

RESOLUTION NO. 2568-09

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF WINDSOR
ESTABLISHING CRITERIA AND PROCEDURES FOR
COMPLIANCE WITH THE GROWTH CONTROL ORDINANCE,
INCLUDING WAIVERS, FOR RESIDENTIAL UNITS IN
PRIORITY DEVELOPMENT AREAS**

WHEREAS, the Town of Windsor General Plan (2015), Community Development Implementation Program B10 states that the Town shall prepare and adopt a Growth Control Ordinance; and

WHEREAS, the Town Council adopted the original Growth Control Ordinance in October 1997; and

WHEREAS, the General Plan Community Development Pattern Policy B.3 provides for designation of priority development areas to direct the location and timing of development within the Town limits; and

WHEREAS, on November 7, 2007, the Town Council conducted a comprehensive review of the Growth Control Ordinance and adopted an updated Growth Control Ordinance, which includes provisions for waivers for residential units in priority development areas and provided way to establish related criteria and procedures; and

WHEREAS, the number of priority development area waivers during any one year shall be at the sole discretion of the Town Council; and

WHEREAS, the purpose of waivers for priority development areas is to facilitate development in areas that the Town Council has identified as a priority; and

WHEREAS, projects within a designated priority development area may satisfy the requirements of the Growth Control Ordinance in either of the following ways:

1. Submittal of an Allocation Application and reservation of growth control allocations through the Merit Process, as further set forth in the Growth Control Ordinance and implementing resolutions.
2. Submittal of a Waiver Application requesting waivers for residential units in designated priority development areas, as further set forth in the Growth Control Ordinance and this resolution; and

WHEREAS, this resolution supersedes all previous resolutions establishing criteria and procedures for processing waivers to the Growth Control Ordinance in priority development areas; and

WHEREAS, terms appearing in this resolution are as defined in the Growth Control Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Town of Windsor Town Council hereby establishes that residential units within a designated priority development area may satisfy the requirements of the Growth Control Ordinance either through reservation of allocations pursuant to the Merit Process, or through the Waiver process, as further set forth below.

1. Submittal of an Allocation Application and reservation of growth control allocations through the Merit Process, as further set forth in the Growth Control Ordinance and implementing resolutions. Notwithstanding the criteria and procedures adopted by separate resolution for reserving allocations through the Merit Process, the Town Council may, as part of the Merit Process and at its sole discretion, choose to grant waivers rather than reserve allocations for residential units in designated priority development areas.

2. Submittal of a Waiver Application requesting waivers for residential units in designated priority development areas, as further set forth in the Growth Control Ordinance and as follows:

1. **Request for Waiver:** Applicant shall submit a written request for priority development area waivers and a Waiver Application to the Planning Department.
2. **Waiver Application:** A Waiver Application is up to two pages (8" ½ x 11") of text describing the potential future project, number of existing residential units, number of units (or % of units) that are affordable, the merits of the potential future project, the number of waivers sought and the future year in which Parcel or Final Map Recordation is anticipated, or in which residential building permit issuance would be requested for non-subdivision projects. Applicants shall submit a conceptual site plan layout of the potential future project. Plans shall not exceed 11"x17" in size.
3. **Town Council Agenda:** Planning staff will request a Town Council agenda date for consideration of priority development area waivers for the conceptual plan.
4. **Approval, Time Frames and Extensions:** The Town Council may approve or deny the request for waivers.
 - i. If waivers are granted:
 1. The applicant shall enter into a Waiver Agreement with the Town. The Waiver Agreement shall include the number of residential units in the project, number of affordable residential units, and the key components of the project. In addition, the agreement shall include a "bring back" provision. If a project is significantly changed during the review process the "bring back" provision would identify the changes that would require referral back to the Town Council for review and direction, prior to further processing or action on the project. The Waiver Agreement shall be executed and submitted within 3 months of the date the waivers were

granted. The executed Waiver Agreement is a submittal requirement of the Residential Development Application.

2. The applicant shall submit a Residential Development Application to the Planning Department within 3 months of the date the waivers were granted. If an applicant fails to submit a Residential Development Application within the required time frame the waivers will expire. However, an applicant may submit a written request, to the Planning Director requesting an extension of time from the Town Council to file a Residential Development Application. The request shall be submitted before the waivers expire, and shall include request for a specified extension of time and the reasons for the request. The Town Council has the discretion to approve or deny the request. If the Town Council denies an extension, the waivers will be considered null and void.

5. **Environmental Review:** The waiver application and approval process is for priority development area waivers and is not a project under CEQA. In the event that the Town Council grants priority development area waivers for the potential residential units, the applicant must submit a Residential Development Application and an executed Waiver Agreement for a project with the Town of Windsor Planning Department. The project will be subject to CEQA.

PASSED, APPROVED AND ADOPTED this 4th day of November 2009, by the following vote:

**AYES: COUNCILMEMBERS ALLEN, FUDGE, SALMON, SCHOLAR AND
MAYOR GOBLE**

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



ROBIN R. GOBLE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK