

ALAMEDA COUNTY CREEK TASK FORCE

Minutes of the Regular Meeting

August 16, 2007

Present: Beckman, Bennett, Fields, Hanna, King, Lewis (alt.), Lepore (alt.), McMillan, Ramsey, Taylor, Vandenburg, Warren, Higgins, Rau

[were the following present or absent: McCoy, Peixoto,]

Absent:

The meeting was called to order by Alex Amorosa, county planning staff, at 7 p.m. The TF made no changes to the distributed agenda.

I. WATERCOURSE PROTECTION ORDINANCE

Individuals commented on issues of concern with the existing Watercourse Protection Ordinance. [HB comment: Compare with the list Alex made.]

1. Diana Hanna was concerned that we not lose sight of the county's 1976 policy titled "Specific Plan for Areas of Environmental Significance" (SPAES). Discussion focused on how SPAES was part of a larger framework into which the water course ordinance must fit. [HB comment: I don't recall such a discussion.]

2. Audrey LaPell, a former Alameda County Planning Commissioner, asked to address the task force. She specialized in water policy. She introduced a May 8, 2006 letter from the California Regional Water Quality Control Board to the Board of Supervisors. She indicated that the present 20 foot setback came from state regulations.

(The TF briefly discussed when public comment should be allowed. Linda Bennett believes there should be a public forum at the beginning of the meeting. The TF agreed that for the time being all public comments should be given at the end of the meeting. Howard Beckman said that, in addition to a public forum on the agenda, the Brown Act requires that we provide an opportunity for the public to comment on any action the TF is scheduled to take at the time the action is being discussed.)

3. Ken Peek was concerned that the present ordinance has a 20 foot setback but the moratorium has a 50 foot setback.

4. Howard Beckman said the major weakness of the ordinance is that the public works director has full authority to establish the setback for each development project.

5. Rex Warren is concerned that we account for existing structures and the agricultural

community. Allow flexibility.

6. Section 13.12.310(E) has the county defer to other jurisdictions.

7. Diana Hanna says Sec. 13.12.190(A), (C), and (E) need to be more specific.

8. Roxanne Lewis says in Sec. 13.12.300 “may notify” should be “shall notify”, and Sec. 13.8.120 should require a performance bond.

9. Chris Higgins wants the ordinance to include storm water discharge and runoff as in the Oakland ordinance.

10. Linda Bennett wants to extend the notification and response timelines and extend the geographic boundary beyond 300 feet.

11. Barbara Fields wants to know who pays for enforcement mandated by Sec. 13.8.110?

12. Bruce King is concerned that the ordinance does not cover existing buildings or covered creeks.

13. Who will fund enforcement? Inspection mandated by Sec. 13.12.200 should apply not only to new development but also to routine maintenance.

14. In Sec. 13.12.060 define “excessive vegetation”.

15. In Sec. 13.12.310(f) define “floodways”.

16. In Sec. 13.12.320 what are the criteria for the 20 foot setback? What must be included in a protection plan?

17. Howard Beckman says that “development” is defined in the existing ordinance as any disturbance of the land. Do we want to treat a fence the same as a building within a setback?

18. Larry Lepore wants a requirement that native plants replace any vegetation removed.

19. Definition of a creek in Sec. 13.12.140(c).

II. TASK FORCE ROLE

[no notes for this topic]

III. LOGISTICS AND STRUCTURE

Larry Lepore spoke to David Ritzk, planning manager for the City of Hayward. The city wants to work with us.

Diana Hanna agreed to talk to the Public Works Director about staff support. We need someone to prepare minutes of our meetings. Howard Beckman emphasized that we need a public website that has all the TF's agendas, minutes, documents; this is distinct from the FTP site set up for TF members.

The TF agreed that we should hear from people in other creek task forces how they set up their process. Linda Ramsey and Linda Bennett will ask a representative from Santa Clara (group not identified) to address the task force at our Oct 4 meeting, and Howard Beckman will ask someone from the City of Berkeley TF to speak at the Oct 4 meeting.

III. PUBLIC FORUM

Several individuals commented Audrey LaPell, Connie Dietz, Randy Hall, Andy Wilson [CH those are the only names I recorded] [HB comment: no specific notes].

(Minutes submitted by Chris Higgins and Howard Beckman)