

2-28-02

**PLANNING COMMISSION STAFF ANALYSIS, MARCH 4, 2002
EFFECT OF THE MEASURE D INITIATIVE ON COUNTY POLICY**

BACKGROUND: In November 2000, the Alameda County electorate approved Initiative Measure D, hereafter referred to as the "Initiative". The Initiative amended portions of the County General Plan, including the East County Area Plan, the Castro Valley Plan, the General Plan for the Central Metropolitan-Eden-Washington Planning Units, and the Open Space Element. Planning staff has prepared a general summary of the effects of the Measure D Initiative on County policy in the following analysis. A detailed summary of the effects of Measure D on County policy is contained in the three attachments to this analysis.

As Commission members may recall, a similar presentation was originally envisioned for the Planning Commission hearing of March 19, 2001. However, at the request of County Counsel, the scheduled staff presentation did not take place at that time, in consideration of pending litigation relating to Measure D. Final judgment in this case was issued by the Superior Court in November 2001 upholding the legality of the Initiative; that judgment is currently on appeal, with a decision expected no sooner than fall of this year.

RECOMMENDED ACTION: Staff recommends that the information provided in this analysis be reviewed, and that the Commission receive public comment at this hearing.

GENERAL TERMS OF THE INITIATIVE:

- The portions of the County General Plan revised under the Initiative may not be amended except by voter approval, with the exception that the Board of Supervisors can impose more stringent restrictions on development and land use.
- Existing and future County plans, zoning regulations, etc. must be consistent with the provisions of the ordinance. Portions of the ECAP and other planning documents that were not amended or enacted by the Initiative may still be modified without voter approval provided the modifications are consistent with the provisions of the Initiative.
- Non-substantive changes within a plan document may be made by the Board for purposes of plan consistency, reorganization, and clarification as long as the changes are consistent with the Initiative.

OVERVIEW OF EFFECTS:

- The *East County Area Plan's* Urban Growth Boundary is redrawn to remove North Livermore from urban development, and the County is directed to withdraw from the joint planning Settlement Agreement with the City of Livermore and North Livermore landowners. North Livermore west of Dagnino Road has been identified as a potential Intensive Agriculture area

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that would allow for 20-acre enhanced agricultural parcels upon demonstration of available water (among other requirements). North Livermore lands that had been designated for urban uses will thus require redesignation. Lands designated for Urban Reserve have been redesignated as Large Parcel Agriculture.

- The South Livermore Valley Area Plan is amended to place absolute limits on density and geographical extent.
- Restrictions applied to the area identified in the Initiative as the Castro Valley and Palomares Canyonlands are the same as those defined in the ECAP Resource Management land use designation with the exception that certain agricultural processing operations and agricultural commercial uses are also allowed. This area will be redesignated as Resource Management/Limited Agriculture.
- General Plan Amendments, such as a possible agricultural enhancement program in the Sunol Valley or redesignation of a land use outside the Urban Growth Boundary to increase allowable density beyond that permitted by Measure D (e.g., as a precursor to a subdivision) will now automatically necessitate a vote of the people. Any change to the Urban Growth Boundaries will also require approval by the voters.
- Land use policies for the Resource Management and Large Parcel Agriculture designations are more restrictive; this change will affect land uses on parcels so designated, and will require changes to the Zoning Ordinance.
- The County's method for addressing its State and ABAG-mandated fair-share housing requirements has been significantly changed, primarily due to the elimination of our role in planning for urban development in North Livermore. If the City of Livermore does not continue to plan for major new urban development in North Livermore, the resulting regional housing burden will need to be reallocated throughout Alameda County's urbanized unincorporated area. The County Housing Element, currently being updated, is reallocating the County's fair-share housing requirements in this fashion. The Board of Supervisors may approve housing outside the Urban Growth Boundary in East County to meet State-imposed housing obligations if, subject to the requirements of State housing law, criteria specified by the Initiative can be met.
- The County is prohibited from providing or authorizing expansion of public facilities or other infrastructure that may be called for under existing city and county general plans in East County, but which would create more capacity than needed to meet the development allowed by the Initiative.
- New landfill capacity is limited to a maximum of 15 years' worth of volume. Once capacity drops to this level, estimated to occur in 40 years time, new incremental capacity may need annual approval.

- No new quarry or open-pit mine may be approved outside the East County Urban Growth Boundary or anywhere within West County 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.
- The Initiative does not directly affect the actions of LAFCO or the decision of cities to pursue annexations.

ATTACHMENTS: Planning staff has prepared a comprehensive summary of Measure D effects and implementation actions which are included as the following attachments.

Attachment 1 is a parcel-based map showing the new East County Urban Growth Boundary and the new line in West County that separates the Castro Valley and Palomares Canyonlands open space lands from surrounding urban development. The delineation of the East County Urban Growth Boundary is based on the description given in ECAP Policy 1 as revised by the Initiative; the delineation of the Castro Valley and Palomares Canyonlands is based on the description given in Section 13 of the Initiative.

Attachment II consists of 8 tables which summarize in detail the changes effected under the Initiative and compares new policies to old.

Attachment III is an outline of County actions required to implement the Initiative.

ATTACHMENT II

SUMMARY TABLES

The following tables provide a summary of the significant changes to the County's General Plan:

Table 1: Changes in East County That Affect Rural Development. Table 1 outlines the changes that apply to each land use designation in the unincorporated areas of the East County planning area and to the North and South Livermore subareas. This table should prove helpful to landowners seeking to understand the affects of the Initiative on rural development. The primary sources for Table 1 are ECAP's Description of Land Use Designations, Table 10: East County Land Use Designations, Densities, and Uses, and land use policies as revised by the Initiative.

Tables 2A and 2B: Table 2A, New and Revised ECAP Policies That Apply to Castro Valley and Palomares Canyonlands, provides the text of the ECAP policies that are to apply to the Canyonlands. *Table 2B, Extension of Other Revised ECAP Policies to the Eden Planning Unit for Purposes of Uniformity,* lists a number of new or revised ECAP policies that for purposes of uniformity should be considered for extension to the Eden Planning Unit.

Table 3: Delineation of and Restrictions on Castro Valley and Palomares Canyonlands. Table 3 identifies the Canyonlands and details the restrictions placed on the Canyonlands area.

Table 4: Changes to the General Plan Open Space Element.

Table 5: Changes to the Castro Valley Plan.

Table 6: Changes to the General Plan for the Central Metropolitan-Eden-Washington Planning Units

Table 7: Changes to the General Plan Park and Recreation Element.

Table 8: County Obligations under the Initiative. Table 8 lists a number of additional changes that affect the County's actions with regard to infrastructure, landfills, quarries, water, the preparation of an open space plan, and the creation of an Agricultural Advisory Committee.

Table 1: CHANGES IN EAST COUNTY THAT AFFECT RURAL DEVELOPMENT

PRIOR ECAP POLICY	POLICY UNDER THE INITIATIVE
<u>Redrawing of Urban Growth Boundary</u>	
<p>Program 1A (summary): Provision of a permanent UGB with the location in North Livermore to be in the vicinity of May School Road with the precise location dependent on the outcome of the open space program developed by the joint planning process with the City of Livermore.</p> <p>Program 1: Review of the UGB every 5 years.</p>	<p>Policy 1(summary): Provision of a permanent County UGB that generally defines a boundary between existing cities (urban uses) and unincorporated land including North Livermore (agriculture and open space uses).</p> <p><i>Note to Planning Commission: Parcels with urban designations located outside the County Urban Growth Boundary will require land use redesignation to one of the three large parcel designations (large parcel agriculture, resource management, or water management or to a new designation called Resource Management/Limited Agriculture), and possible rezoning.</i></p>
<u>Large Parcel Agriculture Designation</u>	
<p><u>Density/Minimum Parcel Size</u></p> <ul style="list-style-type: none"> • minimum parcel size of 100 acres • 2-acre building envelope for residential uses except farm employee housing which may be located outside of the envelope; under the County's existing policy, secondary units should be on same building envelope as primary unit, however, owners may apply for rezoning to PD District in order to locate secondary units on remote areas of the property for security reasons <p><u>Intensity</u></p> <ul style="list-style-type: none"> • .01 FAR for all buildings • .10 FAR for greenhouses <p><u>Uses Listed under Description of Designation</u></p> <ul style="list-style-type: none"> • agriculture, ag processing, limited ag support service, and ag-related visitor serving commercial and other related uses; recreation, public and quasi-public uses, landfills, quarries, windfarms, other industrial uses compatible with agriculture <p><u>Clustering</u></p> <p>Program 36 (summary): Applicable only to the "A-100" District. Bonus of one residential unit for every 2 residential units clustered if remaining acreage is dedicated to open space.</p>	<p><u>Density/Minimum Parcel Size</u></p> <ul style="list-style-type: none"> • no change • 2-acre building envelope for all buildings except they may be located outside the envelope if necessary for security reasons or, if structures for agricultural use, necessary for agricultural use; farm employee housing may be located outside of the envelope only if necessary for agriculture or security reasons <p><i>Note to Planning Commission: It is not clear if the Initiative is to be read as consistent with the County's existing secondary unit policy which allows owners to apply for rezoning to a PD District in order to locate the second unit outside of the 2-acre envelope, or rather to be read as eliminating the rezoning application procedure. Staff assumes that the former interpretation, as the more conservative, is correct.</i></p> <p><u>Intensity</u></p> <ul style="list-style-type: none"> • .01 FAR for all non-residential buildings <u>not including greenhouses</u> (but not to be limited to less than 20,000 square feet); 12,000 total sf maximum for residential and residential accessory buildings • .025 FAR for greenhouses (which may be located outside of the building envelope) <p><u>Uses Listed under Description of Designation</u></p> <ul style="list-style-type: none"> • the phrase "other industrial uses appropriate for remote areas and determined to be compatible with agriculture" has been deleted <p><i>Note to Planning Commission: Staff assumes that the deletion of the above phrase means that no industrial uses, other than those that have been identified, be allowed in this designation.</i></p> <p><u>Clustering</u></p> <p>Revised Program 36 (summary): Applicable to all lands designated as Large Parcel Agriculture, Resource Management, and Water Management. Bonus of one residential unit for every 5 residential units clustered if remaining acreage is dedicated to open space.</p>

Table 1 (continued)

<p><u>Ag Processing and Services</u> Policy 81A: The County shall permit agricultural processing facilities and limited agricultural services uses that support local agricultural activities and are not detrimental to long-term agricultural use in the "A-100", "A-160", and "A-320" minimum parcel size Districts.</p> <p><u>Ag Enhancing Commercial</u> Policy 85: The County shall permit ag enhancing commercial uses that are directly related to the area's ag production as conditional uses in areas designated Large Parcel Agriculture, and in the South Livermore Valley.</p>	<p><u>Ag Processing and Services</u> Revised Policy 81A: In areas designated Large Parcel Agriculture, the County shall permit agricultural processing facilities (for example wineries, olive presses) and limited agricultural support service uses that primarily support Alameda County agriculture, are not detrimental to existing or potential agricultural uses, demonstrate an adequate and reliable water supply, and comply with the other policies and programs of the Initiative.</p> <p><u>Ag Enhancing Commercial</u> Revised Policy 85 (summary): Adds requirement that an adequate and reliable water supply must be demonstrated in order to allow ag enhancing commercial uses.</p> <p><i>Source: Section 8 and Appendix 7 of the Initiative</i></p>
<p style="text-align: center;"><u>Resource Management Designation</u></p>	
<p><u>Density/Minimum Parcel Size</u></p> <ul style="list-style-type: none"> • minimum parcel size of 100 acres • 2-acre building envelope for residential uses except farm employee housing which may be located outside of the envelope; secondary units should be on same building envelope as primary unit, however owner may apply for rezoning to PD District in order to locate secondary unit on remote areas of the property for security reasons <p><u>Intensity</u></p> <ul style="list-style-type: none"> • .01 FAR for all buildings • .10 FAR for greenhouses <p><u>Clustering</u> Program 36 (summary): Applicable only to the "A-100" District. Bonus of one residential unit for every 2 residential units clustered if remaining acreage is dedicated to open space.</p> <p><u>Uses Listed under Description of Designation</u></p> <ul style="list-style-type: none"> • low intensity agriculture, grazing, open space; very low density residential; recreational uses, habitat protection, watershed management, public and quasi-public uses, quarries 	<p><u>Density/Minimum Parcel Size</u></p> <ul style="list-style-type: none"> • no change • 2-acre building envelope for all buildings except they may be located outside the envelope if necessary for security reasons or, if structures for agricultural use, necessary for agricultural use; farm employee housing may be located outside of the envelope only if necessary for agriculture or security reasons <p><i>(See Note to Planning Commission under Large Parcel Agriculture/ Density above)</i></p> <p><u>Intensity</u></p> <ul style="list-style-type: none"> • .01 FAR for all non-residential buildings <u>including greenhouses</u> (but not to be limited to less than 20,000 square feet); 12,000 total sf maximum for residential and residential accessory buildings; greenhouses are to be located in the building envelope unless necessary for agricultural purposes <p><u>Clustering</u> Revised Program 36 (summary): Applicable to all lands designated as Large Parcel Agriculture, Resource Management, and Water Management. Bonus of one residential unit for every 5 residential units clustered if remaining acreage is dedicated to open space.</p> <p><u>Uses Listed under Description of Designation</u></p> <ul style="list-style-type: none"> • no change other than the deletion of the reference to greenhouses (see discussion under <u>Intensity</u> above) <p><i>Source: Section 8 and Appendix 7 of the Initiative</i></p>

Table 1 (continued)

<u>Water Management Designation</u>	
<p><u>Density/Minimum Parcel Size</u></p> <ul style="list-style-type: none"> • minimum parcel size of 100 acres • 2-acre building envelope for residential uses except farm employee housing which may be located outside of the envelope; secondary units should be on same building envelope as primary unit, however owner may apply for rezoning to PD District in order to locate secondary unit on remote areas of the property for security reasons <p><u>Intensity</u></p> <ul style="list-style-type: none"> • .01 FAR for all buildings <p><u>Clustering</u> Program 36 (summary): Applicable only to the "A-100" District. Bonus of one residential unit for every 2 residential units clustered if remaining acreage is dedicated to open space.</p> <p><u>Uses Listed under Description of Designation</u></p> <ul style="list-style-type: none"> • water management, sand and gravel quarries, reclaimed quarry lakes 	<p><u>Density/Minimum Parcel Size</u></p> <ul style="list-style-type: none"> • no change • 2-acre building envelope for all buildings except they may be located outside the envelope if necessary for security reasons or, if structures for agricultural use, necessary for agricultural use; farm employee housing may be located outside of the envelopes only if necessary for agriculture or security reasons <p><i>See note under Large Parcel Agriculture above (page 1).</i></p> <p><u>Intensity</u></p> <ul style="list-style-type: none"> • .01 FAR for all non-residential buildings (but not to be limited to less than 20,000 square feet); 12,000 total sf maximum for residential and residential accessory buildings <p><u>Clustering</u> Revised Program 36 (summary): Applicable to all lands designated as Large Parcel Agriculture, Resource Management, and Water Management. Bonus of one residential unit for every 5 residential units clustered if remaining acreage is dedicated to open space.</p> <p><u>Uses Listed under Description of Designation</u></p> <ul style="list-style-type: none"> • no change in overall use but new quarries are not allowed w/o a vote of electorate; manufacturing and recycling uses are allowed only if their proximity to quarries is necessary <p><i>Source: Section 8 and Appendix 7 of the Initiative</i></p>
<u>Rural Residential Designation</u>	
<p><u>Density/Minimum Parcel Size</u></p> <ul style="list-style-type: none"> • 1 acre minimum parcel • no development envelope <p><u>Intensity</u></p> <ul style="list-style-type: none"> • no limit established <p><u>Uses Listed under Description of Designation</u></p> <ul style="list-style-type: none"> • single-family, limited agriculture 	<p><u>Density/Minimum Parcel Size</u></p> <ul style="list-style-type: none"> • 5 acre minimum parcel; prohibits this designation from being changed to a designation that permits more development w/o voter approval • 2-acre development envelope <p><u>Intensity</u></p> <ul style="list-style-type: none"> • 12,000 total sf maximum for residential and residential accessory buildings <p><u>Uses Listed under Description of Designation</u></p> <ul style="list-style-type: none"> • no change <p><i>Source: Section 4 and Appendix 7 of the Initiative</i></p>

Table 1 (continued)

<u>North Livermore</u>	
Designated for a variety of urban uses below May School Road and Resource Management, Water Management, and Large Parcel Agriculture elsewhere.	<p>Measure D is silent as to how the urban land use designations in North Livermore should be redesignated. Staff assumes that redesignation would be primarily to Large Parcel Agriculture with biologically sensitive areas designated as Resource Management. Existing Resource Management, Water Management, and Large Parcel Ag designations remain unchanged with additional provisions for delineating a potential intensive agriculture zone in the North Livermore area (roughly between I-580 and the Contra Costa County line and between the Dublin SOI and Dagnino Road). Prior to implementation of an intensive agriculture zone, the Board of Supervisors would be required to: 1) prepare an economic analysis, 2) prepare an EIR to study potential impacts, and 3) make specific findings as to the availability of irrigation water, mitigation of environmental impacts, and economic viability.</p> <p>The North Livermore Intensive Agriculture Zone (which would likely be implemented as a Combining District) would allow 20-acre minimum parcels as a density bonus exception provided requirements could be met. Residential units would be allowed on newly-created 20-acre parcels only if located south of May School Road and a line extended straight west, as well as in Doolan and Collier Canyons.</p> <p><i>Source: Section 8 of the Initiative</i></p>
<u>South Livermore Valley Plan Area</u>	
<p><u>Geographical Extent</u></p> <ul style="list-style-type: none"> expansion of the plan area permitted at landowner request if certain criteria are met <p><u>Density</u></p> <ul style="list-style-type: none"> density bonus of 4 additional homesites per 100 acres 	<p><u>Geographical Extent</u></p> <ul style="list-style-type: none"> expansion may not exceed 1 mile beyond the plan area boundary on February 1, 2000 w/o voter approval; required criteria are retained <p><u>Density</u></p> <ul style="list-style-type: none"> the density bonus of 4 additional homesites per 100 acres is the maximum and may not be increased <p><i>Source: Section 6 of the Initiative</i></p>
<u>Urban Reserve Designation</u>	
Lands adjacent to urban development east of Greenville Road and on reclaimed quarry lands in the vicinity of the Chain-of-Lakes are designated Urban Reserve and zoned "Industrial"	<p>Urban Reserve lands redesignated to Large Parcel Agriculture and rezoned to "A" District. While the minimum parcel size —whether A-100, A-160, or A-320 — is not specified, staff assumes that these redesignated lands would be A-100 based on the zoning of the nearest similarly designated parcels</p> <p><i>Source: Section 5 of the Initiative</i></p>

Table 1 (continued)

<u>All Designations</u>	
<p>Policy 236 (summary): Approval of new development contingent on verification that an adequate long-term water supply can be provided to serve the development.</p>	<p>Revised Policy 236 (summary): Approval of new development only upon verification that an adequate, long-term, sustainable, clearly identified water supply will be provided to serve the development, including in times of drought.</p> <p>New visual policies 107A, 107B, 113A, 113B. See Table 2 below for the text of the policies.</p>
<p><u>Williamson Act Cancellation</u></p> <p>Policy 89 (summary): Direction given to consider that cancellation may be required to advance state-mandated housing requirements, that land outside the Urban Growth Boundary may be less suitable for cancellation, that cancellation should not result in discontinuous patterns of urban development, etc.</p> <p><u>Rural Development</u></p> <p>Increase in allowed density may be approved by the Board of Supervisors through a general plan amendment.</p>	<p><u>Williamson Act Cancellation</u></p> <p>Revised Policy 89 (summary): Cancellation must be consistent with the Initiative. In no case shall contracts outside the Urban Growth Boundary be canceled for purposes inconsistent with agricultural or public facility uses. Prior to canceling any contract inside the County Urban Growth Boundary, the Board of Supervisors shall specifically find that there is insufficient non-contract land available within the Boundary to satisfy state-mandated housing requirements. In making this finding, the County shall consider land that can be made available through reuse and rezoning of non-contract land.</p> <p><u>Rural Development</u></p> <p>In areas outside the County Urban Growth Boundary designated Large Parcel Agriculture, Resource Management or Water Management Lands, the number of parcels that may be created, the residential units permitted on each parcel, the size of the development envelope, the maximum floor areas and floor area ratios, and the uses permitted by the Plan on February 1, 2000, or by this ordinance, whichever is less, may not be increased.</p> <p><i>Source: Section 4 of the Initiative</i></p> <p>Subsequent amendments to the General Plan that change Measure D policies will require a vote of the electorate.</p>

**Table 2A: NEW AND REVISED ECAP POLICIES THAT APPLY TO
CASTRO VALLEY AND PALOMARES CANYONLANDS**

Note: The "Castro Valley and Palomares Canyonlands" is an appellation used by the Initiative for specific open space lands located primarily in the Eden Planning Unit (EPU). As directed by the Initiative, the following ECAP policies will apply to the "Canyonlands". Refer also to Table 3: Delineation of and Restrictions on Castro Valley and Palomares Canyonlands.

Quarries

Revised Policy 144: Except to the extent required by State law, no new quarry or other open-pit mine may be approved by the County outside the Urban Growth Boundary, unless approved by the voters of Alameda County. Excavation not adjacent to an existing quarry site and on the same or an adjoining parcel shall be regarded as a new quarry.

(See Note to Planning Commission under Quarries in Table 8)

Water Supply Requirements for Development

Revised Policy 236: Approval of new development only upon verification that an adequate, long-term, sustainable, clearly identified water supply will be provided to serve the development, including in times of drought.

Agricultural Processing Facilities and Ag Support Service Uses

Revised Policy 81A: In areas designated Large Parcel Agriculture, the County shall permit agricultural processing facilities (for example wineries, olive presses) and limited agricultural support service uses that primarily support Alameda county agriculture, are not detrimental to existing or potential agricultural uses, demonstrate an adequate and reliable water supply, and comply with the other policies and programs of the Initiative.

(See Note to Planning Commission at the end of this table)

Clustering Provision

Revised Program 36 (summary of policy): Applicable to all lands designated as Large Parcel Agriculture, Resource Management, and Water Management. Bonus of one residential unit for every 5 residential units clustered if remaining acreage is dedicated to open space.

Visual Policies

New Policy 106A: Structures may not be located on ridgelines or hilltops or where they will project above a ridgeline or hilltop as viewed from public roads, trails, parks and other public viewpoints unless there is no other site on the parcel for the structure or on a contiguous parcel in common ownership on or subsequent to the date this ordinance becomes effective. New parcels may not be created that have no building site other than a ridgeline or hilltop, or that would cause a structure to protrude above a ridgeline or hilltop, unless there is no other possible configuration.

New Policy 107A: To the extent possible, including by clustering if necessary, structures shall be located on that part of a parcel or on contiguous parcels in common ownership on or subsequent to the date this ordinance becomes effective, where the development is least visible to persons on public roads, trails, parks and other public viewpoints; this policy does not apply to agricultural structures to the extent it is necessary for agricultural purposes that they be located in more visible areas.

Table 2 (continued)

New Policy 113A: In all cases appropriate building materials, landscaping and screening shall be required to minimize the visual impact of development. Development shall blend with and be subordinate to the environment and character of the area where located, so as to be as unobtrusive as possible and not detract from the natural, open space or visual qualities of the area. To the maximum extent practicable, all exterior lighting must be located, designed and shielded so as to confine direct rays to the parcel where the lighting is located.

New Policy 113B: To the maximum extent possible, development shall be located and designed to conform with rather than change natural landforms. The alteration of natural topography, vegetation, and other characteristics by grading, excavating, filling or other development activity shall be minimized. To the extent feasible, access roads shall be consolidated and located where they are least visible from public view points.

Provisions of the Resource Management Land Use Designation in ECAP

Density/Minimum Parcel Size

- minimum parcel size of 100 acres
- 2-acre building envelope for all buildings except they may be located outside the envelope if necessary for security reasons or, if structures for agricultural use, necessary for agricultural use; farm employee housing may be located outside of the envelope only if necessary for agriculture or security reasons
[See note in Table 1 under Large Parcel Agriculture]

Intensity

- .01 FAR for all non-residential buildings including greenhouses (but not to be limited to less than 20,000 square feet); 12,000 total sf maximum for residential and residential accessory buildings; greenhouses are to be located in the building envelope unless necessary for agricultural purposes

Uses Listed under the Description of Designation

- low intensity agriculture, grazing, open space; very low density residential; recreational uses, habitat protection, watershed management, public and quasi-public uses, quarries

Note to Planning Commission: As shown above, Measure D applies the same restrictions to the Canyonlands with respect to minimum parcel size, amount and nature of development, development envelopes, floor area ratios and maximum floor areas, and permissible uses as are imposed in the Resource Management land use designation, while specifically allowing some additional uses associated with the Large Parcel Agriculture land use designation. These additional permitted uses include ".....agricultural processing facilities (for example wineries, olive presses) and limited agricultural support service uses that primarily support Alameda County agriculture, are not detrimental to existing or potential agricultural uses, demonstrate an adequate and reliable water supply, and comply with the other policies and programs of the Initiative." (See ECAP policy 81A as revised by the Initiative). Staff consequently recommends that a new land use designation ---Resource Management/Limited Agriculture --- be created for the Canyonlands. To implement the different uses allowed under the various large parcel land use designations, the "A" District zoning ordinance will require amending.

Source: Section 13 of the Initiative

Table 2B: EXTENSION OF OTHER REVISED ECAP POLICIES TO THE EDEN PLANNING UNIT FOR PURPOSES OF UNIFORMITY

Note for the Planning Commission: Staff is assuming that for reasons of uniformity, the following ECAP policies revised under the Initiative would also be applied to the Eden Planning Unit.

County Housing Obligations

Policy 24 (summary): County to support Major New Urban Development in North Livermore with a holding capacity of approximately 12,500 housing units.

Affordable Housing

Policy 37 (summary): Phasing plan required for major residential projects that determines when affordable housing will be built. The intent of the phasing plan is to ensure that the majority of affordable housing units are not postponed until the final phases of development.

Policy 43 (summary): Requires each residential and non-residential project to contribute to meeting the housing needs of very low, low- and moderate-income households.

County Housing Obligations

Section 7 of the Initiative (summary): With unincorporated development excluded in North Livermore by the Initiative absent a vote of the people, the Initiative instructs the County 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 make it necessary to go beyond the UGB, the voters of the county may approve an extension of the boundary. The Board of Supervisors may approve housing beyond the UGB only if specific criteria can be met.

Note to Planning Commission: Section 7 does not specifically state where the County should attempt to meet its housing obligations, i.e. in the East County or in unincorporated urban areas such as Castro Valley, Fairview, Ashland, Cherryland, Hillcrest Knolls, Hayward Acres, and Happyland. As currently practiced, State housing obligations that are assigned to a County may be met in any appropriate unincorporated location in its jurisdiction.

Affordable Housing

Revised Policy 37 (summary): Phasing plan required for all residential projects that determines when affordable housing will be built. The phasing plan shall ensure that the majority of affordable housing units are not postponed until the final phases of development. Affordable units shall be reasonably dispersed throughout the project.

Revised Policy 43 (summary): Requires each residential and non-residential project to contribute to meeting the housing needs of very low, low- and moderate-income households. All residential developments of 20 or more units, whether for rental or sale, must include and maintain affordable housing units. Developers may choose the percentage of affordable housing units depending on the degree of affordability provided; ; either 10 percent very low income, 15 percent low income, or 20 percent moderate income, or a fraction of each of these adding to 1. Affordability must be permanently ensured through deed restrictions.

Table 2 (continued)

<p>Program 13 (summary): Requires that an ordinance be adopted that establishes a low- and very low-income housing fee to be applied to all new unincorporated market rate housing and non-residential development.</p>	<p>Revised Program 13 (summary): Requires that an ordinance be adopted that establishes a low- and very low-income housing fee to be applied to all new unincorporated market rate housing and non-residential development that do not directly provide their fair share of housing under policy 43. For residential development, the fee shall aim generally at covering the cost of providing a fair share of low and very low income housing not otherwise provided proportionate to the size of the development. Non-residential development fees should be related to the affordable housing needs that can reasonably be attributed to the development. Payment of the in-lieu fee shall be made prior to the issuance of an occupancy certificate.</p>
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**Table 3: Delineation of and Restrictions on
CASTRO VALLEY AND PALOMARES CANYONLANDS**

PRIOR POLICY	POLICY UNDER THE INITIATIVE
<p><u>Delineation</u></p> <ul style="list-style-type: none"> The area defined by the Initiative as the Castro Valley and Palomares Canyonlands consists of open space lands located in the Eden Planning Unit. All, or nearly all, of these lands fall within the Castro Valley Planning Area but outside of the Castro Valley Urban Boundary Area. <p><u>Designation and Restrictions</u></p> <ul style="list-style-type: none"> Current zoning for this area is primarily "A" District with some parcels zoned as Rural Residential; permitted and conditionally permitted uses are those allowed under the "A" (Agricultural) District zoning. There are no restrictions on floor area ratios and maximum floor areas. Development envelopes are required as part of the Site Development Review process. <p><u>Policies</u></p> <ul style="list-style-type: none"> No equivalent policies; the preservation of the natural environment is generally governed by policies of the Open Space Element of the General Plan 	<p><u>Delineation</u></p> <ul style="list-style-type: none"> Demarcates an area called Castro Valley and Palomares Canyonlands. See Attachment I. <p><u>Designation and Restrictions</u></p> <ul style="list-style-type: none"> Places restrictions on this area with respect to minimum parcel size, amount and nature of development, development envelopes, floor area ratios, maximum floor areas, and permissible uses as are imposed in the Resource Management Description of Land Use Designations in ECAP (see Table 2). Allows agricultural uses described in revised Policy 81A All parcels within the area identified as the Castro Valley and Palomares Canyonlands will require designation to a new land use designation that describes the combined Resource Management/Limited Agriculture uses allowed in this area <i>(See Note to Planning Commission at end of Table 2A)</i> <p><u>Policies</u></p> <ul style="list-style-type: none"> The following policies are applied to the Canyonlands: <ul style="list-style-type: none"> Agricultural Processing Facilities and Ag Support Service Uses (ECAP Policy 81A); Visual Policies Governing Development (ECAP Policies 106A, 107A, 113A, 113B); Restrictions on Quarries (ECAP Policy 144); Water Supply Requirements (ECAP Policy 236); and, Clustering Provision (ECAP Program 36) <p><i>(See Table 2A for the text of these restrictions and policies)</i> <i>Source: Section 13 of the Initiative</i></p>

Table 4: CHANGES TO THE GENERAL PLAN OPEN SPACE ELEMENT

PRIOR POLICY	POLICY UNDER THE INITIATIVE
<p><u>Page 18, Agricultural Open Space</u></p> <p>“There are two agricultural open space areas indicated in the East Bay ridge. One is immediately north and south of Interstate 580, east of Castro Valley and Palomares Road, the other in the Mission Pass-Andrade Road area. General Plan agricultural open space in adjacent Contra Costa and Santa Clara counties in the vicinity of the Alameda County boundary is indicated as “borrowed agricultural open space” on the county open space plan. Agricultural open space in the East County area is shown on the East County Area Plan Open Space Diagram.”</p> <p><u>Page 18, Preserves</u></p> <p>“Preserves are permanent open space areas of irreplaceable natural or environmental resources or areas of outstanding beauty and consist primarily of existing and proposed major park and recreation areas shown on the County Genral Plan for the area west of the Pleasanton/Dublin ridgeline, which in turn include watershed lands and other public owned non-recreation lands. Refer to the East County Area Plan for open space policies for preserves in the East County area. On the East Bay ridge north of Castro Valley, roundtop Regional, Joaquin Miller, and Tilden Regional Parks, as well as East Bay Municipal Utility District watershed lands, are considered preserves. In addition, adjacent portions of Regional Park and watershed lands in Contra Costa County are considered ‘borrowed preserves,’ since they serve the same function, although lying outside the County.”</p>	<p><u>Page 18, Agricultural Open Space</u></p> <p>Adds to text by placing those areas of the Castro Valley and Palomares Canyonlands which were categorized in this Element as Agricultural Open Space on February 1, 2000, under the same restrictions as outlined above for the Castro Valley and Palomares Canyonlands.</p> <p><u>Page 18, Preserves</u></p> <p>Adds to text by placing the demarcated Castro Valley and Palomares Canyonlands and all of Chabot Terrace, under the same restrictions as outlined in Table 3 of this attachment.</p> <p><i>Source: Section 14 of the Initiative</i></p>

Table 5: CHANGES TO THE CASTRO VALLEY PLAN

PRIOR POLICY	POLICY UNDER THE INITIATIVE
<p><u>Page 41, Adjoining Major Open Space Areas</u></p> <p>“Principle 3.30: Lands in major open space areas containing highly significant biotic resources should be left substantially undeveloped. Very low density uses, and limited facilities development may be permitted if these are appurtenant to and consistent with resource management.”</p>	<p><u>Page 41, Adjoining Major Open Space Areas</u></p> <p>Adds the following language to Principle 3.30: “Certain areas described in the Open Space Element of the County General Plan which are in the Castro Valley Planning Area are subject to the restrictions on land division, development and uses listed below:</p> <ul style="list-style-type: none"> • Resource Management Description of Land Use Designations; • Agricultural Processing Facilities and Ag Support Service Uses (ECAP Policy 81A); • Visual Policies Governing Development (ECAP Policies 106A, 107A, 113A, 113B); • Restrictions on Quarries (ECAP Policy 144 w/o regard to Urban Growth Boundaries); • Water Supply Requirements (ECAP Policy 236); and, • Clustering Provision (ECAP Program 36)” <p>See Table 2 of this Attachment for the text of these restrictions and policies.</p>
<p><u>Urban Area</u></p> <p>No policy</p>	<p><u>Urban Area</u></p> <ul style="list-style-type: none"> • A portion of the County housing obligations may be met in unincorporated urban areas including Castro Valley (see County Housing Obligations in Table 2 of this Attachment); the County has undertaken an infill study to estimate housing potential on vacant parcels at various densities <p><i>Source: Section 15 and Section 7 of the Initiative</i></p>

Table 6: CHANGES TO THE GENERAL PLAN FOR THE CENTRAL METROPOLITAN-EDEN-WASHINGTON PLANNING UNITS

PRIOR POLICY	POLICY UNDER THE INITIATIVE
<p><u>Page 80, Major Open Space Areas</u></p> <p>“Implementation 1.1.1: Zone open space areas for appropriate open space uses.”</p>	<p><u>Page 80, Major Open Space Areas</u></p> <p>Adds the following language to Implementation 1.1.1: “Certain areas described in the Open Space Element of the General Plan which are in this planning area are subject to the restrictions on land division, development and uses in the Resource Management Description of Land Use Designation in ECAP. In addition, the following policies will apply:</p> <ul style="list-style-type: none"> • Agricultural Processing Facilities and Ag Support Service Uses (ECAP Policy 81A); • Visual Policies Governing Development (ECAP Policies 106A, 107A, 113A, 113B); • Restrictions on Quarries (ECAP Policy 144 w/o regard to Urban Growth Boundaries); • Water Supply Requirements (ECAP Policy 236); and, • Clustering Provision (ECAP Program 36)” <p>See Table 2 of this Attachment for the text of these restrictions and policies.</p> <p><i>Source: Section 16 of the Initiative</i></p>

Table 7: CHANGES TO THE GENERAL PLAN PARK AND RECREATION ELEMENT

PRIOR POLICY	POLICY UNDER THE INITIATIVE
<p><u>Page 1, Principles and Standards for Planning Local Parks and Other Recreation Areas</u></p> <p>“Major new urban developments, as defined in the East County Area Plan, are subject to the Level of Service Guidelines for parks contained in Volume 1 - Goals, Policies, and Programs, Table 7.”</p>	<p><u>Page 1, Principles and Standards for Planning Local Parks and Other Recreation Areas</u></p> <p>Text deleted</p> <p><i>Source: Section 17 of the Initiative</i></p>

Table 8: COUNTY OBLIGATIONS UNDER THE INITIATIVE

PRIOR POLICY	POLICY UNDER THE INITIATIVE
<p><u>Infrastructure</u></p> <p>No policy</p> <p><u>Agricultural Advisory Committee</u></p> <p>A county-wide Agriculture Advisory Committee was originally formed in the 1970s and was in operation for more than 25 years. It was formed to act as a technical advisory committee to the County and to other public agencies, including cities and districts, on matters involving agriculture in the County.</p> <p><u>Open Space</u></p> <p>Program 21A (summary): Directs the County to work with East County cities to develop a comprehensive open space preservation program.</p> <p><u>Landfills</u></p> <p>Policy 141 (summary): Directs the County to provide for a continuous 50-year landfill capacity through landfill expansion and/or new landfill facilities.</p>	<p><u>Infrastructure</u></p> <p>New Policy 14A: The Initiative prohibits the County from authorizing public facilities or other infrastructure in East County in excess of that needed for permissible development consistent with the Initiative.</p> <p><u>Agricultural Advisory Committee</u></p> <p>Section 18 of the Initiative instructs the County to periodically convene an advisory panel of experts to make recommendations to enhance the economic viability of agriculture and ranching, and to minimize environmental impacts. The panel is to recommend new County policies and ways to strengthen the implementation of existing policies, and citizen input is to be solicited.</p> <p><i>Note to Planning Commission: Staff, at the direction of the Board of Supervisors, has facilitated establishment of a new Agricultural Advisory Committee that meets the requirements of Section 18 of the Initiative.</i></p> <p><u>Open Space</u></p> <p>Revised Program 21A (summary): Directs the County to work with East County cities to develop a comprehensive open space preservation program within two years of the effective date of the Initiative.</p> <p><u>Landfills</u></p> <p>Revised Policy 141 (summary): Directs the County to provide for minimum state requirements for landfill capacity with new permits to be limited to 15 years' capacity.</p>

<p><u>Quarries</u></p> <p>Policy 144: The County shall allow the mining and reuse of quarries in appropriate locations inside and outside the Urban Growth Boundary consistent with the policies and Land Use Diagram of the East County Area Plan.</p>	<p><u>Quarries</u></p> <p>Revised Policy 144: Except to the extent required by State law, no new quarry or other open-pit mine may be approved by the County outside the Urban Growth Boundary, unless approved by the voters of Alameda County. Excavation not adjacent to an existing quarry site and on the same or an adjoining parcel shall be regarded as a new quarry.</p> <p><i>Note to Planning Commission: Per Section 22 of the Initiative, staff assumes that a quarry that has received "all necessary discretionary County and other approvals and permits prior to the effective date of the ordinance" -- but has not yet exercised that permit --- is to be considered an "existing" rather than a "new" quarry.</i></p> <p>New Policy 144A: The quarry currently planned by the San Francisco Public Utility Commission in the Sunol area should not be established. If despite Policy 144 the quarry goes into operation, the County shall permit no related industrial or manufacturing uses, notwithstanding any other provision of the Initiative.</p>
<p><u>Water</u></p> <p>Policy 235: The County shall encourage Zone 7 to pursue new water supply sources and storage facilities to serve East County holding capacity projections.</p> <p>Policy 239: The County shall discourage water service retailers from constructing new water distribution infrastructure which exceeds future water needs based on the buildout projections of the <i>East County Area Plan</i>.</p>	<p><u>Water</u></p> <p>Revised Policy 235: The County shall encourage Zone 7 to pursue new water supply sources and storage facilities only to the extent necessary to serve the rates and levels of growth established by the Initiative and by the general plans of the cities within its service area.</p> <p>Revised Policy 239: The County shall discourage water service retailers from constructing new water distribution infrastructure which exceeds future water needs based on a level of development consistent with the Initiative.</p>

ATTACHMENT III

OUTLINE OF COUNTY ACTIONS REQUIRED TO IMPLEMENT MEASURE D

Note: Referenced "Sections" and "Appendices" refer to the Initiative; all Sections and pertinent Appendices of the Initiative are accounted for in the actions described below

I. TEXTUAL AND GRAPHIC REVISION OF ECAP

- A. Add new and revised policies and remove deleted policies (Sections 8 and 9); new and revised policies will be identified as those passed by the ordinance
- B. Delete and/or revise definitions, tables and appendices; update projections as required (Sections 5, 10, 11 and Appendices 4, 5 and 7)
- C. Add Sections of the Initiative as policy (Sections 4, 6, 7, and 18) or as explanatory text in the introduction to the Plan (Sections 1,2,3, 12, 19, 20, 21, 22, 23, and 24); the integration of these Sections into a revised ECAP will be subject to review by Planning Commission and Board
- D. Delete figures and/or revise to delete reference to North Livermore and show new Urban Growth Boundary (Appendix 1)
- E. Revise Land Use Diagram to show new land use designations (Section 5)
- F. Identify superfluous policies and programs, e.g. the biennial monitoring program, for possible deletion
- G. Renumber ECAP policies, programs, tables, figures and internal references prior to republication

II. SUBSEQUENT ACTIONS (Necessary to the Implementation of the Revised ECAP)

- A. Establish the Agriculture Advisory Committee requirement (Section 18 and Transportation/Planning Committee Memo)
- B. Send an official notice of withdrawal to other parties of the Joint Planning Agreement (Section 12)

Outline of County Actions

- D. Revise the General Plan for the Central Metropolitan-Eden-and Washington Planning Units (Section 16)
- E. Revise the General Plan Park and Recreation Element (Section 17)
- F. Revise Block Books