

**RESOLUTION NO. 2146-07**

**A RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF WINDSOR  
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT AND  
ADOPTING RELATED MITIGATION FINDINGS AND  
MITIGATION MONITORING AND REPORTING PROGRAM  
FOR THE SANDERSON FORD ANNEXATION, PREZONING, SPHERE-OF-  
INFLUENCE AMENDMENT AND USE PERMIT PROJECT  
FILE NO. ANX/PRZ/UP 05-34**

**WHEREAS**, four parcels totaling 26.48+- acres comprise the project site. All four parcels are located within the Town of Windsor’s voter approved urban growth boundary. The proposed project involves the annexation of the northern three parcels, totaling approximately 23+- acres; a Sphere of Influence (SOI) adjustment for approximately 8+- acres (two northern parcels); Pre-zoning of approximately 23+- acres to Gateway Commercial (northern three parcels); a Use Permit to allow an automobile dealership (i.e., Sanderson Ford) on the northernmost 7 acre parcel; and Design Review for the automobile dealership on the 7+- acre parcel to evaluate the proposed project’s site, architectural and landscape design. These actions are collectively referred to as the “project”. No specific development is proposed for the three southern parcels (Jones, Smith North and Smith South) totaling approximately 19.5+- acres; and

**WHEREAS**, the Town completed an Initial Study for the proposed project, which concluded that the project could have significant environmental impacts and that an Environmental Impact Report (“EIR”) was required; and

**WHEREAS**, a Notice of Preparation was prepared in May 2006, was published in a newspaper of general circulation, and mailed to responsible agencies, and public agencies having jurisdiction by law over natural resources affected by the project, and to other interested parties; and

**WHEREAS**, a Draft Environmental Impact Report, dated January 2007, and incorporated herein by reference, was prepared for the project. A Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse (SCH No. 2006052161); and

**WHEREAS**, the Draft Environmental Impact Report was circulated for at least a 45-day public/agency review period beginning on February 8, 2007 and ending on March 26, 2007. Public Notice of Availability of the Draft Environmental Impact Report was published in a newspaper of general circulation and mailed to all property owners within 300 feet of the project boundaries. In addition, all persons who had requested notification were mailed a notice; and

**WHEREAS**, the Planning Commission held a duly noticed hearing on the Draft Environmental Impact Report on March 13, 2007. At this hearing, and through submitted written comments, the Planning Commission received comments on the Draft EIR from the public, responsible

agencies, other governmental and private organizations, as well as from Town staff, and the applicant; and

**WHEREAS**, the Town prepared responses to comments on environmental issues received during the public review period and at the public hearing, which responses clarify and amplify the information contained in the Draft Environmental Impact Report, providing good faith reasoned analysis supported by factual information. The comments and responses to comments were published in the Sanderson Ford Project and Annexations Environmental Impact Report Response to Comments Document dated May 2007 and incorporated herein by reference, and were distributed to or otherwise made available to the Planning Commission, Responsible Agencies, and other interested parties; and

**WHEREAS**, the EIR identified certain significant and potentially significant environmental impacts which could be mitigated to a level of less-than-significant, therefore mitigation findings are required and were prepared pursuant to CEQA Section 21081 and CEQA Guidelines Section 15091 and are attached as Exhibit "A" and incorporated herein by reference; and

**WHEREAS**, CEQA Section 21081.6 requires that where mitigation findings are made for significant and potentially significant environmental impacts, a mitigation monitoring program shall be adopted upon project approval to ensure compliance with the mitigations during project implementation; and

**WHEREAS**, the required Mitigation Monitoring and Reporting Program titled Sanderson Ford Project and Annexations Mitigation Monitoring and Reporting Program was prepared, consistent with the requirements of CEQA Section 21081.6, which lists all of the mitigation measures, specifies the appropriate responsible party for implementing each mitigation measure, and approximate time frames for implementing of each mitigation measure. The program is attached as Exhibit "B" and incorporated herein by reference; and

**WHEREAS**, it was determined that after mitigation, the project would not result in any significant unavoidable impacts; and

**WHEREAS**, a staff report, dated August 14, 2007 and incorporated herein by reference, was prepared for Planning Commission review, which report described and analyzed the EIR and the project; and

**WHEREAS**, the Planning Commission reviewed the Environmental Impact Report consisting of a Draft Environmental Impact Report, dated January 2007, and the Sanderson Ford Project and Annexations Environmental Impact Report Response to Comments Document, dated May 2007, which constitutes the Final Environmental Impact Report, at a duly noticed hearing on August 14, 2007 and based thereon, adopted Resolution No. 514-07 recommending certification of the EIR, which Resolution is incorporated herein by reference; and

**WHEREAS**, a staff report, dated September 19, 2007, and incorporated herein by reference, described and analyzed the project and the EIR for the Town Council; and

**WHEREAS**, the Town Council considered the staff report, the Planning Commission recommendation, the Draft and Final EIR documents, and all written and oral testimony, at a noticed public hearing on September 19, 2007, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the Draft EIR and Final EIR documents, incorporated herein by reference and available for review at Town Hall during normal business hours, reflect the Town's independent judgment and analysis on the potential for environmental impacts from approval of the project, and together constitute the Final Environmental Impact Report for the Sanderson Ford Annexation, Pre-Zoning, Sphere-of-Influence Amendment, and Use Permit Project.

**NOW, THEREFORE, BE IT RESOLVED THAT** the foregoing Recitals are true and correct and made a part of this resolution.

**NOW THEREFORE BE IT FURTHER RESOLVED THAT** the Town Council hereby certifies the Final Environmental Impact Report and adopts the attached Mitigation Findings (Exhibit "A") and Mitigation Monitoring and Reporting Program (Exhibit "B") for the Sanderson Ford Project and Annexations based on the following findings:

1. The Final Environmental Impact Report for the project has been completed in compliance with CEQA, the State CEQA Guidelines, and the Town of Windsor CEQA Guidelines.
2. The Final Environmental Impact Report was presented to the Town Council who reviewed and considered it prior to approving the project.
3. The Final Environmental Impact Report reflects the Town's independent judgment and analysis on the potential for environmental effects of the project.
4. The mitigation findings attached as Exhibit "A" are hereby adopted.
5. With the implementation of mitigation measures the project will not result in any significant unavoidable impacts.
6. The Mitigation Monitoring and Reporting Program attached as Exhibit "B" is hereby adopted.
7. The custodian of the documents and other materials, which constitute the record of proceedings for the project, is the Town of Windsor Planning Department, Windsor Civic Center, 9291 Old Redwood Hwy, Building 400, Windsor, CA 95492, attention: Pauletta Cangson.

**PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of September 2007 by the following vote:**

**AYES: COUNCILMEMBERS FUDGE, SALMON AND MAYOR PARKER**  
**NOES: NONE**  
**ABSTAIN: NONE**  
**ABSENT: COMMISSIONERS ALLEN AND GOBLE**



**WARIN J. PARKER, MAYOR**

**ATTEST:**



**MARIA DE LA O, TOWN CLERK**

Attachment: Exhibit "A"      Mitigation Findings  
                  Exhibit "B"      Mitigation Monitoring and Reporting Program