

**RESOLUTION NO. 3204-15**

**A RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF WINDSOR  
RESCINDING RESOLUTION NO. 2966-12  
AND ADOPTING A REVISED MERIT PROCESS FOR CONSIDERATION  
OF ALLOCATION APPLICATIONS  
IN CONJUNCTION WITH THE TOWN'S GROWTH CONTROL ORDINANCE**

**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 establishes the Merit Process as the means of implementing the allocation requirement; and

**WHEREAS**, the Growth Control Ordinance contains provisions for residential units that may be exempted or waived from the allocations requirement based on certain criteria and procedures; and

**WHEREAS**, the Town Council has adopted resolutions from time to time to define the scope and requirements of the Merit Process in order to clarify the Council's intent and provide guidance to both staff and prospective applicants; and

**WHEREAS**, the current Merit Process includes review of proposed projects by the Planning Commission and a recommendation to the Town Council; and

**WHEREAS**, at the General Plan Update Joint Study Session held April 21, 2015, the Town Council expressed an interest in modifying the Merit Presentation portion of the Merit Process.

**NOW, THEREFORE BE IT RESOLVED** that the Town Council rescinds Resolution No. 2966-12.

**BE IT FURTHER RESOLVED that** the Town Council establishes the following policies and procedures with regard to the Merit Process:

1. **Establishment of Review Criteria.** In May-June, the Town Council will review the criteria to be used in evaluating proposals and establish a deadline for staff to accept new applications. Applicants who have expressed interest to the Community Development Department will be notified of these determinations.

2. **Merit Process.** In July-August, before the established deadline, staff will meet with potential applicants to review the submittal requirements and answer any questions. Staff will accept submittal of the Allocation Application and Materials for review through the deadline established by the Council.
  
3. **Allocation Applications and Materials.** Applicants participating in the Merit Process shall submit one (1) set of each of the following materials for the application process:
  - a. An Allocation Application, Applicant Questionnaire, and proposal statement of up to two pages (8 ½" x 11") of text describing in detail the potential future project. An Area Context Map/Opportunities and Constraints map (11"x 17") that shows the existing site characteristics and the surrounding area.
  - b. A Site Constraints Analysis Plan (11" x 17") that includes any known site constraints such as biological constraints, creeks, wetlands, protected species, protected plants, protected trees, and physical constraints or requirements such as stub streets, road connections, required setbacks, proximity to rail corridor, freeway on- and off-ramps, and/or similar features.
  - c. A Conceptual Site Plan (11"x 17") that shows developable areas, location of parking, parks, site circulation, and similar components. An example could be depicted in a simple line drawing cross-section including the building. The plan should not include specific building footprints nor design elements but rather identify developable areas. Note: The Merit Process is not design review. Therefore, architecture, design, and color renderings of the proposed project shall not be accepted or reviewed as part of the application materials.
  - d. Caveat: New materials will not be accepted after the final submittal date. Applicants who fail to submit all required information and materials by the stated deadline will not be allowed to participate in the Merit Process
  
4. **Joint Town Council/Planning Commission Workshop and Commission Recommendation.** The Town Council and Planning Commission will conduct a workshop at a Planning Commission meeting to discuss the applications. The workshop will be a public hearing in September-October for purposes of reviewing and discussing the applications. At the end of the workshop the Commission meeting will reconvene and the Planning Commission will make a recommendation for future Town Council consideration. The applicants or agents of the proposed applications are strongly encouraged to attend the meeting to answer questions or provide comments.
  
5. **Reservation of Allocations.** During its Annual Review of the Growth Control Ordinance, the Council will review and consider the recommendation of the Planning Commission and may reserve allocations to one or more of the projects for reservation of allocation in the subsequent calendar year (or years). The Council may adopt a resolution reserving allocations for the next calendar year(s). The applicant shall enter into an Allocation Agreement (or other mechanism approved by the Town Council) that identifies the key components of the project and allocations reserved by Council resolution, prior to submittal of a Residential Development Application.

6. **Subsequent Project Review.** Upon reservation of allocations, and execution of an agreement, the applicant shall submit a Residential Development Application to the Planning Department for processing of the project entitlements, in accordance with the Zoning Ordinance/and or Subdivision Ordinance. A Residential Development Applications shall be submitted within three (3) months of the date of reservation of allocations. If an applicant fails to submit a Residential Development Application within the required time frame, the reserved allocations will expire. However, an applicant may submit a written request to the Planning Director requesting an extension of time from the Town Council to file a Residential Development Application. The request shall be submitted before the reserved allocations expire, and shall include a specified extension of time and the reasons for the request. The Town Council may approve or deny the request. If the Town Council denies an extension, the reserved allocations will be considered null and void.
  
7. **Project Revision during Review.** When a potential future project receives a reservation of allocation, the Council is reserving a set number of allocations related to a general project description, with the key components of the project being established. Allocation reservations are reserved based on the general components of a project (i.e. 20 units mixed-use on the project frontage, 15 units of detached residential, etc.). The actual design, architecture, circulation, and other elements of the project will be determined through the discretionary land use application and review process as provided for in the Town's Zoning Ordinance and/or Subdivision Ordinance. Infrastructure improvements, right-of-way, and other design criteria may affect the actual layout and design of the project. Street alignment and access may be modified during the project review process.  
  
If a potential future project is significantly changed during the review process, it may need to be referred back to the Town Council for review and possible direction or revocation of reserved allocations, prior to proceeding. Significant changes may include but are not limited to:
  - a. A 25% reduction in the overall residential units of a project.
  - b. A 20% reduction in the affordable residential units of a project.
  - c. The loss or substantial alteration of a key merit component of the project.
  
8. **Project Performance After Entitlement.** Reserved allocations for approved projects are valid during the life of the entitlement, including any valid extensions of time consistent with the Town's Zoning Ordinance and/or the Subdivision Map Act.

**BE IT FURTHER RESOLVED** that reservation of allocations is not a commitment of the Town Council to a particular design. The application must comply with all required public dedications and improvements as well as all applicable design standards, zoning code, and Subdivision Ordinance requirements including but not limited to coverage, density, parking, open space, landscaping, and tree preservation.

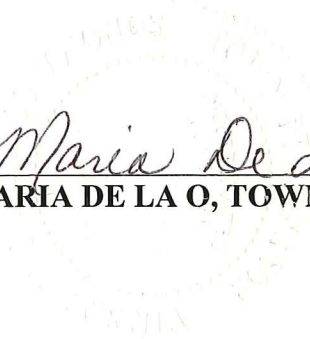
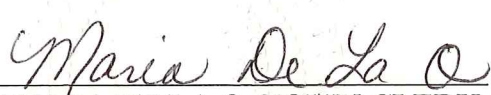
**BE IT FURTHER RESOLVED** that participation in the Merit Process is required to reserve allocations, with the exception of exemptions or waivers identified in the Growth Control Ordinance. A Residential Development Application submitted without prior allocation reservations will be deemed “incomplete”, pending the applicant obtaining allocation reservations in accordance with the Growth Control Ordinance.

**PASSED, APPROVED AND ADOPTED this 3rd day of June, 2015, by the following vote:**

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

  
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**MARK MILLAN, VICE MAYOR**

**ATTEST:**

  
  
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**MARIA DE LA O, TOWN CLERK**