

RESOLUTION NO. 3541-19

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
AUTHORIZING THE TOWN MANAGER TO EXECUTE A FEE DEFERRAL
AGREEMENT FOR DUNCAN VILLAGE TO DEFER PAYMENT OF IMPACT AND
CAPACITY FEES UNTIL A CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED**

WHEREAS, Policy 1.6 under Goal H-1 in the Housing Element of the Town’s General Plan requires the provision of very-low, low- and moderate-income housing as part of new residential development projects and allows for this requirement to be satisfied through payment of an in-lieu fee; and

WHEREAS, the Town has adopted an Inclusionary Housing Ordinance that includes payment of an in-lieu fee as an option for satisfying the Town’s inclusionary housing requirements; and

WHEREAS, on June 15, 2016, the Town Council adopted Resolution No. 3297-16 which establishes guiding principles for use and disbursement of the Town’s Inclusionary Housing Funds; and

WHEREAS, on March 23, 2017, the Town issued and distributed a “Notice of Funding Availability” (NOFA) to over 80 individuals/organizations in the North Bay area announcing the availability of up to \$1,127,000 dollars in Inclusionary Housing Funds for construction of affordable housing units within the Town of Windsor; and

WHEREAS, two applications for funding in response to the NOFA were received by the Town, including an application from Habitat for Humanity of Sonoma County (Developer); and

WHEREAS, the Town of Windsor Town Council held a noticed public meeting on August 16, 2017 to consider the merits of the two applications and adopted Resolution No. 3396-17 authorizing the Town Manager to execute an agreement awarding up to \$556,000 in Inclusionary Housing Funds to Habitat for Humanity of Sonoma County to construct 16 “self-help” single-family homes affordable to households earning between 50 and 80 percent of the area median income on property located at 484 Wall Street, APN 066-081-092; and

WHEREAS, on November 27, 2018, the Planning Commission found the project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Infill Development Projects, and approved a Use Permit for a Density Bonus, 16-Lot Tentative Subdivision Map, Site Plan and Design Review, and Incentives for Affordable Housing Projects for the Duncan Village Project. (Resolution No. 655-18); and

WHEREAS, the Developer has requested to defer the payment of impact fees and capacity fees (Impact Fees) to the issuance of the first certificate of occupancy; and

WHEREAS, the estimated amount of Impact Fees to be deferred is \$734,352; and

WHEREAS, the Developer anticipates that a certificate of occupancy will be issues by December of 2020; and

WHEREAS, the Town Council held a public meeting on August 21, 2019 to consider the Developer’s request to defer the payment of development Impact Fees to the issuance of the first certificate of occupancy, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, staff has negotiated a fee deferral agreement (Agreement) substantially in the form on file with the Town Clerk; and

WHEREAS, the deferral of development Impact Fees to the issuance of the first certificate of occupancy is part of the larger Duncan Village that the Planning Commission found exempt from the CEQA pursuant to CEQA Guidelines Section 15332 on November 27, 2018; therefore, no further environmental review is required.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Windsor that:

Section 1. The above recitals are true and incorporated into this Resolution.

Section 2. The Town Manager is hereby authorized to execute the Agreement, with such changes as are approved by the Town Attorney, and to execute all documents and take all actions necessary to carry out the intent of this Resolution.

PASSED, APPROVED AND ADOPTED this 21st day of August 2019, by the following vote:

AYES:	COUNCILMEMBERS LEMUS, OKREPKE, SALMON, VICE MAYOR FUDGE AND MAYOR FOPPOLI
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE


DOMINIC FOPPOLI, MAYOR

ATTEST:


MARIA DE LA O, TOWN CLERK

