RESOLUTION NO. 3964-24

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR UPHOLDING THE APPEALS AND REMANDING THE PROJECT BACK TO THE PLANNING COMMISSION TO RECONSIDER TRAFFIC IMPACTS WITHOUT THE ASSUMPTION OF A SCHOOL NORTH OF ARATA, CONSIDER REPORTS REQUIRED BY GENERAL PLAN POLICY PFS-10.3, AND CONSIDER INFORMATION RELATED TO POTENTIAL SCHOOL SITES AVAILABILITY AND FEASIBILITY
APNS 161-020-053, -058, AND -060
(FILE NO. 20-08C APL)

WHEREAS, the Town of Windsor Community Development Department received an application from Ben VanZutphen of Willow Glen Homes requesting approval: 1) to subdivide three parcels totaling 59.02 acres identified as APNs 161-020-053, -058, and -060 (0, 259, and 325 Arata Lane) into 301 residential lots, a 3.12-acre community park (Parcel A), 4.99-acre linear park (Parcels B and C), a 0.29-acre community plaza (Parcel D), an 0.23-acre oak tree preserve (Parcel F), a 0.55 acre parcel reserved for future development (Parcel E); 2) of affordable housing waivers; and 3) of growth control allocations. Lots range in size from 2,000 to 11,251 square feet. The Project also includes the construction of Los Amigos Road within Town right-of-way. ("Project"). General Plan: Very Low Density Residential 3.0 to 6.0 du/ac (VLDR); Low Density Residential 5.0 to 8.0 du/ac (LDR); Medium Density Residential 8.0 to 16.0 du/ac (MDR); and Neighborhood Center Mixed-Use 8.0 to 16.0 du/ac (NCMU). Zoning: Surrounding Residential 3.0 to 6.0 du/ac (SR); Village Residential 5.0 to 8.0 du/ac (VR); Medium Density Residential 8.0 to 16.0 du/ac (MDR); and Neighborhood Center Commercial (NCC); and

WHEREAS, on February 6, 2020, a preliminary review application was submitted requesting staff and Planning Commission review of conceptual plans for the Project that included a 240-lot subdivision (216 market rate homes and 24 affordable homes), a 12-acre school site, which included a 3-acre multi-use park, linear park in the agricultural buffer, community plaza and construction of Los Amigos Road from Arata Lane to northern boundary of the project frontage; and

WHEREAS, on April 28, 2020, the Planning Commission reviewed the conceptual plans for the Project at a noticed public meeting and provided comments to the applicant and Town staff; and

WHEREAS, on October 19, 2021, a formal application was submitted that included two development options for the site, one option that would subdivide the site into 303 residential lots (273 market rate homes and 30 affordable homes) and one option that would develop the site into 238 residential lots (214 market rate homes and 24 affordable homes) and a nine- (9) acre school site or vacant land. Both options included a community park, linear neighborhood park, community plaza, and the extension of Los Amigos Road to Town limits and requested approval of tentative subdivision map, use permit, and site plan and design review application; and

WHEREAS, on August 11, 2022, an SB330 Preliminary Application was submitted that

included the Project, including the request for approval of affordable housing waivers, and the use of State Density Bonus Law (SDBL) parking requirements; and

WHEREAS, on August 11, 2022, the formal application was also resubmitted which included the Project, as well as a request for affordable housing waivers and the use of SDBL parking requirements for the affordable duet units; and

WHEREAS, on May 16, 2023, the application was determined to be complete; and

WHEREAS, on August 13, 2024, the Town of Windsor Planning Commission did conduct a duly noticed public hearing, on said application at which time all interested persons were given an opportunity to be heard; and

WHEREAS, on August 13, 2024, the Planning Commission received a presentation from staff on the Project, the environmental review document and traffic impact study prepared for the Project, received public comment, asked questions of staff and the applicant, and deliberated on the Project. After the Planning Commission completed is deliberations, the Planning Commission adopted a resolution: (1) approving the Project; (2) approving affordable housing waivers; (3) granting growth control allocations; and (4) adopting a mitigation monitoring and reporting program; and

WHEREAS, on August 26, 2024, two timely appeals of Planning Commission's approval of the Project were received; and

WHEREAS, the hearing of the appeals of the Project was publicly noticed in accordance with State law, the Town's Subdivision Ordinance and Zoning Ordinance, and the Town Council Public Notice Procedures; and

WHEREAS, on September 18, 2024, the Town Council did conduct a duly noticed public hearing to consider the appeals within 30 days of the appeals being filed as required by the Town's Subdivision Ordinance (Section 16-8-400(f)(1) and the Subdivision Map Act received a report from Staff and heard public testimony concerning the appeals; and

WHEREAS, the Town Council has received testimony that there are no viable locations for an elementary school in the North of Arata area other than on the Project site; and

WHEREAS, the traffic analysis done for the Project did not assume the potential for no school site in the North of Arata area; and

WHEREAS, the Town has received copies of the School District's Facility Master plan that the Council would like the Planning Commission to consider in accordance with General Plan Policy PFS-10.3; and

WHEREAS, the Town Council has received testimony that potential school sites availability and feasibility was not comprehensively presented to the Planning Commission.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor hereby upholds the appeals and remands the project to the Planning Commission for further consideration of the Project as follows:

1. Town staff, relying on expert consultants, shall revise the traffic analysis for the Project to analyze the impacts of the Project including, but not necessarily limited to Vehicle Miles Traveled (VMT) impacts, with the assumption that no elementary school will be built in the North of Arata area if it is not constructed on the Project site.
2. Consider reports required by General Plan Policy PFS-10.3, including Windsor Unified School District's Facility Master Plan and the Updated Demographic Analysis.
3. Consider information related to potential school site availability and feasibility.

PASSED, APPROVED AND ADOPTED this 18th day of September 2024, by the following vote:

AYES:	**COUNCILMEMBERS FUDGE, SALMON, WALL, VICE MAYOR POTTER AND MAYOR REYNOZA**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

ROSA REYNOZA, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK