

CITY OF WINTERS PLANNING COMMISSION AGENDA

Tuesday, August 24, 2010 @ 6:30 PM

City of Winters Council Chambers
318 First Street
Winters, CA 95694-1923
Community Development Department
Contact Phone Number (530) 795-4910 #113
Email: jenna.moser@cityofwinters.org

Chairman: Pierre Neu
Vice Chairman: Glenn DeVries
Commissioners: Wade Cowan, Bruce Guelden, Corinne
Martinez, Phillip Meisch, Joe Tramontana
Administrative Assistant: Jenna Moser
Community Development Director: Nelia Dyer

I CALL TO ORDER 6:30 PM

II ROLL CALL & PLEDGE OF ALLEGIANCE

III CITIZEN INPUT: Individuals or groups may address the Planning Commission on items which are not on the Agenda and which are within the jurisdiction of the Planning Commission. **NOTICE TO SPEAKERS:** Speaker cards are located on the first table by the main entrance; please complete a speaker's card and give it to the Planning Secretary at the beginning of the meeting. The Commission may impose time limits.

IV CONSENT ITEM
Approval of Minutes from the August 10, 2010 special meeting of the Planning Commission.

V. STAFF/COMMISSION REPORTS
Current Projects List

VI DISCUSSION ITEMS:

- A. *Public Hearing and Consideration of a Parcel Map Application for the dedication of right-of-way for the Walnut Lane Re-Alignment Project and splitting one lot into two new lots at 101 East Grant Avenue*
- B. *Public Hearing and Consideration of a Conditional Use Permit Application Submitted by Shaunie and Mike Briggs to Extend a Nonconforming Use in an Existing Building located at 820 Railroad Avenue*

-CONTINUED OFF CALENDAR BY STAFF-

VII COMMISSION/STAFF COMMENTS

VIII ADJOURNMENT

POSTING OF AGENDA: PURSUANT TO GOVERNMENT CODE § 54954.2, THE COMMUNITY DEVELOPMENT ADMINISTRATIVE ASSISTANT OF THE COMMUNITY DEVELOPMENT DEPARTMENT POSTED THE AGENDA FOR THIS MEETING ON AUGUST 19, 2010.



JENNA MOSER - ADMINISTRATIVE ASSISTANT

APPEALS: ANY PERSON DISSATISFIED WITH THE DECISION OF THE PLANNING COMMISSION MAY APPEAL THIS DECISION BY FILING A WRITTEN NOTICE OF APPEAL WITH THE CITY CLERK, NO LATER THAN TEN (10) CALENDAR DAYS AFTER THE DAY ON WHICH THE DECISION IS MADE.

PURSUANT TO SECTION 65009 (B) (2), OF THE STATE GOVERNMENT CODE "IF YOU CHALLENGE ANY OF THE ABOVE PROJECTS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING(S) DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY PLANNING COMMISSION AT, OR PRIOR TO, THIS PUBLIC HEARING".

PUBLIC REVIEW OF AGENDA, AGENDA REPORTS, AND MATERIALS: PRIOR TO THE PLANNING COMMISSION MEETINGS, COPIES OF THE AGENDA, AGENDA REPORTS, AND OTHER MATERIAL ARE AVAILABLE DURING NORMAL WORKING HOURS FOR PUBLIC REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT. IN ADDITION, A LIMITED SUPPLY OF COPIES OF THE AGENDA WILL BE AVAILABLE FOR THE PUBLIC AT THE MEETING.

OPPORTUNITY TO SPEAK, AGENDA ITEMS: THE PLANNING COMMISSION WILL PROVIDE AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COMMISSION ON ITEMS OF BUSINESS ON THE AGENDA, HOWEVER, TIME LIMITS MAY BE IMPOSED BY THE CHAIR AS PROVIDED FOR UNDER THE ADOPTED RULES OF CONDUCT OF PLANNING COMMISSION MEETINGS.

REVIEW OF TAPE RECORDING OF MEETING: PLANNING COMMISSION MEETINGS ARE AUDIO TAPE RECORDED. TAPE RECORDINGS ARE AVAILABLE FOR PUBLIC REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT FOR 30 DAYS AFTER THE MEETING.

COPIES OF AGENDA, AGENDA REPORTS AND OTHER MATERIALS: PRIOR TO EACH MEETING, COPIES OF THE AGENDA ARE AVAILABLE, AT NO CHARGE, AT CITY HALL DURING NORMAL WORKING HOURS. IN ADDITION, A LIMITED SUPPLY WILL BE AVAILABLE ON A FIRST COME, FIRST SERVED BASIS, AT THE PLANNING COMMISSION MEETINGS. COPIES OF AGENDA, REPORTS AND OTHER MATERIAL WILL BE PROVIDED UPON REQUEST SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT. A COPY FEE OF 25 CENTS PER PAGE WILL BE CHARGED.

ANY MEMBER OF THE PUBLIC MAY SUBMIT A WRITTEN REQUEST FOR A COPY OF PLANNING COMMISSION AGENDAS TO BE MAILED TO THEM. REQUESTS MUST BE ACCOMPANIED BY A CHECK IN THE AMOUNT OF \$25.00 FOR A SINGLE PACKET AND \$250.00 FOR A YEARLY SUBSCRIPTION.

THE COUNCIL CHAMBER IS WHEELCHAIR ACCESSIBLE

**MINUTES OF THE WINTERS PLANNING COMMISSION SPECIAL MEETING
HELD ON TUESDAY, AUGUST 10, 2010**

Chairman Neu called the meeting to order at 6:30 p.m.

PRESENT: Commissioners Cowan, DeVries, Guelden, Martinez, Meisch, Tramontana, and Chairman Neu

ABSENT: None

STAFF: City Manager John Donlevy, Community Development Director Nelia Dyer, City Attorney John Wallace, Contract Assistant City Attorney Laura Hollender, Contract Planner Heidi Tschudin, Contract Engineer Jim Fletter, Contract Traffic Engineer Bob Grandy, and Administrative Assistant Jenna Moser

Commissioner Meisch led the Pledge of Allegiance.

CITIZEN INPUT: None

COMMUNICATIONS:

Staff Reports: Community Development Director Dyer reviewed the agenda and the order of discussion.

Commission Reports: None

CONSENT ITEM

Approve minutes of the July 13, 2010 special meeting of the Planning Commission.

Motion by Commissioner Guelden, Second by Commissioner Tramontana to approve the minutes for the July 13, 2010 special meeting of the Planning Commission. Motion carried with the following roll call vote:

AYES: Commissioners Cowan, DeVries, Guelden, Martinez, Meisch, Tramontana, and Chairman Neu

NOES: None

ABSTAIN: None

ABSENT: None

DISCUSSION ITEM

- A.** PUBLIC HEARING AND CONSIDERATION OF A PLANNING APPLICATION FOR A CONDITIONAL USE PERMIT, SITE PLAN/DESIGN REVIEW, SIGN PERMIT FOR A FREEWAY INFORMATION SIGN, VARIANCE FOR THE FREEWAY INFORMATION SIGN, AND CEQA CLEARANCE FOR A PROPOSED BURGER KING RESTAURANT, ARCO GAS STATION, AM/PM CONVENIENCE MART, AND TRUCK FUELING FACILITY.

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Community Development Director Dyer provided an overview of the staff report, staff recommendations, site plans, and exhibits. City Manager John Donlevy provided a brief report on the existing signs in the City and surrounding area that are out of compliance under current regulations.

Commissioner Guelden requested that the top curved portion of the sign read "Winters". Commissioner Tramontana stated he liked Commissioner Guelden's idea.

Commissioner Martinez asked why staff could not consider the sign under the current standards rather than accept a variance. Ms. Dyer stated that staff informed the applicant that he could either comply with the City's current standards for freeway information signs or seek approval of a variance from Planning Commission to deviate from the current standards. Ms. Dyer added that staff recognizes the need to update the sign ordinance; however, staff determined that amending the sign ordinance was too big of a task for this one project.

Chairman Neu stated that he would like to follow the standards for signs that are already in place, and is not in favor of putting "Winters" on the top of the curved portion of the sign.

Mr. Sunny Ghai, the project applicant, stated that sign as proposed will draw people to the facility. He added that the current standards do not allow for a sign that one can view from I-505.

Commissioner Martinez asked Mr. Ghai if the sign as proposed meets his needs. Mr. Ghai responded yes.

Commissioner Martinez suggested stacking the signs rather than have them placed horizontally.

Chairman Neu stated that he does not support making the sign bigger.

Ms. Dyer read Condition of Approval #71, regarding the size and number of signs allowed per business.

Commissioner Martinez said she supported the stacking of the signs, and prefers a clean, streamlined look.

Ms. Dyer directed the Chairman to open the public hearing to receive comments. She added that once the public hearing is closed, staff and the Commissioners could review each action item with consideration of the comments from the public.

Chairman Neu opened the Public Hearing at 7:30PM.

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Susan Hassett, Pleasants Valley Road, stated she does not care what kind of gas they offer and supported keeping the trees that are currently on the subject site. She also mentioned that she is concerned about the impact of this gas station to other fuel stations in town.

Kate Laddish, 400 Morgan Street, stated she appreciates the work of staff and the applicant in response to the comments from the Commission and the public at the January 26, 2010 Planning Commission meeting. Ms. Laddish also stated she is not in favor of the illuminated stripe and favors a streamlined sign design.

Jan Scheubert, 307 Main Street, voiced concerns about pedestrian safety on 128, and would like to see a sidewalk along SR 128 from Railroad Avenue to the project site.

Marcia Gibbs, 204 Main Street, said she was concerned about rushing this project through approvals, and has concerns with traffic, pedestrian safety, flooding, air quality, mitigation monitoring and cumulative impacts.

Dora Bermudez, 711 Taylor Street, stated she is worried about the health of children and teenagers in the community resulting from the consumption of the kind of food that Burger King offers.

Lourdes Figueroa, 711 Taylor Street, has concerns about obesity, diabetes, and heart problems resulting from the consumption of the kind of food that Burger King offers.

Shaunie Briggs, 822 Railroad Avenue, stated that she has concerns with recent newspaper headlines in the Winters Express regarding the project. She also expressed that she does not support any concentration of fast food and read Policy I.D.7 from the General Plan regarding the avoidance of any concentration of fast-food restaurants in Winters. Ms. Briggs added that she is not in favor of huge corporate signs near the City's gateway.

Dave Holdstock, 415 Dry Creek, voiced concerns about traffic generated by this project, entering and exiting on County Road 90.

Frank Martin, 815 Carrion Circle, supports the project, stating that he is a lifetime resident of Winters and that trucks have been entering and exiting at County Road 90 for years and years. Mr. Martin stated that he does not like people putting up roadblocks to development and said the sign should be even bigger.

Joe Castro, 104 Third Street, stated he is a lifetime resident of Winters and said that Mr. Ghai has done a good job with his design. Mr. Castro supports the size of the sign. Mr. Castro added that he does not think it is Mr. Ghai's responsibility

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to put in a sidewalk from I-505 to Railroad Avenue; however, he is concerned about the safety of children walking to and from the project

T.R. Martin, 31293 Russell, would like to see the sign standards revised. He also stated that supports the project and thinks it is long overdue. Mr. Martin stated that there are 16 restaurants in town and that competition is good for business.

Mike McCoy, 26738 County Road 34, questioned the CEQA exemptions and is opposed to the project faulting the planning. Mr. McCoy provided a letter to the Planning Commission for the record.

Susan Stackhouse, 101 Elliot Street, questioned the CEQA exemption, stating that the categorical exemption does not apply to this project. Ms. Stackhouse stated the city is approaching this area in a piecemeal fashion and does not support that. She also requested a project specific EIR. Ms. Stackhouse also has concerns about fuel leaks.

Javier Gutierrez, 1003 Hemenway, wants a plan in place for fuel leaks, and thinks the applicant is more concerned with the needs of Burger King than the needs of this community.

Mark Wilson, 208 Toyon, called the project "asphalt and blood" planning, and has concerns for pedestrian and traffic safety. Mr. Wilson asked for planning for fuel leaks, earthquakes, and HAZMAT incidents. Mr. Wilson also is concerned about graffiti.

Ana Kormos, 8870 Wintu Way, has public health and safety concerns related to the project and provided a petition against the project with signatures. Ms. Kormos wants to see more development in town but wants more time to determine the type of development.

Paul Meyer, 730 Lupine Way, spoke in favor of the project stating that Burger King is not an evil corporation. He also stated that the applicant is making an investment in the community. Mr. Meyer stated that the youth of the community has bigger concerns than cheeseburgers.

Bill Hailey, 25501 Buckeye Road, would like to see more thoughtful design sensitivity, stated concerns with flooding, and would like to see a ban on drive-through restaurants in Winters.

Sally Brown, 24 East Main, stated concerns about being pressured to decide to quickly and stated that she would like to be able to wait until further gateway planning has been done.

Al Vallecillo, 204 Main Street, voiced concerns about the CEQA exemption. Mr. Vallecillo provided a letter to the Planning Commission for the record.

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Cathy Cowan, 106 Third Street, stated she prefers the decorative aspects of the monument sign and likes the addition of a fourth "tenant" on the monument sign. Ms. Cowan also stated that she would like to see decorative awnings on the fuel canopies.

Jeff Ten Pas, 24 East Main, stated he thinks the review of this project has been rushed and has issues with parking.

Eric Doud, 15 Main Street, stated that he feels rushed in his review of the project and pressure on the Planning Commission to make a quick decision. Mr. Doud has concerns about aesthetics, safety and community welfare, and asked the Commission to postpone the decision.

Sunny Ghai, the applicant, stated that he has over a half million dollars in escrow right now and a decision is necessary.

Chairman Neu closed the Public Hearing at 8:46 PM and recessed for 5 minutes.

Commissioners returned to the dais at 8:56 PM.

Commissioner Cowan thanked staff, the applicant and the City Manager for the work on this item. Commissioner Cowan stated that he supports the sign with "Winters" at the top, and asked Mr. Ghai if the underground tank would cost more money. Mr. Ghai responded that there is a fee imposed by the State for underground tanks. The fee would be passed on as a cost to the customer.

Commissioner Cowan asked about Condition of Approval #82, regarding trash pickup. Mr. Ghai responded that trash pickup is done every 30 minutes along the paths of travel.

Commissioner Cowan suggested an alternative material to the black iron fence rails, and stated that while the illuminated red stripe is not a deal breaker for him, he reminded the applicant that the Commission suggested that it be removed from the design presented at the January 26, 2010 Planning Commission meeting, when the project was presented as an informational item. Mr. Ghai responded that if the Commission denies the stripe, the building would need to look more like a regular Burger King. Mr. Ghai added that his project team has already made many concessions on the design of the building.

Commissioner Cowan asked about corporate contributions to the community. Mr. Ghai responded that Burger King does fundraisers for local schools for scholarships and sports, and that all corporate donations go to local schools.

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Commissioner Cowan stated that he would support a mansard roof on the proposed fuel canopies, similar to what was approved for the canopy at Berryessa Sporting Goods.

Commissioner DeVries thanked the applicant and his team for their hard work on the project. Commissioner DeVries stated that he is in favor of more contoured fuel canopies/awnings with slope, and would like for the applicant to consider a non-illuminated band. Jamal Fair, Burger King Representative, stated that the illuminated band is LED lit, energy saving, and a real enhancement to the building.

Chairman Neu stated he wants non-offensive lights at the project site.

Commissioner Guelden suggested the use of landscaping along the retaining wall to minimize graffiti prone areas. Ms. Dyer stated that a condition of approval could be added for that suggestion.

Ms. Dyer informed the Commissioners that the freeway information sign can be located in the M-1 section of the parcel.

Commissioner Martinez stated that she prefers a more streamlined and simple sign style, supports the landscaping along the retaining wall to minimize graffiti. Commissioner Martinez iterated the concerns of some members of the public regarding CEQA.

Commissioner Meisch stated he supported landscaping along the retaining wall to minimize graffiti prone areas, supports locating the monument sign farther north on the lot, and maximizing outdoor seating and bike spaces.

Chairman Neu stated he does not want a glaring light coming from the project area, he supports more sidewalks accessing that site, and is concerned about graffiti. Commissioner Neu stated that the project had come a long way and is pretty much pleased with it. He would support a shed canopy, not flat. Commissioner Neu said he supports appealing franchises and would like to see a solar panel element to this project. Commissioner Neu stated finally that he feels we are rushing the project.

Commissioner DeVries moved to approve the application for a Conditional Use Permit, Site Plan/Design Review, Sign Permit, Variance, and CEQA Clearance for a proposed Burger King Restaurant, Arco Gas Station, AM/PM Convenience Mart, and truck fueling facility with conditions as amended. Seconded by Commissioner Guelden.

Commissioner Martinez asked for the amended conditions to be read.

Ms. Dyer read the amended and added conditions of approval:

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71. ~~Pursuant to Winters Municipal Code Section 17.80.030(R)(2), the sign plan shall be modified to provide sign area for additional businesses on the freeway identification sign, to the satisfaction of the Community Development Director. The total sign area of the freeway identification sign shall not exceed 240 200 square feet (or 60 square feet per individual business).~~

72. The sign plan shall be modified to remove the **arch (along with the City of Winters' logo) and the decorative cap located in the middle of the sign** from the freeway identification sign, to the satisfaction of the Community Development Director.

74. Pursuant to Winters Municipal Code Section 17.80.040, the building elevations showing the wall signs shall be modified to show wall signs on the north **west** and east elevations only and limited to a maximum total sign area of 100 square feet, to the satisfaction of the Community Development Director.

77. The site plan and landscaping plans shall be modified to increase proposed landscaping, provide pedestrian improvements, and incorporate outdoor seating area (including a possible water feature within a courtyard or plaza design) along Grant Avenue, **to the satisfaction of the Community Development Director.**

82. Applicant shall be responsible for **at least daily** regular trash pick-up on- and off-site as related to customers littering packaging associated with purchases from the fast food and convenience store.

85. **The retaining wall shall incorporate graffiti resistant materials. In addition, the applicant shall also be required to plant and maintain attractive climbing vegetation to screen and adorn the entire east elevation of the retaining wall, to the satisfaction of the Community Development Director.**

86. **All iron railing shall be powder coated to a complementary color, to the satisfaction of the Community Development Director.**

Commissioner Martinez moved to divide the question and consider five items separately. Chairman Neu seconded.

Heidi Tschudin, Contract Planner, advised the Commission to withdraw both of the motions in order for her to address the concerns and questions voiced by the public during the public hearing. Commissioner DeVries withdrew his motion. Commissioner Martinez withdrew her motion.

To address public's questions and concerns regarding CEQA, Ms. Tschudin stated that the 1992 General Plan EIR is still a valid document, the framework

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and mitigation is already in place regarding traffic and circulation, and that the term "peculiar" refers more to environmental peculiarity, not design.

Chairman Neu re-opened the Public Hearing at 10:35pm.

Jeff Ten Pas, 24 E Main Street, questioned about fill dirt required for the site.

Kate Laddish, 400 Morgan Street, asked about timing of traffic improvements. Bob Grandy, the Contract Traffic Engineer from Fehr and Peers, stated the first improvement would be a stop sign from the southbound ramp from I-505 onto Highway 128/Grant Ave.

Lynette McClure, asked how the City can rely on traffic studies from 1992. Mr. Grandy responded that the City's 1992 General Plan called for more traffic than the City has currently in build out estimates.

Shaunie Briggs, 822 Railroad Avenue, stated she does not support the sign variance and does not understand the documents. Ms. Briggs also asked if there are any additional applications for fast food restaurants at the City. Ms. Dyer responded no.

Lynette McClure, asked if any fast food restaurant has talked to the City about developing in Winters that have yet to submit a planning application. City Manager Donlevy stated "No".

Al Vallecillo, 210 Main, asked about the use of the infill exemption for this project. Ms. Tschudin responded that the site is surrounded by urban uses and land that is zoned for urban uses.

Joe Castro, 104 Third Street, stated he feels like the owner of the property is being shut down from developing it.

Kate Laddish, 400 Morgan Street, asked about the fueling canopy lighting. Ms. Dyer responded that it is addressed in the staff report.

Jeff Ten Pas, 24 E Main Street, commented on the patience of staff and the Commissioner this evening.

Chairman Neu closed the Public Hearing at 10:50PM.

Commissioner Cowan moved to:

- **Find the project to be exempt from further CEQA review pursuant to Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) and/or pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines**

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- **Approve the Conditional Use Permit (CUP)**
- **Approve the Site Plan/Design Review**
- **Approve the Sign Permit for the Freeway Information Sign**
- **Approve the Variance to Sign Ordinance**
- **Direct staff to file a CEQA Notice of Exemption, with conditions as amended.**

Seconded by Commissioner Tramontana. Motion carried with the following roll call vote:

AYES: Commissioners Cowan, DeVries, Guelden, Martinez, Meisch, Tramontana

NOES: Neu

ABSTAIN: None

ABSENT: None

COMMISSION/STAFF COMMENTS:

None

The meeting was adjourned at 11:00 p.m.

ATTEST:

Jenna Moser, CDD Admin

Pierre Neu, Chairman



PLANNING COMMISSION
STAFF REPORT

TO: Chairman and Planning Commissioners
DATE: August 24, 2010
FROM: Nelia C. Dyer, Community Development Director
SUBJECT: Public Hearing and Consideration of a Parcel Map Application for the dedication of right-of-way for the Walnut Lane Re-Alignment Project and splitting one lot into two lots at 101 East Grant Avenue

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions:

- 1) Receive the staff report;
- 2) Conduct the public hearing;
- 3) Confirmation of the finding of exemption from the provisions of CEQA. The project is considered categorically exempt, Class 15, Minor Land Divisions.
- 4) Finding of Consistency with the General Plan
- 5) Finding of Consistency with the Zoning Ordinance
- 6) Approve the Parcel Map application for the dedication of right-of-way for the Walnut Lane Re-Alignment Project and splitting one lot into two new lots at 101 East Grant Avenue

BACKGROUND/PROJECT DESCRIPTION: The property owners, Edward and Janet Andersen, are dedicating 1,534 square feet of right-of-way for the Walnut Lane Re-Alignment Project. The dedication of right-of-way is required to realign Walnut Lane at Grant Avenue (State Route 128) to provide a right-angle tee intersection to improve vehicular safety movements at that location. The project includes pavement widening (no additional travel lanes), overlay, storm drain pipe, pavement striping, and sidewalk. The project will tie-in with the improvements constructed with the Grant Avenue Safety Improvements project. All improvements will be constructed within the existing state right-of-way and/or city right-of-way.

In exchange for the land dedication, the City agreed to process the parcel map to subdivide the existing 30,422 square foot parcel (approximate size) located at 101 East Grant Avenue into two parcels approximately 13,736 and 15,152 square feet in size. The current use of the property includes an eye doctor's office with parking lot and storage shed. None of the structures on the site will be affected by the subdivision.

The property (APN 003-350-06) is approximately 30,422 square feet in size, has a General Plan land use designation of Central Business District, and is zoned Central Business District (C-2). The minimum lot size and width (or depth) for the C-2 Zone are 5,000 square feet and 50 feet, respectively. The project would comply with these standards.

According to Winters Municipal Code, Section 16.02.100, Parcel Map applications require approval by the Planning Commission.

METHODOLOGY: Two actions are required to process the proposed project:

- 1) Confirmation of CEQA exemption finding - Class 15, Minor Land Divisions
- 2) Approval of Parcel Map and attached conditions

APPLICABLE REGULATIONS: This project is subject to several regulations:

- The California Environmental Quality Act (CEQA)
- Subdivision Map Act
- State Planning and Zoning Law
- City of Winters General Plan
- City of Winters Zoning Ordinance

PROJECT NOTIFICATION: Public notice advertising for the public hearing on this project was prepared by the Community Development Department's Administrative Assistant in accordance with notification procedures set forth in the City of Winters Municipal Code and State Planning Law. Two methods of public notice were used: 1) a legal notice was published in the Winters Express on Thursday, August 12, 2010, and 2) notices were mailed to all property owners who own real property within three hundred feet of the project boundaries at least ten days prior to tonight's hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since Thursday, August 19, 2010.

ENVIRONMENTAL ASSESSMENT: The Parcel Map application has been reviewed in accordance with the California Environmental Quality Act (CEQA) and is considered categorically exempt under Section 15315 (Minor Land Divisions).

RECOMMENDED FINDINGS FOR 101 EAST GRANT AVENUE PARCEL MAP:

CEQA Findings:

1. In accordance with the provisions of CEQA, the project is categorically exempt from environmental analysis. The class 15 exemption specifies this exemption and is identified as "Minor Land Divisions".
2. The Planning Commission has considered comments received on the project during the public review process.
3. The categorical exemption reflects the independent judgment and analysis of the City of Winters.

General Plan Consistency Findings:

1. The proposed project is consistent with the provisions that have been outlined by the General Plan.

Zoning Consistency Findings:

1. The proposed project meets all regulatory requirements of the Zoning Ordinance.

Parcel Map Findings:

1. The proposed project, as conditioned, meets all regulatory requirements of the Subdivision Map Act and the City of Winters Subdivision Ordinance.

RECOMMENDATION: Staff recommends that the Planning Commission make an affirmative motion as follows:

I MOVE THAT THE WINTERS PLANNING COMMISSION APPROVE THE 101 EAST GRANT AVENUE PARCEL MAP BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTIONS:

1. Confirmation of exemption from the provisions of CEQA
2. Confirmation of consistency findings with the General Plan and Zoning Ordinance
3. Approval of the Parcel Map as depicted on the plans submitted and subject to the conditions of approval attached hereto.

ALTERNATIVES: The Commission can elect to modify any aspect of the approval or to deny the application. If the Commission chooses to deny the application, the Commission would need to submit findings for the official record that would illustrate the reasoning behind the decision to deny the project.

ATTACHMENTS:

1. Conditions of Approval
2. Assessor's Parcel Map for Project Site
3. Proposed Parcel Map
4. Public Hearing Notice (published and mailed copies)
5. Winters Municipal Code, Chapter 16.02 (Parcel Maps)

Andersen Parcel Map

CONDITIONS OF APPROVAL

Dated August 18, 2010

1. In the event any claim, action or proceeding is commenced naming the City or its agents, officers, and employees as defendant, respondent or cross defendant arising or alleged to arise from the City's approval of this project, the project applicant shall defend, indemnify, and hold harmless the City or its agents, officers, and employees, from liability, damages, penalties, costs, or expenses in any such claim, action, or proceeding to attach, set aside, void, or annul an approval of the City of Winters, the Winters Planning Commission, any advisory agency to the City and local district, or the Winters City Council. Project applicant shall defend such action at applicant's sole cost and expense, which include court costs and attorney fees. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense. Nothing in this condition shall be construed to prohibit the City of Winters from participating in the defense of any claim, action, or proceeding, if City bears its own attorney fees and cost, and defends the action in good faith. Applicant shall not be required to pay or perform any settlement unless the applicant in good faith approves the settlement, and the settlement imposes not direct or indirect cost on the City of Winters, or its agents, officers, and employees, the Winters Planning Commission, any advisory agency to the City, local district, and the City Council.
2. The project is as described in the staff report prepared for the August 24, 2010 Planning Commission meeting. The project shall be carried out in substantial compliance as depicted in Parcel Map #4977 date July 16, 2010 in the August 24, 2010 staff report.

RECORD DATA:

- (1) J.H. HILL'S SUBDIVISION, BOOK 44, DEEDS, PAGE 1
- (2) PARCEL MAP NO. 2708, BK. 3, PM., PG. 75
- (3) PARCEL MAP NO. 3176, BK. 5, PM., PG. 16
- (4) PARCEL MAP NO. 3675, BK. 9, PM., PG. 14
- (5) SUBDIVISION NO. 3558, BK. 15, MAPS, PG. 14
- (6) PARCEL MAP NO. 4592, BK. 2002, MAPS, PG. 16
- (7) PARCEL MAP NO. 3330, BK. 2, PM., PG. 23
- (8) PARCEL MAP NO. 3076, BK. 5, PM., PG. 92
- (9) PARCEL MAP NO. 4164, BK. 11, PM., PG. 30
- (10) PARCEL MAP NO. 2726, BK. 5, PM., PG. 56
- (11) PARCEL MAP NO. 2726, BK. 5, PM., PG. 56
- (12) DOC-2003-0026315-00
- (13) DOC-2005-0021921-00
- (14) BOOK 1998, PAGE 6697-00 61
- (15) VOLUME 563, O.R. 154
- (16) VOLUME 563, O.R. 154
- (17) DOC-2010-0003714-00

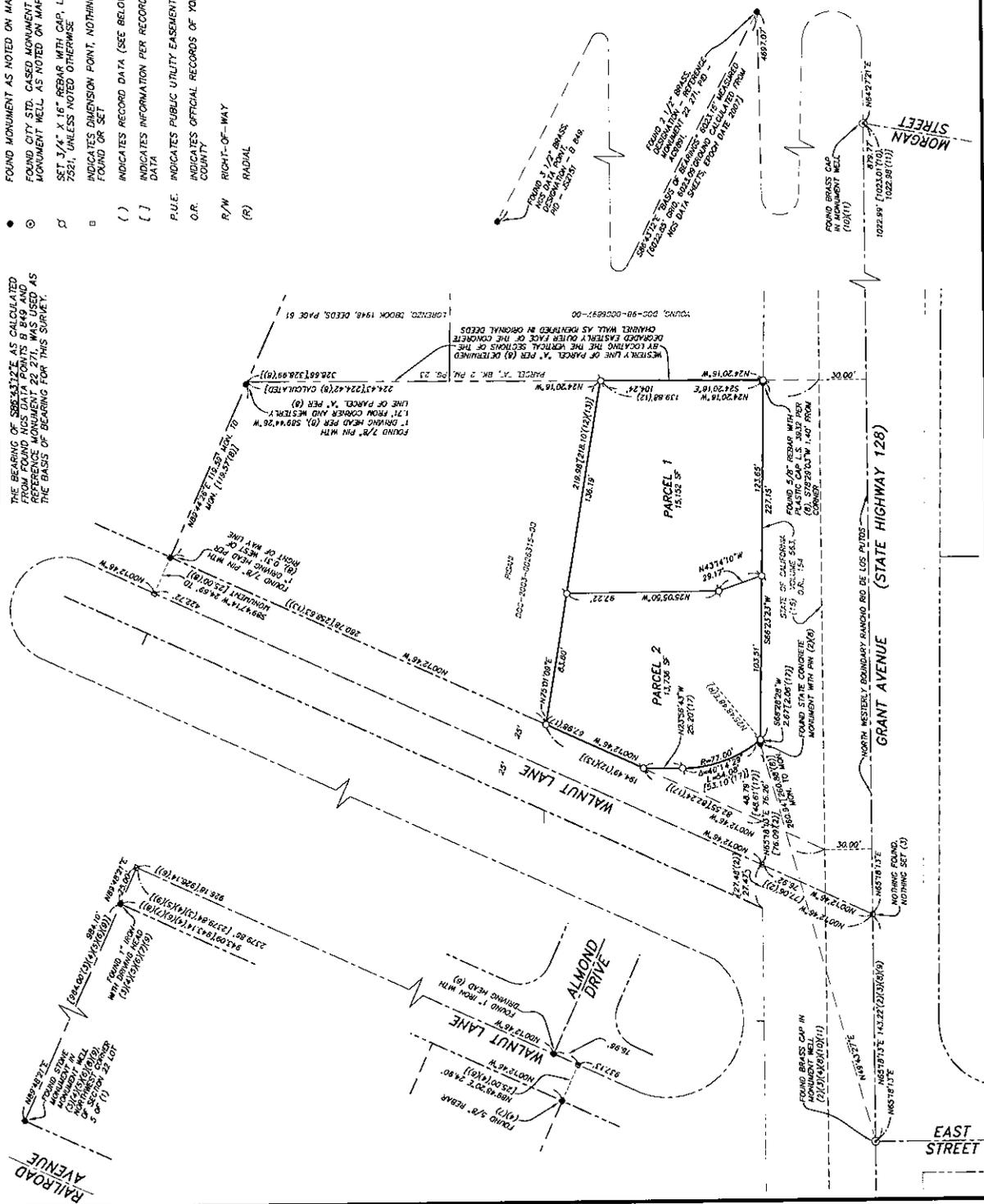
NOTES:
 1. DISTANCES ARE GIVEN AND SHOWN IN FEET AND DECIMALS THEREOF, AND ALL CURVE DIMENSIONS ARE ARC LENGTH AND DELTA.
 2. THE SUM OF THE INDIVIDUAL PARTS OF A GIVEN LINE OR CURVE MAY NOT EQUAL OVERALL QUANTITY DUE TO ROUNDING.

LEGEND:

- FOUND MONUMENT AS NOTED ON MAP
- FOUND CITY STD. CASED MONUMENT IN MONUMENT WELL AS NOTED ON MAP
- ⊕ SET 3/4" X 16" REBAR WITH CAP, LS 2521, UNLESS NOTED OTHERWISE
- INDICATES DIMENSION POINT, NOTHING FOUND OR SET
- () INDICATES RECORD DATA (SEE BELOW)
- [] INDICATES INFORMATION PER RECORD DATA
- P.U.E. INDICATES PUBLIC UTILITY EASEMENT
- O.R. INDICATES OFFICIAL RECORDS OF YOLO COUNTY
- R/W RIGHT-OF-WAY
- (R) RADIAL

BASES OF BEARINGS:

THE BEARING OF S86°31'2"E AS CALCULATED FROM FOUND NGS DATA POINTS B 849 AND REFERENCE MONUMENT 22 271, WAS USED AS THE BASIS OF BEARING FOR THIS SURVEY.



PARCEL MAP NO. 4977

FOR
 CHURCH AND JANE I. ANDERSON
 A PORTION OF LOT 9, J. H. HILL'S SUBDIVISION AS SHOWN
 IN BOOK 44 OF DEEDS, PAGE 1, YOLO COUNTY RECORDS,
 LOCATED IN A PORTION OF FRACTIONAL SECTION 22,
 TOWNSHIP 8 NORTH, RANGE 17 WEST, MOUNT Diablo
 MENDOCINO COUNTY, CALIFORNIA

LM LAUGENOUR AND MEIKLE
 CIVIL ENGINEERING - LAND SURVEYING - PLANNING
 608 COURT STREET, WOODLAND, CALIFORNIA 95695 PH: (530) 932-1100
 P.O. BOX 351, WOODLAND, CALIFORNIA 95676 FAX: (530) 932-1100

MAYOR:
Michael Martin
MAYOR PRO TEM:
Woody Fridae
COUNCIL:
Tom Stone
Harold Anderson
Cecilia Aguiar-Curry



MAYOR EMERITUS:
J. Robert Chapman
TREASURER:
Michael Sebastian
CITY CLERK:
Nanci G. Mills
CITY MANAGER:
John W. Donlevy, Jr.

PROOF OF SERVICE BY MAIL

I am Jenna Moser, Administrative Assistant for the Community Development Department of the City of Winters. I am over the age of 18 years. My business address is 318 First Street, Winters, CA 95694.

On August 10, 2010 I served the foregoing Notice of Action by depositing a true copy thereof in The United States Mail in Winters, CA, enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows:
See attached mailing labels.

I certify under penalty of perjury under the laws of California that the foregoing is true and correct, and that this document is executed on August 10, 2010 at Winters, California.



Jenna Moser, Community Development Administrative Assistant



Memorandum

To: Interested Parties
Date: August 10, 2010
From: Community Development Department
Subject: Notice of Public Hearing - August 24, 2010

The Winters Planning Commission will conduct a public hearing on the project application as described below, beginning at 6:30 P.M. on Tuesday, August 24, 2010, or as soon as possible thereafter, in the City Council Chambers located on the first floor of City Hall at 318 First Street, Winters, California 95694.

Project Location: 101 East Grant Avenue, Winters, CA (APN 003-350-06)

Application Type: The Planning Commission is conducting a public hearing to solicit comments regarding a proposed Parcel Map.

Project Description: The proposed project dedicates right-of-way for the Walnut Lane Re-Alignment Project and proposed to split one lot into two new lots.

Environmental Determination: This project is exempt from the California Environmental Quality Act (CEQA) per Guideline Section 15315, Minor Land Divisions.

Public Hearing Information: The purpose of the public hearing will be to give citizens an opportunity to comment on the project. If you are unable to attend the public hearing, you may direct written comments to the City of Winters, Community Development Department, 318 First Street, Winters, CA 95694 or via e-mail at nelia.dyer@cityofwinters.org.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in these hearings, please contact City Clerk Nanci Mills at (530) 795-4910, ext. 101. Please make your request as early as possible and at least one-full business day before the start of the hearing.

The City does not transcribe its hearings. If you wish to obtain a verbatim record of the proceedings, you must arrange for attendance by a court reporter or for some other means of recordation. Such arrangements will be at your sole expense.

Pursuant to Section 65009 (B)(2) of the State Government Code, if you wish to challenge the action taken on this matter in court, the challenge may be limited to raising only those issues raised at the public hearing, described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Availability of Documents: Copies of the Staff Report can be viewed at the office of the Community Development Department, 318 First Street, City Hall and will also be available on the City's website at http://www.cityofwinters.org/administrative/admin_boards.htm on August 19, 2010. For more information regarding this project, please contact Nelia Dyer, Community Development Director, at (530) 795-4910 x114.

003 321 03MARIANI NUT COMPANY
P O BOX 808
WINTERS, CA 95694

003 350 05PISANI ROBERT A AND PISANI
ROBERT A AND 2000 REV LI
709 WALNUT LN
WINTERS, CA 95694

003 350 03RAMOS JOHN L AND FRANCES M
AND RAMOS FAM TRUST
803 WALNUT LANE
WINTERS, CA 95694

003 350 04ATHERTON JACK L AND J C C AND
ATHERTON TRUST
711 WALNUT LANE
WINTERS, CA 95694

003 370 28WINTERS COMMUNITY
DEVELOPMENT AGENCY
318 1ST ST
WINTERS, CA 95694

003 370 30WINTERS COMMUNITY
DEVELOPMENT AGENCY
318 1ST ST
WINTERS, CA 95694

003 350 07LORENZO ALADDIN C AND LYNDA TR
121 E GRANT AVE
WINTERS, CA 95694

003 350 11YOUNG E A AND NELL A TR
114 ALMOND DR
WINTERS, CA 95694

003 350 12EAST GRANT AVENUE LLC
121 E GRANT AVE
WINTERS, CA 95694

003 160 34WINTERS CITY OF
318 FIRST ST
WINTERS, CA 95694

003 330 23ARELLANO JOSE LUIS AND VERONICA
800 WALNUT LN
WINTERS, CA 95694

003 350 06ANDERSEN EDWARD AND JANET ANI
ANDERSEN REV TRUST
101 E GRANT AVE
WINTERS, CA 95694

003 370 29WINTERS COMMUNITY
DEVELOPMENT AGENCY
318 1ST ST
WINTERS, CA 95694

003 321 04MARIANI NUT COMPANY
P O BOX 808
WINTERS, CA 95694

003 321 01MARIANI NUT COMPANY
P O BOX 808
WINTERS, CA 95694

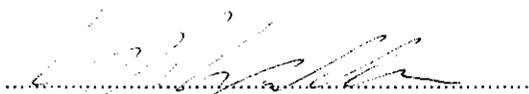
PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA
COUNTY OF YOLO

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of THE WINTERS EXPRESS, a newspaper of general circulation, printed and published in the City of Winters, County of Yolo, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Yolo, State of California, under the date of December 24, 1951, Case Number 12461; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit : August 12, 2010.
I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Winters, California, this 12th day of August, 2010.

CHARLES WALLACE


.....
Signature

This space is for the County Clerk's Filing Stamp

Notice of Public Hearing

Notice of Public Hearing

The Winters Planning Commission will conduct a public hearing on the project application as described below, beginning at 6:30 P.M. on Tuesday, August 24, 2010, or as soon as possible thereafter, in the City Council Chambers located on the first floor of City Hall at 318 First Street, Winters, California 95694.

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Availability of Documents: Copies of the Staff Report can be viewed at the office of the Community Development Department, 318 First Street, City Hall and will also be available on the City's website at <http://www.cityofwinters.org/administration> on August 19, 2010. For

Chapter 16.02 PARCEL MAPS

Sections:

- 16.02.010 Applicability.
- 16.02.020 Waiver of parcel map requirement.
- 16.02.030 Parcel map—Form and contents.
- 16.02.040 Parcel map—Data and reports.
- 16.02.050 Engineer's (surveyor's) and recorder's statements.
- 16.02.060 Field survey requirement.
- 16.02.070 Preliminary submittal.
- 16.02.080 Review by city engineer.
- 16.02.090 City engineer's statement.
- 16.02.100 Review and approval of parcel map.
- 16.02.110 Grounds for denial.
- 16.02.120 Appeal.
- 16.02.130 City clerk to transmit parcel map to county recorder.
- 16.02.140 Amendments to approved or conditionally approved parcel map.
- 16.02.150 Judicial review—Action must be within ninety (90) days.
- 16.02.160 Processing fees.

16.02.010 Applicability.

This chapter sets forth the provisions governing the form, contents, submittal, approval, and filing of a parcel map. A parcel map shall be required for all divisions of land into four or less parcels, except that a parcel map shall not be required for:

- A. Subdivisions of a portion of the operating right-of-way of a railroad corporation, as defined by Section 230 of the Public Utilities Code, that are created by short-term leases (terminable by either party on not more than thirty (30) days' notice in writing); or
- B. Land conveyed to or from a government agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. For purposes of this subsection, land conveyed to or from a governmental agency shall include a fee interest, a leasehold interest, an easement, or a license; or
- C. The exclusions provided for in Section 66412 of the Subdivision Map Act; or
- D. Parcel maps waived by the planning commission in accordance with Section 16.02.020. (Ord. 2009-06 § 1 (part))

16.02.020 Waiver of parcel map requirement.

- A. Waiver. After notice and public hearing in accordance with the terms of Section 16.01.090, the planning commission may waive the requirement of submission of a parcel map for subdivisions for which a parcel map is required under subdivision (a), (b), (c), (d), or (e) of Section 66426 of the Government Code and other subdivisions for which a final map is not required under the Subdivision Map Act, if the planning commission

finds that the proposed division of land complies with the legal requirements as to area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of the Subdivision Map Act, the general plan, any applicable specific plan and this code which are applicable to the division of such land.

B. Certificate of Compliance. Upon the waiver of the parcel map requirement by the planning commission, the city engineer shall file with the county recorder a certificate of compliance for the land to be divided, and a plat map showing the division. The certificate shall include a certificate by the county tax collector stating that all taxes due have been paid or that a tax bond or other adequate form of security assuring payments of all taxes which are a lien but not yet payable has been filed with the county.

C. Conditions. A waiver by the planning commission may be conditioned to provide for, among other things, payment by the subdivider of parkland dedication, drainage and other fees that are permitted by law by a method approved by the city council.

D. Report to City Council. If any waiver is approved or conditionally approved pursuant to this section, the planning commission shall make a written report thereof to the city council within ten (10) days of such action. If the city council, by a majority vote, decides to review the waiver and conditions, it shall conduct a public hearing after giving notice pursuant to Sections 65090 and 65091 of the Government Code. The public hearing shall be held within thirty (30) days after the date of the request for review. The city council may add, modify or delete conditions if the planning commission determines that such changes are necessary to ensure that the waiver conforms to the Subdivision Map Act, the general plan, any applicable specific plan, and this code. Within ten (10) days following the conclusion of the hearing, the city council shall render its decision. If the city council does not act within the time limits set forth in this section, the waiver shall be deemed to have been approved or conditionally approved as last approved or conditionally approved by the planning commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, the general plan, any applicable specific plan, and this code.

E. Timeframe for Action. An application for a waiver shall be acted upon no later than sixty (60) days after the application for a waiver is deemed complete, unless that time limit is extended by mutual consent of the subdivider and the community development director. (Ord. 2009-06 § 1 (part))

16.02.030 Parcel map—Form and contents.

The parcel map shall be prepared in a manner acceptable to the planning commission and shall be prepared by a registered civil engineer or land surveyor. The form and contents of the parcel map shall conform to all of the following provisions:

A. The parcel map shall show the locations of streets and property lines bounding the property;

B. It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates or statements, affidavits, and acknowledgements may be legibly stamped or printed upon

the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility;

C. The size of each sheet of the parcel map shall be eighteen (18) by twenty-six (26) inches or four hundred sixty (460) by six hundred sixty (660) millimeters. A marginal line shall be drawn around each sheet, leaving an entirely blank margin of one inch or twenty-five (25) millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown;

D. Each parcel shall be numbered or lettered and each block may be numbered or lettered. Each street shall be named or otherwise designated. The subdivision number shall be shown together with the description of the real property being subdivided;

E.1. The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated.

2. The map shall show the location of each parcel and its relation to surrounding surveys. If the map includes a "designated remainder" parcel or similar parcel, and the gross area of the "designated remainder" parcel or similar parcel is five acres or more, that remainder parcel need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel.

3. A parcel designated as "not a part" shall be deemed to be a "designated remainder" for the purposes of this section;

F. Subject to the provisions of Section 66436 of the Subdivision Map Act, a statement, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map is required.

With respect to a division of land into four or fewer parcels, where dedications or offers of dedications are not required, the statement shall be signed and acknowledged by the subdivider only. If the subdivider does not have a record title ownership interest in the property to be divided, the local agency may require that the subdivider provide the local agency with satisfactory evidence that the persons with record title ownership have consented to the proposed division. For purposes of this subsection, "record title ownership" means fee title of record unless a leasehold interest is to be divided, in which case "record title ownership" means ownership of record of the leasehold interest. Record title ownership does not include ownership of mineral rights or other subsurface interests that have been severed from ownership of that surface;

G. Statements and acknowledgments required pursuant to subsection F of this section shall be made by separate instrument to be recorded concurrently with the parcel map being filed for record;

H. No additional survey and map requirements shall be included on a parcel map that

do not affect record title interests;

I. Whenever a certificate or acknowledgment is made by separate instrument, there shall appear on the parcel map a reference to the separately recorded document. This reference shall be completed by the county recorder pursuant to Section 66434.2 of the Government Code;

J. The parcel map shall contain a statement by the engineer or surveyor responsible for the preparation of the map that states that all monuments are of the character and occupy the positions indicated, or that they will be sited in those positions on or before a specified date, and that the monuments are, or will be, sufficient to enable the survey to be retraced; and

K. Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the parcel map shall constitute abandonment of all public streets and public easements not shown on the map; provided, that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map. Before a public easement vested in another public entity may be abandoned pursuant to this section, that public entity shall receive notice of the proposed abandonment. No public easement vested in another entity shall be abandoned pursuant to this section if that public entity objects to the proposed abandonment. (Ord. 2009-06 § 1 (part))

16.02.040 Parcel map—Data and reports.

The subdivider shall also comply with the data and report requirements contained in Sections 16.01.050 and 16.01.060, unless otherwise waived by the community development director. (Ord. 2009-06 § 1 (part))

16.02.050 Engineer's (surveyor's) and recorder's statements.

A statement of the engineer's or surveyor's conformance with the requirements of the Subdivision Map Act and this chapter shall appear on the parcel map in accordance with Section 66449 of the Subdivision Map Act. (Ord. 2009-06 § 1 (part))

16.02.060 Field survey requirement.

In all cases where a parcel map is required, the parcel map shall be based upon a field survey made in conformity with the land surveyors or be compiled from recorded or filed data when sufficient recorded or filed survey monumentation presently exists to enable the retracement of the exterior boundary lines of the parcel map and the establishment of the interior parcel or lot lines of the parcel map. (Ord. 2009-06 § 1 (part))

16.02.070 Preliminary submittal.

The subdivider shall submit prints of the parcel map to the city engineer for checking. The preliminary prints shall be accompanied by copies of the data, reports, and documents required by Section 16.02.040. (Ord. 2009-06 § 1 (part))

16.02.080 Review by city engineer.

The city engineer shall review the parcel map and the subdivider shall make corrections

or additions until the map is acceptable to the city engineer. (Ord. 2009-06 § 1 (part))

16.02.090 City engineer's statement.

The city engineer shall prepare a statement in accordance with the provisions in Section 66450 of the Subdivision Map Act upon completing the review of the parcel map as provided for in Section 16.02.080. (Ord. 2009-06 § 1 (part))

16.02.100 Review and approval of parcel map.

A. Application Filing and Review by Applicable Agencies. After review by the city engineer, the parcel map application shall be filed with the community development director. The subdivider shall file the number of parcel maps that the community development director deems necessary. The community development director shall forward copies of the parcel map to the affected public agencies and utilities which may, in turn, forward to the department their findings and recommendations. Public agencies and utilities shall certify that the subdivision can be adequately served.

B. Application Deemed Complete. The application shall be deemed complete by the community development director only when the form and contents of the parcel map conform to the requirements of Section 16.02.030 and when all accompanying data and reports as required by Section 16.02.040 have been submitted and accepted by the community development director. If the community development director does not determine whether a parcel map application is complete within thirty (30) days of receiving application, then the application shall be deemed complete.

C. Approval. After notice and a public hearing in accordance with the terms of Section 16.01.090(A), the planning commission shall approve, conditionally approve or deny the parcel map. Any action by the planning commission shall be supported by findings that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the Subdivision Map Act, the general plan, any applicable specific plan and all applicable provisions of this code. Such action shall occur within fifty (50) days after certification of the environmental impact report, adoption of a negative declaration, or a determination by the planning commission that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code. (Ord. 2009-06 § 1 (part))

16.02.110 Grounds for denial.

The planning commission shall deny approval of a parcel upon making any of the following findings:

- A. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the Government Code;
- B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
- C. That the site is not physically suitable for the type of development;
- D. That the site is not physically suitable for the proposed density of development;
- E. That the design of the subdivision or the proposed improvements are likely to cause

substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

F. That the design of the subdivision or type of improvements is likely to cause serious public health problems; or

G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the planning commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. 2009-06 § 1 (part))

16.02.120 Appeal.

The subdivider or any interested person adversely affected by any action of the planning commission with respect to the parcel map may, within ten (10) days after the decision, file an appeal in writing with the city council. The city council shall consider the appeal within thirty (30) days after the date of filing of the appeal, unless the appellant consents to a continuance. Within ten (10) days following the conclusion of the hearing, the city council shall render its decision. The appeal shall be a public hearing after notice has been given according to Section 16.01.090(A). In addition, notice of the public hearing shall be given to the planning commission. The city council may sustain, modify, reject or overrule any recommendations or rulings of the planning commission and may make any findings which are consistent with the provisions of the Subdivision Map Act, the general plan, any applicable specific plan or this code. (Ord. 2009-06 § 1 (part))

16.02.130 City clerk to transmit parcel map to county recorder.

Upon approval of a parcel map by the planning commission or the city council, whichever occurs last, and after all certificates or statements and security required by Section 66493 of the Subdivision Map Act have been filed and deposited with the city clerk, the city clerk shall transmit the parcel map to the county recorder pursuant to the provisions of Section 66464 of the Subdivision Map Act. (Ord. 2009-06 § 1 (part))

16.02.140 Amendments to approved or conditionally approved parcel map.

After a parcel map is filed with the county recorder, it may be amended by a certificate of correction or an amending map pursuant to provisions of Section 66469 et seq. of the Subdivision Map Act. (Ord. 2009-06 § 1 (part))

16.02.150 Judicial review—Action must be within ninety (90) days.

Any action or proceedings to attack, review, set aside, void or annul the decision of the planning commission or the city council concerning the subdivision, or of any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced and service of summons effected within ninety (90) days after the date of such decision.

Thereafter all persons are barred from any such action or proceeding or any defense of

invalidity or unreasonableness of such decision or of such proceedings, acts or determinations. Any such proceeding shall take precedence over all matters of the calendar of the court except criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings. (Ord. 2009-06 § 1 (part))

16.02.160 Processing fees.

Reasonable fees for processing a parcel map may be established by resolution of the city council. (Ord. 2009-06 § 1 (part))

This page of the Winters Municipal Code is current through Ordinance 2010-02, passed March 8, 2010.

Disclaimer: The City Clerk's Office has the official version of the Winters Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.cityofwinters.org/>
Telephone number: (530) 795-4910
Code Publishing Company