

TOWN OF WINDSOR AGENDA REPORT

Joint Windsor Town Council, Windsor Redevelopment Successor Agency and Windsor Water District Meeting Date: October 2, 2024

To: Mayor and Town Council
From: Kim Voge, Planner III
Subject: First Amendment to the Hembree Lane Oaks Development Agreement

Recommendation to Council:

Hold a second reading, by title only, and adopt an ordinance approving the First Amendment of the Hembree Lane Oaks Development Agreement and authorizing the Town Manager to prepare and execute an amendment to the Hembree Lane Oaks Fee Deferral Agreement.

Strategic Plan Element:

The recommended action supports the goal of Livability. Goal Statement: Preserve community character by maximizing the use of existing amenities and creating future opportunities that enhance quality of life for all.

Discussion:

On September 18, 2024, the Town Council approved Ordinance No. 2024-392 approving the First Amendment to the Hembree Lane Oaks Development Agreement, including the following revisions:

- For the term of the Development Agreement, Town of Windsor development impact fees shall be assessed according to the FY23-24 master fee schedule for all units that receive a Certificate of Occupancy by October 31, 2025, and thereafter, the required impact fees shall be based upon a one-year rolling fee schedule set-back. Development impact fees shall be paid per unit prior to issuance of a Certificate of Occupancy.
- The community benefit cash payment of \$40,203 shall be paid upon issuance of the first Certificate of Occupancy (instead of with the first building permit issuance).
- The Town Manager shall be authorized to amend the Hembree Lane Oaks fee deferral agreement to include deferrals of water and wastewater capacity impact fees (with the same payment schedule as the other fee deferrals, as described in Paragraph (1), above), including removal of the “fail-safe” date for all impact fees to be paid no later than December 31, 2025.

On August 13, 2024, the Planning Commission reviewed the request to amend the Hembree Lane Oaks Development Agreement. The Planning Commission supported the request and made recommendations to the Town Council for approval with modifications. The Planning Commission’s recommendations were provided to the Town Council in writing via Resolution No. 759-24.

After reviewing the agenda report, listening to public testimony, and deliberating on the draft ordinance, the Town Council took action to introduce the ordinance by title only, as recommended by the Planning Commission. The motion to introduce the ordinance was carried by a 5-0 vote in favor.

Fiscal Impact:

Fiscal impacts will be limited by the rolling one-year fee setback schedule. Overall, the project’s fee

schedule freeze is anticipated to result in approximately \$20,000 in reduced impact fees for the project. Any revenue loss would need to be subsidized by the Town's General Fund.

Environmental Review:

The Town Council adopted a Mitigated Negative Declaration for the Hembree Lane Oaks development project, pursuant to the California Environmental Quality Act ("CEQA"). No physical changes are proposed, and therefore no additional environmental review is required.

Attachment(s):

[1. Ordinance](#)

[Exhibit A - Draft First Amendment to Development Agreement](#)

Prepared by:

Kim Voge
Planner III

Reviewed by:

Patrick Streeter
Community Development Director

Recommended by:

Jon Davis
Town Manager