

**ALAMEDA COUNTY
BOARD OF SUPERVISORS'
TRANSPORTATION/ PLANNING COMMITTEE**

Wednesday, September 5, 2018
1:30 p.m.

Supervisor Scott Haggerty, Chair
Supervisor Nate Miley

Location: County Administration Building
1221 Oak Street, Room 255, 2nd floor
Oakland, CA 94612

Summary/Action Minutes

- I. Consideration of draft amendments to Chapter 6.106, Chapter 6.108 and Title 17 of the County Ordinance Code to allow permitted cannabis retail operations in specified areas to include additional cannabis-related activities, to allow permitted cannabis operations to self-distribute their own cannabis products, to modify the criteria for participation in commercial cannabis cultivation and retail operations for individuals with prior felony conviction, and to add provisions regarding the tracking of child support obligations for cannabis permit holders and employees of permitted operations**
[Attachment](#)

Liz McElligott, Assistant Agency Director, Community Development Agency, presented a memorandum on the Consideration of draft amendments to Chapter 6.106, Chapter 6.108 and Title 17 of the County Ordinance Code.

At the Board of Supervisors' Transportation/Planning Committee meeting on June 4, 2018, after discussion of potentially allowing additional types of cannabis operations in the unincorporated area, the Committee directed staff to obtain input from residents of the urban unincorporated communities regarding whether cannabis manufacturers, distributors, testing laboratories, or microbusinesses should be allowed in the unincorporated area and, if so, where they should be allowed. At the August 6, 2018 meeting, staff presented a summary of the comments received from residents at the community meetings staff attended prior to that date. Based on this community input, the Committee directed staff to prepare amendments to the County's cannabis ordinances to allow permitted retail operations in the urban West County to add new cannabis-related activities to their existing operations. Since the August 6th meeting, staff has also attended meetings of the Planning Commission and the San Lorenzo Village Homes Association.

Also at the August 6, 2018 meeting, staff presented an outline of potential provisions for a case-by-case review process to modify the felony prohibition provisions contained in the existing retail sales and cultivation ordinances (Chapters 6.106 and 6.108). The Transportation & Planning Committee directed staff to prepare draft amendments to revise the cultivation and retail sales ordinances to modify the three-year prohibition to include a case-by-case review process similar to that contained in state law for permit applicants and prospective employees of permitted cannabis operations. In addition, staff of the County Department of Child Support Services requested that provisions be added to the cannabis retail sales and cultivation ordinances to require that all cannabis permittees be current with their monthly child support obligations.

Further, permittees would be required to periodically submit a list of employees for the purposes of income withholding and child support enforcement.

Staff will continue to develop draft ordinance language for the proposed ordinance amendments and will present this language at a future Transportation/Planning Committee meeting for your Committee's consideration.

Speakers

Drew Miller thanked the supervisors for the amendments, which will help cannabis businesses stay competitive; distribution is large part of microbusinesses and asked for clarification if the distribution was for transport only.

Vicki Stadelman is opposed to additional cannabis businesses in her community.

Stan Stadelman stated that the way the amendments are written the microbusinesses do not appear to be limited to Ashland and Cherryland/

Jack Norton stated that he appreciates the case-by-case review that allows people to have a second chance within the industry.

Mike Morgan stated that he has been a dispensary operator since 2008 and he is not a drug dealer; he is involved in the community; the restrictions that have been placed on cannabis businesses has caused him to lay off employees.

Phillip Robinson stated that he was just there to listen and inquired if there was anyone to speak with about entering into the cannabis field.

Purpose:

Report progress

Advocacy or Education

Request Transportation and Planning Committee recommendation

Other:

Recommendation from Transportation & Planning Committee:

1) Permitted cannabis microbusiness operations will be limit to Ashland and Cherryland for microbusinesses, eligible retailers would be the two existing operators to apply for establishment of microbusinesses; 2) Self-distribution: allow retailers to obtain a state license for self-distribution from cultivation site to manufacturer or retailers, this will apply to up to ten cultivating operators; 3) Staff to develop process procedures to follow for felony conviction, which does not automatically exclude employment in a cannabis operation if conviction is more than 3 years old. If felony conviction is less than three years old applicant can apply for review of conviction by County staff for determination; staff will develop procedures for case-by-case review process; 4) Amendments to include that cannabis employees be current with their child support and or have a payment plan in place; 5 Staff will return to the Transportation & Planning Committee with actual draft language for the amendments.

II. **Adopt an Ordinance Amending Chapter 1, Relating to “Traffic Regulations - County Highways” of Title 6, Relating to “Vehicles And Traffic” of The Alameda County Public Works Traffic Code, which includes changes to Chapter 1, Article 21, relating to “No Parking Zones– For Street Sweeping Only” - Public Works Agency**

[Attachment](#)

[Attachment](#)

John Medlock, Jr, Director, Operation & Maintenance, Public Works Agency, presented a memorandum and draft ordinance to Adopt an Ordinance Amending Chapter 1, Relating to “Traffic Regulations - County Highways” of Title 6, Relating to “Vehicles And Traffic” of the Alameda County Public Works Traffic Code, which includes changes to Chapter 1, Article 21, relating to “No Parking Zones– For Street Sweeping Only. He also presented a PowerPoint presentation on the Public Works Agency Street Sweeping Program.

Approval of the ordinance is necessary to allow the sweeping of streets in the Cherryland area. Street sweeping improves the area’s aesthetics, eliminates trash, and reduces pollutants from discharging into the San Francisco Bay. The street sweeping program follows a strict schedule to sweep the streets once a month.

On-street parking is prohibited on one side of the street on scheduled sweeping days. Signs will be posted on all affected streets to inform residents of the days and hours of the parking restriction. The days and hours of parking restriction are listed in the attached ordinance.

The proposed street sweeping program for the Cherryland area was presented to the community at several information meetings:

- Padres Unidos of Cherryland (April 18, 2018)
- Business Community Mixer (April 24, 2018)
- Cherryland Health Fair (April 27, 2018)
- Cherryland Community Association (June 12, 2018)

Informational brochures, handouts, and maps showing the proposed street sweeping areas were given out at each meeting. All materials were translated from English to Spanish, Tagalog, Vietnamese, and Mandarin Chinese. In addition, surveys were mailed to residents in order to gauge the level of community support for street sweeping. Approximately 2,300 surveys were sent, and the agency received 260 responses. Seventy-eight percent (78%) of those who responded were in support of street sweeping.

The Agency requests the Committee’s support to amend Chapter 1, relating to “Traffic Regulations – County Highways” of Title 6, relating to “Vehicles and Traffic” of the Alameda County Public Works Traffic Code. Upon your approval, the Agency will forward amendments to the full Board of Supervisors for adoption.

Purpose:

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

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

III. Fill Importing Ordinance – Development of regulations for the importing of fill onto properties in the Agriculture ("Ag") and Combining Agriculture ("L") zoning districts in the unincorporated areas of Alameda County – Community Development Agency

[Attachment](#)

Rodrigo Orduña, Assistant Deputy Director, Community Development Agency, presented a memorandum on the Fill Importing Ordinance.

There has been a recent increase in and awareness of soil importing activity in various unincorporated County areas, including rural agricultural land in the Fairview area, the Castro Valley canyon lands, and East County areas including Sunol, unincorporated Livermore, and Pleasanton. Some properties have imported dirt, soil, construction debris, plant material, or road material, or a combination of these, with many land owners claiming the material will be used for agricultural purposes and therefore exempted from any County ordinance. Although these claims are difficult to substantiate, the importing of material has reached such amounts (up to a million cubic yards proposed on one 560-acre property) that dirt importing has become a separate activity on its own (“Dirt Importing”), and Staff believes some regulation of this activity is needed.

The effects of this activity on the rural land include potential impacts to groundwater, natural habitat, topographic features and drainage, dust and air pollution, and traffic to such a degree that if left unregulated, could result in long term detrimental impacts to county resources. Also, since there is no jurisdictional review of the quality of the imported dirt and other materials, there are concerns related to soil quality and stability impacts. Dirt Importing needs to be regulated to allow for County analysis and review to minimize potential impacts to traffic and the environment.

Dilan Roe, Environmental Health Department, was in attendance and available to answer questions regarding Fill Importing.

Speakers

Chuck Moore, member of the Agricultural Advisory Committee stated that he supports allowing 15 yards per acre with required bill of lading, with no oversight, however anything beyond 15 yards per acre would require oversight and the ordinance should be countywide.

Dale Silva, member of the Fairview MAC, stated that Fairview would prefer maximum oversight in the “L” district, with no exemptions. The “R-1” district should be included. The Fairview MAC unanimously voted to encourage staff to extend the moratorium for as long as possible until the ordinance is drafted.

Bill Rose stated that he has attended several meetings on this subject and written over 10 letters to County staff. He stated that there is a conflict between what the Environmental Health Department told him and what the Community Development Agency relayed.

Purpose:

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

Recommendation from Transportation & Planning Committee: Supervisor Miley directed staff to develop a matrix in regards to the regulatory responsibilities of the Environmental Health Department, Planning Department and the Public Works Agency for Fill Importing. In addition, staff will present findings on why the moratorium should be extended, the time frame of the moratorium and present to the Planning Commission and then to the Board of Supervisors for deliberation.

IV. PUBLIC COMMENT

None.

Board of Supervisors' Committees agendas are available via Internet at: www.acgov.org