

Minutes
City of Clayton Planning Commission Meeting
Tuesday, November 10, 2009

Call to Order

Chair Bob Armstrong called the meeting to order at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton.

Present: Chair Bob Armstrong, Vice Chair Sandra Johnson, Commissioner Tuija Catalano, Commissioner Ted Meriam, Commissioner Dan Richardson

Absent: None

Staff: Community Development Director David Woltering
Assistant Planner Milan Sikela, Jr.

Administrative

1A. Review of agenda items.

1B. Commissioner Meriam to report at the City Council meeting on November 17, 2009.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the meeting of October 27, 2009.

Commissioner Richardson moved and Commissioner Meriam seconded a motion to approve the minutes from the meeting of October 13, 2009, as amended. The motion passed 4-0, Chair Bob Armstrong abstained because he had not attended the meeting.

Public Hearings

3A. **ZOA 04-09, Municipal Code Amendment, City of Clayton.** A public hearing regarding possible amendments to the Clayton Municipal Code for the purpose of implementing the requirements of Senate Bill 1818 related to granting density bonuses and related incentives to support the construction of affordable housing.

Director Woltering indicated the following:

- Draft ordinance is being reviewed by the City Attorney. Comments should be returned to staff by approximately November 18, 2009.
- Chair Catalano's questions would be addressed by the City Attorney and Community Development Director when preparing this next draft of the ordinance.

Commissioner Richardson moved and Vice Chair Johnson seconded a motion to continue Municipal Code Amendment ZOA 04-09 to the next regularly-scheduled Planning Commission meeting on November 24, 2009. The motion passed 5-0.

3B. **ZOA 03-09, Municipal Code Amendment, City of Clayton.** A public hearing regarding possible amendments to the Clayton Municipal Code to allow manufactured homes within the City of Clayton, consistent with the requirements of State law.

Assistant Planner Sikela presented the staff report and suggested that proposed Section 17.36.078.A.8 could be deleted, given that manufactured homes, like conventional single-family homes, would be presented to the Planning Commission for review and approval.

Planning Commission comments included:

- Commissioners indicated support for the modifications made to the proposed ordinance by staff since the last meeting.
- Commissioners indicated support for Assistant Planner Sikela's suggestion to delete proposed Section 17.36.078.A.8.
- Chair Armstrong suggested modification of the proposed definition for mobilehomes having no foundation system to include a reference that they "retain an axle". The Commission supported Chair Armstrong's suggestion for the proposed modification.

Commissioner Catalano moved and Vice Chair Johnson seconded a motion to approve Resolution No. 04-09, thereby, recommending City Council approval of the draft ordinance amendment pertaining to allowing manufactured housing in Clayton. The motion passed 5-0.

Old Business

4. None.

New Business

5. **ZOA 05-09, Municipal Code Amendment, City of Clayton.** A study session to review the need for an amendment to the Clayton Municipal Code for the purpose of implementing the requirements of the Water Conservation in Landscaping Act of 2006 (Assembly Bill 1881, Laird).

Director Woltering presented staff report.

Planning Commission questions and comments included:

- The State's model ordinance seems exceedingly cumbersome.
- Do we all adopt the same model ordinance or can the City work with what it has? Director Woltering indicated that the City could adopt it's own ordinance or the State's model ordinance. He further indicated that if the City does not adopt its own ordinance, after January 1, 2010 the State's model ordinance would be enforced.
- Would like to see what other cities are doing.
- Is our existing Chapter 17.80 in the Clayton Municipal Code sufficient? Director Woltering indicated that, no, the existing wording in Chapter 17.80 are merely guidelines.
- We could just modify the wording in Chapter 17.80 to comply with the State's requirements. This would save time for the City. Director Woltering concurred, stating that time is of the essence since each agency has until January 1, 2010 to adopt an ordinance or adopt the State's model ordinance. He indicated for those jurisdictions that adopt their own ordinance they need to make findings that their ordinance is as effective as the State's model ordinance.
- Who would review local projects' compliance with the water conserving requirements? Director Woltering indicated that a certified and qualified professional would need to assure that installation of landscaping is done in accordance with the applicable requirements.
- New public projects are doing water audits already.
- We can cover the State's requirements in a narrative form.

- What is confusing with the State's model ordinance is the lack of differentiation between private and public projects.
- Who is coordinating this process? Director Woltering responded that, locally, the Contra Costa Water District is in charge of coordinating the response.
- We should turn this over to the Contra Costa Water District.
- It is onerous and costly for the City to police water conserving guidelines and it is also cost-prohibitive for a private developer.
- In Section 17.08.040.I of the Clayton Municipal Code, we should add wording to the effect of "conforming with State mandates" to clarify and borrow from the State's model ordinance.
- In Section 17.08.080, mulching could be required to be three or four inches in depth.
- In Section 17.08.090, include "surge valve".
- In Section 17.80.100.B, change the term "Planning Director" to "Community Development Director."
- Include a requirement to use recycled water or well water, as feasible, in our wording.
- A letter to the State should include a listing of the number of wells. Director Woltering indicated that, regarding well water, we need to address monitoring of the aquifer.
- One of our findings could be that we have an incredibly efficient water district.
- When is your water conservation meeting? Director Woltering answered that the meeting is scheduled for November 18, 2009. Director Woltering indicated further that he would update the Commissioners at their next meeting about information presented at the meeting with the Contra Costa Water District and other local agencies regarding this matter.

Communications

6A. Staff.

Director Woltering updated the Commission regarding upcoming projects.

6B. Commission.

Commissioner Richardson indicated that Endeavor Hall may have some modifications to it, based on what he heard at a recent City Council meeting. He asked if the Planning Commission would be involved in the review process. Director Woltering indicated that he would learn more about the proposal and report back to the Commission.

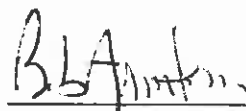
Commissioner Meriam asked why there was drilling occurring on the Clayton Community Church property. Director Woltering answered that he believes the Clayton Community Church is doing soil samples for a development application being prepared for that property.

Adjournment

7. The meeting was adjourned at 8:33 p.m.



Submitted by
David Woltering, AICP
Community Development Director



Approved by
Bob Armstrong
Chair

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