

Alameda County Zoning Ordinance
(Excerpts pertaining to South Livermore Valley)

Chapter 17.06 A DISTRICTS

17.06.010 Agricultural districts--Intent.

Agricultural districts, hereinafter designated as A districts, are established to promote implementation of general plan land use proposals for agricultural and other nonurban uses, to conserve and protect existing agricultural uses, and to provide space for and encourage such uses in places where more intensive development is not desirable or necessary for the general welfare. (Prior gen. code § 8-25.0)

17.06.020 Map designation.

Every parcel designated on the zoning map as being in an A-2 district shall hereafter be subject to those regulations for an A district. All such parcels are hereby declared to be in an A district and shall be so designated upon any revised zoning map. (Prior gen. code § 8-25.1)

17.06.030 Permitted uses.

The following principal uses are permitted in an A district:

A. On a building site, one one-family dwelling or one-family mobilehome either constructed after September 15, 1971, and issued an insignia of approval by the California Department of Housing and Community Development and permanently located on a permanent foundation system, or constructed after July 15, 1976, and issued an insignia of approval by the U.S. Department of Housing and Urban Development and permanently located on a foundation system;

B. Crop, vine or tree farm, truck garden, plant nursery, greenhouse apiary, aviary, hatchery, horticulture;

C. Raising or keeping of poultry, fowl, rabbits, sheep or goats or similar animals;

D. Grazing, breeding or training of horses or cattle;

E. Winery or olive oil mill;

F. Fish hatcheries and rearing ponds;

G. Public or private riding or hiking trails;

H. One secondary dwelling unit per building site on parcels twenty-five (25) acres in size or larger that are zoned for not more than one dwelling and have one but no more than one dwelling unit on the parcel subject to the following requirements:

1. The secondary dwelling unit shall be on the same building envelope as the primary unit;

2. On parcels less than one hundred (100) acres, the secondary dwelling unit shall be no larger than two thousand (2,000) square feet in area; on parcels one hundred (100) acres or larger the

secondary dwelling unit shall be no larger than two thousand five hundred (2,500) square feet in area;

3. The secondary dwelling unit shall be subject to site development review pursuant to Section 17.54.210 et seq.; and

4. The secondary dwelling unit shall be subject to and consistent with the provisions of the county policy on secondary dwelling units in agricultural and rural residential areas.

I. Occupancy of agricultural caretaker dwelling(s) subject to a site development review as provided in Section 17.06.090, when found by the planning director to be necessary to provide housing for the agricultural caretaker and his/her family.

Notwithstanding the requirements of Section 17.54.220, for secondary units on parcels that are less than one hundred (100) acres in size, the planning commission shall decide applications for site development review under this section, and a public hearing is required.

J. Boarding stables and riding academies subject to the following requirements:

1. The boarding stable shall be subject to site development review pursuant to Sections 17.06.090 and 17.54.210 et seq., except as follows:

a. The appropriate board of zoning adjustments shall decide applications for site development review under this section, and a public hearing is required.

b. Where the holder of an existing conditional use permit is found to be in compliance with all conditions of the existing conditional use permit, the planning director shall recommend approval of a site development review for the facility with no new conditions except as allowed by the county policy for equine facilities in the A (agricultural) district, to the appropriate board of zoning adjustments.

c. The planning director may modify the requirements of Section 17.54.230 consistent with the provisions of the county policy of equine facilities in the A (agricultural) district; and specifically may waive the requirement that the site plan be prepared by licensed civil engineer, land surveyor, architect, landscape architect, or a registered building designer.

2. The boarding stable shall be subject to and consistent with the provisions of the county policy for equine facilities in the A (agricultural) district.

3. Site development reviews under this section shall not have an expiration date. However, they shall be subject to a periodic review for compliance with conditions of approval of the site development review and with relevant county ordinances, including all water quality rules and regulations. Such reviews shall occur every five years at minimum, or as needed to ensure compliance.

4. Any changes in the scope of the boarding stable operation shall require a modification to the site development review.

5. Site development review approval under this section shall not be construed to confer upon a boarding stable any exemption from any health, nuisance, or public safety ordinances or their subsequent enforcement or confer any other unique privileges upon a stable. (Ord. 2004-55 § 1; Ord. 2003-47 § 1; Ord. 99-2 § 1; Ord. 93-33 § 2 (part); prior gen. code § 8-25.2)

17.06.035 Conditional uses—Planning commission.

The following are conditional uses and shall be permitted in an A district only if approved by the planning commission, sitting as a board of zoning adjustments, as provided in Sections 17.54.135 and 17.06.010.

- A. Sanitary landfill not to include processing salvaged material;
- B. Flight strip;
- C. Cemetery;
- D. Composting facility. (Ord. 2000-53 § 1 (part); Ord. 99-26 § 1 (part))

17.06.040 Conditional uses—Board of zoning adjustments.

In addition to the uses listed in Sections 17.52.480 and 17.52.580, the following are conditional uses and shall be permitted in an A district only if approved by the board of zoning adjustments, as provided in Sections 17.54.130 and 17.06.010:

- A. Additional dwellings for persons employed in the agricultural use of subject property and the families of those persons, and/or living quarters for farm laborers, when found by the board of zoning adjustments to be necessary to the farming operation;
- B. Outdoor recreation facility;
- C. Killing and dressing of livestock, except when accessory as specified in Section 17.06.050;
- D. Public or private hunting of wildlife or fishing, and public or private hunting clubs and accessory structures;
- E. Packing house for fruit or vegetables, but not including a cannery, or a plant for food processing or freezing;
- F. Flight strip when accessory or incidental to a permitted or conditional use;
- G. Hog ranch;
- H. Drilling for and removal of oil, gas or other hydrocarbon substances;
- I. Radio and television transmission facilities;
- J. Public utility building or uses, excluding such uses as a business office, storage garage, repair shop or corporation yard;
- K. Administrative offices accessory to the principal use on the premises including activities by the same occupancy which are not related to the principal use providing such activities not so related are accessory to the administrative office activity;
- L. Occupancy of one mobile home by persons directly related to an on-site agricultural pursuit on a parcel containing a minimum of one hundred (100) acres where there is no single-family dwelling or on a parcel containing a minimum of two hundred (200) acres where it can be demonstrated that security cannot be obtained by existing single-family dwelling occupancy;

provided, however, that no such conditional use permit shall be issued for a period to exceed three years;

M. Administrative support and service facilities of a public regional recreation district;

N. Privately owned wind-electric generators;

O. Remote testing facility;

P. Winery or olive oil mill related uses. (Ord. 2004-55 § 2; Ord. 2002-60 § 1 (part); Ord. 2000-53 § 1 (part); Ord. 99-26 § 1 (part); Ord. 94-40 § 1; Ord. 3-33 § 2 (part); prior gen. code § 8-25.3)

17.06.050 Accessory uses.

When located in an A district, and subordinate to a lawful use, the following accessory uses, in addition to those normally accessory to a dwelling are permitted:

A. Farm buildings, including stable, barn, pen, corral, or coop;

B. Building or room for packing or handling products raised on the premises;

C. Killing and dressing of poultry, rabbits and other small livestock raised on the premises, but not including an abattoir for sheep, cattle or hogs;

D. Stand for the sale at retail of items produced or raised on the premises having a ground coverage not in excess of four hundred (400) square feet;

E. Accessory business signs not exceeding an aggregate area of twenty (20) square feet; having no moving parts or illumination;

F. Administrative office, maintenance building, when accessory to a principal use permitted by Section 17.06.040O. (Prior gen. code § 8-25.4)

17.06.060 Building site.

Every use in an A district shall be on a building site having an area not less than one hundred (100) acres. (Prior gen. code § 8-25.5)

17.06.070 Yards.

The yard requirements in an A district are as follows, subject to the general provisions of Section 17.52.330:

A. Depth of front yard: not less than thirty (30) feet;

B. Depth of rear yards: not less than ten feet;

C. Width of side yards: not less than ten feet. (Prior gen. code § 8-25.6)

17.06.080 Signs.

No sign in an A district shall be illuminated. No more than two sale or lease signs shall be placed on any lot, and no such sign shall have an area in excess of twenty-four (24) square feet, except in conformance with Sections 17.52.460 and 17.52.470 (Subdivision). In other respects, Section 17.52.020 shall control. (Prior gen. code § 8-25.7)

17.06.090 Site development review—When required.

Site development review pursuant to Section 17.54.210 shall be required for:

A. Every new dwelling or addition to existing dwelling exceeding five hundred (500) square feet or thirty (30) feet in height hereafter placed on a parcel in the A district; (Prior gen. code § 8-25.8)

B. Agricultural caretaker dwelling(s), when found by the planning director to be necessary to provide housing for the agricultural caretaker and his/her family; subject to the following provisions:

1. Initial site development review shall include submittal of required applications and materials and completion of an agricultural caretaker dwelling report, signed by the property owner.

2. Site development review approval shall normally be issued for a period of five years, except in instances where it is found by the planning director that a demonstrable need for more stringent controls (e.g., history of non-compliance with county codes, public health/safety issues, community concerns) is necessary.

3. The planning director may extend initial site development review for additional five-year periods of time subject to review and approval, of an updated agricultural caretaker dwelling report, signed by the property owner.

4. During the effective period of the site development review, any changes relating to the information contained in the agricultural caretaker dwelling report shall be reported to the planning department, and shall be subject to the same procedures and regulations as those applicable to the initial application.

5. The planning director shall have the discretion to disapprove the initial and/or subsequent site development review and agricultural caretaker dwelling report if found that compliance with the requirements and intent set forth in this title is exercised unlawfully or contrary to any condition or limitation of its issuance.

6. The planning director may, at his/her discretion, hold a public hearing regarding an initial or subsequent site development review application.

C. Boarding stables and riding academies subject to the provisions of Section 17.06.030J of this chapter. (Ord. 2004-55 § 3; Ord. O-2003-47 § 1)

Article VII Combining CA Districts

17.30.160 CA combining district--Intent.

The district, hereinafter designated the CA (Cultivated Agriculture Overlay) combining district, is established to be combined with the A (Agricultural) district to implement the land use policies and standards for the Vineyard Area of the South Livermore Valley Area Plan. (Ord. 2000-25 (part): Ord. 99-1 § 1 (part))

17.30.170 CA combining district--Regulations.

In a CA combining district, the regulations shall remain the same as the regulations in the A (agricultural) district with which it is combined, except as follows:

A. The maximum dwelling unit density shall be one per twenty (20) acres and the minimum building site area shall be seventeen (17) acres provided the following criteria are met to the satisfaction of the planning director and by the time specified in the tentative map approving the subdivision:

1. The applicant shall demonstrate that the proposed lots will contribute substantially to the goal of promoting viticulture or other cultivated agriculture; and
2. The applicant shall demonstrate that adequate water supplies are available to the proposed parcels for domestic, fire fighting, and agricultural and landscaping irrigation needs; and
3. The applicant shall demonstrate that all proposed homesite(s) can be served by individual septic tank systems; and
4. The applicant shall demonstrate that proposed lots have 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, including but not limited to oak groves, riparian area, or species of concern; and
5. The applicant shall demonstrate and guarantee that a minimum of ninety (90) percent of the area of the parcel being subdivided shall be permanently set aside for viticulture or other cultivated agriculture, planted, and maintained for a minimum of eight years in wine grapes or other cultivated agriculture, excepting therefrom only those minor portions needed to preserve environmentally sensitive areas; and
6. The applicant shall demonstrate that all applicable fees have been paid; and
7. The applicant shall demonstrate that adequate notice to buyers of proposed parcels has been given of potential residential/agricultural land use conflicts such as noise, dust, odors, night operations or other impacts resulting from the agricultural operations.

Of the ninety (90) percent of the area of the parcel being subdivided to be permanently set aside for viticulture or other cultivated agriculture as required under Section 17.30.160 A.5., up to but no more than fifteen (15) percent may consist of environmentally sensitive areas, including but not limited to wetlands, arroyos, slopes in excess of twenty-five (25) percent, oak groves, or areas with unique environmental characteristics. This area shall be included in the area permanently set aside, but shall not be planted. This area may be divided in any proportion between the parcels being created. In order to meet the minimum acreage required to be

planted (76.5% of the total parcel), building site envelopes may be reduced below the two acre total allowed in Section 17.30.170 C.2. The planning director may require a reduction of the two acre building site envelope in order to maximize the amount of acreage planted. If more than fifteen (15) percent of the area to be set aside permanently for agriculture consists of environmentally sensitive areas, the amount over fifteen (15) percent shall be subtracted from the total area of the parcel for purposes of calculating the number of parcels that can be created. All fractions shall be rounded down.

B. There shall be a minimum one hundred (100) foot uncultivated and undeveloped buffer area adjacent to the top of bank of any major arroyo, and a minimum twenty (20) foot uncultivated and undeveloped buffer area adjacent to the top of bank of any minor watercourse unless buffers of different widths are approved in light of potential hazards, crop management practices, and other factors.

C. All buildings shall be located within a building site envelope shown on the tentative map approving the subdivision and which meets the following criteria:

1. There shall be not more than two separate building site envelopes on a parcel; and
2. The aggregate area of the building site envelope(s) for a residence including the driveway(s) shall not exceed two acres; if nonresidential use is authorized on the parcel, the aggregate area of the building site envelope(s) for all buildings and driveway(s) shall not exceed ten percent of the area of the parcel; and
3. Except for underground agricultural storage silos, the building site envelope shall not exceed twenty-five (25) percent slope; and
4. The building site envelope shall not be located within a FEMA-designated, 100-year flood plain area; and
5. The building site envelope shall be a minimum of two hundred (200) feet from a major street and one hundred (100) feet from any other street unless site-specific studies of noise, traffic, visual impacts or other land use compatibility factors convince the director of community development to approve a lesser setback through the site development review process; and
6. The building site envelope shall not be located in any area that is known to be subject to landslide or other seismic or geotechnical hazards.

D. Where subdivision of land results in a net loss of vineyard acreage, the maximum area of such land that may be approved for subdivision on a tentative map between January 1st and December 31st of any calendar year shall be one hundred (100) acres.

E. To the satisfaction of the planning director and by the time specified in the tentative map approving the subdivision, subdivision of existing vineyards shall be subject to provision of improvements necessary to bring the existing vineyard stock up to current industry standards for production, quality and resource use, including water and soil.

F. CA District--Conditional Uses.

1. The following uses, otherwise conditionally allowed by the A (agricultural) district, are neither permitted nor conditional uses where the A district is combined with the CA district:

- a. Killing and dressing of livestock, except when accessory as specified in Section 17.06.050;

- b. Flight strip when accessory or incidental to a permitted or conditional use, unless such a conditional use permit has been previously approved on subject property for such use;
- c. Cemetery, crematory, or other facility for the disposal of human or animal dead, pet cemetery;
- d. Hog ranch;
- e. Radio and television transmission facilities, unless such a conditional use permit has been previously approved on subject property for such use;
- f. Sanitary landfill or composting facility;
- g. Privately owned wind-electric generators, except as an accessory use.

2. In addition to the conditional uses in the A (agricultural) district with which it is combined, the following are conditional uses in the CA combining district and shall be permitted only if approved by the board of zoning adjustments as provided in Section 17.54.130:

- a. Bed and breakfast establishment, if conducted within an existing or permitted dwelling: maximum of fourteen (14) rooms available for guests;
- b. Restaurant, with seated service only, and a maximum of forty-nine (49) permanent indoor seats, that features agricultural products of the South Livermore Valley Area;
- c. Bicycle rental;
- d. Other small scale recreational uses found by the board of zoning adjustments to be consistent with the intent of the South Livermore Valley Area Plan.

G. CA District--Site Development Review. Site development review pursuant to Section 17.54.210 shall be required for every new building greater than five hundred (500) square feet or thirty (30) feet in height, placed on a lot in the CA district. Notwithstanding the requirements of Section 17.54.230, the planning director may establish the application filing requirements appropriate to the structure under consideration.

In the exercise of reasonable judgment and based on affirmative findings of fact, minor variances to the provisions of this section may be granted through the site development review process, provided that the variance does not allow a use not otherwise allowed. Specifically, this shall not allow a variance of the provisions of Section 17.30.160 that set the maximum dwelling unit density; the minimum building site area, and the maximum amount of land that may consist of environmentally sensitive areas. (Ord. 2002-60 § 1 (part); Ord. 2001-35; Ord. 2000-25 (part): Ord. 99-1 § 1 (part))

17.30.180 CA combining district--Easement monitoring fee.

A. Purpose and intent. The intent of this section is to provide the land trust or other entity holding an agricultural easement or other similar restriction on land as required under this article with capital to create an endowment fund that would generate revenue for the long-term monitoring costs of the easements on property that is subdivided and restricted under this article.

B. Findings. In establishing the requirements set out in this chapter, the board of supervisors

finds and determines as follows:

1. County plans, policies, and regulations encourage bringing agricultural lands under cultivation and permanently committing them to agricultural uses. To encourage this, the CA combining district allows subdivision of agricultural land into parcels smaller than the underlying A (agricultural) district minimum parcel size, subject to

permanently setting aside a minimum of ninety percent of the area of the parcel being subdivided for viticulture or other cultivated agriculture. This is generally accomplished by dedicating an agricultural easement or other similar restriction to a land trust or other entity;

2. In order to ensure that the property owners meet the terms of the easements and do not do anything inconsistent with the terms of the easement, the land trust or other entity must establish the base information for the property and monitor the property on an annual basis in perpetuity;

3. It is in the public interest that the land trust or other entity have a dependable source of funding to monitor the easements, and, where necessary, enforce the terms of the easements;

4. The South Livermore Valley Agricultural Land Trust has prepared a study that demonstrates that the sum of seventy-five dollars (\$75.00) per acre, or one thousand five hundred dollars (\$1,500.00) for the minimum twenty (20) acre parcel, invested conservatively, will provide an annual income of seventy-five dollars (\$75.00), which will cover a major portion of the cost to monitor the easement;

5. This requirement is consistent with the County General Plan;

6. Pursuant to Government Code Section 65913.2, the board of supervisors has considered the effects of the requirement with respect to the county's housing needs as established in the housing element of the County General Plan, and finds that it does not render unfeasible the development of housing for any and all economic segments of the community.

C. Requirement. Concurrent with finalizing the guarantees required under Section 17.30.170.A.5 of this article, applicant shall pay a fee equal to seventy-five dollars (\$75.00) per each acre covered by the tentative map to the land trust or other entity holding the restriction. This fee shall be paid for the total acreage, including the building envelope as well as the acreage to be planted and environmentally sensitive areas.

D. Waiver. The planning director may waive all or part of this requirement if either of the following occurs:

1. The land trust or other entity holding the restriction requests that the fee be waived; or

2. The planning director determines that the waiver is in the public interest and that the waiver would further the intent of this article and underlying county programs, policies, plans, and regulations. (Ord. 2000-25 (part), 1999)

Chapter 17.04 DEFINITIONS

17.04.010 Definitions.

“Winery” or “olive oil mill” means a commercial, bonded facility for the fermentation and processing of grapes or other produce into wine, or the refermentation of still wine into sparkling wine, or processing of olives into olive oil. The term includes accessory uses such as administrative offices, cooperage and maintenance facilities. The term includes wine (olive oil) marketing activities that are consistent with the other limitations in this definition. The term includes a winery (olive oil mill) visitor center: a day use facility which may include winery (olive oil mill) tours and wine tasting, retail sales of wine (olive oil) and wine-related items, display of historical or educational items related to the wine region, or art, etc. not to exceed thirty (30) percent of the floor area of the winery (olive oil mill) visitor center accessible to the public. The term includes sale or complementary food service and picnic facilities limited to cold foods prepared off-site, such as bread, cheese, crackers, sandwiches or salads, in conjunction with wine tasting and wine sales, provided such food service remains incidental and subordinate to the wine tasting and wine (olive oil) sales.

“Winery (or olive oil mill) related uses” means various uses accessory to a winery (olive oil mill) which must be clearly incidental and subordinate to the primary winery (olive oil mill) use. The term includes various temporary, cultural and social events (catered banquets, receptions, concerts, food and wine festivals, races, etc.) that would not compromise the primary agricultural or appearance of the property. The term includes wine (olive oil) marketing activities that are otherwise disallowed by the definition of winery or olive oil mill. The term includes up to two overnight room accommodations for use by winery (olive oil mill) business associates.