ORDINANCE NO. 2018-331

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR AMENDING THE ZONING MAP TO PRE-ZONE THE TOWN-OWNED PARCEL IDENTIFIED AS APN 066-310-029 AS PUBLIC/INSTITUTIONAL (FILE NO. 18-24)

WHEREAS, in 2000 the Town purchased APN 066-310-029 ("Parcel") in order to provide a buffer between the Town's Russian River well field and vineyards located to the east of the well fields. The Parcel also includes the control building for the well fields; and

WHEREAS, on July 8, 2018, the Town Council directed staff to initiate a General Plan amendment and pre-zoning of the Parcel to make the Parcel eligible for annexation, which would give the Town land use authority over the Parcel and exempt the Parcel from parcel tax; and

WHEREAS, the use of the Parcel for public utility purposes is consistent with the uses intended in the proposed Public/Quasi-Public General Plan land use designation; and

WHEREAS, the Town Council adopted Resolution No. 3487-18 amending the 2040 General Plan Figure LU-1b, which designated the Parcel Public/Quasi-Public; and

WHEREAS, the pre-zoning would apply the Public/Institutional zoning designation to the non-contiguous Parcel located outside of the Town and the Town's Urban Growth Boundary as shown on Exhibit A attached hereto and incorporated herein by reference, which is consistent with and implements the Public/Quasi-Public General Plan land use designation; and

WHEREAS, the pre-zoning has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15319 (Annexations of Existing Facilities and Lots for Exempt Facilities) which exempts annexations of existing public structures and Section 15061(b)(3) (General Rule), which states that CEQA applies only to projects which have the potential to have a significant effect on the environment. The project does not have the potential to have a significant effect on the environment since there would be no change of use and no development as a result of the pre-zoning; and

WHEREAS, the Planning Commission conducted a noticed public hearing on the proposed pre-zoning on October 9, 2018, at which time all interested parties had an opportunity to be heard; and

WHEREAS, the Planning Commission adopted Resolution No. 663-18 recommending that the Town Council adopt an ordinance to pre-zone the Parcel as shown in Exhibit A attached hereto and incorporated by reference; and

WHEREAS, the Town Council conducted a noticed public hearing on the proposed pre-zoning on November 7, 2018, at which time all interested persons were given an opportunity to be heard.

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals.
The above recitals are true and correct and adopted as findings.

SECTION 2. Findings.
The Town Council finds that:

1. The pre-zoning designations are consistent with the 2040 General Plan land use designation(s) of the parcels.
2. The pre-zoning will not be detrimental to the public interest, health, safety, convenience or welfare of the Town as described in the staff report.
3. The pre-zoning is exempt from the provisions of the California Environmental Quality Act.
4. The pre-zoning allows the Town to apply to the Local Agency Formation Commission for annexation to the Town. The zoning does not become effective until property has been annexed to the Town.

SECTION 3. Severability.
If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this Ordinance, including the application of such provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable. The Town Council of the Town of Windsor hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 4. Effective Date.
This Ordinance shall take effect and be in force thirty (30) days following its adoption.

SECTION 5. Publication or Posting.
The Town Clerk of the Town of Windsor shall cause this Ordinance to be published, or to be posted in at least three (3) public places in the Town of Windsor, in accordance with Section 36933 of the Government Code of the State of California.

PASSED, APPROVED AND ADOPTED this 5th day of December 2018, by the following vote:

AYES:	**COUNCILMEMBERS FUDGE, MILLAN, SALMON, VICE MAYOR FOPPOLI AND MAYOR OKREPKIE**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

BRUCE OKREPKIE, MAYOR

ATTEST:

MARIA DE LA O, TOWN CLERK

Attachment:

- **Exhibit A** – Pre-zoning Exhibit

EXHIBIT A

APN 066-310-029 PRE-ZONING DESIGNATIONS
(FILE NO. 18-24)

Address	APNs	Size (acres)	Use	General Plan Land Use	Prezoning Designation
Fontana Rd	066-310-029	0.93	Buffer between vineyard operations and well sites	Public/Quasi-Public	Public/Institutional

Prezoning Location Exhibit

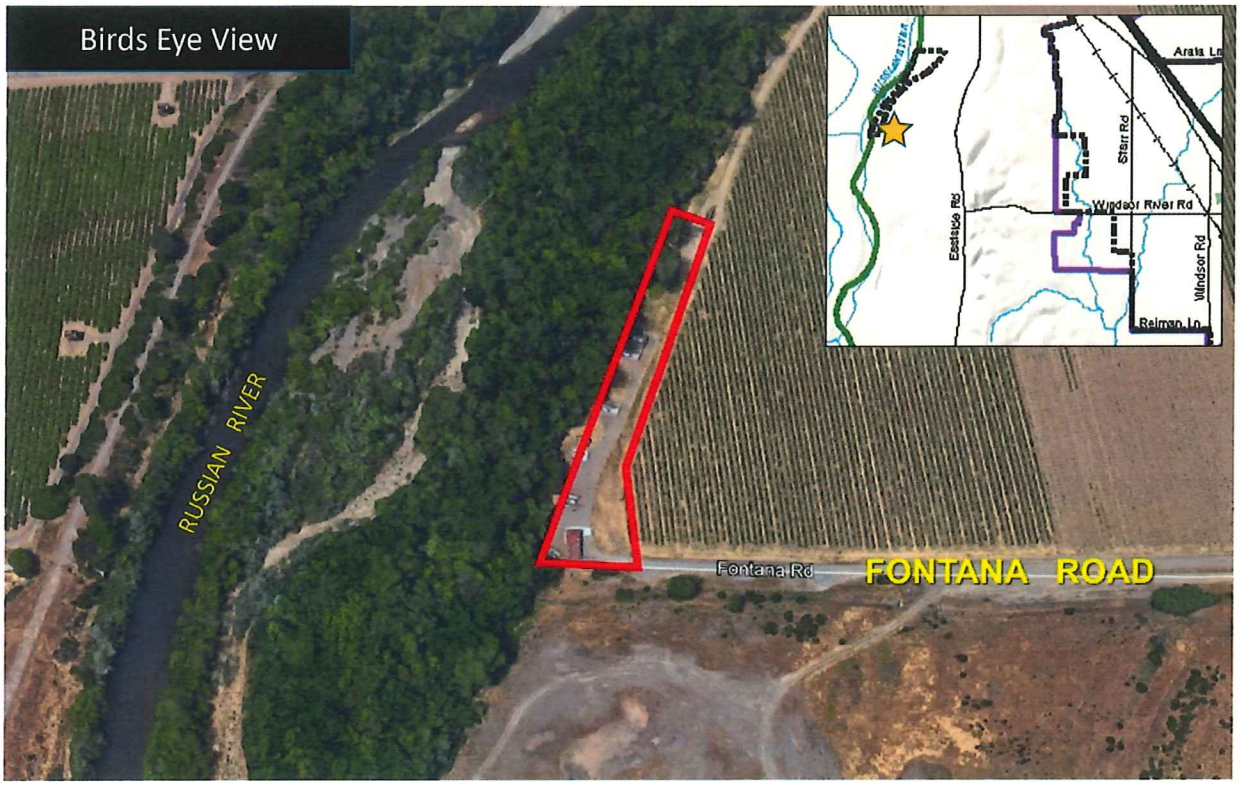


Exhibit A

Prezoning Location Exhibit

