RESOLUTION NO. 4041-25

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR FINDING THE DEVELOPER OF THE HEMBREE LANE OAKS SUBDIVISION PROJECT IN COMPLIANCE WITH THE MATERIAL TERMS OF THE HEMBREE LANE OAKS DEVELOPMENT AGREEMENT (FILE NO. 21-18C)

WHEREAS, the Town of Windsor and Falcon Point Bolten Hembree LLC ("Developer"), the developer of the Hembree Lane Oaks residential subdivision and planned development project entered into a Development Agreement for the Project, which is an approved 24-lot residential subdivision and planned development on a 5.1-acre site located at 7842 Hembree Lane (APN 163-080-047) ("Project"). General Plan: Very Low Density Residential (3-6 du/ac). Zoning: Hembree Lane Oaks Planned Development and Airport Safety Overlay Zone; and

WHEREAS, on May 17, 2023, the Town of Windsor Town Council adopted Resolution No. 3855-23, incorporated herein by reference, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) for the Project and finding that the identified mitigation measures would reduce the Project's environmental impacts to a level that is less than significant; and

WHEREAS, on May 17, 2023, the Town of Windsor Town Council adopted Ordinance No. 2023-376, incorporated herein by reference, rezoning the site from Surrounding Residential (3-6 du/ac) to Planned Development; and

WHEREAS, on May 17, 2023, the Town of Windsor Town Council adopted Ordinance No. 2023-377, incorporated herein by reference, approving a Development Agreement for the Hembree Lane Oaks Project; and

WHEREAS, on May 17, 2023, the Town of Windsor Town Council adopted Resolution No. 3856-23, incorporated herein by reference, approving a Tentative Subdivision Map for the Project; and

WHEREAS, on May 17, 2023, the Town of Windsor Town Council adopted Resolution No. 385-23, incorporated herein by reference, approving Site Plan and Design Review for the Project; and

WHEREAS, on February 21, 2024, the Town of Windsor Town Council adopted Resolution No. 3914-23, incorporated herein by reference, authorizing the Town Manager to execute a Fee Deferral Agreement for the Project, which deferred certain development impact fees to the first Certificate of Occupancy or December 31, 2025, whichever occurs first; and

WHEREAS, the fee deferrals included traffic, parks, drainage, and police facilities fees; and

WHEREAS, on July 3, 2023, a Development Agreement between the Town of Windsor and Developer was executed; and

WHEREAS, on October 2, 2024, the Town of Windsor Town Council adopted Ordinance No. 2024-392, incorporated herein by reference, approving Amendment 1 of the Development Agreement and authorizing the Town Manager to execute an amendment to the Fee Deferral Agreement; and

WHEREAS, on June 2, 2025, the annual review of the Development Agreement required by Article 5 (Annual Review) of the Development Agreement was initiated by the Community Development Director; and

WHEREAS, on June 9, 2025, the Developer submitted a letter demonstrating compliance with the material terms of the Development Agreement; and

WHEREAS, on June 9, 2025, the Developer requested modification of the fee deferral terms in the Development Agreement (which will be referred to as Amendment 2 of the Development Agreement) and the Fee Deferral Agreement; and

WHEREAS, on July 22, 2025, the Planning Commission adopted Resolution No. ___, incorporated herein by reference, recommending that the Town Council make the following findings required by Article 5 (Annual Review) of the Development Agreement and Town of Windsor Municipal Code Section 16-1-215(b):

1. The Developer is in good faith compliance with the material terms and conditions of the Development Agreement, based on the information included in the letter from Amy Christopherson Bolten, Managing Member, Hummingbird Lane Investors LLC, dated June 9, 2025, and as described in the Planning Commission staff report dated July 22, 2025; and

2. The Town is in good faith compliance with the material terms of the Development Agreement, as described in the Planning Commission staff report dated July 22, 2025.

WHEREAS, on August 6, 2025, the Town of Windsor Town Council did conduct a duly noticed public hearing for the first annual review of the Development Agreement, at which time all interested persons were given an opportunity to be heard.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor finds that the Developer has made a good faith effort to implement the material terms of the Development Agreement.

PASSED, APPROVED AND ADOPTED this 6th day of August 2025, by the following vote:

AYES:	**COUNCILMEMBERS LEEP, SALMON, WALL, VICE MAYOR POTTER AND MAYOR REYNOZA**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

ROSA REYNOZA, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK