

SOUTH DAVIS GENERAL PLAN CITIZENS ADVISORY COMMITTEE (SDCAC)
MINUTES OF MEETING ON June 4, 2013
Approved

Committee Present: Jim Bernardy, John Cooluris,, Scott Maxwell, (who arrived at 5:40 PM), Nancy McDonough, Matt Williams, Olin Woods.

Committee Absent: Maureen Guerrieri.

Others Present: Jim Provenza, Yolo County Supervisor - District 4; Leroy Bertolero, Yolo County Planning Commissioner; David Morrison, Assistant Director, Yolo County Planning and Public Works; Landon Scarlett – Recording Secretary.

Citizens Signed In: Doug Andersen, Edie Anderson, Jonathan Clay, Steve Cole, Bill Corliss, Mary Corliss, Bev Couper, Richard DeCoe, Cheryl Ewing, Barbara Grant, Katie Hoff, Starr Hurley, Marcia Kreith, John Lutch, Joan Middlekauf, David Schulze, Katie Shipley, Kim Stephenson, Sandy Uhrhammer, and Claudette VanRusten.

1) Call to Order: Mr. Williams, Chair, called the meeting to order at 5:30 PM at The El Macero Country Club. He summarized the purposes of SDCAC, described the protocol for the meetings and distribution of the minutes, and asked those planning to speak to please introduce themselves and note the community where they live.

2) Introductions: None

3) Approval of Agenda:

The Agenda was approved as written

MOVED BY: Woods/SECONDED BY: Cooluris

AYES: Bernardy, Cooluris, McDonough, Williams, Woods

NOES: None

ABSTAIN: None

ABSENT: Guerrieri, Maxwell

4) Minutes of May 15, 2013 were approved as written:

MOVED BY: Woods/ SECONDED BY: Cooluris

AYES: Bernardy, Cooluris, McDonough, Williams, Woods

NOES: None

ABSTAIN: None

ABSENT: Guerrieri, Maxwell

After the vote, Mr. Williams explained a procedural error that had occurred at the May 15 SDCAC meeting, noting that it would be re-visited in Action Items 9.1 and 9.3 on tonight's agenda.

5) Correspondence and Announcements: None.

PUBLIC FORUM

6) Public Comment (for items not on the Agenda):

Ms. Corliss asked who receives the minutes and was told that all minutes and agendas are available on the SDCAC webpage <http://www.yolocounty.org/Index.aspx?page=2163>. Ms. Kreith asked for an update during County Report to include what was going on in the Ruff/Nishikawa Clustered Ag Housing project application, as well as clarification of how many legal parcels there really are in the project.

7) County Report:

Mr. Morrison explained that the County has issued a Certificate of Compliance for 4 legal parcels in the Yolo County portion of the above mentioned Clustered Ag Housing project, and that there were no other projects on the County docket for the South Davis area at this time.

Supervisor Provenza explained that the County had approved a new General Plan several years ago and has been working to update the Zoning Code to bring it into compliance with that plan. The Board of Supervisors

(BOS) workshop meeting on zoning, originally scheduled for May 21, has been postponed to mid July. He welcomed feedback on our community's zoning issues from those present.

8) DISCUSSION ITEMS: None

9) ACTION ITEMS:

9.1 Correction of the Record regarding the Committee vote on item 9.1.2 [of the SDCAC Meeting Minutes of May 15, 2013] RE: Rear Yard Setbacks

Mr. Williams explained that after investigation of *Robert's Rules of Order* and advice from County Counsel, it is procedurally necessary to formally correct the record at this meeting regarding the outcome of the vote on the Rear Yard Setbacks (3 ayes: 0 noes: 3 abstentions). The motion had passed, contrary to what was stated by the Chair at the May 15 meeting.

A motion was made to correct the May 15, item 9.1.2 error in the record to reflect that the motion had passed:

MOVED BY: Woods/SECONDED BY: Cooluris

In discussion, Mr. Bernardy noted possible inconsistencies between *Robert's Rules of Order* and *Rosenberg's Rules of Order* regarding such a vote. In addition, he expressed concern that if the setback item in question did actually pass, that action would establish a precedent that Granny Flats are allowed in El Macero, which is not in keeping with El Macero's Architectural Review Committee (ARC) Rules. Mr. Williams noted that reconsideration of the setback issue is item 9.3 on the night's agenda.

The question was called and passed:

AYES: Cooluris, Maxwell, Williams, Woods

NOES: Bernardy

ABSTAIN: McDonough

ABSENT: Guerrieri

9.2 Consideration of recommendation to Board of Supervisors of Zone R-L Overlay alternative(s) for El Macero and Willowbank

Mr. Williams summarized the SDCAC Zoning Subcommittee's process and actions to date, explaining that at the May 15 meeting the full committee had agreed upon a single draft overlay for both Willowbank and El Macero for presentation to the BOS, and that this draft had been circulated to citizens on the Willowbank and El Macero e-mail distribution lists for their information, as well as asking for feedback. He noted that since the e-mail circulation of the draft, more concerns had been raised from El Macero residents than Willowbank, presumably because Willowbank residents had been more engaged in the issue at prior meetings. Mr. Williams then opened the matter to public comment to try to identify areas of concern.

Supervisor Provenza explained that he had asked Mr. Morrison to explore overlay possibilities to address Willowbank and El Macero's issues and that there is an option in place in certain communities in the County called "Planned Development (PD) Zoning" which recognizes special characteristics of neighborhoods where exceptions to the general zoning are appropriate. His sense is that what the SDCAC communities want is to maintain, where possible, the status quo. He did not recommend incorporating the CC&Rs except in spirit and suggested that the committee propose wording close to the proposed zoning noting the special things that would preserve the character of our existing communities. Later in the meeting Supervisor Provenza implied that he could probably support separate overlays (one for El Macero and one for Willowbank) given their differences both in lot size and history. Still later in the meeting he recommended keeping the overlays as simple as possible.

Mr. Cooluris explained the Zoning Subcommittee's thought process from the beginning, and that he had recommended grandfathering in the provisions of the (R-1) zoning that existed before the County General Plan Update had spawned the proposed new zoning (R-L), with a couple of exceptions, like setbacks. He noted that certain elements such as Granny Flats, Home Occupancy Businesses, Mobile Homes, Day Care Facilities, Hospices, and Group Homes of a certain size are currently mandated by State Law. Mr. Williams provided a chart outlining the (R-1) zoning. R-1 zoning applied to all of El Macero (El Macero's single-family homes in the EMHOA, the Country Club (EMCC), and The Oaks of El Macero prior to acceptance by the BOS of the County Wide General Plan in 2009. The proposed Zoning designation for the Country Club is Parks and Recreation (P-R), and for the Oaks is Residential-Medium Density (R-M).

Ms. Couper expressed concern that the requirements mandated by State Law might be in conflict with El Macero's CC& R's and lead to changes in the community. Mr. Morrison observed that these State mandates have actually been in place for decades. Discussion followed about whether CC&Rs and Community Rules trump State Law (or not). Later in the meeting Mr. Morrison explained that from the County's point of view, zoning and CC&Rs are two different and parallel things. The County deals with Government enforced Zoning Codes. It is not required to enforce a community's CC&Rs, which are civil matters between the members of the CC&R community. CC&Rs are a private community agreement.

Ms. Couper noted her concern about safety issues relating to Day Care businesses adjacent to a golf course.

Ms. Kreith asked whether State Law obviates a community's CC&Rs or Architectural Rules (as exist in El Macero). Mr. Cooluris noted, for instance, that CC&Rs cannot override discrimination in housing.

At separate points in the meeting Mr. DeCoe and Mr. Corliss asked about the definition of a Commercial Business in the Zoning Code, as well as where such businesses could be operated. Mr. Williams read the wording from the proposed Zoning Code and put that wording into the context of the overlay consideration process to date.

Ms. Ewing asked what the "next steps" are. Mr. Williams reviewed the timeline that is included on the first page of the Public Review Draft of the Proposed Zoning Code document distributed by e-mail to both the El Macero and Willowbank e-mail distribution lists, as well as the County's SDCAC e-mail distribution list.

There was an extended discussion of Granny Flats (historically Willowbank has allowed them, El Macero has not) and setbacks. Mr. Morrison explained that Granny Flats are considered "Accessory Structures" (along with gazebos, outdoor barbecue kitchens, pool structures, gardening sheds, garden greenhouses, pools, detached garages, carports, and shops for personal storage and hobby work) and the new proposed zoning and setback requirements apply equally to all these structures. A process for obtaining variances from zoning rules was mentioned briefly.

Mr. Williams noted that there may be enough difference between the characteristics of the communities of El Macero and Willowbank to warrant separate zoning overlays in order to address the realities of both communities.

Mr. Stephenson noted that it was very important to have more restrictive rear yard setbacks for all lots that abut the golf course. There was general support that in El Macero, setback requirements for Accessory Structures on golf course lots should be no less than 25' and more flexible on Perimeter lots.

Mr. Cole questioned why the proposed R-L zoning code is being imposed on El Macero when there has been no community impetus for this change. Mr. Morrison explained that the new General Plan Designation for El Macero is R-L (Residential Low Density) and the current R-1 zoning designation is not in compliance with the newly adopted General Plan. Mr. Cole asked whether the State Law that mandates that Zoning Code must be in alignment with the General Plan, also mandates the size of property setbacks. Mr. Morrison explained setback mandates are local decisions, not State decisions. Mr. Cole then asked whether it was the County's intent to change the setback provisions in El Macero's Architectural Review Committee Rules. Mr. Morrison said that was not the County's intent and reiterated that CC&Rs and Architectural Rules are private community agreements.

Ms. Kreith and Ms. Corliss suggested there might be a political advantage going forward to having one umbrella overlay to cover both El Macero and Willowbank. Mr. Cooluris thinks it would be simpler for the BOS if there is one overlay for both communities.

Ms. Shipley asked some background questions relating to minimum lot size changes, why the Country Club has been rezoned from R-1 to Parks and Recreation etc., and why there is a rule about ½ acre minimum lot sizes that are inappropriate for El Macero. Mr. Morrison responded that the County General Plan Update tried to bring the zoning more into alignment with existing land use. Mr. Williams noted that a review of the County GIS system shows that ½ acre lot sizes did not correspond to traditional lot sizes in El Macero.

Mr. Williams reviewed the Non-Conforming Use provisions of Section 8-2.1007 on pages 193 through 195 of the Public Review Draft.

Ms. Grant, speaking as a member of the Board of the Country Club, prefers that the Club be referred to as “the El Macero Country Club” rather than “the Golf Course.” She noted that the Country Club Board was considering the possible sale of some of its land, and to expect a proposal to be submitted to the County at some time in the future. As a homeowner, she would like to see Willowbank and El Macero treated separately, in a manner that is consistent with the CC&Rs currently in place. Mr. Bernardy agreed that the goal was to maintain the CC&Rs.

Ms. Kreith noted that it appears that the biggest difference between El Macero and Willowbank is over the issue of Granny Flats, and believes collaboration between the two neighborhoods on that issue will allow one overlay to handle both communities.

Mr. Woods voiced his support of a 15’ rear yard setback for Accessory Structures in Willowbank, and would like to have that reduced rear yard setback remain an option. Mr. Maxwell expressed support for reduced rear yard setbacks for all non-golf course lots in El Macero, but full 25’ setbacks for golf course lots. Mr. Morrison agreed to investigate a change that was made regarding setbacks several years ago.

NOTE: Subsequent to the meeting Mr. Morrison confirmed that The Accessory Structure Ordinance was passed by the BOS on July 29, 2008 and took effect on August 8, 2008. The July 29 Staff Report can be accessed at http://yolo.granicus.com/MetaViewer.php?view_id=2&clip_id=107&meta_id=32908 and the BOS meeting video at http://yolo.granicus.com/MediaPlayer.php?view_id=3&clip_id=107&meta_id=32907.

Mr. Woods wanted those present to understand SDCAC’s authority, which is only to make recommendations to the Planning Commission at Supervisor Provenza’s request.

Noting that he is an El Macero homeowner, Commissioner Bertolero thinks he might have to recuse himself from the Planning Commission’s vote on zoning overlay(s) for our communities. He suggests the communities come up with a document or documents that express what they want and present it to the Planning Commission for consideration. His opinion is that there is a big difference between El Macero and Willowbank in lot size. He therefore suggests the zoning subcommittee consider two overlays.

Mr. Morrison recommended that it would be important to settle on a minimum lot size (e.g. half the size of the largest existing lot in El Macero) to address potential problems resulting from tear downs, burn downs etc. but does not suggest determining lot size using a subdivision map.

Mr. Williams asked if a PD does not have a minimum lot size, would lot size decisions revert to the zoning rules? Mr. Morrison replied that if it is a legal parcel, it would.

Going forward, it was agreed that the SDCAC Zoning Subcommittee (Cooluris & Williams) create separate overlays for El Macero and Willowbank, as well as a combined overlay that covers both communities. Once the three overlays are created, they will circulate to SDCAC’s e-mail distribution lists for community review and comment.

Mr. Williams mentioned that the County Planning Commission is currently scheduled for September 24 review of the zoning feedback and final action by the BOS is October 22.

9.3 Requested reconsideration of 5/15/2013 vote on item 9.1.2 or the minutes of May 15, 2013 meeting [see item 9.1 above] RE: Rear Yard Setbacks

At 7:45 PM a motion was made to table this issue and continue the meeting on a date to be determined.

MOVED BY: Williams/ SECONDED BY: Woods
AYES: Bernardy, Cooluris, Maxwell, McDonough, Williams, Woods
NOES: None
ABSTAIN: None
ABSENT: Guerrieri

Respectfully submitted by:



Landon Scarlett
Recording Secretary