RESOLUTION NO. 3496-18

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR AFFIRMING THE FIVE-YEAR ANNUAL RESIDENTIAL GROWTH CONTROL ALLOCATION ESTABLISHED BY RESOLUTION NO. 3418-17, ROLLING OVER 5 UNUSED 2018 RESERVE A ALLOCATIONS AND 168 UNUSED 2018 RESERVE B ALLOCATIONS TO YEAR 2019, AND BANKING 51 UNUSED 2018 RESERVE B ALLOCATIONS FOR FUTURE ISSUANCE BY THE TOWN COUNCIL

WHEREAS, the Town of Windsor ("Town") Growth Control Ordinance ("Ordinance") was adopted to accommodate growth anticipated under the Town General Plan and to control new development so that it occurs concurrently with necessary public services, facilities and infrastructure; and

WHEREAS, the Town Council of the Town of Windsor ("Council") finds that the Ordinance is based on accommodating General Plan build out to assure that housing opportunities are not reduced; and

WHEREAS, the Council finds that it is necessary to accommodate residential growth and to emphasize economic growth with the provision of a mix of housing opportunities; and

WHEREAS, on August 16, 2017, the Town Council approved amendments to the Growth Control Ordinance which amended Chapter 4 of Title XVI of the Code of the Town of Windsor to improve efficiencies in the Growth Control process; and

WHEREAS, Section 16-4-135 of the amended Growth Control Ordinance allows for the Town Council to establish an annual residential growth control allocation for a single year or for a multiple year period to ensure development activity that provides for a consistent flow of development impact fees to fund infrastructure projects; and

WHEREAS, Section 16-4-135 of the amended Growth Control Ordinance requires that the number of annual residential growth allocations be based on maintaining an average annual growth rate of 1.5%; and

WHEREAS, Section 16-4-135 of the amended Growth Control Ordinance requires that the number of new annual residential growth control allocations be assigned to either the Reserve A or Reserve B allocation categories; and

WHEREAS, on August 16, 2017, the Council adopted Resolution No. 3395-17 (attached as Exhibit "A"), establishing a five-year annual residential growth control allocation of 140 Reserve A Units and 560 Reserve B Units for calendar years 2017 through 2021; and

WHEREAS, on December 20, 2017, the Council adopted Resolution No. 3418-17 (attached as Exhibit "B"), affirming the five-year annual residential growth control allocation of 140 Reserve A Units and 560 Reserve B Units for 2017 through 2021 and rolling over unused 2017 Reserve A Allocations and unused Reserve B Allocations to 2018; and

WHEREAS, fifty 2018 Reserve A allocations and twenty-seven 2019 Reserve A allocations were awarded in 2018; and

WHEREAS, no Reserve B allocations were awarded in 2018; and

WHEREAS, Section 16-4-135(g) of the Code of the Town of Windsor (Growth Control) states that at the end of each year in a multi-year allocation period, unused annual Reserve A allocations shall be automatically rolled over to the next year's allocation and unused annual Reserve B allocations shall be banked for future issuance by the Town Council; and

WHEREAS, due to those displaced by the loss of over 5,000 homes in the Nuns and Tubbs fire events of October 2017, the Town experienced an unexpected population growth rate of approximately 2% in 2017; and

WHEREAS, to help maintain the Town's targeted annual average population growth rate of 1.5%, the Town Council has determined it would be appropriate to bank 51 unused 2018 Reserve B allocations as an adjustment for the unexpected increase in population growth in 2017. Banked allocations may be awarded in the future at the discretion of the Town Council; and

WHEREAS, the Town Council has determined that due to the need to address the housing recovery in the aftermath of the Nuns and Tubbs fires events of October 2017, it would be appropriate to make the remaining 168 unused 2018 Reserve B allocations immediately available for issuance in 2019 rather than bank the unused allocations for future issuance; and

WHEREAS, based on the estimated population growth resulting from the number of new residential units constructed in 2018, the number of units in known pending and submitted applications for new residential units that require a residential growth control allocation, and the number of remaining and banked allocations available for the remaining years in the 2017 – 2021 five-year allocation period, the five-year annual residential growth control allocation for calendar years 2017 through 2021 established by Resolution No. 3418-17 remains adequate for maintaining an average annual growth rate of 1.5%; and

WHEREAS, the establishment of annual residential growth allocations has been determined to be exempt from environmental review under the provisions of the California Environmental Quality Act ("CEQA") given that the establishment of allocations does not have potential for causing a significant effect on the environment and therefore is not subject to review pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3).

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor hereby affirms the five-year annual residential growth control allocation for calendar years 2017 through 2021 established by Resolution No. 3418-17, with 5 unused 2018 Reserve A allocations and 168 unused 2018 Reserve B allocations rolled over to Year 2019, and 51 unused 2018 Reserve B allocations being banked for possible future award by Town Council, as shown in the table below.

FIVE-YEAR ANNUAL RESIDENTIAL GROWTH CONTROL ALLOCATION
with RESERVE A AND RESERVE B ROLLOVERS AND BANKED UNITS

YEAR:	2017	2018	2019	2020	2021	TOTAL
Reserve A Units	0	0	6	28	29	63
Reserve B Units	0	0	280	114	115	509
Banked Units	0	51	0	0	0	51

PASSED, APPROVED, AND ADOPTED this 19th day of December 2018, by the following vote:

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

Dominic Foppoli
DOMINIC FOPPOLI, MAYOR

ATTEST:

IRENE CAMACHO-WERBY,
DEPUTY TOWN CLERK

Attachments:

- **Exhibit A** – Resolution No. 3395-17
- **Exhibit B** – Resolution No. 3418-17

EXHIBIT "A"

RESOLUTION NO. 3395-17

RESOLUTION NO. 3395-17

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR ESTABLISHING A FIVE-YEAR ANNUAL RESIDENTIAL GROWTH CONTROL ALLOCATION OF 140 RESERVE A UNITS AND 560 RESERVE B UNITS FOR CALENDAR YEARS 2017 THROUGH 2021, AND AFFIRMING INTERIM PROCEDURES FOR RESERVING 2017 GROWTH CONTROL ALLOCATIONS

WHEREAS, the Town of Windsor ("Town") Growth Control Ordinance ("Ordinance") was adopted to accommodate growth anticipated under the Town General Plan and to control new development so that it occurs concurrently with necessary public services, facilities and infrastructure; and

WHEREAS, the Town Council of the Town of Windsor ("Council") finds that the Ordinance is based on accommodating General Plan build out to assure that housing opportunities are not reduced; and

WHEREAS, the Council finds that it is necessary to accommodate residential growth and to emphasize economic growth with the provision of a mix of housing opportunities; and

WHEREAS, August 16, 2017, the Town Council approved amendments to the Growth Control Ordinance which amended Chapter 4 of Title XVI of the Code of the Town of Windsor, Section 16-4-135, to allow flexibility to conduct an annual Merit Process when conditions warrant, and to improve efficiencies in the Growth Control process; and

WHEREAS, Section 16-4-135 of the amended Growth Control Ordinance allows for the Town Council to establish an annual residential growth control allocation for a single year or for a multiple year period to ensure development activity that provides for a consistent flow of development impact fees to fund infrastructure projects; and

WHEREAS, Section 16-4-135 of the amended Growth Control Ordinance requires that the number of annual residential growth allocations be based on maintaining an average annual growth rate of 1.5%; and

WHEREAS, Section 16-4-135 of the amended Growth Control Ordinance requires that the number of new annual residential growth control allocations be assigned to either the Reserve A or Reserve B allocation categories; and

WHEREAS, the Council previously adopted Resolution 3362-17, which anticipated the availability of approximately 140 growth control allocations for 2017 and established an interim Merit Process for awarding growth control allocations; and

WHEREAS, the establishment of annual residential growth allocations has been determined to be exempt from environmental review under the provisions of the California Environmental Quality Act ("CEQA") given that the establishment of allocations does not have potential for causing a significant effect on the environment and therefore is not subject to review pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3).

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor determines that based on a 2017 population of 27,371 and a persons-per-household population of 3.02 (per the State of California, Department of Finance), the total number of allocations that can be established at an average annual growth rate of 1.5% over a five-year period is 700, as shown in the table below; and

ANNUAL REDSIDENTIAL UNITS AT A 1.5% GROWTH RATE

YEAR:	2017	2018	2019	2020	2021	TOTAL
UNITS:	136	138	140	142	144	700

BE IT FURTHER RESOLVED that upon the effective date of Ordinance No. 2017-313, the Town Council of the Town of Windsor hereby establishes the following five-year annual residential growth control allocation for calendar years 2017 through 2021, with 20% (140 units) of the total available annual allocations assigned to the Reserve A allocation category, and 80% (560 units) assigned to Reserve B allocation category, as shown in the table below; and

FIVE-YEAR ANNUAL RESIDENTIAL GROWTH CONTROL ALLOCATION
with RESERVE A and RESERVE B UNITS

YEAR:	2017	2018	2019	2020	2021	TOTAL
Reserve A Units	27	28	28	28	29	140
Reserve B Units	109	110	112	114	115	560
TOTAL:	136	138	140	142	144	700

BE IT FURTHER RESOLVED that until Ordinance No. 2017-313 is in effect, the interim Merit Process procedures established by Resolution No. 3362-17 (attached hereto as Exhibit A) for reserving 2017 growth control allocations shall remain in effect.

PASSED, APPROVED, AND ADOPTED this 16th day of August 2017, by the following vote:

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

Deborah Fudge
DEBORA FUDGE, MAYOR

ATTEST:

Maria De La O
MARIA DE LA O, TOWN CLERK

Attachment:
- Exhibit A - Resolution No. 3362-17

EXHIBIT A

RESOLUTION NO. 3362-17

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR RESCINDING RESOLUTION 3204-15 (MERIT PROCESS), DIRECTING AMENDMENT OF THE TOWN'S GROWTH CONTROL ORDINANCE, AND ADOPTING AN INTERIM MERIT PROCESS

WHEREAS, Community Development Pattern Implementation Program B.10 of the Town of Windsor General Plan – 2015 calls for adoption of an ordinance to address the rate, quality, location, pattern, and quality of new development; and

WHEREAS, the Town Council of the Town of Windsor adopted a Growth Control Ordinance in 1997 pursuant to the general police powers to protect the public health, safety and welfare of its residents and pursuant to the adopted Town of Windsor General Plan – 2015 goals, objectives and policies; and

WHEREAS, the Town Council has established through adoption of the Growth Control Ordinance the general rule that all new residential units require allocations; and

WHEREAS, the Growth Control Ordinance establishes the Merit Process as the means of implementing the allocation requirement; and

WHEREAS, the Town Council has adopted resolutions from time to time to define the scope and requirements of the Merit Process in order to clarify the Council's intent and provide guidance to both staff and prospective applicants; and

WHEREAS, at the General Plan Update Joint Study Session held April 21, 2015, the Town Council expressed an interest in modifying the Merit Presentation portion of the Merit Process; and

WHEREAS, the Town Council adopted Resolution 3204-15 on June 3, 2015, modifying the Merit Process to improve its efficiency; and

WHEREAS, the Town Council received information on historic population growth rates, building permit issuance and growth control allocations on December 21, 2016 as part of the Town's annual Growth Control Report; and

WHEREAS, in consideration of current growth and permitting trends presented at the December 21, 2016 Town Council meeting, the Town Council has determined that continuation of the Merit Process as a tool for regulating growth is unnecessary at this time and that it would be appropriate to suspend the Merit Process.

NOW, THEREFORE BE IT RESOLVED that the Town Council hereby rescinds Resolution No. 3204-15; and

BE IT FURTHER RESOLVED that the Town Council directs staff to prepare appropriate amendments to the Town's Growth Control Ordinance to allow flexibility to conduct an annual Merit Process when conditions warrant, and to improve efficiencies in the Growth Control process; and

BE IT FURTHER RESOLVED that the Town Council establishes the following interim policies and procedures with regard to the Merit Process:

1. **Applications.** Entitlement applications for new residential development may be submitted for review and approval in accordance with adopted procedures and requirements at any time of the year without restriction.

2. **Establishment of Merit Criteria.** The following criteria shall be used by staff in evaluating and formulating a recommendation on whether the entitlement application for the project should be approved:

   A. The project is a well-designed high-quality project that meets or exceeds adopted goals, policies, development and design standards pertaining to land use, community design, public facilities and services, and environmental resources;
   B. The project's proposed density;
   C. The project's contribution to advancing the Town's goals and policies related to mixed-use or infill development and whether it is located in a priority area;
   D. The project's contribution to advancing the Town's goals and policies related to creating a more walkable and bikeable community;
   E. The project's sustainable design features;
   F. Whether the project is located in an area that requires hazardous mitigation; and
   G. The number of units meeting the Town's existing Regional Housing Needs Allocation (RHNA) targets.

3. **Merit Process.** During the review and amendment process of the Town's Growth Control Ordinance, entitlement applications for new residential development projects shall be reviewed and acted upon in accordance with the Town's adopted procedures and requirements. Prior to taking action on the entitlement application, the decision-making authority shall consider the project's consistency with the Merit Criteria established by this resolution.

4. **Allocation Applications and Materials.** Applicants shall submit plans, narrative and other application materials determined by staff to be needed to review and evaluate the proposed project and to make a recommendation to the decision-making authority on whether the entitlement application should be approved. As part of the entitlement application, the applicant shall submit an Allocation Application Form identifying the number of allocations being requested for the project.

5. **Town Council/Planning Commission Review.** Entitlement applications shall be reviewed and acted upon by the appropriate decision-making authority as specified in the Town of Windsor Zoning Ordinance and the Town of Windsor Municipal Code in accordance with adopted review procedures. As part of the entitlement review process,

the decision-making authority shall consider project conformance with the Merit Criteria established by this resolution and identify the number of allocations to be reserved for the project as part of their action on the entitlement application.

6. **Reservation of Allocations**. Town staff shall track the number of requested and reserved (approved) allocations until review and amendment of the Growth Control Ordinance is completed and will assign allocations once amended provisions of the Growth Control Ordinance and any companion resolution establishing procedures for reserving Growth Control allocations are adopted. It is anticipated that approximately 140 allocations will be made available for the 2017 calendar year.

7. **Project Performance After Entitlement.** Reserved allocations for approved projects are valid during the life of the entitlement, including any valid extensions of time consistent with the Town's Zoning Ordinance and/or the Subdivision Map Act; and

BE IT FURTHER RESOLVED that participation in the interim Merit Process during review and amendment of the Growth Control Ordinance is required to reserve allocations, with the exception of exemptions or waivers identified in the current Growth Control Ordinance.

PASSED, APPROVED AND ADOPTED this 19th day of April 2017, by the following vote:

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

DEBORA FUDGE, MAYOR

ATTEST:

MARIA DE LA O, TOWN CLERK

EXHIBIT "B"

RESOLUTION NO. 3418-17

RESOLUTION NO. 3418-17

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR AFFIRMING THE FIVE-YEAR ANNUAL RESIDENTIAL GROWTH CONTROL ALLOCATION ESTABLISHED BY RESOLUTION NO. 3395-17 AND ROLLING OVER 27 UNUSED 2017 RESERVE A ALLOCATIONS AND 109 UNUSED 2017 RESERVE B ALLOCATIONS TO YEAR 2018

WHEREAS, the Town of Windsor ("Town") Growth Control Ordinance ("Ordinance") was adopted to accommodate growth anticipated under the Town General Plan and to control new development so that it occurs concurrently with necessary public services, facilities and infrastructure; and

WHEREAS, the Town Council of the Town of Windsor ("Council") finds that the Ordinance is based on accommodating General Plan build out to assure that housing opportunities are not reduced; and

WHEREAS, the Council finds that it is necessary to accommodate residential growth and to emphasize economic growth with the provision of a mix of housing opportunities; and

WHEREAS, August 16, 2017, the Town Council approved amendments to the Growth Control Ordinance which amended Chapter 4 of Title XVI of the Code of the Town of Windsor to improve efficiencies in the Growth Control process; and

WHEREAS, Section 16-4-135 of the amended Growth Control Ordinance allows for the Town Council to establish an annual residential growth control allocation for a single year or for a multiple year period to ensure development activity that provides for a consistent flow of development impact fees to fund infrastructure projects; and

WHEREAS, Section 16-4-135 of the amended Growth Control Ordinance requires that the number of annual residential growth allocations be based on maintaining an average annual growth rate of 1.5%; and

WHEREAS, Section 16-4-135 of the amended Growth Control Ordinance requires that the number of new annual residential growth control allocations be assigned to either the Reserve A or Reserve B allocation categories; and

WHEREAS, the Council previously adopted Resolution 3395-17 (attached as Exhibit "A"), establishing a five-year annual residential growth control allocation of 140 Reserve A Units and 560 Reserve B Units for calendar years 2017 through 2021; and

WHEREAS, no applications for new residential development requiring reservation of Reserve A or Reserve B allocations were received in 2017; and

WHEREAS, Section 16-4-135(g) of the Code of the Town of Windsor (Growth Control) states that at the end of each year in a multi-year allocation period, unused annual Reserve A

allocations shall be automatically rolled over to the next year's allocation and unused annual Reserve B allocations shall be banked for future issuance by the Town Council; and

WHEREAS, the Town Council has determined that due to the need to address the urgent need for housing in the aftermath of the Nuns and Tubbs fires events of October 2017, it would be appropriate to make the unused 2017 Reserve B allocations immediately available for issuance in 2018 rather than bank the unused allocations for future issuance; and

WHEREAS, based on the estimated population growth resulting from the number of new residential units constructed in 2017, the number of units in known pending and submitted applications for new residential units that require a residential growth control allocation, and the number of remaining and banked allocations available for the remaining years in the 2017 – 2021 five-year allocation period, the five-year annual residential growth control allocation for calendar years 2017 through 2021 established by Resolution No. 3395-17 remains adequate for maintaining an average annual growth rate of 1.5%; and

WHEREAS, the establishment of annual residential growth allocations has been determined to be exempt from environmental review under the provisions of the California Environmental Quality Act ("CEQA") given that the establishment of allocations does not have potential for causing a significant effect on the environment and therefore is not subject to review pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3).

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor hereby affirms the five-year annual residential growth control allocation for calendar years 2017 through 2021 established by Resolution No. 3395-17, with 27 unused 2017 Reserve A allocations and 109 unused 2017 Reserve B allocations rolled over to Year 2018, as shown in the table below.

FIVE-YEAR ANNUAL RESIDENTIAL GROWTH CONTROL ALLOCATION
with RESERVE A, RESERVE B AND ROLLED OVER UNITS

YEAR:	2017	2018	2019	2020	2021	TOTAL
Reserve A Units	0	55	28	28	29	140
Reserve B Units	0	219	112	114	115	560
Banked Units	0	0	0	0	0	0

PASSED, APPROVED AND ADOPTED this 20th day of December 2017, by the following vote:

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

BRUCE OKREPKIE, MAYOR

ATTEST:

IRENE CAMACHO-WERBY,
DEPUTY TOWN CLERK

Attachment:

- Exhibit A – Resolution No. 3395-17

EXHIBIT A

RESOLUTION NO. 3395-17

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR ESTABLISHING A FIVE-YEAR ANNUAL RESIDENTIAL GROWTH CONTROL ALLOCATION OF 140 RESERVE A UNITS AND 560 RESERVE B UNITS FOR CALENDAR YEARS 2017 THROUGH 2021, AND AFFIRMING INTERIM PROCEDURES FOR RESERVING 2017 GROWTH CONTROL ALLOCATIONS

WHEREAS, the Town of Windsor ("Town") Growth Control Ordinance ("Ordinance") was adopted to accommodate growth anticipated under the Town General Plan and to control new development so that it occurs concurrently with necessary public services, facilities and infrastructure; and

WHEREAS, the Town Council of the Town of Windsor ("Council") finds that the Ordinance is based on accommodating General Plan build out to assure that housing opportunities are not reduced; and

WHEREAS, the Council finds that it is necessary to accommodate residential growth and to emphasize economic growth with the provision of a mix of housing opportunities; and

WHEREAS, August 16, 2017, the Town Council approved amendments to the Growth Control Ordinance which amended Chapter 4 of Title XVI of the Code of the Town of Windsor, Section 16-4-135, to allow flexibility to conduct an annual Merit Process when conditions warrant, and to improve efficiencies in the Growth Control process; and

WHEREAS, Section 16-4-135 of the amended Growth Control Ordinance allows for the Town Council to establish an annual residential growth control allocation for a single year or for a multiple year period to ensure development activity that provides for a consistent flow of development impact fees to fund infrastructure projects; and

WHEREAS, Section 16-4-135 of the amended Growth Control Ordinance requires that the number of annual residential growth allocations be based on maintaining an average annual growth rate of 1.5%; and

WHEREAS, Section 16-4-135 of the amended Growth Control Ordinance requires that the number of new annual residential growth control allocations be assigned to either the Reserve A or Reserve B allocation categories; and

WHEREAS, the Council previously adopted Resolution 3362-17, which anticipated the availability of approximately 140 growth control allocations for 2017 and established an interim Merit Process for awarding growth control allocations; and

WHEREAS, the establishment of annual residential growth allocations has been determined to be exempt from environmental review under the provisions of the California Environmental Quality Act ("CEQA") given that the establishment of allocations does not have potential for causing a significant effect on the environment and therefore is not subject to review pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3).

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor determines that based on a 2017 population of 27,371 and a persons-per-household population of 3.02 (per the State of California, Department of Finance), the total number of allocations that can be established at an average annual growth rate of 1.5% over a five-year period is 700, as shown in the table below; and

ANNUAL REDSIDENTIAL UNITS AT A 1.5% GROWTH RATE

YEAR:	2017	2018	2019	2020	2021	TOTAL
UNITS:	136	138	140	142	144	700

BE IT FURTHER RESOLVED that upon the effective date of Ordinance No. 2017-313, the Town Council of the Town of Windsor hereby establishes the following five-year annual residential growth control allocation for calendar years 2017 through 2021, with 20% (140 units) of the total available annual allocations assigned to the Reserve A allocation category, and 80% (560 units) assigned to Reserve B allocation category, as shown in the table below; and

FIVE-YEAR ANNUAL RESIDENTIAL GROWTH CONTROL ALLOCATION
with RESERVE A and RESERVE B UNITS

YEAR:	2017	2018	2019	2020	2021	TOTAL
Reserve A Units	27	28	28	28	29	140
Reserve B Units	109	110	112	114	115	560
TOTAL:	136	138	140	142	144	700

BE IT FURTHER RESOLVED that until Ordinance No. 2017-313 is in effect, the interim Merit Process procedures established by Resolution No. 3362-17 (attached hereto as Exhibit A) for reserving 2017 growth control allocations shall remain in effect.

PASSED, APPROVED, AND ADOPTED this 16th day of August 2017, by the following vote:

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

Deborah Fudge
DEBORA FUDGE, MAYOR

ATTEST:

Maria De La O
MARIA DE LA O, TOWN CLERK

Attachment:
- Exhibit A - Resolution No. 3362-17

EXHIBIT A

RESOLUTION NO. 3362-17

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR RESCINDING RESOLUTION 3204-15 (MERIT PROCESS), DIRECTING AMENDMENT OF THE TOWN'S GROWTH CONTROL ORDINANCE, AND ADOPTING AN INTERIM MERIT PROCESS

WHEREAS, Community Development Pattern Implementation Program B.10 of the Town of Windsor General Plan – 2015 calls for adoption of an ordinance to address the rate, quality, location, pattern, and quality of new development; and

WHEREAS, the Town Council of the Town of Windsor adopted a Growth Control Ordinance in 1997 pursuant to the general police powers to protect the public health, safety and welfare of its residents and pursuant to the adopted Town of Windsor General Plan – 2015 goals, objectives and policies; and

WHEREAS, the Town Council has established through adoption of the Growth Control Ordinance the general rule that all new residential units require allocations; and

WHEREAS, the Growth Control Ordinance establishes the Merit Process as the means of implementing the allocation requirement; and

WHEREAS, the Town Council has adopted resolutions from time to time to define the scope and requirements of the Merit Process in order to clarify the Council's intent and provide guidance to both staff and prospective applicants; and

WHEREAS, at the General Plan Update Joint Study Session held April 21, 2015, the Town Council expressed an interest in modifying the Merit Presentation portion of the Merit Process; and

WHEREAS, the Town Council adopted Resolution 3204-15 on June 3, 2015, modifying the Merit Process to improve its efficiency; and

WHEREAS, the Town Council received information on historic population growth rates, building permit issuance and growth control allocations on December 21, 2016 as part of the Town's annual Growth Control Report; and

WHEREAS, in consideration of current growth and permitting trends presented at the December 21, 2016 Town Council meeting, the Town Council has determined that continuation of the Merit Process as a tool for regulating growth is unnecessary at this time and that it would be appropriate to suspend the Merit Process.

NOW, THEREFORE BE IT RESOLVED that the Town Council hereby rescinds Resolution No. 3204-15; and

BE IT FURTHER RESOLVED that the Town Council directs staff to prepare appropriate amendments to the Town's Growth Control Ordinance to allow flexibility to conduct an annual Merit Process when conditions warrant, and to improve efficiencies in the Growth Control process; and

BE IT FURTHER RESOLVED that the Town Council establishes the following interim policies and procedures with regard to the Merit Process:

1. **Applications.** Entitlement applications for new residential development may be submitted for review and approval in accordance with adopted procedures and requirements at any time of the year without restriction.

2. **Establishment of Merit Criteria.** The following criteria shall be used by staff in evaluating and formulating a recommendation on whether the entitlement application for the project should be approved:

   A. The project is a well-designed high-quality project that meets or exceeds adopted goals, policies, development and design standards pertaining to land use, community design, public facilities and services, and environmental resources;
   B. The project's proposed density;
   C. The project's contribution to advancing the Town's goals and policies related to mixed-use or infill development and whether it is located in a priority area;
   D. The project's contribution to advancing the Town's goals and policies related to creating a more walkable and bikeable community;
   E. The project's sustainable design features;
   F. Whether the project is located in an area that requires hazardous mitigation; and
   G. The number of units meeting the Town's existing Regional Housing Needs Allocation (RHNA) targets.

3. **Merit Process.** During the review and amendment process of the Town's Growth Control Ordinance, entitlement applications for new residential development projects shall be reviewed and acted upon in accordance with the Town's adopted procedures and requirements. Prior to taking action on the entitlement application, the decision-making authority shall consider the project's consistency with the Merit Criteria established by this resolution.

4. **Allocation Applications and Materials.** Applicants shall submit plans, narrative and other application materials determined by staff to be needed to review and evaluate the proposed project and to make a recommendation to the decision-making authority on whether the entitlement application should be approved. As part of the entitlement application, the applicant shall submit an Allocation Application Form identifying the number of allocations being requested for the project.

5. **Town Council/Planning Commission Review.** Entitlement applications shall be reviewed and acted upon by the appropriate decision-making authority as specified in the Town of Windsor Zoning Ordinance and the Town of Windsor Municipal Code in accordance with adopted review procedures. As part of the entitlement review process,

the decision-making authority shall consider project conformance with the Merit Criteria established by this resolution and identify the number of allocations to be reserved for the project as part of their action on the entitlement application.

6. **Reservation of Allocations**. Town staff shall track the number of requested and reserved (approved) allocations until review and amendment of the Growth Control Ordinance is completed and will assign allocations once amended provisions of the Growth Control Ordinance and any companion resolution establishing procedures for reserving Growth Control allocations are adopted. It is anticipated that approximately 140 allocations will be made available for the 2017 calendar year.

7. **Project Performance After Entitlement.** Reserved allocations for approved projects are valid during the life of the entitlement, including any valid extensions of time consistent with the Town's Zoning Ordinance and/or the Subdivision Map Act; and

BE IT FURTHER RESOLVED that participation in the interim Merit Process during review and amendment of the Growth Control Ordinance is required to reserve allocations, with the exception of exemptions or waivers identified in the current Growth Control Ordinance.

PASSED, APPROVED AND ADOPTED this 19th day of April 2017, by the following vote:

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

Debora Fudge

DEBORA FUDGE, MAYOR

ATTEST:

Maria De La O

MARIA DE LA O, TOWN CLERK