

CITY OF WINTERS REGULAR PLANNING COMMISSION AGENDA

To Join Zoom Meeting on PC:  
<https://us02web.zoom.us/j/81576436553>  
**Meeting ID: 815 7643 6553**

-OR- Dial In by Phone  
1-669-900-6833 –  
**Meeting ID: 815 7643 6553**

Tuesday, May 26, 2020 @ 6:30 PM  
City of Winters Council Chambers  
318 First Street  
Winters, CA 95694-1923  
Community Development Department  
Contact Phone Number (530) 794-6714  
Email: [dave.dowswell@cityofwinters.org](mailto:dave.dowswell@cityofwinters.org)

Chairperson: Paul Myer  
Vice Chair: Lisa Baker  
Commissioners: Dave Adams, Patrick  
Riley, Gregory Contreras, Daniel  
Schrupp, Ramon Altamirano  
City Manager: John W. Donlevy, Jr.  
Management Analyst, Dago Fierros  
Contract Planner, Dave Dowswell

- I CALL TO ORDER
- II SWEAR IN NEW PLANNING COMMISSION MEMBERS NANCY NORTHRUP AND CHRIS ROSE
- III ROLL CALL & PLEDGE OF ALLEGIANCE
- IV 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.
- V CONSENT ITEM
  - A. Minutes of February 25, 2020 meeting of Planning Commission.
- VI DISCUSSION ITEMS:
  - A. Public Hearing and Consideration of an amendment to Conditional Use Permit 2010-01 allowing Turkovich Wines, located at 304 and 306 Railroad Avenue, to expand into the lower floor of the Opera House/Palms Playhouse (640 square feet), located at 13A Main Street, to create a new kitchen and to expand onto the existing patio (APN 003-204-009) **Continue to June 23, 2020**
  - B. Public Hearing and Consideration of the proposed Walnut Lane 10 54-lot single-family subdivision located at the north end of Walnut Lane (APN 038-050-019). Entitlements include:
    - a. Mitigated Negative Declaration, and
    - b. Tentative Map, and
    - c. Planned Development (PD) Overlay Zoning
  - C. Appoint member from the Planning Commission to the Affordable Housing Steering Committee

## 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 MAY 21, 2020

---

DAVID DOWSWELL, COMMUNITY DEVELOPMENT DEPARTMENT CONTRACT 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.

GENERAL NOTES: MEETING FACILITIES ARE ACCESSIBLE TO PERSONS WITH DISABILITIES. TO ARRANGE AID OR SERVICES TO MODIFY OR ACCOMMODATE PERSONS WITH A DISABILITY TO PARTICIPATE IN A PUBLIC MEETING, CONTACT THE CITY CLERK.

MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD  
FEBRUARY 25, 2020

**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.*

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

**PRESENT:** Commissioners Adams, Contreras, Riley, Schrupp, Vice Chair Baker, Chairman Myer

**ABSENT:** Commissioner Altamirano

**STAFF:** City Manager John Donlevy, Contract Planner Dave Dowswell, Building Official Gene Ashdown, Economic Development/Housing Manager Dan Maguire, Management Analyst Dagoberto Fierros

Fire Chief Brad Lopez led the Pledge of Allegiance.

**CITIZEN INPUT:**

None.

**COMMISSIONER/STAFF COMMENTS:**

Vice Chair Baker stated that she will step down from the Commission due to a new appointment that involves directly providing housing services to the City of Winters.

**CONSENT ITEM:**

A. Minutes of the January 28, 2020 regular Planning Commission meeting.

Commissioner Contreras moved to approve; Vice Chair Baker seconded. Motion Carried.

**AYES:** Commissioners Adams, Contreras, Riley, Schrupp, Vice Chair Baker, Chairman Myer

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Commissioner Altamirano

**DISCUSSION ITEM:**

A. Consideration of the Affordable Housing Plan for the Walnut Lane 10 Tentative Subdivision Map to subdivide 10 acres into 54 lots. The property is located at the north end of Walnut Lane.

Economic Development/Housing Manager Dan Maguire presented the affordable housing plan for the subdivision. Maguire stated that the 54-lot subdivision is required to provide eight affordably restricted lots. The developer plans to build the two moderate income restricted homes and pay in-lieu fees instead of building the required four very low-income restricted homes and the two low-

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD  
FEBRUARY 25, 2020**

income restricted homes. Discussion ensued about the economics of building affordable units and paying in-lieu fees.

**CITIZEN INPUT:**

Owen Gerald Taylor, 110 Orchard Lane, discussed traffic and flood control issues that could arise from the development.

Jack and Whitney Vickrey, 115 Orchard Lane, stated that staff can improve their community outreach.

Sandy Vickrey, 7 East Main Street, discussed ways to improve the affordable housing program in Winters.

Al Vallecillo, 210 Main Street, stated that the future vision of Winters should be to create homes that match existing neighborhoods in town.

Kate Laddish, 400 Morgan Street #21, applauded the City's affordable housing efforts but questioned the City's ability to integrate affordable housing into neighborhoods instead of segregating.

Kris Baitoo, 28056 Walnut Lane, asked for clarification on the public comment period and possible extension.

**COMMISSIONER/STAFF COMMENTS:**

Manager John Donlevy discussed the City's efforts to strategically place affordable housing in certain areas of town.

Vice Chair Baker expressed support for the efforts of the Winters Affordable Housing Steering Committee.

Planner Dave Dowswell stated the public comment period will most likely be extended. The entire neighborhood will be notified.

Commissioner Riley moved to approve staff recommendation; Commissioner Contreras seconded.

**AYES:** Commissioners Adams, Contreras, Riley, Vice Chair Baker, Chairman Myer

**NOES:** None

**ABSTAIN:** Commissioner Schrupp

**ABSENT:** Commissioner Altamirano

**DISCUSSION ITEM:**

- B. Public Hearing and Consideration of Site Plan/Design Review of a second story addition and new garage located at 202 Russell Street. (Continued from the January 28, 2020 meeting.)

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD  
FEBRUARY 25, 2020**

Planner Dave Dowswell gave a presentation on the proposed project. The property is not on the National Historic Register. The Planning Commission is the lead on historic preservation in Winters.

**CITIZEN INPUT:** None.

**COMMISSIONER/STAFF COMMENTS:**

Vice Chair Baker discussed the possible historic preservation conflicts with the property.

Planner Dowswell stated that the property is not currently on a historic register, but it is identified on the 1983 Winters historic study. Property owners do not plan on applying to be identified on the National Historic Register.

Emarie VanGalio, owner 202 Russell Street, talked to a representative of the California Office of Historic Preservation. It was determined that the California Office of Historic Preservation cannot enforce laws regarding remodels but is a guiding body to those issues. The City is responsible for implementing historic preservation laws.

Vice Chair Baker and Commissioner Contreras appreciated the applicant's effort to maintain the same historic design.

Manager Donlevy directed staff to follow up with the California Office of Historic Preservation.

Commissioner Contreras moved to approve the staff recommendation, Schrupp seconded.

**AYES:** Commissioners Adams, Contreras, Riley, Schrupp, Chairman Myer

**NOES:** None.

**ABSTAIN:** Vice Chair Baker

**ABSENT:** Commissioner Altamirano

**DISCUSSION ITEM:**

- C. Public Hearing and Consideration of an application by Homes by Towne of Rancho Cordova to amend the Tentative Map for the 395-lot subdivision of the Winters Highlands (Stones Throw) Development located off Main Street north of Grant Avenue (SR 128)

Jeff Pemstein, Division President of Homes by Towne gave a presentation on the proposed amendment to the Tentative map. The developer sees a market for more "duet" lots.

**CITIZEN INPUT:**

Kate Laddish, 400 Morgan Street #21, asked for clarification on the proposed change to "duet" lots.

**COMMISSIONER/STAFF COMMENTS:**

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD  
FEBRUARY 25, 2020**

Commissioner Contreras asked if the addition of lots to the subdivision will trigger the need to add more affordably restricted units.

Vice Chair Baker moved to approve the staff recommendation. Under one condition, if the affordable housing plan for the subdivision is impacted, the affordable housing plan will be amended by staff. Commissioner Riley seconded.

**AYES:** Commissioners Adams, Contreras, Riley, Schrupp, Vice Chair Baker, Chairman Myer

**NOES:** None.

**ABSTAIN:** None.

**ABSENT:** Commissioner Altamirano

**DISCUSSION ITEM:**

D. Public Hearing and Consideration of various amendments to Title 17 (Zoning Ordinance) of Winters Municipal Code which includes the following entitlements:

- 1) Finding the project Statutorily Exempt from CEQA Section 15268, Ministerial Projects.
- 2) Recommending the City Council adopt an ordinance which amends the City's local regulatory scheme (Chapter 17.98, Accessory Dwelling Units or ADU's) for the construction of ADU's and Junior Accessory Dwelling Units (JADU) to comply with the amended provision of Government Code sections 65852.2 and 65852.22. (Continued from the January 28, 2020 meeting.)

Planner Dowswell gave a presentation on the proposed amendments.

**CITIZEN INPUT:** None.

**COMMISSIONER/STAFF COMMENTS:**

Manager Donlevy and Commissioner Contreras discussed possible litigation that could affect the proposed amendment in the future. Minimal discussion ensued.

Vice Chair Baker moved to approve the recommendation. Commissioner Contreras seconded.

**AYES:** Commissioners Adams, Contreras, Riley, Schrupp, Vice Chair Baker, Chairman Myer

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Commissioner Altamirano

**COMMISSIONER/REPORTS:**

MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD  
FEBRUARY 25, 2020

Manager Donlevy discussed ways staff can improve its communication with residents who may be concerned about development in Winters. Donlevy also discussed the many proposals being brought forth at the state level that will affect zoning regulations and densities in certain areas.

**ADJOURNMENT:** Chairman Myer adjourned the meeting at 8:35 p.m.

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

Dagoberto Fierros, Management Analyst

\_\_\_\_\_

Paul Myer, Chairman



**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Chair and Planning Commissioners  
**DATE:** May 26, 2020  
**FROM:** David Dowswell, Contract Planner   
**SUBJECT:** Walnut Lane 10 Subdivision - Public Hearing and Consideration of the proposed Walnut Lane 10 Mitigated Negative Declaration, Tentative Map and Planned Development Overlay Zoning for a 54-lot Single Family Subdivision (APN 038-050-019)

---

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

- 1) Receive staff report on the Walnut Lane 10 Subdivision.
- 2) Conduct public hearing to consider comments on the Mitigated Negative Declaration, Tentative Map and Planned Development Overlay Zoning.
- 3) Recommend City Council adopt Resolution 2020-20 adopting a Mitigated Negative Declaration (MND) is the appropriate level of environmental review under CEQA and finds that the MND represents the independent judgment of the City
- 4) Recommend the City Council approve the Walnut Lane 10 Subdivision Mitigation Monitoring Reporting Program
- 5) Recommend the City Council adopt Resolution 2020-21 approving the Walnut Lane 10 Subdivision 54-lot Tentative Map.
- 6) Recommend the City Council adopt Ordinance 2020-04 adding a Planned Development (PD) Overlay Zone to the existing R-1 7000 zoning to allow lots averaging less than 7000 square feet.

**GENERAL PLAN LAND USE DESIGNATION:** The General Plan land use designation is Low Density Residential (LR) which allows 1.1 to 7/3 lots per gross acre.

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

North: Farmland – Unincorporated, no zoning  
South: Single Family Homes – Single Family Residential (R-2 6000)  
East: Vacant farmland – Single Family Residential (R-1 7000)  
West: Single Family Home - Unincorporated, no zoning

**BACKGROUND:** The applicant, Jim Corbett, purchased the property in the mid-90s. Prior to purchasing the property the existing almond orchard had been abandoned. There has been no other use of the property. In 2012 the City approved the I-505/Grant Avenue 140-acre land use and zoning changes, which included a Mitigated Negative Declaration. The approvals did not include this property. It did include the Skreden property immediately to the west.

On February 7, 2019 the applicant submitted an application to subdivide the 10-acre property into 54 lots, 52 standard lots and two duplex/duet affordable lots. After reviewing the application staff determined that a Mitigated Negative Declaration needed to be prepared.

On June 17, 2019 the applicant hired the De Novo Planning Group (DPNG) to prepare a Mitigated Negative Declaration (MND). The administrative draft MND was completed in early December 2019. Notice of Intent (NOI) and Notice of Completion (NOC) (Attachment A) to adopt a MND were delivered to the state clearinghouse on January 30. The NOI was mailed to all contiguous property owners on the same date. The 30-day comment period was from January 30, 2020 to March 2, 2020. The comment period was extended to March 24, 2020 (Attachment B).

On April 15, 2020 the applicant hosted a neighborhood video meeting. Thirteen residents (Attachment C) participated in the meeting. Concerns expressed at the meeting included:

- How will this project affect the flooding problems which have occurred for the properties to the south for many years?
- Increased traffic on Walnut Lane.
- Lack of a secondary road into and out of the area and the potential safety risks due to limited access.

**PROJECT DESCRIPTION:** The applicant is requesting approval for the development of 54 single family residential lots, 52 standard lots and two duplex/duet lots, associated amenities, and infrastructure improvements ("the Project"). The Project site will include approximately 2.2 acres of streets, yielding 7.8 net acres. The density of the Project site will be approximately 5.4 units per gross acre and 6.9 units per net acre. The average lot size will be approximately 6,368 square feet (sf), with an anticipated range of lot sizes from 6,090 to 7,765 square feet, with an exception of the half-plex units (lots 37A and 37B), which would have lot sizes of approximately 4,595 and 3,509 sf, respectively. It is anticipated the Project would be constructed in one phase (Attachment D). The Project's southernmost lots would be located directly adjacent to the existing residential development. The abandoned almond orchard located on the Project site will be removed during Project construction activities. In addition to the tentative map, the applicant is requesting the property be rezoned by adding a Planned Development (PD) overlay zoning to allow the minimum lot width to be less than 60 feet for interior lots and 70 feet for corner lots and to allow the average lot size to be less than 7,000 square feet.

#### Infrastructure and Access

Access to the Project site is currently provided from Walnut Lane and Almond Drive.

Three access points are proposed for the Project: one southwestern entrance and one northeastern entrance off Walnut Lane, and an additional southeastern entrance off Almond Drive. Walnut Lane, located along the southwestern boundary of the Project site, will be extended along the full length of the western boundary of the Project site and improved. The Project will contain several internal streets, as shown on the tentative map. The Project will provide stubbed street to allow for connection to the Skreden residential property to the east. Additionally, as part of the Project, Walnut Lane will be upgraded to provide curb, gutter and sidewalk on the east side of the roadway, and sufficient pavement to accommodate two travel lanes. However, curb, gutter, and sidewalk would not be installed on the westerly side of Walnut Lane. There is a pathway along the southern edge of Walnut Park that connects to Dutton Street that was designed to support city pick-up trucks. This pathway could be used in an emergency by ambulance and fire trucks, it could not be used by fire engines.

The Project would be served by existing City water, sewer, and storm drainage infrastructure. The proposed water system will be tied into the 8-inch water line in Walnut Lane and the 8-inch water line in Almond Drive. An 8-inch water line connection is also proposed to the northeast to connect with the future Skreden 61 subdivision. Stormwater would drain to the east of the Project site via a v-ditch to the Grant Avenue culvert.

**ANALYSIS:** The Project would not result in development that conflicts with the General Plan or zoning, subject to the PD overlay being approve. The gross density, at 5.4 units per acre, falls within the allowable range of 1.1 to 7.3 units per acre for the Low-Density Residential land use designation and R-1 7000 zoning. The proposed lots are slightly smaller (less than 60 feet wide interior lots and 70 feet wide corner lots) than the lots immediately south of the Project located on Almond Drive, Orchard Lane, and Broadview Lane. The lots on Broadview and Colby Lanes are similar in size and width.

### **Tentative Map**

The tentative map (Map) includes 52 standard lots and two (2) duet lots. The Map includes an extension of Almond Drive, which will provide an alternate means of access for the existing homes to the south. It will also provide two alternate means of access through the extension of Almond Drive to Walnut Lane. Ultimately, this subdivision will have an access road connecting to the property to the east that will then connect to East Main Street and East Grant Avenue.

### **Flooding**

Several people who submitted letters or who participated in the community meeting expressed concern about the potential for this project to exacerbate the historical flooding problem that has affected the existing homes to the south of the project site off Orchard Lane and Almond Drive. The Project will be required to provide a berm along the northern edge of the subdivision which will divert any water to the east by a v-ditch and weir to the Skreden property to accommodate, store and convey stormwater to an existing culvert at Grant Avenue.

### Increased Traffic

People who submitted letters or participated in the community meeting also expressed concern about the increase in traffic. The average daily traffic (ADT) on Walnut Lane is 1,780 trips according Circulation Master Plan and Roadway Impact Fee Program Update (CMP) prepared in 2018 by Fehr & Peers. The Project would increase the ADT by 529 trips. According to the CMP the intersection of Walnut Lane and the round-about currently operates at LOS C. With the additional traffic from the Project the intersection will still operate at LOS C. At ultimate buildout of the General Plan the intersection would operate at LOS D, which is allowed.

### Lack of Secondary Access Road

People expresses concern about the lack of a second road leading into or out from the Project site. The Project will connect to Almond Drive and at two points (Streets A and B) to Walnut Lane. Eventually when the property to the east is developed Street A will connect to this property and ultimately to an extension of East Main Street leading to East Grant Avenue. There is pathway along the southern edge of Walnut Park that connects to Dutton Street. It could be used if needed by residents if Walnut Lane at the round-about was blocked. A second emergency vehicle access (EVA) is the private driveway that runs along the northern edge of the Project site at the end of Walnut Lane leading to Railroad Avenue. The applicant would need to get an easement, assuming one does not exist, from the property owner. If an easement were obtained this access would be an (EVA) only. Again, it could be used by residents in case the intersection of Walnut Lane and the round-about was blocked.

The fire department and city engineer have reviewed the Project and have determined the existing access of Walnut Lane, including the EVA access from the end of Walnut Lane to Railroad Avenue, are acceptable from an emergency standpoint.

### Planned Development Zoning

Section 17.48.010 of the Municipal Code (Zoning Ordinance) states, "In order to achieve the general plan goal "to promote the development of a cohesive and aesthetically pleasing urban structure for Winters," the P-D overlay zone has been included within the scope of the zoning ordinance to allow for the maximum flexibility consistent with the minimum development standards within each underlying zone category."

Table 3B in Section 17.56.010 of the Zoning Ordinance states for property zoned R-1 the minimum lot width for interior lots is 60 feet and for corner lots is 70 feet. Table 3B e also states the average minimum lot size must be 7,000 square feet with an absolute minimum of 6,000 square feet.

The applicant is requesting the PD overlay zoning to allow lots with less than the minimum width of 60 feet for interior lots and 70 feet for corner lots. The applicant is also requesting approval to create lots as with an average lot size of 6,368 square feet (average of the 52 non-duplex/duet lots).

The width and average size of the proposed lots are smaller than the lots immediately to the south on Almond Drive and Orchard Lane but are larger than the ones on

Broadview and Colby Lanes. Staff supports the applicant's request to rezone the Project site to add a PD Overlay Zone to the existing R-1, Single Family 7000 zoning (Attachment E), which will allow a reduction in the width of interior lots 60 to 58 feet and the width for corner lots from 70 to 65 feet 8 inches and a reduction of the average lot size from 7,000 to 6,368 square feet (Attachment E). Any further modifications to the City's lot development standards will be considered by the Planning Commission when a production builder brings forward plans for the model homes.

**ENVIRONMENTAL REVIEW: ENVIRONMENTAL REVIEW:** An Initial Study/MND was circulated on January 30, 2020, for a 30-day comment period extending through March 2, 2020, which was subsequently extended March 24, 2020 (Attachment F, previously distributed to the Planning Commission). Several comment letters were received from residents as well as comments from interested agencies (Attachment G). Staff and the environmental consultant, DPNG, have had an opportunity to review all correspondence and have provided grouped responses based on the commenters area of concern (Attachment H). In addition, DPNG prepared an errata to the Initial Study/MND which shows additions, underlined, and deletions, ~~striketrough~~ based on the responses to the comment letters (Attachment I). These edits will be incorporated into the final version of the Initial Study/MND, do not represent substantial revisions to the Initial Study/MND, and do not require recirculation of the Initial Study/MND pursuant to CEQA Guidelines Section 15073.5. Lastly, the Initial Study/MND includes mitigations as a result of the Project. A Mitigation Monitoring Reporting Program (MMRP) will be incorporated into the Project conditions (Attachment J).

**RECOMMENDED PLANNING COMMISSION ACTIONS:** Staff recommends the Planning Commission take the following actions:

- 1) Recommend City Council adopt Resolution 2020-20 certifying that the Planning Commission has determined that a Mitigated Negative Declaration (MND), subject to the edits in the errata, is the appropriate level of environmental review under CEQA and finds that the MND represents the independent judgment of the City
- 2) Approve the Walnut Lane 10 Subdivision Mitigation Monitoring Reporting Program
- 3) Recommend the City Council adopt Resolution 2020-21 approving the Walnut Lane 10 Subdivision 54-lot Tentative Map subject to the Conditions of Approval (Attachment K).
- 4) Recommend the City Council adopt Ordinance 2020-04 adding a Planned Development (PD) Overlay Zone to the existing R-1 7000 zoning to allow lots averaging less than 7000 square feet.

**ATTACHMENTS:**

- A. Notice of Intent/Notice of Completion
- B. Letter from State Office of Planning and Research acknowledging extending comment period to March 24, 2020
- C. List of participants in April 15 community meeting
- D. Walnut Lane 10 Tentative Map

- E. Ordinance 2020-04 amending the official Zoning Map of the City by adding of PD Overlay zone to the existing R-1, Single Family Zoning
- F. Initial Study/Mitigated Negative Declaration (MND) previously distributed to the Planning Commission
- G. Comment letters
- H. Response to comment letters
- I. Errata Initial Study/MND
- J. Mitigation Monitoring Reporting Program
- K. Draft Conditions of Approval

### Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

<b>SCH #</b>
--------------

**Project Title:** Walnut Lane 10 Project

Lead Agency: City of Winters Contact Person: Dave Dowswell  
 Mailing Address: 318 First Street Phone: 530-794-6714  
 City: Winters Zip: 95694 County: Yolo

**Project Location:** County: Yolo City/Nearest Community: Winters  
 Cross Streets: Walnut Lane (nearest intersection: Walnut Lane/Carrion Court) Zip Code: \_\_\_\_\_  
 Longitude/Latitude (degrees, minutes and seconds): 38 ° 31 ' 54.8 " N / 121 ° 57 ' 58.4 " W Total Acres: 10  
 Assessor's Parcel No.: 038-050-019 Section: \_\_\_\_\_ Twp.: \_\_\_\_\_ Range: \_\_\_\_\_ Base: \_\_\_\_\_  
 Within 2 Miles: State Hwy #: State Route 128 Waterways: \_\_\_\_\_  
 Airports: \_\_\_\_\_ Railways: \_\_\_\_\_ Schools: \_\_\_\_\_

**Document Type:**

CEQA:  NOP  Draft EIR NEPA:  NOI Other:  Joint Document  
 Early Cons  Supplement/Subsequent EIR  EA  Final Document  
 Neg Dec (Prior SCH No.) \_\_\_\_\_  Draft EIS  Other: \_\_\_\_\_  
 Mit Neg Dec Other: \_\_\_\_\_  FONSI \_\_\_\_\_

**Local Action Type:**

General Plan Update  Specific Plan  Rezone  Annexation  
 General Plan Amendment  Master Plan  Prezone  Redevelopment  
 General Plan Element  Planned Unit Development  Use Permit  Coastal Permit  
 Community Plan  Site Plan  Land Division (Subdivision, etc.)  Other: \_\_\_\_\_

**Development Type:**

Residential: Units 54 Acres 10  
 Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Transportation: Type \_\_\_\_\_  
 Commercial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Mining: Mineral \_\_\_\_\_  
 Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Power: Type \_\_\_\_\_ MW \_\_\_\_\_  
 Educational: \_\_\_\_\_  Waste Treatment: Type \_\_\_\_\_ MGD \_\_\_\_\_  
 Recreational: \_\_\_\_\_  Hazardous Waste: Type \_\_\_\_\_  
 Water Facilities: Type \_\_\_\_\_ MGD \_\_\_\_\_  Other: \_\_\_\_\_

**Project Issues Discussed in Document:**

<input checked="" type="checkbox"/> Aesthetic/Visual	<input type="checkbox"/> Fiscal	<input checked="" type="checkbox"/> Recreation/Parks	<input checked="" type="checkbox"/> Vegetation
<input checked="" type="checkbox"/> Agricultural Land	<input checked="" type="checkbox"/> Flood Plain/Flooding	<input checked="" type="checkbox"/> Schools/Universities	<input checked="" type="checkbox"/> Water Quality
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Forest Land/Fire Hazard	<input type="checkbox"/> Septic Systems	<input checked="" type="checkbox"/> Water Supply/Groundwater
<input checked="" type="checkbox"/> Archeological/Historical	<input checked="" type="checkbox"/> Geologic/Seismic	<input type="checkbox"/> Sewer Capacity	<input checked="" type="checkbox"/> Wetland/Riparian
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Minerals	<input checked="" type="checkbox"/> Soil Erosion/Compaction/Grading	<input checked="" type="checkbox"/> Growth Inducement
<input type="checkbox"/> Coastal Zone	<input checked="" type="checkbox"/> Noise	<input checked="" type="checkbox"/> Solid Waste	<input checked="" type="checkbox"/> Land Use
<input checked="" type="checkbox"/> Drainage/Absorption	<input checked="" type="checkbox"/> Population/Housing Balance	<input checked="" type="checkbox"/> Toxic/Hazardous	<input checked="" type="checkbox"/> Cumulative Effects
<input type="checkbox"/> Economic/Jobs	<input checked="" type="checkbox"/> Public Services/Facilities	<input checked="" type="checkbox"/> Traffic/Circulation	<input type="checkbox"/> Other: _____

**Present Land Use/Zoning/General Plan Designation:**

Undeveloped (almond orchard)/Single Family Residential (R-1)/Low Density Residential (LDR)

**Project Description:** *(please use a separate page if necessary)*

The Project includes development of 54 residential units, associated amenities, and infrastructure improvements on the approximately 10.0-acre Project site. The Project would include 52 single-family detached residential units and 2 half-plex units. Each residential lot would be approximately 6,400 square feet (sf), with an anticipated range of lot sizes from approximately 6,100 to 7,900 square feet, with an exception for the half-plex units located in lots 37A and 37B, which would have lot sizes of approximately 4,595 and 3,509 sf, respectively.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

## Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".  
If you have already sent your document to the agency please denote that with an "S".

<input checked="" type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input checked="" type="checkbox"/> Caltrans District # 3	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input checked="" type="checkbox"/> Regional WQCB # 5
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region # 2	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	
<input type="checkbox"/> Health Services, Department of	Other: _____
<input type="checkbox"/> Housing & Community Development	Other: _____
<input checked="" type="checkbox"/> Native American Heritage Commission	

### Local Public Review Period (to be filled in by lead agency)

Starting Date 1/24/2020 Ending Date 2/24/2020

### Lead Agency (Complete if applicable):

Consulting Firm: <u>De Novo Planning Group</u>	Applicant: <u>Jim Corbett</u>
Address: <u>1020 Suncastr Lane #106</u>	Address: <u>33167 Greenview Drive</u>
City/State/Zip: <u>El Dorado Hills, CA 95762</u>	City/State/Zip: <u>El Macero, CA 95618</u>
Contact: <u>Beth Thompson</u>	Phone: <u>(530) 309-5947</u>
Phone: <u>916-812-7927</u>	

Signature of Lead Agency Representative:  Date: 1/30/20

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

# Notice of Intent to Adopt a Mitigated Negative Declaration/Initial Study for the Walnut Lane 10 Project

January 30, 2020

*Notice is hereby given that the City of Winters as lead agency, has prepared a draft Mitigated Negative Declaration/Initial Study (MND/IS) for the Walnut Lane 10 Project. The MND/IS analyzes the potential environmental effects associated with the proposed project in accordance with the California Environmental Quality Act (CEQA). In accordance with Section 15072 of the CEQA Guidelines, the City of Winters has prepared this Notice of Intent (NOI) to provide responsible agencies and other interested parties with notice of the availability of the MND/IS and solicit comments and concerns regarding the environmental issues associated with the proposed project.*

**Lead Agency:** City of Winters  
318 First Street  
Winters, CA 95694

**Contact Person:** Dave Dowswell, City Planner, (530) 794-6714

**Project Title:** Walnut Lane 10 Project

**Project Location:** The approximately 10-acre project site is located within the City of Winters, along the northern edge of the city, east of Railroad Avenue and north of State Route 128. The project site is Yolo County Assessor's Parcel Number (APN) 038-050-019. See the Project Description section of the Initial Study for additional details.

**Project Description:** The Walnut Lane 10 Project (Project) would develop 54 single family residential units and associated infrastructure improvements on the Project site. See the Project Description section of the Initial Study for additional details.

The project is not listed on the Hazardous Waste and Substances Sites List as set forth in Government Code Section 65962.5.

**Public Review Period:** A 30-day public review period for the Mitigated Negative Declaration/Initial Study will commence on January 30, 2020 and will end on March 2, 2020 for interested individuals and public agencies to submit written comments on the document. Any written comments on the MND/IS should be sent to the attention of Dave Dowswell, City Planner, at the address listed above, and must be received at the City of Winters by 5:00 PM on February 29, 2020. The project file and copies of the MND/IS are available for review at the City of Winters City Hall at the address listed above.

**Public Hearing:**

A public hearing will be held to consider adoption of the Mitigated Negative Declaration and action on the project on March 24, 2020 before the Planning Commission. The meeting will be held at 6:30 pm in the City Council Chambers located at City Hall at the address provided above. A subsequent meeting is scheduled to be held by the City Council on April 20, 2020 at the same time and location.

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 prior to the public hearing.

**Availability of Documents:**

The Mitigated Negative Declaration, Environmental Checklist/Initial Study and supporting documentation are available for public review at Winters City Hall, Community Development Department, 318 First Street, Winters, CA 95694. These documents can be viewed in person or online at [www.cityofwinters.org](http://www.cityofwinters.org).

**Extension of Public Comment Period for the  
Notice of Intent to Adopt a Mitigated Negative Declaration/Initial Study for the  
Walnut Lane 10 Project**

**February 26, 2020**

*Notice is hereby given that the City of Winters as lead agency, is extending the public comment period for the draft Mitigated Negative Declaration/Initial Study (MND/IS) for the Walnut Lane 10 Project. The MND/IS analyzes the potential environmental effects associated with the proposed project in accordance with the California Environmental Quality Act (CEQA). In accordance with Section 15072 of the CEQA Guidelines, the City of Winters has prepared this Extension of Public Comment Period for the Notice of Intent to provide responsible agencies and other interested parties with notice of the availability of the MND/IS and solicit comments and concerns regarding the environmental issues associated with the proposed project.*

- Lead Agency:** City of Winters  
318 First Street  
Winters, CA 95694
- Contact Person:** Dave Dowswell, City Planner, (530) 794-6714
- Project Title:** Walnut Lane 10 Project
- Project Location:** The approximately 10-acre project site is located with the City of Winters, along the northern edge of the city, east of Railroad Avenue and north of State Route 128. The project site is Yolo County Assessor's Parcel Number (APN) 038-050-019. See the Project Description section of the Initial Study for additional details.
- Project Description:** The Walnut Lane 10 Project (Project) would develop 54 single family residential units and associated infrastructure improvements on the Project site. See the Project Description section of the Initial Study for additional details.
- The project is not listed on the Hazardous Waste and Substances Sites List as set forth in Government Code Section 65962.5.
- Public Review Period:** The public review period for the Mitigated Negative Declaration/ Initial Study commenced on January 24, 2020 and will end on March 24, 2020 for interested individuals and public agencies to submit written comments on the document. Any written comments on the MND/IS should be sent to the attention of Dave Dowswell, City Planner, at the address listed above, and must be received at the City of Winters by 5:00

**ATTACHMENT B**

PM on March 24, 2020. The project file and copies of the MND/IS are available for review at the City of Winters City Hall at the address listed above.

**Public Hearing:**

A public hearing will be held to consider adoption of the Mitigated Negative Declaration and action on the project on March 24, 2020 before the Planning Commission. The meeting will be held at 6:30 pm in the City Council Chambers located at City Hall at the address provided above. A subsequent meeting is scheduled to be held by the City Council on April 20, 2020 at the same time and location.

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 prior to the public hearing.

**Availability of Documents:**

The Mitigated Negative Declaration, Environmental Checklist/Initial Study and supporting documentation are available for public review at Winters City Hall, Community Development Department, 318 First Street, Winters, CA 95694. These documents can be viewed in person or online at [www.cityofwinters.org](http://www.cityofwinters.org).

**Walnut Lane 10 Neighbor Email and/or Cell Phone List**

#	Name	Street	Email	Cell Phone
1	Kris Baitoo	Walnut Lane (adjacent)	<a href="mailto:Krisdbaitoo@gmail.com">Krisdbaitoo@gmail.com</a>	(415) 828-3200
2	Kayla Guerrero	807 Walnut Lane	<a href="mailto:Kaygro182@gmail.com">Kaygro182@gmail.com</a>	
3	Joseph Guerrero	807 Walnut Lane	<a href="mailto:82joeg@gmail.com">82joeg@gmail.com</a>	
4	Dana & Colleen Cox	810 Walnut Lane	<a href="mailto:colleenanne4@gmail.com">colleenanne4@gmail.com</a>	
5	Sally Ivory	841 Walnut Lane	<a href="mailto:saivory841@gmail.com">saivory841@gmail.com</a>	
6	Bob Polkinghorn	842 Walnut Lane	<a href="mailto:bobpolky@gmail.com">bobpolky@gmail.com</a>	(510) 205-5629
7	Liz Coman	105 Orchard Lane	<a href="mailto:lcoman@wintersjUSD.org">lcoman@wintersjUSD.org</a>	
8	Rob Coman	105 Orchard Lane	<a href="mailto:rmcoman@gmail.com">rmcoman@gmail.com</a>	
9	Don James	108 Orchard Lane	<a href="mailto:Donjames125@gmail.com">Donjames125@gmail.com</a>	
10	Gerald Taylor	110 Orchard Lane	<a href="mailto:ogtaylor38@yahoo.com">ogtaylor38@yahoo.com</a>	
11	Whitney Vickrey	115 Orchard Lane	<a href="mailto:whitvickrey@gmail.com">whitvickrey@gmail.com</a>	
12	Jack Vickrey	115 Orchard Lane	<a href="mailto:Jvick125@gmail.com">Jvick125@gmail.com</a>	
13	Ilsi & Clare Medearis	108 Almond Drive	<a href="mailto:ivmedearis@gmail.com">ivmedearis@gmail.com</a>	(530) 941-3422
14	Judy Cotham		<a href="mailto:Sandcastle92@hotmail.com">Sandcastle92@hotmail.com</a>	
15	Coleen Jurado		<a href="mailto:momju9@gmail.com">momju9@gmail.com</a>	
16				
18				
19				
20	Mark Skreden	Farmstead owner	<a href="mailto:mark@skreden.com">mark@skreden.com</a>	
21	Jim Corbett	Walnut 10 owner	<a href="mailto:Jimcorb1@yahoo.com">Jimcorb1@yahoo.com</a>	
22	Dave Dowswell	City Planner	<a href="mailto:Dave.dowswell@cityofwinters.org">Dave.dowswell@cityofwinters.org</a>	
23	Stan Mette	Planner	<a href="mailto:smette@woodrogers.com">smette@woodrogers.com</a>	
24	Mike Motroni	Civil Engineer	<a href="mailto:mmotroni@woodrogers.com">mmotroni@woodrogers.com</a>	
25				







**ORDINANCE NO. 2020-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS  
REZONING WALNUT LANE 10 SUBDIVISION (APN 030-050-019) TO ADD A PLANNED  
DEVELOPMENT (PD) OVERLAY ZONE AND ADOPTING PD OVERLAY ZONE  
REGULATIONS**

WHEREAS, the City received an application from James Corbett (Property Owner) requesting the City consider a rezoning of that certain property located at the north end of Walnut Lane, north of the intersection with East Grant Avenue, known as (“the Walnut Lane 10 Subdivision”) by adding a PD Overlay Zone to the Walnut Lane 10 Subdivision that would implement certain PD Overlay Permit Regulations that would apply to such property (the “Zoning Amendment”); and

WHEREAS, the Winters Planning Commission held a duly noticed public hearing on May 26, 2020 to review and consider recommendation to the City Council of the proposed zoning amendment; and

WHEREAS, following said public hearing, the Planning Commission recommended on a \_\_\_ to \_\_\_ vote that the City Council approve the Zoning Amendment; and

WHEREAS, on \_\_\_\_\_, 2020, the City Council conducted a duly noticed public hearing on the Zoning Amendment at which time all persons wishing to testify in connection with the Zoning Amendment were heard and the Zoning Amendment was comprehensively reviewed; and

WHEREAS, the City Council has reviewed all written evidence and all oral testimony presented to date, and all other legal prerequisites to the adoption of this Ordinance have occurred;

NOW, THEREFORE, The City Council of the City of Winters, State of California, does hereby ordain as follows:

1. Purpose. The purpose of this ordinance is to rezone the property known as the Walnut Lane Subdivision (APN 030-050-019) by adding a Planned Development (PD) Overlay Zone to the existing R-1 7,000 Single Family Residential Zoning.

2. Findings. Based on the evidence presented to the City Council on or before the public hearing on the Zoning Amendment, the City Council hereby makes the following findings in conformance with Section 17.48.060 of the Winters Municipal Code:

a. The Zoning Amendment and the development of the Walnut Lane 10 Subdivision is consistent with the general plan and the purposes of Chapter 17.48 of the Winters Municipal Code.

b. The Zoning Amendment and the proposed development of the Walnut Lane 10 Subdivision, as contemplated herein, complies with the applicable provisions of the R-1 zoning districts, except for certain reductions to the lot width and average lot size, which will allow for the development of similar to those located on the properties to the south on Almond Drive and Orchard, Broadview and Colby Lanes slightly smaller units that are more affordable by design and meet a need for housing that in the City of Winters that is more affordable to working families and first time homebuyers.

c. The proposed development is desirable to the public comfort and convenience as it provides new housing consistent with the City's General Plan, that will accommodate a need for smaller, affordable by design units in the City, and will be built on an in-fill site that will accommodate housing within the City limits and help to limit future outward expansion to meet the City's housing needs.

d. The requested development plan will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety or general welfare in that it will allow for development of 54 residential units on property designated and zoned for residential use consistent with the allowable density for the site, with only minor reductions in lot widths and a reduction in average lot size for the proposed development.

e. Adequate utilities, access roads, sanitation and/or necessary facilities and services will be provided, or available, and such requirements are conditions of approval for the tentative subdivision map being considered for such development.

f. The development will not create an adverse fiscal impact for the City in providing necessary services as the development is consistent with the contemplates zoning and land use designations for such site, with the City anticipating that residential units would be prepared for such site.

3. Authority. The City of Winters has authority to adopt this ordinance pursuant to the general police power granted to cities by Article 11, Section 7 of the California Constitution and Chapter 17.48 of the Winters Municipal Code.

3. Rezoning. The subject property is hereby rezoned as shown on Exhibit A, attached hereto and incorporated herein by this reference to rezone APN 030-050-019 by adding a PD Overlay Zone to said property.

4. Adoption of PD Overlay Permit. A PD Overlay Permit is hereby approved which permits a reduction in lot widths and average lot size as set forth in Exhibit B, attached hereto and incorporated herein. All other zoning requirements within this PD Overlay Zone shall be as set forth in the underlying R-1 zoning for this site.

5. Effective Date and Notice. This ordinance shall take effect thirty (30) days after its adoption and, within fifteen (15) days after its passage, shall be published at least once in a newspaper of general circulation published and circulated within the City of Winters.

**INTRODUCED** at a regular meeting on the \_\_\_ day of \_\_\_\_\_, 2020 and **PASSED AND ADOPTED** at a regular meeting of the Winters City Council, County of Yolo, State of California, on the \_\_\_ day of December, 2020, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Wade Cowan, Mayor

ATTEST:

\_\_\_\_\_  
Tracy S. Jensen, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ethan Walsh, City Attorney

# WALNUT LANE 10 SUBDIVISION - ZONING

## EXHIBIT A

**WALNUT LANE 10  
 SUBDIVISION  
 (PROPOSED P-D OVERLAY)  
 ZONING: R-1**

C-1 Neighborhood Commercial
C-2 Central Business District
D-A Downtown A (FBC)
D-B Downtown B (FBC)
O-F Office
B-P Business Park
C-H Highway Service Commercial
M-1 Light Industrial
M-2 Heavy Industrial
R-1 Single Family Residential (7,000 Sq. Ft. Avg.)
R-2 Single Family Residential (6,000 Sq. Ft. Avg.)
R-3 Multi-Family Residential
R-4 High Density Multi-Family Residential
R-R Rural Residential
PQP Public/Quasi-Public
P-R Parks and Recreation
O-S Open Space
A-1 General Agriculture
Planned Development Overlay
City Limits

R-1

WALNUT LN

ORCHARD LN

ALMOND DR

R-2

BROADVIEW LN

MORGAN ST

CARRION CT

P-R



CAUTION - These maps ARE NOT to be used for legal descriptions.

MITIGATED NEGATIVE DECLARATION

PREVIOUSLY DISTRIBUTED TO  
COMMISSIONERS

EXCEPT FOR NORTHRUP AND ROSE

ATTACHMENT F



Whitney Vickrey  
115 Orchard Lane  
Winters, CA 95694

February 24, 2020

Dear Mr. Dowswell and Planning Commissioners,

As a direct neighbor of the proposed Walnut 10 project, I would like to raise some concerns regarding the project. I feel that discussion of the Affordable Housing Plan is premature since the housing plan and in-lieu fees will be contingent upon the number of units built in this subdivision.

The subdivision I live in was Phase 1 of this development, with this proposed 10 acre project to the North of us being Phase 2. As such, this property is zoned R-7,000. With this zoning, 54 lots cannot be built without violating the City's own zoning ordinance. Property owners on Almond Drive and Orchard Lane bought their homes with the expectancy that comparable, large lots would be mimicked in this next 10 acre phase of the project. Based on my calculations, if approximately 45 new homes were built instead of the proposed 54, this would change the number of required affordable units to 6.75 instead of the currently calculated 8.1. This would then change the in-lieu of fees required from the builder.

In addition to the zoning issues, there are a number of other concerns that the neighboring property owners on Almond Drive and Orchard Lane have. This neighborhood has a history of flooding issues and this project is only likely to exacerbate this problem as 10 acres of almond trees are removed. Much of the infrastructure to mitigate this problem will not be complete until the Farmstead 61 project is complete. There is a proposed Mitigated Negative Declaration for flooding issues and environmental aspects of this project - I will address several areas of concern in this report with a separate letter. I respectfully request that discussion and planning commission vote be postponed until more aspects of this project are discussed and finalized.

Best regards,

Whitney Vickrey

ATTACHMENT G

February 21, 2020

Dave Dowsell, City Planner

City of Winters

318 First Street

Winters, CA 95673

Re: MND/IS for Walnut Lane 10 Project – Public Comment

Mr. Dowsell,

My name is Dean Unger and I live at 100 Orchard Ln., which is at the end of the Orchard Ln. cul-de-sac. I am aware that the City has an approved General Plan for development, which includes plans for a Walnut 10 housing development to border Orchard Ln to the north. This letter is my response to the City's Notice of Intent to adopt the Mitigated Negative Declaration for the Walnut Lane 10 Project and provides my comments, as a potentially affected individual, to the Initial Study / Mitigated Negative Declaration for said project prepared by De Novo Planning Group dated January 2020.

As the head of household for a young family, I made the decision to move my family to Winters to give our 1 year old son and baby daughter a tranquil and safe place to grow up. We selected the house at the end of Orchard Ln. because it met all of our criteria, particularly for the safety of our children and the protection of our long-term investment. As such, my concerns regarding the planned development and adequacy of the proposed mitigation measures fall into two categories: **Transportation**, as it relates to **pedestrian safety**, and **Hydrology**.

#### 1) Transportation/Pedestrian Safety

The MND/IS does not propose any mitigation measures for transportation impacts as it concludes that the additional trips generated by the development will be within the Circulation Master Plan's projected growth and, therefore, will be managed by the necessary traffic improvements included in the full-buildout. However, my concern is for pedestrian safety during the Walnut 10 construction phase and any interim period before the alternate entry and egress points are completed.

Knowing that there are five children under three years old on Orchard Ln. alone, and several more on Almond Dr., I feel there is a strong need for interim and/or permanent mitigation measures to protect pedestrians crossing Walnut Ln. (i.e. to/from Almond Dr. and Walnut Park).

Presently, that intersection seems like it would benefit from a crosswalk or other pedestrian-traffic safety device. I imagine that with the addition of construction traffic and the increased vehicle traffic from Walnut 10 there will be an even greater need to protect pedestrians at that location. I also understand that establishing crosswalks is a function of the Superintendent of Public Works; however, I am using this public comment period as an opportunity to express my concern as I feel it directly relates to the Walnut 10 project and resultant mitigation measures needed to protect public safety.

To put my concern simply: 500 more trips/day down Walnut Ln. equates to 500 more chances/day that one of our children could be struck and injured by a vehicle. If the project is going to increase the risk in this way, I would like to see it jointly establish controls.

## **2) Hydrology**

The interim condition drainage analysis provided in the Drainage Assessment by Wood Rodgers concludes that the ultimate Grant Ave box culverts, PG&E channel improvement, and 60-inch discharge culvert to the Caltrans ditch must be built in order to convey runoff and prevent flood impacts from the Walnut 10 development. In addition, a "lengthy vegetated swale" needs to be in place for the interim condition. It is evident from the existing topography of the former orchard where Walnut 10 is to be located, and the section drawings provided on De Novo's Figure 5 Infrastructure Plan, that substantial backfill (on the order of 5 feet) will be needed to elevate the Walnut 10 building pads to that of the adjacent properties on Walnut Lane. Considering the history of flooding in the Almond-Orchard neighborhood, particularly on Orchard Ln, this is very concerning.

Although I do not see any glaring flaws in the overall drainage design plans and am generally in favor of stormwater infrastructure improvements, I think the plan and resulting MND/IS lacks the detailed information required to earn an off-site flood potential rating of "Less Than Significant with Mitigation Incorporation". I believe there is a very real possibility of something going wrong with the interim drainage swale that will be in place from the beginning of Walnut 10 construction through the completion of the Winters 71 stormwater management system. Hardly any information has been about this highly critical, if not most critical, aspect of the mitigation plan. Considering that this swale will need to be in place for several rainy seasons, there is a very real possibility that a backup (e.g. clogging at culverts or unintended damming during construction, etc) could lead to serious flooding that will damage my property. Note that my property is at the dark blue area on Figure 8 on page 197/200.

Knowing that there are five children under three years old on Orchard Ln. alone, and several more on Almond Dr., I feel there is a strong need for interim and/or permanent mitigation measures to protect pedestrians crossing Walnut Ln. (i.e. to/from Almond Dr. and Walnut Park).

Presently, that intersection seems like it would benefit from a crosswalk or other pedestrian-traffic safety device. I imagine that with the addition of construction traffic and the increased vehicle traffic from Walnut 10 there will be an even greater need to protect pedestrians at that location. I also understand that establishing crosswalks is a function of the Superintendent of Public Works; however, I am using this public comment period as an opportunity to express my concern as I feel it directly relates to the Walnut 10 project and resultant mitigation measures needed to protect public safety.

To put my concern simply: 500 more trips/day down Walnut Ln. equates to 500 more chances/day that one of our children could be struck and injured by a vehicle. If the project is going to increase the risk in this way, I would like to see it jointly establish controls.

## **2) Hydrology**

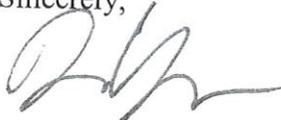
The interim condition drainage analysis provided in the Drainage Assessment by Wood Rodgers concludes that the ultimate Grant Ave box culverts, PG&E channel improvement, and 60-inch discharge culvert to the Caltrans ditch must be built in order to convey runoff and prevent flood impacts from the Walnut 10 development. In addition, a "lengthy vegetated swale" needs to be in place for the interim condition. It is evident from the existing topography of the former orchard where Walnut 10 is to be located, and the section drawings provided on De Novo's Figure 5 Infrastructure Plan, that substantial backfill (on the order of 5 feet) will be needed to elevate the Walnut 10 building pads to that of the adjacent properties on Walnut Lane. Considering the history of flooding in the Almond-Orchard neighborhood, particularly on Orchard Ln, this is very concerning.

Although I do not see any glaring flaws in the overall drainage design plans and am generally in favor of stormwater infrastructure improvements, I think the plan and resulting MND/IS lacks the detailed information required to earn an off-site flood potential rating of "Less Than Significant with Mitigation Incorporation". I believe there is a very real possibility of something going wrong with the interim drainage swale that will be in place from the beginning of Walnut 10 construction through the completion of the Winters 71 stormwater management system. Hardly any information has been about this highly critical, if not most critical, aspect of the mitigation plan. Considering that this swale will need to be in place for several rainy seasons, there is a very real possibility that a backup (e.g. clogging at culverts or unintended damming during construction, etc) could lead to serious flooding that will damage my property. Note that my property is at the dark blue area on Figure 8 on page 197/200.

As I have not verified the flow line elevation in the drain inlet immediately in front of my property, I can only pray that the necessary City records, engineering diligence, and project oversight are in place to prevent a catastrophe. To summarize this matter, I will simply state that I would like to see more detailed mitigation measures described in the MND/IS to address possible failures of the "lengthy vegetated swale".

I hope these comments reach you before the close of the public review period on February 24 2020. Feel free to contact me by phone or email with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Unger', written over a horizontal line.

Dean Unger, P.E.

(510) 974-5223

[deanunger@gmail.com](mailto:deanunger@gmail.com)



YOCHA DEHE  
CULTURAL RESOURCES

February 10, 2020

City of Winters  
Attn: Dave Dowswell, City Planner  
318 First Street  
Winters, CA 95694

RE: Corbett 10 TPM Project

Dear Mr. Dowswell:

Thank you for the notification of intent to adopt a MND, dated, January 24, 2020, regarding cultural information on or near the proposed Corbett 10 TPM Project, Winters, Yolo County. We appreciate your effort to contact us and wish to respond.

The Cultural Resources Department has reviewed the project and concluded that it is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we have a cultural interest and authority in the proposed project area.

Based on the information provided, Yocha Dehe Wintun Nation is not aware of any known cultural resources near this project site and a cultural monitor is not needed. However, if any new information is available or cultural items are found, please contact the Cultural Resources Department. In addition, we recommend cultural sensitivity training for any pre-project personnel. Please contact the individual listed below to schedule the cultural sensitivity training, prior to the start of the project.

Laverne Bill, Cultural Resources Manager  
Yocha Dehe Wintun Nation  
Phone: (530) 723-3891  
Email: [lbill@yochadehe-nsn.gov](mailto:lbill@yochadehe-nsn.gov)

Please refer to identification number YD-03112019-03 in any correspondence concerning this project.

Thank you for providing us the opportunity to comment.

Sincerely,

Tribal Historic Preservation Officer

From: Don James, PhD  
108 Orchard Ln  
Winters, CA

February 23, 2020

## Walnut 10 housing development project and MND

### General Comments:

- a. Project planning and documentation is non-transparent in violation of state law (cannot find project plan and ancillary documentation on city website).
- b. Current inhabitants bordering the project and likely to suffer negative consequences have not been informed of "comment period" or given a chance to comment on and suggest changes to plan. The "comment period" should be extended by at least 30 days to allow neighbors on Walnut Lane and adjoining streets that connect homes to Walnut Lane to be informed and to comment. Projected increase in Walnut Lane and Almond Lane traffic will affect all the streets that feed onto Walnut Lane.
- c. A group of neighbors impacted by this project, the Walnut Coalition, would like the opportunity to sit down with both the city project managers and developer to discuss issues and possibly modify development plan to satisfy all. We are not against development, but would like the project to reflect the interests of existing citizens of north Winters.

### I. Aesthetics:

- a. "Response d" is incorrect; "formerly used as an orchard (the trees have been removed)" is incorrect. The land is covered in old nut trees; this suggests that the reviewer never visited the site. Also, the statement that sky glow will be minimal is ridiculous: "Skyglow generated from the Project would be minimal". Of course, the view of the night sky will be impacted: as a former astronomer, I can tell you that all development reduces skyview.

### II. Agriculture and Forestry Resources:

- a. "Convert Prime Farmland": "less than significant impact". Farming is critical to small-town California economy (and beyond California). Converted farmland will never go back to farming. How can this development in a farming community be "less than significant"?
- b. Williamson Act: "the Project site is not located on a site with a Williamson Act contract". Has the owner of the property received reduced property tax as an agricultural parcel? If so, then isn't the site subject to Williamson Act?

### III. Air Quality (during construction):

- a. Construction Emissions: What has been done to assess the potential toxicity of dirt and dust due to past insecticide, fungicide, and herbicide usage?
- b. My wife has severe asthma. Would the project manager stop the construction temporarily if my wife starts having asthmatic attacks, in order to remediate the problem?
- c. Current orchard trees provide some degree of air conditioning. The impact of removing the trees on air temperature has not been addressed in the report.

### IV. Biological Resources:

- a. The neighborhoods south of the construction site will be invaded by ground rats, mice, chipmunks, etc. (this has been very common adjacent to construction sites). What will be

done to alleviate this impact on neighboring streets? Will the developer pay for pest control during construction?

- b. Special Status Species: the conclusion that certain special status plant and animal species do not occur in the project area is possibly in error. Winters is the subject of a state "Natural Community Conservation Plan" which outlines specific species that are at habitat risk in Winters. See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=164159&inline>. This plan from January 2019 addresses specific animal species that are listed in the Walnut 10 plan and are listed as "no habitat present" in the Walnut 10 plan, possibly in error. For example, the Giant Garter Snake is listed as an endangered species in Winters in the NCCP from the state but "no habitat present" in the Walnut 10 plan. Please explain?

**IX. Hazards and Hazardous Materials:**

- a. "The results of the soils sampling and testing program did not reveal any organochlorine pesticide, lead or arsenic concentration that would be problematic...". Can we see the report with quantities found and government allowable thresholds? Would like to see more than just organochlorine pesticides...would like to see organophosphates, carbamates, etc., for example. These are more common pesticides than organochlorines, which are anachronistic and not used any longer.

**X. Hydrology and Water Quality:**

- a. No mention is made of the Chromium 6 contamination of Winters potable water. Once the state of California gets its act together and reissues a threshold standard for the carcinogen Chromium 6, Winters will be out of compliance creating the risk that Winters will not have potable water. The concentration of Cr-6 is probably increasing due to lowering of the aquifer due to overuse of the well water by surrounding nut orchards. Adding new homes will further lower the well-accessible aquifer and increase Cr-6 concentrations. Development should cease until this extremely dangerous condition is alleviated.
- b. It is good to plan on keeping the new development "flood free" by appropriate drainage remediation; however, the new drainage plan must ensure that the existing streets surrounding the project will not be negatively impacted by potential flooding events.

**XIII. Noise:**

- a. The existing orchard (yes, it does exist) provides noise abatement from highway 505. Eliminating the orchard trees will probably increase noise from highway 505. What is being done to eliminate that possibility? Sound wall along 505? The existing report talks about noise from the project construction, but that isn't the problem: it will be changes to noise impact after the project is finished; i.e., highway noise.

**XVII. Transportation:**

- a. The report claims no impact on traffic congestion on neither Walnut Lane nor Almond Drive; however, the report predicts additional 550+ trips down Walnut Lane per day! At rush hour, it is already congested at the Walnut/128 roundabout. I predict a line of cars on Walnut waiting to get through the roundabout at rush hour, both morning and afternoon. Sending cars down Almond doesn't alleviate that concern, since they will also eventually end up at the roundabout on Walnut. Wouldn't it be better to rout Walnut 10 (and Farmstead) traffic directly to highway 505 by driving East on a new road? It is important to remember that

Walnut Lane is a relatively narrow residential road with young children being dropped off by school buses, playing, etc. Walnut Lane is tantamount to a one lane drivable road now. Employees of Mariani Nut Co. park on both sides of Walnut during working hours. Perhaps one side of Walnut Lane, where Mariani employees park, should be painted red as a "no parking" zone.

February 21, 2020

Mr. Dave Dowswell  
City Planner, City of Winters  
318 First Street, Winters CA 95694

Dear Mr. Dowswell

I have taken time to scan the Notice of Intent to Adopt a Mitigated Negative Declaration/Initial Study for the Walnut Lane 10 Project and find several issues that affect my welfare. In fact, I notice some inconsistencies in the report that may be misleading.

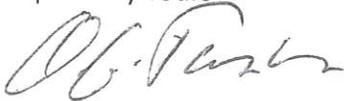
Firstly, the plan states that there will be four access points into the project when in fact there is one access into the 10 acre development as a standalone project, and that access is Walnut Lane at Grant Avenue. I maintain that an additional 500+ trips on Walnut Lane is unacceptable, especially when considering the bottleneck on the stretch of road adjacent to Marriani Nut Company. Often times we stop and defer to oncoming traffic, especially when the oncoming traffic is a truck of any sort. I question the unimpeded travel of a full sized fire truck during peak traffic hours.

Secondly, it is a well-established fact that Orchard Lane and Almond Drive have experienced major flooding instances in the past. Comments from your consultants Wood Rogers state that the standalone 10 acre project would not be able to fund the entire infrastructure needed to remediate the risk of flooding and that some interim measures will be implemented.

In one portion of the report it states that the project will be brought level to the adjoining lots on Orchard Lane and another section of the report states that the new development will be up to two feet higher. Also the plan seems to indicate that storm water within the project will flow counter to the natural flow today.

I am sure there are counter points to all of my concerns, however, due to the complexity of engineering, especially regarding storm water protection both long term and the interim measures, I request that the upcoming public hearing to consider adoption of the Mitigated Negative Declaration scheduled for March 24th be postponed for at least 30 days to allow further study by all affected parties.

Respectively Yours



Owen Gerald Taylor

110 Orchard Lane  
Winters, CA 95694

Cc: John W. Donlevy, City Council Members, Planning Commission Members, and Kris Baitoo of the Walnut Commission

**DEPARTMENT OF TRANSPORTATION****DISTRICT 3**

703 B STREET  
MARYSVILLE, CA 95901  
PHONE (530) 634-7616  
FAX (530) 741-4111  
TTY 711  
www.dot.ca.gov/dist3



*Making Conservation  
a California Way of Life.*

February 28, 2020

GTS# 03-YOL-2020-00110  
Postmile YOL - 128 - 8.98  
SCH# 2020019086

Dave Dowswell  
City of Winters  
318 First Street  
Winters, CA 95694

**Walnut Lane 10 Project - Mitigated Negative Declaration / Initial Study**

Dear Mr. Dowswell:

Thank you for including California Department of Transportation (Caltrans) in the application review for the project referenced above. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system. We review this local development for impacts to the State Highway System (SHS) in keeping with our mission, vision and goals for sustainability/livability/economy, and safety/health. We provide these comments consistent with the state's mobility goals that support a vibrant economy and build communities.

The Walnut Lane 10 Project (project) would construct approximately 52 new single-family homes, 2 half-plex units, associated amenities, and infrastructure improvements on a 10-acre site in the City of Winters. The project is located in the northern part of the city of Winters on Walnut Lane which is also the primary access to the Project. The intersection of Walnut Lane and State Route 128 (SR-128) is approximately 1,700 feet south of the proposed project site.

***Traffic Forecasting and Modeling***

Based on the project description and relative proximity to SR-128, we provide the following comments:

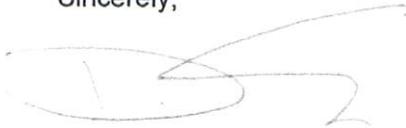
The project will contribute to the congestion on SR-128. Fair share and or mitigation fees consistent with the City of Winters Circulation Master Plane and Roadway Impact Fee Program should be calculated for future improvements due to the continuing development in the area.

Dave Dowswell, City of Winters  
February 28, 2020  
Page 2

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have questions regarding these comments or require additional information, please contact Todd Rogers, Yolo County Intergovernmental Review Coordinator, by phone (530) 741-4507 or via email to [todd.rogers@dot.ca.gov](mailto:todd.rogers@dot.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'DS', is written over a faint circular stamp or watermark.

David Smith, Acting Branch Chief  
Office of Transportation Planning  
Regional Planning Branch – South

Timothy & Laura Ireland  
112 Orchard Lane  
Winters, Ca 95694

February 28, 2020

Attn. City of Winters Planning Commission

318 1st Street

Winters, Ca 95694

Request for extension of time

Dear Planning department,

We would like to acknowledge we have been informed of the Mitigated Negative Declaration / Initial Study for the Walnut Lane 10 Project. At this time we would like to request a 30 day extension of time. In order to thoroughly review, understand and comment on the documents. We would like provide alternatives of the plans to be considered and provide additional information and or documentation in support of our concerns. Some of these concerns being;

- Traffic and circulation of Walnut lane
- Traffic speed and congestion of parking on Walnut lane
- Emergency access, City of Winters Circulation policy C1-3.18 "Ensure adequate access for emergency vehicles"
- Flooding/ flood plain and Drainage of Walnut Lane 10 and surrounding areas
- Sewer capacity
- Details of aesthetic/visual of homes and population density.

Thank you for your consideration, we look forward to your response.

Sincerely,

Tim & Laura Ireland



## Central Valley Regional Water Quality Control Board

2 March 2020

Dave Dowswell  
City of Winters  
318 First Street  
Winters, CA 95694

**CERTIFIED MAIL**  
7019 0700 0002 0111 6838

### **COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, WALNUT LANE 10 PROJECT, SCH#2020019086, YOLO COUNTY**

Pursuant to the State Clearinghouse's 31 January 2020 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Walnut Lane 10 Project, located in Yolo County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

#### **I. Regulatory Setting**

##### **Basin Plan**

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/)

#### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr\\_201805.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/)

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml)

### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

---

<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

### **Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certification/](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/)

### **Waste Discharge Requirements – Discharges to Waters of the State**

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: [https://www.waterboards.ca.gov/centralvalley/water\\_issues/waste\\_to\\_surface\\_water/](https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/)

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2004/wqo/wqo2004-0004.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf)

### **Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2018-0085.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf)

**Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076-01.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf)

**NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:

<https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or [Peter.Minkel2@waterboards.ca.gov](mailto:Peter.Minkel2@waterboards.ca.gov).



Pete Minkel  
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,  
Sacramento (via email)

841 Walnut Lane  
Winters, CA 95694  
March 5, 2020

Mr. Dave Dowswell  
City Planner  
City of Winters  
318 First Street  
Winters, CA 95694

RE: Notice of Intent to Adopt a Mitigated Negative Declaration/Initial Study for the Walnut Lane 10 Project

Dear Mr. Dowswell:

Thank you for providing me an opportunity to review and comment on the MND/IS for the Walnut Lane 10 Project. I am a lifelong resident of Winters growing up a mile north of town on CR 89 (Hostetler property), and a 30-year resident on Walnut Lane. I have firsthand experience of living in a flood prone area and feel qualified to provide you, City Manager Donlevy, Mayor Biasi, Mayor Pro-Tempore Cowan, Council Members Loren, Anderson and Neu, and Developer Corbett with my thoughts and concerns as this project moves forward.

Below are my comments related to topics of interest in the MND/IS:

VII. GEOLOGY AND SOILS – According to the Wood Rodgers “Worst-Case” Existing Condition Flooding – 100 – Year (MND/IS p. 187), the blue/purple swath beginning in the northeast corner of the Walnut Lane 10 Project, originally ran through the Almond Orchard subdivision and ended in what is now Walnut Park. This area was filled/raised prior to construction, the same remedy that is being proposed to address the low-lying area in Walnut Lane 10. During the 2014 Napa earthquake, several homes built along this fill area experienced major shifts and cracking resulting structural damage. I bring this to your attention in hopes that proper site preparation will prevent these same results from occurring in Walnut Lane 10 when the next earthquake hits.

X. HYDROLOGY AND WATER QUALITY – I would like to request that the City of Winters complete an updated study on groundwater supply. The MND/IS states that *‘According the City of Winters 2006 Water Master Plan, current groundwater supply was determined to be sufficient to meet future demands with no risk of overdraft even during consecutive dry years’*. As we are all aware, the landscape of Winters has changed dramatically since 2006 and I don’t believe we should be relying on a 14-year-old report to determine water availability. Not only have we experienced an exceptional drought from 2012 – 2017, several agricultural wells have been drilled during this period. I am aware of two - one being located on the adjoining land to Walnut Lane 10 (Hostetler property/Bellevue North), and one about one mile west on Moody Slough Road. Irrigating over 110,000 almond trees takes a lot of water (1,900 gallons to yield 1 lb.). The original owners/builders of 28056 Walnut Lane drilled a residential well and experienced water problems during the irrigation periods of the Hostetler properties. A new assessment of water availability and quality needs to occur before bringing 54 new homes on-line with Walnut Lane 10, and an additional ~250 new homes in the future Farmstead development.

841 Walnut Lane

March 5, 2020

Page 2

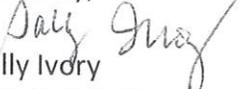
Flood control for Walnut Lane 10 and Farmstead is complex. I would like reassurance from the City of Winters and the Developer that every effort will be made to properly apply flood control methods and take the necessary measures to keep Walnut Lane 10, Farmstead, and Almond Orchard safe from flooding. I lived through the flood of 1997 and do not want my new neighbors to have the same negative experience. To this end, I recommend the City of Winters and the Developer work along with the Farmstead group to take the proactive measure of constructing the runoff catch basin in advance of building any new structures.

XVII. TRANSPORTATION – Safety, access, egress and circulation are of major concern to me. An increase of 529 trips down Walnut Lane for a daily total of 1,780 is unacceptable. This, along with 11,800 vehicles traveling on SR128 through the roundabout (which drivers still haven't figured out how to navigate!) is very worrisome. This problem will be compounded with additional traffic from Winters Healthcare patients and the Blue Mountain Terrace with 63 senior living units. It is highly likely the seniors will be using the cross walks at the roundabout to make their way to the market, so adding more vehicles to the mix is a recipe for disaster.

MND/IS p. 66 shows Walnut Lane being extended to the north boundary of Walnut Lane 10, then T-ing west to CR 89 and east to dead end at the edge of the project. Access/egress from the northwest via CR 89 may alleviate some congestion, however I would suggest taking it a step further and call for completion of the 'loop' road. I request that the City of Winters work with the Developer, the Farmstead group, and Mr. Hostetler (Bellevue North), to complete a 'loop' road from either Timber Crest Road or East Main Street, that will continue north to the Hostetler property, then west to CR 89. You may even want to consider developing the 'loop' further west to Moody Slough Road. This solution will 1) reduce traffic and speed problems on Walnut Lane; 2) reduce volume of vehicles in the roundabout; 3) provide greater pedestrian safety in the roundabout; 4) provide easy access/egress to residents commuting from Walnut Lane 10, Farmstead and Almond Orchard in every direction; 5) provide safe access to Shirley Rominger and the Middle School; 6) provide easy access to Heartland and Stone's Throw communities; and 6) provide safe and easy access for contractors, construction crews and suppliers of the Walnut Lane 10 and Farmstead Projects. I believe that every effort should be made to give the residents of Winters safe and easy access to their homes and completion of a 'loop' road prior to any construction will be a huge win for all involved.

I look forward to working with you and making Walnut Lane 10 a seamless addition to our community.

Sincerely,

  
Sally Ivory  
530-979-7786

cc: via Email Dave Dowswell, City Planner, [dave.dowswell@cityofwinters.org](mailto:dave.dowswell@cityofwinters.org)

Jim Corbett, Developer, [jimcorb1@yahoo.com](mailto:jimcorb1@yahoo.com)

John Donlevy, Jr., City Manager, [john.donley@cityofwinters.org](mailto:john.donley@cityofwinters.org)

Bill Biasi, Mayor, [bill.biasi@cityofwinters.org](mailto:bill.biasi@cityofwinters.org)

Wade Cowan, Mayor Pro-Tempore, [wade.cowan@cityofwinters.org](mailto:wade.cowan@cityofwinters.org)

Jesse Loren, Counsel Member, [jesse.loren@cityofwinters.org](mailto:jesse.loren@cityofwinters.org)

Harold Anderson, Council Member, [harold.anderson@cityofwinters.org](mailto:harold.anderson@cityofwinters.org)

Pierre Neu, Council Member, [pierre.neu@cityofwinters.org](mailto:pierre.neu@cityofwinters.org)

Bill and Marie Traylor  
844 Walnut Lane  
Winters, CA. 95694

February 25, 2020

Winters Planning Commission  
318 1<sup>st</sup> St.  
Winters, CA 95694

Dear Planning Commission:

The purpose of this letter is to express our concern with the Walnut Lane 10 Project which is currently under consideration by the City of Winters. We understand the progress must be made and Winters developed. However, we would greatly appreciate if the following issues were taken into consideration as the project moves forward.

**Ingress and Egress.** As we understand it, the Walnut Lane 10 Project has one ingress and egress route from Walnut Lane. Aside from creating heavier traffic flow on Walnut Lane, one ingress/egress route creates a public safety concern for both the new residents of the development and current residents of Walnut Lane. We would like to see the City consider adding a secondary route into and out of the development.

**Funding for Curb/Gutter/Sidewalk.** With this development, we believe that the city will eventually seek to extend its network of curb, gutters and sidewalks to accommodate the new residents. As we have managed quite well without those items for the past 20 years since moving to Walnut Lane, we do not feel like our taxes should be increased to pay for these items which we don't need.

*or private funding*

**Water line extension.** Finally, we would like to request that the city water line be extended from our residence to the new development. Currently, 844 Walnut Lane is the last residence along the City's water main and we have sediment issues causing our water to have a foul odor. We have paid for scientific testing to confirm this issue and would respectfully request the waterline be extended past 844 Walnut into the new development.

Sincerely,

*Bill Traylor*

*Marie Traylor*

Bill and Marie Traylor

[ivangus@att.net](mailto:ivangus@att.net)

(530) 304-2811

Kristina Drobocky Baitoo  
Andre Baitoo  
28056 Walnut Lane  
Winters, CA 95694  
Cell: 415-828-3200  
Email: [krisdbaitoo@gmail.com](mailto:krisdbaitoo@gmail.com)  
[ahbaitoo@gmail.com](mailto:ahbaitoo@gmail.com)

March 24, 2020

Mr. Dave Dowswell  
City Planner  
City of Winters  
318 First Street  
Winters, CA 95694

RE: Notice of Intent to Adopt a Mitigated Negative Declaration/Initial Study for the Walnut Lane 10 Project

Dear Mr. Dowswell:

I am responding to the NegDec for Walnut 10 on behalf of myself and my husband as the homeowners living directly to the West of the proposed Walnut Lane 10 development. I have read through the MND and find many areas that are incorrect, inconsistent, and require additional consideration and mitigation by the Developer of the project and/or the City of Winters. While we support the development in concept, we have reservations about the mitigations as proposed and the correctness of the report.

We would like to see these issues addressed, the report corrected and updated, if not escalated to a complete EIR in conjunction with the Skreden 61/Farmstead project.

### **Proper Notice Under CEQA**

We appreciate the efforts from the City of Winters to extend the dates for the CEQA period and allow us to have additional time to review the documents and craft our responses. That said, I am disappointed in how notice was rolled out. Even in the CEQA extension memo, the dates were not precise and it has been hard for the public to track the changes.

As you are aware of the planning commission meeting and letters the City has already received, the Project neighbors remain concerned with the communication and notification process regarding this development.

- Only the homes with a contiguous border were notified of the release of the NegDec. I challenge the 100' measurement as it pertains to several neighbors on Walnut Lane who should have received a letter based on proximity and the 100' line.
- The document listed on the City of Winters website has different dates for comment than the documents ultimately listed on the CEQA website (Attachment A, B & C)

- The NegDec packet is not searchable on the City of Winters Website under “negdec,” “MND,” “walnut 10,” “walnut lane 10,” or “Corbett.”
- While the packet was available at City Hall, the posted letters about the written comment period stated that the documents would be available online at the City of Winters Website as well; however, the average person cannot search for them. To the date of this letter, one can not enter the project name in the search bar and get any results.
- Unfortunately, with the COVID closures, the documents became unavailable at a certain point as City Hall had closed.
- I only received a link to the documents based on a Facebook post I happened to see on the City page, and when I asked for the link, someone responded.
- Only providing the link to the CEQA documents on Facebook disenfranchises anyone without internet access or a Facebook account.
- The City of Winters has project pages up for every development currently being built or under review; however, Walnut 10 was not given the same status under the City project pages.
- If the City states in a legal notice that the documents are available online, then they must be accessible by the average person.

Providing comments to the Lead Agency in writing ensures those comments are on the record and are part of the administrative review for the project. As you know, they must be distributed for final review to the Planning Commission, Council, and ultimately other parties involved with the review. Confusion with the due dates denies people in the community their opportunity to respond. This confusion further denies people their due process under the CEQA mandates.

Members of the public cannot challenge the adequacy of a document without having “exhausted their administrative remedies,” that is if they had not commented when comments were requested, and this ever goes to court, they lose rights because they did not use all of the administrative relief available to them. As has happened here, if the dates and deadlines are not correct, and the source material cannot be located, the public is denied the opportunity to respond.

There has simply been a great deal of confusion about the project, and legal notice may not have been executed correctly.

I am simply disappointed that the City chose to follow the letter of the law vs. the spirit of the law when it came to the initial written notice for the project. I fully understand that the law says only homes within 100’ of the project require notice. The spirit of the law and the spirit of the transparency the City states it wants with our residents means that the City of Winters should have noticed the entire neighborhood community that this project was on the books. We are a small group with one main road running through. Walnut 10 alone will drastically change the look, feel, and population of our community, especially as we have one road in and out if this is not built in conjunction with Farmstead.

## Project Location and Setting | Surrounding Land Uses

There is a factual error with the following:

*“The land directly to the north of the Project site is currently cultivated for agricultural uses. The parcels to the west and south of the Project site are characterized by residential uses, and the parcel to the east of the Project site is characterized by agriculture (currently being dry farmed). The parcel to the north of the Project site is the Hostetler property, which contains an orchard and has a dirt perimeter road. The parcels further south of the Project site, beyond the immediate land uses, include additional residential and commercial land uses. Walnut park is located approximately 400 feet to the southwest of the Project site. A separate residential development (not part of the Project).”<sup>1</sup>*

There is no mention of our five-acre parcel to the west that while residential is zoned for agriculture and currently is ranched with horses and sheep. Our five-acre parcel makes up the entire western boundary of the project and is not mentioned in the location and setting.

It is not factual to state the lands to the West are strictly residential. This project will be built next to an agricultural site with livestock.

### **The NegDec’s Description for the Walnut 10 Project is Inaccurate**

The California Environmental Quality Act (CEQA) contains a “substantive mandate” that public agencies must deny Projects with significant environmental defects if “there are feasible alternatives that can substantially avoid those effects<sup>2</sup>. For the public to determine whether the Project will create significant effects and whether alternatives should be considered, CEQA requires that EIR’s be “organized and written in a manner that will be meaningful and useful to decision makers and to the public.”<sup>3</sup> Therefore, the Project description in the EIR must be clear, accurate, and consistent throughout the EIR.<sup>4</sup> Only when the Project description is absolutely accurate throughout the entire document can the general public understand, review, and comment on the EIR, and only then can the public agency consider the advantage of terminating the Project, or weigh other alternatives.<sup>5</sup>

While I realize that the document under consideration is a Mitigated Negative Declaration and has not risen to the level of Environmental Impact report, clearly as the basis of the opening environmental reporting, the same level of accuracy must apply.

On page 4 of the NegDec, the description states, “Additionally the existing almond orchard that is located on the Project site and the agricultural well that is located in the southwest corner of the Project site would be removed during Project construction activities.”

---

<sup>1</sup> Initial Study Negative Declaration, Walnut Lane 10, p. 4

<sup>2</sup> See Remy, Thomas, Guide to CEQA, 11<sup>th</sup> Ed., at p.1, citing the California Supreme Court in Mountain Lion Foundation vs. Fish & Game Commission (1977) 16 Cal. 4<sup>th</sup> 105 at 134.

<sup>3</sup> Pub Res. Code § 21003(b).

<sup>4</sup> Remy, Thomas, supra, at p. 415

<sup>5</sup> County of Inyo v. City of Los Angeles, 71 Cal.App 3d 185, 193 (1977)

However, throughout the document, there are multiple examples where the description states that the “trees have been removed,” and that argument is used to lower the severity of the environmental impacts of this project.

### *Infrastructure and Access*

Flood mitigations are perhaps one of the most crucial topics throughout this NegDec and for the City of Winters as a whole. While the infrastructure and access section of the description states on page 5 that, “Stormwater would drain to the east of the Project site via a v-ditch to the Grant Avenue culvert.” It does not mention that the v-ditch is entirely dependent on the development of the Skreden 61 project. If Walnut 10 is built alone, there will be no v-ditch, but interim measures that are less than what would exist if the projects were built simultaneously may be installed. The description of the stormwater information is not sufficient for the average reader to understand there are two measures of mitigation, and a significant flooding environmental impact exists.

### **General Plan and Zoning Designations**

The City of Winters chose to submit Figure 6, which is not an accurate description of the current zoning for the area. This map is bandied about to show the *desired future state* of the City of Winters, if and only if the City is successful annexing in a contested sphere of influence.

A more accurate map exists which does not highlight the sphere of influence but is still not accurate (Attachment D). For example, my home, APN# 038-050-024-000, resides in the county and is currently zoned for agricultural uses. In both the Figure 6 map and Attachment D, my home shows that it is zoned R-1, 7000 square foot lots, and in its current state, that is untrue.

Further, all of the land to the north of the Walnut 10 development is also in Yolo County, is zoned for agriculture, and is currently farmed. That is not depicted on any of the zoning documents and exhibits provided by the City of Winters as applicable to the zoning report and description.

If CEQA documents are developed not only for State and Federal entities with a stake in the land but for the Public to understand the development as a whole, they must be clear and accurate. This is not the case with this report. The inclusion of inaccurate future state zoning skews the narrative. It does not present the reality of the Project and its environmental impacts on the whole of the area in the present or future state.

The NegDec must be rewritten and include not only future state zoning, but accurate diagrams and mapping to show the current state. It is only when one considers the loss of rich farmland and agriculture and active, as well as inactive, orchards with thousands of trees that are set to be removed, that the reader can consider the magnitude of any environmental impacts. That is not the case in this report.

## I. AESTHETICS

- a) Have a substantial adverse effect on a scenic vista?
- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a state scenic highway?

The report is incorrect in stating that this project cannot be seen from Scenic Highway 128. In its current state, and if it is built without the Farmstead Project, the Walnut 10 orchard that is visible from 128 will be removed and replaced with houses. The 505 – 128 corridor is the start of the scenic highway. While the City of Winters General Plan does not explicitly designate a viewshed in the City, please keep in mind the general plan document goes back to 1992, and 128 was not a scenic highway at that time. Every time an orchard is removed from the view of Highway 128, there is a significant impact because the reason we have that designation is our agricultural roots. To give the entirety of 128 from the 505 to Railroad over to mass development and cookie-cutter homes is to diminish the intent of the scenic designation and risks honoring the community's rich history.

The report scores section 1.a. as Less Than Significant Impact, but scores 1.b. as No Impact. That is impossible as I can see Scenic Highway 128 from my front yard through the rows of trees. When the development is graded, and the trees are removed, there will be a visual hole from highway 128 to Walnut Lane. So, if this Project will have a "Less Than Significant Impact" on 1.a., at the very least for 1.b. it should also be Less Than Significant or Potentially Significant Impact, as there is no mitigation measure that can be applied to correct the removal of agricultural land from the view of a Scenic Highway.

- c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?

Regarding the visual changes to my home and the residential area south of the Project site, it is always difficult to understand what the final aesthetic impacts will be when an EIR or NegDec is submitted with no design plans. Ultimately this developer will most likely not ever deliver a design plan but will sell the approved subdivision map to another.

The Planning Commission and the City Manager have stated that the City must update our housing element, which may very well change the design elements and aesthetic options possible for this development. While the proposal is an R-1 with a PUD overlay, there is a great deal of room for change between this Neg Dec and, ultimately, the acceptance of design plans.

The character of the neighborhood is one and two-story contemporary ranch and craftsman homes on larger lots. Less dense than projected for this Project. It is already going to be different than the current Orchard development and the custom homes on Walnut Lane. Our stance is that we would like to see this development plan match the existing dwellings, lot for lot, especially along the fence line that would be contiguous with Orchard Lane.

The report generally states on page 23:

*"Upon development of the Project, landscaping would be provided throughout the Project site. The proposed landscaping includes a variety of plants and support materials at varying heights that would provide some shielding from existing residences in the vicinity."*

No report or appendix with proposed landscaping was submitted with the NegDec for review. No area of the City Design Guidelines was cited. It is impossible to comment on the aesthetic effects if the information considered to mitigate is not included. Further, if landscaping is needed to allow this project to blend, then 1.a. should be elevated to "Less Than Significant With Mitigation Incorporation."

This area of the report needs to be rewritten and reissued with the appropriate documentation and mitigations outlined.

The report on page 23 goes on to say:

*"The change in character of the Project site, once developed, is anticipated by the General Plan and would be visually compatible with surrounding uses, including the **existing residential uses** located to the south and **west**, and the planned residential uses that would be located to the east. Moreover, setbacks and landscaping around the perimeter of the site will buffer the foreground viewshed from residents in the immediate vicinity. Therefore, implementation of the Project would have a less than significant impact relative to this topic."*

The NegDec again fails to describe the actual land use to the west. Our home is the entire western boundary of the project, and while it does have our house, it has horses and sheep and will remain agricultural use.

The destruction of the agricultural land and orchard across the street will have a Potentially Significant Impact from my home, which I am aware is a private vista. Still, it will also change the views looking east from Railroad Avenue and north from Walnut Park. The report states that "the landscaping around the perimeter of the site will buffer the foreground viewshed from residents in the immediate vicinity." No examples of landscaping or design were submitted with the NegDec to understand what that would look like or how significant the impact would be.

Further, if landscaping needs to be added, this needs mitigation and is not Less Than Significant Impact as stated.

**a) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

The first line of the answer to section 1.d. in the NegDec is incorrect, *"The Project site is currently vacant and was formerly used as an orchard (the trees have been removed)."*

None of the trees have been removed. This statement is an inaccuracy repeated multiple times throughout the document. More importantly, the existing orchard protects the current homes from both light and glare from the street and traffic lights and businesses at the Highway 128 / 505 intersection. Once the trees come down, it will be an unimpeded and straight line of sight to the Chevron and business at Matsumoto Lane from Walnut Lane. This will last for the duration of the construction until the entire Project is built out. In fact, if the Walnut 10 developer decides to raze the orchard at any time, that act alone will cause new light and glare issues for the homes on Walnut and Orchard Lane with no possible mitigation to defray the impact.

It is impossible to know if the mitigations outlined will be effective without actual design plans for the development. For example, if the City of Winters allows three-story residences in a to be drafted in the new housing element, or the grading of the pads for flood mitigation raises the second story of the homes

that back up to Orchard Lane higher than the existing residences, some of which are one-story homes, then the mitigations proposed will not do anything to alleviate light and glare. The mitigations provided only outline exterior fixtures in the new community, streetlights, and decorative elements. The mitigations say nothing about the height of homes in the new project relative to the existing homes and how the interior lights and windows will affect Orchard Lane homes. There is simply insufficient analysis for the public to form a final and accurate opinion of the environmental impact of this category.

The Neg Dec does not reference building standards, City Codes, or other standards to create a check on the development to ensure the correct fixtures, types of shielding, or materials are used. Is there a construction standard? A revised NegDec should include requirements like mandating external fixtures with the International Dark-Sky Association Seal of Approval on all exterior lighting. What was provided is not specific or actionable as a mitigation.

There is no discussion in the NegDec of the allowed building or construction hours, or if during the construction phase, lighting will be necessary. There is no description of security lighting or other temporary fixtures during the construction phase.

***Because additional mitigations were not considered, developed, or stipulated, this section must be classified as Potentially Significant Impact until such time as the document is reviewed and redrafted with acceptable mitigations to reduce the severity of the impact to Less Than Significant with Mitigation Incorporation.***

## **II. AGRICULTURE AND FORESTRY RESOURCES**

- 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?**
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?**
- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

The response for a, b, and e of the Agriculture and Forestry resource section relies heavily on the City of Winters General Plan, a document that has not been updated since 1992. My personal opinion outside of the CEQA response is that the City should update the general plan in its entirety before moving forward with significant development, including infill developments and those that take agriculture land. The City has just established a Climate Change committee, and it is time to let them do their job and help address the City policy to make these NegDecs and EIRs more in line with current science and planning standards.

In the absence of that, there a discussion of the 1992 General Plan elements as the answer to the mitigations provided to make these components less than significant on page 25:

*“The City of Winters General Plan designates a substantial area for urban development which is or has been in active agricultural use, which includes the Project site. The City of Winters General Plan*

*EIR identifies that the conversion of agricultural land to urban uses is a significant and unavoidable impact of urban expansion into the city. The City of Winters Final General Plan incorporates policies to promote the continued productivity of agricultural land, and to prevent its premature conversion to urban uses (Goal VI.B), such as directing the City to support agricultural uses until development or annexation is imminent (VI.B.1 and 2), to limit future expansion of the Urban Limit Line to lower quality agricultural soils, and to support strong County-based agricultural land conservation policies (VI.B.4). Other forms of support for agricultural activities include support of legislation at the local and state levels for tax and other incentives (VI.B.3), a mixture of farmers' markets, on-site sales and special events (VI.B.4), a commitment to adopt a right-to-farm ordinance (VI.B.6), and support for County efforts to establish a land conservation trust and implement programs for development rights purchases, transfers or easements (VI.B.5). The City of Winters Final General Plan EIR identifies that the impact on agricultural productivity is significant and represents an unavoidable, adverse cumulative impact. Mitigation measures 13.1A through 4631B have been identified in the General Plan Final EIR to address loss of agricultural land. The measures have been incorporated into the and additional mitigation measures would not be expected to be feasible or effective in avoiding the loss of agricultural land, other than a prohibition against future development, which the Final General Plan identifies as not being consistent with the Final General Plan's objectives."*

While the NegDec lists the General Plan sections for consideration, what the report does not outline, and would show the City's efforts towards actual mitigation measures, are a specific and measurable example of programs that have been the beneficiary of the City's support of agriculture. For example:

- Where is the City limiting the future expansion of the Urban Limit Line to lower quality agricultural soils, and to support strong County-based agricultural land conservation policies (VI.B.4)?
- What legislation has the City supported or passed supporting agricultural activities at the local and state levels for tax and other incentives (VI.B.3)?
- Has the City passed a right to farm ordinance? (VI.B.4.)

General plans are a guideline, what matters is if a City implements the mitigation measures proposed. Without a list of actionable and measurable results in the City of Winters attached to this NegDec showing support of agriculture in other areas to make up for the loss of this land, it is impossible for the public to ascertain if the existing General Plan mitigation measures are sufficient to reduce the impacts of the loss of agricultural land. Mitigation only matters if it is implemented.

I believe that the report is incorrect in stating the loss of these 10 acres of Unique Farmland has a **Less Than Significant Impact** because the City did not provide evidence of a history of actually implementing the General Plan mitigations. Further, this is a document from 1992. Are the suggested mitigations feasible and appropriate today? It's impossible to know as the General Plan is not slated for a complete review.

Winters resides in Yolo County, which has a strong history of right to farm policies. While the language in the report pays homage to that, there are no achievements listed where the 1992

mitigations have been successfully implemented or an acre for acre offset of this particular property.

The NegDec makes mention of this plot of land being included in the 1992 Winters General Plan; however, no additional documents, tables, or appendices were submitted for review with this report to understand the history of the parcel.

### III. AIR QUALITY

- a) Conflict with or obstruct implementation of the applicable air quality plan?
- b) 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?
- c) Expose sensitive receptors to substantial pollutant concentrations?
- d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

The report was filled out stating that this section was *Less Than Significant Impact*. However, there is a laundry list of partial mitigations that would need to be implemented. I believe the report has a significant error as A – D should be marked *Less Than Significant Impact With Mitigation Incorporation*.

While the list of mitigations is a good start, the suggested remedies are lacking in several important areas to bring environmental impacts down to ***Less Than Significant Impacts***. Please consider the following language for additional mitigation on idling vehicles and construction equipment at the site. The mitigations listed deal with particulate matter from grading and fill operations and the choices of construction material and storage only. The mitigations do not specifically call out mitigation guidelines for heavy equipment and idling, which will be the main source of exhaust and particulate matter in addition to blowing dust from construction.

- The addition of language stating that the vehicles used during the construction phase for all activities (not just diesel-fueled commercial vehicles over 10,000 lbs) at this site must comply with the CA EPA Heavy Duty Diesel Vehicle Idling Regulation Limits at all times.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site.
- Provide current certificate(s) of compliance for CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation [California Code of Regulations, Title 13, sections 2449 and 2449.1]. For more information contact CARB at 877-593-6677, [doors@arb.ca.gov](mailto:doors@arb.ca.gov), or [www.arb.ca.gov/doors/compliance\\_cert1.html](http://www.arb.ca.gov/doors/compliance_cert1.html).
- Although not required by local or state regulation, many construction companies have equipment inspection and maintenance programs to ensure work and fuel efficiencies.

- Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determine to be running in proper condition before it is operated.

There are additional mitigations pertaining to heavy and stationary equipment as well as other project guidelines that are found in the Yolo-Solano Air Quality Management Districts Handbook for Assessing and Mitigating Air Quality Impacts (2007) on page 27, however, the author of the report only chose to include four options.

Additionally, the following bullet points are from the same booklet on pages 16 and 17, but were not included as mitigation measures and should be. (<http://www.ysaqmd.org/wp-content/uploads/Planning/CEQAHandbook2007.pdf>)

- Visible emissions from stationary diesel-powered equipment are not allowed to exceed 40 percent opacity for more than three minutes in any one-hour, as regulated under District Rule 2.3, Ringelmann Chart
- Dust emissions must be prevented from creating a nuisance to surrounding properties as regulated under District Rule 2.5, Nuisance
- Portable equipment greater than 50 horsepower, other than vehicles, must be registered with either the ARB Portable Equipment Registration Program (PERP) (<http://www.arb.ca.gov/perp/perp.htm>) or with the District
- Architectural coatings and solvents used at the project shall be compliant with District Rule 2.14, Architectural Coatings
- Cutback and emulsified asphalt application shall be conducted in accordance with District Rule 2.28, Cutback and Emulsified Asphalt Paving Materials
- All stationary equipment, other than internal combustion engines less than 50 horsepower, emitting air pollutants controlled under District rules and regulations require an Authority to Construct (ATC) and Permit to Operate (PTO) from the District.
- District Rule 2.40 Wood Burning Appliances prohibits installation of any new traditional "open hearth" type fireplaces.

Without including specific language for idling vehicles, the mitigations provided are not adequate and should be updated. The report needs to be corrected for this section and reevaluated.

As it pertains to the storage of construction materials and air quality, there is no mention of the "North Winds" that affect our community. They blow for days at 20 – 40 MPH sustained. The construction crew will need to have a plan in place for securing not only the tarps and covers but planning ahead for the North Wind days and limiting activity on site. The wind velocity and direction are significant enough that construction debris can make its way into the yards of the Orchard Lane homes in addition to the particulate matter.

### ***Sensitive Receptors***

Although sensitive receptors are defined for the purposes of a CEQA exercise as schools, hospitals, etc., there are several of us who are asthma sufferers living on the Project boundary. This Project will cause air quality and environmental disturbances during the demolition of the orchard, grading, and ultimate construction.

As a mitigation measure, I would suggest a website or notification to the neighborhood that informs us of the days where a decrease in air quality is likely so that we can take precautions and ensure that the Project is doing their best to mitigate. I would like the City to have a hotline for the Project Manager/Developer for construction complaints and clear complaint procedures posted online and available at City Hall.

Living next to an active orchard, we periodically deal with offensive odors and pesticide dissemination but have worked out a notification process so that we get a heads up to move livestock and take additional precautions for asthma and the inside air quality we can control.

### **The Effect of Tree Removal on Air Quality & Climate Change**

**Policy VI.E.10. The City shall contribute through tree planting and preservation to the enhancement of air quality.**

No mention in the entire NegDec report discusses the loss of trees to develop this Project. It merely states in several locations that “trees will be removed.” The fact is that approximately 1,000 trees will be removed from the site. There are about 18 rows of trees with at least 50 trees planted in each row.

Every day the community enjoys the benefits of this orchard as they provide temperature reduction, removal of air pollutants, the potential for the removal of ozone, they cool and shade our homes, and help the groundwater filter and recharge.<sup>6</sup>

No specific, measurable mitigation has been proposed to replace the trees and provide any fee structure for the Developer or the City of Winters to contribute to a landscaping plan. That said, with only 54 homes, even if two large trees were planted per house, that is only 108 trees, or 10% of the loss.

I am by no means an expert and do not have a formula, but certainly with the effects of climate change, increased energy use for residents cooling homes in the Sacramento Valley when there is no shade, and overall pollution reduction, the loss of 1,000 trees on 10 acres is a Potentially Significant Impact, and no mitigations were offered as an offset.

When the general plan was written in 1992, climate change effects and our knowledge was less when it came to “green issues.” In 2020, we need more than “The City shall contribute...” Mitigation for the loss of 1,000 trees needs a measurable and actionable plan with the

---

<sup>6</sup> Nowak, David J., The Effects of Urban Trees On Air Quality, [https://www.nrs.fs.fed.us/units/urban/local-resources/downloads/Tree\\_Air\\_Qual.pdf](https://www.nrs.fs.fed.us/units/urban/local-resources/downloads/Tree_Air_Qual.pdf)

implementation concentrated the area of greatest loss, which is the Orchard neighborhood and the entry to Walnut 10 from Walnut Lane.

This topic is best inserted in the Air Quality section, given the science-based facts that trees do remove pollution from the air.<sup>78</sup>

#### **IV. BIOLOGICAL RESOURCES**

I have no substantive comments on the biological resources section.

#### **V. CULTURAL RESOURCES**

I have no substantive comments on the cultural resources section.

#### **VI. ENERGY**

Please refer to the Air Quality section of my letter for an overview of the issue of tree removal. In short, approximately 1,000 trees will be removed from the 10 acres that make up the Walnut 10 site location. The effects will literally be paid for by the direct neighbors who will experience warmer houses and higher energy bills without the shade canopy that the orchard currently provides.

In comparison to a mature neighborhood with established large trees and landscaping, the new neighbors will also experience higher energy costs to cool their homes in summer.

As potential mitigation, the City of Winters must establish guidelines for landscaping new developments specifically where the development replaces orchards and requires the purchase of larger trees and established plants. Too often to save costs, a Developer will plant one-gallon plants and five-gallon trees that take far too long to have a positive net effect on energy and air quality factors.

Often developers do not offer landscaped back yards and leave that up to the new homeowner, who faced high costs for their new construction, do not install a yard. This lack of landscaping increases cooling costs for that home and all the homes around them.

#### **VII. GEOLOGY AND SOILS**

I have no substantive comments on the geology and soils section.

#### **VIII. GREENHOUSE GAS EMISSIONS**

I will refer you back to my suggested additional mitigations in the Air Quality section as they pertain to heavy and large equipment emissions during the construction scope of the project.

---

<sup>7</sup> Resour. Bull. NRS-84. Newtown Square, PA: U.S. Department of Agriculture, Forest Service, Northern Research Station. 106 p., Urban Trees and Forests of the Chicago Region, <https://www.nrs.fs.fed.us/pubs/44566>

<sup>8</sup> Pinceti, Stephanie, Implementing Municipal Tree Planting: Los Angeles Million-Tree Initiative, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2819482/>

I will again suggest that as this report has no mitigation measure that takes the loss of 1,000 trees into account creates a Potentially Significant Impact under section VIII.a. This directly relates to the effect of a denuded 10 acres in the community with very little foliage or trees once built and for decades after completion until the landscaping matures.

I am requesting that the Planning Commission and the Climate Change Board for Winters consider policy and standards for CEQA projects. Given that you are acting as the Lead Agency, please ensure that the destruction of orchards in the community are addressed with specific and actionable mitigations to be completed by the developer and/or the City. Perhaps the implementation of Developer fees to provide additional landscaping budgets to help new owners landscape and plant acceptable species in a timely manner would be a consideration.

#### **IX. HAZARDS AND HAZARDOUS MATERIALS**

Response f) states that this project would not cause evacuation issues. While that may be true if this project is developed in conjunction with Farmstead, it may not be correct, nor has it been studied for the build out of just the Walnut 10 parcel. Walnut Lane is the only point of ingress and egress for the entire neighborhood. This adds additional residences, and if any portion of Walnut Lane gets blocked in an emergency, all of us are stuck.

Response g) discusses fire. However, there is no discussion of undergrounding powerlines or other mitigation that should be considered given the number of PSPS and the new reality of wildland fire. To the east of the project sits the Farmstead project, which is all open grassland and prior hay fields. The greatest chance of fire is from the grass fields to the east between 128 and this project if they are not built together. With one way out on Walnut Lane, if Walnut 10 is built alone, these scenarios were not addressed in this NegDec.

#### **X. HYDROLOGY AND WATER QUALITY**

Response b) states:

*The Project would not 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). Furthermore, the Project is not anticipated to significantly affect groundwater quality because sufficient stormwater infrastructure would be constructed as part of Project to detain and filter stormwater runoff and prevent long-term water quality degradation. See response d), below, for further detail. Therefore, Project construction and operation would not substantially deplete or interfere with groundwater supply or quality. This impact would be less than significant.*

While this may be true for the City of Winters, the report does not document the well on my property that is directly next to the extension of Walnut Lane needed to service this project. Paving over the earth, removing the trees, and all construction will have a negative effect on our domestic well that services our house at 28056 Walnut Lane. The stormwater infrastructure will catch and remove the water we currently rely on to feed and recharge our well.

As was mentioned in a letter from a neighbor, Sally Ivory, our house has had issues with groundwater in the past from the Hostettler orchards to the north. The prior owners had to re-drill the well as the orchard was depleting the water table. It is unknown what the construction will do to our well and groundwater as it was not mentioned in the report or studied. The only wells mentioned are those for the City of Winters, and our parcel is not part of the City water system.

Responses c) and e) are concerning as they rely on the Walnut 10 parcel to be built with the Farmstead project for all mitigations to be imposed. If all mitigations are installed, that is the best-case scenario and the most protective for the neighborhood.

This project is in a FEMA AO 2' flood zone, which is one of the worst, and the category is never named in the report. We know this because we pay annual flood insurance for our property, and I consult the flood map often. We feel strongly that the proposed mitigations should not be borne by Walnut 10 alone and that this project should not be built without the full mitigations offered by both the Walnut 10 and Farmstead properties. It is in the best interest of the community for both projects to be approved and built simultaneously.

To raise the pads and build this project without the full mitigations from both projects is irresponsible. This area has flooded historically, and the orchard has a history of recent flooding. This was documented by other neighbor's responses to this project.

As I am not an engineer, and the appendix reports are somewhat difficult to understand. I had hoped the City would have coordinated a meeting between the neighborhoods and the developer prior to the CEQA response date to review the technical elements of the flood and hydrology mitigations; however, that did not happen.

For section c) (ii), (iii), and (iv), the report ranks this as *Less Than Significant with Mitigation Incorporation*; however, that is for the complete plan and buildout from Farmstead and Walnut 10. The interim measures for just Walnut 10 are a stopgap and may actually have a **Potentially Significant Impact**.

This is especially true as on page 64, the report states under mitigation measures HYDRO-1: *Grading and Elevation: Grading and improvements shall elevate the Project site and remove the site from the design 100-year storm event floodplain.* The current FEMA status of AO 2' means that the entire site, or at least a majority, needs to be elevated at least 2' to get it out of the existing flood plain. That would mean that Walnut 10 would end up higher than the existing homes and given the rise, potentially causing flooding into the Orchard development. The Project needs to be mitigated to ameliorate the flooding, and it cannot be allowed to affect the existing adjacent homes that have a history of flooding from the orchard.

Pertaining response d), it mentions that the greatest risk of flooding is from November to March. There should be a specific update to the proposed mitigations ensuring that any construction for flood mitigation is completed well before the rainy season and make the deliverables on the mitigations time-bound with penalties etc. if they are not finished in time.

## **XI. LAND USE AND PLANNING**

My comment on the land use and planning portion is a plea to the City of Winters to allow for the updates to the general plan with the input from the Climate Change Board and other community input so that all new infill and other developments meet the new and developing needs of the community.

We agree we need housing. We recognize we have the opportunity to develop and be inclusive in our community. However, to bring forward the best the City can offer, it is time to get a General Plan update and not rely on 30-year old planning to get this done. These updates should happen before all the infill projects are brought forward.

## **XII. MINERAL RESOURCES**

I have no comment on the mineral resources section.

## **XIII. NOISE**

Currently, we, the Walnut Lane residents, and many in the Orchard developments are shielded from many of the sounds of Highway 128 by the 1,000+ trees that remain on the Walnut 10 site. I will tell you that I can hear the sounds of the crosswalk alerts at Matsumoto Lane from Walnut Lane as the site exists today. Again, that is with the buffer of the trees and vegetation that are in situ.

The report quotes Policy VII.E.7 *Any project that would cause existing traffic-related noise levels in existing residential areas to increase more than 3dB shall be required to evaluate the feasibility of noise mitigation measures.*

No mention of the effect of the tree removal on the surrounding residents was discussed. No noise mitigations have been offered for this section. Once the trees are out, there will be an increase in noise and sound from 128 and the 505 Freeway. The report concentrates on the construction phase, but does not address the long term effects of increased noise on the existing community nor does it provide any mitigations for sound shielding from 128/505 once the trees are gone, or creative sound buffer solutions after Walnut 10 is built.

Concerning response a), on page 80 of the report, there is a mention of "solar PV panels" and installation. There is no other information provided. What are they for? The new houses, or construction? This issue needs to be clarified in a reissued report, or in follow up comments.

The report offers no construction times or allowed noise-generating windows. It does outline residential noise ordinances. However, this construction, while short, will cause significant impacts to those homes abutting the project and will substantially reduce the quiet enjoyment of our homes during this time. The world of work has changed since the General Plan was written 30 years ago, and more of our population is working from home. I am one of those people, and my home office is less than 100' from the Project site. There are healthcare workers, doctors, and nurses, who work shift work and live next to the project.

I suggest that the onerous noise-generating hours of work be limited to 9:00 am – 4:00 pm Monday through Friday and 9:00 am – 2:00 pm on Saturday with no work allowed at the site on Sunday. That does not mean that outside of those times work cannot happen, but heavy vibration, ground-shaking work should be limited. This is not the same as a homeowner doing sporadic work on a project. No limits were suggested or provided in the report.

Please also see my comments on air quality and idling diesel trucks and equipment. During the grading process, the idling vehicles and equipment not only create emissions, but their use creates substantial ongoing noise.

We would like to see additional mitigations for noise in this section that allows the developer to complete the project in a timely and cost-efficient manner, but also does much more to protect the exiting community, provide for us to continue the quiet enjoyment of our homes, and also supports those who work from home, and those who provide our medical, health, and public safety work.

#### **XIV. POPULATION AND HOUSING**

I have no comments on the population and housing sections.

#### **XV. PUBLIC SERVICES**

I have no comments on the public services sections.

#### **XVI. RECREATION**

I have no comments on the recreation sections.

#### **XVII. TRANSPORTATION**

In response a) & b) on page 91, the report states:

*“Based on trip generation rates provides in Table 6 of the CMP, the Project would generate approximately 529 daily trips (based on a daily trip rate of 9.79 trips per day for single-family residential land uses). Project trips would increase the amount of traffic during Project operation that currently occurs at and within the vicinity of the Project site.”*

Currently, at the roundabout traveling south on Walnut, we have a traffic bottleneck. This is made worse by the employee parking from the Mariani offices and plant at the corner. 80% of the time when we head out of the neighborhood, we are single-tracking and stopping about a half-block up from the roundabout to let oncoming traffic pass. This is not an issue when Mariani is closed.

There is no stop sign or speed bump on Walnut Lane to slow traffic by the park. People travel over 40 MPH up and down the street at any time.

Walnut Lane is the only way in or out of the neighborhood if Walnut 10 is built alone. Adding 54 homes and 529+ trips per day is going to put an undue burden on the traffic patterns as they exist. This is again the spirit of the law vs. the application of the law as it pertains to the data in the updated General Plan traffic flow and roads document.

As the current population uses the roads, the addition of this development creates a **Potential Significant Impact** with the Project buildout. Mitigations will be required to reduce the impact on the existing community, including:

- Red striping one side of Walnut Lane next to the Mariani office to open up traffic flow
- Perhaps only allowing residential and not commercial parking on Walnut Lane
- Analyzing speeding and determining if speed bumps will help the traffic flow
- Analyzing traffic to determine if stop signs are necessary
- Installing a crosswalk for the park with lights and signaling to protect park users

In its current state, we worry that Public Safety equipment cannot get up the street to the park or to our homes during the most congested times of the day. With or without the Project, this intersection is a problem.

#### **XVIII. TRIBAL CULTURAL RESOURCES**

I have no comments on the tribal cultural resources sections.

#### **XIX. UTILITIES AND SERVICE SYSTEMS**

The City of Winters has published concerns with our water system and the cost of Chromium-6 mitigations. There is no mention in this report of those stressors on the system and how or if this project will impact future mitigations for existing hardships on the utility systems. In fact, there is no mention of Chromium-6 at all in the report, and our City Manager regularly refers to this pressing and costly threat to the community.

Our direct neighbors, Bill and Marie Traylor, have to have their water lines flushed bi- or tri-weekly due to the water quality at the end of the line at Walnut Lane. If Walnut 10 is built without Farmstead, the new residences in Walnut 10 become the end of the line and may also be subjected to the end of the line water issues the Traylor's have faced for years. I only know about it because when the system is flushed from the fire hydrant in front of my property, we get the water in our orchard.

It is disingenuous not to outline the existing issues. This will require mitigation of existing water quality issues currently faced by the community in this area. Perhaps the City should consider a development fee to help offset the cost of the Chromium-6 and water upgrades necessary to ensure the new community has quality water and the water for the existing Orchard and Walnut neighbors get fixed.

#### **XX. WILDFIRE**

Response a) does not delineate between Walnut 10 being built alone, or with Farmstead. If it is built with Farmstead, it may actually improve the emergency access for the existing community and its new residents. However, if Walnut 10 is built alone, it increases the burden on a neighborhood that only has one exit out at Walnut Lane and Grant Ave. So, Walnut 10 alone is possibly elevated to a **Potentially Significant Impact** and is only Less Than when it is built in conjunction with Farmstead.

Response b) does not mention the North Wind elements of the site or the new reality of our PSPS and wildfire suppression efforts in the community. If any welding, open flame, or sparks are ignited during heavy wind days next to the open grass pasture to the east of the site, between the site and 128, there is a substantial possibility for a grassfire on the Skreeden/Farmstead acreage. Mitigations should be put in place that does not allow for construction on North Wind days and PSPS events. Please consider stricter enforcement of grass fire mitigation during the construction of this project.

Regarding responses to c) & d), again, these comments are only valid if Walnut 10 is built with Farmstead. Built alone, Walnut 10 adds to the burden of a neighborhood with one evacuation route out that is blocked by existing users at its peak usage.

As I have already mentioned under the Hydrology section, partial mitigation may have a negative impact on the existing community with the grading and pad raising of the new development as sections will be higher than the existing neighborhood. With only one way out in a flood, the neighborhood could be at risk.

#### **XXI. MANDATORY FINDINGS OF SIGNIFICANCE**

It is our hope that the City of Winters, both the Planning Commission and the City Council, will consider all of the neighbor comments and be open to a larger discussion on increased mitigations, or simply defer this project to be built in conjunction with Farmstead so that all of the appropriate mitigations can be applied and installed to make this last section truly be **Less Than Significant with Mitigation Incorporation**.

As it stands, there are sections of this report that we feel strongly are a **Potentially Significant Impact** to the Community. The City must ensure additional mitigations are considered and required.

In closing, my husband and I are in favor of Walnut 10, but a Walnut 10 development that takes the existing concerns of the neighbors into consideration and is not prepared with a blanket approval. This site has issues with flooding and traffic in its current state. Those of us who live here see it every day, and many of my neighbors have clearly been harmed in the past by water flowing directly through the Walnut 10 property and into their homes. There is no mention of the flooding harm already experienced by the Orchard neighbors in this report.

I implore the City to work with us and listen to the concerns so that we are able to welcome our new neighbors and not be worried about our properties, or theirs, in the future. Let's use Walnut 10 as a marquis development project that brings everyone together and changes "business as usual" for the community.

Thank you so much for your time in reviewing our comments.

Sincerely,



Kristina Drobocky Baitoo



Andre Baitoo

Cc Via Email: Dave Dowswell, City Planner, [dave.dowswell@cityofwinters.org](mailto:dave.dowswell@cityofwinters.org)

# ATTACHMENT A

→ The only document on Winters City website

## Notice of Intent to Adopt a Mitigated Negative Declaration/Initial Study for the Never updated with Walnut Lane 10 Project Extension of response January 24, 2020

*Notice is hereby given that the City of Winters as lead agency, has prepared a draft Mitigated Negative Declaration/Initial Study (MND/IS) for the Walnut Lane 10 Project. The MND/IS analyzes the potential environmental effects associated with the proposed project in accordance with the California Environmental Quality Act (CEQA). In accordance with Section 15072 of the CEQA Guidelines, the City of Winters has prepared this Notice of Intent (NOI) to provide responsible agencies and other interested parties with notice of the availability of the MND/IS and solicit comments and concerns regarding the environmental issues associated with the proposed project.*

**Lead Agency:**

City of Winters  
318 First Street  
Winters, CA 95694

**Contact Person:**

Dave Dowswell, City Planner, (530) 794-6714

**Project Title:**

Walnut Lane 10 Project

**Project Location:**

The approximately 10-acre project site is located with the City of Winters, along the northern edge of the city, east of Railroad Avenue and north of State Route 128. The project site is Yolo County Assessor's Parcel Number (APN) 038-050-019. See the Project Description section of the Initial Study for additional details.

**Project Description:**

The Walnut Lane 10 Project (Project) would develop 54 single family residential units and associated infrastructure improvements on the Project site. See the Project Description section of the Initial Study for additional details.

The project is not listed on the Hazardous Waste and Substances Sites List as set forth in Government Code Section 65962.5.

**Public Review Period:**

A 30-day public review period for the Mitigated Negative Declaration/Initial Study will commence on January 24, 2020 and will end on February 24, 2020 for interested individuals and public agencies to submit written comments on the document. Any written comments on the MND/IS should be sent to the attention of Dave Dowswell, City Planner, at the address listed above, and must be received at the City of Winters by 5:00 PM on February 24, 2020. The project file and copies of the MND/IS are available for review at the City of Winters City Hall at the address listed above.

**Public Hearing:**

A public hearing will be held to consider adoption of the Mitigated Negative Declaration and action on the project on March 24, 2020 before the Planning Commission. The meeting will be held at 6:30 pm in the City Council Chambers located at City Hall at the address provided above. A subsequent meeting is scheduled to be held by the City Council on April 20, 2020 at the same time and location.

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 prior to the public hearing.

**Availability of Documents:**

The Mitigated Negative Declaration, Environmental Checklist/Initial Study and supporting documentation are available for public review at Winters City Hall, Community Development Department, 318 First Street, Winters, CA 95694. These documents can be viewed in person or online at [www.cityofwinters.org](http://www.cityofwinters.org).

ATTACHMENT B

MAILED to 100' owners - Different date than City Docs.

Notice of Intent to Adopt a Mitigated Negative Declaration/Initial Study for the  
Walnut Lane 10 Project

Not updated to  
winters eversite

January 30, 2020

*Notice is hereby given that the City of Winters as lead agency, has prepared a draft Mitigated Negative Declaration/Initial Study (MND/IS) for the Walnut Lane 10 Project. The MND/IS analyzes the potential environmental effects associated with the proposed project in accordance with the California Environmental Quality Act (CEQA). In accordance with Section 15072 of the CEQA Guidelines, the City of Winters has prepared this Notice of Intent (NOI) to provide responsible agencies and other interested parties with notice of the availability of the MND/IS and solicit comments and concerns regarding the environmental issues associated with the proposed project.*

**Lead Agency:**

City of Winters  
318 First Street  
Winters, CA 95694

**Contact Person:**

Dave Dowswell, City Planner, (530) 794-6714

**Project Title:**

Walnut Lane 10 Project

**Project Location:**

The approximately 10-acre project site is located with the City of Winters, along the northern edge of the city, east of Railroad Avenue and north of State Route 128. The project site is Yolo County Assessor's Parcel Number (APN) 038-050-019. See the Project Description section of the Initial Study for additional details.

**Project Description:**

The Walnut Lane 10 Project (Project) would develop 54 single family residential units and associated infrastructure improvements on the Project site. See the Project Description section of the Initial Study for additional details.

The project is not listed on the Hazardous Waste and Substances Sites List as set forth in Government Code Section 65962.5.

**Public Review Period:**

A 30-day public review period for the Mitigated Negative Declaration/Initial Study will commence on January 30, 2020 and will end on March 2, 2020 for interested individuals and public agencies to submit written comments on the document. Any written comments on the MND/IS should be sent to the attention of Dave Dowswell, City Planner, at the address listed above, and must be received at the City of Winters by 5:00 PM on February 29, 2020. The project file and copies of the MND/IS are available for review at the City of Winters City Hall at the address listed above.

**Public Hearing:**

A public hearing will be held to consider adoption of the Mitigated Negative Declaration and action on the project on March 24, 2020 before the Planning Commission. The meeting will be held at 6:30 pm in the City Council Chambers located at City Hall at the address provided above. A subsequent meeting is scheduled to be held by the City Council on April 20, 2020 at the same time and location.

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 prior to the public hearing.

**Availability of Documents:**

The Mitigated Negative Declaration, Environmental Checklist/Initial Study and supporting documentation are available for public review at Winters City Hall, Community Development Department, 318 First Street, Winters, CA 95694. These documents can be viewed in person or online at [www.cityofwinters.org](http://www.cityofwinters.org).

ATTACHMENT C  
CEQA extension. Never updated to Winters  
City website.

**Extension of Public Comment Period for the**

**Notice of Intent to Adopt a Mitigated Negative Declaration/Initial Study for the  
Walnut Lane 10 Project**

**February 26, 2020**

*Notice is hereby given that the City of Winters as lead agency, is extending the public comment period for the draft Mitigated Negative Declaration/Initial Study (MND/IS) for the Walnut Lane 10 Project. The MND/IS analyzes the potential environmental effects associated with the proposed project in accordance with the California Environmental Quality Act (CEQA). In accordance with Section 15072 of the CEQA Guidelines, the City of Winters has prepared this Extension of Public Comment Period for the Notice of Intent to provide responsible agencies and other interested parties with notice of the availability of the MND/IS and solicit comments and concerns regarding the environmental issues associated with the proposed project.*

**Lead Agency:** City of Winters  
318 First Street  
Winters, CA 95694

**Contact Person:** Dave Dowswell, City Planner, (530) 794-6714

**Project Title:** Walnut Lane 10 Project

**Project Location:** The approximately 10-acre project site is located with the City of Winters, along the northern edge of the city, east of Railroad Avenue and north of State Route 128. The project site is Yolo County Assessor's Parcel Number (APN) 038-050-019. See the Project Description section of the Initial Study for additional details.

**Project Description:** The Walnut Lane 10 Project (Project) would develop 54 single family residential units and associated infrastructure improvements on the Project site. See the Project Description section of the Initial Study for additional details.

The project is not listed on the Hazardous Waste and Substances Sites List as set forth in Government Code Section 65962.5.

**Public Review Period:** The public review period for the Mitigated Negative Declaration/ Initial Study commenced on January 24, 2020 and will end on March 16, 2020 \* for interested individuals and public agencies to submit written comments on the document. Any written comments on the MND/IS should be sent to the attention of Dave Dowswell, City Planner, at the address listed above, and must be received at the City of Winters by 5:00

States comment period ends 3/16, But see APT

PM on March 24, 2020. The project file and copies of the MND/IS are available for review at the City of Winters City Hall at the address listed above.

**Public Hearing:**

A public hearing will be held to consider adoption of the Mitigated Negative Declaration and action on the project on March 24, 2020 before the Planning Commission. The meeting will be held at 6:30 pm in the City Council Chambers located at City Hall at the address provided above. A subsequent meeting is scheduled to be held by the City Council on April 20, 2020 at the same time and location.

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 prior to the public hearing.

**Availability of Documents:**

The Mitigated Negative Declaration, Environmental Checklist/Initial Study and supporting documentation are available for public review at Winters City Hall, Community Development Department, 318 First Street, Winters, CA 95694. These documents can be viewed in person or online at [www.cityofwinters.org](http://www.cityofwinters.org).

ATTACHMENT D



Land Use Designations

- NC Neighborhood Commercial
- CBD Central Business District
- D-A Downtown A
- D-B Downtown B
- OF Office
- BP Business/Industrial Park
- HSC Highway Service Commercial
- LI Light Industrial
- HI Heavy Industrial
- LR Low Density Residential
- MR Medium Density Residential
- MHR Medium/High Density Residential
- HR High Density Residential
- RR Rural Residential
- POP Public/Quasi: Public
- PR Parks and Recreation
- OS Open Space
- AG Agriculture
- CITY LIMITS

WINTERS  
GENERAL PLAN LAND USE



*Does not show  
current County future  
only desired State*

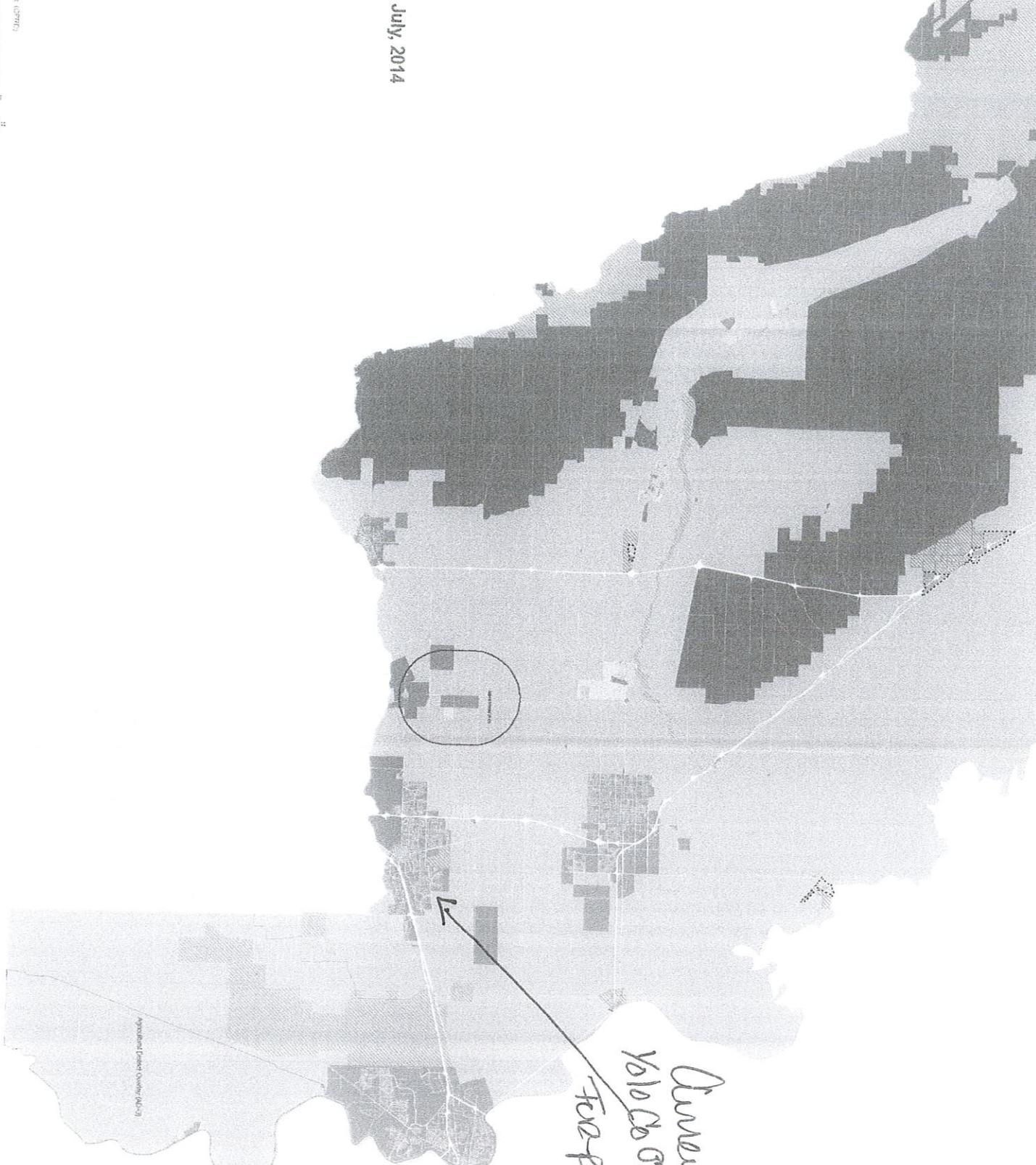


DATE: FEBRUARY 2010 WINTERS GP - SEPT 2009 - 019

# ATTACHMENT D<sup>2</sup>

## Adopted Zoning - July, 2014

- Airport Overlay (AO)
- Area 1 (Agriculture Overlay) (AO-1)
- Area 2 (Agriculture Overlay) (AO-2)
- Area 3 (Agriculture Overlay) (AO-3)
- Area 4 (Agriculture Overlay) (AO-4)
- Area 5 (Agriculture Overlay) (AO-5)
- Area 6 (Agriculture Overlay) (AO-6)
- Area 7 (Agriculture Overlay) (AO-7)
- Area 8 (Agriculture Overlay) (AO-8)
- Area 9 (Agriculture Overlay) (AO-9)
- Area 10 (Agriculture Overlay) (AO-10)
- Area 11 (Agriculture Overlay) (AO-11)
- Area 12 (Agriculture Overlay) (AO-12)
- Area 13 (Agriculture Overlay) (AO-13)
- Area 14 (Agriculture Overlay) (AO-14)
- Area 15 (Agriculture Overlay) (AO-15)
- Area 16 (Agriculture Overlay) (AO-16)
- Area 17 (Agriculture Overlay) (AO-17)
- Area 18 (Agriculture Overlay) (AO-18)
- Area 19 (Agriculture Overlay) (AO-19)
- Area 20 (Agriculture Overlay) (AO-20)
- Area 21 (Agriculture Overlay) (AO-21)
- Area 22 (Agriculture Overlay) (AO-22)
- Area 23 (Agriculture Overlay) (AO-23)
- Area 24 (Agriculture Overlay) (AO-24)
- Area 25 (Agriculture Overlay) (AO-25)
- Area 26 (Agriculture Overlay) (AO-26)
- Area 27 (Agriculture Overlay) (AO-27)
- Area 28 (Agriculture Overlay) (AO-28)
- Area 29 (Agriculture Overlay) (AO-29)
- Area 30 (Agriculture Overlay) (AO-30)
- Area 31 (Agriculture Overlay) (AO-31)
- Area 32 (Agriculture Overlay) (AO-32)
- Area 33 (Agriculture Overlay) (AO-33)
- Area 34 (Agriculture Overlay) (AO-34)
- Area 35 (Agriculture Overlay) (AO-35)
- Area 36 (Agriculture Overlay) (AO-36)
- Area 37 (Agriculture Overlay) (AO-37)
- Area 38 (Agriculture Overlay) (AO-38)
- Area 39 (Agriculture Overlay) (AO-39)
- Area 40 (Agriculture Overlay) (AO-40)
- Area 41 (Agriculture Overlay) (AO-41)
- Area 42 (Agriculture Overlay) (AO-42)
- Area 43 (Agriculture Overlay) (AO-43)
- Area 44 (Agriculture Overlay) (AO-44)
- Area 45 (Agriculture Overlay) (AO-45)
- Area 46 (Agriculture Overlay) (AO-46)
- Area 47 (Agriculture Overlay) (AO-47)
- Area 48 (Agriculture Overlay) (AO-48)
- Area 49 (Agriculture Overlay) (AO-49)
- Area 50 (Agriculture Overlay) (AO-50)
- Area 51 (Agriculture Overlay) (AO-51)
- Area 52 (Agriculture Overlay) (AO-52)
- Area 53 (Agriculture Overlay) (AO-53)
- Area 54 (Agriculture Overlay) (AO-54)
- Area 55 (Agriculture Overlay) (AO-55)
- Area 56 (Agriculture Overlay) (AO-56)
- Area 57 (Agriculture Overlay) (AO-57)
- Area 58 (Agriculture Overlay) (AO-58)
- Area 59 (Agriculture Overlay) (AO-59)
- Area 60 (Agriculture Overlay) (AO-60)
- Area 61 (Agriculture Overlay) (AO-61)
- Area 62 (Agriculture Overlay) (AO-62)
- Area 63 (Agriculture Overlay) (AO-63)
- Area 64 (Agriculture Overlay) (AO-64)
- Area 65 (Agriculture Overlay) (AO-65)
- Area 66 (Agriculture Overlay) (AO-66)
- Area 67 (Agriculture Overlay) (AO-67)
- Area 68 (Agriculture Overlay) (AO-68)
- Area 69 (Agriculture Overlay) (AO-69)
- Area 70 (Agriculture Overlay) (AO-70)
- Area 71 (Agriculture Overlay) (AO-71)
- Area 72 (Agriculture Overlay) (AO-72)
- Area 73 (Agriculture Overlay) (AO-73)
- Area 74 (Agriculture Overlay) (AO-74)
- Area 75 (Agriculture Overlay) (AO-75)
- Area 76 (Agriculture Overlay) (AO-76)
- Area 77 (Agriculture Overlay) (AO-77)
- Area 78 (Agriculture Overlay) (AO-78)
- Area 79 (Agriculture Overlay) (AO-79)
- Area 80 (Agriculture Overlay) (AO-80)
- Area 81 (Agriculture Overlay) (AO-81)
- Area 82 (Agriculture Overlay) (AO-82)
- Area 83 (Agriculture Overlay) (AO-83)
- Area 84 (Agriculture Overlay) (AO-84)
- Area 85 (Agriculture Overlay) (AO-85)
- Area 86 (Agriculture Overlay) (AO-86)
- Area 87 (Agriculture Overlay) (AO-87)
- Area 88 (Agriculture Overlay) (AO-88)
- Area 89 (Agriculture Overlay) (AO-89)
- Area 90 (Agriculture Overlay) (AO-90)
- Area 91 (Agriculture Overlay) (AO-91)
- Area 92 (Agriculture Overlay) (AO-92)
- Area 93 (Agriculture Overlay) (AO-93)
- Area 94 (Agriculture Overlay) (AO-94)
- Area 95 (Agriculture Overlay) (AO-95)
- Area 96 (Agriculture Overlay) (AO-96)
- Area 97 (Agriculture Overlay) (AO-97)
- Area 98 (Agriculture Overlay) (AO-98)
- Area 99 (Agriculture Overlay) (AO-99)
- Area 100 (Agriculture Overlay) (AO-100)



Current  
Yolo Co zoning  
for project



Liz Coman

Phone: 530-400-0734  
Email: [liz.coman@gmail.com](mailto:liz.coman@gmail.com)

105 Orchard Lane  
Winters, CA 95694

March 1, 2020

Mr. Dave Dowswell  
City Planner  
City of Winters  
318 First Street  
Winters, CA 95694

RE: Notice of Intent to Adopt a Mitigated Negative Declaration/Initial Study for the Walnut Lane 10 Project

Dear Mr. Dowswell:

When my husband and I purchased our property, we were told that the orchard beyond our backyard would be a "mirror image of Almond Drive and Orchard Lane." In other words, the density of the development would be the same as what was then called Phase 1. Looking at the image of the proposed development, it is apparent that the developer was not informed of this, or if he was, chose to discount it for more density and hence more profit at the expense of the neighborhood. To my mind, more density means more traffic, more noise, and houses placed too close together. This spoils the esthetics and environment of the neighborhood.

Also, I am troubled that the Walnut Lane 10 Project Initial Study prepared by De Novo Planning Group finds no substantial evidence that the project may have a significant effect on the environment. As a homeowner on the south border of the development, I believe Walnut 10 has the potential to cause substantial impact.

I am most concerned with Chapter X, "Hydrology and Water Quality." On page 61, section c ii, the report finds that in terms of "substantially increasing the rate or amount of surface runoff in a manner which would result in flooding on or offsite" the project would have "less than significant [impact] with mitigation Intervention." I have attached pictures of the flooding that occurred in 1995 when over one inch of water was inside our house. Our property is two feet above the current orchard level, yet the water poured into our yard and house. Due to that flood, we had to:

- replace all the carpet in the house
- drill holes in the drywall to help it air out
- bring in large fans to speed the drying process
- repair the drywall
- replace furniture
- pay the insurance deductible

It's clear that even though the orchard behind our house is much lower and able to absorb water, it cannot absorb enough water during significant rain events. Our house is located in the 100-year floodplain which, according to Figure 3 in Appendix C, is in the 1' - 2' depth of flooding area. Not only is our house at this depth, the entire cul de sac on Orchard Lane and a large portion of the north/south section of Almond Drive is as well.

After the 1995 flood, the City of Winters recognized the inadequacy of the hydrology measures put in place during the construction of the Walker Donant subdivision. As a way to block water, a berm was built along the back fences of the residences on the north side of Orchard Lane, to the height of the back yards. Also, during rain events, the City deploys a pump that moves the water out of the orchard, through a large hose placed on a neighbor's property, and directs it into the cul de sac where the storm drain is located. Last year, we watched uneasily as the orchard began to fill, and water was pooling in our backyard. It was particularly worrisome, because the City's pump was deployed in another neighborhood where flooding occurs. The other neighborhood is a newer development than ours, and I imagine there was also a negative declaration in terms of hydrology and water quality for that project as well.

With two subdivisions prone to flooding, I am concerned that the mitigating factors required prior to the Walnut 10 project moving forward are not enough. The future houses will be brought up to the same height as the ones on Orchard Lane. This takes away the safety net of the lower depth of the orchard and the fact that water will be soaked up by the trees and vegetation in the orchard. Slabs will be poured, roads and sidewalks will be installed, patios will be part of landscaping. All of this asphalt and concrete will profoundly alter the current infiltration and runoff processes, which at times of significant rainfall are clearly insufficient. I fear that stormwater runoff from my new neighbors' backyards into my backyard will become the norm, causing flooding in my backyard and possibly my house. I believe the drainage issues should be fully addressed prior to beginning any structures. In other words, construct the required, permanent drainage measures prior to any homes being built.

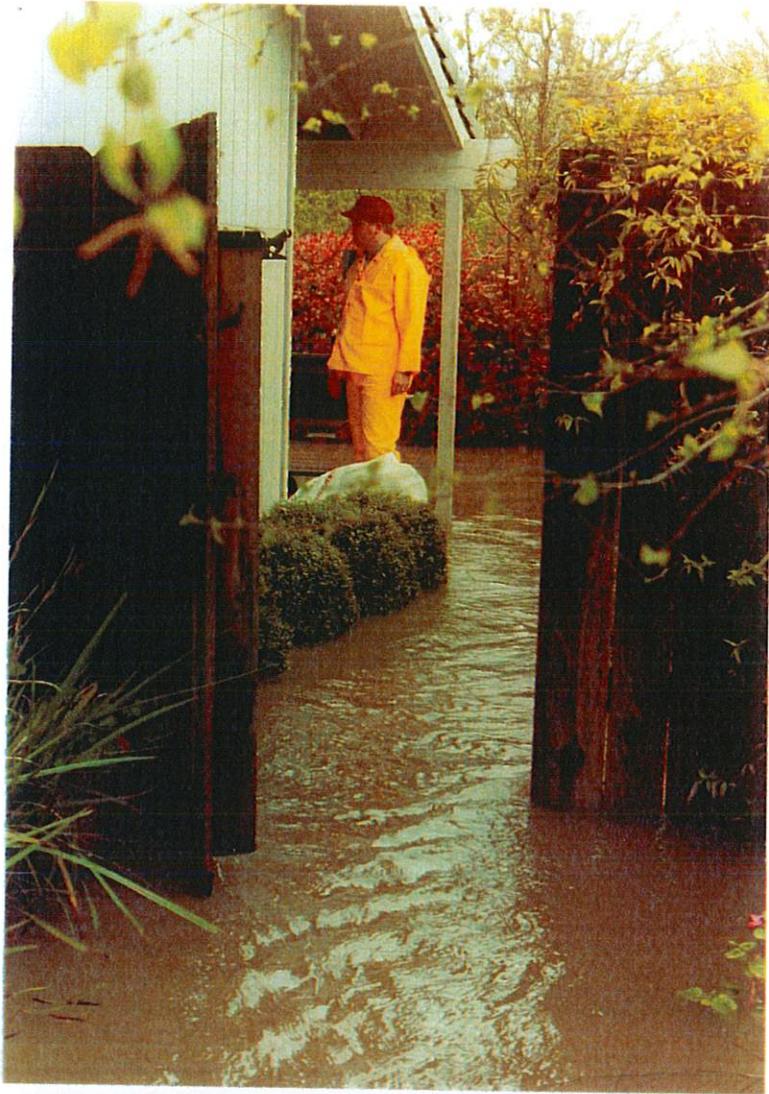
In terms of "substantially increasing the rate or amount of surface runoff in a manner which would result in flooding on or **offsite**," I fear "potentially significant impact," and would suggest a more thorough report. I believe that other developments have installed French drains in the lots of the houses to help prevent rain from pooling in and/or flooding yards. This could be something to consider in Walnut 10.

In another water-related matter, I am concerned about an issue that is opposite of the flooding issue, and that is the amount of water that a potential 300 homes will consume. The Water Master Plan was generated in 2006 and I am wondering if it was updated anytime during our 7 years of drought that began in 2011. Fortunately, last year was a wet one, but one year cannot completely erase the years of drought. And, as I write this, our area had no precipitation during the month of February, setting a record for the driest February since record-keeping began.

Although the 2006 report states, "current groundwater supply was determined to be sufficient to meet future demands with no risk of overdraft even during consecutive dry years," I wonder how accurate that is now, especially with the prospect of more dry years in the future. According to Water Education Foundation, "In general, it takes several years of average or above-average precipitation to recharge aquifers in California to pre-drought levels." At this point we've had one year of above-average precipitation, and it looks like 2020 will be back to below-average precipitation. How much water will be used with the addition of 300 houses? That's a lot of showers flowing, toilets flushing, yards needing watering. One way to help mitigate this is to decrease the density of the developments. With fewer houses, the toll on the water system will be less.

Thank you for your careful consideration of these matters.

Liz Coman



East side of the house looking into the backyard. Sandbags helped, but were not put in place in time to stop water from getting into the house. (105 Orchard Lane)



Taken from the cul de sac looking northeast. 105 Orchard Lane on left side.



North/South direction of Almond Drive Left turn onto Orchard Lane in upper left



Looking east from cul de sac on Orchard Lane



105 Orchard Lane on left side. Empty lot on right side. The street is now completely developed, so houses block this area. Driveways and patios do not allow for water to soak in.

City of Winters  
Attn: Dave Dowswell  
318 First Street  
Winters, CA 95694

Nov 26 5, 2020

Dear Mr. Dowswell,

I wanted to voice my concerns about possible ramifications of the new housing projects planned for my neighborhood.

My first concern is the traffic impact. Walnut Street has a limited traffic flow with the roundabout, and increasing traffic of 500 cars per day will put a considerable strain on the street. Also consider the days when soccer is being played at Walnut Park, and traffic will be an issue.

The second concern is linked to the first. Walnut Park has only on-street parking, and when soccer is played, that parking lines the street on both sides. This restricts traffic flow on Walnut, and is a safety concern with children running in the street. Added traffic only makes this less safe.

I am hoping that street infrastructure can be completed first, with an additional exit from the neighborhood. Perhaps a link to Railroad north of Grant, or a second entrance/exit to 505. If this is completed first, then the impact on Walnut is lessened, and the neighborhood has options on the busy days. Some parking for Walnut Park would also help with this.

Flooding is an issue that I wanted to bring up. I remember when flooding occurred in our neighborhood because the dry creek runoff had been blocked. New housing in the neighborhood could make the problem reoccur. I would like to receive more information about how the new developments will impact the dry creek, and what plans the City has to insure that we are not flooded again as we were before. It would be really nice if the City will contact FEMA, and get our neighborhood off the high probability map that we were put on when the previous problem occurred. This would certainly help the cost of flood insurance which went up when the mistake happened last time.

Thank you for allowing me to express my concerns. I believe that these items can be addressed easily, with the neighborhood, City, and the contractor working together to prioritize the traffic and flooding concerns. This would make the process easier for those of us already living here.

Les Tilden  
109 Orchard Lane  
Winters, CA 95694

Dan and Ashley Nelson  
103 Broadview Lane  
Winters, CA 95694  
530-400-3715  
cymruddraiggoch@gmail.com

March 16, 2020

Mr. Dave Dowswell  
City Planner  
City of Winters  
318 First Street  
Winters, CA 95694

RE: Notice of Intent to Adopt a Mitigated Negative Declaration/Initial Study for the Walnut Lane 10 Project

Dear Mr. Dowswell:

As residents of Almond Orchard Estates subdivision adjacent to the proposed Walnut 10 development, we had no knowledge of the proposed housing project prior to being informed by a neighbor on February 18, 2020. The only residents who were notified directly by the City of Winters were those whose properties border the Walnut 10 project, although this development affects all of the residents of our small subdivision.

Thank you extending the public comment period in the spirit of government transparency.

In reading the MND there are some potential impacts of this development that we think warrant further consideration.

- I. Aesthetics: It is difficult to comment on the aesthetics of the project when the description is general and without specifics. There are no details of the house designs and locations other than the lot map. For example, would a two-story house be built next to a single story house? We are concerned that the final aesthetics would resemble new tract developments in other communities where two story houses look into the yards and homes of single story houses. Landscaping cannot mitigate this planned lack of privacy.
- X. Hydrology and Water Quality: Current residents told us of past flooding in the neighborhood, and last year we observed standing water in the almond orchard where Walnut 10 is planned and directly to the west between Walnut Lane and Railroad Avenue which resulted in a pond that didn't drain for months.

We are concerned if the mitigations proposed for section X(c)(i-iv) will be adequate to control the volume of water in a heavy precipitation year to prevent flood damage to the existing neighborhood which would be at a lower elevation than Walnut 10.

- XVII. Transportation: The MND states that the increased traffic load would be less than significant. How can a traffic increase of 30% be less than significant on a residential street? Until Farmstead is developed all traffic will require entry and exit via Walnut Lane which has current delays at the south end at peak traffic times due to the narrowing of the road and the parking on both sides.

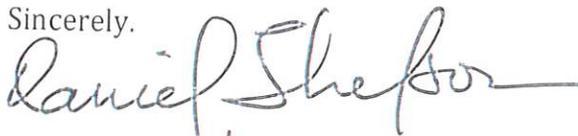
During the construction phase we assume large equipment will be coming in and out of the site which will make it difficult for current residents, school busses and emergency vehicles to get to the neighborhood due to the narrowing at the traffic circle end of Walnut Lane.

Presently, we observe drivers speeding on Walnut Lane especially where the road is wider along the park. The safety of the citizens using the park is compromised. Many youth sports teams use the park. What is the plan to reduce the potentially significant impact of additional drivers who disregard the speed limit?

Possible solutions: eliminate on street parking on the south end of Walnut Lane and institute effective speed controls.

We look forward to having our concerns addressed.

Sincerely,



Ashley W Nelson

Cc Via Email:

Dave Dowswell, City Planner, [dave.dowswell@cityofwinters.org](mailto:dave.dowswell@cityofwinters.org)

Jim Corbett, Developer, [jimcorb1@yahoo.com](mailto:jimcorb1@yahoo.com)

John Donlevy, Jr., City Manager, [john.donlevy@cityofwinters.org](mailto:john.donlevy@cityofwinters.org)

Bill Biasi, Mayor, [bill.biasi@cityofwinters.org](mailto:bill.biasi@cityofwinters.org)

Wade Cowan, Mayor Pro-Tempore, [wade.cowan@cityofwinters.org](mailto:wade.cowan@cityofwinters.org)

Jesse Loren, Council Member, [jesse.loren@cityofwinters.org](mailto:jesse.loren@cityofwinters.org)

Harold Anderson, Council Member, [harold.anderson@cityofwinters.org](mailto:harold.anderson@cityofwinters.org)

Pierre Neu, Council Member, [pierre.neu@cityofwinters.org](mailto:pierre.neu@cityofwinters.org)



March 20, 2019

Dave Dowswell  
City of Winters  
318 First Street  
Winters, California 95694

Dear Mr. Dowswell:

This is in response to your request for comments regarding the City of Winters Request for Comment Plan Case No. Tentative Map (TM) 2019-01, (APN 038-050-019), 44167 Greenview Drive, El Macero, California, Proposed Project CORBETT 10.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of Yolo (Community Number 060423), Maps revised May 16, 2012 and City of Winters (Community Number 060425), June 18, 2010. Please note that the City of Winters, Yolo County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any *development* must not increase base flood elevation levels. The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials. A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

Dave Dowswell, City of Winters  
Page 2  
March 20, 2019

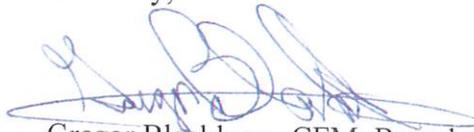
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

**Please Note:**

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Winters floodplain manager can be reached by calling Eric Lucero, Director of Public Works, at (530) 795-4727. The Yolo County floodplain manager can be reached by calling Scott Doolittle, Plan Check Examiner, at (530) 666-8609.

If you have any questions or concerns, please do not hesitate to call Xing Liu of the Mitigation staff at (510) 627-7267.

Sincerely,



Gregor Blackburn, CFM, Branch Chief  
Floodplain Management and Insurance Branch

cc:

Eric Lucero, Director, Public Works, City of Winters

Scott Doolittle, Plan Examiner, Yolo County

Ray Lee, WREA, State of California, Department of Water Resources, North Central Region  
Office

Xing Liu, NFIP Planner, DHS/FEMA Region IX

Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX



**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

**Letter 1. Resident, February 24, 2020 – Whitney Vickrey.**

The commentor has several concerns regarding the Project, relating to two main issues: affordable housing/zoning and flooding.

*Affordable Housing/Zoning*

Firstly, the commentor states that discussion of the Affordable Housing Plan is premature since the housing plan and in-lieu fees will be contingent upon the final units built. The commentor states that the subdivision she lives in was Phase 1 of the development, with the proposed 10-acre project being Phase 2. The commentor claims that, with the R-7,000 zoning, 54 lots cannot be built without violating the City's own zoning ordinance. The commentor states that property owners on Almond Drive and Orchard Lane bought their homes with the expectancy that comparable, large lots would be mimicked in this next 10 acre phase of the project (i.e. within the proposed Project), and that, if fewer new homes were built following this expectation (e.g. 45 homes instead of 54), the number of required affordable units would be less than the calculated 8.1, which would change the in-lieu of fees required from the builder.

As described within the Initial Study/Mitigated Negative Declaration (IS/MND) (see Project Description), the density of the Project would be approximately 5.4 units per gross acre and 6.9 units per net acre. This is within the zoning requirements for the Single Family Residential (7,000) (R-1) zone of 1.1 to 7.3 units per acre that are permitted in the R-1 zoning district. In addition, it is noted that the Project includes a rezone to add a Planned Development (PD) overlay to allow modified development standards, including reduced lot widths and reduced setbacks to accommodate the proposed half-plex lots.

This comment does not address the adequacy of the CEQA document. Therefore, no further response on this topic is required.

*Flooding*

The commentor states that the neighborhood has a history of flooding issues and the Project is only likely to exacerbate this problem as 10 acres of almond trees are removed. The commentor states that much of the infrastructure to mitigate this problem will not be complete until the Farmstead 61 project is complete. Finally, the commentor requests that the discussion and the planning commission will be postponed until more aspects of the Project are discussed and finalized.

The comment period for the Project was extended to March 24, 2020 to allow for additional comments, and the public hearing originally scheduled for the March 24<sup>th</sup> date was postponed.

As described in IS/MND Section X, Hydrology and Water Quality, flooding issues on and around the Project site have been analyzed for two separate scenarios: 1) Walnut 10 developing concurrently or after the Skreden 61 Project and 2) Walnut 10 developing in advance of the Skreden 61 development. Wood Rogers developed the Winters 71 Storm Drainage Assessment on July 16, 2019, which analyzed and identified storm drainage improvements that would be needed at the Project site and off-site, under the scenario that

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

the adjacent Skreden 61 development (also referred to as Farmstead) is constructed prior to and/or alongside the Project.

Subsequently, Wood Rogers provided the follow-up Walnut 10 Interim Condition Drainage Analysis memorandum (Walnut 10 Drainage Analysis) on October 29, 2019 (see Appendix D of the IS/MND) that separately analyzed the Project in the instance that the Project is developed ahead of the Skreden 61 development. The improvements identified in the Walnut 10 Interim Condition Drainage Analysis memorandum address flooding issues associated with the Project and do not rely on improvements associated with the Skreden 61 development.

The exact nature of the storm drainage infrastructure improvements would depend on whether the Project is developed ahead of the Skreden 61 development, as delineated in the two technical memoranda developed by Wood Rogers. If the Project is developed prior to the Skreden 61 project, the storm drainage infrastructure would be developed, to sufficiently handle on-site flooding and prevent the substantial worsening of flooding conditions off-site, consistent with the second technical memorandum provided by Wood Rogers.

Under existing conditions, the Project site experiences 100-Year flooding up to 2 feet, with limited locations projected for depths over 2 feet, as shown in Figure 3, Existing Condition 100-Year Flooding, of the Winters 71 Storm Drainage Assessment (see IS/MND, Appendix C). As described in IS/MND Section X. Hydrology and Water Quality under responses c).

As discussed in the Walnut 10 Drainage Analysis, the Project would cause off-site increases north of Grant Avenue from 0.005 to 0.061 foot, depending on the location, as shown in Figure 9, 100-Year Flooding Impacts, of Appendix D. Mitigation measure HYDRO-2 requires implementation of the improvements identified in the Walnut 10 Drainage Analysis in the event the Project is constructed prior to the Skreden 61 project. Implementation of Mitigation Measure HYDRO-2 would require a weir to accommodate, store, and convey overflows, a temporary v-ditch would be installed across the Skreden 61 property and connect to an existing culvert at Grant Avenue, and the Project would provide additional improvements to existing storm drainage facilities, including box culverts at Grant Avenue, improvements at the PG&E channel, and the addition of a third lower-elevation 60-inch culvert at the end of the PG&E channel, southeast of the outfall. These improvements are adequate to ensure that the Project would not result in on-site or increases in off-site flooding during a 100-year flooding event, as shown in Figure 9, 100-Year Flooding Impacts, of Appendix D of the IS/MND.

A flood barrier is not required to address impacts that would occur if Walnut 10 is developed in advance of Skreden 61. If the two projects are developed concurrently or if Walnut 10 follows Skreden 61, a flood barrier would be constructed along the northern boundary of the Skreden 61 site as discussed in the Winters 71 Storm Drainage Assessment. Under these conditions, drainage from the Project is designed to drain overland to the northwesterly portion of the Skreden 61 property, and also has a 24" storm drain that will connect into the Skreden 61 property storm drainage system to convey runoff to the basin and channel on the east side of the Skreden 61 property. A flood barrier is necessary across the eastern

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

portion of the northern boundary of the Skreden 61 site to protect the site from 100-year flood events. In order to ensure that the flood barrier would not cause flooding to the north, a weir would be provided to accommodate, store, and convey overflows and off-site lands would not be significantly impacted. These improvements are described in detail in the Winters 71 Storm Drainage Assessment (IS/MND Appendix C) and, as shown in Figures 8 and 9 of IS/MND Appendix C, the Project would not result in significant impacts associated with the potential to increase off-site flooding. As shown in IS/MND Appendix C Figure 7, the improvements, including the flood barrier wall, would not result in changes to flooding conditions north of the Project site and downstream impacts would not be an increase.

The drainage improvements and mitigation measures described in IS/MND Section X. Hydrology and Water Quality under responses c) and e) would ensure that the Project site is protected from 100-year flood events and would not result in any significant increases in off-site flooding.

**Letter 2. Resident, February 21, 2020 – Dean Unger.**

The commentor has several concerns regarding the Project, relating to two main issues: transportation/pedestrian safety and hydrology.

*Transportation/Pedestrian Safety*

The commentor states that the IS/MND does not propose any mitigation measures for transportation impacts. The commentor has a concern that pedestrian safety could be insufficient during the construction of the Project and any interim period before the alternate entry and egress points are completed. Therefore, the commentor states that there is a strong need for interim and/or permanent mitigation measures to protect pedestrians crossing Walnut Lane (i.e. to/from Almond Drive and Walnut Park) during the construction phase and any interim period before the alternate entry and egress points are completed and further indicates that it seems that the intersection would benefit from a crosswalk or other pedestrian-traffic safety device.

As identified in IS/MND Section XVII. Transportation, the Project would not conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), substantially increase hazards due to a geometric design feature or incompatible uses and/or result in inadequate emergency access. As identified in IS/MND Section XVII. Transportation, the Project site is included in the City's General Plan Land Use Map and therefore was included in the "buildout scenario" analyzed in the City of Winters Circulation Master Plan and Roadway Impact Fee Program Update (developed by Fehr & Peers), also known as the Circulation Master Plan, which addresses performance standards for the City's roadway facilities and Grant Avenue (State Route 128).

The City's Circulation Master Plan identifies that, as of 2017, Walnut Lane maintained a LOS of C or better, and had a peak traffic volume of 156 trips during PM peak hour traffic. The Project would contribute, through payment of Roadway Impact Fees, to the infrastructure identified for the City at General Plan buildout by the Circulation Master Plan. Furthermore, the Project applicant would be required to pay all applicable roadway impact fees, which are

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

determined on a per-unit or per-square-footage basis, as required (as delineated in the Circulation Master Plan), as applicable. Under buildout conditions, the City's Circulation Master Plan projects that Walnut Lane will continue to operate at LOS C. A review of the 2016, 2017, 2018, and 2019 Statewide Integrated Traffic Records System (SWITRS) data did not identify any known safety issues associated with pedestrian safety in the vicinity of Walnut Lane. Specifically, the SWITRS data did not identify any pedestrian- or bicycle-related collisions or incidents along Walnut Lane. Further, this is not an area that has been identified by City staff as having any known pedestrian or bicycle safety issues, so there is no evidence of existing pedestrian or bicycle safety issues along Walnut Lane, including in the vicinity of Walnut Park. The increase in vehicle traffic that would occur during both construction activities and Project operations would be within the vehicle travel levels anticipated by the Circulation Master Plan and are anticipated to remain within the LOS C that is projected for Walnut Lane. Therefore, the increase in Project-related trips is not anticipated to contribute to any hazards associated with vehicle/pedestrian or vehicle/bicycle along Walnut Lane and no changes to the IS/MND are warranted.

*Flooding*

The commentor states that the interim condition drainage analysis provided in the Drainage Assessment by Wood Rodgers concludes that the ultimate Grant Avenue box culverts, PG&E channel improvement, and 60-inch discharge culvert to the Caltrans ditch must be built in order to convey runoff and prevent flood impacts from the proposed Project. In addition, the commentor states that a "lengthy vegetated swale" needs to be in place for the interim condition. The commentor also has concerns relating to the backfill that would be needed to elevate the Project building pads to that of the adjacent properties on Walnut Lane.

The commentor also states that the Project and the resulting IS/MND lacks the detailed information required to earn an off-site flood potential rating of Less than Significant with Mitigation. The commentor states that he believes that there is a real possibility of something going wrong with the interim drainage swale that will be in place from the beginning of Walnut 10 construction through the completing of the Project's stormwater management system. The commentor states that he is concerned that serious flooding could occur that would damage the property. Overall, the commentor would like to see more detailed mitigation measures described in the IS/MND to address possible failures of the "lengthy vegetated swale".

Flooding issues on and around the Project site are addressed in detail in Section X, Hydrology and Water Quality, of the IS/MND. As described in the IS/MND, Wood Rogers developed the Winters 71 Storm Drainage Assessment on July 16, 2019, which analyzed and identified storm drainage improvements that would be needed at the Project site and off-site, under the scenario that an adjacent development (the Skreden 61 development) is constructed prior to and/or alongside the Project. Wood Rogers provided the subsequent Walnut 10 Interim Condition Drainage Analysis (Walnut 10 Drainage Analysis) memorandum on October 29, 2019 (see Appendix D of the IS/MND), which separately analyzed the drainage impacts of the Project in the instance that the Project is developed ahead of the Skreden 61 development. Under such a scenario, and as described in IS/MND Section X, Hydrology and Water Quality under Responses c) and e), the Project would require an interim storm

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

drainage design, including the proposed vegetated swale, the ultimate Grant Avenue box culverts, the PG&E channel improvement, and the 60-inch culvert discharging to the Caltrans Ditch. The Walnut 10 Interim Drainage Analysis identifies the proposed swale characteristics, including a bottom width of 2.5 feet and side slopes at a 3:1 (three horizontal per one vertical).

The proposed facilities improvements safely address storm drainage impacts and are consistent with the City's Storm Drainage Master Plan efforts. Both technical memoranda are consistent with the previously prepared Northeast Winters Drainage Study and proposes a combination of permanent and interim improvements to allow the phased construction of drainage facilities. The Project would fund all of the infrastructure needed to remediate the risk of flooding consistent with the City's Storm Drainage Master Plan efforts, and with the previously prepared Northeast Winters Drainage Study, to ensure that that site would be protected from 100-year flood events. The exact nature of the storm drainage infrastructure improvements would depend on the Project's timing of development relative to development of the Skreden 61 development, as delineated in the two technical memoranda developed by Wood Rogers and described in the IS/MND.

While the commentor has not provided any evidence or substantiation of their belief that the vegetated swale may fail, Mitigation Measures HYDRO-1 and HYDRO-2 are revised as shown in the Errata to specify that all drainage improvements are required to be designed by a licensed engineer and are accepted by the City's Department of Public Works Director prior to implementation to ensure that the drainage improvements are designed appropriately and meet industry specifications.

**Letter 3. Yocha Dehe Wintun Nation, February 21, 2020.**

The commentor states that the Cultural Resources Department has reviewed the Project and concluded that it is within the aboriginal territories of the Yocha Dehe Wintun Nation. The commentor also states that, based on the information provided, the Yocha Dehe Wintun Nation is not aware of any known cultural resources near the Project site and a cultural monitor is not needed. The commentor concludes by stating that, if any new information is available or cultural items are found, to contact the Cultural Resources Department. The IS/MND includes Mitigation Measure CLT-2, which ensures that the Yocha Dehe Wintun Nation will be notified in the event of the discovery of any cultural resources. This comment is noted and no response is required.

**Letter 4. Resident, February 23, 2020 – Don James, PhD.**

The commentor has several concerns regarding the Project, relating to the following topics: 'general comments', aesthetics, agriculture and forestry resources, air quality during construction, biological resources, hazards and hazardous materials, hydrology and water quality, noise, and transportation.

*General Comments*

The commentor states that project planning and document is non-transparent in violation of state law, since the commentor states that they cannot find the project plan and documentation on the city website. The commentor also states that current inhabitants

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

bordering the Project have not been informed of “comment period” or given a chance to comment on and suggest changes to plan. Additionally, the commentor states that the “comment period” should be extended by at least 30 days to allow neighbors on Walnut Lane and adjoining streets that connect to homes to Walnut Lane to be informed and to comment. Additionally, the commentor states that a group of neighbors, called the Walnut Coalition, would like the opportunity to discuss issues and possibly modify the development plan.

Project materials, including Project Application materials, technical studies, and the IS/MND, were available for review at City of Winters City Hall, 318 First Street until the City Hall closure on March 18, 2020 in response to the Yolo County Health Office Order related to COVID-19. The Project materials were available for review on the City’s website at: [http://www.cityofwinters.org/wp-content/uploads/2020/01/2020Walnut10Project-NOI\\_NOC\\_IS-MND-Merged.pdf](http://www.cityofwinters.org/wp-content/uploads/2020/01/2020Walnut10Project-NOI_NOC_IS-MND-Merged.pdf). Project plans and technical documentation can be found in the appendices to the IS/MND. In response to community requests for additional time to comment, the comment period for the Project was extended to March 24, 2020 and the Planning Commission hearing for the project was continued to April 28, 2020 and again to May 26, 2020. No further response is required.

*Aesthetics*

The commentor states that “Response d” is incorrect; “formerly used as an orchard (the trees have been removed)” is incorrect. The commentor states that the land is covered in old nut trees, and that this suggests that the reviewer never visited the site. Also, the commentor states that “the statement that sky glow will be minimal is ridiculous”, since the view of the night sky will be impacted. The commentor identifies himself as a former astronomer.

In regard to the orchard, it is noted that the Project Description on p. 4 of the IS/MND describes the site as developed with an abandoned almond orchard and that the discussion in Section IV, Biological Resources, reflects the presence of the almond orchard. References to the site are revised on pages 23, 49, and 58 of the IS/MND as shown in the Errata to identify that the site is undeveloped and was formerly used as an orchard. The analysis presented in the IS/MND considers the presence of the abandoned orchard on the Project site and no further changes beyond those included in the Errata are necessary to address the orchard.

With regard to sky glow, the Project includes development of 54 single family residential units, associated amenities, and infrastructure improvements on the approximately 10.0-acre Project site. Outdoor lighting associated with the proposed residences and streetlighting would increase the amount of skyglow and nighttime lighting in the area. As shown in the Errata, the IS/MND is revised to remove the statement that skyglow would be minimal and to state that skyglow generated from the Project is anticipated to be consistent with subdivisions operating in the City. Mitigation Measure AES-1, which would implement outdoor lighting and glare requirements, including the requirement that outdoor lighting be directed downward and that light fixtures be shielded to reduce upward and spillover lighting. With implementation of Mitigation Measure AES-1, as revised in the Errata, outdoor lighting associated with the Project would be designed to prevent upward lighting and to shield lighting to reduce spillover lighting, which will ensure that lighting is properly

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

shielded and directed downward in order to eliminate upward lighting and light spillage onto adjacent properties as well as to avoid excessive illumination and to reduce the Project's contribution to skyglow and nighttime lighting impacts. With implementation of Mitigation Measure AES-1, the Project is not anticipated to be a substantial source of nighttime lighting and skyglow and potential impacts are reduced to less than significant.

*Agriculture and Forestry Resources*

The commentor states that farming is critical to a small-town California economy (and beyond California), and that converted farmland will never go back to farming. The commentor asks how the development would have a less than significant impact on this issue. The commentor also wonders whether the property has ever received reduced property tax as part of an agricultural parcel, and if so, whether that would mean that the Project site is subject to the Williamson Act.

The conversion of farmland is considered a less than significant impact because, although the Project would convert Unique Farmland to non-agricultural use, the City of Winters General Plan EIR has previously identified the conversion of important farmland to be significant impact, and mitigation measures have been provided. As identified in IS/MND Section II, Agriculture and Forestry Resources, the City of Winters General Plan designates a substantial area for urban development which is or has been in active agricultural use, which includes the Project site. The City of Winters General Plan EIR identifies that the conversion of agricultural land to urban uses is a significant and unavoidable impact of urban expansion into the city. The Project site is designated for urbanization by the General Plan and the development of the site with urban uses is consistent with the General Plan and General Plan EIR. The City of Winters Final General Plan EIR identifies that the impact on agricultural productivity is significant and represents an unavoidable, adverse cumulative impact. Mitigation measures 13.1A through 13.1C have been identified in the General Plan Final EIR to address loss of agricultural land. The measures have been incorporated into the Final General Plan, which provides a high degree of support for agricultural land conservation, and additional mitigation measures would not be expected to be feasible or effective in avoiding the loss of agricultural land, other than a prohibition against future development, which the Final General Plan identifies as not being consistent with the Final General Plan's objectives.

The Project would be consistent with the General Plan goals and policies relating to agricultural resources. Based on the finding a significant and unavoidable impact relating to the conversion of agricultural land and implementation of the mitigation measures as outlined in the Final General Plan EIR, the Project would not generate any new significant impacts to the conversion of important agricultural lands to non-agricultural uses. The Project site was planned for residential uses in the General Plan and the Project site is not located on a site with a Williamson Act contract. Therefore, the Project would have a less than significant impact relative to these topics. No further response to this topic is required.

*Air Quality (construction)*

The commentor asks "what has been done to assess the potential toxicity of dirt and dust due to past insecticide, fungicide, and herbicide usage?" Additionally, the commentor asks whether the construction would stop temporarily if his wife (who has severe asthma) starts

**Response to Walnut Lane 10 IS/MND Comments  
May 11, 2020**

having asthmatic attacks? Lastly, the commentor states that current orchard trees provide some degree of air conditioning, and that the impact of removing the trees on air temperature has not been addressed in the report.

The past agricultural use of the site and potential impacts due to past insecticide, fungicide, and herbicide usage are addressed in IS/MND Section IX, Hazards and Hazardous Materials. As discussed in Section IX under Responses a), b), a Phase 1/Phase II Environmental Site Assessment for the Project site was prepared to assess the potential for hazardous materials contamination on or adjacent to the Project site. The Environmental Site Assessment found no evidence of hazardous materials contamination on or adjacent to the Project site. The Environmental Site Assessment included a soils sampling and testing program which did not reveal any potentially hazardous conditions associated with the past agricultural use of the site and the results did not identify any organochlorine pesticide, lead, or arsenic concentrations that would be problematic with respect to residential or commercial development of the property. This conclusion was reached in the Environmental Site Assessment because all detections were lower than established health-based criteria and the respective U.S. EPA values that could warrant further testing, mitigation, or remediation.

As further detailed under IS/MND Section IX. Hazards and Hazardous Materials, construction equipment and materials would likely require the use of petroleum based products (oil, gasoline, diesel fuel), and a variety of common chemicals including paints, cleaners, and solvents. Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, state, and local statutes and regulations. Compliance would ensure that the Project does not expose the environment, including surrounding neighbors, to significant levels of hazardous materials.

In regard to air quality associated with Project construction, as discussed under Responses a),b) in Section III, Air Quality, the Yolo-Solano Air Quality Management District (YSAQMD) has established measures to address potential air quality impacts related to construction activities. The Project would be required to comply with the YSAQMD measures as detailed by Mitigation Measure AIR-1. The commentor is also referred to the responses to Letter 11 related to air quality.

Although it may be the case that the existing nut trees on the Project site may currently provide some degree of air conditioning nearby, this topic is not subject to CEQA analysis. No further response to this comment is required.

*Biological Resources*

The commentor states that “the neighborhoods south of the construction site will be invaded by ground rats, mice, chipmunks, etc. noting this has been very common adjacent to the construction sites. The commentor asks “what will be done to alleviate this impact on neighboring streets?”, and “will the developer pay for pest control during construction?”

Additionally, the commentor states that the conclusion that certain special-status plant and animal species do not occur in the Project area is possibly in error. The commentor states that Winters is the subject of a state Natural Community Conservation Plan, which outlines

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

specific species with habitat at risk in Winters. The commentor states that there is a potential discrepancy between what is identified in this plan compared with what is identified within the IS/MND relating to special status species.

Pest control due to the potential for local species to impact of nearby neighborhoods and/or streets by pests due to construction on this site is not a topic subject to CEQA analysis. However, all construction activities would be in compliance with all state, county, and local requirements, as detailed throughout the IS/MND.

With regard to special status plant and animal species, as described in IS/MND Section IV, Biological Resources, a Biological Resources Assessment (BRA) was developed for the Project in July 2019 by Madrone Consulting, LLC (Madrone) (See Appendix A of the IS/MND for further detail). The BRA includes field surveys of the Project site and a literature review of the Project site and surrounding areas. Madrone senior biologist Bonnie Peterson conducted a field survey of the Project site on April 13, 2018 to conduct an aquatic resources delineation, survey for rare plants and elderberry shrubs, and assess the suitability of habitats on-site to support special-status species. Additionally, a list of special-status species with potential to occur within the Project site was developed by conducting a query of the following databases:

- California Natural Diversity Database (CNDDDB) query of the “Winters, CA” USGS quadrangle and the surrounding eight quadrangles;
- USFWS Information for Planning and Conservation (IPaC) query for the Project site;
- California Native Plant Society (CNPS) Rare and Endangered Plant Inventory (CNPS 2018) query of the “Winters, California” USGS quadrangle, and the eight surrounding quadrangles; and
- Western Bat Working Group (WBWG) Species Matrix.

In addition, any special-status species that are known to occur in the region, but that were not identified in any of the above database searches were also analyzed by Madrone for their potential to occur within the Project site. Table BIO-1 within the IS/MND provides a list of special-status species that were evaluated, including their listing status, and their potential to occur in the Project site. Importantly, while Winters is subject to the Yolo Habitat Conservation Plan/Natural Community Conservation Plan, which identifies special status species that are at habitat at risk in Winters as a whole, Madrone specifically analyzed the potential for special status species to occur within the Project site itself (i.e. the area that would be impacted by development of the Project) based on a site survey and review of relevant data specific to the Project site. This site-specific survey addressed the potential habitat on the Project site to support special-status species known to occur in the area. In some cases, there are species known to occur in the area, but the specific habitat necessary to support the species is not present on the Project site. For example, although the Yolo Habitat Conservation Plan/Natural Community Conservation Plan identifies the giant garter snake as being one of 12 covered species, there is no habitat present within the Project site for the giant garter snake, as identified in the IS/MND. This explains the apparent discrepancy identified by the commentor.

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

With the implementation of mitigation measures included in IS/MND Section IV. Biological Resources, the Project would not have a substantial adverse 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 U.S. Fish and Wildlife Service, or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (including the Yolo Habitat Conservation Plan/Natural Community Conservation Plan). No further response to this comment is required.

*Hazards and Hazardous Materials*

The commentor requests that he see the hazardous materials report. The commentor also states that he would like to see more information relating to organophosphates, carbarnates, etc.

Based on this comment, the Phase 1/Phase II Environmental Site Assessment prepared by Wallace-Kuhl & Associates is attached to this Response to Comments as Appendix A. No further response is required.

*Hydrology and Water Quality*

The commentor states that no mention is made of the Chromium 6 contamination of Winters potable water. The commentor states that “once the state of California gets its act together and reissues a threshold standard for the carcinogen Chromium 6, Winters will be out of compliance creating the risk that Winters will not have potable water. The concentration of Cr-6 is probably increasing due to lowering of the aquifer [sic] due to overuse of the well water by surrounding nut orchards. Adding new homes will further lower the well-accessible aquifer and increase Cr-6 concentrations. Development should cease until this extremely dangerous condition is alleviated”. Further, the commentor states that “...the new drainage plan must ensure that the existing streets surrounding the Project will not be negatively impacted by potential flooding events.

As identified in IS/MND Section X. Hydrology and Water Quality, groundwater is the main source of water supply within the City of Winters. Sources of groundwater recharge in the vicinity of Winters primarily include subsurface inflow from the west and north of the Winters, deep percolation from precipitation and seepage from Putah Creek and Dry Creek. According to the City of Winters 2006 Water Master Plan, current groundwater supply was determined to be sufficient to meet future demands with no risk of overdraft even during consecutive dry years. Groundwater quality has been determined to be adequate by the City of Winters, in compliance with state potable water requirements.

Public health goals (PHGs) are established by the State Office of Environmental Health Hazard Assessment (OEHHA). A PHG is the concentration of drinking water contaminants that pose no significant health risk if consumed for a lifetime, based on current risk assessment principles, practices, and methods. A maximum contaminant level (MCL) is a health-protective drinking water standard that takes into account not only a chemical's health risks but also factors such as detectability, treatability, and treatment costs. Health &

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

Safety Code §116365(a) requires a contaminant's MCL to be established at a level as close to its PHG as is technologically and economically feasible, placing primary emphasis on the protection of public health.

On May 31, 2017, the Superior Court of Sacramento County issued a judgment invalidating the State's hexavalent chromium MCL for drinking water. The court ordered the State Water Resources Control Board (State Water Board or Board) to take the necessary actions to delete the hexavalent chromium MCL from the California Code of Regulations and also ordered the Board to adopt a new MCL for hexavalent chromium, or Chromium-6. The State Water Board announced that the Board will not be enforcing any compliance plans that public water systems entered into for hexavalent chromium, as the MCL will no longer be in effect. However, the State's adopted MCL for total chromium of 50 parts per billion. The federal MCL for total chromium is 100 parts per billion. There is not currently a State or federal MCL for hexavalent chromium, or Chromium-6. It is noted that in anticipation of a new State MCL for hexavalent chromium, City staff has coordinated with the Board to identify concerns associated with the MCL, but this effort is unrelated to the Project and is in anticipation of a potential MCL that has not been adopted.

The City's 2018 Water Quality Report identifies that the City's current levels of chromium (which includes hexavalent chromium, or Chromium-6) were below the MCL of 50 ppb and averaged 18.5 ppb, ranging from 13 to 24 ppb. (Maximum Contaminant Levels and Regulatory Dates for Drinking Water, Updated October 2018 accessed at [https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/documents/ccr/mcls\\_epa\\_vs\\_dwp.pdf](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/ccr/mcls_epa_vs_dwp.pdf)). The Project is not anticipated to result in any significant changes to the levels of Chromium 6 in the City's drinking water. Further, the City of Winters Public Works Department is responsible for monitoring pollutants within its water supply and addressing any exceedances of established MCLs in compliance with state potable water requirements. No further response is required.

Related to the potential for the Project to result in flooding impacts to off-site roads, the commentor is referred to Section X, Hydrology and Water Quality, of the IS/MND. As discussed under Responses c), e), flooding issues on and around the Project site have been analyzed for two separate scenarios. Wood Rogers developed a Technical Memorandum on July 16, 2019, which analyzed and identified storm drainage improvements that would be needed at the Project site and off-site, under the scenario that an adjacent development (the Skreden 61 development) is constructed prior to and/or alongside the Project. Wood Rogers provided the subsequent Walnut 10 Interim Condition Drainage Analysis memorandum on October 29, 2019 (see Appendix D of the IS/MND), which separately analyzed the drainage impacts of the Project in the instance that the Project is developed ahead of the Skreden 61 development. Under both scenarios, the proposed drainage improvements required by Mitigation Measures HYDRO-1 through HYDRO-3 would reduce flooding impacts on the Project site and the potential for the Project to result in off-site flooding impacts to less than significant as demonstrated in Section X of the IS/MND and in the technical studies provided in Appendices C and D of the IS/MND. No further response is required.

*Noise*

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

The commentor states that the existing orchard currently provided noise abatement from Highway 505, and that elimination the orchard trees would probably increase noise from Highway 505. The commentor asks “what is being done to eliminate that possibility?” The commentor’s concern reflects the potential for increased noise from Highway 505 during Project operational activities.

The Project site is located approximately 0.6 miles from Highway 505, at its closest point. This distance is such that any potential noise abatement from Highway 505 from the orchard on nearby residential neighborhoods is currently minimal to none. As discussed in the Federal Highway Administration’s report “The Audible Landscape: A Manual for Highway Noise and Land Use”, plantings of trees and shrubs must be high, dense, and thick enough to be visually opaque to provide attenuation and, because they lose their leaves, deciduous trees do not provide year-round noise protection. The FHWA guidance concludes, that in general, plantings by themselves do not provide much sound attenuation and it is more effective to use plantings in conjunction with other noise reduction techniques. Existing vegetation on the Project site is not dense and is composed primarily of deciduous almond trees. Therefore, removal of the trees does not provide much, if any, sound attenuation and its removal would not have a discernible impact on noise levels. No further response is required.

*Transportation*

The commentor states a concern that although the report predicts approximately 550 trips down Walnut Lane per day, the report claims no impact on traffic congestion on either Walnut Lane or Almond Drive. The commentor states that the Walnut/128 roundabout is already congested at rush hour. The commentor asks whether it would be better to route Project traffic directly to Highway 505 by driving east on a new road. The commentor further states that Walnut Lane is a relatively narrow residential road with young children being dropped off by school buses, playing, etc., and that Walnut Lane is tantamount to a one-lane drivable road now, since employees of Mariani Nut Company park on both sides of Walnut Lane during working hours. The commentor concludes by suggesting that perhaps one side of Walnut Lane (where the Mariani Nut Company employees park) could be designated as a “no parking zone.

Traffic to and from the Project site has been planned for and addressed in the City’s Circulation Master Plan. As identified in IS/MND Section XVII. Transportation, the Project site is included in the City’s General Plan Land Use Map and therefore was included in the “buildout scenario” analyzed in the Circulation Master Plan, which addresses performance standards for the City’s roadway facilities and Grant Avenue (State Route 128). The Circulation Master Plan identified two traffic signals, one roundabout, and one roadway widening program that are necessary to address the City’s circulation needs based on growth anticipated under the General Plan. These traffic improvements have been planned for and are required to be addressed as buildout occurs within Winters. Such planned improvements would address the potential for geometric hazards, emergency access, and trip generation, including those induced by the Project, on an as-needed basis. The City of Winters Public Works Department will continue to evaluate pedestrian safety needs on an ongoing basis.

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

The City's Circulation Master Plan identifies that, as of 2017, Walnut Lane maintained a LOS of C or better, and had a peak traffic volume of 156 trips during PM peak hour traffic. The Project would contribute, through payment of Roadway Impact Fees, to the infrastructure identified for the City at General Plan buildout by the Circulation Master Plan. Furthermore, the Project applicant would be required to pay all applicable roadway impact fees, which are determined on a per-unit or per-square-footage basis, as required (as delineated in the Circulation Master Plan), as applicable. As shown in the Circulation Master Plan, the roundabout at Walnut Lane and SR 128 is planned to operate at LOS F under future conditions with no improvements, but with implementation of the City's planned improvements for buildout traffic conditions, the roundabout will operate at LOS D as shown on Figure 9 of the Circulation Master Plan. It is noted that traffic congestion, including that associated with vehicle LOS, is no longer considered an impact under CEQA for land use projects pursuant to CEQA Guidelines Section 15064.3; however, the above information is provided for informational purposes.

As discussed in the response to Letter 2, the Project is not anticipated to result in pedestrian or bicycle safety impacts along Walnut Lane. The commentor is referred to the response to Letter 2 under Transportation/Pedestrian Safety for a full discussion of the Project's potential to result in vehicle safety impacts along Walnut Lane.

As identified in IS/MND Section XVII. Transportation, the Project would not conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), substantially increase hazards due to a geometric design feature or incompatible uses and/or result in inadequate emergency access. Therefore, no further response is required.

**Letter 5. Resident, February 21, 2020 – Owen Gerald Taylor.**

The commentor has several concerns regarding the Project, relating to two main issues: traffic/site access and flooding.

*Traffic/Site Access*

The commentor states that there may be some inconsistencies in the IS/MND. In the first part of the comment letter, the commentor identifies that the IS/MND states that there will be four access points into the Project when in fact there is one access point (at Walnut Lane at Grant Avenue). The commentor also states that the additional trips generated by the Project at Walnut Lane is unacceptable, especially when considering the bottleneck on the stretch of road adjacent to Mariani Nut Company. The commentor further states the he questions the unimpeded travel of a full sized fire truck during peak traffic hours.

With regard to the number of access points, the four access points planned for the Project, and as identified in the IS/MND, the commentor is referred to IS/MND Figure 4, Site Plan. As shown in Figure 4, the Project would have two access points (Street A) and Street B) to Walnut Lane, one access point to Almond Drive to the south, and a access point via Street A to the planned future development and roadway system associated with the parcel to the east. Although the primary access to Walnut Lane and the Project site is from SR 128/E.

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

Grant Avenue, the Walnut Lane area has secondary/emergency access via an emergency vehicle access (EVA) located along the southern edge of Walnut Park which provides a vehicle connection between Walnut Lane and Dutton Street and will provide an additional access point to SR 128/E. Grant Avenue in the event of an emergency. As discussed in the IS/MND and herein, the Project would not substantially increase hazards due to a geometric design feature, or result in inadequate emergency access, at this location.

As identified in IS/MND Section XVII. Transportation, the Project site is included in the City's General Plan Land Use Map and therefore was included in the "buildout scenario" analyzed in the Circulation Master Plan, which addresses performance standards for the City's roadway facilities and Grant Avenue (State Route 128). The Circulation Master Plan identified two traffic signals, one roundabout, and one roadway widening program that are necessary to address the City's circulation needs based on growth anticipated under the General Plan. These traffic improvements have been planned for and are required to be addressed as buildout occurs within Winters. Such planned improvements would address the potential for geometric hazards, emergency access, and trip generation, including those induced by the Project, on an as-needed basis.

A review of SWITRS data for the area identified two collisions in the Walnut Lane Area, one at Walnut Lane/SR 128 and one collision at 830 Walnut Lane, over the past four years (there were a total of 68 vehicle/pedestrian/bicycle accident reports during this time frame). Of the two accidents, there were no fatalities, no injuries, and no pedestrians/bicyclists involved; neither accident required a tow-away. Walnut Lane typically has a 50-foot right-of-way with a 39-foot face of curb, except for the portion of Walnut Lane immediately west of the Project site which is unimproved but is also not heavily traveled as Walnut Lane terminates at this location. The older part of Walnut Lane south of the Project has a 45-foot right-of-way with 34-foot face of curb. This right-of-way provides a 20-foot width for vehicle travel, which is typically considered adequate for fire and emergency access. The 20-foot width is consistent with the Division of the State Architect (DSA) policy guidance for Fire Department, Emergency Access Roadways and School Drop Off Areas (DSA PL07-03, revised 12/12/18). As noted previously, emergency access to and from the Walnut Lane area is available via the emergency via access along the southern edge of Walnut Park, which provides a connection between Walnut Lane and Dutton Street. Further, the Project has been circulated for review by the City of Winters Police Department and Winters Fire Department, and neither agency identified any concerns related to safety issues associated with Walnut Lane, subject to the Developer securing for dedication to the City an emergency vehicle access easement (EVA) from the end of Walnut Lane out to Railroad Avenue, or an alternative acceptable to the City Engineer, Police Chief and Fire Chief. The EVA shall be in a form and content acceptable to the City Engineer, Police Chief and Fire Chief. The EVA shall be accessible by either removable bollards or a gate, as approved by the City Engineer, Police Chief and Fire Chief. While there is no evidence of existing conditions that have resulted in significant traffic safety hazards, this concern is noted for the decision-makers consideration.

Furthermore, as identified in IS/MND Section XVII. Transportation, the Project applicant would be required to pay all applicable roadway impact fees, which are determined on a per-unit or per-square-footage basis, as required (as delineated in the Circulation Master Plan),

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

as applicable. As described in the IS/MND, based on the size of the Project, construction traffic would be temporary and minor.

*Flooding*

In the second part of the comment letter, the commentor states that since Orchard Lane and Almond Drive have experienced major flooding impacts in the past, and that due to the complexity of the engineering, the commentor requests that the upcoming public hearing considering the adoption of the IS/MND be postponed for 30 days after the scheduled March 24<sup>th</sup> hearing for at least 30 days to allow for further study be all affected parties. The commentor provides additional comments regarding the technical details of the storm water infrastructure improvements.

Flooding issues on and around the Project site have been analyzed by Wood Rogers and are described in IS/MND Section X, Hydrology and Water Quality. Wood Rogers developed a Winters 71 Storm Drainage Assessment on July 16, 2019, which analyzed and identified storm drainage improvements that would be needed at the Project site and off-site, under the scenario that an adjacent development (the Skreden 61 development) is constructed prior to and/or alongside the Project. However, Wood Rogers provided the follow-up Walnut 10 Interim Condition Drainage Analysis on October 29, 2019, which separately analyzed the Project in the instance that the Project is developed ahead of the Skreden 61 development. In that instance, and as described in IS/MND Section X, Hydrology and Water Quality, the Project would require an interim storm drainage design that can sufficiently handle on-site flooding and prevent the substantial worsening of flooding conditions off-site.

Drainage improvements to mitigate flooding and drainage impacts are required by mitigation measures HYDRO-1 through HYDRO-3. The required facilities improvements address storm drainage impacts and are consistent with the City's Storm Drainage Master Plan efforts. The drainage improvements have been designed to sufficiently handle on-site flooding and prevent any substantial worsening of flooding conditions off-site. The commentor is referred to the response to Letter 1 under the Flooding heading, the response to Letter 2 under the Flooding heading, and the response to Letter 4 under the Hydrology and Water Quality heading.

As described in the response to Letter 4 under General Comments, the comment period for the Project was extended to March 24, 2020 allow for additional comments, and the upcoming public hearing has been postponed from the originally scheduled March 24<sup>th</sup> date to May 26 2020. No further response is required.

**Letter 6. California Department of Transportation, District 3, February 28, 2020 – David Smith, Acting Branch Chief, Office of Transportation Planning, Regional Planning Brach – South.**

The commentor states that the Project will contribute to the congestion on SR-128. The commentor requests that fair share and/or mitigation fees consistent with the City of Winters Circulation Master Plan and Roadway Impact Fee Program are calculated for future improvements, due to the continuing development in the area. The commentor further

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

requests that their office be provided with copies of any further actions regarding this Project.

As previously described, the Project site is included in the City's General Plan Land Use Map and therefore was included in the "buildout scenario" analyzed within the City of Winters Circulation Master Plan and Roadway Impact Fee Program Update (see IS/MND, XVII. Transportation). The Project will be required to pay all applicable roadway impact fees. The City of Winters will provide copies of any further actions regarding this Project to Caltrans. The commentor did not address the adequacy of the IS/MND and no further response is required.

**Letter 7. Residents, February 28, 2020 – Tim Ireland and Laura Ireland.**

The commentor requests a 30-day time extension for the comment period, in order to thoroughly review, understand, and comment on the documents. The commentor also requests alternatives of the plans to be considered and also requests additional information and/or documentation in support of their concerns. The comment requests that alternatives of the Project plans be considered. The commentor states that their overall concerns relate to the following issues: traffic and circulation of Walnut Lane; traffic speed and congestion of parking on Walnut Lane; emergency access; flooding/floodplain and drainage of the Project and surrounding areas; sewer capacity; and details relating to aesthetic/visuals of home, and population density.

The comment period for the Project has been extended to allow for additional comments. Separately, the IS/MND contained appendices showing the technical reports that were prepared for the Project, which include a Biological Resources Assessment (Madrone Ecological Consulting, 2019), Energy modeling results (De Novo Planning Group, 2019), a Storm Drainage Assessment (Wood Rogers, 2019), and supporting technical memorandum (Wood Rogers, 2019). Concerns relating to the topics identified in the comment letter have been analyzed in the IS/MND and/or in this Responses to Comments document as described below:

- traffic and emergency access - see IS/MND Section XVII, Transportation, and responses to Letter 2 under Transportation/Pedestrian Safety, Letter 4 under Transportation, and Letter 5 under Traffic/Site Access;
- flooding - see IS/MND Section X, Hydrology and Water Quality, and responses to Letter 1 under Flooding, Letter 2 under Flooding, Letter 4 under Hydrology and Water Quality, and Letter 5 under Flooding;
- sewer capacity - see IS/MND Section XIX, Utilities and Service Systems;
- aesthetics - see IS/MND Section I, Aesthetics, and response to Letter 4 under Aesthetics; and
- population density - see IS/MND Section XI, Land Use and Planning, and Section XIV, Population and Housing.

Alternatives to the Project are not required to be analyzed under CEQA; analysis of alternatives is only required for an Environmental Impact Report as required. No further response is required.

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

**Letter 8. Central Valley Regional Water Quality Control Board, March 2, 2020 – Pete Minkel, Engineering Geologist.**

The commentor provides several comments relating to the Central Valley Regional Water Quality Control Board's responsibilities relating to protecting of surface and groundwaters of the state. The comment letter describes the regulatory setting, including the Basin Plan and the mandatory antidegradation policy contained in the Basin Plan. The commentor proceeds to describe the specific permitting requirements for construction, industrial, and municipal discharges as well as permitting requirements associated with the Clean Water Act and dewatering of and/or discharge to waters of the United States.

The Project would be required to comply with construction-related National Pollutant Discharge Elimination System (NPDES) requirements (see IS/MND, VII. Geology and Soils, Mitigation Measure GEO-3) and operational NPDES requirements. Additionally, the Project does not contain any aquatic resources, and there are no protected wetlands or other jurisdictional areas and there is no need for permitting associated with the federal or state Clean Water Acts (identified by the Biological Resources Assessment for the Project developed by Madrone Ecological Consulting in 2019) (see IS/MND, IV. Biological Resources, response c). The commentor does not provide any comments regarding the adequacy of the IS/MND and no further response is necessary.

**Letter 9. Resident, March 5, 2020 – Sally Ivory.**

The commentor addresses concerns related to geology/soils, hydrology and water quality, and transportation.

*Geology/Soils*

The commentor identifies an area on the figure shown on p. 187 of the IS/MND where homes built along a fill area experienced major shifts and cracking resulting in structural damage during the 2014 Napa earthquake and indicates their hope that proper site preparation will prevent these same results from occurring in Walnut Lane 10.

As discussed in the IS/MND Section VII, Geology and Soils, under Responses a.iii), c), d), there is the potential for project soils to become unstable, particularly in association with liquefaction and/or expansive soils. Mitigation Measure GEO-1 requires all building plans to comply with the California Building Standards Code and all on-site soil engineering activities to be conducted under the supervision of a licensed geotechnical engineer or certified engineering geologist. Mitigation Measure GEO-2 requires a geotechnical/soils report to be submitted to the City for review and approval and further requires that the report include an analysis of the susceptibility of the Project site to liquefaction and unstable and expansive soils. Mitigation Measure GEO-2 is revised as shown in the Errata to further require that any fill materials are properly engineered and to ensure that the geotechnical/soils report includes recommendations to address fill materials.

*Hydrology and Water Quality*

The commentor requests that the City complete an updated study on groundwater supply, noting that the City's landscape has changed dramatically since the 2006 Water Master Plan, including a drought from 2012-2017 and development of several agricultural wells, noting

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

that one had water problems. The commentator states a new assessment of water availability and quality needs to occur before bringing the new homes of Walnut 10 and Farmstead on-line.

The City's 2006 Water Master Plan was prepared to address City buildout conditions and is a long-range water planning document. The Water Master Plan anticipated that the City population would double (from approximately 7,000 persons at the time of the plan) and that residential development would increase from 316 acres to 770 acres, commercial development would increase from 51 to 169 acres and industrial development would increase from 0 acres to 102 acres under buildout conditions. The Water Master Plan anticipated that daily water demand would increase from an existing demand of 1.53 million gallons per day to a demand of 4.91 million gallons per day under buildout conditions. The Water Master Plan assessed demand in periods with consecutive dry years and concluded that the City's groundwater supply can meet future demands with no risk of overdraft even during consecutive dry years. Development remains well below projected buildout conditions, with the 2019 population estimated at 7,417 persons by the California Department of Finance. With development well below the buildout levels projected in 2006, the Water Master Plan continues to provide adequate guidance, including recommendations for additional wells and water infrastructure, to meet the potential future demand. In 2018, the City's water use was just over approximately 339 million gallons, which equates to 0.91 mgd. Based on this information, the City's current water usage is below the demand at the time of the 2006 Water Supply Plan and demand from the Project would be well within the total demand envisioned for the City under buildout conditions.

Further, the City participates in the Water Resources Association of Yolo County (WRA). The WRA completed the Yolo County Integrated Regional Water Management Plan in 2007 and is a regional forum that coordinates and facilitates solutions to water issues facing Yolo County. The City's groundwater usage will continue to be coordinated with regional usage through the WRA and will be consistent with the IRWMP, which considers sustainable management of the County's groundwater resources. The Project is consistent with the growth anticipated in the 2006 Water Master Plan as well as the City of Winter's water demand that is accounted for in the IRWMP and is not anticipated to result in any increase in groundwater demand beyond the sustainable level of groundwater use planned for the City and, therefore would not result in adverse impacts to groundwater resources. No revisions to the IS/MND is necessary to address the Project's water use.

It is noted that the City is also a member of the Yolo Subbasin Groundwater Agency and is participating in the development of the Yolo Subbasin Groundwater Sustainability Plan, which establishes how the groundwater basin will reach long-term sustainability. The GSP is required to be completed and submitted to the State Department of Water Resources by January 31, 2022.

The commentator also requests reassurance from the City and the developer that every effort will be made to properly apply flood control methods necessary to keep Walnut Lane 10, Farmstead, and Almond Orchard safe from flooding. As discussed in the previous responses to Letters 2 and 4 under the Flooding headings, technical analyses of the Project's drainage

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

infrastructure needs have been completed that consider two scenarios: the Project being developed concurrently or after Skreden 61 and development of the Project in advance of Skreden 61. These analyses are included in Section X, Hydrology and Water Quality, of the IS/MND under Responses c), e). Under either scenarios, the proposed drainage improvements described in the technical drainage analyses prepared by Wood Rodgers would be required by Mitigation Measures HYDRO-1 through HYDRO-3. Implementation of Mitigation Measures HYDRO-1 through HYDR)-3 would reduce flooding impacts on the Project site and the potential for the Project to result in off-site flooding impacts to less than significant as demonstrated in Section X of the IS/MND and in the technical studies provided in Appendices C and D of the IS/MND. No further response is required.

*Transportation*

The commentor states that safety, access, egress, and circulation are of major concern to her, noting that an increase of 529 trips down Walnut Lane for a daily total of 1,780 is unacceptable and also notes that SR 128 traffic levels through the roundabout are worrisome. The commentor indicates that the problem will be compounded with additional traffic from Winters Healthcare and Blue Mountain uses (two projects located on the south side of SR 128). The commentor notes that seniors will be using the crosswalks at the roundabout and adding more vehicles to the mix is a recipe for disaster. The additional traffic added by the Project is within the level of development planned for Walnut Lane and SR 128, as described in previous responses (see response to Letter 2 under the Transportation/Pedestrian Safety heading, response to Letter 4 under the Transportation heading, and response to Letter 5 under the Traffic/Site Access heading).

As previously described, traffic to and from the Project site has been planned for and addressed in the City's Circulation Master Plan. As identified in IS/MND Section XVII. Transportation, the Project site is included in the City's General Plan Land Use Map and therefore was included in the "buildout scenario" analyzed in the Circulation Master Plan, which addresses performance standards for the City's roadway facilities and Grant Avenue (State Route 128). The Circulation Master Plan identified two traffic signals, one roundabout, and one roadway widening program that are necessary to address the City's circulation needs based on growth anticipated under the General Plan. These traffic improvements have been planned for and are required to be addressed as buildout occurs within Winters. Such planned improvements would address the potential for geometric hazards, emergency access, and trip generation, including those induced by the Project, on an as-needed basis.

It is noted that traffic congestion, including that associated with vehicle LOS, is no longer considered an impact under CEQA for land use projects pursuant to CEQA Guidelines Section 15064.3; however, the above information is provided for informational purposes.

As discussed in the response to Letter 2, the Project is not anticipated to result in pedestrian or bicycle safety impacts along Walnut Lane. The commentor is referred to the response to Letter 2 under Transportation/Pedestrian Safety for a full discussion of the Project's potential to result in vehicle safety impacts along Walnut Lane. The City of Winters Public Works Department will continue to evaluate pedestrian safety needs on an ongoing basis.

**Response to Walnut Lane 10 IS/MND Comments  
May 11, 2020**

As identified in IS/MND Section XVII. Transportation, the Project would not conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), substantially increase hazards due to a geometric design feature or incompatible uses and/or result in inadequate emergency access. Therefore, no further response is required.

**Letter 10. Residents, March 24, 2020 – Bill and Marie Traylor.**

The commentor addresses concerns related to traffic and access and requests a water line extension to their residence from the new development.

*Traffic/Access*

The commentor indicates their understanding that Walnut Lane 10 has one ingress and egress route from Walnut Lane, that the project will create heavier traffic flow on Walnut Lane, and that the single route creates a public safety concern and requests that the City consider a secondary route. The commentor is referred to the response to Letter 4 under the Transportation heading regarding levels of traffic. The commentor is referred to the response to Letter 5 under the heading Traffic/Access. As discussed in the response to Letter 5, the Project site has four access points two to Walnut Lane, one to Almond Drive (which ultimately connects to Walnut Lane), and a fourth future access to the planned future development east of the Project site. Primary access to the Walnut Lane area is from SR 128; however, a secondary route is provided by the EVA located along the southern portion of Walnut Park which connects Walnut Lane to Dutton Street.

*Water Line Extension*

The request for the water line extension does not address the adequacy of the IS/MND and is noted for consideration by the City's decision-makers.

**Letter 11. Residents, March 24, 2020 – Kristina Drobrocky Baitoo and Andre Baitoo.**

The commentor addresses concerns related to proper notice under CEQA, description of the Project's, Project location, and surrounding land uses, aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, transportation, utilities and service systems, wildfire, and mandatory findings of significant. The concerns are addressed below.

*Proper Notice under CEQA*

The Notice of Intent to Adopt the Mitigated Negative Declaration [NOI] was issued in compliance with CEQA Guidelines Section 15072, including publishing the notice [identify location and publication date] consistent with CEQA Guidelines Section 15072(a) and mailing the NOI to the owners and occupants of property contiguous to the Project consistent with consistent with CEQA Guidelines Section 15072(a). The City published the updated NOI extending the comment period in the same manner as the original notice. Project materials, including Project Application materials, technical studies, and the IS/MND, were available for review at City of Winters City Hall, 318 First Street until the City Hall closure on March 18, 2020 in response to the Yolo County Health Office Order related to COVID-19.

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

Application materials were available for review by appointment during the Covid-19 order. The NOI includes contact information, including a phone number, so that individuals needing assistance with reviewing Project-related documents may call the City and receive assistance. The City also published the NOI, IS/MND, and related project materials and posted on the City's website at: [http://www.cityofwinters.org/wp-content/uploads/2020/01/2020Walnut10Project-NOI\\_NOC\\_IS-MND-Merged.pdf](http://www.cityofwinters.org/wp-content/uploads/2020/01/2020Walnut10Project-NOI_NOC_IS-MND-Merged.pdf)

Comments received in writing are included as an attachment to this Response to Comments document and will be provided to the Planning Commission and City Council for review and will be available for review by the public.

The commentor's concerns regarding noticing are noted for the consideration of the City's decision-makers. As described above, the noticing was consistent with the requirements of CEQA.

*Project Location and Surrounding Uses*

The commentor indicates that their property to the west is zoned for agriculture and currently ranched with horses and sheep and is not mentioned in the location and setting information. The commentor is referred to IS/MND Figure 6, which shows the zoning of the property to the west of the Project as R-1-, Single Family Residential (7,000). Their property is not designated or zoned for agricultural use. P. 4 of the IS/MND is revised as shown in the Errata to reflect the rural residential nature of the commentor's parcel.

*Project Description*

The commentor indicates that the IS/MND refers to the almond orchard and notes there are multiple examples where the document notes that the trees have been removed. The commentor is referred to the Response to Letter 4 under Aesthetics regarding the orchard.

The commentor indicates that the infrastructure and access section of the Project Description states that stormwater would drain to the east of the Project site via a v-ditch but if Walnut 10 is built alone (without Skreden 61), lesser interim measures will be installed and that the description is not sufficient in addressing the two measures of mitigation. It is noted that the two scenarios (Project build prior to Skreden 61 and Project built concurrently or after Skreden 61) are described in detail and addressed in the IS/MND Section X under Responses c,e) but are not fully described in the Project Description section of the IS/MND. P. 5 of the Project Description is revised as shown in the Errata to describe the two potential scenarios to address stormwater.

*General Plan and Zoning Designations*

The commentor states that Figure 6 is not an accurate depiction of the current zoning for the area, in that it shows the desired state of the City and the Sphere of Influence. Figure 6 is intended to depict the General Plan land use designation and zoning of the Project site, as part of the Project description. The commentor further notes that their parcel (038-050-024-000) is in the County and is zoned for agriculture and that the land to the north of the Project is in Yolo County, is zoned for agriculture, and is currently farmed. The commentor indicates

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

that the inaccurate future zoning skews the narrative and does not present the reality of the Project.

The commentor is correct that IS/MND Figure 6 identifies the City of Winters General Plan designations and zoning for the Project site and surrounding lands. The parcel to the west of the Project (commentor's parcel) and the parcels to the north are located in unincorporated Yolo County. The parcel to the north is outside of the City's boundary and is zoned for Agricultural-Intensive use. The parcel to the north as well as the commentor's parcel are both designated Agriculture (AG) by the Yolo County General Plan. The parcel to the north is outside of the City's boundary and is zoned for Agricultural-Intensive use. However, the commentor's land is not identified with agricultural zoning on County zoning documents, rather it is depicted as "Cities", based on a review of the County's GIS site and the County's zoning maps (see Map 3, Adopted Zoning, July, 2014 created by Yolo County). The Project site is not zoned or designated by Yolo County as it is within Winters City limits. Page 5 and 6 of the IS/MND is updated to identify that the Yolo County zoning for the parcels north of the site is A-N (Agricultural Intensive). It is noted that the existing agricultural uses in the vicinity of the Project site are described in the IS/MND Project Description and were considered in the evaluation of the Project in the IS/MND. The commentor's concerns related to potential impacts associated with agricultural uses are discussed below under the Agricultural Resources heading.

*Aesthetics*

The commentor indicates that the IS/MND is incorrect in stating that the Project cannot be seen from State Route 128, and if it is built without the adjacent project, the orchard will be removed and replaced with housing. The commentor identifies that their belief that every time an orchard is removed from the view of Highway 128, there is a significant impact because the reason of the designation is our agricultural roots. The commentor indicates that while the IS/MND finds that 1.a. is Less Than Significant, it identifies the potential for 1.b as No Impact.

The IS/MND identifies Response a) in Section I as Less than Significant as there are no established scenic vistas in the vicinity of the Project. No changes to this discussion are necessary. Potential impacts associated with scenic highways are addressed under Response b).

The Project site is within the view of SR 128, as noted by the commentor, although views of the Project site are limited. Further, the Project would be an extension of urban development located south of the Project site. However, while SR 128 is an eligible state scenic highway, the status of SR 128 will only change from eligible to officially designated when the local governing body applies to Caltrans for scenic highway approval, adopts a Corridor Protection Program, and receives notification that the highway has been officially designated a Scenic Highway. To date, the portion of SR 128 from which the site is visible is identified by CalTrans as eligible, but not as an officially designated state scenic highway (Scenic Highways, Designated and Eligible, Caltrans, August 2019). Response b) in Section I of the IS/MND is updated to reflect this change as shown in the Errata. As SR 128 is not yet an official state scenic highway, no change to the conclusion under Response b) is warranted.

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

The commentor discusses the difficulty of understanding visual changes, in regard to their home and the residential area south of the Project site, when there are no design plans and further indicates that the future update to the City's Housing Element may change design elements and aesthetic options, noting there is room for change between the IS/MND and ultimate design plans. The commentor also indicates that the character of the neighborhood is one- and two-story homes that are less dense than the Project and they would like to see the development plan match the existing dwellings lot for lot, especially along the fence line that would be contiguous with Orchard Lane. The commentor indicates that no landscaping information was provided and no area of the City's Design Guidelines was cited, making it impossible to comment when this information has not been included. The commentor also discusses the change in character to the west of the site and that the IS/MND does not discuss the actual land use to the west, which is their home with horses and sheep. The commentor believes that the destruction of agricultural land and orchard will have a potentially significant impact from their home, a private vista and will also change the views from Railroad Avenue and looking north from Walnut Park. The IS/MND is revised as shown in the Errata to provide additional discussion of public views that may be affected by the Project and to identify the City's specific standards to address scenic quality. As discussed in the revised Section I, Response c), the Project is required to comply with the City's standards and regulations related to scenic quality, including the requirements established in Chapter 17.36 (Design Review), Chapter 17.60 (Residential Densities and Standards), and the Winters Design Guidelines.

The commentor indicates that none of the trees on the project site have been removed and the removal of the trees would provide an unhindered line of sight to the Chevron and businesses at Matsumoto Lane, which will last of the duration of construction. While the commentor's views of the site may change, the construction activities will be temporary and the Project is required to comply with all City zoning and other regulations related to design and visual quality. The Project will be a continuation of the residential community located to the south of the Project site and is consistent with the urban views anticipated for the Project site. While the commentor's views may change, the Project site would not result in a significant change to the public viewshed, as described in the IS/MND.

The commentor discusses the potential for three-story residences on the Project site or the potential to raise the elevations, and thus the second stories, of the homes that back up to Orchard Lane to higher than the existing residences and the resulting potential light or glare. The Winters Municipal Code limits building heights in the R-1 district to 30 feet and the Project would be required to comply with this requirement. Building pads of residences that abut those along Orchard Lane would range from 130.3 to 132.0 feet in elevation, generally increasing in elevation from east to west. These elevations would be similar to the existing elevations along Orchard Lane, which generally range from 129 feet at the east to 132 feet at the west, based on the contour lines nearest the Project border (see IS/MND Figure 5, Infrastructure Plan).

The commentor indicates that IS/MND does not provide any standards to ensure that the correct fixtures are used and recommends mandating external figures with the International Dark-Sky Association Seal of Approval. The commentor also indicates that there is no

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

discussion of building or construction hours of if lighting will be necessary during construction. Mitigation Measure AES-1 has been revised to provide greater specificity to ensure all exterior lighting is fully shielded to prevent upward lighting and to reduce off-site spillover lighting and also requires that any lighting associated with construction activities also be fully shielded in order to reduce night sky and spillover lighting impacts.

*Agriculture and Forestry Resources*

The commentor notes that the IS/MND relies heavily on the City's General Plan, which has not been updated since 1992 and believes the City should update the General Plan before moving forward with significant development and should let the Climate Change committee do their job to address City policy to make Negative Declarations and Environmental Impact Reports more in line with current science and planning standards. The commentor notes that IS/MND lists General Plan sections for consideration, that the IS/MND does not identify specific and measurable examples of programs that have been the beneficiary of the City's support of agriculture.

In regards to the commentor's questions regarding the City's actions to support agricultural conservation, to limit future expansion of the City's ultimate urban limits, to support agricultural activities at the local and state levels, and passing a right-to-farm ordinance, the City has maintained its ultimate Urban Limit Line/Planning Area boundary identified in the General Plan and has not developed plans that anticipate urbanization beyond the area identified in the General Plan Land Use Map. Maintaining this Planning Area continues to ensure that the City's future expansion is within the areas envisioned by the General Plan and does not encroach on agricultural areas outside of the urban area anticipated by the General Plan. Further, the City has maintained its General Plan and Zoning Code to continue to identify locations for agricultural uses, through application of the A-1 General Agricultural zoning district and the Agriculture General Plan designation. The City continues to support protection of agricultural lands outside of the Urban Limit Line through County agricultural policies and regulations that address conservation and protection of these lands as described by Policy VI.B.4. The City adopted Right To Farm provisions in 1997 (see WMC Chapter 17.88). In 2009, the City's updated the Municipal Code requirements related to tentative subdivision maps and ensured that WMC Section 16.01.090.D. includes a requirement for denial of tentative maps were updated in 2009 to require the Planning Commission to recommend denial of a tentative map if it makes the finding that, subject to Section 66474.4 of the Subdivision Map Act, that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 and that the resulting parcels following a subdivision of the land would be too small to sustain their agriculture use. The General Plan does not include policies that require an acre for acre offset, as discussed by the commentor.

The commentor indicates no evidence has been provided that the Project site was included in the 1992 General Plan. The commentor is referred to General Plan Figure II-2, Urban Study Area, which depicts the Urban Limit Line. The Project site is within the Urban Limit Line.

As discussed in the IS/MND, the Project site was planned for conversion to non-agricultural uses in the Winters General Plan, is within the urban area envisioned by the General Plan,

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

and the Project would not have any additional contribution to agricultural conversion beyond that addressed in the General Plan and General Plan EIR. As previously described, the City continues to implement its General Plan and adhere to General Plan policies that address protection and conservation of agricultural lands.

*Air Quality*

The commentor indicates that Responses a-d) in Section III of the IS/MND should be marked Less than Significant Impact with Mitigation Incorporation. The table at the start of IS/MND Section III, Air Quality, will be updated accordingly for Responses a-c). This is not a significant error and the subsequent discussion of these topics in the IS/MND addresses the need for mitigation and a reader of the IS/MND. Response d), related to odors, does not require mitigation and no change to the table is necessary in relation to this response.

The commentor indicates that the mitigation does not specifically call out mitigation guidelines for heavy equipment and idling, which will be the main source of exhaust and particulate matter in addition to dust from construction. The commentor recommends that additional mitigation language be provided, including the following requirements:

- Require all vehicles used during the construction phase to comply with the California EPA Heavy Duty Diesel Vehicle Idling Regulation Limits. Mitigation Measure AIR-1 has been updated to address construction equipment exhaust, including compliance with State law related to vehicle idling.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes, as required by the California Code of Regulations, and provide clear signage that posts this requirement for workers at the entrances to the site. While this is State law and is already required of affected motor vehicle operators, Mitigation Measure AIR-1 has been revised to ensure awareness of and compliance with this requirement.
- Provide current certificate(s) compliance for the California Air Resources Board's In-Use Off-Road Diesel-Fueled Fleets Regulation. This is existing State law and the revision to Mitigation Measure AIR-1 references this requirement.
- Equipment inspection and maintenance programs to ensure work and fuel efficiencies. Mitigation Measure AIR-1 has been revised to ensure construction equipment is maintained in proper working condition.
- The commentor notes there are additional mitigations from the Yolo-Solano Air Quality Management District Handbook for Assessing and Mitigation Air Quality Impacts (YSAQMD Handbook) on page 27 but that the IS/MND only included four measures. The measures identified in YSAQMD Handbook Table 5 include multiple approaches to addressing individual source categories, including fugitive emissions from active unpaved construction areas, spills from haul trucks, wind erosion from inactive areas, wind erosion from storage piles, on-road entrained PM10 and mud/dirt carryout. The measures selected for the Project, summarized in Table AQ-1 of the IS/MND address the primary source categories for PM10 emissions; however, Table AQ-1 of the IS/MND is updated to identify all potential mitigation measures identified in YSAQMD Handbook Table 5. It is noted that Mitigation Measure AIR-1 addresses all categories identified in Table 5, except spills from haul

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

trucks. Mitigation Measure AIR-1 addresses fugitive emissions from active unpaved construction areas, wind erosion from inactive areas, wind erosion from storage piles, on-road entrained PM<sub>10</sub>, and mud/dirt carryout including fugitive emissions from active unpaved construction areas. Mitigation Measure AIR-1 is updated as shown in the Errata to address the potential for air quality impacts associated to spills from haul trucks.

- The commentor identifies the following mitigation from pages 16 and 17 of the YSAQMD Handbook that they recommend to include as mitigation, including standards associated with visible emissions from stationary diesel-powered equipment (Rule 2.3), dust emissions (Rule 2.5), portable equipment greater than 50 horsepower (ARB Portable Equipment Registration Program), architectural coatings and solvents (Rule 2.14), asphalt application (Rule 2.28), stationary equipment (Authority to Construct), and wood-burning appliances (Rule 2.40). It is noted that each of these recommendations are based on specific rules and regulations that YSAQMD enforces. These are generally referenced on p. 29 of the IS/MND under the heading "Compliance with Existing Law". The Errata includes a refinement of this discussion to include the additional requirements referenced by the commentor as well as to describe YSAQMD's enforcement process. Mitigation Measure AIR-1 is revised the IS/MND to ensure the Project's compliance with applicable rules and regulations and to ensure construction staff is aware of such requirements.

The commentor identifies concerns related to the "North Winds" that blow for days at 20-40 miles per hour. Mitigation Measure AIR-1 includes measures addresses the potential for wind-related dust (PM<sub>10</sub>) emissions, including covering of stockpiles, applying water as necessary to control dust emissions, including dust control treatment in late morning and at the end of the day, suspension of grading operations during periods of high winds, stabilization of exposed earth surfaces in inactive areas and after cut and fill operations, street sweeping, and treating site access points in the vicinity of paved roads with a 6-inch gravel layer. Mitigation Measure AIR-1 has been revised to ensure that covers for stockpiles are secure and to ensure construction debris stored on-site is securely covered in the event of high winds.

The commentor identifies concerns related to asthma sufferers that may be affected by air quality and environmental disturbances during site improvement activities and suggests that a mitigation measure identifying a website or notification be provided to the neighborhood that provides information of days where there is a decrease in air quality so persons can take precautions and further requests a City hotline for construction complains and complain procedures. Mitigation Measure AIR-1 has been revised as shown in the Errata to include contact information for the construction manager, City staff, and YSAQMD enforcement staff as well as a link to the YSAQMD website where interested parties can sign up for forecasts, alerts, and advisories related to air quality.

*Tree Removal on Air Quality, Climate Change/Greenhouse Gas Emissions, and Water Quality*

The commentor states that the IS/MND does not discuss the loss of trees to develop this Project, although it states that trees will be removed. The commentor states that the orchard, which they estimate to be approximately 1,000 trees, provides temperature reduction,

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

removal of air pollutants, the potential removal of zone, cooling and shading of neighboring homes, and helps filter groundwater recharge. The commenter believes that the effect of climate change and increased energy use to cool homes loss of pollutant reduction is a potentially significant impact.

Potential air quality impacts for the Project were evaluated in accordance with the criteria established by the YSAQMD Handbook, . It is noted that the California Emissions Estimator Model (CalEEMod), which is the model used to evaluate project-level impacts of development projects on the scale of a residential subdivision and is the accepted project-level model by YSAQMD as well as other air districts throughout the State, does not model criteria pollutant concentrations or impacts based on tree removal and no revisions to the IS/MND are needed to address this topic.

Related to groundwater quality, the drainage improvements for the Project are required to meet State water quality requirements, which would ensure that the Project does not degrade surface or groundwater quality. As discussed in IS/MND Section X, Hydrology/Water Quality under Response a), the Project is required by State law and mitigation measure GEO-3 to prepare a Stormwater Pollution Prevention Plan (SWPPP) to ensure that water quality impacts associated with construction activities, which will include tree removal, do not substantially degrade surface or water quality. The Project will be required to demonstrate compliance with State standards as part of the NPDES General Permit and the permit documentation takes into account existing conditions, such as the orchard, on the Project site. Water quality improvements are addressed in the drainage memos provided in Appendices C and D and include an average of two trees per lot, roof gutters draining less than 600 square feet of roof area to a sheet-flow, landscaped area, and amending soils within the front and rear lot landscaping. Water quality measures proposed for the project will be implemented as part of the stormwater improvements required by Mitigation Measures HYDRO-1 and HYDRO-2.

The commenter indicates that the removal of the trees could contribute to climate change impacts. The Project is consistent with regional efforts to address climate change as discussed in the IS/MND . The Project is within the area of Winters anticipated to develop as an “Established Community” as described and projected in the February 18, 2016 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) prepared for the Sacramento region. The MTP/SCS provides for the coordination of transportation and development planning in order to meet the region’s state greenhouse gas reduction targets. The MTP/SCS forecasts regional growth based on the MTP/SCS land use pattern and identifies measures appropriate to ensure that the region meets state greenhouse gas reduction targets. As part of the SCS/RTP, agricultural lands, including orchards and crop lands, were anticipated for conversion to development consistent with the land uses envisioned in the SCS/RTP. The Project is not located outside of the area anticipated for development within the MTP/SCS and, as such, its contribution to the regional and cumulative greenhouse gas emissions and climate change impacts are addressed by the MTP/SCS. As the project consistent with the MTP/SCS, which anticipated residential growth within the Project’s location in the Winters Established Community and anticipated removal of agricultural lands and crops, it is anticipated that it would not have any additional or

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

unique characteristics that would result in greenhouse gas or climate change emissions beyond those addressed by the MTP/SCS.

*Energy*

The commentor refers to their previous comments related to tree removal, noting that the tree removal will result in warmer houses and higher energy bills without the shade provided by the orchards and the commentor states their belief that the City must establish guidelines to address replacement of orchards that require the purchase of larger trees and established plants. The commentor also notes that the lack of landscaped back yards in a new development increases cooling costs for the new home and homes around them. The thresholds considered by the Project, identified on p. 44 of the IS/MND, address whether the Project would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during Project construction or operation or whether the Project would conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The removal of the orchard is a necessary component of the Project and would not result in wasteful, inefficient, or unnecessary consumption of energy resources. The Project site is identified for urbanization in the City's General Plan and Zoning map and development of the Project site with residential uses is consistent with the local (City) and regional plans prepared pursuant to State law.

*Hazards and Hazardous Materials*

The commentor indicates that while the IS/MND Section IX, Hazards and Hazardous Materials, Response f) states that the Project would not cause evacuation issues, that this is only true if the Project is developed in conjunction with Farmstead as Walnut Lane is the only point of ingress and egress for the entire neighborhood. As described in the Response to Letter 5, the Walnut Lane area has secondary/emergency access via the EVA located along the southern edge of Walnut Park which provides a vehicle connection between Walnut Lane and Dutton Street and will provide an additional access point to SR 128/E. Grant Avenue in the event of an emergency.

The commentor states that related to fire, there is no discussion of undergrounding powerlines or other mitigation that should be considered given the number of public safety power shutoffs (PSPS) and new reality of wildland fire and identifies changes for grass fire from the east between 128 and the Project. The commentor that the one way out on Walnut Lane scenario was not addressed if Walnut 10 is built alone (e.g., without the adjacent Skreden 61 project). WMC Chapter 16.20 requires all new subdivisions to place utility distribution and transmission facilities underground, with the exception of poles solely supporting street lights, electrical transmission lines rates at 60 kilovolt capacity or more, specific facilities within cabinets and boxes. This requirement ensures that utility lines are installed underground and that supporting utility facilities are located underground, to the extent feasible. As previously described, the Walnut Lane area has secondary/emergency access via the EVA located along the southern edge of Walnut Park which provides a vehicle connection between Walnut Lane and Dutton Street and will provide an additional access point to SR 128/E. Grant Avenue in the event of an emergency, including a wildland fire. It is further noted that Response g) relates to wildland fire risk, and as discussed under Response g) in Section IX of the IS/MND, the Project site is not located in an area identified

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

as a high or very high fire hazard risk. While there are lands identified as moderate fire risks located northwest and west of winters, the Project area, including agricultural lands to the north and east and rural residential uses to the west, are not identified as a moderate, high, or very high fire hazard risk (Fire Hazard Severity Zones in State Responsibility Areas Map, CalFire, November 7, 2007 and Draft Fire Hazard Severity Zones in Local Responsibility Areas Map, CalFire, October 5, 2007). While the western and southern portions of the City are affected by areas at risk of fires, including wildfire, the Project site is not in or adjacent to lands at high risk of wildfires. No change to the IS/MND is necessary to address this concern.

*Groundwater*

The commenter identifies their concern that the Project will have a negative effect on their well as it will pave over the earth, remove the trees, and the stormwater infrastructure will catch and remove the water they rely on to recharge their well. The commenter also notes that they have had issues in the past from the orchard to the north depleting the water table and that it is unknown what construction will do to their well.

While the Project would result in the development of the Project site with residential uses, including residential structures, driveways, and roadways, it would continue to have landscaped areas that would provide for continued infiltration of groundwater on the Project site. While stormwater from the Project would be conveyed off-site, it would be conveyed via a lengthy vegetated swale (if developed prior to Skreden 61) or via the storm drainage system to a detention basin on the Skreden 61 property (once Skreden 61 is developed), which will ultimately discharge into Putah Creek. The landscaping, wet groundwater basin, and which would provide opportunities for stormwater infiltration and groundwater recharge. Ultimately, stormwater will be conveyed to Putah Creek where it would also provide for infiltration and groundwater recharge. It is noted that the drainage improvements for Skreden 61 and the Project do provide for a drainage basin on the Skreden 61 site that would provide for groundwater recharge. It is noted that the Project would remove the on-site well that had been used to irrigate the orchard on the Project site and would remove the potential for agricultural irrigation and other uses of the well on the Project site to draw from the local groundwater sub-basin. As previously described, the City participates in the WRA, which completed the WRA completed the Yolo County Integrated Regional Water Management Plan in 2007, and is a regional forum that coordinates and facilitates solutions to water issues facing Yolo County. The City is also a member of the Yolo Subbasin Groundwater Agency and is participating in the development of the Yolo Subbasin Groundwater Sustainability Plan, which establishes how the groundwater basin will reach long-term sustainability. The GSP is required to be completed and submitted to the State Department of Water Resources by January 31, 2022.

*Flooding*

The commenter indicates that the property is in a FEMA AO 2' flood zone and the category is never named in the report. The commenter feels that the mitigation should not be borne by Walnut 10 alone and that the Project and Farmstead (Skreden 61) projects should be approved and built simultaneously. The commenter indicates that to raise the pads and build the Project without full mitigations from both projects is irresponsible and that the

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

area has a history of flooding. The commenter indicates the appendix reports are somewhat difficult to understand and hoped the City would have coordinated a meeting between the neighborhoods and developer to review the technical elements of the flood and hydrology mitigations. The commenter asserts that for IS/MND Section X, Hydrology and Water Quality, Response c) (ii), (iii), and (iv), that the Less than Significant with Mitigation Incorporation is for Walnut 10 and Farmstead and that Walnut 10 alone may have a potentially significant impact. The commenter indicates that the current FEMA status of AO 2' means that the entire site, or at least a majority, needs to be elevated at least two feet to get it out of the existing flood plain. The commenter believes that this would cause Walnut 10 to end up higher than the existing homes and potentially cause flooding into the Orchard development. The commenter observes the statement that the greatest risk of flooding is from November to March and recommends that the proposed mitigations should ensure that any construction for flood mitigation is completed well before the rainy season and include penalties if they are not finished in time.

The Project site is identified as being in the 100-year flood zone under Responses c) and d) in Section X, Hydrology and Water Quality, IS/MND as well as on Figure 9. The 100-year flood zone includes a range of FEMA categories, including the AO zone which is defined by the Federal Emergency Management Agency (FEMA) as areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. While the IS/MND doesn't describe each FEMA 100-year flood zone, the IS/MND clearly identifies that the site is within the 100-year floodplain and references Figure 3 of Appendix C for a depiction of existing 100-year flood conditions, which identifies the range of flood depths on the Project site and in its vicinity under existing (unmitigated) conditions.

It is noted that the Project proposes to grade the site to raise areas of the site by approximately 1 to 2.5 feet, as shown on IS/MND Figure 5, Infrastructure Plan, regardless of whether Walnut 10 is constructed before or concurrently with or after Skreden 61. This grading will bring the Project site relatively level with development to the south and west of the site (see IS/MND Figure 5).

Section X, Hydrology and Water Quality, of the IS/MND identified the storm drainage and flooding impacts and associated mitigation necessary to address potential impacts under two separate scenarios, as described under the previous responses to Letters 1 and 2. While the commenter had indicated a preference for the Project to be approved and developed concurrently with Skreden 61, the IS/MND analyzes potential impacts associated with development of just the Walnut 10 development and provides adequate mitigation to reduce potential impacts under this scenario to less than significant.

Wood Rogers developed the Winters 71 Storm Drainage Assessment on July 16, 2019, which analyzed and identified storm drainage improvements that would be needed at the Project site and off-site, under the scenario that an adjacent development (the Skreden 61 development also referred to as Farmstead) is constructed prior to and/or alongside the Project. Subsequently, Wood Rogers provided the follow-up Walnut 10 Interim Condition Drainage Analysis memorandum (Walnut 10 Drainage Analysis) on October 29, 2019 (see

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

Appendix D of the IS/MND) that separately analyzed the Project in the instance that the Project is developed ahead of the Skreden 61 development.

The improvements identified in the Walnut 10 Interim Condition Drainage Analysis memorandum address flooding issues associated with the Project and do not rely on improvements associated with the Skreden 61 development. Under existing conditions, the Project site experiences 100-year flooding up to 2 feet, with limited locations projected for depths over 2 feet, as shown in Figure 3, Existing Condition 100-Year Flooding, of the Winters 71 Storm Drainage Assessment (see IS/MND, Appendix C).

As described in IS/MND Section X. Hydrology and Water Quality under responses c) and e), the Project would be subject to potential storm drainage impacts and flooding under either scenario (development concurrent with Skreden 61 or development prior to Skreden 61). In the event that Walnut 10 develops in advance of Skreden 61, mitigation measure HYDRO-2 requires implementation of the improvements identified in the Walnut 10 Drainage Analysis memorandum. In this scenario, projected peak flows from the Project site are projected to increase from 78 cubic feet per second to 90 cubic feet per second and would result in increases in the 100-year flood depth from 0.005 to 0.061 foot, depending on the location (see IS/MND Appendix D, Figure 7).

The Walnut 10 Drainage Analysis identified storm drainage improvements necessary to accommodate the Walnut 10 Project without the Skreden 61 development; these improvements include a v-ditch that would be installed across the Skreden 61 property and connect to an existing culvert at Grant Avenue, a weir to accommodate, store, and convey overflows, and additional improvements to existing storm drainage facilities, including box culverts at Grant Avenue, improvements at the PG&E channel, and the addition of a third lower-elevation 60-inch culvert at the end of the PG&E channel, southeast of the outfall. As discussed in the Walnut 10 Drainage Analysis, implementation of these measures would eliminate any increase in flood levels on adjacent properties as shown in Figure 9, 100-Year Flooding Impacts, of Appendix D of the IS/MND and would decrease worst-case 100-year flood event impacts to lands west of the Project site. This is not a potentially significant impact and no changes to the IS/MND, beyond those shown in the Errata and discussed under previous responses, are necessary to address potential stormwater and flooding impacts.

Regarding the timing of mitigation measures HYDRO-1 and HYDRO-2, the Mitigation Monitoring and Reporting Program requires that the mitigation measures be implemented concurrently with or prior to site improvements and be completed prior to issuance of building permits, which ensures that flooding associated with the Project will be in place prior to construction of the residences associated with the Project.

The drainage improvements described in IS/MND Section X, Hydrology and Water Quality under Responses c) and e) would ensure that the Project site is protected from 100-year flood events and would not result in any significant increases in off-site flooding.

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

*Land Use and Planning*

The commenter requests that the City allow for updates to the General Plan, input from the Climate Change board, and other community input so that new infill and other developments meet the needs of the community. The commenter agrees that new housing is needed and there is an opportunity to develop and be inclusive and that it is time to get a General Plan update and not rely on 30-year old planning to get this done. The commenter indicates that these updates should happen before all the infill projects are brought forward. This comment does not address the IS/MND and is noted for the decision-makers consideration.

*Noise*

The commenter indicates that Walnut Lane and Orchard development residents are shielded from many of the sounds of Highway 128 by the trees on the Walnut 10 site. The commenter indicates that no mention of the effect of tree removal on surrounding residents was discussed and no noise mitigations have been offered for this section. The commenter believes that the tree removal will increase noise and sound from SR 128 and Highway 505.

The commenter also indicates a mention of solar PV panels and asks if they are for the new houses or construction and requests this issue be clarified.

The commenter also indicates that no construction times or allowed noise-generating windows are identified, although the residential noise ordinance is described. The commenter indicates that the construction will cause significant impacts to homes abutting the project and will reduce the quiet enjoyment of their homes. The commenter suggests that onerous noise-generating hours (e.g., vibration, ground-shaking work) be limited to 9 am to 4 pm Monday through Friday and 9 am to 2 pm on Saturday, with no work on Sunday. The commenter notes that no limits were suggested or provided in the report. The commenter also notes that during the grading process, idling vehicles and equipment create substantial ongoing noise in addition to air quality mitigations. The commenter requests additional mitigations for noise that protect the existing community and provide for continued quiet enjoyment of their homes, support those who work from home, and those who provide our medical, health, and public safety work.

As identified on p. 78 of the IS/MND, WMC Section 8.20.070.B.4., prohibits the use of any power tools or equipment associated with construction on weekdays and Saturdays after 7 p.m. and before 7 a.m. and at any time on Sundays or holidays and WMC Section 8.20.070.B.5. prohibits operating any device that creates a vibration above the vibration perception threshold of an individual at or beyond the real property boundary of the source. These City requirements ensure that construction noise and vibration impacts will be minimized to off-site receptors. The construction noise discussion on pp. 80 and 81 of the IS/MND is revised to specifically refer to these requirements, to include a mitigation measure addressing hours of construction, to reduce noise associated with construction activities and equipment, including through limiting the hours of construction on weekdays to the times allowed under the City's noise requirements and reducing construction hours on Saturdays to between 8 a.m. and 5 p.m., ensuring noise-producing equipment and vehicles with internal combustion engines are equipped to ensure noise levels are within factory specifications, locating

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

stockpiles and staging areas away from adjacent residences, and limiting noise-producing signals to those for safety warnings, and to remove the reference to solar PV panels.

Related to construction vibration, the discussion under Response b) on pages 80 and 81 of the IS/MND demonstrates that anticipated vibration levels associated with Project construction would be below the threshold of annoyance (for persons) and the threshold of damage to buildings. No changes to the IS/MND are needed to address potential vibration impacts.

*Traffic*

The commenter discusses the amount of traffic occurring at the roundabout traveling south on Walnut, traffic speeds on Walnut Lane, and the increased trips on Walnut Lane. The commenter recommends a number of mitigation measures to address traffic impacts including:

- Red striping on side of Walnut Lane next to the Mariani office
- Allowing only residential and not commercial parking on Walnut Lane
- Analyzing speeding and determining if speed bumps will help the traffic flow
- Analyzing traffic to determine if stop signs are necessary
- Installing a crosswalk for the park with lights and signaling to protect park users

The commenter also indicates their concern that public safety equipment cannot get up the street to the park or their home during the most congested times of day and notes that with or without the Project, this intersection (e.g., Walnut Lane at SR 128 E. Grant Ave) is a problem.

While the commenter indicates general traffic concerns and suggests mitigation for traffic along Walnut Lane, the commenter does not identify any specific traffic issues associated with the Project. The commenter is referred to previous responses, including the responses to Letter 4 under the Transportation discussion, Letter 5 under the Traffic/Site Access discussion, and Letter 9 under Transportation, X regarding traffic levels of service, traffic safety, and emergency vehicle access.

*Utilities and Service Systems*

The commenter indicates that the City has published concerns related to the water system and the cost of Chromium 6 upgrades. The commenter refers to their neighboring property having their water lines flushed bi- or tri-weekly due to their location at the end of the line and speculates that Walnut 10 may become the 'end of the line' and may be faced with water issues that the Traylor's have faced for years. The commenter indicates that it is disingenuous to not outline existing issues as this will require mitigation of existing water quality issues faced by the community. The commenter indicates that the City should consider a development fee to help offset the cost of Chromium -06 and waer upgrades necessary to ensure that the City has quality water and the water for the existing Orchard and Walnut neighbors gets fixed.

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

Regarding Chromium-6, the commenter is referred to Letter 4 under Hydrology and Water Quality. The City will continue to address MCLs as such are established by the Board. The City would be required to address current and future MCLs and existing water quality issues regardless of the Project. While the commenter has identified existing issues, the commenter has not addressed how or whether the Project would result in new or exacerbated issues. The Project would be served by the City's water system and is not anticipated to have any impact related to Chromium 6. The Project would create a looped system serving the Walnut 10 Project that would circulate and flush the water lines serving the development and is not anticipated to result in water quality issues.

*Wildfire*

The commenter indicates that Response a) does not delineate between Walnut 10 being built alone or with Farmstead, indicating that if built with Farmstead, emergency access may be improved for the existing condition and new residents. The commenter further states that if Walnut 10 is built alone, it increases the burden on a neighborhood that only has one exit at Walnut Lane and Grant Avenue. The commenter indicates that Walnut 10 alone is possibly a potentially significant impact and is only less than significant when built in conjunction with Farmstead.

Related to Response b), the commenter indicates that the discussion does not mention the North Wind elements of the site or the new reality of PSPS and wildfire suppression efforts in the community. The commenter indicates that if any welding, open flame, or sparks are ignited during heavy wind days next to the open grass pasture, there is a substantial possibility for a grassfire on the Skreden/Farmstead site. The commenter recommends that mitigations are put in place that do not allow for construction on North Wind days or PSPS events and requests that stricter enforcement of grass fire mitigation be considered during the construction of this project. The commenter further indicates that Responses c) and d) are only valid if Walnut 10 is built with Farmstead and, built alone, Walnut 10 adds to the burden of a neighborhood with one evacuation route out that is blocked by existing users at peak usage. The commenter indicates that the grading and pad raising of the new development will have sections higher than the existing neighborhood and that with one way out in a flood, the neighborhood could be at risk.

The commenter is referred to the response to Letter 5 (Traffic/Site Access) regarding the EVA at Walnut Park, which provides an alternate route of ingress/egress to the Walnut Lane neighborhoods and ensures that access to the area is not solely available via the Walnut Lane/SR 128 (E . Grant Avenue) roundabout in the event of an emergency. Further, as discussed in the IS/MND on p. 98, the Project site is not located in or in the vicinity of a very high fire hazard severity zone so questions a), b), c), and d) are not significant relative to the Project as there is no very high fire hazard severity zone associated with the Project.

*Mandatory Findings of Significance*

The commenter indicates their hope that City, including both the Planning Commission and City Council, will consider the neighbor comments and be open to a larger discussion on increased mitigations or defer the Project to be built in conjunction with Farmstead so that appropriate mitigations can be applied to make this truly less than significant with

**Response to Walnut Lane 10 IS/MND Comments**  
**May 11, 2020**

mitigation incorporation. The commentor indicates that as it stands, there are sections of this report (IS/MND) they feel are a potentially significant impact to the community and that the City must ensure additional mitigations are considered and required.

Comments submitted by the commentor and other members of the community have been reviewed herein. Where revisions to the IS/MND, including additional mitigation, has been determined to be necessary, those have been provided as described herein. Based on the input provided by the community, additional mitigation measures to address concerns related to aesthetics, air quality, and noise have been provided. The Mandatory Findings of Significance discussion in the IS/MND has been updated to reflect these additional mitigation measures.

*Closing Comments*

The commentor indicates that they and their husband are in favor of Walnut 10, but a Walnut 10 development that takes the existing concerns of the neighbors into consideration and is not prepared with a blanket approval. The commentor indicates that the site has issues with flooding and traffic in its current state and that many of their neighbors have clearly been harmed in the past by water flowing directly through the Walnut 10 property and into their homes. The commentor indicates that there is no mention of the flooding harm already experienced by the Orchard neighbors in this report (e.g., IS/MND).

It is noted that this IS/MND focuses on the potential impacts of the Walnut 10 development on the existing environment, including its contribution to traffic and flooding issues which have been addressed previously. The IS/MND does not address, and is not required to address, alleviating existing flooding issues and traffic experienced by nearby properties and neighborhoods in the Walnut 10 vicinity. While these issues may be considered and discussed by the Planning Commission and City Council, the analysis of the IS/MND focuses on the Project's potential to have an effect on the environment and mitigating significant or potentially significant effects associated with the Project. The commenters concerns are noted for the decision-makers consideration.



**Walnut 10 – Errata to the Initial Study/Mitigated Negative Declaration  
May 11, 2020**

Edits to the Initial Study/Mitigated Negative Declaration are shown in underline for additions and ~~strikethrough~~ for deletions.

Page 4 of the IS/MND is revised as follows:

*SURROUNDING LAND USES*

The land directly to the north of the Project site is currently cultivated for agricultural uses. The parcels to the west is a rural residential use with livestock and parcels to the ~~and~~ south of the Project site are characterized by residential uses, and the parcel to the east of the Project site is characterized by agriculture (currently being dry farmed).

Page 5 of the IS/MND is revised as follows:

The Project would be served by existing City water, sewer, and storm drainage infrastructure. The proposed water system will be tied into the 8-inch water line in Walnut Lane and the 8-inch water line in Almond Drive. An 8-inch water line connection is also proposed to the northeast to connect with the future Skreden 61 subdivision. Stormwater would drain to the east of the Project site via a v-ditch to the Grant Avenue culvert. The Project would grade the site to raise areas of the site by approximately 1 to 2.5 feet, as shown on Figure 5, Infrastructure Plan.

If the Project develops concurrently with or following the Skreden 61 property to the east, the Project would coordinate stormwater and flood improvements with the Skreden 61 project. In general, drainage from the Project would be designed to drain overland to the northwesterly portion of the Skreden 61 property, and the Project would have a 24" storm drain connecting to the Skreden 61 storm drainage system. These improvements are described in Section X, Hydrology and Water Quality, and depicted in the Winters 71 Storm Drainage Assessment (see IS/MND Appendix C).

If the Project develops in advance of the Skreden 61 property to the east, a v-ditch and weir would be installed across the Skreden 61 property weir to accommodate, store, and convey stormwater and would connect to an existing culvert at Grant Avenue. The Project would also improve existing storm drainage facilities, including box culverts at Grant Avenue, improvements at the PG&E channel, and the addition of a third lower-elevation 60-inch culvert at the end of the PG&E channel, southeast of the outfall. These improvements are described and depicted in Section X, Hydrology and Water Quality, and in the Walnut 10 Interim Condition Drainage Analysis (see IS/MND Appendix D).

Pages 5 and 6 of the IS/MND are revised as follows:

## **GENERAL PLAN AND ZONING DESIGNATIONS**

### **General Plan**

The existing General Plan land uses and zoning designations adopted by the City of Winters are shown in Figure 6. The Project site is designated Low Density Residential (LDR) by the Winters General Plan Land Use Map. According to the City of Winters General Plan, the LDR designation provides for single-family detached homes, secondary residential units, public and quasi-public uses, and similar and compatible uses. Residential densities of 1.1 to 7.3 units per gross acre are allowed by this land use designation (Zoning Code Chapter 17.60, Table 5). With 54 units on 10.0 acres, the proposed density would be approximately 5.4 dwelling units per gross acre, which is within the allowed density range.

The General Plan designations shown in Figure 6 reflects the designations adopted by the City for the Project site and surrounding lands. Parcels located in unincorporated Yolo County to the

**Walnut 10 – Errata to the Initial Study/Mitigated Negative Declaration**  
**May 11, 2020**

north of the site and directly west of the site are designated Agriculture by the Yolo County General Plan.

**Zoning**

The Project site is zoned Single Family Residential (7,000) (R-1) by the City of Winters Zoning Map. As provided in the Winters Municipal Code, the R-1 zone accommodates a variety of uses, including permitted uses for a variety of residential uses including single-family, two-family or duplex, farmworker housing unit, and accessory dwelling units, for utility services, as well as conditional uses for bed and breakfast inns, convalescence and care service facilities, day care facilities, public parks, religious institutions, mobile homes, residential care facilities. Residential densities of 1.1 to 7.3 units per acre are permitted in the R-1 zoning district. The Project includes a rezone to add a Planned Development (PD) overlay to allow modified development standards, including reduced lot widths and reduced setbacks to accommodate the proposed half-plex lots.

Figure 6 reflects the zoning adopted by the City of Winters for the Project site and adjacent lands. Parcels to the north of the site located in unincorporated Yolo County are zoned Agricultural Intensive (A-N) and the parcel located directly west of the site, outside of the City boundaries, is identified as ‘Cities’ by the Yolo County zoning map.

Pages 22 and 23 of the IS/MND are revised as follows:

The Project would result in the conversion of the Project site from an almond orchard to a single-family residential development. The Project will not significantly disrupt middleground or background views from public viewpoints. The Project would result in changes to the foreground views from the public viewpoint by adding residential buildings to a site that was used for agricultural purposes.

The greatest visual change would apply to the area located south of the Project site with a direct view of the area. Views of the Project site are generally visible from immediately adjacent roadways. While the site is visible from Walnut Park, it is not a significant portion of the viewshed. The views from Walnut Park in the vicinity of the Project site are generally of the public road (Walnut Lane) and single family residential development with the Project site occupying a small portion of the mid- to background views visible from Walnut Park. Upon build-out, the Project would be of similar visual character to nearby and adjacent developments (such as the residential community located to the south of the Project site). For persons travelling along nearby roadways, the Project would appear to be a continuation of adjacent residential land uses and would not present unexpected or otherwise unpleasant aesthetic values within the general Project vicinity.

Upon development of the Project, the Project site would be developed with single family residences, public roads, and landscaping would be provided throughout the Project site. The proposed landscaping includes a variety of plants and support materials at varying heights that would provide some shielding from existing residences in the vicinity. The Project would result in a single family residential character that is similar to the single family residential areas south of the Project site.

Various temporary visual impacts could occur as a result of construction activities as the Project develops, including grading, equipment and material storage, and staging. Though temporary, some of these impacts could last for several weeks or months during any single construction phase. Because impacts would be temporary and viewer sensitivity in the majority of cases would be slight to moderate, significant impacts are not anticipated.

The change in character of the Project site, once developed, is anticipated by the General Plan and would be visually compatible with surrounding uses, including the existing residential uses

**Walnut 10 – Errata to the Initial Study/Mitigated Negative Declaration  
May 11, 2020**

located to the south and west, and the planned residential uses that would be located to the east. Moreover, setbacks and landscaping around the perimeter of the site will buffer the foreground viewshed from residents in the immediate vicinity.

The Project is located within the City of Winters urban boundary and will be required to comply with City regulations addressing visual quality, including building height, density, and lot size requirements established in Winters Municipal Code (WMC) Chapter 17.56 and design review requirements, including quality of exterior construction materials, use of landscaping, decorative site paving, etc. to provide effective visual screening or softening of the development, as necessary, conformance with the Winters design guidelines, avoidance of repetitive designs and site plans for single-family production housing as required by WMC Chapter 17.36. The Winters Design Guidelines include both mandatory and optional (preferred or encouraged) requirements. The mandatory requirements require installation of new residential neighborhoods to incorporate design elements that reflect the best qualities of the historic neighborhoods of Winters, including large street trees and following a grid pattern for streets, require residential neighborhoods to limit repetitive building elevations, provide varied design to create variety and interest, and screen mechanical equipment. The Project has not requested any exemptions from these specified design criteria and would not conflict with these applicable zoning and other regulations related to scenic quality. Landscaping plans, improvement plans, individual home plans, and subsequent plans associated with the Project will be required to comply with these requirements. Therefore, implementation of the Project will result in a visual character that is a continuation of Winter’s residential community, such as the area south of the Project site, and is regulated by the aforementioned City requirements related to scenic quality. Therefore, the Project would have a *less than significant* impact relative to this topic.

Page 23 of the IS/MND is revised as follows:

**Response b):** Assembly Bill No. 998 was approved on July 12, 2019, designated SR 128 as a route in the state scenic highway system (starting from Railroad Avenue in Winters). ~~Although SR 128 is located approximately 1,400 feet from the Project site (at its closest point) and a portion of the Project site is visible from SR 128., the scenic portion of SR 128 is located further away, at approximately 2,400 feet southwest of the Project site (at its closest point).~~ The City of Winters General Plan Policy VIII.A.7 states that the City shall establish design guidelines for new development along Highway 128 reflecting its designation as a Scenic Highway, and that the City shall work with Caltrans and Yolo County in development consistent guidelines. Moreover, as described by this policy, the Project is required to be consistent with any relevant guidelines developed by Yolo County and Caltrans. However, SR 128’s current status as a state scenic highway is “eligible” and it has not yet been officially designated as a state scenic highway. SR 128 will only become an officially designated state scenic highway officially when the local governing body applies to Caltrans for scenic highway approval, adopts a Corridor Protection Program, and receives notification that the highway has been officially designated a Scenic Highway. The City has not yet applied for scenic highway approval and has not adopted a Corridor Protection Program. the Project site is not located within view of this scenic highway, nor any other state scenic highway. Therefore, the Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. Implementation of the Project would have *no impact* relative to this topic.

Pages 23 and 24 of the IS/MND is revised as follows:

**Response d):** The Project site is currently ~~undeveloped/vacant~~ and was formerly used as an orchard ~~(the trees have been removed)~~. The site contains no existing lighting. There is a potential for the Project to create new sources of light and glare. Examples of lighting would include construction lighting, street lighting, exterior building lighting, interior building lighting, and

**Walnut 10 – Errata to the Initial Study/Mitigated Negative Declaration  
May 11, 2020**

automobile lighting. Examples of glare would include reflective building materials and automobiles.

There is a potential for the implementation of the Project to introduce new sources of light and glare into the Project area. With regard to light and glare impacts, the primary source of lighting that could affect sensitive receptors during nighttime would be street lighting. Daytime glare is most likely to result from two sources: reflective building materials and vehicle windshields. Lighting and glare from additional motorists at night and from the residences themselves would be minimal.

Contributors to light and glare impacts would include construction lighting and nighttime street lighting that would create ongoing light impacts to the area. Nighttime construction activities are not anticipated to be required as part of on-site roadway construction. Operational light sources from street lighting may be required to provide for safe travel. Skyglow generated from the Project ~~would be minimal, and~~ is anticipated to be consistent with the subdivisions operating throughout the City and adjacent to Project. The City of Winters Municipal Code does not contain any lighting or glare standards relevant to the Project site, so there is the potential for the Project to include substantial sources of intrusive lighting and/or glare-introducing materials. This is a potentially significant impact.

Fully shielded lighting fixtures have a solid barrier at the top of the fixture where the lamp or bulb is located and the fixture is angled so that light is not visible below the horizontal angle of the barrier. Implementation of Mitigation Measure AES-1 would ensure that the Project lighting is shielded and directed to eliminate upward night lighting, reduce light spillage onto adjacent properties, and reduce excessive illumination in order to reduce night sky impacts, either through use of International Dark Sky-approved fixtures or through submittal of a lighting plan that demonstrates that all lighting fixtures are fully shielded to prevent upward lighting and to reduce off-site spillover lighting, and to ensure that lighting would not have an adverse effect and would ensure that the Project uses building materials that would not result in significant levels of glare. With implementation of the following mitigation measure, the Project would have a **less than significant** impact as it relates to lighting and glare.

*Mitigation Measure*

**Mitigation Measure AES-1:** *The Project applicant shall implement the following lighting and glare requirements. These measures shall apply to all outdoor lighting and to building materials and shall be incorporated as part of the building and improvement plans.*

- *Lighting shall be directed downward and light fixtures shall be fully shielded to prevent reduce upward lighting and to reduce off-site spillover lighting. Compliance with this requirement may be fulfilled either 1) through use of exterior lighting and street light fixtures that have received International Dark Sky seal of approval or 2) submittal of a lighting plan that demonstrates all exterior lighting complies with this measure.*
- *Any lighting associated with construction activities shall be fully shielded to prevent upward lighting and to reduce off-site spillover lighting.*
- *Lighting, ~~and~~ exterior building light fixtures, and materials shall be designed to reduce the effects of glare off of glass and metal surfaces.*

Page 27 of the IS/MND is revised as follows:

<b>Would the Project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
---------------------------	---------------------------------------	-----------------------------------	-------------------------------------	------------------

**Walnut 10 – Errata to the Initial Study/Mitigated Negative Declaration  
May 11, 2020**

	<i>Mitigation Incorporation</i>		
a) Conflict with or obstruct implementation of the applicable air quality plan?	X	X	
b) 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?	X	X	

Pages 28 and 29 of the IS/MND is revised as follows:

*Construction Emissions*

Because the Project is located within the nonattainment area for State ozone and PM standards, the Project would be subject to any requirements set forth in the 2019 Triennial Assessment and Plan Update or YSAQMD efforts related to PM emissions, as enforced by YSAQMD through rules and regulations.

It is anticipated that approximately 99 percent of the PM<sub>10</sub> emissions during the construction emissions years (i.e. in year 2020) would be related to PM<sub>10</sub> dust, with the remainder related to PM<sub>10</sub> exhaust. The YSAQMD recommends the use of construction dust mitigation measures to reduce PM<sub>10</sub> emissions during construction. The Yolo-Solano Air Quality Management District’s *Handbook for Assessing and Mitigating Air Quality Impacts* (2007) provides a list of dust mitigation measures along with their effectiveness at reducing PM<sub>10</sub> emissions; Table AQ-1 lists the most effective measures for each source category below.

**Table AQ-1: Construction Dust Mitigation**

<i>Mitigation Measure</i>	<i>Source Category</i>	<i>Effectiveness</i>	<i>References</i>
Water all active construction sites at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.	Fugitive emissions from active, unpaved construction areas	50%	U.S. EPA, AP-42
Haul trucks shall maintain at least 2 feet of freeboard	Spills from haul trucks	90%	Monterey Bay Unified APCD
Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed area.	Wind erosion from inactive areas	Up to 80% (assumed 40%)	U.S. EPA, AP-42
Cover inactive storage piles	Wind erosion from storage piles	Up to 90%	U.S. EPA "AP-42, Vol. I." Pg. 11.2.3-4)
Sweep streets if visible soil material is carried out from the construction site.	On-road entrained PM <sub>10</sub>	14%	U.S. EPA Report Number EPA-600/R-95-171
Treat accesses to a distance of 100 feet from the paved road with a 6-inch layer of gravel.	Mud/dirt carryout on-road entrained PM <sub>10</sub>	42-52% (assumed 42%)	U.S. EPA Report Number EPA-600/R-95-171

SOURCES: YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT’S HANDBOOK FOR ASSESSING AND MITIGATING AIR QUALITY IMPACTS (2007)

The primary source of ozone precursor emissions during the construction phase is construction equipment exhaust. The YSAQMD Handbook recommends that mitigation of construction equipment exhaust should focus on strategies that reduce NOx, ROG, and PM10 emissions, which may include restricting unnecessary vehicle idling to 5 minutes, using reformulated and emulsified fuels, and modernizing the equipment fleet with cleaner repower and newer engines.

Implementation of the dust mitigation measures listed in Table AIR-1 would ensure that Project-related construction PM<sub>10</sub> emissions are less than significant. With implementation of the

**Walnut 10 – Errata to the Initial Study/Mitigated Negative Declaration**  
**May 11, 2020**

following mitigation measure, which are consistent with the mitigation list in Table AQ-1 and YSAQMD-recommended construction equipment exhaust measures, the Project would have a **less than significant** impact as it relates to construction emissions.

*Mitigation Measures*

**Mitigation Measure AIR-1:** *The Project applicant shall prepare a Construction Emission/Dust Control Plan prior to approval of grading and improvement plans. The Construction Emission/Dust Control Plan implement the following construction exhaust and dust control measures during all construction activities. These measures shall be incorporated as part of the building and grading plans.*

Dust Control

- *Water all active construction sites at least three times daily. Frequency should be based on the type of operation, soil, and wind exposure.*
- *Cover all trucks hauling dirt, sand, or loose materials.*
- *Apply water or dust palliatives on exposed earth surfaces as necessary to control dust emissions. Construction contracts shall include dust control treatment in late morning and at the end of the day, of all earth surfaces during clearing, grading, earth moving, and other site preparation activities. Non-potable water shall be used, where feasible. Existing wells shall be used for all construction purposes where feasible. Excessive watering will be avoided to minimize tracking of mud from the Project onto streets as determined by Public Works.*
- *Grading operations on the site shall be suspended during periods of high winds (i.e. winds greater than 15 miles per hour).*
- *Outdoor storage of fine particulate matter on construction sites shall be prohibited.*
- *Contractors shall securely cover any stockpiles of soil, sand and similar materials. There shall be no storage of uncovered construction debris for more than one week; during periods of high winds, all construction debris stored on-site shall be securely covered.*
- *Re-vegetation or stabilization of exposed earth surfaces shall be required in all inactive areas in the Project. Cover all trucks hauling dirt, sand, or loose materials.*
- *Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed area.*
- *Sweep streets if visible soil material is carried out from the construction site.*
- *Treat accesses to a distance of 100 feet from the paved road with a 6-inch layer of gravel.*
- *Reduce speed on unpaved roads to less than 5 miles per hour.*

Construction Exhaust Emissions

- *Construction vehicle shall comply with all applicable regulations that limit idling times, including California Code of Regulations Section 2485 ( Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling).*
- *The Project shall demonstrate compliance with all applicable State and YSAQMD requirements related to construction activities, including but not limited to, YSAQMD Rules 2.1 (Control of Emissions), 2.3 (Visible Emissions from Stationary Diesel-Powered Equipment), 2.5 (Prohibits Detrimental and Nuisance Emissions), 2.11 (Particulate Matter Concentration), R 2.12 (Combustion Contaminants), 2.14 (Limit Volatile Organic Compounds in Architectural Coatings), and 2.37 (Natural Gas-Fired Water Heaters and Small Boilers) and the CARB-administered In-Use Off-Road Diesel-Fueled Fleets Regulation.*
- *An enforcement plan shall be established to ensure all exhaust-generating construction equipment is maintained in proper working order according to manufacturer specifications*

**Walnut 10 – Errata to the Initial Study/Mitigated Negative Declaration  
May 11, 2020**

and to weekly evaluate project-related on-and-off-road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180-2194. An Environmental Coordinator, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate project related off-road and heavy-duty on-road equipment emissions for compliance with this requirement. Operators of vehicles and equipment found to exceed opacity limits will be notified and the equipment must be repaired within 72 hours.

Job Site Posting

- The Project site shall be posted with a sign that lists applicable air quality rules, regulations, and requirements that all contractors and construction workers shall follow, as provided in this mitigation measure. The sign shall provide contact information for the Project's Construction Manager, the City Planner, and YSAQMD enforcement staff and shall include the following link to regional air quality information: <https://www.ysaqmd.org/plans-data/air-quality-data/>, where interested parties can sign up for YSAQMD forecasts, alerts, and advisories related to air quality.

Page 30 is the IS/MND is revised as follows:

*Compliance with Existing Law*

The Project is required to comply with all applicable YSAQMD rules and regulations, such as Rule 2.1 (Control of Emissions), Rule 2.3 (Visible Emissions from Stationary Diesel-Powered Equipment Rule 2.5 (Prohibits Detrimental and Nuisance Emissions), Rule 2.11 (Particulate Matter Concentration), Rule 2.12 (Combustion Contaminants), Rule 2.14 (Limit Volatile Organic Compounds in Architectural Coatings), Rule 2.37 (Natural Gas-Fired Water Heaters and Small Boilers), Rule 2.40 (Wood Burning Appliances), Rule 3.4 (New Source Review), and Rule 3.7 (Emission Statements), and any other YSAQMD rule or regulation related to operations determined to be applicable to the Project by YSAQMD staff. Mitigation Measure AIR-1 requires the Project to comply with all YSAQMD rules and regulations and to clearly post applicable requirements on the Project site for the duration of construction activities. Compliance with the aforementioned YSAMQD rules and regulations would help to minimize emissions generated during Project construction and operations.

Page 31 of the IS/MND is revised as follows:

*Conclusion*

With incorporation of Mitigation Measure AIR-1, the Project would not conflict with and/or obstruct implementation of the YSAQMD's air quality planning efforts, violate any applicable standard, or contribute substantially to an existing or Projected air quality violation. Therefore, with mitigation incorporated, the Project would have a **less than significant** impact relative to this topic.

Page 49 of the IS/MND is revised as follows:

**Mitigation Measure GEO-2:** Prior to submittal of improvement plans, a geotechnical/soils report shall be submitted to the City of Winters for review and approval, as a condition on the tentative map. The geotechnical/soils report shall incorporate an analysis of the susceptibility of the Project site, including any fill materials, to liquefaction, and unstable and expansive soils, in order to appropriately inform the final design of Project roadways and building pad compaction. The geotechnical/soils report shall include recommendations to ensure fill materials are adequately

**Walnut 10 – Errata to the Initial Study/Mitigated Negative Declaration  
May 11, 2020**

engineered and to ensure best practices are followed to address any liquefaction, expansive, stability, or other issues identified in the analysis of site conditions.

Page 49 of the IS/MND is revised as follows:

**Response b):** The Project site is currently undeveloped~~vacant~~ and was formerly used as an orchard.

Page 58 of the IS/MND is updated under Responses a), b) as follows:

The Project site is currently undeveloped~~vacant~~ and was formerly used as an orchard.

the AO zone which is defined by the Federal Emergency Management Agency (FEMA) as areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

P. 64 of the IS/MND is revised as follows:

**Mitigation Measure HYDRO-1:** *Prior to issuance of building permits, the Project applicant shall implement the following flood measures to ensure that all off-site runoff entering the Project site under the worst-case condition is contained and/or conveyed to downstream facilities in order to safely convey potential flooding without creating adverse impacts. The City of Winters Public Works Department will be responsible for monitoring implementation of these flood protection measures.*

Grading and Elevation: *Grading and improvements shall be implemented, including improvements shown on the Project's Infrastructure Plan and the improvements identified by the Winters 71 Storm Drainage Assessment, to elevate the Project site and remove the Project site from the design 100-year storm event floodplain prior to issuance of building permits. All grading and improvements shall be designed by a licensed engineer and be accepted by the Public Works Director.*

**Mitigation Measure HYDRO-2:** *Prior to the issuance of building permits, subject to monitoring by the City of Winters Public Works Department, if the Skreden 61 property and proposed Skreden 61 drainage improvements (i.e. the property located immediately to the east of the Project site) are not built in advance or concurrently with the Project as anticipated by Mitigation Measure HYDRO-1, the Project applicant shall construct the drainage improvements as described and modeled in the Walnut 10 Subdivision Interim Condition Drainage Analysis Technical Memorandum (prepared by Wood Rogers), including but not limited to installation of the temporary v-ditch across the Skreden 61 property and connecting to an existing culvert at Grant Avenue. All drainage improvements shall be designed by a licensed engineer and be accepted by the Public Works Director.*

Page 72 of the IS/MND is revised as follows:

<b>Would the Project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X	X	

**Walnut 10 – Errata to the Initial Study/Mitigated Negative Declaration**  
**May 11, 2020**

P. 80 of the IS/MND is revised as follows:

**Response a):** Construction noise would be temporary, lasting a period of a few weeks to a few months. Construction noise would differ among various stages of construction and is dependent upon the specific activities and equipment used. It is anticipated that the largest amount of construction-related noise would be generated during the initial grading and earthwork; however, the amount of grading and earthwork during Project construction would be minimal, so there would be less construction noise during installation of the solar PV panels than would be typical for other Project types (e.g. for Projects with residential or non-residential buildings). Construction of the proposed project would temporarily increase noise levels during construction. Construction activities will include grading and site preparation, maintenance of roadways, installation of public utilities, infrastructure improvements, and construction of the residential uses associated with the project. These activities include the use of heavy equipment and impact tools.

Section 8.20.070.B.4 of the Winters Municipal Code establishes provisions addressing noise impacts associated with construction. Specifically, Section 8.20.070.B.4., prohibits the use of any power tools or equipment associated with construction on weekdays and Saturdays after 7 p.m. and before 7 a.m. and at any time on Sundays or holidays. While the City's Municipal Code provisions are considered adequate to reduce potential noise impacts associated with the Project to less than significant, Mitigation Measure N-1 is provided to give nearby residents additional assurance that noise associated with construction activities will be reduced through limiting the hours of construction on weekdays to the times allowed under the City's noise requirements and reducing construction hours on Saturdays to between 8 a.m. and 5 p.m., ensuring noise-producing equipment and vehicles with internal combustion engines are equipped to ensure noise levels are within factory specifications, locating stockpiles and staging areas away from adjacent residences, and limiting noise-producing signals to those for safety warnings.

Mitigation Measure

**Mitigation Measure N-1:** *The following measures shall be included as standard notes on all improvement plans and shall be implemented during all phases of grading, site preparation, and construction of the proposed project:*

- Construction activity on the site shall be limited to weekday daytime hours (7:00 a.m. to 7:00 p.m.) and Saturdays between 8:00 a.m. and 5:00 p.m. No construction activity is allowed on Sundays and National Holidays.
- All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specifications. Mobile or fixed "package" equipment (e.g., air compressors) shall be equipped with shrouds and noise-control features that are readily available for that type of equipment.
- All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, state, or local agency shall comply with such regulations while in the course of project activity.
- Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located centrally or in the northeastern portion of the site and be as far as practicable from noise-sensitive receptors (adjacent residential uses). Material stockpiles and staging areas shall be indicated on project plans prior to issuance of grading and building permits.

**Walnut 10 - Errata to the Initial Study/Mitigated Negative Declaration**  
**May 11, 2020**

- Construction site and access road speed limits shall be established and enforced during the construction period. Speed limits shall be noted on project plans prior to issuance of grading and building permits.
- The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.

## INTRODUCTION

The California Environmental Quality Act (CEQA) Guidelines, Section 15074(d), requires public agencies, as part of the adoption of a mitigated negative declaration, to adopt a reporting and monitoring program to ensure that changes made to the project as conditions of project approval to mitigate or avoid significant environmental effects are implemented. The Mitigation Monitoring and Reporting Program (MMRP) contained herein is intended to satisfy the requirements of CEQA as they relate to the Walnut Lane 10 Project (Project) in the City of Winters (City). The MMRP is intended to be used by City staff, Project applicant, Project contractors, and mitigation monitoring personnel during implementation of the Project.

The MMRP will provide for monitoring of construction activities as necessary in-the-field identification and resolution of environmental concerns and reporting to City staff. The MMRP will consist of the components described below.

## COMPLIANCE CHECKLIST

Table 1 contains a compliance-monitoring checklist that identifies all adopted mitigation measures, identification of agencies responsible for enforcement and monitoring, and timing of implementation.

## FIELD MONITORING OF MITIGATION MEASURE IMPLEMENTATION

During construction of the Project, the City's designated construction inspector will be responsible for monitoring the implementation of mitigation measures. The inspector will report to the City of Winters Public Works Department and will be thoroughly familiar with all plans and requirements of the project. In addition, the inspector will be familiar with construction contract requirements, construction schedules, standard construction practices, and mitigation techniques. Aided by Table 1, the inspector will typically be responsible for the following activities:

1. On-site, day to day monitoring of construction activities;
2. Reviewing construction plans to ensure conformance with adopted mitigation measures;
3. Ensuring contractor knowledge of and compliance with all appropriate conditions of project approval;
4. Evaluating the adequacy of construction impact mitigation measures, and proposing improvements to the contractors and City staff;
5. Requiring correction of activities that violate project mitigation measures, or that represent unsafe or dangerous conditions. The inspector shall have the ability and authority to secure compliance with the conditions or standards through the City of Winters Community Development Department and Public Works Department, if necessary;
6. Acting in the role of contact for property owners or any other affected persons who wish to register observations of violations of project mitigation measures, or unsafe or dangerous conditions. Upon receiving any complaints, the inspector shall immediately contact the construction representative. The inspector shall be responsible for verifying any such

observations and for developing any necessary corrective actions in consultation with the construction representative and the City of Winters Public Works Department;

7. Maintaining prompt and regular communication with City staff;
8. Obtaining assistance as necessary from technical experts, such as archaeologists and wildlife biologists, to develop site-specific procedures for implementing the mitigation measures adopted by the City for the project. For example, it may be necessary at times for a wildlife biologist to work in the field with the inspector and construction contractor to explicitly identify and mark areas to be avoided during construction; and
9. Maintaining a log of all significant interactions, violations of permit conditions or mitigation measures, and necessary corrective measures.

### GRADING PERMITS

Grading permits include any permits or approvals for site grading or other earthmoving activities.

### PLAN CHECK

Many mitigation measures will be monitored via plan check during Project implementation. City staff will be responsible for monitoring plan check mitigation measures.

MITIGATION MONITORING AND REPORTING PROGRAM

**TABLE 1: MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MEASURE	TIMING/IMPLEMENTATION	ENFORCEMENT/ MONITORING	VERIFICATION OF COMPLIANCE
<p><b>Mitigation Measure AES-1:</b> The Project applicant shall implement the following lighting and glare requirements. These measures shall apply to all outdoor lighting and to building materials and shall be incorporated as part of the building and improvement plans.</p> <ul style="list-style-type: none"> <li>• Lighting shall be directed downward, and light fixtures shall be fully shielded to prevent upward lighting and to reduce off-site spillover lighting. Compliance with this requirement may be fulfilled either 1) through use of exterior lighting and streetlight fixtures that have received International Dark Sky seal of approval or 2) submittal of a lighting plan that demonstrates all exterior lighting complies with this measure.</li> <li>• Any lighting associated with construction activities shall be fully shielded to prevent upward lighting and to reduce off-site spillover lighting.</li> <li>• Lighting, exterior building light fixtures, and materials shall be designed to reduce the effects of glare off glass and metal surfaces.</li> </ul>	<p>Lighting documentation shall be submitted with improvement plans and shall be adhered to throughout Project construction and development</p>	<p>City of Winters Community Development Department</p>	
<p><b>Mitigation Measure AIR-1:</b> The Project applicant shall prepare a Construction Emission/Dust Control Plan prior to approval of grading and improvement plans. The Construction Emission/Dust Control Plan implement the following construction exhaust and dust control measures during all construction activities. These measures shall be incorporated as part of the building and grading plans.</p> <p><u>Dust Control</u></p> <ul style="list-style-type: none"> <li>• Water all active construction sites at least three times daily. Frequency should be based on the type of operation, soil, and wind exposure.</li> <li>• Cover all trucks hauling dirt, sand, or loose materials.</li> </ul>	<p>Approval of the Construction Emission and Dust Control Plan and the inventory of equipment prior to issuance of permits for any earthmoving or grading activities; implementation Plan of throughout all grading and construction activities</p>	<p>City of Winters Community Development / Yolo-Solano Air Quality Management District</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURE	TIMING/IMPLEMENTATION	ENFORCEMENT/ MONITORING	VERIFICATION OF COMPLIANCE
<ul style="list-style-type: none"> <li>• Apply water or dust palliatives on exposed earth surfaces as necessary to control dust emissions. Construction contracts shall include dust control treatment in late morning and at the end of the day, of all earth surfaces during clearing, grading, earth moving, and other site preparation activities. Non-potable water shall be used, where feasible. Existing wells shall be used for all construction purposes where feasible. Excessive watering will be avoided to minimize tracking of mud from the Project onto streets as determined by Public Works.</li> <li>• Grading operations on the site shall be suspended during periods of high winds (i.e. winds greater than 15 miles per hour).</li> <li>• Outdoor storage of fine particulate matter on construction sites shall be prohibited.</li> <li>• Contractors shall securely cover any stockpiles of soil, sand and similar materials. There shall be no storage of uncovered construction debris for more than one week; during periods of high winds, all construction debris stored on-site shall be securely covered.</li> <li>• Re-vegetation or stabilization of exposed earth surfaces shall be required in all inactive areas in the Project. Cover all trucks hauling dirt, sand, or loose materials.</li> <li>• Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed area.</li> <li>• Sweep streets if visible soil material is carried out from the construction site.</li> <li>• Treat accesses to a distance of 100 feet from the paved road with a 6-inch layer of gravel.</li> <li>• Reduce speed on unpaved roads to less than 5 miles per hour.</li> </ul> <p><u>Construction Exhaust Emissions</u></p> <ul style="list-style-type: none"> <li>• Construction vehicle shall comply with all applicable regulations that limit idling times, including California Code of Regulations</li> </ul>			

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURE	TIMING/IMPLEMENTATION	ENFORCEMENT/ MONITORING	VERIFICATION OF COMPLIANCE
<p>Section 2485 (Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling).</p> <ul style="list-style-type: none"> <li>The Project shall demonstrate compliance with all applicable State and YSAQMD requirements related to construction activities, including but not limited to, YSAQMD Rules 2.1 (Control of Emissions), 2.3 (Visible Emissions from Stationary Diesel-Powered Equipment), 2.5 (Prohibits Detrimental and Nuisance Emissions), 2.11 (Particulate Matter Concentration), R 2.12 (Combustion Contaminants), 2.14 (Limit Volatile Organic Compounds in Architectural Coatings), and 2.37 (Natural Gas-Fired Water Heaters and Small Boilers) and the CARB-administered In-Use Off-Road Diesel-Fueled Fleets Regulation.</li> <li>An enforcement plan shall be established to ensure all exhaust-generating construction equipment is maintained in proper working order according to manufacturer specifications and to weekly evaluate project-related on-and-off-road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180-2194. An Environmental Coordinator, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate project related off-road and heavy-duty on-road equipment emissions for compliance with this requirement. Operators of vehicles and equipment found to exceed opacity limits will be notified and the equipment must be repaired within 72 hours.</li> </ul> <p><u>Job Site Posting</u></p> <ul style="list-style-type: none"> <li>The Project site shall be posted with a sign that lists applicable air quality rules, regulations, and requirements that all contractors and construction workers shall follow, as provided in this mitigation measure. The sign shall provide contact information for the Project's Construction Manager, the City Planner, and YSAQMD enforcement staff and shall include the following link to regional air quality information:</li> </ul>			

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURE	TIMING/IMPLEMENTATION	ENFORCEMENT/MONITORING	VERIFICATION OF COMPLIANCE
<p><a href="https://www.ysaqmd.org/plans-data/air-quality-data/">https://www.ysaqmd.org/plans-data/air-quality-data/</a>, where interested parties can sign up for YSAQMD forecasts, alerts, and advisories related to air quality.</p>			
<p><b>Mitigation Measure BIO-1:</b> A targeted Swainson's hawk nest survey shall be conducted throughout all publicly accessible areas within ¼ mile of the proposed construction area no later than 14 days prior to construction activities. If active Swainson's hawk nests are found within ¼ mile of a construction area, construction shall cease within ¼ mile of the nest until a qualified biologist (Project Biologist) determines that the young have fledged, or it is determined that the nesting attempt has failed. If the Applicant desires to work within ¼ mile of the nest, the Applicant shall consult with CDFW, and the City of Winters to determine if the nest buffer can be reduced. The Project Applicant, the Project Biologist, the City of Winters and CDFW shall collectively determine the nest avoidance buffer, and what (if any) nest monitoring is necessary. If an active Swainson's hawk nest is found within the Project site prior to construction and is in a tree that must be removed during nesting season, then the Project Applicant shall obtain a take permit from CDFW.</p>	<p>Surveys completed and provided to City no later than 14 days before any construction activities in the nesting period (February 1 through October 31); if active nests are identified, measures identified in Bio-1 shall be implemented throughout the nesting period</p>	<p>City of Winters Community Development Department</p>	
<p><b>Mitigation Measure BIO-2:</b> A targeted burrowing owl nest survey shall be conducted within all publicly accessible grassland areas within 250 feet of the proposed construction within 14 days prior to construction activities utilizing 60 foot transects as outlined in the Staff Report on Burrowing Owl Mitigation (2012). If an active burrowing owl nest burrow (i.e., occupied by more than one adult owl, and/or juvenile owls are observed) is found within 250 feet of a construction area, construction shall cease within 250 feet of the nest burrow until a qualified biologist (Project Biologist) determines that the young have fledged or it is determined that the nesting attempt has failed. If the Applicant desires to work within 250 feet of the nest burrow, the Applicant shall consult with the City of Winters to determine if the nest</p>	<p>Surveys completed and provided to City within 14 days prior to construction activities; if active nests are identified, measures identified in Bio-2 shall be implemented throughout the nesting period</p>	<p>City of Winters Community Development Department</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURE	TIMING/IMPLEMENTATION	ENFORCEMENT/ MONITORING	VERIFICATION OF COMPLIANCE
<p>buffer can be reduced. During the non-breeding season (late September 1st through the end of January), the Applicant may choose to conduct a survey for burrows or debris that represent suitable nesting habitat for burrowing owls within publicly accessible buffer areas, exclude any burrowing owls observed, and collapse any burrows or remove the debris in accordance with the methodology outlined in the Staff Report.</p>			
<p><b>Mitigation Measure BIO-3:</b> A pre-construction nesting bird survey shall be conducted by the Project Biologist within the Project site and a 250-foot radius of proposed construction areas, where public access is available, no more than fourteen (14) days prior to the initiation of construction. If there is a break in construction activity of more than fourteen (14) days, then subsequent surveys shall be conducted.</p> <p>If active raptor nests, not including Swainson's hawk are found, no construction activities shall take place within 250 feet of the nest until the young have fledged. If active songbird nests are found, a 100-foot no disturbance buffer will be established. These no-disturbance buffers may be reduced if a smaller buffer is proposed by the Project Biologist and approved by the City of Winters after taking into consideration the natural history of the species of bird nesting, the proposed activity level adjacent to the nest, habituation to existing or ongoing activity, and nest concealment (are there visual or acoustic barriers between the proposed activity and the nest). The Project Biologist can visit the nest as needed to determine when the young have fledged the nest and are independent of the site or the nest can be left undisturbed until the end of the nesting season.</p>	<p>Surveys completed and provided to City no more than 14 days before any construction activities in the nesting period (February 1 through October 31); if active nests are identified, measures implemented in Bio-3 shall be nesting period</p>	<p>City of Winters Community Development Department</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURE	TIMING/IMPLEMENTATION	ENFORCEMENT/MONITORING	VERIFICATION OF COMPLIANCE
<p><b>Mitigation Measure BIO-4:</b> Should construction activities cause a nesting bird to do any of the following in a way that would be considered a result of construction activities, then the exclusionary buffer shall be increased such that activities are far enough from the nest to stop this agitated behavior. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined by the Project Biologist in consultation with the City of Winters:</p> <ul style="list-style-type: none"> <li>• Vocalize;</li> <li>• make defensive flights at intruders;</li> <li>• get up from a brooding position; or</li> <li>• fly off the nest.</li> </ul> <p>Construction activities may only resume within the buffer zone after a follow-up survey by the Project Biologist has been conducted and a report has been prepared indicating that the nest (or nests) are no longer active, and that no new nests have been identified.</p>	<p>Measure shall be implemented throughout construction activities during the nesting seasons addressed by Mitigation Measures BIO-1 through BIO-3</p>	<p>City of Winters Community Development Department</p>	
<p><b>Mitigation Measure BIO-5:</b> To avoid potential impacts to foliage-roosting bat species, all tree removal shall be conducted from January through April on days with temperatures in excess of 50 degrees F.</p>	<p>Included as a note on orchard demolition/grading plan and adhered to throughout tree removal activities</p>	<p>City of Winters Community Development Department</p>	
<p><b>Mitigation Measure CLT-1:</b> Prior to any ground-disturbing activities, cultural sensitivity training, including training regarding the types of resources or artifacts that may be present on the Project site and proper steps to take if any resources or artifacts are discovered during any ground-disturbing or construction activities. The cultural sensitivity training shall be conducted for all construction contractors that will be involved in ground-disturbing activities. The cultural sensitivity training shall be coordinated with the Yocha Dehe Wintun Nation.</p>	<p>Prior to any ground-disturbing activities</p>	<p>City of Winters Community Development Department</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURE	TIMING/IMPLEMENTATION	ENFORCEMENT/ MONITORING	VERIFICATION OF COMPLIANCE
<p><b>Mitigation Measure CLT-2:</b> <i>If any prehistoric or historic artifacts, or other indications of archaeological resources are found during grading and construction activities, work shall be halted in that area within 50 feet (15 meters) of the find. A qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be consulted to evaluate the finds and recommend appropriate mitigation measures. The Yocha Dehe Wintun Nation shall be notified of the find and provided an opportunity to recommend appropriate conservation or preservation steps.</i></p> <p><i>If cultural resources or Native American resources are identified, every effort shall be made to avoid significant cultural resources, with preservation an important goal. If significant sites cannot feasibly be avoided, appropriate mitigation measures, such as data recovery excavations or photographic documentation of buildings, shall be undertaken consistent with applicable state and federal regulations, as well as in consultation with the City of Winters and the property owner. Furthermore:</i></p> <ul style="list-style-type: none"> <li><i>If human remains are discovered, all work shall be halted immediately within 50 meters (165 feet) of the discovery, the County Coroner must be notified, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.</i></li> <li><i>If any fossils are encountered, there shall be no further disturbance of the area surrounding this find until the materials have been evaluated by a qualified paleontologist, and appropriate treatment measures have been identified.</i></li> </ul>	<p>Include as a note on all grading and improvement plans prior to approval, implement during all grading and construction activities</p>	<p>City of Winters Community Development Department</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURE	TIMING/IMPLEMENTATION	ENFORCEMENT/ MONITORING	VERIFICATION OF COMPLIANCE
<p><b>Mitigation Measure GEO-1:</b> Prior to issuance of any building permits, the developer shall be required to submit building plans to the City of Winters for review and approval. The building plans shall also comply with all applicable requirements of the most recent California Building Standards Code. All on-site soil engineering activities shall be conducted under the supervision of a licensed geotechnical engineer or certified engineering geologist.</p>	<p>Prior to issuance of building permits</p>	<p>City of Winters Public Works Department</p>	
<p><b>Mitigation Measure GEO-2:</b> Prior to submittal of improvement plans, a geotechnical/soils report shall be submitted to the City of Winters for review and approval, as a condition on the tentative map. The geotechnical/soils report shall incorporate an analysis of the susceptibility of the Project site, including any fill materials, to liquefaction, and unstable and expansive soils, in order to appropriately inform the final design of Project roadways and building pad compaction. The geotechnical/soils report shall include recommendations to ensure fill materials are adequately engineered and to ensure best practices are followed to address any liquefaction, expansive, stability, or other issues identified in the analysis of site conditions.</p>	<p>Prior to submittal of improvement plans</p>	<p>City of Winters Public Works Department</p>	
<p><b>Mitigation Measure GEO-3:</b> The Project applicant shall submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the RWQCB in accordance with the NPDES General Construction Permit requirements. The SWPPP shall be designed to control pollutant discharges utilizing Best Management Practices (BMPs) and technology to reduce erosion and sediments. BMPs may consist of a wide variety of measures taken to reduce pollutants in stormwater runoff from the Project site. Measures shall include temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) that will be employed to control erosion from disturbed areas. Final selection of BMPs will be subject to approval by the</p>	<p>Prior to approval of grading and improvement plans; implemented during all phases of grading, construction, and site development activities</p>	<p>City of Winters Public Works Department</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURE	TIMING/IMPLEMENTATION	ENFORCEMENT/ MONITORING	VERIFICATION OF COMPLIANCE
<p>City of Winters and the RWQCB. The SWPPP will be kept on site during construction activity and will be made available upon request to representatives of the RWQCB.</p>			
<p><b>Mitigation Measure HYDRO-1:</b> Prior to issuance of building permits, the Project applicant shall implement the following flood measures to ensure that all off-site runoff entering the Project site under the worst-case condition is contained and/or conveyed to downstream facilities in order to safely convey potential flooding without creating adverse impacts. The City of Winters Public Works Department will be responsible for monitoring implementation of these flood protection measures.</p> <p>Grading and Elevation: Grading and improvements shall be implemented, including improvements shown on the Project's Infrastructure Plan and the improvements identified by the Winters 71 Storm Drainage Assessment, to elevate the Project site and remove the Project site from the design 100-year storm event floodplain prior to issuance of building permits. All grading and improvements shall be designed by a licensed engineer and be accepted by the Public Works Director.</p>	<p>Prior to issuance of building permits</p>	<p>City of Winters Public Works Department</p>	
<p><b>Mitigation Measure HYDRO-2:</b> Prior to the issuance of building permits, subject to monitoring by the City of Winters Public Works Department, if the Skreden 61 property and proposed Skreden 61 drainage improvements (i.e. the property located immediately to the east of the Project site) are not built in advance or concurrently with the Project as anticipated by Mitigation Measure HYDRO-1, the Project applicant shall construct the drainage improvements as described and modeled in the Walnut 10 Subdivision Interim Condition Drainage Analysis Technical Memorandum (prepared by Wood Rogers), including but not limited to installation of the temporary v-ditch across the Skreden 61 property and connecting to an existing culvert at Grant</p>	<p>Prior to issuance of building permits</p>	<p>City of Winters Public Works Department</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURE	TIMING/IMPLEMENTATION	ENFORCEMENT/ MONITORING	VERIFICATION OF COMPLIANCE
<p><i>Avenue. All drainage improvements shall be designed by a licensed engineer and be accepted by the Public Works Director.</i></p>			
<p><b>Mitigation Measure HYDRO-3:</b> <i>The Project Applicant shall submit a Conditional Letter of Map Revision (CLOMR) (with the supporting technical data) to FEMA and shall obtain approval from FEMA prior to the approval of grading plans.</i></p>	<p>Prior to approval of grading plans</p>	<p>City of Winters Public Works Department</p>	
<p><b>Mitigation Measure N-1:</b> <i>The following measures shall be included as standard notes on all improvement plans and shall be implemented during all phases of grading, site preparation, and construction of the proposed project:</i></p> <ul style="list-style-type: none"> <li>• <i>Construction activity on the site shall be limited to weekday daytime hours (7:00 a.m. to 7:00 p.m.) and Saturdays between 8:00 a.m. and 5:00 p.m. No construction activity is allowed on Sundays and National Holidays.</i></li> <li>• <i>All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specifications. Mobile or fixed "package" equipment (e.g., air compressors) shall be equipped with shrouds and noise-control features that are readily available for that type of equipment.</i></li> <li>• <i>All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, state, or local agency shall comply with such regulations while in the course of project activity.</i></li> <li>• <i>Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located centrally or in the northeastern portion of the site and be as far as practicable from noise-sensitive receptors (adjacent residential uses). Material</i></li> </ul>	<p>Included as a note on improvement plans; implemented throughout all grading and construction activities</p>	<p>City of Winters Community Development Department</p>	

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURE	TIMING/IMPLEMENTATION	ENFORCEMENT/ MONITORING	VERIFICATION OF COMPLIANCE
<p>stockpiles and staging areas shall be indicated on project plans prior to issuance of grading and building permits.</p> <ul style="list-style-type: none"> <li>• Construction site and access road speed limits shall be established and enforced during the construction period. Speed limits shall be noted on project plans prior to issuance of grading and building permits.</li> <li>• The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.</li> </ul>			
<p><b>Mitigation Measure PUBLIC-1:</b> The applicant shall pay applicable park in-lieu fees or dedicate parkland in accordance with the City of Winters Municipal Code, consistent with Policy V.A.2. of the Winters General Plan. Proof of payment of the in-lieu fees shall be submitted to the City Engineer.</p>	<p>Prior to issuance of building permits</p>	<p>City of Winters Public Works Department</p>	

*This page left intentionally blank.*

**FINDINGS OF FACT AND  
DRAFT CONDITIONS OF APPROVAL FOR WALNUT LANE 10 TENTATIVE MAP**

**May 26, 2020**

**FINDINGS OF FACT**

**Findings for Adoption of Mitigated Negative Declaration**

1. The City Council has considered the proposed Mitigated Negative Declaration (original and revised) before making a decision on the project.
2. The City Council has considered comments received on the Mitigated Negative Declaration during the public review process.
3. The City Council finds that the environmental checklist/initial study identified potentially significant effects, but: a) mitigation measures agreed to by the applicant before the mitigated negative declaration and initial study were released for public review would avoid the effects or mitigate the effects to a point where clearly no significant impact would occur; and b) there is no substantial evidence, in light of the whole record before the City, that the project as revised to include the mitigation measures may have a significant effect on the environment.
4. The Mitigated Negative Declaration reflects the independent judgment and analysis of the City of Winters.
5. The Mitigated Negative Declaration has been prepared in compliance with CEQA and the State CEQA Guidelines, and as amended/revised is determined to be complete and final.
6. The custodian of the documents, and other materials, which constitute the record of proceedings is the Community Development Director. The location of these items is the office of the Community Development Department at City Hall, 318 First Street, Winters, California 95694.
7. The Mitigation Monitoring Reporting Program is hereby adopted to ensure implementation of mitigation measures identified in the Mitigated Negative Declaration. The City Council finds that these mitigation measures are fully enforceable as conditions of approval of the project, and shall be binding on the applicant, future property owners, and affected parties.
8. The City Council hereby adopts the Walnut 10 Lane Subdivision Mitigated Negative Declaration.

### **Findings for PD Overlay and PD Permit**

1. The project, as modified and conditioned, is consistent with the General Plan and the purposes of Chapter 17.28 of the Zoning Ordinance.
2. Deviations from specified provisions of the basic zoning district on the property have been justified as necessary to achieve an improvement design for the development and/or the environment. The development complies with the remaining applicable provisions of the basic zoning district on the property.
3. The proposed development, as modified and conditioned, is desirable to the public comfort and convenience.
4. The requested plan, as modified and conditioned, will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare.
5. Adequate utilities, access roads, sanitation, and/or other necessary facilities and services will be provided or available.
6. The development, as modified and conditioned (including execution of the Development Agreement) will not create an adverse fiscal impact for the City in providing necessary services.

### **Findings for Tentative Subdivision Map (Government Code 66474)**

1. The proposed map is consistent with the General Plan.
2. The design and improvement of the proposed map is consistent with the General Plan.
3. The site is physically suitable for the type of development.
4. The site is physically suitable for the proposed density of development.
5. The design of the subdivision and the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. The design of the subdivision and type of improvements will not cause serious public health problems,
7. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision,

## CONDITIONS OF APPROVAL

The following conditions of approval are required to be satisfied by the applicant/developer prior to final map, unless otherwise stated.

### **General**

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 expense in any such claim, action, or proceeding to attach, set aside, void, or annul an approval of the City of Winters, the Winters Planning Commission, any advisory agency to the City and local district, or the Winters City Council. Project applicant shall defend such action at applicant's sole cost and expense which 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 subdivider in good faith approves the settlement, and the settlement imposes not direct or indirect cost on the City of Winters, or its agents, officers, and employees, the Winters Planning commission, any advisory agency to the City, local district and the City Council.
2. All conditions identified herein shall be fully satisfied prior to acceptance of the first final map unless otherwise stated.
3. The project is as described in the May 26, 2020 Planning Commission staff report. The project shall be constructed as depicted on the maps and exhibits included in the May 26, 2020 Planning Commission staff report, except as modified by these conditions of approval. Substantive modifications require a public hearing and Planning Commission and City Council action.

### **General Plan Requirements**

4. Pursuant to General Plan Policy II.A.19, a minimum of ten (10) percent of the single-family lots (5 lots) shall be offered for sale to local builders or owner-builders. These lots shall not be the same lots as those identified to meet the City's affordable housing requirement.
5. Pursuant to General Plan Policy II.C.1 and VI.F.2, energy efficient design shall be used. At a minimum this shall include: maximization of energy efficient techniques as identified in the July 27, 2004 Planning Commission staff report on "Proposed Energy Resolution" (attached), and attainment of EPA Energy Star Standards in all units; low emission furnaces; avoidance of dark colored roofing; and a minimum of

- 10 percent solar photovoltaic homes. The applicant shall provide written evidence from each buyer that they were provided with a solar energy option on their home.
6. Pursuant to General Plan Policy II.D.4 and IV.A.1 necessary public facilities and services shall be available prior to the first occupancy of the project.
  7. Pursuant to General Plan Policy IV.A.4 (second sentence), the developer shall pay in-lieu fees for the increment of parkland not provided on site, or at the City's discretion may construct needed improvements according to City specification in lieu of paying the fees.
  8. Pursuant to General Plan Policy VI.C.7, drought-tolerant and native plants, especially Valley oaks, shall be used for landscaping roadsides, parks, schools, and private properties. Pursuant to General Plan Policy VI.C.8, drainage-detention areas shall incorporate areas of native vegetation and wildlife habitat.
  9. Pursuant to General Plan Policy IV.B.14, there shall be a water meter on each new hook-up.
  10. Pursuant to General Plan Policy IV.C.2, adequate sewer service shall be provided prior to the issuance of any individual building permit.
  11. Pursuant to General Plan Policy IV.J.2, all new electrical and communication lines shall be installed underground.
  12. Pursuant to General Plan Policy VI.A.6, grading shall be carried out during dry months, when possible. Areas not graded shall be disturbed as little as possible. Construction and grading areas, as well as soil stockpiles, should be covered or temporarily revegetated when left for long periods. Revegetation of slopes shall be carried out immediately upon completion of grading. Temporary drainage structures and sedimentation basins must be installed to prevent sediment from entering and thereby degrading the quality of downstream surface waters, particularly Putah Creek. The full cost of any necessary mitigation measures shall be borne by the project creating the potential impacts. Pursuant to General Plan Policy VII.B.3, should the City allow any grading to occur during the rainy season, conditions shall be implemented to ensure that silt is not conveyed to the storm drainage system.
  13. Pursuant to General Plan Policy VI.E.6, construction-related dust shall be minimized. Dust control measures shall be specified and included as requirements of the contractor(s) during all phases of construction of this project and shall be included as a part of the required construction mitigation plan for the project.
  14. Pursuant to General Plan Policy VII.A.1, VII.A.2, and VII.C.4 all site work and construction activities shall be in accordance with the requirements of the City, and other applicable local, regional, state, and federal regulations.

15. Pursuant to General Plan Policy VII.C.1, necessary water service, fire hydrants, and access roads shall be provided to the satisfaction of the Fire Chief and Fire Protection District standards.
16. Pursuant to General Plan Policy VII.C.2, a minimum fire-flow rate of 1,500 gallons per minute is required for all residential uses.
17. Pursuant to General Plan Policy VIII.D.2, street trees shall be planted along all streets, in accordance with the City's Street Tree Plan and Standards. There shall be a minimum of one street tree in the center front of each single-family lot, and on both frontages for corner lots. All trees shall be of a type on the approved street tree list and shall be a minimum of fifteen gallons in size with a mature tree canopy of at least a thirty-foot diameter within five years. The intent is that majestic street tree species that create large canopies at maturity will be required in all medians and street-side landscape strips. The goal is to create maximum shade canopy over streets and sidewalks.
18. Pursuant to General Plan Policy VIII.D.4, a permanent mechanism for the ongoing maintenance of street trees is required, to the satisfaction of the City Manager and City Finance Director.
19. Pursuant to General Plan Policy VIII.D.7, all lighting including street lighting, shall be designed, installed, and maintained to minimize excess light spillage, unnecessary brightness and glare, and degradation of night sky clarity.
20. All mitigation measures in the MMRP shall be complied with by the applicant/developer.

#### **Negative Declaration Mitigation Measures**

21. The Developer shall comply with all of the mitigation measures contained in the Mitigation Monitoring Report Program (MMRP) as adopted by the City Council.

#### **Planned Development Overlay Zoning**

22. The Planned Development Permit allows a reduction in lot widths and average lot size as stated in Ordinance 2020-04. Any further modifications to the City's lot development standards will be considered by the Planning Commission when a production builder brings forward plans for the model homes.

#### **Public Works and Engineering**

23. The Developer shall comply with all aspects of the latest City of Winters Public Works Improvement Standards.
24. A signage and striping plan is required and shall be approved by the City Engineer. All striping shall be thermoplastic.

25. All perimeter parcels and lots shall be protected against surface runoff from adjacent properties in a manner acceptable to the City Engineer.
26. Water system shall be designed and installed to the satisfaction of the Public Works Department. Extend 12-inch water main in Walnut Lane north to property line in accordance with City of Winters Water Master Plan, subject to review and approval by City Engineer.
27. The Developer will be required to pay the appropriate City connection fees. All domestic water services will be metered. Water meters shall be installed on all water services to the satisfaction of the Public Works Department.
28. Grading shall be done in accordance with a grading plan prepared by the Developer's Civil Engineer and approved by the City Engineer. The amount of earth imported or exported shall not exceed that specified on the approved grading plan, unless otherwise approved by the City Engineer. A haul route for import or export shall be shown.
29. All grading work shall be performed in one continuous operation, unless otherwise approved by the City Engineer. In addition to grading information, the approved grading plan shall indicate all existing trees and trees to be removed as a result of the proposed development, if any.
30. All storm drain improvements shall be designed and installed to the satisfaction of the City Engineer.
31. The Developer shall conform to County Health regulations and requirements for the abandonment of any septic tanks and water wells.
32. All electric, phone/data and cable facilities within 100 feet of the project boundary and within the project shall be installed underground and shall meet the policies, ordinances, and programs of the City of Winters and the utility providers. Excluded are utilities along west side of Walnut Lane and along north boundary, unless within project property.
33. Upon submittal of the initial improvement plans package, the Developer shall submit a soils and geotechnical report prepared by a geotechnical engineer that fully assesses the existing site conditions, and addresses all issues regarding excavation and grading, foundations and their construction, drainage, retaining wall systems, periodic on-site observations, and other related items involving the Project. All recommendations of the geotechnical engineer shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City Engineer prior to the issuance of a grading permit.

34. New development shall be constructed in accordance to the requirements of the Uniform Building Code in order to ensure that new structures are able to withstand the effects of seismic activity including liquefaction, and underground utilities shall be designed to withstand seismic forces in accordance with State requirements.
35. Appropriate easements, to the satisfaction of the City Engineer, shall be required for City maintained facilities located outside of City owned property or the public right-of-way.
36. Existing Flood Control easement: The City of Winters has the rights to the easement. The applicant shall facilitate with the City the abandonment of the easement prior to the approval of improvement plans, unless otherwise determined by the City Engineer.
37. The Developer shall agree to grant all public easements as determined by the City for public purposes.
38. A 10-foot Public Utility Easement (PUE) behind right-of-way shall be dedicated along all frontages.
39. The Developer shall annex into the City-Wide Assessment District in order to maintain and provide for the project's fair share of future needs of parks, open space, street lighting, landscaping, and other related aspects of development. The Developer is responsible for all costs associated with the annexation. The Developer shall fulfill this condition prior to the sale of any buildable lots or parcels within the project area.
40. Prior to approval of improvement plans, the Developer shall submit a street lighting plan for approval to the City Engineer, Community Development Department and Pacific Gas and Electric. Streetlights shall be decorative post top - Granville LED or approved equal.
41. If relocation of existing facilities is deemed necessary, it shall be performed by the Developer who will also be responsible to bear all expenses associated with this condition. All public utility standards for public easements shall apply, unless otherwise approved by the City Engineer.
42. Developer shall pay appropriate reimbursements for benefiting improvements installed by others in the amount and at the time specified by existing reimbursement agreements.
43. All construction shall follow the requirements outlined by City Ordinances and the Building Codes.

44. Applicant shall contact the City Engineer prior to beginning construction for a pre-construction meeting.
45. Grading shall not occur when wind speed exceeds 20 MPH over a one-hour period, construction vehicle speed on unpaved roads shall not exceed 15 MPH, and construction equipment and engines shall be properly maintained.
46. Potentially windblown materials shall be watered or covered.
47. Construction areas and streets shall be wet swept.
48. All inactive portions of the construction site that have been graded shall be seeded and watered until vegetation is grown.
49. Tarpaulins or other effective covers shall be used for haul trucks.
50. Construction practices shall minimize vehicle idling.
51. Applicant shall be required to coordinate with the City's Floodplain Administrator to determine if a CLOMR or LOMR is needed for the project as a result of possible impacts to Putah Creek Flood Plain. A CLOMR is required prior to improvement plan approval. Prior to issuance of a building permit, the Applicant must have an approved LOMR, unless otherwise approved by the Flood Plain Administrator.
52. All projects shall include implementation of post-construction best management practices (BMPs), in accordance with the provisions of the General Construction Activity Storm Water Permit adopted by SWRCB in 2009 and amended in 2012 (2009-009-DWQ).
53. Post construction BMPs shall be identified on improvement plans and approved by the City Engineer. Construction of projects disturbing more than one acre of soil shall require a National Pollution Discharge Elimination System (NPDES) construction permit, or a WPCP.
54. Pursuant to General Plan Policy IV.D.4, 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.
55. Pursuant to General Plan 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. 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.

56. Pursuant to General Plan Policy IV.D.7, all projects citywide and within the flood overlay zone (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.
57. A hydrant use permit shall be obtained from the Public Works Department for the use of hydrant water during the construction.
58. Existing public and private facilities damaged during the course of construction shall be repaired by the Developer, at his/her sole expense, to the satisfaction of Public Works.
59. Prior to submittal of Improvement Plans, the Developer shall submit a storm water drainage plan prepared by a registered civil engineer for project watershed(s). The plan shall identify specific storm drainage design features to control increased runoff from the project site. The drainage plan shall demonstrate the effectiveness of the proposed storm drainage system to prevent negative impacts to existing upstream and downstream facilities and to prevent additional flooding at off-site locations. All necessary calculations and assumptions and design details shall be submitted to the City Engineer for review and approval. The design features proposed by the Developer shall be consistent with the most recent version of the City's Storm Drainage Master Plan criteria and Public Improvement Standards. The plan shall incorporate final sizing and location of on-site and off-site storm conduit channels and structures.
60. If proposed drainage improvements affect the existing Caltrans roadside ditch or any other facilities within State Right of Way; the developer shall submit the plans and calculations to Caltrans for review.
61. Storm Water Prevention Plan (SWPPP) shall be included as part of the improvement plan package. The SWPPP shall be prepared by the Developer's civil engineer and approved by the City Engineer. The plan shall include but not be limited to interim protection measures such as benching, sedimentation basins, storm water retention basins, energy dissipation structures, and check dams. The erosion control plan shall also include all necessary permanent erosion control measures and shall include scheduling of work to coordinate closely with grading operations. Replanting of

- graded areas and cut and fill slopes is required and shall be indicated accordingly on plans for approval by the Public Works Department.
62. Cut and fill slopes shall be in conformance with the recommendations of the soils engineer but shall in no case be steeper than 3:1 in public rights-of-way and easements and 2:1 in other areas.
  63. Landscaped slopes along streets shall not exceed 3:1. Level areas having a minimum width of one (1) foot shall be required at the toe and top of said slopes.
  64. Construction of projects disturbing more than one acre of soil shall require a National Pollution Discharge Elimination System (NPDES) construction permit.
  65. Prior to final acceptance of the public improvements; the engineer or surveyor shall set sufficient durable monuments to conform to the standards described in Section 8771 of the Business and Professions Code. All monuments necessary to establish the exterior boundaries of the subdivision shall be set or referenced prior to final acceptance of the public improvements.
  66. Closure calculations shall be provided at the time of initial final map check submittal. All calculated points within the map shall be based upon one common set of coordinates. All information shown on the map shall be directly verifiable by information shown on the closure calculation print out. The point(s) of beginning shall be clearly defined, and all lot acreages shall be shown and verifiable from information shown on the closure calculation print out. Additionally, the square footage of each lot shall be shown on the subdivision map.
  67. The Developer shall provide the City Engineer with an electronic copy and two print copies of the recorded final map from the County, prior to issuance of the first building permit.
  68. Prior to recordation of the Final Map, the Developer shall enter into a Public Improvement and Maintenance Agreement for construction of the public improvements. All Bonding and Insurance requirement shall be met.
  69. Developer shall pay all development impact fees adopted by the City Council and shall pay fees required by other entities.
  70. Existing public and private facilities damaged during the course of construction shall be repaired by the developer, at his sole expense, to the satisfaction of the City Engineer.
  71. A current title report shall be submitted with the first Final Map submittal. The title report shall include the entire legal boundary of property being divided.
  72. Proposed improvements, including but not limited to, grading, streets, utilities, and landscape have not been reviewed in detail and are not approved at this time. The

- City Engineer shall review the design of all improvements, during the plan check process and shall be revised, as needed, at the discretion of the City Engineer.
73. U.S. Postal Service mailbox locations shall be coordinated with the Postmaster and shown on the as-built improvement plans prior to final acceptance.
  74. Prepare improvement plans for work within the public right-of-way, including an on-site grading plan, and submit them to the Public Works department for review and approval. The improvement plan sheets shall conform to the City of Winters Public Improvements Standards and Construction Standards. This submittal is separate from the building permit submittal.
  75. The Engineer shall provide two print sets and a PDF of each improvement plan submittal for review. Upon City Engineer approval, the Engineer shall provide 2 prints and a PDF of the approved plans.
  76. The conditions as set forth in this document are not all inclusive. The Developer shall comply with all applicable City, State, and Federal regulations and requirements.
  77. Occupancy shall not occur until on-site and off-site improvements have been accepted by the City Council and the City has approved as-built drawings. Applicants, and/or owners shall be responsible to so inform prospective buyers, lessees, or renters of this condition.
  78. Joint trench/utility/composite plans shall be submitted to the City Engineer for review, prior to approval of improvement plans.
  79. Walnut Lane shall include monolithic curb, gutter and sidewalk on the east side of the roadway, and sufficient pavement to accommodate two travel lanes, for approval by the City Engineer.
  80. Access to the existing house west of the project site shall be maintained at all times, and a transition to their existing driveway shall be provided with Walnut Lane street improvements.
  81. Roads and Utilities shall be designed to accommodate any future tie in or extension to the development east of the project.
  82. Prior to approval of the Improvement Plans, the Developer shall secure for dedication to the City an emergency vehicle access easement (EVA) from the end of Walnut Lane out to Railroad Avenue, or an alternative acceptable to the City Engineer, Police Chief and Fire Chief. The EVA shall be in a form and content acceptable to the City Engineer, Police Chief and Fire Chief. The EVA shall be accessible by either removable bollards or a gate, as approved by the City Engineer, Police Chief and Fire Chief.