

Unapproved Minutes
Dunnigan Advisory Committee
Wednesday, June 17, 2009

Country Fair Estates
5130 County Road 99W
Dunnigan, Ca

Call to order: 7:12 pm by Chairman Weber

ATTENDANCE

- 11 members in attendance, quorum present
- 5 members absent, Shirley Gooch, Wilma Gulatt, Willard Ingraham, Karene Harris and Anita Tatum
- 4 county representatives were present at this meeting
- 10 residents and guests
- Total in attendance 25 members, guests and county representatives

MINUTES

Chairman Weber called for the approval of the May 20th minutes. No corrections or additions were brought to the floor. He then called for a motion to approve the May 20th minutes.

Motion by: Mel Smith; Seconded by Adella Backhaus to approve the May 20th minutes.

Vote: Yes 10; No 1; Abstain 0; Motion Carried. Minutes of May 20th approved.

PUBLIC COMMENTS

Chairman Weber opened Public Comments. He complimented the committee on a job well done on the EIR comments and indicated they were presented in a timely manner on Wednesday to the Planning Commission. He went on to thank Mel Smith and Erich Linse for the good job they did presenting our concerns.

- M. Smith was not pleased with the Planning Commission meeting; he indicated for all intent and purpose this was to be a public hearing to receive input from the general public; it certainly did not appear that was the case. It was evident the commissioners did not have the time to read the comments let alone hear what the public was saying before they were directed to take action on a specific section by the Staff. Staff guided the commissioners to take action chapter after chapter, which did not allow any member of the public to properly present their comments. As it was, we were not allowed the full time period allotted for public comments before we had to present our written comments to the Planning Commissioners for their Public Workshop. Three (3) minutes does not allow for proper presentation; you can not address the Transportation/Circulation section in that short of time period let alone any other section of the document. He questioned how the Commission could take a vote before taking into consideration all input both written and verbal prior to the public comment period ending. It definitely appeared that the Commissioners were directed to vote to approve the EIR draft document as it was presented by the staff; this was done two days prior to the end of the designated public comment period.
- L. Bertolero indicated he was reviewing our comments as they proceeded through the document. He indicated having them in writing was good and he did have the opportunity to read our comments. He felt we did a good job.
- M. Smith questioned how much he could absorb while reading and trying to listen to the public testimony being presented. He felt the committee was not given the opportunity to hear and absorb the public comments because of the format that was designed outside of the Commissions control. It was obvious the Commission did not read or hear the public

- testimony before they were guided to take action. This definitely did not qualify as a public hearing. It does not in any shape or form qualify as a public hearing.
- L. Bertolero indicated the issues being brought forward were legitimate. He went on to say our document goes on record, but he felt the subject of our comments would fit into our Specific Plan for Dunnigan not the General Plan. M. Smith disagreed with his comment.
 - Secretary Kirkland referenced the General Plan presentation and the comment made by Heidi Tschuden which indicated the General Plan document is the guide we have to work from, our Specific Plan has to fit within those guidelines, there is no gray area. Secretary Kirkland reviewed how our comment document was prepared to coincide with the EIR draft document and to follow the impacts and mitigations which reference specific topics, one being roads in the Transportation/Circulation section. What will happen to our comments from this point, it appears we have a big push taking place, but do we really want to push something through without positively knowing that we have addressed everything in the proper manner and are comfortable with the results.
 - L. Bertolero indicated that all comments will be looked over by David and Heidi.
 - Secretary Kirkland indicated we commented on the General Plan and not one comment that we made was taken into consideration. In our comments referencing the EIR draft we again made reference to one of those comments.
 - M. Smith indicated our comments had not been responded to in writing on the General Plan and it's our understanding now they are supposed to respond to our comments on the EIR. If so this should take place before the Planning Commission takes action on the draft EIR. This was a hurried up process that did not result in the Planning Commission hearing public comments before they took action.
 - Chairman Weber stated the point is we are disappointed that our comments were not taken into consideration before action was taken. He went on to say there are a lot of request to reopen the hearing by the Planning Commission, not certain this will happen. Our comments were presented in writing to the Board of Supervisors, Planning Commissioners and the County Counsel. He was satisfied we had taken the proper steps and presented our concerns in the proper form.
 - E. Linse presented W. Ingraham concern as he was not able to attend this evening, Willard again references the safety issue by no southern exit from the Hardwood Subdivision at County Road 5. Chairman Weber indicated Fire Chief Hunt had included a mitigation on this subject in our suggested recommendations on the EIR document under Public Service.

As no further comments were brought to the floor, Public Comments were closed.

CORRESPONDENCE

Chairman Weber opened correspondence. Chairman Weber stated we had received correspondence on the road maintenance issue. He went on to indicate the roads in question were certain areas of County Road 91A, County Road 6 and County Road 7.

It was also mentioned the portion of the roads that would no longer be maintained were gravel not paved. Commissioner Williams recalled this issue being addressed at the Advisory level earlier this year. He also referenced he did see the signs.

GUEST SPEAKER – DUNNIGAN PROJECT

Chairman Weber introduced Keith Fichtner. K. Fichtner began his presentation by stating the completion of the General Plan is scheduled for September. He went on to say the developer group had submitted an application to the County to begin the Dunnigan Specific Plan; they received the approval to move forward on May 19th.

The EIR dictates the schedule, once complete, a Notice of Preparation is sent to give the go ahead on the project. He indicated they have the same process; the EIR they will be doing is the project level EIR. Their Notice of Preparation for the Dunnigan development will come out immediately after the General Plan has been approved. At that point the project EIR will

begin, this should take approximately one year to complete. The target date is September, 2009; the Notice of Preparation will be sent out for the project EIR, one year later the document will be presented to the Board of Supervisors. It is estimated approval will come by the end of 2010, the design work with engineers in 2011 and we anticipate the ground breaking to take place in 2012. This is the goal.

K. Fichtner went on to present the steps to be taken:

- Set boundaries around the Specific Plan, the New Growth Boundary encompasses 2312 acres; the Specific Plan Boundary encompasses all of it, approximately 3100 acres we have to stay within.
- Once established correctly and agreed upon we move forward; plans are then put to paper and the application is made.
- First application presented; the county looks it over and determines if there are issues. 11 Major issues have been identified by County which must be addressed between now and August; (1) boundary, (2) arterial grid pattern, (3) sewer locations, (4) detached sidewalks local streets, (5) residential densities, (6) overall project acres (7) Road 6 overpass, four lanes versus six lanes, (8) residential east of I 5, street section widths proximity of uses, (9) protection of old town, (10) frontage road to 12a and (11) 200 year flood protection. Over the next month they will attempt come to terms on the 11 items with the consultants the county staff has hired.
- Between now and September Dunnigan will be designed and meetings will be held with local residents.

K. Fichtner went on to explain the idea on how the flooding will be handled. The system in mind is intended to get rid of the flood problems.

- The plan is based on the creeks. All the drainage patterns will be analyzed. Creeks will be left and will go back to being natural.
- Lakes will be a huge factor. System in mind will clean, collect and hold the water from the hills.
- Four lakes are being considered to hold water for irrigation, one to be used for the treatment plant. It is also in the plans to buy excess water from the Dunnigan Water District.
- V. Lovell questioned water coming only from creeks, the contamination of nitrates which has been a problem and mosquito concerns. This will be handled through a CSA for mosquito abatement; mitigation can be introduced to ask the developers to pay for the service.

Project Theme – Focal Points

- Country Road 6 at I 5 will be a focal point, more regional look with a grocery store, theatre etc. He also envisions a focal point half way through the community, more cultural, more governmental, designed to have a more old time street look with parks, sidewalk cafes, residences above the stores, a couple of library's, etc. Old Town he see as a more smaller old main street look, smaller shops, art galleries, folks kind of look. The historic core begins with the church down to the post office will have a complete different set of design guidelines. The community will have three different design guidelines.
- County Road 8 at I 5 will be were office buildings will be located.
- He also spoke of a bridge across I 5 from east to west for foot traffic, bicycles, golf carts, etc. to allow people to cross the freeway without the use of their cars.
- The entire project is to be designed to achieve the county's target of 44 VMT per person per household.
- M. Smith indicated the importance of knowing what the residents of Dunnigan want to see before the money is spent. They need to know what our concerns are before they design the Specific Plan.

- Concerns about County Road 4 were brought to the floor by E. Linse. He also referred to W. Ingraham's concern about no south egress from the Hardwood Subdivision. Chairman Weber indicated Road 4 ties in with Road 88 and will impact traffic going north on this road, this should be looked into.
- Secretary Kirkland referenced that Dunnigan is our community and we should have a say on what takes place. Others providing input do not live here.

Questions:

- V. Lovell questioned if there were plans for County Road 4. She stressed the need for this crossing to be looked at as a safety concern. E. Linse confirmed her concerns about the safety.
- Commissioner Williams questioned the purchasing of the Dunnigan Water District's extra water footage. K. Fichtner stated they were looking at an agreement to purchase just the extra water, taking into consideration the farmland that will be taken out of ag use, he estimates they will be taking 25% of their total potential revenue. They will reduce their demand for water by 25%.
- Commissioner Williams went forward to question the requirements for the job/housing balance. Are you required to have a 1.2 job/housing balance for just the new growth or for all of Dunnigan?
- K. Fichtner responded by stating 10,135 jobs have to be produced to achieve the 1.2 ratio, this is based on a self-contained community. He wrote a comment letter to the EIR with a request to change the jobs/housing language and was immediately asked to attend a meeting on this issue. I don't have a problem with the job/housing balance, my issue is if I don't provide the jobs/housing balance, it can stop my growth, my first phase will cost \$67 million, I need capacity from my investors, banks, funders, and bonds to allow me to get these funds to put infrastructure in the ground to build my first house. The first question I am asked by these investors "is there any way the county or any other government agency can stop you from going forward once the funds have been released". So the issue today with the county is the statement that if you don't achieve the jobs/housing balance as stated in the EIR we can stop you from moving forward. This is a big problem.
- K. Fichtner indicated there are ways hopefully to get around this one is by using the 17 things listed under the 44 VMT to offer mitigations to prevent stopping the development from moving forward.
- M. Smith asked about the number of houses necessary to conduct the first test. He indicated the number of houses should be used to trigger first test not the number of years.
- E. Linse questioned the water, Dunnigan Water District was allocated 5% this spring for the farmers and you can't count on surface water. He also questioned, do we know what we have in ground water. We can't count on the canal and the ground water could overdraft.
- K. Fichtner explained the canal would be used as a transportation system. They are required to provide proof that a reliable water source is available. Ground water levels will be tested so they can determine what is available at different levels of the aquifer. There are three different aquifers to analyze; the lake system will use recharge. They plan on analyzing the 1100 foot aquifer to see what happens to the 100 ft aquifer.
- The community design will attempt to limit the use of cars, and increase the idea of using pathways for bicycles, pedestrians, golf carts, etc.
- Largest lake will be the focal point of the industrial area at County Road 8 at I 5 as this is the lowest point.

Chairman Weber thanked K. Fichtner for the very informative presentation and indicated we would place the Dunnigan Project on the July agenda to begin the working on the project.

SUB COMMITTEE REPORTS

Chairman Weber called for sub committee reports:

- **Water:** B. Stucker indicated the Dunnigan Water District had applied for grants to get monitoring wells drilled. He referenced drilling three wells in one to test each aquifer.
- **Drainage:** G. Bickford questioned the letter we had submitted on our drainage issue and noted to date we have not received a response. Chairman Weber suggested a follow up letter be sent asking for a response to our concern.

REQUEST FOR COMMENTS

Design Guidelines: Chairman Weber opened the discussion on the Design Guidelines. He indicated from the last meeting the concern about narrow roads, we still have the opportunity to comment on this issue even though we have already submitted our suggestions should the committee wish to do so. He recalled our opinion was roads in residential areas should not be less than 44ft in width from curb to curb; anything under that width would be un-acceptable. If there is no further input this should be removed from the agenda. D. Rust clarified the Design Guidelines are for areas outside of a Specific Plan and will be used accordingly. E. Linse suggested we remove this issue from the agenda, as there are no further comments.

Motion by: E. Linse to remove the issue from the agenda; **Seconded by:** Chairman Weber; **Vote: Yes 11; No 0; Abstain 0; Motion Passed.**

DISCUSSION ITEMS

Rooster Update: D. Rust indicated the Animal Control Services has provided a draft copy of the guidelines for the ag area to the Planning Dept. for review. This will be an update to the ordinance which references ag property. They have a table with acreages and square footage, we do not quite agree with their wording so we are reviewing the draft and making our suggested changes. This is for the ag area and it talks about lots sizes varying less than an acre, an acre and more than an acre. It also address when permits will be required. He will provide a copy when it becomes available; D. Rust indicated the Planning Dept. is reviewing the document with Animal Control.

Parking Ordinance: Chairman Weber referenced the draft of the ordinance and questioned if this was being done to set standards for new growth?

- D. Rust indicated they were in the process of modernizing ordinance to current standards.
- Several questions came to the floor, referencing community ability to make changes, handicap parking is inadequate for today's standards, size of parking spaces, large vehicle consideration and how the ordinance would affect Dunnigan when we become urban. It was also asked if the provisions in the document apply only to properties that apply for new permits.
- D. Rust clarified small communities would remain, grandfathered in, no modifications, does not apply to existing development, the ordinance only applies if you make modifications or to new additions, then you will be required to comply.

Chairman Weber indicated this will be on our next agenda, suggested all committee members review the draft document and come prepared with their comments; this will require an action be taken at that time.

PLANNING COMMISSIONER UPDATE

Commissioner Bertolero provided an update on the Planning Commissions ad hoc sub committee. He indicated they have had two meetings and separated out By Laws from standing rules. It is hoped that at the June 24th meeting the By Laws can be finalized. The Brown Act and Code of Ethics will be added as appendages to the back of the document. A list of items which were determined should fall under standing rules will be sent back to each committee to adopt, once adopted a copy of these are to be sent back to Erich Parfrey. Commissioner Bertolero indicated at the next meeting each item on the By Laws will be voted on by the committee, once approved they will go on to a Planning Commission workshop, public hearing and then the Board of Supervisors for the final approval. D. Rust indicated at the last meeting produced considerable input which was put together into the document we now have. Commissioner Bertolero indicated he was pleased with the progress of the ad hoc committee. D. Rust indicated the package when

complete will be given to all advisory appointees. Chairman Weber questioned if there was any information on the progress of the EIR. Commissioner Bertolero indicated the 45 day comment period was over. The next step is the hearing which should take place in about five weeks.

FUTURE AGENDA ITEMS

- Presentation by Keith Fichtner, Dunnigan Project
- Hardwood Subdivision egress
- Parking Ordinance
- Discuss moving the meeting place back to Fire Hall
- Berryessa/Snow Mountain Conservation Area

Being not further business, Chairman Weber called for a motion to adjourn, meeting adjourned 9:30 pm. **Motion by:** Chairman Weber; **Seconded by:** Adella Backhaus; all in favor.

Respectfully submitted
Deanna Kirkland, Secretary
Dunnigan Advisory Committee