



County of Yolo

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TO: Commissioner Richard Reed, Chair
and Members of the Planning Commission

FROM: David Morrison, Assistant Director
Planning and Public Works Department

DATE: October 27, 2011

SUBJECT: Planning Commission Ad Hoc Subcommittee Recommendation

Enclosed please find the proposed second amendment to the By-laws for the Yolo County General Plan Citizens Advisory Committees, as recommended by the Yolo County Planning Commission Ad Hoc Subcommittee (Attachment A).

All proposed changes to the By-laws and attachments are highlighted in grey. Additions are shown in underline. Deletions are shown in ~~strike-out~~.

The proposed amendment has been reviewed and approved by County Counsel.

**BY LAWS FOR THE YOLO COUNTY
GENERAL PLAN CITIZENS ADVISORY COMMITTEES**

Adopted – October 13, 2009
Amendment No. 1 – March 15, 2011
Draft Amendment No. 2 - _____

1. The purpose of the appointed General Plan Citizens Advisory Committees ("Citizens Advisory Committees") is to provide local input and recommendations to the Planning and Public Works Department ("Department") on implementation of the County General Plan, any local plans, and related land use matters. A Mission Statement (**Attachment A**) has been adopted to guide the committees.
2. All Citizens Advisory Committees shall abide by these By Laws. Each Citizens Advisory Committee ~~may~~ should adopt their own Standing Rules, which may set detailed rules and procedures for their own local committees, so long as they remain consistent with the By Laws. ~~Standing Rules should be adopted by each Citizens Advisory Committee.~~ The Standing Rules should include detailed rules and procedures for their own local committees, such as the time and location of meetings, time limits for speakers, adjournment time, and any other procedural items not already addressed by these By Laws. Standing Rules are adopted by a simple majority vote and may be amended by a two-thirds vote at a regularly scheduled meeting, for which public notice has been given in advance of the specific changes to the Standing Rules that are being proposed.
34. Members of the Citizens Advisory Committees are appointed by the Yolo County Board of Supervisors. People interested in becoming a member of a Citizens Advisory Committees must fill out an application at the end of the calendar year and submit it to the Clerk of the Board's office by December 15. Applications are generally acted upon by the Board of Supervisors in January of each year. The term of membership on the Citizens Advisory Committees shall be two years. The terms of committee members shall be staggered. Members must re-apply to be appointed for consecutive terms.
45. Upon a majority vote, the Board of Supervisors may dismiss committee members at any time during their term. The Board of Supervisors may appoint replacements for members who do not complete their term, as needed, and the replacement will serve the remaining term.
56. Upon a majority vote of the members of the Citizens Advisory Committees, the committee may recommend that the Board of Supervisors dismiss or not re-appoint a member due to three consecutive absences or four absences within a one year period.
67. Interested parties who wish to become a member of a Citizen's Advisory Committee must be either a resident within the CAC comment area, or a resident of Yolo County who owns either land or a business within the comment area. Members must be at least 18 years of age. Only one member of the same household or business (as determined by mailing address) may serve as a member of the committee.

78. The size of the Citizens Advisory Committees shall be a minimum of five members and a maximum of 17 members. The size of Citizens Advisory Committees should be an odd number.
89. A chair of the Citizens Advisory Committees shall be nominated and elected by a majority vote of the committee annually, in February of each year or as soon thereafter as may be reasonably possible. The Chair shall work with the staff liaison to set the agenda, as well as coordinate the dates/locations of any special meetings. The Chair shall also do his/her utmost to enforce the bylaws, and shall be responsible for ensuring that meetings are on time and on topic. To assist in their efforts, the Chair may set a reasonable time limit on public comments during each agenda item. Each committee shall also elect a vice chair and a secretary. The vice chair will assist the chair and run the meetings in the absence of the chair. The secretary, or a designated alternate, shall take the minutes for each meeting.
910. A quorum for purposes of conducting business and adopting motions shall constitute a simple majority of the total number of appointed seats on a Citizens Advisory Committee. If a quorum is not present, a meeting can proceed but no motions or actions may be adopted.
1011. Roberts Rules of Order shall be used to conduct the meetings and adopt motions. The “Rosenberg Rules” (a summary of Roberts Rules of Order) shall be used to guide the committees in meeting procedures and is attached to these bylaws (**Attachment B**). Motions shall be approved by a majority of those attending. Proxy voting (voting by a committee member not present or by an alternate) is not allowed.
1112. The Citizens Advisory Committees are subject to, and shall abide by, the requirements of the State of California Open Meeting law (the “Brown Act”). Meeting notices and agendas must be posted and made public at least 72 hours before a regular meeting, and at least 24 hours for a special meeting. In addition, meeting materials must be available to the public at the time they are distributed to members of the Citizens Advisory Committee. A summary of the Brown Act has been prepared by County Counsel and is attached to these bylaws (**Attachment C**).
1213. Written minutes of each committee meeting must be taken by the Secretary of the committee or designated alternate, approved at a following meeting by a quorum of those in attendance of the meeting pertaining to the minutes in question, and made available to the public. The minutes should include details or a summary of the discussions, actions, and motions approved, at each meeting.
1314. A member of the Department shall serve as the liaison to the Citizens Advisory Committee and shall attend those meetings where a recommendation on an application and/or ordinance is considered, as determined by the Planning Director. The Planning staff liaison will be appointed by the Planning Director and is subject to change without notice.
1415. Subcommittees of the Citizens Advisory Committee may be appointed by the chair. The subcommittee must be chaired by a voting member of the committee. Ad hoc subcommittees (that meet for limited terms and purposes) that do not constitute a quorum of the Citizens Advisory Committee, and do not include any members of the

public, are not subject to the Brown Act for purposes of advance meeting notice. Regular standing subcommittees (that are ongoing) are subject to the Brown Act. However, even where not required, every effort should be made to offer advance meeting notice of any subcommittee when practical and feasible.

1516. Public notices, background materials, and minutes for a Citizens Advisory Committee meeting should be distributed to committee members at least 72 hours before a regular meeting, and at least 24 hours for a special meeting. Department staff will send out notices and materials one week before each meeting. Meeting agendas, notices, and materials will be sent by e-mail when possible and by first class mail when e-mail is not available. A committee has the option of tabling an action item and continuing to the next meeting, if materials have not been received in time by its committee members.
1617. The agenda for each Citizens Advisory Committee meeting shall be in a consistent format, as determined by the Department. The agenda shall include the County letterhead and the Department contact information. For every meeting, the agenda shall include a time set for Public Comment or Public Requests; Information Items, or Correspondence and Announcements; and Action Items; including a brief description of each Action Item.
1718. Citizens Advisory Committee meetings shall generally be scheduled ~~on a monthly basis~~ on the same day of the ~~week~~ each month meeting. All committees shall meet on at least ~~a quarterly~~ an annual basis (~~four one~~ meetings per year). No committee meeting shall be scheduled (nor shall any committee agenda be distributed) unless there is a land use, growth, or related item of business to discuss and/or act upon. Special meetings may be called as needed. At the discretion of the Planning Director, combined informational meetings may be held for agenda items that apply to more than one committee. All meetings shall be held in a public or quasi-public place.
1819. Mailing and most duplicating costs for the Citizens Advisory Committee are handled by Department staff.
1920. The Yolo County Board of Supervisors shall approve a “planning area” and a “comment area” boundary for each Citizens Advisory Committee (**Attachment D**). The “planning area” is the land located within designated community growth boundaries. The “comment area” is a larger area that includes lands adjoining the community growth boundary and within which all discretionary planning applications are referred to the Citizens Advisory Committee. The planning and comment area boundaries for each Citizens Advisory Committee may overlap with the boundaries of an adjacent committee and/or city.
2021. All discretionary planning applications received by the Department within a comment area shall be referred to the appropriate Citizens Advisory Committee for a recommendation. ~~If an application is located outside an adopted Citizens Advisory Committee comment area, the Department may elect to refer it to the committee that is the nearest geographically to the application location, at its discretion.~~ Discretionary planning applications located within the comment areas associated with each of the four city long-range planning areas shall be referred to the appropriate city planning department for comment.

2122. The review of discretionary planning applications by a Citizens Advisory Committee shall follow the process outlined in the attached “Procedures for Reviewing Discretionary Planning Applications by Citizens Advisory Committees” (**Attachment E**).
2223. The chair or other officer of the Citizens Advisory Committee shall communicate any formal recommendation adopted in response to the review of a discretionary planning application to Department staff. The motion, second, and vote on the recommendation shall be recorded in the approved minutes.
2324. A Citizens Advisory Committee may submit comments and recommendations to the Department on ~~other~~ planning, growth, and related land use issues, including proposed zoning ordinances, and environmental impact reports, ~~and non-County projects that may affect the committee planning area. The committee may also review and make recommendations for other projects that are referred to it from other County agencies.~~ All recommendations from the Citizens Advisory Committees shall be submitted in writing to the Department, who shall forward them on to the agency or decision-making body, as appropriate.
2425. Members of the Citizens Advisory Committee shall be bound by the “Code of Ethics,” adopted by the County, and attached to these By Laws (**Attachment F**).
25. CAC members may wish to use the opportunity of meetings to discuss items that are not related to land use, growth, or related issues. Once the CAC meeting has formally adjourned, individuals may remain and discuss items of general concern that are not on that day’s agenda, either among themselves or with members of the public. Staff is not required to attend general discussions. Neither these bylaws nor the Brown Act/Code of Ethics are applicable to general discussion of matters unrelated to land use, growth, or related issues.

ATTACHMENT A

MISSION STATEMENT FOR THE
GENERAL PLAN CITIZENS ADVISORY COMMITTEES

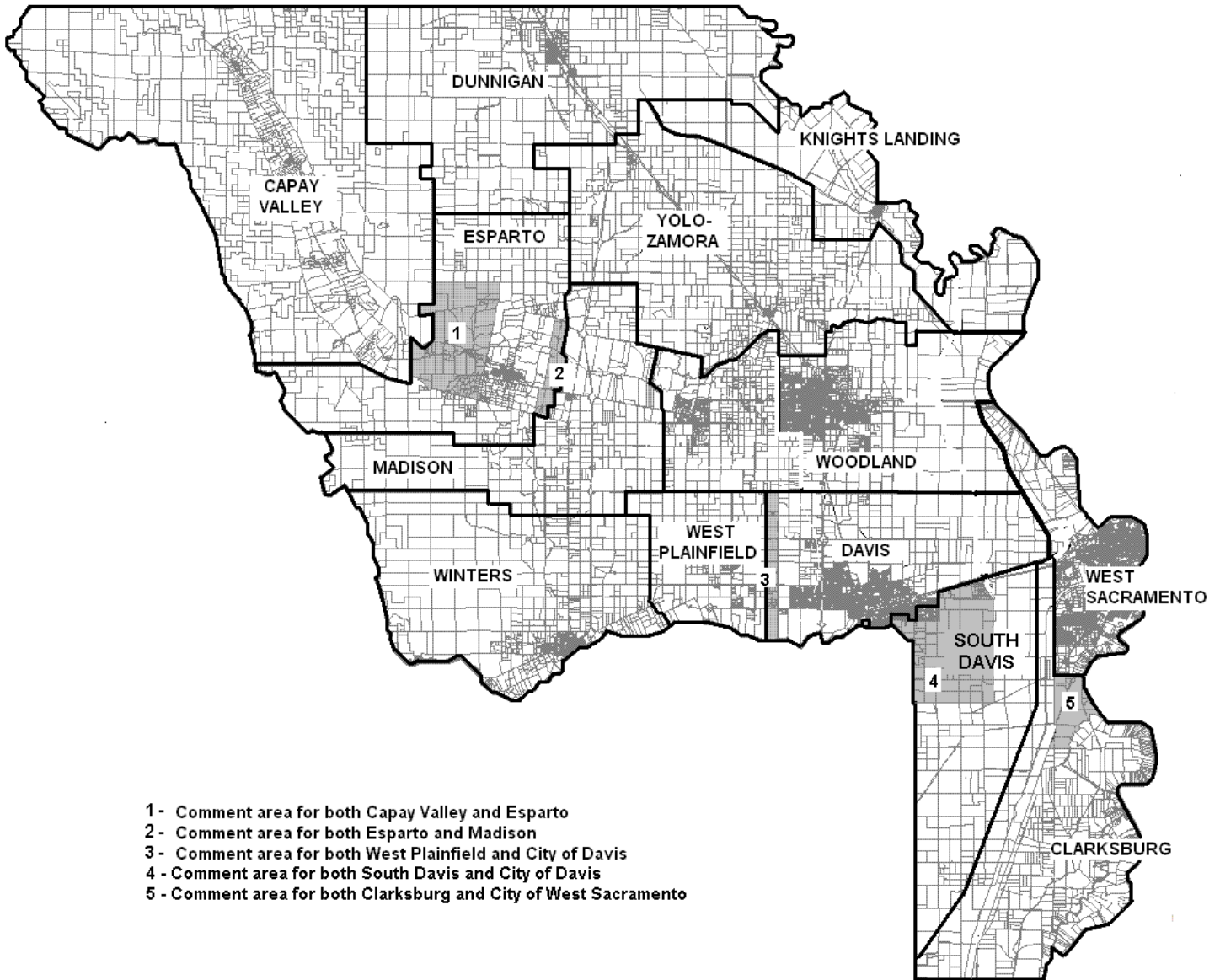
The Yolo County Board of Supervisors has charged the General Plan Citizens Advisory Committees with the following mission:

These Citizens Advisory Committees are primarily devoted to General Plan, growth, land use, and other related issues and shall:

- Serve as the main liaison between the community and ~~County agencies, and other interest groups~~ Planning and Public Works Department, on issues related to planning and land use;
- Meet publicly, on a regular as needed basis, to receive input from the community and ~~provide a public forum for all local citizens concerned with improving the community, through outreach;~~
- Maintain the integrity and intent of the adopted Community General Plan and vision for the advisory committee area;
- Represent the interests of the defined citizens committee area or community to the Yolo County policy makers by:
 - fact finding,
 - sharing information
 - facilitating discussion
 - fostering collaborative decision making, and
 - and presenting policy recommendations
- Review applications for all discretionary permits (i.e., development applications that require Zoning Administrator, Planning Commission, or Board of Supervisors approval) within the defined area of the citizens committee, and make formal recommendations to the County ~~boards~~ Planning and Public Works Department and Planning Commission.

ATTACHMENT D
COMMENT AREA MAP

(Recommended)



- 1 - Comment area for both Capay Valley and Esparto
- 2 - Comment area for both Esparto and Madison
- 3 - Comment area for both West Plainfield and City of Davis
- 4 - Comment area for both South Davis and City of Davis
- 5 - Comment area for both Clarksburg and City of West Sacramento

ATTACHMENT E

PROCEDURES FOR REVIEWING DISCRETIONARY LAND USE APPLICATIONS BY CITIZENS ADVISORY COMMITTEES

According to the established Mission Statement that applies to all citizens advisory committees addressing General Plan and land use/planning issues in Yolo County, two of the committees' main purposes are:

- To maintain the integrity and intent of the adopted Community General Plan and vision for the advisory committee area;
- To review applications for all discretionary permits (i.e., development applications that require Zoning Administrator, Planning Commission, or Board of Supervisors approval) within the defined area of the citizens committee, and to make formal recommendations to the County boards Planning Commission and Planning and Public Works Department.

This summary, and the attached flow chart, describe and illustrate the process by which the committees shall review and adopt formal recommendations for discretionary applications. The intent of these written guidelines is to streamline and make the review process more efficient, and to set forth the rules for both the applicant and the committee members.

Definitions:

A “discretionary” application involves a request that the County has the ability to deny. It also requires a public hearing before the Zoning Administrator, Planning Commission, and/or Board of Supervisors. Discretionary development applications include: Minor or Major Use Permits; Variances; Tentative Parcel or Subdivision Maps; Road Abandonments; Mining Permits; Rezoning (Zone Change); General Plan Amendments; County Code amendments and related ordinances; and others actions.

A “non-discretionary” or “ministerial” application is a request that the County is required to approve, so long as the application meets all minimum standards. A ministerial approval requires no public hearing and is issued directly by county staff, after review and approval by other permitting agencies such as Environmental Health and the fire district. Ministerial development applications include: Building Permits; Site Plan Review approvals; Certificates of Compliance; Lot Line Adjustments; Gas/Oil Well Permits; and others actions.

Step #1: “Pre-Application” or Early Informal Consultation

The County offers developers the option of submitting a “Pre-Application,” if an applicant is uncertain whether to submit a formal application or if they just want to “test the waters” to determine the staff and community response to an informal proposal. “Pre-applications” are treated by planning staff just as formal applications, and are referred to the appropriate citizens' advisory committee (CAC). Individual applicants may also ask to discuss their development proposals at a CAC meeting prior to an official CAC referral and vote on the application, in order to receive informal advice as to how the community may respond to the type of use or new construction that is being considered. However, early informal consultation with CACs prior to

an official CAC referral and vote is not required but is recommended, especially for large or complicated projects.

Step #2: Application Submitted and “Request for Comments” Notice Sent

After a formal development application is submitted, planning staff shall send out a “Request for Comments” notice for a discretionary application to the chair of the CAC. The “Request for Comments” notice is mailed or e-mailed to various county and other public agencies, and generally sent as a courtesy to adjacent property owners within 300 feet, and CAC chairs. The “Request for Comments” notice usually includes some of the application materials, but often does not include as much information as is needed for the committee to review the application. It is not necessary for the chair or the CAC to respond to these “Request for Comments” notices; they are simply sent to alert the chair that the formal application has been filed and that planning staff is soliciting early agency comments to determine the completeness of the application, and to identify early issues and possible Conditions of Approval.

Step #3: Application is Reviewed by DRC and is Deemed “Complete”

Discretionary project applications are reviewed by the Development Review Committee (DRC). The DRC is composed of agencies that must review and approve the application, including Planning, Public Works, Building, Environmental Health, the appropriate fire district, etc. The DRC may identify any additional information that is required from the applicant to allow the planner to determine that the application is legally “complete” (ready for processing).

Step #4: Environmental Review and Draft Conditions of Approval are Completed

Discretionary permits are subject to the California Environmental Quality Act (CEQA). County planning staff must evaluate the proposal to determine whether or not it may have a significant adverse effect on the environment. Staff then prepares the appropriate environmental document, whether a Categorical Exemption, an Initial Study/Negative (or Mitigated Negative) Declaration; or an Environmental Impact Report (EIR). Once the CEQA analysis is completed, it is sent out to all relevant local, state, and federal agencies, to interested organizations, and to the chair of the appropriate CAC. “Neg Decs” are sent out for public review for either 20 or 30 days; EIRs must be reviewed for at least 45 days.

During this period, planning staff is identifying issues and collecting comments from various agencies and interested members of the public. The issues and comments are used to prepare the initial draft Conditions of Approval for the project. Any mitigation measures that are identified in the Neg Dec or EIR must be included as Conditions. The Neg Dec or EIR, plus the draft Conditions of Approval, are sent back to the DRC for a second review.

Step #5: Application is Scheduled for CAC Review and Recommendation

At this point in the process, the discretionary application is usually set for review at the appropriate CAC. The staff will strive to ensure that all discretionary applications are scheduled at the appropriate CAC for a recommendation within 30 days after the CEQA environmental analysis has been completed. The agenda for the meeting is sent out and posted one week before the meeting, and the applicant or their representatives are asked to attend the CAC meeting. All of the relevant application materials are sent to each member of the CAC at least one week in advance along with the agenda. Application materials for large and complicated projects should be sent out at least two weeks in advance. Staff will also attempt to schedule

the applications on the Planning Commission agenda no less than two weeks from the CAC review date, to give the CAC enough time to prepare a letter for the Planning Commission hearing.

At the CAC meeting, the committee and members of the public have an opportunity to ask questions of the applicant and staff about all aspects of the proposed development project, including the environmental review and draft Conditions of Approval. The applicant is encouraged to bring large-scale site plans, subdivision maps, or building elevations, to help with the discussion.

During the review and discussion of individual development applications, CAC members should focus on whether the application is consistent with the adopted policies of the relevant community plan and the County General Plan. The CAC should also ensure that the project is consistent with the zoning regulations for the site and is consistent with any adopted design guidelines. The CAC should be careful not to apply any arbitrary standards or design guidelines to the project that are otherwise unrelated to the impacts created by the project.

At the end of the discussion, the CAC generally takes a formal vote to recommend to the hearing body (the Zoning Administrator, Planning Commission, and/or Board of Supervisors) that the project application be approved; approved with revisions to the project design or to the Conditions of Approval; or denied. Members of the Planning Commission and/or Board of Supervisors are often very interested in receiving detailed minutes that describe the CACs discussion and thinking in determining whether or not to support a development application. Occasionally, the applicant may be requested by the CAC to make revisions to the site plan or to other aspects of the project, and return to the CAC for a second review (see below).

Step #6: Application is Revised and Returns to CAC

Some CACs become very involved in reviewing details of a discretionary development application, and encourage the applicant to consider changes or revisions to the project. Sometimes, the requested modifications to a site plan or building design may be relatively minor, and can be incorporated into final design drawings with little effort. Other times, the applicant has invested substantial time and money in the design of a discretionary project, and is hesitant to consider changes, especially if they are significant and will have ramifications to other parts of the project.

It is important for both private applicants and the CACs to understand that applicants are not required to attend multiple CAC meetings. In most cases, individual discretionary applications should be reviewed by the CAC and recommended for approval (or denial) at a single CAC meeting. If an application is very complicated or large, such as a tentative subdivision map, it may be possible for two reviews to occur during the long county review process. Some substantial applications have been reviewed by a CAC once at the beginning of the environmental review process, and again before the project is scheduled for public hearing. Under no circumstances should an applicant be expected or requested by a CAC to make multiple changes to a project design and then to return repeatedly until the CAC decides to take a formal vote. If the CAC has not voted on a recommendation after a second review of a discretionary application, the public hearing body will be advised by staff that the CAC has no recommendation.

Step #7: Public Hearing

Following the CAC vote, the application is then set for public hearing. Planning staff forwards their recommendation and the CAC recommendation, with attached Conditions of Approval and Findings, to the Zoning Administrator or Planning Commission. Staff may support the CAC recommendation, support with modifications, or may recommend against the CAC recommendation. Where staff and the CAC disagree about a recommendation, staff includes a presentation of the reasons and arguments made on behalf of the CAC, to ensure that the Zoning Administrator, Planning Commission, or Board of Supervisors have all of the relevant information available to them when they make their decision. Staff typically supports the CAC recommendation, and any differences between the staff and CAC recommendation are generally based on policy, legal issues, and/or prior Board of Supervisors direction.

Once a matter has been taken up by the Zoning Administrator, Planning Commission, or Board of Supervisors, it is not referred back to the CAC unless the decision making body specifically requests further CAC input.