

RESOLUTION NO. 3285-16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR APPROVING AN AMENDED TENTATIVE SUBDIVISION MAP, REPEALING PREVIOUSLY IMPOSED CONDITIONS OF APPROVAL AND REPLACING THEM WITH REVISED CONDITIONS OF APPROVAL FOR THE VINTAGE OAKS PROJECT, FILE NO. GPA/ZC/UP/MJS 09-17 AND MJS/VAR/UP/DRC 14-17

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 (“Bell Village Project”) on December 7, 2011. The property is located at 9290 Old Redwood Hwy., Windsor (APN 161-070-036); and

WHEREAS, by Resolution No. 2867-11, herein incorporated by reference, the Town Council approved the Tentative Map for the Bell Village 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 Tentative Map and Use Permit on January 15, 2014; and

WHEREAS, by Resolution No. 3117-14, herein incorporated by reference, the Town Council amended certain Conditions of Approval of the Tentative Map on August 6, 2014; and

WHEREAS, by Resolution No. 3130-14, herein incorporated by reference, the Town Council superseded Resolution 3117-14 and amended certain Conditions of Approval of the Tentative Map on September 17, 2014; and

WHEREAS, by Resolution No. 3278-16, the Town Council amended certain Conditions of Approval for the Bell Village Project’s Tentative Subdivision Map; and

WHEREAS, by Resolution No. 3278-16, the Town Council approved Bell Village Commercial Center, MJS 09-17, Phase 1 Final Subdivision Map; and

WHEREAS, an application was filed to amend the Tentative Subdivision Map for the residential portion of the Bell Village Project and which would create two parcels corresponding to each construction phase; related applications proposed a revised site plan; and

WHEREAS, the residential portion of the Bell Village Project has been renamed Vintage Oaks on the Town Green (“Vintage Oaks Project”); and

WHEREAS, revised Conditions of Approval are necessary to reflect the physical changes of the Vintage Oaks Project and also to respond to the completion of previously imposed conditions; and

WHEREAS, the Bell Village Project approvals were adopted based upon the MND adopted on December 7, 2011 by Resolution No. 2862-11; consistent with CEQA Guidelines section 15164,

the Town prepared an Addendum to the previous MND as CEQA compliance for the Vintage Oaks Project; and

WHEREAS, prior to taking action on the Project, the Town Council conducted a duly-noticed public hearing on May 18, 2016, in conformance with the requirements of Government Code Sections 65090 and 65091, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, an agenda report dated May 18, 2016, incorporated herein by reference, described and analyzed the proposed CEQA Addendum, amended Tentative Subdivision Map, including the revised Conditions of Approval, for the Town Council, who considered the Addendum, agenda report and all comments; and

WHEREAS, by Resolution No. 3284-16, incorporated herein by reference, the Town Council adopted the CEQA Addendum and a refined Mitigation Monitoring and Reporting Program for the Vintage Oaks Project; and

WHEREAS, the proposed amended Tentative Subdivision Map has been examined as required by Subdivision Ordinance §16-8-400(f)(3) and the Town Council finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and Downtown Specific Plan/Station Area Plan, the Town's Design Standards, the Zoning Ordinance, and all applicable provisions of the Municipal Code, including but not limited to the Growth Control Ordinance; and

WHEREAS, the Town Council further finds as follows relative to the amended tentative subdivision map:

1. The tentative map, as conditioned, is consistent with the provisions of the Windsor General Plan. *The project includes a Tentative Map and Site Plan/Design review which were analyzed as part of the project processing. The proposed tentative map is consistent with the approved related Compact Residential land use designation for multi-family residential development and is consistent with the adopted Windsor Station Area Plan/Downtown Specific Plan.*
2. The tentative map is in substantial conformance to the provisions of the State Subdivision Map Act and the Town of Windsor Subdivision Ordinance. *The Vintage Oaks Project demonstrates design consistent with Town guidelines of Windsor Station Area Plan/Downtown Specific Plan.*
3. All findings (for denial) pursuant to Section 66474 of the Subdivision Map Act are determined to be inapplicable, based upon the whole record for the project, including but not limited to the project description and conditions of approval; and

WHEREAS, the amended Tentative Subdivision Map shows and names public utility easements and other public easements as offered for dedication, subject to improvement, for public use.

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Windsor hereby repeals Resolution No. 2867-11, Resolution No. 3050-14, Resolution No. 3130-14, and Resolution No. 3278-16 and replaces them with this resolution approving the amended Tentative Subdivision Map, subject to the Conditions of Approval attached hereto in Exhibit A, which is incorporated herein by reference.

PASSED, APPROVED AND ADOPTED this 18th day of May 2016, by the following vote:

AYES: COUNCILMEMBERS FOPPOLI, OKREPKE,
VICE MAYOR FUDGE, AND MAYOR MILLAN
NOES: COUNCILMEMBER SALMON
ABSTAIN: NONE
ABSENT: NONE



MARK MILLAN, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK

Exhibit Attached:

- Exhibit A – Vintage Oaks Tentative Map Conditions of Approval

(Clerk's Note: A typographical error in the vote count was corrected on June 6, 2016.)

VINTAGE OAKS TENTATIVE MAP

GENERAL (ALL DEPARTMENTS)

1. The amended tentative map may be processed and developed as one project in its entirety or may be processed and developed in phases. At a minimum, site development plans for the first phase of the project shall include all improvements necessary to support full residential build-out for each phase of development. The final map or parcel map submittal for each phase of the project shall be accompanied by management documents for long term maintenance of full residential build-out for each phase of development. At a minimum, the final map or parcel map for the first phase of the project shall include the entire first residential phase and all easements necessary to support the first phase of improvements as outlined above. At a minimum, the first final map or parcel map shall also include the balance of the property as one lot or remainder parcel as permitted by the Subdivision Map Act and approved by the Town. The one lot or remainder parcel may be further subdivided in subsequent phases provided that the additional lots or parcels created meet the following requirements:
 - a) All improvements necessary to support the phase being developed are included on the site development plans unless otherwise required by the Town,
 - b) Each subsequent phase shall be accompanied by site development plans, final map or parcel map and required easements,
 - c) The conditions of approval shall be satisfied on a phase by phase basis unless otherwise required by the Town.

The Amended Tentative Map and Site Plan and Design Review conditions of approval are comprehensive, are intended to provide requirements for the entire residential portion of the subdivision and are not structured on a phase by phase basis. However, it is understood that if the project is subdivided in multiple phases that only certain conditions of approval as determined by the Town shall be applicable to each phase, depending on the actual phasing and as determined by the Town. Conditions of approval not satisfied with the first final map phase of the project, shall be satisfied in subsequent phases of the project as applicable. Prior to approval of the last final map/parcel map phase, all conditions of approval shall have been satisfied meeting the requirements of the Town.

2. Mitigation Monitoring and Reporting Plan. Plan checkers for each Department shall be responsible for determining compliance with the Mitigation Monitoring and Reporting Plan in the final package, including the following milestones:
 - a) Prior to Signature of Improvement Plans / Site Development Plans
 - b) Prior to Issuance of Building Permits (including Grading Permit)

Applicant shall submit a compliance package with Improvement Plan Check documents

indicating each mitigation measure and where the mitigation measure is noted on drawings or within accompanying documents. Department personnel responsible for verification of conditions shall document to the Project Planner that the required mitigation measures have been incorporated into construction drawings prior to signature of the plans, and field inspectors shall similarly verify construction compliance with approved plans to the Project Planner upon project completion and prior to release of securities.

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

Conditions Applicable to Improvement/Site Development Plan Approval:

General Requirements:

3. The developer shall prepare and submit site development plans for the construction of all improvements including water, sanitary sewer, recycled water, storm drain, water quality facilities, roadway improvements, curbs, gutters, sidewalks, elevated or structural pedestrian walkways, landscaping, landscape irrigation, signing, striping, joint trench and streetlights. All design and construction shall conform to the latest edition of the Town of Windsor Design and Construction Standards and other applicable codes, standards, guidelines and specifications.
4. Improvement Plans shall be approved by the Town Engineer prior to issuance of an Encroachment Permit, unless otherwise allowed by the Town Engineer. No construction shall occur prior to approval of the on-site development plans. At the discretion of the Building Official, the Community Development Director and Town Engineer the Building Department may issue a separate demolition permit, a tree removal permit and a foundation only permit prior to approval of the on-site development plans.
5. Information shown on tentative maps and site development plans shall not be construed as accepted or meeting Town standards and requirements and is subject to review and approval during the improvement plan review process.
6. Plan check and inspection fees in accordance with the Town's current fee schedule shall be paid at the first submittal of the improvement plans.
7. Mailbox plans and locations shall be approved by the Windsor Postmaster prior to improvement plan approval. The developer shall provide a letter and exhibit showing mailbox locations from the Windsor Postmaster approving mailbox locations.
8. Deviations from Town Standards and applicable Code requirements shall be approved by the Town Engineer. The applicant's engineer shall request all design exceptions in writing.
9. Public improvement drawings shall be drafted in the Town approved sheet format. AutoCAD drawing files can be found on the Town's website at [TownofWindsor.com/DocumentCenter/PublicWorks/Engineering Division/Map & Plan](http://TownofWindsor.com/DocumentCenter/PublicWorks/EngineeringDivision/Map&Plan). Once approved by

the Town Engineer, the project proponent shall submit TIFF files (or alternate format determined by Public Works) of the signed improvement plans.

10. Project benchmark shall be based on a Town approved USGS benchmark.
11. Improvement plans shall be approved by the Central Fire Authority of Sonoma County.
12. All existing and proposed rights-of-way and easements shall be clearly identified on the improvement plans. Where the project is adjacent to the Town Boundary, the Town Boundary shall be clearly shown.
13. All utilities shall be designated on the improvement plans as either public or private. All public utilities shall be designed and constructed in accordance with Town Standards, as approved by the Town Engineer.

Roadway Improvements:

14. The improvement plans for the first phase of development shall include and provide for the construction of all offsite improvements as required to support full project build-out. Each subsequent phase of development shall construct sufficient onsite roadway and utility improvements to support the cumulative development proposed to be constructed as approved by the Town Engineer.
15. An emergency vehicle access, meeting the requirements of the Central Fire Authority of Sonoma County, from the Old Redwood Highway/Windsor Road roundabout to the first phase of the project shall be constructed with the Phase 1 improvements. Sidewalk and street barricades shall be installed where temporary dead-ends are proposed for phased development.
16. Should elevated pedestrian walkways or structural pedestrian walkways become necessary in the interest of tree preservation, the walkways shall be constructed on pier foundations. A single pier at each support location should be used when possible to minimize tree root damage. The foundation design shall minimize the use of spread footings. Spread footings shall not be located within tree protection zones. Pier footings, micro-piles or similar alternative foundation types are acceptable. Elevated pedestrian walkways and structural pedestrian walkways shall be 5 foot clear minimum width. All requirements of this conditions shall be coordinated and approved by the Planning Director and Town Engineer.
17. Pedestrian protection shall be installed on elevated walkways when the walkway finish surface is 6 inches or greater above the existing grade. "Handrails" (meeting the requirements of the latest edition of the California Building Code) shall be installed when the walkway surface is between 6 inches and 24 inches above existing grade. "Guardrails" (or "Guards" meeting the requirements of the latest edition of the California Building Code) shall be installed where the walkway surface is 24 inches or greater above existing grade. Pedestrian and bicycle barriers shall be installed on headwalls and retaining walls where required by design guidelines and codes. The guardrails shall include "picket rails" painted with a dark forest green protective powder coating, or as

approved by the Community Development Director. The details shall generally conform to those used on the Bell Village Phase I improvement plans. Warning detector strip color shall be coordinated with crosswalk paving. Paving treatments and fencing/guardrails shall be coordinated and approved by the Planning Director and Town Engineer.

18. Private Interior Drive Isles and Motor Courts shall be constructed in accordance with the following requirements:
 - a) Drive aisles shall be 26 feet wide, not inclusive of the parking areas. Minimum parking area requirements shall meet the following:
 - b) Standard parking spaces shall be minimum 9' wide by 17.5' feet deep and shall provide for an additional 2.5-foot vehicular overhang.
 - c) Compact parking spaces shall be minimum 8' wide by 14' deep and shall provide for an additional 2.0-foot vehicular overhang.
 - d) Parallel parking spaces shall be 7' wide by 22' long.
 - e) All private driveway areas less than 24-foot wide shall require the approval of the Central Fire Authority of Sonoma County.
 - f) Public utility easements (PUE's) as required by the utility companies shall be provided within the development. Easement locations shall be subject to review and approval by the Town Engineer.
 - g) Sidewalks adjacent to the private street frontages shall be five feet wide minimum meeting Town standards. Minimum width sidewalks shall be widened a minimum of two feet for all areas to receive street furniture, trash receptacles, bicycle racks, etc.
 - h) Sidewalk warps shall be provided to allow a clear five-foot walkway at all locations, including areas where mailboxes, street furniture, streetlights, street signs and fire hydrants are to be installed, or as otherwise approved by the Town Engineer.
19. 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 Geotechnical report and structural section calculations shall be submitted with the first improvement plan check.
20. The structural section of the on-site drive isles, motor courts and parking areas shall be meet the requirements and recommendations of the geotechnical report for the project. Should the recommendations in the soils report not meet fire district and the refuse collection agency requirements the structural section shall be increased to the satisfaction of the fire district and refuse collection agency.
21. Retaining walls and retaining curbs may be required adjacent to tree protection zones and along the units fronting Old Redwood Highway. All retaining structures shall be

designed and constructed to minimize damage to trees. Pier retaining walls per Town Standard 229 may be used where site conditions conform to the design assumptions.

22. Pedestrian curb ramps, meeting Town standards and current accessibility requirements, shall be provided at all intersections and crosswalks where sidewalks are proposed.
23. For traffic safety the single bicycle path connection between the project and the Bell Village commercial site shall incorporate the following features:
 - a) STOP legends should be marked on the bikeway at both ends where intersecting a drive aisle. Bike path signs shall be installed at these intersections for wayfinding.
 - b) A thermoplastic yellow centerline should be marked along the length of the bikeway to increase pedestrian expectation of higher-speed bicycle travel.
 - c) A bollard should be placed on the path centerline at both ends to restrict use by vehicles. A single bollard in the middle of the path is safer than providing two bollards at the edges of the path and none in the middle.
 - d) The minimum lighting along the bicycle path should be 0.1 foot-candles, with bikeway/vehicle intersections minimum lighting to be 0.2 foot-candles.

Lighting, Signing and Striping Plan:

24. Striping, pavement markings and traffic signage shall be provided on all streets as necessary and as required by the Town Engineer. Signage restricting parking and red painted curbing shall be installed where appropriate. Speed limit signs shall be installed at locations determined by the Town Engineer. Onsite fire lane signing, curb painting and legends shall conform to the requirements of the California Vehicle Code and the Central Fire Authority of Sonoma County. Existing striping, signage and lighting disturbed or damaged during construction of the project shall be replaced to the satisfaction of the Town Engineer.
25. Street lights used to illuminate the drive isles shall be Decorative LED lights installed in accordance with Town Standard 219. On-site lighting shall meet the Town's Zoning Code requirements and shall be subject to review and approval by the Police Department, Town Engineer and the Community Development Director.
26. The site development plan submittal shall include a photometric design analysis meeting the requirements of the Town's Zoning Ordinance.

Drainage Improvements:

27. All project related flooding impacts shall be mitigated by the project developer. Drainage improvements shall be designed by a Civil Engineer registered in the State of California in accordance with the Sonoma County Water Agency's Flood Control Design Criteria. Public and private drainage improvements shall be shown on the improvement plans and shall be approved by the Sonoma County Water Agency (SCWA) prior to approval by

the Town Engineer. Private storm drain easements will be required for any portions of the private storm drain not entirely located with the lot being served or for any portion of a private utility located on an adjacent parcel. All required easements shall be shown on the Final Map.

28. In addition to any other provisions or requirements, and notwithstanding any conflicting conditions or requirements, project design and construction shall:
 - a) Result in an increase of no more than 0.1 feet in any above-ground water surface elevation adjacent to or at any point downstream of the project site between pre-development conditions and post-development conditions for any storm event with a recurrence interval of 100 years or less. For purposes of this evaluation, pre-development conditions shall mean those hydrological and hydraulic conditions existing on the project site on July 20, 2005; post-development conditions shall mean those hydrologic and hydraulic conditions existing on the project site upon completion of construction and occupancy of the project in its entirety.
 - b) Provide adequate underground storm drain capacity across the project site to accommodate 10-year flows under conditions of full development of the project site and all upstream areas draining to the project site in accordance with the Town of Windsor General Plan.
 - c) Provide adequate underground and overland flow capacity across the project site to accommodate 100-year flows under conditions of full development of the project site and all upstream areas draining to the project site in accordance with the Town of Windsor General Plan, without flooding of structures or unacceptable flooding or damage to other facilities, as determined by the Town Engineer. All finished floor elevations of structures shall be a minimum of one foot above the 100-year water surface elevation so determined, excepting only below grade garage floors provided that garages shall be of flood-proof construction to a minimum of one foot above said water surface elevation. The 100-year overland routing shall be shown on the improvement plans and shall not enter into the below grade garage areas.
 - d) Developer shall provide such analyses and calculations as determined by the Town Engineer necessary to demonstrate compliance with these conditions, said analyses and calculations to be subject to the approval of the Town Engineer. The project shall include such drainage improvements, including but not limited to storm drains, detention facilities, and unobstructed overland relief paths, as are required to satisfy these conditions.
29. No lot to lot drainage will be allowed between the project site and any adjacent parcels. No concentrated drainage may discharge across sidewalks. All site drains must be connected to the public storm drain system, or discharged through the face of curb or to an established waterway.
30. Plans and certifications shall demonstrate compliance of all improvements, including building finished floor elevations, with the Town's Floodplain Ordinance, to the

satisfaction of the Building Official and Town Engineer. Building finished floor elevations shall be constructed at a minimum of 1 foot above the 100-year storm event water surface elevation as determined by the Town and certified by the project engineer. The Engineer of Record shall provide a signed and stamped letter indicating the project meets the requirements of the Ordinance before plan approval for each phase of the project.

31. All portions of the existing on-site storm drain system shall be removed and replaced to meet Town standards. Areas of existing storm drain located within a tree preservation zone may be abandoned, meeting Town standards, in place in interest of tree preservation.
32. Starr Creek Tributary 7 shall be collected at the Highway 101 right-of-way with a private storm drain system. The storm drain conduit shall be located in a private street to all extent possible, or in a private storm drain easement if necessary.

Stormwater Quality:

33. All design and construction shall meet the requirements of the most recent editions of Town of Windsor, Phase I Ms4 permit and the City of Santa Rosa Low Impact Development Technical Design Manual in effect at the time of Tentative Map approval. For purposes of this evaluation, pre-development conditions shall mean those hydrological and hydraulic conditions existing on the project site on July 20, 2005. Prior to approval of the improvement plans, the applicant shall submit a Final Storm Water Mitigation Plan (FSWMP) 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 of private and/or public storm water facilities. The FSWMP shall be approved by the Town Engineer prior to issuance of the first building permit.
34. A Declaration of Covenants Regarding Maintenance of Storm Water Best Management Practices (Bmp) Facilities (LID Declaration) shall be submitted to the Town Engineer for review and approval prior to approval of each final map phase. The LID Declaration shall be executed by the owner of each lot created and shall be recorded contemporaneously with each final map phase and shall run with the land in perpetuity. The Lid Declaration shall include, but shall not be limited to covenants, legal exhibit, LID site plan and a schedule of maintenance requirements and reporting.
35. In accordance with Town requirements, trash enclosures must be covered. Any drainage from the trash collection area must be contained within the enclosure and drained to the sewer system. The enclosure slab must be designed and constructed so that tributary surface drainage does not enter the enclosure.

Grading:

36. The improvement plans shall include a site-grading plan prepared by a Civil Engineer registered in the State of California as part of the required improvement drawings. Lots shall be generally designed to drain to a public and private streets or parking areas, unless

otherwise approved in the interest of tree preservation or other unusual circumstances.

37. 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 evaluation. The grading plan shall incorporate the recommendations of the approved Geotechnical Report.
38. Where soil or geologic conditions encountered during grading operations 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.
39. 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 project engineer shall provide a letter describing the scope of the search done to make this determination.
40. The grading plan shall clearly show all existing survey monuments and property corners and shall state that they shall be protected and preserved. Should monuments be damaged or destroyed during construction, they shall be replaced by the developer.
41. Improvements plans shall include an erosion control (winterization) plan. The plan must include an order of work and staging/scheduling component indicating when facilities must be installed and when they may be removed. A separate Rain Event Action Plan (REAP) shall be required and prepared as part of the Storm Water Pollution Prevention Plan (SWPPP). A copy of the REAP shall be kept on-site throughout the duration of construction activities.

Tree Preservation:

42. Tree preservation requirements shall be shown on the grading plan or a separate tree preservation plan as approved by the Town Engineer and Community Development Director. Tree preservation plan requirements shall conform to the Town's Tree Preservation Ordinance. Improvement Plans for on-site construction shall be reviewed and approved by the Project Arborist in accordance with the Town's Tree Preservation Ordinance.

Utility Improvements:

43. All existing overhead utilities (of 26,000 volts or less) and proposed utilities, both on-site and along project frontages, shall be placed underground, excepting one above ground pole to facilitate continued overhead service across HWY 101. This does not include surface mounted transformers, pedestal mounted terminal boxes and meter cabinets. Additional utility poles may not be installed to accomplish utility undergrounding along the project frontage.

44. Utilities including sewer, water, storm drain and recycled water located in public right-of-way or public easements shall not be constructed within tree protection zones, unless otherwise approved by the Town Arborist. Utilities constructed within tree protection zones shall be bored rather than open trench cut, or hand dug trenching under observation by the project arborist, as approved by the Town Arborist and Planning Director.
45. Existing utility mains within public right of way or public utility easements shall be removed rather than abandoned in place meeting Town standards. This condition includes onsite private storm drain, water and sewer mains which shall be removed within all public onsite utility easements. The Town Engineer will consider abandonment in place of segments of mains in the interest of tree preservation. All connections to existing Town facilities servicing the Bell Village site shall be abandoned or demolished in accordance with Town standards.
46. Before construction may begin, the first downstream reach of existing sanitary sewer and storm drain shall be videoed from the nearest manhole to the next downstream manhole at each proposed connection to the existing systems to assure that no dirt and debris are present. Before sewer and storm drain systems will be accepted, the aforementioned downstream systems must be videoed again to assure that they are free from dirt and debris. Should dirt and debris be present the developer shall have the systems cleaned at no expense to the Town.
47. Provide final joint trench plans to the Town Engineer for review and approval prior to issuance of encroachment permits for each phase of the project. Conflicts with existing utilities and trees will need to be resolved prior to permit issuance.

Sanitary Sewer, Water and Recycled Water Improvements:

48. All private storm drain, water mains, fire mains, sanitary sewer mains, and recycled water mains, laterals, and privately owned appurtenances must be located within private property and clearly identified as private on the site development plans. Private utility easements will be required for any portions of the private utilities not entirely located within the lot being served or for any portion of the private utility located on an adjacent parcel. All required easements shall be shown on the parcel map.

Sewer:

49. All onsite sewer mains shall be privately owned and privately maintained and shall be constructed to public Town standards and as approved by the Town Engineer.
50. Sewer grades must be designed such that ultimate finished floors are a minimum of 12-inch above upstream manhole or clean-out rim elevations. Inadequate elevation differentials or grade on private SS mains and laterals, as determined by the Town, must be mitigated by either raising finished floor elevation(s) or installing privately owned and operated SS lift station(s) with grinder/ejector pump(s) on site.

Recycled Water:

51. All private landscaping shall be irrigated with Town of Windsor recycled water unless otherwise approved by the Town Engineer. The property owner must apply for, obtain and abide by all the terms of, a Recycled Water User's Permit with the Town of Windsor. This Permit must be obtained and signed by the property owner prior to approval of the improvement plans, issuance of a building permit, issuance of an encroachment permit or connection to the Town's recycled water system, or as otherwise approved by the Town Engineer.
52. All recycled water mains, service laterals, plumbing, valves, pipes, appurtenances, irrigation parts, vaults and boxes must be purple. Recycled water notification signs shall be installed as directed by the Town Engineer. Recycled water spray, mists and ponding must not be present in any designated eating area. All drinking fountains must be positioned or shielded to eliminate any exposure to recycled water sprays or mists.
53. Recycled water/potable water dual plumbing design and layout, construction-installation and final inspection review for individual lots or grouping of lots must be performed by an AWWA certified Cross Connection Specialist at the Property Owner's expense. All deficiencies cited by the Cross Connection Specialist must be corrected by the property owner. Written reports of the Cross Connection Specialist's finding must be submitted to and approved by the Public Works Director prior to acceptance.
54. Consistent with the environmental documentation and the Water System Capacity Assessment, the Technical Memorandum prepared by RMC, dated July 20, 2011, determined that the existing recycled water system has sufficient capacity to serve the proposed project. The project proponent shall install the following recycled water system improvements:
 - a) The onsite recycled water facilities shall be privately owned and privately maintained and shall be designed and constructed to public standard.
 - b) If the landscaping and irrigation is privately maintained and provided for in the Property Management Documents, meters for each landscape area are not required. Otherwise provide one irrigation meter per landscape area.
 - c) If the landscaping and irrigation for both lots created within all phases of the residential subdivision boundary is provided for in the property management documents, a separate meter for each lot created is not required. Otherwise provide one master irrigation meter per parcel created.
 - d) The Bell Village Commercial Center shall be connected to the project recycled water facilities with the first phase of residential development and shall be subject to the requirements of the Town Engineer. The first phase of the project shall install all necessary recycled water facilities to serve the first residential phase of development and the Bell Village Commercial Center.

Water:

- 55. The onsite water main shall be private, shall meet Town standards and shall include the following:
 - a) At a minimum one public master domestic water meter with reduced pressure backflow prevention device will be required per lot created and shall be subject to the requirements of the Town Engineer.
 - b) At a minimum one public fire protection service with double detector check assembly will be required and shall be subject to the requirements of the Town Engineer and the Central Fire Authority of Sonoma County.
 - c) Provide on-site hydrants as required by Central Fire Authority of Sonoma County. The hydrants shall be privately owned and maintained.
 - d) Water meters shall be electronic read technology, Automatic Metering Infrastructure (AMI System), shall meet Town Standards and shall be subject to the requirements of the Town Engineer.

Permit Requirements:

- 56. Provide evidence that a Notice of Intent (NOI) has been submitted and received by the State Water Resources Control Board for a General Construction Activity Storm Water Permit. Two copies of the project Storm Water Pollution Protection Plan shall be provided to the Town prior to issuing a grading permit, encroachment permit, or building permit.
- 57. An encroachment permit from the State of California Department of Transportation will be required for all work to be done within any State Highway right-of-way. A copy of this permit must be supplied to the Town prior to approval of the improvement plans.
- 58. The applicant shall obtain an encroachment permit from the Town of Windsor for construction of public improvements prior to start of construction.

Other/Landscape Parcels:

- 59. All publicly maintained landscape and irrigation shall be located in the public right-of-way or a public easement.

Conditions Applicable to Final Map Approval:

- 60. The extinguishment of all easements, meeting the requirements of the Town Engineer, shall be completed and recorded prior to approval of the site development plans or the issuance of the first building permit, whichever occurs first. Should the property owner decide to subdivide Lot 5, a final/parcel 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, and shall be applicable at each phase of development. Upon recording of the map, the subdivision(s) is/are valid.

61. 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 at each phase of development. All subdivision mapping shall meet the requirements of the Subdivision Map Act, most current edition, and shall be applicable at each stage of development. Upon recording of the map, the subdivision is valid.
62. If needed, 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.
 - d) Sidewalk easements shall be accompanied by an agreement or easement language which clearly describes the limitations of use by adjacent owners or tenants, maintenance responsibilities and rights of the property owner and Town. This document shall be approved by the Town Engineer, Community Development Director, and Town Attorney, and shall be recorded prior to issuing the first certificate of occupancy in each phase of development, with the first parcel map and referenced as a note on the parcel map(s), or as otherwise approved by the Town Engineer.
63. The Final Map shall be annotated with the following information:
 - a) The existing assessor's parcel number
 - b) Total area of land being subdivided (in acres)
 - c) Total number of lots and parcels being created
 - d) Town file number
64. The drive isle and landscape area along the Northeast property line and adjacent to the State Highway right-of-way shall be a private common area parcel and shall be privately maintained.
65. The proposed improvements along the ORH project frontage, within public easements or public right-of-way, including but not limited to the landscaping & irrigation along the

project frontage, sidewalks, elevated pedestrian walkways, and the proposed oak trees shall be privately owned and privately maintained. The property owner shall be required to enter into a maintenance agreement with the Town for maintenance of these facilities contemporaneously with the recordation of the Final Map or prior to acceptance of the public improvements, whichever occurs first. An exhibit delineating the areas of responsibility shall accompany the maintenance agreement. The developer shall pay all costs associated with preparation and review of the agreement prior to issuance of the first building permit or recordation of the final map, whichever occurs first.

66. All onsite public easements, if they exist, shall be vacated prior to recordation of each final/parcel map.
67. Public and private easements within the map boundary shall be shown on the map and shall be annotated with the allowed uses and maintenance responsibilities. Public and private easements outside of the subdivision map boundary shall be granted by separate deed and shall also include the allowed uses and maintenance responsibilities. Should an easement agreement be required by the Town Engineer, the Developer shall prepare all necessary documents and pay all associated costs.
68. Public Utility Easements, as required by the utility companies, located in and along private drive isles and motor courts may be dedicated on the map but additional PUE Statements will be required on the certificate sheet that exclude public facilities.
69. On-site easements for portions of the public domestic water facilities shall be shown and dedicated on each final/parcel map or by separate easement grant deed. Water main easements shall include only the water main, fire hydrants, detector check installations, water meters and reduced pressure backflow preventers. Water main easements shall be minimum 15 feet wide. Public improvements in the on-site portions of the development shall maintain separation requirements meeting Town of Windsor and California Department of Public Health Standards.
70. First floor patios, balconies, structural portions of the buildings and the like may not encroach into public rights-of-way or easements, unless otherwise approved by the Town Engineer. Second story balconies may encroach into easements when approved by the Town Engineer.
71. Prior to the first Certificate of Occupancy, property management documents shall be reviewed and approved by the Town and recorded with the Sonoma County Recorders Office. The property management documents shall run with the ownership of the lots created and shall include, but shall not be limited to, the following:
 - a) The maintenance of the residential units
 - b) Shared parking, access, and maintenance of all common areas and private shared infrastructure
 - c) Areas outside of the building footprints

- d) A non-amendment clause regarding the above unless approved by the Town. The Town has benefits of third party rights, but is under no obligation to compel compliance to these provisions.
- e) Shared water meter(s) for the proposed units. A single water reclamation rate shall be applied to all flow measured by the shared water meter, said single water reclamation rate being determined in accordance with the Town's standard practices.

Local Agency Sheet:

- 72. NOTE ON FINAL 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."
- 73. NOTE ON FINAL/PARCEL MAP: "Property management documents shall be recorded against the lots created by this parcel map prior to issuance of the first certificate of occupancy and shall run with the land".

Subdivision Agreement:

- 74. Unless otherwise approved by the Town Engineer, the owner/developer shall post a grading and drainage bond for each phase of development prior to issuance of a grading permit.

During Construction Operations, the Following Conditions Shall Apply:

- 75. Prior to beginning of construction the applicant shall obtain a demolition permit from the Town for removal of any existing structures on the site and for removal of any trees scheduled to be removed. Tree removal and demolition may be phased per each phase of construction.
- 76. 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.
- 77. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sonoma County Environmental Health Department, the Fire Department, the Police Department, and the Town Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.
- 78. 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.
- 79. If grading is to take place between October 15 and April 15, both temporary and permanent erosion control measures, conforming to the project erosion control plans shall

be in place before October 1st. Erosion control measures shall be monitored and maintained continuously throughout the storm season. A Rain Event Action Plan (REAP) shall be available at all times on-site during the course of construction.

80. The following minimum Best Management Practices (BMPs) shall be required during construction:
- a) Construction crews shall be instructed in preventing and minimizing pollution on the job.
 - b) Stabilize construction entrance/exit to prevent tracking onto roadway. Only one stabilized construction entrance/exit will be allowed per phase, 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 washed into roadside ditches are a nuisance to drivers and may cause damage to vehicles.
 - c) Protect exposed slopes from erosion through preventative measures. Cover slopes to avoid contact with storm water by hydro-seeding, mulch, use of plastic sheeting or other approved means.
 - d) Use brooms and shovels when possible to maintain a clean site. Use of a hose is not recommended. Introducing water as a cleanup method adds to water pollution.
 - e) Designate a concrete washout area, if needed, to avoid wash water from concrete tools or trucks from entering storm drain systems. Maintain washout area and dispose of concrete waste on a regular basis.
 - f) Establish a vehicle storage, maintenance, and refueling area, if needed, to minimize the spread of oil, gas, and engine fluids. Use of oil pans under stationary vehicles is strongly recommended.
 - g) Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
 - h) Be prepared for rain and have the necessary materials onsite before the rainy season.
 - i) Inspect all BMPs before and after each storm event. Maintain BMPs on a regular basis and replace as necessary, through the entire course of construction.

Prior to Acceptance of Improvements and Release of Surety, the Following Conditions Shall Be Satisfied:

81. Prior to acceptance of improvements or occupancy of building, 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.

82. 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 the Sonoma County Water Agency, the Town Engineer, and the Building Official.
83. A complete set of As Built/Record TIFF files showing all construction changes from the original plans shall be provided to the Public Works Department prior to acceptance of any public improvements or occupancy of the last unit in the last phase of development.
84. The owner/developer shall submit a recorded copy of the property management documents to the Town Engineer prior to the issuance of the first certificate of occupancy.

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

Conditions Applicable to Improvement Plan approval:

85. The developer shall retain a Certified Access Specialist to review accessibility plans and specifications for exterior site improvement compliance with state and federal accessibility laws, codes and regulations. The Certified Access Specialist shall conduct all necessary research, prepare accessibility reports, and/or conduct accessibility inspections, to the satisfaction of the Building Official.
86. Details for soundwalls and retaining walls shall be approved by the Building Official.
87. Erosion control plans shall be approved by the Building Official.
88. Plans shall be reviewed for the applicability of a demolition permit and hazardous material handling/disposal requirements.

Conditions Applicable Prior to Building Permit Approval:

89. Improvement plans, maps, and construction shall comply with all state and federal accessibility requirements, to the satisfaction of the Town Building Official.
90. Upon initiation of plan check, the building plans shall include details and specifications or other information indicating compliance with California law requiring access for persons with disabilities. All specifications, to include any analysis if required shall be provided to the satisfaction of the Building Official demonstrating full compliance.
91. 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.

92. 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.
93. Construction shall comply with all applicable current codes. No site clearance, grubbing (except weed abatement), grading, or fill stockpiling, may be performed without prior approval of the Building Official.
94. Site improvement plans shall be reviewed by the Central Fire Authority.
95. No construction shall be initiated until plans have been approved. A separate demolition/tree removal and/or grading/foundation plan may be issued at the discretion of the Town Engineer, Chief Building Official and Town Community Development Director.
96. 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.
97. Additional Traffic Impact Mitigation Fees (TIMF) may be appropriate based upon the increase in trips generated by the amended project compared to the prior approved project.
98. A pre-construction meeting shall be held with the Building Official, prior to permit issuance. The purpose of the meeting is to coordinate construction activities related to job site sanitary facilities, tree preservation, utility trenching, and other requirements related to construction of the proposed project.
99. 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.
100. Construction sites shall be maintained in a trash and litter free condition for the duration of the construction activity, to the satisfaction of the Building Official.

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

Conditions applicable to improvement plan approval:

101. The soundwall for the residential portion of the project shall connect to that constructed for the commercial portion. Fence(s) and wall(s) between the residential and commercial portions of the project (e.g., along Building 15) shall not exceed 3 ½ feet in height.

102. A "Tree Preservation Plan" shall be included as part of the project grading and utility plans, and shall conform to the requirements of the Town's Tree Preservation Ordinance and Tree Technical Manual. Any deviation from the Tree Preservation Plan accompanying the tentative map shall be identified and appropriate mitigation specified per Ordinance. Compliance for on-site improvements shall be certified by the Project Arborist.

Improvements within 100 feet of the new centerline of Old Redwood Highway shall be similarly reviewed and certified by the Town Arborist for compliance with the Tree Preservation Plan accompanying the tentative map and the "Proposed Old Redwood Highway Streetscape Design (July 2011)" plans submitted by Bell Village, reviewed by the Town Arborist, and approved by the Town. Tree Preservation Zones shall be those depicted on the Tree Preservation Plan and as previously acknowledged by the Town Arborist. Costs for review shall be borne by the applicant.

All protected trees authorized for removal shall be mitigated in accordance with Town Ordinance (per phase). Any replanting of native oak trees (24 inch box or greater size) within the project, as well as any other eligible tree protection related improvements authorized by the Town Council, may be credited against mitigation fees due the Town. . If "field grown" trees are proposed for mitigation purposes, the Planning Director shall have the authority to consider them as counting towards mitigation values (i.e., based on tree trunk caliper rather than container size). A proposal for "field grown" trees shall be accompanied by a justification prepared by the Project Arborist. Project Arborist shall update the status of mitigation fees due based on any changes to the numbers/types of oak trees replanted or removed for each phase of development. Fees may be paid on a phase by phase basis, and shall be due prior to the issuance of the first building permit within each phase.

The Town Council determined that final design and construction costs for those improvements identified in Exhibit C are eligible for mitigation fee credit (based on "net" costs over typically required improvements and subject to confirmation of cost by the Town Engineer), as well as similar improvements determined eligible by the Town Engineer and Planning Director. Fee credit will be prorated on a phase by phase basis.

103. Prior to inclusion in the improvement plans, landscape and irrigation plans shall be certified by the project landscape architect to comply with the Town's Water Efficient Landscape Ordinance.
104. Improvement Plans shall include the following:
- a) Ground cover and shrubs areas shall be designed to provide 100% plant material coverage at maturity (except under protected oaks).
 - b) Project boundaries (except public street frontage) shall be delineated by means of fencing or minimum 4 inch-wide concrete mow strip.
 - c) All retaining walls visible from public or private streets or sidewalks shall be masonry block or equivalent approved by the Planning Director.

- d) All above ground utilities (including transformers, double detector check valves, and irrigation backflow preventers) shall be located behind the front building façade along the Old Redwood Highway frontage, clustered near building walls where possible, and screened in a manner approved by the Planning Director and Town Engineer.
- e) Lighting shall generally comply with Section 27.20.030 D of the Town of Windsor Zoning Code. Lighting plan shall include a site plan, photometric diagram, fixture schedule, and fixture cut sheets submitted and indexed as part of the architectural drawings. Poles shall not exceed 20 feet in height, and individual fixtures shall not exceed 250 watts. Exterior fixtures shall be LED and wall mounted fixtures shall be sconce type with light source shielded. Exceptions to the above shall be approved by the Planning Director.
- f) Trash enclosures shall be reviewed for conformity with West County Disposal recommendations, including sufficient space for recycling and pedestrian entry. Material shall include masonry block with colors to complement the building colors.
- g) Boardwalk/Elevated Walkway Design shall comply with recommendations of the Town Arborist, subject to approval of the Town Engineer and Planning Director. Design shall incorporate use of drilled piers, including use of a single pier, to the maximum extent feasible. At grade sidewalks shall incorporate design elements to minimize compaction and promote aeration subject to approval of the Town Engineer. Raised crosswalk shall be incorporated into the intersection at Old Redwood Highway between Building 3 and 5 as shown to enable construction of boardwalks / elevated walkways in front of Building 3.

105. Notes on Improvement Plans (Standard):

- 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) An archaeologist, in good standing with the Register of Professional Archaeologists, shall be present during all ground disturbance activities.
- c) In the event that archaeological features such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping, or excavation within the property, all work shall be halted in the vicinity of the find and Town Planning staff shall be notified. A qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to Town Planning. Planning staff may consult and/or notify the appropriate Tribal representative from tribes known to staff to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone, or other cultural materials such as charcoal, ash, and burned rock indicative of food procurement or processing activities. Prehistoric domestic features include hearths,

fire pits, or house floor depressions. Whereas typical mortuary features are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than 50 years of age including trash pits older than fifty years of age. When contacted, a member of Planning Staff and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. Planning Staff may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by Planning staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archaeological evaluation and mitigation shall be at the applicant's sole expense.

- d) If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and Planning staff, County Coroner, and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Like Descendant" can be designated and the appropriate provisions of the California Government Code and California Public Resources Code will be followed.
- e) Construction work shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. on Saturdays. No work is permitted on Sundays.
- f) All existing overhead utilities (of 26,000 volts or less) and proposed utilities, both on-site and along project frontages, shall be placed underground. All poles (except a pole to accommodate the Highway 101 crossing) shall be removed from the project frontage. This does not include surface mounted transformers, pedestal mounted terminal boxes and meter cabinets.
- g) Utility joint trench location shall be field staked and approved by the Town PRIOR TO INITIATION OF ANY TRENCHING. This required approval by the Town is independent of any authorization granted by the Utility Company, the Developer and/or Contractor. Trench locations within the tree protection zones of any protected trees may not be approved by the Town. The Town's inspector may require consultation by the Town's arborist prior to approval of trench location. Failure to comply with these requirements may result in an immediate order to stop work, as well as incurrence of civil penalties as provided by Town Ordinance.
- h) Soil shall not be treated with lime or other cementitious material without prior express permission by the Planning Director and Building Official.
- i) Construction shall adhere to minimum Best Management Practices (BMPs) as required by the Town to minimize the amount of sediment and other pollutants leaving the site during construction activities.

106. No building or ground disturbing permits shall be issued until written evidence of all applicable permits including any required mitigation payments from the appropriate resource agency(s) (NCRWQB, USACE, USFWS, CDFG, and/or RWCQB) have been acquired. Prior to issuance of a grading permit and/or start of any construction, in compliance with the adopted Mitigation Monitoring Plan copies of the permits and payments shall be filed with the Planning Department. Any deviations from this requirement require approval by the Community Development Director.
107. Addressing shall be submitted to the Planning Department, reviewed by the Central Fire Authority and approved by the Planning Department prior to approval of improvement plans, building permit application, or final map recordation, whichever comes first.

Conditions applicable to approval of final map:

108. Notes on Final Map:
 - a) Noise sources affecting this subdivision include Old Redwood Hwy and Highway 101. Development of these lots includes construction requirements to attenuate noise in general compliance with the Noise Element of the General Plan. Buyers are advised that the resultant noise environment may continue to be objectionable to some individuals.
 - b) Prior to issuance of building permits, any tree mitigation fees due for this phase of development shall be paid to the Town.
 - c) This subdivision is subject to a Housing Agreement executed with the Town of Windsor and recorded as Document No. _____.
109. Owner shall execute a Housing Agreement with the Town guaranteeing provision of affordable housing units including the following:
 - a) Payment of the Affordable Housing In-Lieu Fee in conformance with the Town of Windsor's Zoning Code.
 - b) An additional 77 residential units (20% of unit total) shall be reserved for occupancy by moderate income households for a minimum period of 10 years.
 - c) This agreement shall be approved by the Community Development Director and Town Attorney. The agreement shall be recorded with and referenced on the final map.

Conditions applicable to subdivision final and/or release of securities.

110. Final arborist reports concerning protected trees shall be received, including conclusions regarding construction impacts and determination of any additional required tree mitigation shall be made in accordance with the Chapter 27.36 of the Zoning Ordinance (Tree Preservation and Protection) to the satisfaction of the Planning Director. The Town Arborist shall report on protected trees within 100 feet of the new centerline of Old

Redwood Highway, and the Project Arborist shall report on the remainder.

111. The applicant shall provide to the Community Development Director a written statement signed by the Landscape Architect who prepared the approved construction documents verifying that the landscape planting and irrigation improvements are completed in accordance with the approved drawings and the Town's Water Efficient Landscape Ordinance, and that the irrigation system has been completely tested and found to be functioning per design.
112. All Common Area improvements shall be completed per approved plans, unless an alternative form of agreement and security is approved by the Planning Director.
113. Public Works, Building, and Planning Departments shall verify that all mitigation measures applicable to site improvements have been completed based on construction compliance with approved plans.

General Conditions:

114. Prior to occupancy, a community benefit contribution in the amount of \$50,000 shall be paid to the Town of Windsor. Said contribution shall be utilized by the Town of Windsor for purposes of creating and/or enhancing recreational facilities, including but not limited to, a dog park.
115. This approval amends the approval of the Bell Village mixed use project which authorized a total of 387 dwelling units and 83,500+/- square feet of commercial space. Improvements for both the Bell Village (i.e., commercial area) and Vintage Oaks (i.e., residential area) shall be maintained in accordance with the following and except as noted below at Condition No. 116:

Bell Village Project

- a) Plans entitled "Bell Plaza and Bell Village", including complete civil, landscape, and architectural drawings, with cover sheet dated "Revision June 3, 2011."
- b) Drawings entitled "Proposed Old Redwood Highway Streetscape Design, October 2011", prepared by Landesign Group.
- c) Drawings entitled "Bell Village Materials and Furniture, July 2011" prepared by Bell Village LP.
- d) Revised Site Plan / Landscape Plan Drawings (Sheets L1-L4) dated October 2011.
- e) Plans and Drawings included within the 11" x 17" document entitled "Response to Planning Comments from the September 27, 2011 meeting" (Attachment No. 2 to the November 8, 2011 staff report).

Vintage Oaks Project

- f) Plans entitled “Vintage Oaks on the Town Green, Windsor, California, Final Planning Submittal, April 22, 2016” including civil, landscape and architectural drawings.
- g) Building color and material boards received April 22, 2016.

Conflict Between Approval Exhibits

- h) Should there be any conflict between the aforementioned approval exhibits, those for the Vintage Oaks Project shall control.
116. Plans submitted for purposes of construction shall include and once built the project shall maintain the following features:
- a. A minimum of two (2) “fast” electrical vehicle charging stations adjacent to the community building.
 - b. A minimum of five (5) outdoor parking spaces distributed throughout the site and which are provided conduit for future electrical vehicle charging station installation.
 - c. A minimum of ten (10) garage parking spaces distributed throughout the site and which are provided “pay-as-you-go” electrical vehicle charging stations.
 - d. A minimum of six (6) buildings with electricity generating solar arrays to be used to power features such as on-site common area lighting.
 - e. A community pool that includes temperature control from a solar pool heater.
117. This project is approved for an initial two-year period from the effective date of adoption of this resolution. Extensions of time may be requested in accordance with the Town Subdivision Ordinance and the Subdivision Map Act.
118. Any reasonable costs incurred to review legal documents, agreements, deeds, easements, etc. shall be borne by the applicant/developer, at the time of review.
119. Growth control allocations are established for this project in Town Council Resolution No. 2543-09.
120. Prior to the issuance of building permits, and within 5 working days of project approval, applicant shall submit \$50.00 to the Planning Department for filing of a Notice of Determination, plus the additional fee applicable to the Department of Fish and Wildlife based on a non-exempt project for which a Mitigated Negative Declaration was prepared. Check shall be written to the Sonoma County Clerk and based on DFW fee in place January 1, 2012 (due to second reading of the zoning ordinance amendment in January 2012).
121. The applicants 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 Applicants including its partners, principals, or agents, the Town and/or the parties initiating or bringing such action. Applicant 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 EIR or Addendum), if made necessary by said legal action.

In the event that a claim, action or proceeding described above is brought, the Town shall promptly notify Applicants 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 Applicants are 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 Applicants 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 Applicants have 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 Applicants.

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