

CITY OF WINTERS SPECIAL PLANNING COMMISSION AGENDA

Tuesday, April 25, 2017 @ 6:30 PM  
City of Winters Council Chambers  
318 First Street  
Winters, CA 95694-1923  
Community Development Department  
Contact Phone Number (530) 794-6713  
Email: [dave.dowswell@cityofwinters.org](mailto:dave.dowswell@cityofwinters.org)

Chairperson: Kate Frazier  
Vice Chairman: Paul Myer  
Commissioners: Dave Adams, Lisa Baker,  
Patrick Riley, Gregory Contreras  
City Manager: John W. Donlevy, Jr.  
Management Analyst, Dago Fierros

I CALL TO ORDER

II ROLL CALL & PLEDGE OF ALLEGIANCE

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

IV CONSENT ITEM

A. Minutes of the March 28, 2017 meeting of the Planning Commission.

V STAFF/COMMISSION REPORTS

VI DISCUSSION ITEMS:

A. Public Hearing and Consideration of the following entitlements for 306 Edwards Street:

- 1) Finding the project Categorically Exempt from CEQA, Section 15303(c) (New Construction or Conversion of Small Structures).
- 2) Design/Site Plan Review for a new 825 square foot addition.

B. Study Session – Discussion involving current policy and zoning setbacks requirements for Dry Creek and Putah Creek.

VII COMMISSION/STAFF COMMENTS

VIII ADJOURNMENT

POSTING OF AGENDA: PURSUANT TO GOVERNMENT CODE § 54954.2, THE COMMUNITY DEVELOPMENT MANAGEMENT ANALYST POSTED THE AGENDA FOR THIS MEETING ON APRIL 20, 2017

  
DAVID DOWSWELL, COMMUNITY DEVELOPMENT DEPARTMENT PLANNER

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

PURSUANT TO SECTION 65009 (B) (2), OF THE STATE GOVERNMENT CODE "IF YOU CHALLENGE ANY OF THE ABOVE PROJECTS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU

OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING(S) DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY PLANNING COMMISSION AT, OR PRIOR TO, THIS PUBLIC HEARING".

MINUTES: THE CITY DOES NOT TRANSCRIBE ITS PROCEEDINGS. ANYONE WHO DESIRES A VERBATIM RECORD OF THIS MEETING SHOULD ARRANGE FOR ATTENDANCE BY A COURT REPORTER OR FOR OTHER ACCEPTABLE MEANS OF RECORDATION. SUCH ARRANGEMENTS WILL BE AT THE SOLE EXPENSE OF THE INDIVIDUAL REQUESTING THE RECORDATION.

PUBLIC REVIEW OF AGENDA, AGENDA REPORTS, AND MATERIALS: PRIOR TO THE PLANNING COMMISSION MEETINGS, COPIES OF THE AGENDA, AGENDA REPORTS, AND OTHER MATERIAL ARE AVAILABLE DURING NORMAL WORKING HOURS FOR PUBLIC REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT. IN ADDITION, A LIMITED SUPPLY OF COPIES OF THE AGENDA WILL BE AVAILABLE FOR THE PUBLIC AT THE MEETING. COPIES OF AGENDA, REPORTS AND OTHER MATERIAL WILL BE PROVIDED UPON REQUEST SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT. A COPY FEE OF 25 CENTS PER PAGE WILL BE CHARGED.

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

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

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

THE COUNCIL CHAMBER IS WHEELCHAIR ACCESSIBLE

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD  
MARCH 28, 2017**

***DISCLAIMER:** These minutes represent the interpretation of statements made and questions raised by participants in the meeting. They are not presented as verbatim transcriptions of the statements and questions, but as summaries of the point of the statement or question as understood by the note taker.*

Chair Frazier called the meeting to order at 6:30 p.m.

**PRESENT:** Commissioners Adams, Contreras, Myer, Chairperson Frazier

**ABSENT:** Commissioners Baker, Riley

**STAFF:** City Manager John Donlevy, Contract Planner Dave Dowswell, Management Analyst Dagoberto Fierros

Commissioner Myer led the pledge of allegiance.

**CITIZEN INPUT:** None at this meeting.

**CONSENT ITEM:** Minutes of the February 28, 2017 meeting of the Planning Commission.

Commissioner Myer moved.

Commissioner Contreras seconded.

**AYES:** Commissioners Adams, Contreras, Myer, Chairperson Frazier

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Commissioners Baker, Riley

Motion carried unanimously.

**STAFF/COMMISSION REPORTS:**

No staff comments.

Commissioner Myer attended a Sexual Harassment Training Class.

Chairperson Frazier also attended the Sexual Harassment Training Class.

**DISCUSSION ITEM:**

**A.** Public Hearing and Consideration of the following entitlements for 723 Railroad Avenue:

- 1)** Finding the project Categorical Exempt from CEQA, Section 15301 (1) (Existing Facilities).
- 2)** Conditional Use Permit to add a 7,000 square foot craft distillery into an existing 39,000 square foot building.

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD  
MARCH 28, 2017**

**COMMISSIONER/STAFF COMMENTS:**

Contract Planner Dave Dowswell shared some brief information about the proposed project and background history on the building. Dowswell went over changes, recommendations and requirements for the proposed project.

Commissioner Contreras asked if 18 parking spaces is enough to fulfill the parking requirement for the proposed distillery project. Dowswell stated yes, but that 68 parking spaces would be required for the entire building if it were developed as commercial. He added it would be cost-prohibitive to make the distillery project applicants responsible for covering the cost of all the required parking for the entire building.

City Manager stated that the Building Department will be in charge of enforcing all the requirements and everything that has to come into compliance during plan check.

Vice chair Myer asked if the proposed parking deadlines and requirements are flexible and could be brought back to the Planning Commission for further consideration in the future. Dowswell stated yes.

Vice chair Myer asked if there is a 500 foot separation requirement for the Distillery and the school. Dowswell stated that there is not a requirement for the distillery because the project site is located within the Form-Based Code area where the 500 feet separation does not apply.

**PUBLIC COMMENTS:**

Jeff Boone shared brief history on the project.

Commissioner Myer asked how many employees will be working on site and if any odors will be present. Mr. Boone stated there will only be 2 employees to begin with and then by the fifth year they expect to have eight to ten employees. It will all be dependent on the growth trajectory. Mr. Boone continued by giving a brief description of the type of odors the contiguous property owners and visitors should smell.

Commissioner Myer asked about possible storefront signage. Contract Planner Dowswell would like to establish standardized criteria for signage on this property. Myer then asked if one bathroom is sufficient. City Manager Donlevy stated that one bathroom is fine as long as it is accessible.

Don Jordan gave his input on the project and gave a description of the work he has put into the building in the past years.

Commissioner Contreras asked if the distillery has plans to expand in the future. Mr. Boone stated that the distillery plans to open a second location that is a restaurant and bar.

Chairperson Frazier commented that she visited a distillery in the past and it was a great experience.

Commissioner Contreras wanted to further discuss the parking issue. Dave Dowswell replied that the parking issues would have to be faced by the landlord in the future.

Discussion ensued.

Commissioner Myer moved that the Planning Commission approve the Conditional Use Permit 2017-01 for a 7,000 square foot craft distillery and on-site tasting room at 723 Railroad Avenue based on the identified findings of fact and by taking the following actions:

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- 1) Confirmation of exemption from the provision of CEQA
- 2) Confirmation of Conditional Use Permit findings.
- 3) Approval of the Conditional Use Permit and subject to complying with the conditions of approval which includes a modified condition #9 and will include ADA improvements.

Commissioner Adams seconded.

**AYES:** Commissioners Adams, Contreras, Myer, Chairperson Frazier

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Commissioners Baker, Riley

Discussion Item B was removed and will be on the Agenda for the following Planning Commission Meeting on April 25, 2017.

**ADJOURNMENT:** Chairperson Frazier adjourned the meeting at 7:37pm.

**ATTEST:** \_\_\_\_\_

Dagoberto Fierros, Management Analyst

\_\_\_\_\_

Kate Frazier, Chairperson



**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Chair and Planning Commissioners  
**DATE:** April 25, 2017  
**FROM:** David Dowswell, Contract Planner   
**SUBJECT:** Public Hearing and consideration of Design/Site Plan Review (DR 2017-01) for a 825 square foot addition and remodel of an existing 832 square foot home at 306 Edwards Street.

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

- 1) Receive the staff report; and
- 2) Conduct the Public Hearing to solicit public comment; and
- 3) Find the project Categorically Exempt from CEQA, New Construction or Conversion of Small Structures, Section 15303(a) single family home.
- 4) Approve Design/Site Plan Review for an 825 square foot addition and remodel to an existing 832 square foot home.

**GENERAL PLAN LAND USE DESIGNATION:** The General Plan land use designation for the site is Low Density Residential (LR).

**SURROUNDING LAND USES, ZONING, AND SETTING:** The surrounding land uses and zoning are as follows:

North: Single Family – Single Family Residential (R-1)  
South: Single Family – Single Family Residential (R-1)  
East: Single Family – Single Family Residential (R-1)  
West: Single Family – Single Family Residential (R-1)

The site is developed with an 832 square foot single family home.

**BACKGROUND:** According to the applicant the existing home is more than 100 years old. Over the past 100 years the exterior has been significantly altered. In July of 2006

a building permit was pulled to legalize the construction of the basement. A subsequent electrical permit was also pulled. Neither permit has yet been finalized.

This item was to have been heard at the March 28 Planning Commission meeting. The Planning Commission was unable to act on the application because only three commissioners could vote and four are needed to make a decision. As a result, this item was continued until the April 25, 2017 meeting.

**PROJECT DESCRIPTION:** The applicant, Alfonso Mederos, is requesting approval to add an 825 square foot addition to an existing 832 square foot two-bedroom single family home. The home is one story and has a basement. Most of the addition (695 square feet) will be off the rear of the house. The remaining addition (130 square feet) involves enclosing the existing porch. The addition will include two new bedrooms, a bathroom and a family room.

The applicant is also requesting approval to completely remodel the exterior. Currently the home is clad in T1-11 siding and has a clay tile roof. A small, almost flat roof, covers the existing porch. The windows and doors are trimmed in wood. The revised exterior would be finished in stucco and reroofed with composition shingles. The windows and doors will have stucco trim. The chimney will be faced with a fake stone.

#### **ANALYSIS:**

Site Plan: The existing porch that is being enclosed is setback 13 feet from the back of sidewalk, which does not meet the minimum requirement of 20 feet. The setback is pre-existing and allowed to remain. The site plan therefore complies with the R-1 setback regulations. The addition, along with the existing house and shed located at the rear of the property do not exceed the allowable lot coverage.

Design: The design of the current home is plain. Due to the extremely high hedge across the front of the property the front of the home is not very visible. The hedge (see discussion below) will either be removed or lowered to three feet six inches in height. By lowering the height of the hedge the front of the house will be visible. To add interest to the front elevation the applicant is adding a small shed roof above the front door. Per Section 17.56.020C.1 of the Zoning Ordinance eaves may extend into the front setback not more than two feet. The roof above the front door shall not extend more than two feet into the setback.

Hedge: According to Section 17.64.010 of the Zoning Ordinance the maximum allowable height for a fence, wall, structure or hedge in the front yard is three feet six inches. The existing hedge is well over three feet six inches in height and needs to be lowered to comply with this section.

Parking: According to Section 17.72.040 of the Zoning Ordinance, "At the time of initial occupancy of a site, construction of a structure, or major alteration or enlargement of a

site or structure, there shall be provided off-street parking facilities in accordance with the schedule of off-street parking in this chapter". The proposed addition will almost double the size of the existing house and therefore is considered a "major addition." According to Table 6, "Off-street Parking Requirements", a single-family home is required to have two off-street parking spaces, one of which has to be covered.

There is no covered parking on the site. According to the site plan the side yard where the driveway is located is 16 feet wide. The minimum width for a covered parking space is 10 feet and the minimum side yard dimension is 5 feet. It is possible to add a 10 by 20 foot single-car carport on the left side off the house next to the family room of the new addition. Adding a carport in this location will require extending the paved driveway 20 feet. The second uncovered space can be provided in tandem in front of the carport as permitted under Section 17.72.050G.3 of the Zoning Ordinance. The carport can be designed to have a shed or flat roof that is connected to the roof of the addition.

**PROJECT NOTIFICATION:** Two methods of public notice were used: (1) a legal notice was published in the Winters Express on Thursday, March 16, 2017 and (2) notices were mailed to all property owners within three hundred feet of the project boundaries at least ten days prior to the hearing. No new notice was needed since the Planning Commission continued the hearing at the March 28<sup>th</sup> meeting to the April 25<sup>th</sup> meeting. Copies of the staff report and all attachments for the proposed project have been on file, available for public review on the City's web site and at City Hall beginning April 20, 2017.

**ENVIRONMENTAL ASSESSMENT:** The addition and remodel are Categorically Exempt, Section 15303(a) (New Construction or Conversion Small Structures) of the California Environmental Quality Act (CEQA).

**General Plan and Zoning Consistency Findings:**

1. The project is consistent with the goals and policies of the General Plan. The General Plan designates the project site as Low Density Residential and this designation provides for single-family detached and attached homes. The project will enhanced the livability of the existing single-family residence.
2. The project is consistent with the provisions of the Zoning Ordinance. The principal uses of the R-1 Zone are single-family homes and duplexes. The proposed addition is to a single family home.

**RECOMMENDATION:** Should the Planning Commission decide to approve the project, staff recommends that the Commission make an affirmative motion as follows:

**I MOVE THAT THE WINTERS PLANNING COMMISSION APPROVE DESIGN REVIEW 2017-01 FOR AN 832 SQUARE FOOT ADDITION TO THE HOME AT 306 EDWARDS STREET BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY**

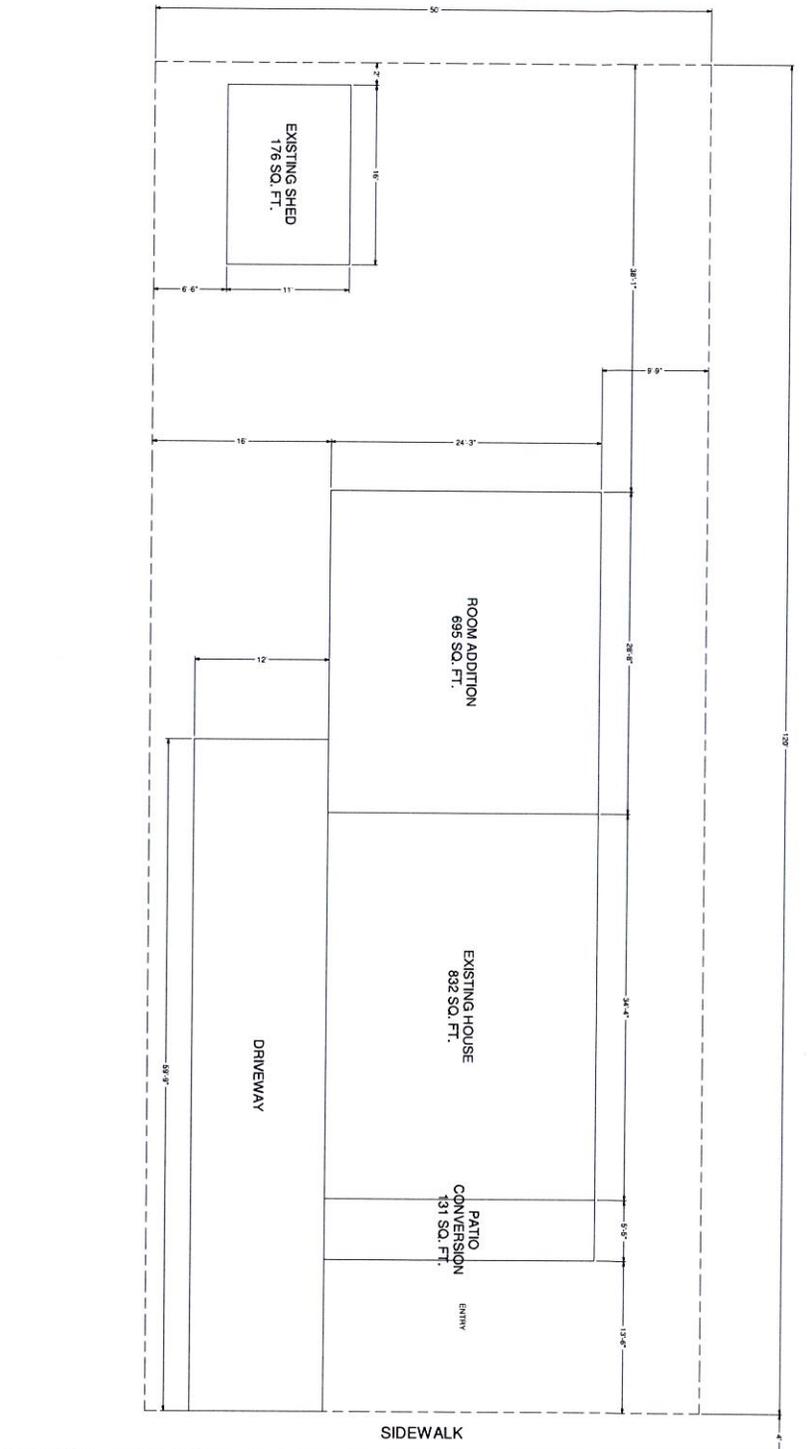
**TAKING THE FOLLOWING ACTIONS:**

- Confirmation of exemption from the provisions of CEQA.
- Confirmation of consistency findings with the General Plan and Zoning Ordinance.
- Approval of the Design/Site Plan of the project as depicted on the plans submitted and subject to the conditions of approval attached hereto.

**ALTERNATIVES:** The Commission can elect to modify any aspect of the approval or to deny the application. If the Commission chooses to deny the application, staff would need to prepare findings for the Commission adopt at the next meeting. The findings would need to illustrate the reasoning behind the decision to deny the project.

**ATTACHMENTS:**

- A. Site plan and elevations
- B. Conditions of approval



# ATTACHMENT A

NO.	DESCRIPTION	BY	DATE

ALFONSO MEDEROS  
306 EDWARDS STREET  
WINTERS, CA 95694

DATE: \_\_\_\_\_

SCALE: \_\_\_\_\_

SHEET: \_\_\_\_\_

**306 Edwards Street (APN 003-143-005)  
Design/Site Plan Review 2017-01**

**CONDITIONS OF APPROVAL  
April 25, 2017**

1. In the event any claim, action or proceeding is commenced naming the City or its agents, officers, and employees as defendant, respondent or cross defendant arising or alleged to arise from the City's approval of this project, the project Applicant shall defend, indemnify, and hold harmless the City or its agents, officers and employees, from liability, damages, penalties, costs or expenses in any such claim, action or proceeding to attach set aside, void, or annul an approval of the City of Winters, the Winters Planning Commission, or any advisory agency to the City and local district, or the Winters City Council. Project applicant shall defend such action at applicant's sole cost and expense which includes court costs and attorney fees. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense. Nothing in this condition shall be construed to prohibit the City of Winters from participating in the defense of any claim, action, or proceeding, if City bears its own attorney fees and cost, and defends the action in good faith. Applicant shall not be required to pay or perform any settlement unless the Applicant in good faith approves the settlement, and the settlement imposes not direct or indirect cost on the City of Winters, or its agents, officers, and employee, the Winters Planning Commission, any advisory agency to the City, local district and the City Council.
2. Approval of the applicant's project shall be null and void if the applicant fails to submit a building permit for the project within one year of Planning Commission approval or request and receives an extension from the Community Development Director.
3. The applicant shall pay all applicable taxes, fees, and charges at the rate and amount in effect at the time of such taxes, fees, and charges become due and payable.
4. All work within the public right-of-way or easement shall comply with the specifications of the City of Winters' Engineering Design and Construction Standards. An encroachment permit shall be required for all work performed in the public right-of-way.
5. The address number for the property shall be clearly visible from the street fronting the property. The address numbering shall be either four (4) inch illuminated numbers or six (6) inch non-illuminated numbers on contrasting background.

**ATTACHMENT B**

6. If not already installed, the applicant shall install a sewer lateral and cleanout that comply with the specifications of the City of Winters' Engineering Design and Construction Standards acceptable to the Public Works Director.
7. Prior to issuance of a building permit for the addition and remodel the applicant will need to get all existing permits finalized by the Building Division.
8. The applicant shall provide the City with a proof of payment for Winters Joint Unified School District facility fees at building permit issuance.
9. The applicant shall obtain all required City permits shall pay all applicable fees (building, impact, encroachment, etc.).
10. The applicant shall report to the City building materials diverted from landfill during the course of their project, pursuant to the provisions of City of Winters Ordinance No. 2002-03.
11. Building permit plans shall include adding a 10 by 20 foot carport and extending the driveway 20 feet. Extended driveway and carport shall be completed prior to the addition and remodel being finalized.
12. Prior to issuing a certificate of occupancy (C of O) the hedge located along the sidewalk shall be removed or cut to a maximum height of three feet six inches.



**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Chair and Planning Commissioners  
**DATE:** April 25, 2017  
**FROM:** David Dowswell, Contract Planner   
**SUBJECT:** Study Session - Discussion involving General Plan Policy and Section 17.56.020 of the Zoning Ordinance regarding creek setbacks.

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**RECOMMENDATION:** That the Planning Commission discuss the current policies and zoning regulations regarding creek setbacks, ask questions, take comments from the public and give staff direction.

**BACKGROUND:** Recently staff was contacted by the homeowners of the property at 508 Abbey Street regarding a possible addition off the back of their house. The proposed addition would come within seven (7) feet of the top of the bank along Dry Creek.

There are a number of policies in the General Plan that discuss the protection and enhancement of wetlands, riparian and aquatic ecosystems of Putah and Dry Creeks (Attachment A). Policy VI.D.1 requires all new development along Dry Creek be setback 50 feet from the top of the creek bank. This policy was derived from a discussion in the General Plan Background Report (Attachment B). The Background Report discusses creating 50-100 setbacks to help protect both Putah and Dry creeks from the future effects of urban development which could increase flood flows and velocities within both channels leading to greater erosion and scouring of the creek banks. The report references the adverse effects (loss of vegetation and scouring) the existing subdivisions have had on the opposite bank from the homes along Dry Creek.

Section 17.56.020D of the Zoning Ordinance states, "No new structural development shall be allowed within fifty (50) feet of the top of bank along Putah Creek west of Railroad Avenue and along Dry Creek or within one hundred (100) feet of the top of bank of Putah Creek east of Railroad Avenue. This regulation was created in response to policy VI.D.1 in the General Plan.

**ANALYSIS:** On April 3, 2017 staff walked Dry Creek beginning from the bridge on Grant Avenue that crosses over the creek all the way to the bridge at the end of Russell Avenue that crosses the creek to the Balogh property. Staff observed a number of additions/structures which have been added to the rear yards of the homes along with cactus, retaining walls, concrete rip rap and decks on the bank or extending over the top of the bank.

The assessor's map for the properties along Dry Creek has a dashed line (Attachment C) showing where the top of the bank is located. The homeowners of 508 Abbey Street prepared a site plan (Attachment D), based on the assessor's map, showing the 50 foot setback line and the location of their home on their lot and the location of the homes and major structures on a number of lots adjacent to the homeowners' house. Staff estimated using Google Earth the setbacks for each of these homes shown on Attachment D vary from 9 feet to 25 feet. In some instances there are additions (sheds/pools/patio covers) which have been added in the setback area which extend to or even over the top of the bank. The homes are grandfathered in because they were built before the 1992 General Plan was adopted. Many of additions are not grandfathered in since they were built after 1992.

The homeowners' home and all of the homes shown on Assessor's page 3-40 that back up to Dry Creek are nonconforming because they violate Section 17.56.070 of the Zoning Ordinance requiring they be setback 50 feet from the top of bank. Section 17.104.020 of the Zoning Ordinance states, "Nonconforming Structures – Improvement. Any expansion of a nonconforming structure must be in conformance with current zoning and building codes." On most of the homes only a small portion of the home is located outside of the 50 foot setback. Based on the language in Section 17.104.020 none of these homes could legally add on, vertically or horizontally, or build any structures in their backyards because all or most of each the home is built within the 50 foot setback. There are other homes along Dry Creek which are or have additions/structures which encroach into the 50 foot setback. There are two homes built on Liwai Court which were built after 1992 where the home and/or a garage or shed are located within 50 foot Dry Creek setback.

In 2005 the City approved the Dry Creek (Creekside Estates) Subdivision. This subdivision was designed to comply with General Plan and Zoning Ordinance. All of the lots that back up to the creek show a 50 foot setback from the top of the bank. Some of the homes, due to the shallowness of the lots, will be unable to add any structures in the rear yard because the homes on these lots will likely be built right to the setback line. This entire subdivision has a PD overlay zoning which gives the Planning Commission the ability to allow some encroachment into the 50 foot setback.

It appears that the General Plan policy and the Zoning Ordinance 50 foot setback restriction as they apply to Dry Creek have not been enforced, have been overlooked or have been ignored. After researching this issue Staff has the following questions:

1. Was it the intent of the policy and the zoning regulation to prohibit all of the pre-existing homes that currently encroach into the 50 foot setback from adding on or placing any structures within the setback, or
2. Was it the intent the policy and zoning regulation to prohibit only new homes from encroaching into the setback? If so, why has not the policy and regulation been enforced for those homes built after 1992.

After reading the General Plan Background Report it appears the purpose for requiring a 50 foot setback along Dry Creek was designed to accomplish four main goals: (1) allow for an adequate setback because of the potential for future erosion of the banks, (2) ensure that future development does not impinge on the creek, (3) provide for a future recreational trail, and (4) protect riparian vegetation and wildlife habitat. Staff believes there are ways to achieve these goals without having such an onerous setback requirement.

**RECOMMENDATION:** Should the Planning Commission discuss the current policies and zoning regulations and give staff direction as to next steps.

**ATTACHMENTS:**

- A. Policies in General Plan regarding Putah and Dry Creeks
- B. General Plan Background Report discussion involving Putah and Dry Creeks
- C. Assessor's parcel map page 3-40
- D. Site plan showing location of existing homes located along Dry Creek

*Habitat Management Plan.* Such plan shall provide baseline data for the Winters area on special-status plant and animal taxa, including Swainson hawk and the valley elderberry longhorn beetle, and provide guidelines and standards for mitigation of impacts on special-status taxa.

- VI.C.5. The City shall require mitigation of potential impacts on special-status plant and animal taxa based on a policy of no-net-loss of habitat value. Mitigation measures shall incorporate as the City deems appropriate, the guidelines and recommendations of the U.S. Fish and Wildlife Service and the California Department of Fish and Game. Implementation of this policy may include a requirement that project proponents enter into an agreement with the City satisfactory to the City Attorney to ensure that the proposed projects will be subject to a City fee ordinance to be adopted consistent with the regional *Habitat Management Plan*.
- VI.C.6. 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*.
- VI.C.7. The City shall promote the use of drought-tolerant and native plants, especially valley oaks, for landscaping roadsides, parks, schools, and private properties.
- VI.C.8. Parks, the drainage detention areas, and golf course development shall incorporate areas of native vegetation and wildlife habitat.
- VI.C.9. Large, older and historically-significant trees should not be removed unless they are diseased or represent an unavoidable obstacle to development. Development should be designed and constructed to avoid adverse impacts on such trees.
- VI.C.10. The City shall encourage and support development projects and programs that enhance public appreciation and awareness of the natural environment.

**Goal VI.D: To promote the protection and enhancement of wetlands and the riparian and aquatic ecosystems of Putah Creek and Dry Creek.**

- VI.D.1. The City shall require that all new development along Putah Creek east of Railroad Avenue be set back at least 100 feet from the top of the creek bank, that all new development along Putah Creek west of Railroad Avenue be set back at least 50 feet from the top of the creek bank, and that all new development along Dry Creek be set back at least 50 feet from the top of the creek bank. Where there is no discernable bank, the set back shall be measured from the line closest to the creek where riparian vegetation is permanently established.
- VI.D.2. Except for recreational trails and recreational uses developed along Putah Creek in the downtown area, the Putah Creek and Dry Creek corridors should be preserved as much as possible in their natural state. Public access and recreational facilities shall not eliminate or

degrade riparian habitat values. Trails, picnic areas, and other recreational developments shall be sited to minimize impacts on sensitive wildlife habitat or riparian vegetation.

VI.D.3. The City shall develop a program for habitat management within the Putah Creek and Dry Creek corridors consistent with the following principles:

- Trees and shrubs planted within the creek corridors shall be selected from a list of native plants approved by the City.
- Non-native trees and shrubs shall be removed from the creek corridors according to a long-term program approved by the City.
- New irrigation and planting within the dripline of existing native oaks shall be prohibited. Irrigated turf areas shall be placed only in areas where there are no mature native trees that could be damaged by changes in the environment, such as summer watering.

VI.D.4. Any upstream development that creates potential erosion impacts on Dry Creek and Putah Creek shall be required to adopt all feasible measures to mitigate such impacts.

VI.D.5. 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.

VI.D.6. The City shall seek state grant funding for revegetation, habitat preservation, and erosion control in the Putah Creek and Dry Creek corridors.

VI.D.7. The City shall work with Yolo County, Solano County, the Putah Creek Council, the California Department of Fish and Game, and the U.S. Army Corps of Engineers in establishing guidelines for erosion control measures along Putah Creek and Dry Creek. Such guidelines should implement the following principles:

- Slope stabilization projects should emphasize revegetation.
- Stabilization projects that involve the use of cribs, gabions, rock and wire mattresses, or wire mesh over stone should be screened from public view with vegetation to assure a naturalistic appearance.

VI.D.8. Brush clearing, mowing of natural vegetation, fire breaks, or similar activities along Putah Creek and Dry Creek shall be prohibited unless a demonstrated need exists to protect the public health, safety, or welfare, as determined by the Fire Protection District or other public agency with legal jurisdiction.

VI.D.9. No mining or gravel extraction operations shall be permitted in the Putah Creek and Dry Creek corridors.

**Goal VI.E: To promote and, to the extent possible, improve air quality in Winters and the region.**

**Policies:**

- VI.E.1. The City shall cooperate with the Yolo-Solano Air Pollution Control District in an effort to ensure the earliest practicable attainment and subsequent maintenance of federal and state ambient air quality standards.
- VI.E.2. The City shall utilize the CEQA process to identify and avoid or mitigate potentially significant air quality impacts of new development. The CEQA process shall also be utilized to ensure early consultation with the Yolo-Solano Air Pollution Control District concerning air quality issues associated with specific development proposals.
- VI.E.3. The City shall notify and coordinate with the Yolo-Solano Air Pollution Control District when industrial developments are proposed. Such coordination will assist applicants in complying with applicable air quality regulations and will assist the City in promptly identifying and resolving potential air quality problems.
- VI.E.4. Major intersections shall be designed to minimize long vehicle delays which result in carbon dioxide (CO) "hot spots."
- VI.E.5. The City shall, to the extent practicable, separate sensitive land uses from significant sources of air pollutants or odor emissions.
- VI.E.6. The City shall require for both public and private projects that construction-related dust be minimized. Larger projects that create a potential for generating a significant amount of construction-related dust shall be required to include dust control measures as part of their construction mitigation plans.
- VI.E.7. The City shall promote expansion of employment opportunities within Winters to reduce commuting to areas outside Winters.
- VI.E.8. The City shall attempt through careful land use and site planning to reduce automobile use.
- VI.E.9. The City shall actively promote ridesharing.
- VI.E.10. The City shall contribute through tree planting and preservation to the enhancement of air quality.
- VI.E.11. In granting development entitlement, the City shall require all new industrial and commercial developments within the city projected to generate more than 500 trips per day (based on typical generation rates) to develop an air quality mitigation plan. This plan shall include an analysis of how the project would utilize site planning, mixed land uses, transportation systems management measures (e.g., carpooling, van pooling, shuttle bus service, transit incentives, etc.) to reduce by 25 percent the number of trips that would typically be projected for such development. Where this goal cannot be met by these methods, the plan shall provide for off-

## IX. BIOTIC CONSIDERATIONS

adobe soils. No populations have been recorded from the Winters area, and most have been reported to the southwest along the slopes of the interior foothills of the Coast Range. A questionable occurrence record for this species was made approximately ten miles southwest of Winters in 1925.

### B. IMPACTS

#### 1. Vegetation

The primary biotic impact of implementation of the General Plan would be the permanent loss of agricultural habitat to urban development. Full development under the General Plan would result in the conversion of approximately 1,231 acres of cultivated fields, orchards, pastures and vacant lands to residential, commercial, industrial and public uses. The impacts directly related to the conversion of agricultural land to urban uses is addressed in Chapter XIII. Future development may also affect mature trees, both as a result of direct removal and as a result of secondary effects such as changes in drainage patterns, landscape irrigation, and creation of impervious surfaces within the dripline of individual trees. In addition to their aesthetic resource values, mature trees provide important nesting and roosting habitat which would be lost with tree removal. The City's existing Historical Tree Ordinance provides some protection for specifically-identified important trees.

Riparian woodland and wetland habitat could potentially be lost or disturbed as a result of future development along Putah and Dry creeks, or from secondary effects such as increased recreational use along these corridors. Anticipated future development would increase flood flows and velocities, with an estimated 4 percent increase to the 10-year flood flow of Putah Creek and 3.4 percent increase to the 10-year flood flow of Dry Creek. Although these increases may contribute to localized erosion problems, such as increased scour and bank migration, the bank and channel bottom configuration of the stream corridors are constantly changing and this contribution would not be considered significant. Where future development impinges on the stream corridors, however, bank modifications and resulting changes in stream flows may contribute to severe erosion, as evidenced along Dry Creek where two recent residential subdivisions have reduced the channel width and replaced a natural bank with concrete rip rap, resulting in channel scouring and vegetation loss on the opposite bank.

*The Draft General Plan, together with the Modified DGP, includes policies in the Natural Resources section which would reduce the effects of urban development on vegetation. The Natural Resources section directs the City to require site-specific surveys to identify important vegetation resources in riparian or wetland areas (VI.C.1), 50- to 100-foot setbacks along Putah and Dry Creeks, and to develop recreational trails and facilities along those Creeks with*

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*sensitivity to wildlife habitat and riparian vegetation habitat, using detailed habitat management principles. Those principles include re-placing non-native trees and shrubs with native species, and prohibiting new irrigation and planting within the dripline of native oaks (Goal VI.D, Policies VI.D.1-4). Guidelines are to be developed in cooperation with CDFG, the Army Corps of Engineers, Yolo and Solano Counties, and the Putah Creek Council for erosion control measures, or slope stabilization (VI.D.5). The DGP also directs the City to discourage premature conversion of agricultural land to urban uses, to encourage agricultural uses until such time development is imminent, and to adopt a right-to-farm ordinance (Goal VI.B, Policies VI.B.1,2,4). These policies of the Natural Resources section could reduce the severity of vegetation impacts, particularly along Putah and Dry Creeks, but could not avoid the ultimate, significant loss of such resources in agricultural areas.*

**9.1 The impacts of the Draft General Plan and the Modified DGP on vegetation in agricultural areas would be significant.**

### **2. Wetlands**

In addition to the Putah and Dry Creek corridors, jurisdictional wetlands may exist along Moody Slough and other drainage channels, irrigation ditches, seasonally ponded depressions, and other features. Modifications to waterways and other wetland features would be subject to jurisdictional review and approval by the Corps and possibly the CDFG. Further review by representatives of these two agencies would focus on minimizing disturbance to the existing riparian corridors, with landscape planting provided as necessary to replace any native vegetation removed as a result of improvements. As discussed previously, the objective of the CDFG is to ensure no net loss of either habitat acreage or value. Depending on the extent of proposed disturbance and quality of affected habitat, required mitigation ratios may vary from simple in-kind replacement to as high as 3:1 wetland replacement.

*Policies contained in the Natural Resources section of the General Plan serve to ensure that development does not result in a net loss of riparian or wetland habitat, including provisions for appropriate setbacks along Putah and Dry creeks, planting with native species, guidelines for erosion control methods and habitat enhancement objectives (VI.C.1-9).*

**Impacts on wetlands of Alternatives I and II would not be significant, but could require additional, more specific mitigation measures to be defined.**

### **3. Wildlife**

The loss of agricultural lands would result in the permanent loss of smaller, less mobile wildlife species, and the loss or displacement of more mobile species to surrounding agricultural lands

## IX. BIOTIC CONSIDERATIONS

that are not already at carrying capacity for those species. Adjacent agricultural lands of similar habitat value are extensive in the Winters area and throughout much of the Central Valley. Therefore, although some individual habitats would be lost, most species would not be significantly affected.

**Effects of the loss of agricultural lands on wildlife (exclusive of special status species) would not generally constitute a significant impact.**

### 4. Special-Status Taxa

Anticipated future development in the Winters area would further reduce the available habitat for a number of special-status taxa, and may affect critical features such as nesting and roosting sites or important foraging habitat. In particular, future development would contribute to a reduction in foraging habitat for Swainson hawk, and in the absence of adequate mitigation, may constitute "taking" under Section 2081 of the California Endangered Species Act and the Migratory Bird Treaty Act of 1918. Habitat loss is the most significant threat to the remaining subpopulations of Swainson hawk, as agricultural practices change or agricultural lands are converted to urban uses, and as nest trees are destroyed. The loss of nesting and foraging habitat has greatly reduced the breeding range and abundance of Swainson hawk in California, and the CDFG has developed detailed mitigation guidelines in an effort to protect critical habitat for this species.

The Mitigation Guidelines for Swainson's Hawk in the Central Valley of California (Ref. 11) were prepared by the CDFG to provide information on recommended management, natural history and population status, nesting and foraging requirements, and mitigation criteria for Swainson hawk, with a general goal of no net loss of breeding or foraging habitat. The guidelines are intended to provide lead agencies and project sponsors with an interim framework for developing adequate measures to mitigate the loss of habitat until a comprehensive Swainson Hawk Habitat Resource Plan is completed by the Department. The mitigation criteria specified in the guidelines include: consultation with representatives of the Department; restrictions on disturbance within on half mile of a known nest site from March 1 through August 15; prevention of loss of nest trees; maintenance of sufficient foraging habitat to support breeding pairs and successful fledging of young; and restoration and enhancement of nesting and foraging habitat. A copy of the mitigation guidelines is contained in Appendix D for review.

Recreational development, flood control modifications, or future development in the vicinity of Putah and Dry creeks could result in the disturbance or loss of valley elderberry longhorn beetle habitat. Elderberry shrubs may occur at other locations throughout the General Plan area as well, particularly along other drainage or irrigation features. Although the Natural Resources section of the General Plan includes policies to protect sensitive resources along Putah Creek and habitat for special status taxa in general, no specific provisions have been developed to protect habitat for the beetle. A copy of general compensation guidelines for the valley elderberry longhorn beetle is contained in Appendix E for review.

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Although the extent of past disturbance limits the likelihood of occurrence or importance of the Winters area for many special-status plant and animal taxa, additional studies would be necessary to conclusively determine whether a number of taxa of concern occur in the area and may be affected by future development. These include: taxa associated with riparian corridors and other wetland features (such as tricolored blackbird, valley elderberry longhorn beetle, and California tiger salamander); taxa associated with largely undisturbed areas (such as burrowing owl); and nest or roost sites for raptors and other taxa of concern (such as pacific western big-eared bat). If special-status taxa occur along wetland features or largely undisturbed areas, future development may adversely affect established populations unless protective measures are identified and implemented.

*The Draft General Plan directs the City to participate in local and regional activities which protect, restore and maintain viable habitat for endangered and threatened species, with the aim of developing a region-wide Habitat Resources Plan (VI.C.4).*

- 9.2 The impacts of development under Alternatives I and II would have a significant impact on special-status taxa, and would require the implementation of regional habitat mitigations.**

### C. MITIGATION MEASURES

#### 1. Vegetation

- 9.1** Consistent with policies contained in the General Plan, future landscaping along public right-of-ways, parks, schools, and private developments within the Winters area shall emphasize the use of native plant species to the extent possible. Suitable native species for use in landscape improvements include: valley oak (*Quercus lobata*), live oak (*Quercus agrifolia*), sycamore (*Plantus racemosa*), Fremont cottonwood (*Populus Fremontii*), California buckeye (*Aesculus californica*), black walnut (*Juglans hindsii*), toyon (*Heteromeles arbutifolia*), oso berry (*Osmaronia cerasiformis*), California rose (*Rosa californica*), California blackberry (*Rubus vitifolius*), elderberry (*Sambucus mexicana*), box elder (*Acer negundo* ssp. *californicum*), dwarf coyote brush (*Baccharis pilularis*), California buckwheat (*Eriogonum fasciculatum*), and purple needle grass (*Stipa pulchra*).

**This measure would reduce the impact of Alternatives I and II to a less-than-significant level.**

## IX. BIOTIC CONSIDERATIONS

### 2. Wetlands

- 9.2A** Preparation of any plans to modify channels and other wetland features (such as bridge crossings, flood control improvements, or culverting) shall be designed to minimize disturbance to areas of dense riparian and marshland cover consistent with policies contained in the Natural Resources section of the General Plan. Any proposed channel modifications shall be coordinated with representatives of the CDFG and Corps to ensure that the concerns and possible 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.
- 9.2B** Any necessary flood control or drainage improvements to existing channels and other waterways shall be designed to minimize disturbance to the wetland vegetation, including both emergent and woody plant cover. Strategies available to minimize disturbance (presented in decreasing order of preference) include: use of detention basins; creating bypass channels; and selectively protecting individual mature trees and reestablishing young trees, shrubs and groundcover vegetation following channel modifications. If channel widening or other modifications are determined to be unavoidable, improvements shall be designed to permit reestablishment of emergent and dense woody vegetation without impinging on the required flood control capacity of the channel.

The above measures would reduce the impact of Alternatives I and II to a less-than-significant level.

### 3. Special Status Taxa

- 9.3A** Prior to approving specific development plans, parcels encompassing or adjacent to riparian and other undisturbed habitat shall be surveyed for special-status plant and animal taxa to confirm that populations of taxa of concern would not be affected by the proposed development. The field surveys shall be conducted by a qualified biologist, and as necessary, shall be conducted during the appropriate time of the year to detect the presence of taxa of concern. If taxa of concern are encountered during the detailed field surveys, appropriate measures shall be developed to minimize disturbance and protect identified populations.



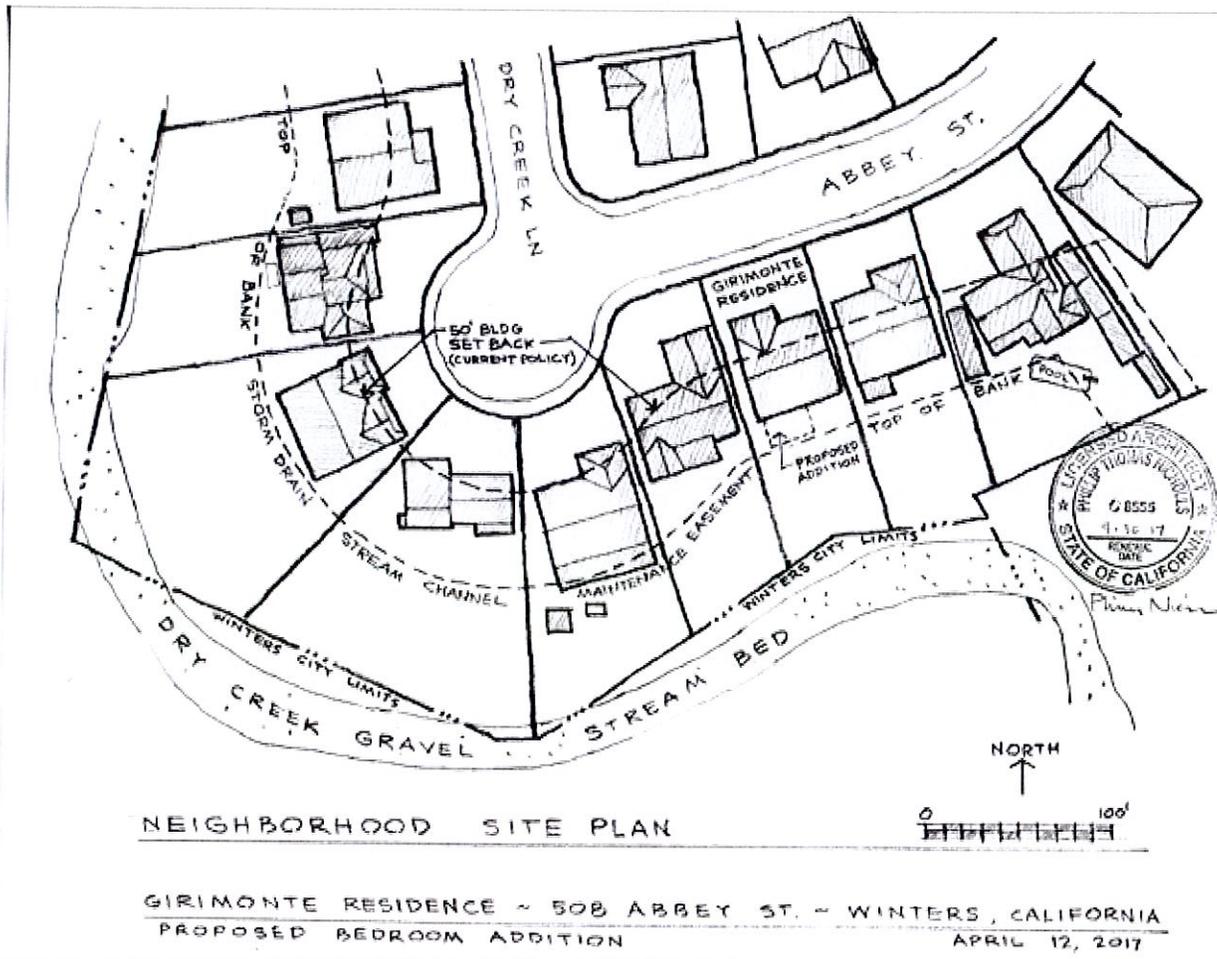
**Dave Dowswell**

**From:** Phillip Nicholls <nicholls.phil.lynn@gmail.com>  
**Sent:** Wednesday, April 12, 2017 2:02 PM  
**To:** Dave Dowswell  
**Subject:** Girimonte Addition

Dave,

Here is the revised drawing as we discussed.

Phil Nicholls



ATTACHMENT D

oyo  
2526.

oyo Unit  
3252.  
5 for Raja  
Development

