RESOLUTION NO. 777-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF WINDSOR APPROVING A 301-LOT TENTATIVE SUBDIVISION MAP AND AFFORDABLE HOUSING WAIVERS FOR THE QUAIL ACRES PROJECT, RESERVATION OF GROWTH CONTROL ALLOCATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) APNS 161-020-053, -058, AND -060 (FILE NO. MJS 20-08D)

WHEREAS, the Town of Windsor Community Development Department received an application from Ben VanZutphen of Willow Glen Homes requesting approval: 1) to subdivide three parcels totaling 59.02 acres identified as APNs 161-020-053, -058, and -060 (0, 259, and 325 Arata Lane) into 301 residential lots, a 3.12-acre community park (Parcel A), 4.99-acre linear park (Parcels B and C), a 0.23-acre community plaza (Parcel D), an oak tree preserve (Parcel F), a 0.55 acre parcel reserved for future development (Parcel E); 2) of affordable housing waivers; and 3) of growth control allocations. Lots range in size from 2,000 to 11,251 square feet. The Project also includes the construction of Los Amigos Road within Town right-of-way. ("Project"). General Plan: Very Low Density Residential 3.0 to 6.0 du/ac (VLDR); Low Density Residential 5.0 to 8.0 du/ac (LDR); Medium Density Residential 8.0 to 16.0 du/ac (MDR); and Neighborhood Center Mixed-Use 8.0 to 16.0 du/ac (NCMU). Zoning: Surrounding Residential 3.0 to 6.0 du/ac (SR); Village Residential 5.0 to 8.0 du/ac (VR); Medium Density Residential 8.0 to 16.0 du/ac (MDR); and Neighborhood Center Commercial (NCC); and

WHEREAS, on February 6, 2020, a preliminary review application was submitted requesting staff and Planning Commission review of conceptual plans for the Project that included a 240-lot subdivision (216 market rate homes and 24 affordable homes), a 12-acre school site, which included a 3-acre multi-use park, linear park in the agricultural buffer, community plaza and construction of Los Amigos Road from Arata Lane to northern boundary of the project frontage; and

WHEREAS, on April 28, 2020, the Planning Commission reviewed the conceptual plans for the Project at a noticed public meeting and provided comments to the applicant and Town staff; and

WHEREAS, on October 19, 2021, a formal application was submitted that included two development options for the site, one option that would subdivide the site into 303 residential lots (273 market rate homes and 30 affordable homes) and one option that would develop the site into 238 residential lots (214 market rate homes and 24 affordable homes) and a nine- (9) acre school site or vacant land. Both options included a community park, linear neighborhood park, community plaza, and the extension of Los Amigos Road to Town limits and requested approval of tentative subdivision map, use permit, and site plan and design review application; and

WHEREAS, on August 11, 2022, an SB330 Preliminary Application was submitted that included the Project, including the request for approval of affordable housing waivers, and the use of State Density Bonus Law (SDBL) parking requirements; and

WHEREAS, on August 11, 2022, the formal application was also resubmitted which included the Project, as well as a request for affordable housing waivers and the use of SDBL parking requirements for the affordable duet units; and

WHEREAS, on May 16, 2023, the application was determined to be complete; 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 Planning Commission did conduct a duly noticed public hearing on August 13, 2024, on said application at which time all interested persons were given an opportunity to be heard; and

WHEREAS, on August 13, 2024, the Planning Commission adopted Resolution No. 760-24 approving the Project; and

WHEREAS, on August 26, 2024, two timely appeals of the Planning Commission's approval of the Project were filed; and

WHEREAS, on September 18, 2024, the Town Council did conduct a duly noticed public hearing to consider the appeals within 30 days of the appeals being filed as required by the Town's Subdivision Ordinance (Section 16-8-400(f)(7)) and the Subdivision Map Act. At the hearing the Town Council received a report from Staff, presentations from the appellants, public testimony, deliberated, and adopted a resolution (Resolution No. 3964-24) upholding the appeals and remanding the Project to Planning Commission for: 1) reconsideration of traffic impacts without the assumption of a school in the North of Arata Lane area; 2) consideration of the report from the Community Development Director required by General Plan Policy PFS-10.3 (School District Facility Planning); and 3) consideration of information related to the availability and feasibility of potential school sites; and

WHEREAS, the following reports were prepared as required by the Town Council's remand of the Project back to the Planning Commission: 1) an addendum to the Quail Acres Traffic Impact Study (TIS) analyzing the potential traffic impacts if a school is not located in the North of Arata Lane area; 2) the Community Development Director's report required by General Plan Policy PFS-10.3; and a review of potential school sites in the Windsor Unified School District; and

WHEREAS, on May 13, 2025, the Town of Windsor Planning Commission did conduct a duly noticed public hearing on the Project to reconsider the Project in light of the additional information required by Town Council Resolution No. 3964.24. At the meeting, the Planning Commission received a presentation from staff, received public testimony, and deliberated; and

WHEREAS, a California Environmental Quality Act (CEQA) 15183 consistency checklist was prepared for the Project that found the Project consistent with the 2040 General Plan and within the scope of the 2040 General Plan environmental impact report (EIR) (Quail Acres General Plan Consistency Checklist dated August 2024 ("Checklist")). The Checklist was revised to incorporate the additional information included in the TIS addendum prepared for the Project

(Revised General Plan Consistency Checklist dated March 2025) ("Revised Checklist"). The Revised Checklist also found the Project consistent with the 2040 General Plan and within the scope of the 2040 General Plan EIR; and

WHEREAS, Growth Control Allocations are requested for the 271 market rate lots. The affordable lots are exempt from the requirement to obtain growth control allocations pursuant to Municipal Code Section 16-4-125; and

WHEREAS, on December 4, 2024, the Town Council affirmed the five-year annual residential growth control allocation established by Town Council Resolution No. 3721-21 and rolled over the unused2024 Reserve A and Reserve B allocations to 2025 as shown in the table below (Resolution No. 3994-24); and

Year	2022	2023	2024	2025	2026	Total
Reserve A Units	0	0	0	84	29	113
Reserve B Units	0	0	0	283	118	401
Total	0	0	0	367	147	514

WHEREAS, Reserve A allocations are available to mixed-use projects and projects with a density of 12 units or greater. Reserve B allocations are available to any unit not eligible for a Reserve A allocation. The Project is not a mixed-use Project and has a density of 5.10 units per acre. Therefore, the Project requires Reserve B allocations. The Town's Growth Control Ordinance requires projects exceeding 50 units to be phased and limits the number of reserved allocations from any given year to a maximum of 50 pursuant to Municipal Code Section 16-4-135(d)(2) and the Project includes more than 50 units that require reserved growth control allocations, which requires allocations to be reserved from more than one year; and

NOW, THEREFORE BE IT RESOLVED that the Town of Windsor Planning Commission hereby reserves Reserve B Growth Management allocations for the Project from the 2022-2026 Five-Year Growth Control Allocation period approved by Resolution No. 3721-21, as follows:

Year	2024	2025	2026	Total
Reserve A Units	0	84	29	113
Reserve B Units	0	283	118	401
Project Reserve B Allocations	0	**50**	**50**	**100**
Total Allocations Remaining	0	317	97	414

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

WHEREAS, the Town of Windsor Planning Commission has made the following findings as required by Subdivision Ordinance Section 16-8-400(f)(3)(A) for approval of a Tentative Subdivision Map:

1. The tentative map and improvement plans, as conditioned, are consistent with the provisions of the Town of Windsor General Plan, Zoning Ordinance, Design Standards, Municipal Code, and Growth Management Ordinance.

   FINDING: *The tentative subdivision map, as conditioned, is consistent with the General Plan as described in the staff report.*
   The tentative subdivision map, as conditioned, is consistent with the Zoning Ordinance as described in the staff report and summarized here. The Project complies with the Town's inclusionary housing requirements by providing onsite 10% of the total housing units on the Project as affordable housing units, which entitles the Project to affordable housing waivers. Where the Project was not consistent with the Zoning Ordinance, the Project included a request for an affordable housing waiver, and the application included information in support of the request for affordable housing waivers. The information provided demonstrates that only 33.83 acres of the site are developable with homes, resulting in the need to reduce or modify development standards in order to meet the density required for the Project site. The Project also includes the use of State Density Bonus Law parking requirements for the affordable duet units, rather than use of the Zoning Ordinance parking requirements. The Project mitigates removal of protected trees through the tree mitigation plan included with the Project. Any tree removal mitigation that is not mitigated through that plan would be required to be mitigated in compliance with the Zoning Ordinance requirements for tree mitigation, which is included as a condition of approval. The Project includes a waiver to reduce the agricultural buffer required along the north and east property lines to the minimum allowed by the Zoning Ordinance. The Project is required to provide the disclosures included in Zoning Ordinance Section 27.24.030(A).
   The tentative subdivision map, as conditioned, is consistent with the Growth Control Ordinance as described in the staff report and above. There are adequate growth control allocations available for the Project. The Project requires 271 Reserve B allocations, since the Project is less than 12 units per acre and all residential. The Town Council's current five-year growth control allocations are from 2022-2026. From the Reserve B allocations included, there are 50 allocations available for the Project from each year for 2024, 2025, and 2026, resulting in a total of 150 reserve allocations for the Project. The remaining 121 allocations that need to be reserved for the Project would come from the Town Council's 2027-2031 five-year allocation. In order to comply with the limit of 50 reserved allocations per year, 50 allocations would need to be reserved form 2027, 50 allocations from 2028, and 21 from 2029. Since the Town's population growth rate has not been exceeding the 1.5% maximum established in the Growth Control Ordinance that establishes the number of allocations for the five-year period, there would be adequate allocations available from the 2027-2031 allocation period to provide the remaining Reserve B allocations required for the Project.
   The tentative subdivision map, as conditioned, is consistent with the Municipal Code, which includes the Growth Control Ordinance, Subdivision Ordinance, Town Building Code, and Town Fire Code. The Project has been reviewed by Town departments for compliance with

the requirements of the Municipal Code as set forth in the staff report for this item and conditions have been applied as necessary for compliance with these requirements. The tentative subdivision map, as conditioned, is consistent with Design Standards. The complies with the Town's Complete Street Design Guidelines and other applicable design standards.

WHEREAS, the Planning Commission is not able to make the findings for denial of the tentative subdivision map as required by Subdivision Ordinance Section 16-8-400(f)(4) and Government Code Section 66474:

1. The tentative map shall be denied if there are insufficient growth control allocations available under the Growth Control Ordinance.

   FINDING: There are sufficient Reserve B growth control allocations for the Project as described in the staff report and above.

2. The design or improvement of the proposed subdivision is not consistent with the General Plan or any applicable specific or area plans, the zoning ordinance, or any applicable provision of this Code.

   FINDING: The Project is consistent *with the General Plan as described in the staff report. Where the Project is not consistent with the General Plan, the Project includes a request for a waiver. The Project is consistent with the Zoning Ordinance as described in the staff report and above. Where the Project is not consistent with the Zoning Ordinance, the Project includes a request for a waiver. The Project uses State Density Bonus Law parking requirements to modify the parking standards for the affordable duet homes. There is no specific plan that applies to the Project.*

3. The site is not physically suitable for the type of development.

   FINDING: The site is physically suitable for the development proposed based on the following: The Project has been reviewed by Town staff and outside agencies, a CEQA environmental checklist has been prepared for the Project and no constraints related to the proposed development have been identified; the Project includes construction of the facilities, utilities and infrastructure needed to serve the Project; and the Project is consistent with the General Plan land use designations and density allowed for the Project site.

4. The site is not physically suitable for the proposed density of development.

   FINDING: The Project's density is consistent with the General Plan density allowed for the site. The density of the Project is at the low end of the density allowed for the site due to the acreage required for the reduced agricultural buffer, community park, oak tree preserve, community plaza and streets that serve the Project. The site is generally flat with no features that make it unsuitable for the proposed density.

5. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

FINDING: The Project site includes a section of Sotoyome Creek (an intermittent stream) and an oak woodland along the northern portion of the site, which would be protected within a creekside setback, agricultural buffer, and linear park. Biological Reports and addendums were prepared for the Project by Salix dated June 2018, March 16, 2022, June 20, 2022, and February 27, 2024. The wetland delineations prepared for the Project by Salix dated June 2018, June 2021 and addendum letter dated February 27, 2024, indicate that there are seven wetlands on the site totaling 0.137 acre. These wetlands are spread throughout the northern, central and western portions of the Project site and are not connected. These wetlands would be filled and mitigated as part of the Project. The Biological Report did not identify the wetlands as high value wetlands. The report also indicates that there are no rare, threatened, or endangered species on the Project site.

A CEQA checklist was prepared for the Project, which analyzed the Project for consistency with the 2040 General Plan and the impacts analyzed in the 2040 General Plan environmental impact report (EIR) (Attachment16). The CEQA checklist found the Project, which includes the tentative subdivision map, consistent with the 2040 General Plan and within the scope of the 2040 General Plan EIR. Any Project specific impacts are adequately addressed by the application of uniformly applicable development standards. The CEQA checklist includes a condition of approval to protect nesting birds, which is a standard condition of approval when Project's will undertake construction during bird nesting season. This condition has been included in the mitigation monitoring and reporting program, prepared for the Project.

The CEQA checklist was revised to include the analysis included in the TIS Addendum discussed above (Attachment 24). The revised CEQA checklist also found the Project to be consistent with the 2040 General Plan and within the scope of the 2040 General Plan EIR.

6. The design of the subdivision or the type of improvements are likely to cause serious public health problems.

   FINDING: The Project has been reviewed by Town departments and outside agencies, including the Sonoma County Fire District, County of Sonoma, Windsor Police Department, Public Works Department, Community Development Department (including the Building Division), no public health problems were identified. The Project was designed to provide emergency access consistent with the Fire Code and to meet the emergency access and evacuation needs based on the Town's experience with the Kincade Fire as described in the staff report. The Project will provide utilities and facilities consistent with Town standards, including water, sewer, and storm drain facilities. A CEQA checklist was prepared for the Project (Attachment 16), which found the Project consistent with the impacts identified and analyzed in the 2040 General Plan EIR.

7. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

<u>FINDING:</u> Parcel APN 161-020-060 includes a storm drain easement. This easement has been determined to no longer be needed due to the detention facility included in the community park that is designed to meet the needs of the Project, as well as detention related to existing downstream needs and future needs in the North of Arata area, There are no other easements on the Project parcels for access through or use of property within the proposed subdivision that were acquired by the public at large.

8. The land is subject to a contract under the Williamson Act, and that the resulting parcels following the subdivision would be too small to sustain their agricultural use, subject to the exceptions listed in Section 66474(b) of the Subdivision Map Act.

   <u>FINDING:</u> The parcels included within the Project are not subject to a Williamson Act contract.

WHEREAS, the Planning Commission finds that the waivers are required to build the Project at the allowed density and that the waivers will not result in health and safety impacts, impacts to historical structures, or violations of state or federal law; and

WHEREAS, the Planning Commission has reviewed the Revised CEQA Checklist dated March 2025 and agrees with the determination that the Project would not result in: 1) a peculiar impact that was not identified as a significant impact under the prior EIR; 2) a significant impact that was not analyzed as significant in the prior EIR; 3) a potentially significant offsite impact or cumulative impact not discussed in the prior EIR; or 4) a more severe impact due to substantial new information that was not known at the time of the prior EIR and that pursuant to CEQA Guidelines section 15183, the Project is consistent with a Community Plan or Zoning, and any new effects would be adequately addressed under uniformly applicable development policies. Therefore, no additional environmental review is required.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Town of Windsor Planning Commission, hereby, approves the Quail Acres tentative subdivision map (Exhibit B), including the Development Plan (Exhibit C), Tree Preservation and Protection Plan (Exhibit D), Landscape Plan (Exhibit E), and Tree Mitigation Plan (Exhibit F), as described in the Project Statement (Exhibits A – A3) and the affordable housing waivers (Exhibits A-A2) based on the information presented in the staff report, the Revised CEQA Checklist (Exhibit G) and at the public hearing, subject to the Mitigation Monitoring and Reporting Program (Exhibit H) and the following conditions of approval:

<u>PUBLIC WORKS DEPARTMENT.</u> 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, recycled water, sanitary sewer, storm drain facilities, private roadway improvements, curbs, gutters, sidewalks, pedestrian ramps, signing, striping, and streetlights 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. See COA No. 8 for additional information.
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. A final map, as defined in the State Subdivision Map Act and prepared by a licensed surveyor or civil engineer, showing all parcels, rights-of-way, and easement(s) shall be filed with the Sonoma County Recorder. All subdivision mapping shall meet the requirements of the Subdivision Map Act, most recent edition.

4. The developer shall receive a Traffic Impact Fee credit in an amount not to exceed the cost of constructing portions of the Los Amigos Road realignment as required by the conditions of project approval. The fee credit to be provided to the developer shall not exceed the costs of construction as determined by the Town Engineer. The exact amount of fee credit to be provided shall be determined prior to signature of Improvement Plans and shall be memorialized in a Reimbursement Agreement executed by the Town and Developer. Specifics of the Traffic Impact Fee credit shall reflect recommendations in the Traffic Impact Fee Study dated February, 2020. Fee credits shall be applied at the time of payment of building permit fees.

5. The developer shall receive Water Capacity, Water Reclamation Capacity and Drainage Impact Fee credits in amounts not to exceed the costs of constructing water, sewer, recycled water and drainage improvements that are located outside of the project's frontages along Arata Lane and the Los Amigos Road realignment. The fee credits to be provided to the developer shall not exceed the costs of construction as determined by the Town Engineer. The exact amount of fee credits to be provided shall be determined prior to signature of Improvement Plans and shall be memorialized in a Reimbursement Agreement executed by the Town and Developer. Fee credits shall be applied at the time of payment of building permit fees.

6. An encroachment permit is required for all public improvements and all work within public rights-of-way.

7. 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.

8. Plan check and inspection fees, based on the most current edition of the Town's Master Fee Schedule, shall be paid at the time of the first improvement plan submittal. Submit a separate Engineer's Estimate, for public and private improvements, based on the Town's most current standard unit costs with the first submittal of improvement plans.

9. All broken, lifted, or sunken curb & gutter along the project frontage shall be repaired as part of the improvements for this project. As well, all non-conforming pedestrian ramps shall be brought up to current accessibility and Town standards.

10. Deviations from Town Standards and applicable code requirements shall be approved by the Town Engineer as a design exception. 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.

11. 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.

12. AutoCAD drawing files of the public improvements shall be submitted to the Town at the same time mylars are submitted.

13. 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.

14. Improvement plans shall be approved and signed by the Sonoma County Fire District. Applicant to coordinate directly with the Sonoma County Fire District for signature prior to submitting mylars to the Town.

15. All improvements shall be clearly annotated as either public or private on the public improvement plans and/or site development plans.

16. 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.

17. Project construction phasing shall comply with the approved Phasing Plan.

18. Prior to occupancy of the 1st unit in Phase 1, safe pedestrian access shall be provided along Los Amigos Road, from D Street to Arata Lane, or along Arata Lane, from B Street to Los Amigos Road, and along the north side of Arata Lane fronting the parcel at the northwest corner of Arata Lane and Los Amigos Road (AP No. 161-020-019) connecting to the existing sidewalk fronting New Song Church. This requirement will ensure that the first occupied home will have safe pedestrian access to the closest Sonoma County

Transit bus stop which is located in front of New Song Church. This pedestrian access can be considered interim until final improvements are made to those particular roads as further required in these Conditions of Approval. Interim pedestrian access shall be all-weather surface and shall be 5 ft. wide and shall be included in the Phase 1 improvement plans.

19. 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.

20. The west end of Street E shall be shifted to the south to avoid the extension of this street impacting the existing residence or property improvements on the adjacent property (Lands of Kreuger Trust, AP No. 161-020-063). Any proposed shift to the end of Street E shall be approved by the Town of Windsor.

Street Improvements:

21. 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 be submitted with the first improvement plan check. Traffic Indexes shall be provided by the Town prior to the first Improvement Plan submittal.

22. Americans with Disabilities Act (ADA) compliant pedestrian curb ramps shall be provided at all intersections where sidewalks and/or crosswalks are proposed. The pedestrian ramps shall conform to or be improved to current ADA standards.

23. Sidewalk warps shall be provided to allow a minimum clear 5-foot walkway at all locations, including areas where mailboxes, street furniture, streetlights, street signs and fire hydrants are to be installed or as otherwise directed by the Town Engineer.

24. Improvement plans shall include but not be limited to the following: onsite and offsite utility, roadway, pedestrian, and traffic related improvements such as travel lanes, parking, street lighting, signage, striping, concrete curb, gutter and sidewalk, street trees,

etc. All improvements shall be to the satisfaction of the Town Engineer and designed per Town Standards as specified in the Town's Complete Street Design Guidelines and Design and Construction Standards.

a. Offsite Public Improvements shall include but shall not be limited to:
   i. Los Amigos Road:
      1. Prior to occupancy of the 31st home, the full length of Los Amigos Road shall be constructed to allow for Emergency Vehicle Access and evacuation. Interim road surface to be coordinated with the Public Works Department.
      2. The project shall construct a modified section of Los Amigos Road along APN 161-020-056 (Lands of Hindmarsh Trust) including 3-11 ft. travel lanes, 2-3 ft. striped bike buffers, 2-6 ft. bike lanes, and curb and gutter on both sides. A 8ft. sidewalk shall be constructed on the eastern side of the road. Streetlights and street trees along this section of Los Amigos Road shall be required. A PUE behind sidewalk shall not be required where the right-of-way is constrained to 60'.
      3. The project shall construct the full width of Los Amigos Road for the full length of the project frontage including 2-11 ft. travel lanes, 2-3 ft. striped bike buffers, 2-6 ft. bike lanes, 2-8 ft. parking lanes and curb and gutter on both sides. An 11' sidewalk with street trees shall be constructed on the project side of the road.
      4. The project shall construct a reduced width of Los Amigos Road from the western extents of the project frontage to the intersection of Los Amigos Road and Old Los Amigos Road including 2-11 ft. travel lanes, 2-3 ft. striped bike buffers, and 2-6 ft. bike lanes and 2-ft shoulder on both sides. Streetlights along this section of Los Amigos Road shall not be required.
      5. The project shall construct a modified section of Los Amigos Road from the intersection with Old Los Amigos Road to transition to the existing Los Amigos road section near the Town limit.
      6. To address noise impacts as required by the Environmental Document, quiet pavement shall be installed along the Los Amigos Road extension. The contractor shall provide the Town of Windsor specifications to consider prior to start of paving operations.

   ii. Old Los Amigos Road:
      1. The project shall remove the section of Old Los Amigos Road as shown on the approved Tentative Map. The project shall construct a transition from Old Los Amigos Road to Los Amigos Road consisting of 2-11 ft. travel lanes and 2-2 ft. compacted shoulders.
   iii. Los Amigos Road/Arata Lane Intersection:
      1. The intersection shall be designed and constructed as a signalized intersection based on recommendations contained in the Traffic Impact Study.
   iv. Arata Lane:
      1. The project shall widen Arata Lane on the project side to include a 10 ft. center turn lane, 11 ft. travel lane, 3 ft. bike buffer, 6 ft. bike lane, 5.5 ft. planter strip and an 8 ft. sidewalk. A crosswalk and associated pedestrian ramps shall be constructed at the east end of the project. An interim 5 ft. wide sidewalk shall be

installed along the north side of Arata Lane fronting the parcel at the northwest corner of Arata Lane and Los Amigos Road (AP No. 161-020-049) connecting to the existing sidewalk fronting New Song Church where the Sonoma County Transit bus stop is located.

v. Final limits of paving and any necessary pavement section reconstruction on Arata Lane shall be determined by the Town Engineer.

b. On-Site Public Improvements shall include but not be limited to:
   i. Streets 'A','C' thru 'G', and 'I' thru 'J': The project shall construct these roads to include 2-10 ft. travel lanes, 2-7 ft. parking lanes 2-4.5 ft. planter strips and 2-6 ft. sidewalks.
   ii. Streets 'B' and 'S': The project shall construct these roads to include 2-10 ft. travel lanes, 2-7 ft. parking lanes, 1-4.5 ft. planter strip on the developed side of the road. Refer to Parks and Recreation Conditions of Approval for required improvements as part of the linear park.
   iii. Streets 'P' and 'R': The project shall construct these roads to include 2-12 ft. travel lanes, curb and gutter both sides, and a 6 ft. sidewalk (including curb) on the west side.
c. On-Site Private Alleys 'H' and 'K' shall be constructed to include 2-10 ft. travel lanes, curb and gutter on one side and concrete header on the opposite side.
d. Access to Lots 203 through 210 shall be via a Public Street meeting the Narrow Residential Standards consisting of 2-12 ft. travel lanes and a 6 ft. sidewalk (including curb).
e. The limits of construction for 'E' Street shall terminate at a location determined by the project Arborist in order to protect existing trees.

Street Lighting, Signing, and Striping:

25. Existing roadway signing and striping shall be shown on the improvement plans, including but not limited to traffic lines, roadway markings and symbols and signs. Any roadway signing and striping damaged during construction shall be replaced, meeting Town standards, as directed by the Town Engineer.

26. Streetlights shall be per Town Standard 225. Luminance levels shall meet the minimum and average lighting levels recommended by the Illumination Engineering Society of North America, IESNA, per their report RP-8-21.

    a. Luminance levels along Arata Lane and Los Amigos Road shall be for a 'Major' street classification with a 'Medium' pedestrian area classification.
    b. Luminance levels along public streets, other than Arata Lane and Los Amigos Road, shall be for a 'Local' street classification with a 'High' pedestrian area classification.

27. Streetlights at the intersections of Arata Lane and B Street, Arata Lane and Los Amigos Road, Los Amigos Road and D Street, and Los Amigos Road and A street shall be Decorative Pendant style per Town Standard Drawing 226. Illumination levels within these intersections shall meet the lighting levels recommended by the Illumination Engineering

Society of North America, IESNA, per their report RP-8-21, for the intersection of a 'Major' and 'Local' street with a 'Medium' pedestrian conflict area.

28. A photometric study, in the units of luminance, shall be provided confirming all project-related lighting meets the required lighting levels as stated above. A separate photometric study shall be provided for intersections and mid-block crossings in the units of illuminance. Photometric studies are required at the time of Improvement Plan submittal.

Grading Improvements:

29. 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 lot shall be generally designed to drain to the public street or the private driveway(s), unless otherwise approved in the interest of tree preservation or other unusual circumstances.

30. 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 project design shall incorporate the recommendations of the Geotechnical Report.

31. 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.

32. 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.

33. The improvement plans shall clearly show all existing survey monuments and property corners and shall state that they shall be protected and preserved.

34. Improvements plans shall include an erosion control plan.

Utility Improvements:

35. All existing underground utilities on-site which are no longer serving the project shall be terminated at the main per Town requirements and removed from the site.

36. 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.

37. Public water mains, sanitary sewer main, and recycled water main, shall be constructed in Los Amigos Road from Arata Lane to the east property line of Lands of Wassem.

38. Project shall construct a recycled water main in Arata Lane from the intersection of Los Amigos Road and Arata Lane to approximately 30' west of the eastern property line of APN 161-050-069 (160 Arata Lane), for a total distance of approximately 500'.

39. The recycled water main constructed with the project shall be connected to the existing domestic water main in Arata Lane until such a time as an alternate water source becomes available.

40. 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.

41. 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.

42. 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:

43. 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 Design Projects within the Town of Windsor, and the 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.

44. No concentrated drainage may discharge across sidewalks. All site drains shall be connected to the public storm drain system, storm water LID features or, discharged through the face of curb or to an existing waterway.

45. 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.

46. If applicable, the 100-year flood limits shall be shown on the site development plans.

Storm Water Quality Improvements:

47. 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.

48. 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.

49. 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).

50. Private storm water quality improvements shall be privately owned and privately maintained.

51. All tributary areas with existing and new and/or replaced impervious areas must provide Town Approved trash capture methods or devices meeting the requirements of the most recent edition of the SWLID Technical Design Manual.

52. 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.

53. Any LID features with Priority 3 or lower will require approval from the Regional Water Quality Control Board (RWQCB). The Town will work directly with the RWQCB to facilitate approval.

Landscaping and Irrigation:

54. Street trees, irrigation, and landscaping within the public rights-of-way along Los Amigos Road shall be owned and maintained by the Town. Street trees and landscaping to be maintained by the Town shall be added to the Landscape and Lighting Assessment District.

55. Street trees, irrigation, and landscaping within the public rights-of-way, except for along Los Amigos Road and Arata Lane, shall be maintained by property owner.

56. Until recycled water facilities are extended to serve the project, all private irrigation shall be served by the domestic water system.

57. Street tree planting within public rights-of-way shall meet the structural soil requirements of the Town's Design and Construction Standards, or as otherwise directed by the Town Engineer.

58. Separate water meters shall be provided to serve any Town owned parcel and landscaping. Refer to Conditions of Approval from the Parks and Recreation Department.

Water Efficient Landscape Ordinance (WELO):

59. 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:

60. All existing and proposed rights-of-way and roadway and utility easements shall be clearly identified on the design drawings.

61. No structural encumbrances, such as steps, porches, balconies, or eaves are allowed within public easements.

62. Prior to issuance of the first building permit, 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, public sidewalk and pedestrian access easement(s) and public utility easement(s) as follows:
    i. Public right-of-way shall be granted for all portions of the project frontage. The grant of right of way shall be of sufficient width to accommodate the required improvements.
    ii. Public water line easement, and public sewer line easement, for all portions of the public facilities not currently within an existing recorded public easement, shall be granted in accordance with Town standards as required by the Town Engineer.

63. The developer shall provide private easements for all locations that require common ownership, access, or utilities.

64. The Town shall vacate the existing Drainage Easement on APN 161-020-060.

Agreements:

65. 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.

66. 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.

67. The alleys shall be privately owned and privately maintained. The developer shall provide a maintenance agreement for the alleys for review and approval by the Town Engineer and Community Development Director. The agreement shall be recorded in the Sonoma County Recorder's Office and shall run with the land.

68. The developer shall enter into a reimbursement agreement for Traffic Impact Fee credits for frontage improvements associated with the Los Amigos Cottages Subdivision (File No. 23-11). Traffic Impact Fee credits associated with the frontage improvements along the Los Amigos Cottages Subdivision property are subject to Town Engineer approval.

Conditions Applicable to Final Map Approval:

69. A final map, as defined in the State Subdivision Map Act and prepared by a licensed surveyor or civil engineer, showing all parcels, rights-of-way, and easement(s) shall be filed with the Town of Windsor Engineers Office. All subdivision mapping shall meet the requirements of the Subdivision Map Act, most current edition. Upon recording of the map, the subdivision is valid.

70. The developer shall present to the Town of Windsor, free of encumbrances, an irrevocable offer of dedication for the following:
    a. Right-of-way for all public streets as required by the Town Engineer
    b. Public utility and other easements as required by the Town Engineer
    c. The developer shall secure all necessary rights-of-way and easements for onsite and offsite road, utility, and drainage facilities. Rights-of-way and easements shall be dedicated on the map or provided by grant deed. The developer shall prepare all necessary legal descriptions and deeds at the developer's expense.

Local Agency Sheet:

71. NOTE ON 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."

72. NOTE ON MAP: A maintenance agreement for all shared private streets/common driveways and utilities affecting this final map has been recorded in the Sonoma County Recorder's Office as Document No. _____.

73. If applicable, the 100-year flood limits shall be shown on the local agency sheet if within the parcels being created.

74. NOTE ON MAP: Homeowners are responsible for maintenance of the landscape parkways (areas between curb and sidewalk) and sidewalks located along the street frontages of their residential lot.

75. NOTE ON MAP: This subdivision is bordered by properties located in the unincorporated jurisdiction of the County of Sonoma. Agricultural activities and uses permitted by County Zoning may result in nuisances which may be objectional to nearby residents (such as odors, dust, and use of chemicals).

76. NOTE ON MAP: Design, Operation and Maintenance of the Recycled Water facilities shall comply with the Town of Windsor Recycled Water User's Guide.

Subdivision Improvement Agreement:

77. Prior to recordation of the final 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 grading 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.

78. 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:

79. 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.

80. 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.

81. Construction water shall be recycled water which is available from the Town of Windsor. The contractor can coordinate access to recycled water with the Public Works Department.

82. 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.

83. 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.

84. 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.

85. 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:

86. 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.

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

88. Existing curb, gutter, and sidewalk to remain shall be inspected by the Town. Any curb, gutter, and sidewalk, which is not in accord with Town Standards or is damaged before or during construction, shall be replaced.

89. 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.

90. 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.

PARKS AND RECREATION DEPARTMENT. Unless otherwise stated, conditions in this section shall be to the satisfaction of the Parks and Recreation Director.

91. All amenities will be developed within the designated phase as part of each publicly dedicated parcel (A, B and C) and completed by occupancy. This includes all park fixtures and amenities as listed for Parcel A in phase 1; all trail plantings, fixtures and amenities for the south/eastern portion of Parcel C in phase 1; the remaining Parcel C and Parcel B plantings, fixtures and amenities in phase 2; and the community plaza (Parcel D) in Phase 1 B, including all plantings, fixtures, and amenities.

92. Prior to occupancy of the 1st unit in Phase 1, safe pedestrian access shall be provided along Los Amigos Road, from D Street to Arata Lane, or along Arata Lane, from B Street to Los Amigos Road, and along the north side of Arata Lane fronting the parcel at the northwest corner of Arata Lane and Los Amigos Road (AP No. 161-020-019) connecting to the existing sidewalk fronting New Song Church. This requirement will ensure that the first occupied home will have safe pedestrian access to the closest Sonoma County Transit bus stop which is located in front of New Song Church. This pedestrian access can be considered interim until final improvements are made to those particular roads as further required in these Conditions of Approval. Interim pedestrian access shall be all-weather surface and shall be 5 ft. wide and shall be included in the Phase 1 improvement plans.

94. The developer shall receive Park, Trail, and Open Space Fee credits in amounts not to exceed the cost of constructing the community park and linear parks as required by the conditions of approval. The fee credit to be provided to the developer shall not exceed the costs of construction as determined by the Parks and Recreation Director and Town Engineer. The exact amount of fee credit to be provided shall be determined prior to signature of Improvement Plans. Fee credits shall be applied at the time of building permit fees.

95. As part of the improvement plans, submit an arborist report for the following proposed street trees. Report should confirm the selected trees do not represent a safety hazard due to toxicity or debris on regular path of travel; or propose an alternative tree:

    a. Gymnocladus Dioica (Kentucky Coffee Tree)

b. Albizia Julibrissin Rosea (Mimosa Tree)

c. Styphnolobium Japonicum (Japanese Pagoda Tree)

96. All publicly dedicated and maintained Irrigation equipment must meet all Town requirements as it pertains to efficient water management. All irrigation equipment must be installed per Town specifications and per manufacturer's instructions any changes shall be with the prior approval of the Parks and Recreation Director. Applicant shall use the Town's accepted manufacturer and model numbers or the most current approved manufacturer model numbers in effect at the time of development:

a. Irrigation Controllers: Calsense CS3000-xx-S-CS3-GR Bundle-2

b. Irrigation Controller Enclosure: S-Heavy-Duty Stainless-Steel Enclosure

c. Irrigation Flow Meter: Calsense FM-xx

d. Master Valve Models: Hunter IBV-20xxx-G-FS

e. Irrigation Control Valves: Hunter ICV globe valves preferred; or the Rainbird plastic industrial irrigation valves

f. Irrigation Sprinkler Heads: Rainbird I8000 or Rainbird EFB-CP-R

g. Irrigation Rotors: Hunter I-20, I-25 or I-40

h. Irrigation Drip: Fixed drip with 710 series tubing and pressure compensating emitters (no techline), Tree bubblers, Rainbird 1401 bubbler nozzle 0.25 gpm

i. Irrigation Emitters: Depending on the plant size, install 1gph or 2gph. If putting in 5-gallon plants, then 1gph on each side.

If any substitutions are required at the time of development and/or improvement plan submittal any furnishings identified for the landscape and irrigation plans that are discontinued and/or no longer available, or in the case of a more efficient substitution, requests must be reviewed and approved by the Parks and Recreation Director prior to installation.

97. All site furnishings (trash receptacle, benches, bike racks, dog bag dispenser, etc.) shall meet Town specifications and standards and shall be installed in accordance with the manufacturer's instructions. All trash receptacles, benches and bike racks must be anchored to concrete footings approved by the Parks Department. Applicant shall use the accepted Town's manufacturer and model numbers or the most current approved

manufacturer and model numbers in effect at the time of development. Current equipment to be used:

a. Trash and Recycling Receptacles: DuMor 84 Series model #84-32-FTO (Black) (recycle lid BT Bonnet 32 gallon)

b. Benches: DuMor 93 Series model 93-60 (plaque ready) (Black)

c. Picnic Tables: DuMor Table Set 63 Series – 63-165-68-1 for ADA and 63-165-6 (Black)

d. Bike Rack: DuMor 83S-2 Series (Black)

e. BBQ: DuMor 22-00 Free Standing

f. Dog Bag Dispenser: Doggie Walk Bags-Classic Tie Handle Dog Waste Bag Dispenser 005-CLASSIC-GRN (green)

If any substitutions are required at the time of development and/or improvement plan submittal any furnishings identified for the landscape and irrigation plans that are discontinued and/or no longer available, or in the case of a more efficient substitution, requests must be reviewed and approved by the Parks and Recreation Director prior to installation.

98. The applicant shall submit a landscaping document which shall include a detailed irrigation and planting plan for all publicly dedicated and maintained parcels including but not limited to Parcel A, B and C and Los Amigos frontage.

100. The Park sign shown on sheet L6.1 is required to comply with Town standards and is subject to the review and approval of the Parks and Recreation Director. Plans for the sign shall be submitted for review and approval with the plans for the community park. Park Sign Standard is as follows:

Sandblasted Redwood Sign – one sided
Overall size: 72" x 42"
1.5" wide border and back panel (Painted PMS 469)
[Park Name] (Painted PMS 600)
Town of Windsor Tree Logo: 20.8" x 16"(Painted PMS 378)
Town of Windsor and Bar: 32.34" x 8.46" (TOWN OF - 2" high and WINDOR - 4" high - Painted PMS 378

101. The Community Plaza (Parcel D) shall be publicly owned and privately maintained until such time the adjacent parcel (267 Arata Lane/APN 162-020-056) is developed as a commercial site. The developer shall provide a maintenance agreement for the plaza for review and approval by the Town Engineer and Parks and Recreation Director prior to dedication. The agreement shall be recorded in the Sonoma County Recorder's Office

and shall run with the land.

<u>COMMUNITY DEVELOPMENT DEPARTMENT – BUILDING.</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:

102. 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.

103. 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 Community Development Director.

104. No building or ground disturbing permits shall be issued until written evidence of all applicable permits have been provided, including any required mitigation payments from the appropriate resource agency(s) (i.e., NCRWQB). Prior to issuance of a grading permit and/or start of any construction, and in compliance with the adopted Mitigation Monitoring and Reporting Plan, copies of the permits and payments shall be filed with the Community Development Department.

105. A California registered civil engineer with a California authorization as a geotechnical engineer shall perform the geotechnical evaluation. A written report of the investigation shall be submitted to the Building Official by the owner or authorized agent at the time of permit application. The geotechnical report shall include, but shall not be limited to, site-specific evaluations of design criteria related to the nature and extent of foundation materials, groundwater conditions, liquefaction potential, settlement potential and slope stability.

106. A pre-construction meeting shall be held with the Building Official and Project planner prior to permit issuance. The purpose of the meeting is to coordinate construction activities related to job site sanitary facilities, tree protection measures, utility trenching, and other requirements related to construction of the proposed project.

107. Construction sites shall be maintained in a safe trash and litter free condition for the duration of the construction activity, to the satisfaction of the Building Official.

108. Toilet facilities shall be provided for construction workers and such facilities shall be maintained in a sanitary condition, to the satisfaction of the Building Official.

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

110. Site improvements shall be reviewed by the Sonoma County Fire District.

111. Improvement plans, maps, and construction shall comply with all state and federal accessibility requirements, to the satisfaction of the Town Building Official.

112. Applicant is advised that there are three components of the plan review process: (1) off-site improvement plans; (2) building permit plans; and (3) on-site improvement plans. Item 1 should be submitted and approved prior to submittal of Items 2 and 3, which should be submitted together for concurrent review unless otherwise approved by the Building Official. Applicant shall be responsible for coordinating plan review submittals among project consultants (i.e., architect, engineer, etc.).

SONOMA COUNTY FIRE DISTRICT. Unless otherwise stated, conditions in this section shall be to the satisfaction of the Fire Marshal.

113. Prior to construction of the 31st home, the Los Amigos Road extension shall be constructed in order to provide the second point of access required for the Project.

114. Consistent with the Wildfire Impact Analysis prepared for the Project dated October 27, 2023, the Project shall comply with the following requirements.

a. During construction the Project shall comply with the requirement of Public Resources Code, Article 2 (Prohibited Activities), including but not limited to, the following: Section 4227 (location of flammable materials on burn permit days); Section 4228 (fire suppression equipment); Section 4331 (use of gas-powered tools on burn permit days); and Section 4442 (spark arrestor required).
b. In order to comply with the NFPA Firewise Guide to Landscape and Construction, in areas where the fence is attached to the house, the fencing plan shall be revised to separate the wood fence from the house. This shall be done using a non-combustible material, such as metal or masonry, or other material acceptable to the SCFD, and shall extend five feet from the house to the wood fence.
c. In order to comply with the NFPA Firewise Guide to Landscape and Construction, the landscaping plan shall be revised to: remove flammable materials (e.g., bark); use fire-resistant plant species (e.g., free of resins, oils, and waxes) that are native to Sonoma County and/or the local microclimate; and provide a buffer of five feet between plantings and structures (e.g., house, garage, etc.). If plants species that are local to Sonoma County or the local microclimate are not available, other plant species meeting the intent of this condition may be proposed. They should be appropriate for the site and climate and are subject to the approval of the SCFD and Planning Division.
d. Plants species that are fire-prone or invasive are prohibited.
e. Use of fire-resistant attic and crawl space vents, soffits, exterior siding, porches, and decks.

115. The private driveway shown for lots 203 to 210 shall be revised to be a Narrow Residential Street, consistent with the Town's Complete Street Design Guidelines.

115. The Narrow Residential Street that provides access to lots 203 through 2010 and terminates at 267 Arata Lane (APN 161-020-056) shall include SCFD approved knock down bollards, gate, or similar feature acceptable to the Fire Marshal where it terminates at 267 Arata Lane.

116. Parking is prohibited along the Narrow Residential Street to ensure emergency access is maintained. Curbs shall be painted red and "No Parking Signs" shall be installed.

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

117. Within two days of project approval by the Town Council, applicant shall provide a check payable to "Sonoma County Clerk" for the Notice of Determination (NOD) filing fee and the California Department of Fish and Wildlife CEQA filing fee. Applicable filing fees shall be verified with the Sonoma County Clerk's office.

118. A mitigation monitoring and reporting program (MMRP) has been prepared for the Project (Attached as Exhibit E), which includes uniformly applicable development standards which shall be implemented by the Project and required as conditions of approval for the Project and are hereby incorporated by reference.

119. The Project shall be in substantial conformance with the Project description, plans, and materials included in the Planning Commission staff report, dated August 13, 2024, as well as all materials presented to and approved by the Planning Commission, except as modified herein.

120. A total of 271 growth control allocations are required for the project. A total of 100 Reserve B growth control allocations are reserved for the Project as shown below for the allocations available in 2025 and 2026.

Year	2022	2023	2024	2025	2026	Total
Reserve B Units	0	0	0	283	118	401
Project Reserve B	**0**	**0**	**0**	**50**	**50**	**100**
Remaining Allocations			0	233	68	301

An additional 171 growth control allocations are required for the Project. These may be allocated for 2027 (50 units), 2028 (50 units), 2029 (50 units), and 2030 (21 units) as part of the five-year (2027-2031) Growth Control Allocation and Infrastructure Report.

121. Pursuant to the Town's Growth Control Ordinance, no more than 50 building permits may be issued in one year. Affordable units are exempt from this limit. The Developer may request Town Council approval to allow more than 50 building permits to be issued in one year.

122. The Project is limited to constructing units only to the extent that it has received growth control allocations for the units.

123. The project includes the construction of 301 homes. In order to comply with the Town's Inclusionary Housing Ordinance (Zoning Code Chapter 27.23), the Project includes the construction of 30 affordable for sale housing units, which are shown on the Development Plan. The fractional remainder of the affordable housing requirement shall be met by paying the in-lieu fee. The fee shall be paid prior to building permit issuance in the final phase of the Project.

124. The Project includes the construction of 30 onsite affordable units. In order not to have an impact related to vehicle miles traveled (VMT), 15 of the units shall be affordable to low-income households. The remaining 15 units may be affordable to moderate income households.

125. In order to comply with Zoning Code Section 27.23.030(E) (Construction of Inclusionary Units), which requires the affordable units to be constructed prior to or at the same time as the affordable units, the affordable units shall be constructed in each phase as shown on the approved phasing plan and as described below.
    a. Phase 1 includes the construction of 44 total units, 36 market rate and eight affordable. Four affordable units are required to be constructed in Phase 1. Of the four affordable units, two shall be affordable to low-income households and two shall be affordable to moderate income households.
    b. Phase 1B includes the construction of 93 total units, 83 market rate and 10 affordable. Ten affordable units are required for this phase. Five affordable units shall be affordable to low-income households and five shall be affordable to moderate income households.
    c. Phase 2 includes the construction of 88 units, 80 market rate and eight affordable. Eight affordable units are required for this phase. Four affordable units shall be affordable to low-income households and four shall be affordable to moderate income households.
    d. Phase 3 includes the construction of 76 units, 72 market rate and 4 affordable. Eight affordable units are required for this phase. Four affordable units shall be affordable to low-income households and four shall be affordable to moderate income households.
    e. To the extent the Developer chooses to construct more affordable units in an earlier phase than is required herein, the Developer may reduce the number of affordable units in any later phase, corresponding to the number and type (i.e. low or moderate) of extra units built in the earlier phase.

126. In phase 1, no more than 30 homes shall be constructed without extending Los Amigos Road from Arata Lane to Town limits as shown on the approved Phasing Plan. Of these 30 homes, three shall be affordable.

127. Prior to issuance of a Building Permit, the Developer shall record a deed restriction setting forth affordability restrictions on the inclusionary housing units to maintain the units as affordable to low- and moderate-income households, consistent with the Town of Windsor Zoning Ordinance and State law. The draft deed restriction shall be reviewed and revised as appropriate by the Town Manager, or authorized designee, and/or the Town Attorney. The deed restriction shall be binding to future owners, developers, and/or successors-in-interest and shall be consistent with Zoning Ordinance Section 27.23.040 (Pricing Requirements for Inclusionary Units); Section 27.23.050 (Eligibility Requirements); Section 27.23.060 (Fractional Remainders and In-Lieu Fees); Section 27.23.070 (Deed Restrictions); and Section 27.23.080 (Monitoring of inclusionary Units (annual reporting requirements).

128. Burbank Housing shall be responsible for monitoring and reporting for the affordable housing units as required by the Town's Zoning Ordinance and State law.

129. The following shall be included on the **Final Map** as verbatim notes:
    a. The Developer shall pay all applicable development impact fees for Drainage, Parks & Recreation, Public Facilities, Traffic, and Recycled Water, upon the earlier of the date of final inspection or issuance of the certificate of occupancy for each lot and shall pay all applicable development impact fees for Water Capacity and Wastewater Capacity prior to the issuance of a building permit for each individual lot. The developer shall pay all applicable school impact fees for each lot to the Windsor Unified School District per the school district policies and/or code.
    b. Homeowners are responsible for the maintenance of sidewalks located along the street frontages of their residential lot.
    c. 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.
    d. Lot #30 includes the dripline of a protected oak tree (Tree #424 in the Project's Arborist Report) located on the parcel located at 267 Arata Lane (APN 161-020-056). In order to limit impacts to this tree, irrigation on Lot 30 shall not occur within the dripline of this tree. Improvements on Lot 30 within the dripline of this tree that require excavation or a change in grade shall require Town review and approval. As part of the Town's review, the owner of Lot 30 shall submit an arborist report that

evaluates the health and structure of the tree, description of the proposed improvement/construction, the potential impacts to the tree, and recommendations for protection of the health of the tree.

e. Tree #212 on Parcel E is designated as a Landmark Tree and is subject to the Zoning Ordinance requirements for Landmark Trees, which include: Maintenance for Tree #212 completed in accordance with the Town of Windsor Tree Technical Manual; compliance with the regulations of the Zoning Ordinance Chapter 27.36 (Tree Preservation and Protection); and removal of this tree is subject to Planning Commission review and action.

130. Based on the significance of Tree #212 located on Parcel F, it is designated a Landmark Tree and subject to the Zoning Ordinance requirements for Landmark Trees. The location of this tree shall be included on the Final Map with the lot/parcel number identified, and the Final Map shall include the following verbatim notes related to this tree.

a. Maintenance for Tree #212 shall be completed in accordance with the Town of Windsor Tree Technical Manual.
b. Tree #212 is subject to all regulations of the Zoning Ordinance Chapter 27.36 (Tree Preservation and Protection).
c. Removal of Tree #212 is subject to Planning Commission review and action.
d. Prior to any work within the dripline of this tree, construction plans and details shall be provided to the Project Arborist for review and recommendations to ensure the preservation and protection of this tree. Improvements that have the potential to impact this tree shall be located and designed in consultation with the Project Arborist and Town staff in order to reduce potential impacts to this tree. Construction details shall be modified as necessary to protect this tree and are subject to Town staff review and approval.
e. The property owner shall implement the recommendations included in the Arborist Report prepared by Horticultural Associates dated Revised June 18, 2024, prior to work within the dripline of this tree.

131. The following conditions of approval are included in order to protect offsite trees that may be impacted by the Project, based on the Arborist Report dated Revised June 18, 2024, and the Project plans dated June 2024.

a. Tree #424 located at 267 Arata Lane (APN 161-020-056) includes a substantial portion of its dripline on Lot 30. In order to limit impacts to this tree, irrigation on Lot 30 shall not occur within the dripline of this tree. Improvements on Lot 30 within the dripline of this tree that require excavation or a change in grade shall require Town review and approval. As part of the Town's review, the owner of Lot 30 shall submit an arborist report that evaluates the health and structure of the tree, description of the proposed improvement/construction, the potential impacts to the tree, and recommendations for protection of the health of the tree.
b. A deed restriction or other mechanism, acceptable to the Town, shall be recorded to inform buyers of lot 30 of the limitations placed on the parcel in order to protect Tree #424 that are identified in "a" above.

c. A deed restriction of other mechanism acceptable to the Town shall be recorded to document the limitations and responsibilities placed on Parcel F related to preservation and protection of Tree #212, which has been designated as a Landmark Tree.

132. A Tree Preservation and Protection Plan shall be included with the Improvement Plans submitted for each phase of the project and shall include the following:
   a. Location, size and species of the trees on the site consistent with the exhibit included in the Arborist Report dated March 18, 2024, and revised June 18, 2024, and the approved plans.
   b. Table that identifies each tree by number and identifies the size, species, health, structure, and whether the tree will remain or be removed consistent with the Arborist Report dated March 18, 2024.
   c. Expected development impacts and recommendations included in the Arborist Report for each tree.
   d. Addition of note 11 for trees 35, 36, 37,48, 49, 50 as recommended in the arborist report.
   e. Location of the Tree Protection Zone as delineated by the Project Arborist.
   f. Location and detail of the required tree protection fencing consistent with the recommendations of the Project Arborist.
   g. Location of construction staging.

133. As recommended in the Arborist Report for the Project, the improvement plans and building permit plans shall implement recommendation 7 to maintain the existing grade within the fenced portion of the dripline of the tree and to route drainage and swales and all underground work outside the dripline of the following trees: 35-37, 44, 51-52, 65, 67, 71-72, 75-82,86-95, 102, 122, 125-126, 158-161, 164-170, 212, 301-302, 348-369, 405A-406A, 409A, 418A, 421A, 424.

134. The Final Map and Improvement Plans shall be revised to relocate the west section of Street E between A Street and the western boundary of the Project so that the future extension will not impact the existing home on APN 161-020-063 (Lands of Kreuger Trust). The relocation is subject to approval of the Community Development Director and Public Works Director. The relocation of Street E has the potential to impact existing onsite and offsite trees. Therefore, an arborist report shall be provided that evaluates the relocation of Street E's impacts to trees, the health and structure of the trees that could be impacted, and provide recommendations to avoid and/or reduce the impacts identified.

135. Improvements plans shall:
   a. Include a landscape buffer within the 100-foot agricultural buffer located along the eastern property line of the Project that is subject to review and approval of the Community Development Director and Parks and Recreation Director.
   b. Include a construction staging plan that locates all materials, vehicles and equipment outside of the drip lines of protected oak trees and other sensitive areas.
   c. Revise the Common Driveway for Lots 203-210 to a Narrow Residential Street.

d. Remove the second driveway for Lot 29 that provides access to the accessory dwelling unit (ADU). The Zoning Ordinance allows only one driveway.
e. Implement Recommendation 7 of the arborist to maintain the existing grade within the fenced portion of the dripline of the tree and to route drainage and swales and all underground work outside the dripline of the following trees 35-37, 44, 51-52, 65, 67, 71-72, 75-82,86-95, 102, 122, 125-126, 158-161, 164-170, 212, 301-302, 348-369, 405A-406A, 409A, 418A, 421A, 424. The Project Arborist shall review the improvement plans and provide a letter indicating that the plans are in compliance with recommendation 7.
f. Include a revised Tree Preservation and Protection Plan for each phase that includes the following revisions to the Arborist Report:
    1) Add Recommendation 11 (trunk offsite, canopy overhangs project site) for Trees 35-37, 48-50.

136. The Final Map and Improvement Plan submittal for Phase 2 shall include an updated Arborist Report for Tree #212 located on Parcel F that evaluates the health and structure of the tree and includes updated recommendations for this tree as appropriate.

137. 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 for each phase:
a. 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.
b. Prior to grading or any ground disturbing activities, recommendations 6 (temporary tree fencing), 8 (placement of mulch), and 9 (pruning) shall be completed to ensure tree protection and preservation consistent with the recommendations included in the Project's Arborist Report.
c. Improvement Plans shall be approved by the Community Development Department and signed by the Town Engineer. Prior to approval, plans shall include the following:
    1) Transformers, fire line check valves, meter cabinets, and backflow preventers shall also be specified on landscape drawings and appropriately screened.
    2) A statement 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 and landscape 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.
    3) Tree Protection Measures 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 shall 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 shall 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 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. The Project Arborist shall keep written records of site inspections and shall forward a summary report to the Community Development Department of all work authorized within the TPZs, compliance to tree preservation recommendations (including pruning, removal of deadwood, supplemental watering and feedings), and any damage affecting tree survivability in accordance with conditions of Project approval. Report shall include final recommendations for retention/removal and shall be received prior to final clearance of improvements authorized by these plans.
ix. Evidence of a contract with a licensed arborist to oversee and verify completion of the above requirements is required.
x. Deviation from these requirements is subject to the approval of the Community Development Director.

138. The Project shall comply with the following conditions based on the recommendations included in the Arborist Report dated March 18, 2024, and revised June 18, 2024.

a. Construction shall be kept a minimum of 20 feet from trees 353, 354, and 355 until the adjacent new street (E Street) is constructed. *See also condition above requiring the relocation of the western portion of Street E and an Arborist Report to evaluate impacts to trees.*
b. In order to protect and preserve tree #424 located on APN 161-020-056 (267 Arata Lane), improvement plans and building permit plans for Lot 30 shall implement the recommendations included in the arborist report for this tree. The project arborist shall review the improvement plans and building permit plans and recommend any modifications and/or measures necessary to protect Tree #424. The Project shall be revised as needed to implement the recommendations from the Project Arborist.
c. In order to protect and preserve tree #212 located on Parcel F, improvement plans shall implement the recommendations included in the arborist report for this tree. The project arborist shall review the improvement plans and recommend any modifications and/or measures necessary to protect this tree. The Project shall be revised as needed to implement the recommendations from the Project Arborist.
d. For trees 212 and 424, prior to grading or earth moving activities associated with improvement plans or building permit plans, recommendations 6 (temporary tree fencing), 8 (placement of mulch), and 9 (pruning) shall be implemented.
e. Improvements associated with the Project have the potential to impact Trees 212 and 424. Based on the recommendations included in the Arborist Report, improvements shall be located and designed in consultation with the Project Arborist and Town staff in order to reduce potential impacts to these significant trees.

139. The Improvement Plans submitted shall be consistent with the Arborist Report for the Project prepared by John Meserve and dated June 18, 2024.

140. 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).

141. 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. A Tree Removal Permit is required for each phase of the Project. Tree mitigation may be a combination of onsite tree replacement within the Project site, offsite tree mitigation subject to approval of the Community Development Director, and/or payment of the in-lieu fee consistent with Zoning Ordinance Chapter 27.36. The Tree Removal Permit application shall be consistent with the tree removal approved by the Planning Commission. If tree mitigation includes payment of the in-lieu fee, payment of the fee is required prior to issuance of the Tree Removal Permit.

142. The project shall include a 100-foot agricultural buffer along the east and north property lines, as shown on the approved Landscape Plan. The eastern agricultural buffer shall include a hedgerow adjacent to the property line as shown on the plans. The northern agricultural buffer does not require a hedgerow due to the distance between the vineyard and homes and intervening features, which include Sotoyome Creek and the creekside

setback, road for the vineyard to the north, landscaping included in the linear park, mitigation tree planting, and Street S.

143. Upon submittal of the Final Map and Improvement Plans for Phase 1, the Developer shall submit an application for address assignment to the Community Development Department. The address assignment application shall include addressing for all phases of the Project.

144. 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. Air Quality. The Project shall incorporate the Bay Area Air Quality Management District (BAAQMD) Basic Construction Mitigation Measures to reduce construction emissions for reactive organic gases, nitrogen oxides, and particulate matter (PM10 and PM2.5). The Town shall require the following to be adhered to during Project construction to reduce air quality impacts.
      1) 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.
      2) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
      3) 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. The use of dry power sweeping is prohibited.
      4) All vehicle speeds on unpaved roads shall be limited to 15 mph.
      5) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
      6) 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 Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
      7) 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.
      8) 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.

c. Cultural Resources. If cultural resources are encountered during ground-disturbing activities, work in the immediate area must halt and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology should be contacted immediately to evaluate the find. If the discovery proves to be significant under National Historic Preservation Act and/or the California Environmental Quality Act, additional work such as data recovery excavation and Native American consultation may be warranted to mitigate any significant impacts.

d. Cultural Resources (Human Remains). 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 left 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.

e. Noise (Construction). During construction, the Project shall:
   1) Properly muffle and maintain all construction equipment powered by internal combustion engines.
   2) Prohibit unnecessary idling of combustion engines.
   3) 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.
   4) Select quiet construction equipment, particularly air compressors, whenever possible. Fit motorized equipment with proper mufflers in good working order.
   5) Residences adjacent to project sites shall be notified in advance by writing of the proposed construction schedule before construction activities commence.
   6) 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.

f. Noise (Operations - Special Roadway Paving). The Project shall install "quiet pavement" roadway improvements, such as rubberized asphalt or open-grade asphalt concrete overlays along the Los Amigos roadway extension between Arata Lane and the realignment with the existing Los Amigos Road at the Windsor town limit.

g. Vibration. During construction, the Project shall:

1) Avoid the use of vibratory rollers within 50 feet of fragile buildings, which are buildings that are susceptible to damage from vibration.
2) 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).
3) Notify neighbors of scheduled construction activities that would generate vibration.
4) Select quiet construction equipment, particularly air compressors, whenever possible. Fit motorized equipment with proper mufflers in good working order.
5) Residences adjacent to the Project site shall be notified in advance by writing of the proposed construction schedule before construction activities commence.
6) 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.

h. Tribal Cultural Resources. Where potential tribal cultural resources are encountered or revealed during ground-disturbing activities, the Town will consult with applicable tribe(s) to determine appropriate measures for addressing the resources.

145. Plans submitted for building permit shall be substantially consistent with the Development Plan approved by the Planning Commission, which includes waivers from the Town's development standards consistent with State Density Bonus Law (SDBL) and the use of SDBL parking standards.

146. Plans submitted for building permit for development of the individual lots shall include the following and are subject to staff review and approval:
a. The conditions of approval included in this Resolution as verbatim notes on the first page of the plans submitted for building permit.
b. Plans submitted for building permit shall implement recommendation 7 of the arborist to maintain the existing grade within the fenced portion of the dripline of the tree and to route drainage and swales and all underground work outside the dripline of the following trees 35-37, 44, 51-52, 65, 67, 71-72, 75-82,86-95, 102, 122, 125-126, 158-161, 164-170, 212, 301-302, 348-369, 405A-406A, 409A, 418A, 421A, 424. House plans shall be modified as needed to comply with this requirement.
c. Prior to grading or any ground disturbing activities, recommendations 6 (temporary tree fencing), 8 (placement of mulch), and 9 (pruning) shall be completed to ensure tree protection consistent with the recommendations included in the Project's Arborist Report. Plans shall be consistent with the recommendations found in the Arborist Report including tree protection measures and tree protection fencing and details.
d. A letter from the Project Arborist indicating that the site, grading, tree preservation and protection, and landscaping plans have been reviewed and will not result in

impacts to the protected oak trees on the site. Recommendations from the Project Arborist for tree preservation and protection measures shall be incorporated into the plans.

e. Construction staging plan that locates all materials, vehicles and equipment outside of the drip lines of protected oak trees and other sensitive areas.
f. 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.
g. Prior to recordation of the Final Map for each phase, a separate acknowledgment statement shall be recorded regarding the presence of agricultural and appurtenant uses in the proximity of the subdivision through the following statement: "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."
h. Exterior lighting consistent with the CEQA Checklist condition for Light and Glare (condition 2a above).
i. Fence height and location for each lot consistent with Zoning Ordinance fencing standards.
j. Fencing consistent with the SCFD condition for fencing.
k. Noise attenuation consistent with the acoustical study required by these conditions of approval.
l. Landscaping consistent with the SCFD conditions for landscaping.
m. A/C units consistent with Zoning Ordinance requirements, including Performance Standards for noise.
n. Surface materials for ADU parking spaces consistent with Zoning Ordinance requirements and that are acceptable to Public Works.
o. House plan for each lot consistent with the house plan identified on the approved Development Plan and consistent with the architectural plans dated July 21, 2022.

147. An acoustical study shall be submitted for each phase of the Project where the noise level exceeds the allowable noise level identified in General Plan Table PHS-1 (Maximum Noise Level by Receiving Land Use) and the Zoning Ordinance Performance Standards for exterior and interior noise as shown in shown on General Plan Figure PHS-12 (2040 Noise Contours). The acoustical study shall include recommendations to reduce the noise

levels to levels consistent with the levels identified in General Plan Table PHS-1 (Maximum Noise Level by Receiving Land Use) and the Zoning Ordinance Performance Standards. The acoustical study is subject to staff review and approval. The building permit plans for the homes shall incorporate the recommendations included in the staff accepted acoustical study.

148. A building permit is required for the subdivision monument sign, which shall be consistent with the Zoning Ordinance requirements for subdivision monuments signs and the following, and is subject to Director review and approval:
    a. The sign shall not exceed six feet in height measured from grade to the highest part of the sign.
    b. The sign shall not exceed 24 square feet.
    c. Landscaping shall be provided around the base of the sign and shall be a minimum of two times the square footage of the sign.
    d. The sign shall not be located on Parcel E.
    e. Provisions shall be made for the maintenance of the sign, landscaping and irrigation.

The following general conditions shall apply:

149. This Project is approved for an initial two-year period from the effective date of adoption of this resolution. All associated entitlement permits associated 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.

150. The Community Development Director has the discretion to approve minor modifications to the Project that are in substantial conformance with the approved plans.

151. 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.

152. 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.

153. 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 13th day of May 2025 by the following vote:

AYES: **COMMISSIONER RICHARDS/M, VICE CHAIR ZAHNER/2ND, COMMISSIONER RENNIE, CHAIR KUBOTA**
NOES: **COMMISSIONER FORTINO-DICKSON**
ABSTAIN: **NONE**
ABSENT: **NONE**

Evan Kubota (May 20, 2025 11:46 PDT)

CHAIR KUBOTA

Exhibit A: Project Statement March 2023
Exhibit A1: Project Clarifications June 2024
Exhibit A2: Project Waivers June 2024
Exhibit A3: Burbank Housing Letter
Exhibit B: Tentative Subdivision Map June 2024
Exhibit C: Development Plan June 2024
Exhibit D: Tree Preservation and Protection Plan June 2024
Exhibit E: Landscape Plan June 2024
Exhibit F: Tree Mitigation Plan June 2024
Exhibit G: Revised General Plan Consistency Checklist dated March 2025
Exhibit H: Mitigation Monitoring and Reporting Program