



CASTRO VALLEY

MUNICIPAL _____

ADVISORY Advisory to Supervisor Nate Miley, 4th District

COUNCIL 224 W. Winton Avenue, Suite 111, Hayward, CA 94544 (510) 670-5400 FAX (510) 785-8793

GENERAL PURPOSE MEETING

Monday, April 18, 2016

6:00 p.m.

Council members present: Marc Crawford-Chair, Ken Carbone, Vice-Chair, Chuck Moore, Janet Everson, Linda Tangren

Location: Castro Valley Library – 3600 Norbridge Avenue, Castro Valley, CA 94646

Summary Minutes

PUBLIC COMMENT

None

I. **Approval of Minutes** - March 21, 2016

A motion was made by Linda Tangren and seconded by Ken Carbone, that the minutes of March 21, 2016, be accepted as submitted.

Motion passed 4/0

I. **Draft Local Agency Management Plan (LAMP), Onsite Wastewater Treatment Systems Manual, Ordinance Amendments**

Dilan Roe, Environmental Health Specialist, Environmental Health Department presented an update on the draft Local Agency Management Plan (LAMP) for Onsite Wastewater Treatment Systems.

At the last Castro Valley MAC General Purpose meeting, the Environmental Health Department received public input on the LAMP and the Onsite Wastewater Treatment Systems and Ordinance, and as a result made some revisions to the ordinance.

Changes include:

- Removed condemnation language
- Changed requirements for when a new system is required
- Changed requirement for system inspection
- Changed the requirement to trigger an inspection of a system
- Removed some enforcement language
- Extended the submittal of documents to the State

Dilan Roe stated that the interim submittal will be in May 2016 and the final submittal of documents will be in September of 2016. Before the final submittal Ms. Roe expects to hold several workshops on the LAMP and Onsite Wastewater Treatment Systems Ordinance to find solutions to issues for existing systems.

Norman Hanschze, the consultant for the LAMP reported that they are in the process of inventorying systems and their locations in order to comply with the state's policy. The State policy encourages OWTS owners to convert to public sewer connections when it is practical to do so, 200 feet is the standard. Repair or improvements to property would require an owner to make the connection. The State policy has been if it costs twice as much to connect to a public sewer than to repair the system, then the owner would not be required to connect to the public system. However this information has not been written into local OWTS ordinances.

Marc Crawford stated that changes had been made to the ordinance, but there were still several changes needed, including:

- Public sewer criteria
- Land use issues have to be approved by the Environmental Health Department
- Pages 14 & 15 - Provisions on existing system performance evaluation was removed, however provisions were reinstated on the following page
- Site Evaluations require Environmental Health Department's approval
- Business license concern
- All existing systems are non-compliant by May 2018
- Bi-annual reporting requirements (Alameda County lost the files on many existing systems and the burden is on the owner to verify that their system is compliant)
- Allowing government access by recording a deed restrictions should not be allowed
- Page 20 – requiring extra land for a leech field
- Fees associated with the ordinance should be clear
- Page 27- Out of compliance owners could be fined \$1,000 per day

Speakers

Bill Hendricks has several issues with the proposed ordinance including the lack of information and the ordinance far exceeds what the state requires. He has received vague and incorrect information from the Environmental Health Department staff. The Environmental Health Department should release a comparison document with the State requirements along with the County OWTS proposed ordinance.

Kevin Donahue stated that work the ordinance needs a lot of work and should be rewritten.

Rex Warren stated that he would like to see a matrix that shows the minimum State standards

John Piexoto stated that there is no language in the ordinance about grandfathering in existing systems.

Ken Seibert asked what should people do who are in the middle of the process. He owns an OWTS and a small winery and has received conflicting information.

Councilmember Comments

After Council discussion the Council agreed that the ordinance needs more work, and a working group on the OWTS ordinance should be convened and Councilmember Chuck Moore should be appointed to the working group.

II. Code Enforcement Annual Update – Community Development Agency

Rodrigo Orduña, Interim Code Enforcement Officer, Community Development Agency, presented a PowerPoint presentation to update the Council on code enforcement activities.

The Code Enforcement Department works with neighborhood associations, residents and business owners to eliminate situations that lead to unsightly and decaying conditions, protect residents' quality of life and protect property values by enforcing land use regulations

The presentation included Code Enforcements procedures for enforcement, including correcting violations and abatement process.

In the Castro Valley there were 376 cases involving code enforcement, and so far in 2016 there have been 41 reported cases. Code Enforcement will hire two additional inspectors, for a total of seven (7) staff members.

In response to a question by Councilmember Tangren, Mr. Orduna stated that the Code Enforcement Division works with several County departments to carry out enforcement duties, including the Public Works Agency and Environmental Health.

Mr. Orduna also reported that Code Enforcement would be increasing fees for repeat violators.

III. Alameda County Tree Ordinance Revisions – Public Works Agency

Inta Brainerd, County Arborist, Public Works Agency presented PowerPoint presentation of proposed revisions to the County Tree Ordinance.

The Tree Ordinance was adopted in 2003 and a five member Tree Advisory Board was appointed to hear appeals and violations. Since 2003, 423 permits have been issued for pruning, removal and planting of trees. All permits were inspected by a certified arborist. Approximately 2,265 trees have been planted in the County Road Right-of-Way.

The Tree Advisory Board has held 68 hearings, of which 14 appeals were denied and 54 violations resulted in the Board levying fines.

The proposed revisions to the tree ordinance are to clarify existing language regarding property owners' responsibilities and to comply with current government codes.

The Tree Advisory Board and the Public Works Agency has held several meetings on the tree ordinance revisions between January 2014 and now. The proposed revisions will be presented in two more public meetings and then go before the Board of Supervisors for adoption in May 2016.

Speakers

John Tunney, Jr. and John Tunney, Sr. have concerns about trees being planted in the right-of-way near their property on the corner of Orange Avenue and Vegas Avenue. They do not want the tree planted and informed the Public Works Agency staff; however they are still planning to add the tree.

Alan Fishman stated that the Tree Ordinance is very punitive, and tree removal could cost as much as \$1750. He has tried to meet with the Tree Advisory Board about some of his concerns.

Daniel Woldesenbet, Director, Public Works Agency, answered questions from constituents and Councilmembers regarding the tree ordinance.

Marc Crawford made a motion to, seconded by Janet Everson to support the Tree Ordinance as submitted.

IV. Council/Staff Comments

None.

ADJOURN

Next meeting date: June 20, 2016

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