

ORDINANCE NO. 2015-289

**AN URGENCY 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. Beginning around 2005-06, the Town of Windsor ("Town") experienced a slow-down in residential and non-residential construction due to the state of the economy, which hindered the development of Town approved projects and related job creation and revenue benefits.
- C. The decline in real estate values under these economic conditions significantly constrained the credit market, making it difficult for business owners and land developers to secure financing for entitled projects.
- D. The economic downturn, housing market declines, and difficulty of obtaining loans 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 prolonged economic downturn was to grant automatic extensions of time for tentative maps, as implemented in the enactment of SB 1185 in 2008, AB333 in 2009, AB333 in 2011, and AB116 in 2013.
- 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. The Town of Windsor experienced a dramatic decline in development activity around 2005-06, which continued a downward trend through 2010-11. In 2011-12 the Town started to see a very slow upturn as the economy started to come out of the recession; however, this was followed by another downturn in Town fees collected in 2013-14 indicating that economic conditions have not yet stabilized.
- H. The Town of Windsor is starting to see an increase in development activity for projects with entitlements from the 2009-2011 timeframe, with the current construction of the Bell Village Commercial site and the Holiday Inn on Old Redwood Hwy.

- I. With the recent construction activity, the Town is experiencing an increase in development activity but still has a significant ways to go to reach the pre-recession trends of the early 2000's.
- J. The Sanderson Ford project includes construction of needed and substantial infrastructure improvements including off-site utility extensions, which would be beneficial to future development in the north end of Windsor.
- K. The Sanderson Ford project provides the Town with economic benefits including job creation (construction, sales, service, and maintenance staff) and the generation of sales tax revenues from the sale of vehicles.
- L. The Town Council certified an Environmental Impact Report (EIR) when the project was originally approved. There are no changes to the project analyzed in the EIR and all adopted mitigation measures continue to apply to construction and operation of the project. The extension ordinance would result in no new or more significant impacts than originally identified for the project. Under these circumstances, it can be seen with certainty that there is no possibility the extension ordinance will have a significant impact on the environment and no further environmental review is required pursuant to CEQA Guidelines section 15061(b)(3).
- M. A duly noticed public hearing on the proposed automatic extension was held by the Town Council on March 18, 2015.
- N. Staff prepared an Agenda Report dated March 18, 2015 on the matter. The Town Council considered the Agenda Report and all comments received in writing and all testimony received at the public hearing.
- O. The proposed automatic two-year extension is consistent with the objectives, policies, general land uses and programs specified in the General Plan;
- P. The proposed automatic two-year extension is compatible with the uses authorized in, and the regulations prescribed for, the land use designation in the General Plan and the zoning district in which the real property for the project is located.
- Q. 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.
- R. The proposed automatic two-year extension will not adversely affect the orderly development of property or the preservation of property values.
- S. The proposed automatic two-year extension is consistent with the Town's ordinances and policies supporting infill development, commercial development, and economic development.
- T. The automatic two-year extension is proposed as an urgency ordinance under Government Code section 36937 for the immediate preservation of the public peace, health or safety. If the project approvals are allowed to expire, the Town will lose an important opportunity for improving economic conditions as well as the opportunity for installation of urgently needed improvements.

The Town generally relies on private development to fund and construct improvements in the development area that are not served or are under served. If construction of the infrastructure was publicly funded it would be a financial burden on the Town and taxpayers.

U. This ordinance is adopted pursuant to the Town's police power under Article XI, section 7 of the California Constitution.

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 immediately upon adoption if adopted by at least four-fifths votes of the Town Council and shall be in effect until March 18, 2017 unless extended by the Town Council as provided for in the Government Code.

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 18th day of March 2015, by the following vote:

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



BRUCE OKREPKIE, MAYOR

ATTEST:


MARIA DE LA O, TOWN CLERK