

ORDINANCE NO. 2013-278

**AN ORDINANCE OF THE TOWN OF WINDSOR TOWN COUNCIL
ESTABLISHING AN AUTOMATIC TWO YEAR EXTENSION
FOR PLANNING ENTITLEMENTS (USE PERMIT AND DESIGN REVIEW)
THAT WERE APPROVED PRIOR TO AUGUST 1, 2010, HAVE NOT EXPIRED,
AND HAVE OBTAINED ALL EXTENSIONS OF TIME AS PROVIDED FOR UNDER
THE TOWN OF WINDSOR ZONING ORDINANCE**

**THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES ORDAIN AS
FOLLOWS:**

SECTION 1. The Town of Windsor Town Council finds as follows:

- A. The Town's Zoning Ordinance, Chapter 27.44.050, provides requirements for Time Limits and Extensions for Planning entitlements.
- B. The Town of Windsor ("Town") has experienced a slow- down in residential and commercial construction due to the current state of the economy, which has hindered the development of Town approved projects and related job creation and revenue benefits.
- C. The decline in real estate values under current economic conditions has significantly constrained the credit market, making it difficult for business owners and land developers to secure financing for entitled projects.
- D. The current economic downturn, housing market declines, and difficulty of obtaining loans has resulted in construction projects being stalled, despite having completed the planning approval process, which often include substantial costs and time.
- E. The State of California's response to the current economic downturn has been to grant automatic extensions for tentative maps, as implemented in the enactment on July 15, 2008, of SB 1185, granting an automatic one-year extension for all Tentative Maps in the State; the enactment on July 15, 2009, of AB 333, granting an automatic two-year extension for all Tentative Maps in the State; and the enactment on July 13, 2011 of AB 333, granting an automatic two-year extension for all Tentative Maps in the State.
- F. The State of California's automatic time extensions did not extend to other administrative or discretionary zoning permits issued by the Town (i.e. Design Review, Use Permit).
- G. There is one remaining project that received such administrative or discretionary zoning permits (Design Review, Use Permit) from the Town that did not have a Tentative Map associated with the development and that has exercised the allowed number of extensions identified in the Town's Zoning Ordinance.

- H. The affected project, Sanderson Ford, received an Initial Study pursuant to the California Environmental Quality Act (“CEQA”) and received approvals which included adoption of a Mitigated Negative Declaration containing mitigation measures and conditions of approval. No new impacts have been identified with an extension of the project’s Planning entitlements beyond those included within the original project approvals. Adoption of this Ordinance will not have a significant effect on the environment and therefore no further environmental review is required for adoption, pursuant to CEQA Guidelines section 15061(b)(3).
- I. A duly noticed public hearing on the proposed automatic extension was held by the Town Council on February 20, 2013.
- J. Staff prepared an Agenda Report dated February 20, 2013 on the matter. The Town Council considered the Agenda Report and all comments received in writing and all testimony received at the public hearing.
- K. The proposed automatic two-year extension is consistent with the objectives, policies, general land uses and programs specified in the General Plan;
- L. The proposed automatic two-year extension is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property for the project is located.
- M. The proposed automatic two-year extension is in conformity with and is not detrimental to the public convenience, health, safety and general welfare or good land use practice.
- N. The proposed automatic two-year extension will not adversely affect the orderly development of property or the preservation of property values.
- O. The proposed automatic two-year extension is consistent with the Town’s Ordinances and policies supporting infill development, mixed-use development, and economic development.

SECTION 2. **APPROVAL**

The Town Council of the Town of Windsor hereby approves an automatic two- year extension of Planning entitlements (Use Permit/Design Review) that were approved and had not expired as of August 1, 2010, for projects that have obtained all extensions of time that are permitted under the Town of Windsor Zoning Ordinance, Section 27.44.050.

SECTION 3. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days following its adoption by the Town Council. Before the expiration of fifteen (15) days following its passage, the Town Clerk shall cause this Ordinance or a summary thereof to be published or to be posted in at least three (3) public places in Town in accordance with Section 36933 of the Government Code of the State of California.

SECTION 4. SEVERABILITY

If any section, subsection, sentence, clause, phrase or word in this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

PASSED, APPROVED AND ADOPTED this 6th day of March 2013, by the following vote:

**AYES: COUNCILMEMBERS FUDGE, OKREPKE, SALMON AND
 MAYOR GOBLE**
NOES: NONE
ABSTAIN: NONE
ABSENT: COUNCILMEMBER ALLEN



ROBIN GOBLE, MAYOR

ATTEST:




MARIA DE LA O, TOWN CLERK