

RESOLUTION NO. 3362-17

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
RESCINDING RESOLUTION 3204-15 (MERIT PROCESS), DIRECTING
AMENDMENT OF THE TOWN'S GROWTH CONTROL ORDINANCE, AND
ADOPTING AN INTERIM MERIT PROCESS**

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 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, 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; and

WHEREAS, the Town Council adopted Resolution 3204-15 on June 3, 2015, modifying the Merit Process to improve its efficiency; 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 has 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.

NOW, THEREFORE BE IT RESOLVED that the Town Council hereby rescinds Resolution No. 3204-15; and

BE IT FURTHER RESOLVED that the Town Council directs staff to prepare appropriate amendments to the Town's 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

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

1. **Applications.** Entitlement applications for new residential development may be submitted for review and approval in accordance with adopted procedures and requirements at any time of the year without restriction.
2. **Establishment of Merit Criteria.** The following criteria shall be used by staff in evaluating and formulating a recommendation on whether the entitlement application for the project should be approved:
 - A. The project is a well-designed high-quality project that meets or exceeds adopted goals, policies, development and design standards pertaining to land use, community design, public facilities and services, and environmental resources;
 - B. The project's proposed density;
 - C. The project's contribution to advancing the Town's goals and policies related to mixed-use or infill development and whether it is located in a priority area;
 - D. The project's contribution to advancing the Town's goals and policies related to creating a more walkable and bikeable community;
 - E. The project's sustainable design features;
 - F. Whether the project is located in an area that requires hazardous mitigation; and
 - G. The number of units meeting the Town's existing Regional Housing Needs Allocation (RHNA) targets.
3. **Merit Process.** During the review and amendment process of the Town's Growth Control Ordinance, entitlement applications for new residential development projects shall be reviewed and acted upon in accordance with the Town's adopted procedures and requirements. Prior to taking action on the entitlement application, the decision-making authority shall consider the project's consistency with the Merit Criteria established by this resolution.
4. **Allocation Applications and Materials.** Applicants shall submit plans, narrative and other application materials determined by staff to be needed to review and evaluate the proposed project and to make a recommendation to the decision-making authority on whether the entitlement application should be approved. As part of the entitlement application, the applicant shall submit an Allocation Application Form identifying the number of allocations being requested for the project.
5. **Town Council/Planning Commission Review.** Entitlement applications shall be reviewed and acted upon by the appropriate decision-making authority as specified in the Town of Windsor Zoning Ordinance and the Town of Windsor Municipal Code in accordance with adopted review procedures. As part of the entitlement review process,

the decision-making authority shall consider project conformance with the Merit Criteria established by this resolution and identify the number of allocations to be reserved for the project as part of their action on the entitlement application.

6. **Reservation of Allocations.** Town staff shall track the number of requested and reserved (approved) allocations until review and amendment of the Growth Control Ordinance is completed and will assign allocations once amended provisions of the Growth Control Ordinance and any companion resolution establishing procedures for reserving Growth Control allocations are adopted. It is anticipated that approximately 140 allocations will be made available for the 2017 calendar year.

7. **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; and

BE IT FURTHER RESOLVED that participation in the interim Merit Process during review and amendment of the Growth Control Ordinance is required to reserve allocations, with the exception of exemptions or waivers identified in the current Growth Control Ordinance.

PASSED, APPROVED AND ADOPTED this 19th day of April 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