

RESOLUTION NO. 3116-14

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
AMENDING CERTAIN CONDITIONS OF APPROVAL IN RESOLUTION NO. 2866-11
THAT APPROVED THE USE PERMIT FOR THE BELL VILLAGE PROJECT
(FILE NO. GPA/ZC/UP/MJS 09-17; LLA 09-57)**

WHEREAS, by Resolution No. 2862-11, herein incorporated by reference, the Town Council of the Town of Windsor adopted a Mitigated Negative Declaration (“MND”) for the Bell Village project (the “Project”), The property is located at 9290 Old Redwood Hwy., Windsor (APN 161-070-036); and

WHEREAS, by Resolution No. 2866-11, herein incorporated by reference, the Town Council approved the Use Permit, including Final Site Plan and Design Review, and Variance requests, and by Resolution No. 2867-11, herein incorporated by reference, the Town Council approved the related Tentative Map for the Project on December 7, 2011; and

WHEREAS, by Resolution No. 3050-14, herein incorporated by reference, the Town Council amended certain Conditions of Approval of the Use Permit and Tentative Map on January 15, 2014; and

WHEREAS, the Town Council has received a request from the Project applicant, Oakmont Senior Living, LLC (the “Applicant”) to amend certain Conditions of Approval of the approved Use Permit (Resolution No. 2866-11) for the Project, specifically to modify the project phasing. Town staff identified additional modifications needed to maintain internal consistency for the conditions and to reflect new information since the prior amendments. The modifications are collectively referred to as “proposed modifications”; and

WHEREAS, the aforementioned Project approvals were adopted based upon the MND; and

WHEREAS, Town Staff has reviewed the proposed modifications pursuant to CEQA section 21166 and has determined that they would not change the Project or Project circumstances or constitute substantial new information such that a new or substantially more severe significant impact than that disclosed in the MND would result; and

WHEREAS, Town staff has further determined that all previously adopted mitigation measures in the MND do apply and will continue to apply to the Project; and

WHEREAS, the Applicant’s Request does not require additions or alterations to the mitigation measures or the Mitigation Monitoring Reporting Program previously adopted; and

WHEREAS, all conditions of approval from all entitlements referenced above shall remain in effect with the exception of the specified modifications and/or replacements contained in this Resolution; and

WHEREAS, the Applicant's Request, as conditioned, is deemed consistent with the provisions of the Town of Windsor General Plan; and

WHEREAS, in accordance with the provisions of law, the Town Council conducted a duly-noticed public hearing on August 6, 2014, on the proposed modifications, at which time all interested persons were given an opportunity to be heard. An agenda report dated August 6, 2014 and incorporated herein by reference, described and analyzed the proposed modification for the Town Council, who considered the staff report and all comments.

NOW, THEREFORE, BE IT RESOLVED that the Town of Windsor Town Council hereby finds that no additional environmental review is required for the proposed modifications, and approves the modifications and amendments to the Bell Village Project Use Permit Conditions of Approval as specifically identified in the following modified conditions:

TOWN ENGINEER

Condition No. 1 of Resolution No. 2866-11 shall be modified as follows:

1. Improvement Plans shall be approved by the Community Development Director and signed by the Town Engineer prior to issuance of encroachment permit(s) for construction of public improvements on a phase by phase basis. All right of way dedications and dispositions, public improvements and utility extensions, public use easements and site improvements will be required as part of the improvement plan and mapping process as approved by the Town Engineer.

BUILDING INSPECTION DEPARTMENT

Condition No. 5 of Resolution No. 2866-11 shall be modified as follows:

5. Abandon any existing wells, septic tanks or underground fuel storage tanks under permit and inspection of Environmental Health or other designated agency. If there are none, provide a letter from the project engineer relating to the scope of the search done to make this determination. Well water from the existing well(s) in the residential portion of the project may be used to irrigate the landscaping in the commercial phase of the project until such time as a reclaimed water supply is extended south through the residential area to supply the commercial area, unless other arrangements are approved by the Town Engineer. The owner will be required to enter into a Recycled Water Users Agreement prior to being provided recycled water.

Condition No. 8 of Resolution No. 2866-11 shall be modified as follows:

8. No site work, including grading, shall be initiated until improvement plans for that site work have been approved by the Community Development Director and Town Engineer. Grading permits must be reviewed and issued by the Building Division prior to beginning site work.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING

Condition No. 13 of Resolution No. 2866-11 shall be deleted.

Condition No. 37 of Resolution No. 2866-11 shall be deleted.

PASSED, APPROVED AND ADOPTED this 6th day of August 2014, by the following vote:

**AYES: COUNCILMEMBERS ALLEN, FUDGE, GOBLE, SALMON AND
MAYOR OKREPKIE**

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



BRUCE OKREKPIE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK