



STAFF REPORT

TOWN COUNCIL MEETING OF MAY 9, 2017

To: Honorable Mayor and Members of the Town Council

From: Joan L. Phillipe, Town Manager

Subject: Introduction and First Reading of An Ordinance of the Town of Loomis Enacting Chapter 13.29 of the Municipal Code Establishing The Planned Development (PD) Zoning District

Date: May 2, 2017

RECOMMENDATION ACTION:

Introduce Ordinance by title only, waive further reading and schedule for second reading and adoption at the June 13 Council meeting.

ISSUE STATEMENT AND DISCUSSION:

This item is before Council for consideration based on staff's review of the planning process and identification of tools needed to assure the staff, planning commission and council have available the mechanisms needed to secure the best possible planning options for future development. Approval of the ordinance adds a new zoning district to the zoning code and implements a provision of the General Plan (GP).

With an improved economy, the entire region is experiencing increased growth and Loomis is experiencing expressed interest from potential buyers, property owners and land developers about various tracts of land in the town limits for potential projects. It is anticipated that once South Placer Municipal Utility District's sewer line extension project is completed (anticipated to be at the end of 2017), there will be increased interest in development of areas not previously served by the district.

Emphasis throughout the GP is on preservation of the town's rural character and its ambience. It was recognized at the time the GP was written and ultimately approved, that a mechanism would need to be in place to provide a way to address special needs in the approval process to assure the goals of the GP were met. (E. Residential Land Use Policies, #6: The Zoning Ordinance shall provide a Planned Development (PD) procedure. . ."; page 35; adopted July 31, 2001.)

The benefit of having a PD ordinance is to have another tool to implement the objectives and policies of the GP. It is of particular benefit for larger parcels of land that allow for mixed uses while preserving large areas of environmentally sensitive, greenbelt and/or open space areas for public enjoyment. It ensures orderly and quality small town design consistent with town goals and surrounding neighborhoods and uses. It is a tailored zone district designating zoning regulations for a project and sets specific development standards for a specific project without having to amend the zoning ordinance or the GP. It provides to the town the flexibility to negotiate for needs and demands that are enforceable by an ordinance. The ordinance does not reduce standards. To the contrary, it is a mechanism to require higher standards. In some, if not all, cases the PD ordinance could result in a more streamlined review process.

A PD zone also would not be applicable or reasonable to use in all circumstances. The ordinance specifies that developments of less than 10 acres are generally deemed not suitable for a PD. The ordinance also specifies required findings must be made by the planning commission and council to establish a PD district.

The planning commission considered the proposed ordinance at its April 18 meeting and on a 4-1 vote recommends to the council adoption of the ordinance.

The proposed ordinance is attached along with the staff report that was presented to the commission that provides more background detail. If the ordinance is introduced for first reading and scheduled for second reading and adoption at the June 13 council meeting, it would become effective July 13, 2017.

Adoption of this ordinance now is a proactive step to position the town in greater negotiation stance than what is currently available to it under the existing zoning ordinance. It does not amend the GP.

FINANCIAL IMPLICATIONS:

None with the recommended action.

TOWN OF LOOMIS
ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWN OF LOOMIS ENACTING CHAPTER 13.29 OF THE
MUNICIPAL CODE ESTABLISHING THE PLANNED DEVELOPMENT (PD) ZONING DISTRICT**

Section 1. Chapter 13.29 of the Town of Loomis ("the Town") Municipal Code is enacted as follows:

Sections:

- 13.29.010 Purpose
- 13.29.020 Designation on the Zoning Map
- 13.29.030 Establishment of a Planned Development District
- 13.29.040 Required Findings
- 13.29.050 Preliminary Development Plan
- 13.29.060 Preliminary Development Plan – Planning Commission Consideration
- 13.29.070 Preliminary Development Plan – Town Council Approval
- 13.29.080 Specific Development Plan – Required for Entitlements-Contents
- 13.29.090 Specific Development Plan-Planning Commission Approval
- 13.29.100 Subdivision Maps
- 13.29.110 Commencement of Development

PLANNED DEVELOPMENT (PD) ZONING DISTRICT

13.29.010 Purpose.

The planned development (PD) zone provides the means for greater creativity and flexibility in environmental design than is provided under the strict application of the zoning, site and subdivision ordinances, while at the same time protecting the public health, safety and welfare and property values. Various land uses may be combined in a planned development zone including combinations of residential, commercial, office, industrial, utility, institutional, educational, cultural, recreational and other uses, provided the combination of uses results in a balanced and stable environment.

The Town expects each project within a PD District to be of obvious and significantly higher quality than would be achieved through conventional design practices and standards.

The specific purposes of the planned development zone are to:

1. Promote and encourage cluster development on large sites to avoid sensitive areas of property;
2. Encourage creative and innovative design on large sites by allowing flexibility in development standards;
3. Encourage the preservation of open space;
4. Accommodate various types of large scale, complex and phased developments;

5. Establish a procedure for the development of large tracts of land in order to reduce or eliminate the rigidity, delays, and conflicts that otherwise would result from application of zoning standards designed primarily for small lots

The PD district shall be of sufficient size that its construction, marketing, and operation is feasible as a complete unit independent of any subsequent unit. Generally, developments of less than ten acres are deemed not suitable for the purpose and findings of this section.

13.29.020 Designation on the Zoning Map.

Following the effective date of the ordinance codified in this title, all established PD districts shall be designated on the Zoning Map by the symbol "PD" followed by an ordinance number. The ordinance number shall refer to the ordinance which adopted the PD district.

13.29.030 Establishment of a Planned Development District.

The PD district shall specify all use types, pursuant to Chapter 13.22.030, which are permitted within the district. In amending this title to apply the PD zoning district, the Town Council may permit any use within the PD district that is compatible with the purposes of this title, the neighborhood and general vicinity of the proposed project, and consistent with the General Plan and any applicable specific plan.

Approval of the PD District is accomplished in two steps:

First: Approval of the Preliminary Development Plan by the Town Council upon recommendation of the Planning Commission.

Second: Approval of a Specific Development Plan either simultaneously with the Preliminary Development Plan or in subsequent phases.

13.29.040 Required Findings.

In establishing a PD district the Planning Commission and the Town Council shall make the following findings:

1. The project is consistent with the General Plan and any applicable specific plan;
2. The project complies with all applicable provisions of this Zoning Code other than those modified by the PD ordinance;
3. The approved modifications to the development standards of this Zoning Code are necessary and appropriate to accommodate the superior design of the proposed project, its compatibility with adjacent land uses, and mitigation of any identified environmental impacts;
4. The project complies with all applicable provisions of the Town's Design Guidelines;
5. The project can be adequately, and reasonably served by public facilities, services, and utilities;

6. The location, size, planning concepts, design features, and operating characteristics of the project are and will be compatible with the character of the site, and the land uses and development intended for the surrounding neighborhood by the General Plan;

7. The site is adequate for the project in terms of size, shape, topography, and circumstances; and

8. The establishment, maintenance, or operation of the proposed uses would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the Town.

13.29.050 Preliminary Development Plan.

The purpose of the Preliminary Development Plan is to show the overall development scheme for the affected area and to indicate the sequence in which individual portions of the area will be developed. The developer shall submit to the Town a Preliminary Development Plan which shows the overall development scheme and indicates the sequence in which individual portions of the area will be developed. Such plan shall include:

- (1) Maps or drawings which may be schematic in form;
- (2) All interior property lines;
- (3) Land use, existing and proposed;
- (4) Location and size of existing streets and location of the proposed circulation system;
- (5) Name(s) of the owner, developer and consultant;
- (6) Public uses, including schools, parks, recreational areas and other open space, and method of maintaining public open space;
- (7) The use and general description of each different type of structure or building;
- (8) Written explanation of the nature of the proposed development and any deviations from regulations otherwise applicable to the property;
- (9) Generalized topography and proposed changes;
- (10) Utilities, existing and proposed, serving the area;
- (11) Vegetation and proposed changes;
- (12) Proposed sequence and schedule, or phasing, of development.

13.29.060 Preliminary Development Plan—Planning Commission Consideration.

The proposed Preliminary Development Plan shall be presented to the Planning Commission as a proposed rezoning of the property to the PD zone. The Planning Commission shall follow the same procedures as in any rezoning, and shall have full authority to alter or modify the Preliminary Development Plan. The Planning Commission may approve a Specific Development Plan concurrent with the Preliminary Development Plan as per Section 13.29.080 and Section 13.29.90 subject that both Plans are approved by the Town Council.

13.29.070 Preliminary Development Plan—Town Council Approval

The Preliminary Development Plan shall be considered by the Town Council following the same procedures as any rezoning. The Town Council may alter or modify the proposed Preliminary Development Plan. If the rezoning is approved, the Preliminary Development Plan becomes the development restrictions for the PD district covered by the plan and thereafter shall be designated the "Preliminary Development Plan". The Preliminary Development Plan, as approved, shall consist of a map, together with relevant text materials, showing:

- (1) All land uses;
- (2) Intensity of land use as measured by units per acre, area coverage or other acceptable description;
- (3) Major circulation;
- (4) A division of the area to be developed into smaller areas, called "phases," and the sequences of their development, unless the entire plan is to be carried out simultaneously.

The Town Council may approve a Specific Development Plan concurrent with the Preliminary Development Plan subject to both Section 13.29.080 and Section 13.29.90.

13.29.080 Specific Development Plan – Required for Entitlements-Contents

A Specific Development Plan shall be presented to the Planning Commission with an application for development and/or prior to approval and recordation of the Final Map as defined by the Subdivision Map Act.

A specific development plan shall consist of a map and necessary textual materials showing:

- (1) The boundaries of the specific development plan;
- (2) The size and location of all public utility easements;
- (3) The location and width of all streets, sidewalks, bike trails, pedestrian paths or other areas used for the conveyance of vehicular, pedestrian, bicycle, equestrian or other traffic;
- (4) The typical location of individual residential structures and the location of multifamily, business commercial and other structures;
- (5) The number of units per gross acre;
- (6) The general landscaping features;
- (7) The location and size of any proposed park or recreational area, and an indication of whether or not the same is to be publicly or privately owned;
- (8) The location of any public facilities, including but not limited to fire stations, school sites, utility substations or other facilities;
- (9) The location of parking areas;
- (10) The location and screening of refuse disposal areas;
- (11) Major points of vehicular access to and from multifamily, business and commercial structures;
- (12) The location and size of all fencing or screening;

- (13) A designation of the use of all open space, whether publicly or privately owned, and the person or group responsible for its maintenance;
- (14) The location and size of any proposed signs, exclusive of traffic-control and street signs;
- (15) Contour lines at intervals designated by the town engineer.
- (16) Such other and further information as the planning department or the planning commission may deem necessary.

13.29.090 Specific Development Plan—Planning Commission Approval.

A public hearing on the Specific Development Plan shall be held by the Planning Commission. After a public hearing, the Planning Commission may take action to approve, approve with conditions or deny the Specific Development Plan. The Planning Commission shall not approve the Specific Development Plan unless it makes the findings in Section 13.29.040 and finds the proposed development is consistent with the Preliminary Development Plan. The Planning Commission may approve a Preliminary Development Plan and Specific Development Plan concurrently, subject to both plans being approved by the Town Council.

13.29.100 Subdivision Maps.

- (a) A tentative subdivision map may be processed simultaneously with a request for a Preliminary Plan or after the approval thereof.
- (b) Prior to approval of the final map as defined by the Subdivision Map Act, a Specific Development Plan shall be approved by the Planning Commission.
- (c) The Preliminary Development Plan, a Specific Development Plan, and a Tentative Subdivision Map may be approved concurrently, subject to approval by both the Planning Commission and Town Council.

13.29.110 Commencement of Development.

Upon approval of a Specific Development Plan, and compliance with other applicable regulations, and recordation of applicable final subdivision maps, the development of the area covered by the specific development plan may commence, provided that all necessary building permits and other required entitlements are obtained.

Section 2. Severability: If any section, subsection, paragraph, sentence clause or phase of this Ordinance for any reason shall be held to be invalid or unconstitutional, the decision shall not affect the remaining portions of the Ordinance. The Council of the Town of Loomis hereby declare that they would have passed this Ordinance and each article, section, subsection, paragraph, sentence, clause or phrase which is a part thereof, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses or phrases are declared to be invalid or unconstitutional.

Section 3. Effective Date and Posting. This Ordinance shall take effect thirty (30) days after its adoption. The Town Clerk shall cause the Ordinance to be published in the Loomis News and to be posted at three (3) locations within fifteen (15) days after its passage; shall certify to the adoption and posting of this Ordinance; and shall cause this Ordinance and its certification to be entered in the Book of Ordinances of the Town of Loomis.



PLANNING COMMISSION HEARING APRIL 18, 2017

STAFF REPORT ZONE TEXT AMENDMENT #17-07 Establishment of Planned Development Zone

PROPOSAL

The Town of Loomis is proposing to add a new zoning district entitled Planned Development (PD) consistent with the Loomis General Plan

REQUESTED ACTION

Open the public hearing, take testimony, give direction on the proposed zone text amendment, and adopt the resolution recommending approval to the Town Council. After the Commission makes their recommendation, the Town Attorney will format it for the Council action.

PLANNED DEVELOPMENT OVERVIEW

A Planned Development (PD) Zone is a tool to implement the objectives and policies of the General Plan, especially for larger parcels of land that allow for a mix of residential uses, and some commercial, while preserving large areas of environmentally sensitive areas for public enjoyment.

Importantly it ensures an orderly and quality small town design consistent with the Town goals, and surrounding neighborhoods and uses. The PD zone is a tailored district designating the zoning regulations for a project and setting specific development standards.

A PD zone offers the ability to facilitate innovation and specific site conditions, not found in traditional zone districts that often rely on standardized solutions for standard city subdivisions, but not suitable for rural and small town communities.

The PD zone also offers a vehicle for negotiation not found in the yes/no options of a traditional zone. Rather it allows the town to negotiate to accommodate the needs and demands of the Town that are enforceable by an ordinance.

While a PD zone allows for flexibility, it is not an excuse for reduction of standards, but a mechanism to require higher standards for the town in exchange.

LOOMIS GENERAL PLAN DIRECTION

The Loomis General Plan was adopted in 2001 and had to reconcile several disparate goals of the community, which included:

"To focus more intensive land uses near the downtown and freeway interchange, while maintaining the predominantly agricultural/rural character of Loomis outside the core area."

"To preserve the rural character of Loomis in new residential developments by emphasizing rural character, quality, and livability in their design, and the provision of necessary services and facilities."

"To attract new development and land uses that provide jobs to Town residents, provided that those uses are consistent with the Town's character."

"To preserve, maintain, and enhance creeks and riparian areas for both their aesthetic and wildlife habitat values."

To achieve these goals, the General Plan adopted 32 policies addressing Agricultural and Open Space Land Use, Residential Land Use, and Commercial and Industrial Land Use. Among these was a policy to provide for Planned Development (PD) within the Zoning Ordinance:

*"The Zoning Ordinance **shall** provide a Planned Development (PD)) procedure..." (E. Residential Land Use Policies, #6)*

The Loomis General Plan sees a Planned Development Ordinance as a tool that among other things implements clustering.

"The option of clustering is offered by the Town as a means of preserving environmental and scenic resources, and shall not be used as a method for achieving the maximum density allowed by the General Plan. The priority for rural residential subdivision design must be the preservation of environmental resources and rural character." (E. Residential Land Use Policies, #6)

In addition a Planned Development Ordinance pulls together in one process review and implementation to approve and promote development in keeping with the character of Loomis as stated in Policy #13.

"Loomis shall evaluate all new residential subdivisions and other significant development proposals for consistency with the Towns' design standards, with the objective to maintain a small, neighborly, rural community, reflective of the Town's heritage."

BACKGROUND

While the Town has adopted a new Zoning Ordinance (2003) and regulations for the protection of trees, wetlands, and streams; it has yet to adopt a PD Ordinance that unifies the review and approval into a single discretionary process that hold a developer accountable for fulfillment of their projects. The PD Ordinance provides two step process that establishes what is to be developed, and then a second step to how it is to be accomplished.

Loomis is a very unique community, with high standards as to how it wants to develop its rural and small town character. However using the standard zoning tools, results too often in standard suburban development and cookie cutter subdivisions, Newer tools like a PD Zone allow for mixed uses and the diversity found in small towns as found in the historic downtown area of Loomis.

The PD zone is not appropriate for all projects, on the contrary it should be reserved only for the exceptional project that offers a true benefit to the Town, in exchange for modification of regulations.

Now that the economy is recovering, there is increasing interest in developing within Loomis. Given this interest, and that much of this development would be in more environmentally sensitive areas, consideration of adopting a Planned Development Zone is appropriate as well as mandated by the General Plan.

PROPOSED ORDINANCE

Staff analyzed similar Planned Development Ordinances of towns similar to Loomis, and of the surrounding areas. While many have excellent qualities, none were suitable by themselves to meet the unique conditions of Loomis. Therefore the proposed ordinance takes the best of several, and has adapted them for Loomis, as summarized below.

Purpose

The proposed ordinance clearly states from the very beginning the use and expectations of it. Specifically it states,

"The Town expects each project within a Planned Development District to be of obvious and significantly higher quality than would be achieved through conventional design practices and standards."

Establishment of a Planned Development District

A PD designation is only done at the request of the landowner and applicant, subject to approval of required plans, and procedures within the PD zone requirements.

Approval is accomplished in two steps:

- 1.) Approval of a Preliminary Development Plan by the Town Council upon recommendation of the Planning Commission.*

2.)Approval of a Specific Development Plan by the Planning Commission.

Preliminary Development Plan

The Preliminary Development Plan provides the general concept, exceptions, and benefits of a proposed project approved for PD zoning. As shown in the proposed PD Ordinance it requires an overall concept, but detailed as to roads, land uses, future build-out, public uses and openspace, and phasing. It is here that the overall expectations of the developer and the Town are established as a binding ordinance, subject to the California Environmental Quality Act (CEQA).

The Preliminary Development Plan will be reviewed first by the Planning Commission who will make their recommendation to the Town Council. The Town Council will then consider the recommendation and decide to approve or disapprove the Preliminary Development Plan.

Specific Development Plan

In order to develop the project, obtain permits, and finalize subdivision maps, a Specific Development Plan must be approved by the Planning Commission. Specific Development Plans can be for the whole Preliminary Development Plan, or phased over time. The Specific Development Plan ensures the implementation of the Preliminary Development Plan concept, and provides the necessary details for it to be accomplished, whether as a whole, or developed over time.

Sometimes a developer may wish to do both a Preliminary Development Plan and the Specific Development Plan together, in which case they will both be considered by the Planning Commission and both be approved by the Town Council simultaneously.

SUMMARY

As stated in the Purpose of the proposed ordinance, in exchange for allowing greater flexibility, the *"Town expects each project of a Planned Development District to be of obvious and significantly higher quality."* Approval of a Planned Development is not an excuse for lessening the Town's standards, but a means to allow flexibility and innovation to exceed those standards. It brings together all the aspects of a project, its land uses, its design standards, its environmental protection, and timing into one single concept that must be adhered to during its development, and the lifetime of the project.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Adoption of the Planned Development Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Section 21065 because this ordinance does not have the potential for resulting in either a direct physical change in the environment or a

Planned Development (PD) Zone #17-07

reasonably foreseeable indirect physical change in the environment. Further, projects subject to the ordinance will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA.

As stated in Union of Medical Marijuana Patients v. City of Upland (D069293) (2016), Public Resources Code Section 21065 defines a “project” as an activity undertaken by a public agency “which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” As such, “the most reasonable interpretation of section 21080(a)” – which is that adopted by CEQA Guidelines section 15378 – is that the enactment and amendment of zoning ordinances is an “illustration” of an activity undertaken by a public agency, which may constitute a “project” under CEQA, but it is not a “project” unless it also “meets the second requirement in section 21065, namely that it ‘may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.’” Here, because the enactment of this ordinance would not, in and of itself, result in a reasonably foreseeable indirect physical change in the environment, no further environmental analysis is required.

RECOMMENDATION

The Planning Commission approve *Resolution #17-07 (Attachment 1)* and adopt the resolution recommending approval to the Town Council of adding the Planned Development Zone to the Loomis Zoning Ordinance.

ATTACHMENTS

1. Draft Resolution #17-07
Exhibit A: Proposed Planned Development Zone Text