

Farmstead Subdivision Project

SCH# 2021110261

Final Environmental Impact Report

Prepared for
City of Winters



January 2025

Prepared by



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Farmstead Subdivision Project Final Environmental Impact Report

SCH# 2021110261

Lead Agency

City of Winters Community Development Department
Planning Division
318 First Street
Winters, CA 95694

David Dowswell
Contract Planner
(530) 794-6718

Prepared By

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Rod Stinson
Vice President

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1. Introduction and List of Commenters

1. INTRODUCTION AND LIST OF COMMENTERS

1.1 INTRODUCTION

This Final Environmental Impact Report (EIR) contains comments received during the Draft EIR public review period for the Farmstead Subdivision Project (proposed project). This document has been prepared by the City of Winters, as Lead Agency, in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, Section 15132. The Introduction and List of Commenters chapter of the Final EIR discusses the background of the Draft EIR and purpose of the Final EIR, identifies the comment letters received on the Draft EIR, and provides an overview of the organization of the Final EIR.

1.2 BACKGROUND

The Draft EIR identifies the proposed project's potential environmental impacts and the mitigation measures that would be required to be implemented. The Draft EIR includes the following environmental analysis chapters:

- Aesthetics;
- Agricultural Resources;
- Air Quality, Greenhouse Gas Emissions, and Energy;
- Biological Resources;
- Cultural and Tribal Cultural Resources;
- Land Use and Planning/Population and Housing;
- Noise;
- Public Services and Utilities;
- Transportation;
- Statutorily Required Sections; and
- Alternatives Analysis.

The remaining environmental issue areas identified by Appendix G of the CEQA Guidelines are addressed in the Initial Study prepared for the proposed project, which was circulated for review with the Notice of Preparation (NOP) and included as Appendix A of the Draft EIR.

In accordance with CEQA, the City of Winters used the following methods to solicit public input on the Draft EIR:

- An NOP for the Draft EIR was released for a 30-day public review period from November 18, 2021 to December 17, 2021. The NOP comment letters are included as Appendix B to the Draft EIR.
- A public scoping meeting was held before the Planning Commission on November 30, 2021 at 2:30 PM to solicit comments regarding the scope of the Draft EIR.
- On September 13, 2024, the Draft EIR was submitted to the State Clearinghouse for distribution to State agencies for a 45-day public review period from September 13, 2024 to October 28, 2024.



- On September 13, 2024 a Notice of Availability (NOA) of the Draft EIR was posted to the City's website (<https://www.cityofwinters.org/179/Community-Development>.) and printed copies were made available for public review at the following location during normal business hours:

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

All public comments received on the Draft EIR are listed in this chapter, and written responses to comments are included in Chapter 2, Response to Comments, as discussed in more detail in Section 1.6 of this chapter.

1.3 PURPOSE OF THE FINAL EIR

Pursuant to CEQA Guidelines Section 15132, this Final EIR consists of the following:

- A list of persons, organizations, and public agencies commenting on the Draft EIR (included as Section 1.4 of this chapter);
- Comments received on the Draft EIR (Chapter 2 of this Final EIR);
- Responses to the comments received on the Draft EIR (Chapter 2 of this Final EIR);
- Revisions to the Draft EIR (Chapter 3 of this Final EIR); and
- Any other information added by the Lead Agency.

1.4 LIST OF COMMENTERS

The City of Winters received seven comment letters during the public comment period on the Draft EIR for the proposed project. The comment letters were authored by the following agencies and individuals.

Agencies

Letter 1 Winters Joint Unified School District
Letter 2 Yolo Transportation District

Groups

Letter 3 Mark Loper (Reuben, Junius, & Rose, LLP)

Individuals

Letter 4 Ken Britten
Letter 5 David and Susan Hyde
Letter 6 Kate Laddish
Letter 7 Carol Scianna

1.5 CERTIFICATION OF THE FINAL EIR

State law requires that the City make several types of CEQA "findings" at the time of final action on the project. Findings describe the conclusions reached regarding particular issues, including specific evidence in support of those conclusions. The Final EIR typically provides much of the substantial evidence to support these findings. The required findings for the project are as follows:



- Certification of the Final EIR (CEQA Guidelines Section 15090) – These findings support the adequacy of the Final EIR for decision-making purposes. The Lead Agency must make the following three determinations in certifying a Final EIR:
 1. The Final EIR has been completed in compliance with CEQA.
 2. The Final EIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.
 3. The Final EIR reflects the Lead Agency’s independent judgment and analysis.
- Findings Regarding Significant Impacts and Project Alternatives (CEQA Guidelines Section 15091) – These findings explain how the City chose to address each identified significant impact, including the mitigation measures adopted or an explanation of why such measures are infeasible. A discussion of the feasibility of project alternatives is also required by this section (see also CEQA Guidelines Section 15126.6[f]).

Pursuant to CEQA Guidelines, Section 15093(b), when a Lead Agency approves a project that would result in significant and unavoidable impacts, the agency must state in writing the reasons supporting the action (Statement of Overriding Considerations). The Statement of Overriding Considerations shall be supported by substantial evidence. The Farmstead Subdivision Project would result in significant and unavoidable impacts related to agricultural resources, greenhouse gas (GHG) emissions, and transportation; thus, a Statement of Overriding Considerations must be adopted if the project is approved. The required Findings of Fact and Statement of Overriding Considerations will be included as part of the resolution considered by the City of Winters.

1.6 ORGANIZATION OF THE FINAL EIR

The Final EIR is organized into the following chapters.

1. Introduction and List of Commenters

Chapter 1 provides an introduction and overview of the document, describes the background of the Draft EIR and the purposes of the Final EIR, provides a list of commenters, and describes the organization of the Final EIR.

2. Responses to Comments

Chapter 2 presents the comment letters received and responses to each comment within the letters. Each comment letter received has been numbered at the top of the page and bracketed to indicate how the letter has been divided into individual comments. Each comment is given a number with the letter number appearing first, followed by the comment number. For example, the first comment in Letter 1 would have the following format: 1-1. The response to each comment references the comment number.

3. Revisions to the Draft EIR Text

Chapter 3 summarizes minor changes made to the Draft EIR text since its release.

4. Mitigation Monitoring and Reporting Program

CEQA Guidelines, Section 15097, requires lead agencies to adopt a program for monitoring the mitigation measures required to avoid the significant environmental impacts of a project. The



intent of the Mitigation Monitoring and Reporting Program (MMRP) is to ensure implementation of the mitigation measures identified within the EIR for the Farmstead Subdivision Project.



2. Responses to Comments

2. RESPONSES TO COMMENTS

2.1 INTRODUCTION

The Responses to Comments chapter contains responses to each of the comment letters submitted regarding the proposed project Draft EIR during the public review period.

2.2 RESPONSES TO COMMENTS

The following seven letters were received by the City during the public comment period for the Draft EIR. Each bracketed comment letter is followed by numbered responses to each bracketed comment. The responses amplify or clarify information provided in the Draft EIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the project that are unrelated to its environmental impacts) are either discussed or noted for the record, as appropriate. Where revisions to the Draft EIR text are required in response to the comments, such revisions are noted in the response to the comment, and are also listed in Chapter 3 of this Final EIR. All new text is shown as double underlined and deleted text is shown as ~~struck through~~.

The changes to the text contained in the Draft EIR represent only minor clarifications/amplifications and do not constitute significant new information. In accordance with CEQA Guidelines, Section 15088.5, recirculation of the Draft EIR is not required. Each letter has been considered by the City and addressed, according to CEQA Guidelines Section 15088, prior to certification of this Final EIR.



Letter 1



10-28-24 REC'D BY KRISTINE DE GUERRE 8:45AM
WINTERS JOINT UNIFIED SCHOOL DISTRICT BOARD OF TRUSTEES

909 WEST GRANT AVE., WINTERS, CA 95694
(530) 795-6100 FAX (530) 795-6114

RODY BOONCHOUY, Ed.D.
SUPERINTENDENT

JOEDY MICHAEL
STERLING DAVIS
CARRIE GREEN
KRISTIN TROTT
EVERARDO ZARAGOZA

October 25, 2024

David Dowswell
Contract Planner
City of Winters
Community Development Department
318 First Street
Winters, CA 95694

Dear Mr. Dowswell,

1-1

The Winters Joint Unified School District (WJUSD, "the District") is commenting on the Draft Environmental Impact Report for the Farmstead Subdivision Project ("Report") to clarify some points about the District's student enrollment and capacity trends and the potential impact that the new housing will have on WJUSD schools and students.

1-2

Page 4.8-23 of the Report indicates that WJUSD schools have enough capacity to accommodate the students who will be generated by the Farmstead Subdivision homes. However, this statement of a "less than significant impact" is an oversimplification for two main reasons:

1-3

1. Firstly, the capacity cited from the District's Facility Master Plan includes portable classrooms that are not considered long-term student housing. The Facility Master Plan cited makes this distinction, and since this distinction is not mentioned in the Report, the District wants to emphasize that there are already insufficient permanent classroom facilities to accommodate current WJUSD enrollment. Every single student generated by new development, including the Farmstead Subdivision Project, will add to the District's need to construct new permanent school facilities as portable classrooms become unusable over time. This is pertinent to any assessment of environmental impact, as the construction of new classrooms, ancillary facilities, and even potentially the construction of an entire new school site would all have environmental consequences, and this need will be directly driven by students generated by the project covered in the Report.

1-4

2. Additionally, it is crucial for the District's planning to understand that the Farmstead Subdivision Project is but one of several that are either under construction or identified in the potential to add new homes within the District over the next several years. While any individual project can state that the students they will generate will not have a significant impact, the cumulative impact of all projects will create the need for additional school facilities. As already mentioned, every student generated will add to the already existing

ENGAGING, EDUCATING, AND EMPOWERING EVERY LEARNER
INVOLUCRAR, EDUCAR Y EMPODERAR A CADA ALUMNO



Letter 1 Cont.

1-4 cont.	<p>need to build more permanent school facilities, but in the shorter term, there will also be some immediate needs that are directly driven by students who move into the District because of new residential development.</p>
1-5	<p>a. This is especially true at Waggoner Elementary School where the District must accommodate the State's unfunded mandate to serve all Transitional Kindergarten (TK) students by the 2025-26 school year. Every TK student generated by new development will require specialized facilities that must be constructed in proportion to this growing population; therefore, every development that adds students immediately contributes to the District's need for new facilities.</p>
1-6	<p>b. Specialized Career Technical Education (CTE) facilities at the high school are also restricted in how many students they can accommodate, and additional students will add to the need for these facilities.</p>
1-7	<p>c. Ancillary facilities such as MP Rooms, gymnasiums, libraries, toilets, and administrative spaces all need to be scaled to the number of classrooms and students at a school. As more students enroll with the District due to new residential development, expansion or reconstruction of these facilities will be needed. All school facilities constructed as a result of increased enrollments create potential environmental impacts.</p>
1-8	<p>The true cost of constructing the facilities necessitated by the additional student enrollment resulting from this project will be far higher than the amount of school impact fees. The District has already received generous local contributions from its existing community, and it is maximizing this contribution with matching funds from the State at every opportunity. However, this funding is already needed for projects that will serve the existing population; the additional needs that will be driven by increased enrollment from new development should be mitigated appropriately.</p>
1-9	<p>The Winters Joint Unified School District requests that the Study acknowledge the Farmstead Subdivision Project's impact to the need for additional school facilities, be that in the form of additional permanent classrooms for long-term student capacity, or for specialized facilities such as TK classrooms, CTE classrooms and labs, and ancillary facilities. Additionally, WJUSD requests that the official record of this project reflect its contribution to a more significant cumulative impact than the individual project in isolation would indicate. If WJUSD is to continue providing the same level of excellence to future families who move into new housing constructed in the near future, the District will need to provide new school facilities, and this need should be documented accurately, especially for the potential environmental impact of this new construction.</p>
1-10	<p>Finally, the District invites the City of Winters and the developers of the Farmstead Subdivision Project to meet to discuss how to mitigate the impacts due to development on WJUSD students and the District's resulting school facility needs. In addition to the need for District classroom and expanded ancillary facilities, there can be consideration for community use facilities on the project site that would benefit WJUSD students (play structures, field space, hardscape for</p>



Letter 1 Cont.

**1-10
cont.**

sports recreation), as well as City infrastructure that would support students (path of travel to school, lighting, crosswalks). WJUSD would greatly appreciate the opportunity to meet to develop solutions in these areas.

Sincerely,



Rody Boonchouy, Ed.D.
Superintendent
Winters Joint Unified School District



LETTER 1: WINTERS JOINT UNIFIED SCHOOL DISTRICT

Response to Comment 1-1

The comment is an introductory statement and does not address the adequacy of the Draft EIR.

Response to Comment 1-2

The comment is a statement noting specific comments to follow. The comments are addressed below.

Response to Comment 1-3

In response to the comment, Table 4.8-1 and Table 4.8-3 of Chapter 4.8, Public Services and Utilities, of the Draft EIR are hereby revised as follows:

Table 4.8-1 Schools Serving the Project Site			
School	Grades	Enrollment	Capacity*
Winters High School	9-12	493	729
Winters Middle School	6-8	340	594
Shirley Rominger School	3-5	346	500
Waggoner Elementary School	TK-2	389	475
* As detailed in the WJUSD Facility Master Plan, the capacity numbers noted herein include use of portable classrooms, which are not intended as long-term facility solutions.			
Source: Winters Joint Unified School District. Facility Master Plan. Fall 2023.			

Table 4.8-3 Enrollment, Capacity, and Student Generation by School*				
School	Existing Enrollment	Students Generated by Project	Project Plus Existing Enrollment	Capacity**
Winters High School	493	35	528	729
Winters Middle School	340	38	378	594
Shirley Rominger School	346	34*** =	380	500
Waggoner Elementary School	389	34*** =	423	475
* Excluding Wolfskill Career Readiness Academy, an alternative education high school on the same campus as Winters High School				
** As detailed in the WJUSD Facility Master Plan, the capacity numbers noted herein include use of portable classrooms, which are not intended as long-term facility solutions.				
*** = Students generated by the proposed project for grades kindergarten through grade five divided in half between Shirley Rominger School and Waggoner Elementary School				
Source: Winters Joint Unified School District, Fall 2023.				

In addition, as demonstrated in the Winters Joint Unified School District (WJUSD) Facility Master Plan, the largest enrollment projections are greater than the anticipated number of students



summarized in Table 4.8-3 of the Draft EIR, which includes existing enrollment. Therefore, the increase in enrollment generated by the proposed project would not exceed the projections in the WJUSD Facility Master Plan. Furthermore, as stated on page 4.8-3 of the Draft EIR, the WJUSD collects a development impact fee specific to school facilities. Effective May 20, 2024, the WJUSD Impact Fee is \$5.17 per sf of residential development, and \$0.84 per sf of commercial development. The proposed project would be required to pay all applicable fees to the WJUSD.

Response to Comment 1-4

The commenter is noting the importance of considering the overall demand of school facilities. Potential impacts to school facilities are discussed on page 4.8-23 and 4.8-24 within Chapter 4.8, Public Services and Utilities, of the Draft EIR. As discussed therein, the proposed project would be subject to school facility impact fees to mitigate any potential project-related increases of student enrollment. The WJUSD collects a development impact fee specific to school facilities and requires the payment of development fees based on the square footage of the new development to the WJUSD.

According to Senate Bill (SB) 50, payment of the necessary school impact fees for the project would be considered full and satisfactory CEQA mitigation. In addition, Proposition 1A/SB 50 prohibits local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any “[...] legislative or adjudicative act [...] involving [...] the planning, use, or development of real property” (Government Code 65996[b]). With respect to cumulative impacts, future development projects would be required to pay SB 50 school impact fees, similar to the proposed project, which would contribute to the facilitation of school expansions in order to serve the needs of the area. Therefore, the proposed project, in combination with future development occurring under buildout of the City of Winters General Plan, would result in a less-than-significant cumulative impact related to the need for new, or improvements to existing, school facilities.

Response to Comment 1-5

See Response to Comment 1-4.

Response to Comment 1-6

See Response to Comment 1-4.

Response to Comment 1-7

See Response to Comment 1-4. As discussed therein, future development projects would be required to pay SB 50 school impact fees, similar to the proposed project, which would contribute to the facilitation of school expansions in order to serve the needs of the area. In addition, future development projects would be required to undergo separate CEQA analysis, as necessary, to determine whether they would increase enrollment such that the provision of new or physically altered school facilities would be required.

Response to Comment 1-8

The comment does not directly address the adequacy of the Draft EIR; however, as discussed on page 4.8-24 of Chapter 4.8, Public Services and Utilities, of the Draft EIR, payment of school impact fees constitutes adequate mitigation under CEQA. Nonetheless, the comment has been noted for the record and will be forwarded to the decision-makers for their consideration.



Response to Comment 1-9

The City acknowledges that the project is contributing to an increase in district-wide demand. As discussed on pages 4.8-36 and 4.8-37 within Chapter 4.8, Public Services and Utilities, of the Draft EIR, cumulative buildout within the City and surrounding area could result in overcrowding at schools in the area. However, each individual development would be required to pay SB 50 school impact fees, similar to the proposed project, which would contribute to the facilitation of school expansions in order to serve the needs of the area. Furthermore, according to SB 50, payment of the necessary school impact fees for the project would be considered full and satisfactory CEQA mitigation.

As previously discussed, Proposition 1A/SB 50 prohibits local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any “[...] legislative or adjudicative act [...] involving [...] the planning, use, or development of real property” (Government Code 65996(b)). Therefore, the proposed project, in combination with future development occurring under buildout of the City of Winters, would result in a less-than-significant cumulative impact related to the need for new, or improvements to existing, school facilities.

Response to Comment 1-10

See Response to Comments 1-4 and 1-8.

The commenter is requesting the City of Winters and developers of the proposed project to hold a meeting. The comment does not address the adequacy of the Draft EIR, but the request has been noted and will be forwarded to the decision-makers for their consideration.



Letter 2



To
David Dowswell
Contract Planner

October 17, 2024

City of Winters
318 First Street
Winters, CA 95694

Yolo Transportation District Comments re: Winters Farmstead Subdivision Project DEIR

Dear David Dowswell,

2-1

In September 2024, The Yolo Transportation District (YoloTD) received the Notice of Availability for the Draft Environmental Impact Report for the Farmstead Subdivision Project. As the consolidated countywide transportation services and congestion management agency, YoloTD appreciates the opportunity to comment on the project.

2-2

Overview of Current Transit Service. As noted on Page 4.9-22 of the DEIR, YoloTD currently offers microtransit service, the Beeline, to Winters. The name of the service should be changed in the DEIR. We no longer provide fixed-route service to the area, which was provided by Routes 220 and 220C but was discontinued during COVID. With the increase in density this project provides for Winters leading to a potential increase in ridership, YoloTD is considering restoring fixed-route service to Winters. Further increasing the project density would help increase this possibility. Please work with our Operations team to discuss.

2-3

Project Land Use. The Project DEIR includes a rezoning application that would convert existing agricultural land to a mix of residential and commercial uses of varying sizes. YoloTD is encouraged by the plan to maximize the residential dwelling units per acre. YoloTD recommends that a significant portion of the multi-family units be offered to low-income families over market-rate as these populations use public transportation at higher rates, which will reduce this development's VMT while helping the City of Winters fulfill its Housing Element and Regional Housing Needs Allocation (RHNA) allocation.

2-4

Transportation Network. From a connectivity perspective, YoloTD supports the proposed project site layout with the new streets designed in a grid pattern that connects to existing streets to the west and includes a connection to a potential future development to the north. The alleyway connections not shown in Lot A for the townhomes should continue this connectivity idea by extending Colby Lane into the project site.

YoloTD appreciates the inclusion of bus stops as noted on Page 4.9-22. YoloTD would require two stops, one for buses traveling in each direction. Due to uncertainty with timing with this project



Letter 2 Cont.

2-4 cont.	and with YoloTD's restoration of fixed-route transit to Winters, the project should provide ADA-compliant space for future bus stops, including space for a shelter and possibly other amenities. As the project progresses, work with YoloTD to identify the appropriate locations for the stops, required amenities, and confirm maintenance agreements.
2-5	YoloTD strongly recommends the project widen the proposed eight-foot shared-use paths provided throughout the project shown in cross section B on Page 3-9 of the DEIR. As these spaces will be shared between pedestrians and bicyclists, providing the minimum widths may cause unnecessary conflicts between users, especially as these facilities will likely be used by families with children and/or pets who can travel unpredictably or may startle easily. Ten feet should be considered the minimum width in this case, but 12 is preferred.
2-6	The vehicle lanes on Main Street should be narrowed to 11 feet with ten feet preferred. Narrower lanes discourage speeding and would be more consistent with side streets. Narrowing the lanes opens more room for wider sidewalks or bike lanes, further encouraging residents to use active transportation modes while they travel around the project.
2-7	The intersection of SR 128 and E Main Street should include high-visibility crosswalks. Pedestrian connectivity for the residential neighborhoods to the south of the project to the commercial land uses included in this project would help the City of Winters achieve its Climate Action Plan goals for Mobility by enhancing space given to bicyclists and pedestrians to make them feel safer crossing this Caltrans facility.
2-8	YoloTD is currently developing the Yolo Active Transportation Corridor (YATC) plan. YATC is a long-range transportation planning, community engagement, and construction engineering project that will develop an active transportation plan for a network of multi-use trails that will help to address barriers to mobility for low-income and minority residents of Yolo County. SR 128 is an identified roadway where a trail will be recommended. This project, the City of Winters, and YoloTD should work together to improve connectivity to the proposed Interstate 505 bicycle/pedestrian overcrossing for the current and future residents of Winters and the surrounding community.
2-9	TDM/VMT Plan. This project would generate vehicle miles traveled (VMT) that exceeds the SACOG threshold. YoloTD agrees with the DEIR recommendation on Page 4.9-22 that a Transportation Demand Management (TDM) Plan should be developed for this project. A TDM plan should be developed by experts in the field, employ best practices, and require membership in the existing countywide TDM program, Yolo Commute, as a condition of approval and to assist with implementation.
2-10	The topics referenced in this letter provide some insight into our thoughts on this exciting development project. We look forward to collaborating with the City of Davis and the project applicant as it proceeds through the City's development application process.

Sincerely,



Brian Abbanat
Planning Director



LETTER 2: YOLO TRANSPORTATION DISTRICT

Response to Comment 2-1

The comment is an introductory statement and does not address the adequacy of the Draft EIR.

Response to Comment 2-2

In response to the comment, page 4.9-4 of Chapter 4.9, Transportation of the Draft EIR is hereby revised as follows:

The Yolo County Transportation District (YCTD) provides public transit service (Yolobus) in the City limits. Currently, the City of Winters is served by the Yolobus ~~YOUR Ride~~ BeeLine on-demand microtransit service, which provides point-to-point rides within the City and to/from the cities of Davis and Vacaville. The service is available Monday through Saturday between 8:30 AM and 4:30 PM.

In addition, page 4.9-22 of the Draft EIR is hereby revised as follows:

The City of Winters is served by the Yolobus ~~YOUR Ride~~ BeeLine on-demand microtransit service. The service provides point-to-point rides within the City (including the adjacent El Rio Villa community) and to/from the cities of Davis and Vacaville.

The comment related to the potential return of fixed service does not address adequacy of the Draft EIR, but is noted for the record and will be forwarded to the decision-makers.

Response to Comment 2-3

As presented on page 3-16 of Chapter 3, Project Description, of the Draft EIR, Winters Municipal Code Section 17.200.030 establishes that all development projects consisting of five or more residential units within the City must include inclusionary housing units equal to 15 percent of the total number of residential units in the development project, excluding density bonus units. The 15 percent inclusionary housing requirement must consist of six percent very low-income units and nine percent low-income or moderate-income units, in proportion to the unmet needs for each identified group in the 2021-2029 Housing Element Update, which was adopted by the City of Winters on March 15, 2022. In addition, the distribution of unit categories is stated on page 4.6-7 of Chapter 4.6, Land Use and Planning/Population and Housing of the Draft EIR. The comment does not address the adequacy of the Draft EIR.

Response to Comment 2-4

As noted in Chapter 4.9, Transportation, on page 4.9-22, the Draft EIR states the City of Winters General Plan Policy III.B.3:

Given that the proposed project would include higher density residential and commercial uses, the construction of the proposed bus stop and turnout on westbound SR 128 at East Main Street would ensure consistency with this policy.

The comment does not specifically address the adequacy of the Draft EIR. The commenter's request for an additional bus stop will be forwarded to the decision-makers for their consideration.



Response to Comment 2-5

The commenter is requesting larger pedestrian pathways; however, the comment does not specifically address the adequacy of the Draft EIR. As stated in Chapter 4.9, Transportation, of the Draft EIR, the proposed project would not result in impact to bicycle or pedestrian facilities with the implementations required mitigation measures.

Response to Comment 2-6

The commenter does not address the adequacy of the Draft EIR. The comment has been noted and will be forwarded to the decision-makers for their consideration.

Response to Comment 2-7

See Response to Comment 2-5. In addition, as noted on page 4.9-23 of Chapter 4.9, Transportation, of the Draft EIR, the proposed project would be required to implement Mitigation Measure 4.9-1(a), which requires installation of a traffic signal, marked crosswalks, bike lane conflict markings, and bicycle intersection crossing markings at the State Route (SR) 128 (East Grant Avenue)/East Main Street intersection. The traffic signal would provide temporal separation between bicyclists, pedestrians, and conflicting vehicular movements (e.g., through the provision of pedestrian crossing phases).

Response to Comment 2-8

The comment is noted for the record and the City of Winters is committed to coordinating with Yolo Transportation District in their regional planning efforts.

Response to Comment 2-9

The comment does not address the adequacy of Draft EIR; however, the recommendations are noted for the record and will be forwarded to the decision-makers for their consideration.

Response to Comment 2-10

The comment is a concluding statement and does not address the adequacy of Draft EIR.



Letter 3

REUBEN, JUNIUS & ROSE, LLP

Mark Loper
mloper@reubenlaw.com

October 25, 2024

Delivered Via Email (dave.dowsell@cityofwinters.org; rods@raneymanagement.com)

City of Winters Community Development Department
Planning Division
318 First Street
Winters, CA 95694
Attn: David Dowswell, Contract Planner

Raney Planning and Management, Inc.
1501 Sports Drive, Suite A
Sacramento, CA 95834
Attn: Rod Stinson, Vice President

Re: Farmstead Subdivision Project – Draft EIR Comment Letter
SCH#: 2021110261
Our File No: 11436.01

Dear Mr. Dowswell:

3-1

Our office represents the sponsor of the Farmstead Subdivision Project (the “Project”). Please accept this comment letter on the draft Environmental Impact Report (the “Draft EIR”) for the Project. Specifically, we write to request the Final EIR revise a mitigation measure in the Draft EIR relating to the obligation to acquire “active agricultural acreage” equal to the size of the Project, in a legally sufficient manner that is consistent with recent past precedent on nearby development.

3-2

Draft EIR Mitigation Measure 4.2-1, relating to the conversion of agricultural land to urban uses (the “Mitigation Measure”), provides as follows:

Prior to initiation of grading activities for each phase of development at the Farmstead Subdivision Project site, the project applicant shall set aside in perpetuity, at a minimum ratio of 1:1 of active agricultural acreage, an amount equal to the current phase. The applicant may choose to set aside in perpetuity an amount equal to the remainder of the project site instead of at each phase. The agricultural land shall be located elsewhere in unincorporated Yolo County, through the purchase of development rights and execution of an irreversible conservation or agricultural easement.



Letter 3 Cont.

David Dowswell, Contract Planner
Winters Community Development Department
October 25, 2024
Page 2

3-3

A. Background on Scope of Mitigation Measures

An Environmental Impact Report needs to identify and describe mitigation measures to minimize the potential significant environmental effects identified in the EIR.¹ However, mitigation measures need to meet constitutional requirements, including that there is an essential nexus (i.e. connection) between the mitigation measure and the governmental interest, and that the mitigation measure be roughly proportional to the impacts of a project,² including if the mitigation measure is an ad hoc exaction.³

Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact.⁴ Similarly, case law has established that imposition of an impact fee can be identified as an appropriate form of mitigation.⁵

Also, when crafting mitigation measures, a public agency may exercise only those powers provided to it by a legal authority independent of CEQA.⁶ Examples of courts determining a public agency could not exercise powers outside of its authority in a mitigation measure include: a flood control agency acquiring property outside its jurisdiction;⁷ the Coastal Commission requiring mitigation measures for the impacts of the parts of a project outside the Commission's jurisdiction;⁸ and the City of Tracy requiring mitigation of traffic impacts beyond city boundaries.⁹

3-4

B. The Property is Not Prime, Unique, or Statewide Farmland

The CEQA Guidelines require an analysis of if the Project would convert "Prime Farmland," "Unique Farmland," or "Farmland of Statewide Importance" to a non-agricultural use.¹⁰ Among other criteria, according to the Draft EIR, prime farmland and farmland of statewide importance require the land to have been used for the production of irrigated crops at some time during the past two update cycles, or four years, prior to the mapping date.¹¹ Unique farmland requires some cultivation in the last four years since the state published the most recent statewide farmland map.¹²

It is our understanding the Property owner has owned the Property since 2006. Since then, the site has been used for dry farming of hay, and nothing else. And it has not been used for irrigated crops at any point during that period. Dry hay farming has not occurred since at least September of either 2016 or 2017. As a result, the CEQA Guidelines require a finding of no significant impact.

3-5

C. The Mitigation Measure is Legally Deficient

Here, the Mitigation Measure is legally deficient for several reasons: it is duplicative of an impact fee meant to address the exact same loss of potential agricultural land by new development; it exceeds Winters' police power by requiring the acquisition of land outside Winters' municipal

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**3-5
cont.**

borders; and the Draft EIR does not adequately explain how the Mitigation Measure is roughly proportional to the impact on land that has not been used for irrigated farming for at least 18 years.

First, the Mitigation Measure is duplicative of the habitat conservation mitigation fee required of the Project.¹³ Winters' 1992 General Plan—still the governing General Plan—includes a policy to support the efforts of Yolo County to establish a land conservation trust and implementing programs relating to transferring development rights “or conservation easements.”¹⁴

3-6

As we understand it, that policy led to or is in direct support of the Yolo Habitat Conservancy, which is a joint powers authority between Yolo County and several cities in the county and responsible for identifying appropriate sites for conservation easements.¹⁵ In furtherance of the General Plan, Winters then adopted an impact mitigation fee that is applied against certain developments, including the Project.¹⁶ The fee proceeds are transferred to the Conservancy. Per the Winters Municipal Code, the purpose of this mitigation fee is to conserve species and the “natural communities and agricultural land” on which they depend.¹⁷ Thus, this fee is consistent with the General Plan and its EIR and is meant to address the loss of potential agricultural land to residential development.

As we understand, the Project will be required to make a habitat conservation mitigation fee payment of \$16,559/acre for the Property, which if all 61.9 acres are subject to the fee would be roughly \$1 million. This fee should be identified as a mitigation for the Project and obviate the need for a second duplicative exaction as set out in the Mitigation Measure.

3-7

Further, the Draft EIR is internally inconsistent on this very point. The Draft EIR's discussion of biological impacts notes that the Yolo Habitat Conservancy is required to protect approximately 33,300 acres over 50 years, “primarily through the acquisition of habitat conservation easements on agricultural land funded with development fees paid by project proponents”—i.e. the habitat conservation mitigation fee.¹⁸ It then determines that no additional mitigations are required relating to biology.

3-8

The Draft EIR fails to explain how the development fee that is paid to acquire “habitat conservation easements on agricultural land” is sufficient for biological resources but insufficient as it relates to agricultural resources. There does not seem to be an explanation except what seems to be an off-the-shelf form letter from the California Department of Conservation requesting a conservation easement. The letter acknowledges that other forms of mitigation (like an impact fee that finances conservation easements, i.e. the habitat conservation fee) might be appropriate. Notably, the letter does not acknowledge the existence of the habitat conservation mitigation fee.

3-9

Also, a mitigation measure must be derived from another legal authority independent of CEQA. As the cases mentioned above make clear, the Mitigation Measure—which requires the Project sponsor to acquire agricultural land “elsewhere in unincorporated Yolo County”—attempts to use Winters' police power to force the Project to leave Winters' jurisdiction to carry out the mitigation measure. That is not permitted under CEQA.

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3-10

Furthermore, the City has an obligation to explain how the cumulative costs relating to both paying the habitat conservation mitigation fee and paying private landowners to acquire nearly 62 acres of agricultural land and then imposing a conservation easement is roughly proportional to the loss of potential agricultural land. Further to this point, as we understand it, the Property has not been used for irrigated farming for at least 18 years or dry farming for at least 7-8 years. The loss of potential agricultural land that is not actively farmed should not have the same value as land that is actually farmed (or has been farmed in the recent past).

3-11

Finally, because the City is not permitted to exercise its police powers to require the purchase of property strictly in Yolo County, it is left unaddressed in the Draft EIR (1) if there is enough land within Winters to realistically acquire agricultural land at a 1-to-1 ratio, and if so (2) the cost, and (3) if that cost is roughly proportionate to the loss of land that has not been used for 7-8 years. Thus, it is unclear if a revised Mitigation Measure that does not exceed Winters' police power could even be feasible, and if so the cost and whether that cost itself would be disproportionate to the loss of land that is not currently used and has not in the recent past been used for irrigated farming.

D. The Mitigation Measure is Inconsistent with Recent Precedent

3-12

In 2020, the City of Winters approved a Mitigated Negative Declaration for the Walnut Lane 10 project (the "Walnut Lane 10 MND"). That project included the subdivision of a 10-acre site for the eventual development of 54 single-family residential units.¹⁹ The City of Winters ("City") found that the project would have a "less than significant" impact on the conversion of prime farmland, unique farmland, or farmland of statewide importance.²⁰

In making this determination, the Walnut Lane 10 MND determined that "the City of Winters General Plan EIR has previously identified the conversion of important farmland to be significant and unavoidable impact, and mitigation measures have been provided."²¹ The Walnut Lane 10 MND identified seven goals in the City of Winters General Plan that promote the continued productivity of agricultural land and prevent its premature conversion to urban uses. It also noted that the General Plan EIR identifies two mitigation measures to address the loss of agricultural land.

The Walnut Lane 10 MND did not identify a project-specific mitigation measure to acquire a conservation easement for 10 acres of land. It also did not identify any General Plan EIR mitigation measure requiring 1-to-1 conservation easements on a project-by-project basis. The Project's environmental setting is nearly identical to the Walnut Lane 10 Project, and the project type—subdivision followed by construction of residential units—is largely the same. The City should adhere to the recent precedent it established in the Walnut Lane 10 MND and not impose additional project-specific mitigation measures requiring 1-to-1 conservation easements.

///

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3-13

E. Conclusion

The City should make a finding of no significant impact because the Property is not prime farmland, unique farmland, or farmland of statewide importance. And even assuming for the sake of argument that it is one, the Mitigation Measure is inconsistent with recent precedent on a neighboring project that proposed the same conversion of prime or unique farmland to residential use. It also is duplicative of the habitat conservation fee that funds the acquisition of habitat conservation easements on agricultural land, which was used at least in part to not require any mitigations relating to biological resources. It exceeds Winters' police power by requiring acquisition of properties exclusively outside of Winters' municipal borders. And it raises significant questions about the proportionality of the cost to acquire nearly 62 acres of agricultural land for a Property that has not recently been used for agriculture, as well as practical feasibility regarding the amount of space that is actually available for acquisition.

Winters should eliminate the 1-to-1 mitigation measure, and in its place provide an analysis consistent with the Walnut Lane 10 MND along with a qualitative and quantitative discussion of the habitat conservation mitigation fee payment.

Sincerely,

REUBEN, JUNIUS & ROSE, LLP



Mark Loper

- ¹ 14 Cal. Code Regs. ("CEQA Guidelines") § 15126.4(a)(1).
- ² CEQA Guidelines, § 15126.4(a)(4).
- ³ *Id.*
- ⁴ CEQA Guidelines, § 15126.4(a)(1)(B).
- ⁵ See *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173.
- ⁶ Cal. Pub. Res. Code § 21004.
- ⁷ *Kenneth Mebane Ranches v. Superior Court* (1992) 10 Cal.App.4th 276, 291.
- ⁸ *Sierra Club v. California Coastal Commission* (2005) 35 Cal.4th 839.
- ⁹ *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912.
- ¹⁰ CEQA Guidelines, Appendix G.
- ¹¹ Draft EIR, pg. 4.2-6.
- ¹² *Id.*
- ¹³ Winters Municipal Code, Chapter 18.12.
- ¹⁴ Winters 1992 General Plan, Policy VI.B.5.
- ¹⁵ Winters Municipal Code, § 18.12.010.
- ¹⁶ Winters Municipal Code, § 18.12.050A.
- ¹⁷ Winters Municipal Code, § 18.12.010.
- ¹⁸ Draft EIR, Pages 4.4-48-4.4-49.
- ¹⁹ Walnut Lane 10 MND, pg. 4.
- ²⁰ Walnut Lane 10 MND, pg. 25.
- ²¹ *Id.*

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LETTER 3: REUBEN, JUNIUS & ROSE, LLP

Response to Comment 3-1

The comment is an introductory statement that provides reference to specific comments that are addressed below.

Response to Comment 3-2

The comment reiterates the Draft EIR and does not address the adequacy of the Draft EIR.

Response to Comment 3-3

The commenter is noting the importance for an EIR to identify mitigation measures to avoid potential significant environmental impact and requirements for a nexus and legal authority. The comment does not specifically address the adequacy of the Draft EIR.

Response to Comment 3-4

As discussed on page 4.2-7 of Chapter 4.2, Agriculture Resources, of the Draft EIR, based on the Land Capability Classification and Storie Index Rating systems, as well as the physical conditions of the project site, the California Department of Conservation (DOC) Division of Land Resource Protection's Farmland Mapping and Monitoring Program (FMMP) designates a portion of the project site as Prime Farmland (52.3 acres). Prime Farmland is land with the best combination of physical and chemical features able to sustain the long-term production of agricultural crops. The land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. The land must have been used for the production of irrigated crops at some time during the two update cycles (a cycle is equivalent to two years) prior to the mapping date. As further discussed on page 4.2-7 of the Draft EIR, based on historic aerial photos, the project site has been used for farming since at least 1968, with the ground periodically tilled for row crops, hay, or other dry farming purposes. Therefore, the FMMP designation for the site as presented in the Draft EIR is appropriate.

Response to Comment 3-5

The comment is a statement that provides reference to specific comments that are addressed below.

Response to Comment 3-6

In response to the comment, page 4.2-13 of Chapter 4.2, Agricultural Resources, of the Draft EIR is hereby revised as follows:

Mitigation Measure(s)

Applicants of development projects within the Yolo HCP/NCCP permit area are required to complete a Yolo HCP/NCCP application package, which includes an application form, a project description, land cover mapping and planning-level surveys, verification of land cover impacts, an Avoidance/Minimization/Mitigation (AMM) plan, and fees or equivalent mitigation. Payment of the land cover fees will allow the Yolo HCP/NCCP to purchase and preserve an equivalent amount of off-site habitat of equal or greater value as the on-site habitat that would be developed as part of the proposed project. As such, payment of Yolo HCP/NCCP fees would mitigate for the loss of on-site habitat and agricultural land.



However, While the following mitigation measure would preserve an equivalent acreage of Farmland elsewhere, the proposed project would result in the conversion of agricultural land to urban uses and would not create new agricultural land; as such, the proposed project would lead to an overall loss of Farmland. Therefore, although implementation of the following mitigation measure would reduce the above potentially significant impact, the impact would remain significant and unavoidable.

- 4.2-1 ~~Prior to initiation of grading activities for each phase of development at the Farmstead Subdivision Project site, the project applicant shall set aside in perpetuity, at a minimum ratio of 1:1 of active agricultural acreage, an amount equal to the current phase. The applicant may choose to set aside in perpetuity an amount equal to the remainder of the project site instead of at each phase. The agricultural land shall be located elsewhere in unincorporated Yolo County, through the purchase of development rights and execution of an irreversible conservation or agricultural easement complete a Yolo HCP/NCCP application package, which includes an application form, a project description, land cover mapping and planning-level surveys, verification of land cover impacts, an Avoidance/Minimization/Mitigation (AMM) plan, and fees or equivalent mitigation. Land cover conversion fees shall be applied for the proposed project's land cover impacts, in accordance with Yolo HCP/NCCP guidelines. Proof of compliance with the aforementioned requirements shall be submitted to the City of Winters Community Development Department for review and approval.~~

The foregoing revisions do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.

Response to Comment 3-7

See Response to Comment 3-6.

Response to Comment 3-8

See Response to Comment 3-6.

Response to Comment 3-9

See Response to Comment 3-6.

Response to Comment 3-10

See Response to Comment 3-6.

Response to Comment 3-11

See Response to Comment 3-6.

Response to Comment 3-12

See Response to Comments 3-4 and 3-6.

Response to Comment 3-13

See Response to Comments 3-4 and 3-6. The comment is a concluding statement.



From: Ken Britten Gmail <khbritten@ucdavis.edu>
Subject: Re: DEIR comments

Letter 4

David Dowswell, Contract Planner
City of Winters Community Development Department
318 First Street
Winters, CA 95694

Dear Mr. Dowswell,

4-1

I have reviewed the Draft EIR for the proposed Farmstead subdivision project, and have some concerns about the liveability and sustainability of the proposed development.

4-2

1) Bike friendliness and connectivity. The DEIR states that by including bike paths in the plan, it is consistent with the City General Plan and Bicycle Master Plan, but closer examination shows this claim to be ill-founded. While including Class I bikeways is a good start, these are not located for maximum utility. The trail along the linear park on the east side will be good for family strolls, but not useful for bike commuting, which should be a priority to reduce VMT. Likewise, while having a good connection to Grant Avenue and East Main is laudable, until further lanes are developed, and in particular a safe connection across a future Morgan Avenue intersection, bicyclists will be forced out onto Grant Avenue, which will limit safe use, especially for younger riders. Fortunately, there are relatively easy modifications to make the plan much more connected and friendly.

4-3

a. Plan A: Add greenbelt for E-W connectivity to Broadview. It is well known that greenbelts increase liveability and attractiveness of residential developments, and bikeways in greenbelts are far safer and more appealing than those on streets. Therefore, add a greenbelt where the Broadview extension is now planned, to connect between the park and the existing Broadview Lane. This would route east-west bike traffic safely clear of Grant Avenue, and connect to existing bikeways in Walnut Park all the way to Railroad Avenue, allowing safe access to schools and the library. Ideally, it would connect to a Morgan Street extension and give access to Lorenzo's, again without requiring bike travel on Grant Avenue. The greenbelt will also serve to separate residential units from the commercial lots along Grant Avenue. This plan comes with a cost: it will probably require giving up 15 R-2 units.

4-4

b. Plan B: Add a Class I bikeway along the Broadview extension instead of a greenbelt, connected as in Plan A. This should allow keeping the 15 R-2 units on the south side of the Broadview extension in place, but at the cost of shade and attractiveness.
c. Another concern has to do with bike lanes on the minor streets in the plan. At present, these are 5-foot sidewalks set back from the street, which has on-street parking. Such sidewalks are not very useful for bicyclists, since it is hard to pass a pedestrian using the same walk. And furthermore, these are usually constructed of concrete, which has discontinuities that discourage bicyclists. So, all the streets should have Class II bikeways, and the mid-block paseos (section F, Figure 3-5) should be widened to accommodate both pedestrians and cyclists.

4-5

2) Use of natural gas. There is some ambiguity in places about the provision of natural gas. It is stated that "commercial feasibility" might make them plumb for gas, and it is implied that this is for the commercial use. However, it is never clearly stated that the residential units will not be plumbed for gas. This must be clarified, and clearly state that under no circumstances will gas be used in the residential side of the development. It is also worth noting that in the mitigations listed in table 2-1, there is heavy reliance on state-approved carbon offsets for the proposed gas use. These have a number of problems, not least of which is wildfire ([see reporting by Politico](#)). It is vastly more sustainable to not develop with carbon-emitting infrastructure, since this infrastructure will lock in fossil fuel demand for decades. And now all-electric alternatives are economically and practically competitive.

4-6

3) EV charging capabilities. In Table 2-1 and on p 4.3-63, the DEIR states that residential units will be "EV-ready" per CalGreen Tier 2. Unfortunately, this is a lax standard, and Level 1 chargers (120V) are consistent with it. They state that "project-specific information is not available" to confirm that Level 2 charging capability (240V branch circuits) will be included. The City should insist on this capability



Letter 4 Cont.

- 4-6
cont.** being included. CalGreen Tier 2 requirements for commercial spaces are also quite lax. It would be nice to exceed them considerably. Traffic to the commercial development would be increased if Level 3 charging support (roadside fast chargers) would be included.
- 4-7** 4) Rooftop solar. There is an apparent contradiction on page 4-3-57, section on Building Energy Demand. The EIR states that residential units will be supplied with enough solar panels to meet 100% of their anticipated demand. Yet, in the next paragraph, it also anticipates a net increase of demand of 0.85 GWh/year. Is this entirely for the commercial side? This should be clarified. Additionally, does the sizing of the residential solar systems include the anticipated increase in demand due to EV charging?



LETTER 4: KEN BRITTEN

Response to Comment 4-1

The comment is an introductory statement and does not address the adequacy of the Draft EIR.

Response to Comment 4-2

As required by Mitigation Measure 4.9-1(a) on page 4.9-23 of Chapter 4.9, Transportation, of the Draft EIR, the construction of new bicycle and pedestrian paths and facilities would be designed in accordance with the Caltrans Highway Design Manual. The required Class I shared-use path on the northern edge of SR 128, along the project site's southern boundary, shall include a minimum paved width of eight feet, plus two-foot shoulders of unobstructed all-weather surface on each side of the path. The provision of the proposed 12-foot paved path would also satisfy the applicable Caltrans design requirements. The design of the bicycle facilities shall be submitted to Caltrans and the City of Winters for review and approval, which constitutes adequate mitigation under CEQA.

Response to Comment 4-3

See Response to Comment 4-2. The commenter's suggestions are noted for the record and will be forwarded to the decision-makers for their consideration.

Response to Comment 4-4

See Response to Comment 4-3.

Response to Comment 4-5

As discussed on page 4.3-41 within Chapter 4.3, Air Quality, Greenhouse Gas Emissions, and Energy, of the Draft EIR, Yolo Solano Air Quality Management District (YSAQMD) has not yet established or adopted GHG thresholds. As such, YSAQMD recommends GHG analysis consistent with Sacramento Metropolitan Air Quality Management District (SMAQMD) thresholds of significance.

As noted on page 4.3-63 of the Draft EIR, project-specific information is not available to ensure that the proposed project would be designed and constructed without natural gas infrastructure. Such information is not available for all project components, not just the restaurant kitchens. Mitigation Measure 4.3-7(a) requires that the proposed project be designed such that the project is built all-electric, and natural gas infrastructure shall be prohibited on-site. However, Mitigation Measure 4.3-7(a) does note that if the use of all-electric for any project component(s) (e.g., an appliance) is not enforceable or commercially feasible at the time of issuance of building permit, the applicant shall be required to include pre-wiring to allow for the future retrofit of all natural gas appliances with all-electric appliances and purchase off-site mitigation credits or forecasted mitigation units ("FMUs") (collectively, "GHG credits") for project-related greenhouse gas (GHG) emissions from the component(s) using natural gas instead of electric.

As discussed on page 4.3-43 of the Draft EIR, if a project cannot incorporate the SMAQMD Best Management Practices (BMPs), other reductions or purchasing and retiring of GHG/carbon offsets can be used as an alternative method of compliance. Given that the developer demonstrates that the alternative method(s) of compliance would achieve the same reductions as those required by BMPs 1 through 3, the project can be considered to result in a less-than-significant impact related to operational GHG emissions. Thus, the requirements of Mitigation



Measure 4.3-7(a) are consistent with SMAQMD guidance. Based on the above, the analysis included in the Draft EIR regarding natural gas remains adequate. Nonetheless, the commenter's concerns have been noted for the record.

Response to Comment 4-6

See Response to Comment 4-5. The Draft EIR makes conservative assumptions to provide an analysis of the worst-case scenario. In addition, the CalGreen Standards stated on page 4.3-63, within Chapter 4.3, Air Quality, Greenhouse Gas Emissions, and Energy, of the Draft EIR are the current California State requirements involving EV charging capabilities. Nonetheless, the comment will be forwarded to the decision-makers for their consideration.

Response to Comment 4-7

Contrary to the claim of the commenter, page 4.3-57 of Chapter 4.3, Air Quality, GHG Emissions, and Energy, of the Draft EIR does not include any apparent contradictions regarding the provision of rooftop solar associated with the proposed project. As discussed on page 4.3-57 of the Draft EIR, the 2022 California Building Standards Code (CBSC) has begun phasing in the provision of zero net energy through the use of rooftop solar. The CalEEMod modeling conducted for the proposed project accounted for the project's compliance with the 2022 CBSC rooftop solar requirements. However, as stated on page 4.3-57 of the Draft EIR and noted by the commenter, even with the provision of rooftop solar systems sufficient to meet the requirements of the CBSC, the proposed project would result in a 0.85 gigawatt-hour per year (GW/year) net increase in electricity demand.

In addition, as presented in Table 4.3-12 of the Draft EIR and required by the 2022 CalGreen Code, for single-family residences and townhomes, each dwelling unit is required to have a listed raceway to accommodate a dedicated 208/40-volt branch circuit. As such, the single-family residences and townhomes are not required to include the provision of an electric vehicle (EV) charger, and residents of the single-family residences and townhomes would not use EV chargers unless they voluntarily choose to install such EV charging equipment. As such, the increase in energy demand associated with such voluntary installation and use of EV chargers in the proposed single-family residences and townhomes is unknown and accounting for the increase in energy demand associated with potential EV charging would be highly speculative.

Based on the above, the analysis included in the Draft EIR regarding rooftop solar systems remains adequate. Nonetheless, the commenter's concerns have been noted for the record.



Letter 5

David Dowswell, Contract Planner
City of Winters Planning Commission,

Jessica Smith
Gregory Contreras, Chair
Judith Arce
Lisa Baker, Vice Chair
Ramon Altamirano

October 18, 2024

RE: Farmstead Environmental Impact Report – Response

Dear Mr. Dowswell and Planning Commission,

5-1

My name is David Hyde. My wife Susan and I are property owners at 200 Almond Drive, Winters. We have lived and raised our children here over the past thirty plus years. Our property is west of the proposed Farmstead development, and directly adjacent to it.

5-2

Based on the proposed subdivision map included in the Environmental Impact Report there will be 7000 square foot single family residential lots along our east fence line, and all of those along Almond Drive to the north of our property. This fact alone will certainly have an environmental impact from the existing farmland, including but not limited to: reduced privacy, increased lighting, noise, heat, etc. That said, we have understood that this area is zoned residential and at some point would be developed.

5-3

We were very pleased and commend the commission for your past work on the nearby Walnut 10 development where adjacent existing properties (and long time residents) on Orchard Lane only had new single story homes built directly behind them. This was a wonderful and fair compromise made by the commission, developer and City Counsel. As a resident of the same neighborhood we respectfully request the commission follow a similar approach for those of us along Almond Drive and directly adjacent to the proposed Farmstead development. Following this same path of single story homes would help maintain our privacy, quality of life and help mitigate other environmental impact concerns.

5-4

Thank you in advance for your consideration and work on this project.

Respectfully submitted,



David and Susan Hyde



LETTER 5: DAVID AND SUSAN HYDE

Response to Comment 5-1

The comment is an introductory statement and does not address the adequacy of the Draft EIR.

Response to Comment 5-2

As discussed on page 4.1-15 of Chapter 4.1, Aesthetics, of the Draft EIR, the proposed project would be required to comply with the City of Winters General Plan Policy VIII.D.7, which requires lighting in new development to be designed, installed, and maintained to minimize excessive light. In addition, the proposed project would not include any industrial land uses. Therefore, the proposed project would not violate either standard related to cumulative light pollution established by the City's General Plan EIR. As discussed on page 4.1-19 of the Draft EIR, compliance with all applicable City policies will be enforced through the City's Design Review process, as established in Chapter 17.36 of the City's Municipal Code.

In addition, as discussed on page 4.7-28 of Chapter 4.7, Noise, of the Draft EIR, a significant increase in ambient noise levels would not occur within the project site. As shown in Table 4.7-15 and Table 4.7-16 on page 4.7-29 of the Draft EIR, combined noise level exposure from project commercial and park activities would comply with the applicable City of Winters General Plan daytime and nighttime exterior noise level criteria at the closest existing noise-sensitive uses. In addition, given the predicted exterior noise levels provided in Table 4.7-15 and Table 4.7-16, and after consideration of the exterior to interior noise level reduction typically provided by standard residential construction (i.e., at least 25 dB with windows closed and approximately 15 dB with windows open), combined noise levels would comply with the General Plan daytime and nighttime interior noise level standards.

Reduced privacy and heat are topics that are not required to be addressed as part of the CEQA analysis; however, the commenter's concerns have been noted for the record and will be forwarded to the decision-makers for their consideration.

Response to Comment 5-3

The commenter is requesting the new project consist of only new single-story homes; however, the comment does not address the adequacy of the Draft EIR. The commenter's concerns have been noted for the record and will be forwarded to the decision-makers for their consideration.

Response to Comment 5-4

The comment is a concluding statement and does not address the adequacy of the Draft EIR.



Letter 6

To: Dave Dowswell
From: Kate Laddish
RE: Farmstead Subdivision Draft EIR
Date: Oct. 28, 2024

Dear Dave:

6-1

Thank you for your and others' work on the Farmstead project to date, including the Draft EIR for the Farmstead Subdivision Project (released Sept. 2024). My comments follow, and cover housing diversity, density, and accessibility; light pollution; stormwater management; trees; planting strips; habitat and human value and use of open space; firewise practices; evacuation planning; pedestrian and bicycle connectivity; and view coming into town.

6-2

Housing diversity, density, and accessibility

I salute the applicant including 57 townhomes (and planning to rezone some land to R-3), rather than just the two ends of the housing-density spectrum of low-density single-family and high-density multi-family housing. Winters is sorely in need of filling this housing "missing middle." During discussion about the Housing Element Update, multiple commenters requested more diverse housing stock.

Because Winters is in desperate need of more diverse housing options, I request that the entirety of the R-3 housing not wait until the third phase of project construction. If this would require having two areas zoned R-3 due to logistical concerns, that may be something to consider.

6-3

Will the 84-unit multi-family housing complex be market rate, low income/subsidized, or a mix? If subsidized, would it be for a mix of low and very low income?

6-4

Duets/duplexes are allowed at the corners in areas zoned R-1. I request the applicant make use of that option. Having duets within R-1 areas is a way of integrating different housing types, and therefore helping further our goal of inclusionary housing.

6-5

Because townhomes have multiple stories, it is more difficult for them to be accessible for people with mobility disabilities, or to remain accessible for people who wish to age in place. I request the applicant address physical accessibility of this more financially accessible housing type.

6-6

On a related note, how will the applicant address accessibility (both liveability and visitability) in all of the housing types? I urge use of universal design. Now is an especially good time to consider that since some of the R-1 homes will need elevation to decrease risk of flooding. Even one step can block people with mobility disabilities from entering or exiting a structure.

6-7

Light pollution

I salute the applicant for planning on using DarkSky-appropriate lighting.

Components of light pollution include glare, sky glow, light trespass, and clutter. Some of Winters' recent projects have staggering amounts of light pollution, and I'm delighted to see an applicant go in a different direction. I hope the City will support—and reinforce—the applicant's plan to use DarkSky-aligned lighting, and seek clarity on the plan in the EIR and in design discussions.



Letter 6 Cont.

6-7 cont.	<p>In my comment during the November 2021 scoping meeting and in my written follow-up comment included in the DEIR, I requested that applicant address and minimize light pollution.</p> <p>Since then, the Winters Natural Resources Commission, of which I serve as chair, has been working on updating and unifying Winters' outdoor lighting guidelines into a uniform outdoor lighting ordinance that would align with DarkSky International's principles and guidelines. (The Five Principles for Responsible Outdoor Lighting are that any light should be useful, targeted, low level, controlled, and warm-colored.) We described this lighting ordinance project to the City Council in our workplan update in October 2023, and Council voiced support for the Natural Resources Commission continuing this work.</p> <p>The Natural Resources Commission has been exploring using a rural lighting approach, with lights at street corners (to decrease pedestrian-car collisions) but not in the middle of blocks. If the applicant wants to light pedestrian and bicycle pathways, low, downward-directed pillar walkway lights may be an option if needed.</p>
6-8	<p><u>Stormwater management</u></p> <p>As the applicant is aware, the project area is subject to flooding now, so planning for stormwater management to avoid flooding the built environment is of highlighted importance. Converting land from agricultural use to an urbanized, paved environment increases production of stormwater since there is decreased opportunity for infiltration.</p> <p>My understanding is that the stormwater from the project will go from the north side of Grant Avenue to the south side via one existing culvert, and that the water will then debouch into the swale by the PG&E facility, and then to Putah Creek.</p>
6-9	<p>The DEIR asserts that the project is too far away from Putah Creek for the subdivision's stormwater discharge to affect it. However, the issue isn't how far a source of stormwater is from the creek, but rather how far the source is from the stormwater system which, of course, discharges into the creek, and if the stormwater conveyance system allows for significant enough amounts of infiltration to decrease peak stormwater contribution to the creek.</p> <p>I hope that the EIR will include details, including calculations, about stormwater production and management, will have more details about proposed features (e.g., ditch, basin, culvert), and will include discussion of additional mitigations (e.g., permeable pavers, how the "basin" and ditch in the park/open space will be used).</p>
6-10	<p><u>Urban heat island effect</u></p> <p>The DEIR asserts that the (presumably largely unpaved) open space areas will offset the heat island effect of the hardscaped areas of the project. While having unpaved open space in the project area will make the overall heat island effect less than if the entire project area became built or paved, the open space is at one side of the project (so will have less benefit to the existing neighborhoods, or the denser areas of the project) and the applicant does not address or explore other options that reflect more sunlight and absorb less heat, including green roofs, the use of lighter-colored surfaces and less absorbent building materials, and passive daytime radiative cooling applications. Will the streets be narrow enough and the street tree canopies broad enough that ultra-absorbent asphalt will be screened from the sun by leaves during the hot months of the year?</p>
6-11	<p>Because the predicted and modeled temperature regime for our area points toward increased peak temperatures, more days over 100 degrees, and a significant decrease in nighttime cooling, addressing heat island effects in projects is extremely important. Heat is the top weather-related cause of death in the US, especially where there is lack of nighttime cooling.</p>



Letter 6 Cont.

6-12

I would like the EIR to address more thoroughly the heat island effects within the project and the adjacent areas, and include a more detailed and solutions-based approach to mitigation strategies. Mitigating for urbanization-induced heating could well decrease the greenhouse gas production, since residents and businesses would be less reliant on air conditioning.

6-13

Trees

In 2022 and 2023, the Winters Natural Resources Commission substantially revised the [City of Winters Master Tree List](#). The table includes botanical name, common name, canopy diameter, if the tree is deciduous or evergreen, whether it has showy flowers, water needs, growth rate, minimum planting width, and if it's native to this climatic region. The list was approved by the Planning Commission and the City Council, and is available on the City's [website](#).

I hope that, in the EIR, the applicant will chose to utilize this resource to select appropriate trees for different purposes, including lining streets, in landscaping residential and commercial properties, in the park and other open space (ditch) areas.

6-14

Planting strips

To allow for street trees and other vegetation, I hope the applicant will use planting strips between sidewalks and streets. These also help make travel more pleasant for pedestrians and cyclists, which can increase non-vehicular travel within the project area, and also keep sidewalks level rather than being cut by sloping driveways. Driveway cuts make use of sidewalks extremely difficult to use for people who use wheelchairs and walkers, or who push strollers. I believe plans call for at least some of the streets to have planting strips with street trees; I want to make sure that will be throughout the project area.

6-15

Habitat and human value and use of open space

My understanding from the DEIR is that the number of acres of open space decreased in order to include the townhomes. This makes it even more important to maximize the human and habitat value of the open space.

Large expanses of unshaded lawn use a tremendous amount of water, don't get used much on hot summer days, can become too muddy to use in the winter or when overwatered, and are essentially ecological deserts with low habitat value.

Before settling on yet more unshaded lawn, I request that the applicant and the City consider the park needs of the City, and design these parks based on need and demonstrated use or lack thereof of different styles of park. For example, there's a large amount of lawn at the new Three Oaks Park. How is it being used? Does the lawn at Blue Oak Park get used much except during soccer games? What are the pros and cons of different approaches, or of including substantially more trees scattered in lawn areas so the open space would be shaded? If we need more lawns for soccer and other activities, would the planned lawn parks work for that?

What will draw people to the park/open spaces, how can open spaces have increased habitat value, and how can the two be combined? For example, could there be a pollinator garden, and could landscaping include approaches with habitat value, such as hedgerows and areas planted with native vegetation?

Play structures that are unshaded are too hot to play on during the summer. Including shading with trees or with shade structures would address this.

6-16

Would the area labeled "basin" be a lawn (similar to Blue Oak Park), or have plants and cobbles (such as in the dog park area of Walnut Park)?



Letter 6 Cont.

6-17	<p><u>Firewise practices</u></p> <p>Over the last 10 years, wildfire is increasing part of life here, and one of the largest fires in state history occurred in the Greater Winters Area in 2020.</p> <p>During the scoping process, I asked for details about how this project will minimize susceptibility to fire and minimize risk of spreading fire, such as by use of firewise building and landscaping practices. I don't see this addressed in the DEIR. I request this be included in the EIR and in the design process. Options include avoiding use of highly flammable vegetation (e.g., juniper, cyprus, manzanita), especially near structures or travel corridors, no wooden fences within five feet of structures, appropriately fine grating over attic vents, etc.</p> <p>What steps will be taken in design and construction to keep this project from acting as a fire conduit into the rest of the city, or a conduit for fire to get from other parts of the city into this project?</p>
6-18	<p><u>Evacuation planning</u></p> <p>During scoping, I asked about evacuation planning and effects. I hope that will be addressed in the final EIR.</p> <p>How will the road system in the project work if the project area has to be evacuated due to a fire or a flood, and how will the project affect evacuation efforts for the whole city? If the city and surrounding areas have to evacuate, how will this project help (perhaps through increasing evacuation routes) or hinder (through increased population and possible creation of bottlenecks) efficient evacuation?</p>
6-19	<p>Do I understand right that all ingress and egress for this subdivision is via Grant Avenue, either directly or via connection to the neighborhood served by Walnut? I'm concerned about yet more households trying to get out of Winters by traveling east on Grant Avenue, and the bottleneck at I-505. Has the applicant explored options for this project to have at least emergency options to the north or to the east (e.g., to connect to CR 31, which has an overpass over 505)?</p>
6-20	<p><u>Traffic control, traffic calming</u></p> <p>The DEIR shows a stop light at East Main and Grant Avenue. During the 2010 Complete Streets process and again more recently during Planning Commission meetings about Grocery Outlet, the community was very firm in wanting to minimize use of stoplights and instead use other approaches, such as traffic circles. There are more traffic lights on Grant Avenue now than were envisioned in the Complete Streets process, and adding a light at East Main would create the thicket of traffic lights that the community chose to plan to avoid in 2010.</p> <p>I request the applicant consider other options for that and other intersections at the edge of, and within, the project.</p>
6-21	<p><u>Pedestrian and bicycle connectivity</u></p> <p>During the scoping process, multiple people requested walkability and bikeability be maximized, both within the project and connecting to the rest of the city. I applaud ideas such as putting a bike path along the ditch/linear open space. The DEIR refers to a "network" of bike trails. I see a few of them on the map, but a true network would have a higher degree of connectivity. I'd like the applicant to explore that more.</p>
6-22	<p>What will the connectivity be for kids getting to school, people doing their shopping or going downtown, or getting to features such as the Winters Putah Creek Nature Park? (Note that there is private property between the Nature Park Extension near PG&E and the rest of the Nature Park.)</p>



Letter 6 Cont.

6-23

Getting people to move around on foot, by bicycle, or while using wheelchairs or other adaptive equipment rather than driving decreases vehicle miles traveled, and thereby decreases greenhouse gas production. It also increases the chance for community-building neighborly interactions.

The Winters Climate Action Commission has been working on a bike map and would be a good resource of conversations about connectivity.

6-24

View coming into town

The Grant Avenue corridor sets the tone for Winters for people driving into town from the east. The Farmstead project area takes up a lot of the north side of Grant Avenue in the approach to town. Right now it is ag land, and includes the custom-painted “Welcome to Winters” sign painted by a local artist.

The Grant Avenue edge of this project will set the flavor for what Winters “feels like” for people entering town from the east. I hope that it will present as a leafy neighborhood with little light pollution, with parking lots well screened, and without using an unbroken barrier wall that smacks of suburban or highway-adjacent urban development. The project can be dense without it feeling like it’s crowding Grant Avenue.

6-25

Thank you for your consideration, and of course please let me know if you’d like any clarification.

Sincerely,

Kate

Kate Laddish
Winters, Calif.



LETTER 6: KATE LADDISH

Response to Comment 6-1

The comment consists of an introductory statement and does not address the adequacy of the Draft EIR.

Response to Comment 6-2

As discussed on page 4.6-22 of the Draft EIR, the proposed project would include 329 residential units, which would significantly contribute towards the City's Regional Housing Needs Allocation (RHNA) goals identified in the Housing Element of the City's General Plan. The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and will be forwarded to the decision-makers for their consideration.

Response to Comment 6-3

The comment does not address the adequacy of the Draft EIR. However, as discussed on page 3-16 of Chapter 3, Project Description of the Draft EIR:

The 4.4-acre R-4 lot proposed for high-density residences would be dedicated to the City in order to meet the City's affordable housing requirements. As established in Winters Municipal Code Section 17.200.030, notwithstanding the exceptions provided therein, all development projects consisting of five or more residential units within the City must include inclusionary housing units equal to 15 percent of the total number of residential units in the development project, excluding density bonus units. The 15 percent inclusionary housing requirement must consist of six percent very low-income units and nine percent low-income or moderate-income units, in proportion to the unmet needs for each identified group in the 2021-2029 Housing Element Update, which was adopted by the City of Winters on March 15, 2022. In addition, of the total townhome units constructed within the R-3 lot, 10 units would be restricted to moderate-income households.

The proposed project's Affordable Housing Plan would be negotiated with and determined by the City's Affordable Housing Coordinator and reviewed by the Affordable Housing Steering Committee, prior to being taken to the Winters Planning Commission and City Council for approval with the project's other requested entitlements.

Response to Comment 6-4

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and will be forwarded to the decision-makers for their consideration.

Response to Comment 6-5

The commenter's concern is not required to be addressed under CEQA analysis. However, any building constructed as part of the proposed project would be designed with Chapter 11B within Title 24 of the CBSC, which specifically outlines detailed accessibility requirements for public buildings, commercial spaces, and public housing. The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and will be forwarded to the decision-makers for their consideration.

Response to Comment 6-6

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and will be forwarded to the decision-makers for their consideration.



Response to Comment 6-7

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and will be forwarded to the decision-makers for their consideration.

Response to Comment 6-8

The comment does not address the adequacy of the Draft EIR. Potential impact related to flooding are addressed in Chapter 4.8, Public Services and Utilities, of the Draft EIR. As discussed therein on pages 4.8-27 to 29, the proposed project would include new on-site stormwater facilities to detain and treat stormwater runoff from the site's new impervious surfaces, as well as runoff from adjacent properties. Collected runoff would be released to the project site's new 75-foot drainage channel, which would be located parallel to Timber Crest Road. From the drainage channel, stormwater flows would be conveyed southward by way of a new upsized culvert under SR 128 to the stormwater channel owned by PG&E. The PG&E stormwater channel extends south from SR 128 to a ditch along Interstate 505 (I-505), which flows over a concrete apron, down a steep slope, and into Putah Creek.

Response to Comment 6-9

As stated on pages 45 and 46 of the Initial Study prepared for the proposed project, development of the proposed project would introduce impervious surfaces to the project site, which would alter the existing drainage pattern of the site. However, on-site stormwater runoff would be guided into an on-site bioretention basins for treatment and storage prior to discharge to the City's stormwater system. The proposed stormwater system would be required to maintain peak runoff flows such that they do not exceed pre-project flows. The proposed stormwater management system would be designed in accordance with the City's Improvement Standards and Standard Drawings, and would ensure that water quality in Putah Creek would not be adversely affected. In addition, the Storm Drainage Assessment Technical Memorandum prepared for the proposed project by Wood Rodgers (see Appendix L of the Draft EIR) included the results of a hydraulic analysis which calculated both peak flow and water surface elevations during pre- and post-project conditions. The results of the analysis are presented in Table 1 and Table 2 therein.

Response to Comment 6-10

Impacts related to heat retention due to placement of cement and asphalt, known as the heat island effect, are not required to be evaluated under CEQA and, thus, are not analyzed in the Draft EIR. Nonetheless, the comment has been noted for the record and will be forwarded to the decision-makers for their consideration.

Response to Comment 6-11

See Response to Comment 6-10.

Response to Comment 6-12

See Response to Comment 6-10.

Response to Comment 6-13

As discussed under Impact 4.4-12 within Chapter 4.4, Biological Resources, of the Draft EIR, the installation of on-site trees would be conducted in accordance with Winters Municipal Code Chapter 12.08. All applications to plant, move, remove or replace a tree in the control area shall be referred to the City's tree commission for prior approval. Applications to the tree commission



shall state the number and kind of trees proposed to be moved, removed or replaced, and such other information as the City Manager shall find reasonably necessary to a fair determination of whether or not authority should be issued. The City Manager may require the planting of a new tree as a condition for granting authority to remove a tree. The comment has been noted for the record and will be forwarded to the decision-makers for their consideration.

Response to Comment 6-14

As discussed on page 3-13 of Chapter 3, Project Description of the Draft EIR, landscaping would be included as part of frontage improvements along SR 128. In addition, as shown within Figure 3-5 of the Draft EIR, planting strips would be included between sidewalks and streets along all major roads within the project site. The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and will be forwarded to the decision-makers for their consideration.

Response to Comment 6-15

The comment does not address the adequacy of Draft EIR; nonetheless, as stated on page 3-12 of Chapter 3, Project Description, of Draft EIR, the designated park and open space areas will provide opportunities for outdoor recreation and exercise to encourage healthy lifestyles for future residents and adjacent neighborhoods which can attract individuals to such areas. In addition, as discussed on pages 4.8-24 and 25 in Chapter 4.8, Public Services and Utilities, of the Draft EIR, the proposed project would be subject to General Plan Policy V.A.2, which requires all new residential development to dedicate improved parkland or pay equivalent in-lieu fees based on a standard of five acres of improved parkland per 1,000 residents. In addition, and consistent with goals and policies in the General Plan, Chapter 16.08 of the City of Winters Municipal Code requires dedication of land for park or recreational purposes, a fee paid in lieu thereof, or a combination of both. The land areas required for dedication may be up to an amount equivalent to the land necessary to provide five acres of parkland per 1,000 residents of the proposed subdivision. As part of the proposed project, a total of 6.1 acres across three lots (Lots D, E, and F) would be developed by the City of Winters with park uses, with lots ranging in size from 0.8-acre to 3.9 acres, which would exceed the 4.89 acres of parkland needed to meet the City's parkland standard. The City would be responsible for the installation of park facilities, irrigation systems, walkways, hardscaping, trails, lighting, and landscaping within the park lots.

Response to Comment 6-16

As shown on page 3-9, of Chapter 3, Project Description, of the Draft EIR in Figure 3-5, the proposed basin within Lot E would also be developed as a park. The comment does not address the adequacy of the Draft EIR. Nonetheless, the comment has been noted for the record and will be forwarded to the decision-makers for their consideration.

Response to Comment 6-17

As discussed on page 4.8-21 and 4.8-22 within Chapter 4.8, Public Services and Utilities, of the Draft EIR, impacts related to fire protection services would be less than significant. As discussed under Impact 4.8-1, the proposed project would increase the available housing and commercial uses within the City of Winters, which would increase the demand for fire protection services. Winters Fire Department (WFD) collects a development impact fee specific to fire services within the WFD service area. Effective July 1, 2024, the WFD Impact Fee \$2,285.02 for each low-density residential unit, \$2,086.89 for each medium density residential unit, \$2,937.82 for each medium high density residential unit, \$1,788.77 for each high-density residential unit, and \$1.14 for each



square foot (sf) of neighborhood commercial development. The proposed project would be required to pay applicable development fees for the provision of equipment and staffing required to serve the proposed project.

All structures included in the proposed project would be constructed consistent with Chapter 15.20 of the City's Municipal Code. In compliance with the California Fire Code (CFC) (specifically Section 903.2.1.3, Group A-3), the design of the residences would include the installation and use of automatic fire sprinklers, and fire alarm systems would be incorporated pursuant to CFC requirements. Such features would reduce the potential for fires to occur within the proposed structures, which would reduce the demand for fire protection services from the project site.

Response to Comment 6-18

As discussed on page 4.9-27 in Chapter 4.9, Transportation, of the Draft EIR, the proposed project would include two entry points from SR 128, as well as connection to the existing residential neighborhood to the west by way of an extension of Broadview Lane and a new connection to the approved Walnut Lane 10 subdivision. The streets would be between 40 and 60 feet wide (curb to curb), with the exception of the 76-foot-wide portion of the East Main Street connecting to SR 128. Overall, the proposed roadways would be wide enough to allow for adequate emergency vehicle access.

Furthermore, as discussed under question 'f' in Section IX, Hazards and Hazardous Materials, of the Initial Study prepared for the proposed project, Yolo County defines the project site location as Zone 59 for the Emergency Preparedness Evacuation plan. Zone 59 includes two rally points: 613 Railroad Avenue, which is located just east of the project site, and St. Anthony Church, located further west of the site. The evacuation route is defined as SR 128 just south of the project site. During construction of the proposed project, all construction equipment would be staged on-site to prevent obstruction of local and regional travel routes in the City that could be used as evacuation routes during emergency events, including SR 128. During project operations, the proposed project would not substantially alter existing circulation systems in the surrounding area, and SR 128 would continue to be able to serve as an evacuation route during emergency events.

Response to Comment 6-19

See Response to Comment 6-18. In addition, this comment is related to the functioning of roadway segments and intersections, which is no longer considered an environmental impact under CEQA. In response to Senate Bill (SB) 743, the Governor's Office of Land Use and Climate Innovation (formerly known as the Office of Planning and Research [OPR]) has updated the CEQA Guidelines to include new transportation-related evaluation metrics. In December 2018, the California Natural Resources Agency certified and adopted the CEQA Guidelines update package along with an updated Technical Advisory related to Evaluating Transportation Impacts in CEQA. Full compliance with the Guidelines became effective July 2020. As a result of SB 743, and Section 15064.3 of the CEQA Guidelines, as discussed in further detail below, local jurisdictions may no longer rely on vehicle level of service (LOS) and similar measures related to delay as the basis for determining the significance of transportation impacts under CEQA, and instead a VMT metric should be evaluated.

Response to Comment 6-20

The comment does not address the adequacy of the Draft EIR. Nonetheless, the comment has been noted for the record and will be forwarded to the decision-makers for their consideration.



Response to Comment 6-21

See Response to Comment 4-2. The comment does not address the adequacy of the Draft EIR. Nonetheless, the comment has been noted for the record and will be forwarded to the decision-makers for their consideration.

Response to Comment 6-22

See Response to Comment 4-2.

Response to Comment 6-23

The comment does not address the adequacy of Draft EIR. See Response to Comment 4-2.

Response to Comment 6-24

The comment does not specifically address the adequacy of the Draft EIR. Nonetheless, as discussed under Impact 4.1-3 in Chapter 4.1, Aesthetics, of the Draft EIR, the City of Winters adopted design guidelines in 2011 for the Grant Avenue Business and Commercial District, which includes the stretch of SR 128 that bounds the southern boundary of the project site, as well as an internal portion of the project site. Guidelines are provided for site planning, architecture and building design, connectivity, signs, landscaping, and lighting. Compliance with the design guidelines would be ensured through the City's Design Review process. The comment has been noted and will be forwarded to the decision-makers for their consideration.

Response to Comment 6-25

The comment is a concluding statement and does not address the adequacy of the Draft EIR.



Letter 7

----- Forwarded message -----

From: **Carol Scianna** <cosmozz795@gmail.com>
Date: Wed, Oct 23, 2024 at 2:16 PM
Subject: Farmstead DEIR comments
To: Dave Dowsnell <dave.dowsnell@cityofwinters.org>

Hello Dave

Below please find my comments regarding Farmstead EIR:

7-1

Sect 3 pg 12- There is a proposed bike lane on the north side of the park, in order to provide connectivity from the Farmstead community to schools, library etc it would be wonderful to continue this bike lane and expand as a greenbelt on the north side of the new Broadview St heading west to connect with the existing Broadview where a bike lane can be added this will connect to the ped/bike lane on the south edge of Walnut park and facilitate students getting to the schools on north side of Grant Ave/
These improvements will enhance connectivity, reduce VMT and be a wonderful asset to this new development.

7-2

Sect 4.3 pg 57 There is discussion regarding the installation of rooftop solar with the capacity to provide 100% of the power needed to operate all homes. I want to ensure that solar installed will meet this commitment and commercial buildings should also be required to install solar to the maximum level possible.

7-3

Sect 4.3 pg 63 No Natural Gas- I am very pleased to see that the homes proposed will be using 100% electricity and not using natural gas. As we move our state towards electrification, there is some gray area language regarding gas infrastructure being provided to commercial kitchens. I think no gas at all is the best choice, however if we need if commercial kitchens will require it that this is a very small exception and bringing natural gas infrastructure into the project will not allow the new homes the choice of gas or electric power.

7-4

Street Lighting

The City's Climate Action Committee is reviewing the City lighting standards as it relates to night sky issues and hoping to work with Planning Dept to adjust our standards accordingly. These new standards will not be developed before Farmstead moves forward. We need to have the flexibility to adjust the street lighting installed in this project so that it does a better job of reducing the impact to night sky glare that our more recent developments in the north area of town have created.

Thank you

--

Take care,
Carol Scianna

--

Take care,
Carol



LETTER 7: CAROL SCIANNA

Response to Comment 7-1

See Response to Comment 6-2. The comment has been noted and will be forwarded to the decision-makers for their consideration.

Response to Comment 7-2

As stated on page 4.3-57 of Chapter 4.3, Air Quality, Greenhouse Gas Emissions, and Energy, of the Draft EIR, the residential units would meet 100 percent of their anticipated energy demand through solar panels. The 2022 Building Energy Efficiency Standards also require that newly constructed non-residential buildings, including grocery stores, offices, financial institutions, unleased tenant space, retail space, schools, warehouses, auditoriums, convention centers, hotel/motels, libraries, medical office building/clinics, and theaters, be developed to include a solar photovoltaic (PV) system. Therefore, a portion of the electricity demand associated with development of the proposed project's commercial components would also be met by on-site renewable energy.

Furthermore, State regulations promote the generation of renewable energy and encourage energy efficiency through requirements placed on utility providers and strict development standards. For instance, the State's Renewable Portfolio Standard (RPS) requires utilities, including PG&E and Valley Clean Energy (VCE), to procure an increasing proportion of electricity from renewable sources. Ultimately, the RPS requirements mandate that all electricity produced within the State be renewably sourced by the year 2045.

Response to Comment 7-3

See Response to Comment 4-5.

Response to Comment 7-4

The comment does not address the adequacy of the Draft EIR. Nonetheless as required by Mitigation Measure 4.1-4(a) within Chapter 4.1, Aesthetics, of the Draft EIR, prior to approval of Improvement Plans, the project applicant shall submit a photometric and proposed lighting plan for the project to the City of Winters Community Development Department for review and approval, demonstrating that the proposed lighting will not adversely affect adjacent areas.



3. Revisions to the Draft EIR Text

3. REVISIONS TO THE DRAFT EIR TEXT

3.1 INTRODUCTION

The Revisions to the Draft EIR Text chapter presents minor corrections, additions, and revisions made to the Draft EIR published by the Lead Agency (City of Winters).

The changes represent minor clarifications/amplifications of the analysis contained in the Draft EIR and do not constitute significant new information that, in accordance with CEQA Guidelines, Section 15088.5, would trigger the need to recirculate portions or all of the Draft EIR.

3.2 DESCRIPTION OF CHANGES

New text is double underlined and deleted text is ~~struck through~~. Text changes are presented in the page order in which they appear in the Draft EIR.

2 EXECUTIVE SUMMARY

For clarification purposes, Table 2-1 in Chapter 2, Executive Summary, of the Draft EIR is hereby revised to reflect the revisions made to Mitigation Measure 4.2-1 as part of this Final EIR, as presented below. Rather than include the entirety of Table 2-1 with revisions shown where appropriate, only the impact for which mitigation has been revised is presented in this chapter. The revisions to Table 2-1 are for clarification purposes only and do not change the conclusions of the Draft EIR. Please refer to the end of the Description of Changes section of this chapter for Table 2-1.

4.2 AGRICULTURAL RESOURCES

Page 4.2-9 of Chapter 4.2 Agricultural Resources, of the Draft EIR is hereby revised as follows:

Local Regulations

The following are the local regulations and standards pertinent to the proposed project with respect to agricultural resources.

Yolo County Habitat Conservation Plan and Natural Community Conservation Plan

The Yolo HCP/NCCP, which was adopted in January 2019, is a 50-year regional plan that provides for the conservation of 12 Covered Species and the natural communities and agricultural land on which they depend, while allowing for orderly development in Yolo County consistent with local general plans. The following six local agencies prepared the Yolo HCP/NCCP: the Yolo Habitat Conservancy, County of Yolo, City of Davis, City of West Sacramento, City of Winters, and City of Woodland. The Yolo HCP/NCCP only applies to eligible projects, also known as Covered Activities, undertaken within the Yolo HCP/NCCP plan area, which includes all areas within Yolo County, including the incorporated cities of Davis, West Sacramento, Winters, and Woodland.

The Yolo HCP/NCCP provides the basis for issuance of long-term permits under FESA and the California Natural Community Conservation Planning Act (NCCPA) that cover an



array of public and private activities, including activities that are essential to the ongoing viability of Yolo County's agricultural and urban economies. Specifically, the Yolo HCP/NCCP provides permittees (i.e., Yolo County, the four incorporated cities, and the Yolo Habitat Conservancy) with incidental take permits from both USFWS and CDFW for the 12 Covered Species, pursuant to Section 10(a)(1)(B) of the FESA and Section 2835 of the NCCPA chapter of the CFGC. The Yolo HCP/NCCP ensures compliance with the FESA, NCCPA, and CESA for Covered Activities that may affect Covered Species.

Project applicants are required within the Yolo HCP/NCCP plan area to comply with the applicable Yolo HCP/NNCP Avoidance and Minimization Measures (AMMs) to avoid, minimize, and mitigate the take of Covered Species. Applicants of development projects within the Yolo HCP/NCCP permit area are required to complete a Yolo HCP/NCCP application package, which includes an application form, a project description, land cover mapping and planning-level surveys, verification of land cover impacts, an Avoidance/Minimization/Mitigation (AMM) plan, and fees or equivalent mitigation. Payment of the land cover fees will allow the Yolo HCP/NCCP to purchase and preserve an equivalent amount of off-site habitat of equal or greater value as the on-site habitat that would be developed as part of the proposed project. The Yolo Habitat Conservancy charges various types of fees to cover implementation costs, including administration, land acquisition, restoration, and land management costs. Yolo HCP/NCCP applicants can either pay mitigation fees for land cover conversion, or conduct wetland restoration, and/or dedicate land in-lieu of the fees. Wetland restoration and land-in-lieu proposals must be reviewed and approved by the Yolo Habitat Conservancy. If an applicant opts to pay the mitigation fees, the Yolo Habitat Conservancy applies an adopted land cover fee schedule, with additional fees for wetlands. Fees are automatically increased annually, adjusted for inflation. Additionally, every five years, the Yolo Habitat Conservancy completes a fee assessment to review costs, underlying assumptions, and actual costs. After the review, fee schedule adjustments are made, and automatic annual increases resume based off the five-year fee assessment

City of Winters General Plan

The relevant goals and policies from the City's General Plan related to agricultural resources are presented below.

Page 4.2-13 of Chapter 4.2, Agricultural Resources, of the Draft EIR is hereby revised as follows:

Mitigation Measure(s)

Applicants of development projects within the Yolo HCP/NCCP permit area are required to complete a Yolo HCP/NCCP application package, which includes an application form, a project description, land cover mapping and planning-level surveys, verification of land cover impacts, an AMM plan, and fees or equivalent mitigation. Payment of the land cover fees will allow the Yolo HCP/NCCP to purchase and preserve an equivalent amount of off-site habitat of equal or greater value as the on-site habitat that would be developed as part of the proposed project. Because equivalent habitat would consist of agricultural lands similar to the project site, payment of Yolo HCP/NCCP fees would mitigate for the loss of on-site habitat and agricultural land.

However, While the following mitigation measure would preserve an equivalent acreage of Farmland elsewhere, the proposed project would result in the conversion of agricultural land to urban uses and would not create new agricultural land; as such, the proposed project would lead to an overall loss of Farmland. Therefore, although implementation of the following mitigation measure would reduce the above potentially significant impact, the impact would remain *significant and unavoidable*.



4.2-1 ~~Prior to initiation of grading activities for each phase of development at the Farmstead Subdivision Project site, the project applicant shall set aside in perpetuity, at a minimum ratio of 1:1 of active agricultural acreage, an amount equal to the current phase. The applicant may choose to set aside in perpetuity an amount equal to the remainder of the project site instead of at each phase. The agricultural land shall be located elsewhere in unincorporated Yolo County, through the purchase of development rights and execution of an irreversible conservation or agricultural easement complete a Yolo HCP/NCCP application package, which includes an application form, a project description, land cover mapping and planning-level surveys, verification of land cover impacts, an Avoidance/Minimization/Mitigation (AMM) plan, and fees or equivalent mitigation. Land cover conversion fees shall be applied for the proposed project's land cover impacts, in accordance with Yolo HCP/NCCP guidelines. Proof of compliance with the aforementioned requirements shall be submitted to the City of Winters Community Development Department for review and approval.~~

The foregoing minor changes are for clarification purposes only and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.

4.8 PUBLIC SERVICES AND UTILITIES

Table 4.8-1 and Table 4.8-3 of Chapter 4.8, Public Services and Utilities, of the Draft EIR are hereby revised as follows:

Table 4.8-1 Schools Serving the Project Site			
School	Grades	Enrollment	Capacity*
Winters High School	9-12	493	729
Winters Middle School	6-8	340	594
Shirley Rominger School	3-5	346	500
Waggoner Elementary School	TK-2	389	475
* As detailed in the WJUSD Facility Master Plan, the capacity numbers noted herein include use of portable classrooms, which are not intended as long-term facility solutions.			
Source: Winters Joint Unified School District. Facility Master Plan. Fall 2023.			

Table 4.8-3 Enrollment, Capacity, and Student Generation by School*				
School	Existing Enrollment	Students Generated by Project	Project Plus Existing Enrollment	Capacity**
Winters High School	493	35	528	729
Winters Middle School	340	38	378	594
Shirley Rominger School	346	34*** =	380	500



Table 4.8-3 Enrollment, Capacity, and Student Generation by School*				
School	Existing Enrollment	Students Generated by Project	Project Plus Existing Enrollment	Capacity**
Waggoner Elementary School	389	34*** =	423	475
<p>* Excluding Wolfskill Career Readiness Academy, an alternative education high school on the same campus as Winters High School</p> <p>** As detailed in the WJUSD Facility Master Plan, the capacity numbers noted herein include use of portable classrooms, which are not intended as long-term facility solutions.</p> <p>*** = Students generated by the proposed project for grades kindergarten through grade five divided in half between Shirley Rominger School and Waggoner Elementary School</p> <p>Source: Winters Joint Unified School District, Fall 2023.</p>				

The foregoing minor changes are for clarification purposes only and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.

4.9 TRANSPORTATION

Page 4.9-4 of Chapter 4.9, Transportation, of the Draft EIR is hereby revised as follows:

The Yolo County Transportation District (YCTD) provided public transit service (Yolobus) in the City limits. Currently, the City of Winters was served by the Yolobus ~~YOUR Ride~~ BeeLine on-demand microtransit service, which provides point-to-point rides within the City and to/from the cities of Davis and Vacaville. The service is available Monday through Saturday between 8:30 AM and 4:30 PM.

Page 4.9-22 of Chapter 9, Transportation, of the Draft EIR is hereby revised as follows:

The City of Winters is served by the Yolobus ~~YOUR Ride~~ BeeLine on-demand microtransit service. The service provides point-to-point rides within the City (including the adjacent El Rio Villa community) and to/from the cities of Davis and Vacaville.

The foregoing minor changes are for clarification purposes only and do not affect the adequacy or conclusions of the environmental analysis contained in Draft EIR.



**Table 2-1
Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
4.2 Agricultural Resources			
4.2-1 Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.	S	4.2-1 Prior to initiation of grading activities for each phase of development at the Farmstead Subdivision Project site, the project applicant shall set aside in perpetuity, at a minimum ratio of 1:1 of active agricultural acreage, an amount equal to the current phase. The applicant may choose to set aside in perpetuity an amount equal to the remainder of the project site instead of at each phase. The agricultural land shall be located elsewhere in unincorporated Yolo County, through the purchase of development rights and execution of an irreversible conservation or agricultural easement complete a Yolo HCP/NCCP application package, which includes an application form, a project description, land cover mapping and planning-level surveys, verification of land cover impacts, an Avoidance/Minimization/Mitigation (AMM) plan, and fees or equivalent mitigation. Land cover conversion fees shall be applied for the proposed project's land cover impacts, in accordance with Yolo HCP/NCCP guidelines. Proof of compliance with the aforementioned requirements shall be submitted to the City of Winters Community Development Department for review and approval.	SU



4. Mitigation Monitoring and Reporting Program

4. MITIGATION MONITORING AND REPORTING PROGRAM

4.1 INTRODUCTION

Section 15097 of the California Environmental Quality Act (CEQA) requires all State and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to an EIR.

The following is the Mitigation Monitoring and Reporting Program (MMRP) for the Farmstead Subdivision Project. The intent of the MMRP is to ensure implementation of the mitigation measures identified within the EIR and Initial Study (IS) prepared for the Farmstead Subdivision Project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this MMRP shall be funded by the project applicant.

4.2 COMPLIANCE CHECKLIST

The MMRP contained herein is intended to satisfy the requirements of CEQA as they relate to the EIR for the Farmstead Subdivision Project prepared by the City of Winters. This MMRP is intended to be used by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMRP were developed in the EIR and IS that were prepared for the proposed project.

The EIR and IS present a detailed set of mitigation measures that will be implemented throughout the lifetime of the project. Mitigation is defined by CEQA Guidelines, Section 15370, as a measure that:

- Avoids the impact altogether by not taking a certain action or parts of an action;
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment;
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project; or
- Compensates for the impact by replacing or providing substitute resources or environments.

The intent of the MMRP is to ensure the implementation of adopted mitigation measures. The MMRP will provide for monitoring of construction activities as necessary and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by the City of Winters. The table in Section 4.3 of this chapter identifies the mitigation measures, the monitoring action for each mitigation measure, the responsible party for the monitoring action, and timing of the monitoring action. The applicant will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMRP. The City will be responsible for monitoring compliance.



4.3 MITIGATION MONITORING AND REPORTING PROGRAM

The following table indicates the mitigation measure number, the impact the measure is designed to address, the measure text, the monitoring agency, implementation schedule, and an area for sign-off indicating compliance.



[illegible]

	Monitoring	Implementation
1. Identify the problem	Identify the problem and its causes.	Identify the problem and its causes.
2. Set goals	Set goals for the program.	Set goals for the program.
3. Develop a plan	Develop a plan for the program.	Develop a plan for the program.
4. Implement the plan	Implement the plan for the program.	Implement the plan for the program.
5. Evaluate the program	Evaluate the program for effectiveness.	Evaluate the program for effectiveness.

MITIGATION MONITORING AND REPORTING PROGRAM Farmstead Subdivision Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>to prevent light and glare from adversely affecting motorists on nearby roadways. Proof of compliance shall be submitted to the City of Winters Community Development Department for review and approval.</i>			
4.2 Agricultural Resources					
4.2-1	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.	4.2-1 <i>Prior to initiation of grading activities, the project applicant shall complete a Yolo HCP/NCCP application package, which includes an application form, a project description, land cover mapping and planning-level surveys, verification of land cover impacts, an Avoidance/Minimization/Mitigation (AMMs) plan, and fees or equivalent mitigation. Land cover conversion fees shall be applied for the proposed project's land cover impacts, in accordance with Yolo HCP/NCCP guidelines. Proof of compliance with the aforementioned requirements shall be submitted to the City of Winters Community Development Department for review and approval.</i>	City of Winters Community Development Department	Prior to initiation of grading activities for each phase of development	
4.2-3	Involve changes in the existing environment which, due to their location or nature, could cumulatively result in loss of Farmland to non-agricultural use.	4.2-3 <i>Implement Mitigation Measure 4.2-1.</i>	See Mitigation Measure 4.2-1	See Mitigation Measure 4.2-1	
4.3 Air Quality, Greenhouse Gas Emissions, and Energy					
4.3-7	Generation of GHG emissions that may have a significant	4.3-7(a) <i>The following requirements shall be noted on project improvement plans, subject to review</i>	City of Winters Community Development	Prior to approval of project Improvement Plans	



MITIGATION MONITORING AND REPORTING PROGRAM Farmstead Subdivision Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	impact on the environment or conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.	<p><i>and approval by the City of Winters Community Development Department:</i></p> <ul style="list-style-type: none"> <i>The proposed project shall be designed such that the project is built all-electric, and natural gas infrastructure shall be prohibited on-site; and</i> <i>The project shall be constructed to include electric vehicle (EV) ready parking spaces at the ratio with which the current CalGreen Tier 2 standards require EV Capable spaces.</i> <p><i>If the use of all-electric for any project component(s) (e.g., an appliance) is not enforceable or commercially feasible at the time of issuance of building permit, the applicant shall be required to include pre-wiring to allow for the future retrofit of all natural gas appliances with all-electric appliances and purchase off-site mitigation credits or forecasted mitigation units ("FMUs") (collectively, "GHG credits") for project-related GHG emissions from the component(s) using natural gas instead of electric. The emissions from the use of natural gas shall be calculated by a qualified professional utilizing YSAQMD, CARB-, or the USEPA-approved emissions models and quantification methods available and submitted to the City for review and approval, which shall include third-party review by a qualified consultant of the City's</i></p>	Department		



MITIGATION MONITORING AND REPORTING PROGRAM Farmstead Subdivision Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>selection and be subject to applicant reimbursement of consultant costs.</p> <p>Any and all GHG credits to off-set for the use of natural gas must be created through a CARB-approved registry. These registries are currently the ACR, CAR, and Verra, although CARB may accredit additional registries in the future. These registries use robust accounting protocols for all GHG credits created for their exchange, including the six currently approved CARB protocols. This mitigation measure specifically requires GHG credits created for the project originate from a CARB-approved protocol or a protocol that is equal to or more rigorous than CARB requirements under 17 CCR 95972. The selected protocol must demonstrate that the GHG-emissions reductions are real, permanent, quantifiable, verifiable, enforceable, and additional. Definitions of these terms from 17 CCR 95802(a) are provided below.</p> <p>(1) Real: GHG reductions or enhancements result from a demonstrable action or set of actions and are quantified using appropriate accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the [GHG credit] project boundary and account for uncertainty and the potential for</p>			



MITIGATION MONITORING AND REPORTING PROGRAM Farmstead Subdivision Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>activity-shifting and market-shifting leakage.</i></p> <p>(2) <i>Additional: GHG reductions or removals that exceed any GHG reduction, or removals otherwise required by law, regulation, or legally binding mandate, and that exceed any GHG reductions or removals that would otherwise occur in a conservative BAU scenario.</i></p> <p>(3) <i>Permanent: GHG reductions and removal enhancements are not reversible or, when GHG reductions and GHG-removal enhancements may be reversible, mechanisms are in place to replace any reversed GHG-emission reductions and GHG-removal enhancements to ensure that all credited reductions endure for at least 100 years.</i></p> <p>(4) <i>Quantifiable: The ability to accurately measure and calculate GHG reductions or GHG-removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the [GHG credit] project boundary, while accounting for uncertainty. activity-shifting, and market-shifting leakage.</i></p> <p>(5) <i>Verifiable: A [GHG credit] project report assertion is well-documented</i></p>			



MITIGATION MONITORING AND REPORTING PROGRAM Farmstead Subdivision Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>and transparent such that it lends itself to an objective review by an accredited verification body.</p> <p>(6) <i>Enforceable</i>: The authority for CARB to hold a particular party liable and take appropriate action if any of the provisions of this article are violated. Note that this definition of enforceability is specific to the Cap-and-Trade regulation, where CARB holds enforcement authority, but this measure will employ GHG credits from the voluntary market, where CARB has no enforcement authority. Applying the definition to this mitigation measure means that GHG reductions must be owned by a single entity and backed by a legal instrument or contract that defines exclusive ownership.</p> <p>Geographic Prioritization of GHG Credits GHG credits from reduction projects in the City will be prioritized before projects in larger geographies (i.e., northern California, California, United States, and international). The applicant will inform brokers of the required geographic prioritization for the procurement of GHG credits. GHG credits from reduction projects identified in the City that are of equal or lesser cost compared to the settlement price of the latest Cap-and-Trade auction must be included in the</p>			



MITIGATION MONITORING AND REPORTING PROGRAM Farmstead Subdivision Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>transaction. GHG credits from reduction projects outside of the City may be purchased if adequate credits cannot be found in the City or if they exceed the maximum price identified above. The economic and geographic analysis undertaken to inform the selection of GHG credits must be provided by the applicant to the City as part of the required documentation discussed below under Plan Implementation and Reporting.</i></p> <p>Types of GHG Credits <i>GHG credits may be in the form of GHG offsets for prior reductions of GHG emissions verified through protocols or FMUs for future committed GHG emissions meeting protocols. Because emissions reductions from GHG offsets have already occurred, their benefits are immediate and can be used to compensate for an equivalent quantity of project-generated emissions at any time. GHG credits from FMUs must be funded and implemented within 5 years of project GHG emissions to qualify as a GHG credit under this measure (i.e., there can only be a maximum of 5 years lag between project emissions and their real-world reductions through funding a FMU in advance and implementing the FMU on the ground). Any use of FMUs that result in a time lag between project emissions and their reduction by GHG credits from FMUs must be compensated through a prorated surcharge of additional</i></p>			



MITIGATION MONITORING AND REPORTING PROGRAM Farmstead Subdivision Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>FMUs proportional to the effect of the delay. Because emissions of CO2 in the atmosphere reach their peak radiative forcing within 10 years, a surcharge of 10 percent for every year of lag between project emissions and their reduction through a FMU will be added to the GHG credit requirement (i.e., 1.10 FMUs would be required to mitigate 1 metric ton of project GHG emissions generated in the year prior to funding and implementation of the FMU).</i></p> <p>Verification and Independent Review of GHG Credits</p> <p><i>All GHG credits will be verified by an independent verifier accredited by the ANSI National Accreditation Board (ANAB) or CARB, or an expert with equivalent qualifications to the extent necessary to assist with the verification. Following the standards and requirements established by the accreditation board (i.e., ANAB or CARB), the verifier will certify the following.</i></p> <ul style="list-style-type: none"> <i>GHG credits conform to a CARB-approved protocol or a protocol that is equal to or more rigorous than CARB requirements under 17 CCR 95972. Verification of the latter requires certification that the credits meet or exceed the standards in 17 CCR 95972.</i> 			



MITIGATION MONITORING AND REPORTING PROGRAM Farmstead Subdivision Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> GHG credits are real, permanent, quantifiable, verifiable, enforceable, and additional, as defined in this measure. GHG credits are purchased according to the geographic prioritization standard defined in this measure under Geographic Prioritization of GHG Credits. <p>Verification of GHG offsets must occur as part of the certification process for compliance with the accounting protocol. Because FMUs are GHG credits that will result from future projects, additional verification must occur beyond initial certification is required. Verification for FMUs must include initial certification and independent verification every 5 years over the duration of the FMU generating the GHG credits. The verification will examine both the GHG credit realization on the ground and its progress toward delivering future GHG credits. The applicant will retain an independent verifier meeting the qualifications described above to certify reductions achieved by FMUs are achieved following completion of the future reduction project.</p> <p>4.3-7(b) Implement Mitigation Measure 4.9-2.</p>	See Mitigation Measure 4.9-2	See Mitigation Measure 4.9-2	



MITIGATION MONITORING AND REPORTING PROGRAM Farmstead Subdivision Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
4.4 Biological Resources					
4.4-1	Have a substantial adverse effect, either directly or through habitat modifications, on any special-status plant species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.	<p>4.4-1 <i>If construction has not commenced prior to the first day of spring 2026 (March 20, 2026), a new round of special-status plant surveys shall be conducted by a qualified biologist in areas proposed for disturbance, prior to the commencement of construction.</i></p> <p><i>The surveys shall be conducted in accordance with the U.S. Fish and Wildlife Service (USFWS) Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants, the California Native Plant Society (CNPS) Botanical Survey Guidelines of the California Native Plant Society, and the California Department of Fish and Wildlife (CDFW) Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. The surveys shall be conducted at the appropriate time of year when plants are in bloom. A report summarizing the results of the protocol-level special-status plant surveys shall be submitted for review and approval to the City of Winters Community Development Department.</i></p> <p><i>If special-status plant species are not found, further mitigation shall not be required. If special-status plants are found within the proposed impact area and they are perennials, such as recurved larkspur, then</i></p>	City of Winters Community Development Department	Prior to commencement of construction, if construction has not commenced prior to the first day of Spring 2026 (March 20, 2026)	



MITIGATION MONITORING AND REPORTING PROGRAM Farmstead Subdivision Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>mitigation shall consist of digging up the plants and transplanting them into a suitable mitigation area prior to construction. If the plant found is an annual, such as dwarf downingia or bearded popcornflower, then mitigation shall consist of collecting seed-bearing soil and spreading it into a suitable constructed wetland at a mitigation site. If special-status plants will be impacted, a mitigation plan shall be developed and approved by the City of Winters Community Development Department. Mitigation for the transplantation/establishment of rare plants shall result in no net loss of individual plants after a five-year monitoring period.</i>			
4.4-2	Have a substantial adverse effect, either directly or through habitat modifications, on northwestern pond turtle or giant garter snake.	Northwestern Pond Turtle 4.4-2(a) <i>Yolo HCP/NCCP AMM14: There are no specific design requirements for western pond turtle habitat, however, project proponents must follow design requirements for the valley foothill riparian and lacustrine and riverine natural communities described in Avoidance/Minimization/Mitigation (AMMs) 9 and 10, which require a 100-foot (minimum) permanent buffer zone from the canopy drip-line (the farthest edge on the ground where water will drip from the tree canopy, based on the outer boundary of the tree canopy). If modeled upland habitat will be impacted, a qualified biologist must be present and will assess the likelihood of western pond turtle nests occurring in the disturbance area (based on sun exposure, soil conditions, and</i>	City of Winters Community Development Department Yolo Habitat Conservancy	During ground-disturbing activities	



MITIGATION MONITORING AND REPORTING PROGRAM Farmstead Subdivision Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>other species habitat requirements). If a qualified biologist determines that there is a moderate to high likelihood of western pond turtle nests within the disturbance area, the qualified biologist will monitor all initial ground disturbing activity for nests that may be unearthed during the disturbance, and will move out of harm's way any turtles or hatchlings found.</p> <p><i>Giant Garter Snake</i></p> <p>4.4-2(b) <i>Yolo HCP/NCCP AMM15: The project proponent will avoid effects on areas where planning-level surveys indicate the presence of suitable habitat for giant garter snake. To avoid effects on giant garter snake aquatic habitat, the project proponent will conduct no in-water/in-channel activity and maintain a permanent 200-foot non-disturbance buffer from the outer edge of potentially occupied aquatic habitat. If the project proponent cannot avoid effects of construction activities, the project proponent will implement the measures below to minimize effects of construction projects (measures for maintenance activities are described after the following bulleted list).</i></p> <ul style="list-style-type: none"> Conduct preconstruction clearance surveys using USFWS-approved methods within 24 hours prior to construction activities within identified giant garter snake aquatic and 	<p>City of Winters Community Development Department</p> <p>Yolo Habitat Conservancy</p>	<p>Within 24 hours prior to construction activities and during construction activities</p>	



MITIGATION MONITORING AND REPORTING PROGRAM Farmstead Subdivision Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>adjacent upland habitat. If construction activities stop for a period of two weeks or more, conduct another preconstruction clearance survey within 24 hours prior to resuming construction activity.</p> <ul style="list-style-type: none"> • Restrict all construction activity involving disturbance of giant garter snake habitat to the snake's active season, May 1 through October 1. During this period, the potential for direct mortality is reduced because snakes are expected to move and avoid danger. • In areas where construction is to take place, encourage giant garter snakes to leave the site on their own by dewatering all irrigation ditches, canals, or other aquatic habitat (i.e., removing giant garter snake aquatic habitat) between April 15 and September 30. Dewatered habitat must remain dry, with no water puddles remaining, for at least 15 consecutive days prior to excavating or filling of the habitat. If a site cannot be completely dewatered, netting and salvage of giant garter snake prey items may be necessary to discourage use by snakes. • Provide environmental awareness training for construction personnel, as approved by the Conservancy. 			



MITIGATION MONITORING AND REPORTING PROGRAM Farmstead Subdivision Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>Training may consist of showing a video prepared by a qualified biologist, or an in-person presentation by a qualified biologist. In addition to the video or in-person presentation, training may be supplemented with the distribution of approved brochures and other materials that describe resources protected under the Yolo HCP/NCCP and methods for avoiding effects.</p> <ul style="list-style-type: none"> • A qualified biologist will prepare a giant garter snake relocation plan which must be approved by the Conservancy prior to work in giant garter snake habitat. The qualified biologist will base the relocation plan on criteria provided by CDFW or USFWS, through the Conservancy. • If a live giant garter snake is encountered during construction activities, immediately notify the project's biological monitor and USFWS and CDFW. The monitor will stop construction in the vicinity of the snake, monitor the snake, and allow the snake to leave on its own. The monitor will remain in the area for the remainder of the work day to ensure the snake is not harmed or, if it leaves the site, does not return. If the giant garter snake does not leave on its own, the qualified biologist will 			



MITIGATION MONITORING AND REPORTING PROGRAM Farmstead Subdivision Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>relocate the snake consistent with the relocation plan described above.</i></p> <ul style="list-style-type: none"> • <i>Employ the following management practices to minimize disturbances to habitat:</i> <ul style="list-style-type: none"> ○ <i>Install temporary fencing to identify and protect adjacent marshes, wetlands, and ditches from encroachment from construction equipment and personnel.</i> ○ <i>Maintain water quality and limit construction runoff into wetland areas through the use of hay bales, filter fences, vegetative buffer strips, or other accepted practices. No plastic, monofilament, jute, or similar erosion-control matting that could entangle snakes or other wildlife will be permitted.</i> <p><i>Ongoing maintenance covered activities by local water and flood control agencies typically involve removal of vegetation, debris, and sediment from water conveyance canals as well as resloping, rocking, and stabilizing the canals that serve agricultural water users. Maintenance of these conveyance facilities can typically occur only from mid-January through April when conveyance canals and</i></p>			



MITIGATION MONITORING AND REPORTING PROGRAM Farmstead Subdivision Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>ditches are not in service by the agency, although some drainages are used for storm conveyance during the winter and are wet all year. This timing is during the giant garter snake's inactive period. This is when snakes may be using underground burrows and are most vulnerable to take because they are unable to move out of harm's way. Maintenance activities, therefore, will be limited to the giant garter snake's active season (May 1 to October 1) when possible. All personnel involved in maintenance activities within giant garter snake habitat will first participate in environmental awareness training for giant garter snake, as described above for construction-related activities. To minimize the take of giant garter snake, the local water or flood control agency will limit maintenance of conveyance structures located within modeled giant garter snake habitat (Appendix A, Covered Species Accounts) to clearing one side along at least 80 percent of the linear distance of canals and ditches during each maintenance year (e.g., the left bank of a canal is maintained in the first year and the right bank in the second year). To avoid collapses when resloping canal and ditch banks composed of heavy clay soils, clearing will be limited to one side of the channel during each maintenance year.</p> <p>For channel maintenance activities conducted within modeled habitat for giant garter snake,</p>			



MITIGATION MONITORING AND REPORTING PROGRAM Farmstead Subdivision Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>the project proponent will place removed material in existing dredged sites along channels where prior maintenance dredge disposal has occurred. For portions of channels that do not have previously used spoil disposal sites and where surveys have been conducted to confirm that giant garter snakes are not present, removed materials may be placed along channels in areas that are not occupied by giant garter snake and where materials will not re-enter the canal because of stormwater runoff.</i></p> <p><i>Modifications to this AMM may be made with the approval of the Conservancy, USFWS, and CDFW.</i></p>			
4.4-3	Have a substantial adverse effect, either directly or through habitat modifications, on tricolored blackbird.	<p>4.4-3 <u>Yolo HCP/NCCP AMM21</u>: <i>The project proponent will retain a qualified biologist to identify and quantify (in acres) tricolored blackbird nesting and foraging habitat (as defined in Appendix A, Covered Species Accounts) within 1,300 feet of the footprint of the covered activity. If a 1,300-foot buffer from nesting habitat cannot be maintained, the qualified biologist will check records maintained by the Conservancy (which will include CNDDB data, and data from the tricolored blackbird portal) to determine if tricolored blackbird nesting colonies have been active in or within 1,300 feet of the project footprint during the previous five years. If there are no records of nesting tricolored blackbirds on the site, the qualified biologist</i></p>	<p>City of Winters Community Development Department</p> <p>Yolo Habitat Conservancy</p>	Prior to the initiation of construction activities	



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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>will conduct visual surveys to determine if an active colony is present, during the period from March 1 to July 30, consistent with protocol described by Kelsey (2008).</i></p> <p><i>Operations and maintenance activities or other temporary activities that do not remove nesting habitat and occur outside the nesting season (March 1 to July 30) do not need to conduct planning or construction surveys or implement any additional avoidance measures.</i></p> <p><i>If an active tricolored blackbird colony is present or has been present within the last five years within the planning-level survey area, the project proponent will design the project to avoid adverse effects within 1,300 feet of the colony site(s), unless a shorter distance is approved by the Conservancy, USFWS, and CDFW. If a shorter distance is approved, the project proponent will still maintain a 1,300-foot buffer around active nesting colonies during the nesting season but may apply the approved lesser distance outside the nesting season. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.</i></p>			
4.4-4	Have a substantial adverse effect, either directly or through habitat modifications,	4.4-4 <u>Yolo HCP/NCCP AMM18:</u> The project proponent will retain a qualified biologist to conduct planning-level surveys and identify western burrowing owl habitat (as defined in	City of Winters Community Development Department	Prior to any ground disturbance related to covered activities	



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	on burrowing owl.	<p><i>Appendix A, Covered Species Accounts) within or adjacent to (i.e., within 500 feet of) a covered activity. If habitat for this species is present, additional surveys for the species by a qualified biologist are required, consistent with CDFW guidelines (Appendix L).</i></p> <p><i>If burrowing owls are identified during the planning-level survey, the project proponent will minimize activities that will affect occupied habitat as follows. Occupied habitat is considered fully avoided if the project footprint does not impinge on a nondisturbance buffer around the suitable burrow. For occupied burrowing owl nest burrows, this nondisturbance buffer could range from 150 to 1,500 feet (Table 4-2, Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls [incorporated as Table 4.4-2 of this chapter]), depending on the time of year and the level of disturbance, based on current guidelines (California Department of Fish and Game 2012). The Yolo HCP/NCCP generally defines low, medium, and high levels of disturbances of burrowing owls as follows.</i></p> <ul style="list-style-type: none"> <i>Low: Typically 71-80 dB, generally characterized by the presence of passenger vehicles, small gas-powered engines (e.g., lawn mowers, small chain saws, portable</i> 	Yolo Habitat Conservancy		



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		<p>generators), and high-tension power lines. Includes electric</p> <ul style="list-style-type: none"> • <u>Moderate</u>: Typically 81-90 dB, and would include medium- and large-sized construction equipment, such as backhoes, front end loaders, large pumps and generators, road graders, dozers, dump trucks, drill rigs, and other moderate to large diesel engines. Also includes power saws, large chainsaws, pneumatic drills and impact wrenches, and large gasoline-powered tools. Construction activities would normally fall under this category. • <u>High</u>: Typically 91-100 dB, and is generally characterized by impacting devices, jackhammers, compression ("jake") brakes on large trucks, and trains. This category includes both vibratory and impact pile drivers (smaller steel or wood piles) such as used to install piles and guard rails, and large pneumatic tools such as chipping machines. It may also include large diesel and gasoline engines, especially if in concert with other impacting devices. Felling of large trees (defined as dominant or subdominant trees in mature forests), truck horns, yarding tower whistles, and muffled or underground explosives are also included. Very 			



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		<p><i>few covered activities are expected to fall under this category, but some construction activities may result in this level of disturbance.</i></p> <table><tr><th colspan="5">Table 4.4.2 Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls</th></tr><tr><th></th><th colspan="4">Level of Disturbance (feet) from Occupied Burrows</th></tr><tr><th>Time of Year</th><th>Low</th><th>Medium</th><th colspan="2">High</th></tr><tr><td>April 1-August 15</td><td>600</td><td>1,500</td><td colspan="2">1,500</td></tr><tr><td>August 16-October 15</td><td>600</td><td>600</td><td colspan="2">1,500</td></tr><tr><td>October 16-March 31</td><td>150</td><td>300</td><td colspan="2">1,500</td></tr><tr><td colspan="5">Source: Yolo Habitat Conservancy. Yolo County Habitat Conservation Plan/Natural Community Conservation Plan [Table 4-2]. April 2018.</td></tr></table> <p><i>The project proponent may qualify for a reduced buffer size, based on existing vegetation, human development, and land use, if agreed upon by CDFW and USFWS</i></p>	Table 4.4.2 Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls						Level of Disturbance (feet) from Occupied Burrows				Time of Year	Low	Medium	High		April 1-August 15	600	1,500	1,500		August 16-October 15	600	600	1,500		October 16-March 31	150	300	1,500		Source: Yolo Habitat Conservancy. Yolo County Habitat Conservation Plan/Natural Community Conservation Plan [Table 4-2]. April 2018.							
Table 4.4.2 Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls																																								
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		<p>(California Department of Fish and Game 2012).</p> <p>If the project does not fully avoid direct and indirect effects on nesting sites (i.e., if the project cannot adhere to the buffers described above), the project proponent will retain a qualified biologist to conduct preconstruction surveys and document the presence or absence of western burrowing owls that could be affected by the covered activity. Prior to any ground disturbance related to covered activities, the qualified biologist will conduct the preconstruction surveys within three days prior to ground disturbance in areas identified in the planning-level surveys as having suitable burrowing owl burrows, consistent with CDFW preconstruction survey guidelines (Appendix L, Take Avoidance Surveys). The qualified biologist will conduct the preconstruction surveys three days prior to ground disturbance. Time lapses between ground disturbing activities will trigger subsequent surveys prior to ground disturbance.</p> <p>If the biologist finds the site to be occupied by western burrowing owls during the breeding season (February 1 to August 31), the project proponent will avoid all nest sites, based on the buffer distances described above, during the remainder of the breeding season or while the nest is occupied by adults or young</p>			



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		<p>(occupation includes individuals or family groups that forage on or near the site following fledging). Occupancy of burrowing owl habitat during preconstruction surveys is confirmed at a site when at least one burrowing owl or sign (fresh whitewash, fresh pellets, feathers, or nest ornamentation) is observed at or near a burrow entrance. Construction may occur inside of the disturbance buffer during the breeding season if the nest is not disturbed and the project proponent develops an AMM plan that is approved by the Conservancy, CDFW, and USFWS prior to project construction, based on the following criteria:</p> <ul style="list-style-type: none"> • The Conservancy, CDFW, and USFWS approves the AMM plan provided by the project proponent. • A qualified biologist monitors the owls for at least three days prior to construction to determine baseline nesting and foraging behavior (i.e., behavior without construction). • The same qualified biologist monitors the owls during construction and finds no change in owl nesting and foraging behavior in response to construction activities. • If the qualified biologist identifies a change in owl nesting and foraging behavior as a result of construction activities, the qualified biologist will have the authority to stop all 			



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		<p>construction related activities within the non-disturbance buffer. Construction cannot resume within the buffer until the adults and juveniles from the occupied burrows have moved out of the project site, and the Conservancy, CDFW, and USFWS agree.</p> <ul style="list-style-type: none"> If monitoring indicates that the nest is abandoned prior to the end of nesting season and the burrow is no longer in use by owls, the project proponent may remove the nondisturbance buffer, only with concurrence from CDFW and USFWS. If the burrow cannot be avoided by construction activity, the biologist will excavate and collapse the burrow in accordance with CDFW's 2012 guidelines to prevent reoccupation after receiving approval from the wildlife agencies. <p>If evidence of western burrowing owl is detected outside the breeding season (December 1 to January 31), the project proponent will establish a non-disturbance buffer around occupied burrows, consistent with Table 4-2 (incorporated as Table 4.4-2 of this chapter), as determined by a qualified biologist. Construction activities within the disturbance buffer are allowed if the following criteria are met to prevent owls from abandoning important overwintering sites:</p>			



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		<ul style="list-style-type: none"> A qualified biologist monitors the owls for at least three days prior to construction to determine baseline foraging behavior (i.e., behavior without construction). The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities. If there is any change in owl roosting and foraging behavior as a result of construction activities, these activities will cease within the buffer. If the owls are gone for at least one week, the project proponent may request approval from the Conservancy, CDFW, and USFWS for a qualified biologist to excavate and collapse usable burrows to prevent owls from reoccupying the site if the burrow cannot be avoided by construction activities. The qualified biologist will install one-way doors for a 48-hour period prior to collapsing any potentially occupied burrows. After all usable burrows are excavated, the buffer will be removed and construction may continue. <p>Monitoring must continue as described above for the nonbreeding season as long as the burrow remains active.</p>			



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		<p>A qualified biologist will monitor the site, consistent with the requirements described above, to ensure that buffers are enforced and owls are not disturbed. Passive relocation (i.e., exclusion) of owls has been used in the past in the Plan Area to remove and exclude owls from active burrows during the nonbreeding season (Trulio 1995). Exclusion and burrow closure will not be conducted during the breeding season for any occupied burrow. If the Conservancy determines that passive relocation is necessary, the project proponent will develop a burrowing owl exclusion plan in consultation with CDFW biologists. The methods will be designed as described in the species monitoring guidelines (California Department of Fish and Game 2012) and consistent with the most up-to-date checklist of passive relocation techniques¹². This may include the installation of one-way doors in burrow entrances by a qualified biologist during the nonbreeding season. These doors will be in place for 48 hours and monitored twice daily to ensure that the owls have left the burrow, after which time the biologist will collapse the burrow to prevent reoccupation. Burrows will be excavated using hand tools. During excavation, an escape route will be maintained at all times. This may include inserting an artificial structure, such as piping, into the burrow to prevent collapsing until the entire burrow can</p>			



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		<i>be excavated and it can be determined that no owls are trapped inside the burrow. The Conservancy may allow other methods of passive or active relocation, based on best available science, if approved by the wildlife agencies. Artificial burrows will be constructed prior to exclusion and will be created less than 300 feet from the existing burrows on lands that are protected as part of the reserve system.</i>			
4.5-5	Have a substantial adverse effect, either directly or through habitat modifications, on Swainson's hawk or white-tailed kite.	<p>4.4-5 <u>Yolo HCP/NCCP AMM16:</u> <i>The project proponent will retain a qualified biologist to conduct planning-level surveys and identify any nesting habitat present within 1,320 feet of the project footprint. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.</i></p> <p><i>If a construction project cannot avoid potential nest trees (as determined by the qualified biologist) by 1,320 feet, the project proponent will retain a qualified biologist to conduct preconstruction surveys for active nests consistent, with guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000), between March 15 and August 30, within 15 days prior to the beginning of the construction activity. The results of the survey will be submitted to the Conservancy and CDFW. If active nests are found during preconstruction surveys, a 1,320-foot initial temporary nest disturbance</i></p>	<p>City of Winters Community Development Department</p> <p>Yolo Habitat Conservancy</p>	Within 15 days prior to the beginning of construction activities	



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		<p>buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then the qualified biologist will monitor the nest and will, along with the project proponent, consult with CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed only to proceed within the temporary nest disturbance buffer if Swainson's hawk or white-tailed kite are not exhibiting agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of CDFW and USFWS. The designated on-site biologist/monitor shall be on-site daily while construction-related activities are taking place within the 1,320-foot buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior. Up to 20 Swainson's hawk nest trees (documented nesting within the last 5 years) may be removed during the permit term, but they must be removed when not occupied by Swainson's hawks.</p> <p>For covered activities that involve pruning or removal of a potential Swainson's hawk or white-tailed kite nest tree, the project proponent will conduct preconstruction surveys that are consistent with the guidelines provided by the Swainson's Hawk Technical</p>			



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		<i>Advisory Committee (2000). If active nests are found during preconstruction surveys, no tree pruning or removal of the nest tree will occur during the period between March 1 and August 30 within 1,320 feet of an active nest, unless a qualified biologist determines that the young have fledged and the nest is no longer active.</i>			
4.4-6	Have a substantial adverse effect, either directly or through habitat modifications, on other nesting birds and raptors protected under the MBTA and CFGC, including northern harrier.	<p>4.4-6 <i>The removal of any buildings, trees, or shrubs shall occur from September 1 through December 15, outside of the avian nesting season. If removal of buildings, trees, or shrubs occurs, or construction begins between February 1 and August 31 (nesting season for passerine or non-passerine land birds) or between December 15 and August 31 (nesting season for raptors), a nesting bird survey shall be performed by a qualified ornithologist throughout the project site and all accessible areas within a 500-foot radius of proposed construction areas, at most, 14 days prior to the removal or disturbance of a potential nesting structure, tree, or shrub, or the initiation of other construction activities. During this survey, a qualified biologist shall inspect all potential nesting habitat (trees, shrubs, structures, grasslands, etc.) for nests in and immediately adjacent to the impact areas. If a break in construction activity of more than 14 days occurs, then subsequent surveys shall be conducted. A report of the survey findings shall be provided to the City of Winters Community Development</i></p>	<p>City of Winters Community Development Department</p> <p>California Department of Fish and Wildlife</p>	Within 14 days prior to the initiation of construction activities	



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		<p>Department and CDFG within 30 days of the completed survey and is valid for one construction season. If nests are not found, further mitigation is not required.</p> <p>If active raptor nests are found, construction activities shall not take place within 500 feet of the nest until the young have fledged. If active songbird nests are found, a 100-foot non-disturbance buffer shall be established. The non-disturbance buffers may be reduced if a smaller, sufficiently protective buffer is approved by the City after taking into consideration the natural history of the species of bird nesting, the proposed activity level adjacent to the nest, the nest occupants' habituation to existing or ongoing activity, and nest concealment (i.e., whether visual or acoustic barriers occur between the proposed activity and the nest). A qualified biologist may 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>If the nest buffer is reduced but construction activities cause a nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest in a way that would be considered a result of construction activities, then the exclusionary buffer shall be increased such that activities</p>			



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		<p><i>are far enough from the nest to stop the agitated behavior. The revised non-disturbance buffer shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist in consultation with the City.</i></p> <p><i>Construction activities may only resume within the non-disturbance buffer after a follow-up survey by the biologist has been conducted and a report has been prepared indicating that the nest (or nests) are not active any longer, and that new nests have not been identified.</i></p>			
4.4-7	Have a substantial adverse effect, either directly or through habitat modifications, on special-status roosting bats.	<p><i>4.4-7 Prior to the commencement of construction activities, a qualified biologist shall conduct a bat habitat assessment of all potential roosting habitat features, including trees within the proposed impact footprint and within the project vicinity. The habitat assessment shall identify all potentially suitable roosting habitat and may be conducted up to one year prior to the start of construction. The results of the assessment shall be submitted for review and approval to the City of Winters Community Development Department.</i></p> <ul style="list-style-type: none"> <i>If potential roosting habitat is identified (cavities in trees) within the areas proposed for impact, the biologist shall survey the potential roosting habitat during the active season (generally April through October or from January through</i> 	City of Winters Community Development Department	Prior to the commencement of construction activities	



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		<p><i>March on days with temperatures in excess of 50 degrees Fahrenheit) to determine the presence of roosting bats. The surveys shall be conducted using methods that are considered acceptable by bat experts after consultation with CDFW. Methods may include evening emergence surveys, acoustic surveys, inspecting potential roosting habitat with fiberoptic cameras, or a combination thereof.</i></p> <ul style="list-style-type: none"> <i>If roosting bats are identified within any of the trees planned for removal, or if presence is assumed, the trees shall be removed outside of pup season, only on days with temperatures in excess of 50 degrees Fahrenheit. Pup season is generally during the months of May through August. Two-step tree removal shall be utilized under the supervision of the qualified biologist. Two-step tree removal involves removal of all branches of the tree that do not provide roosting habitat on the first day, and then the next day cutting down the remaining portion of the tree.</i> <i>Additionally, all other tree removal shall be conducted from January through March on days with temperatures in excess of 50 degrees</i> 			



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		<p><i>Fahrenheit to avoid potential impacts to foliage-roosting bat species.</i></p> <ul style="list-style-type: none"> <i>If roosting bats are identified within any trees planned for removal, a bat exclusion plan shall be prepared by a qualified bat biologist describing the methods to be used to humanely exclude bats prior to disturbance. The plan shall be submitted for review and approval to the City of Winters Community Development Department after consultation with CDFW and shall be implemented prior to the start of construction.</i> <i>The requirements for the bat expert and City to consult with CDFW prior to approving survey methods and a bat exclusion plan shall be satisfied either where CDFW responds to requests for consultation within 30 days of the requests or where the bat expert and City have attempted to consult with CDFW but CDFW has failed to respond to the request within 30 days of the placement of the request.</i> 			
4.4-8	Have a substantial adverse effect, either directly or through habitat modifications, on American badger	4.4-8 Within 48 hours prior to the commencement of construction, a preconstruction survey for American badger shall be conducted by a qualified biologist. A report summarizing the results of the preconstruction survey shall be submitted for review and approval to the City of Winters Community Development	City of Winters Community Development Department	Within 48 hours prior to the commencement of construction	



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		<i>Department. If American badger or burrows with American badger are found on-site during the preconstruction survey, consultation with CDFW shall occur prior to the initiation of any construction activities, to determine an appropriate burrow excavation and/or relocation method. If American badger is not found, further mitigation shall not be required.</i>			
4.4-10	Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	4.4-10 <i>Prior to the commencement of ground-disturbing activities, the project applicant shall apply to the Central Valley Regional Water Quality Control Board (RWQCB) for a Clean Water Act Section 401 Water Quality Certification and/or Waste Discharge Requirements for Projects Involving Discharge of Dredged and/or Fill Material to Waters of the State. Written verification of the Section 401 permit shall be submitted to the City of Winters Community Development Department. The project applicant shall be responsible for conducting all project activities in accordance with the permit provisions outlined therein.</i>	City of Winters Community Development Department RWQCB	Prior to the commencement of ground-disturbing activities	
4.4-12	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	4.4-12 <i>Pursuant to Winters Municipal Code Section 12.08.010, prior to the removal of any trees as part of the proposed project, the project applicant shall submit an application for review and approval to the City of Winters Tree Commission. Authority to remove trees shall be at the discretion of the City Manager, pursuant to the action taken by the Tree Commission. The application shall state the number and type of trees proposed to be</i>	City of Winters Tree Commission City of Winters City Manager	Prior to the removal of any trees as part of the proposed project	



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		<i>removed or replaced, and other pertinent information as the City Manager finds reasonably necessary to make a fair determination of whether or not authority for tree removal shall be issued.</i>			
4.4-13	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.	<p>4.4-13(a) <i>Yolo HCP/NCCP AMM3: Where natural communities and covered species habitat are present, workers will confine land clearing to the minimum area necessary to facilitate construction activities. Workers will restrict movement of heavy equipment to and from the project site to established roadways to minimize natural community and covered species habitat disturbance. The project proponent will clearly identify boundaries of work areas using temporary fencing or equivalent and will identify areas designated as environmentally sensitive. All construction vehicles, other equipment, and personnel will avoid these designated areas.</i></p> <p>4.4-13(b) <i>Yolo HCP/NCCP AMM4: To prevent injury and mortality of giant garter snake, western pond turtle, and California tiger salamander [It should be noted that California tiger salamander would not be potentially impacted by the proposed project], workers will cover open trenches and holes associated with implementation of covered activities that affect habitat for these species or design the trenches and holes with escape ramps that can be used during non-working hours. The construction contractor will inspect open</i></p>	<p>City of Winters Community Development Department</p> <p>Yolo Habitat Conservancy</p> <p>City of Winters Community Development Department</p> <p>Yolo Habitat Conservancy</p>	<p>During construction activities</p> <p>During implementation of covered activities that affect habitat for Giant Garter snake, Western Pond turtle, and California Tiger salamander.</p>	



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		<p>trenches and holes prior to filling and contact a qualified biologist to remove or release any trapped wildlife found in the trenches or holes.</p> <p>4.4-13(c) <u>Yolo HCP/NCCP AMM5</u>: Workers will minimize the spread of dust from work sites to natural communities or covered species habitats on adjacent lands.</p> <p>4.4-13(d) <u>Yolo HCP/NCCP AMM6</u>: All construction personnel will participate in a worker environmental training program approved/authorized by the Conservancy and administered by a qualified biologist. The training will provide education regarding sensitive natural communities and covered species and their habitats, the need to avoid adverse effects, state and federal protection, and the legal implications of violating the FESA and NCCPA Permits. A pre-recorded video presentation by a qualified biologist shown to construction personnel may fulfill the training requirement.</p> <p>4.4-13(e) <u>Yolo HCP/NCCP AMM7</u>: Workers will direct all lights for nighttime lighting of project construction sites into the project construction area and minimize the lighting of natural</p>	<p>City of Winters Community Development Department</p> <p>Yolo Habitat Conservancy</p> <p>City of Winters Community Development Department</p> <p>Yolo Habitat Conservancy</p> <p>City of Winters Community Development Department Yolo Habitat</p>	<p>During implementation of covered activities</p> <p>Prior to initiation of covered activities</p> <p>During implementation of covered activities at night</p>	



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		<p>habitat areas adjacent to the project construction area.</p> <p>4.4-13(f) <u>Yolo HCP/NCCP AMM8</u>: Project proponents should locate construction staging and other temporary work areas for covered activities in areas that will ultimately be a part of the permanent project development footprint. If construction staging and other temporary work areas must be located outside of permanent project footprints, they will be located either in areas that do not support habitat for covered species or are easily restored to prior or improved ecological functions (e.g., grassland and agricultural land). Construction staging and other temporary work areas located outside of project footprints will be sited in areas that avoid adverse effects on the following:</p> <ul style="list-style-type: none"> • Serpentine, valley oak woodland, alkali prairie, vernal pool complex, valley foothill riparian, and fresh emergent wetland land cover types. • Occupied western burrowing owl burrows. • Nest sites for covered bird species and all raptors, including noncovered raptors, during the breeding season. <p>Project proponents will follow specific Avoidance/ Minimization/ Mitigation (AMMs) for sensitive natural communities (Section</p>	<p>Conservancy</p> <p>City of Winters Community Development Department</p> <p>Yolo Habitat Conservancy</p>	<p>During implementation of covered activities.</p> <p>Within one year following removal of land cover.</p>	



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		<p>4.3.3, Sensitive Natural Communities) and covered species (Section 4.3.4, Covered Species) in temporary staging and work areas. For establishment of temporary work areas outside of the project footprint, project proponents will conduct surveys to determine if any of the biological resources listed above are present.</p> <p>Within one year following removal of land cover, project proponents will restore temporary work and staging areas to a condition equal to or greater than the covered species habitat function of the affected habitat. Restoration of vegetation in temporary work and staging areas will use clean, native seed mixes approved by the Conservancy that are free of noxious plant species seeds.</p> <p>4.4-13(g) To ensure avoidance and minimization of impacts to the species covered by the Yolo HCP/NCCP, which could be impacted by the project, the project applicant shall obtain coverage under the Yolo HCP/NCCP for on-site, and as may be determined necessary by Yolo Habitat Conservancy, for off-site infrastructure work, for each phase of development. In addition to payment of any applicable HCP/NCCP fees, the applicant shall implement Yolo HCP/NCCP Avoidance/Minimization/Mitigation (AMMs) identified in Mitigation Measures 4.4-2(a) and 4.4-2(b), 4.4-3, 4.4-4, and 4.4-5.</p>	<p>City of Winters Community Development Department</p> <p>Yolo Habitat Conservancy</p>	Prior to initiation of covered activities	



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4.5 Cultural and Tribal Cultural Resources					
4.5-2	Cause a substantial adverse change in the significance of a unique archeological resource pursuant to CEQA Guidelines, Section 15064.5 or disturb human remains, including those interred outside of dedicated cemeteries.	<p>4.5-2 <i>The following requirements shall be included via notation on all project grading plans prior to the issuance of grading permits, to the satisfaction of the City of Winters Community Development Department.</i></p> <p><i>In the event subsurface deposits believed to be cultural or human in origin are discovered during construction, all work shall halt within a 50-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for precontact and historic archaeologist, shall be retained by the applicant to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:</i></p> <ul style="list-style-type: none"> <i>If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and agency notifications are not required.</i> <i>If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the City and applicable landowner. The</i> 	<p>City of Winters Community Development Department</p> <p>Yolo County Coroner</p> <p>Native American Heritage Commission</p>	Prior to the issuance of grading permits	



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		<p>project applicant shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines. Work shall not resume within the no-work radius until the applicant, through consultation as appropriate and concurrence with the City, determines that the site either: 1) is not a historical resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to the City's satisfaction.</p> <ul style="list-style-type: none"> • If the find includes human remains, or remains that are potentially human, he or she shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the Yolo County Coroner (per Section 7050.5 of the Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California PRC, and AB 2641 shall be implemented. If the Coroner determines the remains are Native American and not the result of a crime 			



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		<p>scene, the Coroner shall notify the NAHC, which then shall designate a Native American Most Likely Descendant (MLD) for the proposed project (Section 5097.98 of the PRC). The designated MLD shall have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC shall mediate (Section 5097.94 of the PRC). If an agreement is not reached, the landowner shall rebury the remains where they shall not be further disturbed (Section 5097.98 of the PRC). The burial shall also include either recording the site with the NAHC or the appropriate information center, using an open space or conservation zoning designation or easement, or recording a reinternment document with Yolo County (AB 2641). Work shall not resume within the no-work radius until the City, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction.</p>			
4.5-3	Cause a substantial adverse change in the	4.5-3 Prior to ground disturbance activities, the project proponent shall prepare a Tribal	City of Winters Community	Prior to ground disturbances	



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	significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is: listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or a resource determined by the Lead Agency, in its discretion and supported by substantial evidence, to	<p><i>Cultural Resources Monitoring Plan for City approval that includes the following components:</i></p> <ul style="list-style-type: none"> <i>Awareness Training – The scope, format, and timing of delivery of a contractor awareness training program to inform equipment operators and their supervisors of the procedures required by the Monitoring Plan, which includes, at a minimum, annual training for all personnel involved in project implementation. The program shall include relevant information regarding sensitive tribal cultural laws and regulations. The program shall describe appropriate avoidance and minimization measure (as described in the executed Monitoring Plan) for resources that have the potential to be located on the project site and shall outline specific actions and contacts should any potential archeological resources or artifacts be encountered. The program shall also underscore the requirement for confidentiality and culturally-appropriate treatment of any finds of significance to Native American peoples and for behavior consistent with Native American Tribal values. A copy of the contractor awareness</i> 	Development Department	activities	



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	be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1.	<p><i>training program materials and written verification of completion of the training program shall be submitted to the City of Winters Community Development Department.</i></p> <ul style="list-style-type: none"> • <i>Compliance with Applicable Laws – The Monitoring Plan shall describe applicable laws and regulations relevant to potential cultural resource finds, including specific procedures to ensure compliance during implementation.</i> • <i>Reporting By Phase – The applicant shall file a written report to the City within 30 days of completion of monitoring for each monitoring phase. The report shall document compliance with the terms of the Monitoring Agreement and shall report on the nature and disposition of any cultural resource discoveries. Applicable requirements for confidentiality shall be observed in these reports.</i> • <i>Treatment and Disposition of Cultural Items and Remains – Detailed unanticipated discovery procedures for cultural resources, unique archaeological resources, tribal cultural resources, or human remains that includes consultation with the City to ensure that any discoveries are treated in accordance with</i> 			



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		<p><i>applicable state law before work can resume at the discovery location.</i></p> <ul style="list-style-type: none"> <i>Other Procedures and Requirements – Timing and procedures for other relevant actions necessary to implement the Monitoring Plan.</i> 			
4.5-4	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature	<p>4.5-4 <i>Prior to the issuance of grading permits, the following language shall be included via notation on the grading plans, subject to review and approval by the City of Winters Community Development Department:</i></p> <p><i>“Should construction or grading activities result in the discovery of unique paleontological resources, all work within 100 feet of the discovery shall cease. The City of Winters Community Development Department shall be notified, and the resources shall be examined by a qualified archaeologist, paleontologist, or historian, at the developer’s expense, for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist, paleontologist, or historian shall submit to the Community Development Department for review and approval a report of the findings and method of curation or protection of the resources. Work may only resume in the area of discovery when preceding work has occurred.</i></p>	City of Winters Community Development Department	Prior to the issuance of grading permits	
4.9 Transportation					
4.9-1	Conflict with a program, plan, ordinance, or	4.9-1(a) <i>Prior to issuance of grading permits, the project applicant shall obtain an encroachment</i>	City of Winters Community	Prior to issuance of grading permit	



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	policy addressing the circulation system including pedestrian, bicycle, and transit facilities.	<p><i>permit from the California Department of Transportation (Caltrans) for all proposed improvements within the State Route (SR) 128 right-of-way (ROW). As part of obtaining an encroachment permit, the project applicant shall apply through the Caltrans Encroachment Permit System and submit a copy of the final improvement plans as part of the application package, showing the location and specifications of the proposed improvements to SR 128. The proposed improvements shown on the improvement plans, which shall also be subject to review and approval by the City Engineer as meeting the applicable standards of the City of Winters Design Guidelines, shall include, but not be limited to, the following:</i></p> <p>1) At the SR 128 (East Grant Avenue)/East Main Street intersection, installation of a traffic signal, marked crosswalks, bike lane conflict markings, and bicycle intersection crossing markings. The traffic signal shall provide temporal separation between bicyclists, pedestrians, and conflicting vehicular movements (e.g., through the provision of pedestrian crossing phases). This improvement shall be completed during Phase 1 of the proposed project, prior to construction of the 160th dwelling unit. This</p>	<p>Development Department</p> <p>City Engineer</p>		



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		<p>improvement is included as a citywide improvement project in the City's Traffic Impact Fee program and shall be reimbursed through the requisite impact fee to the City's fee program. Additionally, should either of the two properties bordering the future traffic signal develop in advance of the proposed project, the properties shall reimburse the proposed project for their fair share of the signal.</p> <p>2) At the western project site boundary, contribution of a fair share towards the construction of a roundabout with marked crosswalks and physical separation between bicyclists and vehicles. The roundabout shall reduce approach speeds for vehicular traffic and enable crossing pedestrians to negotiate conflicting vehicular traffic, one direction at a time (i.e., through the provision of pedestrian refuge areas/splitter islands). This improvement is included as a citywide improvement project in the City's Traffic Impact Fee program. Accordingly, payment of the requisite impact fee to the City's fee program shall fulfill the project's mitigation obligation for this improvement.</p> <p>3) Construction of new bicycle facilities on SR 128 according to standards set</p>			



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		<p>forth in the Caltrans Highway Design Manual. The required Class I shared-use path on the northern edge of SR 128, along the project site's southern boundary, shall include a minimum paved width of eight feet, plus two-foot shoulders of unobstructed all-weather surface on each side of the path. The provision of the proposed 12-foot paved path shall also satisfy the applicable Caltrans design requirements. The design of the bicycle facilities shall be submitted to Caltrans and the City of Winters for review and approval.</p> <p>4) Improvements of equal effectiveness as determined by the City Engineer.</p> <p>Written verification of the encroachment permit shall be submitted to the City of Winters Community Development Department. The project applicant shall conduct all project activities in accordance with the permit provisions outlined therein.</p>			
4.9-2	Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	<p>4.9-2 Prior to issuance of the first building permit in the first phase of development, the applicant shall, to the extent feasible, implement transportation demand management (TDM) strategies to reduce the number of vehicle trips that would be generated by both the residential and commercial components of the project. The TDM program shall be submitted to the City Public Works Department for review and</p>	City Public Works Department	Prior to issuance of the first building permit in the first phase of development	



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		<p>approval. Potential TDM strategies range from site design characteristics to on-going parking management and commute travel programs. The California Air Pollution Control Officers Association (CAPCOA) Handbook for Assessing GHG Emission Reductions, Climate Vulnerabilities, and Health and Equity identifies numerous TDM strategies and quantifies their potential vehicle trip reduction effects. Potential strategies that could be applicable to the project include:</p> <ol style="list-style-type: none"> 1. Increase residential density; 2. Increase job density; 3. Provide transit-oriented development; 4. Implement commute trip reduction program; 5. Implement commute trip reduction marketing; 6. Provide ridesharing program; 7. Provide end-of-trip bicycle facilities; 8. Limit residential parking supply; 9. Unbundle residential parking costs from property costs; 10. Improve street connectivity; 11. Construct or improve bike boulevard; 12. Implement carshare program; and/or 13. Implement community-based travel planning. 			
Initial Study					
VII-a.iii, a.iv,c,d.	Directly or indirectly cause potential substantial adverse	VII-1 Prior to issuance of grading permits, a design-level Geotechnical Engineering Investigation shall be prepared in order to evaluate the	City Engineer	Prior to issuance of grading permits	



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	<p>effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction or Landslides.</p> <p>Be located on geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</p> <p>Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994) creating substantial direct or indirect risks to life or property?</p>	<p><i>proposed project's potential effects related to geologic hazards, including, but not limited to, expansive soils, liquefaction, and subsidence/settlement. The City Engineer shall verify that all geotechnical recommendations specified in the design-level Geotechnical Engineering Investigation prepared for the project are properly incorporated in the project design.</i></p>			
IX-b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions	<p><i>IX-1. Prior to initiation of ground-disturbing activities associated, the project applicant shall complete testing of on-site soils and groundwater. The testing shall be tested for organochlorine pesticides (OCPs) in accordance with U.S. Environmental</i></p>	City of Winters Community Development Department	Prior to initiation of ground-disturbing activities associated	



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	involving the likely release of hazardous materials into the environment?	<p><i>Protection Agency (USEPA) Method 8081A. Soil determined to be non-hazardous through analytical testing shall be transported and disposed of at a permitted Class II non-hazardous facility with established Waste Discharge Requirements (WDRs) with the Central Valley Regional Water Quality Control Board (RWQCB). Groundwater determined to be non-hazardous through analytical testing shall be transported and disposed of at a permitted non-hazardous treatment facility. Non-hazardous waste shall be transported to disposal under a non-hazardous waste manifest.</i></p> <p><i>In the event that soil and groundwater are determined to be hazardous by exceeding the USEPA Regional Screening Level for residential exposure scenarios, the soil and/or groundwater shall be transported and disposed of at a Class I facility permitted by the California Department of Toxic Substances Control. Hazardous waste shall be transported to disposal by a licensed hazardous waste hauler under a uniform hazardous waste manifest.</i></p> <p><i>The results of soil and/or groundwater sampling and analysis, as well as verification of proper remediation and disposal, shall be submitted to the City's Community Development Department for review and approval.</i></p>			



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		IX-2. <i>Prior to Improvement Plan approval, the project applicant shall contract a licensed geologist with the State of California to complete a site reconnaissance for any on-site wells. In the event on-site wells are not identified, no further mitigation shall be required. If an on-site well is identified, the project applicant shall hire a licensed well contractor to obtain a well abandonment permit from the Yolo County Environmental Health Division (YCEHD) for all on-site wells and properly abandon the on-site wells, pursuant to Department of Water Resources Bulletin 74-81 (Water Well Standards, Part III). Verification of abandonment shall be submitted for review and approval to the City's Community Development Department.</i>	City of Winters Community Development Department	Prior to Improvement Plan Approval	
X-c., X-d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: Impede or redirect flood flows? In flood hazard, tsunami, or seiche	X-1. <i>Prior to occupancy, the project applicant shall ensure that the conditions specified in the Federal Emergency Management Agency (FEMA) Conditional Letter of Map Revision have been met and a Final Letter of Map Revision issued by FEMA. Evidence thereof shall be submitted to the City's Community Development Department for review and approval.</i>	City of Winters Community Development Department FEMA	Prior to occupancy	



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	zones, risk release of pollutants due to project inundation?				

