

RESOLUTION NO. 2828-11

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF WINDSOR
AUTHORIZING A TWENTY-FOUR (24) MONTH SUSPENSION FOR
PROCESSING THE WINDSOR GATEWAY PROJECT**

WHEREAS, the Windsor Gateway Project participated in the 2006 Merit Process; and

WHEREAS, the Windsor Gateway Project submitted an application and started through the review process with the Town; and

WHEREAS, development of the site plan resulted in a number of changes of key components of the project presented and supported in the Merit Process, resulting in the project going back to the Council in 2008 and the formation of a sub-committee to redesign the project to meet criteria established by the Town Council; and

WHEREAS, the sub-committee worked on a redesign of the project and made recommendations to the Town Council in October 2009, which the Town Council supported and directed the applicant to incorporate into the project; and

WHEREAS, part of the project redesign increased the density of the project resulting in the need for additional allocations; and

WHEREAS, during the 2009 Growth Control Report the Town Council considered and reserved the remaining allocations for the Windsor Gateway Project and required the project to enter into an Allocation Agreement with the Town; and

WHEREAS, Windsor Gateway and the Town entered into an Allocation Agreement for the project in January 2010 establishing the modified design of the project and requiring recordation of maps and commencement of construction within 2 years of project approval, unless an extension of time is granted; and

WHEREAS, during the Annual Growth Control review in November 2010 Town Council directed staff to contact all project applicants that were currently in the Town's application pipeline to determine if the applicant intended to proceed with the project, the timeline for the next submittal, or to determine if the project should be withdrawn. The purpose of the contact was to determine if the infrastructure capacity that had been reserved for the project was still needed or if the reserved infrastructure capacity can be released for new development consideration; and

WHEREAS, the Windsor Gateway applicant responded to the survey indicating a desire to continue process and requested a twenty-four (24) month suspension of processing the application due to economic conditions; and

WHEREAS, the project is in the application stage and does not have any entitlements, so extensions of time as outlined in the Town's Codes and the Subdivision Map Act do not apply; and

WHEREAS, the applicant has committed to the development project through the Merit Process, the Application Process, Allocation Agreement, and the sub-committee work; and

WHEREAS, the project was on track and processing until an unforeseen downturn in the economy; and

WHEREAS, the Town Council has reviewed the project background and the applicants written request; and

NOW, THEREFORE, BE IT RESOLVED THAT the Town of Windsor Town Council hereby agrees to a twenty-four (24) month suspension of time for the project under the following:

1. Processing of the project must commence no later than August 1, 2013. Processing means submittal of the requested materials based on the Allocation Agreement and the October 2009 direction from the Town Council based on the recommendation of the sub-committee.
2. The applicant may resume processing the application at any time during the twenty-four month period.
3. During the suspension of time, the allocations reserved for the project and identified in the Allocation Agreement, dated January 11, 2010 shall continue to be reserved for the project and will continue to be reserved for the project under the conditions of the Allocation Agreement.
4. If the project applicant determines that the project is not feasible prior to the August 1, 2013, they will immediately notify the Town in writing to withdraw the project application.
5. The project applicant shall dedicate right-of-way (and associated construction easements) necessary to complete roundabout construction at the intersection of Windsor Road/Old Redwood Hwy, as approved by the Town Engineer and within 30 days of a request from the Town of Windsor. Failure to comply with the Town's request may result in the Town Council reconsidering the two-year suspension for processing the Windsor Gateway project.
6. The Town Council may consider additional time if the applicant provides a written request, outlining the specific reasons for the additional suspension and any work that has been completed on the project in the interim. Any additional suspensions of time will be at the sole discretion of the Town Council.

PASSED, APPROVED AND ADOPTED this 17th day of August, 2011 by the following vote:

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

NOES: NONE

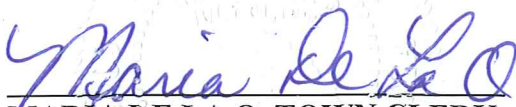
ABSTAIN: NONE

ABSENT: NONE



STEVE ALLEN, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK