ORDINANCE NO. 2025-396

AN URGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR MAKING FINDINGS AND ESTABLISHING A TOWN-WIDE MORATORIUM ON AND PROHIBITING THE ISSUANCE OF PERMITS AND ENTITLEMENTS FOR THE ESTABLISHMENT, EXPANSION, OR RELOCATION OF PERSONAL STORAGE FACILITIES TO BECOME EFFECTIVE IMMEDIATELY

WHEREAS, the Town of Windsor ("Town") has an overriding interest in planning and regulating the use of property within the Town because without stable, well-planned districts, the quality of life and the character of the Town can deteriorate and suffer adverse social, environmental, and economic conditions; and

WHEREAS, the establishment of additional personal storage facilities according to the current provisions of the Town's Zoning Code may be inconsistent with the Town of Windsor's 2040 General Plan which has stated goals that include, and are not limited to, increasing the tax base and creating more local job opportunities through business attraction, retention, and expansion; providing a safe, efficient, and accessible bicycle and pedestrian system throughout Town; and, encouraging well-designed development that preserves and enhances Windsor's community character; and

WHEREAS, personal storage facilities typically lack architectural design details, result in very little pedestrian activity, employ very few people, generate little to no sales tax, and have the potential to adversely affect the quality of life and the character of the Town's community commercial and industrial districts; and

WHEREAS, the Town Council finds that the failure to limit the number of personal storage facilities would pose a current and immediate threat to the public health, safety, and welfare by adversely affecting the quality of life and the character of the Town's community commercial and industrial districts; and

WHEREAS, the Town's Zoning Code permits personal storage facilities in the Service Commercial district, with a Conditional Use Permit, and in the Light and Heavy Industrial Districts; and

WHEREAS, it is necessary to consider revising the Town's Zoning Code in regard to personal storage facilities in order to protect the quality of life and the character of the Town's community commercial and industrial districts; and

WHEREAS, the Town proposes adopting a moratorium on personal storage facilities to support achievement of the Town's long-term planning goals, protecting the Town's investments in its planning efforts, and avoidance of immediate threats to the public health, safety, and welfare; and

WHEREAS, the California Constitution, Article XI, section 7, provides cities with the authority to adopt and enforce ordinances to regulate the use of land within its jurisdictional

boundaries, to the extent such regulations are not in conflict with the general laws of the State of California; and

WHEREAS, Government Code section 65858 allows the Town to immediately protect and preserve the public peace, health, and welfare by prohibiting any uses that may be in conflict with a contemplated general plan, specific plan or zoning proposal that the legislative body, planning commission or planning department is considering; and

WHEREAS, adoption of this interim ordinance does not require review under the California Environmental Quality Act (Pub. Resources, Code, §§ 21000, *et seq.*, "CEQA") based on the following:

a. This ordinance is not a "project" within the meaning of Section 15378 of the State CEQA Guidelines, because adoption of a temporary moratorium has no potential for resulting in either a direct or indirect physical change in the environment.

b. This ordinance is categorically exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines as a regulatory action taken by the Town pursuant to its police power and in accordance with Government Code Section 65858 to assure maintenance and protection of the environment pending the evaluation and adoption of contemplated local legislation, regulation and policies.

NOW, THEREFORE, THE TOWN COUNCIL FOR THE TOWN OF WINDSOR ADOPTS AS AN INTERIM ORDINANCE UNDER THE PROVISIONS OF GOVERNMENT CODE SECTION 65858 AND ORDAINS AS FOLLOWS:

1. **Incorporation of Recitals.** The Town Council finds that the aforementioned recitals are all true and correct and are incorporated herein by reference.

2. **Definitions.** For the purpose of this Ordinance, the following terms shall be defined as follows:

A. A "personal storage facility" is a structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand, also referred to as "mini storage" or "self-storage."

3. **Moratorium Imposed on Personal Storage Facilities.**

A. Scope. In accordance with the authority granted the Town of Windsor under Article XI, Section 7 of the California Constitution and California Government Code Section 65858, from and after the date of this interim ordinance, no license, permit, or other entitlement for use, including but not limited to, the issuance of a business license, building permit, conditional use permit, or other land use approval, shall be approved or issued by the Town for the establishment, expansion, or relocation of personal storage facilities.

B. Exceptions. This moratorium shall not apply to the renewal of a business license for existing personal storage facilities in the Town provided the renewal seeks to maintain the business in its existing location and without physical expansion. This moratorium shall not be interpreted as affecting the use or operation of any those facilities for which a land use application was previously submitted and deemed complete.

4. **Authority; Urgency Statement**. This Ordinance is an interim ordinance, adopted as an urgency measure pursuant to Government Code section 65858 and is for the immediate and long-term preservation of the public peace, health, and welfare. The following facts constitute an urgency measure: The Town has recently begun the process of developing amendments to the zoning provisions contained in the Windsor Zoning Code to protect public peace, health, and welfare within the community commercial and industrial districts of the Town by restricting personal storage facilities. Accordingly, there is a current and immediate threat to the public health, safety, or welfare related to land uses that involve personal storage facilities. In order to maintain comprehensive and sound land use planning, the Town seeks to study possible amendments to the zoning provisions of its municipal codes, use permit requirements, and other land use entitlement requirements for personal storage facilities. Allowing new personal storage facilities before the Town has had an opportunity to update its regulations could lead to conflicts amongst various land uses and conflicts with the Town's long-term planning goals.

5. **New Personal Storage Facilities Declared Public Nuisance.** Personal storage facilities established within the Town limits of the Town of Windsor, during the duration of this moratorium or any extension thereof, shall be declared to be a public nuisance. Violations of this interim ordinance may be enforced by any applicable laws or ordinances, including but not limited to injunctions, or administrative or criminal penalties under the Windsor Municipal Code.

6. **Compliance with California Environmental Quality Act (CEQA).** This Ordinance is not a "project" within the meaning of section 15378 of the State CEQA Guidelines, because it has no potential for resulting in a direct or reasonably foreseeable indirect physical change in the environment. It temporarily prevents certain physical changes in the environment pending study and potential adoption of zoning amendments or policies regulating personal storage facilities. Furthermore, this interim ordinance is categorically exempt from CEQA under CEQA Guidelines section 15308 because it is a regulatory action taken by the Town, in accordance with Government Code section 65858, to assure maintenance and protection of the environment pending consideration of amendments to the Town's municipal codes, including its Zoning Code.

7. **Severability.** If any provision of this interim ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this interim ordinance are severable. The Town Council 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.

8. **Effective Date.** This Ordinance shall become effective immediately upon adoption, if adopted by at least four-fifths vote of the Town Council. It shall be in effect for forty-five (45) days from and after the date of adoption, unless extended by the Town Council as provided for in Government Code section 65858.

PASSED, APPROVED AND ADOPTED this 18th day of June 2025, by the following vote:

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

ROSA REYNOZA, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK