

ALAMEDA COUNTY BOARD OF SUPERVISORS' TRANSPORTATION/ PLANNING COMMITTEE

Monday, October 1, 2018
9:30 a.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 cultivators 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 convictions, and to add provisions regarding the tracking of child support obligations for cannabis permit holders and employees of permitted operations – Community Development Agency

[Attachment](#)

At the Board of Supervisors' Transportation/Planning Committee meeting on September 5, 2018, your Committee directed staff to prepare amendments to the County's cannabis ordinances to allow permitted retail operations in Ashland and Cherryland to transition into microbusinesses, an ordinance change that could result in new cannabis-related activities at existing locations. Also, many current permittees who have been selected to receive cultivation permits are requesting that they be allowed to self-distribute cannabis grown on their own property to other cannabis facilities. As such, staff proposes that the cannabis ordinances be amended to allow both microbusinesses and self-distribution from permitted cultivation sites.

As it relates to felony restrictions, at your September 5, 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). Your 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 eligibility review process. In addition, staff provided draft language regarding monthly child support obligations to be added to the cannabis retail sales and cultivation ordinances.

Speaker

Stan Stadelman stated his opposition to the changes to the ordinances and would like to continue to limit the microbusinesses to the Ashland/Cherryland area. Suggest that convicted felons find employment outside of the cannabis industry.

Vicki Stadelman stated that the communities agreed to regulate the cannabis industry, not promote it or make it thrive. Provisions are already in place for medical and recreational use, why should the present ordinances be expanded to proliferate new cannabis activities and operations.

Brenda Morris, does cultivation increase the number of sites; the ordinance is continuously changing, will there be open grows? How does this help the Measure D issue? Can the permits be transferred with the property? Is it possible for this meeting to be moved to East County?

Commander Myles, Sheriff's Office, stated that allowing cultivation in East County is going to cause more work.

Purpose:

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

Recommendation from Transportation & Planning Committee: Support. 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.

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

[Attachment](#)

At the September 18, 2018, Board of Supervisors Planning Meeting, the Board approved a six-month extension to the Fill Importing Moratorium and directed staff to provide a methodology for establishing County review of documentation of soil quality verification that involved third-party verification. The moratorium was extended to March 17, 2019. The moratorium extension included a modification to allow importing of gravel asphalt grindings and road base for agricultural roads on private property.

The proposed Soil Importing Ordinance would affect all of the unincorporated County areas. Staff has proposed a system for regulating Soil Importing based on tiering of review. However, the Grading Ordinance still applies, and all other regional regulations apply as do Williamson Act contracts and State and Federal Rules.

By regulating Soil Importing activities in a tiered system, those property owners with limited amounts of import can continue to do so with limited oversight and regulation. However, those property owners that want to change the contours of the land and import tens of thousands, or hundreds of thousands of cubic yards would need to go through a regulatory process to ensure that there are no impacts to the environment, neighbors, or the nature of the use of the land itself.

Speakers

Debbie Ferrari stated that she would like to have more conversation about the ordinance before it is passed.

Kelly Abreu made comments about the proposed Soil Importing Ordinance.

Purpose:

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

Recommendation from Transportation & Planning Committee: Staff will bring back information on Santa Clara County’s Fill Importing Ordinance and which of their county departments handles the imports of soil, in addition to other counties such as San Joaquin to learn best practices from their ordinances.

III. PUBLIC COMMENT

Kelly Abreu presented a draft resolution in support of the construction of the Niles Canyon Regional Trail. Also Mr. Abreu stated that the city of Fremont is in the process of closing a portion of Morris Canyon Road over safety concerns.