

MINUTES OF MEETING
EAST COUNTY BOARD OF ZONING ADJUSTMENTS
JULY 29, 2003
(APPROVED SEPTEMBER 23, 2004)

The meeting was held at the hour of 1:30 p.m. in the Conference Room of the Public Works Operations Building, 4825 Gleason Drive, Dublin, California.

FIELD TRIP: 9:00 p.m.

The Field Trip was canceled.

REGULAR MEETING: 1:30 p.m.

MEMBERS PRESENT: Members Jon Harvey, Chair; Donna Flavetta, Larry Gosselin.

OTHERS PRESENT: L. Darryl Gray, Assistant Planning Director, Nilma Singh, Recording Secretary

There was one person in the audience.

ELECTION OF BOARDMEMBERS FOR THE YEAR 2004-2005. Both Members Gosselin and Flavetta nominated Member Harvey as the Chair for the year 2004-2005. Motion carried 3/0. Member Harvey moved to nominate Member Flavetta as the Vice-Chair. Member Gosselin seconded the motion. Motion carried 3/0.

CALL TO ORDER:

The meeting was called to order by the Chair at 1:35 p.m.

OPEN FORUM: Open forum is provided for any members of the public wishing to speak on an item not listed on the agenda. Each speaker is limited to three (3) minutes. No one requested to be heard under open forum.

ANNOUNCEMENTS BY THE CHAIR: None.

CONSENT CALENDAR:

1. **JOSE and MARIAM DaSILVA, CONDITIONAL USE PERMIT, C-8119 –**
Application to allow operation of a horse boarding facility for 20 horses and outdoor storage for a landscaping business, in a R-1-L-B-E (Single Family Residence, Limited Agricultural, 5 acre Minimum Building Site) District, located at 5100 Raymond Road, north side, unincorporated Livermore area of Alameda County, bearing Assessor's Parcel Number: 902-0003-002-00. (Continued from May 27, June 10; to be continued without discussion to September 23, 2004).

2. **CINGULAR WIRELESS, CONDITIONAL USE PERMIT, C-8144 –**

Application to allow continued operation of a radio transmission facility (cellular telephone antenna) in an "A" (Agricultural) District, located at 16163 Grant Line Road, south side corner, southeast of Altamont Pass Road, unincorporated Tracy area of Alameda County, bearing Assessor's Parcel Number: 099B-7700-004-01. (Continued from May 1, June 26, July 24, September 25, December 11, 2003, and February 19 and April 29, 2004; to be continued without discussion to September 23, 2004).

3. **AT&T WIRELESS/JOSE and JOSEFINA AVILA, CONDITIONAL USE PERMIT, C-8195** – Application to allow continued operation of a radio transmission facility (cellular telephone antenna), in an "A" (Agricultural) District, located at 16163 Grant Line Road, east side corner, southeast of Altamont Pass Road, unincorporated Tracy area of Alameda County, bearing Assessor's Parcel Number: 099B-7700-004-00. (Continued from September 25, December 11, 2003; February 19, March 25 and April 29, 2004; to be continued without discussion to September 23, 2004).
4. **WINDWORKS, INC., CONDITIONAL USE PERMIT, C-8216** – Application to allow continued operation of an existing wind generation facility, in an "A-B-E" (Agricultural, 160 acres Minimum Building Site Area) District, located at 12251 North Flynn Road, east side of South Flynn Road, unincorporated Livermore area of Alameda County, bearing Assessor's Parcel Number: 099A-1810-001-00. (Continued from November 13, December 11, 2003; January 29, February 19, March 25 and April 29, 2004; to be continued without discussion to August 12, 2004).
5. **MARK and SHELLY SKINNER/ROBERT DEFILLO, CONDITIONAL USE PERMIT, C-8273** – Application to allow a horse boarding facility for 45 horses with riding arena and round pen, in an "A" (Agricultural) District, located at 41798 Vargas Road, north side, approximately 0.4 mile north of Mission Boulevard, unincorporated Fremont area of Alameda County, bearing Assessor's Parcel Number: 0096-0056-013-00. (Continued from February 19, March 25, April 29 and May 27, 2004; to be continued without discussion to September 23, 2004).

Member Flavetta made the motion to approve the Consent Calendar per staff recommendations and Member Gosselin seconded the motion. Motion carried 3/0.

REGULAR CALENDAR:

1. **XL OPERATING COMPANY, CONDITIONAL USE PERMIT, C-8292** – Application to allow continued operation of an oil production facility, in an "A" (Agricultural) District, located on Patterson Pass Road, north side, approximately 0.5 miles east of Greenville Road, unincorporated Livermore area of Alameda County, bearing Assessor's Parcel Number: 099B-5600-003-04. (Continued from May 27, 2004).

Mr. Gray summarized the staff report noting that the matter had been heard by the Agricultural Advisory Committee on June 22, 2004. The Chair added that he had also attended the meeting and described the

Committee's discussion on the matter.

Public testimony was called for. The property owner's representative was available for questions. In response to the Chair, he described the operation. Although there were two pumps, only one was pumping crude oil into a tank. The operator was leasing the land. He also pointed out that there were other pumps in the vicinity.

Public testimony was closed.

The Chair said he had concerns with the agricultural and visual impacts. Member Gosselin agreed that the operation did not fit the area but felt it was a resource and an income, similar to the windfarm operation. A discussion followed. The Chair felt that this was different from the windfarm and gravel facilities. Mr. Gray agreed that it may not be the most desirable use as more intensive agricultural use was underway in this area but noted the existence of other similar wells. Member Flavetta pointed out that if this was a new application, then all impacts would be looked at. This was a continued operation and no testimony has been submitted in opposition. She also supported using resources on one's property.

Member Gosselin made a motion to approve the application subject to the three recommended conditions. Member Flavetta seconded the motion, which carried 2/1. The Chair voted no.

2. **DENNIS G. MOORE, VARIANCE, V-11825** – Application to allow continued operation of an outdoor storage yard, in a M-1-X (Light Industrial with Air Pollution Control) District, located at 1113 Greenville Road, corner southwest of the intersection of Western Pacific Railroads, unincorporated Livermore area of Alameda County, bearing Assessor's Parcel Number: 099A-1475-004-03.

Mr. Gray explained that this matter was recommended for a continuance to August 12. Since the Applicant is requesting only a continued operation of his storage yard with no expansion, a variance may not be required and, as such, the matter could be dropped. However, staff was waiting confirmation from County Counsel and if there was an agreement that the land use is now nonconforming, the matter would be dropped from the next agenda.

Member Flavetta made the motion to continue the application to August 12, 2004. Member Gosselin seconded the motion, which carried 3/0.

3. **REPORT UP-DATE ON STATUS OF WINDFARM WORKING GROUP MEETINGS.**

Mr. Gray provided an up-date. The last meeting was held on June 16 which was well-attended except the absence of Contra Costa County representatives. The discussion was related to whether or not another EIR was needed. The major components was to look at repowering as established by County policies or to look at the possibility of new applications for repowering that were not included originally but new areas outside the resource boundaries, and also to look at the removal of those turbines in the troubled areas. The plan was also to discuss some type of blanket habitat conservation plan under the U.S. Fish and Wildlife requirements. The next meeting is scheduled for August 19th at 10:00 a.m. in Hayward.

Mr. Gray also explained that if the Board wanted to formally appoint a member to attend the meetings, it was an option that the Board has under its By-laws. If the members desired to have a quorum of the

Board present at the meetings, it could also become a noticed public meeting of the EBZA. The Chair appointed Member Gosselin to participate in future meetings on behalf of the Board.

Approval of Minutes – May 27 and June 10, 2004. The Chair made a motion to approve both sets of Minutes as submitted and Member Flavetta seconded the motion. Motion carried 3/0.

STAFF COMMENTS & CORRESPONDENCE: Mr. Gray explained that beginning September, he will be providing the Board with summary minutes on any appealed item on the Board of Supervisors' agenda. In response to Member Gosselin, he also explained that the Chairs for both Board of Zoning Adjustments were usually invited to read the board letters before they were sent to the Board.

In response to Member Gosselin, a discussion followed regarding the possibility of this Board hearing applications for horse boarding facilities located in the Crow Canyon area.

A discussion followed regarding the hearing dates for the month of August, 2004. Mr. Gray said that at the request of Supervisor Haggerty's office, the next meeting has been scheduled on August 12th at 6:00 p.m. because of the Board of Supervisors' meeting during the day. The Chair indicated that the Land Trust Board meets at 7:00 p.m. which would over-lap. A consensus was reached to have the August 12th meeting at 4:30 p.m., the members to do individual field trips and to cancel the August 26th meeting.

CHAIR'S REPORT: None.

BOARD ANNOUNCEMENTS, COMMENTS AND REPORTS:

ADJOURNMENT: There being no further business, the hearing was adjourned at 2: 35 p.m.

CHRIS BAZAR - SECRETARY
EAST COUNTY BOARD OF ZONING ADJUSTMENTS