

RESOLUTION NO. 3328-16

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
AUTHORIZING THE TOWN MANAGER TO ACCEPT A BOND AS INTERIM
SECURITY FOR PAYMENT OF \$420,313 IN TREE MITIGATION FEES DUE FOR
THE VINTAGE OAKS ON THE TOWN GREEN 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WHEREAS, by Resolution No. 3130-14, herein incorporated by reference, the Town Council superseded Resolution 3117-14 and amended certain Conditions of Approval of the Tentative Map on September 17, 2014; and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 the 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, known as Vintage Oaks on the Town Green (the “Project”), and which would create two parcels corresponding to each construction phase; related applications proposed a revised site plan; and

WHEREAS, by Resolution No. 3285-16, the Town Council repealed previously approved conditions for the Tentative Subdivision Map and replaced them with revised conditions of approval; and

WHEREAS, the amount of tree mitigation fees to be paid is \$420,313; and

WHEREAS, Condition of Approval No. 102 of Resolution No. 3285-16 allows for tree mitigation fees pursuant to Chapter 27.36 of the Zoning Ordinance to be paid at the time of building permit issuance; and

WHEREAS, the building permit for construction of the Project is not yet ready to issue; and

WHEREAS, acceptance of a bond as interim security now for payment of required tree mitigation fees will allow for tree removal activities to commence so that disruption to the bird nesting season will be avoided and/or minimized; 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 on the Town Green Project, which was adopted on May 18, 2016 (Resolution No. 3284-16); and

WHEREAS, the request to provide a bond as security for payment of required tree mitigation fees will not result in any environmental impacts that were not previously considered in the MND adopted on December 11, 2011 and subsequent Addendum adopted on May 18, 2016.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor hereby authorizes the Town Manager to accept a bond as security for future payment of \$420,313 in tree mitigation fees required for the Vintage Oaks on the Town Green Project with the following condition:

1. A bond for the amount of \$420,313 shall be provided in a form acceptable to the Town Manager prior to issuance of a tree removal permit.
2. Required tree mitigation fees for the Project shall be paid in full prior to or at the time issuance of the first building permit for grading and/or construction on the Project site.

PASSED, APPROVED AND ADOPTED this 21st day of December 2016, by the following vote:

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

ATTEST:



**LIZETTE DE ARKOS,
ACTING DEPUTY TOWN CLERK**



DEBORA FUDGE, MAYOR