

**ORDINANCE NO. 2010-266**

**AN 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. There are projects that have received Planning entitlements consistent with the Town's codes and Ordinances that do not have a Tentative Map associated with the development (i.e. Use Permit, Design Review) and have exercised the allowed number of extensions identified in the Town's Zoning Ordinance.
- C. The Town Councils finds that the Town of Windsor has experienced a slow down in residential and commercial construction due to the current state of the economy, which is hindering the development of Town approved projects and related job creation and revenue benefits.
- D. The decline in real estate values under current economic conditions has significantly constrained the credit market, making it difficult for business owners and land developers to secure financing for entitled projects.
- E. The current economic downturn, housing market declines, and difficulty of obtaining loans has resulted in construction projects being stalled, despite having completed the planning approval process, which often include substantial costs and time.
- F. The State of California's response to the current economic downturn has been to grant automatic extensions for tentative maps.
- G. On July 15, 2008, the State of California adopted SB 1185, which granted an automatic one year extension for all Tentative Maps in the State.
- H. On July 15, 2009, the State of California adopted AB 333, which granted an automatic two year extension for all Tentative Maps in the State.

- I. The State of California's automatic time extensions do not extend to other administrative or discretionary zoning permits issued by the Town (i.e. Design Review, Use Permit).
- J. The affected projects have complied with CEQA. They completed an Initial Study and received approvals which included adoption of environmental documents (i.e. Negative Declaration, Mitigated Negative Declaration), including mitigation measures, and conditions of approval, as appropriate. No new impacts are identified with the currently proposed extension beyond those already included within the original project approvals. No additional CEQA review is required for this ordinance under the general exemption in CEQA Guidelines section 15061(b)(3).
- K. A duly noticed public hearing on the proposed automatic extension was held by the Town Council on August 18, 2010.
- L. Staff prepared an Agenda Report dated August 18, 2010 on the matter. The Town Council considered the Agenda Report and all comments received in writing and all testimony received at the public hearing.
- M. The proposed automatic two-year extension is consistent with the objectives, policies, general land uses and programs specified in the General Plan;
- N. The proposed automatic two-year extension is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.
- O. The proposed automatic two-year extension is in conformity with the public convenience, general welfare and good land use practice;
- P. The proposed automatic two-year extension will not be detrimental to the health, safety and general welfare;
- Q. The proposed automatic two-year extension will not adversely affect the orderly development of property or the preservation of property values.
- R. The Town of Windsor's Ordinances and policies support infill development, mixed-use development, and economic development. The projects impacted reflect the current economy.

**SECTION 2.            APPROVAL**

The Town Council of the Town of Windsor hereby approves an automatic two year extension to Planning entitlements (Use Permit/Design Review, which were approved and have not expired as of August 1, 2010 and 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 thirty (30) days following its adoption by the Town Council. The Town Clerk shall cause this Ordinance to be published or to be posted in at least three (3) public places in Town in accordance with Section 36933 of the Government Code of the State of California.

**PASSED, APPROVED AND ADOPTED this 1<sup>st</sup> day of September 2010, by the following vote:**

**AYES:            COUNCILMEMBERS ALLEN, FUDGE, GOBLE, SCHOLAR  
                         AND MAYOR SALMON**  
**NOES:            NONE**  
**ABSTAIN:        NONE**  
**ABSENT:         NONE**

  
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**SAM SALMON, MAYOR**

**ATTEST:**

  
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**MARIA DE LA O, TOWN CLERK**