

Unapproved Minutes  
Dunnigan Advisory Committee  
Wednesday, March 17, 2010

Dunnigan Fire Hall  
29145 Main St.  
Dunnigan, Ca 95937

## **CALL TO ORDER**

Chairman Weber called the meeting to order at 7:15 pm

## **ATTENDANCE**

- 12 Members in attendance, quorum present
- 3 Members absent, Bob Langfield, Wilma Gullatt, Anita Tatum
- 4 County representative were present at this meeting
- 11 residents and guests
- Total in attendance, 27 members, guests and county representatives

## **MINUTES**

Chairman Weber called for the approval of the minutes of January 27<sup>th</sup>; he asked if there were any corrections or additions to the minutes. Chairman Weber questioned if the correction noted to the January 27 minutes were acceptable. M. Smith indicated, yes.

Commissioner Bertolero was asked if the correction he requested to these minutes were acceptable. He responded yes, and stated he had already indicated to Secretary Kirkland that his name had been omitted from the correction he referenced.

Secretary Kirkland indicated this would be corrected.

**Motion to adopt as corrected by:** M. Smith, **Second by:** W. Ingraham

**Vote: Yes, 10; No, 0; Abstain, 2 (members not in attendance), Motion Passed, minutes of January 27<sup>th</sup> approved with corrections.**

Chairman Weber called for the approval of the February 17 minutes; he asked if there were any corrections or additions to the minutes.

Two corrections were brought to the floor:

- Correction to January 27<sup>th</sup> minutes listed in February 17 minutes: Planning Commissioners Update Corrections, Commissioner Bertolero's name was omitted as the person requesting the correction.
- Correction requested by Commissioner Bertolero: Minutes of February 17, Planning Commissioners Update, correct spelling, Elkhorn, one word not two. Correction noted.
- Commissioner Bertolero also referenced a clarification to his comments in the Additional Comments section, need to add, at least one meeting per quarter for clarification.

Being no further correction, Chairman Weber called for a motion to approve the February 17<sup>th</sup> minutes with the corrections noted.

**Motion to Adopt February 17<sup>th</sup> minutes by:** Shirley Gooch; **Seconded by:** Mel Smith

**Vote: Yes, 10; No, 0; Abstain, 2 Motion Passed. Minutes of February 17<sup>th</sup> approved with corrections noted.**

## **CORRESPONDENCE**

Chairman Weber called for correspondence.

- Building Amnesty Program: D. Rust indicated this is a program through the building division to allow people to finalize building permits. Records for building permits not finalized and code violations have been reviewed. If people come forward during the period March 1 through May 31<sup>st</sup> and correct there permits or violation they may prevent being doubled fined. The period may be extended, not certain at this time. D. Rust presented a situation where by the new owner of a piece of property with issues is going to take advantage of this program. Commissioner Bertolero confirmed residents can be double fined if they do not come forward during this amnesty period.

## **PUBLIC COMMENTS**

### **Waste Management –**

- Concern about mandatory requirement to participate in this program. Should not be mandatory as some residents do not have enough trash to participate. Questioned bulky trash pickup, do other area's have to make appointment for their bulk trash to be pickup. Referenced dumpsters being provided in the past for bulk waste. It was noted other communities are having similar problems.
- Approximately 16 months ago residents in the Harwood subdivision were obligated to have trash pickup. Reference was made to a letter from Waste Management indicating it was necessary to go to the dumps every week to remain on the compliance list for no pick up; otherwise you are required to have the service. Question, if parcel is ag does it apply?
- D. Rust indicated it's not mandatory if you can provide evidence that you are disposing of your trash properly. He referenced calling Waste Management if there is a problem, contact Marisa. He indicated he would call Marisa and ask her to comeback.
- E. Linse questioned the frequency, weekly, not monthly. He indicated Marisa stated the requirement was to deposit garbage weekly. D. Rust again stated it is not mandatory, if you have receipts that show you dispose of your waste properly. He again suggested residents contact Marisa Jeweler.

### **Drainage:**

- Resident asked what the Advisory Committee is doing about drainage. Response: we have a special subcommittee in place to deal with the drainage issues. The county's public works is only responsible for drainage of the roadways, county planning has been asked to review the drainage plans for the businesses in the area to see if they have followed the drainage requirements set forth by the county.

### **Williamson Act:**

- Concern about Williamson Act being removed. This program helps the farmers save on taxes. Contact the Farm Bureau if you are interested in supporting the continuation of this act.
- D. Rust indicated the Williamson Act still exists; the State of California is not supporting it. This is a state program and it might go away. This land conservation act of 1964 is still in place however there are no funds available, the County of Yolo would normally get one million a year from this program. He indicated the Farm Bureau is asking for support and the county at present is looking at several options to see what can be done.
- Deputy Nate Palmer indicated he attended a Senate hearing and listened to a number of presentations in support of the Williamson Act. It sounds like the legislature does support the Williamson Act. He indicated a line item veto from the governor is actually holding up the proposal. There is a lot of support to preserve this act.
- Vice Chairman Busch: Questioned the 10 year program, if funds are cut, does that mean the individuals participating in the program can do whatever they want, at that point, or at least go through the permit process? D. Rust indicated no, you are still under contract.
- Vice Chairman Busch: What if the contract is breached by not reducing the taxes. Referencing the state or someone else breaching the contract.
- D. Rust stated there is a formal process. If the Williamson Act goes away, what could occur is the county would not renew all the current contracts. So that over a 10 year period it would all go away. There is a process where you can appeal the non renewal which basically would keep your property taxes from increasing during a four year period, but at the end of this period the property taxes would start to go up quickly to the market value.
- B. Stucker: How much is the state going to end up making by holding up those funds? D. Rust responded unknown; this is one of the most effective programs.
- B. Stucker: Questioned after the 4 year moratorium and the rates go back to market value. Is the market value based on everybody's property being re-assessed or back to the original purchase under prop13? D. Rust indicated he did not know and would get back with the answer.

- B. Stucker: He proposed the county, because the county is taking the position that the state is doing this and not them, take us back to our prop 13 original purchase price and not re-assess every property involved. A county reassessment would send the wrong message.
- D. Rust indicated this issue would eventually come before the Board and it would be advisable for property owners involved to attend and voice their concern.

#### **Drainage:**

- For the last five years a concentrated effort has been directed towards alleviating the drainage problem in the Road 8 area. Maps have been created to identify and document the problem areas. The Hardwoods have septic systems and wells; CFE is the only area with an underground waste and drainage system. Heavy rain in the area causes excess water to flow into the small Road 7 drainage system from the Ritchie Bros/Pilot area. When that drainage system backs up there is nothing more physically that can be done that is not already being done. The County is required to keep the drainage ditches alongside the roadways clear. They are also aware of the excess drainage entering this system.
- Chairman Weber indicated we are concerned about the drainage, it is not known what the county's ability is to deal with the drainage issue, we are doing our best to get them to co-operate. We have left it with; we are going to go back and check the drainage plans and make sure everyone has complied with the requirement..
- Commissioner Williams referenced the letter to the county attempting to get the answers.
- D. Rust referenced the county's position as indicated at the Dunnigan Advisory Meeting on Oct. 16, 2009, suggest we look at plans. He feels the county addressed the questions.

Chairman Weber closed Public Comments.

#### **DISCUSSION ITEMS**

##### **Sub Committees, 2010:**

- Chairman Weber opened discussion on finalizing sub committee's. Sub committee's are open to the public as well. Neil Busch asked to be added to the Specific Plan sub committee.
- E. Linse requested an additional sub committee on Commerce & Community Interest be included. Bob Langfield and Eric Linse have signed up on this committee.
- First Specific Plan sub committee meeting to be held on Wednesday, March 31 at 7:00pm.
- Water sub committee scheduled for Wednesday March 24<sup>th</sup> at Bill & Kathy's 6:00pm.
- Drainage sub committee, Thursday March 25, M. Smith's Office, 6:00 pm,
- M. Smith referenced reviewing files on the redevelopment area involving drainage for CFE, Pilot and Ritchie Bros. Those drainage plans are what we wish to inspect. He referenced the original request made earlier, asking the County to investigate the three projects. Secretary Kirkland suggested we make the appointment with D. Rust and review everything at that time.

##### **Roosters:**

- Chairman Weber indicated there are definitely roosters on rural residential property. We did a survey; they are there and are well hidden. Questioned the ordinance on nuisance from the noise of roosters.
- D. Rust no ordinance as yet, still waiting on the sheriff's dept. Ordinance will have to go to the board when completed.
- D. Rust indicated we must complete a "Code Enforcement Complaint" form for each address.
- Secretary Kirkland asked to clarify that the property east of 99W is on Ag. Map verified, can only report on rural residential.
- D. Rust stated the ordinance is for Yolo County but is being worked on as a joint effort between four counties, it was set to go before the board in 2008, so far has not reached there. He indicated the ordinance was reviewed by planning staff and comments were returned to the Sheriff's Dept. in August, 2009, they have not responded as yet.
- Until ordinance is final, nothing can be done about excess Roosters on Ag property.

#### **DUNNIGAN SPECIFIC PLAN**

Chairman Weber asked D. Rust to give an update on the progress.

- No. application yet. It was scheduled to come in April 2. A couple of meetings have been held to review a couple of issues; it now looks like it will come in the end of April.
- Feb. 9, 2010 Climate Action Plan, which is a requirement of the General Plan was approved by the Board of Supervisors. This was funded by the developers and a SACOG grant. This has to be in place before the Specific Plan can be approved. Developers paid \$200,000 towards the Climate Action Plan and the County secured a SACOG grant for \$100,000 to pay for this plan.
- Feb. 23, 2010 the Transportation Impact Guidelines were adopted by the Board. Was again funded by developers and again must be in place prior to approving the Specific Plan. Developers paid \$40,000.
- At Planning Commission on March 11, the Planning Dept. sent to the Planning Commission guidelines for framework for recommendation prior to going to the Board. Framework is based on state law and the General Plan that was approved in November. This was approved by the Board on March 16<sup>th</sup>. All it is is a guideline of what applicants are required to submit along with their application for a Specific Plan. Nothing to do with Dunnigan, it is county wide. One of the important things in these guidelines is water assessment, water issues, jobs to housing there is a whole prescription on that.
- Board approved on March 16<sup>th</sup> revisions to the Dunnigan funding agreement. The applicant has asked to only deal with the Specific Plan and not get down to details on subdivisions. They want to get through the entitlement process for the Specific Plan and then get entitlements for subdivision.
- Chairman Weber asked if this information would be on the Supervisors minutes from March 16
- D. Rust indicated yes, go to board, agenda, funding agreement was 2.14 and the framework was 2.15. He also referenced work he did on the Technology Fee and it can be viewed on 4.06. A 6% fee was imposed a year ago for anyone who is involved in development within the County of Yolo to maintain our electronic devices, computers, networking, software programs, etc.
- D. Rust recapped important issues, water supply, phasing, job/housing, VMT, waste water treatment facility and drainage. There are a bunch more.
- E. Linse questioned the Climate Action Plan, asked if it has been adopted or is it being prepared now?
- D. Rust stated the contract has been awarded to AD Com technical services. They are an environmental firm specializing in climate action, climate change, they have actually completed two already. He indicated there will be public meetings
- D. Rust indicated that all the things he has talked about are all actions of the General Plan.
- M. Smith questioned what action was taken, to improve the Transportation Guidelines or to initiate them?
- D. Rust indicated on Feb. 23 the Transportation Guidelines were adopted by the Board and are countywide. Nothing to do with existing development, guidelines are to show how to, actually two things, guidelines for large development projects on the format for the transportation, the front end is an evaluation from the Planning Staff because if you meet certain criteria a traffic study is not required.
- M. Smith asked if this was funded by a developer, does this translate into an entitlement. D. Rust stated this is not an entitlement.
- Vice Chairman Busch asked what is a Climate Action Plan.
- D. Rust responded SB 5, AB 32 and SB 375 these are all state laws regarding green house gas, climate change, and global warming. These are being put in place to help reduce greenhouse gases. The plan is a study of all of Yolo County including the cities that are involved: by 2020 the State of California has to be back to the 1990 level of greenhouse gas emissions.
- S. Mumma questioned where Dunnigan development will start.
- D. Rust indicated he has seen phasing maps and a drafting map, but phase one is just south of the Hardwoods around Road 6, about 500 acres.
- S. Mumma indicated when this was first started we wanted water/sewer for the Hardwoods and old town. Is this still in the plans.
- D. Rust indicated he had reminded the developers that it is important to include the existing community as part of it. He made reference to one of the committees first requests, the first school be located next to the Hardwoods.
- B. Stucker questioned the funding agreement. He referenced K. Fichtner statement about writing a check to the county for 1.3 million; he made a big deal about that.
- D. Rust stated this was part of the funding revision that was approved on March 16. We have received some money, its public record, we received \$313,000.

- On May 19, 2009 Board directed staff to work with the applicants at their own expense. If it didn't work out and the General Plan wasn't adopted they have lost their funds. If you look at the May 19, 2009 and the March 16, 2010 it will explain what has occurred.
- March 16<sup>th</sup> package shows what was originally proposed, the actual cost of 1.5 million, they modified it to reduce some things, take out the entitlements for subdivision, we will get that down the road and now it's modified to 1.176 million.

## **PLANNING COMMISSIONER UPDATE**

**Commissioner Bertolero:** At the Planning Commission meeting of March 11<sup>th</sup> the following items were discussed:

1. Discussion on new 335 foot radio tower at the Yolo Landfill continued to May meeting. Vote: 7 – 0 – 0. Much opposition to prior location in South Davis.
2. Road abandonment, County Road 75A. After investigation it was noted this road is through tribal property, they are the sole owners. Request was for residential security. Vote 7 – 0 – 0, passed.
3. Application for a wireless communications facility in El Macero. 70ft tall cell tower will have the look of a mono pine. Approved: 7 – 0 - 0.
4. Modification of an existing use permit to extend a runway 500ft for a crop duster business. Vote 7 – 0 – 0 passed.
5. Resolution to adopt a Countywide Specific Plan framework to guide the preparation of all specific plans county wide. Passed: 7 -0 – 0.
6. Workshop to update the Land Development and Zoning regulations in the Yolo County Code (title 8) to ensure consistency with the new Countywide 2030 General Plan.
7. Workshop on local CEQA guidelines (proposed chapter 10), title 8 to ensure consistency with the newly approved Yolo County wide 2030 General Plan. D.Rust indicated certain projects will be exempt from CEQA through this process.
8. Workshop on clustered Agricultural Housing transfer of Development Rights Ordinances as part of the title 8 to ensure consistency with the newly approved Countywide 2030 General Plan. 2600 parcels under 20 acres in county.

Agenda Items 6, 7, and 8 will all come to your Advisory Committee and all others within the next couple of months for your review and input. They will then come back to the Planning Commission for final consideration. No Planning Commission meeting in April.

Commissioner Bertolero indicated with the Specific Plan there is going to be months when we have more than one meeting.

- E. Linse asked what will be the hurry, why would we meet twice a month.
- D. Rust indicated when the application comes in, we get 30 days, at the end of that time if we have not made any comments it's accepted by law. So if there are concerns we must identify them before the time is up.
- E. Linse referenced his concern about past experience, all of a sudden something is brought to us, comments are required within a short period of time; we get together and prepare our response, turn it in and basically its set aside.
- Commissioner Williams indicated he understood the concern, if I was a developer I would want the Specific Plan in place, but what's the hurry, question if anything will sell.
- E. Linse stated; my point is if law requires us to receive something in 30 days, perhaps it would be advisable to give us a heads up on what we would be looking at.
- D. Rust stated, it will be at least a 15 month process. He reiterated what has been done, developers requested the county to pull out the entitlements for the subdivision, the Specific Plan would go in but no development will take place until the Specific Plan subdivision level is brought down.

Chairman Weber thanked the commissioners for their input.

## **FUTURE AGENDA ITEMS**

- Sub Committee Concepts on Dunnigan Specific Plan
- Brown Act

- Sub Committee Reports

D. Rust requested to add Incorporation to the future agenda items. He also suggested that the Dunnigan Advisory Committee bring a LAFCO representative to our meeting if we were interested in incorporation. He went on to state, the Dunnigan Advisory Committee could have been in violation of the Brown Act by holding a serial meeting about incorporation and that members of the DAC could be fined.

- Chairman Weber indicated we removed the Incorporation Subcommittee in order not to be in conflict.
- D. Rust went on to say if you are not talking about committee business, or what should be on the committee, there should not be a problem, but something like this that should be at this level may be a potential violation.
- M. Smith stated that is why we took incorporation out of the committee so we could talk with our neighbors without violating the Brown Act.
- Chairman Weber stated first we need to look at the details of the Brown Act, personally I don't feel there was a violation. No other member had knowledge of any other members conversation and it was not business that had to do with items discussed this year in this forum, as long as we have chosen not to talk about incorporation in this forum as we formally did in our minutes last month. He then requested Secretary Kirkland to read the section of the minutes removing the Incorporation issue from this committee.

**Note: As read by Secretary Kirkland from the minutes:** Incorporation was removed from committee business on February 17, 2010. Any and all discussions about incorporation are now separate from the Advisory Committee.

- M. Smith agreed and added we should review and hold a discussion on the Brown Act before we decide to bring incorporation back into committee business.
- Chairman Weber indicated he wanted to look at the details of the Brown Act, and stated he did not want to talk about incorporation until after he has done so.

Chairman Weber asked if we need to meet in April. Committee agreed to no meeting in April. Next meeting will be on May 19<sup>th</sup>.

#### **MOTION TO ADJOURN**

Being no further business, Chairman Weber asked for a motion to adjourn.

**Motion by:** G. Bickford, **Second by** Vice Chairman Busch, **All in favor.**

**Meeting Adjourned:** 9:07 pm.

Respectfully Submitted  
Deanna Kirkland, Secretary  
Dunnigan Advisory Committee