

**SOUTH DAVIS GENERAL PLAN CITIZENS ADVISORY COMMITTEE (SDCAC)**  
**MINUTES OF MEETING ON September 24, 2013**  
**Approved**

**Committee Present:** Jim Bernardy, John Cooluris, Maureen Guerrieri, Scott Maxwell, Nancy McDonough, Matt Williams, and Olin Woods.

**Others Present:** Jim Provenza, Yolo County Supervisor – District 4 (arrived at 6:20 pm); Rich Reed, Yolo County Planning Commissioner; David Morrison, Assistant Director, Yolo County Planning and Public Works; Landon Scarlett – Recording Secretary.

**Citizens Attending:** Al Muir, Marcia Kreith, Bill Corliss, Greg Link, John McDonough, Jonathan Clay.

**1) Call to Order:** Mr. Williams, Chair, called the meeting to order at 5:34 PM at The South Davis Montgomery Satellite Library. **Introductions:** All present introduced themselves.

**2) Approval of Agenda:**

The Agenda was approved as written

MOVED BY: Cooluris / SECONDED BY: Woods

AYES: Bernardy, Cooluris, Guerrieri, Maxwell, McDonough, Williams, Woods

NOES: None

ABSTAIN: None

**3) Minutes of July 17, 2013 were approved as written.**

MOVED BY: Cooluris / SECONDED BY: Guerrieri

AYES: Bernardy, Cooluris, Guerrieri, Maxwell, McDonough, Williams, Woods

NOES: None

ABSTAIN: None

**4) Correspondence and Announcements:** None.

**5) Public Comment (for items not on the Agenda):** As she had at a prior meeting, Ms. Kreith asked again for clarification of when, where, to whom, how and in what forum citizens can address their concerns with Housing Element, SACOG, Zoning and other County matters. She would like a discussion of process and timeline and sequencing. How can things be changed and when can they be changed?

**6) County Report:** Mr. Morrison spoke to Ms. Kreith's question and the current status and timelines of the Housing Element and Zoning Update issues. He noted that the proposed zoning overlays might come to the Board of Supervisors (BOS) sometime in January, February or March 2014. He mentioned that:

An ad hoc sub-committee had been formed to deal with minimum lot size for the Agricultural Zones to be followed by an environmental document.

The Capital Conservation bank for Giant Garter Snake mitigation is probably going to BOS in November for final action.

In August, the BOS heard and agreed to consider an application request by The El Macero Country Club to create 20-25 new residential lots on the golf course but that Planning staff had not received the application yet.

Mr. Reed had the impression the board is ready now to move along with the PD Overlays for Willowbank and El Macero.

**7) DISCUSSION ITEMS:** None

**8) ACTION ITEMS:**

**8.1) Continued consideration of Planned Development (PD) Zone alternative(s) for El Macero and Willowbank.**

**8.1.1) Should there be a single overlay for both Greater Willowbank and El Macero, or two separate overlays?** NOTE: Mr. Provenza had not arrived yet. However the discussion of his September 4 e-mail to the SDCAC members that contained the suggestion that SDCAC consider one PD overlay proceeded.

In the discussion Ms. Guerrieri stated her desire to assure protection of these communities the way they are today and thought it might be done with one overlay. Mr. Woods asked Mr. Morrison what one overlay would mean for East Willowbank (currently zoned R-S) and West Willowbank (currently zoned R-1) and Mr. Morrison replied that it will combine the two parts vis-à-vis zoning rules. Mr. Cooluris recommended two overlays and highlighted the differences between El Macero and Willowbank as well as within the historical zoning divisions of Willowbank itself, noting that two overlays would better assure that new development is consistent with the old. NOTE: later in the meeting, after Mr. Provenza arrived, he indicated he had no problem with two separate overlays.

Mr. Morrison provided the following advice to the Committee. "I would urge the Committee to adopt those standards that you feel make sense, not necessarily what is there now, not necessarily what was done in 1935 or what was done in 1968, but what do they want to see today. What standards should future construction be held to in El Macero and Willowbank. That is the question that I see."

At the end of the discussion Mr. Cooluris made the following motion:

That the Advisory Committee recommend to the Yolo County Planning Department and the Board of Supervisors that the land within the Willowbank County Service Area and the land within El Macero County Service area, excluding the land constituting the El Macero Country Club, which is Assessors Parcel Number 068-130-002-000 and the El Macero Oaks, which contains a total of 38 parcels on Garden Court beginning with Assessors Parcel Number 068-220-001 and ending with Assessors Parcel Number 068-220-038, become the subject of two separate Planned Development ordinances adopted by the County, one for Willowbank and one for El Macero.

MOVED BY: Cooluris/ SECONDED BY: Williams

AYES: Bernardy, Cooluris, Guerrieri, Maxwell, McDonough, Williams, Woods

NOES: None

ABSTAIN: None

Motion carries 7-0-0

**8.1.2) Are any CC&R provisions to be included in any overlay?** Mr. Williams noted that due to input from the county, all CC&R provisions have been removed from the revised draft PD-65 Overlay that was circulated in the briefing packet prior to tonight's meeting. Mr. Maxwell then made the following motion:

That the Advisory Committee recommend to the Yolo County Planning Department and the Board of Supervisors that the Planned Development ordinances adopted by the County for Willowbank and El Macero exclude any CC&R or ARC Rules provisions otherwise applicable to the land within such Planned Developments.

MOVED BY: Maxwell/ SECONDED BY: Woods

AYES: Bernardy, Cooluris, Guerrieri, Maxwell, McDonough, Williams, Woods

NOES: None

ABSTAIN: None

Motion carried: 7-0-0

**8. 1. 3) Does SDCAC have enough information from its constituents to provide a reasonable sense of the community on the proposed overlays to the BOS?** Mr. Cooluris began the discussion by sharing the results of his survey of Willowbank residents, which tried to identify the opinions of Willowbank residents about areas of controversy. Large animals and Granny Flats and rear yard setbacks are still hot topics, and he noted that there was no clear consensus on either maximum size of Granny Flats or rear yard setbacks. NOTE: Mr. Provenza arrived at the meeting at this point. Mr. Cooluris indicated his intention to turn his survey results over to the County and await its recommendations. Mr. Morrison indicated that the County

would prefer specific recommendations from SDCAC on the matters of community disagreement since without community guidance, staff would, as a matter of policy, default to current zoning regulations, which may be contrary to the purpose of this effort. Mr. Cooluris stated that if this is the case, now is the time to fine-tune the overlay PD documents.

Mr. Provenza suggested that SDCAC adopt overlays to keep status quo zoning to protect El Macero and Willowbank now and that details on the outstanding issues, should they conflict with current zoning, could be addressed at a later time when consensus is reached on them within the communities.

Mr. Cooluris noted that in 2008 the County approved 5' rear yard setbacks for one-story residential Accessory Structures and 10' for two-story residential Accessory Structures, and further that our communities were unaware of and disagree with this change. Mr. Woods agreed with Mr. Cooluris that the majority of Willowbank residents feel this way and that he personally does not, but noted that if he's going to vote, he has to follow the wishes of the Willowbank community.

Regarding El Macero, Mr. Williams suggested that a survey be taken of the El Macero community regarding rear yard set-backs for residential Accessory Structures, which is the sole remaining area where there might be differences of opinion. Mr. Maxwell noted that on the El Macero Golf Course there is a larger (than current code) set back of 25' (as stipulated in the ARC Rules), whereas for the perimeter lots, since 2008, the current code for such setbacks is 5'. Mr. Williams noted that CC&Rs and ARC Rules are silent on the set-back requirements for perimeter lots.

Mr. Williams noted that based on the information shared by El Macero residents, there is a difference of opinion about what status quo means, with some believing the history of El Macero is the status quo, while others see a current snapshot as the status quo.

Ms. McDonough felt that people in El Macero have spoken, that 25' is appropriate for golf course lots but not necessary for perimeter lots. Mr. Williams noted that he preferred to let the community speak for itself on this matter through a survey as there was a legitimate argument for both sides, noting that the ARC rules which prohibit Granny Flats entirely had been working in concert with the rear yard setback provision Ms. McDonough cited, and that zoning for all rear yard setbacks before 2008 had been 25' for all lots. Mr. Bernardy noted that a survey of the community might take a long time. Mr. Provenza agreed and noted that the primary goal now is to reach a new overlay with some flexibility later.

Mr. Clay made a public comment that keeping it simple now might be best, coming back later to address issues of Granny Flats.

Mr. Bernardy noted that there was however no guarantee of approval of these issues at a later date. Mr. Cooluris concurred; noting that in legislative terms "later" typically means at least two years from now.

Mr. Provenza cautioned against submitting controversial issues in the PD Overlays as they might jeopardize approval of the Overlay by the BOS.

Ms. McDonough stated that there is no benefit to slowing down the process in order to deal with any rear yard setback questions, and that those questions can be handled by enacting changes to El Macero's CC&Rs and ARC rules by the Homeowners Association. She added that Granny Flats don't seem to be an issue given the small number of people who responded to the information already disseminated on this subject and are present at the meeting.

Mr. Maxwell stated that 100 respondents to a letter that Mr. McDonough distributed to El Macero residents had indicated that they had no problem with Granny Flats or 5' rear yard setbacks. Mr. McDonough corrected that assertion, stating that there was no question about either Granny Flats or rear yard set backs in the letter.

Mr. Williams observed that by eliminating all CC&R provisions from the Overlay as accomplished with the approval of the prior motion and vote, you will be making the Zoning Code rules apply universally to golf course lots as well as perimeter lots. Mr. Bernardy stated he doesn't think golf course or perimeter lots should be treated differently.

When asked what made a Granny Flat with a 5' rear setback superior to a Granny Flat with a 25' setback, Mr. Maxwell answered that El Macero lots are smaller than Willowbank lots and if there isn't enough room with a 25' setback, Granny Flats might not be possible at all on El Macero lots, noting that the view of a dusty agricultural field isn't worth preserving.

Mr. Williams read one of the e-mails submitted by a resident that expressed concerns that Granny Flats pose over issues of increased traffic and parking, rental and maintenance of unoccupied Granny Flats, and other deterioration of neighborhood quality issues.

Mr. Cooluris repeated his suggestion that the next step was to fine-tune the draft overlays and mail them out to all residents in their respective Willowbank and El Macero communities for their critique.

Ms. Guerrieri repeated her suggestion of one overlay to cover both communities to preserve the existing protections and rules.

Ms. Kreith made a public comment in which she suggested that a line by line comparison of the proposed Willowbank overlay with the Willowbank CC&Rs be completed. Mr. Cooluris replied that if Ms. Kreith wanted such a review she would need to do it herself given that the Willowbank CC&Rs are more than likely expired and of questionable legal validity.

Mr. McDonough made a public comment in which he suggested that if the matter (of Granny Flat setbacks) was open to a vote by El Macero residents, such a vote will cause difficulties because of the CC&R and ARC issues that are underway in El Macero at this time. He thinks a survey will lead to much confusion and acrimony. Mr. Williams agreed that the timing for bringing up this zoning matter is horrible because of the ARC rules controversy currently under way in El Macero, which produced a "circus" at last Tuesday's EMHOA meeting. Mr. McDonough concurred with Mr. Williams "circus" characterization.

Ms. McDonough expressed her strong belief that she doesn't think a survey will make a difference and that El Macero residents will not respond.

Mr. Cooluris noted that there doesn't seem to be support for an El Macero survey.

Mr. Maxwell stated that he wants to pursue the overlay, but doesn't think it should be sent out for public scrutiny ahead of time.

Mr. Cooluris said that if the overlays are not to be sent out by mail, they should be available on the website at least 10 days before a meeting so that constituents can review them and the Committee can not be accused of voting on the issue "in the middle of the night."

Mr. Bernardy made the following motion that Mr. Williams seconded. A discussion of the motion followed.

That the Committee meet as soon as possible to review the overlay PD-65 and PD-66 drafts and fill in the necessary blanks, and at the next meeting decide how to communicate them to the public. Then SDCAC would communicate them to County staff for implementation by the Planning Commission and Supervisors.

Mr. Woods said that he felt El Macero and Willowbank were running a risk that they could not resolve granny flat and animal issues in a timely way, and that this would jeopardize the communities' opportunity to go on

record with the BOS regarding the issues in which they were in agreement; i.e., no laundromats, doctors offices, grocery stores, triplexes, etc. He felt that SDCAC needed to go on record regarding these agreed upon issues and bring back granny flats and animals at the next meeting.

Ms. McDonough then proposed an amendment to Mr. Bernardy's motion that since Willowbank is not ready to go forward, the Committee should schedule another meeting to deal with Willowbank-only issues, but that the Committee approve the El Macero Overlay as-is and send it forward to the County. Mr. Bernardy declined Ms. McDonough's amendment, stating that the motion should be voted up or down.

Mr. Clay, from the audience, suggested that the Committee use the next two to three weeks to finalize the documents and then have a meeting. There does not appear to be a big rush and that adopting either of the overlays tonight could be perceived as jamming them down people's throats.

Mr. Cooluris noted that the revised El Macero overlay draft provided in the meeting packet has not been voted on by the Committee and stated his belief that any vote on this amended draft by the Committee would violate the Brown Act notification provision. Mr. Cooluris went on to state that he thinks taking action tonight is a mistake and that now is the time to do things right. He asked Ms. McDonough, "What is the hurry?"

Mr. Woods said again that he doesn't see the harm in approving the overlays tonight. He indicated that time was marching on from the time the SDCAC first had taken this item up in the spring.

Ms. McDonough then made a substitute motion to Mr. Bernardy's motion:

That the Committee should move forward at this time by approving the overlays for Willowbank and El Macero as-is, maintaining the Zoning rules that are currently in place, and then forward the approved as-is overlays to the County.

MOVED BY: McDonough/ SECONDED BY: Guerrieri

AYES: Guerrieri, Maxwell, McDonough, Woods

NOES: Bernardy, Cooluris, Williams

ABSTAIN: None

The motion passed: 4-3-0

Mr. Cooluris called the decision made in this vote "outrageous," and he resigned from the Committee. Mr. Williams formally concurred with Mr. Cooluris' characterization of the vote as "outrageous".

When pressed for an explanation by Mr. Woods, Mr. Cooluris noted that the language of the PD drafts is incomplete and flawed. That what had been submitted to the County in July was intended to be only a conceptual draft, and it was clear that no one who voted to approve this motion had even taken the time to read the Willowbank draft overlay. He explained that he had intended to incorporate the results of the Willowbank survey into a final submittal for approval by the Committee. Further, that the motion, as passed by the Committee, effectively disenfranchises Willowbank in order to serve El Macero's desires.

Ms. McDonough then stated it was not her intention to harm Willowbank. An extended discussion ensued.

Ms. McDonough said she wanted to amend her just passed motion. More discussion ensued.

Ms. McDonough then offered to withdraw her motion.

Mr. Provenza explained that an approved vote could not be withdrawn, but rather had to have a separate motion of reconsideration, and if the motion of reconsideration was approved then a motion to rescind the vote could be made.

A motion was then made to reconsider the prior motion.

MOVED BY: Maxwell/ SECONDED BY: McDonough  
AYES: Bernardy, Guerrieri, Maxwell, McDonough, Williams, Woods  
NOES: None  
ABSTAIN: Cooluris  
The motion passed 6-0-1

Mr. Cooluris initially stated that he would not/could not vote on the motion because he had resigned from the Committee, but Mr. Morrison stated that technically Mr. Cooluris cannot resign unilaterally. His resignation must first be accepted by the BOS. As a result Mr. Cooluris entered his vote as an abstention.

A motion was then made to rescind the prior vote.

MOVED BY: Maxwell/ SECONDED BY: McDonough  
AYES: Bernardy, Guerrieri, Maxwell, McDonough, Williams, Woods  
NOES: None  
ABSTAIN: Cooluris  
The motion passed 6-0-1

The Chair stated that this vote caused Mr. Bernardy's original motion to be the motion on the table.

Ms. McDonough then made a new substitute motion that the El Macero Overlay maintaining the status quo be approved and forwarded to the County for consideration, and that the Committee continue its consideration of the Willowbank Overlay.

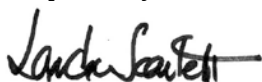
MOVED BY: McDonough/SECONDED BY: Woods  
AYES: Guerrieri, Maxwell, McDonough, Woods  
NOES: Bernardy  
ABSTAIN: Cooluris, Williams  
The motion passed: 4-1-2

9) NEXT MEETING: Mr. Cooluris estimates there were 20 hours of work to finish the Willowbank Overlay. He proposed that Mr. Woods step onto the Zoning Subcommittee to represent Willowbank, as Mr. Cooluris has resigned from both the zoning subcommittee and SDCAC. Mr. Williams also resigned from the zoning subcommittee. After discussion, Mr. Cooluris agreed to help Mr. Woods complete the draft overlay for Willowbank. Mr. Morrison said that the format is the county's job. Mr. Provenza wants advice on policy. No "Next Meeting" was set.

10) ADJOURN: There was a motion to adjourn:

MOVED BY: Guerrieri/SECONDED BY: Maxwell  
AYES: Bernardy, Cooluris, Guerrieri, Maxwell, McDonough, Williams, Woods  
NOES: None  
ABSTAIN: None  
The meeting concluded at 7:50 PM

Respectfully submitted by:



Landon Scarlett  
Recording Secretary