

ORDINANCE NO. 2023-15

**AN ORDINANCE AMENDING CHAPTER 17.04 OF THE ALAMEDA COUNTY ORDINANCE
CODE TO ADD A DEFINITION IN THE ZONING ORDINANCE
FOR AGRICULTURAL BUILDINGS**

SECTION I

The Board of Supervisors makes the following findings in support of this Ordinance:

WHEREAS, on November 7, 2000, the voters of Alameda County approved the “Save Agriculture and Open Space Lands” ballot initiative, referred to as Measure D 2000; and

WHEREAS, Measure D 2000 was intended 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”; and

WHEREAS, when Measure D amended the East County Area Plan in 2000, it provided for a separate floor area ratio for greenhouses in certain areas but not for other agricultural buildings; and

WHEREAS, the Board of Supervisors submitted to the people of Alameda County a ballot measure (Measure D 2022) to amend Measure D 2000 to provide for increased square footage for agricultural buildings to allow for a broader range of agricultural activities in those areas; and

WHEREAS, on November 8, 2022, the voters of Alameda County approved Measure D 2022; and

WHEREAS, the Zoning Ordinance of the County of Alameda (Zoning Ordinance) provides for the division of the unincorporated territory of the county into districts, and regulates the uses of land and buildings within those districts; and

WHEREAS, the Zoning Ordinance implements the County General Plans, including the East County Area Plan and Castro Valley General Plan, by guiding and regulating development in the unincorporated area of the County, and defines terms to regulate such development; and

WHEREAS, buildings may only be used in accordance with the regulations established in the Zoning Ordinance, and agricultural buildings should be defined to implement the General Plan, as amended by Measure D 2022, and Zoning Ordinance; and

WHEREAS, on July 19, 2022, the Board approved the “CEQA Review For November 2022 Ballot Measure Amending the “Save Agriculture and Open Space Lands’ Ballot Measure (Measure D, November 2000)” Addendum to the previously certified EIRs for the 1994 East County Area Plan and the 2012 Castro Valley General Plan as the appropriate CEQA

environmental analysis for the proposed amendments to Measure D, and included analysis considering the proposed agricultural building definition; and

WHEREAS, between March 8, 2021 and February 21, 2023 the Board of Supervisor's Transportation and Planning Committee held a total of nine meetings, the County's Community Development Agency presented at seventeen meetings (including before the Agricultural Advisory Committee, Castro Valley Municipal Advisory Council, Fairview Municipal Advisory Council, and the Sunol Citizens' Advisory Council), the County Planning Commission held two meetings and two public hearings, and the Board of Supervisors held at least one meeting to discuss the viability of Measure D 2022 and to discuss the appropriate definition of "agricultural building" for implementation of the General Plan and Zoning Ordinance and to solicit input from the public and stakeholders on the same;

SECTION II

NOW, THEREFORE, the Board of Supervisors of the County of Alameda does hereby ordain that Section 17.04.010 of Chapter 17.04 of Title 17 of the Alameda County Ordinance Code is amended to add the following definition to the existing list of definitions, in alphabetical order, to read as follows:

17.04.010 - Definitions

Agricultural, Building: A structure designed and constructed or used to house farm implements or farm equipment; poultry, livestock, or similar farm or ranch animals; or hay, grain, olives, nuts, hops, wine, or other horticultural products in bins, tanks, barrels, case goods, or other storage vessels. This structure shall allow for the processing, treatment, packaging, and storage of agricultural and/or horticultural products. This structure shall not be a place of human habitation, nor shall it be a place used by the public or for social events.

SECTION III

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the 13th day of April 2023, by the following called vote:

AYES: Supervisors Haubert, Marquez, Tam & President Miley – 4

NOES: None

EXCUSED: Supervisor Carson – 1

ABSTAINED: None

Nate Miley
President of the Board of Supervisors
County of Alameda, State of California

ATTEST:

ANIKA CAMPBELL-BELTON, Clerk
of the Board of Supervisors, County of Alameda

Approved as to Form:

DONNA R. ZIEGLER, COUNTY COUNSEL

By: Andrea L. Weddle
Chief Assistant County Counsel