RESOLUTION NO. 3994-24

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR AFFIRMING THE FIVE-YEAR ANNUAL RESIDENTIAL GROWTH CONTROL ALLOCATION ESTABLISHED BY RESOLUTION NO. 3721-21, ROLLING OVER 29 UNUSED RESERVE A ALLOCATIONS AND 114 UNUSED RESERVE B ALLOCATIONS FROM YEAR 2024 TO YEAR 2025

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 (Ordinance No. 2017-313; attached as Exhibit "A"); 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 December 15, 2021, the Council adopted Resolution No. 3721-21 (attached as Exhibit "B"), establishing a five-year annual residential growth control allocation of 143 Reserve A Units and 572 Reserve B Units for calendar years 2022 through 2026; and

WHEREAS, 0 Reserve A allocations were awarded in 2024; and

WHEREAS, 0 Reserve B allocations were awarded in 2024; 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 housing crisis that has impacted all jurisdictions in California, including Windsor, as well as to meet the Council goals for housing and affordability and the Town's Regional Housing Needs Allocation requirements, it would be appropriate to make the 114 unused Reserve B allocations immediately available for issuance in 2025 rather than bank the unused allocations for future issuance by Council; and

WHEREAS, based on the estimated population growth resulting from the number of new residential units constructed in 2024, the number of units in pending and submitted applications for residential units that require a growth control allocation, and the number of remaining and banked allocations available for the remaining years in the 2022 – 2026 five-year allocation period, the five-year annual residential growth control allocation for calendar years 2022 through 2026 established by Resolution No. 3721-21 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), Preliminary Review, and 15061(b)(3), Review for Exemption.

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 2022 through 2026 established by Resolution No. 3721-21, with 29 unused Reserve A allocations and 114 unused Reserve B allocations rolled over from Year 2024 to Year 2025, as shown in the table below.

Five-Year Annual Residential Growth Control Allocation with Reserve A and Reserve B Rollovers and Banked Units

YEAR:	2022	2023	2024	2025	2026	TOTAL
Reserve A Units	0	0	0	84	29	113
Reserve B Units	0	0	0	283	118	401
Banked Units	0	0	0	--	--	0

PASSED, APPROVED AND ADOPTED this 4th day of December 2024, by the following vote:

AYES:	**COUNCILMEMBERS LEEP, SALMON, WALL, VICE MAYOR POTTER AND MAYOR REYNOZA**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

ROSA REYNOZA, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK

Attachments:

- **Exhibit A** - Ordinance No. 2017-313
- **Exhibit B** - Resolution No. 3721-21

ORDINANCE NO. 2017-313

AN ORDINANCE OF THE TOWN OF WINDSOR AMENDING TITLE XVI, CHAPTER 4 OF THE TOWN OF WINDSOR CODE TO MODIFY AND IMPROVE THE EFFICIENCY OF PROCEDURES FOR SETTING AND AWARDING ANNUAL RESIDENTIAL GROWTH CONTROL ALLOCATIONS

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 requires growth control allocations to be awarded through a Merit Process as the means to address the rate, quality, location, pattern, and quality of new development; 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 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; and

WHEREAS, on April 19, 2017, the Town Council adopted Resolution No. 3362-17, suspending the Merit Process and directing staff to prepare appropriate amendments to the 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

WHEREAS, the amendments to the Growth Control Ordinance are exempt from environmental review under the provisions of the California Environmental Quality Act ("CEQA") given that the proposed amendments do not have potential for causing a significant effect on the environment and therefore are not subject to review pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3); and

WHEREAS, the Town Council held a duly noticed public hearing on August 16, 2017, at which it reviewed the proposed amendments to the Growth Control Ordinance and considered all public comments and the related CEQA exemptions.

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

SECTION 1. The above recitals are true and correct.

SECTION 2. Findings:

The Town Council finds that:

1. The proposed amendments are consistent with the General Plan. *The amendments is consistent with General Plan policies related to planning and management of new growth, taking into consideration infrastructure capacity, public service availability, and fiscal impacts.*

2. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town of Windsor. *The amendments will not be detrimental because they supports management of growth and development consistent with the goals and policies contained in the Town of Windsor General Plan – 2015.*

3. The proposed amendments are internally consistent with other applicable provisions of the Growth Control Ordinance. *The amendments are consistent with the provisions of the Growth Control Ordinance in that they allow the Town Council by resolution to set the priorities and process for residential development within the framework of the Growth Control ordinance.*

SECTION 3. Section 16-4-100 of the Code of the Town of Windsor entitled "Authority" is hereby amended to read as follows:

This chapter is adopted pursuant to the general police powers of the Town of Windsor to protect the public health, safety and welfare of its residents and pursuant to the adopted goals, objectives and policies pertaining to growth control in the Town of Windsor General Plan.

SECTION 4. Section 16-4-110 of the Code of the Town of Windsor entitled "Purpose" is hereby amended to read as follows:

The purpose of the Growth Control Ordinance is to accommodate growth anticipated under the General Plan, and to manage new development so that it occurs concurrently with necessary public services, facilities and infrastructure as follows:

a. By monitoring and regulating the Town's residential development, this chapter furthers the General Plan's Vision Statement to accomplish the following: retain the Town's small town character and rural atmosphere; respect natural resources; encourage compact urban-level development within the Town limits; support rural and agricultural land uses beyond the Urban Growth Boundary; maintain flexibility to accommodate change; and plan the location and timing of growth, taking into consideration infrastructure capacity, public service availability, and fiscal impacts.

b. This chapter supports the following General Plan objectives:

1. The Urban Growth Boundary provides the Town with sufficient land to accommodate the Town's growth control strategy through the horizon year of the General Plan by annually monitoring the Town's residential development.
2. Prioritize development of areas within the Urban Growth Boundary, considering proximity to existing urban development, availability of public services and utilities, fiscal effects for the Town, and protection of Williamson Act land contracts by annually stating community development objectives, and targeting housing types or development areas as needed.
3. Ensure that adequate services and infrastructure are in place prior to approving new development.
4. Balance residential and economic development in a manner compatible with the Planning Area's environmental resources and available infrastructure.
5. Reserve adequate land to accommodate commercial and future light industrial development to meet the needs for goods and services for the Town and to create jobs.
6. Require new development to provide its fair share of required service and infrastructure in a timely manner by not releasing reserved allocations until related development applications have been reviewed through the Town's discretionary land use process, and approved. This timing for the allocations assures that applicants are substantially committed to projects, thereby assuring a more predictable, consistent flow of development impact fees to fund infrastructure projects.
7. Ensure the provision of community services, utilities, and facilities; provide adequate space to accommodate these services as development occurs; and deliver these services in a cost-effective manner to reduce the costs of service.
8. Strive to meet the Town's fair share of the regional housing need by exempting very-low, low, and moderate-income units for which Windsor has not met its regional share.
9. Preserve open space land for the continuation of commercial agricultural and productive uses, the protection and use of natural resources, the enjoyment of scenic beauty and recreation, and protection from natural hazards by monitoring the Town's residential development through an Annual Growth Control Report.

SECTION 5. Section 16-4-115 of the Code of the Town of Windsor entitled "Findings" is hereby amended to read as follows:

The Town Council has considered the effect of this Growth Control Ordinance and finds that the provisions of this chapter are necessary to promote the public health, safety and welfare. This chapter is based on accommodating general plan buildout to assure that housing opportunities in the region are not reduced. However, to the extent that such opportunities may be reduced, those reductions are justified to protect the character and quality of life for existing and future residents by managing and balancing new residential units so as not to exceed available resources including the developable land supply, public infrastructure capacity, public services, and fiscal resources. Pursuant to Government Code Section 65863.6, the Town makes the following specific findings:

a. Land Supply Constraints. The Town of Windsor General Plan and its related Environmental Impact Report identify environmental constraints in the Planning Area of the Town of Windsor. An Urban Growth Boundary has been established within the Planning Area to provide an adequate land supply for potential development through its horizon year. The location of the Town's Urban Growth Boundary recognizes that certain lands to its west, north, and east are unsuitable for urbanization due to Federal, State, County and local policies established for the protection of agricultural lands, oak woodlands, hillsides, vernal pool/wetland habitat, flood zones, steep slopes, seismic hazards, and scenic views. Development to the south of the Sphere-of-Influence and Urban Growth Boundary is also constrained by proximity to the Charles M. Schulz-Sonoma County Airport and the Sonoma County General Plan Community Separator policies. The Windsor General Plan provides land within the Urban Growth Boundary to accommodate urbanization through the life of the General Plan, and relies on a compact land use pattern to make efficient use of lands available for urbanization.

b. Public Services and Infrastructure Capacity/Concurrency. The Town of Windsor General Plan and its related Environmental Impact Report recognize that existing infrastructure facilities will need to be expanded to serve ultimate buildout of the Urban Growth Boundary. The General Plan requires planning for and implementation of improvements to the Town's water and wastewater systems to ensure that adequate capacity will be available.

c. Public Services. The Windsor Unified School District, Windsor Fire Protection District, and Windsor Police Department provide essential public services for the promotion and protection of the general welfare and safety of Windsor residents. The Town finds that in order to ensure that the provision of these services keeps pace with new development, it is necessary to manage increments of growth in accordance with the service provision of the above districts.

d. Fiscal Resources. Balance the mix of residential and non-residential land uses to emphasize economic growth and to ensure that public infrastructure and service costs associated with unmanaged residential growth do not exceed available fiscal resources resulting in decreased public service or maintenance activities or adverse fiscal consequences to the Town, to the detriment of the public safety and welfare.

e. Circulation. The Town of Windsor General Plan and its related Environmental Impact Report identify intersections which would be degraded to less than acceptable Levels of Service with unmitigated buildout of the Urban Growth Boundary. In order to ensure adequate capacity of the Town's circulation system concurrent with new growth and in conformance with the Town's Level of Service (LOS) standard, the Town finds it necessary to monitor and manage growth with appropriate mitigation to ensure meeting the Town's LOS standard.

f. Jobs/Housing Balance. The Town of Windsor General Plan and its related Environmental Impact Report document out-commuting trends in Windsor and traffic congestion on Highway 101. In order to reduce out-commuting and congestion on Highway 101 and promote an economically sustainable fiscal mix of residential/nonresidential land uses, the Town finds it necessary to manage the mix of residential to nonresidential growth to both accommodate residential growth and to emphasize economic growth.

g. Low, Very-Low and Moderate-Income Housing Needs. The Growth Control Ordinance will not constrain the production of housing for households with very-low, low and moderate-

income units as they are exempted from obtaining growth control allocations per the provisions of this chapter.

SECTION 6. Section 16-4-120 of the Code of the Town of Windsor entitled "Administration" is hereby amended to read as follows:

The Town Council, by resolution, may from time to time adopt procedures, policies, rules, and requirements, including the adoption of processing fees, to implement and administer the provisions of this chapter.

The Town Council, by resolution, may establish procedures for processing Allocation Applications, Reserve Allocation Agreements, or Residential Development Applications when no allocations are currently available.

SECTION 7. Section 16-4-122 of the Code of the Town of Windsor entitled "Agreements" is hereby amended to read as follows:

Reserved growth control allocations or growth control allocations committed to a project through a Development Agreement, Allocation Agreement, Reserve Allocation Agreement, or other agreement approved by the Town Council, shall be considered when establishing the number of growth control allocations for current and future years' growth control allocations, as specified in the terms of the agreement.

SECTION 8. Section 16-4-123 of the Code of the Town of Windsor entitled "Definitions" is hereby amended to read as follows:

a. *Affordable units* means units which are needed to meet the Town's ABAG Regional Housing Needs Allocation for very-low, low, or moderate-income units.

b. *Allocation agreement* means an agreement between the Town and an applicant to reserve growth control allocations pursuant to the provisions of this chapter.

c. *Allocation application* means material to be filed by an applicant seeking to reserve growth control allocations. The contents and information required to be submitted as part of the allocation application shall be established by resolution of the Town Council. An allocation application is not an application for a development project for purposes of the Permit Streamlining Act. An allocation application is not an application for a project for purposes of the California Environmental Quality Act.

d. *Allocation/growth control allocation* means a unit representing a potential residential dwelling unit, as reserved for a specified period of time in accordance with this chapter.

e. *Annual Residential Growth Control Allocation* means the number of new growth control allocations available for reservation in a single year or multiple year period. The annual number of new growth control allocations shall be set by the Town Council.

f. *Annual growth rate* means the increase in population expressed as a percentage change from the previous year's population.

g. *Banked Allocation* means an unused, released or expired allocation that is retained for future award by the Town Council. Banked allocations may be reserved through an allocation application, allocation agreement or other agreement approved by Town Council. The number of banked allocations may be periodically reviewed and adjusted by the Town Council.

h. *Final Discretionary Approval.*

1. *General.* For the purposes of this chapter, final discretionary approval means the last discretionary action by the Town which calls for the exercise of judgment in deciding whether to approve and/or how to carry out a project that is the subject of a Residential Development Application.

2. *Project appeals.* If a project is appealed after final discretionary approval and the approval is upheld, the original approval date is the final discretionary approval. If a project is denied, but approved on appeal, the approval date is the final discretionary approval.

3. *Projects with multiple discretionary approvals.* For purposes of determining the date of final discretionary approval for a project with multiple discretionary approvals, the action entitling an applicant to a use with a definite number of dwelling units shall be considered the date of final discretionary approval.

i. *Infrastructure concurrency finding* means a determination, adopted by the Town Council, based on the facts and evidence provided annually by Town staff, that specified infrastructure facilities and public services either have adequate capacity, or needed facilities have been approved and financing mechanisms are in place to secure adequate capacity for a specified increment of new development.

j. *Legal lot of record* means a lot which is contained in a recorded subdivision map or which has been issued a Certificate of Compliance for which any identified conditions have been satisfied.

k. *Low-income unit* means units which are affordable to households whose combined income is fifty (50%) percent to eighty (80%) percent of the median income for Sonoma County as established by the Housing and Urban Development Department.

l. *Merit process* means a process established by resolution of the Town Council setting forth the process for obtaining reserved growth control allocations including criteria to be used in evaluating allocation applications, and such other policies and procedures as deemed appropriate by the Town Council.

m. *Moderate-income unit* means units which are affordable to households whose combined income is between eighty (80%) percent and one hundred twenty (120%) percent of the median income for Sonoma County as established by the Housing and Urban Development Department.

n. *Project* means potential future development with residential units as part or all of the development. Reservation of allocations pursuant to this chapter is not approval of such future development.

o. *Remainder lot/parcel* means a portion of any improved or unimproved unit or units of land that an allocation applicant does not anticipate proposing for future subdivision. Development of the entire property is encouraged in order to ensure compliance with all applicable codes, policies, and ordinances. Remainder lots/parcels are strongly discouraged. For the purposes

of this chapter, any potential remainder lots/parcels shall be shown on the allocation application as numbered parcels and shall be counted as one unit in determining the required allocations. Remainder lots/parcels shall not have more than one unit allocation per lot/parcel. Remainder lots/parcels shall be subject to the Growth Control Ordinance in place at the time development applications are anticipated.

p. *Reserved growth control allocation or reserved allocation* means an allocation reserved through one of the following: (1) approval of an allocation application by the Town Council pursuant to a merit process; (2) approval of an allocation application in conjunction with final discretionary approval of a project; or (3) approval of an allocation agreement, development agreement, reserve allocation agreement or other agreement by the Town Council. Reservation of a growth control allocation is not a development project for purposes of the Permit Streamlining Act. Reservation of a growth control allocation is not a project for purposes of the California Environmental Quality Act.

q. *Reserve "A" growth control allocation* means an allocation that is only available for units that are part of a mixed-use development project or are part of a project with a residential density of 12 units per acre or greater. Reserve A allocations may be awarded to units eligible for a Reserve B allocation if no Reserve B allocations are available.

r. *Reserve "B" growth control allocation* means an allocation that is available for any unit that is not eligible for a Reserve A growth control allocation. Reserve B allocations may be awarded to units eligible for a Reserve A allocation if no Reserve A allocations are available.

s. *Reserve Allocation Agreement* means an agreement for growth control allocations that exceeds the available or maximum number of allocations available for a project in a single year or multiple year period. Reserve allocation agreements may be used for projects that are at least 150 units in size and involve the installation of infrastructure improvements that provide a service capacity beyond the service demands of the project or that provide a significant and distinct public benefit. A request for a reserve allocation agreement shall be submitted for review and consideration as part of the allocation application.

t. *Residential building permit issuance* means the point in time at which a permit is issued by the Building Department to build a new residential dwelling unit in accordance with the Uniform Building Code and other local ordinances, and for which all applicable fees have been received by the Town.

u. *Residential development application* means an application submitted by an applicant for any and all necessary land use entitlements and environmental review for projects proposing any residential dwelling units. An allocation application in accordance with this chapter is not a Residential Development Application.

v. *Residential dwelling unit* means one (1) or more habitable rooms which are occupied or which are intended or designed to be occupied as a residence, with facilities for sleeping, living, recreating, cooking, bathing, and dining. Hotel/motel, community care facilities and health facilities as defined in the State Health and Safety Code, and similar commercial uses shall not be considered residential dwelling units for purposes of this chapter.

w. *Accessory dwelling unit* means a residential dwelling unit which provides complete independent living facilities and includes permanent living facilities and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as another

dwelling is situated and which complies with the provisions of the Town's Second Dwelling Unit Ordinance.

x. *Unused allocation* means an allocation that was not applied for in the year it was allocated for.

y. *Urban growth boundary* means as shown on the General Plan Map.

z. *Very-low income unit* means units which are affordable to households whose combined income is less than fifty (50%) percent of the median income for Sonoma County as established by the Housing and Urban Development Department.

SECTION 9. Section 16-4-124 of the Code of the Town of Windsor entitled "Expiration, Timeframes/Revocation of Allocations." is hereby retitled and amended to read as follows:

16-4-124 - Release, Extension, Timeframes and Revocation of Allocations.

a. Expiration of Allocations.

   1. Reserved Allocations. Reserved growth control allocations that are not approved as part of an allocation agreement or other agreement approved by the Town Council shall automatically expire upon expiration of the related final discretionary approval or expiration of unused building permits issued for the project. Allocations reserved as part of an allocation agreement or other agreement approved by the Town Council will be considered expired pursuant to the terms of the approved agreement. Expired allocations shall automatically be banked for future award by the Town Council.

   2. Effect of Expiration. Affected projects shall be required to reapply for growth control allocations in the same manner as all other new projects

b. Release of Allocations. Reserved growth control allocations released due to the failure to submit a Residential Development Application within the time frames established by separate resolution of the Town Council as part of any merit process, or due to the denial of a Residential Development Application submitted within the merit process time frames, shall automatically be banked for future award by the Town Council.

c. Extension of Allocations. Reserved growth control allocations may be extended as provided by separate resolution of the Town Council.

d. Timeframes. By separate resolution, the Town Council may establish performance criteria and timeframes related to requesting, reserving, releasing and extending allocations. The resolutions may, among other things, contain criteria that specify the timing of application submittals.

e. Revocation. Reserved and released allocations may be revoked, and allocation extensions may be denied, based on criteria established by separate resolution of the Town Council.

SECTION 10. Section 16-4-125 of the Code of the Town of Windsor entitled "Exemptions and Waivers" is hereby retitled and amended to read as follows:

16-4-125 - Exemptions.

The following types of residential units are exempted or waived from certain provisions of this chapter as follows:

a. Exemptions. The following types of units shall not be required to obtain reserved growth control allocations.

   1. Accessory dwelling units.

   2. Lower Income Housing Units. New housing units affordable to households with very-low, low and moderate-incomes, provided that the units are deed-restricted to be kept affordable for a minimum period of 45 years for single-family/" fee simple" ownership units, or 55 years for multi-family rental units. The Town Council may, by resolution, establish a maximum number of moderate-income units to be exempted in any one year.

   3. Previously Approved Projects. Projects with an approved allocation agreement or other agreement executed prior to October 6, 2017. This exemption shall be valid for as long as the agreement is valid.

   4. Units in an Existing Subdivision. Residential units in subdivision projects with tentative map approval and/or recorded Parcel or Final Map approved prior to October 6, 2017. This exemption shall be valid for as long as the tentative map is valid.

   5. Single Unit. A single residential unit on a legal lot of record. Provided that no discretionary approval is required, and the unit is not included within an approved subdivision (tentative/final map), and there are no other residential units on the lot. This exemption includes a single caretaker/residential unit for a non-residential project.

   6. Replacement Units. Construction of a unit replacing a residential unit in existence on October 6, 2017.

   7. Group Quarters. Group homes, community care/health care facilities, homeless shelters and single-room occupancy units.

   8. Small Projects. Projects of four new residential units or less.

   9. Core Downtown Area Projects. Projects located in the area bound by the intersection of Windsor Road/Old Redwood Highway to the north, Old Redwood Highway to the east, Windsor River Road to the south, and Windsor Road to the west.

SECTION 11. Section 16-4-135 of the Code of the Town of Windsor entitled "Growth Control Allocations" is hereby amended to read as follows:

a. Allocations Required. All residential dwelling units must obtain growth control allocations prior to issuance of a building permit in accordance with this chapter, unless the units are exempt.

b. Annual Residential Growth Control Allocations. The Town Council shall establish, by resolution, the number of new growth control allocations available for reservation in a single year. The number of allocations shall be set based on maintaining an annual average growth rate of 1.5%. The resolution may set the number of new growth control allocations for a single year period or for a multiple year period. New annual residential growth control allocations shall be assigned to either the Reserve A or Reserve B allocation categories at the discretion

of Town Council. In setting the annual number of new allocations, the Town Council shall not exceed a maximum growth rate of two (2%) percent to three (3%) percent per year.

c. Allocation Application. A developer requesting growth control allocations shall submit an allocation application to the Town. The allocation application shall contain information and materials established by resolution of the Town Council.

d. Reserving Allocations.

1. Growth control allocations may be reserved through one of the following processes.

A. Merit Process. Applications for growth control allocations may be reviewed and reserved through a merit process. The merit process shall be established, if at all, by resolution of the Town Council setting forth the application and review process, criteria to be used in evaluating allocation applications, and such other policies and procedures as deemed appropriate by the Town Council, including waiver of certain types of development not otherwise exempted by this chapter. Except as otherwise set forth herein, the Town Council is not required to establish a merit process and any such merit process may be suspended or revoked by resolution of the Town Council.

B. Residential Development Application. Applications for growth control allocations may be submitted and reviewed concurrently with a residential development application and reserved as part of the final discretionary approval of the project.

C. Agreement. Applications for growth control allocations may be reserved through execution of an allocation agreement, development agreement, reserve allocation agreement or other agreement that is subject to Town Council approval.

2. Annual Phasing for Large Projects. A project which exceeds fifty (50) units shall be phased so that in any one (1) year period, the number of reserved growth control allocations and related future building permits issued shall not exceed fifty (50) units per project per year. The annual phasing and related allocations shall be reflected in the final discretionary approval of the project or in the agreement through which allocations are reserved.

3. Insufficient Allocations. If the number of requested allocations for a project exceeds the number available in the year requested, allocations may be requested from future years if a multiple year annual residential growth control allocation period has been established, or requested from banked allocations with the approval of Town Council. Projects requesting 50 or more allocations from future years or from banked allocations should be phased to maintain the targeted annual average growth rate of 1.5%.

e. Effect of Reserved Allocations. After obtaining reserved allocations, the applicant may apply for building permits to construct the project. The application for a building permit shall include evidence of compliance with this chapter, either through reserved allocations, exemption, or waiver. No building permit shall be issued for project construction unless the requirements of this chapter have been met.

f. Extension of Reserved Allocations. The Community Development Director may extend the validity of a reserved allocation for up to 180 days to allow for pending project building permits to be issued or for recordation of a final map.

g. Rollover of Unused Allocations During a Multiple Year Allocation Period. In a multiple year annual residential growth control allocation period, unused annual Reserve A allocations shall be automatically rolled over to the next year's allocations through the end of the multiple year allocation period. At the end of the multiple-year allocation period, the Town Council shall make a determination on whether to rollover some or all of the unused Reserve A allocations to future years, to bank the unused allocations or to expire the unused allocations. Unused annual Reserve B allocations shall be transferred to a "bank" at the end of each year within a multiple-year allocation period for future issuance by the Town Council.

h. Not a Property Right. The reservation or release of growth control allocations is not a property right, nor an entitlement. The terms "Allocation," "Growth Control Allocation," and "Reserved Growth Control Allocation" are associated with the administration of this chapter only. In the event that this chapter is amended or nullified, the above terms shall not be determined to convey any express property right or entitlement beyond the purposes of administering this chapter.

SECTION 12. Section 16-4-140 of the Code of the Town of Windsor entitled "Annual Review" is hereby retitled and amended to read as follows:

16-4-140 – Annual Review - Residential Growth Report.

No later than November 1st of each year, the Community Development Department shall prepare a report to include the following components:

a. Housing Production. Information regarding the status of housing production in the Town, including building permits for exempt units, the number of growth control allocations applied for and reserved, the number of expired growth control allocations, and the remaining developable acreage in the Town Limits and Urban Growth Boundary for accommodating the Town's Regional Housing Needs Allocation (RHNA).

b. Development Projects. Current status of all pending and approved residential development projects.

c. Annual Growth Rate. Annual growth rate based on the most recent data available from the California Department of Finance. If the Town's annual growth rate exceeds 2.5% for two consecutive years the Town Council shall consider establishment of a merit process or other measures to further control the rate of growth.

d. Recommendations. Recommendations regarding establishment of or modification to the number of annual allocations for the residential growth control allocation.

SECTION 13. A new Section 16-4-145 is hereby added to Chapter 4 of Title XVI of the Code of the Town of Windsor, entitled "Five Year Infrastructure and Services Report" to read as follows:

16-4-145 - Five Year Infrastructure and Services Report.

The Community Development Department shall prepare an Infrastructure and Services Report every five years to include the following components:

a. Infrastructure. The status of local infrastructure systems, specifying existing infrastructure, public facility, and service capacity, any approved expansions of capacity and related financing mechanisms, including but not limited to the following:

   1. Transportation System Levels of Service (LOS) at key intersections as identified in the General Plan;
   2. Parks - Status of existing, built, and planned;
   3. Police - Status of activity, staffing, and equipment;
   4. Fire Service - Status of activity, staffing, and equipment;
   5. Schools - Status of existing and proposed;
   6. Storm Drainage - Status of existing, built, and planned;
   7. Wastewater - Status of existing, built, and planned;
   8. Water - Status of existing, building, and planned.

   This section of the report shall identify an increment of development which can be adequately served by public infrastructure and services based on existing capacity and approved expansions as well as on environmental review, project approvals and identification of funding mechanisms.

b. Infrastructure Concurrency Finding. Based on the facts and evidence in and supporting the report, the Town Council shall review and determine whether infrastructure facilities and public services either have adequate capacity, or, needed facilities have been approved and financing mechanisms are in place to secure adequate capacity to accommodate the targeted annual average growth rate of 1.5%.

c. Fiscal Information. The report shall also include specific fiscal information regarding the expected financial condition of the Town and how it relates to being able to provide services to residential development.

d. Incentives. Recommendations regarding incentives or other programs for achieving General Plan goals, policies and objectives regarding housing in the community.

e. Recommendations. Recommendations regarding modifications of the growth control strategy to ensure timely and adequate provision of infrastructure and services; appropriate pacing of buildout of the Town's Urban Growth Boundary; and encouragement of General Plan Community Development and Housing goals which may not otherwise be provided.

SECTION 14. Severability.
If any part of this Ordinance or the application thereof to any person is held invalid, the remainder of the Ordinance and the application of such provisions to other persons shall not be affected thereby.

SECTION 15. Effective Date.
This Ordinance shall take effect and be in force 30 days following its adoption.

SECTION 16. Posting.
The Town Clerk shall cause this ordinance to be published and/or posted within 15 days after its adoption.

PASSED, APPROVED AND ADOPTED this 6th day of September 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

RESOLUTION NO. 3721-21

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR ESTABLISHING A FIVE-YEAR ANNUAL RESIDENTIAL GROWTH CONTROL ALLOCATION OF 143 RESERVE A UNITS AND 572 RESERVE B UNITS FOR CALENDAR YEARS 2022 THROUGH 2026

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 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 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 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, Section 16-4-145 of the Growth Control Ordinance requires that an Infrastructure and Services report be prepared every five years to include (1) the status of local infrastructure systems, specifying existing infrastructure, public facility, and service capacity, any approved expansions of capacity and related financing mechanisms, including for storm drainage, water and wastewater, transportation system levels of service, parks, police, fire service and schools, and (2) specific fiscal information regarding the expected financial condition of the Town and how it relates to being able to provide services to residential development; and

WHEREAS, A five-year Infrastructure and Services Report was prepared for 2022 through 2026 that demonstrates that, with the exception of additional services needed for both the Police

Department and Sonoma County Fire District over the five-year period, which will need to be addressed by the Town as new residential projects are approved, infrastructure and services can be provided for the anticipated new residential growth, and that the development impact fees collected for each residential project will mitigate the impacts of planned development and maintain an acceptable level of public services as Windsor grows; 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 January 2021 population of 27,855 and a persons-per-household population of 3.00 (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 715, as shown in the table below.

ANNUAL REDSIDENTIAL UNITS AT A 1.5% GROWTH RATE

YEAR:	2022	2023	2024	2025	2026	TOTAL
UNITS:	139	141	143	145	147	715

; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Windsor hereby establishes the following five-year annual residential growth control allocation for calendar years 2022 through 2026, with 20% (143 units) of the total available annual allocations assigned to the Reserve A allocation category, and 80% (572 units) assigned to Reserve B allocation category, as shown in the table below.

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

YEAR:	2022	2023	2024	2025	2026	TOTAL
Reserve A Units	28	28	29	29	29	143
Reserve B Units	111	113	114	116	118	572
TOTAL:	139	141	143	145	147	715

PASSED, APPROVED AND ADOPTED this 15th day of December 2021, by the following vote:

AYES:	**COUNCILMEMBERS FUDGE, REYNOZA, VICE MAYOR LEMUS AND MAYOR SALMON**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

SAM SALMON, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK