
LITTLE VALLEY SPECIFIC PLAN

JULY 10, 1997

ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

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CHAPTER I: INTRODUCTION

A PURPOSE, AUTHORITY, AND SCOPE

1. **PURPOSE:** The purpose of this Specific Plan is to implement the East County Area Plan, an element of the Alameda County General Plan, in the approximately 310 acre Little Valley area, northwest of Vallecitos Road (State Highway 84) and east of Interstate Highway I-680. The Specific Plan allows for development consistent with East County Area Plan policies, including provision of necessary services and utilities to the area, consideration of environmental constraints, and retention of land in open space and agricultural land uses.

2. **LEGISLATIVE AUTHORITY:** Section 65450 of the California Government Code provides that a planning agency may prepare specific plans for the systematic implementation of the general plan for all or part of the area covered by the general plan. A specific plan includes text and diagrams, which must specify all of the following in detail: the distribution, location, and extent of the uses of land within the area; proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan; standards and criteria by which development will proceed; and a program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the above. The Plan may address any other subjects necessary or desirable for implementation of the general plan. Once the Plan is in place, no local public works project or subdivision may be approved, or any zoning ordinance adopted or amended within the plan area that is not consistent with the Plan.

3. **SCOPE: PLAN AREA:** The Little Valley Specific Plan Area consists of just over 310 acres in nineteen ownerships covering twenty Assessor's Parcels that range from just under five acres to forty-five acres in size. These small parcels are surrounded on all sides by much larger parcels used for agricultural, industrial, or open space purposes. The Plan Area is located north and west of Vallecitos Road and east of Highway I-680. It is in the unincorporated area of Alameda County, northeast of the unincorporated town of Sunol, south of the City of Pleasanton, and southwest of the City of Livermore, as shown on Figure 1.

Of the nineteen property owners in the Plan Area, thirteen have joined to form the Little Valley Community Group to seek adoption of this Specific Plan and reclassification of the Plan Area to a Planned Development (Zoning) District (the 2031st Zoning Unit) to allow further subdivision and development of their properties. These owners represent just over 270 acres, or 87.5% of the total acreage in the Plan Area. The Plan Area includes the properties owned by the nonparticipants in order to provide a logical boundary for the Plan Area, although all but one of these properties will not be affected by the Plan policies due to their small size¹. A map of the

Plan Area is included as Figure 2; a list of the current (June, 1997) Assessor's Parcels, with acreages and ownership, is included as Appendix A.

PLAN PERIOD: This Plan has no defined Plan period. However, the development agreements to be executed between the County and members of the Little Valley Community Group will run for a twenty-five year period, until the year 2022. The Plan may be subject to review and modification should conditions change such that a review is warranted. Under the terms of the development agreements the County may require a certain percentage of the participating property owners to agree to the review and any amendment should this occur while the development agreement is in effect.

B. DEVELOPMENT OF THE SPECIFIC PLAN

1. **CONTEXT:** Up to 1994, the County General Plan had designated the Little Valley area as "Agriculture", despite the long-existing rural residential development there. In 1994, the Board of Supervisors adopted the East County Area Plan, which designated the area "Rural Density Residential", allowing a density of up to one dwelling unit per acre. This designation reflected the then-current Pleasanton Plan (1986), which designated the area "Low Density", less than two units per acre.

After adoption of the East County Area Plan, a group of property owners organized and approached the County regarding changing the A District zoning (with its one hundred acre minimum parcel size) to a designation that reflected the East County Area Plan designation for the area and the existing parcelization. After discussion with County staff, the property owners requested adoption of a specific plan to set policies for the Plan Area and rezoning to a Planned Development (PD) District to adopt the Specific Plan policies and provisions as the land use regulations for future subdivision and development in the Plan Area.

2. **PROCESS:** The Alameda County Planning Department (a division of the Alameda County Community Development Agency) processed the Specific Plan in conjunction with the Little Valley Community Group's application for reclassification of the area to a PD (Planned Development) District (the 2031st Zoning Unit). Planning Department staff, representatives of the Group, and various consultants met over a period of about one year to develop the general guidelines for development in the area that would be formalized in the Specific Plan and the Provisions of Reclassification for the PD Zoning. They also participated in several public hearings and work sessions with the Alameda County Planning Commission, at which meetings and work sessions Commissioners and members of the public raised concerns that staff and the Group addressed in the final document. Staff also prepared an environmental impact report for the project, which focussed primarily on issues involving land use, biological resources, geology and soils, traffic and access, and public facilities and services (Little Valley Specific Plan & 2031st Zoning Unit Environmental Impact Report, draft published September, 1996, final published May, 1997).

On June 19, 1997, the Alameda County Planning Commission held the last of several public hearings on the Specific Plan and rezoning. At that hearing, after reviewing the environmental impact report and taking public testimony, the Commission voted to recommend that the Board of Supervisors adopt the Specific Plan and reclassify the Plan Area to a PD District that incorporated the policies and provisions of the Specific Plan (Planning Commission Resolution 97-15). On July 10, 1997, the Alameda County Board of Supervisors held a public hearing on the project. It, too, reviewed the environmental impact report, took public testimony, and at the conclusion of the hearing it certified and adopted the environmental impact report for the project, making the requisite findings (Board Resolution R-98-11); adopted the Specific Plan (Ordinance O-98-2 and Resolution R-98-11); and reclassified the Plan Area to a PD (Planned Development) District (Ordinance O-98-3 and Resolution R-98-11).

C. RELATIONSHIP TO THE ALAMEDA COUNTY GENERAL PLAN

According to State law, a specific plan implements and thus must be consistent with the general plan (Government Code §§65450 *et seq.*). However, it is independent of the general plan. In normal application, a specific plan possesses a greater degree of detail than the general plan. A specific plan may include the functions of zoning, including land use regulation and design and other development standards, and capital improvement plans within its scope of regulatory powers. This is not usually true of a general plan. The Little Valley Specific Plan takes the general policies that the East County Area Plan, a portion of the Alameda County General Plan establishes for the area, expands on them, and puts them into regulatory form. It also provides for specific implementation measures and programs, which are not part of the general plan. The East County Area Plan is a part of the County's general plan; the Little Valley Specific Plan is an implementation measure of the East County Area Plan.

D. RELATIONSHIP TO THE ZONING ORDINANCE AND OTHER COUNTY REGULATIONS AND POLICIES

According to State law, a specific plan may be administered as, and thus have the force of, zoning. This Specific Plan provides general land use policies and regulation for the Plan Area; the 2031st Zoning Unit provides specific land use regulation for the Area. Policies and regulations of this Plan, in conjunction with the Provisions of Reclassification of the 2031st Zoning Unit, take precedent over and replace standard zoning and the provisions of the Alameda County Zoning Ordinance and other County regulations and policies in the area defined by Figure 2, and constitute the zoning and land use regulations for that area. Where this Plan or the zoning is silent, general provisions of the Zoning Ordinance or other County regulations apply. However, unless otherwise specified in the Plan or the zoning, Subdivision or Site Development Review may impose more, but not less, restrictive requirements where appropriate, subject to the provisions of the development agreement for the project. Enforcement of the provisions of this Plan shall be done in the same manner as enforcement of the provisions of the Zoning Ordinance, and violation of the provisions of this Plan shall

constitute a violation of the Zoning Ordinance. Amendment to the land use policies of this Plan shall be done in the same manner and procedure as amendment to the Zoning Ordinance.

E. RELATIONSHIP TO THE DEVELOPMENT AGREEMENT

State law allows a city or county to enter into a development agreement with a project sponsor to vest the provisions and conditions of approval for that development in both the city or county and the project sponsor. This gives the project sponsor the assurance that the governing body will not change or revoke the approvals without the consent of the project sponsor, and guarantees the government body, through a contractual agreement, that these provisions and conditions will be met. The development agreement in itself neither adds to nor detracts from the project approvals, rather it memorializes them and provides a vehicle for either party to enforce them.

F. RELATIONSHIP TO COUNTY AND OTHER PUBLIC ACTIONS

According to State law, a specific plan governs all public works projects within the Plan Area. Therefore, this plan will regulate all public improvements within the Area, including road widening and other improvements, flood control measures, creek protection measures, monitoring of water and sewage disposal systems, etc. It will also govern other County activities as appropriate.

G. STRUCTURE OF THE SPECIFIC PLAN

The Little Valley Specific Plan is intended to regulate land use in the Plan Area. It is divided into several functional sections as follows:

Introduction: The Introduction sets the general purpose of the Plan and the authority that State law gives specific plans. It sets the geographical area that the Plan governs and the Plan's time frame. This section also explains the relationship of the Plan to the County General Plan, the Zoning Ordinance, and other County regulations, policies, and actions, and to the development agreement for the project.

General Background: This section describes the physical setting of the Plan Area and the current land use. It also discusses current zoning and general plan policies for the Area, and public facilities in the Area.

Goals: This section presents the goals of the Plan.

Land Use and Development Policies and Provisions: The Land Use Element sets the general land use policies for the Plan Area.

Infrastructure: The Infrastructure Element sets policies for infrastructure for the Plan Area, including roads, provision of water, and sewage disposal.

Implementation: The Implementation Element outlines the actions necessary to carry out the policies of the Plan.

The actual policies and provisions of the Plan are printed in **BOLD SMALL CAPITALS**. Plan text is in standard print.

1. There is one parcel owned by nonparticipants that is greater than the nine acres necessary to be eligible for subdivision. Should these non-participating owners later wish to divide their property, they would have to not only pay all the fees and other costs assessed to the participating property owners, but would have to pay their fair share of the costs of the specific plan, rezoning, development agreement, and other costs of processing the application, as well as signing a development agreement with the County. All other parcels owned by nonparticipants are less than nine acres in size and thus cannot be divided further.

CHAPTER II: GENERAL BACKGROUND

A. PHYSICAL CHARACTERISTICS OF THE PLAN AREA

The Little Valley area consists of 310 acres of land surrounded by open farm and grazing land except on the east, where the General Electric Vallecitos Nuclear Science Center is located. The area consists of rolling hills and swales with scattered oak trees along the creek bed bottoms and the drainage swales. A creek and its tributary flow through the Plan Area southwest to the Arroyo de la Laguna. Elevations range from 400 feet above mean sea level in the creek bed at the southern boundary of the Plan Area to about 725 feet at its northeastern boundary. There are several large cattle watering ponds that have been built over the years on the creek bottoms. The majority of the Plan Area is hidden behind hills and is not visible from either I-680 or Vallecitos Road. Physical characteristics of the Plan Area are shown on Figure 3.

B. CURRENT LAND USE

The 310 acre Plan Area is currently subdivided into twenty Assessor's Parcels under nineteen ownerships. The parcels range from just under five acres to just over forty-five acres in size (See Figure 2). The original 1896 subdivision of the Plan Area divided it and some of the property to the west generally into twenty acre parcels. Seven of these twenty acre parcels remain today plus one forty acre parcel consisting of two combined parcels. The forty-five acre parcel consists of two original parcels plus portions of two adjacent parcels, the remainder of which is in a larger ownership and not included in the Plan Area. The other original parcels were subdivided over the next seventy-five years to create the existing smaller parcels.

There has been no subdivision in the area for the past twenty-five years, since the A District minimum parcel size was increased from five to one hundred acres (see discussion below, Section D), although a number of parcels have been certified as building sites through variances or other procedures. There have also been several boundary adjustments to change the size of some of the parcels. While the original subdivision purportedly created twenty acre parcels, a number of the parcels were in fact slightly under twenty acres in size due to inaccurate surveying of the original subdivision and the fact that the area of the roads is included in the parcel area. This is also true of the purported ten or five acre parcels created through division of some of the original parcels.

There are homes on seventeen of the parcels. In addition, on many of the parcels there are agricultural outbuildings such as barns and stables. There is one commercial horse stables operation at the southern end of the Plan Area. Several other property owners have hobby farming operations on their acreage. Four of the parcels, Parcels 096-0345-001-01, 001-02, 001-03, and 001-04, are in an Agricultural Preserve, 1972-26. The area is served by

a system of private roads, of which Little Valley Road provides the main access from Vallecitos Road.

The Plan Area is an island of smaller residential parcels surrounded by large private and public holdings. To the southwest is approximately 470 acres owned by the San Francisco Water Department; to the west and northwest is an approximately 1,000 acre private ranch; and to the north, northeast, and east is the approximately 1,600 acre G.E. holding. To the southeast, across Vallecitos Road, are several one hundred acre holdings, and more land owned by the San Francisco Water Department.

C. GENERAL PLAN POLICIES

Despite the fact that the Little Valley area has been subdivided and developed to its current rural residential density and character for many years, the 1977 Livermore-Amador Valley Planning Unit General Plan, (A Part of the Alameda County General Plan), and preceding general plans designated the area "Agricultural". The intent at that time was to discourage rural residential development dependent on wells and septic tanks. The 1977 Plan recognized few existing rural residential areas (0.9 units per acre or less); with one exception (Sunol/Kilkare Woods) the areas the Plan did recognize were on the fringes of existing suburban areas.

The 1994 East County Area Plan, a portion of the Alameda County General Plan, designates the Little Valley Specific Plan area as "Rural Density Residential". The Plan defines this as:

...densities of 0 to 1 unit per acre. This designation provides for 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 of 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. (East County Area Plan, 1994, pg.45,46.)

This designation was based in part on the then-current Pleasanton Plan (1976, revised 1982 and 1987). That plan designated the bulk of the Plan Area, plus some property to the south owned by the San Francisco Water Department as "Low Density Residential". The Plan defined this as, "Less than 2 dwelling units per gross acre; predominately detached single family homes." The 1976 Plan included a line that designated "Limit of Urbanization 1996"; that line ran somewhat to the north of the Little Valley area, approximately along Happy Valley and Alisal Roads and well north of the ridge that separates it from the City of Pleasanton. The 1982 plan eliminated this line. The 1987 plan had a lower density residential designation of "Rural Density",

defined as "One unit per 5 gross acres; predominately detached single family homes." However, despite the considerably lower density of the Plan Area, the City did not apply this designation to it.

All of the Pleasanton plans excluded the extreme northwestern portion of the Specific Plan Area from their "Rural Density Residential" designation, and designated it "Public Health and Safety". The City included lands in this designation "to discourage development" generally "because of a variety of natural and man made hazards and constraints." (The Pleasanton Plan, 1986, pg VII-6) However, the East County Area Plan included this portion in the "Rural Residential" designation since it was part of the original subdivision and development along Little Valley Road.

Since adoption of the 1994 East County Area Plan, the City has again amended its general plan. The current Pleasanton General Plan, adopted in 1996, designates the bulk of the Plan Area for "Rural Density Residential", defined as "One unit per 5 gross acres". Again, the northwest portion of the Area is designated "Public Health and Safety". That designation would preclude development except for "one single-family home on existing lots of record as of September 16, 1986 which meets City requirements for access, public safety, building site and architectural design, etc." The City excluded the San Francisco Water Department lands to the south of the Specific Plan Area from the "Rural Density Residential" designation, and included it in its "Public Health and Safety" designation with a "Wildlands Overlay". The Wildlands Overlay precluded development as in the Public Health and Safety designation except that the lot had to be of record prior to 1996. That plan, too, established an Urban Growth Boundary. However, like the 1976 line, it lies far to the north of the Specific Plan Area

D. ZONING

The entire Plan Area is zoned in the A (Agricultural) District, except for one twenty acre parcel at the south end of the Area, which is zoned in a PD (Planned Development - 1734th Zoning Unit) District that allows A District uses and a contractor's or similar office, and another twenty acre parcel at the north, which also is zoned in a PD (2026th Zoning Unit) District that established it as a building site. The A District currently sets a minimum parcel size of one hundred acres, and allows one dwelling per legal building site. Therefore, lots that were legal building sites under earlier zoning remain legal building sites, but no new building sites may be created that are less than one hundred acres in size. In addition to the dwelling, the A District also allows other agricultural or non-urban uses, either as permitted or conditional uses.

The A District's one hundred acre minimum lot size requirement was established in 1972. Prior to that the A District required a five acre minimum lot size, and allowed two homes on a lot. As noted above, the twenty acre lots were created in 1896, long before there was any zoning at all, and all of the subsequent subdivisions occurred prior to the 1972 amendments to the A District (see discussion above, Section B).

E. PUBLIC FACILITIES AND SERVICES

1. **STREETS:** Little Valley Road provides access to the Plan Area from Vallecitos Road and is the primary road in the Area. It extends approximately 7,000 feet northwest and north from Vallecitos Road to the northern boundary of the Plan Area. For the first approximately eight hundred feet it runs west northwest from Vallecitos Road between the San Francisco Water Department and G.E. properties to the southeastern corner of the Plan Area. From then it runs north along the eastern boundary of the Plan Area. It is in a private thirty-three foot right-of-way easement (which includes a ten foot P.G. & E. easement) with a paved roadway ranging from twenty-five feet wide near the intersection with Vallecitos Road to twelve feet wide at the northern end.

Several other roads run west from Little Valley Road. These are in thirty-three foot wide road and utility easements (including a ten foot wide P.G. & E. easement) that border every other 20 acre parcel along Little Valley Road to provide access to parcels to the west. Some of these are paper easements only and have not been fully developed for all or part of their length. These include Alpha, Turner, and Sigurson Lanes, which are somewhat improved, another unnamed lane that exists on paper only, and an westward extension of Little Valley Road at the northern end of the Plan Area that serves the two northwesternmost parcels.

All the streets in the Plan Area are privately and voluntarily maintained by the property owners.

2. **WATER:** There is no public water system in the Plan Area. Water supply consists of wells on each property. Several homes have 5,000 to 10,000 gallon storage tanks for stand-by water and fire emergency.

3. **SEWERS:** There are no public sewers in the Plan Area. All the parcels are served by septic tanks on the individual lots. Maintenance of the septic tanks is the responsibility of the individual property owner.

4. **SOLID WASTE DISPOSAL:** Solid waste collection and disposal in the Plan Area is handled by Pleasanton Garbage, under franchise to the County.

5. **PUBLIC SAFETY:** The Alameda County Fire Department has overall responsibility for fire protection and prevention in the Plan Area. The California Department of Forestry and Fire Protection is responsible for wildland fire protection, and the County Fire Department contacts with the Department of Forestry to provide structural fire protection in the Plan Area. The Department of Forestry provides fire response from its station on Pleasanton-Sunol Road in Sunol, with an estimated seven to eight minute response time.

The Alameda County Sheriff's Department provides police protection for the Plan Area from its station in San Leandro. Two deputies patrol the unincorporated south and east County areas in two cars during the day shift and in one car during the swing and midnight shifts. Response time varies depending on the location of the vehicle(s) when the call is received.

6. **SCHOOLS:** The Plan Area is in the Sunol Glen School District, which operates Sunol Glen Elementary School, a K-8 school, in Sunol. The District contracts with the Pleasanton Unified School District to provide secondary education for District children; high school students attend Foothill High School.

7. **PARKS AND RECREATION:** There are no public parks in the Plan Area, and the Plan Area is not in any organized park and recreation district. The Plan Area is in the East Bay Regional Park District, and there are three regional facilities within five miles of the Plan Area: Shadow Cliffs Regional Recreation Area, Pleasanton Ridge Regional Park, and Sunol Regional Wilderness. There are other park facilities in the City of Pleasanton and the Livermore Area Recreation and Park District in the vicinity of the Plan Area.

8. **ELECTRICAL:** The Plan Area is in the Pacific Gas and Electric Company service area, and P.G.& E. provides electrical power to the homes in the Plan Area. Utility lines are in a ten foot wide easement along the roads.

9. **GAS AND CABLE TELEVISION:** Natural gas and cable television are not available to the Plan Area at this time.

CHAPTER III: GOALS

GENERAL GOALS STATEMENT

It is the general goal of this Specific Plan to provide a mechanism by which the property owners in the Plan Area may develop their properties consistent with the Alameda County General Plan, and particularly the East County Area Plan, in an attractive, coordinated manner while addressing specific needs for individual parcels and the area as a whole.

GOAL #1: TO PROVIDE A MECHANISM TO IMPLEMENT THE PROPOSED 4.5 ACRE DENSITY OF RURAL RESIDENTIAL PARCELS.

GOAL #2 TO ADDRESS SPECIFIC NEEDS OF THE AREA AS A WHOLE.

GOAL #3: TO PERMIT RURAL RESIDENTIAL DEVELOPMENT IN THE PLAN AREA THAT IS:

- CONSISTENT WITH POLICIES OF THE EAST COUNTY AREA PLAN REGARDING RURAL RESIDENTIAL DEVELOPMENT;
- CONSISTENT WITH EXISTING DEVELOPMENT IN THE PLAN AREA;
- CONSISTENT WITH ZONE 7 POLICIES REGARDING WATER QUALITY AND SEWAGE DISPOSAL;
- CONSISTENT WITH PROVISION OF ADEQUATE ACCESS TO AND CIRCULATION WITHIN THE PLAN AREA;
- CONSISTENT WITH THE COUNTY'S ABILITY TO PROVIDE PUBLIC SERVICES TO AND PROVIDE FOR PUBLIC SAFETY IN THE PLAN AREA; AND
- CONSISTENT WITH ENVIRONMENTAL CONSTRAINTS ON THE PLAN AREA, INCLUDING MAINTENANCE OF WETLANDS AND OTHER HABITATS, RETENTION OF NATIVE OAKS AND OTHER TREES, PROTECTION OF THREATENED AND ENDANGERED SPECIES, PROTECTION AGAINST SEISMIC, GEOLOGIC, HYDROLOGIC, AND OTHER HAZARDS, AND PROTECTION OF CULTURAL RESOURCES IN THE PLAN AREA;

CHAPTER IV: LAND USE AND DEVELOPMENT POLICIES AND PROVISIONS

A. MINIMUM LOT SIZE & DENSITY

THE MINIMUM PARCEL SIZE IN THE PLAN AREA SHALL BE TWO ACRES. THE MAXIMUM DENSITY PER OWNERSHIP AS OF ADOPTION OF THIS PLAN (JUNE, 1997) SHALL BE ONE DWELLING UNIT PER EACH FULL FOUR AND ONE-HALF ACRES, AS SET OUT IN FIGURE 4 AND APPENDIX A. THE MAXIMUM NUMBER OF PARCELS IN THE SPECIFIC PLAN AREA, INCLUDING EXISTING PARCELS, SHALL BE SIXTY-TWO. UNITS ARE NOT TRANSFERRABLE BETWEEN OWNERSHIPS, EXCEPT THAT 1) PARCEL 096-0345-010-01 MAY BE SUBDIVIDED INTO TWO PARCELS SUBJECT TO ACQUIRING AN ADDITIONAL 0.13 ACRES FROM AN ADJACENT PARCEL THROUGH A BOUNDARY ADJUSTMENT, AND 2) PARCEL 096-0345-003-02 MAY BE SUBDIVIDED INTO TWO PARCELS SUBJECT TO BEING AT LEAST NINE ACRES IN SIZE, WHICH MAY BE ACCOMPLISHED THROUGH A BOUNDARY ADJUSTMENT WITH PARCEL 004-05 IF NECESSARY. SUBDIVISION OF EITHER PARCEL IS SUBJECT TO MEETING ALL OTHER POLICIES AND PROVISIONS OF THIS PLAN.

As stated elsewhere in this Plan, the purpose of the Plan and the PD Zoning is to establish guidelines and regulations for development of the Plan Area consistent with general plan and other policies. The East County Area Plan designates the Plan Area for "Rural Residential" with densities up to one unit per acre.

The minimum parcel size...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 of parcelization in the immediate area, historical subdivision patterns, the potential for disruption of agricultural productivity, and environmental considerations.

For the most part, the current lotting pattern relates to the original subdivision of the area into twenty acre parcels. Many of the original parcels have been divided in half or quarters, although some have been divided into different proportions. The smallest parcels in the Plan Area are just under five acres in size. (As discussed in Chapter II, due to discrepancies in surveys over the years and the road easement, parcels tend to be just under round numbers such as five, ten, or twenty acres in size.) This overall five acre density is consistent with the General Plan rural residential designation for and character of the Area. For purposes of the Plan, the density is set at one unit per each 4.5 acres ownership, to allow for division of parcels that are just under ten acres as noted above.

One parcel, APN 096-0345-001-02, in the northwest portion of the Plan Area has severe constraints due to topography; therefore the Plan allows only two parcels (one additional parcel) here. Another parcel, APN 096-0345-010-01, is just under nine acres in size. This parcel was created from a former 18.68 acre parcel; the other parcel created from that parcel is

9.81 acres in size. Since under the terms of the Specific Plan the original parcel could have been divided into four parcels, the Plan allows Parcel 010-01 to be divided into two parcels, but subject to acquiring an additional 0.13 acres from an adjacent parcel through a Boundary Adjustment. There is conflicting information as to the exact area of Parcels 096-0345-003-02 and 004-05. Applicants show Parcel 003-02 as 9.11 acres with Parcel 004-05 being 9.55 acres; Assessor's records show Parcel 003-02 as 7.63 acres, with Parcel 004-05 being 11.68 acres. The intent of the Plan is to allow a total of four parcels within the area of these two parcels. If Parcel 003-02 is in fact less than nine acres, the owners must acquire enough acreage from Parcel 004-05 to bring Parcel 003-02 up to at least nine acres before they can subdivide. This allows a total of sixty-two parcels (existing and new) in the Plan Area, for a gross density of one unit per 5.01 acres. The maximum number of parcels per existing parcel is listed in Appendix A and shown schematically on Figure 4. Figure 4 does not set future lot lines; its purpose is solely to indicate the number of lots that can be created from current ownerships and potential location of homesites.

The Plan sets a maximum number of parcels for each current ownership, and a maximum number of parcels for the entire Plan Area. It is possible that due to constraints of terrain, water supply, sewage disposal, environmental considerations, or others, the full number of parcels may not be realized, either on an individual ownership or in the Plan Area as a whole. Or, property owners may not wish to realize their full potential. Except as specified above, Boundary Adjustments may not be used to increase the number of units allowed on an ownership. Also, units are not transferrable between ownerships. Therefore, the actual total number of units in the Plan Area may be less than the maximum allowed under this Plan.

While the Plan allows a density of one unit per each 4.5 acres, the minimum parcel size is two acres. This allows for preservation of larger parcels of usable open space, more effective preservation of wetlands, and more flexibility and efficiency in lotting design.

B. ALLOWED USES

1. PERMITTED USES: THE FOLLOWING PRINCIPLE USES ARE PERMITTED IN THE PLAN AREA:
 - a. ON A BUILDING SITE, ONE ONE-FAMILY DWELLING OR ONE-FAMILY MODULAR OR PRE-MANUFACTURED HOME 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 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, VINEYARD, TREE FARM, TRUCK GARDEN, PLANT NURSERY, GREENHOUSE, APIARY, AVIARY, HATCHERY AND HORTICULTURE, FOR PERSONAL USE.

- c. RAISING OR KEEPING OF POULTRY, FOWL, RABBITS, OR SIMILAR ANIMALS NOT TO EXCEED A COMBINED TOTAL OF TWENTY (20) PER ACRE.
- d. PRIVATE RIDING OR HIKING TRAILS.
- e. FOUR (4) SHEEP, OR FOUR (4) GOATS OR OTHER SIMILAR DOMESTIC ANIMALS, OR TWO (2) COWS OR TWO (2) HORSES OR OTHER SIMILAR DOMESTIC ANIMALS OR ANY COMBINATION THEREOF, FOR EACH ACRE OF LAND.
- f. BUILDINGS AND STRUCTURES NORMALLY RELATED TO PERMITTED AGRICULTURAL USES, INCLUDING BUT NOT LIMITED TO BARNs, STABLES, PENS, CORRALS, OR COOPS.

2. **CONDITIONAL USES:** THE FOLLOWING ARE CONDITIONAL USES AND SHALL BE PERMITTED ONLY IF APPROVED BY THE ZONING ADMINISTRATOR AS PROVIDED IN SECTIONS 17.06.010 AND 17.54.130 OF THE ZONING ORDINANCE:

- a. WINERY, OR OLIVE OIL MILL.
- b. FISH HATCHERIES AND REARING PONDS.
- c. THE KEEPING OF A NUMBER OF ANIMALS IN EXCESS OF THAT PERMITTED BY SECTIONS B.1.c. AND e. ABOVE.
- d. KENNEL.
- e. BOARDING STABLES AND RIDING ACADEMIES.
- f. ONE SECONDARY DWELLING UNIT AS DEFINED AND REGULATED IN THE COUNTY POLICY ON SECONDARY UNITS IN RURAL RESIDENTIAL AREAS, EXCEPT THAT THE SECONDARY UNIT SHALL BE ON THE SAME SEPTIC SYSTEM AS THE PRIMARY UNIT.
- g. BED AND BREAKFAST ESTABLISHMENTS, AS DEFINED IN THE ZONING ORDINANCE.

THE COUNTY SHALL NOTIFY ALL PROPERTY OWNERS IN THE PLAN AREA OF ANY APPLICATION FOR A CONDITIONAL USE PERMIT IN THE PLAN AREA. FAILURE TO RECEIVE SUCH NOTICE SHALL NOT INVALIDATE ANY COUNTY ACTION ON A CONDITIONAL USE PERMIT. NO CONDITIONAL USE PERMIT MAY BE APPROVED WITHOUT A FINDING THAT THE PROPOSED USE IS CONSISTENT WITH THE INTENT, POLICIES, AND PROVISIONS OF THIS PLAN. CONDITIONAL USE PERMITS REQUESTED FOR KEEPING ADDITIONAL ANIMALS UNDER SECTION B.2.c SHALL BE REFERRED TO THE U.S. FISH AND WILDLIFE SERVICE FOR REVIEW AND RECOMMENDATIONS PRIOR TO APPROVAL, AND PROTECTIVE FENCING MAY BE A CONDITION OF APPROVAL (C.F. PROVISION G-8, BELOW),

3. **ACCESSORY BUILDINGS AND ACCESSORY USES:** THE PROVISIONS OF THE ZONING ORDINANCE, SECTIONS 17.52180 THROUGH 17.52320, 17.52470 AND 17.52730, OR AS AMENDED OR SUPERSEDED SHALL APPLY.

The Plan Area is a rural residential area. The Permitted and Conditional Uses that are allowed in the Plan Area reflect those uses generally allowed in similar areas of the County through the -L (Limited Agriculture) Combining District and other policy documents. One determinant of the total number of units to be allowed in the Plan Area was the total number of septic tanks that would be in the Area. In order to meet Zone 7 policies regarding septic tanks, secondary units must not be on a separate septic tank from the primary unit. If they cannot be connected to the septic tank for the primary unit, they are not allowed (C.f. Section N.d.5). The Environmental Impact Report for the project identified keeping increased numbers of grazing animals as having a potentially significant impacts on protected species. However, the Report found that with appropriate fencing, as discussed in Provision G-8, these impacts could be reduced to a less than significant level.

4. **PERFORMANCE STANDARDS:** NO KIND OR NUMBER OF ANIMALS OR FOWL MAY BE KEPT SO AS TO CAUSE DUST, INSECTS, ODOR, NOISE, OR OTHER NUISANCE SO AS TO CREATE HEALTH OR SAFETY HAZARD TO ANIMALS, PERSONS OR ADJACENT PROPERTIES.

C. DESIGN STANDARDS

1. **YARD REQUIREMENTS:** EXCEPT WHERE OTHERWISE NOTED, THE MINIMUM REQUIREMENTS FOR YARDS IN THE PLAN AREA SHALL BE AS FOLLOWS:

- a. **FRONT YARD:** FIFTY FEET (50) FROM PROPERTY LINE OR ROAD RIGHT-OF-WAY, WHICHEVER IS GREATER.
- b. **SIDE YARD:** TWENTY FIVE FEET (25).
- c. **REAR YARD:** FIFTY FEET (50).
- d. **BUILDINGS FOR THE CONDUCT OF OR THE OUTSIDE CONDUCT OF ANY AGRICULTURAL ACTIVITIES THAT INVOLVE THE KEEPING OF ANIMALS, OTHER THAN GRAZING IN OPEN PASTURE, SHALL HAVE A MINIMUM SETBACK OF TWENTY FIVE FEET (25). THIS SETBACK MAY BE REDUCED SUBJECT TO APPROVAL OF A CONDITIONAL USE PERMIT.**

2. **MAXIMUM SITE COVERAGE:** THERE IS NO COVERAGE LIMITATION IN THE PLAN AREA.

3. **MEDIAN LOT WIDTH:** THE MEDIAN LOT WIDTH IN THE PLAN AREA SHALL BE 175 FEET.

4. HEIGHT OF BUILDINGS: NO BUILDING IN THE PLAN AREA SHALL HAVE A HEIGHT IN EXCESS OF THREE (3) STORIES, NOR SHALL ANY BUILDING OR STRUCTURE HAVE A HEIGHT IN EXCESS OF THIRTY-FIVE FEET (35'), EXCEPT AS PROVIDED IN SECTION 17.52.090 OF THE ZONING ORDINANCE.

The Plan Area is basically a rural residential area. The design standards for the Plan Area reflect those standards generally established for similar areas of the County through the Zoning Ordinance and other policy documents, but modifies them appropriate to the adopted lot size.

5. SITE DEVELOPMENT REVIEW: SITE DEVELOPMENT REVIEW IS REQUIRED FOR ANY STRUCTURE ON PARCELS 096-0345-008 AND 009, OR SUBDIVISIONS THEREOF, TO ENSURE COMPATIBILITY WITH THE SURROUNDINGS AND TO SOFTEN VIEWS FROM VALLECITOS ROAD. SITE DEVELOPMENT REVIEW IS NOT REQUIRED FOR STRUCTURES ON OTHER PARCELS.

The Plan Area is located in a valley surrounded by rolling hills that generally hide it such that it is not visible from Vallecitos Road (which has been designated a scenic route by the Alameda County General Plan Scenic Route Element) or any other major roadway. However, the southernmost parcels in the Plan Area are visible from Vallecitos Road and thus in the scenic corridor for that road. The Environmental Impact Report for the project identified construction of structures on these lots as a potentially significant visual impact. The Scenic Route Element has the following guidelines:

Development controls should be applied for purposes of preserving and enhancing relatively nearby views or maintaining unobstructed distant views along the scenic route and providing a pleasant route of travel...Development controls should be applied to preserve and enhance scenic qualities, restrict unsightly use of land, control height of structures, and provide site design and architectural guidance along the entire scenic corridor. (Scenic Route Element, Alameda County General Plan, 1974, p. 4)

Therefore, the Plan requires Site Development Review for structures on these parcels. Since structures on the other parcels in the Plan Area would not be visible from Vallecitos Road, there is no need for Site Development Review for them and the Plan does not require it.

6. SETBACK FROM WETLANDS: THERE SHALL BE ONE HUNDRED FOOT (100') BUILDING AND GRADING SETBACKS FROM THE CENTERLINE OF ALL JURISDICTIONAL WATERS OF THE UNITED STATES AND FROM THE OUTSIDE OF ALL WETLANDS.

The Environmental Impact Report for the Specific Plan identified direct and indirect impacts to jurisdictional wetlands and Waters of the United States as a potentially significant impact of development in the Plan Area. This would be a result of construction of new houses and construction of new and improvement of existing roads. While some of this impact is unavoidable, much of it can be avoided by adequate setbacks from the waters.

D. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS

1. **WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS:** WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL CONFORM TO ALL REQUIREMENTS OF ZONE 7, THE ALAMEDA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH, THE REGIONAL WATER QUALITY CONTROL BOARD, AND ANY OTHER BODY WITH JURISDICTION OVER THE PLAN AREA. CONFORMANCE WITH THESE REQUIREMENTS SHALL BE A CONDITION OF ANY TENTATIVE PARCEL OR TRACT MAP, AND SHALL BE ACCOMPLISHED AS REQUIRED BY THE AGENCY. THERE SHALL BE NO MORE THAN SIXTY-TWO SEWAGE DISPOSAL SYSTEMS (SEPTIC TANK AND LEACH FIELD) IN THE PLAN AREA.

2. **MINIMUM PARCEL SIZE AND DENSITY:** NO SUBDIVISION BEYOND A DENSITY OF ONE PRINCIPAL DWELLING UNIT PER 4.5 ACRE OWNERSHIP AND NO LOT SMALLER THAN TWO ACRES SHALL BE ALLOWED.

Alameda County standards allow on-site sewage disposal systems on parcels as small as 40,000 square feet. However, Alameda County Flood Control and Water Conservation District Zone 7's Wastewater Management Plan calls for a five acre minimum lot size for development served by septic tanks, and states that a site specific geohydrologic study may be required to determine if wastewater would degrade ground or surface water quality. The Zone 7 Board of Directors has reviewed the proposed development in the area, and determined that two acre parcels are acceptable so long as an overall density of one dwelling unit per five acres, or a total of sixty-two parcels in the Plan Area, is maintained throughout the Plan Area. As further assurance that parcel sizes will not drop below two acres and the density shall not exceed one dwelling unit per 4.5 acres of current ownership or one dwelling unit per five acres for the overall Plan Area, this Plan calls for several implementation measures as outlined in Chapter VI.

3. **DESIGNATION OF LEACHFIELDS:** APPLICANTS FOR SUBDIVISION OF PROPERTY IN THE PLAN AREA SHALL INDICATE ON THEIR TENTATIVE MAPS THE GENERAL LOCATIONS OF SEPTIC SYSTEM LEACHFIELDS ON EACH PROPOSED PARCEL. APPLICANTS SHALL ALSO SUBMIT RESULTS OF PERCOLATION TESTS DEMONSTRATING THAT THE SOIL WITHIN THESE AREAS CAN ACCOMMODATE A RESIDENTIAL SEPTIC TANK LEACHFIELD SYSTEM.

The Environmental Impact Report for the project identified the generally slow percolation characteristics of soil types in portions of the Plan Area as a potentially significant impact. It suggested that septic systems would be difficult to place and prone to failure, with this being a particular problem on small lots, in areas with elevated groundwater tables, or near seasonal waterways. It noted that County records indicate the use of private septic systems has been successful in the past, but without lot-specific data potentials for success or failure would be speculative. It recommended the above policy as a mitigation to this potential impact.

4. **GROUNDWATER DATA:** APPLICANTS FOR SUBDIVISION OF PROPERTY IN THE PLAN AREA SHALL SUBMIT GROUNDWATER DATA SUFFICIENT TO DEMONSTRATE TO THE SATISFACTION OF THE ALAMEDA COUNTY PLANNING DIRECTOR, AFTER CONSULTATION WITH THE DEPARTMENT OF

ENVIRONMENTAL HEALTH AND THE ALAMEDA COUNTY FIRE DEPARTMENT, THAT ADEQUATE DOMESTIC AND FIRE FLOW WATER SUPPLY CAN BE MADE AVAILABLE FOR EACH PROPOSED BUILDING SITE AND THAT THE SUPPLY WOULD NOT HAVE ADVERSE EFFECTS ON WATER SUPPLY NEEDS FOR ADJOINING LOTS. SAID GROUNDWATER DATA SHALL BE PREPARED BY A QUALIFIED PROFESSIONAL AND MAY RELY ON TEST WELL DRILLING, PUMP TESTING, OR OTHER GEOLOGIC OR GROUNDWATER DATA, AS APPROPRIATE.

The Environmental Impact Report for the project noted that while the deeper wells in the Plan Area may produce adequate water to support the proposed development in the Plan Area, the adequacy of the groundwater resource to serve the domestic and fire flow demands of this development is not conclusive without further investigation on each new building site, and identified this as a potentially significant effect of the project. It recommended the above policy as a mitigation to this potential impact.

5. SECONDARY UNITS: WATER SUPPLY AND SEPTIC SYSTEMS FOR SECONDARY UNITS SHALL MEET ALL REQUIREMENTS OF THE ALAMEDA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH, ZONE 7, AND ANY OTHER AGENCY OR BODY WITH JURISDICTION OVER THE PLAN AREA. THEY SHALL BE ON THE SAME SEPTIC TANK SYSTEM AS THE PRIMARY DWELLING UNIT. WHERE THESE REQUIREMENTS CANNOT BE MET, SECONDARY UNITS ARE NOT ALLOWED.

Although secondary units are allowed as Conditional Uses, they must meet all requirements for provision of water and sewage disposal. In addition, in order to maintain the number of septic tank systems at a number consistent with Zone 7 policies, secondary unit may not have a separate septic tank or leach field, but must be connected to the septic system for the primary residence on the property. Where this cannot be done, they are not allowed.

6. SEPTIC SYSTEM INSPECTIONS AND MAINTENANCE: THERE SHALL BE PERIODIC INSPECTIONS OF SEPTIC TANKS AND LEACHFIELDS IN THE PLAN AREA, AS SET OUT IN THE ROADWAY AND SANITARY SEWER SYSTEM MAINTENANCE AGREEMENT (APPENDIX C). WHERE THE INSPECTION REVEALS MALFUNCTIONS OR THE LIKELIHOOD OF MALFUNCTIONS, THE PROPERTY OWNER WILL CORRECT THE PROBLEM WITHIN A REASONABLE TIME AS DETERMINED BY THE OVERSEEING ENTITY AS SET OUT IN THE AGREEMENT. IF THIS IS NOT DONE, THE OVERSEEING ENTITY OR OTHER PARTY TO THE AGREEMENT SHALL PERFORM OR CAUSE TO BE PERFORMED THE CORRECTIVE MEASURES AND THE COST WILL BE A LIEN ON THE PROPERTY.

This is to ensure proper functioning of septic tanks and protection of the water supply for the Plan Area. Without regular inspection and maintenance, malfunctions can occur that can affect the water supply for other properties. This is particularly critical in areas with concentrations of septic tanks. This shall be done through the body that oversees other functions in the Plan Area, as outlined in Chapter VI.

E. ACCESS AND CIRCULATION

1. ROAD IMPROVEMENT - LITTLE VALLEY ROAD AND ALPHA LANE: LITTLE VALLEY ROAD AND ALPHA LANE SHALL BE IMPROVED IN PHASES AS SET OUT IN THE ROADWAY INFRASTRUCTURE AND DEVELOPMENT PLAN (APPENDIX B) THROUGH THE BODY THAT OVERSEES OTHER FUNCTIONS IN THE PLAN AREA, AS OUTLINED IN CHAPTER VI.A. THE DIRECTOR OF PUBLIC WORKS AND THE ALAMEDA COUNTY FIRE MARSHALL HAVE REVIEWED THE ROADWAY INFRASTRUCTURE AND DEVELOPMENT PLAN TO DETERMINE ITS SUITABILITY AS A MITIGATION PROGRAM FOR SAFETY AND ACCESS AND HAS DETERMINED THAT THE FEE SCHEDULE IS ADEQUATE TO FUND THE PROPOSED IMPROVEMENTS. THE PLANNING DIRECTOR, AFTER CONSULTATION WITH THE DIRECTOR OF PUBLIC WORKS AND THE FIRE MARSHALL, MAY ADJUST THE PROGRAM TO BRING SPECIFIC ASPECTS OF IT INTO ACCORD WITH COUNTY POLICY OR MAY ADJUST THE FEE SCHEDULE TO ENSURE ITS ADEQUACY TO FUND IMPROVEMENTS.

Little Valley Road, from Vallecitos Road, is the sole access to the Plan Area and is also the primary road within the Plan Area. As noted in Chapter II, several other roads extend west from Little Valley Road to serve (mapped) parcels west of Little Valley Road. However, of these roads, the only ones that actually serves more than one parcel are Alpha and Turner Lanes. These are all privately maintained by the residents, under an informal and voluntary arrangement.

Little Valley Road is a narrow road, ranging from twelve to twenty-five feet in width in a thirty-three foot right-of-way (including a ten foot P.G.& E. easement). Over its course it crests several hills. Sections of the road have poor sight distance, particularly at some of the hilltops. Towards the northern end of the roadway passing is not possible due to the narrowness of the travelway. Before significant new development can occur it is necessary to improve the internal roadway system. This would involve eventually widening Little Valley Road and Alpha Lane to a minimum sixteen foot paved roadway with four foot shoulders for their entire lengths; with initial widening of Little Valley Road on the four hilltops, provision of turnarounds and turnouts along its length, and improving the curve near the northern end of its course. This program has been reviewed and approved by the Alameda County Fire Department and Public Works Agency. This would be a joint project of the property owners who are participating in the Little Valley Community Group. Funding would come from initial contributions by the original groupmembers on an acreage basis, an infrastructure fee to be paid at the initial sale of each new lot, and a monthly maintenance fee to be paid by each participating parcel owner (including all owners of new parcels).

2. ROAD MAINTENANCE - LITTLE VALLEY ROAD AND ALPHA LANE: ONCE IMPROVED, LITTLE VALLEY ROAD AND ALPHA LANE SHALL BE MAINTAINED TO FIRE DEPARTMENT STANDARDS THROUGH THE BODY THAT OVERSEES OTHER FUNCTIONS IN THE PLAN AREA, AS OUTLINED IN CHAPTER VI.B.

The County's primary interest in the road system in the Plan Area is maintaining access for public safety purposes, particularly Fire Department access. Therefore it is necessary that the

road system be maintained at a level that can accommodate Fire Department equipment. Roadway maintenance will be funded through a monthly maintenance fee paid by each participating parcel owner, including all purchasers of new parcels.

3. ROAD IMPROVEMENT AND MAINTENANCE - OTHER ROADS: ONLY LITTLE VALLEY ROAD AND ALPHA LANE, AS DEFINED IN THE ROADWAY INFRASTRUCTURE AND DEVELOPMENT PLAN SHALL BE THE JOINT RESPONSIBILITY OF ALL PARTICIPATING PROPERTY OWNERS IN THE PLAN AREA AS OUTLINED IN THIS PLAN. OTHER ROADS SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL OWNER OR OWNERS OF THE PROPERTY(IES) SERVED BY THE ROAD. THIS DOES NOT PRECLUDE THE PROPERTY OWNERS AS A WHOLE FROM AGREEING TO TAKE ON THE RESPONSIBILITY FOR IMPROVEMENT OR MAINTENANCE OF OTHER ROADS AS THEY MAY AGREE AMONGST THEMSELVES.

The provisions of this Plan only apply to Little Valley Road and Alpha Lane as described in the agreements in Appendices B and C. Other roads will be the responsibility of the individual property owners as established through the subdivision process. However, nothing in this Plan precludes the property owners as a whole from agreeing to take on responsibility for improvement, maintenance, or both, of any other roads under such terms as they may agree upon amongst themselves.

4. PARTICIPATION IN ROAD IMPROVEMENT AND MAINTENANCE: NO PROPERTY OWNERS MAY SUBDIVIDE THEIR PROPERTY UNLESS THEY ARE PARTICIPANTS IN THE ROADWAY INFRASTRUCTURE AND DEVELOPMENT PLAN.

While the Specific Plan covers the entire 310 acres of the Little Valley area, not all property owners have agreed to participate in funding preparation of the Plan and processing the rezoning, nor to participate in improvement and maintenance of the roads system. In the interests of equity, all owners who subdivide their property should participate in all costs of subdivision, including the indirect costs. Therefore, no property owners will be allowed to subdivide their property without participating fully in all aspects of the project, including road improvement and maintenance.

5. TRAFFIC IMPACT MITIGATION FEE: THE ALAMEDA COUNTY CUMULATIVE TRAFFIC IMPACT MITIGATION FEE SHALL BE ASSESSED FOR ALL NEW CONSTRUCTION IN THE PLAN AREA AT THE RATE IN EFFECT ON THE DATE ON WHICH THE FEE IS TO BE PAID OR AS OTHERWISE MAY BE SET BY FUTURE SUBDIVISION OR OTHER APPROVALS.

These fees are imposed on all new construction in the County to offset the cost of general non-measurable or non-assignable traffic impacts.

6. REGIONAL TRANSPORTATION FEE: ANY REGIONAL TRANSPORTATION FEE THAT THE COUNTY IMPOSES ON ALL CONSTRUCTION IN THE EAST COUNTY AREA SHALL BE ASSESSED FOR ALL NEW CONSTRUCTION IN THE PLAN AREA AT THE RATE IN EFFECT ON THE DATE ON WHICH THE FEE IS TO BE PAID OR AS OTHERWISE MAY BE SET BY FUTURE SUBDIVISION OR OTHER APPROVALS.

Policy 168 of the East County Area Plan calls for a "subregional transportation fee to help finance unfunded transportation improvements in the Tri-Valley area." As of the adoption of this Plan (July, 1997), no jurisdiction, including Alameda County, has adopted such a measure. However, once adopted, it, or any other such fee, should be assessed on all new development in the Plan Area at the same rate and in the same manner as it is assessed on other development in the Tri-Valley region.

F. PUBLIC SAFETY

1. **EMERGENCY ACCESS FOR ALPHA LANE PARCELS:** PRIOR TO SUBMISSION OF PARCELS ON ALPHA LANE, THE PROPERTY OWNERS ON ALPHA LANE SHALL SUBMIT A PLAN FOR PROVIDING SECONDARY EMERGENCY THROUGH-ACCESS FOR THE NEW ALPHA LANE PARCELS TO THE ALAMEDA COUNTY FIRE DEPARTMENT AND PLANNING DEPARTMENT FOR THEIR REVIEW AND APPROVAL. UPON APPROVAL OF THIS PLAN BY THE FIRE MARSHALL AND THE PLANNING DIRECTOR, THIS SECONDARY EMERGENCY ACCESS SHALL BE CONSTRUCTED PRIOR TO FINALIZING THE BUILDING PERMIT FOR ANY NEW DWELLING UNIT ON THE NEW ALPHA LANE PARCELS.

2. **WATER STORAGE TANKS:** EACH LOT SHALL BE EQUIPPED WITH A WATER STORAGE TANK WITH A MINIMUM CAPACITY OF 5,000 GALLONS PRIOR TO FINALIZING THE BUILDING PERMIT OF ANY DWELLING UNIT ON THE PARCEL. OF THE 5,000 GALLONS, 2,500 SHALL BE KEPT IN RESERVE FOR FIRE PROTECTION PURPOSES. THE TANKS SHALL BE EQUIPPED WITH TWO HOSE OUTLETS LOCATED WITHIN 50 FEET OF THE HOUSE, AND APPROVED BY THE ALAMEDA COUNTY FIRE DEPARTMENT FOR CONNECTION TO FIRE FIGHTING EQUIPMENT. PRIOR TO ISSUANCE OF A BUILDING PERMIT, THE BUILDER SHALL SUBMIT TO THE PLANNING DIRECTOR FOR REVIEW AND APPROVAL A PLAN SHOWING THE PROPOSED LOCATION, HEIGHT, AND COLOR OF WATER TANKS. SITING AND DESIGN OF THE TANKS SHOULD MINIMIZE THEIR VISUAL EFFECTS. THE SUBDIVIDER SHOULD COMBINE WATER TANKS WHERE POSSIBLE AND FEASIBLE TO MINIMIZE VIEWS OF TANKS FROM ROADWAYS.

3. **RESIDENTIAL SPRINKLER SYSTEMS:** EACH RESIDENCE IN THE PLAN AREA SHALL BE EQUIPPED WITH A FIRE SUPPRESSION SPRINKLER SYSTEM APPROVED BY THE ALAMEDA COUNTY FIRE DEPARTMENT.

4. **COMPLIANCE WITH STATE FIRE CODE:** ALL HOMES CONSTRUCTED IN THE PLAN AREA SHALL COMPLY WITH STATE FIRE CODES, INCLUDING PUBLIC RESOURCES CODE SECTION 4.291, WHICH REQUIRES THE MAINTENANCE OF A 30-FOOT CLEAR ZONE AROUND HOUSES.

5. **ENTRY GATE ACCESS FOR EMERGENCY VEHICLES:** IF THERE IS TO BE A LOCKED GATE AT THE ENTRANCE TO THE PLAN AREA, INSTALLATION OF THE GATE SHALL INCLUDE INSTALLATION OF A KNOX-BOX AT THE GATE TO ALLOW ACCESS TO FIRE FIGHTING EQUIPMENT, POLICE VEHICLES, AMBULANCES OR OTHER EMERGENCY MEDICAL VEHICLES, AND OTHER EMERGENCY VEHICLES. THERE SHALL ALSO BE A TURNAROUND FOR VEHICLES THAT CANNOT GAIN ENTRANCE TO THE AREA.

6. ADDRESSES: PRIOR TO FINALIZING THE BUILDING PERMIT, OWNERS SHALL PROVIDE LIGHTED OR REFLECTIVE ADDRESSES ON ALL LOTS WITH FOUR-INCH LETTERING ON A THREE FOOT HIGH POST AT THE INTERSECTION OF DRIVEWAYS AND COMMON STREETS.

7. GROUNDWATER DATA: APPLICANTS FOR SUBDIVISION OF PROPERTY IN THE PLAN AREA SHALL SUBMIT GROUNDWATER DATA SUFFICIENT TO DEMONSTRATE TO THE SATISFACTION OF THE ALAMEDA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH AND THE ALAMEDA COUNTY FIRE DEPARTMENT THAT ADEQUATE DOMESTIC AND FIRE FLOW WATER SUPPLY IS AVAILABLE FOR EACH PROPOSED BUILDING SITE AND THAT THE SUPPLY WOULD NOT HAVE ADVERSE EFFECTS ON WATER SUPPLY NEEDS FOR ADJOINING LOTS. (C.F. POLICY D-4.)

The Environmental Impact Report for the project identified access to the area, both physical access and adequacy of roads; availability of adequate water supply; and other measures as being necessary to reduce impacts related to fire and police protection to a less than significant level. It also identified water tanks on hilltops as having potential visual impacts, which could be mitigated through siting and design. These policies embody those proposed mitigations, and are standard requirements for development of the type proposed under the Specific Plan.

6. WETLANDS AND BIOLOGICAL RESOURCES

1. NOTIFICATION OF FEDERAL AND STATE AGENCIES: PRIOR TO OBTAINING A GRADING PERMIT TO EXCAVATE OR FILL ANY WETLAND IDENTIFIED IN THE DRAFT EIR WITHIN THE PLAN AREA, THE OWNER SHALL NOTIFY THE US ARMY CORPS OF ENGINEERS, THE US FISH AND WILDLIFE SERVICE, AND THE STATE DEPARTMENT OF FISH AND GAME.

a. IF THE WETLAND IS WITHIN THE CORPS' JURISDICTION, THE OWNER SHALL OBTAIN A PERMIT FROM THE CORPS. IN THE PERMIT APPLICATION, THE OWNER MUST NOTIFY THE CORPS THAT THERE ARE TWO FEDERALLY PROTECTED SPECIES, THE CALIFORNIA RED-LEGGED FROG AND CALIFORNIA TIGER SALAMANDER, AND A STATE THREATENED SPECIES, THE WESTERN POND TURTLE, IN STOCK PONDS IN THE PROJECT AREA. THE PERMIT MUST COMPLY WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT. PROPERTY OWNERS MAY APPLY INDIVIDUALLY TO THE CORPS FOR PERMITS FOR THEIR INDIVIDUAL PARCEL(S) OR THEY MAY APPLY WITH OTHER OWNERS FOR A PERMIT COVERING MORE THAN ONE OWNERSHIP IN THE SAME WETLAND.

b. IF THE EXCAVATING OR FILLING OF WETLANDS IS OUTSIDE OF THE CORPS' JURISDICTION, THE OWNER SHALL NOTIFY THE US FISH AND WILDLIFE SERVICE AND THE CALIFORNIA DEPARTMENT OF FISH AND GAME THAT PORTIONS OF THE PROJECT AREA CONTAIN THE ABOVE-LISTED SPECIES. THE OWNER SHALL COMPLY WITH SECTION 10 OF THE ENDANGERED SPECIES ACT, WHICH MAY REQUIRE PREPARATION OF A HABITAT CONSERVATION PLAN.

2. **SETBACKS FROM CREEKS AND WETLANDS:** TENTATIVE MAPS AND GRADING PERMITS SHALL ESTABLISH BUILDING AND GRADING SETBACKS OF ONE HUNDRED FEET (100') FROM THE CENTERLINE OF ALL JURISDICTIONAL WATERS OF THE U.S. (I.E., INTERMITTENT CREEKS) AND ONE HUNDRED FEET (100') FROM THE OUTSIDE EDGE OF WETLANDS (E.G., STOCK PONDS, SWALES), IN WHICH NO PLANT REMOVAL, CONSTRUCTION, GRADING, TRAILS, OR STORAGE OF EQUIPMENT CAN OCCUR. THE PROPOSED NEW OR IMPROVED ROAD CROSSINGS DESCRIBED IN THIS PLAN SHALL BE THE ONLY PROJECT DEVELOPMENT WITHIN THESE SETBACK AREAS; THESE WILL REQUIRE A PERMIT FROM THE U.S. ARMY CORPS OF ENGINEERS WITH REVIEW BY THE U.S. FISH AND WILDLIFE SERVICE.

3. **COMPLIANCE WITH CLEAN WATER ACT AND FISH AND GAME CODE:** PROPERTY OWNERS SHALL PROVIDE PROOF OF COMPLIANCE WITH SECTION 404(B)(1) OF THE CLEAN WATER ACT AND SECTIONS 1601-1607 OF THE FISH AND GAME CODE PRIOR TO ISSUANCE OF GRADING PERMITS FOR WORK IN OR OVER WETLANDS OR WATERS OF THE U.S.

4. **COMPLIANCE WITH ENDANGERED SPECIES ACT:** PRIOR TO ISSUANCE OF ANY GRADING PERMITS FOR WORK WITHIN ONE HUNDRED FEET (100') OF JURISDICTIONAL WETLANDS AND WATERS OF THE U.S., THE APPLICANT SHALL SUBMIT TO THE COUNTY EVIDENCE OF COMPLIANCE WITH THE ENDANGERED SPECIES ACT; COMPLIANCE CAN BE DEMONSTRATED THROUGH EVIDENCE OF CONSULTATION WITH THE UNITED STATES FISH AND WILDLIFE SERVICE RESULTING IN A "NO JEOPARDY" OPINION.

5. **OAK TREE PROTECTION:** PRIOR TO ISSUANCE OF ANY GRADING PERMITS AFFECTING OAK TREES, APPLICANTS SHALL SUBMIT EITHER 1) EVIDENCE THAT OAK TREES WILL BE ENTIRELY AVOIDED (I.E., GRADING PLANS WITH THE DRIPLINES OF ANY OAKS IN THE AREA AND THE LIMITS OF DISTURBANCE CLEARLY INDICATED), OR 2) A DETAILED OAK TREE MANAGEMENT AND REPLACEMENT PLAN PREPARED BY A COUNTY-APPROVED ARBORIST. THE PREPARER OF THIS PLAN SHALL WORK DIRECTLY WITH THE PROJECT ARCHITECT OR ENGINEER TO EVALUATE IMPACTS TO INDIVIDUAL VALLEY OAK TREES THAT COULD OCCUR FROM PROJECT CONSTRUCTION AND RELATED ACTIVITIES. KEY ELEMENTS TO BE INCLUDED IN THE OAK TREE MANAGEMENT AND REPLACEMENT PLAN ARE DESCRIBED IN THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THIS PROJECT, AT PAGE 51.

6. **CALIFORNIA RED-LEGGED FROG AND WESTERN POND TURTLE PROTECTION:** PRIOR TO ISSUANCE OF ANY GRADING PERMITS FOR WORK WITHIN ONE HUNDRED FEET (100') OF JURISDICTIONAL WETLANDS AND WATERS OF THE U.S., THE APPLICANT SHALL SUBMIT A DETAILED CALIFORNIA RED-LEGGED FROG HABITAT PROTECTION PLAN APPROVED BY THE UNITED STATES FISH AND WILDLIFE SERVICE. THE PERMIT SHALL BE CONDITIONED ON COMPLIANCE WITH THIS PLAN. THE PREPARER OF THIS PLAN SHALL WORK DIRECTLY WITH THE PROJECT ENGINEER TO MINIMIZE POTENTIAL IMPACTS TO THE CALIFORNIA RED-LEGGED FROG THAT COULD OCCUR FROM PROJECT CONSTRUCTION AND RELATED ACTIVITIES. KEY ELEMENTS TO BE INCLUDED IN THE CALIFORNIA RED-LEGGED FROG HABITAT PROTECTION PLAN ARE DESCRIBED IN THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THIS PROJECT, AT PAGE 53. THIS SHALL ALSO ACT AS MITIGATION FOR IMPACTS ON THE WESTERN POND TURTLE.

7. CALIFORNIA TIGER SALAMANDER PROTECTION: APPLICANTS FOR TENTATIVE MAP APPROVAL OR GRADING PERMITS AFFECTING LAND WITHIN THREE HUNDRED FEET (300') OF AN ON- OR OFF-SITE STOCK POND SHALL PREPARE AND SUBMIT TO THE COUNTY A CALIFORNIA DEPARTMENT OF FISH AND GAME-APPROVED CALIFORNIA TIGER SALAMANDER ESTIVATION HABITAT SUITABILITY ASSESSMENT AND MITIGATION PLAN. KEY ELEMENTS TO BE INCLUDED IN THE CALIFORNIA TIGER SALAMANDER ESTIVATION HABITAT SUITABILITY ASSESSMENT AND MITIGATION PLAN ARE DESCRIBED IN THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THIS PROJECT, AT PAGE 55.

8. ADDITIONAL CALIFORNIA RED-LEGGED FROG AND CALIFORNIA TIGER SALAMANDER PROTECTION: TO PROTECT THE CALIFORNIA RED-LEGGED FROG AND CALIFORNIA TIGER SALAMANDER, CONDITIONAL USE PERMIT APPLICANTS WITHIN THE PLAN AREA APPLYING TO INCREASE THE NUMBER OF GRAZING ANIMALS IN THE PLAN AREA MAY BE REQUIRED TO CONSTRUCT PARTIAL EXCLUSIONARY FENCING AROUND PONDS THAT WOULD ALLOW GRAZING ANIMALS TO REACH THE PONDS WHILE PROVIDING SAFE ACCESS FOR PROTECTED SPECIES. SUCH PERMIT APPLICATIONS SHALL BE REFERRED TO THE US FISH AND WILDLIFE SERVICE FOR RECOMMENDATIONS PRIOR TO APPROVAL.

THE LITTLE VALLEY COMMUNITY GROUP SHALL EXPLORE THE POSSIBILITY OF REALIGNING ALPHA LANE TO THE NORTH THROUGH LESS CRITICAL WETLANDS AND EITHER ELEVATE THE NEW ROAD ABOVE THE WETLANDS OR CONSTRUCT A CULVERT UNDERNEATH THE ROAD AT GRADE TO ALLOW PROTECTED WILDLIFE TO MIGRATE ACROSS THE WETLAND.

WHEN PROPERTY IS TRANSFERRED TO NEW OWNERS, THE PROPERTY DEED SHALL INCLUDE LANGUAGE NOTIFYING NEW OWNERS OF THE PRESENCE OF THESE TWO FEDERALLY-PROTECTED SPECIAL STATUS SPECIES IN DRAINAGE AREAS, SWALES, AND PONDS IN THE PLAN AREA. THE SELLERS SHALL PROVIDE THE BUYERS WRITTEN EDUCATIONAL INFORMATION, SUCH AS A BROCHURE OR LEAFLET, ABOUT THE TWO SPECIES AND HOW BEST TO PROTECT THE SPECIES AND THEIR HABITAT. THE INFORMATION SHALL INCLUDE MEASURES SUCH AS PROPERLY DISPOSING OF TOXIC SUBSTANCES, NEUTERING AND VACCINATING DOMESTIC ANIMALS, MAINTAINING NATURAL VEGETATION, USING NATIVE PLANTS FOR LANDSCAPING, WHERE POSSIBLE, AND PASSIVELY ENJOYING WILDLIFE. THIS INFORMATION MAY BE OBTAINED FROM THE US FISH AND WILDLIFE SERVICE. TO MONITOR THIS MEASURE, THE NEW OWNER SHALL SUBMIT A COPY OF THE DEED SHOWING SUCH NOTIFICATION TO THE PLANNING DIRECTOR.

The Environmental Impact Report for the project identified a number of potentially significant impacts to wetlands, habitats, and biological resources. However, the Report found that with appropriate mitigation, these impacts could be reduced to a less than significant level. These policies embody those proposed mitigations, and are generally standard requirements for development of the type proposed under the Specific Plan. It is understood that realignment of Alpha Lane to the north may not be feasible for several reasons, including multiplicity of ownerships of the current roadway and of any new right-of-way, and the presence of P.G.& E. lines on poles in a dedicated easement and the expense of moving the poles,

H. GEOLOGY AND SOILS

1. **ALQUIST-PRIOLO ACT REQUIREMENTS:** PRIOR TO OBTAINING A BUILDING PERMIT FOR NEW HOMES IN THE NORTHEAST PORTION OF THE PROPERTY THAT LIES WITHIN THE ALQUIST PRIOLO EARTHQUAKE FAULT ZONE, SUBSURFACE EXPLORATION TRENCHING SHALL BE DONE BY A QUALIFIED GEOLOGIST TO VERIFY THE EXTENT AND LOCATION OF POTENTIAL FAULT TRACES AND IDENTIFY SETBACK ZONES FOR RESIDENTIAL STRUCTURES FROM THE FAULT TRACE.
2. **COMPLIANCE WITH SEISMIC DESIGN CODES:** TO REDUCE STRUCTURAL DAMAGE DUE TO SEISMIC SHAKING, ALL NEW HOMES SHALL ADHERE TO SEISMIC DESIGN CODES. DESIGN OF THE PROJECTS SHALL BE IN ACCORD WITH UNIFORM BUILDING CODE GUIDELINES FOR SEISMIC ZONE 4.
3. **NO RESIDENTIAL CONSTRUCTION IN FLOOD ZONES:** NEW HOMES SHALL BE LOCATED OUTSIDE OF FLOOD ZONES TO REDUCE FLOODING HAZARDS DOWNSTREAM. TENTATIVE MAPS SHALL INDICATE THAT HOMES WOULD BE PROHIBITED IN THESE AREAS.
4. **NO STRUCTURES IN FLOOD HAZARD ZONES:** THE POTENTIAL FOR FAILURE OF WATER RETENTION STRUCTURES SHALL BE MITIGATED BY LOCATING STRUCTURES OUTSIDE OF POTENTIAL FLOOD HAZARD ZONES. IMPROVEMENTS SHALL BE LOCATED AT LEAST TEN FEET (10') FROM TOES OF SLOPES TO PROVIDE ACCESS FOR SLOPE REPAIRS, IF NECESSARY. PROPOSED IMPROVEMENTS ON SLOPES SHALL BE EVALUATED BY A QUALIFIED GEOLOGIST FOR POTENTIAL MOVEMENT DURING EARTHQUAKE SHAKING.
5. **POSSIBLE LANDSLIDES:** THE POTENTIAL IMPACT ON EXISTING AND PLANNED DEVELOPMENT ON THE PARCELS AT THE NORTHEAST CORNER OF THE PLAN AREA, PARCELS 096-0345-001-03 AND 001-04, FROM POSSIBLE OLD LANDSLIDES SHALL BE REDUCED THROUGH MAINTAINING SETBACKS FROM THE DRAINAGE AREAS, INCORPORATING SOME TYPE OF IMPACT REDUCTION MEASURES INTO FUTURE DEVELOPMENT SCHEMES (SUCH AS REPAIRING ANY EXISTING SLIDES ADJACENT TO RESIDENTIAL STRUCTURES, PROVIDING SOME TYPE OF STRUCTURAL SUPPORT, SUCH AS WALLS, EARTHEN BUTTRESSES, ETC.), OR BOTH. THE EXISTENCE OF A LANDSLIDE IN THIS AREA SHALL BE INVESTIGATED PRIOR TO LOCATING IMPROVEMENTS ADJACENT TO IT. LANDSLIDES ON INDIVIDUAL LOTS SHALL BE EVALUATED DURING LOT-SPECIFIC GEOTECHNICAL INVESTIGATIONS.
6. **CUT SLOPES:** PROPOSED CUT SLOPES SHALL BE CAREFULLY EVALUATED TO ASSESS THEIR STABILITY. LONG TERM STABILIZATION MEASURES SUCH AS SURFACE NETTING AND DEEP-ROOTED VEGETATION SHALL BE USED WHERE NECESSARY TO IMPROVE SURFACE STABILITY.
7. **GEOTECHNICAL INVESTIGATIONS:** THE RESULTS OF A SITE-SPECIFIC GEOTECHNICAL INVESTIGATION SHALL BE SUBMITTED WITH ALL TENTATIVE MAP APPLICATIONS.
8. **EROSION AND SEDIMENTATION CONTROL PLANS:** AN EROSION AND SEDIMENTATION CONTROL PLAN SHALL BE SUBMITTED TO THE PUBLIC WORKS AGENCY FOR ITS REVIEW AND APPROVAL PRIOR TO APPROVAL OF THE FINAL MAP. THE PLAN SHALL INCLUDE MEASURES TO REDUCE WATER RELEASES DOWNSTREAM.

The Environmental Impact Report for the project identified a number of significant geologic and soils impacts resulting from development of the Plan Area under Plan policies. The Report proposed several mitigations that, if enacted, would reduce the impacts to less than significant levels. These policies embody those proposed mitigations, and are standard requirements for development of the type proposed under the Specific Plan.

I. HYDROLOGY

1. **ZONE 7 PLANNING:** ZONE 7 SHOULD CONSIDER THE PROPOSED LAND USE ON THE PROJECT SITE IN FUTURE STORM DRAINAGE PLANNING EFFORTS TO ENSURE THAT DOWNSTREAM FACILITIES CAN ACCOMMODATE RUNOFF FROM THE SITE.
2. **DESIGN OF DRAINAGE STRUCTURES:** ALL DRAINAGE STRUCTURES SHOWN ON IMPROVEMENT PLANS FOR FUTURE SUBDIVISIONS SHALL BE DESIGNED TO ALAMEDA COUNTY STANDARDS TO ACCOMMODATE UPSTREAM DEVELOPMENT AS ALLOWED BY THE SPECIFIC PLAN. DOWNSTREAM DRAINAGE STRUCTURES WITHIN THE PLAN AREA SHALL ALSO BE SHOWN TO ACCOMMODATE ANY PROPOSED INCREASE IN RUNOFF.
3. **REVEGETATION OF CUT SLOPES:** REQUIRED GRADING PERMITS FOR DEVELOPMENT OF NEW HOMESITES SHALL INCLUDE REVEGETATION REQUIREMENTS, SPECIFICATIONS FOR THE MAXIMUM SLOPE OF CUT AND FILL AREAS, AND SEDIMENT CONTROL SPECIFICATIONS. THE PLANS SHALL SHOW LOCATIONS FOR FUELING CONSTRUCTION EQUIPMENT AND FUEL SPILL PREVENTION AND CLEANUP METHODS.
4. **STORMWATER POLLUTION PREVENTION:** PRIOR TO OBTAINING A GRADING PERMIT, THE PROPERTY OWNER OR DEVELOPER SHALL COMPLY WITH THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REQUIREMENTS, INCLUDING PREPARATION OF A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) IF REQUIRED.
5. **DRAINAGE PLAN:** A DRAINAGE PLAN SHALL BE SUBMITTED TO THE PUBLIC WORKS AGENCY FOR ITS REVIEW AND APPROVAL PRIOR TO APPROVAL OF A GRADING PERMIT. THIS PLAN SHALL INCLUDE AN ANALYSIS OF POTENTIAL IMPACTS OF THE SUBDIVISION ON DRAINAGEWAYS, INCLUDING THE CALIFORNIA DEPARTMENT OF TRANSPORTATION'S CULVERT UNDER I-680, AND SHALL EXAMINE THE FEASIBILITY OF ON-SITE DETENTION FACILITIES TO MAINTAIN PRE-DEVELOPMENT PEAK FLOW RATES. THE PUBLIC WORKS AGENCY SHALL REFER THE DRAINAGE PLAN TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR ITS REVIEW AND COMMENTS.

The Environmental Impact Report for the project identified a number of significant hydrological impacts resulting from development of the Plan Area under Plan policies. The Report proposed several mitigations that, if enacted, would reduce the impacts to less than significant levels. These policies, plus Policy D-4, embody those proposed mitigations, and are standard requirements for development of the type proposed under the Specific Plan.

J. CULTURAL

IF ARCHAEOLOGICAL REMAINS ARE FOUND ON THE PROPERTY DURING EARTH MOVING ACTIVITIES, THE OWNER OR CONTRACTOR SHALL HALT EARTHMOVING ACTIVITIES WITHIN APPROXIMATELY THIRTY FEET (30') OF ANY ARCHAEOLOGICAL RESOURCES UNEARTHED DURING CONSTRUCTION UNTIL A QUALIFIED ARCHAEOLOGIST HAS BEEN RETAINED AND HAS EVALUATED THE SIGNIFICANCE OF THE RESOURCES. THE ARCHAEOLOGIST SHALL RECORD, RECOVER, RETRIEVE, AND/OR REMOVE ANY ARCHAEOLOGICAL MATERIALS AND DATA. DISPOSITION OF ARCHAEOLOGICAL COLLECTIONS AND RECORDS SHALL FOLLOW THE RECOMMENDATIONS IN THE "STATE OF CALIFORNIA GUIDELINES FOR THE CURATION OF ARCHAEOLOGICAL COLLECTIONS (1993)". THE OWNER SHALL NOTIFY THE OHLONE MOST LIKELY DESCENDANTS, AS DESIGNATED BY THE CALIFORNIA NATIVE AMERICAN HERITAGE COMMISSION, IN THE EVENT THAT PREHISTORIC HUMAN REMAINS ARE UNCOVERED. THE COUNTY CORONER SHALL BE CALLED AND THE ARCHAEOLOGIST SHALL PROVIDE SAFE AND SECURE STORAGE OF THESE REMAINS WHILE ON-SITE, IN THE LABORATORY, AND OTHERWISE, AND SHALL CONSULT WITH THE NATIVE AMERICAN REPRESENTATIVES REGARDING EITHER ON-SITE REBURIAL OF THE REMAINS OR OTHER ARRANGEMENTS FOR THEIR DISPOSITION, AS RECOMMENDED IN PUBLIC RESOURCES CODE SECTION 5097.98 AND HEALTH AND SAFETY CODE SECTION 7050.5. LASTLY, THE OWNER SHALL FUND A FINAL REPORT TO INCORPORATE DATA DEVELOPED FOR THE REPORT AND MONITORING; A COPY OF THE REPORT SHALL BE SUBMITTED TO THE REGIONAL INFORMATION CENTER OF THE CALIFORNIA ARCHAEOLOGICAL INVENTORY FOR INCLUSION IN THE PERMANENT ARCHIVES, AND ANOTHER COPY SHALL ACCOMPANY ANY RECORDED ARCHAEOLOGICAL MATERIALS AND DATA. THIS SHALL BE A CONDITION OF ANY GRADING PERMIT THE COUNTY ISSUES IN THE PLAN AREA, AND THE GRADING INSPECTOR SHALL MONITOR THIS DURING GRADING INSPECTIONS.

The Environmental Impact Report for the project noted that although no prehistoric or historic resources have been found on site, it is possible that grading or other construction-related activities could unearth unknown prehistoric or historic resources. The Report proposed a mitigation that, if enacted, would reduce the impacts to less than significant levels. This policy embodies that proposed mitigation, and is a standard requirement for development of the type proposed under the Specific Plan.

K AFFORDABLE HOUSING

PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR A PRIMARY DWELLING UNIT, THE PROPERTY OWNER SHALL PAY AN \$1,900 FEE TO THE ALAMEDA COUNTY AFFORDABLE HOUSING TRUST FUND TO PROVIDE LOCAL AFFORDABLE RENTAL OR FOR-SALE HOUSING. THIS FEE SHALL BE ADJUSTED ANNUALLY FROM THE DATE OF APPROVAL OF THIS PLAN BASED ON THE INDEX FOR CONSTRUCTION IN THE SAN FRANCISCO BAY AREA PUBLISHED BY THE ENGINEERING NEWS RECORD (ENR INDEX), OR SIMILAR INDEX THAT ACCURATELY REFLECTS COST FACTORS FOR MATERIALS AND LABOR FOR RESIDENTIAL CONSTRUCTION. ALL FEES PAID SHALL BE EARMARKED EXCLUSIVELY FOR PROVISION OF HOUSING THROUGH CONSTRUCTION, RENT OR FINANCING

SUBSIDIES, OR OTHER METHODS, AND SHALL NOT BE USED FOR SALARIES OR OTHER OVERHEAD EXPENSES, NOR SHALL THEY BE USED TO FREE MONIES FOR SALARIES OR OTHER OVERHEAD EXPENSES WHICH OTHERWISE WOULD HAVE BEEN USED FOR PROVISION OF HOUSING.

Policy 43 of the East County Area Plan states that, "The County shall require each residential...project to contribute to meeting the housing needs of very low-, low-, and moderate-income households." [Page 12] Program 13 calls for the County to establish "...a low- and very low-income housing fee to be applied to all new unincorporated market rate housing...[Page 12]. Program 14 calls for the County to establish "...a low- and very low-income housing trust fund to accrue housing fee revenues and to disperse them for low- and very low-income housing development. Although the County has not yet adopted the ordinance called for in Program 13, it has established the housing trust fund called for in Program 14, and conditions similar to this one have been attached to all larger scale development in the unincorporated area. This policy would implement those policies and programs of the East County Area Plan.

L DISCLOSURE

PRIOR TO TRANSFER OF NEW RESIDENTIAL LOTS ADJACENT TO EXISTING AGRICULTURAL USES, A REAL ESTATE DISCLOSURE NOTICE SHALL BE ATTACHED TO DEEDS INFORMING OWNERS OF POTENTIAL NUISANCES GENERATED BY ADJACENT AGRICULTURAL USES.

The Plan provides for continuation of existing or establishment of new semi-agricultural uses, such as horse stables, raising of stock, etc., and this is to be a focal point of the area. However, often these activities can come into conflict with residential activities on adjacent properties. For this reason, there should be a disclosure notice on all sales of lots in the Area to ensure that new residents are aware of potential nuisances arising from agricultural use of adjacent properties. The East County Area Plan (Program 30, pg. 25) calls for the County to adopt an ordinance requiring such disclosure; at the time of adoption of this Plan the Count has not done so. However, this policy will implement that policy of the East County Area Plan.

CHAPTER V: INFRASTRUCTURE

A. STREETS

LITTLE VALLEY ROAD AND ALPHA LANE SHALL BE IMPROVED AS OUTLINED IN CHAPTER M.E AND CHAPTER VI.A AND B.

B. WATER

WATER SHALL BE PROVIDED AS OUTLINED IN CHAPTER M.D.

C. SEWER

SEWAGE DISPOSAL SHALL BE PROVIDED AS OUTLINED IN CHAPTER M.D.

D. SOLID WASTE DISPOSAL

1. A BROCHURE IDENTIFYING THE LOCATION OF NON-HAZARDOUS WASTE RECYCLING FACILITIES IN PLEASANTON AND DEFINING HOUSEHOLD HAZARDOUS WASTE AND IDENTIFYING THE COUNTY'S PERMANENT COLLECTION FACILITIES AND OTHER APPROPRIATE DISPOSAL OPTIONS SHALL BE DISTRIBUTED TO EACH BUYER OF A NEW LOT. CC&R'S SHALL ALSO PROHIBIT THE DISPOSAL OF HAZARDOUS MATERIALS IN STORM DRAINS OR SINKS.

2. THE ENTITY ESTABLISHED TO MAINTAIN THE ROADS AND SEPTIC TANK SYSTEMS SHALL ATTEMPT TO ESTABLISH A HOUSEHOLD WASTE RECYCLING PICKUP PROGRAM FOR THE PLAN AREA WITH PLEASANTON GARBAGE OR OTHER WASTE HAULER.

E. PUBLIC SAFETY

FIRE AND POLICE PROTECTION SHALL BE PROVIDED BY THE ALAMEDA COUNTY FIRE DEPARTMENT AND THE ALAMEDA COUNTY SHERIFF'S DEPARTMENT, RESPECTIVELY, AS OUTLINED IN CHAPTER IV.F.

F. SCHOOLS

PUBLIC EDUCATION SHALL BE PROVIDED THROUGH THE SUNOL GLEN SCHOOL DISTRICT. NEW RESIDENTIAL CONSTRUCTION SHALL BE SUBJECT TO SCHOOL IMPACT MITIGATION FEES IN THE AMOUNT IN EFFECT AT THE TIME FEES ARE TO BE PAID.

G. PARKS

NEW CONSTRUCTION SHALL BE SUBJECT TO THE PROVISIONS OF THE ALAMEDA COUNTY PARK DEDICATION ORDINANCE, CHAPTER 12.20 OF THE ALAMEDA COUNTY ORDINANCE CODE, AND OTHER RELEVANT SECTIONS OF THE COUNTY ORDINANCE CODE. AT THE TIME OF ADOPTION OF THIS PLAN, THAT ORDINANCE EXEMPTS CONSTRUCTION IN THE PLAN AREA FROM PARK DEDICATION REQUIREMENTS. HOWEVER, SHOULD THAT ORDINANCE, OR ANY OTHER PORTION OF THE COUNTY ORDINANCE CODE, BE AMENDED IN THE FUTURE TO ESTABLISH A PARK DEDICATION REQUIREMENT IN THE PLAN AREA, WHICH REQUIREMENT ALSO GENERALLY APPLIES TO SIMILAR CONSTRUCTION IN SIMILAR AREAS, NEW CONSTRUCTION IN THE PLAN AREA SHALL BE SUBJECT TO FEES IN THE AMOUNT IN EFFECT AT THE TIME FEES ARE TO BE PAID. NEW CONSTRUCTION SHALL ALSO BE SUBJECT TO FEES OR OTHER REQUIREMENTS ADOPTED BY THE EAST BAY REGIONAL PARK DISTRICT OR OTHER PROVIDER OF PARK OR RECREATION SERVICES, OR BOTH, TO THE PLAN AREA TO THE EXTENT THAT SUCH FEES OR REQUIREMENTS APPLY TO SIMILAR AREAS.

H. ELECTRICAL

ELECTRICAL SERVICE SHALL BE PROVIDED BY P.G.&E. OR OTHER ELECTRICAL SERVICE PROVIDER.

I. GAS AND CABLE TELEVISION

CURRENTLY NO GAS OR CABLE TELEVISION SERVICE IS AVAILABLE TO THE PLAN AREA. AT SUCH TIME AS THESE SERVICES ARE AVAILABLE TO THE PLAN AREA, THEY SHALL BE PROVIDED BY THE APPROPRIATE SERVICE PROVIDER.

CHAPTER VI: IMPLEMENTATION

A ROAD IMPROVEMENT

LITTLE VALLEY ROAD AND ALPHA LANE SHALL BE IMPROVED TO THE SATISFACTION OF THE ALAMEDA COUNTY FIRE MARSHALL AS OUTLINED IN THE ROADWAY INFRASTRUCTURE AND DEVELOPMENT PLAN (APPENDIX B). NO SUBDIVISION SHALL BE ALLOWED UNLESS THE SUBDIVIDER HAS PARTICIPATED FULLY IN THE FUNDING OF THE ROAD IMPROVEMENTS AS OUTLINED IN THAT PLAN. PROPERTY OWNERS WHO DO NOT PARTICIPATE INITIALLY IN THE FUNDING PROGRAM MAY SUBDIVIDE ONLY UPON BUYING INTO THE PROGRAM IN A PROPORTIONAL SHARE AS THE OTHER PARTICIPATING PROPERTY OWNERS.

As noted in Chapter V.E., Little Valley Road is the primary access road for the Plan Area, and Alpha Lane provides access for a number of the proposed lots in the Plan Area. Currently these roads are not adequate for all weather vehicle access. The property owners in the Plan Area will form an entity, which may be a Homeowners' Association, a County Service Area, or other body legally competent to make the road improvements, including assessing members or participants to fund the improvements. This entity will be established generally as outlined in the Roadway and Sanitary Sewer System Maintenance Agreement (Appendix C) This entity will do the improvements in phases. The first phase will be done immediately upon approval of this Plan. It will include rough grading of the roads to a twenty-four foot width, widening the paving (all-weather surfacing) to twenty-four feet at the top of the four blind hills on Little Valley Road, providing nine turnouts and seven turnarounds along Little Valley Road, and improving the curve near the northern end of the Road. This phase may also include installation of a locked entry gate; if this is done it shall be of a type that fire and other emergency vehicles can get access to the Plan Area and shall be constructed so that vehicles that cannot gain access to the Area can turn around safely. The second phase will be done within one year of issuance of the fifteenth building permit for homes on new lots in the Plan Area or within five years of adoption of this Plan, whichever comes first. It will include full improvements (sixteen foot paving, four foot shoulders on either side) of Little Valley road for the approximately 4,000 feet of its length north from Alpha Lane and the first approximately 1,300 feet of Alpha Lane west from Little Valley Road. The third and final phase will be done within one year of issuance of the thirtieth building permit for homes on new lots in the Plan Area or ten years after adoption of this Plan, whichever comes first. It will include full improvements of the northern approximately 2,200 feet of Little Valley Road and widening the first approximately 1,800 feet of Little Valley Road from Vallecitos Road to Alpha Lane to a full twenty-four feet of paving.

This program will be funded through initial contributions from the original participating members of the entity that is created, to be done on a per acre basis; an infrastructure fee to be paid at the initial sale of each new lot; and a monthly, annual, or other periodic maintenance fee to be paid by each participating parcel owner, including all owners of new lots. No property owner will be allowed to subdivide their property unless they have participated fully in the program.

Property owners who have property that can be subdivided under the policies and provisions of this Plan, but who do not participate in the initial funding of the road improvements may subdivide only if they pay a proportional share of the initial and future improvements through reimbursement of other participating owners for past contributions and full participation in future contributions.

The entity established to improve the roads shall have responsibility for improvement of only those portions of Little Valley Road and Alpha Lane that are required to be improved under the provisions and policies of this Plan. Improvement of other roads in the Plan Area shall be the responsibility of the individual property owners as established through the subdivision process, and not of the property owners in the Plan Area as a whole. However, this shall not preclude the property owners as a whole from voluntarily agreeing to improve other roads as they determine.

B. ROAD MAINTENANCE

LITTLE VALLEY ROAD AND ALPHA LANE SHALL BE MAINTAINED TO ALAMEDA COUNTY FIRE DEPARTMENT STANDARDS AS PROVIDED IN THE ROADWAY INFRASTRUCTURE AND DEVELOPMENT PLAN (APPENDIX B).

Once improved as outlined in Section A, above, Little Valley Road and Alpha Lane will be maintained to Fire Department standards. This will be done by the entity that the property owners establish to improve the roads, or other entity legally competent to maintain the roads, including assessing members or participants to fund the improvements, through a roadway maintenance agreement. Maintenance will be done as needed and will be funded through a monthly, annual, or other periodic maintenance fee paid by each participating property owner, including all owners of new lots. The Fire Marshall has the power to require maintenance to be done if the roads fall below Fire Department standards.

The entity established to maintain the roads shall have responsibility for maintenance of only those portions of Little Valley Road and Alpha Lane that are improved under the provisions and policies of this Plan. Maintenance of other roads in the Plan Area shall be the responsibility of the individual property owners as established through the subdivision process, and not of the property owners in the Plan Area as a whole. However, this shall not preclude the property owners as a whole from voluntarily agreeing to maintain other roads as they determine.

C. MODEL CONDITIONS OF APPROVAL FOR SUBDIVISION

THE MODEL CONDITIONS OF APPROVAL FOR TENTATIVE MAPS IN APPENDIX D SHALL BE USED AS A BASIS FOR APPROVAL OF TENTATIVE MAPS UNDER THE PLAN.

The Environmental Impact Report for the project noted a number of conditions that should be attached to approvals of Tentative Maps for subdivision within the Plan Area in order to mitigate potential environmental impacts. In addition, there are other Plan policies that should generally be incorporated in the approvals. These conditions have been compiled in Appendix D, and shall be used, where relevant, as standard Conditions of Approval for Tentative Maps in the Plan Area. It is likely that each proposed subdivision will have unique aspects. Therefore it is understood that these conditions are a model only; some of them may not apply or additional conditions may be appropriate depending on the particular circumstances of the subdivision.

D. FURTHER SUBDIVISION

THERE SHALL BE NO FURTHER SUBDIVISION IN THE PLAN AREA BEYOND THAT DESCRIBED GENERALLY IN THIS PLAN, AND SPECIFICALLY AS OUTLINED SCHEMATICALLY IN FIGURE 4. IN ORDER TO ENSURE THIS, PRIOR TO APPROVAL OF A FINAL MAP, THE PROPERTY OWNER(S) SHALL DEDICATE A CONSERVATION OR AGRICULTURAL EASEMENT, DEDICATE DEVELOPMENT RIGHTS ON THE NON-BUILT PORTIONS OF THE PROPERTY, OR PRECLUDE FURTHER SUBDIVISION BEYOND THAT CONTEMPLATED BY THIS PLAN BY SUCH OTHER MEANS AS WILL SATISFY THIS REQUIREMENT AND THE INTENT OF THIS PLAN, AS DETERMINED BY THE PLANNING DIRECTOR. EASEMENTS SHALL BE DEDICATED TO THE COUNTY OF ALAMEDA OR TO ITS DESIGNEE.

This Plan allows development of this area through subdivision of existing parcels into parcels of at least two acres in size and at a density of one parcel for each full 4.5 acres of ownership as of the date of adoption of this Plan. This development is consistent with the Alameda County General Plan, including the East County Area Plan, with other County policies, and with policies of the Alameda County Flood Control and Water Conservation District Zone 7 and other public agencies in the area. The allowed development has been reviewed and analyzed through an Environmental Impact Report, which has found that with mitigation measures incorporated into this Plan the development will have no significant impacts on the environment other than two cumulative impacts, for which the Board of Supervisors has made findings of overriding considerations. However, further development would not be consistent with plans and policies for the area, and has not been reviewed for possible environmental impacts. Therefore, subdivision into parcels smaller than two acres or at a density greater than one parcel for each full 4.5 acres of current ownership is not allowed.

To ensure this, prior to approval of a final subdivision map, the property owner must ensure that no further division is possible. The property owner may do this by one of several ways. These include dedication of a conservation or agricultural easement or dedication of development rights. This may also be done by any other means that satisfies the intent of this policy and the policies and provisions of this Plan in general. The dedication shall be to the County of Alameda or to its designee, which may include a land trust that has the power to accept such dedication.

E. AGRICULTURAL PRESERVES

PRIOR TO FILING A FINAL MAP FOR SUBDIVISION OF PARCELS 096-0345-001-01, 001-02, 001-03, AND 001-04, THE PROPERTY OWNER SHALL FILE A NOTICE OF NONRENEWAL OF THE AGRICULTURAL PRESERVE ON THOSE PARCELS WITH THE CLERK OF THE BOARD OF SUPERVISORS.

As noted in Chapter II, the parcels at the northern end of the Plan Area, Parcels 096-0345-001-01, 001-02, 001-03, and 001-04, are in an Agricultural Preserve and subject to a Land Conservation Contract, pursuant to and governed by the Williamson Act (Government Code §§51200 *et seq.*). These parcels were placed in a preserve in 1972 as one parcel. The purpose of the Williamson Act is to provide property tax protection for land that is used for commercial agricultural purposes, not to give tax breaks to residential properties, even though they may have some hobby agricultural activities that are accessory to the residential use. County Agricultural Preserve Policies and Guidelines prohibit subdivision of property in preserves into parcels smaller than that required by the A District, and the subdivision and residential use of these properties is contrary to those policies and the intent of the Williamson Act program. Prior to further subdivision of these properties they should be removed from the Williamson Act program; the most practical way to accomplish this is by not renewing the contracts for those properties.

F. DEVELOPMENT AGREEMENT

PROPERTY OWNERS WITHIN THE PLAN AREA SHALL BE ALLOWED TO SUBDIVIDE ONLY UPON COMPLIANCE WITH THE CONDITIONS IMPOSED BY THIS PLAN AND CONDITIONS SIMILAR TO THOSE WHICH MAY BE CONTAINED IN DEVELOPMENT AGREEMENTS BETWEEN OTHER PROPERTY OWNERS WITHIN THE PLAN AREA AND THE COUNTY IN ORDER TO ENSURE THAT PLAN POLICIES AND PROVISIONS ARE FULLY IMPLEMENTED. THIS MAY BE ACCOMPLISHED BY ENTERING INTO A DEVELOPMENT AGREEMENT WITH THE COUNTY OR ANOTHER FORM OF AGREEMENT THAT WILL ACHIEVE THIS PURPOSE.

Under State law, a city or county may enter into a development agreement with a developer, which essentially locks in the project approvals as of the date of the agreement (or another date agreed to by the parties). Without such agreement it is possible for the city or county to change unilaterally the ground rules through a general plan amendment, rezoning, adoption of additional impact fees, or other means, and the developer has little recourse without having made substantial progress on the project. Therefore, the agreement gives the developer the assurance that the basic requirements agreed to by the County and the developer(s) will not change once the project begins. Also, should a city annex the property that is the subject of the agreement, the city is bound by the terms of the agreement, including the project approvals, for a period of eight years from the date of annexation.

The County, too, benefits from the agreement, in that it becomes a contractual agreement between the County and the developer(s). It will ensure that development meets all infrastructure requirements. This includes not only road improvement and maintenance but septic tank maintenance, adequate water supply and pressure for fire protection, etc. It also ensures that no further subdivision may occur (unless there are major policy or technological changes that lead to review of the entire Plan Area) since the number of allowed lots was based on several factors including fire safety considerations, availability of adequate water supply, and Zone 7 concerns regarding concentration of septic tanks. While the Specific Plan and rezoning both address these issues, the development agreement strengthens the County's position should there be a question of enforcement of these provisions.

The County believes that the use of development agreements will provide the most effective method of implementing this Plan, although other forms of agreement may accomplish this objective. The owners of each property should sign an agreement for their individual property prior to subdividing it. This agreement will be similar to the agreements that all other property owners will sign, although there may be some site-specific provisions in a particular agreement that do not apply to other properties in the Plan Area. Under the terms of the agreements, no agreement may be amended, except for those site-specific provisions, without notice to the other property owners in the Plan Area, and the County may require agreement of a specified number of these other owners for such amendments. The agreement runs with the land, so that it binds subsequent purchasers of all or part of the original property.

G. PARTICIPATION IN PLANNING COSTS

NO PROPERTY OWNERS MAY SUBDIVIDE THEIR PROPERTY WITHOUT PARTICIPATING IN THE COSTS OF PREPARING THE SPECIFIC PLAN, PROCESSING THE REZONING, PREPARATION OF THE DEVELOPMENT AGREEMENT, AND OTHER ASSOCIATED ACTIONS. THESE INCLUDE COSTS FOR COUNTY REVIEW AND PROCESSING, ATTORNEYS FEES, ENGINEERING AND CONSULTANT FEES, AND OTHER COSTS. PROPERTY OWNERS WHO DID NOT PARTICIPATE IN THE INITIAL PROCESSING SHALL REIMBURSE THOSE WHO DID IN THE PROPORTION IN WHICH THE INITIAL PARTICIPANTS CONTRIBUTED, AND SHALL SUBMIT EVIDENCE OF THIS TO THE COUNTY PRIOR TO FILING OF A FINAL MAP. THIS SHALL NOT APPLY TO PURCHASERS OF SUBDIVIDABLE PORTIONS OF PROPERTIES OWNED BY PARTICIPATING PROPERTY OWNERS. NEITHER SHALL THIS PRECLUDE ANY PROPERTY OWNERS WHO DO NOT CHOOSE TO SUBDIVIDE FROM PARTICIPATING IN THE ROAD IMPROVEMENT AND MAINTENANCE AS MAY BE DETERMINED BY THE OTHER PARTICIPANTS.

The original thirteen property owners have borne the cost of processing this application, including paying County costs for preparing the Environmental Impact Report, this Specific Plan, the rezoning, the development agreement, and other costs of application review, and paying fees to attorneys, engineers, consultants, and others, for review of project documents. Section 65456 of the Government Code allows the County to

...impose a specific plan fee upon persons seeking governmental approvals which are required to be consistent with the specific plan. The fees shall be established so that, in the aggregate, they defray but as estimated do not exceed the cost of preparation, adoption, and administration of the specific plan, including costs incurred pursuant to [the California Environmental Quality Act (CEQA)].

In this case, the original applicants have reimbursed the County fully for its costs in preparation of the Plan. However, it would be inequitable to allow non-participating property owners to benefit from the participating property owners' financial outlay. Therefore, prior to approval of any subdivision of property not owned by one of the participating property owners, the owner of that property shall reimburse the participating property owners for a proportional and fair share of their expenses. The amount of this reimbursement may be indexed as agreed upon by the parties to account for inflation.

H. LIMITATION OF COUNTY'S LIABILITY FOR LEGAL CHALLENGES TO THE ACTION

IN THE EVENT ANY LEGAL ACTION OR PROCEEDING IS INSTITUTED CHALLENGING THE VALIDITY OF ANY PROVISION OF THIS PLAN, THE 2031ST ZONING UNIT, THE DEVELOPMENT AGREEMENT(S) OR ANY OTHER ASPECT OF THIS PROJECT, THE COUNTY AND THE LITTLE VALLEY COMMUNITY GROUP, HOMEOWNERS' ASSOCIATION, OR SIMILAR ENTITY, SHALL COOPERATE IN DEFENDING AGAINST SUCH CHALLENGE. THE ENTITY, AT ITS EXPENSE, SHALL DEFEND SUCH ACTION AS THE REAL PARTY IN INTEREST AND ASSIST THE COUNTY IN ITS DEFENSE. TO THE EXTENT THAT ANY SUCH ACTION CHALLENGES THE ENTITY'S RIGHT TO PROCEED WITH THE PROJECT UNDER THIS PLAN, THE ENTITY SHALL HAVE THE CONTROL OF THE DEFENSE OF THE ACTION OR PROCEEDING AND MAY UTILIZE LEGAL COUNSEL OF ITS CHOICE, SUBJECT TO THE APPROVAL OF THE COUNTY, WHICH APPROVAL SHALL NOT BE UNREASONABLY WITHHELD, CONDITIONED, OR DELAYED. NO SETTLEMENT OF ANY SUCH ACTION SHALL OCCUR, NOR SHALL ANY STIPULATION WAIVING RIGHTS UNDER THE AGREEMENT BE ENTERED INTO, WITHOUT APPROVAL BY BOTH PARTIES. THE ENTITY SHALL REIMBURSE THE COUNTY FOR REASONABLE EXPENSES OF THE COUNTY'S ATTORNEYS RESULTING FROM REPRESENTATION OF THE COUNTY IN ANY SUCH LEGAL ACTION OR PROCEEDING. IN ADDITION, THE ENTITY SHALL INDEMNIFY COUNTY FROM ANY LIABILITY INCURRED BY COUNTY AS THE RESULT OF ANY SUCH ACTION OR PROCEEDING, INCLUDING ANY AWARD TO OPPOSING COUNSEL OF ATTORNEYS' FEES OR COSTS. IF THE ACTION IS BROUGHT CHALLENGING THE COUNTY'S APPROVAL OF AN ACTION ON BEHALF OF AN INDIVIDUAL MEMBER OR MEMBERS OF THE ENTITY, THAT PERSON OR PERSONS SHALL HAVE THE SAME RESPONSIBILITY TO INDEMNIFY THE COUNTY FOR ITS EXPENSES IN DEFENSE OF ITS ACTION AS THE ENTITY HAS IF THE ACTION WERE BROUGHT CHALLENGING THE PROJECT APPROVALS AS A WHOLE. THE ENTITY MAY ACT COLLECTIVELY TO REIMBURSE THE COUNTY FOR CHALLENGES TO AN INDIVIDUAL APPROVAL. SHOULD THE REAL PARTY IN INTEREST, EITHER THE ENTITY OR AN INDIVIDUAL MEMBER(S) THEREOF, CHOOSE NOT TO COMPENSATE THE COUNTY FOR ITS EXPENSES, THE COUNTY SHALL BE UNDER NO OBLIGATION TO DEFEND THE ACTION.

While the County is the body that will give the approvals for the development in the Plan Area, including adoption of the Specific Plan, approval of the rezoning, adoption of the development agreements, and approval of future subdivisions, building and grading permits, etc., the real parties in interest are the individual property owners who will be granted the ability to subdivide their property and sell the resulting parcels. Therefore, it is the property owners' responsibility to defend the County's action against any legal challenge. Should an action be filed challenging the basic project approvals, including certification of the Environmental Impact Report, adoption of this Plan, rezoning the property, or adoption of the basic development agreements, this should be the responsibility of the property owners as a whole. If the action challenges the right of individual property owners to subdivide or otherwise develop their property, it should be the responsibility of that owner or owners. However, since a challenge to one owner's right to develop could in effect be a challenge to the right of other owners to develop, the entity may agree to defend individual challenges as well.

APPENDICES

APPENDIX A: PARCEL INFORMATION AND SUBDIVISION POTENTIAL¹

Current Owner	APN (096-0345-)	Acres	Total Potential Parcels	Owner Participating
Everett	001-01	20.00	4	Y
Holley	001-02	20.00	2	Y
Van Dyke	001-03	20.00	4	Y
Barr	001-04	20.00	4	Y
Ulrech	002-02	4.87	1	N
Kruger	002-03	4.87	1	N
Hubbard	002-05	9.73	2	Y
	002-06	19.51	4	
Pettipiece	003-02	9.11 ²	2	Y
Laverty	004-05	9.55	2	Y
Kohne	005-05	20.00	4	Y
Leavitt	006-04	5.50	1	N
Brelling	006-05	6.12	1	N
Thomas (H&J)	006-06	9.74	2	N
Thomas (J&S)	007-00	40.50	9	Y
Trutner	008-00	20.00	4	Y
Bivolc	009-00	7.85	1	N
Hibner	010-01	8.87	2 ³	Y
Covaro	010-02	9.81	2	Y
Righetti	011-00	45.07	10	Y
		310.60	62	

1. Based on recommended density and minimum parcel size.
2. There are conflicting information as to the acreage of this parcel and 004-05. If this parcel is less than nine acres (and 004-05 correspondingly larger), two parcels are allowed subject to obtaining a boundary adjustment between these two parcels to make this parcel at least nine acres in area.
3. Two parcels subject to acquiring 0.13 acres through boundary adjustment

APPENDIX B: ROADWAY INFRASTRUCTURE AND DEVELOPMENT PLAN

ROADWAY INFRASTRUCTURE AND DEVELOPMENT PLAN

[EXHIBIT C of ROADWAY AND SANITARY SEWER SYSTEM MAINTENANCE AGREEMENT]

The development of infrastructure required to meet the requirements for a 24 foot wide, two-lane all-weather surface over the 1.8 miles of Little Valley Road and Alpha Lane (Roadways) at 70% buildout will be met in three phases.

- I. Phase One Within 30 days of the effective date of the "Development Agreement" Between County Of Alameda And Relative To The Development Known As "Little Valley" ("Development Agreement"), the following Infrastructure upgrades to the Little Valley Road and Alpha Lane roadways shall be commenced:
 - A. Each of the four blind hills on Little Valley Road Identified in the TJKM traffic study (contained in the "Environmental Impact Report, Little Valley Road Specific Plan and 2031st Zoning Unit"), will be widened to 24 feet of all-weather roadway. These hills will be center-striped and will include pavement arrows and signage.
 - B. The Barr curve will be improved according to the TJKM report.
 - C. All grading, fence removal, and replacement shall be such to establish the 24 foot width on Little Valley Road to the Everett property and on Alpha Lane to its present end at the Covaro/Righetti turnaround.
 - D. Seven (7) turnarounds and nine (9) turnouts will be provided along the 1.8 miles of Little Valley Road and Alpha Lane.
 - E. Two (2) of the above turnouts will be provided along Alpha Lane.
- II. Phase Two: Within one year of issuance of 15th building permit within the Little Valley Specific Plan Area or 5 years from the effective date of the Development Agreement, whichever occurs first:
 - A. Little Valley Road will be improved to a 24 foot width from Alpha Lane to the bottom of Kruger Hill.
 - B. Alpha Lane will be improved from Little Valley Road to the Righetti/Covaro turnaround. These improvements will consist of grinding existing pavement, subgrading installation of a 16 foot wide structural section composed of 6-inch Class II rock, and all-weather shoulders with a total roadway width of 24 feet.
 - C. The Roadways shall be double chip-sealed. The Kruger Hill area of the Roadways shall remain paved to prevent excessive wear.

APPENDIX C: ROADWAY AND SANITARY SEWER SYSTEM MAINTENANCE AGREEMENT

ROADWAY AND SANITARY SEWER SYSTEM MAINTENANCE AGREEMENT

THIS ROADWAY AND SANITARY SEWER SYSTEM MAINTENANCE AGREEMENT ("Agreement"), dated as of . 1997 is entered into by and between (i) Jerry L. and Susan G. Thomas, (ii) Fredric R. and Kathleen Kohne, (iii) Kenneth J. and Joyce E. Pettiplece, (iv) Larry R. and Carolyn M. Barr, as co-trustees of the Larry R. and Carolyn M. Barr Trust, (v) Korbin S. and Guineth E. Van Dyke, (vi) Robert J. and Diane Everett, (vii) Ernest J. and Beverly A. Trutner, as trustees of the Trutner Family Living Trust, (viii) Guy and Irene Laverty, and (ix) Eugene and Helen Hubbard, as trustees of the Hubbard Family Living Trust (collectively, the "Owners") with reference to the following facts:

A. Each of the Owners is the owner of real property in the County of Alameda and particularly described on Exhibit A-1 attached hereto. Each parcel, as described on Exhibit A-1, and any lot or parcel created as a subdivision of such parcel shown on Exhibit A-1 ("Newly Created Parcel") is referred to herein as a "Parcel".

B. Each of the Owners possess access easements entitling such Owner to use the roads designated as Little Valley Road and Alpha Lane (collectively "Roadways") on the map attached hereto as Exhibit B ("Map") for access to and from such Owner's Parcel to a public street or highway.

C. This Agreement shall set forth the Owners' obligations with respect to the maintenance and repair of the Roadways and inspection and maintenance of a sanitary sewer system serving each Owner's property.

D. The Owners have formed the Little Valley Community Group, a nonprofit corporation ("Association"), for the purpose of maintaining the Roadways and enforcing the Owners obligations as set forth in this Agreement.

E. It is intended that each and all of the Parcels (including any Newly Created Parcel resulting from the subdivision of any Parcel) shall be reciprocally benefited and burdened by the covenants, hereinafter set forth, which covenants shall run with the Parcels so burdened and benefited as provided in Civil Code Section 1468.

NOW THEREFORE, for valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Owners agree as follows:

1. Maintenance of Roadways

The Roadways shall be improved and maintained to the minimum standards set forth in the "Roadway Infrastructure and Development Plan," attached hereto as Exhibit C. No Owner shall permit any nuisance to occur which would interfere with the enjoyment, use, maintenance, repair or improvement of the Roadways. No Owner shall make or cause any excavation or change of grade to the Roadways without obtaining prior written approval of the Association.

2. Association Maintenance

The Association shall have the authority to require reconstruction, improvement, maintenance or repair (collectively "Maintenance") all or any portion of the Roadways and to solicit bids, enter into contracts and take such other actions as may be necessary for Maintenance of the Roadways on behalf of the Owners. The Association shall supervise any work of Maintenance to ensure that such work is performed in a good and workmanlike condition, free of any mechanic's liens or other encumbrances.

3. Assessments

The Association shall assess each Owner of a Parcel for the cost of Maintenance of the Roadways, Insurance and other costs of the Association incurred pursuant to this Agreement. All assessments shall be paid to the Association, which shall collect and apply the funds received for the purposes of this Agreement. The Association shall have the authority to levy the following assessments:

(a) Building Permit Assessment. An assessment of \$5000.00 on the Owner of any Newly Created Parcel at the time a building permit is issued for construction of the first residential dwelling on each Newly Created Parcel.

(b) Quarterly Assessments. A quarterly assessment for each Parcel in the sum of \$ 150.00 per quarter ("Quarterly Assessment"). This Quarterly Assessment shall be levied upon an Owner commencing January 1, 1998. This Quarterly Assessment shall be levied upon the Owner of a Newly Created Parcel beginning on the first day of the calendar month following a change of ownership in the Newly Created Parcel. The Quarterly Assessment may be used by the Association for the operation of the Association, payment of Maintenance and Insurance, enforcement of this Agreement and any and all related purposes. The Quarterly Assessment may be increased by the Association from time to time, but in no event shall the amount be increased by more than twenty percent (20%) over the then existing Quarterly Assessment in any twelve month period without the vote or written approval of a majority of the owners. Any Owner who pays in January of a calendar year all installments due for that calendar year in advance shall receive a ten percent (10%) reduction on the assessments due for such calendar year.

(c) Special Assessments. A special assessment (in addition to the amounts listed above) to provide for costs incurred by the Association in performing its obligations under this Agreement, but only with the vote or written approval of a majority of the Owners. A special assessment shall not be levied against a Newly Created Parcel until issuance of a building permit for the first residential dwelling on such Newly Created Parcel.

4. Insurance

The Association is authorized to obtain and maintain comprehensive liability insurance, in customary form and reasonable amount to protect the Owners against liability from injury or damage to persons or property occurring on the Roadways. This insurance shall be obtained through an insurance policy naming all Owners of the Parcels as insureds. The cost of the insurance shall be allocated among the Owners with each Parcel bearing an equal share.

5. Lien to Enforce Assessment

Any assessment levied by the Association under this Agreement shall become immediately due and payable and shall become delinquent on the thirtieth day ("Delinquency Date") after delivery of written notice of the amount due to the Owner. In the event any Owner does not pay the amount due, the Association may enforce the obligations of such Owner to pay the assessment including, but not limited to, recording a notice of lien in accordance with the provisions of this section against such Owner's Parcel. In addition to the amount due, the Association shall be entitled to recover interest from the Delinquency Date at the rate of ten percent (10%) per annum (but not to exceed the maximum rate allowed by law) and reasonable costs of collection including, but not limited to, reasonable attorneys fees incurred in enforcing collection.

The notice of lien shall state (i) the name or names of the delinquent Owner; (ii) a legal description of the Parcel against which the notice of lien is recorded; (iii) the amount claimed to be due and owing; (iv) that the notice of lien is made pursuant to the terms of this Agreement (making reference to this Agreement by recording information); and (v) that a lien is created against the Parcel for the amount due, plus interest and any costs of collection.

Recording of the lien shall create a lien on such delinquent Owner's Parcel to secure the payments due the Association. The lien shall not be affected by any sale or transfer of the Parcel. Any such lien may be foreclosed by appropriate action in court or in the manner provided by law for the foreclosure of a deed of trust or mortgage enforceable by sale, including but not limited to, Civil Code sections 2924, 2924b and 2924c. In the event foreclosure is under power of sale, a person designated in writing by the Association shall be authorized to act as trustee for conduct of the sale and shall be entitled to expenses and such fees as may be allowed by law. The Association shall have the right to bid on the property of the delinquent Owner at the foreclosure sale for the benefit of all Owners and to acquire, hold, lease, mortgage and convey the Parcel. If the delinquency is cured before foreclosure, the Association shall record a release of notice of lien with respect to such Parcel.

6. Septic System Inspection and Maintenance by Individual Owners

Each of the Owners utilizing septic systems as of July 10, 1997 shall cause their septic system to be pumped and inspected by November 10, 1997, unless the septic system is to be abandoned. The inspection shall be performed by either the Alameda County Department of Environmental Health or a licensed septic tank contractor. Each such Owner shall undertake and complete any and all necessary repairs identified by the inspection of the septic system by February 10, 1998, at the Owner's sole cost. Following this initial pumping and inspection, each such Owner shall cause the septic tank to be pumped and inspected at three (3) year intervals. Each such Owner shall forward copies of all records of pumping, inspections and repairs to the Association, which shall maintain such records. The Association shall notify the Alameda County Department of Environmental Health or any successor agency of the names of any Owners who do not comply with these requirements and procedures.

7. Mortgagee's Rights

Any lien created or claimed under the provisions of this Agreement shall be subject and subordinate to the rights of the holder of any first mortgage or first deed of trust made in good faith and for value and no such lien shall in any way defeat, invalidate or impair the obligations or priority of such first mortgage or first deed of trust unless the mortgagee or trustee expressly subordinates its interest, in writing, to such lien. In the event of foreclosure of any such deed of trust or mortgage, any trustee's deed or other conveyance delivered at foreclosure or in lieu of foreclosure shall be delivered

free and clear of any lien so created. No breach of any provision of this Agreement shall invalidate the lien of any mortgage or deed of trust made in good faith and for value, but all of the covenants in this Agreement shall be binding on any Owner whose title is derived through foreclosure sale, trustee sale, deed in lieu of foreclosure or otherwise.

8. Amendment

This Agreement may only be amended by a recorded writing duly executed and acknowledged by the Owners of fifty-one percent (51 %) or more of all Parcels and the written approval of the County, as evidenced by the signature of an official designated by the County to give such approval.

9. Voting Rights

If any vote or written approval is required by this Agreement, each Owner shall be entitled to one vote for each Parcel owned by such Owner, provided, however, the right of the Owner of a Newly Created Parcel to vote or approve shall not arise until the change in ownership of such Newly Created Parcel.

10. Rights of Enforcement

The Association shall have the primary right to enforce the provisions of this Agreement. If the Association fails to enforce this Agreement after at least 30 days prior written demand to the Association by an Owner to take enforcement action, any Owner shall have the right to enforce this Agreement on behalf of the Association and the other Owners. Failure by the Association or any owner to enforce any provision hereof shall not be deemed a waiver of the right to do so thereafter.

11. Rights of Alameda County

The County is an express and intended beneficiary of the covenants set forth in this Agreement. The County shall have the right, but not the obligation, to enforce the covenants imposed by this Agreement, including, without limitation, the right to proceed against any person in violation of the covenants, to enjoin or prevent any violation of this Agreement, or to otherwise cause any violation to be remedied. In the event of any violation, the County shall give written notice of violation to the Association and any affected person and if the Association or such person fails to cure the violation within thirty (30) days of receipt of the notice to cure the violation, the County shall have full power to cause the violation to be remedied. Remedies provided for breach of the covenants contained in this Agreement shall be cumulative. Failure to enforce any of the covenants shall not constitute a waiver of the right to enforce any covenant thereafter.

12. Annexation of Other Parcels

At any time following the recording of this Agreement, the Association and the owner or owners of any parcel shown on Exhibit B attached may cause such parcel to be annexed and made a part of this Agreement and subject to the terms and provisions of this Agreement. Such annexation shall be effective upon recordation in the Alameda County official records of a written agreement (Annexation Agreement) executed by the owner or owners of such parcel and the President or other authorized representative of the Association describing the parcel to be annexed and stating, among other things: (1) that the owners of the parcel to be annexed have paid their share of expenses, if any, relating to the formation of the Association, the negotiation and approval of the Little Valley Specific

Plan including, but not limited to, the form of Development Agreement to be entered into with the County of Alameda, the preparation of this Agreement, the preparation of an annexation agreement, and related matters; (ii) the owners of the parcel to be annexed have paid all sums due under this Agreement as of the date of execution of the Annexation Agreement, including but not necessarily limited to, the contribution of working capital set forth on Exhibit D attached; and (iii) such persons agree to be bound by and comply with each and all of the provisions contained in the Agreement relating to such parcel. Upon recording of the Annexation Agreement the owners of the parcel annexed shall be subject to and bound by all of the provisions of this Agreement and shall become members of the Association.

13. Attorney's Fees

If legal action or other proceeding is commenced to enforce any provision of this Agreement, the losing party shall pay the prevailing party's actual attorneys' fees and expenses incurred in preparation for and conduct of the action or proceeding.

14. Successors and Assigns

This Agreement shall be enforceable by and binding upon each of the Owners and their successors and assigns. Each of the Parcels or any portion thereof or interest therein shall be held, used, sold, conveyed, pledged, mortgaged and leased subject to and in accordance with this Agreement.

15. Counterparts

This Agreement may be executed and recorded in counterparts in which case it shall constitute one agreement when counterparts containing the signatures of all parties have been executed and recorded in the official records of Alameda County, California.

16. Exhibits

The exhibits attached to this Agreement are incorporated herein and made a part hereof by this reference.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and year first above written.

Parties:

Date: _____
Jerry L. Thomas

Date: _____
Susan G. Thomas

Date: _____
Fredric R. Kohne

Date: _____
Kathleen Kohne

Date: _____
Kenneth J. Pettipiece

Date: _____
Joyce E. Pettipiece

Date: _____
Larry R. Barr, as trustee of the
Larry R. and Carolyn M. Barr Trust

Date: _____
Carolyn M. Barr, as trustee of the
Larry R. and Carolyn M. Barr Trust

Date: _____
Korbin S. Van Dyke

Date: _____
Gulneth E. Van Dyke

Date: _____
Robert J. Everett

Date: _____
Diane Everett

Date: _____
Ernest J. Trutner, as trustee of the
Trutner Family Living Trust

Date: _____
Beverly A. Trutner, as trustee of the
Trutner Family Living Trust

Date: _____
Guy Laverty

Date: _____
Irene Laverty

Date: _____
Eugene Hubbard, as trustee of the
Hubbard Family Living Trust

Date: _____
Helen Hubbard, as trustee of the
Hubbard Family Living Trust

EXHIBIT A

OWNERS AND DESCRIPTIONS OF PARCELS

[Property descriptions for each ownership]

EXHIBIT A-1: DESCRIPTION OF THE PROPERTY

Jerry L. & Susan G. Thomas

096-0345-007-00

All that certain real property situate in Plot 52 of Rancho El Valle De San José, an unincorporated area in the County of Alameda, State of California, and being more particularly described as follows:

PARCEL ONE:

The east ½ of Lot C, as shown on that certain Map entitled "Map Showing 20 Acre Subdivision of plot No. 52 of the Rancho El Valle De San Jose", filed in Map Book 15, at page 49, Official Records of Alameda County.

PARCEL TWO:

The west ½ of Lot C as shown on that certain Map entitled "Map Showing 20 Acre Subdivision of plot No. 52 of the Rancho El Valle De San Jose", filed in Map Book 15, at page 49, Official Records of Alameda County.

PARCEL THREE:

Lot D as shown on that certain Map entitled "Map Showing 20 Acre Subdivision of plot No. 52 of the Rancho El Valle De San Jose", filed in Map Book 15, at page 49, Official Records of Alameda County.

EXCEPTING THEREFROM:

That portion of said Lot D conveyed from Jennie Spencer to Mary Frates in that certain grant deed, dated September 23, 1912, and recorded on October 15, 1912, in Book 2081 of Deeds, at page 344, Official Records of Alameda County, and being more particularly described as follows:

A triangular parcel in the southwest corner of Lot D, described as follows:

BEGINNING AT the line between Lots D and S, where the same is intersected by the roadway dividing Lots D and S from Lots E and R, as shown on the above said map, thence running southerly along the line dividing Lots D and S, 22.63 feet, thence northeasterly in a direct line to a point on the southern line of the roadway dividing Lots D and E, distant thereon 22.63 feet east from the point of beginning, thence westerly along the southern line of said roadway 22.63 feet to the POINT OF BEGINNING of this description.

PARCEL FOUR:

A portion of Lot E as shown on that certain Map entitled "Map Showing 20 Acre Subdivision of plot No. 52 of the Rancho El Valle De San Jose", filed in Map Book 15, at page 49, Official Records of Alameda County, and being more particularly described as follows:

BEGINNING AT the most southeasterly corner of the above said Lot E, as shown on that certain Record of Survey No. 634, dated June of 1981 and filed on September 3, 1981, in Book 11 of Records of Surveys, at pages 66 and 67, Official Records of Alameda County;

Thence running along the easterly line of Lot E, N 0° 12' 50" W, 39.70 feet, to a line as shown on that certain Boundary Line Adjustment Map BA-02-96;

Thence leaving said easterly line of Lot E and running along said line of BLA Map BA-02-96, S 88° 17' 15" W, 710.10 feet, to the easterly line of that certain parcel described in that Grant Deed from Guy Lavery and Irene Lavery to Harold C. Thomas and Joan H. Thomas, dated September 10, 1986, and filed on February 6, 1987, under Series No. 87-035840, Official Records of Alameda County;

Thence running along said easterly line of Thomas, S 0° 12' 50" E, 15.56 feet, to the Southerly line of the above described Lot E;

Thence leaving the easterly line of Thomas and running along said Southerly line of Lot E, S 89° 45' 51" E, 709.88 feet, more or less, to the POINT OF BEGINNING of this Description.

EXHIBIT A-1: DESCRIPTION OF THE PROPERTY

Frederic R. & Kathleen Kohne

096-0345-005-05

Parcel 1: Lot F, "20-Acre Subdivision of Plot 52 of the Rancho el Valle de San Jose and Plot No. 1 of the Relocation of the Wagon Roads", recorded in Book 15 of Maps at page 53, Official Records of Alameda County, as shown on Record of Survey 634, recorded in Book 11 of Surveys at Pages 66 and 67, excepting therefrom the following described property:

That parcel along the southerly line of said Lot F approved by Boundary Line Adjustment 8-86, recorded under Series Numbers 86-113726, 86-113727; and 86-113728, Official Records of Alameda County, more particularly described as follows:

Beginning at the southwest corner of Lot G and northwest corner of Lot F of 15 Maps 53, being a brass cap as shown on Record of Survey 634, recorded in Book 11, Records of Surveys, at pages 66 and 67, Official Records of Alameda County, California, which point bears N 89° 46' 42" W, 1328.93 feet from the brass cap at the southeast corner of said Lot G and said northeast corner of Lot F, as shown on said Record of Survey 634, N 89° 46' 42" W being taken as the basis of bearings for the purpose of this description:

Thence, along the westerly line of said Lot F as shown on said Record of Survey 634, S 0° 13' 48" E, 638.63 feet, to the northwesterly corner of a parcel conveyed under said BA 8-86, said corner being monumented by a 1 1/2 inch iron pipe tagged LS 3400, and the True Point of Beginning;

Thence, continuing along said westerly line of Lot F, S 0° 13' 48" E, 16.91 feet, to the southwest corner thereof;

Thence, along the southerly line of said Lot F, S 89° 46' 17" E, 1328.745 feet, to the southeast corner thereof;

Thence, along the easterly line of said Lot F, N 0° 12' 50" W, 70.99 feet, to a rebar with cap marking the northeast corner of the parcel conveyed pursuant to said BA 8-86;

Thence, along the northerly line of the last said parcel, S 87° 53' 50" W, 1329.43 feet, to the True Point of Beginning.

Parcel 2: Beginning at the southwest corner of Lot G of 15 Maps 53, being a brass cap as shown on Record of Survey 634, recorded in Book 11, Records of Surveys, at pages 66 and 67, Official Records of Alameda County, California, which point bears N 89° 46' 42" W, 1328.93 feet from the brass cap at the southeast corner of said Lot G, as shown on said Record of Survey 634, N 89° 46' 42" W being taken as the basis of bearings for the purpose of this description:

Thence, along the southerly line of said Lot G as shown on said Record of Survey 634, S 89° 46' 42" E, 1328.93 feet, to said southeast corner of Lot G, said point being a brass cap as shown on said Record of Survey 634;

EXHIBIT A-1: DESCRIPTION OF THE PROPERTY

Kenneth J. & Joyce E. Pettipiece

096-0345-003-02

The Northerly portion of Lot "G" of "Map showing 20-acre Subdivision of Plot No. 52 of the Rancho El Valle de San Jose" as recorded in Map Book 15, Page 49, and at Page 53, and as further shown on the Lot Line Adjustment recorded on May 14, 1986, Series No. 86-113727, Alameda County Records, more particularly described as follows:

Beginning at the Northwest corner of said Lot "G";

Thence South 0° 13' 48" East, 353.27 feet, more or less, along the West line of said Lot "G" to a 1½" Iron pipe at a fence corner;

Thence North 84° 36' 35" East, 777.24 feet, more or less, along an old fence line to a 1½" Iron pipe in a fence corner;

Thence South 1° 10' 27" West, 49.49 feet, more or less, along a fence line to a 1½" Iron pipe;

Thence North 85° 01' 11" East, 256.55 feet, more or less, to a 1½" Iron pipe in a fence line;

Thence North 8° 05' 58" West, 47.97 feet, more or less, along a fence line to a 1½" Iron pipe Southerly of a new board fence;

Thence North 84° 58' 39" East, 311.15 feet, more or less, along, but Southerly of, a new board fence, to a 1½" Iron pipe on the East line of said Lot "G";

Thence North 0° 12' 50" West, 228.04 feet, more or less, along said East line, to the Northeast corner of said Lot "G";

Thence North 89° 47' 08" West, 1329.07 feet, more or less, along the Northerly line of said Lot "G", to the Northwest corner thereof and point of beginning.

EXHIBIT A-1: DESCRIPTION OF THE PROPERTY

Larry R. & Carolyn M. Barr, Trustees

096-0345-001-04

PARCEL 1:

Lot J, Map showing 20 acre Subdivisions of Plot No. 52 of the Rancho El Valle de San Jose and Plot No. 1 of the Re-location of the Wagon Roads, filed July 21, 1896, Map Book 15, Page 53, Alameda County Records; and shown on Record of Survey 614, filed January 25, 1980, Book 11 of Record of Surveys, Page 46, Alameda County Records.

PARCEL 2:

A non-exclusive easement, appurtenant to Parcel 1, above, for Ingress and egress and all public utilities, over the Southerly 20 feet, front and rear measurements, of Lots K and L, Map showing 20 acre Subdivisions of Plot No. 52 of the Rancho el Valle de San Jose and Plot No. 1 of the Re-location of the Wagon Roads, filed July 21, 1896, Map Book 15, Page 53, Alameda County Records; and shown on Record of Survey 614, filed January 25, 1980, Book 11 of Records of Surveys, Page 46, Alameda County Records.

EXHIBIT A-1: DESCRIPTION OF THE PROPERTY

Korbin S. & Guineeth E. Van Dyke

096-0345-001-03

PARCEL 1:

Lot "K", "Record of Survey No. 614, being a survey of Map showing 20 acre Subdivisions of Plot No. 52 of the Rancho el Valle de San Jose", filed January 25, 1980, Book 11 of Record of Surveys, Page 46, Alameda County Records

PARCEL 2:

A non-exclusive easement for ingress and egress and all public utilities over the Northerly 20 feet front and rear measurements of Lot J of the above mentioned Record of Survey.

Said easements so granted is to be appurtenant to and for the benefit and use of the lands of the Grantee and any subsequent subdivisions thereof.

EXHIBIT A-1: DESCRIPTION OF THE PROPERTY

Robert J. & Diane Everett

096-0345-001-01

PARCEL 1:

Lot "L", of Record of Survey No. 614, being a survey of "Map Showing 20 acre Subdivisions of Plot No. 52 of the Rancho el Valle de San Jose", in the County of Alameda, State of California, according to Map filed January 25, 1980, in Book 11 of Record of Surveys, Page 46, of Maps, Alameda County Records.

EXCEPTING THEREFROM a non-exclusive easement for ingress and egress, and all public utilities for the benefit of Lots J, K, and M of the above mentioned Record of Survey and any subsequent Subdivisions thereof over the Southerly 20.0 feet, front and rear measurements. As reserved in Deed recorded on November 8, 1985, Series No. 85-241233, Alameda County Records.

PARCEL 2:

A non-exclusive easement for Ingress and egress and all public utilities over the Northerly 20.0 feet front and rear measurements of Lot "M" and "J" and the Southerly 20.0 feet of Lot "K" of the above mentioned Record of Survey. Said easement were Reserved in Deeds recorded on April 1, 1988, Series No. 88-79078 (Lot M), April 1, 1988, Series No. 88-79076 (Lot J) and on December 14, 1984, Series No. 84-247395 (Lot K), Alameda County Records.

Said easement so granted is to be appurtenant to and for the benefit and use of the lands of the Grantee and any subsequent subdivision thereof.

EXHIBIT A-1: DESCRIPTION OF THE PROPERTY

Ernest J. & Beverly A. Trutner , Trustee

096-0345-008-00

Lot B, Map showing 20 Acre Subdivision of Plot No. 52 of the Rancho El Valle De San Jose, Filed May 15, 1896, Map Book 15, Page 49, Alameda County Records.

EXHIBIT A-1: DESCRIPTION OF THE PROPERTY

Guy & Irene Laverty

096-0345-004-05

Portion of Lot G of "Map Showing 20 Acre Subdivisions of Plot No. 52 of the Rancho El Valle de San Jose" as recorded in Book 15 of Maps at Page 49 and Page 53, Alameda County Records, more particularly described as follows:

Beginning at the southwest corner of said Lot G:

Thence North 0° 13' 48" West, 302.27 feet, more or less, along the west line of said Lot G, to a 1½" Iron pipe in a fence corner;

Thence North 84° 36' 35" [East], 774.24 feet, more or less, along an old fence line to a 1½" Iron pipe in a fence corner;

Thence South 1° 10' 27" West, 49.49 feet, more or less, along a fence line to a 1½" Iron pipe;

Thence North 85° 01' 11" East, 256.55 feet, more or less, to a 1½" pipe in a fence line;

Thence North 8° 05' 58" West, 47.97 feet, more or less, along a fence line to a 1½" Iron pipe Southerly of a new board fence;

Thence North 64° 58' 39" East, 311.15 feet, more or less, along, but Southerly of, a new board fence, to a 1½" Iron pipe on the East line of said Lot "G";

Thence South 0° 12' 50" East, 427.66 feet, more or less, along said East line to the Southeast corner of said Lot "G";

Thence North 89° 46' 42" West, 1328.89 feet, more or less, along the South line of said Lot "G", to the Southwest corner thereof and point of beginning.

EXCEPTING THEREFROM those portions Deeded to Fredic R. Kahne etux by Deeds recorded July 9, 1986, Series 86-164160 and October 23, 1990, Series 90-279891, Alameda County Records.

EXHIBIT A-1: DESCRIPTION OF THE PROPERTY

Eugene T. & Helen V. Hubbard, Trustees

096-0345-002-05

A PORTION of Lot "H", according to the "Map showing 20 acre subdivisions of Plot No. 52 of the Rancho El Valle de San Jose and Plot No. 1 of the relocations of Wagon Roads", filed July 21, 1896, in Book 15 of Maps, page 53, in the office of the County Recorder of Alameda County, bounded as follows:

BEGINNING at the point of Intersection of the western line of a private road 33.00 feet wide, known as Little Valley Road, said road being designated as "Road" on said map, with the southern line of said Lot "H"; running thence due west along the southern line of said Lot "H" 643.50 feet; thence north 45° 00' east 70.00 feet; thence north 45° 00' west 70.00 feet; thence due north 561.01 feet to the northern line of said Lot "H"; thence along the last mentioned line due east 643.50 feet to the western line of said Little Valley Road; thence along the last mentioned line due south 660 feet to the point of beginning.

ALSO the use and right of way to and through all roads connecting Lots "H" and "I" with the Main County Road, said connecting roads being shown and outlined on said map.

096-0345-002-06

BEGINNING at a stake or point on the eastern line of Plot 52 of Rancho El Valle De San Jose, as said stake or point being distant 1320 feet south from land known as "George Van Gordon's land" and on the western line of Main Road running north and south along the eastern line of said Plot 52; thence south along the western line of said Main Road, 1320 feet; thence at right angles west, along the northern line of Lot "G" 1287 feet; thence at right angles north along the eastern line of Lots "N" and "O", 1320 feet; thence at right angles east along the southern line of Lot "J", 1287 feet to the point of beginning.

Containing 40 acres, more or less; and

Being Lots "H" and "I", as the same are delineated and so designated upon the map entitled "Map showing 20 acre subdivisions of Plot No. 52 of the Rancho El Valle de San Jose and Plot No. 1 of the relocation of Wagon Roads", filed July 21, 1896 in Book 15 of Maps, page 53, in the office of the County Recorder of Alameda County.

Also the use and right of way to and through all roads connecting said lots "H" and "I" with the Main County Road, said connecting roads being shown and outlined on said map.

EXHIBIT B
MAP OF PARCELS

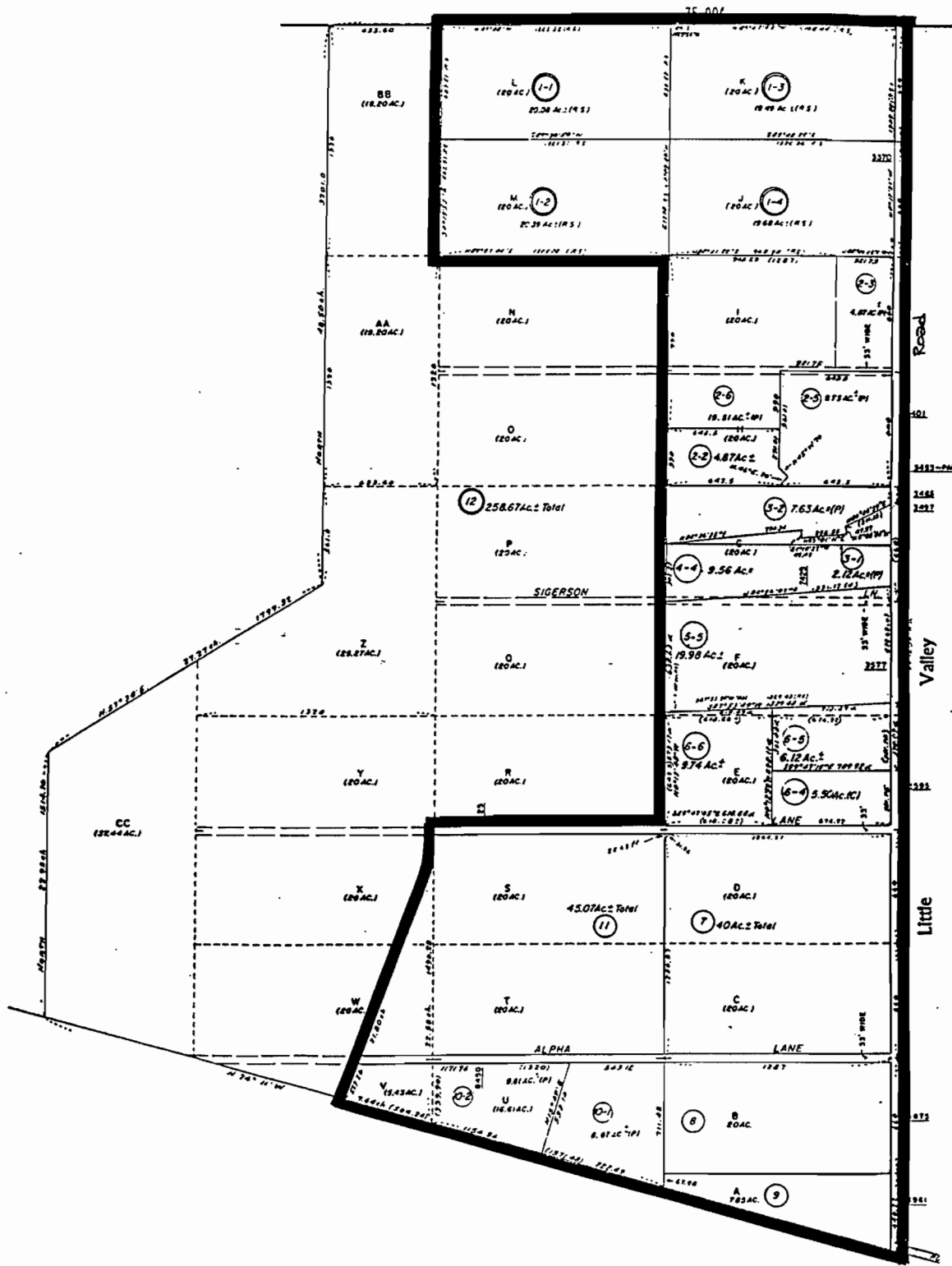


EXHIBIT C

ROADWAY INFRASTRUCTURE AND DEVELOPMENT PLAN

The development of infrastructure required to meet the requirements for a 24 foot wide, two-lane all-weather surface over the 1.8 miles of Little Valley Road and Alpha Lane (Roadways") at 70% buildout will be met in three phases.

- I. Phase One Within 30 days of the effective date of the "Development Agreement" Between County Of Alameda And Relative To The Development Known As "Little Valley" (Development Agreement), the following infrastructure upgrades to the Little Valley Road and Alpha Lane roadways shall be commenced:
 - A. Each of the four blind hills on Little Valley Road identified in the TJKM traffic study (contained in the "Environmental Impact Report, Little Valley Road Specific Plan and 2031st Zoning Unit"), will be widened to 24 feet of all-weather roadway. These hills will be center-stripped and will include pavement arrows and signage.
 - B. The Barr curve will be improved according to the TJKM report.
 - C. All grading, fence removal, and replacement shall be much to establish the 24 foot width on Little Valley Road to the Everett property and on Alpha Lane to its present end at the Covaro/Righetti turnaround.
 - D. Seven (7) turnarounds and nine (9) turnouts will be provided along the 1.8 miles of Little Valley Road and Alpha Lane.
 - E. Two (2) of the above turnouts will be provided along Alpha Lane.
- II. Phase Two. Within one year of issuance of 15th building permit within the Little Valley Specific Plan Area or 5 years from the effective date of the Development Agreement, whichever occurs first:
 - A. Little Valley Road will be improved to a 24 foot width from Alpha Lane to the bottom of Kruger Hill.
 - B. Alpha Lane will be improved from Little Valley Road to the Righetti/Covaro turnaround. These improvements will consist of grinding existing pavement, subgrading installation of a 16 foot wide structural section composed of 6-inch Class II rock, and all-weather shoulders with a total roadway width of 94 feet.
 - C. The Roadways shall be double chip-sealed. The Kruger Hill area of the Roadways shall remain paved to prevent excessive wear.
- III. Phase Three. Within one year of issuance of 30th building permit within the Little Valley Specific Plan Area or 10 years from the effective date of the Development Agreement, whichever occurs first:
 - A. The remainder of Little Valley Road from bottom of Kruger Hill to Everett turnaround will be improved to a 24 foot width and shall be double-chip sealed.

- B. Little Valley Road will be improved from end of the CalTrans right-of-way to Alpha Lane. The existing road will be ground, subgraded, and a 24-foot wide structural section composed of 6-inch Class II rock will be installed and double chip-sealed.

Mitigation. In order to satisfy access and roadway requirements of Alameda County Planning Department, Alameda County Fire Marshal, and California Department of Forestry, the following actions will be taken by each parcel developed:

1. All residential structures hereafter constructed or moved onto the property shall be protected by an automatic fire sprinkler system. The system shall be designed, installed, inspected, and approved by the Alameda County Fire Marshal.
2. All residential structures shall be constructed with an approved fire retardant roof covering. Re-roofing of existing structures shall be with approved fire retardant roof covering.
3. All residential structures shall have an approved 30 foot safety zone around the structures to meet Defensible Space requirements in the event of a fire emergency.
4. On-site water storage for fire protection shall be maintained. A minimum of 2500 gallons shall be dedicated for fire protection use. Installation shall be as per the applicable codes and requirements at the time of building permit issuance. Should a water system become available, tanks may be eliminated.
5. 24 foot all-weather and striped blind hill improvements, including signage, shall be completed in Phase One.
6. Alameda County Fire Department-approved address signage at each parcel consisting of a 3 foot post with 4 1/2 inch numbers.
7. The Little Valley Community Group will establish a community disaster preparedness plan with Alameda County Fire Department to assure a consistent and orderly civilian response.
8. All roadway improvements will be designed to accommodate a maximum speed of 20 mph. (Current and future posted speed limit will remain 15 mph.)

Notwithstanding other provisions of this Plan, to accommodate blue line creeks and preexisting utility easements, the Roadways, where necessary may be reduced to less than 24-foot width, but not less than 16 foot width. The roadway width must meet the approval of Alameda County Fire Department. Signage and turnouts on each side of the reduced width of road shall be provided.

Intent. It is intended that implementation of this Roadway Infrastructure and Development Plan, as set forth and approved by the Fire Marshal, shall meet all requirements for the Roadways subject to this Roadway Infrastructure and Development Plan and to allow full development of the parcels in the Little Valley Specific Plan Area and as described in the Little Valley Specific Plan.

EXHIBIT D

FEE DUE UNDER SECTION 3

PARCEL AP NUMBER	ACRES	ACREAGE FEE	AMOUNT DUE
096-0345-001-02	20	\$275	\$5,500
096-0345-011-00	45	\$275	\$12,375
096-0345-010-02	10	\$275	\$2,750
096-0345-010-01	10	\$275	\$2,750
096-0345-006-06	10	\$275	\$2,750

NOTE: This represents the amounts owing by property owners who have not paid as of September 29, 1997. The following table sets the amount due from each property and is not part of the agreement.

OWNER	PARCEL (096-0345-)	ACRES	ACREAGE FEE	AMOUNT DUE
Everett	001-01	20	\$275	\$5,500
Vandyke	001-03	20	\$275	\$5,500
Holley	001-02	20	\$275	\$5,500
Barr	001-04	20	\$275	\$5,500
Hubbard	002-05,06	30	\$275	\$8,250
Pettipiece	003-02	10	\$275	\$2,750
Laverty	004-05	10	\$275	\$2,750
Kohne	005-05	20	\$275	\$5,500
J. Thomas	007-00	40	\$275	\$11,000
Righetti	011-00	45	\$275	\$12,375
Covaro	010-02	10	\$275	\$2,750
Hibner	010-01	10	\$275	\$2,750
Trutner	008-00	20	\$275	\$5,500

APPENDIX D: MODEL CONDITIONS OF APPROVAL FOR TENTATIVE MAPS

LITTLE VALLEY SPECIFIC PLAN MODEL TENTATIVE MAP CONDITIONS OF APPROVAL TENTATIVE MAP, TR-___ OR PM-___

GENERAL CONDITIONS

1. All conditions must be accomplished prior to filing the Final Map, unless another time of compliance is specified below or on the face of Exhibit B. Phased filing of the Final Map shall be permitted. Phased Final Map(s) shall be reviewed by the Public Works Agency and Community Development Agency for adequacy of design and improvements; including, but not limited to, lot pattern and design, grading and drainage, street improvements, and utilities. The Community Development Director may require that additional area be added to the Final Map or improvements extended beyond those shown on the phased Final Map to ensure logical development of the tract.
2. Land dividers and owners of divided lots shall enter into a Development Agreement or another form of agreement with other land dividers and owners of divided lots in the Little Valley Specific Plan area and the County. The Development Agreement shall ensure compliance with the conditions imposed by the Little Valley Specific Plan policies and provisions including guaranteed installation of improvements.
3. The design and improvement of this land division shall be in conformance with the design and improvement indicated graphically or by statement on the Exhibit B, as modified by these conditions, including road location, grade, alignment, width and intersection design; design and grading of lots; location and design of storm drainage facilities and location and design of frontage improvements, if needed; and location of areas designated as open space or agricultural areas or non-buildable setbacks from wetlands.
4. To ensure no further subdivision beyond a density of one principal dwelling unit per 4.5 acre ownership and no lot smaller than two acres, the property owner(s) shall dedicate a conservation or agricultural easement, dedicate development rights on the non-built portions of the property, or preclude further subdivision beyond that contemplated by the Little Valley Specific Plan by such other means as will satisfy this requirement and the intent of this Plan, as determined by the Community Development Director. Easements shall be dedicated to the County of Alameda or to its designee.
5. All required plans, specifications, supplemental environmental analysis, if necessary, and technical data necessary to complete the Final Map shall be filed with the Director of

Public Works. Requirements for filing the map, review fees, improvements and inspections of work shall be determined by the Director.

6. A current title report and copies of the recorded deeds of all parties having record title interest in the property to be divided and if necessary, copies of deeds for adjoining properties shall be submitted to and accepted by the Director of Public Works.
7. There shall be one hundred foot (100') building and grading setbacks from the centerline of all U.S. Army Corps of Engineers' "Jurisdictional Waters of the United States" and from the outside of all wetlands, as shown on Exhibit B. Within these setbacks, no plant removal, construction, grading, trails, or storage of equipment can occur. The proposed new or improved road crossings described in the Little Valley Specific Plan shall be the only project development within these setback areas; these will require a permit from the U.S. Army Corps of Engineers with review by the U.S. Fish and Wildlife Service.
8. Where easements are not obtained, rights of entry and drainage releases shall be acquired by the land divider in writing from the adjoining property owners for use or improvement of drainage ways outside the boundary of the tract map. Original copies of right of entry shall be provided to the Director of Public Works.
9. Prior to filing of a Final Map, the County's geotechnical consultant shall review the site-specific geotechnical investigation report. The geotechnical consultant may make recommendations that could result in modification to the design of this vesting tentative map, subject to approval by the Community Development Director.
10. Property owners shall contribute their proportionate share of in the costs of preparing the Specific Plan, processing the rezoning, prepare the Development Agreement, and other associated actions. These include costs for County review and processing, attorneys fees, engineering and consultant fees, and other costs. Property owners who did not pay their proportional costs for the processing of the Little Valley Specific Plan and 2031st Zoning Unit shall reimburse those who did in the proportion in which the initial participants contributed, and shall submit evidence of this to the County prior to filing of a Final Map. This shall not apply to purchasers of subdividable portions of properties owned by participating property owners.
11. For properties including drainage areas, swales, and ponds in the Little Valley Specific Plan area, when such property is transferred to new owners, a notice shall be recorded on the property deed that notifies new owners of the presence of the two special status species (California red-legged frog and California tiger salamander). The sellers shall provide the buyers written educational information, such as a brochure or leaflet, about the two species and how best to protect the species and their habitat. The information shall include measures such as properly disposing of toxic substances, neutering and vaccinating domestic animals, maintaining natural vegetation, using native plants for landscaping, where possible, and passively enjoying wildlife. This information may be

obtained from the US Fish and Wildlife Service. The new owner shall submit a copy of the deed showing such notification to the Community Development Director.

12. All new homes shall adhere to seismic design codes. Design of the projects shall be in accordance with Uniform Building Code guidelines for Seismic Zone 4.
13. To reduce flooding hazards downstream, the Final Map shall indicate that structures shall be located outside of flood zones, as recommended in Kleinfelder, Inc.'s "Groundwater Availability Study Little Valley Road Project Alameda County, California," April 22, 1996.
14. The Final Map shall indicate that improvements shall be set back at a minimum of 10 feet from toes of slopes to provide access for slope repairs, if necessary, as recommended in Kleinfelder, Inc.'s "Groundwater Availability Study Little Valley Road Project Alameda County, California," April 22, 1996.
15. Prior to transfer of new residential lots adjacent to existing agricultural uses, a real estate disclosure notice shall be attached to deeds informing owners of potential nuisances generated by adjacent agricultural uses.
16. In the event any legal action or proceeding is instituted challenging the validity of any provision of this Tentative Map, the Development Agreement(s) or any other aspect of this project, the County and the Little Valley Community Group, Homeowners' Association, or similar entity, shall cooperate in defending against such challenge. The entity, at its expense, shall defend such action as the real party in interest and assist the County in its defense. To the extent that any such action challenges the entity's right to proceed with the Project under this Plan, the entity shall have the control of the defense of the action or proceeding and may use legal counsel of its choice, subject to the approval of the County, which approval shall not be unreasonably withheld, conditioned, or delayed. No settlement of any such action shall occur, nor shall any stipulation waiving rights under the Agreement be entered into, without approval by both parties. The entity shall reimburse the County for reasonable expenses of the County's attorneys resulting from representation of the County in any such legal action or proceeding. In addition, the entity shall indemnify County from any liability incurred by County as the result of any such action or proceeding, including any award to opposing counsel of attorneys' fees or costs. If the action is brought challenging the County's approval of an action on behalf of an individual member or members of the entity, that person or persons shall have the same responsibility to indemnify the County for its expenses in defense of its action as the entity has if the action were brought challenging the project approvals as a whole. The entity may act collectively to reimburse the County for challenges to an individual approval. Should the real party in interest, either the entity or an individual member(s) thereof, choose not to compensate the County for its expenses, the County shall be under no obligation to defend the action.

17. Site Development Review is required for any structure on Parcels 096-0345-008 and 009, or subdivisions thereof, to ensure compatibility with the surroundings and to soften views from Vallecitos Road. A note to this effect shall be recorded with those parcels.
18. Prior to filing a final map for subdivision of Parcels 096-0345-001-01, 001-02, 001-03, and 001-04, the property owner(s) shall file a notice of nonrenewal of the Agricultural Preserve on those parcels with the Clerk of the Board of Supervisors, in accordance with the California Land Conservation Act (Williamson Act) requirements.

PLANS, PROGRAMS, AND STUDIES TO BE APPROVED BY THE COMMUNITY DEVELOPMENT OR DIRECTOR OF PUBLIC WORKS

19. Prior to new occupancy of any new dwelling unit created as a result of the Little Valley Specific Plan, the new owner shall submit evidence of his/her membership in the homeowner's entity that is responsible for maintenance of Little Valley Road and Alpha Lane and septic systems in the Little Valley Specific Plan area in compliance with the Roadway and Sanitary Sewer System Maintenance Agreement. This membership requirement shall be recorded in the deed.
20. Subdivider shall fully contribute their proportional share of funds to the road improvements as outlined in the Roadway Infrastructure and Development Plan (RIDP).
21. Prior to first occupancy of any new dwelling unit created as a result of the Little Valley Specific Plan, a detailed proposal of how maintenance of the project is to be provided shall be approved by the Community Development Director. This detailed maintenance proposal shall include, but not be limited to: when the responsibility for maintenance will be transferred from the land divider to the lot owners; what the costs of maintenance will be; what assurances there will be that resources are available to maintain their portion of the project, once given the responsibility; and what assurances there will be that the project will be properly maintained. The project homeowner's entity shall provide the County Community Development Agency with a current address or post office box number.
22. Prior to obtaining a building permit for new homes in the northeast portion of the Little Valley Plan area, which lies within the Alquist Priolo Earthquake Fault Zone, a note shall be recorded on the deed to alert property owners that a qualified geologist shall submit the results of a subsurface exploration trenching to the Public Works Director verifying the extent and location of potential fault traces and identifying setback zones for residential structures from the fault trace, in compliance with the Alquist Priolo Earthquake Fault Zone Act.

23. The Final Map shall indicate that prior to locating improvements on slopes, a geotechnical study shall be submitted for approval to the Public Works Director evaluating the slopes' stability during potential earthquake shaking. Long term stabilization measures such as surface netting and deep-rooted vegetation shall be used where necessary to improve surface stability.
24. On Assessors' Parcel Numbers 096-0345-001-03 and 001-04, prior to filing a Final Map, a geotechnical study shall be submitted for approval to the Public Works Director determining the existence of a landslide in this area. If landslides are present, measures shall be taken such as maintaining setbacks from the drainage areas, repairing any existing slides adjacent to residential structures, or providing some type of structural support, such as walls, earthen buttresses, or a combination of these and other measures, as approved by the Public Works Director.
25. An Erosion and Sedimentation Control Plan shall be submitted to the Public Works Agency for its review and approval prior to approval of the Final Map. The plan shall include measures to reduce water releases downstream.

ACCESS/STREET IMPROVEMENTS

26. Streets and easements shall be improved as shown on the Roadway Infrastructure and Development Plan. Said improvements shall be guaranteed under the Development Agreement, as approved by the Community Development Director.
27. Little Valley Road and Alpha Lane shall be improved in phases and maintained to Fire Department standards as set out in the Roadway Infrastructure and Development Plan through the homeowners' entity that oversees other functions in the Plan Area. The Community Development Director, after consultation with the Director of Public Works and the Fire Marshall, may adjust the Roadway Infrastructure and Development Plan to bring specific aspects of it into accord with County policy or may adjust the fee schedule to ensure its adequacy to fund improvements.
28. Only Little Valley Road and Alpha Lane, as defined in the Roadway Infrastructure and Development Plan shall be the joint responsibility of all participating property owners in the Plan Area as outlined in this Plan. Other roads shall be the responsibility of the individual owner or owners of the property(ies) served by the road. This does not preclude the property owners as a whole from agreeing to take on the responsibility for improvement or maintenance of other roads as they may agree amongst themselves.
29. Relocation and installation of improvements or public facilities shall be accomplished at no expense to the County.

30. Traffic safety signs and devices and street name signs, if required by the Community Development Director, shall be installed in accordance with standards of Alameda County, or as approved by the Community Development Director. Proposed street names shall be cleared through the Planning Department and such names shall appear on the Final Map.

SITE ALTERATIONS/IMPROVEMENTS

31. A detailed soils and geologic report shall be approved by the County's geotechnical consultant prior to initiation of grading or recording of any Final Maps. Geotechnical consultants shall review grading plans and comment on their adequacy and recommend revisions to the plans, as necessary.
32. Detailed grading, drainage and erosion/sedimentation plans shall be submitted for approval by the Director of Public Works and shall be reviewed by the Community Development Director prior to approval of a grading permit. All drainage structures shown on improvement plans shall be designed to Alameda County standards to accommodate upstream development as allowed by the Specific Plan. Downstream drainage structures within the Plan area shall also be shown to accommodate any proposed increase in runoff. The plan shall include measures to reduce water releases downstream and an analysis of potential impacts of the subdivision on drainageways, including the California Department of Transportation's culvert under I-680, and shall examine the feasibility of on-site detention facilities to maintain pre-development peak flow rates. The Public Works Agency shall refer the Drainage Plan to the California Department of Transportation for its review and comments.
33. Building and grading shall be set back one hundred feet (100') from the centerline of all jurisdictional Waters of the U.S. (i.e., intermittent creeks) and one hundred feet (100') from the outside edge of wetlands (e.g., stock ponds, swales), as shown on Exhibit B.
34. Construction debris shall be disposed of properly. Recycling or composting of construction debris is encouraged.
35. Design and improvement of the land division shall comply with recommendations and requirements of the Public Works Agency as detailed in its modified letter dated _____, as amended by these conditions.
36. Grading on this site shall conform to the applicable portions of the Alameda County Grading Ordinance, Ordinance No. 82-17 and limits of grading shown on Exhibit B. Secure a Grading Permit from the Director of Public Works, as needed, in accordance with requirements of the Alameda County Grading Ordinance.

37. Dust control measures, as approved by the Director of Public Works, shall be followed at all times during grading and construction operations.
38. Grading activities shall be monitored by an archaeologist. If during construction archaeological remains are encountered, construction in the vicinity shall be halted, an archaeologist consulted and the County Planning Department notified. If in the opinion of the archaeologist, the remains are significant, measures, as may be required by the Community Development Director, shall be taken to protect them.
39. If archaeological remains are found on the property during earth moving activities, the owner or contractor shall halt earthmoving activities within approximately thirty feet (30') of any archaeological resources unearthed during construction until a qualified archaeologist has been retained and has evaluated the significance of the resources. The archaeologist shall record, recover, retrieve, and/or remove any archaeological materials and data. disposition of archaeological collections and records shall follow the recommendations in the "State of California Guidelines for the Curation of Archaeological Collections (1993)". The owner shall notify the Ohlone Most Likely Descendants, as designated by the California Native American Heritage Commission, in the event that prehistoric human remains are uncovered. The County Coroner shall be called and the archaeologist shall provide safe and secure storage of these remains while on-site, in the laboratory, and otherwise, and shall consult with the Native American representatives regarding either on-site reburial of the remains or other arrangements for their disposition, as recommended in Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. Lastly, the owner shall fund a Final Report to incorporate data developed for the report and monitoring; a copy of the report shall be submitted to the regional information center of the California Archaeological Inventory for inclusion in the permanent archives, and another copy shall accompany any recorded archaeological materials and data. This shall be a condition of any grading permit the County issues in the Plan Area, and the Grading Inspector shall monitor this during grading inspections.
40. The following shall be submitted to the Director of Public Works, prior to acceptance of final improvements by the Board of Supervisors:
 - a. An as-built grading plan prepared by a registered Civil Engineer including original ground surface elevations and lot drainage.
 - b. A complete record including location and elevation of all field density tests, and a summary of all field and laboratory tests.
 - c. A declaration by a Soils Engineer and Geologist that all work was done in accordance with the recommendations contained in the soil and geologic investigation report and approved plans and specifications.

- d. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval and shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement and seismic activity.
41. Prior to obtaining a grading permit to excavate or fill any wetland identified in the Draft EIR within the Plan Area, the owner shall notify the US Army Corps of Engineers, the US Fish and Wildlife Service, and the State Department of Fish and Game.
- a. If the wetland is within the Corps' jurisdiction, the owner shall obtain a permit from the Corps. In the permit application, the owner must notify the Corps that there are two federally protected species, the California red-legged frog and California tiger salamander, and a State threatened species, the Western pond turtle, in stock ponds in the project area. The permit must comply with Section 106 of the National Historic Preservation Act. Property owners may apply individually to the Corps for permits for their individual parcel(s) or they may apply with other owners for a permit covering more than one ownership in the same wetland.
 - b. If the excavating or filling of wetlands is outside of the Corps' jurisdiction, the owner shall notify the US Fish and Wildlife Service and the California Department of Fish and Game that portions of the project area contain the above-listed species. The owner shall comply with Section 10 of the Endangered Species Act, which may require preparation of a habitat conservation plan.
 - c. Property owners shall provide proof of compliance with Section 404(b)(1) of the Clean Water Act and Sections 1601-1607 of the Fish and Game Code prior to issuance of grading permits for work in or over wetlands or Waters of the U.S.
 - d. Prior to issuance of any grading permits for work within one hundred feet (100') of jurisdictional wetlands and Waters of the U.S., the applicant shall submit to the County evidence of compliance with the Endangered Species Act; compliance can be demonstrated through evidence of consultation with the United States Fish and Wildlife Service resulting in a "no jeopardy" opinion.
42. Prior to issuance of any grading permits affecting oak trees, applicants shall submit for approval by the Community Development Director either 1) evidence that oak trees will be entirely avoided (i.e., grading plans with the driplines of any oaks in the area and the limits of disturbance clearly indicated), or 2) a detailed Oak Tree Management and Replacement Plan prepared by a County-approved arborist. The preparer of this plan shall work directly with the project architect or engineer to evaluate impacts to individual Valley oak trees that could occur from project construction and related activities. Key

elements to be included in the Oak Tree Management and Replacement Plan are described in the Draft Environmental Impact Report for the Little Valley Specific Plan, at page 51.

43. Prior to issuance of any grading permits for work within one hundred feet (100') of jurisdictional wetlands and Waters of the U.S., the applicant shall submit to the Community Development Director a detailed California Red-legged Frog Habitat Protection Plan approved by the United States Fish and Wildlife Service. The permit shall be conditioned on compliance with this plan. The preparer of this plan shall work directly with the project engineer to minimize potential impacts to the California red-legged frog that could occur from project construction and related activities. Key elements to be included in the California Red-legged Frog Habitat Protection Plan are described in the Draft Environmental Impact Report for the Little Valley Specific Plan, at page 53. This shall also serve as mitigation for potential impacts on the Western pond turtle.
44. Applicants for Tentative Map approval or grading permits affecting land within three hundred feet (300') of an on- or off-site stock pond shall prepare and submit to the County a California Department of Fish and Game-approved California Tiger Salamander Aestivation Habitat Suitability Assessment and Mitigation Plan. Key elements to be included in the California Tiger Salamander Aestivation Habitat Suitability Assessment and Mitigation Plan are described in the Draft Environmental Impact Report for this project, at page 55.
45. Required grading permits for development of new homesites shall include revegetation requirements, specifications for the maximum slope of cut and fill areas, and sediment control specifications. The plans shall show locations for fueling construction equipment and fuel spill prevention and cleanup methods.
46. Prior to obtaining a grading permit, the property owner or developer shall comply with the National Pollutant Discharge Elimination System permit requirements, including preparation of a Stormwater Pollution Prevention Plan (SWPPP) if required.

SERVICES AND UTILITIES

47. A brochure identifying the location of non-hazardous waste recycling facilities in Pleasanton and defining household hazardous waste and identifying the County's permanent collection facilities and other appropriate disposal options shall be distributed to each buyer of a new lot. CC&R's shall also prohibit the disposal of hazardous materials in storm drains or sinks.

48. The entity established to maintain the roads and septic tank systems shall attempt to establish a household waste recycling pickup program for the Plan Area with Pleasanton Garbage or other waste hauler.
49. There shall be periodic inspections of septic tanks and leachfields in the Plan Area, as set out in the Roadway and Sanitary Sewer System Maintenance Agreement. Where the inspection reveals malfunctions or the likelihood of malfunctions, the property owner will correct the problem within a reasonable time as determined by the overseeing entity as set out in the agreement. If this is not done, the overseeing entity or other party to the Agreement shall perform or cause to be performed the corrective measures and the cost will be a lien on the property.
50. The entity established to maintain the roads and septic tank systems shall work with adjacent property owners to the north and west of the Plan Area to obtain emergency access rights to the Plan Area over the adjacent property. If the entity is successful, owners of the property or properties within the Plan Area adjacent to where these access points about the Plan Area, shall grant to the entity and members thereof rights for emergency access only
51. Water supply and sewage disposal systems shall conform to all requirements of Zone 7, the Alameda County Department of Environmental Health, the Regional Water Quality Control Board, and any other body with jurisdiction over the Plan Area. Conformance shall be accomplished as required by the agency.
52. Said groundwater data shall be prepared by a qualified professional and may rely on test well drilling, pump testing, or other geologic or groundwater data, as appropriate.
53. The subdivider shall record in each new deed a notice to new owners that the water supply study conducted in 1997 to estimate availability of water in the Little Valley Specific Plan Area was based on usage for an average five-person household, or approximately 1,000 gallons per day per lot. It is not based on intensive personal use, such as water intensive gardens or lawns. The notice shall also state that well data from sample monitoring wells in the Little Valley Specific Plan area is available through the Little Valley Community Group homeowners' entity.
54. Each lot shall be equipped with a water storage tank with a minimum capacity of 5,000 gallons prior to finalizing the building permit of any dwelling unit on the parcel. Of the 5,000 gallons, 2,500 shall be kept in reserve for fire protection purposes. The tanks shall be equipped with two hose outlets located within 50 feet of the house, and approved by the Alameda County Fire Department for connection to fire fighting equipment. Prior to issuance of a Building Permit, the builder shall submit to the Community Development Director for review and approval a plan showing the proposed location, height, and color of water tanks. Siting and design of the tanks should minimize

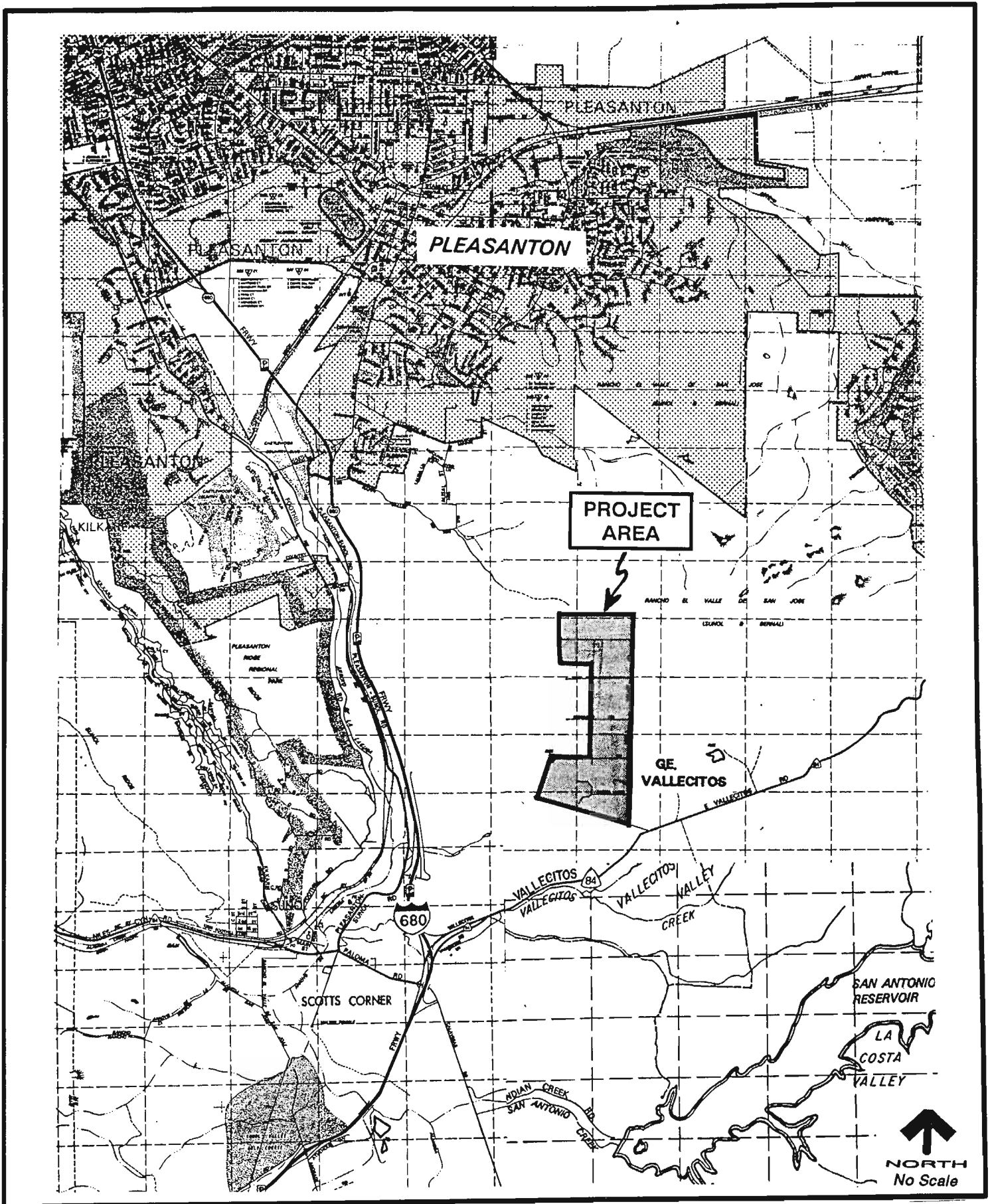
their visual effects. The subdivider should combine water tanks where possible and feasible to minimize views of tanks from roadways.

55. Each newly created lot residence in the Little Valley Specific Plan Area shall be equipped with a fire suppression sprinkler system approved by the Alameda County Fire Department.
56. All homes constructed in the Plan Area shall comply with State Fire Codes, including Public Resources Code Section 4291, which requires the maintenance of a 30-foot clear zone around houses.
57. If there is to be a locked gate at the entrance to the Plan Area, installation of the gate shall include installation of a Knox-box at the gate to allow access to fire fighting equipment, police vehicles, ambulances or other emergency medical vehicles, and other emergency vehicles. There shall also be a turnaround for vehicles that cannot gain entrance to the Area.
58. Prior to filing a Final Map for subdivision of parcels on Alpha Lane, the property owners on Alpha Lane shall submit a plan for providing secondary emergency through-access for the new Alpha Lane parcels to the Alameda County Fire Department and Planning Department for their review and approval. Upon approval of this plan by the Fire Marshall and the Community Development Director, this secondary emergency access shall be constructed prior to finalizing the building permit for any new dwelling unit on the new Alpha Lane parcels.
59. Prior to finalizing the building permit, owners shall provide lighted or reflective addresses on all lots with four-inch lettering on a three foot high post at the intersection of driveways and common streets.
60. Applicants for subdivision of property in the Plan Area shall submit groundwater data sufficient to demonstrate to the satisfaction of the Alameda County Department of Environmental Health and the Alameda County Fire Department that adequate domestic and fire flow water supply is available for each proposed building site and that the supply would not have adverse effects on water supply needs for adjoining lots.
61. Prior to issuance of a building permit for a primary dwelling unit, the property owner shall pay an \$1,900 fee to the Alameda County Affordable Housing Trust Fund to provide local affordable rental or for-sale housing. This fee shall be adjusted annually from the date of approval of this Plan based on the index for construction in the San Francisco Bay Area published by the Engineering News Record (ENR Index), or similar index that accurately reflects cost factors for materials and labor for residential construction. All fees paid shall be earmarked exclusively for provision of housing through construction, rent or financing subsidies, or other methods, and shall not be used for salaries or other

overhead expenses, nor shall they be used to free monies for salaries or other overhead expenses which otherwise would have been used for provision of housing.

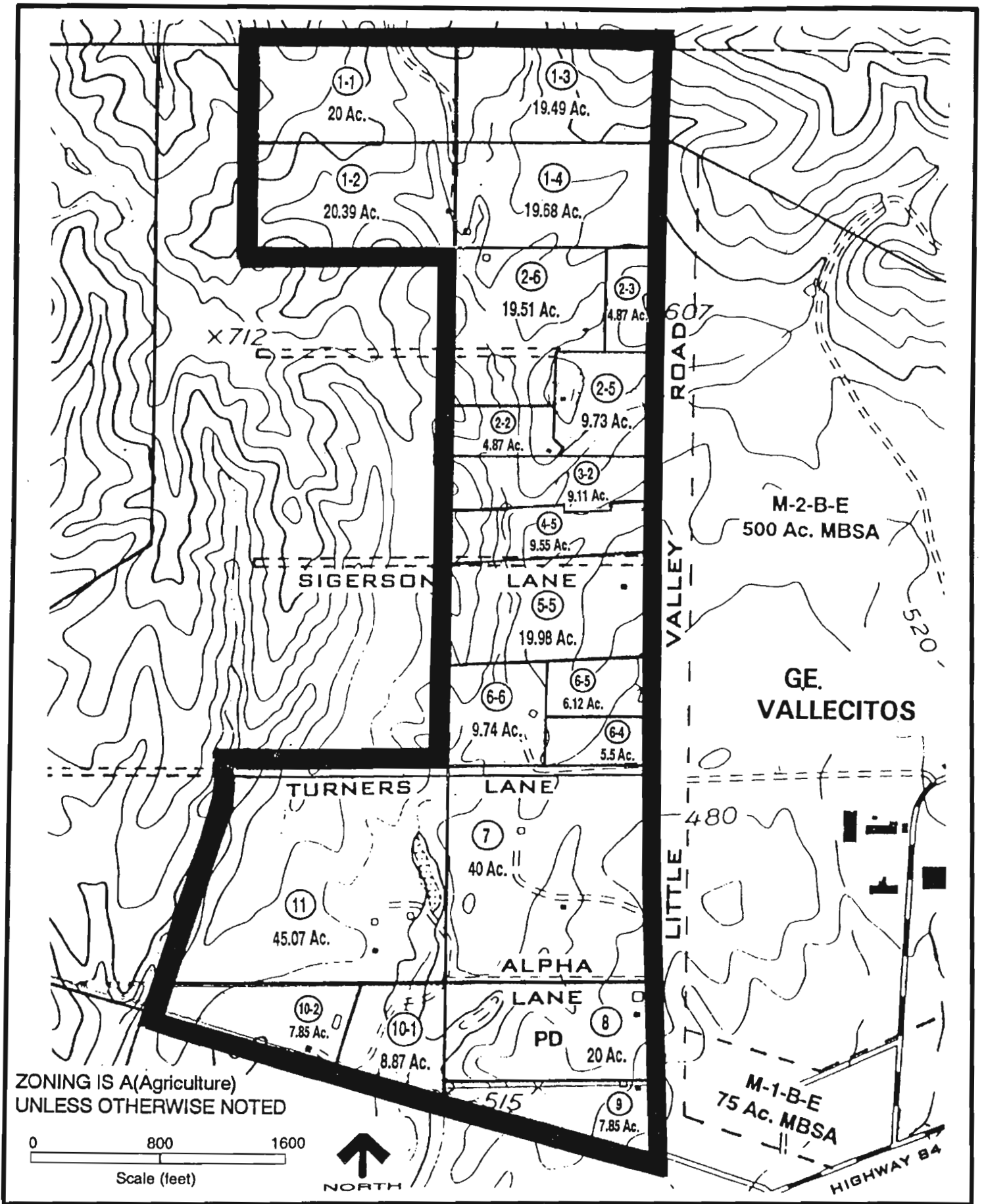
62. All utility distribution facilities within the land division shall be placed underground.
63. The developer will be responsible for all costs of constructing adequate water storage for the project, as determined appropriate by the Department of Environmental Health.
64. A letter or other form of verification from Department of Environmental Health stating that the proposed well on site is adequate to provide water to each lot in the land division shall be submitted to the Director of Public Works.
65. Prior to filing of a Final Map, a letter or other form of verification from the Department of Environmental Health shall be submitted to the Director of Public Works stating that each new lot has an adequate on-site septic system.
66. Fire protection improvements are to be installed by the land dividers and lot owners in accordance with the requirements of the County Fire Department, provided they are not in conflict with the State Fire Codes.

FIGURES



VICINITY MAP
LITTLE VALLEY SPECIFIC PLAN
Alameda County Planning Department, 1997

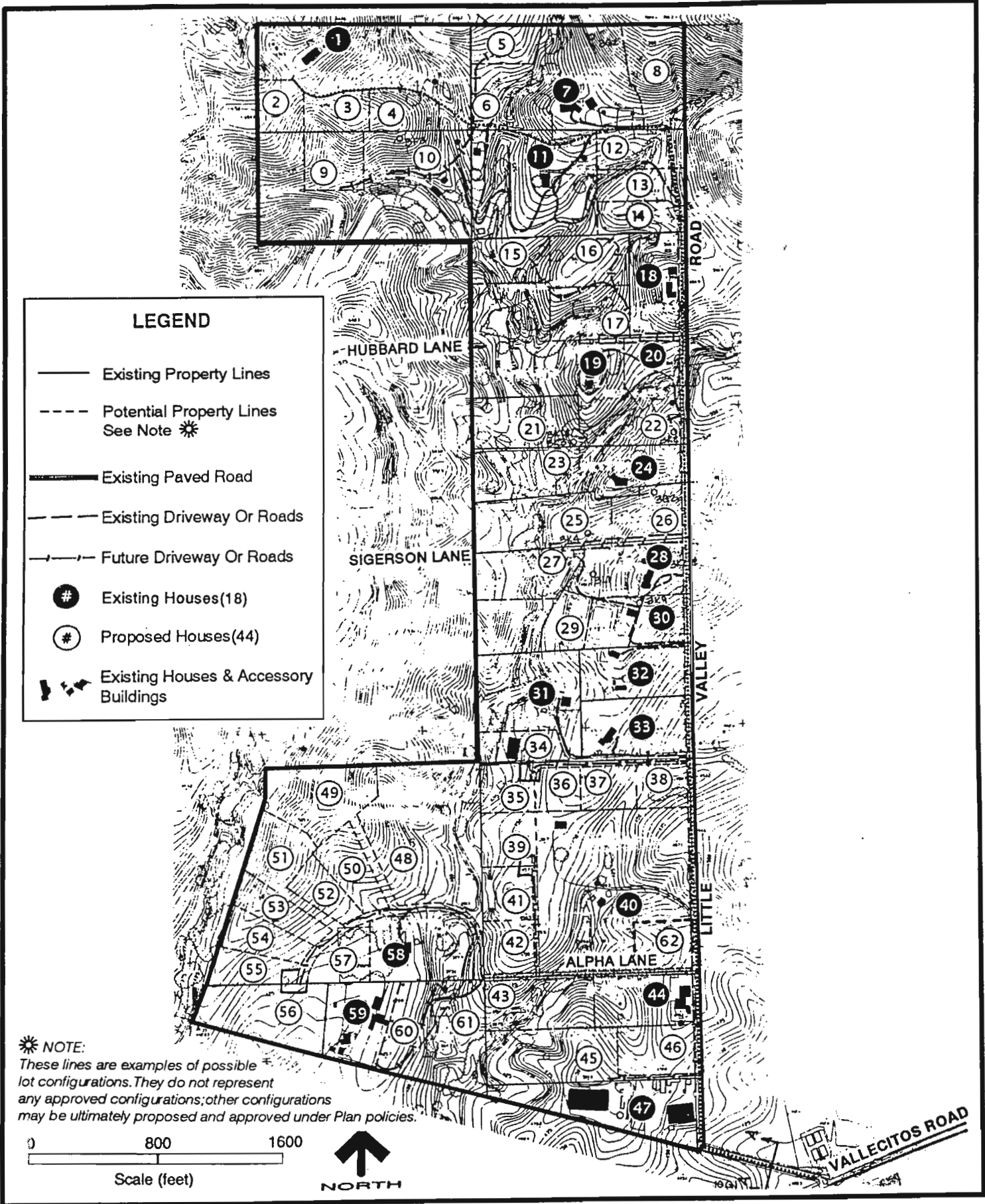
Figure 1



EXISTING PROPERTY LINES

LITTLE VALLEY SPECIFIC PLAN
 Alameda County Planning Department, 1997

Figure 2



SCHEMATIC SUBDIVISION MAP

LITTLE VALLEY SPECIFIC PLAN
 Alameda County Planning Department, 1997

Figure 4