

RESOLUTION NO.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
GRANTING AN APPEAL AND OVERTURNING THE PLANNING COMMISSION'S
ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION
MONITORING AND REPORTING PROGRAM FOR THE MILL CREEK
DEVELOPMENT PROJECT LOCATED AT 8703 BELL ROAD
(APNs: 164-010-020, 164-020-005, 164-020-006, 164-020-007, 164-020-008, 164-020-041,
066-170-013, and 066-170-033).
(FILE NO. UP/DRR/MJS 14-09)**

WHEREAS, the Town of Windsor Town Council considered an application submitted by Peter Stanley on behalf of Windsor Mill Community, LLC (“Applicant”) requesting approval of a Use Permit, Tentative Map, and Site Plan and Design Review for a 360-unit development project consisting of 16 three-story buildings and 2 two-story buildings, a spa, a club room with leasing office, parking facilities, creekside improvements along Windsor Creek including a pedestrian pathway and pedestrian bridge crossing to Windsor Creek Elementary School, and extension of Bell Road and Bill Beedie Way (the “Project”) on a 20.3-acre site located at 8703 Bell Road (APNs: 164-010-020, 164-020-005, 164-020-006, 164-020-007, 164-020-008, 164-020-041, 066-170-013, and 066-170-033). General Plan land use designations: High Density Residential (16 to 32 units per acre), Medium Density Residential (8 to 16 units per acre), and Low Density Residential (5 to 8 units per acre); and

WHEREAS, pursuant to Public Resources Code Section 21080.1 and Section 15063 of the California Environmental Quality Act (“CEQA”) Guidelines (Title 14, California Code of Regulations), an initial study was prepared to determine whether the Project would result in potentially significant effects on the environment; and

WHEREAS, the Initial Study / Mitigated Negative Declaration for the Mill Creek Development Project dated October 11, 2018, concluded that the Project could result in potentially significant impacts to air quality, biological resources, cultural/tribal resources, geology/soils, hydrology/ water quality, land use/planning and noise, and that the potentially significant effects can be avoided or reduced to less than significant with the addition of mitigation measures, resulting in the preparation of a Mitigated Negative Declaration for the Project; and

WHEREAS, the Initial Study/Mitigated Negative Declaration (“IS/MND”) was posted for public review in Windsor from October 11, 2018, to November 15, 2018. The IS/MND was also posted at the Governor’s Office of Planning and Research from October 11, 2018 to November 9, 2018 (State Clearinghouse document #2018102030); and

WHEREAS, the Town of Windsor Community Development Department received a total of five written comments from the public and agencies and the Town has provided a written response to each of these comments, pursuant to the Town’s CEQA Guidelines; and

WHEREAS, the Mitigated Negative Declaration, supporting Final Initial Study, and Mitigation Monitoring and Reporting Program incorporated herein by reference, and are available for

review in the Community Development Department at Windsor Town Hall, 9291 Old Redwood Hwy, Building 400, Windsor, CA Monday through Thursday from 7:00 am to 6:00 pm; and

WHEREAS, pursuant to CEQA Guidelines Section 15074, all documents and files which constitute the record of all proceedings upon which the decisions associated with the project are on file in the Community Development Department of the Town of Windsor at 9291 Old Redwood Hwy, Building 400, Windsor, CA 95492; and

WHEREAS, a part of the Mitigated Negative Declaration consists of a Mitigation Monitoring and Reporting Program consistent with the requirements of the Public Resources Code Section 21081.6, which lists all of the mitigation measures, specifies the appropriate responsible party for implementing each mitigation measure, and identifies approximate time frames for implementing of each mitigation measure; and

WHEREAS, at a duly notice Public Hearing held on February 26, 2019, the Planning Commission adopted the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project; and

WHEREAS, on March 7, 2019, Councilmember Sam Salmon filed an appeal of the adoption of the Mitigated Negative Declaration contending, among other issues, that the type and density of residential development proposed in the Village Residential portions of the Project is inconsistent with General Plan, Station Area/Downtown Specific Plan and Zoning applicable to the site and therefore the Initial Study/Mitigated Negative Declaration “failed to provide an accurate basis from which comments could be provided by those interested in the Town’s development;” and

WHEREAS, at a duly notice public hearing held on June 26, 2019, the Town Council considered the appeal, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Town Council considered all written and oral testimony submitted at the public hearing; and

WHEREAS, the Town Council makes the following findings relative to the Initial Study/Mitigated Negative Declaration for the Project:

1. The Initial Study and Mitigated Negative Declaration does not comply with the California Environmental Quality Act and does not adequately analyze the potential environmental impacts of the Project in that ... **[insert City Council findings here]**
2. The Initial Study and Mitigated Negative Declaration must be revised to adequately disclose, and, if necessary, mitigate the environmental impacts of the Project in compliance with the California Environmental Quality Act.

NOW, THEREFORE BE IT RESOLVED that the Town of Windsor Town Council, based on the above findings, which are true and correct and made a part of this Resolution, hereby:

1. Grants the appeal and overturns the Planning Commission's adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project;
2. Directs staff to revise the Initial Study/Mitigated Negative Declaration and otherwise comply with the California Environmental Quality Act and the Town's CEQA in accordance with the findings herein.

PASSED, APPROVED AND ADOPTED this 26th day of June 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DOMINIC FOPPOLI, MAYOR

ATTEST:

MARIA DE LA O, TOWN CLERK