

RESOLUTION NO. 2915-12

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
UPHOLDING AN APPEAL AND THEREBY
OVERTURNING THE PLANNING COMMISSION'S
DECISION ON THE APPEAL BY ANDY GUSTAVSON, LANDMARK PLANNING AND
PERMIT SERVICE WHICH UPHELD THE DETERMINATION OF
THE PLANNING DIRECTOR'S FINDINGS
APN 059-271-063/064
(FILE NO. APP 11-28)**

WHEREAS, in October 2011 a representative of Sonoma Country Day School applied for a building permit for a freestanding off-site 33,000 square foot Solar PV array on vacant industrial property within the Town boundaries; and

WHEREAS, Sonoma Country Day School is a private school that was constructed on property outside the Town boundary and within the jurisdiction of the County of Sonoma; and

WHEREAS, Planning staff reviewed the building permit and determined that the request was inconsistent with policies of the General Plan and the Zoning Ordinance land uses as they relate to development on Light Industrial property; and

WHEREAS, the intent of Light Industrial properties is to provide a wide range of uses related to manufacturing, warehousing, and assembly; and

WHEREAS, Planning staff found a freestanding Solar PV array to not to be a permitted use in the Light Industrial Zoning District; and

WHEREAS, Planning staff found that the request was inconsistent with the Town's Economic Development Strategic Plan, which promotes industrial development as a mean to create more jobs and to off-set the job and housing imbalance in Windsor; and

WHEREAS, on October 24, 2011 the Planning Director received a request to grant zoning approval for construction of a freestanding off-site 33,000 square foot Solar PV array; and

WHEREAS, on November 17, 2011 the Planning Director after carefully reviewing the request determined that the appropriate findings for approval could not be made and provided a written determination; and

WHEREAS, on December 1, 2011, Andy Gustavson, Landmark Planning and Permit Service, appealed the determination of the Planning Director; and

WHEREAS, the Planning Commission held a duly noticed public hearing to consider the appeal on January 10, 2012, at which time all interested parties were given an opportunity to be heard; and

WHEREAS, the Planning Commission adopted Resolution 598-12, which denied the appeal and upheld the determination of the Planning Director that the request was inconsistent with policies of the General Plan, the Zoning Ordinance land uses as they relate to development on Light Industrial property, and the Town's Economic Development Strategic Plan; and

WHEREAS, the Town Council held a duly noticed public hearing to consider the appeal on February 15, 2012, at which time all interested parties were given an opportunity to be heard; and

WHEREAS, the Town Council has reviewed all documentation including letters from the applicant, the Planning Commission documentation, public testimony, and finds that the Planning Director and the Planning Commission have upheld the adopted codes and policies that they have been entrusted with when making their determinations; and

WHEREAS, there have been a number of changes in goals and policies established by the Town related to energy conservation and energy efficiency that have not been updated and incorporated into the General Plan and Zoning Ordinance; and

WHEREAS, the Town Council has determined that it is within their discretion to consider additional options outside the current adopted codes that further the policies and goals of the Town; and

WHEREAS, the Town Council makes the following findings:

1. The proposed use is consistent with the intent of the General Plan based on 1) the parcels being under one ownership but in two jurisdictions, 2) the lack of access and infrastructure connections of the parcels to the Town, 3) better integration with the airport development, and 4) the access to the site is controlled by the applicant through its adjacent site.
2. The project is a unique and unusual situation in that the project is located within the Town limits and serves an existing use in an adjacent jurisdiction.
3. Is a project which is essentially a power generation source that could only be located in the Town's current Industrial Zoning District.
4. The project is not a stand alone use in that it is integrated solely with the school use.
5. Based on the nature of the construction, it can be characterized as an interim use in that it can easily allow for future industrial development of the property.

NOW, THEREFORE, BE IT RESOLVED THAT the Town of Windsor Town Council hereby makes the findings recited above and upholds the appeal, thereby rescinding the Planning Commission's decision to deny the appeal of the Planning Directors decision which denied a request by Andy Gustavson, Landmark Planning and Permit Service to issue a permit to construct a freestanding PV Solar array on vacant property on Aviation Blvd, APN: 059-271-063/064.

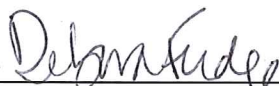
PASSED, APPROVED AND ADOPTED this 18th day of April 2012 by the following vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



DEBORA FUDGE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK