RESOLUTION NO. 2458-09

AN UPDATED RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR OPPOSING REDUCTION OF HEALTH, SAFETY AND ZONING STANDARDS BY DEVELOPMENT ON LAND ADJACENT TO THE URBAN GROWTH BOUNDARY BY THE LYTTON BAND OF POMO INDIANS

WHEREAS, the Town of Windsor, by Resolution No. 679A-97, adopted an Urban Growth Boundary (UGB) which provides among other limitations that "No new Town development other than that authorized by the Open Space, Parks and other Public/Quasi-Public/Institutional land use designations shall be permitted outside the Urban Growth Boundary (UGB)"; and

WHEREAS, the group of individuals known collectively as the Lytton Band of Pomo Indians (Lyttons) previously proposed to construct a residential development on a 50-acre parcel with a minimum of 50 houses, an office building, a ceremonial building, an on-site sewage plant, and, a water well field on land that is zoned by the County as Rural Residential (RR-5) with a maximum density of one house per five acres, that is adjacent to the UGB and Windsor's
western gateway; and

WHEREAS, the Lyttons have increased their land holding to 100 +/- acres and intend to acquire more land south of Windsor River Road from the Town UGB to Eastside Road; and

WHEREAS, the Lyttons have not acquired lands within the Town's limit or UGB and are therefore not eligible to receive Town water and sewer services; and

WHEREAS, such development as previously proposed by the Lyttons will be without adequate regulation of zoning requirements, streets, lighting, water, sewer and safety if developed in a manner inconsistent with the County's General Plan; and

WHEREAS, in opposition to the regulations of the County of Sonoma, the Lyttons have applied to the U.S. Bureau of Indian Affairs (BIA) to take the land into trust so that the Lyttons may be permitted to draw upon their own rules and regulations, which regulations preempt many local and state land use controls and regulations; and

WHEREAS, by order of the U.S. District Court (No. C-86-3660-WWS), "the policy of the Secretary of the Interior dated July 19, 1990, shall apply to the acceptance of land in Sonoma County to be placed in trust for the benefit of the Lytton Community" (Sub-paragraph 5a of Stipulation for entry of judgment), which referenced Policy in turn states that the tribe will provide at least comparable safeguards as local ordinances, including fire, building, health, safety and zoning requirements; and

WHEREAS, the Board of Supervisors of Sonoma County has adopted Resolution No. 02-0665, stating "... where mitigation efforts cannot be made to bring the proposed project within substantial compliance with the General Plan, the County shall use the most effective legal or regulatory means to oppose the application. "

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor, after due consideration, finds that the formerly proposed development on the 100 +/- acre parcel located in the County and adjacent to the UGB would be inconsistent with the zoning regulations of the County of Sonoma and inconsistent with the County General Plan.

BE IT FURTHER RESOLVED that any such development outside the Town boundaries and adjacent to the UGB would not support the Town's desire for city-centered growth and such a project would have the potential for environmental damage, which is not conducive to the preservation of open space and greenbelts at the Town's boundaries.

BE IT FURTHER RESOLVED that the Town will oppose any project on the subject property that is not developed in a manner consistent with the General Plan of Sonoma County or the Sonoma County fire safety, building, health and zoning codes, and/or that is inconsistent with the Town's Urban Growth Boundary.

PASSED, APPROVED AND ADOPTED this 6th day of May 2009, by the following vote:

AYES: **COUNCILMEMBERS ALLEN, FUDGE, SCHOLAR AND MAYOR GOBLE**
NOES: **VICE MAYOR SALMON**
ABSTAIN: **NONE**
ABSENT: **NONE**

ROBIN R. GOBLE, MAYOR

ATTEST:

MARIA DE LA O, TOWN CLERK