

**TOWN ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE D:
REFERENDUM ON LOOMIS ORDINANCE 276**

Measure "D" puts before Loomis voters the question of whether Ordinance 276, passed by the Town Council on January 8, 2019, should be approved. Ordinance 276 approves a Development Agreement for the Village at Loomis Project (the "Project").

The Village Project is located on approximately 61 acres bounded by Interstate 80, Doc Barnes Drive, Horseshoe Bar Road, Laird Street and Sun Knoll Drive, Day Avenue and Silver Ranch neighborhoods. At ultimate build-out the Project would include 251 single-family residential units, 117 high density multi-family units and 13 multi-family units within the mixed-use area. Approximately 12,000 square feet of the Village Project's mixed-use area are dedicated for commercial uses. Other project features include new parks and trails, and traffic and other public improvements.

The Town Council passed Ordinance 276 as part of a series of actions that collectively comprised the approval of the Village Project. Only Ordinances 275 and 276 are before the voters as Measures "C" and "D". The Council's certification of the Village Project Environmental Impact Report, and amendments to the Town's General Plan for the Project site, were not challenged and will remain in effect regardless of the outcome of the vote on these Measures.

The Development Agreement approved by Ordinance 276 is a contract between the developer of the Village Project and the Town. The Development Agreement for the Village Project provides the developer a vested right to develop the project according to collective standards imposed by the Development Agreement, other project approvals, and existing land use regulations. In exchange, the developer is required to construct traffic, parks, and other public improvements largely at the developer's expense. While some of these improvements are required by other Project approvals, the Development Agreement addresses the timing for construction of traffic improvements and imposes greater legal obligations on the developer such as the obligation to provide funding for the maintenance of those public improvements, as well as funding for Sheriff's services to ensure adequate coverage for the Project.

A "yes" vote on Measure "D" upholds the Town Council's passage of Ordinance 276 and would allow the Town of Loomis to enter into the Village Project Development Agreement.

A "no" vote on Measure "D" overturns the Town Council's passage of Ordinance 276. The Town and the developer would not enter into the Village Project Development Agreement, and the Town would be prohibited from approving an ordinance adopting a Development Agreement with essentially the same terms one year.

If Measure "D" is rejected but Measure "C" is approved, the Village Project could proceed, but the Town would be prohibited from entering into the negotiated Development Agreement and the Town would not receive the benefits conferred by the Development Agreement.

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