

**A P P E N D I X   C**

M E A S U R E   D   ( 2 0 0 0 )

## Save Agriculture and Open Space Lands

The people of the County of Alameda ordain as follows:

### Section 1. Purposes

The purposes of this Initiative are to preserve and enhance agriculture and agricultural lands, and to protect the natural qualities, the wildlife habitats, the watersheds and the beautiful open spaces of Alameda County from excessive, badly located and harmful development. The measure establishes a County Urban Growth Boundary which will focus urban-type development in and near existing cities where it will be efficiently served by public facilities, thereby avoiding high costs to taxpayers and users as well as to the environment. The ordinance is designed to remove the County government from urban development outside the Growth Boundary.

The limitations this measure imposes on the amount and location of development aim at preventing excessive growth and curbing the juggernaut of urban sprawl. The Initiative will reduce traffic congestion, air and water pollution, loss of historic and scenic values and the blighting of existing city centers; and will help maintain a high quality of life in Alameda County.

### Section 2. Findings

The people of Alameda County do deliberately find and declare the following:

(a) Excessive Development: Alameda County is at a critical juncture. Many of the valuable natural resources and qualities of the County have been needlessly or prematurely destroyed by development. Much that remains is in imminent jeopardy. The current rate of residential growth would double the East County population alone in the next 20 years. The resulting development would despoil agricultural lands, wildlife habitat, scenic corridors, watersheds and other environmentally valuable areas. This growth would harm air and water quality, exacerbate already intolerable levels of traffic and congestion, and overwhelm the ability of local government to provide public facilities and services at a reasonable cost to taxpayers.

(b) Existing Plans: The existing East County and Castro Valley Area Plans are weak. They do not provide adequate safeguards against destructive growth nor adequate protection for agriculture and vital environmental qualities. The plans contain major loopholes; some areas are not covered by any meaningful protection. The plans have no permanency. They can be changed at any time.

(c) Agriculture: The protection of existing agriculture is important to Alameda County. Agriculture remains a major contributor to the County's diversified economy. It is key to preserving open lands. Agriculture can only be maintained and enhanced if the voters of the County make a firm commitment to its preservation.

(d) Open Lands: Preservation of agriculture and other open lands protects air and water quality, contributes to health and recreation, offers habitat for plants and animals, provides visual enjoyment and beauty, gives a sense of history and community, and generally is important to the quality of our lives.

(e) Air Pollution: The East County area exceeded State limits for air pollution on 21 days in 1998 and was identified in 1997 as one of the 10 worst air basins in the United States. The air quality will be further impaired by currently projected growth. That is not healthy.

(f) Traffic: County highways and streets are grossly overloaded with traffic. Large-scale, sprawling County development will make traffic problems much worse.

(g) Water: There is inadequate water now for projected East County growth. Provision of an adequate, reliable, safe water supply would be very expensive and cause environmental harm. There would be great pressure to use recycled water from treated sewage, with uncertain health effects.

(h) Housing: This ordinance confirms the County's obligation to meet fair share housing needs for all income segments. The establishment of a County Urban Growth Boundary will encourage compact development which provides more affordable housing than sprawl.

(i) Public Facilities: Properly planned, compact development in and near existing urban areas where infrastructure is available is more economical to users and taxpayers than far-flung, scattered development which can cost many times as much to build and operate. Public facilities can have major direct and indirect adverse effects on land use and the environment.

(j) Landfills and Quarries are massive, ugly and environmentally harmful uses of land. Recycling will greatly reduce the amount of land needed for waste disposal. Existing landfills in Alameda County are adequate for County residents for the long-term future.

(k) Castro Valley and Palomares Canyonlands: Environmentally fragile and valuable canyonlands in the Castro Valley and Palomares areas are vulnerable to intense development pressures which would be very destructive. They deserve greater protection than the fragmentary safeguards now provided by the General Plan.

(l) Burden of Proof: Within the meaning of California Evidence Code Section 669.5(c)(3), this ordinance is designed to protect agricultural use as defined in Government Code Section 51201(b) and open space land as defined in Government Code Section 65560(b).

### Section 3. Protection of Legal Rights

Notwithstanding their literal terms, the provisions of this ordinance do not apply to the extent, but only to the extent, that courts determine that if they were applied they would deprive any person of constitutional or statutory rights or privileges, or otherwise would be inconsistent with the United States or State constitutions or law. The purpose of this provision is to make certain that this ordinance does not violate any person's constitutional or legal rights.

To the extent that a provision or provisions of this ordinance do not apply because of this section, then only the minimum development required by law which is most consistent with the provisions and purposes of this ordinance shall be permitted.

### Section 4. Agricultural, Resource Management, Water Management, and Rural Residential Areas

In areas outside the County Urban Growth Boundary designated Large Parcel Agriculture, Resource Management or Water Management Lands by the East County Area Plan on February 1, 2000, or by this ordinance, 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.

Rural Density Residential designations may not be changed to a designation which permits more development.

### Section 5. Redesignation of Urban Reserve Area

Areas outside the Urban Growth Boundary designated Urban Reserve in the East County Area Plan on February 1, 2000, are redesignated Large Parcel Agriculture, subject to the minimum parcel size, density, maximum development envelopes, building intensity, permissible uses and other restrictions that apply to areas under that designation. The Urban Reserve Land use designation is deleted from the text, Table 10 and from the Land Use Diagram of the Plan.

### Section 6. South Livermore Valley Area Plan

This ordinance shall not supersede or change the provisions of the South Livermore Valley Area Plan in the area to which the plan applied on February 1, 2000. The area to which the Plan applies may be expanded, pursuant to Program 117, not to exceed 1 mile beyond the February 1, 2000, boundary, for purposes of attaining the goal in Policy 302 of 5,000 acres of cultivated agriculture. The maximum density bonus of 4 additional homesites per 100 acres in the Plan may not be increased.

### Section 7. County Housing Obligations

Nothing in this ordinance shall be applied to preclude County compliance with housing obligations under State law. To the maximum extent feasible, the County shall meet State housing obligations for the East County Area within the County Urban Growth Boundary. In providing required housing, the County shall protect environmental values, enhance the quality of life of affected persons, and comply with policies and programs of this ordinance to the maximum extent feasible.

If State-imposed housing obligations make it necessary to go beyond the Urban Growth Boundary, the voters of the County may approve an extension of the Boundary. The Board of Supervisors may approve housing beyond an Urban Growth Boundary only if:

(1) it is indisputable that there is no land within the Urban Growth Boundary to meet a State housing requirement either through new development, more intensive development, or redevelopment; (2) no more land is used outside the Urban Growth Boundary than is required by the affordable housing necessary to meet a State obligation; (3) the area is adjacent to the Urban Growth Boundary, or to an existing urban or intensive residential area; (4) the percentage goals for low- and very low-income housing in Policy 42 will be met in any housing approved; (5) there will be adequate public facilities and services for the housing; and (6) the development shall not be on prime agricultural lands, or lands designated, at least conditionally, for intensive agriculture, unless no other land is available under this Policy.

In no case shall required housing be built on or which protrudes over hilltops or ridgelines, on slopes of more than 20%, critical wildlife habitat, or within 100 feet of a riparian corridor.

#### Section 8. East County Area Plan Amendments

The Alameda County East County Area Plan is amended as follows below. Material deleted from the Plan is struck out; material added is underlined (except some subsection headings are underlined in the existing Plan). Unchanged policies, programs and provisions of the Plan are omitted from this ordinance.

Policy 1: The County shall identify and maintain a an County Urban Growth Boundary (see Tables 1 and 2 and Figure 3) that ~~defines areas~~ divides areas inside the Boundary, next to existing cities, generally suitable for urban development ~~from and areas outside~~ generally suitable for long-term protection of natural resources, agriculture, public health and safety, and buffers between communities. The County Urban Growth Boundary shall be the Urban Growth Boundary of the City of Pleasanton starting at its eastern junction with U.S. I-580 clockwise to U.S. I-580, west to the boundary of the East County Area Plan, north to the proposed western Urban Growth Boundary for the City of Dublin on the November 7, 2000, election ballot, to the Alameda-Contra Costa County line, east to the eastern boundary of the East Dublin Specific Plan on February 1, 2000, south to U.S. I-580, east to the city limits of the City of Livermore, the northern Livermore city limits, except where the northern city limits are below U.S. I-580 the Boundary shall be I-580, to the eastern city limits of Livermore, to the proposed southern Urban Growth Boundary for Livermore on the March 7, 2000, election ballot, to U.S. I-580, and west to the City of Pleasanton Urban Growth Boundary. (Map, Initiative Appendix 1). ~~is intended to be permanent and to define the line beyond which urban development shall not be allowed. The County shall use the Urban Growth Boundary to provide certainty regarding development potential for long term infrastructure financing, agricultural investment, and environmental protection.~~

Policy 1A: The County shall identify any urban designations on the Land Use Diagram (inclusive of incorporated and unincorporated areas of East County) sufficient to accommodate projected growth ~~projected for the plan period which extends through the year 2010.~~ Urban designations in unincorporated areas shall be contained within the County Urban Growth Boundary and shall not be expanded to accommodate lower than planned densities.

Policy 13: The County shall require that development be phased according to the availability of infrastructure and public services allowed by the Initiative, and in conformance with policies of the East County Area Plan which encourage compact development. ~~The County shall not adopt an annual growth management limit for development within unincorporated areas.~~

Policy 14A: The County shall not provide nor authorize public facilities or other infrastructure in excess of that needed for permissible development consistent with the Initiative. This Policy shall not bar 1) new, expanded or replacement infrastructure necessary to create adequate service for the East County, 2) maintenance, repair or improvements of public facilities which do not increase capacity, and 3) infrastructure such as pipelines, canals, and power transmission lines which have no excessive growth-inducing effect on the East County area and have permit conditions to ensure that no service can be provided beyond that consistent with development allowed by the Initiative. ~~"Infrastructure" shall include public facilities, community facilities, and all structures and development necessary to the provision of public services and utilities.~~

Program 9: The County shall work with cities to develop a ~~subregional~~ Master Plan for public facilities, services, and amenities for East County, similar to Pleasanton's Municipal Facilities Master Plan. The Master Plan ~~shall be coordinated with Development Phasing and Community Facility plans for Major New Urban Development~~ and shall address the potential for shared use of public facilities, such as joint use of neighborhood parks and school playgrounds.

#### Residential Uses

*Goal: To provide an adequate supply of residential land designated housing in a range of densities to meet State requirements, to accommodate projected housing growth consistent with this Plan for 2010 and to respond to the needs of all income groups.*

Policy 37: The County shall require a phasing plan for ~~major~~ residential projects and Major New Urban Developments (~~see definitions in Table 1~~) that determines when affordable housing multiple family units (including very-low, low-, and moderate-income units) will be built in each ~~major~~ residential project. The ~~intent of the phasing plan shall is to~~ ensure that the majority of multiple family and affordable housing units are not postponed until the final phases of development. Affordable units shall be reasonably dispersed throughout the project. The County shall work with cities to require the same policies within incorporated areas.

Policy 42: The County shall work with cities to attain the Association of Bay Area Governments ABAG regional housing share goal (established in the County Housing Element for East County) of 21 percent moderate-income, 15 percent low-income, and 21 percent very low income housing units throughout East County.

Policy 43: The County shall require each residential and non-residential project to contribute to meeting the housing needs of very low-, low- and moderate-income households (~~see definition in Table 1~~). 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.

Program 13: The County shall adopt an ordinance establishing 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.

#### Industrial/Commercial/Office Uses and Economic Development

Policy 48: The County shall work with cities to designate an adequate, but not excessive, supply of land for industrial, commercial, and office development to meet ~~the~~ East County needs consistent with the Initiative holding capacity for the planning period.

#### Community Facilities

Policy 55: The County shall promote the location of community facilities near major transportation centers and within existing city downtown areas ~~and proposed community centers (see Tables 6 and 8).~~

#### General Open Space

Policy 60: The County shall require all new developments, including those resulting from conversion of Urban Reserve, to dedicate or acquire land for open space and/or pay equivalent in-lieu fees to the Alameda County Open Space Land Trust which shall be committed to open space land acquisition and management

and shall encourage the cities to impose similar open space requirements on development in incorporated areas. Detailed development plans (e.g., specific plans) required for each phase of Major New Urban Developments shall include a detailed open space program ensuring the preservation of land for open space use, sufficient funds to manage open space land, and the fair compensation of property owners.

Program 21A: The County shall work with East County cities to: (1) develop a comprehensive open space preservation program, for lands outside the Urban Growth Boundary, including land north of the Urban Growth Boundary in North Livermore as established through program 1A, 2) establish priorities, and identify feasible mechanisms for acquisition or dedication of land in open space areas within 2 years of the effective date of the Initiative, identified in policy 55A, and 3) assign responsibility to Major New Urban Developments and other development in the East County for open space preservation. In addition to impact fees on new urban development, the program shall analyze should consider other land acquisition techniques including dedication of easements in return for development rights and/or bonuses, transfer of development credits, and bonds or other fees/funds for land acquisition.

#### Agricultural Support Services

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.

Policy 85: In areas designated Large Parcel Agriculture, the County shall permit limited agriculture enhancing commercial uses that primarily support the area's agricultural production, are not detrimental to existing or potential agricultural use, demonstrate an adequate and reliable water supply, and comply with other policies and programs of the Initiative.

#### Williamson Act Contracts

Policy 89: The County shall not approve cancellation of Williamson Act contracts within or outside the County Urban Growth Boundary except where findings can be made in accordance with state law, and the cancellation is consistent with the Initiative. In making any such findings with respect to land inside the Urban Growth Boundary, the County shall consider the following: In no case shall contracts outside the Urban Growth Boundary be cancelled 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.

- ~~The Urban Growth Boundary is designed to encourage orderly, planned development and to satisfy state-mandated housing requirements (see policies 1 and 11). Cancellation of contracts inside the Urban Growth Boundary may be necessary to advance these and other important goals of the east County Area Plan.~~
- ~~Cancellation of contracts inside the Urban Growth Boundary will not result in the removal of lands outside the Urban Growth Boundary from agricultural use (see Policy 17).~~
- ~~The Urban Growth Boundary defines areas suitable for agriculture and will be used to provide certainty regarding agricultural investment (see policy 1). In establishing the location of the Urban Growth Boundary (and Major New Development areas), the County considered the availability and suitability for urban use of contracted and non-contracted land on a subregional basis.~~
- ~~Where growth is properly phased (see policies 13, 15, 98, and 99), contract cancellation will not result in discontinuous patterns of urban development. In such cases, the development of contracted land will provide more contiguous patterns of urban development than development of proximate non-contracted land. Proper phasing of development may justify some contract cancellation in order to protect the County's permanent agricultural land inventory as defined by the Urban Growth Boundary.~~

- ~~Lands outside the Urban Growth Boundary generally are not suitable or available for urban growth. Inside the Urban Growth Boundary, the need for urban growth on contracted land would only temporarily be delayed by shifting early growth to non-contracted land.~~

### Rural Development

Policy 93 99A: Outside the Urban Growth Boundary the County shall may approve divisions of agricultural parcels only when to the extent consistent with the Initiative, and, if applicable, the criteria set forward in Table 9, Standards for Subdivision and Site Development Review for Agricultural Parcels are met. In evaluating a subdivision application, the analysis shall should assume that each parcel includes a building envelope which could be developed with a residence (even if a residences are is not proposed as part of the application).

### Single Family Clustering

Program 36: Notwithstanding any other provision of the Initiative, the County may permit residential and other structures allowed on a parcel or adjoining parcels on land designated Large Scale Agriculture, Resource Management or Water Management Lands on February 1, 2000, or by the Initiative, to be clustered on one or more of the parcels on adjacent development parcels not to exceed 2 acres each. No additional residential units may be built as a result of clustering, except a bonus of one residential unit for each 5 residential units clustered may be permitted.

For each residential unit clustered, an area equal to the minimum parcel size otherwise applicable to the parcel from which the unit was derived minus the area of the clustered parcel shall be protected permanently from further development, except for agricultural structures necessary for agricultural use, by dedication of a conservation easement on a single, continuous area to Alameda County or by other comparably effective means.

Except as provided in this program, all clustering shall comply with the provisions of the Initiative. Care shall be taken in permitting clustering not to impair existing or potential agricultural uses, water quality, or environmental or visual values. Consistent with those requirements, clustering shall be configured to maximize the amount of contiguous agricultural acreage.

### Parcel Size

Program 39A: The County shall amend The Zoning Ordinance to create the shall have an "A-160" (Agriculture - 160-acre minimum parcel size) District and the an "A-320" (Agriculture - 320-acre minimum parcel size) District. The "A-160" (Agriculture - 160-acre minimum parcel size) District shall cover the following areas: the Wind Resource Area (see Figure 4 - Open Space Diagram), except lands easterly of the California Aqueduct, and lands to the south of Tesla Road that are within one mile of Tesla Road between the San Joaquin County boundary and the South Livermore Valley Plan Area, as defined in Figure 4. The "A-320" (Agriculture - 320-acre minimum parcel size) District shall cover lands located generally to the south of the following boundary: parallel to and one mile south of Tesla Road from the San Joaquin County boundary to the South Livermore Valley Plan Area; the southern boundary of the South Livermore Valley Plan Area; parallel to and one mile south of Vallecitos Road from the South Livermore Valley Plan Area to the intersection of the one mile line with the northern boundary of San Francisco Water Department lands surrounding San Antonio Reservoir; the northern boundary of the San Francisco Water Department lands to the north/south section line directly west of San Antonio Reservoir; a line following the north/south section line to its intersection with Calaveras Road; and the northern boundary of the East Bay Regional Park District property located between Calaveras Road and the western boundary of the East County planning area. The amendment to the Zoning Ordinance shall include "grandfather clauses," as appropriate, to recognize the legal rights of property owners with existing special conditions on their property. Lands rezoned to "A-160" and "A-320" shall maintain the designations shown on the East County Area Plan Land Use Diagram. The "A-160" and "A-320" zoning designation shall not preclude the expansion of the South Livermore Valley Plan Area in accord with the policies of the South Livermore Valley Area Plan. (See, generally, Initiative Appendix 1 and 2.)

Program 40: The County shall amend the Zoning Ordinance and Subdivision Ordinance to shall specify that the 100 acre minimum parcel size permitted for the "A-100" (Agriculture - 100-acre minimum parcel

size) District, the 160 acre minimum parcel size permitted for the "A-160" (Agriculture - 160-acre minimum parcel size) District and the 320 acre minimum parcel size permitted for the "A-320" (Agriculture - 320-acre minimum parcel size) District are minimums and that the actual size of agricultural parcels shall be determined through an evaluation of individual circumstances of the property and surrounding land and may be larger than 100 acres in the "A-100" District, 160 acres in the "A-160" District, or 320 acres in the "A-320" District (see Table 9). Exceptions to these minimum parcel sizes may apply under within the South Livermore Valley Plan, as defined in "South Livermore Policies" at the end of this plan, in the North Livermore Intensive Agriculture Area, and where clustering of homesites is allowed under the Initiative.

#### Ridgelines

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.

#### Visual Protection

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.

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.

#### Alteration of Landforms

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 viewpoints.

#### Solid Waste and Hazardous Waste Facilities

Goal: To ensure provide sufficient long-term landfill capacity for County residents, without impeding achievement of the recycling goals in the County Charter, and to ensure the compatibility of solid waste facilities and adjacent uses.

#### Policies

Policy 141: The County shall coordinate with the Alameda County Waste Management Authority to provide for minimum state requirements for landfill capacity, a continuous 50 year landfill capacity through landfill expansion and/or new landfill facilities. Permits for new landfills or landfill expansions shall be limited to 15 years' capacity, except to the extent a longer period is necessary to meet State standards. "Capacity" for expansions shall be determined by disposal of waste from within Alameda County and San Francisco City and County in the landfill during the year prior to filing the permit application multiplied by the permit period or by the average annual disposal of waste from within Alameda County and San Francisco in the landfill over the 5 year period preceding the application multiplied by the permit period. in



either case to be adjusted proportionately by the Recycling Board's estimated percentage increase or decrease of solid waste generation in the County during the permit period. "Capacity" for new landfills shall be determined from then existing or reasonably projected contracts to use the new facility for waste generated within Alameda County and San Francisco during the permit period, again adjusted by the Recycling Board's estimated changes in solid waste generation. The County shall approve no new facility or expansion which would impede achievement of landfill diversion goals according to the Recycling Board schedule. Nothing in this Policy or the Initiative shall alter or affect the terms of the Altamont Landfill Expansion Settlement Agreement of December 5, 1999.

#### Quarries and Regionally Significant Aggregate Resource Areas

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.

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.

#### Description of Land Use Designations

Rural Density Residential allows for densities of 0 to 1 unit per acre. No parcel may be created under this designation which is less than 5 full acres. No more than 1 residential unit, plus any permissible secondary unit, may be permitted on a parcel. Except for infrastructure under Policy 14A, all buildings shall be located on a contiguous development envelope not to exceed 2 acres. Residential and residential accessory buildings shall have a maximum floor space of 12,000 square feet. This designation permits provides single family detached homes, secondary residential units, limited agricultural uses, public and quasi-public uses, and similar and compatible uses. The minimum parcel size allowed for a particular property within this designation will be determined on a case by case basis, but may range from 1 to 100 acres. Factors to be used in determining the minimum parcel size include, but are not limited to, the existing pattern or parcelization in the immediate area, historical subdivision patterns, the potential for disruption of agricultural productivity, and environmental considerations. When a property designated "Rural Density Residential" lies within the planning area of a city, as defined in that city's general plan, consideration will be given to the density allowed under the city's general plan designation.

Large Parcel Agriculture requires allows for a minimum parcel size of 100 acres, except as provided in Programs 39A and 40, and a. The maximum building intensity for non-residential buildings shall be .01 FAR (floor area ratio), but not less than 20,000 square feet. Where permitted, greenhouses shall have a maximum intensity of .025, except in areas supporting greenhouses where a maximum building intensity of .1 is allowed. One single family home per parcel is allowed provided that all other County standards are met for adequate road access, sewer and water facilities, building envelope location, visual protection compatibility, and public services. Residential and residential accessory buildings shall have a maximum floor space of 12,000 square feet. Additional residential units may be allowed if they are occupied by farm employees required to reside on-site. Apart from infrastructure under Policy 14A, all buildings shall be located on a contiguous development envelope not to exceed 2 acres, except they may be located outside the envelope if necessary for security reasons or, if structures for agricultural use, necessary for agricultural use. Subject to the provisions of the Initiative, this designation permits provides for low intensity agriculture (such as alfalfa, cattle and horse grazing), high intensity agricultural uses (such as row crops and vineyards), agricultural processing facilities (for example wineries, olive presses), limited agricultural support service uses (such as for example, barns, animal feed facilities, silos, stables, fruit stands, and feed stores), secondary residential units, visitor-serving commercial facilities (such as wineries by way of illustration, tasting rooms, fruit stands, bed and breakfast inns), recreational uses, public and quasi-public uses, solid waste landfills and related waste management facilities, quarries, windfarms and related facilities, utility corridors, other industrial uses appropriate for remote areas and determined to be compatible with agriculture, and similar and compatible uses compatible with agriculture. Special Uses may apply in South Livermore as defined in "South Livermore Policies" at the end of this plan. Different

provisions may apply in the South Livermore Valley Plan Area, or in the North Livermore Intensive Agriculture Area.

Resource Management requires allows for a minimum parcel size of 100 acres and a maximum building intensity for non-residential uses of .01 FAR, but not less than 20,000 square feet except in areas supporting greenhouses where a maximum building intensity of .1 is allowed. One single family home per parcel is allowed provided that all other County standards are met for adequate road access, sewer and water facilities, building envelope location, visual protection compatibility, and public services. Residential and residential accessory buildings shall have a maximum floor space of 12,000 square feet. Apart from infrastructure under Policy 14A, all buildings shall be located on a contiguous development envelope not to exceed 2 acres. except they may be located outside the envelope if necessary for security reasons or, if structures for agricultural use, necessary for agricultural use. Subject to the provisions of the Initiative, this designation permits provides for agricultural uses, recreational uses, habitat protection, watershed management, public and quasi-public uses, areas typically unsuitable for human occupation due to public health and safety hazards such as earthquake faults, floodways, unstable soils, or areas containing wildlife habitat and other environmentally sensitive features, secondary residential units, active sand and gravel and other quarries, reclaimed quarry lakes, and similar and compatible uses. Sand and gravel quarries allow a range of uses including sand and gravel processing, associated manufacturing and recycling uses requiring proximity to quarries, reclamation pits, and public use areas. This designation is intended mainly for land designated for long-term preservation as open space but may include low intensity agriculture, grazing, and very low density residential use.

Water Management Lands allows for a minimum parcel size of 100 acres and a maximum building intensity of .01 FAR. One single family home per parcel is allowed provided that all other County standards are met for adequate road access, sewer and water facilities, building location, visual compatibility protection, and public services. Residential and residential accessory uses shall have a maximum floor space of 12,000 square feet. Apart from infrastructure under Policy 14A, all buildings shall be located on a contiguous development envelope not to exceed 2 acres. except they may be located outside the envelope if necessary for security reasons or, if structures for agricultural use, necessary for agricultural purposes. Subject to the provisions of the Initiative, This designation provides for active sand and gravel quarries, reclaimed quarry lakes, watershed lands, arroyos, and similar and compatible uses. Sand and gravel quarries allow a range of uses including sand and gravel processing, associated manufacturing and recycling uses requiring proximity to quarries, reclamation pits, and public use areas, and potential development areas. Note: See individual reclamation plans for specific uses, planned public access, development, and quarry areas. Quarry lakes currently are used for quarrying operations as an interim use and are not open to the public but may be in the future. Watershed lands generally are not open to the public but serve as passive open space and are protected from development. Arroyos are typically used for flood control and may be accessible for public use.

#### **General Transportation**

Policy 166: The County shall adhere to provisions of the Regional Transportation Plan, Countywide Transportation Plan, and County Congestion Management Program, insofar as they are not inconsistent with the Initiative.

Policy 185A: The County shall promote opportunities (1) to develop trunkline transit service to serve local trips between Major New Urban Developments, regional job centers, major shopping areas, Las Positas College, major recreational destinations, South Livermore Wine Country, the North Livermore Intensive Agriculture Area, and East Dublin BART, and (2) to develop feeder transit service between East Dublin BART stations and major East County job centers to facilitate commuting from west Alameda County.

#### **Solid Waste Facilities**

Policy 230: The County shall conform its solid waste policies and programs to the Recycling Plan prepared by the Recycling Board, and generally coordinate its hazardous and solid waste management coordinate solid and hazardous waste management planning with the Alameda County Waste Management

Authority's goals, policies, and plans, except to the extent that they are inconsistent with the Initiative or the Recycling Plan.

#### Water

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 East County holding capacity projections.

Policy 236: The County shall approve new development only upon contingent on verification that an adequate, long-term, sustainable, clearly identified water supply can will be provided to serve the development, including in times of drought. The County shall encourage developers of Major New Urban Development to seek new sources of water to supplement existing sources so that there will be sufficient water for smaller infill projects.

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, the buildout projections of the East County Area Plan.

#### North Livermore Intensive Agriculture

Policy 301A: (1) The purpose of this Policy is to permit and encourage cultivated agriculture and to preclude urbanization in the North Livermore area, without unduly impairing the open, natural qualities of the area.

(2) In the area demarcated by Dublin's Sphere of Influence boundary on February 1, 2000, the County Urban Growth Boundary in North Livermore as established by the Save Agriculture and Open Space Lands Initiative, Dagnino Road extended north to the Alameda/Contra Costa County line, and the County line, 20-acre minimum parcels may be created as a density bonus exception to the larger minimum parcel size that otherwise would be applicable. Before any of these subsize parcels may be created, the Board of Supervisors shall hold public hearings and prepare and certify an environmental impact report and economic analysis for the demarcated area with respect to the creation of the parcels and their use for cultivated agriculture. The Board of Supervisors must find for all or a significant part of the demarcated area (1) that there will be an adequate, sustainable, safe supply of water for projected cultivated agriculture and other uses; (2) that cultivation and irrigation will not cause significant harm to groundwater, soil, biota, or other environmental qualities; and (3) that the parcels, with cultivated agriculture, will be economically viable before it may permit the creation of subsize parcels in those areas. The Board shall establish standards to prevent unnecessary or unjustifiable harm to the environment, including visual qualities, under this Policy.

(3) A parcel authorized by this Policy shall be allowed only if an adequate and permanent agricultural water supply for permissible irrigation and other uses has been demonstrated for the parcel and for any remainder parcel that would be smaller than the otherwise applicable minimum parcel size. An adequate and permanent water supply shall be deemed demonstrated if a valid contract exists with an irrigation district, water agency or the City of Livermore for necessary water, or water experts testify that an adequate and permanent groundwater supply is assured. Groundwater shall not be regarded as an adequate supply if its use would violate any person's legal right to water. A parcel may not be created unless 90% of the parcel has a slope of 20% or less. Parcel boundaries shall be drawn to maximize productive use for cultivated agriculture.

(4) Parcels may not be created under this Policy unless owners transfer to a land trust a conservation easement that effectively and permanently bars any development not permitted by this Policy. Owners shall contract with the County and the land trust, under the easement, and provide a bond or other appropriate guarantee, that when water is available they will plant and maintain for 8 or more years a cultivated agriculture crop on the portion of a parcel which may be irrigated, except on a development envelope not to exceed 2 acres. The easement, with its terms and undertakings, shall be duly recorded and shall be binding

on the owners' successors and assigns. If parcel division results in any remainder parcel smaller than the otherwise applicable minimum parcel size, that parcel also must be subject to a conservation easement with a contract and guarantee as specified above in this paragraph.

(5) If no appropriate land trust is available, an agricultural land trust shall be created by Alameda County. It shall be an independent nonprofit corporation qualified under State law to receive conservation easements. The trust shall have 7 directors: 3 shall be appointed by the Alameda County Board of Supervisors, 3 by the City of Livermore, and 1 by the other members of the trust. If the City of Livermore fails to appoint any of its trustees within 3 months of a vacancy, the Alameda County Board of Supervisors shall appoint them. The County, the City of Livermore, parcel owners, and environmental and other community groups shall be represented on the Board of Directors. The existing or new trust's operations under this Policy shall be financed, to the extent need be, by the County. The County shall levy a fee on parcels created under this Policy to defray the costs. The trust shall monitor and may enforce owner contracts to plant and maintain areas in cultivated agriculture. The panel of experts established in Section 18 of the Initiative shall also review the cultivated agriculture, and suggest practices which will enhance its viability and minimize its environmental impacts.

(6) One residence and residential accessory buildings may be built on each 20 acre or larger parcel created under this Policy south of May School Road and a line extended straight west and in Doolan and Collier Canyons. No residence or other non-agricultural structure is allowed on a parcel created under this Policy in the remainder of the area demarcated in paragraph (2).

(7) Land may not be cultivated or irrigated if the slope is greater than 20%, or to the extent that cultivation or irrigation would have a significant adverse effect on an environmentally sensitive area. Environmentally sensitive areas include but are not limited to any area which is critical habitat for endangered or threatened species, wetlands, riparian corridors and other land with important environmental values.

(8) Limited agriculture-enhancing commercial uses (for example, fruit stands, sampling rooms, restaurants and bed and breakfast establishments) may be permitted in the intensive agricultural area; provided that the use is functionally related to and will promote agricultural products grown or processed in Alameda County; the use is compatible with agricultural production; there is an adequate and reliable water supply that does not significantly diminish the availability of water for agricultural use or violate any person's water rights; all potential conflicts with surrounding agricultural uses and environmental impacts are mitigated to the satisfaction of the County; and the use will not create a concentration of commercial uses.

(9) All residential, agricultural (including wineries, olive presses and other processing facilities) and other buildings shall be located within a 2 acre contiguous development envelope. Subject to environmental constraints, development envelopes shall be located to maximize cultivated agriculture productivity. Wherever practicable, development envelopes shall be clustered on one or more parcels in an area equal to 2 acres multiplied by the number of envelopes clustered. The floor area for all nonagricultural buildings, except restaurants, shall not exceed 12,000 square feet; the floor area ratio for agricultural and agricultural processing buildings shall be .01, but not less than 20,000 square feet. Bed and breakfast establishments shall be located in owner occupied buildings. In all cases, siting of development envelopes and structures shall be controlled so that views from roads, trails and other public places are not substantially blocked and to minimize environmental harm.

(10) The County shall establish a trail system in any intensive agriculture area to foster public enjoyment of the open space. As a condition to approving subsize parcels authorized by this Policy, the County shall require a trail easement.

(11) Unless contradictory to this Policy, general County development and building standards and fees shall apply to the parcels created under this Policy, including but not limited to those relating to utilities, waste disposal, health, safety, building codes, site and structure design, earth moving, landscaping, visual protection, and historic site and structure preservation. No structures may be located on ridgelines or

hilltops or so that they protrude above ridgelines or hilltops contrary to Policy 106A, nor within 100 feet of riparian corridors, in Federal Emergency Management designated floodplains, or where they will have a significant adverse effect on an environmentally sensitive area as defined in paragraph (7).

#### South Livermore Valley Vineyard Area Expansion

Policy 302: The County shall encourage the expansion of cultivated agricultural, particularly viticultural, use in the South Livermore Valley from the current 2,100 acres to the maximum acreage possible within the area delimited in Section 6 of the Initiative, with a minimum acceptable level of 5,000 acres.

Program 117: The County may expand the Vineyard Area not to exceed 1 mile beyond the South Livermore Valley Area Plan boundary on February 1, 2000, for purposes of seeking to attain the goal in Policy 302 of 5000 acres of cultivated agriculture, upon landowners request, provided that the expansion area ~~a candidate parcel or group of parcels~~ meets the following criteria:

- a. It is contiguous to the existing Vineyard Area boundary.
- b. It contains at least forty acres less than 25% slope.
- c. The applicant demonstrates the parcel's area's significant agricultural potential.
- d. The applicant submits a Planned Development (PD) District application satisfying the Vineyard Area criteria in Programs 115, 116, 118, 120, 121, and 123 ~~above~~. (Appendix 8)

#### Section 9. Deletions from the East County Area Plan

Existing Policies 10, 11, 11A, 11B, 15, 21, 23, 23A, 23B, 24, 25, 25A, 27, 28, 29, 30, 81A, 85, 99, 144, 148, 202, 226, 245A and 282A, Programs 1, 1A, 9A, 9B, 36, 137 and the description of Urban Reserve are hereby deleted from the East County Area Plan. These policies, programs and texts are set forth in full in ~~strikeout~~ type in Appendix 3.

#### Section 10. Definitions

The following definitions are added to Table 1 of the East County Area Plan:

"Development" means the placement or erection of any solid material or structure; construction, reconstruction or alteration of any structure; change in the density or intensity of any use of land, including any division of land; grading, removing, extraction or deposition of any materials; and disposal of any waste. "Structure" includes but is not limited to any building, greenhouse, tower, utility line.

"Initiative" means the Save Agriculture and Open Space Lands Initiative submitted to the Board of Supervisors in 2000.

#### Section 11. Tables in East County Area Plan Appendix

(a) The County, as soon as practicable, shall bring the projection estimates in Tables A-1, 3 and 5, and the reader-assistance summary in Table 14 into accordance with the East County Area Plan as amended by this ordinance.

(b) In Table 1, the definitions of Community Centers, Major New Urban Developments and Urban Reserve, which are included in Appendix 4 in ~~strikeout~~ type, are deleted.

(c) The Definitions in Appendix 4 which are not deleted and the Standards in Table 9, Appendix 6, are hereby enacted. (Appendix 1, 2, 7, and 8 are not enacted by this ordinance, but rather are included for reference.)

(d) Tables 6, 7 and 8 are deleted (see Appendix 3).

(e) In Table 10, Appendix 7, a maximum floor area of 12,000 square feet is added for residential and residential accessory buildings in Rural Density, Large Parcel Agriculture, Resource Management, and Water Management Lands; the floor area ratio (FAR) in Large Parcel Agriculture and Resource Management is changed by adding a minimum of not less than 20,000 square feet. For Rural Density the Allowable Gross Density is changed from less than 1 unit/acre to 5 acre minimum parcel size, and Typical Uses from 1 - 100 acre to 5 acre or less.

## Section 12. Withdrawal from North Livermore Joint Planning Agreement

In view of the provisions of this ordinance, the County hereby withdraws from the joint planning Settlement Agreement of July 18, 1995, between the County, the City of Livermore, Shea Homes Limited Partnership and Jennifer Lin. Responsible County officials shall give appropriate notice of this withdrawal to the other parties to the agreement.

## Section 13. Castro Valley and Palomares Canyonlands

The Castro Valley and Palomares Canyonlands, for purposes of this ordinance, are an area demarcated on February 1, 2000, by the eastern city limits of the City of Hayward, north to the Urban Area Boundary in the Fairview Area Specific Plan of Sept. 4, 1997, to U.S. I-580, east to the eastern, northern, and western boundaries of the Palomares Hills development (Assessor's Designated Parcels 85-A-1645-7, 85A-1650-1-1, 85A-1600-5, 85A-1600-4-4, 85A-1600-3, 85A-1600-2, 85A-1550-2-8, 85A-1600-6, 85A-100-5, 85A-100-4-2, 85-5100-5, 85-5100-4-2, 85A-1-18, 85A-1-7, 85A-1-8), to Crow Canyon Road, south to the intersection of Coldwater Drive, to the eastern and northern boundaries of the Greenridge development and the northwestern and western boundaries of the Briar Ridge development (Assessor's Designated Parcels 85-1600-2-74, 85-1600-2-58, 85-1600-3-2, 85-1400-4-8, 85-1400-6, 85-1510-10-3), to Cull Canyon Road, south to Hever Avenue, to the boundaries of the Columbia development (Cull Canyon Regional Recreation Area and Assessor's Designated Parcel 85-1200-1-7), to the boundary of East Bay Municipal Utility District watershed lands (Assessor's Designated Parcels 84D-1400-2-28, 85-1000-2), to Redwood Road, to the eastern boundaries of Anthony Chabot Regional Park and Redwood Regional Park, to the Alameda-Contra Costa County line, east to the boundary of the East County Planning Area, south to the city limits of Dublin, west to the boundary of the East County Planning Area, south to the city limits of Fremont, west to the city limits of Union City, north to the city limits of Hayward; and an area commonly known as Chabot Terrace (Assessor's Designated Parcels 79-100-1, 79-100-2, 79-110-1, and 79-110-2) (See Map, Appendix 1). Listed Assessor's Designated Parcels are fully included in the demarcated area.

These Canyonlands are subject to the same restrictions 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 Description of Land Use Designations in the East County Area Plan. In addition Policies 81A, 106A, 107A, 113A, 113B and 236, and the provisions governing clustering in Program 36, of the East County Area Plan shall apply to the canyonlands. Policy 144 of that Plan shall apply without regard to Urban Growth Boundaries.

## Section 14. General Plan Open Space Element Amendment

The Open Space Element of the General Plan is amended to read as follows:

### Agricultural Open Space

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.

In the Castro Valley and Palomares canyonlands in an area demarcated on February 1, 2000, by the eastern city limits of the City of Hayward, north to the Urban Area Boundary in the Fairview Area Specific Plan of Sept. 4, 1997, to U.S. I-580, east to the eastern, northern, and western boundaries of the Palomares Hills development (Assessor's Designated Parcels 85-A-1645-7, 85A-1650-1-1, 85A-1600-5, 85A-1600-4-4, 85A-1600-3, 85A-1600-2, 85A-1550-2-8, 85A-1600-6, 85A-100-5, 85A-100-4-2, 85-5100-5, 85-5100-4-2, 85A-1-18, 85A-1-7, 85A-1-8), to Crow Canyon Road, south to the intersection of Coldwater Drive, to the eastern and northern boundaries of the Greenridge development and the northwestern and western boundaries of the Briar Ridge development (Assessor's Designated Parcels 85-1600-2-74, 85-1600-2-58, 85-1600-3-2, 85-1400-4-8, 85-1400-6, 85-1510-10-3), to Cull Canyon Road, south to Hever Avenue, to the boundaries of the Columbia development (Cull Canyon Regional Recreation Area and Assessor's Designated Parcel 85-1200-1-7), to the boundary of East Bay Municipal Utility District watershed lands (Assessor's Designated Parcels 84D-1400-2-28, 85-1000-2), to Redwood Road, to the eastern boundaries

of Anthony Chabot Regional Park and Redwood Regional Park, to the Alameda-Contra Costa County line, east to the boundary of the East County Planning Area, south to the city limits of Dublin, west to the boundary of the East County Planning Area, south to the city limits of Fremont, west to the city limits of Union City, north to the city limits of Hayward; and an area commonly known as Chabot Terrace (Assessor's Designated Parcels 79-100-1, 79-100-2, 79-110-1, and 79-110-2) (See Map, Appendix 1, Save Agriculture and Open Space Lands Initiative), those areas which were categorized in this Element as Agricultural Open Space on February 1, 2000, are subject to the restrictions on minimum parcel size, development and permissible use in the Resource Management Description of Land Use Designations in the East County Area Plan. They are also subject to Policies 81A, 106A, 107A, 113A, 113B, 144 (without regard to Urban Growth Boundaries) and 236, and the provisions governing clustering in Program 36 in that Plan.

#### Preserves

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 General 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.

In the demarcated area described above under Agricultural Open Space those areas on February 1, 2000, which were categorized as Preserves, were categorized as neither Agricultural Open Space nor Preserves, and all of Chabot Terrace are subject to the restrictions in the Resource Management Description of Land Use Designations in the East County Area Plan. They are also subject to Policies 81A, 106A, 107A, 113A, 113B, 144 (without regard to Urban Growth Boundaries) and 236, and the provisions governing clustering in Program 36 in that Plan.

#### Section 15. Castro Valley Plan

The Castro Valley Plan is amended as follows:

##### 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.

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 in the Resource Management Description of Land Use Designations and Policies 81A, 106A, 107A, 113A, 113B, 144 (without regard to Urban Growth Boundaries) and 236, and the provisions governing clustering in Program 36 in the East County Area Plan.

#### Section 16. General Plan for the Central Metropolitan-Eden-and Washington Planning Units

The General Plan for the Central Metropolitan-Eden-and Washington Planning Units is amended by adding:

##### 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 and Policies 81A, 106A, 107A, 113A, 113B, 144 (without regard to Urban Growth Boundaries) and 236, and the provisions governing clustering in Program 36 in the East County Area Plan.

#### Section 17. General Plan Park and Recreation Element

The following is deleted from Page 1 of the General Plan Park and Recreation Element: Principles and Standards for Planning Local Parks and Other Recreation Areas:

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.

#### Section 18. Agriculture Advisory Panel

The County shall 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 shall recommend new County policies and ways to strengthen the implementation of existing policies. Citizen input shall be solicited.

#### Section 19. Inconsistent County Plans, Ordinances and Action

(a) To prevent otherwise unavoidable inconsistency within the General Plan, once this ordinance is submitted to the County Counsel for a title and summary, any subsequent amendments of the General Plan, except as approved by the voters of Alameda County after the date this ordinance is approved, are superseded and nullified to the extent inconsistent with this ordinance.

(b) Except to the extent provided by State law, any provision of any existing or subsequently adopted area or specific plan which is not part of the General Plan, and of any zoning regulation, or any other ordinance, resolution or policy of the County of Alameda which is not part of the General Plan is ineffective to the extent that provision is inconsistent with this ordinance.

(c) Except as required by State law, no subdivision map, development agreement, development plan, use permit, variance or any other discretionary administrative or quasi-administrative action which is inconsistent with this ordinance may be granted, approved, or taken.

#### Section 20. Compliance and Enforcement

The Board of Supervisors and other officials and employees of Alameda County shall carry out and enforce the provisions of this ordinance and generally the provision of the East County Plan diligently and effectually. They are mandated to use the most effective means available to prevent, abate and remedy violations.

#### Section 21. Effective Date

This ordinance shall become operative as provided by statute, except that if all the General Plan amendments permitted by law in the year in which the ordinance is approved by the voters have been made, the ordinance shall amend the Plan on January 1 of the following year.

#### Section 22. Application

(a) This ordinance does not affect existing parcels, development, structures, and uses that are legal at the time it becomes effective. However, structures may not be enlarged or altered and uses expanded or changed inconsistent with this ordinance, except as authorized by State law.

(b) Except to the extent there is a legal right to development, the restrictions and requirements imposed by this ordinance shall apply to development or proposed development which has not received all necessary discretionary County and other approvals and permits prior to the effective date of the ordinance.

#### Section 23. Amendments

The provisions of this ordinance may be changed only by vote of the people of Alameda County, except the Board of Supervisors may impose further restrictions on development and use of land. The Board may also make technical or nonsubstantive modifications to the terms of this ordinance, to the extent the terms are incorporated into the East County Area Plan, the Castro Valley Plan, the General Plan for the Central Metropolitan - Eden - and Washington Planning Units, or the Open Space Element of the General Plan for purposes of reorganization, clarification or formal consistency within a Plan. Any modifications must be consistent with the purposes and substantive content of this ordinance.

#### Section 24. Severability



If any section, subsection, policy, program, paragraph, subparagraph, sentence, clause, or application of this ordinance is held unconstitutional or otherwise invalid, the invalidity of that part or application shall not affect the validity of any other part or application of this ordinance; to that end the parts and applications of this ordinance shall be deemed severable. The voters of Alameda County expressly and deliberately declare that each section, subsection, policy, program, paragraph, subparagraph, sentence, clause, or application would have been enacted as it was irrespective of the fact that one or more other sections, subsections, policies, programs, paragraphs, subparagraphs, sentences, clauses, or applications is declared invalid unless the effect would plainly be to defeat a purpose or purposes of the ordinance.

#### Section 25. Conflicting Measures

If there are other General Plan amendments on the same ballot as this measure which are approved by the voters, this ordinance shall nevertheless be effective, except to the extent that its provisions are in actual irreconcilable conflict with specific General Plan amendments of one or more of the other measures and that measure or measures receive more votes. General provisions in another measure purporting to nullify the provisions of this ordinance shall be ineffective.

### Appendix 3

#### Deletions From the East County Area Plan (Pursuant to Section 9)

~~Program 1: The County shall review the Urban Growth Boundary and the land use designations within it every five years as part of the periodic general plan review process or in response to applications for general plan amendments. Prior to adjusting the Urban Growth Boundary, through the five year review process or through an amendment to the East County Area Plan, the County shall require findings that the adjustment: 1) is otherwise consistent with the goals and policies of the plan, 2) would not promote sprawl or leap frog development, or induce further adjustment of the boundary, 3) would not unacceptably affect visual and open space resources, and 4) is justifiable based on a balancing of criteria contained in Table 2. In addition, the Urban Growth Boundary will be adjusted to reflect city land use designations, if different from those in the East County Area Plan, if land is annexed.~~

~~Program 1A: The County shall make every effort, in cooperation with the City of Livermore, to achieve the permanent protection of the lands north of May School Road in North Livermore designated as Large Parcel Agriculture through strategic purchases and other land acquisition techniques. A recommendation to the Board of Supervisors regarding the location of the Urban Growth Boundary in this area will follow a two year planning process during which the County and the City of Livermore and other East County cities will identify and evaluate open space strategies for the permanent preservation in agriculture and/or open space of these lands. The recommended location for the Urban Growth Boundary shall be such that the lands north of the Urban Growth Boundary can be preserved through the use of feasible financial mechanisms. The open space program for this area shall be consistent with the open space objectives of policy 55A and shall be coordinated with the planning process for Major New Urban Development in North Livermore (see program 9B). The County shall determine, within two years from adoption of the East County Area Plan, the appropriate location of the Urban Growth Boundary in the North Livermore area and shall modify Figure 3 of the plan accordingly.~~

~~Policy 10: The County intends that the ECAP shall be a long term subregional plan for the accommodation of projected growth consistent through the year 2010 if such growth occurs and if plan policies relating to level of service and other development standards can be met. The 2010 holding capacity of approximately 94,700 housing units (252,000 population) and approximately 151,900 jobs within the East County planning area, inclusive of incorporated and unincorporated areas, is generally consistent with the Association of Bay Area Governments' (ABAG) Projections 92 (see Tables 3 and 4).~~

Policy 11: The County shall ensure that adequate land remains within the Urban Growth Boundary to accommodate projected growth through 2010 and to achieve state mandated housing targets consistent with program 1A, policy 11B, and other plan policies and programs. To accomplish this, the County 1) shall seek to achieve the development densities provided for in the plan, and 2) shall work with cities to consider the potential for additional development in the areas identified as Urban Reserve.

Policy 11A: The County shall designate potentially developable land beyond what is needed to accommodate projected growth through the year 2010 as Urban Reserve in order to create flexibility in the siting of urban development and to increase housing affordability by stabilizing land costs. Conversion of Urban Reserve to urban uses could be considered at any time through a general plan amendment, specific plan, and environmental review.

Policy 11B: The County shall designate the area north of May School Road in North Livermore as Large Parcel Agriculture (see Land Use Diagram). Accommodation of future growth past 2010 in this area shall be considered only for that portion of the area that has been located within the Urban Growth Boundary as drawn pursuant to program 1A and only if the following conditions can be met: 1) infrastructure and service standards as defined by ECAP can be achieved; 2) federal air quality standards can be met; and, 3) the need for additional development can be established through the following criteria: (a) at least 80 percent of the land designated for the proposed use within the Urban Growth Boundary has been committed to that use, (b) density and infill goals of the plan have been or are being implemented in a satisfactory manner. Conversion to urban uses for lands that meet the above conditions could occur only after 2010 and would require a general plan amendment.

Policy 15: The County shall phase development to minimize premature loss of agricultural land. Agricultural land may be urbanized where conversion is a part of phased growth planned to avoid discontinuous (leap frog) development.

Policy 21: The County shall not approve new areas of rural residential development outside the Urban Growth Boundary, except where clustering of homesites will not disrupt existing agricultural productivity on large land holdings, or in infill locations within the existing pattern of parcelization.

#### Major New Urban Developments

Policy 23: The County shall allow the development of Major New Urban Developments (see definition in Table 1) of at least 3,000 acres in areas that can provide transit and pedestrian oriented development features, a mix of residential and commercial uses, a range of housing prices, dedicated open space, and a full range of public facilities and amenities. The County shall consider proposals for Major New Urban Development only in the areas of North Livermore and Eastern Dublin.

Policy 23A: The County shall require a detailed Development Phasing and Community Facilities plan for Major New Urban Developments prior to approval of the specific development plan for the first phase of development. The plan shall include comprehensive community design standards, a comprehensive circulation and infrastructure plan, the identification of utility systems, and improvement standards and cost estimates for all infrastructure, public services, and facilities, and shall also include a financing plan. The financing plan shall ensure that development will pay the full cost of all capital improvements and shall ensure that revenue generated by the project is sufficient to pay for general services and other operating costs.

Policy 23B: The County shall require that all development proposals within a Major New Urban Development area be consistent with the Development Phasing and Community Facilities plan and the specific development plans for each major development phase required for Major New Urban Developments.

Policy 24: The County shall support a Major New Urban Development in North Livermore with a holding capacity of approximately 12,500 housing units with the precise number of units to be determined when detailed development and open space plans are formulated (see program 2B). The Major New Urban

Development in North Livermore shall be designed to be a self-sufficient, transit and pedestrian-oriented, compact community that includes major open space and other public amenities and that will not impose a fiscal burden on the County or cities. The County shall work with the City to consider the annexation of the North Livermore Major New Urban Development to the City of Livermore subject to the City's commitment to the timely and efficient development of this area, including any necessary actions to provide long-term commitments in light of the City's housing implementation program and other land use policies.

Policy 25: The County shall support a Major New Urban Development in Eastern Dublin with a holding capacity of approximately 14,000 housing units consistent with the Eastern Dublin Specific Plan and General Plan Amendment as adopted May 10, 1993. The County shall support phased annexation of any portion of the Eastern Dublin Specific Plan area to the City of Dublin.

Policy 25A: The County shall support job creation in Major New Urban Developments that reflects realistic absorption projections based on income constraints and that achieves a subregional housing balance (see Table 5).

Policy 27: The County shall require development plans (e.g., specific plans) for each major development phase of Major New Urban Developments. Within each major development phase, the County shall support development at densities that, on average, meet or exceed the mid-point of the density range for each residential land use category, except Very High Density Residential. The County shall provide incentives to build to the high end of the density range of each residential land use category in areas adjacent to community centers and transit facilities to promote transit use and compact development (see definition in Table 1).

Policy 28: The County shall require that developers of Major New Urban Developments (MNUD) contribute toward the goal of fulfilling the ABAG regional housing goals. For the East County planning area, these goals are 21% moderate income housing, 15% low income housing, and 21% very low income housing. All MNUD market rate units will be subject to an affordable housing fee. The fees the County collects will be used outside the MNUD towards meeting any portion of the ABAG regional goal not met within the MNUD. Developers shall build 21% of the units within each MNUD as moderate income units, including owner and rental units. Developers shall also work with the County to provide 15% of the units within each MNUD as a mix of low and very low income units. The County shall work actively with developers to find funding to ensure that these low and very low income units can be built within the MNUD. Developers may coordinate with other for-profit or non-profit developers in the development of these units. Developers may be allowed by the County to dedicate sites within the boundary of the MNUD for low or very low income projects in lieu of paying the affordable housing fee. Specific details in the implementation of these requirements for each MNUD shall be developed as part of its Community Facilities and Development Phasing plan and relevant specific plans.

Policy 29: The County shall approve Major New Urban Developments only if they are consistent with the performance guidelines contained in Table 6, the level of service guidelines contained in Table 7, and the urban design guidelines contained in Table 8, and only if they will not impose a fiscal burden on the County or cities.

Policy 30: The County shall seek to ensure the compatibility of Major New Urban Development with adjacent land uses.

#### Infill

Program 9A: The County shall support and participate in a comprehensive planning effort by the City of Livermore for the area surrounding the Livermore Labs west and east of Greenville Road now designated as Urban Reserve and Industrial. The County supports the consideration of this area for its urban potential because of its negligible agricultural value, proximity to access and services as well as its proximity to East County's single largest employer, the Livermore Labs, and the Laboratory's plans for conversion to new uses.

### Major New Urban Developments

Program 9B: The County and City of Livermore will participate in a joint planning process for the development of a specific plan and Development Phasing and Community Facilities Plan for the North Livermore Major New Urban Development. This joint planning process will be funded by the landowners/developers, and include a two-year time frame for the completion and adoption by the City of Livermore and the County of the jointly prepared plans. If the City and County adopt the jointly prepared land use plans within this time period (or such longer period as may be agreed to by the City and the County), the County shall support annexation and development of the project by the City. The specific plan must be consistent with the performance standards included in Tables 6 and 7, and the open space preservation requirements in program 21A, and include an assessment of fiscal impacts on both the City of Livermore and Alameda County, and a marketing analysis. If the City does not, within this two-year period (or such longer period as may be agreed to by the City and the County), adopt a jointly prepared specific plan and Development Phasing and Community Facilities Plan and take actions necessary to facilitate development of the Major New Urban Development within the City (see policy 24), the County may proceed with the specific plan program in the unincorporated territory.

Policy 81A: The County shall permit agricultural processing facilities and limited agricultural service uses that support local agricultural activities and are not detrimental to long-term agricultural use in the "A-100" (Agriculture 100-acre minimum parcel size), "A-160" (Agriculture 160-acre minimum parcel size), and "A-320" (Agriculture 320-acre minimum parcel size) Districts.

Policy 85: The County shall permit agriculture-enhancing commercial uses (see definition in Table 1) that are directly related to the area's agricultural production as conditional uses in areas designated "Large Parcel Agriculture," and in the South Livermore Valley.

### Development of Agricultural Land within the Urban Growth Boundary

Policy 99: The County shall approve urban development proposals on agricultural land within the Urban Growth Boundary only when they meet the following minimum criteria:

- the project site is contiguous to existing urban development or provides a high density, transit-oriented, community center as part of a Major New Urban Development.
- all necessary access roads, public utilities and services are available;

For parcels within South Livermore, the County shall approve urban development proposals on agricultural land according to the objectives contained in "South Livermore Policies" at the end of this plan.

Program 36: The County shall amend the Zoning Ordinance and Alameda County Agricultural Preserves Objectives, Uniform Rules and Procedures to conditionally allow for clustering of small parcels in the "A-100" (Agriculture 100-acre minimum parcel size) District, where the original parcel is 200 acres or greater and it can be demonstrated that the Table 9 Standards for Subdivision and Site Development Review for Agricultural Parcels can be adhered to. Each cluster parcel would be limited to a maximum parcel size of 5-20 acres, at an overall density of one home per 100 acres. A development envelope of no more than two acres shall be identified within which all residential development and residential accessory uses shall be located on each parcel, including the large remainder parcel. In exchange for the creation of cluster parcels, the remaining large parcel, with the exception of the two-acre development envelope, shall be preserved for agriculture in one of the following two ways: 1) permanently through the dedication of an agricultural open space easement to the Alameda County Board of Supervisors or by other comparable means; or 2) through the dedication of an agricultural open space easement to the Alameda County Board of Supervisors for a minimum term of 20 years that would preclude any further division of the large remainder parcel for the term of the easement. If the first option (permanent preservation) is selected, the owner may receive a density bonus of one additional parcel for every 200 acres of the original parcel as an incentive for dedicating a permanent easement. Discretion will be exercised as to the number of cluster parcels that may be created where it can be shown that a density of one unit per 100 acres would be detrimental to agricultural operations, water quality, or the environment; or where services cannot be adequately provided. The clustering shall be configured to maximize the amount of contiguous agricultural

acreage and minimize the impacts of residential sites on agricultural operations. To the extent feasible, the cluster parcels and the development envelope on the remainder parcel shall be located in close proximity to each other. Cluster parcels shall not be created outside the boundary of the original parcel. *(An alternative clustering program may apply within the Pleasanton Ridgeland area; see program 137.)*

**Program 137:** The County shall consider an alternative agricultural clustering program to apply within the Pleasanton Ridgeland area only, to allow clustering of single family homes on parcels of 200 acres or more that are zoned for a 100-acre minimum parcel size. This program would provide for a maximum parcel size of 5 acres for each clustered unit, at an overall density of one home per 100 acres, with the use of the balance of the property limited by a required dedication of an agricultural/open space easement. In all other areas zoned A-100, the provisions of program 36 would apply.

**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*.

**Policy 148:** The County shall ensure that where quarry operations are located in areas designated as Urban Reserve, extraction of the aggregate resource shall be allowed in the short term subject to conditions of Surface Mining Permits and Reclamation Plans and consistent with the Specific Plan for Livermore-Amador Valley Quarry Area Reclamation. Conversion of reclaimed land to urban uses may not occur until detailed land use plans are approved.

Urban Reserve allows for a minimum parcel size of 100 acres and a maximum building intensity of .01 FAR. One single family home per 100-acre parcel is allowed provided that all other County standards are met for adequate road access, sewer and water facilities, building envelope location, visual compatibility, and public services. This designation provides for low intensity agriculture, public and quasi-public uses, active sand and gravel and other quarries, reclaimed quarry lakes, utility corridors, and similar and compatible uses. Sand and gravel quarries allow a range of uses including sand and gravel processing, associated manufacturing and recycling uses, reclamation pits, public use areas, and potential development areas. Urban Reserve provides potentially developable land beyond what is needed to accommodate projected growth during the planning period thereby creating flexibility in the siting of development and stabilizing land costs. Any potential effect of future development on lands designated as Urban Reserve, including but not limited to effects on holding capacity of the plan and infrastructure capacity, shall be analyzed at the time of a general plan amendment application and associated environmental review.

#### General Services and Facilities

**Policy 202:** The County shall work with the City of Livermore to provide urban services to serve Major New Urban Development in North Livermore. If Livermore chooses not to provide services for such a population, the County shall provide for urban services.

**Policy 226:** The County shall require Major New Urban Developments to meet the Level of Service standards for police, fire, and emergency medical service, as shown in Table 7.

**Policy 245A:** The County shall require Major New Urban Development to incorporate a recycled water distribution system as part of their facilities plan. Other major projects including golf courses shall also meet the requirement, if feasible.

**Policy 282A:** The County shall require Major New Urban Development in North Livermore to include designs for managing surface water and groundwater resources to ensure to the extent feasible that there is no net change in the existing hydrologic conditions of the Springtown valley sink scrub habitat resulting from development in the watershed, unless that change is determined to be beneficial for the habitat in question and not damaging to the water quality of the central groundwater basin.

## Appendix 4

Selected Definitions  
from Table 1 of the East County Area Plan

**Agricultural Enhancing Commercial Uses:** These uses include stables, fruit stands, feed stores, wineries, sampling rooms, bed and breakfasts, and other uses which can demonstrate an economic connection to agricultural use or production.

**Community Centers:** These are areas within Major New Urban Developments that feature a concentration of mixed residential, ground floor retail, commercial, public, and employment generating land uses which are accessible to transit and which incorporate shared parking among uses, designed to maximize pedestrian accessibility.

**Compact Development:** This is a type of development that is designed to emphasize higher density, pedestrian- and transit-oriented land uses in an interdependent pattern. This type of development typically features a mix of land uses and densities, including high-, medium-, and low densities, to maximize opportunities for living, working, and shopping within a given area.

**Development:** The placement or erection of any solid material or structure; construction, reconstruction or alteration of any structure; change in the density or intensity of any use of land, including any division of land; grading, removing, extraction or deposition of any materials; and disposal of any waste. "Structure" includes but is not limited to any building, greenhouse, tower, utility line.

**Initiative:** The Save Agriculture and Open Space Lands Initiative submitted to the Board of Supervisors in 2000.

**Intensive Agriculture:** This refers to high yield agricultural production including vineyards, orchards, and row crops as distinguished from low-intensity agriculture such as cattle and horse grazing.

**Major New Urban Developments:** These are separate master planned communities or extensions of existing cities located on at least 3,000 acres that can provide transit-oriented development features, a mix of residential and commercial uses, a range of housing prices, dedicated open space, and a full range of public facilities and amenities.

**Moderate-, Low-, and Very Low-Income Households:** These are defined by the U.S. Department of Housing and Urban Development (HUD) as households earning 80-120% (Moderate), 50 to 80% (Low), and less than 50% (Very-Low) of the median household income within the Oakland Primary Metropolitan Statistical Area (PMSA) which includes Alameda and Contra Costa Counties). As of May 1992, the median income for a family of four within the Oakland PMSA was \$46,800. The percentages required to meet regional share allocations are derived from ABAG's Housing Needs Determination.

**Secondary Units:** These are self-sufficient housing units that are typically (but not necessarily) attached, or part of, single family homes. These units are also known as "granny flats" or "in-law apartments." The units are typically small in size and contain a full service kitchen and bathroom.

**Urban Reserve:** This designation identifies potentially developable land beyond what is needed to accommodate projected growth through the year 2010. It is intended to create flexibility in the siting of urban development and to increase housing affordability by stabilizing land costs. Conversion of Urban Reserve to urban uses could be considered at any time through a general plan amendment, specific plan, and environmental review.

## Appendix 5

## (EAST COUNTY AREA PLAN)

Table 6

**PERFORMANCE GUIDELINES FOR MAJOR NEW URBAN DEVELOPMENTS**

Development of Major New Urban Developments in Eastern Dublin and North Livermore should be contingent on the following performance standards to ensure a compact community form featuring distinct neighborhoods, a vibrant community center, and a full range of public facilities.

A circulation system that separates local and regional traffic, minimizes through traffic in residential neighborhoods, encourages pedestrian, bicycle and transit use, and provides multiple, direct connections between neighborhoods, a community center, and transit.

Local transit service that links community centers, regional trails, and regional transit.

Proximity to a major existing or proposed regional transit system (e.g., BART).

A mixed-used trail system that combines pedestrian, bicycle, and transit uses and is accessible to a majority of the population.

Concentrations of high density residential development that promote pedestrian activity and transit use.

A community center that features a concentration of mixed residential, ground floor retail, commercial, public, and employment-generating land uses which is accessible to transit, and which incorporates shared parking among uses to maximize pedestrian accessibility.

A mix of residential densities, building types and price levels including 21 percent moderate income housing for owners and renters and a 15% mix of low income and very low income units (*see policy 28*).

Commercial services sufficient to meet a majority of residents' daily shopping needs.

Public services which reduce dependence on automobile trips, including day care, paratransit, recreation, and cultural programs.

A range of public buildings and convenience facilities (e.g., grocery stores, laundromats) within walking distance of a majority of the population.

Usable open space areas sufficient to provide contiguous buffer zones between communities and to provide recreational opportunities for public use.

A landscaping program for all public areas (e.g., streets and parks) and privately owned areas designated for public use (e.g., parking lots).

A phasing program which includes public, neighborhood commercial service, and high density residential uses in each major phase of development. The phasing plan shall demonstrate that the majority of affordable housing units are not postponed until the final phase of the development.

Table 7

**LEVEL OF SERVICE GUIDELINES  
FOR MAJOR NEW URBAN DEVELOPMENTS**

Development of Major New Urban Developments in Eastern Dublin and North Livermore should be designed to achieve the following level of service guidelines to ensure that the quality of life enjoyed by residents of existing communities extends to those in Major New Urban Developments.

**PUBLIC FACILITIES**Schools

Elementary Schools: One ten-acre school site per 650 students; generally 1 school in each neighborhood within 1/4 mile walking distance of most students; preferably adjacent to a five-acre neighborhood park

Middle Schools: One 20-acre school site per 800 students

High Schools: One 40+ acre school site per 1,500 students

Parks

Neighborhood Parks: One 5+ acre park within each neighborhood and within 1/4 mile of most residents, assuming 2 acres of park per 1,000 population

Community Park: One 30+ acre park per 15,000 people centrally located to provide sports fields and other community activities, assuming 2 acres per 1,000 population

**Special Use Park:** Parks serving special functions such as historical parks, natural interpretation, arboreturns, children's play facilities, assuming 3 acres per 1,000 population

**Regional Park and Open Space:** Large park and open space areas serving several communities usually featuring hiking, camping and passive recreational activities, assuming 15 acres per 1,000 population. Should be accessible within a short drive.

#### Institutional Buildings

**Civic Buildings:** Public buildings such as a government center, library, courthouse, post office, social services, community center, recreation facilities, police and fire stations centrally located to serve the entire community.

**Religious Facilities:** Sites for denominational facilities located within a community center and scattered throughout the community.

#### Roadways

**Roadway Segments:** Level of Service D or better on all major arterial segments that are affected by the Major New Urban Development.

**Traffic volumes:** Roadways designed to meet the lane requirements shown in Table 14.

### ENVIRONMENTAL STANDARDS

**Air Quality:** Federal, State, and Bay Area air quality standards for localized pollutants of concern.

**Water Quality:** Alameda County Flood Control and Water Conservation District (Zone 7) minimum standards for water quality.

**Noise Levels:** 60 CNEL in residential neighborhoods; other levels per County Noise Element guidelines.

**Open Space:** At least 20 acres of private and public open space per 1,000 population located in contiguous open space areas surrounding each Major New Urban Development (may include regional parks, trails, viewshed, and wildlife habitat).

### PUBLIC SERVICES

**Police, Fire, and Emergency Medical Services:** A maximum 5 minute response time for Priority One Emergency calls for service.

**Community Services:** A full range of recreational, cultural, arts, educational, health, and social programs and services, including day care.

Table 3  
DESIGN GUIDELINES FOR MAJOR NEW URBAN DEVELOPMENTS

#### COMMUNITY FORM

**Building Mass:** Maximum building heights, coverage, and intensity to visually distinguish among districts within the community.

**Development Intensity:** Pockets of high intensity uses clustered in the community center, neighborhood commercial areas, and recreational activity centers.

**Community Center:** A concentration of commercial, residential, civic, cultural, and recreational uses in a centrally located, high intensity, pedestrian oriented configuration.

**Residential Neighborhoods:** Visually distinct residential neighborhoods, each of which provides a range of housing types, densities, and prices. All neighborhoods should be connected by pedestrian paths providing access to commercial, recreational, civic, and open space amenities. Public improvements should reflect individual neighborhood scale.

**Neighborhood Commercial Areas:** Clusters of local serving commercial, social, and recreational uses including convenience shopping, banks, restaurants, fire and police stations, religious facilities, parks, and recreational facilities.

**Open Space Corridors:** Pedestrian pathways connecting the community center with neighborhood commercial areas and recreational facilities.

#### STRUCTURE



**Street System:** A system of local, collector, and arterial streets that facilitates vehicular flow to inter-city arterials and minimizes through traffic within residential neighborhoods.

**Street Grid:** A grid street pattern that maximizes alternative routes for vehicles, bicycles, and pedestrians and that minimizes curb-to-curb street widths.

**Street Right-of-Way:** Rights-of-way adequate to include landscaping and street furniture such as bus shelters and light standards to maximize attractiveness to pedestrians and, where appropriate, to accommodate transit corridors.

**Density/Intensity Distribution:** Development densities and intensities that decrease outward from the community center and from the neighborhood commercial areas.

**Land Use Mix:** An integrated mix of land uses within each district of the community to minimize travel distances between living, working, shopping, and recreational locations.

**Open Space System:** A coherent hierarchy of usable open spaces, parks, and community focal points connected by publicly accessible, landscaped, pedestrian paths.

## Appendix 6

Table 9

### STANDARDS FOR SUBDIVISION AND SITE DEVELOPMENT REVIEW FOR AGRICULTURAL PARCELS

The County shall require all tentative maps in areas designated "Large Parcel Agriculture" or "Resource Management" to identify a building envelope of no more than two acres on each proposed parcel. On existing parcels that are consistent with Zoning Ordinance standards for legal building sites, a building envelope of no more than two acres shall be identified at the time of Site Development Review for residential development (see Program 45). The following standards shall apply to both new parcels and existing legally buildable parcels:

- One contiguous building envelope of no more than two-acre shall be designated on each parcel.
- All residential development and residential accessory uses shall be located within the designated building envelope.
- Each building envelope shall have an approved access route between the site and a county-maintained road; the approved access route shall conform to Alameda County Fire Department requirements, and shall be designed to minimize visual impacts and to ensure stability. Grading, drainage, and other improvements necessary for the installation and maintenance of the access route shall be shown on the tentative map and analyzed during the environmental review process.
- The building envelope shall not be located on a slope of over 25 percent, or on top of a ridgeline.
- The standards for subdivisions contained in this table shall also apply to the location of all building envelopes and access routes.

The County shall use the following standards in reviewing proposals to subdivide land designated for agriculture in East County:

- The minimum parcel size of agricultural parcels shall be determined through an evaluation of individual site characteristics of the subject parcel and affected adjacent parcels, but shall not be smaller than 100 acres in the "A-100" (Agriculture - 100-acre minimum parcel size) District, 160 acres in the "A-160" (Agriculture - 160-acre minimum parcel size) District, or 320 acres in the "A-320" (Agriculture - 320-acre minimum parcel size) District except as provided under program 36 (see Zoning Ordinance).
- The subdivision of land shall not interfere with the ability to initiate or continue agricultural use or wind energy development on-site on adjacent parcels either directly (by the location of fencing or structures) or indirectly (by introducing incompatible land uses or increasing the speculative value of the land for non-agricultural uses).

- The subdivision shall not adversely affect the potential agricultural productivity of the property or on-going agricultural uses in the vicinity.
- The subdivision shall not adversely affect existing and adjacent land uses, including wind energy development.
- The subdivision shall be configured to optimize the availability of soils best suited for agricultural use, as determined through consideration of soil and geotechnical characteristics, including soil classifications and the location of landslides, water sources, faults and related features.
- The subdivision parcels under Williamson Act contract shall be consistent with State and County Williamson Act requirements.
- The subdivision shall be consistent with any existing agricultural easements.
- Range lands shall be retained in large, contiguous blocks of sufficient size to enable commercially viable grazing.
- The subdivision shall not interfere with or detract from the use of publicly owned land.
- The subdivision shall be configured to minimize visual impacts on public roadways, publicly owned land, and existing and proposed trail alignments identified in documented public agency plans.
- The subdivision of land shall include, where appropriate, the dedication of easements consistent with documented public agency plans to create or connect public use trails or open space areas.
- The subdivision shall be configured to respect natural topography and natural features including, but not limited to, streams, ridges, prominent slopes, and watersheds.
- The subdivision shall be configured to avoid the significant loss of potential wildlife habitat or significant natural vegetation. Neither the subdivision of land nor on-going or proposed agricultural uses on such subdivided land shall not interfere with the ability of any identified species of concern to use the site as habitat or as a corridor linking identified habitat areas.
- The subdivision shall include access to each parcel that is consistent with Alameda County Fire Department requirements, and shall be subject to reasonable response times for emergency services.
- The subdivision shall not significantly degrade surface or groundwater quality or publicly-owned watershed lands.
- Subdivision approval shall require proof of the availability of water sufficient to serve residential uses, as permitted under the Zoning Ordinance; fire fighting needs; and on-going or proposed agricultural uses.
- The subdivision shall be configured to minimize the creation of and susceptibility of the subdivision and adjoining lands to fire hazards.
- The subdivision shall not substantially contribute to cumulative impacts resulting from agricultural subdivisions.
- A real estate disclosure notice shall be attached to the deeds of all newly created agricultural parcels at the time of subdivision and to the deeds of existing agricultural parcels as a condition of approval for non-agricultural development. The disclosure notice shall inform owners of potential nuisances generated by adjacent agricultural uses, and by landfills or quarries in the vicinity. The disclosure notice shall also inform owners that the parcels are in an open space area with high fire risk, that public agencies are not liable for any damage caused by wildfire, and that the parcels are subject to response times for emergency services that are much longer than what can be expected in an urban area due to their remote locations. For parcels created in the Wind Resource Area (as shown on Figure 4), the real estate disclosure shall also inform new owners of existing or potential future wind turbines and associated facilities on adjacent or nearby properties.

## Appendix 7

Table 10

## EAST COUNTY LAND USE DESIGNATIONS, DENSITIES, AND USES

Land Use Category	Allowable Gross Density	Typical Uses
<b>RESIDENTIAL</b>		
Rural Density	Less than 1 unit/acre 5 acre minimum parcel	1-100 Five acre or less single family lots with limited agricultural uses

Low Density	1.0-4.0 units/acre	6,000 - 40,000 square foot single family lots; may include multiple family units
Medium Density	4.1-8.0 units/acre	3,000 - 6,000 square foot single family lots; may include multiple family units
Medium/High Density	8.1-12.0 units/acre	Townhouses, Attached single family houses
High Density	12.1-25.0 units/acre	Townhouses, Condominiums, and Apartment Buildings
Very High Density	25.1-75.0 units/acre	Condominiums and Apartment Buildings
<b>INDUSTRIAL/COMMERCIAL</b>		
Major Commercial	Maximum .6 FAR	Retail, Service, and Office Uses
Industrial	Maximum .4 FAR	General and Light Industrial Uses
Mixed Used	Maximum .5 FAR	Office, Industrial, General Commercial, and Residential Uses
<b>OTHER</b>		
Urban Reserve	No Density Assumed Until GPAs and Specific Plans are Prepared; Otherwise Maximum .01 FAR; 100 acre minimum parcel size	Active Aggregate Mining and Processing, Reclaimed Quarry Lands, Low Intensity Industrial or Agriculture
Major Public Facilities	Maximum .6 FAR	Airports, Hospitals, Jails, Utilities
<b>OPEN SPACE/AGRICULTURE</b>		
Major Parks	Maximum .02 FAR	Regional Parks and Open Space
Large Parcel Agriculture	Maximum .01 FAR, but not less than 20,000 square feet; <u>residential and residential</u> <u>accessory uses not more</u> <u>than 12,000 square feet</u> <u>floor area; 100 acre</u> <u>minimum parcel size</u> <i>(except as indicated in</i> <i>policy 94)</i>	Low Intensity Agriculture and Grazing, Related Uses ( <i>Special uses apply in South</i> <i>Livermore and may apply in North</i> <i>Livermore</i> )
Resource Management	Density Usually Transferred Off-Site or Parcel Purchased; Otherwise Maximum .01 FAR, but not less than 20,000 square feet; <u>residential and residential</u> <u>accessory uses not more</u> <u>than 12,000 square feet</u> <u>floor area; 100 acre</u> <u>minimum parcel size</u>	Agriculture, Grazing, Recreation, Open Space Uses, Arroyos, Steep Slopes, Habitat, Environmentally Sensitive Areas
Water Management Lands	Usually No Density On Public Land or Private Water Areas; Otherwise Maximum .01 FAR; <u>residential and residential</u> <u>accessory uses not more</u> <u>than 12,000 square feet</u> <u>floor area; 100 acre</u> <u>minimum parcel size</u>	Quarry Lakes, Watershed Lands, Arroyos, Active Aggregate Mining and Processing

Note: For an explanation of each land use category, see Description of Land Use Designations in text.

## Appendix 8

## Referenced Policies and Programs Pertaining to South Livermore Valley Plan Expansion

Program 115: Within the Vineyard Area, the County shall retain existing parcel size regulations as specified in the Alameda County Zoning Ordinance for the Agricultural (A) District, as of January 1, 1991, which normally set a 100 acre minimum per residence and permit agricultural uses that are compatible with the promotion of the area as a Wine Region. The County shall retain agricultural worker housing as a conditional use on parcels greater than 100 acres.

Program 116: The County shall establish a "Cultivated Agriculture Overlay District," or equivalent, coterminous with the Vineyard Area shown in Figure 9. Permitted and accessory uses normally allowed under the A (Agricultural) District shall be restricted to preclude incompatible uses within the Overlay District. The Overlay District base density shall be 100 acres per homesite. A density bonus of up to four additional homesites per 100 acres (or a fraction thereof) may be granted for lands if and only if (1) the applicant can demonstrate that the density bonus will contribute substantially to the goal of promoting viticulture or other cultivated agriculture and (2) if the land meets the criteria described below. The Overlay District shall specify the procedure by which the applicant may qualify for the density bonus. Prior to obtaining the density bonus, each application shall require review by Alameda County to determine conformance with the following minimum environmental and site design criteria:

- a. The applicant must show, to the satisfaction of the County, that adequate water supplies are available to the proposed parcels for both domestic and irrigation needs, and that all proposed homesites can be served by individual septic systems. The County shall consult with the appropriate water purveyor.
- b. The applicant must provide evidence that the area has been surveyed by a qualified biologist to locate any potential plant or wildlife species of concern, and that a mitigation plan has been developed to protect any sensitive or unique environmental characteristics, such as oak groves, riparian areas, or species of concern.
- c. The applicant must guarantee that a minimum of 90% of the parcel shall be permanently set aside for viticulture or other cultivated agriculture, that the set-aside acreage shall be planted in wine grapes or other cultivated agriculture, and that provisions are in place that will ensure its continued cultivated agricultural use, such as agricultural conservation easements, or other equivalent means. At the discretion of the County, minor portions of a parcel included within the 90% permanent dedication areas may be excluded from the cultivation requirement to preserve environmentally sensitive areas such as wetlands, arroyos, slopes in excess of 25%, oak groves, or areas with unique environmental characteristics. Agricultural operations that could be potentially high sources of nitrates, such as horse farms or cattle feed lots, shall be discouraged.
- d. The applicant must provide evidence that cultivated agriculture resulting from this program will be maintained for a minimum of eight years, through use of CC&Rs, evidence of a long-term maintenance contract with an experienced farm operator, or other means. Agricultural practices that minimize excess nitrate loading and utilize proper erosion and dust control shall be encouraged. Water conserving best management practices, including the use of drip irrigation, shall be required wherever feasible.
- e. The applicant must pay city or county fees then in place for such properties, such as, but not limited to, in-lieu affordable housing fees and school fees.
- f. The applicant must mitigate potential residential/agricultural conflicts by including a clause in the sales contract of each home referencing the Alameda County Right to Farm ordinance and indicating that the residence is located near an agricultural operation and that the homeowner recognizes that the property may be subject to noise, dust, odors, night operations, or other impacts resulting from the operation.
- g. The applicant must meet the following site development review standards:

- i. Parcels that include, or are adjacent to, arroyos shall maintain a minimum 100 foot uncultivated and undeveloped buffer, as measured from top of bank.
- ii. Building site envelopes for homes and ancillary uses shall be designated on the 10% portion of the parcel outside the required 90% set aside for agricultural areas, as described above. Building site envelopes shall not exceed 25% slope. Parcel lines and building envelopes shall be sited to maximize productive use of the land for intensive cultivated agriculture. Building envelopes shall be located outside of FEMA-designated floodplain areas, and shall be located a minimum of 100 feet from roadways, and a minimum of 200 feet from major roadways, unless site-specific noise studies are conducted that show that State noise guidelines can be met. Building envelopes located within areas known to be subject to landslide or seismic hazards shall require site-specific geotechnical studies to ensure that structures can be safely constructed.
- iii. New development shall be designed to minimize risks to life and property through the implementation of the provisions of the Alameda County Fire Protection Master Plan.
- iv. The location of building envelopes, parcel lines or cultivated agriculture shall not conflict with or preclude proposed LARPD trails.
- v. Any historical structures on-site shall be preserved and/or reused, wherever feasible, and the project shall be designed to ensure that new development will not disturb any known or potential archaeological sites.

Program 118: The County shall limit new commercial uses within the Cultivated Agricultural Overlay District to appropriate small-scale uses that promote the area's image as a wine region, subject to issuance of a conditional use permit. To this end, the County shall develop a full list of conditionally-permitted commercial uses and standards. New commercial uses proposed as part of a bonus density application should be limited to the 10% maximum area of each parcel not dedicated to cultivated agriculture, subject to appropriate coverage limitations, and should be sited to maximize efficient use of cultivated lands. Wineries and small bed-and-breakfast establishments shall be limited to existing homes or homes permitted under the South Livermore Valley Area Plan; construction of separate additional structures shall not be permitted. The County shall require that proponents of new commercial development in rural areas show, to the satisfaction of the County and Zone 7, that development can be adequately served by a septic system and that adequate water supplies are available for commercial needs.

Program 120: The County shall prohibit the subdivision of existing vineyards within the Cultivated Agricultural Overlay District if such subdivision results in a net loss of vineyards within the subdivided parcel and shall limit such subdivision to a maximum of 100 acres per year to maintain a market for new vineyards on presently uncultivated lands. The County shall allow the density bonus if new home sites on parcels with existing vineyards are located so that no vineyards are destroyed or divided, while still meeting minimum parcel size requirements of Zone 7 and the Williamson Act. If new homes, roads and other structures cannot be sited without the loss of existing vineyards, the density bonus shall be allowed only if an equivalent vineyard acreage to that lost be planted and placed under easement within the subdivided parcel.

Program 121: The County shall require that any subdivision of existing vineyards include provisions for any needed improvements to bring existing vineyard stock up to current industry standards for production, quality and resource use, including water and soil. Prior to subdivision approval the County shall require that improvements to existing vineyards be made, based on the recommendations of an experienced viticulturalist following an inspection to ascertain vineyard health, vigor, productivity, and resource use.

Program 123: The County shall require new residential and commercial structures to be subject to site development review and shall establish appropriate and comprehensive design guidelines for the Cultivated Agricultural Overlay District for new rural structures that:

- a. Emphasize the existing visual character, including use of appropriate materials, architectural features and careful siting so that structures are subordinate to the landscape and do not block public views from adjacent roads.
- b. Include fencing guidelines to limit or prohibit use of property line fences in existing vineyard areas.

- c. Include standards for access, including limitations on access driveways onto Vallecitos or other major roads through use of joint driveways or other access routes.
- d. Include standards for landscaping, screening and signage that emphasize the existing visual character and reflect the objective of promoting the area as premium wine-producing region.