



INTEROFFICE MEMORANDUM

Date: August 10, 2022

To: Jason Alcala, City Attorney

From: Marie Weber, City Clerk

Subject: City Attorney Impartial Analysis - Measure to Amend the South Livermore Urban Growth Boundary

This memorandum is to provide you with the impartial analysis I prepared pursuant to Elections Code section 9280 for the November 8, 2022, election on for the following measure sponsored by the City Council for the City of Livermore:

Amendment to the City of Livermore's South Livermore Urban Growth Boundary Policies to Allow the City to Extend Sewer Services to Properties Outside the South Livermore Urban Growth Boundary for Uses Permitted by Alameda County's South Livermore Valley Area Plan

I will also send you an electronic copy of a Word file containing the impartial analysis.

Encl.

Amendment to the City of Livermore's South Livermore Urban Growth Boundary Policies to Allow the City to Extend Sewer Services to Properties Outside the South Livermore Urban Growth Boundary for Uses Permitted by Alameda County's South Livermore Valley Area Plan and Alameda County Measure D

City Attorney's Impartial Analysis (Elections Code § 9280)

This measure is to amend the City of Livermore's South Livermore Urban Growth Boundary policies. The amendments will provide additional limited opportunities for the City to extend sewer service for commercial and residential land uses in the unincorporated Alameda County area outside the City's South Livermore Urban Growth Boundary.

The measure only allows sewer services to be extended for commercial and residential uses permitted by Alameda County's South Livermore Valley Area Plan and allowed by Alameda County Measure D, as those County policies exist now or may be amended in the future. The measure will not change the location of the South Livermore Urban Growth Boundary. The measure does not amend Alameda County's South Livermore Valley Area Plan, and it does not amend Alameda County Measure D.

The Livermore voters approved the South Livermore Urban Growth Boundary policies in 2000, and changes to it must also be approved by the voters.

Who placed this measure on the ballot?

This measure was placed on the ballot by the City Council for the City of Livermore at the request of Tri-Valley Conservancy. Tri-Valley Conservancy is a nonprofit public benefit corporation formed for the preservation, protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, or for open-space use and conservation purposes.

Background and Purpose.

Wastewater services for commercial and residential land uses in the unincorporated county area south of Livermore are served by on-site wastewater treatment or septic systems. Alameda County has restricted the use of septic systems by new development due to groundwater contamination from high nitrate concentrations.

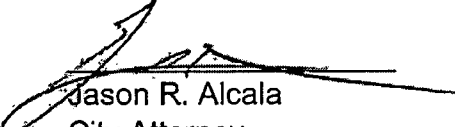
The purpose for this measure is to allow the extension of the City's municipal sewer system to properties in the unincorporated county area for land uses permitted by Alameda County's South Livermore Valley Area Plan. The extension of City sewer services is intended to alleviate groundwater impacts associated with septic systems and wastewater discharges, and to allow the implementation of Alameda County's South Livermore Valley Area Plan.

Proposed Amendment to South Livermore Urban Growth Boundary Sewer Service Policies.

If approved, this measure would:

1. Allow the City to provide sewage treatment and disposal services for residences on property outside the South Livermore Urban Growth Boundary, subject to conditions that disallow further division of the property and disallow the provision of urban services to non-residential uses on the property. To receive sewer service, the measure requires the property to be designated for residential uses by the Livermore General Plan, Alameda County's South Livermore Valley Area Plan, or the City's South Livermore Valley Specific Plan on the date the measure is passed. The uses must also conform to Alameda County Measure D; and
2. Allow the City to provide sewage treatment and disposal services for commercial uses on property outside the South Livermore Urban Growth Boundary that are designated for agricultural uses with associated allowable commercial uses, subject to conditions. For parcels that existed on October 27, 1997, the measure adds new conditions that define the conservation easement that must be recorded. For all other parcels designated for agricultural uses with associated allowable commercial uses, the measure imposes similar conditions, but does not require the parcels to be adjacent to the South Livermore Urban Growth Boundary. The measure provides that if Alameda County permits 180,000 square feet or more of commercial use, the City of Livermore is no longer permitted to provide new sewage treatment and disposal service for commercial uses.

Prepared and submitted:


Jason R. Alcala
City Attorney
City of Livermore

The above statement is an impartial analysis of Measure ___. If you desire a copy of the Measure, please call the elections official's office at 925-960-4200 and a copy will be mailed to you at no cost to you.