

RESOLUTION NO. 2881-12

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF WINDSOR
CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE
STATION AREA PLAN
(FILE NO. PPR 09-46)**

WHEREAS, as part of the ongoing effort to implement the General Plan, the Town has proposed adoption of the Station Area Plan Specific Plan as allowed by Government Code section 65450.;" and

WHEREAS, the Station Area Plan is located in the center of the Town of Windsor. The project area encompasses approximately 390 acres. The plan is intended to assist with the continued development of the downtown. The proposed Station Area Plan anticipates that approximately 1,200 additional residential units could be built in the area. The proposed Station Area Plan also anticipates construction of 700,000 square feet of new commercial space; and

WHEREAS, the purpose of the proposed project is to translate the community vision for the Station Area Plan area into goals, policies, regulations and standards that guide daily decisions for the plan area over its 25-year planning horizon, The following objectives are set forth in the Station Area Plan: establish a land use plan and policy framework to guide future development toward land uses that support transit ridership, improve connectivity between the Station and existing adjacent commercial and residential area, develop urban design standards that promote and walk able and livable environments; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, an Initial Study was prepared for the Project which recommended that an Environmental Impact Report (EIR) be prepared to assess certain environmental impacts of the Project. The Initial Study also determined that the proposed Project would have less than significant impacts in the following areas: agricultural resources and mineral resources; and

WHEREAS, the Town circulated a Notice of Preparation (NOP) that included the Initial Study and a list of potential environmental affects that could result from the proposed Project. The NOP was published on February 28, 2011 and was distributed to local, regional, and State agencies for a 30-day review period, and a public scoping meeting was held on March 16, 2011. Comments received by the Town on the NOP were taken into account during the preparation of the EIR; and

WHEREAS, the Town prepared a Draft EIR to assess the environmental impacts of the proposed Project; and

WHEREAS, the Town filed and distributed a Notice of Completion and a Notice of Availability for the Draft EIR (State Clearinghouse # 2011032010) on September 15, 2011 (Draft EIR); and

WHEREAS, the Town provided a 45-day public review period for the Draft EIR from September 15, 2011 to November 1, 2011. The Draft EIR was circulated to state agencies for review through the State Clearinghouse of the Governor's Office of Planning and Research. Copies of a Notice of Availability (NOA) of the Draft EIR were also sent to interested groups, and agencies. Copies of the Draft EIR were available for review at Town Hall, the Windsor Library, and via internet at <http://www.townofwindsor.com>; and

WHEREAS, pursuant to CEQA requirements, the Town prepared a Final EIR (December 2011) responding to comments received on the Draft EIR and made some modifications to the text of the Draft EIR (Final EIR). The Town provided a copy of the response to comments to each agency and commenter who provided a comment on the Draft EIR. The Final EIR was prepared pursuant to CEQA and the State CEQA Guidelines. The Final EIR incorporated the Draft EIR by reference and included additions and corrections and written responses to the comments made on the Draft EIR during the review period; and

WHEREAS, the Draft EIR and Final EIR are incorporated herein by reference and together constitute the Environmental Impact Report for the proposed Project (EIR); and

WHEREAS, the Planning Commission held a duly noticed public hearing on December 13, 2011 to consider the EIR, the proposed Project, and public testimony and information and the oral and written reports from Town staff, as well as all other documents contained in the Record of Proceedings relating to the proposed Project.

WHEREAS, the Town Council of the Town of Windsor held a duly noticed public hearing on January 18, 2012 to consider the EIR, the proposed Project, and public testimony and information and the oral and written reports from Town staff, as well as all other documents contained in the Record of Proceedings relating to the proposed Project.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WINDSOR FINDS AND RESOLVES AS FOLLOWS:

Section 1. Record

The Record of Proceedings ("Record") upon which the Town Council bases its decision to certify the Station Area Plan Environmental Impact Report (EIR) includes, but is not limited to: (1) the Town of Windsor General Plan and the; (2) the certified 2008 Housing Element Update and its associated Initial Study and Negative Declaration; (3) the Windsor Municipal Code; (4) all staff reports, Town files and records and other documents prepared for and/or submitted to and/or approved by the Planning Commission and the Town relating to the Station Area Plan Environmental Impact Report (5) all documentary and oral evidence, including Planning Commission minutes, received at public hearings or submitted to the Town during the comment period, and (6) all other matters of common knowledge to the Town Council and the Town, including, but not limited to, Town, state and federal laws, policies, rules, regulations, reports, records and projections related to development within the Town and its surrounding areas.

Section 2. EIR Certification

The Town Council certified the Station Area Plan Environmental Impact Report (EIR), attached hereto as Exhibit A, based on the following facts and findings.

1. The EIR, as prepared in connection with the proposed Project, is in compliance with CEQA and the state and local environmental guidelines and regulations.
2. The Town Council has independently reviewed and considered the information contained in the EIR, including the written comments received during the EIR review period and the oral and written comments received at the public hearings, prior to making its decision on the EIR and proposed Project.
3. The EIR reflects the Town 's independent judgment and analysis on the potential environmental impacts of the proposed Project.
4. The EIR adequately describes the proposed Project, its significant environmental impacts, mitigation measures and a reasonable range of alternatives to the proposed Project.
5. The mitigation measures which have been identified for the Project were identified in the EIR. The final mitigation measures are described in the Mitigation Monitoring and Reporting Program ("MMRP"). Each of the mitigation measures identified in the MMRP, and contained in the EIR, is incorporated into the Project. The impacts of the Project have been mitigated to the extent feasible by the mitigation measures identified in the MMRP, and contained in the EIR.
6. The responses to comments in the EIR are adequate and complete.
7. The Final EIR contains additions, clarifications, modifications, and other information in its responses to comments on the Draft EIR and also incorporates text changes to the Draft EIR based on information obtained since the Draft EIR was issued. The Town Council does hereby find and determine that such changes and additional information are not significant new information as that term is defined under the provisions of CEQA because such changes and additional information do not indicate that any new significant environmental impacts not already evaluated would result from the Project and they do not reflect any substantial increase in the severity of any environmental impact. Further, no feasible mitigation measures considerably different from those previously analyzed in the Draft EIR have been proposed that would lessen significant environmental impacts of the Project, and no feasible alternatives considerably different from those analyzed in the Draft EIR have been proposed that would lessen the significant environmental impacts of the Project. Accordingly, Town Council finds that recirculation of the Final EIR for further public review and comment is not required under CEQA.
8. Except for the significant and unavoidable impacts on traffic, noise, water supply and air quality all effects of the Project on the environment are hereby found to be not significant after mitigation. Cumulative impacts of the Project in conjunction with other related approved, proposed, or projects currently under construction have been addressed where applicable, and with the exception traffic, noise and water supply would not be significant after mitigation. The remaining significant environmental effects of the proposed Project can be substantially reduced to a level of less than significant based on feasible mitigation measures identified in the EIR.
9. The Mitigation Monitoring and Reporting Program identifies the significant impacts of the proposed Project, corresponding mitigation, and designates the Town department responsible for implementation and monitoring of the required mitigation measures.

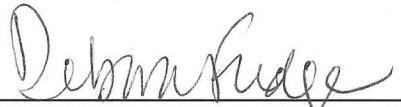
Section 3. Effective Date

This resolution shall become effective immediately upon its adoption.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Council does hereby adopt a Resolution to certify the EIR, adopt the Mitigation Monitoring and Reporting Program, and adopt a Statement of Overriding Considerations for the Station Area Plan, based on the foregoing findings.

PASSED, APPROVED AND ADOPTED this 18th day of January 2012, by the following vote:

**AYES: COUNCILMEMBERS ALLEN, SALMON, SCHOLAR AND
MAYOR FUDGE**
NOES: NONE
ABSTAIN: NONE
ABSENT: VICE MAYOR GOBLE



DEBORA FUDGE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK