

**MINUTES OF MEETING
EAST COUNTY BOARD OF ZONING ADJUSTMENTS
SEPTEMBER 23, 2004
(APPROVED OCTOBER 28, 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.

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

OTHERS PRESENT: L. Darryl Gray, Assistant Planning Director.

FIELD TRIP: The meeting adjourned to the field and the following property was visited:

1. **THOMAS and SANDRA CARROLL, CONDITIONAL USE PERMIT, C-8254** – Application to allow continued operation of a horse boarding facility for up to 100 horses and occupancy of a mobile home by a caretaker, in an “A” (Agricultural) District, located at 3660 Cross Road, southeast side, approximately 1.5 miles northeast of Tesla Road, unincorporated Livermore area of Alameda County, bearing Assessor’s Parcel Number: 099A-1850-001-03. **CANCELLED.**
2. **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.
3. **BIOSOLIDS RECYCLING, CONDITIONAL USE PERMIT, C-8311** – Application to allow continued operation of a biosolids composting facility, in an “A” (Agricultural) District, located on Jess Ranch Road, south side, approximately 0.2 miles west of Grantline Road, unincorporated Livermore area of Alameda County, bearing Assessor’s Parcel Number: 099B-6400-002-06. **CANCELLED.**
4. **ALAN and CATHY CERRO, CONDITIONAL USE PERMIT, C-8314** – Application to allow continued operation of an existing boarding operation for 35 horses, occupancy of an existing caretaker’s unit and expansion up to 60 horses, in an “A” (Agricultural) District, located at 4758 Cross Road, north side, approximately 0.444 miles northwest of Reuss Road, unincorporated Livermore area of Alameda County, bearing Assessor’s Parcel Number: 099A-2003-001-00.

The Field Trip was cancelled.

REGULAR MEETING: 1:30 p.m.

MEMBERS PRESENT: Members Jon Harvey, Chair and Larry Gosselin.

MEMBERS EXCUSED: Donna Flavetta

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

There were three people in the audience.

CALL TO ORDER:

The meeting was called to order by the Chair at 1:45 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 retention of unpermitted boarding stables for 20 horses and expansion to 40 horses, 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 and July 29; to be continued without discussion to November 18, 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; February 19, April 29 and July 29, 2004; to be continued without discussion to October 28, 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, April 29 and July 29, 2004; to be continued without discussion to October 28, 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, April 29, July 29, August 12, 2004; to be continued without discussion to October 28, 2004).

5. **ALTAMONT INFRASTRUCTURE COMPANY/ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY, CONDITIONAL USE PERMIT, C-8243** – Application to allow continued operation of an existing wind generation facility consisting of 404 turbines, in an “A-B-E” (Agricultural, 160 acre Minimum Building Site Area) District, located at 11700 and 11701 North Flynn Road, east corner, southwest of South Flynn Road, unincorporated Livermore area of Alameda County, bearing Assessor’s Parcel Numbers: 099A-1770-002-01, 099A-1770-002-02, 099A-1770-002-03, 099A-1780-001-04, 099A-1790-003-00 and 099A-1810-001-00. (Continued from August 12, 2004; to be continued without discussion to October 28, 2004).
6. **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, May 27 and July 29, 2004; to be continued without discussion to October 28, 2004).
7. **MICHAEL J. ECKERT, CONDITIONAL USE PERMIT, C-8309** – Application to allow operation of a small winery and tasting room, in a R-1-L-B-E (Single Family Residence, Limited Agricultural Uses, 5 Acre Minimum Building Site Area, 100 feet Minimum Lot Width, 30 feet Front Yard Setback) District, located at 2416 Marina Avenue, north side, approximately 0.263 miles east of Arroyo Road, unincorporated Livermore area of Alameda County, bearing Assessor’s Parcel Number: 0099-0700-011-03. (Continued from August 12; to be continued without discussion to November 18, 2004).
8. **SUNOL VALLEY GOLF COURSE, CONDITIONAL USE PERMIT, C-8317** – Application to modify improvements to an existing outdoor recreation facility by the relocation of the existing maintenance yard and to up-grade the existing irrigation system, in an “A” (Agricultural) District, located at 6900 Mission Road, north side, end of Andrade Road, unincorporated Sunol area of Alameda County, bearing Assessor’s Parcel Number: 0096-0056-015-02. (Continued from August 12, 2004; to be continued without discussion to October 28, 2004).
9. **CINGULAR WIRELESS, CONDITIONAL USE PERMIT, C-8322** – Application to allow installation and operation of a wireless communications facility on an existing PG&E tower, in an “A” (Agricultural) District, located at 2486 North Vasco Road, west side, approximately 190 feet north of Dalton

Avenue, unincorporated Livermore area of Alameda County, bearing Assessor's Parcel Number: 099B-5300-006-04. (To be continued without discussion to October 28, 2004).

Member Gosselin made the motion to approve the Consent Calendar per staff recommendations. The Chair seconded the motion, which carried 2/0. Member Flavetta was excused.

REGULAR CALENDAR:

1. **BIOSOLIDS RECYCLING, CONDITIONAL USE PERMIT, C-8311** – Application to allow continued operation of a biosolids composting facility, in an "A" (Agricultural) District, located on Jess Ranch Road, south side, approximately 0.2 miles west of Grantline Road, unincorporated Livermore area of Alameda County, bearing Assessor's Parcel Number: 099B-6400-002-06.

Mr. Gray read the project description adding that the description should read landspreading and not composting. At the last renewal hearing, the Board had approved a one year permit. Staff has recommended a continuance at the request of the Applicant and awaiting Waste Management response. The Chair requested that a copy of the minutes from the prior hearing be attached with the next staff report. The Applicant was not available and no other testimony was submitted. Member Gosselin made the motion to continue the matter to October 28th and the Chair seconded the motion. Motion carried 2/0. Member Flavetta was excused.

2. **ALAN and CATHY CERRO, CONDITIONAL USE PERMIT, C-8314** – Application to allow continued operation of an existing boarding operation for 35 horses, occupancy of an existing caretaker's unit and expansion up to 60 horses, in an "A" (Agricultural) District, located at 4758 Cross Road, north side, approximately 0.444 miles northwest of Reuss Road, unincorporated Livermore area of Alameda County, bearing Assessor's Parcel Number: 099A-2003-001-00.

Mr. Gray noted that the Applicant has requested a continuance as all conditions from the prior approval has not been implemented. Staff was not sure if the property had the same owner or if there was a new owner.

Public testimony was called for. The Applicant was not available. Three neighbors, Jeff and Tina Ashton, and Jeff Gil were available but opted to offer their testimony at the October 28th hearing. Public testimony was closed.

Member Gosselin made the motion to continue the application to October 28, 2004. The Chair seconded the motion, which carried 2/0. Member Flavetta was excused.

Approval of Minutes – July 29, 2004. Member Gosselin made the motion to approve the Minutes as submitted. Chair Harvey seconded the motion, which carried 2/0/1. Member Flavetta was excused.

STAFF COMMENTS & CORRESPONDENCE: At the request of Mr. Gray, the Board confirmed the November 18th and December 9th hearing dates.

Mr. Gray also announced that the Board is invited to attend an event sponsored by Supervisor Steele at the Children's Memorial Grove in San Leandro. The event is for all the children who have passed away.

If EBZA members were interested in attending, he could forward a RSVP on their behalf.

Mr. Gray also discussed his participation in a panel discussion at the Bay Area Chapter of Sierra Club at the Oakland Library last week. The focus of discussion was wind energy and its effects on protected bird species. There were a number of good questions from the audience. He will provide details about the next scheduled meeting of this Sierra Club committee. In response to whether BZA members could attend, Mr. Gray indicated that although he thought there would be no Brown Act issues or concerns, he would double-check with County Counsel.

CHAIR'S REPORT: None.

BOARD ANNOUNCEMENTS, COMMENTS AND REPORTS: Member Gosselin, in reference to the Stakeholders' meeting last month, said he would like to see Mitigation Funding to remain in Alameda County. He would be providing a presentation at the next Agricultural Committee meeting and asked if it would be a Brown Act concern. He also asked which staff planner would be in attendance. Mr. Gray explained that the presentation will eventually be presented to the Working Group and by October 14th, a draft plan of the Management Program will be available. A discussion followed. Mr. Gray said he has been asked to attend the meeting. Member Gosselin indicated that he would forward all related materials/emails to Mr. Gray.

Member Gosselin discussed the Skinner Application on Vasco Road adding that he had spoken to Gary Moore, Grading Department on general grading issues. He requested information on Title 24 and any mitigations and exemptions that may apply. Mr. Gray said he would check into it.

ADJOURNMENT: There being no further business, the hearing was adjourned at 2: 20 p.m.

CHRIS BAZAR - SECRETARY
EAST COUNTY BOARD OF ZONING ADJUSTMENTS