RESOLUTION NO. 3990-24

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR APPROVING A TENTATIVE PARCEL MAP TO DIVIDE A 5.11+/- ACRE PARCEL LOCATED AT 113 PLEASANT AVENUE (APN 162-020-051); A REDUCTION OF THE REQUIRED AGRICULTURAL BUFFER; AND RESERVATION OF FOUR (4) RESIDENTIAL GROWTH CONTROL ALLOCATIONS FOR THE 113 PLEASANT TENTATIVE PARCEL MAP PROJECT (FILE NO. 24-09 TPM)

WHEREAS, the Town of Windsor Community Development Department received an application from Jim Brown requesting approval to subdivide a 5.11-acre parcel located at 113 Pleasant Avenue (APN 162-020-051) into four (4) residential parcels ranging from 0.72 to 0.78 acres in size and a 2.11 acre remainder parcel and a reduction in the required Agricultural Buffer ("the Project"). The subject parcel has a 2040 General Plan land use designation of Estate Residential (ER) which allows a density of 0.2 to 3.0 units per acre and is zoned Estate Residential (ER) which allows a density of 0.2 to 3.0 units per acre; and

WHEREAS, the proposed Tentative Parcel Map is found to be Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315: Minor Land Divisions; and

WHEREAS, on September 24, 2024, by Resolution 763-24, incorporated herein by reference, the Town of Windsor Planning Commission recommended approval of the Tentative Parcel Map and reduction of the Agricultural Buffer for the 113 Pleasant Project to Town Council; and

WHEREAS, the Project was publicly noticed in accordance with State law and the Town Council Public Notice Procedures; and

WHEREAS, the Town of Windsor Town Council did conduct a duly noticed public hearing on November 20, 2024, on said application at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Town of Windsor Town Council has made the following findings as relative to the Tentative Parcel Map as required by Subdivision Ordinance Section 16-8-400(f)(3)(A):

1. The Tentative Map was found to be in substantial conformance to the provisions of the State Subdivision Map Act and the Town of Windsor Subdivision Ordinance.

2. The Tentative Map, as conditioned, is consistent with the provisions of the Windsor General Plan and Zoning Ordinance.
   Support: The purpose of the General Plan Estate Residential land use designation is to provide for a large-lot single family neighborhood environment. Estate Residential areas allow for single-family detached residential uses and contribute to variety and choice in housing and lifestyle. This subdivision provides large lots near the bottom of the allowed density range. Lots are expected to be sold and developed separately. The Project

implements the following policies in General Plan 2040:

Land Use Element
Land Use and Density. The 2040 General Plan land use designation for the project site is Estate Residential (ER), which allows 0.2 to 3.0 units per acre. The purpose of the ER land use designation is to allow for single-family detached residential units and contribute to variety and choice in housing and lifestyle.
Support: The total parcel size is 5.11 acres, and the Project proposes to divide the lot into four 0.72-to-0.78-acre parcels. The gross density of the proposed subdivision is 0.78 du/acre, which is within density range for the Estate Residential Land Use Designation. The lots are intended to be developed with single-family residences and uses, consistent with this finding.

3. The site is physically suited for the proposed map.
   Support: The proposed lots are consistent with the Estate Residential General Plan and Zoning Designation. The site is relatively flat, and all utilities would be extended as part of the Project. Therefore, the Project is consistent with this finding.

4. The Tentative Map is not likely to cause substantial environmental damage or injury to fish, wildlife or their habitats, or to cause serious public health problems.
   Support: The Project proposes to develop the parcels with single-family residences and uses, and the construction of a 20-foot wide all weather roadway along the project frontage. A biological resources assessment was conducted on the property by LSA in April of 2024. The biological assessment did not identify significant impacts to fish, wildlife, and/or their habitats. Additionally, the project is conditioned to further lessen impact to environmental resources. The Project has been reviewed by the Public Works Department, Sonoma County Fire District, Police Department, and Native Plant Society, and no serious public health problems were found during agency review.

5. The proposed map will not conflict with any necessary public easement for access or use of the property.
   Support: The project has been reviewed by the Town of Windsor Public Works Department and conditioned to ensure necessary rights-of-way and easements for access are in place. Therefore, the Project is consistent with this finding.

WHEREAS, the Project has been reviewed against the findings in Government Code section 66474 that require disapproval of a subdivision and none of the findings is applicable, based on the following. The tentative map and proposed improvements, as conditioned, are consistent with the Estate Residential General Plan land use designation and allowable density. There is no specific plan that applies to the project site. The site is relatively flat, located in an urbanized area, and is surrounded by similar urban scale development. The subdivision was reviewed by the Public Works Department, Building Division, Planning Division, Sonoma County Fire District, and Police Department staff. Conditions of approval have been applied to the project to ensure the project would comply with Town standards, including but not limited to, standards for water quality, public health and safety, and environmental protection; and

WHEREAS, the Project is located adjacent to agricultural uses, which requires buffering per Chapter 27.24 "Agricultural Preservation"; and

WHEREAS, the Town of Windsor Town Council has made the following findings regarding the proposed Agricultural Buffer reduction for the 113 Pleasant Avenue Parcel Map:

Support: The proposed reduction in the Agricultural Buffer from 200 feet to 100 feet is deemed appropriate because a minimum 100-foot buffer is preserved. As well, the agricultural uses adjacent to the parcel are limited in nature and if a full 200-foot buffer is enforced, it would leave an unreasonably small footprint to develop each lot. The Project has been conditioned to require the owner to provide a full disclosure of agricultural operations to prospective residents of the units.

WHEREAS, Growth Control Allocations are requested for the four proposed lots; and

WHEREAS, by Resolution No. 3721-21, dated December 15, 2021, the Town Council affirmed the establishment of Five-Year Growth Control Allocation with unused allocations for Reserve A and Reserve B rolled over to subsequent years, as follows:

YEAR:	2022	2023	2024	2025	2026	TOTAL
Reserve A Units	28	28	29	29	29	113
Reserve B Units	111	113	114	116	118	461
Banked Units	139	141	143	145	147	574

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor hereby reserves four (4) Reserve B Growth Management allocations for the Project from the 2022-2026 Five-Year Growth Control Allocation period approved by Resolution No. 3721-21. Pursuant to Section 16-4-124 of the Town's Growth Control Ordinance, the reserved growth control allocations shall automatically expire upon expiration of the Project's discretionary approvals or expiration of unused building permits issued for the Project; and

BE IT FURTHER RESOLVED, that the Town of Windsor Town Council approves the 113 Pleasant Tentative Parcel Map and reduction of agricultural buffer to 100 feet, subject to the following conditions:

CONDITIONS OF APPROVAL FROM THE OFFICE OF THE TOWN ENGINEER
(Unless otherwise stated, conditions in this section shall be to the satisfaction of the Town Engineer):

General Requirements:

1. The developer shall prepare and submit improvement plans for the construction of all public and private improvements including water, sanitary sewer, storm drain facilities, private roadway improvements, as shown on the approved Tentative Map. Public and private improvement drawings shall be separated per the following:

a. All public improvements, including public landscaping, irrigation, WELO compliance & SWLID features shall be on the Town public improvement plan sheets.
b. All private improvements, including private landscaping, irrigation, WELO compliance & private SWLID features shall be on building permit sheet format. The design and construction of all public improvements shall conform to the latest edition of the Town of Windsor Design and Construction Standards, Town of Windsor Earthwork Construction Standards, Town of Windsor Asphalt Placement Standards, Caltrans, ASTM, AASHTO, and other applicable codes, standards, guidelines, and specifications.

2. Public improvement plans must be approved and signed by the Town Engineer.
3. An encroachment permit and a performance bond are required for all public improvements and all work within public rights-of-way.
4. Information shown on preliminary site development plans shall not be construed as accepted or meeting Town Standards and requirements and are subject to review and approval during the plan review process.
5. Plan check and inspection fees, based on the Design Engineer's Opinion of Probable Cost, and as approved by the Town Engineer, shall be paid at the time of the first improvement plan submittal. A separate estimate is required for public and private improvements. Estimates shall be stamped and signed by the Design Engineer.
6. Deviations from Town Standards and applicable code requirements shall be approved by the Town Engineer. The applicant's engineer shall request all design exceptions in a letter submitted to Public Works. When possible, design exceptions should be processed before first plan submittal.
7. Public improvement drawings shall be drafted in the Town approved sheet format. AutoCAD drawing files can be found on the Town's website (https://www.townofwindsor.com/DocumentCenter/Home/Index/88). Only work within the public rights-of-way and public water, sewer, storm drain improvements shall be on Town improvement plan sheets.
8. AutoCAD drawing files of the public improvements shall be submitted to the Town at the same time mylars are submitted.
9. Project benchmark shall be based on a Town-approved USGS NAVD 88 benchmark and shall be identified on the project plans. Applicant to submit proposed benchmark location for Town review and approval.
10. Improvement plans shall be approved by the Sonoma County Fire District. Applicant to coordinate submittal and approval directly with the Sonoma County Fire District.
11. All improvements shall be clearly annotated as either public or private on the public improvement plans and/or site development plans.
12. All existing and proposed rights-of-way and easements shall be clearly identified on the design drawings. Document number shall be provided for existing rights-of-way and easements.
13. 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.

If 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.

Street Improvements:

14. The structural section of all road improvements shall be designed using a soil investigation which 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 an R-value of 5.0. A copy of soils report and structural section calculations shall also be submitted with the first improvement plan check.
15. The applicant shall provide exhibits that demonstrate all streets and driveways meet fire truck and trash hauling vehicle-turning requirements with the first improvement plan submittal.
16. Improvements shall include but shall not be limited to a 20' wide all-weather roadway along the entire project frontage, from the north property line of Lot 1 to the south property line of the Designated Remainder.

Grading Improvements:

17. A site-grading plan prepared by a Civil Engineer registered in the State of California shall be included as part of the required improvement drawings. The lots shall be generally designed to drain to the proposed roadway or the private driveway(s), unless otherwise approved in the interest of tree preservation or other unusual circumstances. Lot-to-lot drainage shall not be allowed.
18. The applicant shall submit to the Town for review and approval a detailed Geotechnical Report prepared by a Civil Engineer registered in the State of California and qualified to perform geotechnical evaluations. The grading plan shall incorporate the recommendations of the approved Geotechnical Report.
19. Where soil or geologic conditions encountered during grading operations that are different from those anticipated in the Geotechnical Report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the Town Engineer. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity.
20. All existing wells, septic tanks, and/or underground fuel storage tanks shall be permanently destroyed under permit and inspection by the Sonoma County Permit and Resource Management Department – Well and Septic Division and/or Sonoma County Environmental Health or other designated agency. If there are none, the Engineer of Record shall provide a letter describing the scope of the search done to make this determination. Property owner shall submit a copy of the well destruction permit to the Town prior to the issuance of a grading permit. Should any existing well(s) be scheduled to

remain, the well can only be used for landscape irrigation. Cross connections between the well and any portions of the public water supply are not allowed.

21. The grading plan shall clearly show all existing survey monuments and property corners and shall state that they shall be protected and preserved.
22. Improvements plans shall include an erosion control plan.

Utility Improvements:

23. Public water and sewer main shall be constructed along the project frontage from the northern edge of the project to the northern edge of the Remainder Parcel. If the proposed project to the north, currently titled 888 Jensen Subdivision (23-08) does not complete construction of the proposed public utilities as part of the 888 Jensen Subdivision project, this project shall be required to extend public utility improvements to Pleasant Ave.
24. Any existing utility services and appurtenances that do not meet current Town standards shall be replaced with new services and appurtenances, meeting Town standards, as directed by the Town Engineer.
25. Sewer grades must be designed such that ultimate finished floors are more than 12 inches above upstream manhole rim elevation. Inadequate elevation differentials or grade on private sewer mains and laterals, as determined by the Town, must be mitigated by raising finished floor elevation(s), installing privately owned and operated sanitary sewer lift station(s) with grinder/ejector pump(s) on site, or installing a sewer backwater check valve in the building sewer line at a location approved by the Town Engineer.
26. All 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. All utility services to the property and units shall also be placed underground.
27. Final joint trench plans shall be provided by the owner/developer to the Town Engineer for review and approval prior to issuance of an encroachment permit. Any conflicts with existing utilities and trees shall be resolved prior to issuance of an encroachment permit.

Storm Drain Improvements:

28. All project-related flooding impacts shall be mitigated by the project developer. Project flood control and drainage design and construction shall meet all requirements of Sonoma Water Flood Management Design Manual, Flood Design Criteria and Hydraulic Analysis Requirements for Development Projects within the Town of Windsor, and Town of Windsor Design and Construction Standards. Flood control and drainage improvements shall be designed by a Civil Engineer, registered in the State of California, to the satisfaction of the Town Engineer. Public and private flood control and drainage improvements shall be shown on the improvement plans and site development plans and shall be approved by both Sonoma Water and the Town Engineer prior to improvement plan approval. Applicant to coordinate directly with Sonoma Water and other Resource Agencies as necessary.
29. 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. The Engineer of Record shall provide a signed stamped letter indicating the project meets the requirements of the Ordinance before plan approval. Building finished floor elevations shall be constructed a

minimum of 12 inches above the 100-year storm event water surface elevation as determined by the Engineer of Record subject to the approval of the Town Engineer.

30. If applicable, the 100-year flood limits, as determined by the Town's Storm Drain Master Plan, shall be shown on the site development plans.

Storm Water Quality Improvements:

31. All design and construction shall meet the requirements of the most recent edition of Town of Windsor, Phase I MS4 permit and the most recent edition of the Low Impact Development Technical Design Manual (https://www.srcity.org/1255/Low-Impact-Development). With the first submittal of the improvement plans, the applicant shall submit a Final Storm Water Low Impact Development Submittal (FSWLIDS) subject to review and approval by the Town Engineer. The plan shall include post-construction storm water treatment and peak reduction measures and shall address maintenance funding and maintenance of private and/or public storm water facilities. The FSWLIDS shall be approved by the Town Engineer prior to signature of the improvement plans or, as otherwise directed by the Town Engineer.
32. The owner/developer shall prepare and submit a Town approved Declaration of Covenants Regarding Maintenance of Storm Water Best Management Practices (DOC) Facilities for all private storm water low impact development (SWLID) features. A complete draft DOC with corresponding exhibits must be approved by the Town before a building permit is issued. A final draft DOC and exhibits shall reflect the as-built sizing and location of each LID feature, shall be recorded with the Sonoma County Recorder's Office prior to the issuance of the certificate of occupancy, and shall run with the land. Occupancy will not be given until the DOC is recorded, among other requirements.
33. A SWLID Certification will be required from the Design/Project Engineer, who shall complete a final inspection and certification that all BMPs are constructed per the approved plans. A copy of the certification shall be provided to the Town of Windsor prior to the issuance of the first certificate of occupancy or, as otherwise directed by the Town Engineer. (A certification form shall be provided by the Town Engineer).
34. Private storm water quality improvements shall be privately owned and privately maintained.
35. All tributary areas with existing and new and/or replaced impervious areas must provide Town Approved trash capture devices meeting the requirements of the most recent edition of the SWLID Technical Design Manual.
36. Engineer shall provide documentation of seasonal high groundwater levels as present during the rainy season. LID features shall be designed with a minimum 2' separation between the bottom of the LID feature and the seasonal high groundwater.

Water Efficient Landscape Ordinance (WELO):

37. Landscaping and irrigation shall meet the requirements of the Town's Water Efficient Landscape Ordinance (Ordinance No. 2015-73) as detailed in Section 12.3.900 of the Town's municipal code. WELO calculations shall be submitted using the commercial project specifications of the Town's MS Excel based WELO calculator found online at **http://www.townofwindsor.com/documentcenter/view/14426** , which utilizes Windsor specific parameters for evapotranspiration and rainfall. The WELO calculations, along

with a landscape design plan, a completed hydro-zone table, and an irrigation design plan shall be submitted for review and approval by the Town Engineer prior to improvement plan approval.

Rights-of-Way & Easements:

38. All existing and proposed rights-of-way and roadway and utility easements shall be clearly identified on the design drawings.
39. No structural encumbrances, such as steps, porches, balconies, or eaves are allowed within public easements.
40. The developer shall present via grant deed to the Town of Windsor and/or the Windsor Water District, free of encumbrances, in accordance with Town standards and as required by the Town Engineer, an irrevocable offer for public right-of-way, and public utility easement(s) as follows:
    i. 28' public right-of-way shall be offered for dedication along entire project frontage.
    ii. A 5' Public Utility Easement shall be provided adjacent to right-of-way dedication.
    iii. A 15' public drainage easement shall be provided between Lots 2 and 3.

Agreements:

41. Unless otherwise approved by the Town Engineer, the owner/developer shall post security for maintenance of the public improvements prior to acceptance of the public improvements by the Town or prior to project completion of an encroachment permit by the Public Works Inspector. Said security shall remain valid and in full force for a minimum one-year period from the date of acceptance of the public improvements or project completion of an encroachment permit.
42. If not already annexed, the property owner shall execute an agreement to annex into the Town's Landscaping and Lighting Assessment District No 1 & No. 2. Upon development of the property, the property will be assessed in Landscaping and Lighting Assessment District No. 1 and No. 2 as a developed property. The agreement document shall be provided by the Town.
43. If public storm water quality features are required, the owner shall execute an agreement to annex into the Town's 1982 Act Benefit Assessment District for maintenance of all public storm water quality features. The owner/developer shall pay all fees associated with setting up a new zone. Annexation shall occur prior to issuance of a Certificate of Occupancy. The agreement document shall be provided by the Town.

Conditions Applicable to Parcel Map Approval:

44. A Parcel map, as defined in the State Subdivision Map Act and prepared by a licensed surveyor or civil engineer, showing all parcels, right-of-ways, and easement(s) shall be filed with the Town of Windsor for recordation at the Sonoma County Recorder's Office. All subdivision mapping shall meet the requirements of the Subdivision Map Act, most recent edition. Upon recording of the map, the subdivision is valid.
45. The developer shall provide easements as shown on the approved Tentative Map and as required by the Town Engineer.

Local Agency Sheet:

46. NOTE ON PARCEL MAP: "Prior to the issuance of building permits, all applicable development impact fees shall be paid to the satisfaction of the Building Official and in accordance with Town and local district ordinances."
47. NOTE ON PARCEL MAP: Development of lots is part of a larger development and each lot is subject to compliance with the requirements of the Phase I MS4 Permit and LID Technical Manual that are in effect at the time this map records.
48. NOTE ON PARCEL MAP: Construction of the shared driveways or any other shared areas, will require installation of LID bioretention features. Shared LID bioretention features shall be included in a shared Declaration of Covenant for Maintenance Agreement that must be recorded for the shared areas. LID features on separate lots are required to have separate Maintenance Agreements for each lot.
49. NOTE ON PARCEL MAP: A maintenance agreement for all shared driveways and utilities affecting this parcel map has been recorded in the Sonoma County Recorder's Office as Document No. _____.
50. NOTE ON PARCEL MAP: Should Agricultural Operations cease to occur on the adjacent parcels, the Agricultural Buffer along the eastern project boundary will no longer be valid.
51. If applicable, the 100-year flood limits shall be shown on the local agency sheet if within the parcels being created.

Subdivision Agreement:

52. Prior to recordation of the parcel map, the developer shall either complete the required construction 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 and prior to a request for occupancy of any structures, or as otherwise established by the Town Engineer. Security shall include the following: Performance Bond, Labor and Materials Bond, Monumentation Bond and a Maintenance Bond.
53. Unless otherwise approved by the Town Engineer, the owner/developer shall post security for maintenance of the public improvements prior to acceptance of the public improvements by the Town or prior to project completion of an encroachment permit by the Public Works Inspector. Said security shall remain valid and in full force for a minimum one-year period from the date of acceptance of the public improvements or project completion of an encroachment permit.

During Construction Operations, the Following Conditions Shall Apply:

54. If applicable, the applicant shall obtain a demolition permit from the Town for removal of all existing structures on the site prior to beginning construction.
55. 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.
56. 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 these agencies.
57. During construction, the Contractor shall be responsible for controlling noise, odors, dust, and debris to minimize impacts on surrounding properties and roadways. Contractor shall

be responsible that all construction equipment is equipped with manufacturers approved muffler's baffles. Failure to do so may result in the issuance of an order to stop work.

58. 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 by October 1st. Erosion control measures shall be monitored and maintained continuously throughout the storm season.
59. The following minimum Best Management Practices (BMPs) shall be required during construction:
    i. Construction crews shall be instructed in preventing and minimizing pollution on the job.
    ii. Stabilize construction entrance/exit to prevent tracking onto roadway. Only one stabilized construction entrance/exit will be allowed per site, unless otherwise approved by the Town Engineer. 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.
    iii. 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.
    iv. 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.
    v. 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.
    vi. 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.
    vii. Protect drain inlets from receiving polluted storm water using filters such as fabrics, gravel bags or straw wattles.
    viii. Be prepared for rain and have the necessary materials onsite before the rainy season.
    ix. 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 Improvements and Release of Surety, the Following Conditions Shall Be Satisfied:

60. To release the monumentation bond, the Developer must provide proof of the Surveyor being paid and a letter from the Surveyor indicating that the work has been completed.
61. All public improvements shown on the Improvement Plans shall be completed and accepted by the Town.
62. The developer shall provide a written statement signed by his or her engineer verifying that the grading and/or drainage improvements are completed in accordance with the plans approved by Sonoma Water (AKA Sonoma County Water Agency), the Town Engineer and the Building Official.
63. The developer shall provide the Public Works Department a complete set of As-Built/Record Drawing Mylar improvement plans showing all construction changes from the original plans, PDF files (or alternate format determined by Public Works) for each of

the improvement plan sheets and one paper copy of the As-Built/Record improvement plans, including an electronic copy of the recorded Declaration of Covenants Regarding Maintenance of Storm Water Best Management Practices (BMP) Facilities and as-built LID features and corresponding tributary areas in CAD or GIS format as outlined in the Town DOC Submittal Checklist.

COMMUNITY DEVELOPMENT DEPARTMENT- BUILDING (Unless otherwise stated, conditions in this section shall be to the satisfaction of the Building Official).

Conditions applicable to issuance of a building permit:

64. 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.
65. 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, Chief Building Official and Town Community Development Director.
66. No building or ground disturbing permits shall be issued until written evidence of all applicable permits including any required mitigation payments from the appropriate resource agency(s) (NCRWQB, USACE, USFWS, CDFG, and/or RWCQB) have been acquired. Prior to issuance of a grading permit and/or start of any construction, copies of the permits and payments shall be filed with the Planning Department. Any deviations from this requirement require approval by the Community Development Director.
67. A pre-construction meeting shall be held with the Building Official, prior to permit issuance. The purpose of the meeting is to coordinate construction activities related to job site sanitary facilities, tree preservation, utility trenching, and other requirements related to construction of the proposed project.
68. Construction sites shall be maintained in a trash and litter free condition for the duration of the construction activity, to the satisfaction of the Building Official.
69. Site improvements shall be reviewed by the Windsor Fire Protection District.
70. Improvement plans, maps, and construction shall comply with all state and federal accessibility requirements, to the satisfaction of the Town Building Official.

COMMUNITY DEVELOPMENT - PLANNING (Unless otherwise stated, conditions in this section shall be to the satisfaction of the Community Development Director):

71. The Project shall be in substantial conformance with the Project description, plans, and materials included in the Planning Commission staff report, dated September 24, 2024, as well as all materials presented to and approved by the Planning Commission, except as modified herein.
72. Operation of the project shall comply with the Town of Windsor Performance Standards included in Zoning Ordinance Section 27.20.030 - General Performance Standards.
73. These conditions of approval shall be included as verbatim notes on the improvement plans, grading plans, and building permit plans for development of the individual lots.
74. The following note shall be included verbatim on the Final Map:
    a. The property(ies) within this subdivision is(are) located within 1,000 feet of land utilized or zoned for agricultural operations and residents/occupants of the property may be subject to inconvenience or discomfort arising from use of agricultural

chemicals, including acaricides, fertilizers, fungicides, herbicides, insecticides, predacides, and rodenticides; and from the pursuit of agricultural operations, including crop protection, cultivation, harvesting, plowing, processing, pruning, shipping, and spraying, which may generate dust, light, noise, odor, smoke, and traffic. The Town has adopted policies to encourage and preserve agricultural lands and operations in the vicinity of the Town. Residents/occupants of property(ies) within this subdivision should be prepared to accept inconveniences or discomfort as normal and necessary to on-going agricultural operations."

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

75. 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, Chief Building Official, and Community Development Director or his or her designee. Any deviations to this condition require review and approval by the Town Engineer, Building Official, and Community Development Director or his or her designee.
76. A Tree Preservation and Protection Plan shall be included with the included as part of Project grading and utility plans as follows:
    i. Trunk, diameter, dripline, and Tree Protection Zone (TPZ) locations of existing trees to be preserved shall be marked "to be saved" on the approved plans.
    ii. All utility trenching, including PG&E, shall be shown outside of the TPZ, to the extent feasible. If grading or trenching for drainage or utilities must be done within the TPZ of protected trees, the 'Project arborist shall be present to monitor the work. At least 24 hours' notice shall be given to schedule site visits (48 hours is preferable). No work shall be done within the TPZ of protected trees without the presence of an arborist.
    iii. If any roots larger than 1-inch are encountered which cannot be preserved, they should be cut cleanly across the face of the root with a sharp saw under the supervision of the Project Arborist.
    iv. If pruning for clearance or hazard reduction is required on any trees to remain, it should be done by trained, qualified tree workers according to ISA and ANSI 300 Pruning Guidelines prior to construction and under the supervision of the Project Arborist. Pruning should be the minimum necessary for hazard reduction (i.e. the removal of deadwood 2" and larger, etc.) and clearance.
    v. The location of and a detail for the tree protection fencing recommended by the Project Arborist. The required fencing shall be shown on the plans and located at the outer edge of Tree Protection Zone (TPZ) identified by the Project Arborist. If access within the TPZ will be required, the Project Arborist shall be notified and asked to verify that roots are disturbed minimally during any construction activity.
    vi. The required fencing shall be installed prior to the start of clearing or grading operations and kept in place throughout construction activities. Prior to commencement of any clearing or grading operations, the installation of the fencing shall be verified in the field by the Building Inspector and/or Project Planner.
    vii. No parking, operation of equipment, storage of materials, disposal of waste, or other construction activity shall occur within the TPZ of protected trees.

viii. Deviation from these requirements is subject to the approval of the Community Development Director.

77. Prior to commencement of any clearing or grading activities, a security deposit shall be posted to cover the value of protected trees designated for preservation (see Zoning Code Section 27.36.060.H).
78. Prior to removal of any trees on the site, application for and approval of a Tree Removal Permit from the Community Development Department is required. The application shall be consistent with the tree removal approved by the Town Council.
79. The following shall be required and shall be added as verbatim notes included on the grading and improvement plans:
    a. During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. Contractor shall be responsible that all construction equipment is equipped with manufacturers approved muffler's baffles. Failure to do so may result in the issuance of an order to stop work.
    b. In the event that archaeological features such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping, or excavation within the property, all work shall be halted in the vicinity of the find and Town Planning staff shall be notified. A qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to Town Planning. Planning staff may consult and/or notify the appropriate Tribal representative from tribes known to staff to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone, or other cultural materials such as charcoal, ash, and burned rock indicative of food procurement or processing activities. Prehistoric domestic features include hearths, fire pits, or house floor depressions. Whereas typical mortuary features are represented by human skeletal remains. Historic artifacts potentially include all by- products of human land use greater than 50 years of age including trash pits older than fifty years of age. When contacted, a member of Planning Staff and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. Planning Staff may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by Planning staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archaeological evaluation and mitigation shall be at the applicant's sole expense.
    c. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be list in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the County Coroner determines that remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately identify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours and engage in consultations concerning the

treatment of the remains as provided in Public Resources Code 5097.98. (General Plan EIR Mitigation Measure CR-4)

80. Tree and vegetation removal and initial grading should occur from September 1 through January 31, outside of the nesting period of migratory birds to the maximum extent practicable. If construction, vegetation removal, or ground disturbance activities occur during the breeding season (February 1– August 31), a qualified biologist shall conduct pre-construction breeding bird surveys no more than 7 days prior to the start of these activities to detect active nests, eggs, and/or young. If construction, vegetation removal, or ground disturbance activities stop or lapse for a period of 7 days or more during the breeding season, a follow-up breeding bird survey shall be conducted to ensure no new breeding activity has occurred for the anticipated impacted area.
81. If active nests are found close enough to the proposed disturbance area to affect breeding success, the biologist shall establish an appropriate exclusion zone around the nest. This exclusion zone may be modified depending upon the species, nest location, and existing visual buffers, subject to approval by the Town of Windsor Community Development Department. Once all young have become independent of the nest, vegetation removal and grading may take place in the former exclusion zone.

The following conditions are applicable to issuance of a building permit:

82. Plans submitted for building permits shall include the following and are subject to staff review and approval:
    a. Plans shall be consistent with the recommendations found in the arborist report including tree protection measures, tree protection fencing and details.
    b. Construction staging plan that locates all materials, vehicles and equipment outside of the drop lines of protected oak trees and other sensitive areas.
83. The Project shall comply with the following requirements to in order to control construction noise: (2040 General Plan EIR Mitigation Measure N-1):
    a. Properly muffle and maintain all construction equipment powered by internal combustion engines.
    b. Prohibit unnecessary idling of combustion engines.
    c. Locate all stationary noise-generating construction equipment such as air compressors as far as practical from existing nearby residences and other noise-sensitive land uses. Such equipment shall also be acoustically shielded.
    d. Select quiet construction equipment, particularly air compressors, whenever possible. Fit motorized equipment with proper mufflers in good working order.
    e. Residences adjacent to project sites shall be notified in advance by writing of the proposed construction schedule before construction activities commence at a distance acceptable by the acoustical engineer.
    f. The project applicant shall designate a "noise disturbance coordinator" responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of any noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator shall be posted at the construction site.
84. Exterior lighting for the Project shall protect the dark/night skies by being shielded and/or directed downward to limit overspill and glare, without compromising safety and security.

The exterior fixtures shall be International Dark Sky Association approved or equivalent. (2040 General Plan EIR Mitigation Measure AES-1).

85. In order to reduce construction emissions and air quality impacts, Project construction activities shall incorporate the Bay Area Air Quality Management District (BAAQMD) Basic Construction Mitigation Measures comply with the following requirements (2040 General Plan EIR Mitigation Measure AQ-1):
    a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, with priority given to the use of recycled water for this activity when feasible.
    b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
    c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day.
    d. The use of dry power sweeping is prohibited. All vehicle speeds on unpaved roads shall be limited to 15 mph.
    e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
    f. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
    g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure
    h. Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
    i. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
    j. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
86. The Project shall comply with the following requirements to in order to minimize exposure to construction vibration: (2040 General Plan EIR Mitigation Measure N-2)
    a. Avoid the use of vibratory rollers within 50 feet of fragile buildings, which are buildings that are susceptible to damage from vibration.
    b. Schedule construction activities with the highest potential to produce vibration to hours with the least potential to affect nearby institutional, educational, and office uses that the Federal Transit Administration identifies as sensitive to daytime vibration (FTA 2006).
    c. Notify neighbors of scheduled construction activities that would generate vibration a minimum of five days prior to the start of construction.
87. Prior to issuance of a Building Permit for any new structure intended for human occupancy within 1,000 feet of land zoned and/or currently used for agricultural use, the owner(s) of the property shall be required to sign and record a statement in a form complying with the subdivider' s disclosure statement (Zoning Ordinance Section 27.24.030A). In lieu of signing the statement required above, the owner(s) may submit

evidence that the disclosure statement has been made a part of subdivision documents creating the parcel on which the structure is to be located.

88. An address assignment application shall be submitted with the building permit application for review by the Community Development Department and Sonoma County Fire District and approved prior to issuance of a Certificate of Occupancy.

The following shall apply to future development on the individual parcels:

89. Future development of the parcels shall comply with the Zoning of the lot in place at the time of development.

The following conditions shall apply to the proposed remainder parcel:

90. Improvements required for the subject subdivision shall be constructed at the same time for the remainder parcel.
91. The proposed remainder parcel shall not interfere with the realization of Town General Plan and Zoning Code Policies. Any potential development or future subdivision of the proposed remainder parcel shall be scrutinized to ensure these policies are met and efficient and orderly development is maintained.
92. Prior to the sale or transfer of the remainder parcel, the subdivider shall be required to obtain from the Town Engineer a certificate of compliance or conditional certificate of compliance, as provided for in the Subdivision Map Act and section 16-8-1320. The Town Engineer's review of such an application shall include a determination that the creation of a remainder and its subsequent sale or transfer do not constitute an attempt to avoid the requirements of the Town's Subdivision Ordinance.

The following general conditions shall apply:

93. The Project shall generally comply with the project description and materials included and referenced in the staff report dated September 24, 2024, and materials presented to and approved by the Town Council, except as modified herein.
94. This Project is approved for an initial two-year period from the effective date of adoption of this resolution. All associated entitlement permits with the Tentative Map shall be co-terminate. Extensions of time may be requested at that time in accordance with the Town of Windsor Subdivision Ordinance and the Subdivision Map Act.
95. The Community Development Director has the discretion to approve minor modifications to the Project that are in substantial conformance with the approved plans.
96. Indemnification. The Developer shall defend, indemnify and hold harmless the Town and its agents, officers, attorneys or employees from any claim, action, or proceeding brought against the Town or its agents, officers, attorneys or employees to attack, set aside, void, or annul the Planning Commission and/or Town Council decisions relating to this Project. This indemnification shall include damages or fees awarded against the Town, if any, cost of suit, attorneys' fees, and other costs and expenses incurred in connection with such action whether incurred by the Developer, including its partners, principals, or agents, the Town and/or the parties initiating or bringing such action. The Developer shall defend, indemnify and hold harmless the Town, its agents, officers, employees and attorneys for all costs incurred in additional investigation of or study of, or for supplementing, preparing, redrafting, revising, or amending any document (such as the Categorical Exemption), if made necessary by said legal action.

97. In the event that a claim, action or proceeding describer above is brought, the Town shall promptly notify the Developer of the existence of the claim, action or proceeding, and the Town will cooperate fully in the defense of such claim, action or proceeding. Nothing herein shall prohibit the Town from participating in the defense of any claim, action or proceeding. In the event that the Developer is required to defend the Town in connection with any said claim, action or proceeding, the Town shall retain the right to (i) approve the counsel to so defend the Town, (ii) approve all significant decisions concerning the manner in which the defense is conducted, and (iii) approve any and all settlements, which approval shall not be unreasonably withheld. The Town shall also have the right not to participate in said defense, except that the Town agrees to cooperate with the Developer in the defense of said claim, action or proceeding. If the Town chooses to have counsel of its own to defend any claim, action or proceeding where the Developer has already retained counsel to defend the Town in such matters, the fees and expenses of the counsel selected by the Town shall be paid by the Town. Notwithstanding the immediately preceding sentence, if the Town Attorney's office participates in the defense, all Town Attorney fees and costs shall be paid by the Developer.

98. The Developer shall indemnify the Town for all the Town' s costs, fees, and damages which the Town incurs in enforcing the above indemnification provisions.

PASSED, APPROVED AND ADOPTED this 20th day of November 2024, by the following vote:

AYES: **COUNCILMEMBERS FUDGE, SALMON, WALL, VICE MAYOR POTTER AND MAYOR REYNOZA**
NOES: **NONE**
ABSTAIN: **NONE**
ABSENT: **NONE**

ROSA REYNOZA, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK