



Winters City Council Special Meeting
City Council Chambers
318 First Street
Tuesday, April 29, 2008
6:00 p.m.

AGENDA

Members of the City Council

*Woody Fridae, Mayor
Michael Martin, Mayor Pro Tempore
Harold Anderson
Cecilia Aguiar-Curry
Tom Stone*

*John W. Donlevy, Jr., City Manager
John Wallace, City Attorney
Nanci Mills, City Clerk*

PLEASE NOTE – The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Mayor or Council Members. Public comments time may be limited and speakers will be asked to state their name.

Roll Call

Pledge of Allegiance

Approval of Agenda

PUBLIC COMMENTS

At this time, any member of the public may address the City Council on matters, which are not listed on this agenda. Citizens should reserve their comments for matter listed on this agenda at the time the item is considered by the Council. An exception is made for members of the public for whom it would create a hardship to stay until their item is heard. Those individuals may address the item after the public has spoken on issues that are not listed on the agenda. Presentations may be limited to accommodate all speakers within the time available. Public comments may also be continued to later in the meeting should the time allotted for public comment expire.

CONSENT CALENDAR

All matters listed under the consent calendar are considered routine and non-controversial, require no discussion and are expected to have unanimous Council support and may be enacted by the City Council in one motion in the form listed below. There will be no separate discussion of these items. However, before the City Council votes on the motion to adopt, members of the City Council, staff, or the public may request that specific items be removed from

the Consent Calendar for separate discussion and action. Items(s) removed will be discussed later in the meeting as time permits.

PRESENTATIONS

DISCUSSION ITEMS

1. Approval to Release Negative Declaration for the Revised Storm Drainage Master Plan Update Project (pp 1-63)
 - Authorize amendment of the project description to incorporate proposed revised General Plan policies;
 - Direct staff to circulate the attached Negative Declaration for public review and comment;
 - Direct staff to schedule the project for review by the Planning Commission and bring forth a recommendation to Council.

COMMUNITY DEVELOPMENT AGENCY

CITY MANAGER REPORT

COUNCIL/STAFF COMMENTS

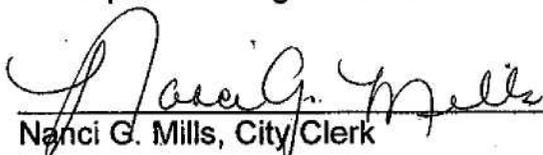
INFORMATION ONLY

EXECUTIVE SESSION

Meeting with City Manager to Discuss City Manager Evaluation Pursuant to Section 54957 of the Government Code

ADJOURNMENT:

I declare under penalty of perjury that the foregoing agenda for the April 29, 2008, regular meeting of the Winters City Council was personally delivered to each Councilmember's mail boxes in City Hall and posted on the outside public bulletin board at City Hall, 318 First Street on April 23, 2008, and made available to the public during normal business hours.



Nanci G. Mills, City Clerk

*Winters City Council Agenda
Special Meeting of April 29, 2008*

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Staff recommendations are guidelines to the City Council. On any item, the Council may take action, which varies from that recommended by staff.

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Wednesday at 10:00 a.m.

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CITY COUNCIL STAFF REPORT
April 29, 2008 Meeting

TO: Honorable Mayor and Councilmembers
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Heidi Tschudin, Contract Planner
SUBJECT: **Approval to release Negative Declaration for the revised Storm Drainage Master Plan Update Project**

RECOMMENDATION

- 1) Authorize amendment of the project description to incorporate proposed revised General Plan policies.
- 2) Direct staff to circulate the attached Negative Declaration for public review and comment.
- 3) Direct staff to schedule the project for review by the Planning Commission and bring forth a recommendation to Council.

BACKGROUND

On May 15, 2007 the City Council received a report from staff entitled "Status of CEQA Analysis for Storm Drainage Master Plan Update and Request for Direction to Proceed". The City Council deliberated the item and directed staff as follows:

Council Member Aguiar-Curry made a motion to direct staff to proceed with the preparation of a negative declaration pursuant to CEQA for the update of the Winters Storm Drainage Master Plan, to confirm that the fee nexus study to establish impact fees for improvements addressed in the Storm Drainage Master Plan will not move forward until the update of the Storm Drainage Master Plan is revised and brought forward for separate consideration, and to direct staff to include proposed adoption of the new General Plan policies as part of the Storm Drainage Master

Plan project. Council Member Anderson requested that mixed use development be incorporated into the motion, which was amended to reflect this. Motion was seconded by Council Member Martin. Motion carried unanimously as corrected.

Subsequent to the Council's action, in the course of completing the environmental analysis, the staff determined that an alternative set of proposed General Plan policy amendments would eliminate potential environmental impacts and possibly be more successful in pursuing the general direction of the Council regarding development controls within the Flood Overlay Zone of the General Plan.

This staff report identifies these alternative policies for the City Council, and requests the Council's approval to amend the project description to include them as a part of the project and to release the attached CEQA package for public review.

SUMMARY OF PROJECT

The Storm Drainage Master Plan Update (SDMPU) project is comprised of the following:

- Adoption of the "Moody Slough Subbasin Drainage Report" (August 2005) and the "Putah Creek/Dry Creek Subbasins Drainage Report" (August 2005). Together these two drainage reports constitute the 2008 Winters Storm Drainage Master Plan, and will amend and supersede the 1992 Storm Drainage Master Plan.
- Adoption of the "Moody Slough and Putah Creek/Dry Creek Subbasins Storm Drainage Cost Allocation Report" (August 2005)" establishing cost burdens for the storm drainage development fees. This report distributes the "fair share" burden for the various improvements based on zones of benefit.
- Amendment of the General Plan to add new policies to the Land Use Element and the Public Facilities and Services Element. The proposed new General Plan policies address development controls within the Flood Overlay Zone (FOZ). These policies are recommended because the act of adopting the SDMPU and subsequent fee program will open up 964 acres of previously constrained land to potential development without full funding and a program for implementation of the SDMPU in place. The policies will also clarify priorities for infill and job creation over new housing.
- Direct staff to revise and finalize the "Flood Overlay Area Storm Drainage Development Impact Fee Nexus Study" (November 4, 2005) in order to establish the storm drainage development fees. This draft Study has been circulated in draft form but is not proposed for adoption at this time. Because the draft Study uses input data that has subsequently been updated by the final drainage reports and cost allocation report it will require subsequent revisions after the City takes action on the subject project. The revised final study will be brought back to the Council

along with an amendment to the City's fee schedule in order to actually put in place the new fees.

OVERVIEW OF EXISTING FLOOD OVERLAY ZONE (FOZ)

The General Plan includes a designated Flood Overlay Zone (FOZ) totaling approximately 964 acres that includes ±350 acres within the City's Urban Limit Line (ULL) but outside of the City limits, plus ±614 acres within the City's boundaries. General Plan policies (particularly Policies I.A.9 and IV.D.4) have generally precluded most development in this area from proceeding until such time as a comprehensive solution for storm drainage has been put into place.

Policy I.A.9 - No new development may occur within the flood-overlay area shown in Figure II-1 until a feasibility and design study for a comprehensive solution to the 100-year flooding problem has been completed and a fee schedule has been established or financing program adopted which includes all affected and contributing properties for financing the comprehensive flood control solution.

Policy IV.D.4 - The City, in cooperation with property owners, developers and the Yolo County Flood Control and Water Conservation District shall undertake a feasibility and design study for a comprehensive solution to the flooding problems associated with Chicahominy and Moody Sloughs. The comprehensive solution may include such features as diversion to Putah Creek, diversion under I-505, detention ponds, changes in land use designations, elevating building pads, and structural flood proofing as deemed effective and cost effective. As a condition to any development entitlement approval, all development affected by or contributing to the 100-year flooding problem shall be required to contribute to the financing of the comprehensive flood control solution in an amount that reflects that property's relative contribution to the flooding problem or benefit from the program adopted.

The General Plan EIR contemplated adoption of the subject project, but not construction of specific improvements because at the time those improvements were not known. The General Plan EIR refers to the need for a comprehensive flooding/storm drainage program, but does not provide CEQA clearance for adoption/implementation of such a program or for construction of specific improvements that resolve drainage and flood control issues. The 1992 Storm Drainage Master Plan (which has not been amended or updated since adoption) specifically defers to a future action (which the subject project constitutes) to identify and adopt a comprehensive solution to the 100-year flooding problem.

Adoption of the SDMPU would serve to partially satisfy Policies I.A.9 and IV.D.4 of the General Plan. Under these policies, once a fee schedule or financing program is in place, this will open up the 964-acre FOZ area for potential development. The FOZ area is a significant land mass. Just the 614 acres within the current City limits represents almost 38 percent of the City's total municipal area of 1,630 acres. Based on the General Plan land use designations assigned to the area, acreage within the FOZ could result in the following maximum development yield:

- 2,182 dwelling units
- 512,265 square feet of commercial (retail and office) uses (including potentially some additional residential development as allowed under the General Plan)
- 1.69 million square feet of industrial uses
- 1.91 million square feet of public uses (government, hospital, religious, and schools)
- 212 acres of parks and open space (park, recreation, habitat, and some multi-use retention facilities).

However, only that portion already assumed within the General Plan EIR could potentially proceed in reliance on the General Plan EIR, without triggering the need for further CEQA clearance. The General Plan EIR assumed the following for the FOZ area:

- 1,603 dwelling units
- 293,800 square feet commercial
- 811,400 square feet industrial
- 0 square feet public
- 318.2 acres parks and open space

PROPOSED ALTERNATIVE GENERAL PLAN POLICIES

The following new General Plan policies are proposed as a part of the project:

Policy I.A.12: At such time as the City Council determines that Policies I.A.9 and IV.D.4 have been satisfied, including approval of a fee schedule or financing program, the 964-acre FOZ area may only be developed as provided in Policies I.A.13 through I.A.15, and Policies IV.D.6 and IV.D.7.

Policy I.A.13: As a way to improve the citywide job/housing balance, new job-producing non-residential development may develop within the FOZ, consistent with General Plan and zoning land use designations.

Policy I.A.14: New residential development may only occur in the FOZ area south of Moody Slough if it is determined to be "infill" development which is characterized by all of the following:

- Contiguous to other existing development.
- Consistent with the General Plan and zoning land use designations.
- Supported by a finding that the project is necessary because it would specifically provide critical roadway and infrastructure connections, not otherwise feasibly achievable, as determined by the City.

Affordable housing shall have priority over market-rate housing.

Policy I.A.15: With the exception of housing incidental to the non-residential development (e.g. manager quarters; watchman quarters; etc.) new residential development is not allowed north of Moody Slough Road until such time as all of the following occurs:

- The citywide jobs/housing balance has significantly improved as determined by the City Council. This shall require demonstration of an acceptable match between housing prices and job wages, as well as a balance between the number of jobs and the number of houses. Licensed home occupations may be included.
- The storm drainage improvements specified in the updated Storm Drainage Master Plan have appropriate CEQA clearance thus allowing construction to commence, and until a time table for construction has been developed and approved by Council with a finding that the construction schedule will result in timely operation of the ultimate facilities in a manner that avoids drainage and or flooding impacts from development that would be allowed to proceed.
- The area is subject to a Specific Plan process consistent with State law.

Policy IV.D.6: All development allowed to proceed within the General Plan flood overlay zone, in advance of implementation of storm drainage improvements specified in the updated Storm Drainage Master Plan, must address interim drainage and flooding requirements in a manner found acceptable by the City Engineer, and in a manner that furthers and is not inconsistent with the updated Storm Drainage Master Plan. To the extent feasible as determined by the City, interim improvements shall implement logical component parts of the storm drainage improvements identified in the updated Storm Drainage Master Plan.

Interim drainage/flooding solutions that do not implement logical components parts of the storm drainage improvements identified in the updated Storm Drainage Master Plan, or would be otherwise inconsistent with implementation of the update Storm Drainage Master Plan, can only be approved if consistent with the water quality treatment/design criteria and standards criteria of the updated Storm Drainage Master Plan and the City shall provide no reimbursement or credit for said work.

Policy IV.D.7: Notwithstanding any interim improvements constructed pursuant to Policy XD, all projects citywide and within the FOZ shall pay a Storm Drainage Master Plan Implementation Fee that represents a fair share towards implementation of the improvements specified in the updated Storm Drainage Master Plan. This fee shall be due prior to issuance of the building permit. To the extent that all or a component part of the Storm Drainage Master Plan is constructed by a project approved to move forward, credit toward the fee will be provided.

These proposed new General Plan policies will serve to control growth in the FOZ area until the necessary capital improvements have appropriate CEQA clearance thus allowing construction to commence and/or until a timetable for actual construction has been developed and approved. Additionally, the new policies would control the phasing and direction of growth within the FOZ area, and would give priority to non-residential uses until a better citywide jobs/housing match has been achieved. The effect of the new policies would be to limit growth within the FOZ as shown below in column #3:

1) FOZ Maximum	2) General Plan EIR	3)FOZ Under New GP Policies
2,182 dus	1,603 dus	828 dus
512,265 sf comm.	293,800 sf comm.	512,265 sf comm
1.69 msf Indus	811,400 sf Indus	1.69 msf indus
1.91 msf public	0 sf public	1.91 msf public
212 ac park/OS	318.2 ac park/OS	212 ac park/OS
964.1 total acres	964.1 total acres	516.7 total acres

Therefore, by combining all constraints, the maximum development that could proceed in the FOZ without additional EIR analysis, as a result of this project is as follows:

- 828 dwelling units (maximum under proposed new General Plan policies)
- 293,800 sf commercial (General Plan EIR assumption)
- 811,400 sf industrial (General Plan EIR assumption)
- 0 sf public (General Plan EIR assumption)
- 212 ac parks and open space (FOZ maximum)

PRELIMINARY ENVIRONMENTAL REVIEW

A CEQA initial study has been completed examining the potential for significant environmental impacts as a result of the FOZ development described immediately above. Based on an analysis of available information, the staff has concluded that the prior General Plan EIR adequately addressed the potential for environmental impact from this possible development and that there would be no new impacts that would result. Therefore, the staff has determined that the appropriate CEQA documentation for the proposed project is a Negative Declaration.

The staff has attached a draft negative Declaration package for the Council's review. With the concurrence of Council, the staff proposes to circulate the Negative Declaration for public review and comment and proceed with hearings on the project.

Development within the FOZ area beyond the amount studied, up to the maximums allowed under the General Plan, will require additional CEQA analysis and satisfaction of thresholds established in the new General Plan policies.

EXHIBITS

Exhibits A through D have been previously distributed. Please contact staff or the City Clerk if additional copies are needed. Exhibit E is attached.

A -- Moody Slough Subbasin Drainage Report, Wood Rodgers, August 2005.

B -- Putah Creek/Dry Creek Subbasins Drainage Report, Wood Rodgers, August 2005.

C -- Moody Slough and Putah Creek/Dry Creek Subbasins Storm Drainage Cost Allocation Report, Wood Rodgers, August 2005.

D -- Draft Flood Area Storm Drainage Development Impact Fee Nexus Study, Economic and Planning Systems, Inc, November 4, 2005.

E -- Draft Negative Declaration



NOTICE OF INTENT AND NOTICE OF PUBLIC HEARING

TO: Interested Parties
FROM: Winters Community Development Department
DATE: April 15, 2008
SUBJECT: **NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION AND NOTICE OF PUBLIC HEARING TO TAKE ACTION ON THE PROPOSED STORM DRAINAGE MASTER PLAN UPDATE**

Applicant:

Nicholas Ponticello, City Engineer
c/o City of Winters
318 First Street
Winters, CA 95694
(530) 668-5883

Description of Project: The project is adoption and implementation of the following:

- 1) "Moody Slough Subbasin Drainage Report" and "Putah Creek/Dry Creek Subbasins Drainage Report". Together these two drainage reports constitute the 2008 Winters Storm Drainage Master Plan, and will amend and supersede the 1992 Storm Drainage Master Plan.
- 2) "Moody Slough and Putah Creek/Dry Creek Subbasins Storm Drainage Cost Allocation Report" establishing cost burdens for storm drainage development fees.
- 3) Amendment of the General Plan to add new policies.
- 4) Direction to revise and finalize the "Flood Overlay Area Storm Drainage Development Impact Fee Nexus Study" establishing storm drainage development fees.

Project Location: The project would affect land within the entire City of Winters as well as land outside the City within the Moody Slough Drainage Sub-basin and the Putah Creek Drainage Sub-basin which falls within the unincorporated area of Yolo County.

Environmental Determination: Negative Declaration.

Comments on the Negative Declaration: The City requests your written comments on the Negative Declaration during a **30-day review period** which begins [REDACTED], 2008 and ends [REDACTED], 2008. All comments must be received no later than 4:00 pm on the closing date of the comment period. Post marks are not accepted. Comments should be directed to Heidi Tschudin, Contract Planner, Community Development Department, 318 First Street, Winters, CA 95694.

Public Hearing: A public hearing will be held to consider adoption of the Negative Declaration and action on the project on Tuesday, [REDACTED], 2008 before the Planning Commission. This meeting will start at 7:30 pm at the City Council Chambers located on the first floor of City Hall at 318 First Street, Winters, California.

The Planning Commission will make a recommendation on the project to the City Council. The City Council will hold one or more hearings to receive the Planning Commission's recommendation, take additional testimony, and take final action on the project. Subsequent public notice of the City Council hearing(s) will be provided.

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 Jen Michaelis, Community Development Administrative Assistant at (530) 795-4910 x112. 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.

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 prior to the public hearing.

Availability of Documents: The Negative Declaration, supporting documentation, and project file are available for public review at the Community Development Department, Winters City Hall, 318 First Street, Winters, CA 95694. Copies of the Negative Declaration and the Initial Study will be available on the City's website (www.cityofwinters.org) under the Community Development Department tab (Reports & Publications option).

For more information regarding this project, please contact Heidi Tschudin, Contract Planner, at (916) 447-1809; or Nicholas Ponticello, City Engineer, (530) 668-5883.



NEGATIVE DECLARATION

Pursuant to Title 14, Chapter 3, Sections 15070 and 15071 of the California Code of Regulations, the **City of Winters** does prepare, make, declare, publish, and cause to be filed with the County Clerk of Yolo County, State of California, this Negative Declaration for the Project, described as follows:

PROJECT TITLE: Winters Storm Drainage Master Plan Update

PROJECT DESCRIPTION: The project is adoption and implementation of the following:

- 1) "Moody Slough Subbasin Drainage Report" and "Putah Creek/Dry Creek Subbasins Drainage Report". Together these two drainage reports constitute the 2008 Winters Storm Drainage Master Plan, and will amend and supersede the 1992 Storm Drainage Master Plan.
- 2) "Moody Slough and Putah Creek/Dry Creek Subbasins Storm Drainage Cost Allocation Report" establishing cost burdens for storm drainage development fees.
- 3) Amendment of the General Plan to add new policies.
- 4) Direction to revise and finalize the "Flood Overlay Area Storm Drainage Development Impact Fee Nexus Study" establishing storm drainage development fees.

PROJECT LOCATION: The project would affect land within the entire City of Winters as well as land outside the City within the Moody Slough Drainage Sub-basin and the Putah Creek Drainage Sub-basin which falls within the unincorporated area of Yolo County.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of Winters, City Council

CONTACT PERSON: Heidi Tschudin, Contract Planner, (916) 447-1809; Nicholas Ponticello, City Engineer, (530) 668-5883.

NAME OF ENTITY OR AGENCY CARRYING OUT PROJECT: City of Winters

NEGATIVE DECLARATION: The City of Winters has determined that the subject project, further defined and discussed in the attached Environmental Checklist/Initial Study will not have any significant effects on the environment. As a result thereof, the preparation of an environmental impact report pursuant to the California Environmental Quality Act (Division 13 of the Public Resources Code of the State of California) is not required.

The attached Environmental Checklist/Initial Study has been prepared by the City of Winters in support of this Negative Declaration. Further information including the project file and supporting reports and studies may be reviewed at the Community Development Department, Winters City Hall, 318 First Street, Winters, California, 95694.

MITIGATION MEASURES: Mitigation measures have not been identified for the project.

Heidi Tschudin, Contract Planner
City of Winters

April _____, 2008

ENVIRONMENTAL CHECKLIST AND INITIAL STUDY

Project Title: *City of Winters Storm Drainage Master Plan Update* comprised of adoption and implementation of the following: 1) "Moody Slough Subbasin Drainage Report" and "Putah Creek/Dry Creek Subbasin Drainage Report". Together these two drainage reports constitute the 2008 Winters Storm Drainage Master Plan, and will amend and supersede the 1992 City Storm Drainage Master Plan. 2) "Moody Slough and Putah Creek/Dry Creek Storm Drainage Cost Allocation Report" establishing cost burdens for storm drainage development fees. 3) Amendment of the General Plan to add new policies. 4) Direction to revise and finalize the "Flood Overlay Area Storm Drainage Development Impact Fee Nexus Study" establishing storm drainage development fees.

Lead Agency: City of Winters
Community Development Department
318 First Street
Winters, CA 95694

Lead Agency Contact: Nicholas Ponticello, City Engineer
(530) 668-5883

Heidi Tschudin, Contract Planner
(916) 447-1809

Project Location: The Moody Slough Drainage Subbasin consists of $\pm 3,260.4$ acres, a portion of which (± 902.4 acres) is within the incorporated boundary of the City of Winters, California. Generally all City acreage north of Moody Slough Road, east of Cemetery Drive, north of Grant Avenue (State Route 128), west of Interstate 505, falls within this drainage subbasin.

The Putah Creek Drainage Subbasin consists of ± 902.6 acres, a portion of which (± 361.5 acres) is within the incorporated boundary of the City. Generally everything within the City limits south of Moody Slough Road falls within this subbasin. More precisely, the south face of the berm along Willow Canal (just south of Moody Slough Road) represents the northern boundary of the Putah Creek/Dry Creek Subbasins.

These two drainage basins overlap substantially within and around the City boundaries. The infrastructure improvements identified in the two reports include a number of shared facilities.

The City boundaries encompass approximately 1,630 acres and the General Plan Urban Limit Line (ULL) includes another approximately 350 acres for a total of

approximately 1,980 acres.

General Plan and Zoning: Land Use: The Moody Slough and Putah Creek/Dry Creek Drainage Subbasins include a mix of existing and planned land uses within the City and agricultural land outside of the City, within the unincorporated are of Yolo County.

The General Plan includes a designated Flood Overlay Zone (FOZ) totaling approximately 964 acres that includes all ±350 acres of the non-annexed ULL, plus about 614 acres within the City's boundaries. This represents almost 38 percent of the City's total municipal area of 1,630 acres. Acreage within the FOZ is designated on the General Plan Land Use Diagram as follows:

<u>Land Use Designation</u>	<u>Acreage</u>
Agriculture	0.0
Rural Residential	45.9
Low Density Residential	123.4
Medium Density Residential	51.1
Medium/High Density Residential	46.0
High Density Residential	23.4
Neighborhood Commercial	10.0
Central Business District	0.0
Highway Service Commercial	5.6
Office	0.0
Planned Commercial	13.8
Planned Commercial/Business Park	0.0
Light Industrial	60.6
Heavy Industrial	36.6
Public/Quasi-Public	335.8
Parks and Recreation	76.2
<u>Open Space</u>	<u>135.7</u>
TOTAL	964.1

The FOZ represents a local flood designation that is not entirely coterminous with the Federal Emergency Management Agency (FEMA) 100-year floodplain or flood hazard area. The federal 100-year floodplain encompasses approximately 31.6 acres within the City limits and about 30.5 acres outside of the City limits but within the ULL.

The FOZ is defined as the area affected by or contributing to the City's flood problem and for this reason includes lands that fall both within and outside of the federal 100-year floodplain. The purpose of identifying the FOZ was to ensure the inclusion of those properties in the funding mechanism for improvements to reduce or eliminate the 100-year flood hazard. (N. Ponticello, City Engineer, pers. com. December 11, 2006)

Policies: The following goals and policies of the General Plan are applicable to the issue of storm drainage and/or flooding:

Land Use Goal I.A – To provide for orderly, well-planned, and balanced growth consistent with the limits imposed by the City's infrastructure and service capabilities and by the City's ability to assimilate new growth.

Policy I.A.9 - No new development may occur within the flood-overlay area shown in Figure II-1 until a feasibility and design study for a comprehensive solution to the 100-year flooding problem has been completed and a fee schedule

has been established or financing program adopted which includes all affected and contributing properties for financing the comprehensive flood control solution.

Public Facilities and Services Goal IV.A – To maintain an adequate level of service in the Winters' public facilities and services to meet the needs of existing and future development.

Policy IV.A.1 – The City shall ensure, insofar as possible, that public facilities and services are developed and operational, as they are needed to serve new development.

Policy IV.A.2 – The City shall regularly monitor current levels of service in Winters' public facilities and services.

Policy IV.A.3 – The City shall ensure through capital facility planning and budgeting and through review of private development projects that City-adopted level of service standards are maintained.

Policy IV.A.4 - The City shall ensure through a combination of development fees and other funding mechanisms that new development pays its fair share of the costs of developing new facilities and services. The City at its discretion may allow developers to construct needed improvements according to City specification in lieu of paying development fees for such improvements.

Policy IV.A.5 - The City shall ensure through a combination of assessment districts, utility user taxes, and other funding mechanisms that adequate funding is available for the improvement, operation, and maintenance of public facilities and services.

Public Facilities and Services Goal IV.D – To maintain an adequate level of service in the City's storm drainage system to accommodate runoff from existing and future development and to prevent property damage due to flooding.

Policy IV.D.1 - The City shall maintain a regular program for replacing and upgrading older and undersized storm drains

Policy IV.D.2 - The City shall expand and develop storm drainage facilities to accommodate the needs of existing and planned development.

Policy IV.D.3 - The City shall determine the feasibility of developing a recreational lake in conjunction with development of the North Area to serve as a detention facility, designed to accommodate all stormwater runoff from the North Area.

Policy IV.D.4 - The City, in cooperation with property owners, developers and the Yolo County Flood Control and Water Conservation District shall undertake a feasibility and design study for a comprehensive solution to the flooding problems associated with Chicahominy and Moody Sloughs. The comprehensive solution may include such features as diversion to Putah Creek, diversion under I-505, detention ponds, changes in land use designations, elevating building pads, and structural flood proofing as deemed effective and cost effective. As a condition to any development entitlement approval, all development affected by or contributing to the 100-year flooding problem shall be required to contribute to the financing of the comprehensive flood control solution in an amount that reflects that property's relative contribution to the flooding problem or benefit from the program adopted.

Policy IV.D.5 – Future drainage system discharges into Putah Creek, shall comply with applicable state and federal pollutant discharge requirements.

Natural Resources Goal VI.C -- To protect sensitive native vegetation and wildlife communities and habitat.

Policy VI.C.1 -- The City shall undertake a feasibility study for the establishment of an Open Space Preserve between the Urban Limit Line and Grant Avenue west of I-505. Such preserve should be designed to provide for a combination of uses including agriculture, habitat protection, groundwater recharge, and educational and recreational activities. The Open Space Preserve should, to the maximum extent possible, be designed to function as part of the City's flood control and wastewater discharge system. The City should consider requiring developments that cannot mitigate wetlands or riparian habitat impacts on-site to make in-lieu contributions to the establishment, development, and maintenance of the Open Space Preserve or other mitigations consistent with the regional Habitat Management Plan.

Natural Resources Goal VI.D -- To promote the protection and enhancement of wetlands and the riparian and aquatic ecosystems of Putah Creek and Dry Creek.

Policy VI.D.2 -- Modifications to creek/channels and other wetland features (e.g., bridge crossing, flood control improvements, or culverting) shall be designed to minimize disturbance to areas of dense riparian and marshlands cover. Any proposed channel modifications shall be coordinated with representatives of the California Department of Fish and Game and the U.S. Army Corps of Engineers to ensure that the concerns and requirements of both

agencies can be easily incorporated into specific development plans during the initial phase of project design. Where wetland features are present, jurisdictional determinations and appropriate mitigation will be required subject to the provisions of Section 404 of the Clean Water Act and Sections 1601-1606 of the CDFG Code. Preliminary determinations and coordination with jurisdictional agencies shall be completed prior to approving specific development plans on parcels with wetland features.

Health and Safety Goal VII.B – To prevent loss of life, injury, and property damage due to flooding.

Policy VII.B.1 -- The City shall continue to participate in the National Flood Insurance Program. To this end, the City shall ensure that its regulations are in full compliance with standards adopted by the Federal Emergency Management Agency.

Policy VII.B.2 -- Construction of storm drainage improvements shall be required, as appropriate, to prevent flooding during periods of heavy rainfall.

Policy VII.B.3 -- The City shall impose appropriate conditions on grading projects performed during the rainy season to ensure that silt is not conveyed to the storm drainage system.

Policy VII.B.4 -- To mitigate flooding impacts associated with Moody and Chickahominy Sloughs, the City shall require property owners who are affected by or contribute to such flooding to participate in the development and implementation of a comprehensive solution to the flooding problem in proportion to their relative contribution to the flooding problem or benefit from the program adopted.

Existing Conditions: The General Plan Background Report (May 19, 1992) contains a discussion of localized flooding problems starting on page IX-10. The City of Winters is situated on an alluvial fan formed by Putah Creek. Drainage is generally towards the southeast from the gently sloping hills to the west of the City across generally flat agricultural land and residential areas. The City falls primarily within two drainage subbasins – Moody Slough and Putah Creek/Dry Creek.

The terrain within both subbasins slopes from east to west. Moody Slough is slightly higher in elevation with a range of 313 feet in the coastal foothills, to 124 feet where Moody Slough crosses I-505. Putah Creek/Dry Creek has a range of 180 feet in the coastal foothills to 122 feet near Willow Canal. Ground elevation is 128 feet just upstream of Railroad Avenue.

The Moody Slough Drainage Subbasin is surrounded by the Chickahominy Slough Drainage Subbasin to the north, the Putah Creek Drainage Subbasin to the south, and the Dry Creek Drainage Subbasin to the west. During periods of high runoff, the Chickahominy Slough Drainage Subbasin spills into the Moody Slough Drainage Subbasin upstream (west) of I-505.

Groundwater within the low lying areas just upstream (west) of I-505 are rarely less than approximately 15 feet below the existing ground level.

Moody Slough is a natural drainage channel/canal that runs from west to east along the northerly boundary of the City. East (downstream) of I-505 it is named Dry Slough. Under existing conditions, during large storm events, flows from Moody Slough overtop CR 89 and I-505.

Dry Creek is a natural drainage channel/canal that bounds the City on the west. It runs north to south and crosses Highway 128 (Grant Avenue) before forming a confluence with Putah Creek.

Putah Creek is a natural drainage that bounds the City to the south. It runs from west

to east and crosses I-505

Many flooding problems in the vicinity of the City have been caused in part by impeded flow in Moody and Chickahominy Sloughs. Limited channel/canal capacity and culvert capacity at CR 89 and I-505 are the main contributors to flooding in Moody Slough. Several reaches of Chickahominy Slough are also undersized, and that channel/canal has been straightened to an east-west path which is not directly downslope. As a result, when the channel/canal overtops, the flows move southeasterly away from the channel/canal until it hits the elevated I-505 facility, which sends the flows south towards the Putah Creek subbasin and the town of Winters.

Existing land uses within the subbasins are primarily agriculture, rural residential, and open space. For the portion of these subbasins that lie within the City Limits, there are more urban uses, primarily residential. This affects the Putah Creek/Dry Creek Subbasin more so than the Moody Slough Subbasin which is larger and extends much further outside of the City limits.

Background: The City's Storm Drainage Master Plan (prepared by CH2M Hill) was adopted May 19, 1992 (Ordinance 92-06) in conjunction with adoption of the General Plan and other master plans for sewer and water. The FOZ was adopted at the same time as a part of the General Plan Land Use Diagram. The 1992 Master Plan has not been amended or otherwise modified to date and remains the City's controlling document for storm drainage master planning. The 1992 Master Plan specifically addressed only the portions of the City's Urban Limit Line that drained to Dry Creek and Putah Creek and deferred evaluation of the Moody Slough drainage to "future studies due to the identified 100-year flood plain in that area and the need for any drainage plan to be part of a comprehensive flood control solution."

On May 19, 1992 the City Council adopted Resolution No. 92-14 which imposed citywide development fees, including a storm drainage fee. On September 21, 1992 the City Council adopted Resolution No. 92-51 amending Resolution NO. 92-14 pertaining to fees for storm drainage system facilities and specifically noted that those fees were for areas of the City NOT subject to major flooding, and further provided that in the future when necessary facilities for flood control are identified and costs of construction of those facilities are established, storm drainage fees will be adopted for areas subject to major floods.

On April 2, 1996 the City Council adopted Ordinance No. 96-02 which established a Storm Drainage/Flood Control Fee of \$2,393 for the Ranch Arroyo Drainage Shed.

On November 21, 2000 the City Council took action to authorize an update of the City's Master Plan for storm drain/flood control in the Moody Slough 100-year flood area.

On December 17, 2002 the City Council approved Urgency Ordinance 2002-04 establishing an Interim Flood Fee which would apply to all construction in the Flood Overlay Zone as identified within the General Plan. This ordinance was extended by the City Council on January 21, 2003 for 30 days.

In September 2004 a report entitled "General Plan Flood Overlay Area Storm Drainage Impact Fees Report, Moody Slough and Putah Creek Subbasins, Revised Draft", referred to as the Draft Drainage Master Plan, was released.

On October 5, 2004 a presentation on the Drainage Impact Fees Report was presented to the City Council and the Council took no action at that time.

On September 9, 2005 three reports (dated August 2005) were released for public and agency review:

- Moody Slough Subbasin Drainage Report
- Putah Creek /Dry Creek Subbasins Drainage Report
- Moody Slough and Putah Creek/Dry Creek Subbasins Storm Drainage Cost Allocation Report

On November 4, 2005 the draft report entitled "Flood Area Storm Drainage Development Impact Fee Nexus Study" was released.

On April 18, 2006, in conjunction with approval of the Winters Highlands project, the City modified the FOZ to remove 32.75 acres (Note: The revised FOZ boundary and acreage is what has been used throughout this document.)

On September 19, 2006 the staff requested authorization from the City Council to initiate CEQA analysis for the Moody Slough Subbasin Report. The Council authorized staff to return with a CEQA determination.

Other Storm Drainage Planning Documents: Since adoption of the City's 1992 Storm Drainage Master Plan, a number of other engineering reports on area storm drainage have been prepared. They include:

- *Chickahominy – Moody Slough Watershed, State's Report to Steering Committee* prepared in January 1980 for the USDA Soil Conservation Service.
- *Chickahominy – Moody Slough Watershed – Investigation of Flood Problems* prepared in January 1982 for the USDA Soil Conservation Service.
- *Davis-Winters Drainage Report, Chickahominy -- Dry Slough Drainage Complex – Drainage Report* prepared in March 1986 for the Yolo County Department of Public Works and Transportation.
- *Winters North Area Flood Control Study* prepared for private parties in 1993 by Nolte and Associates.
- *West Central Master Plan* prepared in 1993 for the City of Winters (City Council Resolution No. 93-49).
- *Covell Drainage System Comprehensive Master Plan* prepared in 1993 for the Yolo County Flood Control District by Borcalli and Associates.
- *Winters Highlands Storm Drainage Study* prepared as a part of the Winters Highlands application in 1994 by Laugenour and Meikle.

- *Final feasibility Report, Environmental Assessment/Initial Study, Winters and Vicinity, California* prepared in February 1997 by the U.S. Army Corp of Engineers.
- *Greyhawk Specific Plan Drainage Master Plan* prepared as part of a project application in 2000.
- *Carter Ranch Subdivision Rancho Arroyo Detention Basin Design* prepared and subsequently constructed for the Carter Ranch project.

These independent studies form the basis for storm drainage collection, detention, and flood planning for their respective areas. The subject project takes these prior area-specific studies into account, and provides one comprehensive report that addresses collection, conveyance, detention, and flood control for the entire City, including providing the basis for establishing future impact fees and assessment districts based on zones of benefit.

Previous Relevant Environmental Analysis: The 1992 General Plan was the subject of a certified Environmental Impact Report that examined the environmental impacts associated with adoption of the General Plan. On May 19, 1992 the City Council adopted Resolution No. 92-13 certifying the two-volume EIR (SCH#91073080) prepared for the City General Plan and adopting the City General Plan. On the same date the City Council also adopted Resolution No. 92-13A adopting the "Storm Drainage Master Plan" prepared by CH2M Hill consistent with and for purposes of implementing the 1992 General Plan.

The General Plan EIR assumed a certain amount of growth on then-vacant land within the General Plan area as depicted in Figure 7 (revised, page E&R-56, FEIR, May 8, 1992). The vacant land yield analysis is broken down by six planning areas which do not compare precisely to the FOZ area; however the FOZ is generally comprised of Planning Areas I, V, and VI (Note: the CBD yield was excluded from Planning Area V because it clearly falls outside the FOZ). Within those planning areas, the General Plan EIR assumed the following growth would occur by 2010:

- 1,603 dwelling units
- 293,800 square feet commercial
- 811,400 square feet industrial
- 0 square feet public (Note: PQP acreage is identified in Revised Figure 6 but no development is assumed in Revised Figure 7)
- 318.2 acres parks and open space (Figure 6, revised, page E&R-55, FEIR, May 8, 1992).

For purposes of future development, this amount of growth within the FOZ is generally assumed to fall within build-out assumptions for the General Plan and therefore be already accommodated with the adopted master plans for roadways, water, and sewer service citywide. This would be confirmed at the time of proposed development through a project specific assessment of consistency with the General Plan EIR and EIR assumptions.

Regarding the planned storm drainage system that would provide flood control and storm drainage management for planned City growth, the General Plan EIR addresses this in several places:

Pages 105 through 113 of the Draft EIR addresses potential impacts associated with onsite drainage (storm drainage originating on or immediately to the west of the City's future growth area that would be captured within the City's storm drain pipe system) and regional flood control (management of flood waters approaching the City's growth area from the north and control of outflows from onsite drainage facilities). The DEIR concludes (page 112) that the (then) Draft Storm Drainage Master Plan would avoid both types of impacts and therefore no mitigation measures are necessary.

Pages E&R-19 through E&R-21 of the Final EIR make revisions to the DEIR analysis to refer to a future design and feasibility study for a comprehensive solution to the 100-year flooding problems associated with Chickahominy and Moody Sloughs. The revised text refers to preventing development through new proposed Policy I.A.9 until the comprehensive study has been completed. Potential features of that comprehensive solution are identified including diversion to Putah Creek, diversion under I-505, detention ponds, recreational lake/detention facility, modified land use, elevated building pads, and structural flood proofing. The text also refers to proposed revised Policy IV.D.4 which requires development to participate in the financing of the comprehensive solution based on nexus.

On page E&R-40 the flood overlay area is described as encompassing the majority of the FEMA 100-year floodplain and other areas which affect or are affected by 100-year flooding. Reference is made to new Policy I.A.9 and revised Policy IV.D.4 as preventing development within the FOZ until the feasibility study is done, the comprehensive solution identified, and the financing program put into place.

Pages 221 through 230 of the FEIR contain individual responses to comments made on the General Plan Draft EIR and reiterate changes described above from earlier pages of the FEIR.

In summary, the General Plan EIR refers to the need for a comprehensive flooding/storm drainage program, but does not provide CEQA clearance for adoption/implementation of such a program or construction of specific improvements that resolve drainage and flood control issues. This is because no such specific solution was ultimately adopted as a part of the General Plan, General Plan EIR, or City Storm Drainage Master Plan. The 1992 Storm Drainage Master Plan (which has not been amended or updated since adoption) specifically defers to a future action (which the subject project constitutes) to identify and adopt a comprehensive solution to the 100-year flooding problem.

Description of the Project: The project, for the purposes of this CEQA analysis, includes adoption of the package of three documents listed below and amendment of the General Plan to add new policies: 1) the "Moody Slough Subbasin Drainage Report" (August 2005); 2) the "Putah Creek/Dry Creek Subbasins Drainage Report" (August 2005); and 3) the Moody Slough and Putah Creek/Dry Creek Subbasins Storm Drainage Cost Allocation Report (August 2005)" establishing cost burdens for the storm drainage development fees. A fourth report, the Impact Fee Nexus Study has been circulated in draft form but is not proposed for adoption at this time. It will require subsequent revisions after the City takes action on the subject project.

There are several aspects or "layers" to this project from a CEQA perspective: 1) Program Adoption -- adoption of the documents themselves, which implement several goals and policies of the General Plan by putting into place a plan and fee program for solving area drainage problems; 2) Construction of Capital Improvements -- financing provided by the fee program would result in construction of the capital improvements that comprise the storm drain "solution"; and 3) Removal of Development Constraints -- indirect effects of opening up land now precluded from development within the flood overlay area. Each of these is discussed in more detail below.

Program Adoption -- As described, initially three documents are proposed for adoption. These documents partially implement the requirements of the City's General Plan, specifically, Land Use Policy I.A.9 and Health and Safety Policy VII.B.5 both of which require that a feasibility and design study for a comprehensive solution to the 100-year flooding problem be completed and a fee schedule established or financing program adopted which includes all affected and contributing properties. The adoption of these reports is required in order to allow the City to consider development in the Flood Overlay Area. Adoption of a fee schedule or financing program is also required.

The two Drainage Reports do the following: 1) evaluate existing drainage and flooding conditions within their respective drainage subbasins; 2) identify regulatory agencies, applicable policies and guidelines, permitting requirements; 3) develop storm drainage and surface water quality treatment design criteria and standards; 4) identify cumulative drainage and flooding impacts for each subbasin, associated with ultimate development in accordance with the City's General Plan; and 5) identify phased drainage master plan facilities to mitigate increases to existing flooding problems and accommodate planned development within each subbasin.

The objective of the Drainage Reports is to identify cost-effective "backbone" drainage facilities that would provide protection to planned development and prevent adverse impacts on surrounding lands. These proposed facilities are identified below:

Within the Moody Slough Subbasin:

Putah Creek Diversion Channel -- Excavated diversion channel/canal with maximum conveyance capacity of 1,150 cfs that would route overflow from proposed Moody Slough detention/water quality ponds to Putah Creek. This diversion channel/canal will also serve as a flood control facility for the Putah Creek/Dry creek subbasins by receiving overland releases as well as serving as a collection facility for overflow draining from water quality facilities. Assume acquisition of approximately 10 acres for this facility including the channel/canal, maintenance roads, landscaping, and fencing on each side. A concrete box culvert crossing under Grant Avenue and an outfall structure into Putah Creek will be required.

Moody Slough Detention/Water Quality Ponds -- Five excavated ponds, assumed to total approximately 71 acres, connected via an open channel/canal (totaling 7 acres) into a chain that directs drainage into the proposed diversion channel/canal. These ponds are depicted in Figure 7 of the Wood Rodgers Report, and would be generally located north of Moody Slough Road and south of CR 32A.

Runoff Corridors -- Three excavated "runoff corridors" (shallow channels/canals) for draining subbasin areas in the northwest that are outside the urban limit line but drain through the plan area into the westerlymost proposed detention/water quality pond. Land acquisition costs for the runoff corridors are not included in the report. It is assumed that other existing rights-of-way or easements are in place or that land will be dedicated.

Winters North Drain/Levee – An excavated channel/canal and levee along the northern limit line to direct floodwater from outside of the urban limit line easterly into Moody Slough where it crosses under I-505 in existing culverts. Included is a movable flood barrier that would be installed where the levee meets the frontage road to protect the City from high flows at this location during a flood event. Assume acquisition of approximately 31 acres for the Winters North Drain, Relocated Willow Canal described below, and I-505 floodwall including area for drain, levee, pipeline or open canal/channel, and future parallel roadway.

Relocated Willow Canal – Construction of a 54-inch pipeline between the Winters North Drain and proposed pond #1, along the northern urban limit. The pipeline would transition to a channel/canal near I-505. Levees and a new road would adjoin the channel/canal.

CR 33 – Overland flow from land to the south would be allowed to flow along CR 33 and discharge directly into the Putah Creek Diversion Channel.

Within the Putah Creek/Dry Creek Subbasins:

Putah Creek Diversion Channel – See description above.

Rancho Arroyo Regional Detention Pond – Modifications to existing pond to accommodate new pump station at pond outlet.

Putah Creek Detention/Water Quality Ponds – Four excavated ponds, assumed to total approximately 8 acres, each with an outlet control weir structure allowing drainage into the proposed diversion channel/canal. These ponds are depicted in Figure 5 of the Wood Rodger Report; and would be generally located north and south of Grant Avenue (two in each direction) at the east end of town near the I-505 interchange.

Grant Street Interceptor -- Excavated canal with 110 cfs capacity constructed between Broadview Drive and Grant Avenue to capture overland flow north of Grant Avenue and direct it into a proposed 60-inch storm drain that would be constructed parallel to Grant Avenue and would drain into the proposed Putah Creek Diversion Channel. Assume acquisition of one acre for both channel/canal and storm drain.

Additional Storm Drain – Construction of 66-inch storm drain along south face of Grant Avenue between Morgan Street and the southwest detention/water quality pond to capture flow in that area and direct it via the pond and diversion channel/canal, into Putah Creek.

The Cost Allocation Report allocates the costs of facilities identified in the Drainage Report, according to zones of benefit covering most of the northern portions of the City thus enabling the City to assess drainage development impact fees on land designated for development pursuant to the City's General Plan. The report identifies eight zones of benefit each with different requirements for storm drainage. The engineering "Opinion of Probable Cost" for the Moody Slough Subbasin Facilities is \$19,748,585. The engineering "Opinion of Probable Cost" for the Putah Creek/Dry Creek Subbasin Facilities is \$4,026,340. Total costs for improvements in both subbasins are estimated to be \$23,774,925.

The draft Impact Fee Nexus Study calculates the storm drainage development impact fee ("Flood Area Storm Drainage Fee" or "fee") to be assessed on new development within the flood overlay area based on establishment of nexus between projected new development in this area through buildout of the City's General Plan (2010) and the storm drainage facilities required to serve this development. The nexus basis is average runoff coefficients according to soil types within land use types. This nexus will serve as the basis for imposing the fees under California Government Section 66000 *et seq.* (Assembly Bill 1600). The draft Nexus Study identifies a cost range of \$28,904 per

acre for Public/Quasi Public development in Zone 5b on the low end to \$88,041 per acre for Neighborhood Commercial development in Zone 2 on the high end (see Table 1, page 3). As later revisions and updates to this draft fee study are prepared, these per acre fees are expected to change.

Construction of Capital Improvements – The various specific capital improvements identified within the project documents as necessary to solve the flooding and drainage problems within the FOZ, will be subject to subsequent CEQA analysis either as a separate public works project or through the environmental review for later proposed development projects. Therefore the necessary CEQA clearance for these public works activities is not addressed or provided for in this analysis.

Removal of Development Constraints -- Under existing conditions, development within the FOZ has generally been unable to proceed. Should the City of Winters take action to adopt/approve the proposed project described herein, this would serve to partially satisfy Policies I.A.9 and IV.D.4 of the General Plan. Under the current policies, once a fee schedule or financing program are in place, this will allow for opening up the 964-acre FOZ area for potential development. Based on land use designations and General Plan allowed maximum development yields, the following development could potentially occur within the FOZ area:

Table 1 -- Maximum FOZ Development Yields

Land Use Designation	Acreage	Totals
Agriculture	0.0	
Rural Residential	45.9 (45.9 x 1.0du = 46 dus)	
Low Density Residential	123.4 (123.4 x 7.3du = 901 dus)	
Medium Density	51.1 (51/1 x 6.0 du = 307 dus)	
Medium/High Density Residential	46.0 (46.0 x 10.0du = 460 dus)	
High Density Residential	23.4 (23.4 x 20.0du = 468 dus)	
	289.8 (30%)	2,182 dus
Neighborhood Commercial	10.0 (0.40 FAR = 174,240sf)	
Central Business District	0.0	
Highway Service Commercial	5.6 (0.40 FAR = 97,574sf)	
Office	0.0	
Planned Commercial	13.8 (0.40 FAR = 240,451sf)	
Planned Commercial/Business Park	0.0	
	29.4 (3%)	512,265 sf
Light Industrial	60.6 (0.40 FAR = 1,005,894sf)	
Heavy Industrial	36.6 (0.40 FAR = 637,718sf)	
	97.2 (10%)	1,693,613 sf
Public/Quasi-Public	335.8 (87.6 ac* x 0.50FAR)	
	335.8 (35%)	1,907,928 sf
Parks and Recreation	76.2	
Open Space	135.7	
	211.9 (22%)	212 acres
TOTAL	964.1 (100%)	

Note: The following project areas have been deleted from the original FOZ acreage total for the reasons stated: 204.5 acre sewer treatment plant expansion property removed; 28.9 acres sports park (approved and under construction) removed; 14.8 acres existing Rominger school removed; 32.75 acre Winters Highlands portion removed (GPA approved 4/18/06).

In summary adoption of the project could indirectly lead to the following approximate maximum development within the FOZ area:

- 2,182 dwelling units
- 512,265 square feet of commercial (retail and office) uses (including potentially some additional residential development as allowed under the General Plan)
- 1.69 million square feet of industrial uses
- 1.91 million square feet of public uses (government, hospital, religious, and schools)
- 212 acres of parks and open space (park, recreation, habitat, and some multi-use retention facilities).

However, only that portion already assumed within the General Plan EIR (see earlier discussion) could potentially proceed in reliance on the General Plan EIR, without triggering the need for further CEQA clearance. Furthermore, the proposed new General Plan policies would have the effect of further limiting the possible development that might proceed within the FOZ once existing Policies I.A.9 and IV.D.4 are satisfied.

Proposed General Plan Policies -- The proposed General Plan policies are as follows:

Policy I.A.12: At such time as the City Council determines that Policies I.A.9 and IV.D.4 have been satisfied, including approval of a fee schedule or financing program, the 964-acre FOZ area may only be developed as provided in Policies I.A.13 through I.A.15, and Policies IV.D.6 and IV.D.7.

Policy I.A.13: As a way to improve the citywide job/housing balance, new job-producing non-residential development may develop within the FOZ, consistent with General Plan and zoning land use designations.

Policy I.A.14: New residential development may only occur in the FOZ area south of Moody Slough if it is determined to be "infill" development which is characterized by all of the following:

- Contiguous to other existing development.
- Consistent with the General Plan and zoning land use designations.
- Supported by a finding that the project is necessary because it would specifically provide critical roadway and infrastructure connections, not otherwise feasibly achievable, as determined by the City.

Affordable housing shall have priority over market-rate housing.

Policy I.A.15: With the exception of housing incidental to the non-residential development (e.g. manager quarters; watchman quarters; etc.) new residential development is not allowed north of Moody Slough Road until such time as all of the following occurs:

- The citywide jobs/housing balance has significantly improved as determined by the City Council. This shall require demonstration of an acceptable match between housing prices and job wages, as well as a balance between the number of jobs and the number of houses. Licensed home occupations may be included.
- The storm drainage improvements specified in the updated Storm Drainage Master Plan have appropriate CEQA clearance thus allowing construction to commence, and until a time table for construction has been developed and approved by Council with a finding that the construction schedule will result in timely operation of the ultimate facilities in a manner that avoids drainage and or flooding impacts from development that would be allowed to proceed.

- The area is subject to a Specific Plan process consistent with State law.

Policy IV.D.6: All development allowed to proceed within the General Plan flood overlay zone, in advance of implementation of storm drainage improvements specified in the updated Storm Drainage Master Plan, must address interim drainage and flooding requirements in a manner found acceptable by the City Engineer, and in a manner that furthers and is not inconsistent with the updated Storm Drainage Master Plan. To the extent feasible as determined by the City, interim improvements shall implement logical component parts of the storm drainage improvements identified in the updated Storm Drainage Master Plan.

Interim drainage/flooding solutions that do not implement logical components parts of the storm drainage improvements identified in the updated Storm Drainage Master Plan, or would be otherwise inconsistent with implementation of the update Storm Drainage Master Plan, can only be approved if consistent with the water quality treatment/design criteria and standards criteria of the updated Storm Drainage Master Plan and the City shall provide no reimbursement or credit for said work..

Policy IV.D.7: Notwithstanding any interim improvements constructed pursuant to Policy XD, all projects citywide and within the FOZ shall pay a Storm Drainage Master Plan Implementation Fee that represents a fair share towards implementation of the improvements specified in the updated Storm Drainage Master Plan. This fee shall be due prior to issuance of the building permit. To the extent that all or a component part of the Storm Drainage Master Plan is constructed by a project approved to move forward, credit toward the fee will be provided.

These proposed new General Plan policies will serve to control growth in the FOZ area until the necessary capital improvements have appropriate CEQA clearance thus allowing construction to commence and/or until a timetable for actual construction has been developed and approved. Additionally, the new policies would control the phasing and direction of growth within the FOZ area, and would give priority to non-residential uses until a better citywide jobs/housing match has been achieved. The effect of the new policies would be to limit growth within the FOZ as follows:

**Land Uses South of Moody Slough*
Allowed Under New General Plan Policies**

<u>Land Use Designation</u>	<u>Acres</u>	<u>Totals</u>
Agriculture	0.0	
Rural Residential	0.0	
Low Density Residential	71.5 (71.5 x 7.3du = 522 dus)	
Medium Density Residential	3.9 (3.9 x 6.0du = 23 dus)	
Medium/High Density Residential	2.1 (2.1 x 10.0du = 21 dus)	
High Density Residential	13.1 (13.1 x 20.0du = 262 dus)	
Subtotal	90.6 ac	828 dus
Neighborhood Commercial	0.0	
Central Business District	0.0	
Highway Service Commercial	5.6 (0.40 FAR = 97,574 sf)	
Office	0.0	
Planned Commercial	13.8 (0.40 FAR = 240,451 sf)	
Planned Commercial/Business Park	0.0	
Subtotal	19.4 ac	338,025 sf
Light Industrial	7.7 (0.40 FAR = 134,165 sf)	
Heavy Industrial	0.0	
Subtotal	7.7 ac	134,165 sf
Public/Quasi-Public	10.0 (10 ac x 0.50 FAR)	
Subtotal	10.0 ac	217,800 sf

Parks and Recreation	3.2
Open Space	16.8
Subtotal	20 acres
<hr/>	
TOTAL	147.7 ac

*Includes the MacMillan property

**Land Uses North of Moody Slough
Allowed Under New General Plan Policies**

Land Use Designation	Acres	Totals
Neighborhood Commercial	10.0 (0.40 FAR = 174,240 sf)	
Central Business District	0.0	
Highway Service Commercial	0.0	
Office	0.0	
Planned Commercial	0.0	
Planned Commercial/Business Park	0.0	
Subtotal	10.0 ac	174,240 sf
Light Industrial	52.9 (0.40 FAR = 921,730 sf)	
Heavy Industrial	36.6 (0.40 FAR = 637,718 sf)	
Subtotal	89.5 ac	1,559,448 sf
Public/Quasi-Public	77.6 (77.6 ac x 0.50 FAR)	
Subtotal	77.6	1,690,128 sf
Parks and Recreation	73	
Open Space	118.9	
Subtotal	191.9 ac	
TOTAL	369.0 ac	

A comparison of the amount of FOZ development under the three scenarios is provided below:

1) FOZ Maximum	2) General Plan EIR	3)FOZ Under New GP Policies
2,182 dus	1,603 dus	828 dus
512,265 sf comm.	293,800 sf comm.	512,265 sf comm
1.69 msf Indus	811,400 sf Indus	1.69 msf indus
1.91 msf public	0 sf public	1.91 msf public
212 ac park/OS	318.2 ac park/OS	212 ac park/OS
964.1 total acres	964.1 total acres	516.7 total acres

Therefore, by combining all constraints, the maximum development that could proceed in the FOZ without additional EIR analysis, as a result of this project is as follows:

- 828 dwelling units (maximum under proposed new General Plan policies)
- 293,800 sf commercial (General Plan EIR assumption)
- 811,400 sf industrial (General Plan EIR assumption)
- 0 sf public (General Plan EIR assumption)
- 212 ac parks and open space (FOZ maximum)

Other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement):

The Yolo County Flood Control and Water Conservation District owns and operates two dams and reservoirs with hydroelectric plants, a diversion structure on Cache Creek, and more than 150 miles of channels/canals and laterals to deliver irrigation water. To the extent that flood control improvements or drainage modifications are proposed that

affect the District's facilities coordination with them and their approval would be necessary.

The Yolo-Solano Air Quality Management District has rules that apply to construction projects and infrastructure operations. Various permits and approvals may be needed.

The Regional Water Quality Control Board has jurisdiction over discharge into Putah Creek and impacts to water quality. Discharge permits and/or various NPDES approvals may be needed.

The State Reclamation Board has jurisdiction over features of the Sacramento River Flood Control Project, including Putah Creek, which has a designated floodway. The Board may require an encroachment permit for projects affecting Putah Creek.

The State Water Resources Control Board has jurisdiction for permitting and licensing the use of surface water, as well as enforcement responsibility. Changes to drainage patterns that may result in significant changes to existing water rights may require Board approval.

The State Department of Fish and Game has jurisdiction over various species and habitat which may be impacted by flood control improvements or drainage modifications. A Streambed Alteration Permit and other approvals may be required.

Caltrans has jurisdiction over the state highway system. An encroachment permit would be needed for any culverts under a highway.

The federal Army Corps of Engineers has jurisdiction over wetlands features for which which may be impacted by flood control improvements or drainage modifications. A Section 404 permit and other approvals maybe needed.

The federal Fish and Wildlife Service has jurisdiction over various species and habitat which may be impacted by flood control improvements or drainage modifications. Various approvals may be needed.

Other Project Assumptions: The Initial Study assumes compliance with all applicable State, federal, and local codes and regulations.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below potentially would be significantly affected by this project, as indicated by the checklist on the following pages.

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities and Service Systems
- Mandatory Findings of Significance
- None Identified

DETERMINATION:

On the basis of this initial evaluation:

- I find that the Proposed Project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the Proposed Project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the Proposed Project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis described in the attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the Proposed Project. Nothing further is required.

Signature

Heidi Tschudin, Contract Planner

Printed Name

Date

Community Development Department

Lead Agency

ENVIRONMENTAL CHECKLIST

Introduction

Following is the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the Proposed Project. A discussion follows each environmental issue identified in the checklist. Included in each discussion are project-specific mitigation measures recommended as appropriate as part of the Proposed Project.

For this checklist, the following designations are used:

Potentially Significant Impact: An impact that could be significant, and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

Potentially Significant Unless Mitigation Incorporated: An impact that requires mitigation to reduce the impact to a less-than-significant level.

Less-Than-Significant Impact: Any impact that would not be considered significant under CEQA relative to existing standards.

No Impact: The project would not have any impact.

Instructions

1. A brief evaluation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, potentially significant unless mitigation is incorporated, or less than significant. "Potentially significant impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Potentially Significant Unless Mitigation Incorporated" means "Less Than Significant With Mitigation Incorporated". It applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact". The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from earlier analyses may be cross-referenced).
5. Earlier analyses may be used where, pursuant to tiering, a program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used – Identify and state where available for review.
 - b. Impacts Adequately Addressed – Identify which effects from the above checklist were within the scope of and adequately addressed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures – For effects that are "Potentially Significant Unless Mitigation Incorporated" describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources in the form of a source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue area should identify: a) the significance criteria or threshold, if any, used to evaluate each question; and b) the mitigation measures identified, if any, to reduce the impact to less than significant.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
1. AESTHETICS. <i>Would the project:</i>				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The proposed project consists of adoption of the Storm Drain Master Plan Update (SDMPU), a fee program for implementation of the SDMPU, and new General Plan policies to constrain growth that could otherwise be triggered by the adoption of the SDMPU. An indirect result of the project would be possible development of 516.7 acres of the General Plan Flood Overlay Zone (FOZ) with up to dwelling 828 units, 293,800 sf of commercial uses, 811,400 sf of industrial uses, and 212 acres of open space and parkland. This development would change the visual characteristics of the area, however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of the full 964 acres within the FOZ (see pages 207 through 211 of the Draft EIR and page E&R 32 of the Final EIR) and found impacts to be less-than-significant. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis.

- a. There are no General Plan designated scenic vistas that would be adversely affected by implementation of this project. The 1992 General Plan EIR discusses view corridors to the Vaca Mountains, and concludes that development consistent with the General Plan would have no unmitigated impacts. For these reasons, the proposed project would not substantially or adversely affect views of a scenic vista, and this impact would be less than significant.
- b. The City has not designated any scenic resources within the area covered by the FOZ. Site specific resources such as trees, historic buildings, and rock outcroppings (if any) would be analyzed on a project-by project basis with each application for future development in the area. Yolo County has designated Grant Avenue/Highway 128, between I-505 and Lake Berryessa, as a local "scenic highway corridor". City General Plan Policy VIII.A.7 requires the City to establish Design Guidelines for new development along Grant Avenue. As such, this impact would be less-than-significant.

- c. The proposed project would not result in significant degradation of the visual surroundings of the area. The General Plan designates much of this area for future development and the General Plan EIR concluded that there would be no unmitigated aesthetic or visual impacts. All of the structures constructed as a part of future development in this area would be subject to design review approval by the City to ensure consistency with the City's Design Guidelines, which are intended to ensure that new development is compatible with the City's small-town heritage (see Section 9, Land Use and Planning). Potential changes in visual character would be a less-than-significant impact.
- d. The proposed project would not result in any new sources of light and/or glare in the area beyond what was analyzed in the General Plan EIR. City General Plan Policy VIII.D.7 requires controls on new lighting to minimize spill-over, glare, and impacts to the night sky. Potential light and glare impacts are considered less-than-significant.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<p>2. AGRICULTURE RESOURCES: <i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</i></p>				
<p>a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c. Involve other changes in the existing environment which, due to their location or nature, could result in loss of Farmland, to non-agricultural use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The proposed project consists of adoption of the Storm Drain Master Plan Update (SDMPU), a fee program for implementation of the SDMPU, and new General Plan policies to constrain growth that could otherwise be triggered by the adoption of the SDMPU. An indirect result of the project would be possible development of 516.7 acres of the General Plan Flood Overlay Zone (FOZ) with up to 828 dwelling units, 293,800 sf of commercial uses, 811,400 sf of industrial uses, and 212 acres of open space and parkland. This acreage is identified as primarily "prime farmland" on the Yolo County Important Farmland Map (2002) prepared by the State Department of Conservation Farmland Mapping and Monitoring Program. Future development would result in the actual conversion of this land to urban uses, however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of the full 964 acres within the FOZ (see pages 212 through 219 of the Draft EIR and pages E&R 32 and 33 of the Final EIR) and found impacts to agriculture to be significant and unavoidable. The City Council adopted a Statement of Overriding Considerations accepting these unavoidable impacts (Resolution 92-13, Exhibit C, adopted May 19, 1992) which is hereby relied upon for this analysis.

- a. The General Plan designates this area for future development which would result in the conversion of prime farmland and farmland mapped under other categories. However, these impacts have already been analyzed under the 1992 General Plan EIR and determined by the City Council to be unavoidable but acceptable. The prior adopted Statement of Overriding Consideration is relied upon in this determination. Implementation of the subject project will result in no new impacts not already analyzed in the prior EIR and therefore, the impact in this category is considered less-than-significant as allowed under CEQA

including Sections 15152(f)(1) and 15153(c) of the State CEQA Guidelines and other sections that may apply.

- b. None of the acreage within the FOZ is known to be under a Williamson Act contract. None of the acreage within the FOZ is zoned by the City for agricultural uses. However, as indicated earlier, 350 acres of the total 964 acres within the FOZ fall within the City's Urban Limit Line but outside of the City limits and under the jurisdiction of Yolo County. These 350 acres are zoned by the County for agricultural uses. The impacts of conversion of this land have already been analyzed under the 1992 General Plan EIR and determined by the City Council to be unavoidable but acceptable. The prior adopted Statement of Overriding Consideration is relied upon in this determination. Implementation of the subject project will result in no new impacts not already analyzed in the prior EIR and therefore, the impact in this category is considered less-than-significant as allowed under CEQA including Sections 15152(f)(1) and 15153(c) of the State CEQA Guidelines and other sections that may apply.

- c. The potential for other adverse agricultural impacts such as conversion of other farmland to non-agricultural uses is unchanged from the original analysis in the prior 1992 General Plan EIR. These impacts have already been analyzed under the 1992 General Plan EIR and determined by the City Council to be unavoidable but acceptable. The prior adopted Statement of Overriding Consideration is relied upon in this determination. Implementation of the subject project will result in no new impacts not already analyzed in the prior EIR and therefore, the impact in this category is considered less-than-significant as allowed under CEQA including Sections 15152(f)(1) and 15153(c) of the State CEQA Guidelines and other sections that may apply.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
3. AIR QUALITY.				
<i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</i>				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The proposed project consists of adoption of the Storm Drain Master Plan Update (SDMPU), a fee program for implementation of the SDMPU, and new General Plan policies to constrain growth that could otherwise be triggered by the adoption of the SDMPU. An indirect result of the project would be possible development of 516.7 acres of the General Plan Flood Overlay Zone (FOZ) with up to 828 dwelling units, 293,800 sf of commercial uses, 811,400 sf of industrial uses, and 212 acres of open space and parkland. This development would release air emissions; however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of the full 964 acres within the FOZ (see pages 193 through 205 of the Draft EIR and pages E&R 30 through 32 of the Final EIR) and found air quality impacts to be significant and unavoidable. The City Council adopted a Statement of Overriding Considerations accepting these unavoidable impacts (Resolution 92-13, Exhibit C, adopted May 19, 1992) which is hereby relied upon for this analysis.

- a. The proposed project would not conflict with or obstruct implementation of applicable air quality plans, because the development that would result from implementation of this project is consistent with land uses planned for the site in the City General Plan since at least 1992. Build-out of the City's 1992 General Plan is included in the air emissions inventory for the Sacramento region which is included in applicable air quality plans. These impacts have already been analyzed under the 1992 General Plan EIR and determined by the City Council to be unavoidable but acceptable. The prior adopted Statement of Overriding Consideration is relied upon in this determination. Implementation of the subject

project will result in no new impacts not already analyzed in the prior EIR and therefore, the impact in this category is considered less-than-significant as allowed under CEQA including Sections 15152(f)(1) and 15153(c) of the State CEQA Guidelines and other sections that may apply.

- b, c, d. Yolo County is in designated as non-attainment for ozone under both State and federal standards and non-attainment for PM₁₀ under State standards.

POLLUTANT	ATTAINMENT FOR FEDERAL STANDARD	ATTAINMENT FOR STATE STANDARD
Ozone	No/Severe	No/Serious
NO _x	Yes	Yes
PM ₁₀	Yes	No
SO _x	Yes	Yes
CO	Yes	Yes

Reactive organic gases (ROG) and nitrogen oxides (NO_x) react readily with sunlight to form harmful ozone that forms in the lower atmosphere. ROG and NO_x are known as ozone precursors and are therefore regulated by the CARB and local air districts.

Air quality impacts fall generally into two categories: short-term emissions due to construction and long-term impacts due to project operation. Construction activities associated with implementation of the SGMPU and development that may indirectly result would generate fugitive dust and particulate matter from grading, trenching and earthmoving activities. NO_x and ROG would be generated from diesel fumes associated with the operation of construction equipment. General Plan Policy VI.E.6 requires controls for construction-related dust.

Operational emissions are comprised of vehicle emissions and area source emissions. Development resulting from the proposed project would increase mobile source emissions in the air basin due to vehicle trips to and from the project site. Area source emissions are generated through the use of conventional fireplaces, woodburning stoves, consumer products and landscaping equipment. General Plan Policies VI.E.1, VI.E.2, VI.E.3, and VI.E.11 require coordination with the Yolo-Solano Air Pollution Control District to ensure maximum feasible mitigation for project-specific impacts including mitigation plans for large non-residential projects. These policies would be implemented for each future project through the CEQA process.

The potential for air quality impacts from the construction and development that may result from the proposed project is unchanged from the original analysis in the prior 1992 General Plan EIR. These impacts have already been analyzed under the 1992 General Plan EIR and determined by the City Council to be unavoidable but acceptable. The prior adopted Statement of Overriding Consideration is relied

upon in this determination. Implementation of the subject project will result in no new impacts not already analyzed in the prior EIR and therefore, the impact in this category is considered less-than-significant as allowed under CEQA including Sections 15152(f)(1) and 15153(c) of the State CEQA Guidelines and other sections that may apply.

- e. The potential for impacts due to objectionable odors would be unchanged from the original analysis and would result primarily from agricultural-residential interfaces and industrial-residential interfaces. In some cases this can be addressed through reliance on buffers between uses or other operational controls, which would be addressed on a case-by-case basis as future development applications are received. In other cases the impact remains unavoidable, which is consistent with the determination reached in the 1992 General Plan EIR. Similarly, future residents of the project site would not be subjected to objectionable odors from nearby residences or the City Public Safety Center.

The prior adopted Statement of Overriding Consideration is relied upon in this determination regarding regional air quality emissions. Implementation of the subject project will result in no new impacts not already analyzed in the prior EIR and therefore, the impact in this category is considered less-than-significant as allowed under CEQA including Sections 15152(f)(1) and 15153(c) of the State CEQA Guidelines and other sections that may apply.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
4. BIOLOGICAL RESOURCES.				
<i>Would the project:</i>				
a. Have a substantial adversely effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The proposed project consists of adoption of the Storm Drain Master Plan Update (SDMPU), a fee program for implementation of the SDMPU, and new General Plan policies to constrain growth that could otherwise be triggered by the adoption of the SDMPU. An indirect result of the project would be possible development of 516.7 acres of the General Plan Flood Overlay Zone (FOZ) with up to 828 dwelling units, 293,800 sf of commercial uses, 811,400 sf of industrial uses, and 212 acres of open space and parkland. This development would adversely affect biological resources and habitat; however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of the full 964 acres within the FOZ (see pages 155 through 168 of the Draft EIR and pages E&R 26 through 29 of the Final EIR) and found impacts to biological resources to be significant and unavoidable. The City Council adopted a Statement of Overriding Considerations accepting these unavoidable impacts (Resolution 92-13, Exhibit C, adopted May 19, 1992) which is hereby relied upon for this analysis.

- a-d. Discretionary projects in the City are required to submit, among other things, a site-specific biological resources inventory as a part of the development application, in order to complete the project-level CEQA analysis (City Council Resolution 2005-

15, adopted April 19, 2005). This report would identify habitats and species on or near the site and mitigations for potential impacts that could result.

The potential for impacts to biological resources on a regional or cumulative level as a result of implementation of the project is unchanged from the original analysis in the prior 1992 General Plan EIR. These impacts have already been analyzed under the 1992 General Plan EIR and determined by the City Council to be unavoidable but acceptable. The prior adopted Statement of Overriding Consideration is relied upon in this determination. Implementation of the subject project will result in no new impacts not already analyzed in the prior EIR and therefore, the impact in this category is considered less-than-significant as allowed under CEQA including Sections 15152(f)(1) and 15153(c) of the State CEQA Guidelines and other sections that may apply.

- e. General Plan Policies VI.C.1 through VI.C.10, and VI.D.1 through VI.D.9, establish various requirements to protect and preserve the City's biological resources. For example, General Plan Policy VI.C.2 requires 1:1 replacement for loss of wetlands resources and General Plan Policy VI.C.5 establishes a "no net loss" threshold for special-status species. Notwithstanding these policies, the City in 1992 concluded that impacts to biological resources resulting from implementation of the General Plan would be significant and unavoidable. The potential for impacts to biological resources on a regional or cumulative level as a result of implementation of the project is unchanged from the original analysis in the prior 1992 General Plan EIR. The prior adopted Statement of Overriding Consideration is relied upon in this determination. Implementation of the subject project will result in no new impacts not already analyzed in the prior EIR and therefore, the impact in this category is considered less-than-significant as allowed under CEQA including Sections 15152(f)(1) and 15153(c) of the State CEQA Guidelines and other sections that may apply.
- f. No Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan has been adopted for the project site. The County and cities are in the process of developing a countywide plan, but it is not complete. There is no impact in this category.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
5. CULTURAL RESOURCES.				
<i>Would the project:</i>				
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The proposed project consists of adoption of the Storm Drain Master Plan Update (SDMPU), a fee program for implementation of the SDMPU, and new General Plan policies to constrain growth that could otherwise be triggered by the adoption of the SDMPU. An indirect result of the project would be possible development of 516.7 acres of the General Plan Flood Overlay Zone (FOZ) with up to 828 dwelling units, 293,800 sf of commercial uses, 811,400 sf of industrial uses, and 212 acres of open space and parkland. This development could adversely affect unknown cultural resources; however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of the full 964 acres within the FOZ (see pages 220 through 222 of the Draft EIR and pages E&R 33 and 34 of the Final EIR) and found impacts to cultural resources to be less-than-significant. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis.

a-d. Discretionary projects in the City are required to submit, among other things, a site-specific cultural resource assessment as a part of the development application, in order to complete the project-level CEQA analysis (City Council Resolution 2005-15, adopted April 19, 2005). This report would identify known historical, archaeological, paleontological, and/or human remains on the site habitats, a characterization of the relative sensitivity of the site for such unknown resources, and required mitigation measures. General Plan Policies V.F.1 and V.F.2 address archeological resources and require that construction stop and appropriate mitigation through the State Archaeological Inventory occur if potential sub-surface resources are uncovered.

Section 7050.5 of the California Health and Safety Code states that, when human remains are discovered, no further site disturbance shall occur until the county coroner has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death,

and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and the remains are recognized to be those of a Native American, the coroner shall contact the Native American Heritage Commission within 24 hours.

Compliance with these requirements would ensure that impacts on cultural resources are less than significant.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
6. GEOLOGY AND SOILS.				
<i>Would the project:</i>				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault as delineated on the most recent Alquist - Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The proposed project consists of adoption of the Storm Drain Master Plan Update (SDMPU), a fee program for implementation of the SDMPU, and new General Plan policies to constrain growth that could otherwise be triggered by the adoption of the SDMPU. An indirect result of the project would be possible development of 516.7 acres of the General Plan Flood Overlay Zone (FOZ) with up to 828 dwelling units, 293,800 sf of commercial uses, 811,400 sf of industrial uses, and 212 acres of open space and parkland. This development could result in impacts related to soils and geology; however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of the full 964 acres within the FOZ (see pages 169 through 178 of the Draft EIR and page E&R 29 of the Final EIR) and found impacts to geological resources to be less-than-significant. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis.

- a-d. The Alquist-Priolo Special Studies Zones Act of 1972 regulates development near active faults to mitigate the hazard of surface fault rupture and prohibits the development of structures for human occupancy across the traces of active faults. There are no parts of the City located within an Alquist-Priolo Special Studies Zone.

According to the Seismic Risk Map of the United States, Winters is in Zone 3. Within Zone 3, the potential for earthquakes is low; however, there is the possibility for major damage (VIII to X on the Modified Mercalli Scale from a nearby earthquake). A rating of VIII to X on the Modified Mercalli Scale generally means the Richter scale magnitude would be between 6.0 to 7.9. Effects associated with this intensity range from difficulty standing to broken tree branches to damage to foundations and frame structures to destruction of most masonry and frame structures.

Any major earthquake damage within the City is likely to occur from ground shaking and seismically-related ground and structural failures. Local soil conditions, such as soil strength, thickness, density, water content, and firmness of underlying bedrock affect seismic response. Seismically-induced shaking and some damage should be expected to occur during an event, but damage should be no more severe in the project area than elsewhere in the region. Framed construction on proper foundations constructed in accordance with Uniform Building Code requirements is generally flexible enough to sustain only minor structural damage from ground shaking. Therefore, people and structures would not be exposed to potential substantial adverse effects involving strong seismic ground shaking, and this would be a less-than-significant impact.

Discretionary projects in the City are required to submit, among other things, a site-specific geotechnical study as a part of the development application, in order to complete the project-level CEQA analysis (City Council Resolution 2005-15, adopted April 19, 2005). This report would identify known and potential geological hazards and identify measures to address such hazards. General Plan Policies VII.A.1 through VII.A.3 address geological hazards and require compliance with applicable State codes and requirements.

The proposed project would not result in new geological impacts or exposure to new hazards beyond what was analyzed in the General Plan EIR. Impacts in these areas are considered less-than-significant.

- e. The City does not allow septic systems. All projects are required to connect to wastewater treatment facilities. Therefore, there is no potential for impact.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
7. HAZARDS AND HAZARDOUS MATERIALS				
<i>Would the project</i>				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The proposed project consists of adoption of the Storm Drain Master Plan Update (SDMPU), a fee program for implementation of the SDMPU, and new General Plan policies to constrain growth that could otherwise be triggered by the adoption of the SDMPU. An indirect result of the project would be possible development of 516.7 acres of the General Plan Flood Overlay Zone (FOZ) with up to 828 dwelling units, 293,800 sf of commercial uses, 811,400 sf of industrial uses, and 212 acres of open space and parkland. This development could result in impacts related to hazards and hazardous materials; however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of the full 964 acres within the FOZ (see pages 117 through 122 of the Draft EIR and page E&R 21 of the Final EIR) and found impacts to emergency facilities and services to be less-than-significant. The City Council adopted Findings of Fact documenting these

conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis.

- a-c. During construction, oil, diesel fuel, gasoline, hydraulic fluid, and other liquid hazardous materials would be used. Similarly, paints, solvents, and various architectural finishes would also be used.

If spilled, these substances could pose a risk to the environment and to human health. In the event of a spill, the City of Winters Fire Department is responsible for responding to non-emergency hazardous materials reports. The use, handling, and storage of hazardous materials are highly regulated by both the Federal Occupational Safety and Health Administration (Fed/OSHA) and the California Occupational Safety and Health Administration (Cal/OSHA). Cal/OSHA is responsible for developing and enforcing workplace safety regulations. Both federal and State laws include special provisions/training for safe methods for handling any type of hazardous substance. The City currently complies with the City's Emergency Response Plan, and the Yolo County Hazardous Waste Management Plan.

Project-specific land uses and operations that might involve the use, transport or disposal of hazardous materials would be analyzed on a case-by-case basis for each future development project. Because the routine transport, use, and disposal of hazardous materials is regulated by federal, State, and local regulations, this impact is considered less than significant.

- d. Discretionary projects in the City are required to submit, among other things, a site-specific Phase One Environmental Site Assessment (ESA) as a part of the development application, in order to complete the project-level CEQA analysis (City Council Resolution 2005-15, adopted April 19, 2005). This report would identify known and potential hazards and identify measures to address such hazards.

The proposed project would not result in new hazards or exposure to new hazards beyond what was analyzed in the General Plan EIR. Impacts in this area are considered less-than-significant.

- e,f. The City is not within two miles of any public or private airports or air strips, and is not within the runway clearance zones established to protect the adjoining land uses in the vicinity from noise and safety hazards associated with aviation accidents. Therefore, there would be no impact.
- g. The proposed project would likely have a beneficial effect on emergency planning for the City by completing gaps in the planned municipal roadway system. This would be considered less-than-significant under CEQA.
- h. The project area does not qualify as "wildlands" where wildland fires are a risk; therefore, no adverse impact would occur in this categories.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
8. HYDROLOGY AND WATER QUALITY				
<i>Would the project:</i>				
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems to control?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Place within a 100-year floodplain structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The proposed project consists of adoption of the Storm Drain Master Plan Update (SDMPU), a fee program for implementation of the SDMPU, and new General Plan policies to constrain growth that could otherwise be triggered by the adoption of the SDMPU. An indirect result of the project would be possible development of 516.7 acres of the General Plan Flood Overlay Zone (FOZ) with up to 828 dwelling units, 293,800 sf of commercial uses, 811,400 sf of industrial uses, and 212 acres of open space and parkland. This development could result in hydrological impacts; however, this area has been planned for these land uses since at least 1992 and adoption and implementation of this Storm Drain Master Plan Update was identified in the General Plan as the appropriate mitigation. The 1992 General Plan EIR analyzed the potential

impacts of development of the full 964 acres within the FOZ (see pages 169 through 178 of the Draft EIR and page E&R 29 of the Final EIR; see also pages 105 through 113 of the Draft EIR and pages E&R 19 through 21) and found hydrology impacts to be less-than-significant, with the exception of water quality impacts from increased runoff into Putah Creek and Dry Creek which was found to be significant and unavoidable. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis. Included in those Findings was a Statement of Overriding Considerations accepting the unavoidable water quality impacts (Resolution 92-13, Exhibit C, adopted May 19, 1992) which is hereby relied upon for this analysis.

- a.f. Surface water quality can be adversely affected by erosion during project construction, or after the project is completed, if urban contaminants in stormwater runoff are allowed to reach a receiving water (e.g. Putah Creek and/or Dry Creek). Construction activities disturbing one or more acres are required by the Central Valley Regional Water Quality Control Board (CVRWQCB) to obtain a General Construction Activity Stormwater Permit and a National Discharge Elimination System (NPDES) permit. These permits are required to control both construction and operation activities that could adversely affect water quality. Permit applicants are required to prepare and retain at the construction site a Stormwater Pollution Prevention Plan (SWPPP) that describes the site, erosion and sediment controls, means of waste disposal, implementation of approved local plans, control of post-construction sediment and erosion control measures and maintenance responsibilities, and non-stormwater management controls. Dischargers are also required to inspect construction sites before and after storms to identify stormwater discharge from construction activity, and to identify and implement controls where necessary.

Compliance with these required permits would ensure that runoff during construction and occupation of the project site would ensure that runoff does not substantially degrade water quality. Therefore, this is a less-than-significant impact.

- b. There are no facilities specifically proposed for recharge as a part of the SDMPU improvements; however some recharge will occur incidentally through proposed channels, ponds, runoff corridors, and drain facilities. Development that is able to proceed as a result of the proposed improvements would construct impervious surfaces over portions of the project area that are currently undeveloped. However, the area is not identified for recharge and has been planned for development since at least 1992. Therefore, it can be concluded that development of the project site would not substantially affect the aquifer.

The City of Winters would supply groundwater to the development that occurs as a result of the proposed project. As discussed in more detail in Item 16(d), while the proposed project would contribute to an increase in municipal groundwater use, total groundwater use within the City would exceed historic water use levels only slightly in wet years, and would be lower than historic pumping levels in wet years. Groundwater levels have been fairly stable in the City of Winters, even with the highest historic pumping levels. Therefore, impacts on groundwater would be less than significant.

- c,d,e. Drainage improvements and incidental development that occurs as a result of the proposed project would change absorption rates, drainage patterns, and the rate and amount of surface runoff, but would not alter the course of a river or stream. The City's storm drainage system has been planned to accommodate development of the General Plan, and the proposed SDMPU and fee would implement that system. Run-off from development that may proceed as a result of the project is already planned for within the drainage system. Therefore any increase in runoff is considered less than significant.

- g,h. As described in the project description, a portion of the subject area is also designated by the Federal Emergency Management Agency (FEMA) as 100-year floodplain flood hazard area. Any subsequent development within the FEMA floodplain will remain subject to applicable federal and local requirements for that designation. Approval of the subject project does not change or removes that federal designation. As such impacts related to the federal floodplain designation are considered less than significant.

- i. The City is located approximately 10 miles east of the Monticello Dam on Lake Berryessa. Failure or overtopping of the dam could result in severe flooding of the Winters' area and loss of life. However, this occurrence, which is addressed in the Yolo County Emergency Plan, is not considered a likely or substantial risk. Therefore, the proposed project would not expose individuals to a substantial risk from flooding as a result of the failure, and the impact would be less than significant.

- j. The project area is not located near any large bodies of water that would pose a seiche or tsunami hazard. In addition, there are no physical or geologic features that would produce a mudflow hazard. Therefore, no impact would occur.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
9. LAND USE AND PLANNING.				
<i>Would the project:</i>				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural communities conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The proposed project consists of adoption of the Storm Drain Master Plan Update (SDMPU), a fee program for implementation of the SDMPU, and new General Plan policies to constrain growth that could otherwise be triggered by the adoption of the SDMPU. Under existing conditions, development within the FOZ has generally been unable to proceed. Adoption of the SDMPU described herein as a part of the project would serve to partially satisfy Policies I.A.9 and IV.D.4 of the General Plan. Subsequent approval of a fee schedule or financing program would have the resulting effect of opening up the 964-acre FOZ area for potential development. A comparison of the amount of FOZ development assumed in the General Plan EOR verses the maximum amount of development allowed within the FOZ is provided below:

<u>1) FOZ Maximum</u>	<u>2) General Plan EIR for FOZ</u>
2,182 dus	1,603 dus
512,265 sf comm.	293,800 sf comm.
1.69 msf Indus	811,400 sf Indus
1.91 msf public	0 sf public
212 ac park/OS	318.2 ac park/OS

Fur purposes of future development, the amount of growth within the FOZ that was included within the General Plan EIR analysis (column #2) is generally assumed to be already accommodated in terms of service capacity within planned City infrastructure (water, roadways, sewer) except for flood-control and drainage. This assumption would be confirmed at the time of proposed development through a project specific assessment of consistency with the General Plan EIR and EIR assumptions. It should be noted that for park and open space uses, the General Plan EIR appears to have actually assumed more acreage than planned for the FOZ area.

Notwithstanding the fact that some amount of growth within the FOZ has already been provided with CEQA clearance in the General Plan EIR, the City will be faced with the circumstance of no CEQA clearance for the capital improvement projects identified as

necessary to implement the comprehensive flood protection program that would be put into place if the subject project is approved/adopted.

However, the new General Plan policies included as a part of the project will serve to control growth in the FOZ area until the necessary capital improvements have appropriate CEQA clearance thus allowing construction to commence and/or until a timetable for actual construction has been developed and approved. Additionally, the new policies would control the phasing and direction of growth within the FOZ area, and would give priority to non-residential uses until a better citywide jobs/housing match has been achieved.

The effect of the new policies would be to limit growth within the FOZ as follows:

**Land Uses South of Moody Slough*
Allowed Under New General Plan Policies**

Land Use Designation	Acreage	Totals
Agriculture	0.0	
Rural Residential	0.0	
Low Density Residential	71.5 (71.5 x 7.3du = 522 dus)	
Medium Density Residential	3.9 (3.9 x 6.0du = 23 dus)	
Medium/High Density Residential	2.1 (2.1 x 10.0du = 21 dus)	
High Density Residential	13.1 (13.1 x 20.0du = 262 dus)	
Subtotal	90.6 ac	828 dus
Neighborhood Commercial	0.0	
Central Business District	0.0	
Highway Service Commercial	5.6 (0.40 FAR = 97,574 sf)	
Office	0.0	
Planned Commercial	13.8 (0.40 FAR = 240,451 sf)	
Planned Commercial/Business Park	0.0	
Subtotal	19.4 ac	338,025 sf
Light Industrial	7.7 (0.40 FAR = 134,165 sf)	
Heavy Industrial	0.0	
Subtotal	7.7 ac	134,165 sf
Public/Quasi-Public	10.0 (10 ac x 0.50 FAR)	
Subtotal	10.0 ac	217,800 sf
Parks and Recreation	3.2	
Open Space	16.8	
Subtotal	20 acres	
TOTAL	147.7 ac	

*Includes the MacMillan property

**Land Uses North of Moody Slough
Allowed Under New General Plan Policies**

Land Use Designation	Acreeage	Totals
Neighborhood Commercial	10.0 (0.40 FAR = 174,240 sf)	
Central Business District	0.0	
Highway Service Commercial	0.0	
Office	0.0	
Planned Commercial	0.0	
Planned Commercial/Business Park	0.0	
Subtotal	10.0 ac	174,240 sf
Light Industrial	52.9 (0.40 FAR = 921,730 sf)	
Heavy Industrial	36.6 (0.40 FAR = 637,718 sf)	
Subtotal	89.5 ac	1,559,448 sf
Public/Quasi-Public	77.6 (77.6 ac x 0.50 FAR)	
Subtotal	77.6	1,690,128 sf
Parks and Recreation	73	
Open Space	118.9	
Subtotal	191.9 ac	
TOTAL	369.0 ac	

A comparison of the amount of FOZ development under the three scenarios is provided below:

1) FOZ Maximum	2) General Plan EIR	3)FOZ Under New Policies
2,182 dus	1,603 dus	828 dus
512,265 sf comm.	293,800 sf comm.	512,265 sf comm
1.69 msf Indus	811,400 sf Indus	1.69 msf indus
1.91 msf public	0 sf public	1.91 msf public
212 ac park/OS	318.2 ac park/OS	212 ac park/OS
964.1 total acres	964.1 total acres	516.7 total acres

By combining all constraints, the maximum development that could proceed in the FOZ without additional EIR analysis, as a result of this project is as follows:

- 828 dwelling units (maximum under proposed new General Plan policies)
- 293,800 sf commercial (General Plan EIR assumption)
- 811,400 sf industrial (General Plan EIR assumption)
- 0 sf public (General Plan EIR assumption)
- 212 ac parks and open space (FOZ maximum)

This development could result in land use impacts; however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of the full 964 acres within the FOZ (see pages 43 through 70 of the Draft EIR and pages E&R 9 through 14 of the Final EIR) and found land use impacts to be less-than-significant. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis.

- a. Development of the project area is consistent with the 1992 General Plan. The project would fill in and connect the established residential community of the City, not divide it. Therefore, no impact would occur.
- b. The General Plan and zoning ordinance currently designates this area for a variety of uses. There is no conflict between the proposed project and applicable land use plans, policies, and regulations. Therefore no impact would occur.
- c. No Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan has been adopted for the project site. The County and cities are in the process of developing a countywide plan, but it is not complete. Therefore no impact would occur.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
10. MINERAL RESOURCES.				
<i>Would the project:</i>				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a,b. The project area is not designated as a mineral resource zone or locally important mineral resource recovery site. Implementation of the project, and resultant development that may occur would not result in the loss of any known mineral resources. Impacts would be less-than-significant.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
11. NOISE. <i>Would the project result in:</i>				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	□	□	■	□
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	□	□	■	□
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	□	□	■	□
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	□	□	■	□
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	□	□	□	■
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	□	□	□	■

Discussion

The proposed project consists of adoption of the Storm Drain Master Plan Update (SDMPU), a fee program for implementation of the SDMPU, and new General Plan policies to constrain growth that could otherwise be triggered by the adoption of the SDMPU. An indirect result of the project would be possible development of 516.7 acres of the General Plan Flood Overlay Zone (FOZ) with up to 828 dwelling units, 293,800 sf of commercial uses, 811,400 sf of industrial uses, and 212 acres of open space and parkland. This development could result in noise impacts; however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of the full 964 acres within the FOZ (see pages 179 through 192 of the Draft EIR and pages E&R 29 through 31 of the Final EIR) and found noise impacts to be less-than-significant. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis.

a-d. The Noise Element of the City of Winters General Plan establishes standards for the evaluation of noise compatibility (including land use compatibility standards, exterior noise levels limits, and interior noise level limits) and requirements for noise studies. The City has both a Noise Ordinance and Standard Specifications that regulate construction noise. These regulations restrict construction activities to 7:00am to 7:00 pm Monday through Friday only (holidays excluded). Implementation of the project, including potential development within the FOZ

that may result, would be subject to these policies and regulations. The General Plan EIR examined the potential for impact from full development of the General Plan and determined that this impact was less-than-significant. There are no new noise impacts that would result from the proposed project. Impacts in these categories remain less-than-significant.

- e. The nearest public airport is over 2 miles from the City and no part of the City falls within an airport land use plan. There is no potential for exposure to excessive air traffic noise, so no impact would occur.
- f. The project area is not located near a private airstrip and would not be exposed to noise from the private airstrip, so no impact would occur.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
12. POPULATION AND HOUSING. <i>Would the project:</i>				
a. Induce substantial growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The proposed project consists of adoption of the Storm Drain Master Plan Update (SDMPU), a fee program for implementation of the SDMPU, and new General Plan policies to constrain growth that could otherwise be triggered by the adoption of the SDMPU. An indirect result of the project would be possible development of 516.7 acres of the General Plan Flood Overlay Zone (FOZ) with up to 828 dwelling units, 293,800 sf of commercial uses, 811,400 sf of industrial uses, and 212 acres of open space and parkland. This development could result in additional dwelling units and population; however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of the full 964 acres within the FOZ (see pages 43 through 70 of the Draft EIR and pages E&R 9 through 14 of the Final EIR) and found housing and population impacts to be less-than-significant. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis.

- a. The residential uses proposed for the project site are consistent with General Plan assumptions for the area, and fewer units would be able to move forward at this time due to assumptions in the prior EIR analysis and due to new General Plan policies proposed as a part of the project, that would have the effect of restricting residential development north of Moody Slough Road until the City's jobs/housing balance improves, the storm drainage improvements are under construction, and a specific plan has been prepared for the area. Therefore, infrastructure, services, and utilities are master planned to accommodate the proposed level of growth.

The proposed project would result in storm drain improvements outside of the City limits, however, these improvements would not be sized to accommodate growth beyond the areas and levels assumed in the General Plan. Because all aspects of the project are consistent with the planning assumptions of the General Plan, the project would not be considered growth inducing. This impact is less-than-significant.

b.c. The project involves no displacement of housing or people. Impacts would be less-than-significant in these categories.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
13. PUBLIC SERVICES.				
<i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The proposed project consists of adoption of the Storm Drain Master Plan Update (SDMPU), a fee program for implementation of the SDMPU, and new General Plan policies to constrain growth that could otherwise be triggered by the adoption of the SDMPU. An indirect result of the project would be possible development of 516.7 acres of the General Plan Flood Overlay Zone (FOZ) with up to 828 dwelling units, 293,800 sf of commercial uses, 811,400 sf of industrial uses, and 212 acres of open space and parkland. This development could result in impacts to public services; however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of the full 964 acres within the FOZ (see pages 117 through 134 of the Draft EIR and pages E&R 21 through 24 of the Final EIR) and found public services to be less-than-significant. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis.

- a,b. The City of Winters Fire Department provides fire protection services to the City. The City of Winters Police Department provides police protection services. The proposed project could increase demand for these fire and police protection services by increasing the amount of development and number of employees, visitors, and residents within the Departments' service areas. This increase in development is consistent with the General Plan and therefore, result in no new impacts beyond those examined in the 1992 General Plan EIR.
- c. The City is served by the Winters Joint Unified School District, which serves the City of Winters and surrounding unincorporated areas of Yolo and Solano Counties. The District is comprised of the John Clayton Kinder School, Waggoner Elementary School (grades 1-3), Shirley Rominger Intermediate

School (grades 4-5), Winters Middle School (grades 6-8), Winters High School (grades 9-12) and Wolfskill Continuation High School.

Funding for schools and impacts for school facilities impacts is preempted by State law. Policies I.F.2, I.F.3, IV.H.5, and IV.H.6 of the General Plan related to funding and timing of school facilities have been superseded by State law (Proposition 1A/SB 50, 1998, Government Code Section 65996) which governs the amount of fees that can be levied against new development. Payment of fees authorized by the statute is deemed "full and complete mitigation." These fees are used to construct new schools.

Because the proposed project would be required to pay applicable school fees and because the amount of these fees is pre-empted by the State, the increase in students is considered by law to be a less-than-significant impact.

- d. The City requires the development of parkland in conjunction with subdivision development at a ratio of 7 acres per 1,000 persons (General Plan Policy V.A.1). Therefore, impacts in this category would be less-than-significant.
- e. Development that could result from the proposed project would create incremental increases in demand for other services and facilities in the City of Winters. However, because this growth would be consistent with the General Plan, there would be no new impacts beyond what was already analyzed in the General Plan EIR. This impact is less-than-significant.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
14. RECREATION.				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	□	□	■	□
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	□	□	■	□

Discussion

The proposed project consists of adoption of the Storm Drain Master Plan Update (SDMPU), a fee program for implementation of the SDMPU, and new General Plan policies to constrain growth that could otherwise be triggered by the adoption of the SDMPU. An indirect result of the project would be possible development of 516.7 acres of the General Plan Flood Overlay Zone (FOZ) with up to 828 dwelling units, 293,800 sf of commercial uses, 811,400 sf of industrial uses, and 212 acres of open space and parkland. This development could result in impacts to recreation facilities; however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of the full 964 acres within the FOZ (see pages 123 through 126 of the Draft EIR and pages E&R 21 through 23 of the Final EIR) and found recreation impacts to be less-than-significant. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis.

- a. See discussion of Item 13(d). The General Plan requires residential development to provide parkland at a ratio of 7 ac per 1,000 population. Therefore, the potential for impacts to off-site parks will be mitigated to a less-than-significant level by the provision of new park facilities as new residential development occurs.
- b. As a result of implementation of the project, 212 acres of open space and developed parkland could be developed. This land use is consistent with the General Plan and would result in no new impacts beyond what was analyzed in the 1992 General Plan EIR. Additional site specific analysis would be required at the time particular projects are proposed for development. Therefore this is a less-than-significant impact.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
15. TRANSPORTATION/CIRCULATION.				
<i>Would the project:</i>				
a. Cause an increase in traffic which is substantial in relation to the existing load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The proposed project consists of adoption of the Storm Drain Master Plan Update (SDMPU), a fee program for implementation of the SDMPU, and new General Plan policies to constrain growth that could otherwise be triggered by the adoption of the SDMPU. An indirect result of the project would be possible development of 516.7 acres of the General Plan Flood Overlay Zone (FOZ) with up to 828 dwelling units, 293,800 sf of commercial uses, 811,400 sf of industrial uses, and 212 acres of open space and parkland. This development could result in transportation and circulation impacts; however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of the full 964 acres within the FOZ (see pages 71 through 96 of the Draft EIR and pages E&R 15 through 17 of the Final EIR) and found traffic impacts to be less-than-significant. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis.

- a,b. Discretionary projects in the City are required to submit, among other things, a site-specific traffic and circulation study as a part of the development application, in order to complete the project-level CEQA analysis (City Council Resolution 2005-15, adopted April 19, 2005). The General Plan Transportation and Circulation Element contains policies that address circulation using various modes, and parking. The proposed project would not result in new traffic

impacts beyond what was analyzed in the General Plan EIR. Impacts in these areas are considered less-than-significant.

- c. The project area is not located near an airport and it does not include any improvements to airports or change in air traffic patterns. No impact would occur.
- d,e. The proposed project could result in the completion of planned roadway connections and extensions; however all new roadway construction would be built according to adopted City standards and specifications. For this reason, the potential for design hazards would be less-than-significant. The planned roadway connections and extensions would have beneficial effects for emergency access by improving access to and from parts of the City.
- f. Development that results from the proposed project would be required to meet parking standards established in the Winters Zoning Code. Therefore, parking impacts would be less-than-significant.
- g. Development that results from the proposed project would be required to satisfy policies, plans, and programs supporting alternative transportation, including appropriate pedestrian and bicycle route connections. Therefore, this impact would be less than significant.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
16. UTILITIES AND SERVICE SYSTEMS.				
<i>Would the project:</i>				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. Development that proceeds as a result of the proposed project would be required to connect to the City's sewage treatment plant for wastewater treatment. The City's plant is permitted by the State and must meet applicable water quality standards. Land uses envisioned in were analyzed in the previous General Plan EIR and not anticipated to generate wastewater that contains unusual types or levels of contaminants. Therefore, the project is not expected to inhibit the ability of the Winters Wastewater Treatment Plant (WWTP) to meet State water quality standards. For these reasons, this would be a less-than-significant impact.

- b,e. All development within the City would receive sewer and water service from the City of Winters. The City of Winters Wastewater Treatment Plant (WWTP) currently has a capacity of 0.92 million gallons per day (mgd). The estimated number of new dwelling unit equivalents (DUEs) that could be served under current capacity is approximately 700 to 800 DUEs. In exchange for funding of Phase Two of the WWTP, the Winters Highlands project has commitment from the City that Phases I (69 units), II (127 units), and III (54 units) of the Highlands project (for a total of 250 units) will receive capacity from the existing plant. The City will continue to monitor the WWTP to assess available capacity. The Phase 2 expansion of the WWTP will bring the capacity to 1.2 mgd. The timing of this expansion is not set. The Phase 2 expansion will need to take place before full

build out. No project is allowed to build without available sewer and water service. Therefore, these impacts are considered less-than-significant.

- c. The proposed project includes adoption of the SDMPU and associated fees for implementation of the improvements identified in the plan. The Plan addresses collection, conveyance, and detention of storm water run-off, as well as flood control for the City. Actual construction of the planned improvements will require subsequent environmental review once more detailed construction information and phasing is available. The subject proposed adoption of the Plan and fees is consistent with the General Plan and was fully analyzed in the prior 1992 General Plan EIR as summarized herein. This is a less-than-significant impact.
- d. Development resulting from the proposed project would be served by the City's municipal water supply. This development would result in no new impacts to water supply and availability than already anticipated under the General Plan and therefore there are no new impacts in this category. As development occurs, the City's water system is regularly re-examined to determine what, if any, new facilities are needed for adequate service. No project is allowed to build without available water service. This is a less-than-significant impact.
- f, g. Solid waste from the project site will be collected by the City of Winters and disposed of at the Yolo County Central Landfill, a 722-acre facility. The landfill has a capacity of 11 million tons with capacity for planned growth through 2025. The proposed residential project would generate up to 131.4 tons per year, assuming 10 pounds per day per household ($72 \times 10 \times 365 \div 2,000$).¹ The City's General Plan build-out is part of the planned growth for which the landfill has been sized and therefore solid waste generated as a result of this project would not have unanticipated impacts on the life of the landfill. This impact is considered less than significant.

¹ This is an average of rates based on a survey conducted by the CIWMB.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
17. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a-c. The full range of impacts from this project were anticipated and examined in the 1992 General Plan EIR on which this analysis relies. Impacts to biological resources, cumulative air quality, loss of agricultural land, and water quality were identified as significant and unavoidable and a Statement of Overriding Considerations was adopted by the City Council. There are no new impacts associated with the project that were not previously analyzed and mitigated. Impacts in these categories are therefore considered less-than-significant.