ORDINANCE NO. 2026-406

AN URGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR MAKING FINDINGS AND EXTENDING THE TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF NEW AND EXPANSION OR RELOCATION OF EXISTING PERSONAL STORAGE FACILITIES WITHIN THE TOWN OF WINDSOR FOR A PERIOD OF TWELVE (12) MONTHS TO BECOME EFFECTIVE IMMEDIATELY

WHEREAS, the Town of Windsor ("Town") has an overriding interest in planning and regulating the use of property within the Town because without stable, well-planned districts, the quality of life and the character of the Town can deteriorate and suffer adverse social, environmental, and economic conditions; and

WHEREAS, the establishment of additional personal storage facilities according to the current provisions of the Town's Zoning Code is inconsistent with the Town of Windsor's 2040 General Plan which has stated goals that include, and are not limited to, increasing the tax base and creating more local job opportunities; reducing greenhouse gas emissions by preserving the availability of land for employment-generating and local retail uses which reduce the impact of transportation needs; preserving the remaining undeveloped land for businesses that are supportive of Windsor's long-term goals of development; and, encouraging well-designed development that preserves and enhances Windsor's community character; and

WHEREAS, on June 18, 2025, pursuant to Government Code section 65858, the Town Council adopted Urgency Ordinance No. 2025-396 establishing a forty-five (45) day moratorium on the issuance of permits and entitlements for the establishment, expansion, or relocation of personal storage facilities; and

WHEREAS, the reasoning for the moratorium is set forth in Ordinance No. 2025-396 and the accompanying Staff Report; and

WHEREAS, on July 16, 2025, the Town Council held a duly noticed public hearing extending the moratorium for an additional ten (10) months and fifteen (15) days to allow additional time for Town staff to prepare an amendment to the Town's Zoning Code in regard to personal storage facilities for Council's consideration; and

WHEREAS, with the Urgency Ordinance and related Staff Report, the Town complied with Government Code section 65858(d), which required the Town's legislative body to issue a written report describing the measures taken to alleviate the conditions which led to the adoption of Urgency Ordinance No. 2025-396 ten (10) days prior to the expiration of the interim ordinance; and

WHEREAS, Urgency Ordinance No. 2025-396 will expire by its own terms on May 31, 2026, unless extended by the Town Council; and

WHEREAS, on April 14, 2026, the Planning Commission held a duly noticed public hearing

and adopted Resolution No. 788-26, recommending that the Town Council adopt an ordinance amending the Town of Windsor Zoning Code to prohibit the establishment of new personal storage facilities and allow the on-site expansion of approved, existing personal storage facilities; and

WHEREAS, on May 6, 2026, the Town Council introduced an ordinance, by title only, to amend the Town of Windsor Zoning Code to prohibit the establishment of new personal storage facilities and allow the on-site expansion of approved, existing personal storage facilities; and

WHEREAS, on May 20, 2026, the Town Council is to hold the second reading of the ordinance introduced at the Town Council Meeting on May 6, 2026. If adopted, the new regulations would go into effect thirty (30) days later; and

WHEREAS, on May 20, 2026, the Town Council held a duly noticed public hearing for a second extension of the moratorium for an additional twelve (12) months, unless the new regulations are adopted, in which case the moratorium will expire on the date the zoning code text amendments go into effect; and

WHEREAS, Government Code section 65858 allows for the extension of a temporary zoning ordinance by one year after a public hearing after the ordinance has already been extended for 10 months and 15 days. The additional time will allow new regulations to go into effect; and

WHEREAS, adoption of this Urgency Ordinance does not require review under the California Environmental Quality Act (Pub. Resources, Code, §§ 21000, *et seq.*, "CEQA") based on the following:

a. This Ordinance is not a "project" within the meaning of Section 15378 of the State CEQA Guidelines, because adoption of a temporary moratorium has no potential for resulting in either a direct or indirect physical change in the environment.

b. This Ordinance is categorically exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines as a regulatory action taken by the Town pursuant to its police power and in accordance with Government Code Section 65858 to assure maintenance and protection of the environment pending the evaluation and adoption of contemplated local legislation, regulation and policies.

NOW, THEREFORE, THE TOWN COUNCIL FOR THE TOWN OF WINDSOR ADOPTS AS AN INTERIM ORDINANCE UNDER THE PROVISIONS OF GOVERNMENT CODE SECTION 65858 AND ORDAINS AS FOLLOWS:

1. **Incorporation of Recitals.** The Town Council finds that the aforementioned recitals are all true and correct and are incorporated herein by reference.

2. **Definitions.** For the purpose of this Ordinance, the following terms shall be defined as follows:

A. A "personal storage facility" is a structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand, also referred to as "mini storage" or "self-storage."

3. **Moratorium Imposed on Personal Storage Facilities.**

A. Scope. In accordance with the authority granted the Town of Windsor under Article XI, Section 7 of the California Constitution and California Government Code Section 65858, from and after the date of this Urgency Ordinance, no license, permit, or other entitlement for use, including but not limited to, the issuance of a business license, building permit, conditional use permit, or other land use approval, shall be approved or issued by the Town for the establishment, expansion, or relocation of personal storage facilities.

B. Exceptions. This moratorium shall not apply to the renewal of a business license for existing personal storage facilities in the Town provided the renewal seeks to maintain the business in its existing location and without physical expansion. This moratorium shall not be interpreted as affecting the use or operation of any those facilities for which a land use application was previously submitted and deemed complete.

4. **Authority; Urgency Statement**. This Ordinance is an interim ordinance, adopted as an urgency measure pursuant to Government Code section 65858 and is for the immediate and long-term preservation of the public peace, health, and welfare. The following facts constitute an urgency measure: The Town developed amendments to the zoning provisions contained in the Windsor Zoning Code to protect public peace, health, and welfare within the Service Commercial and Industrial Zoning Districts of the Town by prohibiting new personal storage facilities, which were introduced, by title only, at the Town Council Meeting on May 6, 2026, and if adopted on May 20, 2026, the new regulations would go into effect thirty (30) days later, after Urgency Ordinance No. 2025-396 is to expire on May 31, 2026, if not extended at the Public Hearing held by Town Council on May 20, 2026.

5. **New Personal Storage Facilities Declared Public Nuisance.** Personal storage facilities established within the Town limits of the Town of Windsor, while the moratorium is in effect, shall be declared to be a public nuisance. Violations of this interim ordinance may be enforced by any applicable laws or ordinances, including but not limited to injunctions, or administrative or criminal penalties under the Windsor Municipal Code.

6. **Term of Urgency Ordinance – Moratorium**. This Urgency Ordinance is the second extension of the moratorium established by Urgency Ordinance No. 2025-396 pursuant to Government Code section 65858. It shall be in effect from the date of adoption for a period of twelve (12) months, unless terminated sooner. Notwithstanding the foregoing, this Ordinance shall automatically terminate and be of no further force or effect upon the effective date of any ordinance adopted by the Town Council that establishes permanent zoning regulations governing personal storage facilities.

7. **Compliance with California Environmental Quality Act (CEQA).** This

Ordinance is not a "project" within the meaning of section 15378 of the State CEQA Guidelines, because it has no potential for resulting in a direct or reasonably foreseeable indirect physical change in the environment. It temporarily prevents certain physical changes in the environment pending study and potential adoption of zoning amendments or policies regulating personal storage facilities. Furthermore, this interim ordinance is categorically exempt from CEQA under CEQA Guidelines section 15308 because it is a regulatory action taken by the Town, in accordance with Government Code section 65858, to assure maintenance and protection of the environment pending consideration of amendments to the Town's municipal codes, including its Zoning Code.

8. **Severability.** If any provision of this interim ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this interim ordinance are severable. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

9. **Effective Date.** This Ordinance is an urgency ordinance enacted under Government Code section 65858(b) and shall take effect immediately upon adoption by at least a four-fifths vote of the Town Council. The Town Council intends that this interim ordinance remain in effect only until such time as permanent zoning regulations become effective.

PASSED, APPROVED AND ADOPTED this 20th day of May 2026, by the following vote:

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

ROSA REYNOZA, MAYOR

ATTEST:

SOMMER HAGEMAN, DEPUTY TOWN CLERK