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RESOLUTION NO. 2149-07

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR APPROVING A USE PERMIT FOR THE SANDERSON FORD AUTOMOBILE DEALERSHIP PURSUANT TO THE GC DISTRICT REGULATIONS FILE NO. ANX/PRZ/UP 05-34

WHEREAS, four parcels totaling 26+\- acres comprise the project site. All four parcels are located within the Town of Windsor's voter approved urban growth boundary. The proposed project involves the annexation of the northern three parcels, totaling approximately 23+\- acres; a Sphere of Influence (SOI) adjustment for approximately 8+\- acres (two northern parcels); Pre-zoning of approximately 23+\- acres to Gateway Commercial (northern three parcels); a Use Permit to allow an automobile dealership (i.e., Sanderson Ford) on the northernmost 7+\- acre parcel; and design review for the automobile dealership on the 7+\- acre parcel to evaluate the proposed project's site, architectural, and landscape design. No specific development is proposed for the three southern parcels totaling approximately 19.5+\- acres; and

WHEREAS, pursuant to the provisions of the State Planning and Zoning Law, it is the function and duty of the Town Planning Commission to review and recommend action on proposed zoning actions; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 14, 2007 on the proposed project and associated entitlements; and

WHEREAS, a staff report dated August 14, 2007, which is incorporated herein by reference, was prepared for Planning Commission review, which report described the general plan for the site and Use Permit request; and

WHEREAS, the proposed Sanderson Ford annexation/pre-zoning project, including approval of a use permit for the Sanderson Ford automobile dealership, was reviewed in accordance with the provisions of the California Environmental Quality Act through the preparation and review of an Environmental Impact Report. On August 14, 2007, by Resolution No. 514-07 incorporated herein by reference, the Planning Commission recommended certification of the Environmental Impact Report; and

WHEREAS, the Town of Windsor General Plan land use designation for the project site is Gateway Commercial; and

WHEREAS, by Resolution No. 515-07 incorporated herein by reference, the Planning Commission recommended that the Town Council pre-zone the parcels to GC – Gateway; and

WHEREAS, by Resolution No 517-07 incorporated herein by reference, the Planning Commission recommended that the Town Council initiate the annexation application to LAFCO; and

WHEREAS, a staff report dated September 19, 2007, which is incorporated herein by reference, was prepared for Town Council review, which report describes the general plan for the site and the use permit request; and

WHEREAS, the Town Council considered all written and oral testimony submitted at the public hearings; and

WHEREAS, on September 19, 2007 the Town Council certified the Environmental Impact Report and adopted Mitigation Monitoring and Reporting Program titled Sanderson Ford Project and Annexations Mitigation Monitoring and Reporting Program, by Resolution No. 2146-07, and introduced Ordinance No. 2007-222 pre-zoning the site to GC, which resolution and ordinance are incorporated herein by reference; and

WHEREAS, based on the analysis in the EIR, preliminary design review meetings, and associated staff reports documented in file ANX/PRZ/UP 05-34, and the Planning Commission recommendation, the Town Council makes the following findings regarding the proposed use for the Sanderson Ford automobile dealership:

1. The proposed use is allowed within the applicable zoning district and generally complies with all other applicable provisions of the Zoning Ordinance and the Town Code.
2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.
3. The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints.
4. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

WHEREAS, based on the analysis in the EIR, the preliminary design review meetings and associated staff reports documented in file ANX/PRZ/UP 05-34, and the Planning Commission recommendation, the Town Council makes the following additional findings regarding the proposed design of the Sanderson Ford project:

1. The design and layout of the proposed development are consistent with the General Plan, the development standards of the applicable zoning district, design standards/guidelines, and architectural criteria for special areas;
2. The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments, and will not create traffic or pedestrian hazards;
3. The architectural design of the proposed development is compatible with the character of the surrounding neighborhood;
4. The design of the proposed development will provide a desirable environment for its occupants, visiting public, and its neighbors through the appropriate use of materials, texture, and color, and will remain aesthetically appealing and be appropriately maintained;

5. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity; and
6. The project involves no potential adverse effect, either individually or cumulatively, on wildlife resources.

NOW, THEREFORE BE IT RESOLVED that the Town Council hereby approves the Use Permit request subject to the following conditions:

TOWN ENGINEER (Unless otherwise stated, conditions in this section shall be to the satisfaction of the Town Engineer):

Conditions Applicable to Improvement/Site Development Plan Approval:

General Requirements:

1. The developer shall prepare and submit improvement plans for the construction of all public improvements including water, sewer, storm drain facilities, roadway improvements, curbs, gutters, sidewalks, signing, striping and streetlights. All design and construction shall conform to the latest edition of the Town of Windsor Design and Construction Standards. The design and construction shall also conform to Caltrans, AASHTO and other applicable codes, standards, guidelines and specifications, including but not limited to the Caltrans Highway Design Manual and the AASHTO Roadside Design Guide. All design shall be subject to the review and approval of the Town Engineer. All construction shall be subject to inspection by the Town.
2. All rights-of-way and easements shall be clearly identified on the improvement plans.
3. Deviations from Town Standards and the requirements of all other applicable codes and standards shall be approved by the Town Engineer in writing. The Engineer of Record shall identify and request all design exceptions in writing prior to or concurrent with the submittal of improvement plans.
4. Information shown on tentative maps and site development plans shall not be construed as accepted or meeting Town requirements and is subject to review and approval during the plan review process.
5. Improvement plans must be approved and signed by the Town Engineer prior to the issuing of an Encroachment Permit, Grading Permit or Building Permit.
6. Plan check and inspection fees shall be paid prior to the signature of the improvement plans.
7. Mailbox plans and locations shall be approved by the Windsor Postmaster prior to improvement plan approval. The developer shall provide a letter from the Windsor Postmaster approving mailbox locations.
8. Project benchmark and plan elevations shall be based on a Town approved USGS benchmark.
9. Improvement plans shall be reviewed and approved by the Windsor Fire Protection District.
10. Public improvement drawings shall be drafted in the Town approved sheet format.

11. In the event that the Town is forced to condemn or acquire off-site property interest in connection with required off-site improvements, the developer shall fund the cost of condemnation or acquisition, including but not to be limited to the amounts necessary to purchase the easement or fee simple interest, document preparation, and severance or other damages payable to the owners of the land upon which the improvements are to be located, the actual cost and acquisition and all fees, including attorney's fee and/or other expenses necessary to prosecute the condemnation action, including expert witness and appraisal fees.

    In the event that the Town elects to proceed with acquisition or condemnation pursuant to Government Code Section 66462.5, the developer shall, within 60 days of written notice by the Town, deposit with the Town, as an advance, the full estimated cost of such acquisition or condemnation. The developer shall prepare any easements or deeds necessary for off-site improvements.

Roadway Improvements:

12. The Developer shall provide the following improvements for the entire project frontage along Old Redwood Highway:

    a. A half traveled way of 30 feet on the project side of the roadway measured from the existing centerline of roadway to the new face of curb, consisting of (from existing centerline) one 12' turn lane, one 12' through travel lane, and one 6' bicycle lane.

    b. Concrete curb, gutter and 16-foot wide sidewalk with tree wells adjacent to back of curb.

    c. On the opposite side of the road from the project, the road shall be widened, as required, to provide 18 feet of paving, consisting of (from existing centerline) one 12' through lane and one 6' bicycle lane, plus a 2' graded shoulder.

    d. Upon completion of all underground activities and roadway widening, an asphalt concrete overlay, 0.2 feet deep, shall be required on Old Redwood Highway for the full width of the roadway, including both bicycle lanes.

    e. Right of way dedication, including roadway right of way plus an additional PUE / sidewalk easement beyond the new right of way, as required by the Town Engineer, shall be required.

13. Improvement plans shall include the following off-site roadway and traffic related improvements beyond the limits of the project frontage:

    a. Transition lanes from the existing roadway section to the proposed roadway section across the project frontage as described above.

    b. Upon completion of all underground facility installation and roadway widening, 0.2 feet deep asphalt concrete overlay shall be required on Old Redwood Highway for the full width of the roadway along the entire limits of the transition lanes.

    c. All proposed utilities beyond the project frontage shall be located within the existing shoulder areas of Old Redwood Highway, to all extent possible. All utility backfilling, grinding and asphalt pavement overlay shall meet Town standards. If utility trenches encroach into travel lanes, then a full-lane-width 0.2 feet deep asphalt concrete grind and replacement meeting Town standards shall be required for the length of the encroachment. Where multiple encroachments occur in close proximity, the grind and

replacement shall be continuous to the degree determined appropriate by the Town Engineer.

14. Due to its origin as a State Highway, Old Redwood Highway generally consists of two concrete pavement travel lanes overlaid with asphalt concrete, plus shoulder areas of minimal structural section. All widening shall include removal and replacement of all existing asphalt pavement and base outside of the existing concrete pavement limits, including the shoulder areas, unless pavement borings indicate there is sufficient structural section. This requirement also applies to the construction of all required lane transitions. The conformity along the joint with the concrete pavement shall be made in a manner acceptable to the Town Engineer.

15. The structural section of all public road improvements shall be designed using a geotechnical investigation that provides the basement soils R-value and expansion pressure test results. If no R-value tests are supplied, roadway structural sections shall be designed using and R-value of 5.0. A copy of geotechnical report and structural section calculations shall also be submitted with the first improvement plan check. Old Redwood Highway shall be designed for a minimum Traffic Index of 10.

16. Design speed for Old Redwood Highway, including but not limited to driveway sight distances and lane transitions, shall be 45 miles per hour.

17. Curb ramps meeting ADA requirements, shall be provided at all intersections and crosswalks where sidewalks are proposed.

18. Sidewalk warps shall be provided to allow a clear five-foot walkway at all locations, including areas where mailboxes, streetlights, street signs and fire hydrants are to be installed. All public sidewalks shall meet ADA requirements.

19. One-inch chases shall be installed to all parkway tree wells from adjacent parcels to allow for the installation of irrigation lines in the future. Chases, street trees, tree grates, plantings and irrigation shall be the responsibility of the owner.

20. Adequate sight lines will need to be maintained at project access driveways. All existing vegetation encroaching into the required site lines shall be cleared or cut back to maintain proper sight distance.

    A report demonstrating the project driveways have sufficient sight distance in accordance with Caltrans and AASHTO guidelines shall be submitted with the first plan submittal.

21. The developer shall provide easement & right-of-way dedication descriptions, plats and deed forms to the Town at no cost to the Town. The Town Engineer shall approve the extent of all easement and right-of-way dedications.

22. Striping, pavement markings and traffic signage shall be provided on Old Redwood Highway in conformance with Caltrans and AASHTO requirements or as required by the Town Engineer.

23. Streetlights shall be Hadco Victorian "Acorn" or approved equal. All street lighting design shall meet Town illumination standards for this classification of roadway. The Developer shall provide additional streetlights for replacement purposes prior to acceptance of public improvements (5% of total or as otherwise approved).

Drainage Improvements:

24. The Developer shall retain a qualified engineer to prepare a hydrology and drainage plan and report for the development in accordance with the requirements of the Town of Windsor. The report must demonstrate that drainage from the proposed project would not exceed the capacity of the downstream drainage system, or exacerbate any existing flooding problems.

25. The hydrology and drainage plans shall be reviewed for compliance with these requirements by the Town's Engineering Division. Any improvements to the storm drainage system deemed necessary by the Town of Windsor, including construction of or improvements to storm water conveyances, shall be incorporated in the final hydrology and drainage plans prior to approval of these plans by the Town.

26. All project related flooding impacts shall be mitigated by the project developer. Drainage improvements shall be designed by a Civil Engineer registered in the State of California in accordance with the Sonoma County Water Agency's "Flood Control Design Criteria" and such other criteria as the Town Engineer may determine appropriate. Public and private drainage improvements shall be shown on the improvement plans and shall be reviewed by the Sonoma County Water Agency (SCWA) prior to approval by the Town Engineer. All runoff shall leave the project site at points at which such flow left the project site prior to development.

27. To mitigate increased runoff from the development of this site, the Developer shall design and construct an onsite detention system such that neither the 10-year nor the 100-year peak flow to any point at which flow leaves the project site shall exceed the peak flow to that same point prior to development.

28. All drainage/runoff design and construction shall be consistent the Town of Windsor Storm Water Management Plan and shall comply with all applicable requirements of the North Coast Regional Water Quality Control Board and all other agencies having jurisdiction.

29. The Developer shall establish a self-perpetuating drainage system maintenance program to be managed by a business or similar entity that includes annual inspections of any bioswales, sedimentation basins, drainage ditches, mechanical treatment systems, if any, and drainage inlets. Any accumulation of sediment or other debris shall be promptly removed. An annual report documenting the inspection and any remedial action conducted shall be submitted to the Town's Engineering Division for review.

30. Blocking offsite drainage flows onto the project site and lot-to-lot drainage are not allowed. No concentrated drainage may discharge across sidewalks. All site drains must be connected to the public storm drain system, or discharged through the face of curb or to an established waterway.

31. Plans and certifications shall demonstrate compliance of all improvements, including building finished floor elevations, with the Town's Floodplain Ordinance, to the satisfaction of the Building Official and Town Engineer. Building finished floor elevations shall be constructed at a minimum of 1 foot above the 100-year storm event water surface elevation as determined by the project engineer and approved by the Town.

32. Where possible, culvert headwalls shall be moved onsite. In all cases, existing culvert shall be extended toward or onto the project site as required to provide for future sidewalk extension across adjacent properties.

33. All headwalls, embankment slopes, and other roadside hazards shall be protected by guardrails or other traffic barriers to the degree and in the manner required by applicable Caltrans and AASHTO standards; interpretations required to apply said standards shall be at the discretion of the Town Engineer.

34. Pedestrian and/or bicycle fall protection barriers acceptable to the Town Engineer shall be provided at: 1) all changes in grade steeper than 2 horizontal to 1 vertical in excess of 8 inches; and 2) all changes in grade steeper than 5 horizontal to 1 vertical in excess of 30 inches.

Grading Improvements:

35. The Engineer of Record shall include a site-grading plan prepared by a Civil Engineer registered in the State of California as part of the required improvement drawings.

36. The applicant shall submit to the Town for review and approval, a detailed Geotechnical Report prepared by a Civil or Geotechnical Engineer registered in the State of California and qualified to perform geotechnical work. The grading plan shall incorporate the recommendations of the approved Geotechnical Report.

37. Except as otherwise provided herein for existing wells retained for irrigation only with the approval of the Town, all existing wells, septic tanks and/or underground fuel storage tanks shall be permanently destroyed under permit and inspection of Sonoma County Permit and Resource Management Department or other designated agency, in accordance with the requirements of the California Department of Water Resources, California Well Standards, and Sonoma County Permit and Resource Management Department. If there are none, the project engineer shall provide a letter describing the scope of the search done to make this determination. Existing wells retained for irrigation only with the approval of the Town, shall be inspected by a qualified professional to determine whether each well is properly sealed at the surface in accordance with California Well Standards to prevent infiltration of water-borne contaminants into the well casing or surrounding gravel pack. If the wells are not found to comply with this requirement, the Developer shall retain a qualified well driller to install the required seal. All work and documentation regarding existing wells required by this condition shall be completed and the applicable documentation shall be provided to the Town for acceptance prior to final approval of grading or improvement plans.

38. Improvements plans shall include an erosion control plan.

Utility Improvements:

39. All existing overhead utilities (of 26,000 volts or less) and proposed utilities, both on-site and along project frontages, shall be placed underground. This does not include surface mounted transformers, pedestal mounted terminal boxes and meter cabinets.

Sewer, Water, Storm Drain and Recycled Water Improvements:

40. Wherever possible, all public water, recycled water, sewer and storm drain mains and conduits shall be located in public right-of-way. Any and all rights-of-way, or if unavoidable, easement dedications must be made by the property owner to the Town, at property owner's expense, prior to final acceptance of the project by the Town. All public utilities shall be identified as public on the improvement plans.

41. All private storm drains, potable water, fire water, recycled water, sanitary sewer laterals, and appurtenances, shall be privately owned, privately maintained and shall be identified as private on the improvement plans.

42. The developer shall extend a 12" potable water line from the existing Town water system to and across the full project frontage on Old Redwood Highway. Valved tees for future extensions to adjacent properties shall be provided at all locations required by the Town Engineer.

43. The developer shall install a private sanitary sewer pump station and force main and connect said force main to the existing public sewer south of the project. Said force main shall be privately owned, privately maintained and shall be located within the Old Redwood Highway public right of way or in a private sanitary sewer easement in areas within adjacent private property. All aspects of pump station and force main design and construction shall be subject to the approval and inspection of the Town Engineer.

44. The offsite water and sewer main design shall fully detail the crossings of Sotoyome Creek. Due to need to widen or reconstruct the existing bridge/culvert at Old Redwood Highway and Sotoyome Creek, the proposed private sanitary sewer force main and public water main crossings of Sotoyome Creek shall be "under creek" crossings via steel transfer casing, in accordance with Town standards. The preferred location for said crossings is outside the limits of the anticipated future roadway and bridge/culvert widening, and Developer shall make all good faith efforts to accomplish said crossings in this manner and to obtain any necessary easements or other property rights to do so. Should the Developer be unable to obtain said property rights despite the good faith efforts of the Developer, said crossings shall be accomplished within the existing right of way of Old Redwood Highway in a manner to minimize disruption of existing traffic. In any case, all aspects of these crossings, including but not limited to alignment and depth of the crossings to accommodate future widening or reconstruction of the Sotoyome Creek bridge/culvert shall be subject to review and approval of the Town Engineer. Any temporary lane closures to accommodate the construction of said crossings shall be subject to review and approval of the Town Engineer. The final design of the utility crossings shall meet the requirements of the Town Engineer.

Permit Requirements:

45. Provide evidence that a Notice of Intent has been submitted and received by the State Water Quality Control Board for a General Construction Activity Storm Water Permit. Two copies of the project Storm Water Pollution Prevention Plan shall be provided to the Town, prior to grading permit.

46. An encroachment permit from the State of California Department of Transportation will be required for all work to be done within any State Highway right-of-way. A copy of this permit must be supplied to the Town prior to approval of the improvement plans.

47. A copy of the permits from Fish and Game, Corps of Engineer's and the North Coast Regional Water Quality Control Board, as applicable, and any other agencies having jurisdiction over the project or associated construction shall be provided to the Town prior to approval of the improvement plans.

Conditions Applicable to Issuance of a Building Permit:

48. Prior to issuance of a Building Permit, the Developer shall either complete required construction of all public improvements and all private improvements within public rights of way as shown on the signed improvement plans, or enter into an improvement agreement and post security with the Town of Windsor, agreeing to complete the required construction within 24 months of building permit issuance or prior to a request for occupancy of any structures, whichever occurs first, or as otherwise established by the Town Engineer.

49. Prior to the issuance of a Building Permit, the Developer shall either pay their fair share, as reasonably determined by the Town, towards the construction of a second, westbound right-turn lane on Arata Lane at Old Redwood Highway, including any and all associated modifications to Old Redwood Highway, the Highway 101 overcrossing structure at Arata Lane, and/or any other elements of the Highway 101 Arata Lane Interchange, or if not so determined by the time of issuance of a Building Permit, enter into an agreement with the Town to pay said fair share at such time that the amount thereof is so determined.

During Construction Operations the Following Conditions Shall Apply:

50. Prior to beginning construction, the applicant shall obtain a demolition permit from the Town for removal of all existing structures on the site.

51. The developer shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period, as found necessary by the Town.

52. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sonoma County Environmental Health Department, the Fire Department, the Police Department, and the Town Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.

53. If grading is to take place between October 15 and April 15, both temporary and permanent erosion control measures, conforming to the project erosion control plans shall be in place before October 15th. Erosion control measures shall be monitored and maintained continuously throughout the storm season.

54. The following minimum Best Management Practices (BMPs) shall be required during construction:

    a. Construction crews shall be instructed in preventing and minimizing pollution on the job.

    b. Stabilize construction entrance/exit to prevent tracking onto roadway. Only one stabilized construction entrance/exit will be allowed per site. Vehicles entering and leaving construction sites spread pollutants such as sediment, gravel, and other loose particles onto adjacent roads. Pollutants are washed into roadside ditches and are a nuisance to drivers and may cause damage to vehicles.

    c. Protect exposed slopes from erosion through preventative measures. Cover slopes to avoid contact with storm water by hydro seeding, mulch, use of plastic sheeting or other

approved means.

d. Use brooms and shovels when possible to maintain a clean site. Use of a hose is not recommended. Introducing water as a cleanup method adds to water pollution.

e. Designate a concrete washout area, if needed, to avoid wash water from concrete tools or trucks from entering storm drain systems. Maintain washout area and dispose of concrete waste on a regular basis.

f. Establish a vehicle storage, maintenance, and refueling area, if needed, to minimize the spread of oil, gas, and engine fluids. Use of oil pans under stationary vehicles is strongly recommended.

g. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.

h. Be prepared for rain and have the necessary materials onsite before the rainy season.

i. Inspect all BMPs before and after each storm event. Maintain BMPs on a regular basis and replace as necessary, through the entire course of construction.

Prior to Acceptance of Public Improvements and Bond Exoneration, the Following Conditions Shall Be Satisfied:

55. All improvements shown on the Improvement Plans shall be completed and accepted by the Town.

56. Prior to acceptance of public improvements or occupancy of buildings, the existing curb, gutter and sidewalk shall be inspected by the Town. Any curb, gutter or sidewalk not in accord with Town standards or damaged before or during construction, shall be replaced to the satisfaction of the Town Engineer.

57. The developer shall provide a written statement signed by the Engineer of Record verifying that the grading and drainage improvements are completed in accordance with the plans approved by the Sonoma County Water Agency, the Town Engineer, and the Building Official.

58. A complete set of Mylar *As-Built* or Mylar Record drawing improvement plans, showing all constructive changes from the original plans, shall be provided to the Public Works Department prior to final acceptance of the public improvements.

<u>BUILDING INSPECTION DEPARTMENT</u> (Unless otherwise stated, conditions in this section shall be to the satisfaction of the Building Official):

Conditions applicable to issuance of a building permit:

59. Construction shall comply with all applicable current codes. No site clearance, grubbing, grading, or fill stockpiling, may be performed without prior approval of the Building Official.

60. No site work, including grading, shall be initiated until improvement plans have been approved by the Planning Director and Town Engineer. Grading permits must be applied for and issued by the Building Department, prior to beginning site work.

61. Abandon any existing wells, septic tanks, or underground fuel storage tanks under permit and inspection of Environmental Health or other designated agency. If there are none, provide a letter from the project engineer relating to the scope of the search done to make this determination.

62. Upon initiation of plan check, the developer shall file with the Building Official a preliminary soils report, prepared by a civil engineer experienced and knowledgeable in the practice of soils engineering, who is registered in this state. The preliminary soil report may be waived if the Building Inspection Department shall determine that, due to the knowledge of such department as to the soils qualities of the project, no preliminary analysis is necessary.

63. The developer shall pay all applicable development impact fees as required by the Town of Windsor, prior to the issuance of a building permit. The developer shall pay all applicable impact fees to the Windsor Unified School District and Windsor Fire Protection District, prior to issuance of a building permit.

    A fire equipment mitigation fee may be applicable to this project, if enacted prior to the issuance of building permits. The purpose of the fee is to fund fire protection and emergency rescue equipment and structures.

64. The Windsor Fire Protection District, shall review site improvements.

65. Building design shall generally prohibit exterior roof access, and shall include pre-wiring for security systems. Design of interior corridors / stairwells and access to interior security systems shall be coordinated with the Windsor Fire Protection District and the Police Chief.

<u>PLANNING DEPARTMENT</u> (Unless otherwise stated, conditions in this section shall be to the satisfaction of the Planning Director):

The following conditions are applicable to approval of a grading permit (if applicable) and/or start of any ground disturbing construction/building permit issuance, and/or applicable to improvement plan approval:

66. No construction shall be initiated until plans have been approved. A separate grading/foundation plan may be issued at the discretion of the Town Engineer, Building Official, and Planning Director.

67. Obtain all applicable and appropriate permits from appropriate resource agency(s) (NCRWQB, USACE, USFWS, CDFG, and/or RWCQB), prior to issuance of a grading permit and/or start of any construction.

68. Evidence of approval of any required wetland mitigation shall be provided, prior to obtaining a grading and/or building permit. Written evidence of permits and purchase documents from

responsible agencies (USACE, RWQCB, USFWS, and CDFG).

69. Improvement Plans shall be reviewed and approved by the Town Engineer, prior to issuance of a permit.

70. **NOTE ON PLAN**: The following notes shall be included on the improvement plans:

    a. Grading and/or tree removal should be conducted outside the nesting season (approximately February 15-August 15). A qualified biologist shall conduct and submit a nest survey 30 days prior to any activity at site that will result in demolition of existing structures/outbuildings at the site, tree removal, grading, etc during nesting season.

    b. All grading and construction activity shall comply with the arborist report/biological reports prepared for the project and all mitigation and monitoring requirements. (Refer to the environmental documentation on file in the planning department).

71. **NOTE ON PLAN:** NOTE: "In the event that archeological site indicators (chipped chert, obsidian tools, waste flakes, grinding implements, darkened soil containing bone fragments, and shellfish remains, or ceramics, glass or metal fragments) are uncovered, the Northwest Information Center at Sonoma State University shall be contact for an evaluation of the site. All ground disturbing work shall cease in the vicinity of any discovery until an archeologist completes an evaluation of significance.

72. Building plans shall include:
    a. A Site Plan, including all dimensions.
    b. Building elevations, including materials, colors, setbacks, locations, and dimensioning.
    c. Approved lighting plan/photometric plan.
    d. Building plans shall specify colors and materials as approved.

73. Signs shall be limited to the following, as shown in the approved plans:
    a. One monument sign on the project frontage.
    b. Ford sign on the east ends of the pavilions.

74. Lighting shall generally not "spill" nor be a source of glare on to adjacent properties or streets and shall be based upon a photometric diagram. Lighting plan shall include a site plan, photometric diagram, fixture schedule, and fixture cut sheets submitted and indexed as part of the architectural drawings. A site lighting plan shall be submitted for review and approval by the Planning Department, prior to building permit issuance.

75. Final landscaping and irrigation plans shall include the following items:

    a. All landscape areas shall be protected from adjacent vehicular drive or parking areas by raised (6 inch) curbing, except as required for post construction BMP's.
    b. Transformers, fire line check valves, meter cabinets, and backflow prevention shall also be specified on landscape drawings and appropriately screened.
    c. A statement shall be provided on the plans by the Project Landscape Architect verifying design compliance with the Town's Low Water Use Guidelines as well as a statement

that design provides sufficient quantity and sizing of plant materials to achieve 100% coverage within 3 years of installation (turf areas within 30-60 days). In the event that reclaimed water is used for irrigation purposes, plant materials are exempt from the Town's Low Water Use Guidelines and the project landscape architect statement shall reflect this exemption.

d. Perimeter fencing location and details.

Conditions applicable to a request for occupancy:

76. The applicant shall provide to the Town Planning Director a written statement signed by the Landscape Architect who prepared the approved construction documents verifying that the landscape planting and irrigation improvements are completed in accordance with the approved drawings and that the irrigation system has been completely tested and found to be functioning per design. This requirement may be deferred to release of securities only if approved by the Town Planning Director.

77. Owner shall enter into an agreement with the Town of Windsor that guarantees that the required landscape planting and irrigation improvements are completed in accordance with the approved construction documents prior to occupancy or in the event that the landscaping cannot be installed prior to occupancy, security in the forms of a bond, case deposit or other form acceptable to the Town Planning Director is posted.

The following general conditions shall apply:

78. The project shall generally comply with the project description and materials included in the staff report, dated September 19, 2007 as well as all materials presented to and approved except as modified herein. Improvements shall be maintained in accordance with plans approved by the Town.

79. Many of the mitigation measures identified in the certified EIR are reflected in the foregoing conditions of approval. To the extent not specifically addressed, all applicable Mitigation Measures in the certified EIR are included herein as conditions of approval for the Use Permit and shall be implemented consistent with the Mitigation Monitoring and Reporting Program.

80. New or modified sign permits for signs visible from Highway 101 will be referred to the County of Sonoma Permit and Resource Management Department for review and comment to address visual impacts to the Highway 101 scenic corridor.

81. This project is approved for an initial two year period from the effective date of the filing of the official boundary change by LAFCO. Extensions of time may be requested in accordance with the Town's Code.

82. Prior to issuance of building permits, and within 5 working days of project approval, applicant shall submit $50.00 (payable to the Sonoma County Clerk) to the Planning Department for filing of a Notice of Determination.

1. ___ No additional fee because the project is exempt from Fish and Game fee.

2. _X_ $2500 because the project is non-exempt from Fish and Game fee, and an EIR was prepared, for a total of $2550.

3. ___ $1800 because the project is non-exempt from Fish and Game fee, and a Mitigated Negative Declaration was prepared, for a total of $1850.

PASSED, APPROVED AND ADOPTED this 19th day of September 2007 by the following vote:

AYES: **COUNCILMEMBERS FUDGE, SALMON AND MAYOR PARKER**
NOES: **NONE**
ABSTAIN: **NONE**
ABSENT: **COUNCILMEMBERS ALLEN AND GOBLE**

WARIN J. PARKER, MAYOR

ATTEST:

MARIA DE LA O, TOWN CLERK