

Unapproved Minutes  
Dunnigan Advisory Committee  
**Wednesday, August 19, 2009**

Country Fair Estates  
5130 County Road 99W  
Dunnigan, Ca

**Call to order:** 7:15 pm by Chairman Weber

Chairman Weber opened the meeting by reminding everyone that

- We have a very important job to do, we are very fortunate to be able to express our voice as a community to all the planning issues in front of us, we need to work in a productive manner and keep hostilities to a minimum. Let's move forward with respect.

Chairman Weber referenced the letter sent to committee members, letter was strongly worded and not intended in that manner, we are all volunteers, would like to see us be productive. He feels the committee can work productively especially with the overwhelming growth at our front door.

#### **ATTENDANCE**

- 14 members in attendance, quorum present
- 3 members absent, Shirley Gooch, Brian Stucker, Sid Mumma
- 4 county representatives were present at this meeting
- 11 residents and guests
- Total in attendance 28 members, guests and county representatives

#### **MINUTES**

Chairman Weber called for the approval of the minutes of July 15. He asked if there were any corrections or additions to the minutes.

#### **Corection:**

- V. Lovell made the following statement: She indicated she would like a word changed. She read the section, and stated what was recorded isn't correct, I did not want them to be verbatim, I wanted it actually, it wasn't a problem of being condensed, I just wanted them to be compatible for how I meant them and not really as much as like an opinion. Other wise I don't have a problem with them being condensed. Correction Noted.

Chairman Weber asked if there were any other corrections, he then called for a motion to adopt the minutes with the correction noted. He also clarified if you were not present at the last meeting you could not vote on the approval of minutes.

**Vote: Yes 12, No 0, Abstain 2, Minutes of July 15 approved with changes noted**

#### **CORRESPONDENCE**

Chairman Weber opened correspondence; the following pieces of correspondence were noted:

- Letter from D. Morrison referencing method of delivery for meeting materials beginning January 2010. Advisory Committees will continue to receive the meeting agendas and materials via US Mail if needed, otherwise email. D. Rust indicated this was a method to save money for the department.
- E-mail to Keith Fichtner on the requested flood/water expert presentation. Chairman Weber indicated he was not able to attend this evenings meeting.
- Handout from Commissioner Williams, "Ideas for Dunnigan Development", Chairman Weber indicated Commissioner Williams was not able to attend this evening.

Chairman Weber called for additional correspondence, none was noted, and correspondence was closed.

#### **PUBLIC COMMENTS**

Chairman Weber opened Public Comments.

- Deputy Chris Lee indicated the county is working with the Health Dept. to hold meetings on the H1N1 virus, Swine Flu. Due to limited resources, community meetings will be held for the Yolo/Zamora, Dunnigan area at the Yolo/Zamora Town Hall on Sept. 14<sup>th</sup> at 7:00 pm. Health office will be there to answer questions.

Chairman Weber called for additional comments, none were brought to the floor and Public Comments were closed.

#### **ACTION ITEMS**

**Committee Meeting Place:** Chairman Weber opened the topic and asked for any additional questions or comments before taking action.

- Question: why are we discussing changing our current meeting place, Chairman Weber indicated reason was unclear
- Some concern was noted about our meeting schedule not being included in our current By Laws. Secretary Kirkland clarified the meeting schedule has never been part of our By Laws, only a committee vote.
- Chairman Weber indicated we have the opportunity to remain on our current schedule or to change it will require a motion and vote.

Additional discussion on the pros and cons:

- M. Smith clarified the use of this facility over the past years was strictly to accommodate the community. A schedule has always been set out for the whole year, every year in history, since we have become an organized group.

At that point M. Smith made the following motion.

**Motion by M. Smith** to hold all meetings next year at the Fire House, **Second by G. Bickford.**

Chairman Weber asked for additional discussion.

- B. Langfield indicated he had no preference as to where our meetings are held, but if the motives for moving are wrong, if you have a bone to pick with this park then your motives are wrong, because this facility has done nothing more than bring unity to the community, it has been divided to long. The Dunnigan Advisory wants to bring the unity of the community together, it really shouldn't matter where we go, but let's go for the right reasons, not because we don't like this park or we don't like some people in it.

Reference was made to the hospitality that has always been extended when meeting have been held here and thanked Mel Smith for the use of the facility. Chairman Weber also added his appreciation for the comfortable meeting facility. M. Smith indicated the facility would always be available. Chairman Weber asked M. Smith to restate the motion.

**Motion by M. Smith restated:** hold all meeting next year at the Fire House

**Vote: Yes 12, No 2, Abstain 0, Motion carried.**

Chairman Weber clarified next years meeting will be held at the Fire House, meeting place will be part of the standing rules to be developed next year. We will continue with our current schedule for the remainder of this year.

## **AD HOC – BY LAWS**

Chairman Weber opened the discussion on the new By Laws package, which is an action item this evening. D. Rust provided a new updated package which was distributed prior to the meeting. Chairman Weber thanked our committee representative for their work on this ad hoc committee. We have the opportunity this evening to review the documents. He then called for committee comments:

- Chairman Weber referenced Item No. 7 and indicated the language needed to be adjusted; he interprets this to mean someone from another Advisory area could sit on our advisory committee. He suggested the language include, interested parties must have a presence within the Advisory focus area either by being a resident, landowner or business owner within the area.
- L. Bertolero indicated the wording did not come out as it was intended, it was not intend for anyone outside of the comment area of an Advisory committee to sit on that committee whether it be a resident, landowner or business owner. He indicated he would make the recommended changes to item No. 7.
- L. Bertolero referenced the overlapping areas, he indicated the way it is currently written you could serve on more than one Advisory Committee, he felt wording should be added to indicate you can only serve on one committee at a time.
- V. Lovell indicated she did not see where it was stated if a husband or wife could serve on the same committee. She went on to question if an employee and boss could serve on the same committee as well. L. Bertolero answered the document indicates only one family member and there are no restriction on others as long as the individuals meet the criteria. Supervisors have final discretion on all appointments.
- M. Smith indicated By Law item No. 7 was one of the most controversial items discussed and designed during the ad hoc committee. What is at issue here is the residency requirement to live within the community that you set on a committee representing the community. On all county boards, County service districts, you must reside in that district in order to set on that Board or Committee. The way this is stated you can own land in one district and reside in Zamora and set on the Dunnigan Advisory Committee. Again all other Boards, Advisory Boards and appointed position are required to reside within the boundary of that committee.
- M. Smith, you can not own land or own a business and not reside within the community, because you are not representing the community and it presents the question of why you wish to serve if you are not a resident. This is controversial because when the community matures enough to be able to be influenced by a business owner being appointed to that Citizens Advisory Committee that doesn't live within the community it could be an issue.

- M. Smith indicated this was my opposition. The language is not consistent with every other committee within Yolo County, every committee in the County has a residency requirement or to run for an office if it's an elected position.
- D. Rust stated the staff would like you to recommend this to go forward or not. Suggested language changes are okay. He also referenced the Planning Commission who has seven members who all are required to be residents of Yolo County but not within a specific district. Two members are at large.
- D. Rust clarified you have to be a resident within Yolo County. The vote was 4-3 with the specific language, but he indicated the staff and L. Bertolero realized item No. 7 needs to be adjusted. (1) cannot serve on multiple committees, (2) should be within the comment area.
- Secretary Kirkland asked what precludes a developer as landowner from being on a on this committee. M. Smith indicated this was an objection of the Esparto Advisory. What if you have property within two different areas, L. Bertolero indicated you would have to make a choice.
- Chairman Weber referenced No. 25 which refers to the Code of Ethics, language weak. He asked what type of enforcement is suggested for not obeying the Code of Ethics, there is none. He wished to add the language that members of a committee that do not obey the Code of Ethics shall be recommended for removal by the Board of Supervisors. So we have some enforcement for unethical behavior of a member on a committee.
- L. Bertolero indicated the committee at any time can recommend removal. He went on to say this is a public form and they would like to see some etiquette and proper conduct. Chairman Weber complimented L. Bertolero and the committee for their work.
- Secretary Kirkland questioned the wording on No. 6 on attendance. She questioned the omission of unexcused absences. L. Bertolero stated it eliminates the decision that someone would have to be the judge. It is each committee decision of how they want to handle attendance.
- Secretary Kirkland questioned No. 4 the one and two year term. L. Bertolero explained the reasoning and how it would work.
- E. Linse questioned Attachment E, page 1 seconded bullet, application for discretionary permits. Is the Specific Plan for Dunnigan included as a discretionary permit? D. Rust responded, yes. E. Linse asked at what stage does this committee review that and make a formal recommendation.
- D. Rust indicated once the application has been accepted he will bring the application package for us to review and make decisions, you will have it a month prior to it being presented to the Planning Commission.
- M. Smith referenced the Comment Area Map with regards to the overlapping areas. It was evident overlapping would be necessary in order to keep peace. That happens with respect to us in the north part of the Zamora Fire District boundary; it comes right up to the boundary of the Dunnigan development area. He requested on behalf of Dunnigan that the overlap allow both Advisory Committees to make comments and would extend the area down to 12A, that shaded area marked No. 2 that's the overlap, but it needs to continue straight across to where the overpass is and I 5 to included the northern part, where it is shaped up into the Dunnigan area.
- Concern about the Eucalyptus grove, M. Smith indicated it would be in the overlapping comment area and the reasoning is because those two overlaps are pretty significant in the transportation/circulation planning for Dunnigan. There is already discussion being raised by the staff for a connector road to 12A and 505. This will all come into play during the Specific Plan. His proposal would be to say yes to using the Fire Boundary rather than using this overlap.
- Chairman Weber questioned how the committee wants to proceed, it is an action item, we could make a motion to recommend some changes, we could say that we approve as written or we don't like the whole document or approve with changes.
- V. Lovell said we should ask for a more acceptable map. D. Rust said the map has been tweaked; no matter where we land someone is not going to be happy. The map you see is what the staff is going to recommend to the Planning Commission, if you want to make changes, suggest you attend the Planning Commission meeting.
- G. Bickford indicated this map was discussed a year ago with D. Morrison, the only change was area one that includes Pilot, Oasis and Ritchie Bros, do you mean to tell me that Zamora has a say on property that is right here next to us.
- Area 1 in contention, because this area is in our area. Vice Chairman Busch indicated he views the map differently, No. 1 is a small shaded area; the shaded area is from Road 10 south. D. Rust indicated he would have to blow the map up and the number 1 is misleading.
- Chairman Weber asked for clarity on the map. D. Rust will send an email to clarify map.

Chairman Weber called for an action on this topic.

**Motion by M. Smith** to accept all of the by laws and the package as is, except do not except By law item No. 7 and the Comment Area map pertaining to the Dunnigan/Zamora area, **Second by Secretary Kirkland.**

**Vote: Yes 12, No 1, Abstain 1, Motion Carried.** A letter will be forwarded to Eric Parfrey regarding action taken by committee.

## SUB COMMITTEE REPORTS

Chairman Weber called for sub committee reports:

- **Drainage:** Secretary Kirkland indicated the committee chose to send another letter to Mr. Bencomo and the Board requesting the answer to the specific question that had been addressed in the previous letter, that being “did the commercial projects in the area, Country Fair Estates, Pilot and Ritchie Bros complete their obligations for drainage improvements per County requirements”. This letter was sent on July 29, 2009. As of this date no response has been received.
- **Roads:** Secretary Kirkland indicated the Roads committee had met and discussed the roads concerns for our area. Question was how our roads were going to get repaired, especially those considered farm to market. Under current conditions the county does not have funds to maintain these roads, the determination if a road is going to be maintained is based on the amount of traffic the road has. Looking into contacting our state representatives to see if funds can be allocated for the improvement of farm to market roads. Also had gathered information on narrow roads and the effect they have on communities. Concern was we did not want the same problems for the new development of 7500 homes that the Hardwood Subdivision now experiences.
- **Incorporation:** E. Linse indicated the committee had met and discussed how to proceed. He referenced several conversations with LAFCO and the invitation to meet with the representative. He went on to note some threshold information had changed from a year ago; the committee will look further into this and gather current facts. The proposal for the development of Dunnigan is so huge and will have such a big impact on our community, but he is concerned about stakeholder interest. He was disappointed at the Planning Commission meeting with the continual comment that it was not necessary to bring these ideas to the Commission and to send them to the planner. It is my understanding, that a hearing is the opportunity for the public to voice concerns and ask questions. He was pleased to hear this evening we will have the ability to review the Specific Plan and make recommendations. This in his opinion is late in the process.
- **Safety:** V. Lovell announced a Neighborhood Watch meeting would be held on Sept. 2 at 7:00 pm at the Fire House. Flyers are being handed out.

## PLANNING COMMISSIONER UPDATE

Chairman Weber indicated Commissioner Williams was not with us this evening and recognized Commissioner Bertolero. Commissioner Bertolero stated no Planning Commission meeting was held this month and the next meeting would be on Sept. 10. That meeting will be a public hearing on the By Law package. He clarified that our current By Laws were still in effect until the new ones are approved. If the package is approved it would start with new appointments in January 2010. Chairman Weber thanked Commissioner Bertolero for his work on the committee. Commissioner Bertolero complimented Dunnigan for their participation and indicated we were well represented.

## PLANNING AND PUBLIC WORKS

Chairman Weber recognized Don Rust.

- Email from K. Fichtner stating he would not be able to attend the meeting due to recent adjustments the county has asked for on the preliminary plan.
  - Adjustment being made, County’s view to GP update, plan should be 80% to 90% of what County desires. Application to move forward is anticipated to be received mid to end Sept.
- D. Rust asked if the committee had seen Commissioner William’s comments and do we agree with his comments.
- Anticipates that 90% of Commissioner William’s comments will be in the Specific Plan. One exception under home businesses, which are already acceptable in the County; auto repair not acceptable.
  - Extension of a road to 12A is coming off the table. It is growth inducing and opposes the GP upgrade. Not certain but believes this will be coming off the plan, will know for sure when submittal is received.
  - Secretary Kirkland stated the intent of this road was to relieve traffic congestion on Road 8 and have another access for the 7500 homes to get out of area.
  - E. Linse referenced the idea of this road as a parkway was to handle traffic and avoid congestion on I 5 with the excess traffic traveling towards Vacaville.
  - D. Rust road does not currently exist, applicant’s proposal does not count, one Supervisor indicated the use of this road for AG, and only one agricultural property is in the area.
  - He referenced the lecture we received at the Planning Commission meeting when we proposed ideas for maintaining better levels of service on the interstate. The lecture concluded with the remark it would protect pedestrians, we were talking about I 5 not pedestrians. D. Rust stated a traffic study will be included with the applications.
  - L. Bertolero referenced the Esparto meeting; he indicated the schedule for the GP completion was moved to the 29<sup>th</sup> of Sept. On 9/15 we will be dealing with the Williamson Act not being funded this year.

- D. Rust indicated we would receive a copy of the application as soon as it is received. M. Smith asked if a traffic study will accompany the application. D. Rust answered if it doesn't come we can not do anything about it, that is part of it and it will be part of what needs to be determined, circulation, other impacts, etc.
- Mary Jo Hoes from Yolo/Zamora Advisory asked if the development plan included a plan for a cemetery. This issue was going to be discussed at their meeting and extend an invitation for us to attend.

## **DISCUSSION ITEMS**

**Berryessa/Snow Mountain Conservation Area:** Chairman Weber recognized E. Linse.

- Toured the area on March 18, proposal from an environmental group called Tuleyome. Impressed with idea, provides recreation opportunities for the future.
- Fair amount of public landowners currently around the lake, Fish and Game, Yolo, County, Napa County and Colusa County.
- Goal is not to convert private property into public property, but to put that large area of habitat under common management.
- Representative from Tuleyome asked if we would be interested in contacting our congressman to support the act.
- Like the idea as a recreation area because there are already parks, head water area for water that comes into Dunnigan from the west.

**Motion by E. Linse:** requesting our secretary to send an informal letter to Wally Herger noting our support for this conservation area. **Seconded by Chairman Weber.**

### **Discussion:**

- Vice Chairman Busch against the idea, because of the restriction put on landowners in the area. The Public already cause havoc in the area with the landowners, need to start protecting landowner's rights.
- Against allowing the environmental groups to dictate what happens, too many restriction would be placed and cause a nightmare for landowners in area.
- G. Bickford stated a lot of the Berryessa/Snow Mountain area is private property and this would take property rights away. A large part of this area is rough terrain. Does not see the point of infringing on property owners in the area.
- E. Linse stated his understanding is there are no plans to alter any private holdings.
- It's just to get joint planning, now we have perhaps four or five public agency, it would bring it under common planning controls. Group is interested in endangered species, does not think they are interested in doing a lot of changing.
- Vice Chairman Busch indicated the restrictions they put on in the management plan definitely restrict what a person can do. This is why there is a conflict between the landowners and this public group. This has been public property for years.
- Chris Lee, Deputy stated the Supervisors received a presentation on this topic but not action has been taken.
- Chairman Weber recommended we continue to next meeting. E. Linse withdrew his motion.

## **FUTURE AGENDA ITEMS**

- Keith Fichtner, Water/Flood for new development – Presentation Item
- Berryessa/Snow Mountain Conservation Area – Action Item
- CSD/CSD – Presentation Item
- Dunnigan Development Application – Discussion

**Additional Comment:** Chairman Weber addressed V. Lovell concern about the meeting place for the remainder of the year. Schedule will remain the same for the rest of the year.

Chairman Weber asked for a motion to adjourn.

**Motion by Vice Chairman Busch, Seconded by A. Tatum, All in favor**

**Meeting Adjourned 9:00 ?**

Respectfully submitted  
Deanna Kirkland, Secretary  
Dunnigan Advisory Committee