

BSC

RESOLUTION NO. 2171-07

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF WINDSOR
ESTABLISHING CRITERIA AND PROCEDURES
FOR WAIVERS UNDER THE GROWTH CONTROL ORDINANCE
FOR PROJECTS OF FOUR NEW RESIDENTIAL UNITS OR LESS**

WHEREAS, the Town of Windsor General Plan (2015), Community Development Implementation Program B10 states that the Town shall prepare and adopt a Growth Control Ordinance; and

WHEREAS, the Town Council adopted the original Growth Control Ordinance in October 1997; and

WHEREAS, the General Plan encourages development within the Town limits (in-fill development); and

WHEREAS, on November 7, 2007, the Town Council conducted a comprehensive review of the Growth Control Ordinance and adopted a revised Growth Control Ordinance, which includes provisions for waivers for residential units and provided the Council a way to establish performance criteria and procedures for waivers for projects of Four New Residential Units or Less; and

WHEREAS, the purpose of the waiver for small project development of four new residential units or less is to encourage in-fill development; and

WHEREAS, additionally the purpose of these waivers is to provide property owners the ability to develop property but to limit the waiver so that neither successive small project development of a larger parcel nor any single applicant receives the benefit of all or most of the allocation waivers under the Growth Control Ordinance; and

WHEREAS, waivers for projects of Four New Residential Units or Less shall be secured through the Residential Development Application process, subject to availability of waivers and compliance with the criteria and procedures established below; and

WHEREAS, this resolution supersedes all previous resolutions establishing criteria and procedures for processing waivers to the Growth Control Ordinance for small new residential projects.

WHEREAS, terms appearing in this resolution are as defined in the Growth Control Ordinance.

NOW THEREFORE, BE IT RESOLVED that the Town Council establishes the number of waivers for Four New Residential Units or Less in an amount not to exceed a cumulative total of 12 units in any 1 year.

BE IT FURTHER RESOLVED that the Town of Windsor Town Council hereby establishes the following criteria to determine eligibility of a project for waiver for Projects of Four New Residential Units or Less of the Town's Growth Control Ordinance. The review authority for Residential Development Applications, (hereinafter "Project") shall grant or deny the waivers requested based on criteria below. To be eligible for allocation waivers the project must meet all applicable criteria:

1. **General Requirements:**
 - a. Project shall be consistent with the General Plan land use category.
 - b. Project shall meet the mid-point density range, barring environmental and/or physical property constraints. Subdividers/Developers may not avoid the applicability of allocation requirements by successive small project subdivision/development of a larger parcel.
 - c. Projects applying for a waiver shall be within the Town boundary at the time the project application is filed.
 - d. Where a subdivision map is required for the project, eligibility for waiver is for minor subdivision only (4 lots or less). Major subdivisions of five lots or more are not eligible for waivers.
 - e. Remainder lots are generally discouraged. In the event that a remainder lot is part of the project, for the purpose of determining whether the waiver applies, designated remainder lots on a tentative map, final map, or parcel map shall count as one unit.
 - f. Existing residential units within the development/subdivision do not require waivers.
2. **Easements/Right-of-Way:** Project shall demonstrate that any off-site easements and/or right-of-way required to complete the project have been secured.
3. **Applicant Eligibility for Waivers:**
 - a. Applicant/property owner shall be eligible for waivers for one project only, in any one year.
 - b. Applicants/property owners that receive a waiver in connection with approval of a project entitlement and who have not exercised the entitlement (record map, obtain building permit, etc.) are not eligible for additional waivers..
4. **Application Process:** To be eligible for a waiver:
 - a. The applicant shall file a Residential Development Application with the Town of Windsor Planning Department. In addition, to all other information and submittals required for a Residential Development Application, the application shall include a written request, requesting a waiver, and include a statement that shows how the project meets all of the criteria required to be eligible for a waiver.
 - b. Applications shall be received by 8:00 am on the first working day of the calendar year that waivers are available.
5. **Reservation, Approval of Waivers:**
 - a. Available waivers shall be reserved on a first come-first served basis for project applications received as specified above until the supply of available waivers is exhausted, except under circumstances in subsection b. below.

- b. If the number of waivers/units requested by 8:00 am exceeds the number of available Four New Residential Unit waivers established by the Town Council, a lottery for the waivers will be held to determine which project applications will receive the available waivers.
- c. Eligibility for waivers shall be determined by the decision maker in connection with approval of the project.
- d. Eligibility for waivers does not imply or ensure that the project application will be approved by the Town.
- e. Approval of the project shall also constitute approval of waivers reserved under subsections a. or b. above for which the project is eligible pursuant to the criteria in this resolution.
- f. Waivers are approved for the approved project only, and may not be transferred to any other application/project.

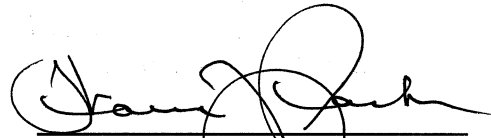
PASSED, APPROVED, AND ADOPTED this 7th day of November, 2007 by the following vote:

**AYES: COUNCILMEMBERS ALLEN, FUDGE, GOBLE, SALMON AND
MAYOR PARKER**

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE


WARIN J. PARKER, MAYOR

ATTEST:


MARIA DE LA O, TOWN CLERK