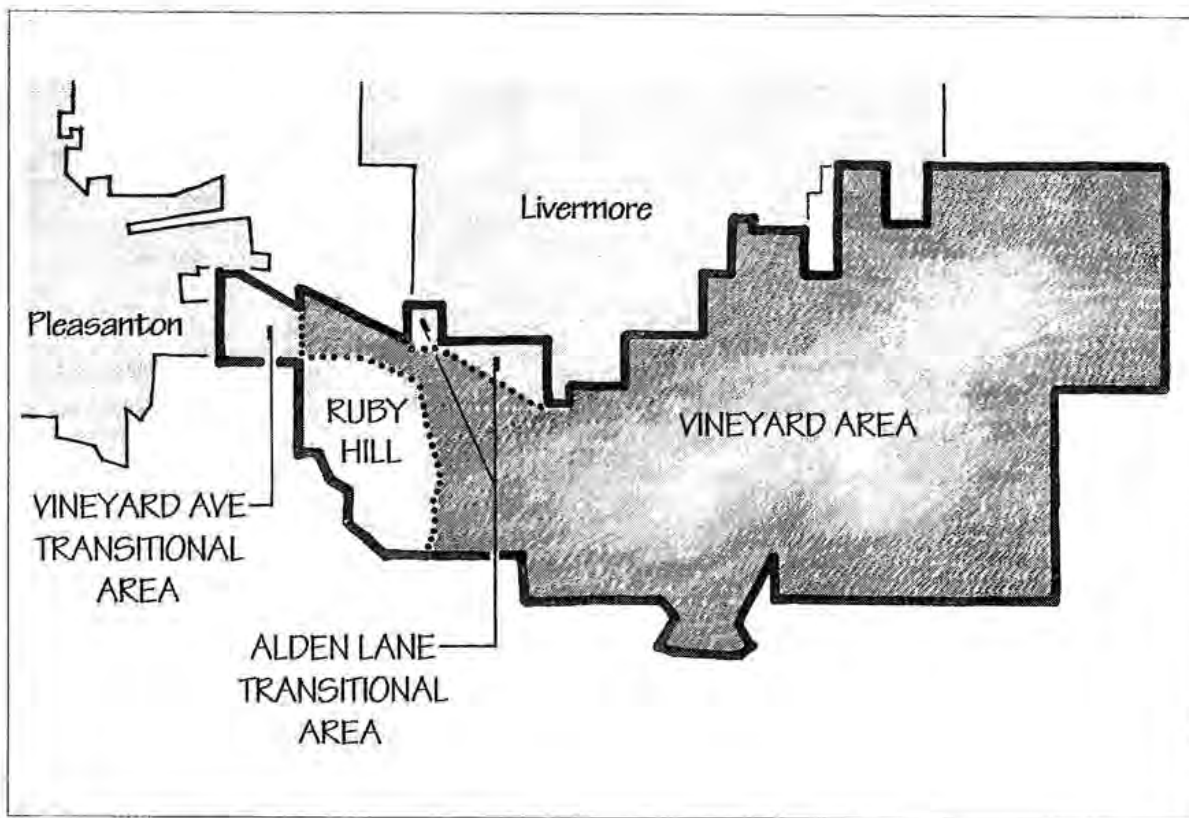
In 1987, in an effort to halt the gradual erosion of vineyards, the County of Alameda and the cities of Livermore and Pleasanton undertook a multi-year planning process aimed at protecting and rejuvenating the South Livermore Valley as a premium wine-producing region. Working with a wide range of interest groups and citizens, the County and the cities of Pleasanton and Livermore reached a consensus on a set of goals and objectives to guide future land use in the South Livermore Valley. This process resulted in the preparation of the *South Livermore Valley Area Plan*, which was approved by the County Board of Supervisors in 1993.⁴ The South Livermore Valley Area Plan (SLVAP) area includes approximately 14,000 acres of unincorporated land that extends in a broad crescent around the southern edge of the cities of Livermore and Pleasanton, and encompasses the majority of the most suitable agricultural and viticulture land between Livermore's city limits and the ridglands to the south, east and west (see **Figure 2-2**).

The SLVAP created no new entitlement for urban or other development, but rather created a framework for the consideration of future development, based on whether such development would further the agricultural preservation strategies of the Area Plan. The SLVAP recognized that agriculture could not compete on an economic basis, on its own, with urban development. Therefore, the policies and implementation programs of the SLVAP direct new residential development to appropriate locations adjacent to cities. It requires that new urbanization provide much of the economic resources necessary to preserve and expand viticulture and other cultivated agriculture on the most important agricultural lands in the area.

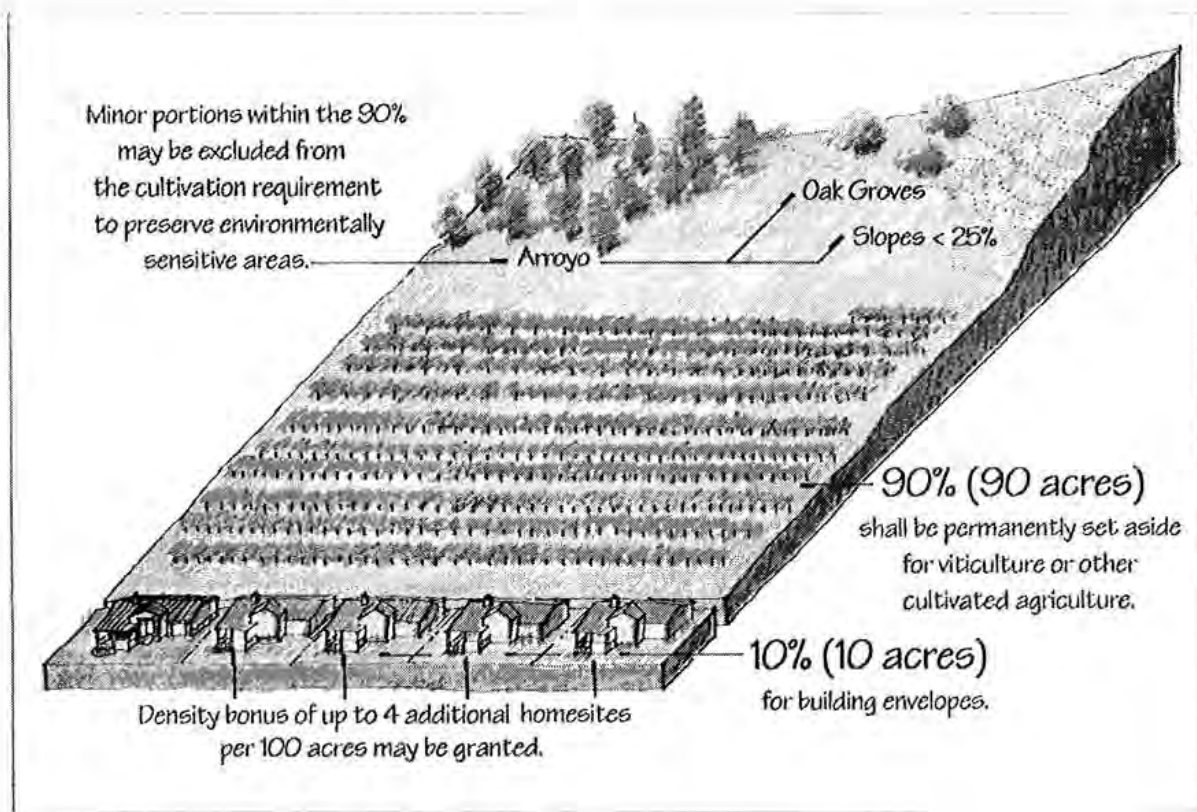
The County's SLVAP includes land use policies intended to preserve existing vineyards and wineries. The SLVAP seeks to enhance recognition and the image of the area as an important premium wine-producing region, to create incentives for investment and expansion of vineyards and other cultivated agriculture, and to preserve the area's unique rural, scenic and historic qualities. Among its goals, the South Livermore Valley Area Plan specifically calls for the expansion of cultivated agricultural acreage, particularly viticulture, from approximately 2,100 acres to a minimum of 5,000 acres. To achieve these goals, the SLVAP includes the following land use strategies:

- It creates a density bonus system that provides economic incentives to encourage landowners to expand viticulture acreage. It permits property owners with a reduction in the minimum parcel size, provided the landowner plants wine grapes and places the land under a permanent agricultural easement.
- It establishes an agricultural land trust that is capable of accepting donations or purchasing conservation easements to protect productive agricultural lands in perpetuity.
- It also requires all new urban development in the area to contribute to preservation, promotion and expansion of viticulture in the Valley. Contributions can include development of new vineyards, dedication of agricultural easements, financial contributions to the land trust, refurbishment of existing wineries, and the inclusion of wine country amenities such as golf courses, conference centers, and a wine museum.

⁴ Alameda County, *South Livermore Valley Area Plan*, 1993



South Livermore subareas



Vineyard Area: Cultivated Agriculture Overlay District

Figure 2-2
South Livermore Valley Area Plan Planning Area and Development
Concepts

Source: Alameda County, SLVAP, pages 13 and 14,
 February 1993

The SLVAP encourages development of new wineries and other tourist-related projects that will attract tourists and increase recognition of the South Livermore Valley as a premium wine-producing region. The SLVAP suggests that such uses could include a wine museum, a culinary institute, conference center, or a resort hotel. These destination-type uses would be complemented by tourist-serving retail uses, such as restaurants, bicycle rentals, art galleries, or other small-scale uses that would contribute to the creation of an attractive, full-service destination for visitors to the wine country. Retail use and "for-profit" major attractions are subject to an agricultural mitigation fee, rather than the acre-for-acre mitigation required of residential development.

The SLVAP also recognizes that the City of Livermore will have primary responsibility for overseeing and implementing the urban component of the Area Plan, since the majority of the urban development that can occur must be annexed into and served by the City.

South Livermore Valley Specific Plan – City of Livermore

Following the County's adoption of the SLVAP, the City of Livermore amended its General Plan in 1993 to incorporate relevant policies from the County's SLVAP. Livermore's amended General Plan provided a policy framework for the South Valley area that is consistent with the policies adopted by the County, and established a City Urban Growth Boundary. The policy direction is intended to result in development of up to 1,600 new residential units within the South Livermore Valley's Urban Growth Boundary as a means of achieving expanded viticulture acreage via implementation of an agricultural mitigation program. The City's amended General Plan policies for the South Valley acknowledged the pressure for additional urban development, but specified that no new urban development would be permitted unless it met a number of specific criteria, including that the development:

- does not displace or destroy a significant amount of any actively farmed vineyards
- is contiguous to the existing boundaries of the City of Livermore, and is limited to areas under City jurisdiction
- can be serviced by all necessary public services and utilities
- contributes to the creation of a permanent boundary and open space buffer between the cities of Livermore and Pleasanton, and
- contributes substantially to the expansion of viticulture and mitigates for the loss of land suitable for vineyards

To ensure that new development will make a direct contribution to the expansion of viticulture in the South Valley, the General Plan amendment included a mitigation program. That program requires new urban development to plant one acre of new vineyard (or other appropriate cultivated agriculture, such as orchards) for every acre of urbanized land, and to plant one acre of new vineyard (or other appropriate crop) for every new home constructed. All new agricultural acreage planted under this mitigation program must be located within the SLVAP planning area, and must be placed under permanent agricultural easement. Developers are also required to provide evidence of a long-term (8 years or more) maintenance contract for care of the vineyards. Thus, the mitigation program uses the increased economic value associated with new residential development to contribute to the expansion of viticulture in the South Valley.

The City's amended General Plan also indicated Livermore's intention to establish a more detailed Specific Plan, needed to establish the exact location of new urban development in the South Livermore Valley.

South Livermore Valley Specific Plan

In 1997, the City of Livermore adopted the *South Livermore Valley Specific Plan (SLVSP)*.⁵ The land use concept for the SLVSP is intended to protect and enhance open space and agricultural uses, as well as to create a logical and coherent pattern of new urban uses. Accordingly, lands that are critical to the Valley's future as a major wine-producing region are to be placed under permanent agricultural easements and planted with vineyards or other intensive agricultural crops. The easement-protected lands establish a permanent boundary to prevent future urban expansion, and an agricultural mitigation program secures under permanent agricultural easement, approximately 1,920 acres of newly planted vineyards and other intensive agriculture. New development within the SLVSP is intended to establish a permanent edge to the urban area, providing a gradual transition from urban to rural that allows agriculture to blend with developed areas, and integrate new development within an agricultural setting.

The SLVSP focuses on providing a relatively compact development pattern divided into a number of distinct "clusters", or sub-areas (see **Figure 2-3**) that allow for creation of well defined, pedestrian-scaled neighborhoods. Development in these clustered sub-areas is intended to have a rural character consistent with the area's scenic natural setting and the Valley's historic wine country character. Seven distinct and non-contiguous sub-areas are distributed along Livermore's southern boundary, within which 487 acres (or 26% of the total 1,891-acre SLVSP area) are designated for the development of up to 1,221 dwelling units. All of the units are to be single-family detached residences, with densities ranging from 1.5 to 3.5 units per acre. The SLVSP also designates 16 sites (nearly 60 acres) for possible commercial development that is intended to provide amenities that enhance the experience of visitors to the South Livermore Valley wine country, and only those commercial uses that support wine-related tourism are permitted.

In order to offset the impacts of development permitted under the Specific Plan, land that is critical to the Valley's future as a major wine producing region will be placed under permanent agricultural easements, and planted with vineyards or other intensive agricultural crops. By siting new development and directing the location of agricultural easements, the SLVSP establishes a permanent boundary that will prevent future urban expansion from threatening the viability of the South Livermore Valley wine region. In total, the agricultural mitigation program set forth in the SLVSP is intended to secure, under permanent agricultural easement, approximately 1,920 acres of newly planted vineyards and other intensive agriculture.

The SLVSP also seeks to preserve and manage the planning area's open space lands and natural resources for long-term benefits to residents, the Livermore community, the South Valley wine industry, visitors and the environment itself. The resources to be protected include agricultural lands, public parklands, sensitive habitat areas, scenic areas and areas with significant cultural/historic resources. The Specific Plan not only seeks to protect sensitive natural resources and valuable agricultural land, but also to incorporate open space resources that enhance community character and contribute to the wine-country character of the area. This includes protection of important visual and recreational assets that improve the quality of life for area residents and enhance enjoyment of the area by visitors.

⁵ City of Livermore, *South Livermore Valley Specific Plan (SLVSP)*, 1997

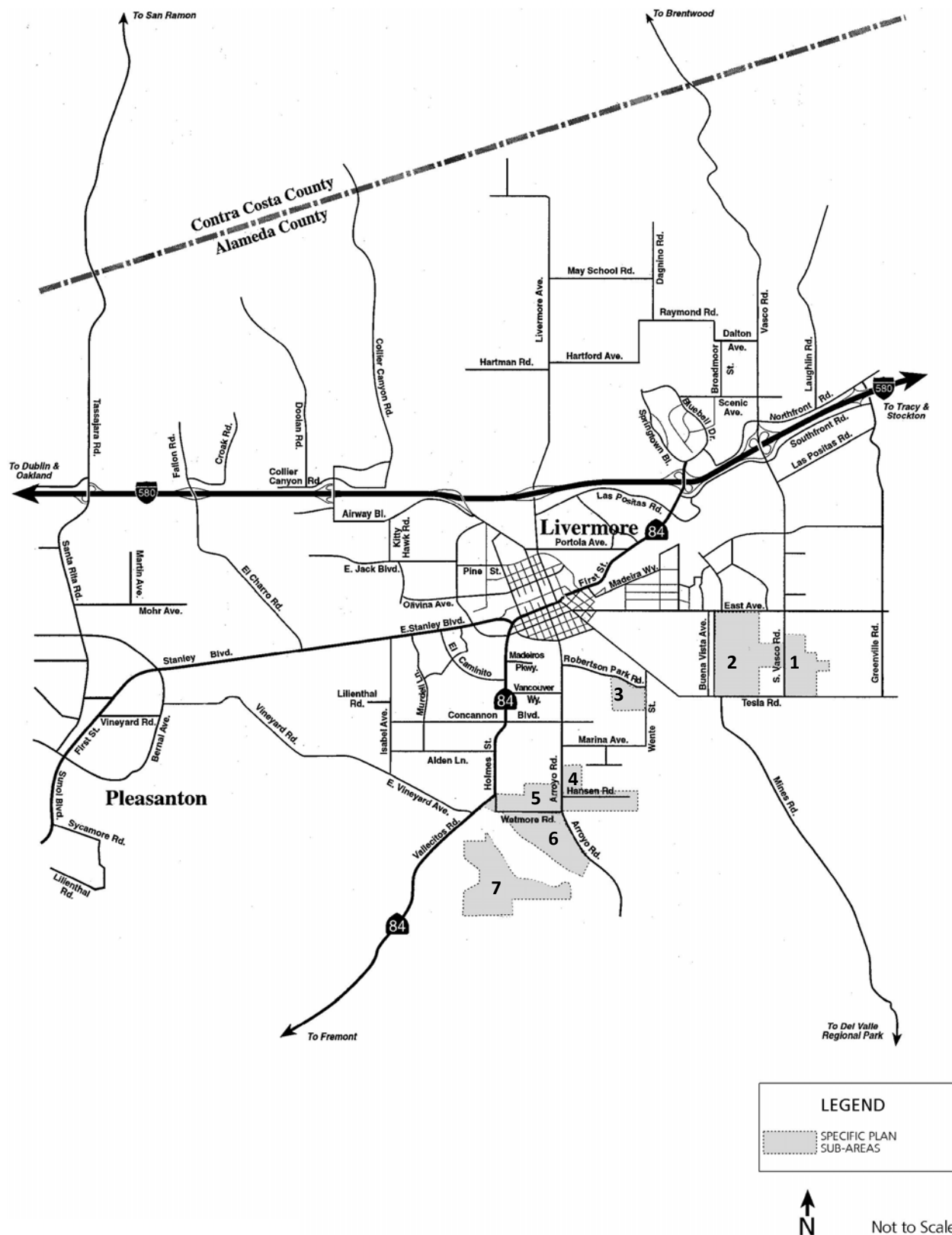


Figure 2-3
South Livermore Valley Specific Plan, Planning Sub-Areas

Source: City of Livermore, SLVSP, Figure 2-1, as amended February 2004

The permanent open space buffer along the southern edge of the City of Livermore also eliminates the potential for future urban expansion and preserves the area's scenic rural character.

SLVAP Policies Incorporated into ECAP

When the County's ECAP was amended in 2002 to ensure consistency with the provisions of Measure D, the County's SLVAP was incorporated into the amended ECAP, in its entirety. The SLVAP's goals, policies and programs that apply primarily to the unincorporated Vineyard Area of the South Livermore Valley provide for certain exceptions or differences in land use policies that apply elsewhere in County-designated Agricultural and/or Resource Management areas. Within the South Livermore Valley Area Plan's Vineyard area, the County established a "Cultivated Agriculture Overlay District. The Overlay District provides for a base density of 100 acres per home site, but also allows a density bonus of up to 4 additional home sites per 100 acres (or fraction thereof). The density bonus must demonstrate that the development will contribute substantially to the goal of promoting viticulture or other cultivated agriculture, and if the land meets certain criteria, including the following:

- adequate water supplies must be available to the proposed parcels for both domestic and irrigation needs, and all proposed home sites must be able to be served by individual septic systems
- the applicant must guarantee that a minimum of 90% of the parcel will be permanently set aside for viticulture or other cultivated agriculture, that the set-aside acreage will be planted in wine grapes or other cultivated agriculture, and that provisions (such as agricultural conservation easements) are in place to ensure its continued cultivated agricultural use
- the applicant must provide evidence that cultivated agriculture will be maintained for a minimum of eight years
- building site envelopes for homes and ancillary uses shall be designated on the 10%-portion of the parcel outside the required 90% set aside for agricultural areas, and no building site envelope may exceed a 25% slope

New commercial uses within the Cultivated Agricultural Overlay District must be appropriate, small-scale uses that promote the area's image as a wine region, and are subject to issuance of a conditional use permit. New commercial uses proposed as part of a bonus density application are limited to the 10% maximum area of each parcel not dedicated to cultivated agriculture, and should be sited to maximize efficient use of cultivated lands. Wineries and small bed-and-breakfast establishments are examples of appropriate commercial uses. In May of 2019, the Board of Supervisors adopted a technical amendment to the SLVA Plan that allows standalone B&B's or small inns up to 14 rooms, including small restaurants with seating up to 49 patrons. Proponents of new commercial development must show that development can be adequately served by a septic system, and that adequate water supplies are available for commercial needs.

The amended ECAP did not address the City of Livermore's SLVSP, as the ECAP only applies to lands within unincorporated East Alameda County.

Chapter 3: Measure D Effectiveness

As identified by Alameda LAFCO, one of the purposes of this study is to provide an overview of the relative effectiveness of Measure D and the amended East County Area Plan (ECAP) in achieving Measure D's primary goals as well as the complimentary policies of Alameda LAFCO related to the following:

- Supporting urbanization in cities and not on prime agricultural land or important open space (per LAFCO Policies 4.3 and 4.4), including only those territories within existing Spheres of Influence for needed urbanization (per LAFCO Policy 13.13), and conditioning approvals of annexations and Sphere of Influence changes on the retention of Measure D restrictions (per LAFCO Policy 4.11)
- Identifying and protecting important agricultural lands and open spaces when considering annexations and sphere of influence proposals (per LAFCO Policies 4.5 through 4.8), and
- Supporting and establishing incentives for viable open space preservation and agricultural operations (per LAFCO Policy 4.10)

The following section of this study provides a brief review of measurable performance indicators related to each of these Measure D goals and Alameda LAFCO policies.

3.1: Supporting City-Centered Growth

Measure D established an Urban Growth Boundary (UGB) for the East County, which is now fully incorporated into Alameda County's East County Area Plan (ECAP) and incorporated into each of the General Plans of the four cities within the East County, including Livermore, Pleasanton, Dublin and portions of Hayward (see **Figure 3.1**). The UGB is intended to focus urban-type development within these existing cities, where it will be efficiently served by public facilities.

Alameda County has land use jurisdiction over those unincorporated portions of East County outside the boundaries of an incorporated city. The UGB and supporting ECAP policies specifically preclude urban development within these unincorporated lands. Conversely, each of the four cities within the East County has land use jurisdiction within its own boundaries, and each has prepared its own General Plan, with maps and policies pertaining to urban growth and development, as well as open space and agricultural preservation. The planning efforts for each of these East County cities involve three different boundaries:

- The current City limits, which encompass the incorporated area, and where land use is controlled by each City
- Each City's Sphere of Influence (SOI), which includes both incorporated and unincorporated areas, and where Alameda LAFCO has determined is each City's probable ultimate physical boundaries and service area, and
- Each City's planning area boundary, which encompasses the area covered by each City's General Plan, and which may extend beyond the City's SOI¹¹

¹¹ Although the unincorporated areas within a city's SOI and Planning Area may be of special interest to a City, the County retains control of land use in these areas unless or until they are annexed to a City.

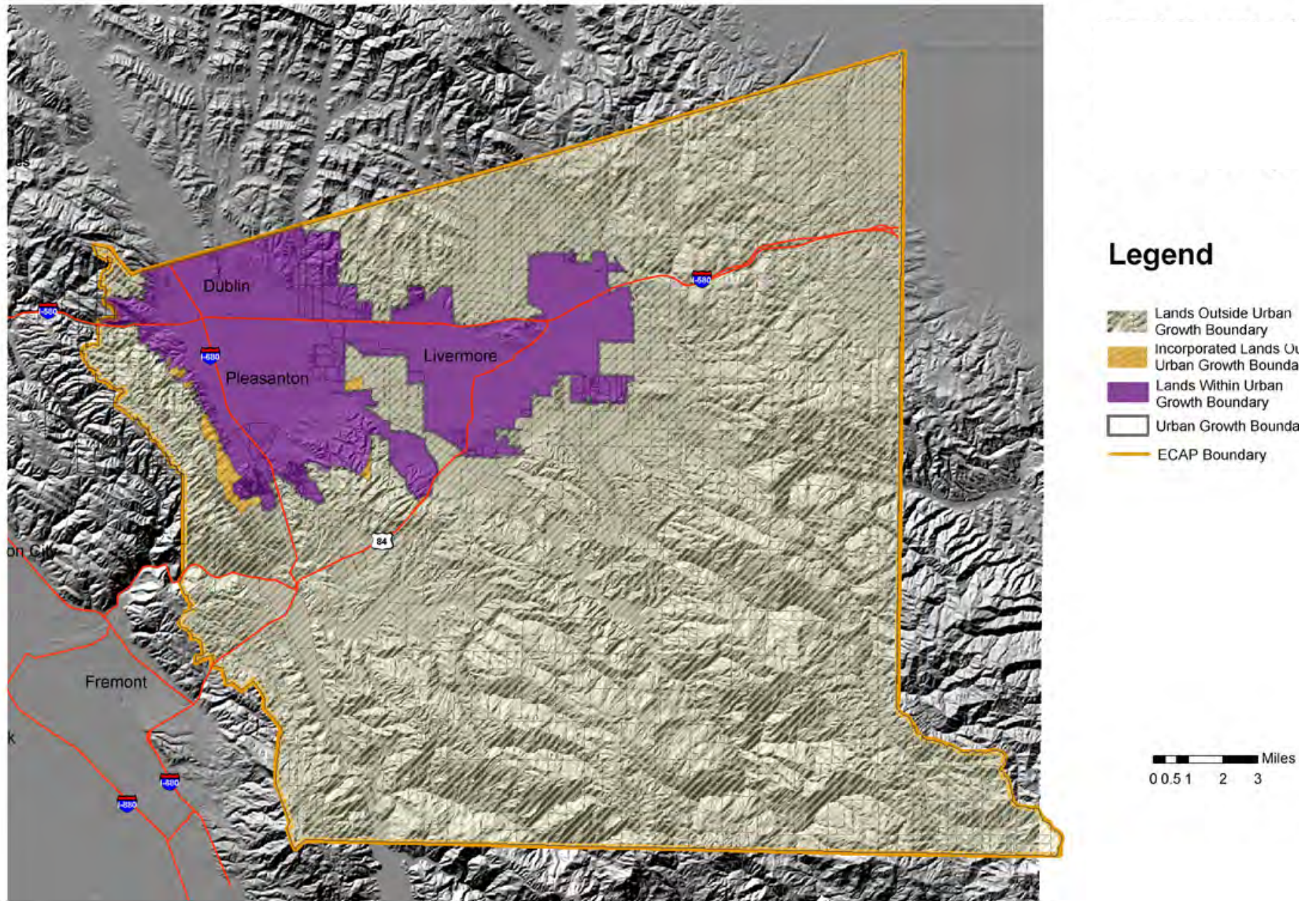


Figure 3-1
East County Area Plan Urban Growth Boundary

Source: Alameda County, *East County Area Plan*, Figure 3, as amended October 2016

Measure D and ECAP policies support City annexation and incorporation of existing and proposed urban development within the UGB, and encourages the East County cities to achieve consistency with ECAP policies regarding the UGB, as well as open space protection and acquisition.

Whereas Alameda LAFCO is charged with determining the SOI for each City within the County and reviews these adopted SOI boundaries on a regular basis, LAFCO's periodic SOI reviews provide a good indication of whether each City's probable ultimate physical boundaries and service areas achieve consistency with the UGB and city-centered growth patterns. The following is a short summary of Alameda County LAFCO's SOI reviews for the years 2007 and 2017 (those review periods following implementation of Measure D), as well as an overview of the growth patterns and development that has occurred within each of the cities within East County.²

City of Livermore

The City of Livermore's SOI was established by LAFCO in 1979 and was amended in 1981, 1984, 1988, 1992 and 1999, and once in 2005. Through the year 2007, Livermore had accepted as many as 83 annexations into the City boundary, and all but one of those annexations involved territory in their SOI.

In 2000, Livermore voters approved a City of Livermore Urban Growth Boundary (UGB) that limits urban development in the southern portion of the City, and in 2002, the City of Livermore adopted a North Livermore UGB (see **Figure 3.2**). The City's UGBs are co-terminus with the UGB established pursuant to Measure D, and only permit non-urban uses beyond the UGB line (both inside and outside of the incorporated City boundary), thereby promoting city-centered infill development and preservation of open space.

- As part of LAFCO's 2007 SOI review and update, the existing SOI for the City of Livermore was retained, with no expansions proposed or considered.
- As part of LAFCO's 2017 review and update, the existing SOI for the City of Livermore was reaffirmed, with no changes. Alameda LAFCO determined that present and planned land uses in Livermore are adequate for existing residents as well as future growth, as demonstrated in the 2005 Livermore General Plan.

Whereas Livermore's SOI does extend beyond (outside of) the Measure D UGB, all lands outside of the UGB (but within the City's SOI) have General Plan land use designations of Large Parcel Agriculture, Agriculture/Viticulture, Sand and Gravel, or special South Livermore Valley Specific Plan designations, which preclude urban development.

Since the year 2000, the City of Livermore's population and housing supply has increased by approximately 23 percent, from approximately 73,200 people and 26,100 housing units in 2000, to approximately 90,200 people and 31,800 housing units in 2020.³

² Alameda LAFCO - *Cities MSR/SOI Updates*, accessed at: <https://pwainsp.acgov.org/LAFCO/municipal.htm>

³ United States Census Bureau, Quickfacts, accessed at: <https://www.census.gov/quickfacts/fact/table/livermorecitycalifornia,pleasantoncitycalifornia,dublincitycalifornia/PST045219>



All of this growth has been accommodated within Livermore's established UGB. According to Livermore's last Housing Element, the City of Livermore's land inventory showed a capacity for approximately 2,733 additional housing units within the General Plan Area and approximately 1,692 units within the Downtown Specific Plan Area. In total, the identified potential housing sites would provide approximately 4,425 units, exceeding that period's Regional Housing Need Allocation (RHNA) by 1,696 units, including the required number of housing units in each household income category.⁴

The City of Livermore is currently in process toward preparation of a General Plan update, including a new State-mandated Housing Element. According to the 2021 ABAG Final RHNA Methodology and Draft Allocations, the City of Livermore has been assigned a draft allocation of an additional 4,570 housing units across all household income levels.⁵

City of Pleasanton

The City of Pleasanton's SOI was established by LAFCO in 1976 and was amended in 1981, 1984, 1988, 1991, and in 1992 with the annexation of the Ruby Hill/Vineyard Avenue Corridor. Through 2007, Pleasanton accepted as many as 66 annexations into the City boundary, and all but one of those annexations involved territory in their SOI.

The orderly growth and development of Pleasanton, together with the preservation of an open-space greenbelt, has been a high priority for the Pleasanton community. The City has used several tools to attain this goal including the adoption of an Urban Growth Boundary and a Growth Management Program. As early as 1996, Pleasanton voters ratified a City Urban Growth Boundary to distinguish areas generally suitable for urban development and areas where urban public facilities and services are provided, from those areas not suitable for urban development. Areas outside the Urban Growth Boundary are generally suitable for the long-term protection of natural resources, large lot agriculture and grazing, parks and recreation, public health and safety, wildlands, buffers between communities and scenic ridgeline views. The Pleasanton UGB permanently defines the line beyond which urban development will not occur. The UGB established in year 2000 (pursuant to Measure D) is co-terminus with the City of Pleasanton's already existing UGB (see **Figure 3-3**).

- As part of LAFCO's 2007 SOI review and update, the existing SOI for the City of Pleasanton was retained, with no expansions proposed or considered.
- As part of LAFCO's 2017/18 SOI review and update, the existing SOI for the City of Pleasanton was reaffirmed, with no changes. Alameda LAFCO determined that present and planned land uses in Livermore are adequate for existing residents as well as future growth, as demonstrated in the 2009 Pleasanton General Plan.

The City of Pleasanton's SOI encompasses a substantially larger area than either the City boundaries or the City's UGB. The Pleasanton General Plan indicates that, "annexation of remaining contiguous parcels of unincorporated County land to the City is crucial to completing an efficient system of municipal services at General Plan buildout".

⁴ City of Livermore General Plan, 2015 to 2022 Housing Element Update Initial Study for the City of Livermore, January 2015

⁵ Association of Bay Area Governments (ABAG), *Draft Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031*, May 2021

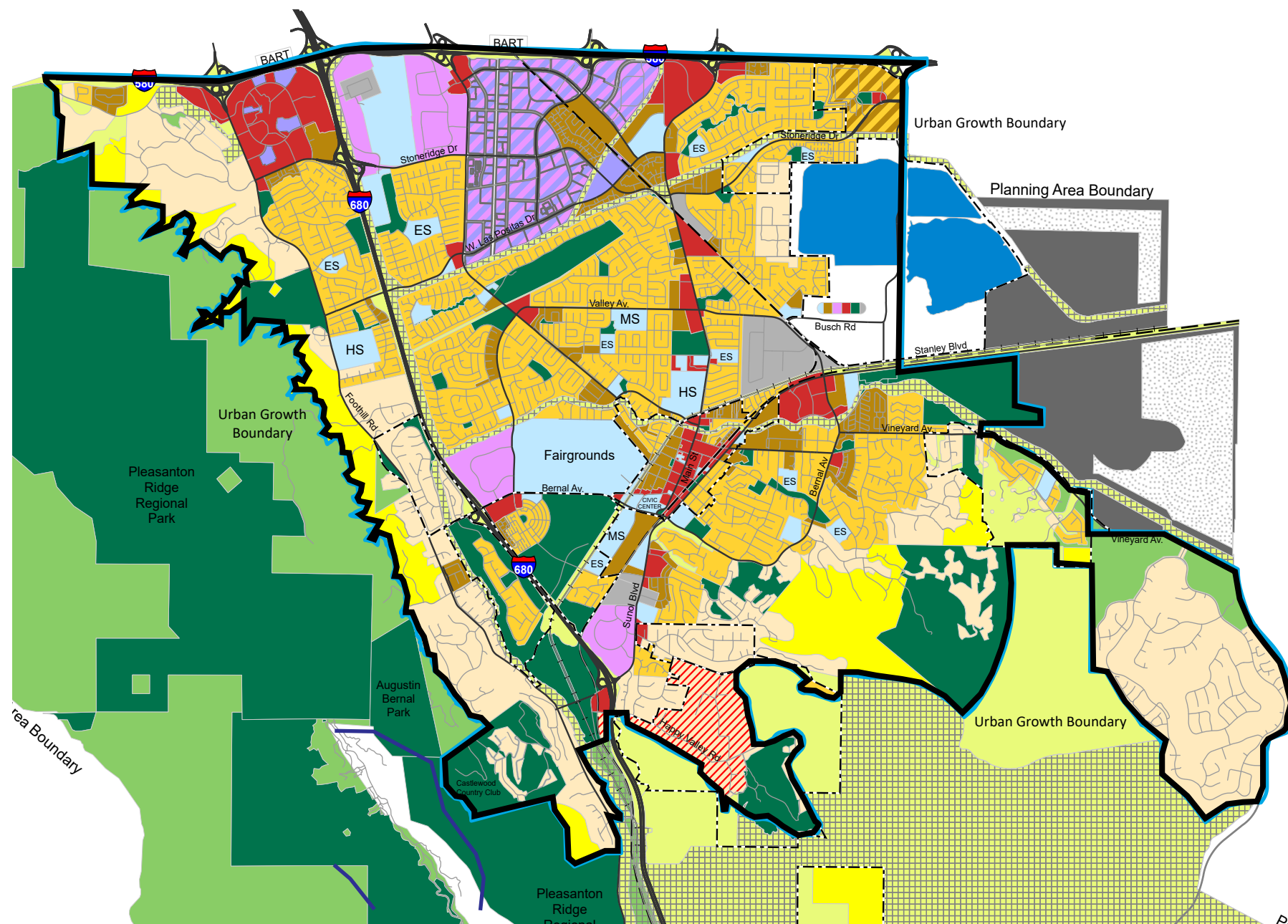


Figure 3-3
City of Pleasanton General Plan and Measure D UGB

Source: City of Pleasanton General Plan, Land Use Map
 2005-2025, as amended January 2012

Many of the areas within Pleasanton's SOI but outside of the UGB include sand and gravel quarries, and associated lakes on both sides of Stanly Boulevard. These areas also include the Pleasanton Ridge Regional Park and its adjacent agricultural lands to the west (protected since 1993, when Pleasanton voters approved Measure F), and large areas of agriculture and open space south of Pleasanton and north of SR 84. All of those lands that are outside of the UGB but within Pleasanton's SOI have General Plan land use designations that provide for sand and gravel operation, agriculture and open space, and public health and safety, but that preclude any urban land uses.

Since the year 2000, the City of Pleasanton's population and housing supply has increased by approximately 28 percent and 25 percent respectively, from approximately 63,700 people and 23,300 housing units in 2000, to approximately 81,800 people and 29,000 housing units in 2020.⁶ All of this growth has been accommodated within Pleasanton's established UGB. According to Pleasanton's latest adopted 2015-2023 Housing Element, the City of Pleasanton's actions to facilitate the provision of newly constructed, rehabilitated or conserved housing was adequate to meet a total need of 2,112 new housing units across all income levels.⁷

Like all jurisdictions in the Bay Area, Pleasanton is required to update its Housing Element by January 31, 2023. According to the 2021 ABAG Final RHNA Methodology and Draft Allocations, the City of Pleasanton has been assigned a draft allocation of an additional 5,965 housing units across all household income levels.⁸

City of Dublin

The City of Dublin's SOI was established by LAFCO in 1984 and amended only once (to detach the upper portion of Doolan Road from Dublin's boundary and SOI). Measure D established an Urban Growth Boundary at the eastern end of Dublin's planning area, which limits development outside that boundary, and Dublin's growth is expected to occur primarily in eastern Dublin.

- As part of LAFCO's 2007 SOI review and update, the existing SOI for the City of Dublin was retained, with no expansions proposed or considered.
- As part of LAFCO's 2017/18 SOI review and update, the existing SOI for the City of Dublin was reaffirmed, with no changes. Alameda LAFCO determined that present and planned land uses in Dublin are adequate for existing residents as well as future growth, as demonstrated in the Dublin General Plan (2015).

In 2000, the City of Dublin established an Urban Limit Line (ULL) along a portion of its Western Extended Planning Area that is coterminous with the City limit line and the Measure D UGB. In 2014, the City further adopted the Dublin Open Space Initiative, which established non-urban land use designations to protect open spaces and agricultural lands of its Western Extended Planning Area that are outside of the western ULL (see **Figure 3.4**).

⁶ U.S. Census Bureau, *QuickFacts*, accessed at: United States Census Bureau, Quickfacts, accessed at: <https://www.census.gov/quickfacts/fact/table/livermorecitycalifornia,pleasantoncitycalifornia,dublincitycalifornia/PST045219>

⁷ City of Pleasanton General Plan, *2015-2023 Housing Element*, accessed at: <http://www.cityofpleasantonca.gov/gov/depts/cd/planning/new/housing.asp>

⁸ ABAG, May 2021

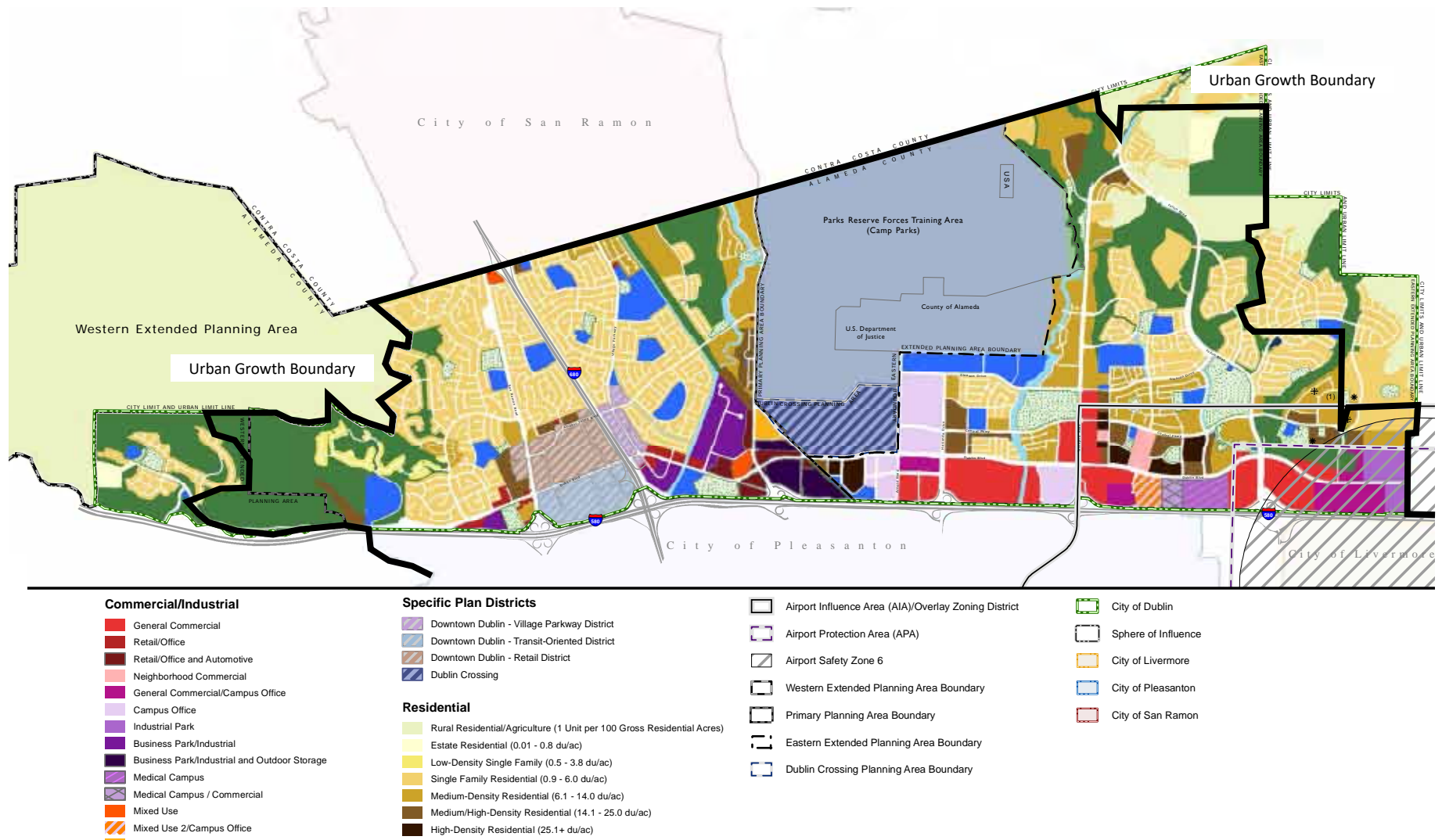


Figure 3-4
City of Dublin General Plan and Measure D UGB

Source: City of Dublin General Plan Land Use Element,
 Figure 1-1, as amended December 2016

The 2014 Dublin Open Space Initiative also established an additional ULL along the eastern edge of the City's Eastern Extended Planning Area. The eastern ULL was established to primarily to protect approximately 3,800 acres of lands known as the Doolan-Collier Canyons (located outside the City Limits and Dublin SOI) from development. The eastern ULL is co-terminus with the City boundary, but portions of this ULL occur outside of Measure D's UGB. In these areas, a Development Elevation Cap is established at the 770-foot elevation contour, where orderly and logical growth can occur without major impacts to visually sensitive ridgelines, biologically sensitive habitat areas, public services or infrastructure. Areas beyond the Development Elevation Cap are designated as open space and rural residential.

Since the year 2000, the City of Dublin's population and housing supply has more than doubled (116% growth), from approximately 30,000 people and 9,300 housing units in 2000, to approximately 64,800 people and 20,200 housing units in 2020.⁹ Much of this growth and development has occurred as transit-oriented development clustered around the Dublin/Pleasanton BART station (established in 1997), and as redevelopment of the former Camp Parks Reserve Forces Training Area pursuant to the Dublin Crossing Specific Plan.

The City is currently in the process of updating its General Plan Housing Element for the 2023-2031 planning period. According to the 2021 ABAG Final RHNA Methodology and Draft Allocations, the City of Dublin has been assigned a draft allocation of an additional 3,719 housing units across all household income levels.¹⁰

City of Hayward

The City of Hayward's SOI was established by LAFCO in 1978 and amended only once (to remove the Five Canyons development area north of the City from Hayward's SOI). Through 2007, the City of Hayward accepted as many as 53 annexations into the City boundary, all involving territory in the Hayward SOI. In 2004, the City filed an application to annex three of five islands in the Mt. Eden area to provide City services and infrastructure improvements.

- As part of LAFCO's 2007 SOI review and update, the existing SOI for the City of Hayward was retained, with no expansions proposed or considered.
- As part of LAFCO's 2017/18 SOI review and update, the existing SOI for the City of Hayward was reaffirmed, with no changes. Alameda LAFCO determined that present and planned land uses in Hayward are adequate for existing residents as well as future growth, as demonstrated in the Hayward General Plan.

Whereas the City of Hayward is primarily a West County city, it was included in the Measure D amendments to the East County Area Plan because its easterly boundary along the Pleasanton Ridge and Main Ridge (which generally separate East and West County areas) serves as a community separator/open space separating Hayward and Pleasanton(see **Figure 3.5**).

⁹ U.S. Census Bureau, *QuickFacts*, accessed at: <https://www.census.gov/quickfacts/dublincitycalifornia>

¹⁰ ABAG, May 2021

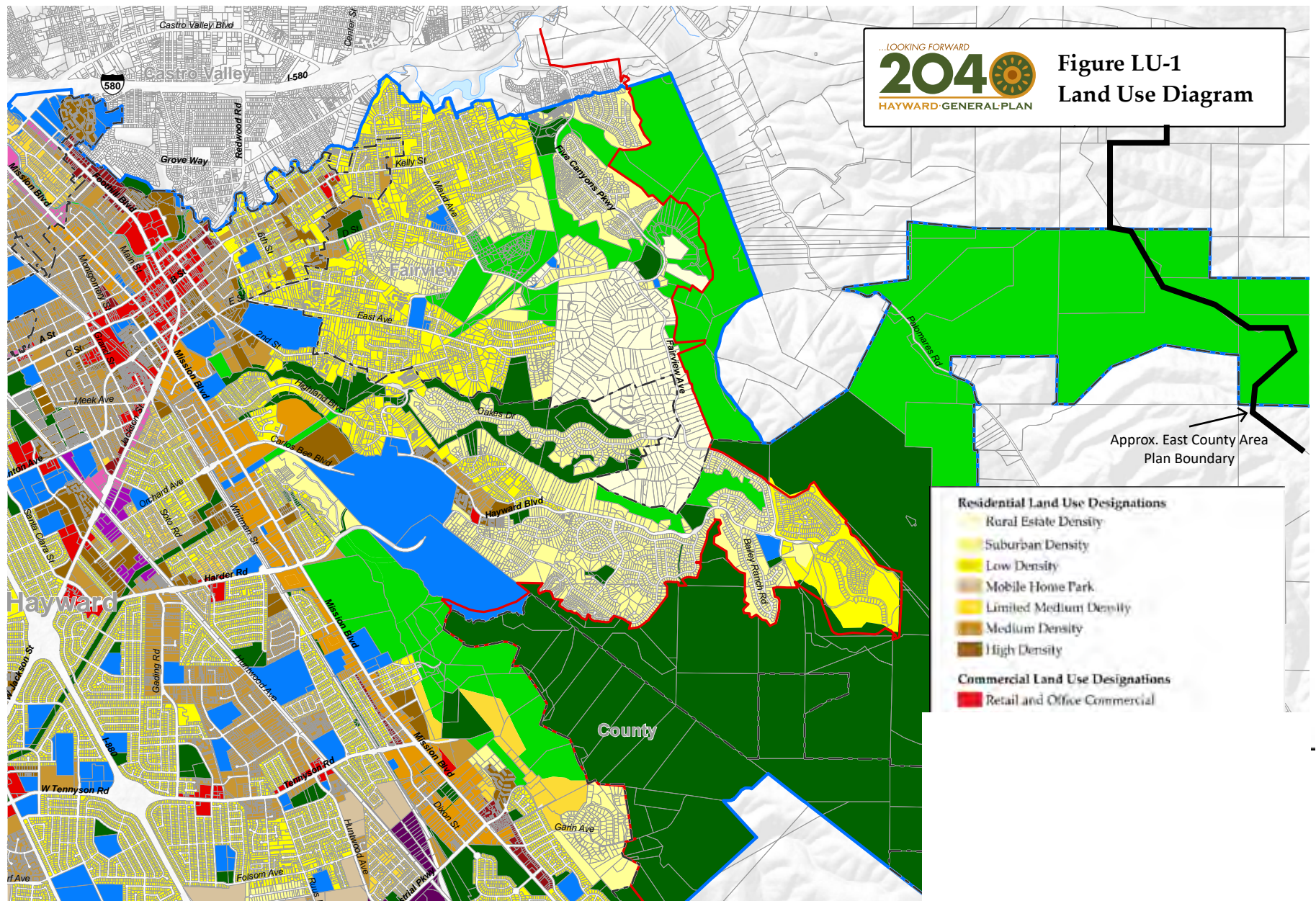


Figure 3-5
City of Hayward General Plan and Urban Limit Line

Source: City of Hayward General Plan, Land Use Diagram,
Figure LU-1, July 2014

ECAP (Policy 65) calls for the County to work cooperatively with the cities of Pleasanton and Hayward, the Castro Valley community, the East Bay Regional Park District (EBRPD), and landowners to retain Pleasanton Ridge as permanent open space, and to oppose any City SOI expansions or annexations outside the UGB in this area for purposes of urban development.

The City of Hayward General Plan does include policies to maintain its established Urban Limit Line to protect the Hayward hillsides as natural open space and recreational resources. Hayward policies also consider de-annexing properties outside of the City's SOI (e.g., Pleasanton Ridgeline) if cooperative agreements with Alameda County, Pleasanton, and the East Bay Regional Park District are in place to permanently preserve the properties as open space or regional parkland.¹¹

Conclusions

Measure D and its subsequent amendments to the County's East County Area Plan have been highly effective in directing that urbanization occur in the East County cities of Dublin, Pleasanton and Livermore, and not on the prime agricultural land or important open spaces outside of the UGB. No amendments to the UGB have been made, and no changes to existing SOIs for expansion of City boundaries to support urbanization have occurred since the year 2000. Alameda LAFCO has worked with each of the East County cities to ensure that annexations of land into those cities retain the land use restrictions established by Measure D.

As shown on **Table 3-1**, the East County has grown by nearly 70,000 people and 22,300 new housing units since 2000, nearly all of which has occurred within the City boundaries, and nearly all (with the exception of certain incorporated City lands in Dublin) within the UGB as established by Measure D.

¹¹ City of Hayward General Plan, Land Use Element, accessed at:
<https://www.hayward2040generalplan.com/goal/LU1>

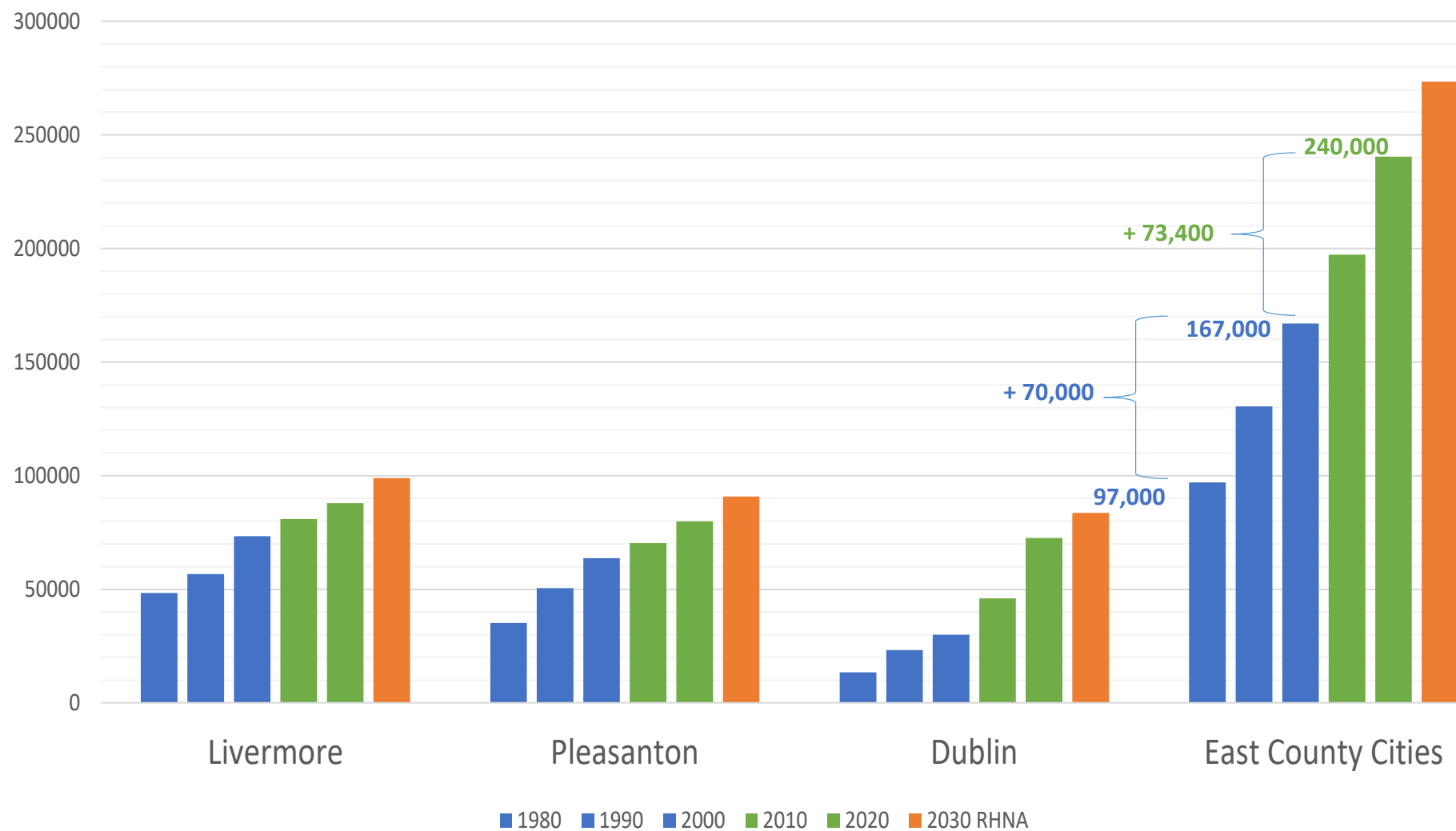


Table 3-1
Changes in East County Population by City, between 1990 and 2020 (plus Projected
Year 2030 Share of Regional Housing Needs)

Sources: US Census Bureau and General Plan Housing Elements of
Livermore, Pleasanton and Dublin

3.2: Protecting Important Open Space and Agricultural Lands

Maintaining the Open Space Greenbelt

Establishment of ECAP's UGB has reciprocally been highly effective in protecting and preserving those agricultural and open space lands that are located on the outside of the UGB. Since 2000, no changes to the UGB have occurred, and no urban development has displaced agricultural or open space lands on the outside of the UGB. Important open space areas that have remained as part of the continuous greenbelt outside the UGB include:

- the Pleasanton Ridgeland (with the cooperative efforts of Pleasanton, Hayward, the Castro Valley community, the East Bay Regional Park District, and private landowners)
- the upper portions of the Doolan and Collier Canyon Hills
- Brushy Peak Regional Preserve
- The North Livermore area
- Bethany Reservoir and State Recreation Area
- Sycamore Grove Regional Park,
- SFPUC properties and other properties in the watersheds surrounding of the San Antonio Reservoir and Lake del Valle, including the Del Valle Regional Park and Sunol Regional Wilderness, and
- the South Livermore Valley area (including the Ruby Hill Area, the Vineyard Avenue Area, the Alden Lane Area, and the Vineyard Area) crossing between the cities of Pleasanton and Livermore, and unincorporated County

Protecting Agricultural Lands/Agricultural Soils

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) provides data pertaining to California's agricultural land resources.¹² This data is an inventory of agricultural soil resources, updated every two years. The vast majority of agricultural lands within Alameda County that are tracked by the FMMP fall within the categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland and Grazing Land. Other land use categories (primarily the Urban and Other Lands categories) are used for reporting changes in agricultural land use as required for FMMP's biennial farmland conversion report. These land use categories are more specifically described below:¹³

- Prime Farmland: Farmland that is best suited for producing food, feed, forage, fiber and oilseed crops, with the best combination of physical and chemical features able to sustain long-term agricultural production, and also available for these uses. This land has the soil quality, growing season and moisture supply needed to produce sustained high yields. Land must have been

¹² California Department of Conservation's Farmland Mapping and Monitoring Program, accessed at: <https://maps.conservation.ca.gov/dlrp/>

¹³ California Department of Conservation, at: <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx>

used for irrigated agricultural production at some time during the four years prior to the mapping date, to be considered “Prime”.

- Farmland of Statewide Importance: Farmland of Statewide Importance has a good combination of physical and chemical characteristics for producing food, feed, forage, and fiber and oilseed crops, and is available for these uses. Farmland of Statewide Importance is similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date, to be considered of Statewide Importance.
- Unique Farmland: Unique Farmland is land other than Prime and Farmland of Statewide Importance that is currently used for the production of specific high value food and fiber crops. It has the special combination of soil quality, location, growing season and moisture supply needed to produce sustained high quality and/or high yields of a specific crop when treated and managed according to modern farming methods. These lands are currently producing crops of high economic importance to California (e.g., vineyards). They are usually irrigated but they may include non-irrigated orchards or vineyards, as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date, to qualify as being Unique Farmland.
- Grazing Land: Grazing Lands are those lands on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities.
- Urban and Built-up Land: Land occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures and other developed purposes.
- Other Land: Land not included in any other mapping category. Common examples include low density rural developments (at densities of less than 1 unit to 1.5 acres); brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits and quarries; and water bodies smaller than forty acres. Vacant and non-agricultural land greater than 40 acres and surrounded on all sides by urban development is mapped as Other Land.

The FMMP provides detailed Geographic Information System (GIS) data that pertains to Alameda County, starting in year 1984 (17 years prior to adoption of Measure D) through year 2018 (17 years after adoption of Measure D). This data enables a comparison of changes in farmland and agricultural soils that have occurred in East County, both pre- and post-Measure D. As in important note, the changes in farmland and other agricultural soils designations throughout the East County that occurred during the period from 2000 to 2018 are a function of many variables, and not necessarily attributable to Measure D.

Changes in East County Agricultural Lands Prior to 2000

Based on the detailed GIS data from the Department of Conservation for the year 1984 (see **Figure 3-6**), Alameda County's East County Area had:

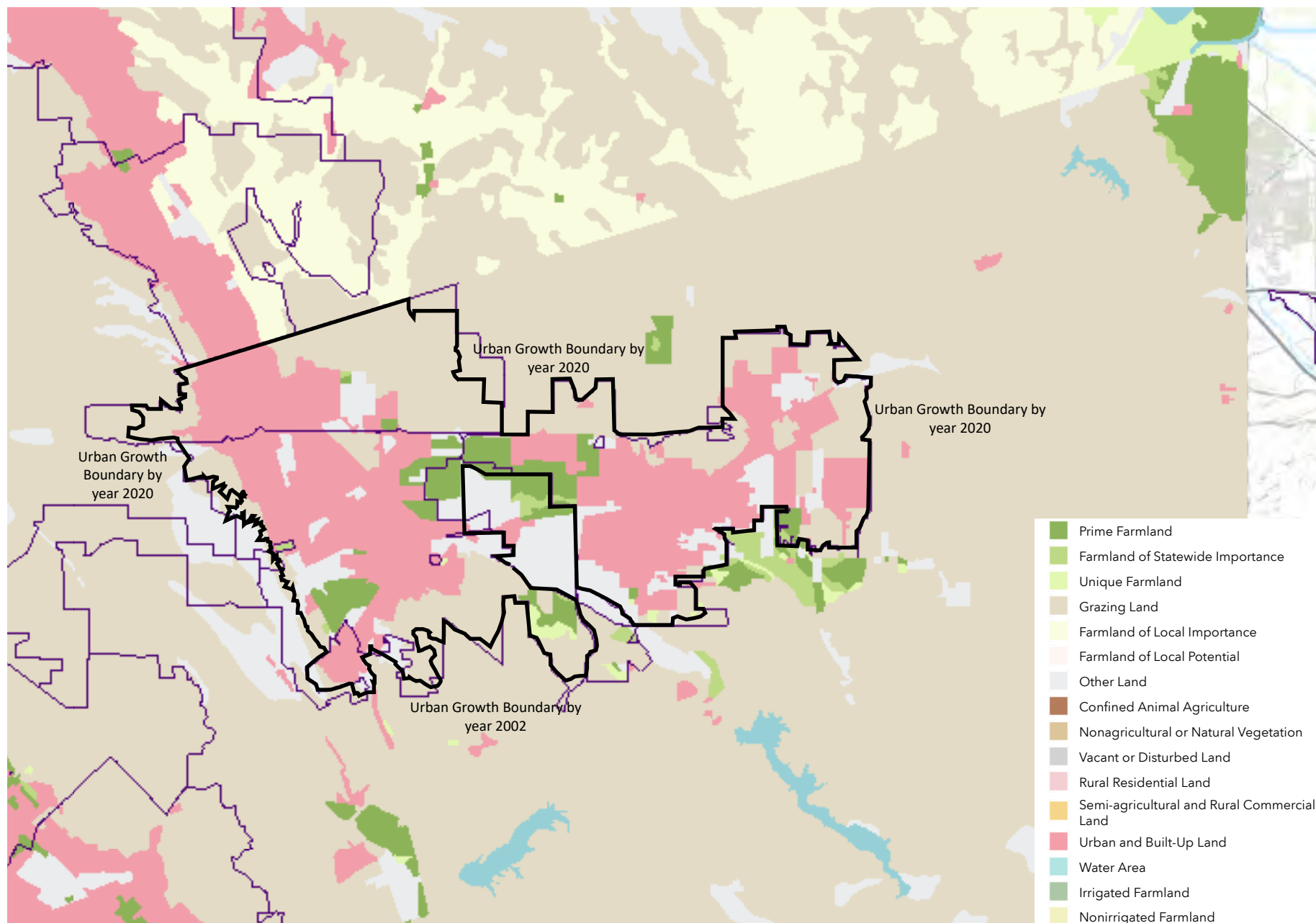


Figure 3-6
Important Farmland within East County - Year 1984

Source: California Dept. of Conservation, Farmland Mapping and Monitoring Program, accessed at: <https://maps.conservation.ca.gov/dlrp/ciftimeseries/>

- Approximately 9,780 acres of land falling within the farmland soils categories of Prime Farmland, Farmland of Statewide Importance and Unique Farmland, comprising only approximately 3.7% of the entire 267,500-acre (or 418 square mile) East County area
- Approximately 226,210 acres (or nearly 85% of the East County) was identified as Grazing Land
- Approximately 18,770 acres (or about 7% of the East County) was Urban/Built-Up Lands, and
- Approximately 12,760 acres (or nearly 5% of East County) was represented as Other Lands

As shown in **Table 3-2**, the characteristics of East County's farmlands and other soils categories had changed substantially by year 2000 (see **Figure 3-7**). In year 2000, Alameda County's East County Area had:

- Approximately 9,470 acres of land are within the soils categories of Prime Farmland, Farmland of Statewide Importance and Unique Farmland, comprising approximately 3.5% of the East County area. In total, the East County lost only about 310 net acres (or about 3%) of its total farmland soils during this period. However, these numbers reflected two significant and off-setting conditions:
 - The East County lost approximately 1,975 acres (or 23%) of its farmland as a result of new urban land uses, developed primarily on former Prime Farmlands adjacent to and within the cities of Pleasant, Livermore and Dublin (within those areas that would become Measure D's Urban Growth Boundary). Additional losses of Farmland of Statewide Importance and Unique Farmland occurred along the edges of these existing cities.
 - Conversely, the East County saw an increase of approximately 1,670 acres of lands, mostly within the category of Unique Farmland. Most of the increase in this farmland category resulted from the FMMP's recognition of growth in actively irrigated and managed viticulture production areas in the South Livermore Valley. The FMMP re-designated these lands as Unique Farmlands because of their conversion to sustained production of a specific high quality and high yield crop of economic importance to California (i.e., vineyards) (compare Figures 2-6 and 2-7).
- Approximately 208,370 acres (or nearly 80% of the East County) was identified as Grazing Land, representing a loss of 17,810 acres (or a 3% decrease) since 1984
- Approximately 28,340 acres (or nearly 11% of East County) was Urban/Built-Up lands, representing an increase of as much as 9,570 acres (or a 51% increase) in Urban Lands since 1984.
- Approximately 21,310 acres (or 8% of East County) was identified as Other Lands, representing an increase of 8,550 acres (or a 67% increase) in the Other Lands category since 1984.

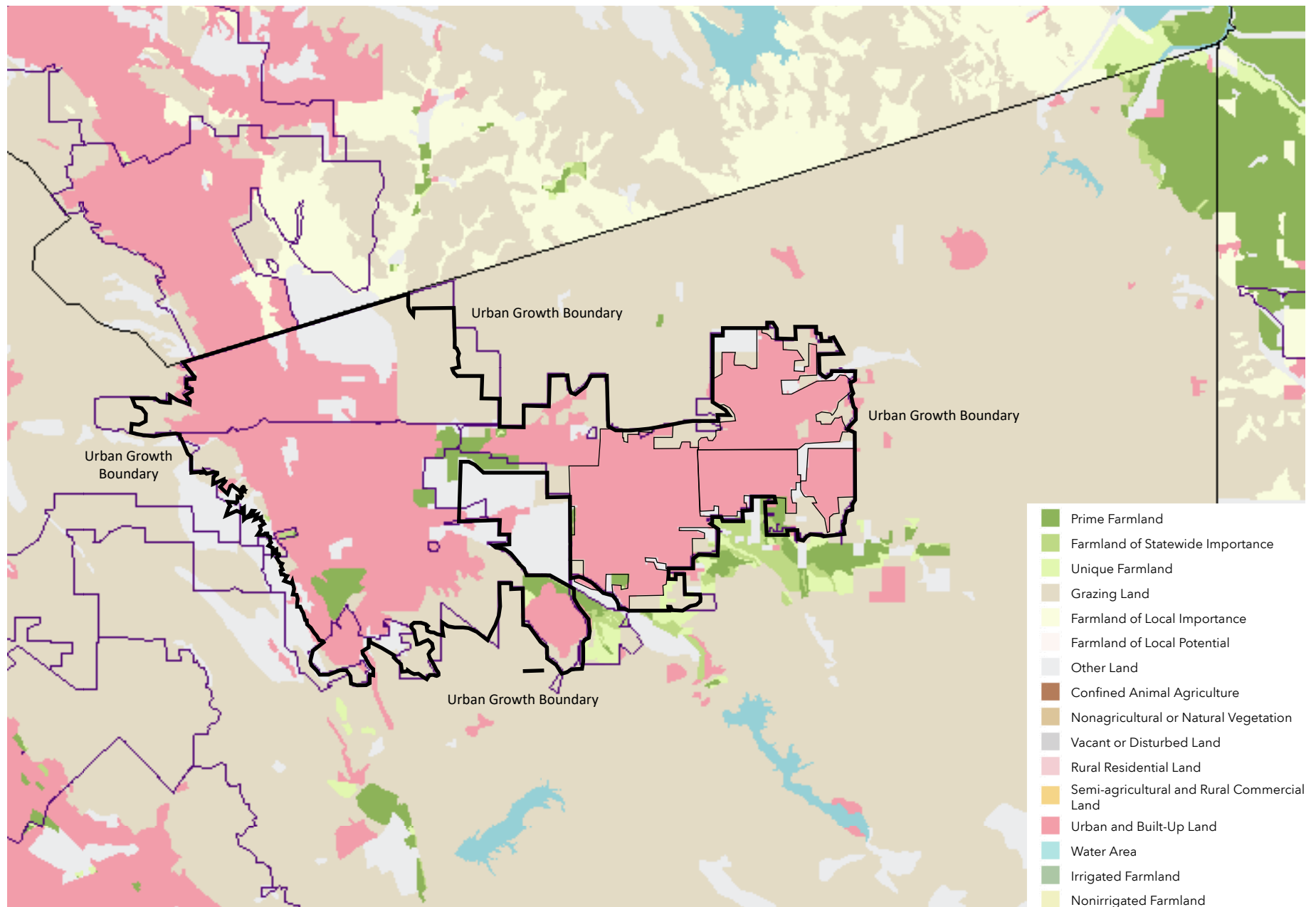


Figure 3-7
Important Farmland within East County - Year 2000

Source: California Dept. of Conservation, Farmland Mapping and Monitoring Program,
 accessed at: <https://maps.conservation.ca.gov/dlrp/ciftimeseries/>

Table 3-2: Changes in Farmland and Grazing Land Soils, 1984 to 2000 (pre-Measure D)

| | <u>Year 1984</u> | | <u>Year 2000</u> | | <u>Change, 1984 to 2000</u> | |
|----------------------------------|------------------|----------------|------------------|----------------|-----------------------------|----------------------------|
| | <u>Acres</u> | <u>% Total</u> | <u>Acres</u> | <u>% Total</u> | <u>Acres</u> | <u>Relative Change (%)</u> |
| Agricultural Lands | | | | | | |
| Prime Farmland | 7,563 | 2.8% | 5,788 | 2.2% | (1,775) | (23%) |
| Outside of Future UGB | 4,375 | | 4,268 | | (107) | |
| Within Future UGB | 3,188 | | 1,520 | | (1,668) | |
| Farmland of Statewide Importance | 1,589 | 0.6% | 2,054 | 0.8% | +465 | +29% |
| Outside of Future UGB | 1,359 | | 2,005 | | +646 | |
| Within Future UGB | 230 | | 50 | | (180) | |
| Unique Farmland | 630 | 0.2% | 1,633 | 0.6% | +1,003 | + 159% |
| Outside of Future UGB | 389 | | 1,521 | | +1,132 | |
| Within Future UGB | 241 | | 113 | | (128) | |
| Subtotal, Farmlands: | 9,782 | 3.7% | 9,475 | 3.5% | (307) | (3%) |
| Outside of Future UGB | 6,123 | | 7,779 | | +1,671 | +27% |
| Within Future UGB | 3,659 | | 1,683 | | (1,976) | (54%) |
| Grazing Land | 226,206 | 84.6% | 208,396 | 77.9% | (17,810) | (8%) |
| Outside of Future UGB | 212,042 | | 198,934 | | (13,108) | (6%) |
| Within Future UGB | 14,164 | | 9,457 | | (4,707) | (33%) |
| Other Lands | 12,762 | 4.8% | 21,312 | 8.0% | +8,550 | +67% |
| Outside of Future UGB | 7,709 | | 18,254 | | +10,545 | +137% |
| Within Future UGB | 5,053 | | 3,061 | | (1,993) | -39% |
| Urban/Built-Up Lands | 18,770 | 7.0% | 28,337 | 10.6% | +9,567 | +51% |
| Outside of Future UGB | 997 | | 1,890 | | +893 | +90% |
| Within Future UGB | 17,773 | | 26,449 | | +8,676 | +49% |
| Total: | 267,520 | | 267,520 | | 267,520 | |
| Outside of Future UGB | 226,871 | | 226,871 | | 226,871 | |
| Within Future UGB | 40,649 | | 40,649 | | 40,649 | |

Source: As aggregated for Alameda County East County, from California Department of Conservation's California Important Farmland: 1984-2018, accessed at: <https://maps.conservation.ca.gov/dlrp/ciftimeseries/>

Changes in East County Agricultural Lands Since 2000

As of 2018, (the most current year in which data is available), the same FMMP GIS database shows that the East County area (see **Table 3-3** and **Figure 3-8**) had:

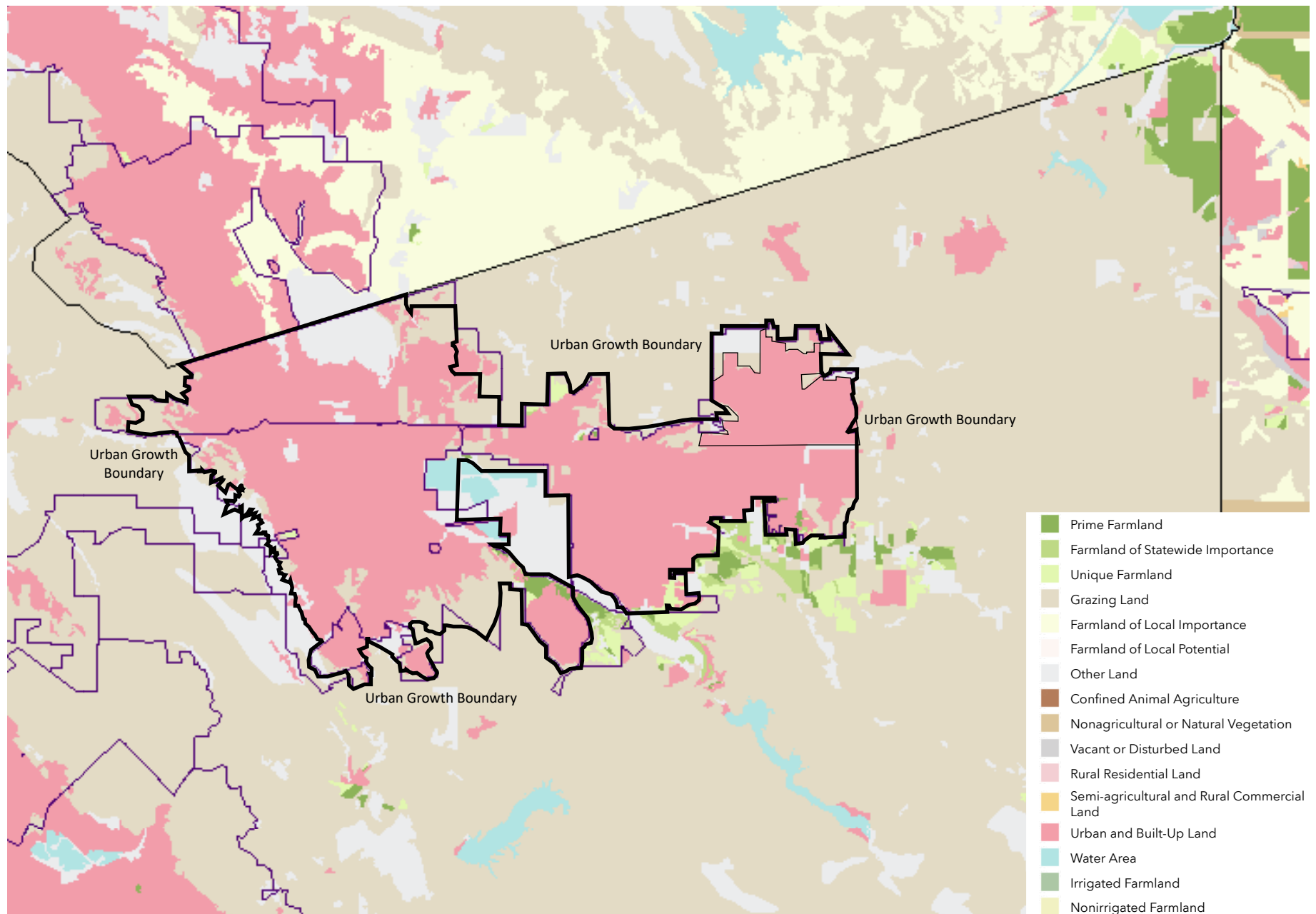


Figure 3-8
Important Farmland within East County - Year 2018

Source: California Dept. of Conservation, Farmland Mapping and Monitoring Program,
 accessed at: <https://maps.conservation.ca.gov/dlrp/ciftimeseries/>

- Approximately 6,210 acres of land are within the agricultural lands categories of Prime Farmland, Farmland of Statewide Importance and Unique Farmland. These farmland types comprise approximately 2.3% of the entire East County area. In total, the East County lost nearly 3,270 net acres (or about 34%) of its remaining farmland soils during this period. These numbers reflect a continuation of urban development within the UGB, and a general decline in active agricultural use on lands outside of the UGB.
 - About one-third of this loss in farmland (or 1,020 acres) was a result of continued planned development of urban land uses on former farmlands that were within the cities of Pleasant, Livermore and Dublin, and within Measure D's Urban Growth Boundary.
 - About two-thirds of the loss in farmland (or approximately 2,240 acres) occurred on the outside of the Urban Growth Boundary. This was partly due to conversions to the "Other Lands" category of the FMMP (which includes rural development at densities of less than one unit to 1.5 acres), but mostly consisting of open space (or vacant) lands of greater than 40 acres in size that are no longer in active agricultural use.
 - The East County also saw a continued trend in increased land in the Unique Farmland category. This change is primarily a result of the FMMP's re-designation of additional actively irrigated and managed viticulture production areas in the South Livermore Valley, reflecting the continued conversion of these lands to sustained production as vineyards.
- Approximately 197,980 acres (or 74% of the East County) was identified as Grazing Land, representing a loss of 10,420 acres since year 2000.
- Approximately 33,340 acres (or 12.5% of the East County) was Urban Lands, representing an increase of just over 5,000 acres since year 2000. In comparison, the East County had seen an increase of nearly 9,570 acres in Urban Lands in the years between 1984 and 2000.
- Nearly 30,000 acres (or 11% of East County) was indicted as Other Lands, representing an increase of 8,680 acres of this soils type since year 2000, or approximately the same increase in Other Lands as was seen between 1984 and 2000.

Table 3-3: Changes in Farmland and Grazing Land Soils, 2000 to 2018 (post-Measure D)

| | <u>Year 2000</u> | | <u>Year 2018</u> | | <u>Change, 2000 to 2018</u> | |
|----------------------------------|------------------|----------------|------------------|----------------|-----------------------------|----------------------------|
| | <u>Acres</u> | <u>% Total</u> | <u>Acres</u> | <u>% Total</u> | <u>Acres</u> | <u>Relative Change (%)</u> |
| Agricultural Lands | | | | | | |
| Prime Farmland | 5,788 | 2.2% | 3,137 | 1.2% | (2,651) | (46%) |
| Outside of UGB | 4,268 | | 2,917 | | (1,351) | |
| Within UGB | 1,520 | | 220 | | (1,300) | |
| Farmland of Statewide Importance | 2,054 | 0.8% | 1,088 | 0.4% | (966) | (47%) |
| Outside of UGB | 2,005 | | 1,065 | | (940) | |
| Within UGB | 50 | | 24 | | (26) | |
| Unique Farmland | 1,633 | 0.6% | 1,983 | 0.7% | +351 | +21% |
| Outside of UGB | 1,521 | | 1,568 | | +47 | |
| Within UGB | <u>113</u> | | <u>416</u> | | <u>+303</u> | |
| Subtotal, Farmlands: | 9,475 | 3.5% | 6,209 | 2.3% | (3,266) | (34%) |
| Outside of UGB | 7,779 | | 5,550 | | (2,244) | (29%) |
| Within UGB | 1,683 | | 660 | | (1,023) | (61%) |
| Grazing Land | 208,396 | 77.9% | 197,979 | 74% | (10,417) | (5%) |
| Outside of UGB | 198,934 | | 193,579 | | (13,108) | (3%) |
| Within UGB | 9,457 | | 4,400 | | (4,707) | (53%) |
| Other Lands | 21,312 | 8.0% | 29,988 | 11.2% | +8,676 | +41% |
| Outside of UGB | 18,254 | | 25,357 | | +7,130 | +39% |
| Within UGB | 3,061 | | 4,631 | | +1,571 | +51% |
| Urban/Built-Up Lands | 28,337 | 10.6% | 33,345 | 12.5% | +5,008 | +18% |
| Outside of UGB | 1,890 | | 2,386 | | +496 | +26% |
| Within UGB | 26,449 | | 30,958 | | +4,509 | +17% |
| Total: | 267,520 | | 267,520 | | 267,520 | |
| Outside of Future UGB | 226,871 | | 226,871 | | 226,871 | |
| Within Future UGB | 40,649 | | 40,649 | | 40,649 | |

Source: As aggregated for Alameda County East County, from California Department of Conservation's California Important Farmland: 1984-2018, accessed at: <https://maps.conservation.ca.gov/dlrp/ciftimeseries/>

Comparative Changes, Pre- and Post-Measure D

The Department of Conservation's GIS database shows that between 1984 and 2018, more than 3,570 net acres of East County's farmland soils (Prime Farmland, Farmland of Statewide Importance and Unique Farmland) were lost or converted to other land use categories, and nearly all of these net losses in farmland soils occurred after year 2000, or post-Measure D (see **Table 3-4**). About 84% (or

approximately 3,000 acres) of this total loss in farmland soils occurred in areas adjacent to and within the cities of Pleasanton, Livermore and Dublin, in areas now identified as being within the UGB. As seen by comparing Figure 2-6 and Figure 2-7, the largest individual losses of farmland soils prior to year 2000 occurred from conversion of certain farmlands that were within the area eventually defined as the Urban Growth Boundary to planned Urban/Built-Up Lands and Other Lands. Fragmentation of farmland occurred within South Livermore and the Vineyard area, with interspersed Other Lands (i.e., interspersed low-density rural developments). Similar fragmentation of farmlands also occurred in the Mountain House Road area of northeast East County.

Although the FMMP shows that the East County lost nearly 4,430 acres of Prime Farmland over the 34-year period from 1984 to 2018, there is a concurrent increase of 1,854 acres in Farmland of Statewide Importance and Unique Farmland. Much of this can be attributed to the FMMP's re-designation of properties in the South Livermore Valley from Prime to Statewide or Unique farmland, which recognizes vineyards as being sustained production of a specific high quality and high yield crop of economic importance to California.

Of the total increase of 14,570 acres of urbanized lands that has occurred over the past 34 years, approximately two-thirds of this increase in urbanization occurred prior to Measure D (see **Figure 3-9**), and only one-third of the increase in urbanization occurred post-Measure D, while still accommodating a relatively similar increase in population.

These statistics do not, and cannot show how much more farmland and grazing lands might otherwise have been lost since year 2000 if urbanization patterns had not been constrained by Measure D's Urban Growth Boundary.

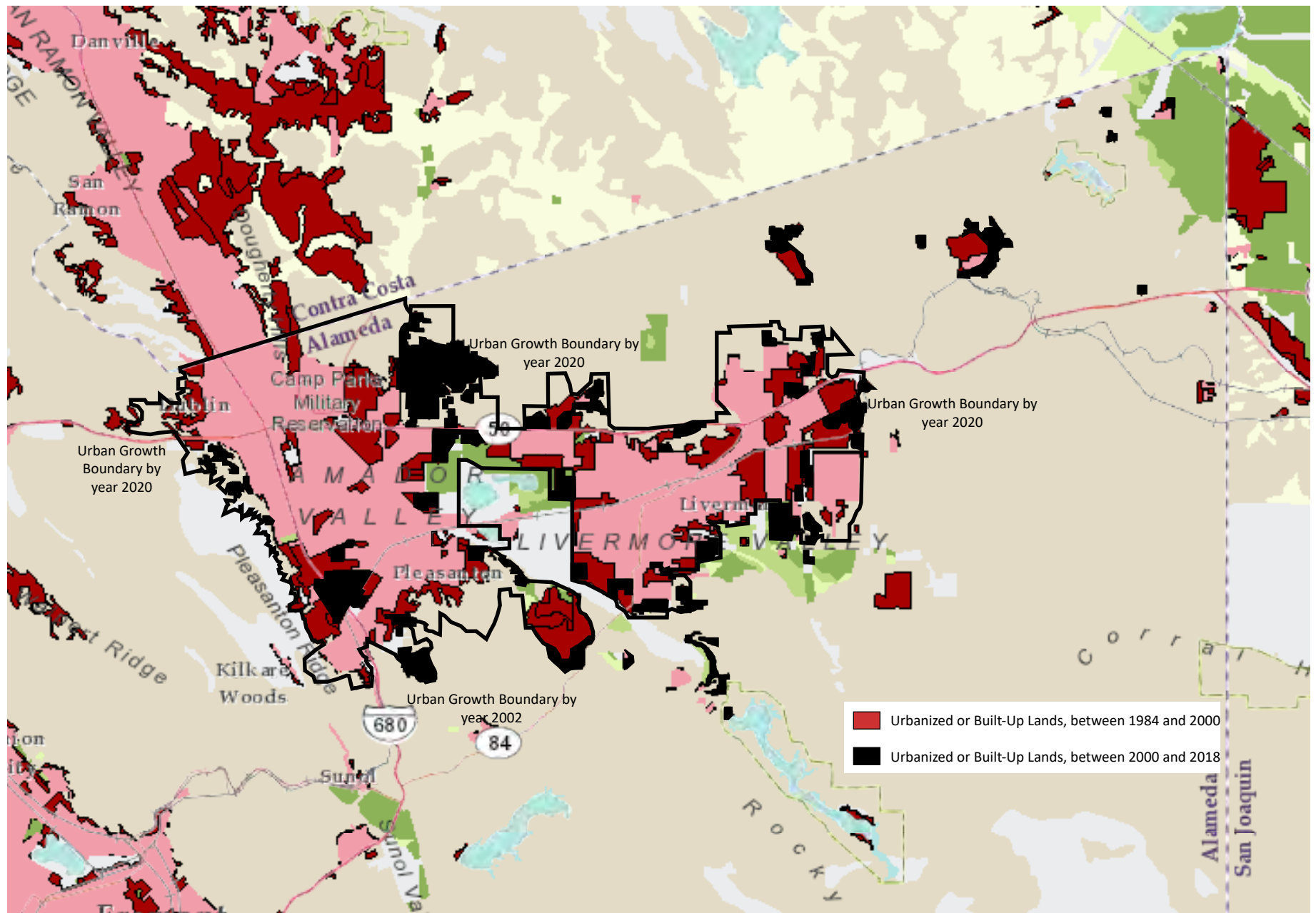


Figure 3-9
Changes in Urban and Built-Up Lands, 1984 through 2018

Source: California Dept. of Conservation, Farmland Mapping and Monitoring Program, accessed at: <https://maps.conservation.ca.gov/dlrp/ciftimeseries/>

Table 3-4: Changes in Farmland and Grazing Land Soils, 1984 to 2018

| | <u>1984 Acres</u> | <u>2000 Acres</u> | <u>2018 Acres</u> | <u>Change, 1984 to 2018</u> | |
|---|-------------------|-------------------|-------------------|-----------------------------|----------------------------|
| | | | | <u>Acres</u> | <u>Relative Change (%)</u> |
| Agricultural Lands | | | | | |
| <i>Prime Farmland</i> | <i>7,563</i> | <i>5,788</i> | <i>3,137</i> | <i>(4,426)</i> | <i>(59%)</i> |
| Outside of UGB | 4,375 | 4,268 | 2,917 | (1,458) | |
| Within UGB | 3,188 | 1,520 | 220 | (2,968) | |
| <i>Farmland of Statewide Importance</i> | <i>1,589</i> | <i>2,054</i> | <i>1,088</i> | <i>(501)</i> | <i>(32%)</i> |
| Outside of UGB | 1,359 | 2,005 | 1,065 | (294) | |
| Within UGB | 230 | 50 | 24 | (206) | |
| <i>Unique Farmland</i> | <i>630</i> | <i>1,633</i> | <i>1,983</i> | <i>1,353</i> | <i>+ 215%</i> |
| Outside of UGB | 389 | 1,521 | 1,568 | 1,179 | |
| Within UGB | <u>241</u> | <u>113</u> | <u>416</u> | <u>175</u> | |
| Subtotal, Farmlands: | 9,782 | 9,475 | 6,209 | (3,573) | (37%) |
| Outside of UGB | 6,123 | 7,779 | 5,550 | (574) | (9)% |
| Within UGB | 3,659 | 1,683 | 660 | (2,999) | (82%) |
| Grazing Land | 226,206 | 208,396 | 197,979 | (28,227) | (12%) |
| Outside of UGB | 212,042 | 198,934 | 193,579 | (18,463) | |
| Within UGB | 14,164 | 9,457 | 4,400 | (9,764) | |
| Other Lands | 12,762 | 21,312 | 29,988 | 17,226 | +135% |
| Outside of UGB | 7,709 | 18,254 | 25,357 | 17,648 | |
| Within UGB | 5,053 | 3,061 | 4,631 | (422) | |
| Urban/Built-Up Lands | 18,770 | 28,337 | 33,345 | 14,575 | +78% |
| Outside of UGB | 997 | 1,890 | 2,386 | 1,389 | |
| Within UGB | 17,773 | 26,449 | 30,958 | 13,185 | |
| Total: | 267,520 | 267,520 | 267,520 | | |
| Outside of Future UGB | 226,871 | 226,871 | 226,871 | | |
| Within Future UGB | 40,649 | 40,649 | 40,649 | | |

Source: As aggregated for Alameda County East County, from California Department of Conservation's California Important Farmland: 1984-2018, accessed at: <https://maps.conservation.ca.gov/dlrp/ciftimeseries/>

3.3: On-Going Efforts to Protect Agricultural Lands

South Livermore Valley Area Plan and the South Livermore Valley Specific Plan

The South Livermore Valley Area Plan and the South Livermore Valley Specific Plan represent a coordinated strategy between the County of Alameda and the City of Livermore to preserve existing vineyards and wineries in the South Livermore region. The intent of these plans is to enhance the recognition and image of the area as an important premium wine-producing region, to create incentives for investment and expansion of vineyards and other cultivated agriculture, and to preserve the area's unique rural, scenic and historic qualities.

Alameda County's South Livermore Valley Area Plan (Area Plan) includes three key elements of this strategy: ¹⁴

- It establishes a density bonus system that provides economic incentives to encourage landowners to expand viticulture by awarding property owners with a reduction in minimum parcel sizes, provided the landowner plants wine grapes and places the land under a permanent agricultural easement.
- It establishes an agricultural land trust (see Tri-Valley Conservancy, below) capable of accepting donations or purchasing easements to permanently protect productive agricultural lands. By purchasing easements, the land trust is able to provide agricultural landowners with funds that can be used for capital improvements needed for vineyards and wineries.
- It also requires that all new urban development in the area contribute to the preservation, promotion and expansion of viticulture in the South Livermore Valley through development of new vineyards, dedication of agricultural easements, financial contributions to the land trust, refurbishment of existing wineries, and the inclusion of wine country amenities

The South Livermore Valley Specific Plan (Specific Plan) is part of an on-going effort by the City of Livermore, in conjunction with Alameda County and the City of Pleasanton, to halt the gradual erosion of agricultural lands, and represents the urban component of a comprehensive strategy to preserve existing vineyards and wineries. The Specific Plan permits limited development in the South Livermore Valley as a means of achieving expanded viticulture acreage south of the city, through implementation of an Agricultural Mitigation program. This Mitigation program requires preservation of one acre of agricultural land for every house built, and for every acre built on, an additional acre must be preserved (i.e. five houses built on one acre = six acres to be preserved) as the primary vehicle for providing permanent protection for agricultural lands. All new development pursuant to the Specific Plan (included within or annexed to the City of Livermore) is required to mitigate the loss of agricultural and open space lands through the dedication of agricultural or open space easements, and the planting of agricultural crops. Based on the development anticipated pursuant to the Specific Plan, the Agricultural Mitigation Program is envisioned as securing approximately 1,944 acres of agricultural vineyard land in the greater South Livermore Valley area, including approximately 860 acres of new agricultural lands to be secured and planted.

¹⁴ Alameda County, South Livermore Valley Area Plan, February 1993, page 2

Today, nearly 8,000 acres of vineyards, orchards, farms, ranches and parks have been protected through the strategies identified in the South Livermore Valley Area Plan and the South Livermore Valley Specific Plan.¹⁵

Tri-Valley Conservancy

Originally established in 2003 as the South Livermore Valley Agricultural Land Trust and now known as the Tri-Valley Conservancy, the Tri-Valley Conservancy helps to preserve open space lands for agriculture and parks. The Tri-Valley Conservancy acquires lands with the help of Conservancy funds and grants, and acquires property development rights through the legal arrangement of a conservation easement that protects properties from future development. The Tri-Valley Conservancy has acquired more than 500 acres. It also holds conservation easements on more than 4,500 acres across more than one hundred properties in East County.¹⁶

Williamson Act

The Williamson Act has been the state's primary agricultural land protection program since its enactment in 1965, when the California Legislature passed the California Land Conservation (Williamson) Act to preserve agricultural and open-space lands by discouraging "premature and unnecessary conversion to urban uses". More than 16 million of the State's 31.4 million acres of farm and ranch land have participated in the program. Of California's 58 counties, 52 (including Alameda County) have executed contracts with landowners. The Act authorizes cities and counties to enter into contracts with private landowners to restrict specific parcels of land to agricultural and open-space uses. In return, landowners receive reduced property tax assessments based upon the land's farming and open-space uses, as opposed to its full market value. Landowners can place prime agricultural land and non-prime agricultural land under contract, typically for 10-year terms that are automatically renewed on an annual basis. In 2014, approximately 135,647 acres of land in Alameda County, the majority of which were in East County) were enrolled in Williamson Act contracts.¹⁷

Alameda County Resource Conservation District

The Alameda County Resource Conservation District is an independent, non-regulatory special district that works directly with local landowners and managers to implement conservation practices and to help enhance local watersheds. This District enables the US Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) to provide Farm Bill cost-share programs and other technical assistance for local landowners and users.

¹⁵ Tri-Valley Conservancy, accessed at: <https://trivalleyconservancy.org/what-we-do/protect-land/preserving-land/>

¹⁶ Ibid

¹⁷ California Department of Conservation, The California Land Conservation Act, 2014 Status Report, p.34

3.4: Supporting Viable Agricultural Operations

In accordance with the California Food and Agricultural Code, the Alameda County Community Development Agency's Department of Agriculture, Weights and Measures prepares an annual Alameda County Crop Report. These crop reports provide statistical information on acreage, yield, and gross value of all agricultural products produced in Alameda County. This statistical information also provides a comparative assessment of the relative strength of Alameda County's agricultural operations, based on whether harvested acreage and/or agricultural product number are increasing or decreasing over time, and whether the value of the County's agricultural products is rising or declining.

In addition to pasture, field crops and wine grapes (as reported below), Alameda County's agricultural products include fruits and nuts, nursery products (including ornamental trees and shrubs), vegetable crops, and poultry and other farm livestock (sheep, goats, pigs, bee pollination, etc.). The following is a summary of information obtained from the Alameda County Crop Reports for the years 2000 through 2019, focused primarily on field crops, pasture and livestock, and wine grapes.¹⁸

Field Crops, Pasture and Livestock

On an acreage basis, the County's largest agricultural operations (by a substantial margin) are in rangeland pasture and the production of field crops (e.g., hay, alfalfa, wheat, barley, etc.). As shown on **Table 3-5**:

- Between the years 2000 to 2012, the County maintained between 182,000 to 200,000 acres of harvested rangeland pasture supporting an average of about 13,000 head of cattle, and another 6,000 acres of field crops.
- Starting around year 2013, the total acres of harvested rangeland pastures and field crops began to decline, with only about 135,000 acres of harvested pasture and approximately 2,000 acres of field crops by year 2019. A significant contributor to this trend has been drought, resulting in generally poorer forage conditions throughout East County.
- The decline in pasture does not seem to have substantially affected cattle numbers, which have fluctuated over time but remain above the 20-year average of about 13,400 head during the past 5 years.

¹⁸ Alameda County Community Development Agency's Department of Agriculture, Weights and Measures, Annual Alameda County Crop Reports, years 2000 through 2019, accessed at: <https://www.acgov.org/cda/awm/resources/stats.htm>

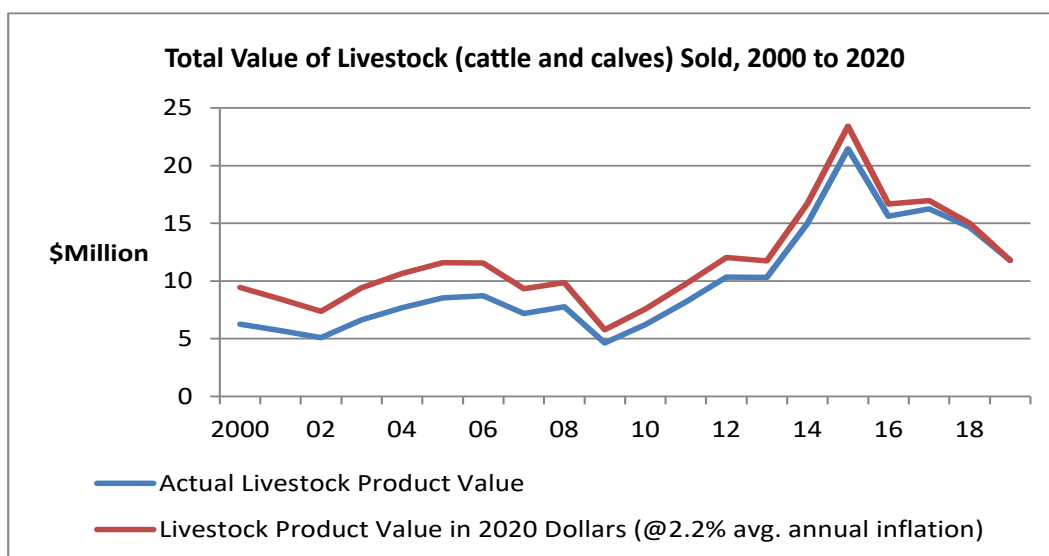
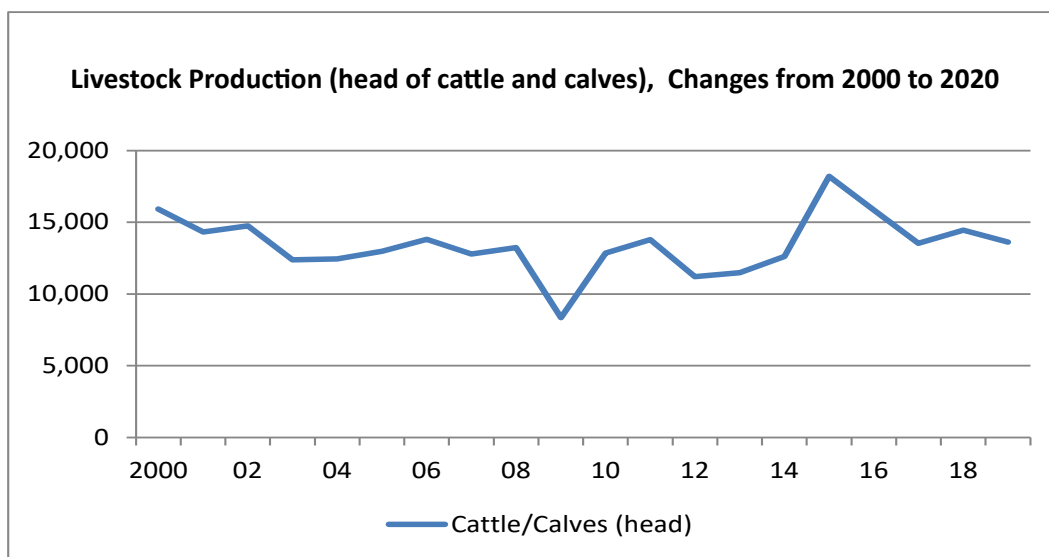
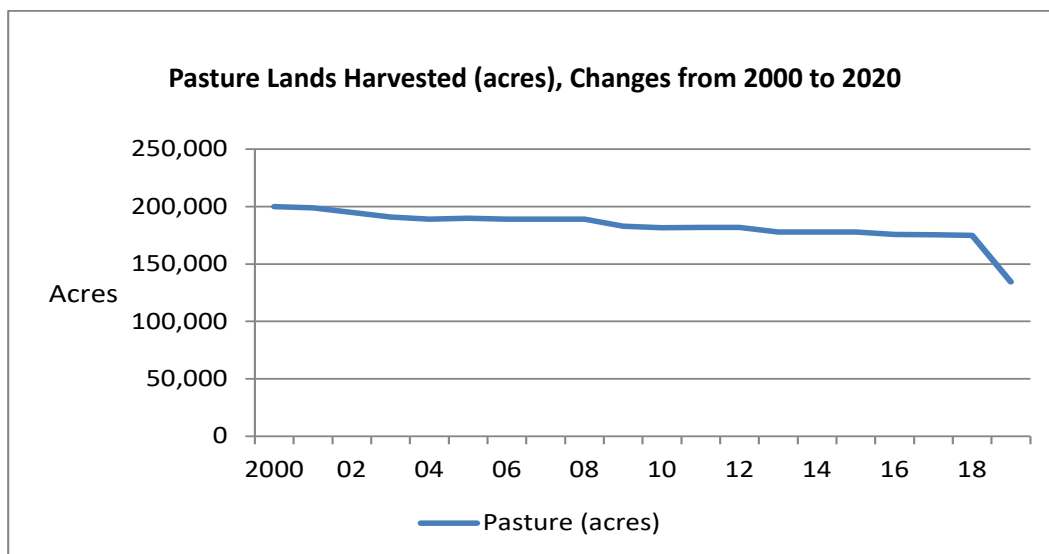


Table 3-5
Changes in Harvested Pasture and Livestock Production,
2000 to 2019

Source: Alameda County Crop Reports, 2000 to 2019

Economic Value

The total value of field crops sold has declined from approximately \$6.3 million (as adjusted for inflation to 2020 dollars)¹⁹ in year 2000, to approximately \$3.35 million in 2019, with declining rainfall as a major contributing factor.

The total numbers of livestock production in the County has generally remained steady since 2000. However, the total value of cattle and other livestock sold has increased from about \$9.87 million in 2000 (as adjusted for inflation to 2020 dollars), to as high as \$23.4 million (as adjusted for inflation to 2020 dollars) in 2015, and then back down to about \$11.8 million in 2019. A substantial factor in the yearly increase or decrease of cattle production value is the variable market price per pound of beef.

Economic Viability

Increased gross revenues do not reflect increased profit margins for ranchers. As noted in each annual Crop Report, the sales numbers presented in the Crop Reports are gross values only, and do not reflect increasing costs related to production, harvesting, marketing, transportation or herd replacement costs of the ranchers. Although we could find no similar data specific to Alameda County, the California Agricultural Statistics Review for the years 2015 to 2020, as published by the California Department of Food and Agriculture, does provide statewide information relevant to agricultural costs, and this data is presumed to be relatively comparable to the costs borne by Alameda County ranchers. According to this statewide Statistical Review:

- Annual average grazing fees (on an animal unit - or AUM basis) rose from \$16.40 per month in 2010 to \$21.40 per month in 2020, or a 30% increase²⁰
- Costs for livestock feed increased from \$4.05 million in 2015 to \$4.70 million in 2020, or a 16% increase
- Operating expenses (e.g., repair and maintenance of capital items, storage and transportation expenses, and other miscellaneous expenses) rose from \$10.87 million in 2015 to \$13.06 million in 2020, or a 20% increase
- Agricultural labor costs rose from \$6.10 million in 2015 to \$8.35 million dollars in 2020, or a 36% increase²¹

Based on the above statistical data relevant to ranchland viability, the value of livestock production in Alameda County was highly variable between the years 2000 and 2019, but with a 20-year average increase in revenue of about 20% (\$11.8 million in 2019 compared to \$9.87 million in 2000). During this same timeframe, the types of costs associated ranchland operations increased statewide by 16% to 36%, indicating that revenues did not keep pace with costs, and that ranchland viability is in decline. This conclusion is supported by many of the ranch-based stakeholders that have reviewed and provided input on this report.

¹⁹ Assuming a 20-year inflation factor of 1.58 (\$1 in year 2000 = \$1.58 in year 2020), or an average annual rate of inflation of 2.2 percent, per <https://www.in2013dollars.com/us/inflation/2000?amount=1#:~:text=Value%20of%20%241%20from%202000,cumulative%20price%20increase%20of%2057.78%25>.

²⁰ California Department of Food and Agriculture (CDFA), California Agricultural Statistics Review 2019-2020, page 94

²¹ CDFA 2020, page 10

Wine Grapes

Alameda County's viticulture businesses/wine grape growers generate, by far, the greatest total economic value among all agricultural products in the County. As shown in **Table 3-6**:

- Between the years 2000 and 2020, the County maintained a relatively steady average of approximately 2,500 acres of agricultural lands bearing red and white wine grapes, with the highest acreage of wine grape-bearing acreage of approximately 3,000 acres occurring in 2001, 2012 and 2018. The split between white wine grapes and red wine grapes was about even in the early 2000s, but has now shifted to about one-third of all grape-bearing acreage in white, and two-thirds in red wine grapes.
- Wine grape production throughout the County has been on a steadily increasing rate. In year 2000, the County's harvest was approximately 5,500 tons of grapes (at between 1.8 and 2.4 tons per acre), whereas the year 2019 harvest was as high as 12,810 tons of wine-producing grapes (at an increased rate of approximately 4.8 tons of grapes per acre). As the Crop Reports clearly describes, each year's harvest is a function of numerous variables in addition to acreage (e.g., weather, relative crop value, per-acre production capability, etc.). However, a simple comparison of total tons of grapes produced during these two periods demonstrates more than a doubling (234%) in the tons of grapes produced in year 2019, as compared to tons of grapes produced in year 2000.

Economic Value

On a similar, but even increased trajectory as compared to grape production, the total value of wine grape sales has increased from approximately \$10.3 million in year 2000 (as adjusted for inflation to 2020 dollars), to a peak approximately \$27.2 million in 2018. These numbers show a more than doubling in the relative cash value of wine grape crops grown in Alameda County. Wine grape production levels peaked in 2018 with high yields, high prices and more acres planted.

The \$27.2 million dollar gross production value of wine grapes during that peak in 2018 represented about 50 percent of the year 2018's estimated total gross value of all of Alameda County's agricultural production.

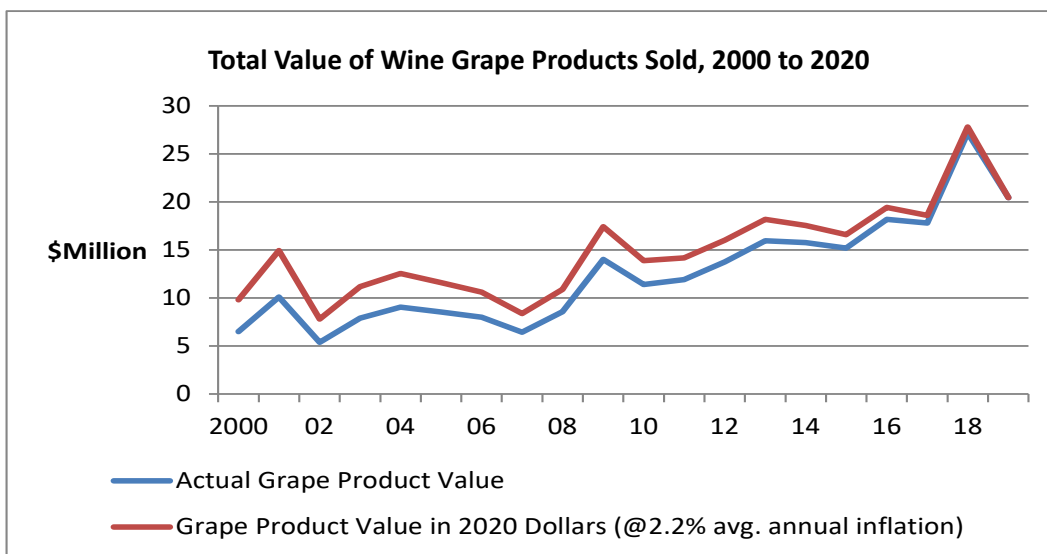
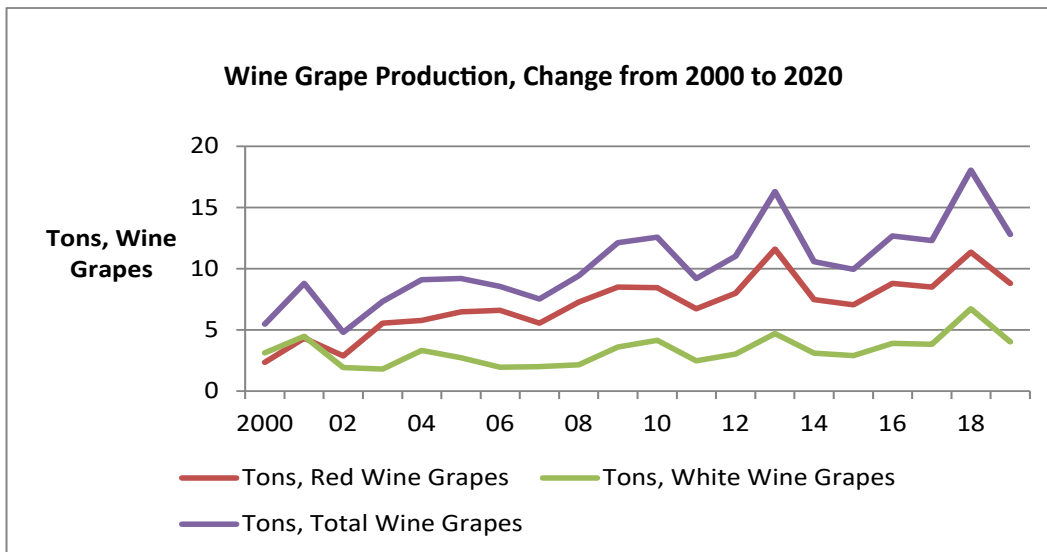
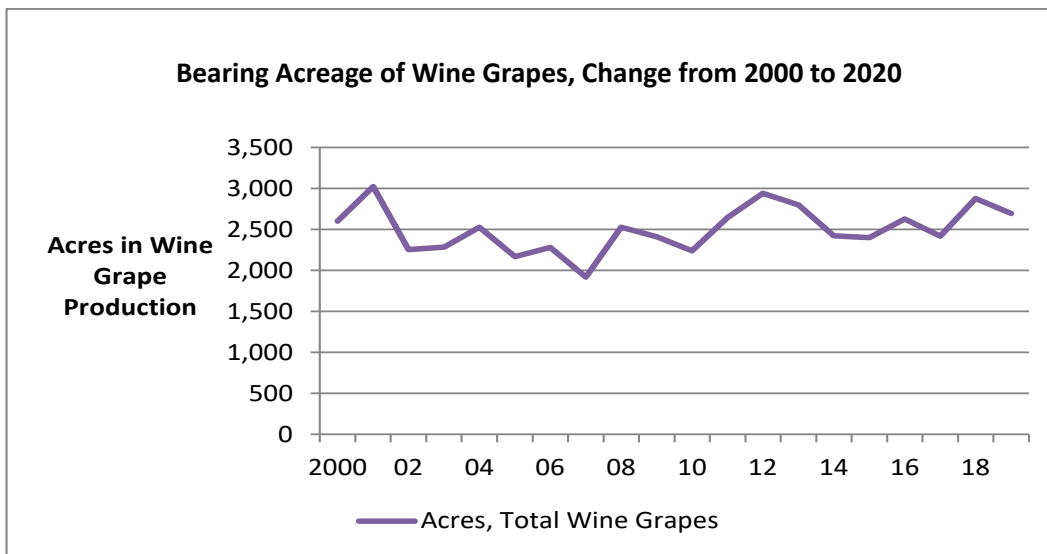


Table 3-6
Changes in Wine Grape Production and Sales, 2000 to 2019

Source: Alameda County Crop Reports, 2000 to 2019

Economic Viability

As noted in each annual Crop Report, the economic production numbers represent gross values only, and do not reflect the wine grower's costs related to production, harvesting, marketing or transportation.

Concurrent with the preparation of this Alameda County LAFCO report, the Tri-Valley Conservancy supported a report from the University of California – Davis titled *“Realizing the Heritage”*. This report points to several current challenges facing the Alameda County viticulture industry's economic viability. The purpose of this report is to provide an impartial assessment of the economic viability of wine production in the Livermore Valley, including context, background, economic reasoning, and evidence to help address the potential to maintain and perhaps expand profitable commercial wine grape and wine production in the Livermore region. *“Realizing the Heritage”* is a very comprehensive report, is supported by industry data and local industry surveys, and prepared by highly credentialed experts. Its analysis and methodology is far too extensive to report on in this document, but several key conclusions from this Report are critical to understanding the viability of the local viticulture industry, especially within South Livermore Valley:

- *“Probably the most important finding of this study is that many of Livermore's independent vineyards have not been profitable. While revenue may be sufficient to cover annual operating expenses, in many cases the amount of annual revenue above annual operating expenses is not sufficient to cover the amortized expenses of establishing a vineyard or to generate a return on the investment in the vineyard” . . . “Anecdotal reports indicate that some Livermore vineyards have not been profitable for decades, which is consistent with lack of new plantings in the Livermore Valley since the early 2000's”.*
- *“Most independent Livermore vineyards are small, as half of all Livermore vineyards are under ten acres in size and 80 percent are 20 acres or smaller. These vineyards have higher operating costs per acre than larger vineyards, and have lower market prices than vineyards with contracts that are more suited to current market demands”.*
- *“Most of these small vineyards are farmed by custom-farming companies rather than by the vineyard owner” . . . “Two companies account for approximately half of Livermore's wine grape acreage”.*
- *“Unprofitable small wineries are unlikely to provide incentives for Livermore's viticulturists to expand their grape acreage or to attract outside investment in Livermore Valley wine”.*
- *“Many of these vineyards are also relatively old and face a decision about replanting soon. Almost 2,000 of Livermore's 2,800 acres were planted between 1995 and 2003, and are now in or entering their third decade of production. Given the decades-long experience of low returns on investment in vineyards, and especially the difficulty in finding a profitable market for grapes, it is likely that many vineyard owners will not invest in replanting unless they have a winery contract for their production”.*
- *“As with its vineyards, the vast majority of Livermore's approximately 48 wineries are also very small. Twenty-two wineries produced fewer than 2,000 cases in 2019 and collectively averaged 800 cases. Nineteen wineries produced more than 2,000 and fewer than 6,000 cases, and, as a group, averaged 3,300 cases. Five wineries produced more than 6,000 cases but fewer than 25,000 cases. Two wineries, Wente Vineyards and Concannon, produce over half of all Livermore wine”.*

- *“The South Livermore Valley Area Plan assumed that it would encourage the development of wineries by increasing the supply of Livermore grapes. The SLVAP thus called for an expansion of cultivated agriculture to the maximum acreage possible, with a minimum acceptable level of 5,000 acres, and for the development of additional wineries with a range of sizes. Livermore’s grape acreage in year 2020 was about 2,800 acres, or far below the 5,000-acre minimum. The number of wineries has grown, but most of the new wineries are quite small and fulfill neither the SLVAP’s stated goal of “a range of sizes” nor the unstated goal of increasing the demand for Livermore Valley grapes”.*

Equine Industry

For the first time, the 2003 Alameda County Crop Report presented data related to the equine industry. According to that report, there were 13,634 horses in Alameda County, spread across approximately 25,300 acres of land (lands not included in the livestock category). According to the subsequent 2008 and 2010 Crop Reports, the County’s horse population had declined down to approximately 9,500 horses (including about 5,000 horses kept for recreation and pleasure, 1,500 ranch horses, 2,000 racehorses, and about 1,000 other competition horses).

According to a study conducted by the County in 2013,²² “County records show that the number of horse-boarding facilities with use permits increased substantially from 1985 to 2005, at an apparent rate of 5 percent increase in the number of use permits for horse-boarding facilities per year. Based on past permits and some aerial photo observations also conducted in 2013, the County identified a total of 64 horse-boarding facilities, with an estimated total capacity of 2,620 horse stalls, boarding about one-quarter of the estimated County horse population.” Based on these estimates, the County’s horse population in 2013 was therefore about 10,500 horses.

There are no other identified sources of data to provide a more current estimate of the County’s horse population, but the drop from 13,630 horses in 2003, to 9,500 horses in 2010 represents about a 30 percent decrease in Countywide horse population. Even if as many as 1,000 horses had been added back to this population by 2013, the equine industry had still had a substantial decline in total numbers from 2003 to 2013. According to anecdotal information from local horse industry experts, the horse industry in Alameda County remains in decline.

Economic Value

The equine (or horse service) industry consists of facilities that specialize in breeding, training and boarding of horses, and riding and competition, often in combination with recreational and draft horse services. Agricultural and recreational users in Alameda County have access to the products and services of these facilities as well as a large multi-use trail system. The industry supports local feed, clothing, equipment and tack retailers, veterinarians, farriers, hay growers and others. It also supports the community at large by helping to preserve rural western character, by providing recreational opportunities in the open space.

Economic Viability

As report in the “Equine CUP Streamlining Project Report” of October 2003, “the equine industry has been increasingly challenged over the years to accommodate the business and regulatory changes in the County. Although there is no definitive horse or facility census for a trend analysis, it is apparent that

²² Alameda County, Draft MND for ECAP / CVP General Plan Amendments for Equine Breeding and Training Facilities, June 13, 2012 pages 7-8

many facilities have closed. Facilities close for many reasons, including retirement, lack of profitability, displacement by development, competition with other outdoor activities, and the costs of meeting new regulatory demands". Although the number of horse-related facilities appear to have decreased, the demand for equine-industry products and services continues to grow, evidenced by the growing miles of equine and multi-use trails and trail plans in the Bay Area, and horse owners relate the need to travel outside the County to find boarding vacancies. Ensuring that stables remain economically viable reduces pressure for more intense development.²³

Conclusions

As to whether the policies and recommendations of Measure D have resulted in supporting viable agricultural operations throughout East County, the following statistical measures (see **Table 3-7**) are likely pertinent:

- Based on total acreage, Alameda County has lowered its total harvested crop acreage by approximately 26,700 acres since 2000. Harvested crop acreage changed from 209,170 acres in year 2000, to 182,488 acres in 2020 (or nearly a 13% reduction in acreage). This downward trend in harvested acreage has been relatively consistent throughout this 20-year period.
- Based on agricultural product value, Alameda County's total gross value of agricultural production has remained relatively stable, averaging at approximately \$51 million dollars per year (as adjusted each year for inflation to 2020 dollars). Peak total agricultural product values occurred in the mid 2000's (2004-2007) spurred by high sales of ornamental trees and shrubs and bedding plants, high per-acre yields of wine grapes and olives, and strong market prices for cattle and vegetable crops. The more recent (2018/2019) drop in total agricultural product values are likely attributable to a continued lack of adequate rainfall that resulted in lower per-acre yields of wine grapes and poor forage conditions, along with lower prices for cattle.
- The California Employment Development Department (EDDs) Labor Market Information Division provides statistics for industry employment and labor force. According to this data, Alameda County had 1,400 total "Farm" jobs in 1990, was down to 800 total Farm jobs in year 2000, and has dropped to an average of between 500 and 700 total Farm jobs between 2010 and 2020.²⁴

²³ Alameda County Resource Conservation District, *The Equine CUP Streamlining Project*, October 2003, p. 1

²⁴ EDD Labor Market Information Division, Industry Employment & Labor Force statistics for Alameda County, accessed at: <https://www.labormarketinfo.edd.ca.gov/data/employment-by-industry.html>

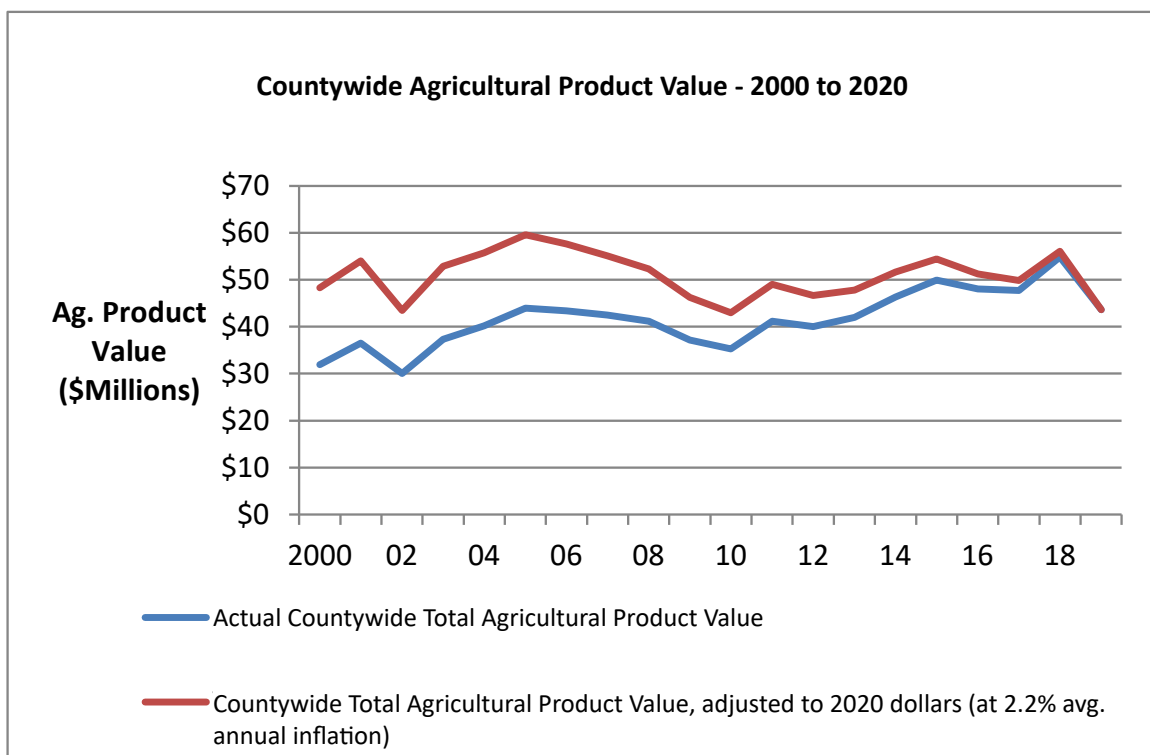
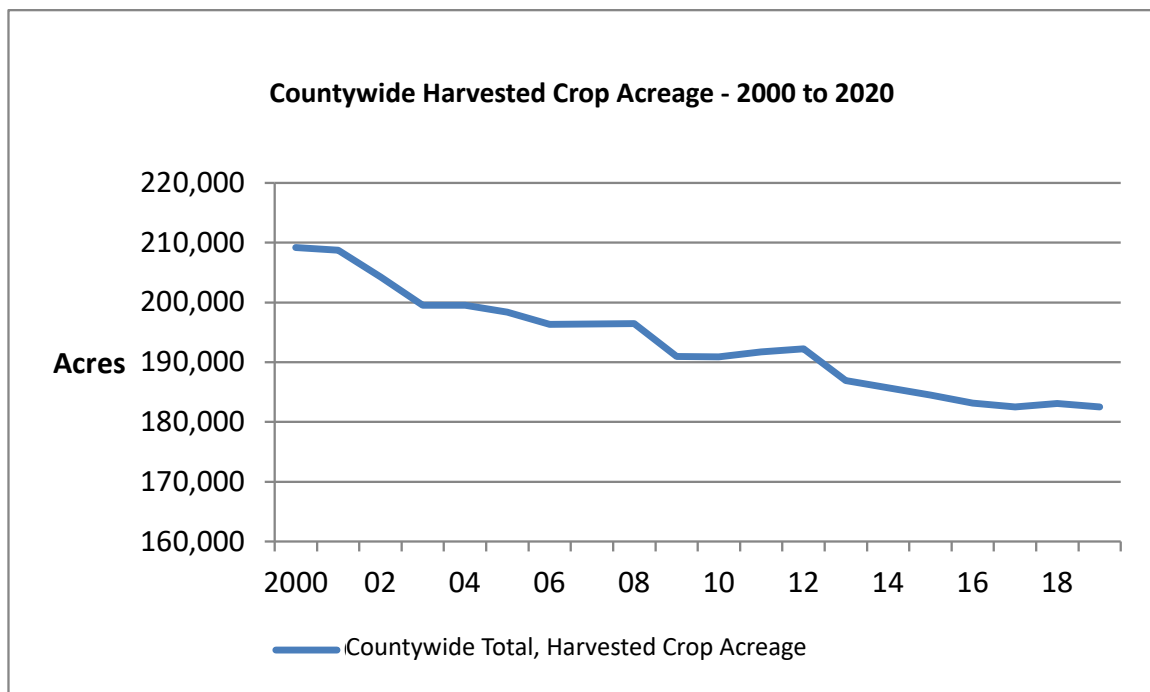


Table 3-7
Changes in Countywide Agricultural Product Values, 2000 to 2019

Source: Alameda County Crop Reports, 2000 to 2019

Generally, despite losses in employment, revenue from East County agricultural operations appear to remain stable, but this revenue stability is primarily driven by continued strong growth in the total value of wine grape sales. The wine industry's revenue growth eclipses the relative decline in value of most other productive agricultural use (i.e., crop harvesting and horse boarding) within the East County.

The relative viability of agriculture in East County is a function of multiple variables including macro-economic trends, micro-economic decisions and capabilities of local agricultural operators, climate, water availability, labor availability, costs, and regulations. A brief summary of the prospects of economic viability for the key agricultural businesses in the County can be summarized as follows:

Wine Grapes and Wineries

While the UC Davis *"Realizing the Heritage"* report cites many challenges and concerns for the local grape and wine industry, it also finds that, *"with careful farm investments and effort at wine marketing, the prospects for wine grape and wine in the Livermore Valley can be favorable"*. Some of the important conclusions of this report that help support a more positive outlook for this industry include the following:

- *"The goal to preserve agricultural open space in the South Livermore Valley has been successful, without meeting its specific wine grape acreage objective". Where agricultural open space has local value to the community, public policies can usefully reduce regulatory burdens on those businesses to keep them economically sustainable".*
- *Grape growing and winemaking are vibrant and linked industries driven by basic supply and demand principles. An increased demand for Livermore wines would result in increased demand for Livermore grapes, and encourage more acreage under vine. Thus, industry collective action to make Livermore grapes more attractive to a broader audience, and therefore more profitable, could be an effective tool to increase or at least maintain acreage".*
- *Livermore's vineyard acreage will expand if vineyards are the most profitable use of agricultural land and other scarce resources, including the investment capital of those who wish to be in the wine grape business . . . "under the right conditions, new Livermore Valley vineyards can be profitable and competitive with other coastal California regions in grape quality, price and productivity".*
- *"Given Livermore's small share of California coastal wine grape and wine production, even a small increase in demand for Livermore grapes is likely to raise Livermore grape prices and vineyard profitability".*

The land use policy implications of these recommendations can be summarized as seeking to reduce regulatory burdens on the wine growing and wine-making industry, taking action to make Livermore grapes more attractive to a broader audience, and seeking (or generating) investment capital for those who wish to be in the wine grape business.

Equine Industry

As identified in the *"Report on the Equine CUP Streamlining Project"* (October 2003), *"stable owners have complained that the County's CUP application process is unnecessarily challenging, and a barrier to compliance and to the economic viability of the equine industry. Common complaints are that the process is too uncoordinated, unclear, lengthy, and costly, and that conditions of approval can be inconsistent, unreasonable, or reflect a lack of agricultural land management expertise. To compound these problems, the CUP expires after three years. This forces stable owners to repeat the application*

process and, unlike other existing land uses, to be subject to changing standards for fire and traffic safety”.

Recognizing these challenges and seeking to keep and attract equine facilities, Alameda County did convert its permitting process for equine facilities from a Conditional Use Permit to Site Development Review, and created an application packet with all-inclusive application requirements, directions and process overview, and supplemental information.

However, representatives of the equine industry believe that additional implementation of remaining recommendations of the Equine CUP Streamlining Project are still pending (i.e., better guidance to applicants to facilitate the completion of applications, to coordinated interdepartmental reviews, and a liaison between the applicant and other County staff). Even with the improved SDR process, these equine industry representatives still find the regulatory requirements to be too complex and difficult, and that compliance remains a barrier to the economic viability of the equine industry.

Pasture and Grazing Lands

The economic challenges of the cattle industry are likely most influenced by larger macro-economic issues and drought, and there is little evidence to suggest that local land use policy is a significant factor in the decline of the cattle industry. It is also likely that Measure D’s Urban Growth Boundary serves to lower speculative land values outside of the UGB, helping to keep grazing fees/cost lower than they otherwise might be.

The extent to which Measure D’s land use policies and regulations may be a contributing factor in the lack of growth in East County’s agricultural industries as a whole is further reviewed in the following chapter of this Report.

Chapter 4: Comparison to Agricultural Land Use Regulations of Other Selected Bay Area Counties

An additional purposes of this report as identified by Alameda LAFCO is to establish a benchmark of how those land use policies and zoning regulations applicable to the development and use of land in unincorporated East Alameda County compare to similar policies and zoning regulations of other Bay Area counties. This study provides a comparative assessment against four other Bay Area counties including Napa, Sonoma, Solano and Contra Costa. The following provides a brief overview of the broad land use strategies and agricultural land preservation goals of each of these other four counties. The subsequent section of this report provides an assessment of Alameda County's rules and regulations for agricultural and open space lands, as compared to similar regulations of each of these other four counties, considering key indicators of comparable regulations related to the following:

- Minimum parcel sizes and residential densities
- Limitation on the intensity of development on agricultural lands (i.e., floor-to-area ratios, lot coverage and building envelopes)
- Types of permitted and conditionally permitted land uses within agricultural and open space land use categories (e.g., residential uses, wineries and winery-related uses, equestrian uses, overnight accommodations, and cannabis-related uses).

4.1: Sonoma County

Sonoma County is the largest of the nine Bay Area counties in land area, with a size of approximately 1,768 square miles (nearly 2.4 times larger than Alameda County), but has a population of only approximately 494,300 people (or about 30 percent as many people as Alameda County). Sonoma County has 9 incorporated cities, and approximately 73 percent of its population lives within those city boundaries.

Sonoma County is known for the Sonoma Valley wine region as well as other notable winemaking areas including Dry Creek and Alexander Valley. According to the Sonoma County Crop Report for year 2019, Sonoma County had 59,326 acres of land planted in wine grape production (reds and whites). These vineyards yielded 229,811 tons of grapes and generated a total production value of over \$654 million¹ (or nearly 18 times the grape production and almost 21 times the total production value of Alameda County's wine crop in 2019).

Generalized Countywide Land Use Strategy

The Sonoma County General Plan recognizes there are unique circumstances associated with nine planning areas of that County, and each of these planning areas have their own unique land use policies and guidance for development and preservation. Both the Land Use Element and the Housing Elements of the Sonoma County General Plan reinforce growth patterns within the County as being "city and community-centered". The General Plan seeks to reserve residential lands within designated Urban Service Areas for affordable and higher-density housing, whereas lower density housing is primarily accommodated on residential lands within the remainder of the County, where urban services are not available. The County's defined Urban Service Area boundaries serve as an important growth

¹ Sonoma County - Department of Agriculture / Weights & Measures, *2019 Sonoma County Crop Report*

management tool intended to avoid urban sprawl. The extension of sewer or water services outside of designated Urban Service Areas is precluded, and each Urban Service Area is surrounded by lands designated as Community Separators. Community Separators function to separate cities and other communities, to contain the limits of urban development, and to provide city and community identity by providing visual relief from continuous urbanization. The boundaries of Urban Service Areas for unincorporated communities cannot be amended to include lands within designated Community Separators until year 2036, unless such an amendment is approved by the voters of Sonoma County. Land use decisions for properties within designated Community Separators must conform to a voter-approved Community Separators Protection Ordinance.²

Lands within Community Separators have a mix of General Plan land use designations, but generally maintain maximum residential densities at one unit per ten acres. Lands outside of the Community Separators are generally reserved for Timber Production, Resources and Rural Development, Land Intensive Agriculture and Land Extensive Agriculture. Much of the lands outside of the Community Separators are also identified as Scenic Landscape Units. These Scenic Landscape Units include coastal bluffs, vineyards, the San Pablo Bay, the Laguna de Santa Rosa and other landscapes of special importance to the quality of life of County residents, as well as the tourist and agricultural economy. These Scenic Landscapes have little capacity to absorb new development without causing significant visual impacts, and they are zoned for very low densities.

Agriculture is a major part of Sonoma County's economy, including vineyards, orchards, dairies, forage crops, specialty crops, livestock and horses. Farms are both full time and part time operations. Agricultural production in some areas is threatened both by pressures of urban development and by creation of small residential lots in the midst of agricultural lands. Land use policy for the County's agricultural areas seeks to consider the extent to which small residential lots should be allowed, the need for agricultural support uses in rural areas, and the extent of visitor serving uses that may be supportive of, and compatible with farming.

Policies for agricultural support activities seek to balance the need for such uses with the continued preservation of the rural character and agricultural diversity of the County. General Plan policies also support products grown in Sonoma County over those produced elsewhere. Substantial growth in Sonoma County's wine industry has resulted in a trend towards larger processing facilities, and facilities that may appear more industrial than rural in character. The apparent increase in the reliance of County processing facilities on raw agricultural products imported from outside Sonoma County highlights the importance of, "demonstrating connection to local production in order to avoid County agricultural lands becoming de facto "industrial lands."³

Agricultural Land Use Categories and Zoning Districts

The Sonoma County General Plan Land Use Element and Land Use Diagram include three primary agricultural and/or resource-based land use categories; "Land Intensive Agriculture", "Land Extensive Agriculture", and "Resources and Rural Development" (see **Figure 4-1**). Each of these land categories permits a wide range of agricultural uses.

² Sonoma County, *Sonoma County General Plan 2020 Land Use Element*, as amended December 2016, Policy LU-3e, page LU-34

³ Sonoma County, *Sonoma County General Plan 2020 – Agricultural Resources Element*, August 2016, page AR-4

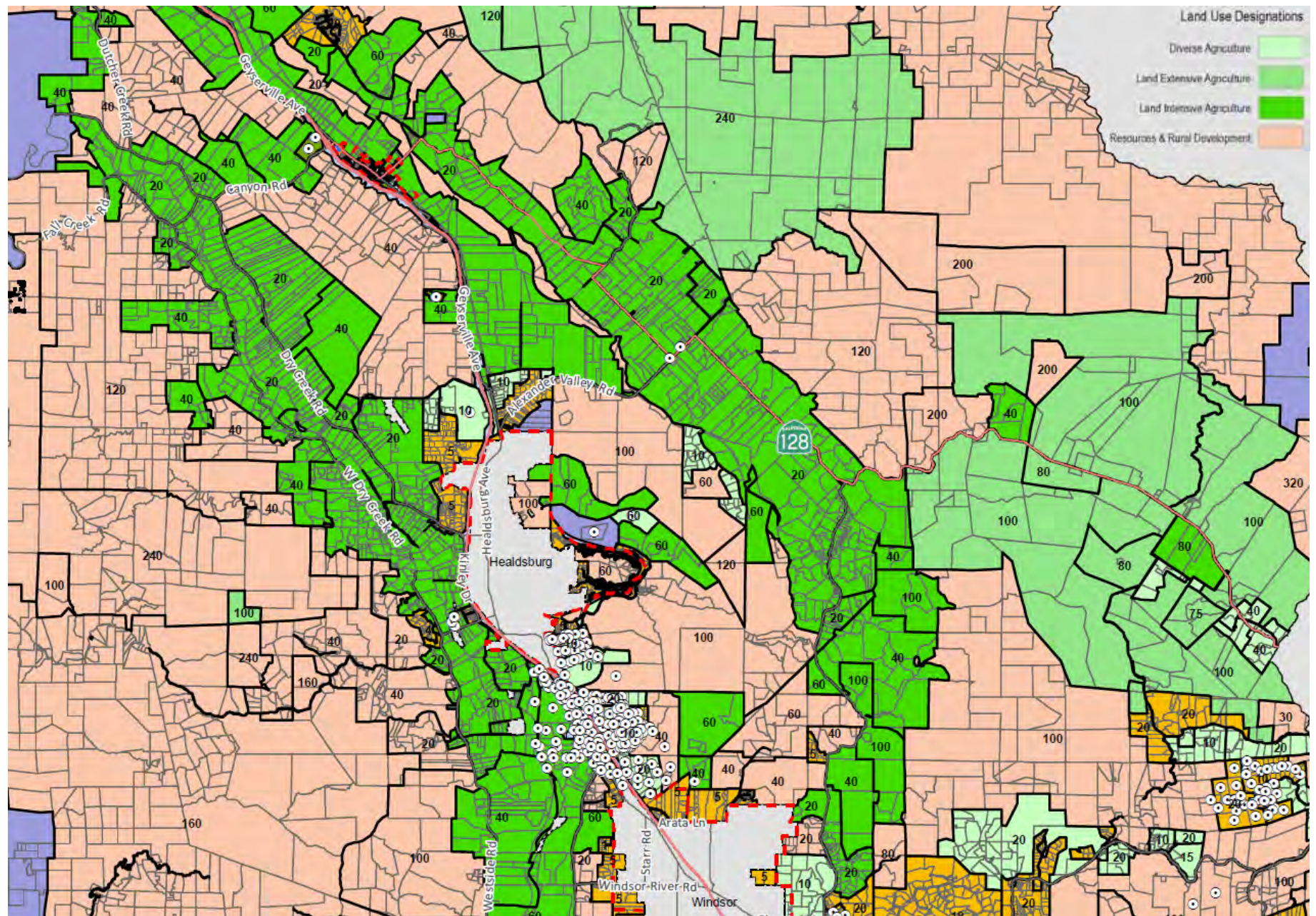


Figure 4-1
Sonoma County General Plan Land Use Map (portion)

Source: Sonoma County General Plan 2020 Land Use Element,
 Accessed at: <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Land-Use-The-Nine-Sub-County-Planning-Areas/>

Allowable residential densities on parcels in these land use categories is generally based on consideration of the amount of land that it would take to create an economically viable agricultural parcel, and other factors such as availability of infrastructure, distances from public services, access, conflicts with resource conservation and production, and topographic and environmental constraints. These three agricultural and resource-based land use categories differ primarily by the types and intensities of agricultural support uses, visitor serving uses and residential densities permitted. In general, the Sonoma County General Plan's agricultural land use designations include the following:

- Land Extensive Agriculture: This land use category is intended to enhance and protect lands capable of, and generally used for animal husbandry and the production of food, fiber and plant materials, but where soil and climate conditions typically result in relatively low production yield per acre of land. Primary land uses in this land use category include agricultural production, agricultural support uses and visitor serving uses, as well as farm worker, farm family and other agricultural employee housing. Permitted residential densities vary between 60 to 320 acres per unit (generally, higher densities are applied in areas with existing lots in that range, the middle range is used in the southeastern portion of the county where soil and water conditions make larger acre parcels productive, and the lowest densities are applied in the northwestern parts of the county).
- Land Intensive Agriculture: This land use category is also intended to enhance and protect lands capable of and generally used for animal husbandry and the production of food, fiber and plant materials. The soil type and climate support relatively high production yields per acre of land. Primary land uses in this land use category include agricultural production, agricultural support uses and visitor serving uses, as well as farm worker, farm family and other agricultural employee housing. Permitted residential densities vary between 20 and 100 acres per residential unit (generally, densities between 20 and 60 acres are applied in areas with existing lots in that range and where soil and water conditions make farming highly productive, and those between 60 and 100 acres are used where soil and water necessitate larger parcels.) New parcels are limited to a minimum size of 20 acres.
- Resources and Rural Development: This land use category is primarily intended to protect timberlands, geothermal resources and aggregate resource production, protect natural resource lands including watershed, habitats and biotic areas, and to accommodate limited agricultural production activities. This land use category allows for very-low density residential development that ranges from 20 to 320 acres per dwelling unit, due to a lack of infrastructure, greater distance from public services, poor access, conflicts with resource conservation and production goals, and significant physical constraints and hazards. The intent of this land use category is for natural resources to be managed and conserved so that resource production activities avoid depletion and promote replenishment of renewable resources.

Corresponding Zoning

Development standards for agricultural and resource-based land use are included in the County Development Code and Subdivision Ordinance, as well as in Specific Plan and Area Plans and Local Area Development Guidelines.

- Those areas of Sonoma County with a General Plan land use designation of Land Extensive Agriculture generally have a corresponding zoning district of Land Extensive Agriculture (LEA) per Chapter 26.06 of the Sonoma Code,

- Those areas of Sonoma County with a General Plan land use designation of Land Intensive Agriculture also have a corresponding zoning district of Land Intensive Agriculture (LIA) per Chapter 26.04 of the Sonoma Code.

Those areas of Sonoma County with a General Plan land use designation of Resources and Rural Development have a corresponding zoning district of Resources and Rural Development (RRD) or Timberland Production District (TP) per Chapter 26.14 of the Sonoma Code.

4.2: Napa County

Napa County is approximately 789 square miles in size, just slightly larger than Alameda County (about 1.1 times larger), but has a population of only approximately 55,600 people (or less than 10 percent as many people as Alameda County). Napa County has 5 incorporated cities, and approximately 82 percent of its population lives within those city boundaries.

Napa County identifies itself as a cornerstone of the California wine industry, and the Napa Valley was the first officially designated American Viticulture Area in California, designated in 1981. According to the Napa County Crop Report for year 2019, Napa County had 44,210 acres of land in wine grape production (reds and whites). These vineyards yielded 159,722 tons of grapes, and generated a total production value of nearly \$938 million, just lower than the previous year's record-breaking numbers of over \$1 billion dollars in 2018⁴ (or more than 12 times the grape production and almost 38 times the total production value of Alameda County's wine crop in 2019). The wine and vineyard sector remains Napa County's largest employer, directly and indirectly providing nearly half of the County's total employment.

Generalized Countywide Land Use Strategy

In 1968, Napa County first established an "Agricultural Preserve" zoning designation and land use policy that was guided by two complementary principles: 1) that agricultural lands should be protected, and 2) that development should occur in urban areas. Those principles remain the overall land use strategy of the current County General Plan and corresponding zoning regulations. In 1990 (ten years prior to Alameda County's Measure D initiative), the voters of Napa County adopted Measure J, intended to protect the County's agricultural, watershed and open space lands; strengthen the local agricultural economy; and preserve the County's rural quality of life. Measure J established and maintained minimum agricultural parcel sizes, and required voter approval before agricultural property could be converted to other uses. Measure J amended the Napa County General Plan to ensure that, without a vote of the people, designated agricultural, watershed and open space lands could not be re-designated and made available for more intense development. In 2008, the voters of Napa County reaffirmed their commitment to Measure J, passing a continuation of the provisions of Measure J (now known as Measure P), intended to last for the next 50 years, or until year 2058.

The most recent update of the Napa County General Plan (adopted in 2013) reflects the prominence of agriculture in Napa County through the Agricultural Preservation and Land Use Element. As indicated in this General Plan Element, the County's vision for the future is described as, *"Napa County will be a place where agriculture is the primary land use, where a vast majority of the county is open space, and where residential and employment growth is concentrated in the incorporated cities and town and existing urbanized areas of the county. Urban centers will be livable communities with compact forms that maximize the preservation of rural landscapes, and those rural landscapes will be both productive and ecologically diverse, with abundant and healthy natural resources."* Other issues that are addressed in land use policies include affordable housing, the desire for additional high-wage employment, the need for industrial land to support the agricultural industry, and the potential for continuing annexations by the incorporated cities and towns. However, all of these issues are framed by a policy

⁴ Napa County - Department of Agriculture and Weights & Measures, *Napa County Agricultural Crop Report for 2019*

framework that, “sets agricultural preservation as the immovable foundation for sound decision-making within Napa County.”⁵

Agricultural Land Use Categories and Zoning Districts

The Napa County General Plan Land Use Map designates nine separate areas of the unincorporated County for non-agricultural uses pursuant to detailed land use policies, and three pre-existing commercial areas are designated on the Land Use Map for agricultural uses with unique policies pertaining to these locations. The Land Use Map designates the remainder of unincorporated land in Napa County as one of two primarily agricultural land use categories (see **Figure 4-2**):

- **Agriculture, Watershed and Open Space:** These areas are indicated where the predominant use is agriculturally oriented. They are generally located where watersheds are protected and enhanced, and where reservoirs, floodplain tributaries, geologic hazards, soil conditions, and other constraints make the land relatively unsuitable for urban development. These are generally where urban development would adversely affect all other uses, and where the protection of agriculture, watersheds and floodplain tributaries from fire, pollution and erosion is essential. Primary land uses in this land use category include agriculture, processing of agricultural products and single-family dwellings. The minimum parcel size in this land use classification is 160 acres, and the maximum building intensity is one dwelling per parcel.
- **Agricultural Resource:** These areas are indicated in the fertile valley and foothill areas of the county where agriculture is, and should continue to be the predominant land use. Where other uses would be incompatible with agriculture, or where the development of urban type uses would be detrimental to the continuance of agriculture and the maintenance of open space, they are precluded. Primary land uses in this land use category include agriculture, processing of agricultural products and single-family dwellings. The minimum parcel size in this land use classification is 40 acres, and the maximum building intensity is one dwelling per parcel.

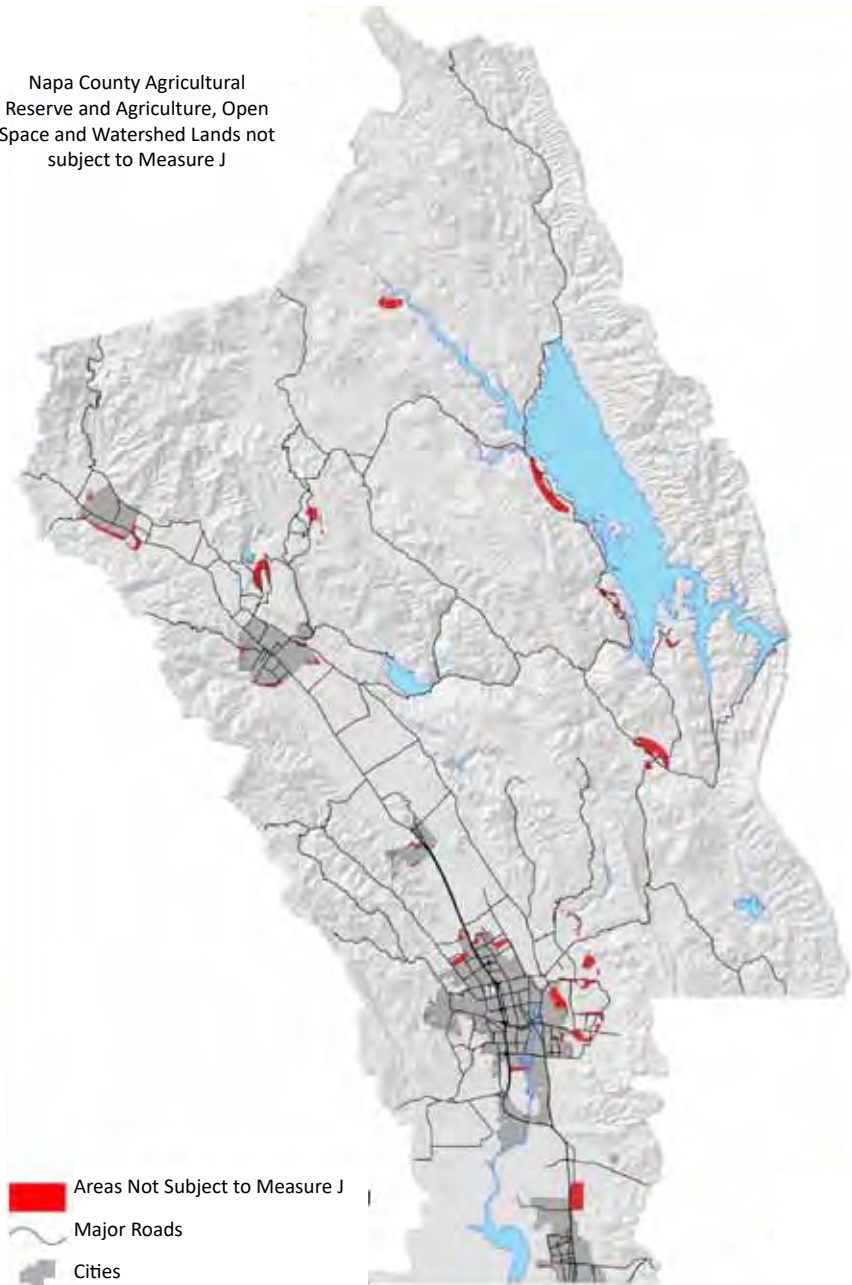
Corresponding Zoning

Development standards for agricultural and resource-based land use are included in the County Zoning Code and specific General Plan policies for different geographic locations throughout the County.

- Those areas of Napa County with a General Plan land use designation of Agriculture, Watershed and Open Space generally have a corresponding zoning district (per Title 18: Zoning, of the Napa Code of Ordinances) of either Agricultural Watershed (AW) per Chapter 18.20 of the Napa Code, or Timber Preserve (TP) per Chapter 18.68 of the Napa Code.
- Those areas of Napa County with a General Plan land use designation of Agricultural Resource generally have a corresponding zoning district of Agricultural Preserve (AP) per Chapter 18.16 of the Napa Code.

⁵ Napa County, Napa County General Plan - Agricultural Preservation and Land Use Element, June 2013, page AG/LU-8 through -11

Napa County Agricultural Reserve and Agriculture, Open Space and Watershed Lands not subject to Measure J



Napa County General Plan Land Use Map



Figure 4-2
Napa County General Plan Land Use

Source: Napa County General Plan, Agricultural Preservation and Land Use Element, June 2008 and as amended through June 2013

4.3: Solano County

Solano County is approximately 830 square miles in size, just slightly larger than Alameda County, and has a population of only approximately 447,650 people (or about 27 percent as many people as Alameda County). Solano County has seven incorporated cities, and because of Solano County's commitment to focus development within urban areas, about 95 percent of the county's population lives in these cities.

Solano County has a diverse agricultural base. According to the 2018 Solano County Crop and Livestock Report, high crop diversity allows the County's agricultural industry to remain competitive as market demands change. Ranked by gross value, the County's agricultural products included nursery products, cattle and calves, tomatoes, alfalfa, wine grapes, sunflower seeds, almonds and walnuts, and wheat. Of the County's total land area, nearly 60 percent was identified as being within farms, of which 43 percent was identified as cropland and 33 percent was identified as irrigated cropland.⁶

Generalized Countywide Land Use Strategy

According to the Solano County General Plan, *"a diverse and desirable balance of land uses can help to support the County's fiscal viability and promote a desirable community in which people work, shop, live, visit, and recreate. A diversity of land uses also has positive effects on community livability and quality of life."* Based on this desire for diversity, Solano County's cities contain most of the county's urban development, and the unincorporated areas include primarily agricultural and open space land, along with some rural residential, commercial, and industrial areas. The unincorporated county is particularly well suited for uses such as agricultural-related industries that are not appropriate within more densely populated areas due to noise, odor and other effects. Maximizing benefits to county residents, taking advantage of new economic opportunities, and protecting valuable environmental resources are the driving forces behind the County's land use plans.⁷

Solano County's General Plan also includes a clear description of the roles and purposes of municipal service areas (MSAs) pursuant to land use decisions. The MSAs define the area of a city's current and/or future jurisdictional responsibility, within which a city must provide the necessary services to support urban land uses. The MSAs reflect the planned urban growth areas of each city, and they are based on County review of city general plans and spheres of influence established by the Solano LAFCO. Current land uses within MSAs may continue under County jurisdiction until the land is annexed to the city for conversion to urban uses. A change in land use of unincorporated lands within MSAs should be permitted only for agricultural uses which do not conflict with planned land uses until annexed for urban development. Unincorporated lands within the MSAs that are designated Agriculture will continue in agricultural use until annexed to a city for urban development.⁸

In support of this overall strategy, in 1984, Solano County's voters adopted Measure A, the provisions of Measure A were extended with the adoption of the Orderly Growth Initiative in 1994, and now represent a cornerstone principle of the current General Plan. These principles direct new urban development and growth toward municipal areas to assure the continued preservation of those lands designated Agriculture, Watershed, Marsh, Park & Recreation, or Water Bodies & Courses. These

⁶ Solano County Department of Agriculture, Weights & Measures, *Solano County Crop and Livestock Report 2018* (as amended 2020)

⁷ Solano County, *Solano County General Plan Land Use Element*, Page LU-9

⁸ Ibid, page LU-12

provisions of the General Plan shall continue to be included in the General Plan until December 31, 2028, unless earlier repealed or amended by the voters of the County.

Agricultural Land Use Categories and Zoning Districts

The Solano County General Plan (see **Figure 4-3**) identifies two primary agricultural-related land use designations on its Land Use Diagram:

- **Watershed (WS):** This land use designation provides for the protection of water quality by limiting development where such development could significantly degrade surface water quality. It comprises hills and mountains in areas used primarily for grazing. Watershed areas typically feature hazardous site characteristics such as steep slopes with high soil erosion potential, fire hazards and unstable soils, and may be undevelopable. Watershed areas also provide wildlife habitat. Uses in this area are restricted to agricultural or passive open space uses, with residential densities of one dwelling unit per 160 acres.
- **Agriculture (AG):** This land use designation provides areas for the practice of agriculture as the primary use, including areas that contribute significantly to the local agricultural economy, and allows for secondary uses that support the economic viability of agriculture. Agricultural land use designations protect these areas from intrusion by non-agricultural uses and other uses that do not directly support the economic viability of agriculture. Agricultural areas within Solano County are identified within one of 10 geographic regions. Within these regions, uses include both irrigated and dryland farming and grazing activities. Agriculture-related housing is also permitted within areas designated for agriculture to provide farm residences and necessary residences for farm labor housing. Minimum lot sizes are determined by agricultural region, and range from 20 to 160-acre parcel sizes.

The Solano County General Plan also includes three agriculture and open space overlay districts:

- **Vacaville-Fairfield-Solano Greenbelt Overlay:** Identifies the area of Solano County subject to the Vacaville-Fairfield-Solano Greenbelt Authority agreement to provide a permanent separation between the urban areas of Fairfield and Vacaville and to maintain the area in agriculture and open space uses consistent with the provisions of that agreement.
- **Agricultural Reserve Overlay:** Encourages private landowners to volunteer to participate in agricultural conservation easements and establishes new methods of acquiring land conservation easements that encourage cooperation by landowners. The overlay district is established as an agricultural mitigation bank for development projects, subject to County and city agricultural mitigation programs. Projects having a significant impact on valued agricultural resources in other areas of the county or participating cities would be able to mitigate this impact by paying in-lieu fees used to purchase agricultural conservation easements from landowners in the overlay area. Conservation easements would be held by the County or relevant land trusts, and the landowner would maintain ownership and management control.
- **Resource Conservation Overlay:** Identifies and protects areas of the county with special resource management needs. This designation recognizes the presence of certain important natural resources in the county while maintaining the validity of underlying land use designations. The overlay protects resources by requiring study of potential effects if development is proposed in these locations, and by providing mitigation to support urban development in cities. Resources to be protected through this overlay are those identified through technical studies as the highest priority areas within the habitat conservation planning process.

Corresponding Zoning

Development standards for agricultural and resource-based land use are included in the County Zoning Code and specific General Plan policies for different geographic locations throughout the County.

- Those areas of Solano County with a General Plan land use designation of Watershed generally have corresponding zoning districts of Watershed and Conservation per Chapter 28.51 of the Solano County Code, Resource Conservation per Chapter 28.50 of the Solano County Code, or Marsh Protection per Chapter 28.52 of the Solano County Code.
- Those areas of Solano County with a General Plan land use designation of Agriculture generally have a corresponding zoning district of Exclusive Agricultural (A) per Chapter 28.21, which includes individual regulations for separate A-20, A-40, A-80 and A-160 zoning districts, generally corresponding to minimum parcel sizes.
- The Solano County Code also includes specialized zoning districts pertaining to Suisun Marsh (the A-SM district per Chapter 28.22), and the Suisun Valley (the A-SV-20, ATC and ATC-NC zoning districts per Chapter 28.23 of the County Code).

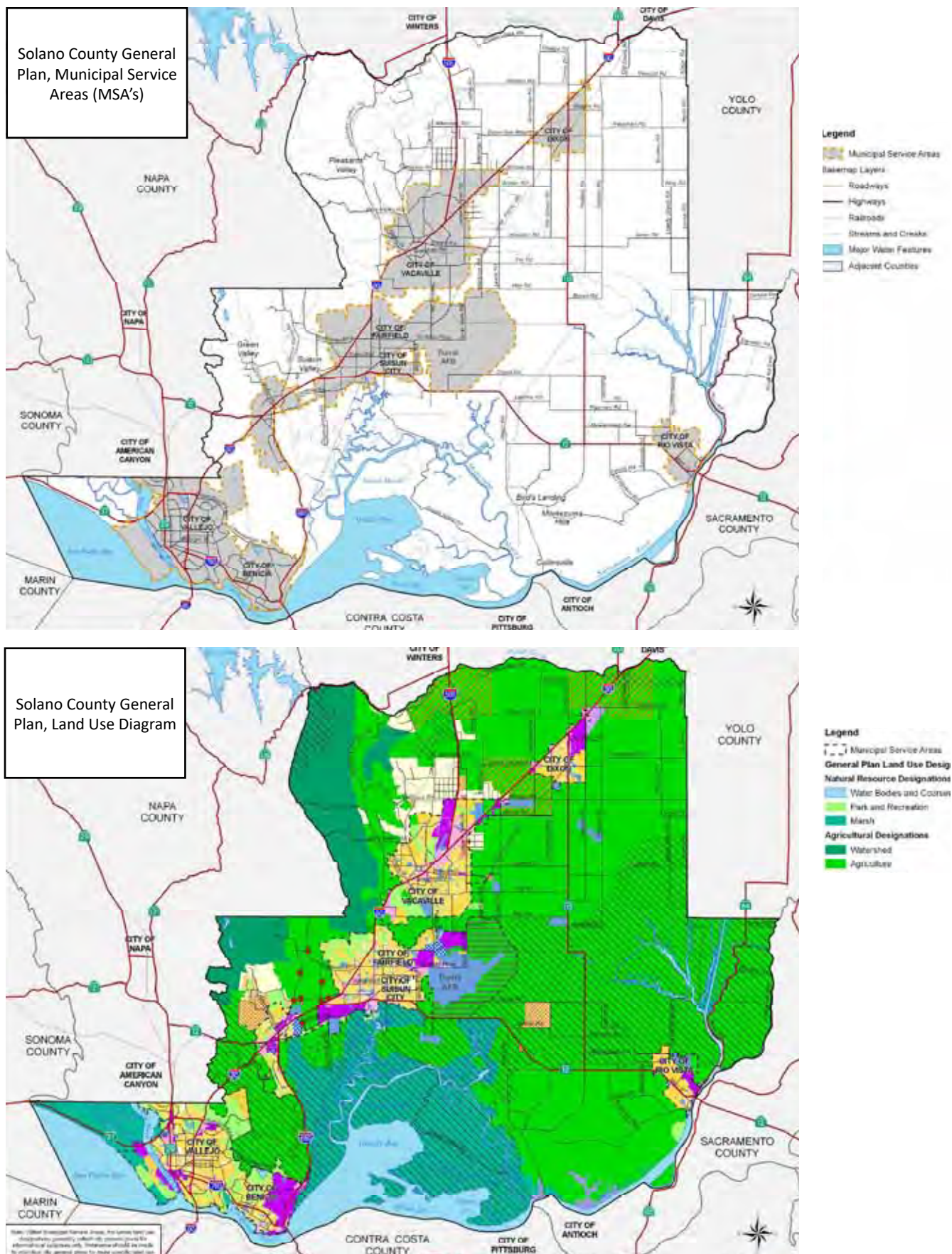


Figure 4-3
Solano County General Plan- MSA's and Land Use Diagram

Source: Solano County General Plan Land Use Diagram, Figure LU-1,
 accessed at: <https://www.solanocounty.com/depts/rm/planning/>

4.4: Contra Costa County

Contra Costa County is approximately 716 square miles in size, just slightly smaller than Alameda County, and has a population of approximately 1,153,500 people (or about 70 percent as many people as Alameda County). Similar to Alameda County, Contra Costa has distinctly different regions, including West and Central County, and East County. The West and Central County regions include 10 incorporated cities plus numerous unincorporated communities along the I-880, I-680 and SR24 corridors, and accommodate approximately 75% of the County's population. Development in the East County is primarily concentrated in four cities along the SR 4 corridor, accommodates approximately 25% of the County's population, and surrounding land uses are predominantly residential, agricultural, recreational and open space uses.

According to the Contra Costa County Agricultural Crop Report for year 2019, the County's gross agricultural production value exceeded \$100 million dollars. Based on their production value, agricultural products were well diversified with about 35% in vegetable and seed crops, 22% in fruit and nut crops (including grapes), 21% as livestock, 12% as field crops and 10 % as nursery products. Over 185,500 acres within the County were considered cultivated agricultural lands, about 94% of which were in the field crop category (primarily rangeland).

Generalized Countywide Land Use Strategy

Fundamental features of the Contra Costa General Plan are the interrelationship between the County's adopted Urban Limit Line (ULL), the County's 65/35 Land Preservation Standard, and a Growth Management Program.

- The ULL was originally established in 1990 by county voters, through adoption of Measure C. Measure C ensures the preservation of non-urban agricultural, open space and other areas by establishing a line beyond which no urban land uses can be designated during the term of the General Plan. Factors which contribute to properties being located outside the ULL included properties with high agricultural soils ratings (Class I and Class II) under the National Resource Conservation System Land Capability Classification, open space, parks and other recreation areas, lands with steep slopes, wetlands and other areas not appropriate for urban growth because of physical unsuitability. Properties that are located outside the ULL may not obtain General Plan amendments that would re-designate them for an urban land use, and any General Plan amendment that seeks to expand the ULL by more than 30 acres requires voter approval following a four-fifths vote of the Board of Supervisors. Lands outside of the ULL may be subject to various agricultural and open space preservation measures intended to preserve open space and agricultural lands, and contribute to the continued economic viability of agricultural property. Development of property within the ULL is restricted by the limitations imposed by the County's Growth Management Program.
- The 65/35 Land Preservation Standard limits urban development to no more than 35 percent of the land in the county, and requires at least 65 percent of all land in the county to be preserved for agriculture, open space, wetlands, parks and other non-urban uses. The 65/35 Standard operates on a countywide basis and therefore includes urban and non-urban uses within cities as well as unincorporated areas. The ULL works in conjunction with the 65/35 Standard to ensure that both inside and outside the ULL, a maximum of not more than 35 percent urban development could occur in the county.

- The Growth Management Element of the General Plan seeks to responsibly manage new development to ensure that development projects bear their appropriate share of the adverse burdens and impacts they impose on public facilities and services (primarily transportation impacts, but also impacts on public services and facilities). The timing of the potential physical development contemplated pursuant to the General Plan is partly determined by the achievement of policies and standards defined in the Growth Management Element.

The ULL and the 65/35 Land Preservation Standard work together with the Growth Management Element to ensure that growth occurs in a responsible manner, and strikes appropriate balances between many competing values and interests. Moreover, by establishing an inter-jurisdictional land supply and a program for development monitoring, the Growth Management Element coordinates implementation of the County General Plan with those of the county's 19 cities.

Agriculture Land Use Designations

In general, the Contra Costa General Plan identifies two primary agricultural-related land use designations and two open space land use designation on its Land Use Diagram (see also **Figure 4-4**):

- 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, and includes non-prime agricultural lands in flat East County areas that are planted in orchards. 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 maximum allowable density in this land use classification is one dwelling unit per 5 acres. Other land uses that are allowed in the Agricultural Lands designation include all land-dependent and non-land-dependent agricultural production and related activities.
- Agricultural Core (AC): This designation applies to agricultural lands that are composed primarily of prime agricultural soils, mostly 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. 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 require a larger (40-acre) minimum parcel size than the Agricultural Lands designation, to maintain economically viable, commercial agricultural units.
- Watershed (WS): Areas designated Watershed includes much of the land owned by EBMUD and the Contra Costa Water District. In order to safeguard public water supplies, 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, low-intensity recreational uses such as hiking and biking, and small-scale commercial uses that support picnicking, boating and fishing activities on adjacent reservoirs.
- Parks and Recreation: The Parks and Recreation designation includes publicly owned park facilities (including the Mount Diablo State Park in the center of the County), as well as golf courses, whether publicly- or privately-owned.

Corresponding Zoning Districts

Development standards for agricultural and resource-based land use are included in the County Zoning Code. Generally, lands within the unincorporated County have been zoned with a zoning district that corresponds to the General Plan land use designation.

- Those areas of Contra Costa County with a General Plan land use designation of Agricultural Lands (AL) generally have a corresponding zoning district of Agricultural Preserve (A-80) per Chapter 84-84 of the County Zoning Ordinance.
- Those areas of Contra Costa County with a General Plan land use designation of Agricultural Core (AC) generally have a corresponding zoning district of Agricultural Preserve (A-40 or A-20) per Chapter 84-82 and 84-80 of the County Zoning Ordinance.
- Those areas of Contra Costa County with a General Plan land use designation of Watershed or Parks and Recreation generally have corresponding zoning districts of either General Agriculture (A-2), Heavy Agriculture (A-3) or Agriculture Preserve (A-4) per Chapters 84-38, 84-40 and 84-42 of the County Zoning Ordinance.

4.5: Comparative Land Use Regulations

Each of the counties reviewed for purposes of this study provide land use policies and/or zoning regulations that prescribe allowable land uses and provide development standards intended to accommodate development in a manner that is protective of agricultural resources. Some counties, like Alameda County and its Measure D provisions, embed these standards into their General Plan. Other counties include these standards in their respective zoning regulations, and some counties include a mix of zoning regulations with specific citations to General Plan policies. The following provides a comparative summary of many of the more important standards and regulations of these counties as related to agricultural land use, as compared to Alameda County.

Minimum Lot Size / Maximum Residential Density / Building Site

Every land use in an Agriculture (A) district within Alameda County shall be on a building site having an area not less than 100 acres. The County honors building sites on existing parcels of less than 100 acres if the parcel is consistent with zoning standards for legal building sites.

The Alameda County Cultivated Agriculture (CA) combining district is combined with the A district to implement the land use policies and standards for the vineyard area of the South Livermore Valley Area Plan. The maximum dwelling unit density in the CA combining district is one unit per 20 acres, and the minimum building site area is 17 acres, provided a number of additional criteria are met at the time of tentative map approval.

- Sonoma County's General Plan Land Use Map defines the maximum residential densities permitted within each of its land use designations, and these vary by location. Within the Resource and Rural Development designation and RRD zone, residential densities vary between 20 and 320 acres per unit. Within the Land Extensive Agriculture designation and LEA zone, residential densities vary between 60 and 320 acres per unit. Within the Land Intensive designation and LIA zone, residential densities vary between 20 and 100 acres per unit. Within the Diverse Agriculture designation and DA zone, residential density varies between 10 and 60 acres per dwelling unit.⁹
- Napa County's Agricultural Preserve zoning district has a minimum lot size of 40 acres, and the Agricultural Watershed zoning district has a minimum size of 160 acres.
- Solano County has several Exclusive Agriculture zoning districts including A-20, A-40, A-80 and A-160 zoning districts, and minimum lot sizes are established at 20 acres, 40 acres, 80 acres and 160 acres respectively.
- Contra Costa County has three Exclusive Agriculture zoning districts including A-20, A-40 and A-80 zoning districts, and minimum lot sizes are established at 20 acres, 40 acres and 80 acres respectively.

Comparison

In general, Alameda County's lot size and residential density regulations provide less variety in parcel size or residential density than many other counties, and does not include provisions for very large minimum lot sizes (of 160 or 320-acre minimums). By honoring building sites on existing parcels of less

⁹ Sonoma County Code of Ordinances, Chapter 26 (Zoning), Sec. 26-06-040. - Development standards, Table 6-2: Development Standards in Agriculture and Resource Zones

than 100 acres, the practical results of this regulation likely yields a similar variety of parcel sizes in the less than 100-acre minimum categories.

Maximum Building Intensity – Residential and Non-Residential Uses

Alameda County ECAP policies provide a maximum building intensity for non-residential buildings. The permitted building intensity within the Agricultural (A) district is based on a floor: area ratio (or FAR). The A district's FAR is 0.01 (or 1% of the lot area), but not less than 20,000 square feet. For example, a 100-acre lot with a 1% FAR would have a maximum non-residential building limit of 43,560 square feet (1% of 100 acres). Where permitted, greenhouses have a maximum FAR of .025 (or 2.5% of the lot area). Residential and residential accessory buildings have a maximum allowable floor space of 12,000 square feet.

- Sonoma County General Plan policies (Policy AR-5a and-5b) seek to ensure that agriculture-related support and processing uses are only allowed on agricultural lands when “demonstrated to be necessary for and proportional to agricultural production on-site or in the local area”. Sonoma County's Land Intensive and Land Extensive zoning districts further prescribe maximum lot coverage limitations that vary with the size of the parcel. The maximum lot coverage (residential and non-residential combined) is either 5% of the lot area or 85,000 square feet, whichever is greater, for parcels greater than 20 acres in size.¹⁰
- Napa County Zoning Ordinance, Table 18.104.010 indicates that the Agricultural Preserve and Agricultural Watershed zoning districts do not have an applicable non-residential maximum building coverage limit.
- Solano County's Exclusive Agriculture zoning districts do not prescribe building intensity limits for non-residential buildings, or a total maximum building coverage limit. Solano County does establish a maximum size for secondary dwelling units at 1,800 square feet.
- Contra Costa County's Agriculture districts do not prescribe building intensity limits for non-residential buildings, or a total maximum building coverage limit.

Given the relative interest in this regulation, four additional counties were also reviewed for FAR limitations:

- The Marin Countywide Plan's Agricultural Production Zones (AG1 through AG3) have non-residential FAR limitations of between 0.01 (1%) and 0.09 (9%), and the corresponding zoning districts A3 through A60 (e.g., A60 applies to 60-acre properties) provides for an FAR of 0.05 (or 5%). These regulations also note that, “the maximum non-residential and non-agricultural floor area for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the floor area ratio range as established by the governing Countywide Plan Land Use Designation, except for projects that provide significant public benefits, as determined by the Review Authority”.¹¹ Homes, roads, residential support facilities, and other non-agricultural development, shall be clustered on no more than five percent (5%) of the gross acreage, to the extent feasible, with the remaining acreage retained in

¹⁰ Sonoma County Code of Ordinances, Chapter 26 (Zoning), Sec. 26-06-040: Development Standards, Table 6-2: Development Standards in Agriculture and Resource Zones

¹¹ Marin County Development Code, Section 22.08.040: Agricultural District Development Standards, Table 2-2

agricultural production and/or open space.¹² Agricultural and open space land use categories that have minimum lot sizes of greater than 60 acres do not have a corresponding FAR limit.

- Monterey County's Zoning Ordinance includes three comparable agricultural-related zoning districts: Farmlands (F), Rural Grazing (RG) and Permanent Grazing (PG), each of which includes a maximum of 5% lot coverage (which is different than FAR as it does not account for building height).¹³
- Mendocino County's agricultural zoning districts include Agriculture (AG), Rangeland (RL) and Forest Land (FL) – all of which include standards pertaining to setback, building height and lot sizes, but no development regulations pertaining to maximum non-resident building size.
- San Luis Obispo County's zoning regulations are disaggregated among numerous individual planning areas, communities and villages within that county, each of which contain unique regulations pertaining to allowable land uses, site planning and design. None of these regulations indicates a maximum non-residential building size within agricultural-based zoning areas.¹⁴

Comparisons

Of those nine counties studied, four counties (Alameda, Sonoma, Marin and Monterey) have regulations for maximum building intensities that apply to agriculturally designated or zoned lands. In comparison, Alameda County's regulations are more protective of agricultural lands and/or more restrictive on development potential. The following **Table 4-1** compares the results for comparably sized properties per Alameda County, Sonoma County and Marin County regulations:

¹² Marin County Development Code, Section 22.08.040: Agricultural District Development

¹³ Monterey County Code of Ordinances, Secs 21.30.060, 21.32.060 and 21.34.060

¹⁴ San Luis Obispo County Land Use Ordinance, Chapters 22-04 through 22-08

Table 4-1: Comparative Building Intensity (e.g., FAR) Regulations

| Parcel Size: | Alameda | Sonoma | Marin | Monterrey |
|--------------|---|--|-----------------------------|--|
| | 12,000 sf Residential + 20,000 sf minimum, or 1% non-Residential FAR ¹ | 5% of the lot area, or 85,000 square feet min. | maximum 5% FAR ² | maximum 5% building site coverage ³ |
| 40 acres | 32,000 12,000 sf residential, plus 20,000 (minimum) non-residential | 87,120 | 87,120 | 87,120 |
| 80 acres | 46,848 12,000 sf residential, plus 1% (34,848 sf) non-residential | 174,240 | NA | 174,240 |
| 100 acres | 55,560 12,000 sf residential, plus 1% (43,560 sf) non-residential | 217,800 | NA | 217,800 |
| 160 acres | 81,696 12,000 sf residential, plus 1% (69,696 sf) non-residential | 348,480 | NA | 348,480 |

Notes:

1. Non-residential use permitted at the greater of either 20,000, or 1% FAR
2. Marin A3 through A60 zoning districts provide FAR requirements that apply to lots of between 3 and 60 acres, only
3. Assumes all 1-story buildings at 5% of lot coverage. Taller buildings at the same lot coverage would increase effective FAR

Building Envelope

Alameda ECAP policies require that all buildings located in an Agriculture or Resource Management land use category must be located on a contiguous development envelope not to exceed 2 acres, except they may be located outside the envelope if necessary for security reasons or if structures are necessary for agricultural use.

- Sonoma County zoning regulations for Land Intensive and Land Extensive zoning districts do not provide for a maximum building envelop, but the Sonoma County General Plan (Policy AR-6d) provides guidelines for approval of visitor-serving uses in agricultural areas, which include the requirement that such uses must be compatible with, and secondary and incidental to agricultural production activities in the area. The Sonoma County zoning ordinance limits permitted agricultural support services (including incidental sales of products related to the agricultural use, but not including walk-in, over-the-counter retail sales) to not more than one employee and occupying no more than one-half acre of land.¹⁵
- Napa County, Solano County and Contra Costa County do not have regulations that establish a maximum building envelope, other than applicable building setback requirements and General Plan policies which seek to limit development on agricultural soils and other natural resource values.

¹⁵ Sonoma County Code, Sec. 26-18-050: Agricultural support services

Comparisons

Alameda County appears to be the only one of the counties studied in this report to have a defined maximum building envelope.

Permitted Residential Uses

Alameda County's Agriculture zoning district permits one single-family dwelling or one single-family mobilehome per building site, plus one secondary dwelling unit per building site on parcels 25 acres in size or larger. Occupancy of agricultural caretaker dwellings and agricultural employee housing is subject to site development review.

- Each of the other counties included in this study have relatively similar regulations pertaining to residential uses.

The following **Table 4-2** provides a comparative summary of the permitting requirements for residential use in Alameda County's "A" district, as compared to each of the other four counties included in this study. Because each county has its own unique set of definitions for different residential use types, and different regulatory processes, the residential use types and permit types have been grouped into similar categories as best determined for this comparison.

Table 4-2: Comparison of Permitted Residential Land Uses and Types

| | Alameda Ag District (A Zone) | Sonoma Ag Districts (LIA, LEA and RRD Zones) | Napa Ag Preserve (AP and AW Zones) | Solano Ag Districts (A-20 thru A-160 Zones) | Contra Costa Ag. Districts (A2, A3, A4 and A20 thru A-80 Zones) |
|--|--|---|--|--|--|
| Single Family Dwelling | P | P | P | P | P |
| Secondary (Accessory) Dwelling Unit | P (25-acre min lot, with SDR) | P | P | P | UP |
| Agricultural Caretaker's (Farmworker) Dwelling | SDR | P | - | - | P |
| Agricultural/Farmworker Employee Housing | SDR for up to 36 beds or 12 units designed as single-family units C for greater number of beds or units | P (different standards for seasonal and year-round) | P (6 emp., or 36 beds, or 12 units designed as single-family units UP – greater number of beds or units | AP | P |
| Farm Family Dwelling Unit | - | P (with Williamson Act or Ag Easement) | - | C | - |
| Accessory and Jr. Accessory Dwelling Unit | - | P (not on Williamson Act) | - | - | P |

P = permitted or allowed by right

SDR (Site Development Review) and AP (Administrative Permit) = permitted pursuant to an administrative use permit;

C or UP = conditionally permitted pursuant to conditional use permit (CUP) or use permit (UP) as a discretionary action;

- = not permitted or not an identified permitted use

Wineries

Alameda County's zoning ordinance (17.04.010 – Definitions) defines a Winery as, "a commercial, bonded facility for the fermentation and processing of grapes or other produce into wine, or the re-fermentation of still wine into sparkling wine". Section 17.06.030 of the zoning ordinance lists wineries

as a principal use permitted in the County's Agriculture (A) zoning district,¹⁶ further described as including "accessory uses such as administrative offices, visitor centers, on-site tasting rooms, production and maintenance facilities, cooperage, and marketing activities". Visitor center uses are further defined as, "winery tours and on-site tasting, retail sales of wine, olive oil and related items, the display of historical or educational items related to the wine region or art, - not to exceed 30 percent of the floor area of the production facility of the winery. Permanent kitchen facilities are not allowed, but permitted activities include, "the sale of food, complementary food service or provision of picnic facilities limited to cold foods prepared off-site (such as bread, cheese, crackers, sandwiches or salads) in conjunction with wine tasting and sales, provided such food service remains incidental and subordinate to the wine tasting and sales". An administrative conditional use permit (ACUP) may be requested for a temporary mobile outdoor business as an accessory or incidental use to a winery.

Section 17.06.040 of the Alameda County zoning ordinance lists "winery related uses" as conditionally permitted in an A district, only if approved by the Board of Zoning Adjustments. Winery-related uses means "various uses accessory to a winery, which must be clearly incidental and subordinate to the primary winery use". The term also includes "various temporary, cultural and social events (catered banquets, receptions, concerts, food and wine festivals, races, etc.), that would not compromise the primary agricultural or appearance of the property. The term includes wine marketing activities that are otherwise disallowed by the definition of winery or olive oil mill. The term includes up to two overnight room accommodations for use by winery business associates".

The following **Table 4-3** provides a comparative summary of the regulations and permitting requirements for wineries in Alameda County, as compared to each of the other four counties included in this study. Because each county has its own unique set of definitions for wineries and winery-related uses, and different regulatory processes, the use types and permit types for wineries have been grouped into similar categories as best determined for this comparison.

¹⁶ Section 17.30.160 establishes a CA (Cultivated Agriculture) combining district, which is combined with the A (Agricultural) district to implement the land use policies and standards for the Vineyard Area of the South Livermore Valley Area Plan. The CA combining zone does list certain exceptions and differences between the A and CA districts, but CA regulations pertaining to wineries remain the same as the regulations in the A district.

Table 4-3: Comparison of Permitted Winery and Winery-Related Uses

| | Alameda Ag District (A Zone) | Sonoma Ag Districts (LIA, LEA and DA Zones) | Napa Ag Preserve (AP and AW Zones) | Solano Ag Districts (A-20 thru A-160 Zones) | Contra Costa Ag. Districts (A2, A3, A4 and A20 thru A-80 Zones) |
|---|--|---|--|---|---|
| Outdoor Crops (vines) | P | P | P | P | P |
| Wineries | P | C ¹ | C ² | | C |
| Small wineries | | | | P | |
| Medium wineries | | | | AP | |
| Large wineries | | | | C | |
| Wine Processing, Production and Storage | | | C | Based on size (see Wineries, above) | |
| Tasting Rooms, Sales, Marketing | | C | C | Based on size (see Wineries, above) | |
| Office/Lab | | | C | Based on size (see Wineries, above) | |
| Winery-Related Uses | C | C | C | Based on size (see Wineries, above) | |
| Business Accommodations | | C | C | - | |
| Catered and Social Events | | C | - | - | |
| Accessory Buildings | P | P | P | - | P |

P = permitted or allowed by right;

AP = permitted pursuant to an administrative use permit;

C = conditionally permitted pursuant to conditional use permit (CUP) or use permit (UP) as a discretionary action;

* = uses included within the definition of small, medium or large winery

1. Sonoma County definition of Agricultural Processing – “Preparation of agricultural products which are not grown on site, processing of agricultural product of a type grown or produced primarily on site or in the local area, storage of agricultural products grown or processed on site, and bottling or canning of agricultural products grown or processed on site”

2. Napa County definition of Agricultural Processing - “A facility used for the fermenting and processing of grape juice into wine, or the re-fermenting of still wine into sparkling wine.”

Comparisons

Of those counties studied, Alameda County appears to have the broadest definition of a “winery”. This definition includes more types of uses and activities than as defined by other counties (e.g., wine processing, wine production and tasting rooms), and has the least restrictive permitting process for wineries. Nearly all defined winery activities and uses are permitted by right, as opposed to separate administrative or discretionary use permit processes. In comparison, Alameda County’s regulations pertaining to permitted (as opposed to conditionally permitted) wineries appear to be more supportive of the winery business (or with less regulatory process) than the regulations of those other counties included in this study.

Overnight Accommodations

The Alameda County zoning ordinance Sections 17.06.030 and 17.06.040 does not list bed and breakfasts establishments as either permitted or conditionally permitted facilities in the County’s Agriculture (A) zoning district. However, in May of 2019, the Board of Supervisors approved amendments to the East County Area Plan and the County Zoning Ordinance related to visitor accommodation and services. Within the CA combining district (which applies only to the SLVAP), bed and breakfast establishments (if conducted within an existing or permitted dwelling and with a maximum of 14 rooms available for guests) and restaurants (with seated service only, and a maximum of 49 permanent indoor seats, and that feature agricultural products of the South Livermore Valley Area) are permitted, if approved by the County Board of Zoning Adjustments.

The following **Table 4-4** provides a comparative summary of the regulations and permitting requirements for overnight guest accommodations in Alameda County, as compared to each of the other four counties included in this study.

Table 4-4: Comparison of Overnight Accommodation Uses

| | Alameda Ag District (A Zone) | Sonoma Ag Districts (LIA, LEA and DA Zones) | Napa Ag Preserve (AP and AW Zones) | Solano Ag Districts (A-20 thru A-160 Zones) | Contra Costa Ag. Districts (A2, A3, A4 and A20 thru A-80 Zones) |
|---|---|--|---|--|--|
| Vacation Rentals | - | P (not permitted in LIA zone) | C (in A-20 only) | C (A-20 district only) | - |
| Bed & Breakfast | - P (CA combining district, only) – 14 rooms | C (not permitted in LIA zone) | - | AP (A-20 district only) – 10 guest rooms | - |
| Lodging: Hosted Rental | P | P | - | AP (in A-20 only) | - |
| Lodging: Agricultural Farmstay/Homestay/Guest Cottage | - | P | P | A | - |
| Lodging: Agricultural Marketing Accommodations | P | C (not permitted in RRD zone) | C | - | - |

P = permitted or allowed by right;

AP or SDR = permitted pursuant to an administrative use permit or administrative Site Development Review;

C = conditionally permitted pursuant to conditional use permit (CUP) or use permit (UP) as a discretionary action;

- = not permitted or not a listed use

Comparisons

Of those counties studied, Alameda County appears to have similar opportunities for agricultural tourism overnight accommodations, but bed and breakfast establishments are limited in Alameda County to the CA combining district of the South Livermore Valley, only. Most counties studied in this report (except for Contra Costa County) appear to have a similar list of permitted or conditionally permitted overnight accommodation opportunities.

Horses, Boarding Stables and Riding Academies

Pursuant to Alameda County Zoning Section 17.06.030, the grazing, breeding or training of horses are permitted uses in the Agriculture (A) zoning district. However, boarding stables and riding academies are subject to additional permit procedure and review, including the County's Site Development Review (SDR) process specific to equine facilities, which includes the following:

- The appropriate Board of Zoning Adjustments shall decide applications for SDR under this section, and a public hearing is required.

- Where the holder of an existing conditional use permit is found to be in compliance with all conditions of the existing conditional use permit, the Planning Director shall recommend to the appropriate Board of Zoning Adjustments that SDR for the facility be approved, except as allowed by the County Policy for Equine Facilities in the A (Agricultural) district.
- The Planning Director may modify the standard SDR requirements, and specifically may waive the requirement that the site plan be prepared by licensed civil engineer, land surveyor, architect, landscape architect, or a registered building designer.¹⁷

Boarding stables are subject to, and must be consistent with the provisions of the County Policy for Equine Facilities in the A (Agricultural) District (see below). Site development reviews for equine facilities do not have an expiration date, but are subject to periodic reviews for compliance with conditions of approval and with other relevant county ordinances. Any changes in the scope of the boarding stable operation shall require a modification to the SDR permit. SDR approval does not confer any exemption from any health, nuisance, or public safety ordinances or their subsequent enforcement, or confer any other unique privileges for a stable.

- In Sonoma County, the keeping of farm animals (including horses) is a permitted use, but commercial horse facilities and stables are allowed only with a Conditional Use Permit. Commercial horse facilities and stables are defined as, “facilities for the boarding and/or training of horses not owned by the property owner or occupant of an on-site residence, related shows, group lessons and clinics, and similar activities including commercial equestrian facilities, education or instruction facilities for horsemanship, riding academies, and equestrian riding and driving clubs.”
- In Solano County’s Agricultural zoning districts, permitted uses include grazing or pastured livestock (including horses), and private stables. Public stables (with or without horse shows) are permitted upon issuance of a Use Permit. Public stables with horse shows are considered a “Public Assembly Use” (per Section 28.73.30). Such uses are subject to development standards pertaining to minimum distance from any dwelling unit, minimum distance from side and rear property lines, and minimum distance from front property lines, as well as operational standards related to parking, traffic hazards, emergency response, and nuisance or hazards due to trespass, odor, dust, noise and drainage.
- Napa County’s definition of “agriculture” as a permitted use in their Ag Preserve (AP) and Ag/Watershed (AW) zoning districts includes the breeding and raising of horses. Horse boarding and/or training stables are not permitted in the AP districts, but are permitted in all AW districts upon granting of a Use Permit.¹⁸
- In Contra Costa County, livestock production and animal breeding (including horses) are permitted uses in all of the County’s Agricultural districts. “Dude” ranches, riding academies and stables are allowed in the Ag-2, Ag-3 and A-20 Exclusive Ag District’s upon the issuance of a land use permit. “Dude” ranches, riding academies and stables are not allowed in the A-40 or A-80 Exclusive Ag Districts.

¹⁷ The County’s Site Development Review process specific to equine facilities was enacted pursuant to the County’s *Policy for Equine Facilities in the A District*, adopted by the Board of Supervisors March 4, 2004, revising prior zoning requirements for Conditional Use Permits (CUPs) for boarding stables and riding academies

¹⁸ Per Napa County Code definitions (18.08.490), “stable” or “public stable” means a facility for the commercial boarding of horses or for the housing of horses for rental, or both.

The following **Table 4-5** provides a comparative summary of the permitting requirements for equestrian facilities in Alameda County, as compared to each of the other four counties included in this study.

| Table 4-5: Comparison of Equestrian Facility Permitting Requirements | | | | | |
|--|---------------------------------|--|---------------------------------------|--|--|
| | Alameda Ag District (A Zone) | Sonoma Ag Districts (LIA, LEA and DA Zones) | Napa Ag Preserve (AP and AW Zones) | Solano Ag Districts (A-20 thru A-160 Zones) | Contra Costa Ag. Districts (A2, A3, A4 and A20 thru A-80 Zones) |
| Grazing and Breeding Horses (including private stables) | P | P | P | P | P |
| Commercial Stables, Horse Training and Riding Academies | SDR | C | AP Zone (-) AW Zone - C | C | A2, A3, A4 and A20 Zones – C A40-A80 Zones (-) |

P = permitted or allowed by right;

SDR = permitted pursuant to Site Development Review;

C = conditionally permitted pursuant to conditional use permit (CUP) or use permit (UP) as a discretionary action;

- = not permitted or not listed as a permitted or conditionally permitted use

Comparisons

Of those counties studied, Alameda County appears to have the most permissive permitting process for commercial stables, horse training and riding academies than other counties, providing for an administrative Site Development Review process before the Zoning Adjustment Board, rather than requiring discretionary conditional use permits (CUPs) for these types of uses, as do all other counties studied in this report. Alameda County's regulations pertaining to permitted (as opposed to conditionally permitted) uses appear to be more supportive of the equine business (or with less regulatory process) than the regulations of those other counties included in this study.

Commercial Cannabis

Alameda County's Agriculture (A) zoning district requires a CUP approved by the County Board of Zoning Adjustments for all cannabis cultivation and associated cannabis distribution, cannabis retailers, combined cannabis operations, and testing labs (all subject to additional regulations). The following **Table 4-6** provides a comparative summary of the regulations and permitting requirements for cannabis-related land uses in Alameda County, as compared to each of the other four counties included in this study.

Table 4-6: Comparison of Cannabis-Related Permitted Uses

| | Alameda Ag District (A Zone) | Sonoma Ag Districts (LIA, LEA and DA Zones) | Napa Ag Preserve (AP and AW Zones) | Solano Ag Districts (A-20 thru A-160 Zones) | Contra Costa Ag Districts (A2, A3, A4 and A20 thru A-80 Zones) |
|---|---|--|---|--|---|
| Cultivation | C | C (10 acres minimum lot) | | C ² | C (not permitted in Cannabis Exclusion areas) |
| Distribution | C | C | | - | - (not permitted |
| Retail | C | - | - (not permitted) ¹ | - | - (not permitted outside of ULL) |
| Testing labs, manufacturing and combined operations | C | C (10 acres minimum lot) | | C ² | C-(not permitted in Cannabis Exclusion areas) |

C= Conditional Use Permit, plus all other applicable regulatory requirements and associated permits;
 - not permitted

Notes:

1. Per Napa Code of Ordinances, Section 8.10.025, "all forms of commercial cannabis activity shall be prohibited and shall not be an allowable use in any zone of the unincorporated area of Napa County and shall not be permitted for any purpose"
2. Per Solano County Code, Section 2.2-130, "Hemp cultivation, including seed production, may only be eligible for a hemp cultivation permit within the geographical area of unincorporated Solano County bounded by: (1) The western boundary shall be a north to south line running one (1) mile east of Highway 113 between Midway Road on the north to a point three (3) miles north of Highway 12; (2) The eastern boundary shall be the eastern county boundary line; (3) The southern boundary shall be a line running west to east three (3) miles north of Highway 12 from one (1) mile east of Highway 113 and extending to the eastern county boundary line; and (4) The northern boundary line shall be Midway Road as it extends from one (1) mile east of highway 113 on the west to the eastern County boundary.

Comparisons

Of those counties studied, Alameda County appears to have the broadest list of conditionally permitted cannabis-related uses. No other county studied in this report has any provisions for cannabis sales within its agricultural zoning districts. Napa County appears to be the most restrictive, not permitting any forms of commercial cannabis activity in any zone of the unincorporated area of Napa County. Other counties included in this study appear to be similar to Alameda County as pertains to cannabis cultivation, but more restrictive as to other cannabis-related activities and uses.

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March 30, 2022

Livermore Valley Winegrowers Association
3585 Greenville Road, Ste. 4
Livermore, CA 94550

Re: Alameda LAFCo Measure D Review

To whom it may concern,

On behalf of the Livermore Board of Directors and members, we do not believe that this report properly recognizes the dire threat to our agricultural economy and the true economic conditions of the local wine industry. Certainly, Measure D has been highly effective in protecting agricultural land (as open space) outside the urban growth boundaries. However, if the land is not being actively used for agriculture is it really agricultural land?

Measure D is titled: save Agriculture and Open Space Lands. Please note it does not say "agricultural lands" in the title, since its intent was to save agriculture. A significant part of the conservation strategy requires economically viable agriculture, supported with agritourism infrastructure.

Several conclusions are at odds with reality

'Despite significant losses in farm-based employment, overall operations appear to remain economically stable, but not growing...driven by total value of wine grape sales, which eclipses the sizeable decline other agricultural activities.' More importantly, the Total Value of Wine Grapes Products Sold (Table 3-6) is not necessarily relevant or sustainable if the grower returns are negative. The total tonnage is up (in good years) due to increase in vineyard density and better clone selection.

'Alameda has the broadest list of **winery-related uses**...'but there is a need for clear understanding and differentiation between winery and winery-related uses and are these uses permitted with sufficient scale as to be economically sustainable. The wine business is extremely scale-driven, and many Measure D restrictions prevent the construction of winery and winery-related uses that can be reasonable competitive to other wine regions.

A general lack of clarity on land use regulations has clearly stymied investment in our region. This confusion pervades through landowners, permit seekers, and ultimately the planning department. So, while there may be a longer list of Conditionally Permitted uses, if one can get them through the system due to a set of conflicting provisions between Zoning and Measure D, they are of limited value. The loss of prime farmland without the increase in new vineyard planting clearly point to the fact that something is NOT working.

As it relates to the equine permitted and conditional use, the process is NOT working. We encourage LAFCo and the authors of this study to coordinate with the AAC. They can refer you the work of Milly Kimboro and the challenges she has faced as the chair of the equine permitting sub-committee. The reality that Alameda County's permitting process is NOT viewed as less restrictive, rather amongst the worst in the state regarding customer service and approvals. Please reference the independent review of the ALCO PERMITTING PROCESS by Ivy Allen (Consultant), which is public domain and available upon request.

Lastly, the report states that AlCo FAR (0.01) is substantially more restrictive than other counties and that AlCo 'appears to be the ONLY county (in this study) to have the restrictive 2-acre building envelope for winery-related uses, such as agritourism. Agriculture, by definition, requires harvesting and in most cases, some level of processing, packaging, and storage that cannot be accommodated within the AFR restrictions on most parcels. And many of the anticipated wine country uses, such as a resort hotel & spa, cannot reasonably be contained within the 2-acre building envelope mandated for visitor-serving uses.

CHAPTER 3 Measure D effectiveness

It is critical to recognize that of the ~2500 acres under vine, ~1500 of those acres were planted around the time of the inception of the SLVAP (1995-2000) as part of mitigation programs connected to home building. Grapevines generally experience decline after 125 years so these vineyards are in their last stages of economic life. Per the TVC-commissioned UC David economic study, there is little economic incentive for these acres to be replanted, so wine grape production will likely see a significant decline in the future unless action is taken.

It is nearly impossible for the Livermore Valley Winegrowers Association and its members to realize the goal of becoming a world class wine destination under the current state of Measure D. We implore the authors of this study and the members of LAFCo to explicitly state that these restrictive use policies are hurting our agricultural economy and are making it nearly impossible to secure the future of this wine region to thrive. Please take immediate action to secure our future as an award-winning wine region that is sustainable.

Regards,



Brandi Addington

Interim Executive Director

On behalf of LVWA Board of Directors & Members



PRESERVE LAND. CONNECT COMMUNITIES. ENRICH LIFE.



Sblend Sblendorio
Chair, Local Agency Formation Commission of Alameda County
224 West Winton Ave., Suite 110
Hayward, CA 94544

3/25/22

Attachment: Realizing the Heritage Report, UCD

The mission of the Tri-Valley Conservancy is to promote economically sustainable vineyards and orchards, and increase permanently protected, biologically diverse open spaces. The TVC was created in 1993 as part of the implementation of the South Livermore Valley Area Plan (SLVAP). The SLVAP calls for increasing cultivated agriculture - particularly viticulture - in the historic South Livermore Valley.

The TVC appreciates the efforts of the LAFCO in commissioning the 20-year review of Measure D "Save Agriculture and Open Space Lands" Initiative. As stated in the report its purpose was to *better understand the economic* and open space needs of the area and to assess whether the current ECAP policies, as directed by Measure D, support or constrain these needs.

It appears the economics of saving agriculture wasn't fully explored or addressed in the study. The findings in the recently published report from the University of California at Davis, *Realizing the Heritage* point to several challenges that our region faces to achieve economic viability in viticulture.

The Measure D report was to provide objective information and data that may help to better inform deliberations and potential future decisions on important policy matters pertaining to Measure D/ECAP and its effects on *...the viability of agricultural-based industry and land use*.

The seventh conclusion reached in the Measure D report states that "despite significant losses in farm-based employment, overall East County agricultural operations appear to remain economically stable, but not growing." This conclusion does not correlate to the conclusions reached by the UCD study.

The UCD study is not cited as a reference in the Measure D report, and we believe it would contribute to meeting the objective of better informing decision makers.

We encourage you to try and blend the findings of these two studies in order to provide a full and balanced view of this critically important issue.

Sincerely,

Lori Souza
Lori Souza

Tri-Valley Conservancy Board Chair

April 7, 2022

As a drafter of Measure D, I was very glad to see that the LACO study confirmed what many of us have known for some time, namely, the Measure D UGB, together with later-adopted city UGBs, have been very effective in stopping urban sprawl onto agricultural and other open space lands in East County,

And Measure D has been successful in maintaining large parcel sizes in the original 1994 East County Area Plan outside the UGB. As the EIR for the 1994 ECAP noted, fragmentation of large parcels into smaller units, sometimes referred to as hobby farms, is often detrimental to true productive agriculture, a process the EIR called rurbanization.

With these overarching positive conclusions, there are several places where the draft report can be improved.

Pages 1-2 ..1-3 of the Introduction omits mention of the current Floor Area Ratio ballot measure that has received widespread consensus since last summer. The report only mentions a failure to get consensus in 2019 and 2020.

To recap quickly, in June 2021, Measure D supporters Friends of Livermore took a proposal to the county Agricultural Advisory Committee for a ballot measure to increase the Floor Area Ratio (FAR) for two types of buildings. The AAC unanimously recommended it to the board of supervisors Transportation and Planning (T&P) Committee. On July 6, 2021, the T&P Committee, that is, Supervisors Haubert and Miley, both LAFCO Commissioners, supported the proposal and gave staff direction to proceed with public outreach. Last summer, four county advisory bodies supported the proposal albeit with some concerns that were addressed in a slightly modified proposal that went back to Supervisors Miley and Haubert on October 4, 2021. That modified proposal was agreed to, and staff was directed to prepare ballot language.

All of that occurred before the December date of this draft report and should have been mentioned in the report.

Draft general plan amendments were then prepared and circulated to various county advisory committees, which were supportive of the ballot measure. Supervisors Miley and Haubert again approved the draft general plan amendments and directed staff to do another round of public outreach and to prepare an EIR. The text of this draft report essentially omits everything that happened in 2021 and up to now.

The proposed amendment to Measure D increases the non-residential FAR by .025 for agricultural buildings in the Large Parcel Agriculture designation, and provides a new, separate, additional .025 FAR for covered equestrian arenas in both the Large Parcel Agriculture and Resource Management areas. Not only are these additive to the total FAR on a parcel, the changes will free up floor space under the existing .01 FAR for non-residential buildings that can be put to other productive uses, including agritourism.

All of this is directly relevant to the subject of this report, and should be described in the final version. If approved by the voters, the discussion at the bottom of p. 1-4, about how the county's current .01 FAR compares with other counties' FARs will be outdated.

On another issue: p. 1-5, the 2-acre development envelope constraint that is mentioned applies to residential and visitor-serving commercial uses. Measure D allows agricultural buildings to be located outside the 2-acre envelope if necessary for agricultural use. While this development envelope provision appears as part of several paragraphs in the staff report, it is not noted as a relaxation of the 2-acre restriction for the benefit of agriculture.

With regard to the draft report's suggestion that overnight accommodations under Measure D may significantly limit visitation to East County, there are several omissions. P. 2-12 states that B&Bs in the SLVAP must be in existing residences. However, in May of 2019, nearly three full years ago, the Board of Supervisors adopted a technical amendment to the SLVA Plan that is consistent with Measure D. It allows standalone B&B's or small inns up to 14 rooms, including small restaurants with seating up to 49 patrons. I do not fault the consultants for failing to see this new policy because it does not yet show in the ECAP that is available on the county's website. But it does suggest that when a report of this nature is being prepared, the consultants should reach out to County planning staff to see if other changes have been made or in the works that could affect what the report says.

In addition to the expanded overnight accommodations in South Livermore, the Large Parcel Agriculture designation permits visitor-serving commercial uses and specifically notes bed and breakfast inns as a permitted use. The LPA designation covers the vast majority of the area covered by Measure D. Also, ECAP Policy 13, which deals with infrastructure, specifically permits community facilities, which include outdoor recreation facilities. Under the county Zoning Ordinance, outdoor recreations facilities include vacation resorts and guest lodges. Thus, the opportunity for visitors to experience the beautiful outdoors and agricultural areas of Alameda County are much less constrained than the draft report indicates.

Finally, with respect to equestrian uses, the FAR ballot measure described above, would allow a new, separate FAR of .025 for covered equestrian riding arenas. Any parcel would be allowed 20,000 sq. ft., and a cap of 60,000 sq. ft. is the maximum. Because arena covers now cut into the current .01 FAR for non-residential buildings, the new allowance for covered equestrian arenas means square footage under the .01 FAR will be freed up for larger horse barns and related facilities as well as for other visitor serving uses. This new FAR applies in both the Large Parcel Agriculture and Resource Management designations. This information should be added to the section in the draft report that discusses equestrian uses.

The draft report omits any discussion of the Castro Valley and Palomares Canyonlands. Measure D applied the East County Resource Management (RM) land use designation to the canyonlands.

P. 2-5 of the draft report notes the RM designation, but the text is incomplete. At the end it says only "Residential and residential," and omits the very important last sentence of the designation, "This designation is intended mainly for land designated for long-term preservation as open space but may include low intensity agriculture, grazing, and very low density residential use."

Thank you for reviewing these comments and making appropriate revisions to the Measure D report.

Sincerely,

Dick Schneider

**LAFCO***Alameda* Local Agency Formation Commission**AGENDA REPORT**

May 12, 2022

Item No. 8

TO: Alameda Commissioners**FROM:** Rachel Jones, Executive Officer**SUBJECT: Adoption of Final Budget and Workplan for FY 2022-2023**

The Alameda Local Agency Formation Commission (LAFCO) will consider adopting a final budget and workplan for fiscal year 2022-2023. Both items return following their adoption in draft form and subsequent public review. The final budget and workplan remain intact from its initial draft. The final budget expenses total \$746,428, and represent an increase of \$91,093 or 13.9% from the current fiscal year. The increase is marked by expenses for professional services in the Service and Supplies Unit for additional LAFCO studies, and a rise in rent/moving costs for new LAFCO Office space. Revenues are matched to expenses with an increase in agency contributions by \$8,868, or 6%, in step with a fund balance offset of \$250,000, applied in the same manner as the previous fiscal year with a \$65,000 increase in total amount. Staff recommends approval.

Background

Alameda LAFCO is responsible under State law to adopt a proposed budget by May 1st and a final budget by June 15th. A mandatory review by all local funding agencies is required between the two adoption periods. Alameda LAFCO's ("Commission") annual operating costs are primarily funded by proceeds collected from 29 local public agencies operating within Alameda County. State law specifies the Commission's operating costs shall be divided in one-third increments between the (a) County of Alameda, (b) 14 cities, and (c) 15 independent special districts with the latter two categories apportioned based on total revenues as provided in the most recent annual report published by the State Controller's Office. A relatively small portion, typically representing less than one-tenth of total revenues, is also funded from application fees and interest earnings.

Adopted 2021-2022 Budget

The Commission's adopted final budget for fiscal year 2021-2022 totals \$655,335. This amount represents the total approved operating expenditures divided between three active expenses units: salaries and benefits; services and supplies; and internal service charges. A matching revenue total was also budgeted to provide an operating net of \$0 with the purposeful transfer of \$185,000 from reserves. Budgeted revenues are divided between three active units: agency contributions, application fees; and interest earnings. The total unaudited fund balance as of July 1, 2021 was \$833,587.

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Public Member

John Marchand, Alternate
Public Member

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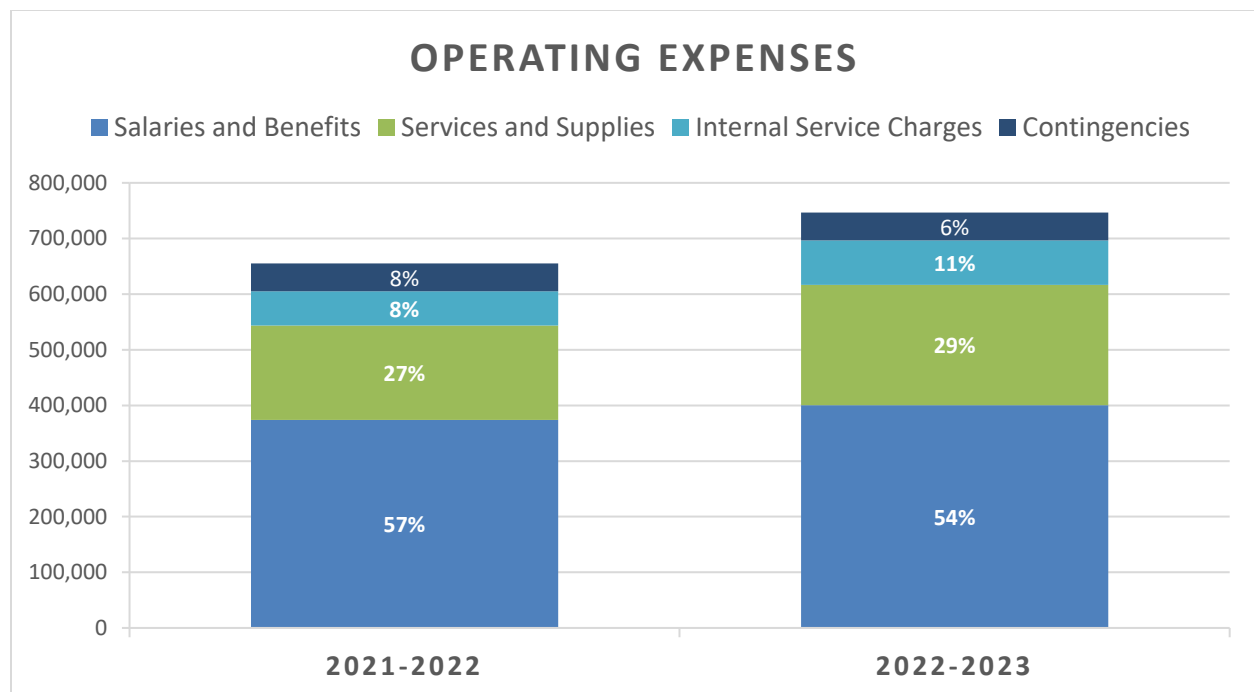
| Budgeted Expenses FY 20-21 | Budgeted Revenues FY 20-21 | Budgeted Year End Balance FY 20-21 | Fund Balance FY 20-21 |
|-------------------------------|-------------------------------|--|--------------------------|
| \$655,335 | \$655,335 | \$0 | \$833,587 |

Discussion

This item is for the Commission to consider adopting a final (a) operating budget and (b) workplan for the upcoming fiscal year. Both items return to the Commission from their initial presentation and adoption in March and subsequent public review and comment period. This included providing direct notice to all 29 local funding agencies as required under statute. A summary of the proposed budget and accompanying work plan follows.

Final Operating Budget for FY 2022-2023

The final operating budget developed by the Executive Officer sets operating expenses at \$746,429; a net increase of \$91,094, or 13.9% from the current fiscal year. The operating expenses total, divided between labor and non-labor costs, are at an 54% to 40% split, with 6% dedicated to contingencies. Operating revenues match operating expenses and is covered by drawing down reserves consistent with the practice to help offset and phase sizable increases to agency contributions. The net effect would be an increase in contributions of \$26,094 or 6% from \$433,335 to \$459,429.



Operating Expenses

The **Salaries and Benefits Unit** will increase by \$26,516 or 7.1% over the next fiscal year from \$373,975 to \$400,491. The unit covers labor costs tied to staffing 2.0 full-time employees: Executive Officer and Commission Clerk. Notable adjustments proposed may be reviewed below.

- Salary increases of no less than 5% are contemplated for all budgeted positions to accommodate merit and or cost of living adjustments that may be approved during the fiscal year.

The **Services and Supplies Unit** will increase by 46,377 or 27.3% over the next fiscal year from \$169,610 to \$215,987. The unit provides for direct support services necessary to operate Alameda LAFCO. Notable adjustments proposed may be reviewed below.

- Adds \$50,000 in the professional services account; a difference of 50% over the next fiscal year. The increase is based on the Commission's work plan for additional municipal service reviews and special studies.
- Reduces \$1,000 in the public notices services account to decrease the total line item from \$3,000 to \$2,000; a difference of 33% over the next fiscal year. The decrease is based on recent demands.

The **Internal Service Charges Unit** will increase by \$18,020 or 29.5% over the next fiscal year from \$61,750 to \$79,950. The unit provides for indirect support services necessary to operate Alameda LAFCO. Notable adjustments proposed may be reviewed below.

- Adds \$18,050 from the office lease and rent services account to increase the total line item from \$32,500 to \$50,550, a difference of 55% over the next fiscal year. The increase is attributable to LAFCO staff requesting to move into permanent office space as outlined in its MOU with the County and Community Development Agency in order to ultimately increase its workspace for additional staff.

Operating Revenues

The **Intergovernmental Unit** will increase by \$26,094, or 6% over the next fiscal year from \$433,335 to \$459,429. The unit provides payments received from the 29 local government agencies responsible under State law for funding Alameda LAFCO with apportionments divided in three equal shares among the County of Alameda, 14 cities and 15 independent special districts. Actual invoice amounts for cities and special districts would be determined by the County Auditor's Office consistent with the allocation formula outlined under Government Code Section 56383 and based on local revenue tallies.

The **Service Charge Unit** remain as is at \$30,000. This unit covers payments received from outside applicants to process change of organizations (annexations, detachments, formations, etc.), outside service extensions, and sphere of influence amendments.

The **Interest Earnings Unit** will remain as is at \$7,000. This total is consistent with recent quarters.

Proposed Work Plan for FY 2022-2023

The final work plan draws on a review of Alameda LAFCO's needs and goals by the Executive Officer and ahead of receiving input and direction from the Commission. It outlines 20 specific projects divided between statutory (legislative directives) and administrative (discretionary) activities. The projects are listed in sequence by assigned priority between high, moderate, and low. The majority of the projects are rollover from this current fiscal year with several additional items. A summary of notable high-priority projects follows.

Community Services Municipal Service Review

The project involves a countywide study on agencies that provide community services such as street maintenance and lighting, parks and recreation, mosquito and vector abatement, and lead abatement in Alameda County. The MSR will also review broadband services and any accessibility issues within the region.

Create Countywide Regional Water and Wastewater Committee

This item aims to follow the Commission's adopted recommendation from its 2021 Countywide Municipal Service Review to create a committee that includes all affected agencies that provide water, wastewater, stormwater, and flood control services to explore opportunities and share practices for collaboration on how the region can recycle water, or better utilize water that is already imported.

LAFCO Office Move

Staff is requesting to enter into a long-term rental agreement with the Community Development Agency for permanent office space. The Commission currently leases loft space from the CDA that supports two offices, and a small meeting area. Staff seeks to move into an office space located in the CDA Administration Building that offers at least three work-stations and a large conference space to eventually accommodate a LAFCO Analyst.

Conclusion

The final operating budget and work plan affirmatively responds to the feedback provided by the Commission along with the functional needs in meeting the agency's existing and expanding duties under State law. This includes advancing the Commission's outreach and educational opportunities throughout the community and region, conducting municipal service reviews to inform spheres of influence updates, and creating stakeholder groups to determine growth management policies.

The principal difference in the final budget is largely tied to the adjustments made in salaries and benefits and services and supplies units to account for cost-of-living adjustments and the demand for more professional services to conduct LAFCO special studies and MSRs.

Alternatives for Action

The following alternatives are available to the Commission:

Alternative One (Recommended):

Adopt the attached resolution approving the final budget and work plan for 2022-2023 with any desired changes; and

Direct the Executive Officer to circulate the final budget for 2022-2023 to all funding agencies and public.

Alternative Two:

Continue consideration of the item to a special meeting scheduled no later than the legislative deadline of June 15, 2022, and provide direction to staff with respect to any additional information requests.

Recommendation

It is recommended the Commission proceed with Alternative Action One.

Procedures for Consideration

This item has been placed on the agenda for action as part of a noticed public hearing. The following procedures are recommended for consideration.

- 1) Receive a verbal report from staff;
- 2) Invite questions from the Commission;
- 3) Open the public hearing and invite comments from audience (mandatory); and
- 4) Close the public hearing, discuss item, and consider recommendation.

Respectfully,



Rachel Jones
Executive Officer

Attachments:

1. Draft Resolution Adopting the Final Budget and Work Plan for FY 2022-2023
2. Final Budget for FY 2022-2023
3. Final Work Plan for FY 2022-2023

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ALAMEDA LOCAL AGENCY FORMATION COMMISSION

**RESOLUTION OF THE
ALAMEDA LOCAL AGENCY FORMATION COMMISSION
ADOPTING A FINAL WORK PLAN AND BUDGET
FOR FISCAL YEAR 2022-2023**

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires the Alameda Local Agency Formation Commission (“Commission”) to perform certain regulatory and planning duties for purposes of facilitating efficient and accountable local government; and

WHEREAS, the Commission is required to adopt proposed and final budgets each year by May 1st and June 15th, respectively; and

WHEREAS, the Commission’s Executive Officer prepared a written report outlining recommendations with respect to anticipated work activities and budgetary needs in 2022-2023; and

WHEREAS, the Commission has heard and fully considered all evidence on a final work plan and budget for 2022-2023 presented at a public hearing held on May 12, 2022; and

WHEREAS, the adoption of a work plan and budget are not projects under the California Environmental Quality Act;

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. The final operating budget for 2022-2023 shown as Exhibit A is APPROVED.
2. The final work plan for 2022-2023 shown as Exhibit B is APPROVED

PASSED AND ADOPTED by the Alameda Local Agency Formation Commission on May 12, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Sblend Sblendorio
Chair

Rachel Jones
Executive Officer

APPROVED TO FORM:

Andrew Massey
Legal Counsel

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

Regional Service Planning | Subdivision of the State of California

Expense Ledger

| Expense Ledger | | |
|--------------------------|--------------------------------------|-----------------|
| FY 2019-2020 | | |
| Adopted | Actuals | |
| Salary and Benefit Costs | | |
| <u>Account</u> | <u>Description</u> | |
| 60001 | Staff Salaries | 308,307 263,373 |
| - | (ACERA) | 175,275 149,961 |
| 483,581 | | 324,575 |
| Service and Supplies | | |
| <u>Account</u> | <u>Description</u> | |
| - | Intern | 1,600 - |
| 610077 | Postage | 1,000 1,000 |
| 610141 | Copier | 3,000 3,000 |
| 610191 | Pier Diems | 7,800 7,800 |
| 610211 | Mileage/Travel | 1,300 1,300 |
| 610461 | Training (Conferences and Workshops) | 13,000 6,000 |
| 610241 | Records Retention | 1,000 1,000 |
| 610261 | Consultants | 90,000 90,000 |
| 610261 | Mapping - County | 5,000 5,000 |
| 610261 | Planning Services | 5,000 6,000 |
| 610261 | Legal Services | 30,000 21,775 |
| 610311 | CAO/CDA - County - Services | 11,000 11,000 |
| 610312 | Audit Services | 7,700 10,000 |
| 610351 | Memberships | 10,476 10,476 |
| 610421 | Public Notices | 5,000 5,000 |
| 610441 | Assessor - County - Services | 2,500 2,500 |
| 610461 | Special Departmental | 1,500 1,500 |
| 620041 | Office Supplies | 4,000 4,000 |
| 200,876 | | 187,351 |
| Internal Service Charges | | |
| <u>Account</u> | <u>Description</u> | |
| 630051 | Office Lease/Rent | 25,000 35,000 |
| 630021 | Communication Services | 3,950 3,950 |
| 630061 | Information Technology | 27,373 27,373 |
| 630081 | Risk Management | 3,100 3,100 |
| 59,423 | | 69,423 |
| 50,000 | - | |
| Contingencies | | |
| <u>Account</u> | <u>Description</u> | |
| - | Operating Reserve | - - |
| FY 2020-2021 | | |
| Adopted | Projected | |
| 234,254 | 172,085 | |
| 122,903 | 88,649 | |
| 357,157 | 260,735 | |
| FY 2021-2022 | | |
| Adopted | Projected | |
| 250,564 | 250,564 | |
| 123,411 | 81,145 | |
| 373,975 | 373,975 | |
| FY 2022-2023 | | |
| Proposed | Difference | |
| 275,933 | 25,369 | |
| 124,558 | 1,147 | |
| 400,491 | 26,516 | 7.1% |
| FY 2022-2023 | | |
| Proposed | Difference | |
| - | - | - |
| 500 | - | |
| 500 | (500.00) | -50.0% |
| 7,500 | (1,000.00) | -11.8% |
| 600 | 100.00 | 20.0% |
| 2,500 | - | 0.0% |
| 350 | - | 0.0% |
| 150,000 | 50,000.00 | 50.0% |
| - | - | - |
| 5,000 | - | 0.0% |
| 20,000 | - | 0.0% |
| 1,000 | - | 0.0% |
| 10,000 | - | 0.0% |
| 11,287 | 527.00 | 4.9% |
| 2,000 | (1,000.00) | -33.3% |
| 250 | (250.00) | -50.0% |
| 1,500 | - | 0.0% |
| 3,000 | (1,000.00) | -25.0% |
| 215,987 | 46,377 | 27.3% |
| FY 2022-2023 | | |
| Proposed | Difference | |
| 50,550 | 18,050 | 55.5% |
| 100 | - | 0.0% |
| 26,000 | 130 | 0.5% |
| 3,300 | 20 | 0.6% |
| 79,950 | 18,200 | 29.5% |
| 50,000 | - | 0.0% |
| FY 2022-2023 | | |
| Proposed | Difference | |
| - | - | 195 |

| | | | | | | | | |
|----------------|---------|---------|---------|---------|---------|---------|---------|--------------|
| | - | - | - | - | - | - | - | - |
| EXPENSE TOTALS | 793,880 | 581,349 | 656,892 | 395,649 | 655,335 | 624,585 | 746,428 | 91,093 13.9% |

Revenue Ledger

Intergovernmental

Account Description

- Agency Contributions
County of Alameda
Cities
Special Districts

Service Charges

- Application Fees

Investments

- Interest

Fund Balance Offset

REVENUE TOTALS

OPERATING NET

UNRESTRICTED FUND BALANCE

As of June 30th

| FY 2019-2020 | | FY 2020-2021 | | FY 2021-2022 | | FY 2022-2023 | | |
|--------------|---------|--------------|-----------|--------------|-----------|--------------|------------|-------|
| Adopted | Actuals | Adopted | Projected | Adopted | Projected | Proposed | Difference | |
| | | | | | | | | |
| 192,127 | 192,127 | 146,464 | 146,464 | 144,445 | 144,445 | 153,143 | 8,698 | 6.0% |
| 192,127 | 192,127 | 146,464 | 146,464 | 144,445 | 144,445 | 153,143 | 8,698 | 6.0% |
| 192,127 | 192,127 | 146,464 | 146,464 | 144,445 | 144,445 | 153,143 | 8,698 | 6.0% |
| 576,380 | 576,380 | 439,392 | 439,392 | 433,335 | 433,335 | 459,429 | 26,094 | 6.0% |
| | | | | | | | | |
| 30,000 | 25,000 | 30,000 | 38,643 | 30,000 | 10,000 | 30,000 | - | 0.0% |
| | | | | | | | | |
| 7,500 | 7,500 | 7,500 | 8,965 | 7,000 | 6,500 | 7,000 | - | 0.0% |
| | | | | | | | | |
| 180,000 | | 180,000 | - | 185,000 | 185,000 | 250,000 | 65,000 | 35.1% |
| 793,880 | 608,880 | 656,892 | 487,000 | 655,335 | 634,835 | 746,429 | 91,094 | 13.9% |

- 27,531 - 91,351 - 10,250 - - -

741,830 833,587 558,337

| Priority | Urgency | Type | Project | Key Issues |
|----------|----------|----------------|---|---|
| 1 | High | Statutory | Community Services Municipal Service Review | Service Specific MSR Identify Accessibility Issues for Broadband Services |
| 2 | High | Statutory | General MSR on Fire Protection and Emergency Services | Second MSR on Fire and Emergency Services sine 2006 Address Shared Opportunities |
| 3 | High | Statutory | Alameda County Resource Conservation District MSR | MSR on resource conservation in Alameda County |
| 4 | High | Administrative | LAFCO Office Move | Fulfill Long-Term Lease in MOU with CDA; Aid in Hiring LAFCO Analyst |
| 5 | High | Statutory | Countywide MSR on Police Services | Examine Current Provision and Need for Police Services and Related Financial and Governance Considerations |
| 6 | High | Administrative | South Livermore Valley Area Specific Plan | Provide a LAFCO Update on Plan and Review Current Trends |
| 7 | High | Administrative | 2018-2021 Audits | Verify Fund Balance; Perform Regular Audits |
| 8 | Moderate | Administrative | Alameda LAFCO Brochure | Create and Distribute Pamphlet for LAFCO Outreach and Education |
| 9 | Moderate | Statutory | Informational Report on Island Annexations | Map all Unincorporated Islands and Examine Island Annexation Implementation Issues in Alameda County |
| 10 | Moderate | Administrative | Create Countywide Regional Water and Wastewater Committee | Explore Opportunities and Share Practices for Collobaration on Recycled Water for the Region and Better Utilization of Imported Water |
| 11 | Moderate | Statutory | Unincorporated Areas Incorporation Feasibility Report | Prepare a Feasibility Report on the Incorporation of Castro Valley and surrounding areas of Ashland, Cherryland, and San Lorenzo |
| 12 | Moderate | Administrative | SALC Grant Award | Continue Two-Year Process on Grant Project and Track Agricultural Trends |
| 13 | Moderate | Administrative | Prepare Informational Report on JPAs | Post Enactment of SB 1266; Enhance Repository on Local Government Services |
| 14 | Low | Administrative | Review of County Transfer of Jurisdiction Policies | Ensure Policies are Consistent with CKH |
| 15 | Low | Administrative | Update Application Packet and Mapping Requirements | Streamline LAFCO Application and County Mapping Requirements; Make User Friendly |
| 16 | Low | Administrative | Informational Report on Remen Tract | Special Report on Service Delivery |
| 17 | Low | Administrative | Bay Area LAFCO Meetings | Attend Meetings with Other Bay Area LAFCOs for Projects/Training |

| | | | | |
|----|---------|----------------|---|---|
| 18 | Low | Administrative | Host Alameda County Special District Association Meeting | Communicate LAFCO's Mission and Goals to the Community |
| 18 | Low | Administrative | Social Media | Expand Alameda LAFCO's Social Media Presence |
| 19 | Ongoing | Statutory | Policy Review on Agricultural Protection and Out of Area Service Agreements | Periodical review of existitng policies relative to practices and trends, and determine whether changes are appropriate to better reflect current preferences |



LAFCO

Alameda Local Agency Formation Commission

AGENDA REPORT

May 12, 2022

Item No. 9

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Sustainable Agricultural Lands Conservation (SALC) Planning Grant | Project Update

The Alameda Local Agency Formation Commission (LAFCO) will receive a presentation from the Alameda County Resource Conservation District (ACRCD) on work to date regarding LAFCO's and ACRCD's Sustainable Agricultural Lands Conservation (SALC) Planning Grant project. The update will be presented by ACRCD Executive Director, Katherine Boxer and staff. The report is being presented to the Commission for information and discussion only.

Background

Alameda LAFCO reached out to ACRCD in July 2020 to submit a proposal for SALC's planning grant and serve as lead applicant given ACRCD's inability to do so based on the eligibility requirements. The proposal submitted to SALC involves a strategically designed Countywide agriculture and working lands preservation program that would establish a coalition of stakeholders to create standard policies to ensure the implementation of consistent agricultural opportunities in Alameda County. This coalition aims to develop a collected forum of agricultural and land use agencies to create a uniform policy on preserving agricultural lands in rural and semi-rural areas while increasing accessibility of such lands in urban communities through infill development opportunities.

The project's purpose is to identify, map and monitor high-priority parcels of agricultural lands within proximity to urban growth boundaries of cities and unincorporated areas within the County of Alameda, along with identifying priority sites for additional urban agricultural community gardens for disadvantaged low-income and or unincorporated communities. The project will enable and promote existing programs as well as allow transparency among the stakeholders on who is doing what for better coordination and collaboration to better support and improve strategies within the region. Alameda LAFCO will assist in creating a repository of agricultural and open space use policies from stakeholders throughout the County, while ACRCD will implement and manage the project's priority sites.

Alameda LAFCO was awarded the grant in partnership with ACRCD for a total of \$250,000 in November 2022.

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Public Member

John Marchand, Alternate
Public Member

Information

ACRCD will provide the Commission with an update on the grant project's process and future objectives and goals to consider.

Alternatives for Action

The Commission is invited to discuss the item and provide direction to staff on any related matter as needed for future discussion and or action.

Attachments: A PowerPoint presentation will be provided at the time of the meeting.



LAFCO

Alameda Local Agency Formation Commission

AGENDA REPORT

May 12, 2022

Item No. 12a

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Current and Pending Proposals

The Commission will receive a report identifying active proposals on file with the Alameda Local Agency Formation Commission (LAFCO) as required under statute. The report also identifies pending local agency proposals to help telegraph future workload. The report is being presented to the Commission for information only.

Information / Discussion

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”) delegates LAFCOs with regulatory and planning duties to coordinate the formation and development of local government agencies and their municipal services. This includes approving or disapproving boundary changes involving the formation, expansion, merger, and dissolution of cities, towns, and special districts, as well as sphere of influence amendments. It also includes overseeing outside service extensions. Proposals involving jurisdictional changes filed by landowners or registered voters must be put on the agenda as information items before any action may be considered by LAFCO at a subsequent meeting.

Current Proposals | Approved and Awaiting Term Completions

Alameda LAFCO currently has no proposals on file that were previously approved and awaiting term completions. CKH provides applicants one calendar year to complete approval terms or receive extension approvals before the proposals are automatically terminated.

Current Proposals | Under Review and Awaiting Hearing

There are currently no active proposals on file with the Commission that remain under administrative review and await a hearing as to the date of this report.

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Sblend Sblendorio, Chair
Public Member

John Marchand, Alternate
Public Member

Pending Proposals

There is currently one new potential proposal at the moment that staff believes may be submitted to the Commission from local agencies based on ongoing discussions with proponents.

- **Annexation of West Jack London Boulevard | City of Livermore**

The City of Livermore plans to annex two parcels on West Jack London Boulevard that total 71 acres within the unincorporated area of Alameda County. The purpose of the annexation is to facilitate the Oaks Business Park for the development of offices, research institutions, warehousing, manufacturing and limited business supporting commercial uses.

Alternatives for Action

The Commission is invited to discuss the item and provide direction to staff on any related matter as needed for future discussion and or action.

Attachments: none



AGENDA REPORT

May 12, 2022

Item No. 12b

TO: Alameda Commissioners

FROM: Rachel Jones, Executive Officer

SUBJECT: Progress Report on 2021-2022 Work Plan

The Alameda Local Agency Formation Commission (LAFCO) will receive a progress report on accomplishing specific projects as part of its adopted work plan for 2021-2022. The report is being presented to the Commission to formally receive and file as well as provide direction to staff as needed.

Background

Alameda LAFCO's current strategic plan was adopted following a planning session on December 16, 2019. The plan defines each of LAFCO's priorities through overall goals, core objectives, and target outcomes with overarching themes identified as education, facilitation, and collaboration. The strategic plan is anchored by seven key priorities that collectively orient the Commission to proactively fulfill its duties and responsibilities under the Cortese-Knox-Hertzberg Act of 2000 in a manner responsive to local conditions and needs. These pillars and their attendant strategies, which premise individual implementation outcomes, are summarized in Attachment 1.

1. Education – Serve as a resource to the public and local agencies to support orderly growth and logical sustainable service provision.
2. Facilitation – Encourage orderly growth and development through the logical and efficient provision of municipal services by local agencies best suited to feasibly provide necessary governmental services and housing for persons and families of all incomes.
3. Collaboration – Be proactive and act as a catalyst for change as a way to contribute to making Alameda County a great place to live and work by sustaining its quality of life.

On May 13, 2021, Alameda LAFCO adopted the current fiscal year work plan at a noticed public hearing. The work plan is divided into two distinct categories – statutory and administrative – with one of three priority rankings: high; moderate; or low. The underlying intent of the work plan is to serve as a management tool to allocate Commission resources in an accountable and transparent manner over the corresponding 12-month period that pulls from the key priorities in the Commission's 2020-2021 Strategic Plan.

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Further, while it is a standalone document, the work plan should be reviewed in relationship to the adopted operating budget given the planned goals and activities are facilitated and or limited accordingly.

The item provides the Commission with a status update on two-dozen plus targeted projects established for the fiscal year with a specific emphasis on the “top ten” projects that represent the highest priority to complete during the fiscal year as determined by the membership. This includes identifying the projects already completed, underway, or pending in the accompanying attachment. The report and referenced attachment are being presented for the Commission to formally receive and file while also providing additional direction to staff as appropriate.

Discussion

The Commission has completed two items on its 2021-2022 Workplan – its study on Measure D and a new LAFCO Agency logo. The Commission has initiated work on six of the twenty projects included in the adopted work plan. This includes progress on high-to-moderate-priority projects, such as the municipal service review (MSR) on Fire Protection and Emergency Medical Services, the LAFCO Review of the South Livermore Valley Area Specific Plan, Alameda County Resource Conservation District Municipal Service Review, SALC Grant Project, Local Agency Directory, and updating LAFCO’s mapping requirements.

Alternatives for Action

The Commission is invited to discuss the item and provide direction to staff on any related matter as needed for future discussion and or action.

Attachments:

1. 2020-2021 Strategic Plan
2. 2021-2022 Work Plan

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

STRATEGIC PLAN

2020 -2021

MISSION STATEMENT: Alameda LAFCO provides oversight over local governments to make Alameda County a great place to live and work by balancing the preservation of agriculture and open space with the provision of sustainable municipal services

| | EDUCATION | FACILITATION | COLLABORATION |
|-------------------|--|--|--|
| STRATEGIC PILLARS | Serve as a resource to the public and to local agencies to support orderly growth and logical, sustainable service provision | Encourage orderly growth and development through the logical and efficient provision of municipal services by local agencies best suited to feasibly provide necessary governmental services and housing for persons and families for all incomes. | Be proactive and act a catalyst for change as a way to contribute to making Alameda County a great place to live and work by sustaining the quality of life. |
| CORE STRATEGIES | Enagage with the community through LAFCO outreach as well as receive presentations from outside stakeholders and local agencies to understand issues | Use LAFCO authority through municipal services reviews and change of organizations to promote the change in the region aligned with its mission | Always seek, determine, and question if any regional issues are opportunities for partnerships |
| TARGET OUTCOMES | Review growth boundaries and governance | Regulate land use through the extension of services | Coordinate with other agencies to determine high-need areas (DUCs) |
| | Provide Presentations to City Councils, Special Districts, and the County on upcoming projects and LAFCO's role | Provide more guidance on regional issues | Promote inter-agency special projects and partnerships |
| | Understand local agricultural issues and then consider a study | Create a five-year island annexation plan | Work with stakeholders to identify issues under LAFCO jurisdiction related to economic viability of agriculture |
| | Identify emerging issues, i.e. water treatment changes | Prepare comprehensive study on climate change | Establish policies and standards to address sustainability of adequate and reliable water supplies, including the use of recycled water |
| | Educate public on service costs | Encourage consolidations or review shared opportunities | Conduct joint LAFCO workshops |
| | Determine LAFCO's role in housing | Unfunded liabilities in services - do more to encourage future planning | Create homelessness initiatives with other agencies |

| Priority | Urgency | Type | Status | Project | Key Issues |
|----------|----------|----------------|----------|---|--|
| 1 | High | Statutory | Rollover | General MSR on Fire Protection and Emergency Services | Second MSR on Fire and Emergency Services sine 2006 Address Shared Opportunities |
| 2 | High | Administrative | Rollover | Policy Review on Agricultural Protection and Out of Area Service Agreements | Periodical review of existing policies relative to practices and trends, and determine whether changes are appropriate to better reflect current preferences |
| 3 | High | Statutory | New | Measure D Study | Review Impacts on Measure D and Provide Recommendations |
| 4 | High | Statutory | New | South Livermore Valley Area Specific Plan | Provide a LAFCO Update on Plan and Review Current Trends |
| 5 | High | Statutory | New | Community Services Municipal Service Review | Service Specific MSR Last MSR completed in 2013 |
| 6 | High | Statutory | New | Alameda County Resource Conservation District Muncpal Service Review | MSR on resource conservation in Alameda County |
| 7 | High | Administrative | Rollover | 2018-2021 Audits | Verify Fund Balance; Perform Regular Audits |
| 8 | Moderate | Administrative | New | Joint Workshops | Facilitate Joint Workshops with Other LAFCOs and Local Agencies |
| 9 | Moderate | Administrative | Rollover | Prepare Informational Report on Unincorporated Islands | Map all Unincorporated Islands and Examine Island Annexation Implementation Issues in Alameda County |
| 10 | Moderate | Administrative | Rollver | Update Application Packet and Mapping Requirements | Current Application Dated; Make User Friendly |
| 11 | Moderate | Administrative | Rollover | LAFCO Presentations | Introductory Overview of LAFCO's Duties and Responsibilities to Boards, Councils, Community Groups |
| 12 | Moderate | Administrative | Rollover | LAFCO Agency Logo | Establish New Agency Logo for Branding (Website, Publications, etc.) |
| 13 | Moderate | Statutory | New | SALC Grant Award | Begin Two-Year Process on Grant Project |
| 14 | Low | Administrative | Rollover | Prepare Informational Report on JPAs | Post Enactment of SB 1266; Enhance Repository on Local Government Services |
| 15 | Low | Statutory | Rollover | Sphere Update for City of Pleasanton | Implement Planning Functions; Update SOIs of Local Government Agencies; Cities MSR |
| 16 | Low | Administrative | Rollover | Informational Report on Remen Tract | Special Report on Service Delivery Feasability |
| 17 | Low | Administrative | Rollover | Host Alameda County Special District Association Meeting | Communicate LAFCO's Mission and Goals to the Community |
| 18 | Low | Administrative | Rollover | LAFCO Annual Report on Status of County | Evaluate LAFCO's Mission and Goals Relative to Local Conditions; Identify Strategies to Achieve Shared Objectives |

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|----|-----|----------------|----------|------------------------|--|
| 19 | Low | Administrative | Rollover | Local Agency Directory | User-Friendly Publication Identifying and Summarizing Local Government Agencies and Services in Alameda County |
| 20 | Low | Administrative | New | Social Media | Expand Alameda LAFCO's Social Media Presence |