



STAFF REPORT

TOWN COUNCIL MEETING OF JULY 9, 2013

To: Town Council

From: Town Attorney and Town Manager

Subject: First reading of an Ordinance Revising Chapter 2.36 (Planning Commission) of the Loomis Municipal Code, and Discussion and Direction regarding Chapter 14.60 (Parkland Dedication) and Update on Other Municipal Code Revisions

Date: July 1, 2013

RECOMMENDATION:

Recommended Actions:

1. Discuss and Direct Staff to Proceed with Ordinance Amendments, including Development Fees, revising Chapter 14.60 (Parkland Dedication);
2. Conduct First Reading of Ordinance revising Chapter 2.36 (Planning Commission).

DISCUSSION:

At the June 9, 2013 Town Council meeting during the budget discussion, Town Attorney and staff were directed to begin work on amending current ordinances to incorporate best practices and to update specific ordinances to make them current based on current law. Specifically, staff and Town Attorney were asked to review the Town's ordinances regarding Parkland Dedication and associated development fees and to look at best practices regarding Commission/Committee assignments.

Chapter 14.60 Parkland Dedication

Background:

The Town of Loomis adopted Resolution 05-33 on August 9, 2005, enacting development impact fees to fund the public infrastructure and facilities required to offset the impacts of new development. The fees were based on a Mitigation Fee Analysis Draft Report prepared by

Sinclair and Associates dated December 1, 2004, and a Mitigation Fee Analysis Final Report dated May 25, 2005. The adopted Mitigation Fee Analysis Final Report based the fees on a ration of five acres per thousand residents and land costs based on the average sales price of vacant land in the Loomis area during 2002 – 2004.

Chapter 14.60 – Parkland Dedication. Staff has reviewed the Town's Quimby Ordinance land dedication requirements in light of the latest 2010 census data and taking into account the existing Town owned park acreage within Town limits. The 2010 census shows the Town population to be 6,430. The total acreage of parks located within the limits of Loomis is 7.3 acres, broken down as follows:

- 3.1 acres -- Blue Anchor Park
- 4.2 acres – Sunrise Loomis Park

The Quimby Act (Government Code Section 66477) allows a local government to require the dedication of land or the payment of in-lieu fees, or both, for parks and recreational purposes as a condition of approval of a tentative map or parcel map. The maximum allowed land dedication requirement is three acres per 1,000 residents unless the amount of existing neighborhood and community park area exceeds three acres per 1,000 residents. Based on the 2010 population of Loomis and the 7.3 acres of parkland within Town limits, the formula for calculating the land dedication requirements in the Town's Quimby Ordinance needs to be revised, since the existing neighborhood and community park area does not exceed three acres per 1,000 residents. In the original analysis, the Mitigation Fee Analysis Final Report included both Town owned park land, schools, and park land adjacent to the Town limits. Based on that analysis, the Town adopted Development and Parkland dedication standards of five acres per thousand residents. Based on legal court precedents over the ensuing years, Town Legal Counsel and Staff believe it prudent to modify the Ordinance to reflect current practices of including only those parklands owned by the Town.

Chapter 2.36 – Planning Commission

Chapter 2.36 – Planning Commission. At Council's direction, staff and the Town Attorney are in the process of reviewing various sections of the Loomis Municipal Code for the purpose of updating the Code based on "best practices". Currently members of the Planning Commission are nominally "appointed" by individual Council members, but appointment and removal of Commissioners must be approved by the Town Council as a whole. Staff proposes modifying the appointment and removal process so that Council members retain control and responsibility for both appointment and removal of the Council member's "appointee". The proposed modification provides a mechanism by which the Council as a whole can act to fill vacancies if an individual Council members fails to make his or her appointment within thirty days of the occurrence of a vacancy.

CEQA : Approval of the proposed revisions of Chapter 2.36 is not subject to CEQA.

FINANCIAL IMPLICATIONS:

None at this time. Adoption of modified Parkland Dedication fees may necessitate a corresponding reduction in the "in-lieu" fee for Parkland Dedication at a later Town Council meeting.

Attachments: Redlined Ordinance Chapter 2.36
New Ordinance Chapter 2.36

Chapter 2.36 PLANNING COMMISSION

2.36.020 Members—Appointment—Terms of office.

A. Each town councilmember shall appoint a member to the planning commission. Appointment ~~wi~~shall be ~~made announced~~ at the regular council meeting in January following election to the council to become effective on ~~March-February~~ 1st of that year. ~~All appointments shall have an affirmative confirmation vote by a majority of all members of the town council prior to becoming effective.~~ In the event of vacancy on the commission due to election of a ~~commission~~ member to the council, that vacancy shall be filled in accordance with Section 2.36.040 of this code.

B. In the event a councilmember vacates a seat prior to the end of a term of office, his or her appointment to the planning commission is deemed terminated thirty days after the filling of the vacated council seat. The newly seated councilmember filling out the term of office of the vacated seat ~~wi~~shall make an appointment to the commission within thirty days of being seated.

C. All other vacancies shall be in accordance with Section 2.36.040.

D. The term of a planning commissioner is four years beginning ~~March-February~~ 1st of the appointment year unless the seat is vacated ~~or the planning commissioner is removed from office~~ during that four year term. In that event, the term of the new appointment is the unfilled portion of the original four year term. At the end of a term of office, a commissioner may be reappointed to another term, ~~again subject to a confirmation vote~~. A commissioner vacates a commission seat on the last day of ~~February-January~~ four years from appointment.

2.36.030 Members—Removal from office.

Any commissioner may be removed at any time ~~and for any reason by a majority vote of all the town councilmembers~~the councilmember who appointed the commissioner. The effective date of removal shall be the date of delivery to the City Clerk of written notice of removal, or such later date as may be specified in the notice.

2.36.040 Vacancies.

A. If a commissioner vacates a commission seat for any reason prior to the end of a term, ~~or is removed from office~~, the appointing councilmember must appoint a new commissioner within thirty days of the vacancy. ~~The new appointment is subject to confirmation by a majority vote of all the councilmembers.~~

B. If ~~confirmation of the new appointment is not achieved~~ a new appointment is not ~~made by the councilmember~~ within thirty days of the vacancy, ~~any councilmember or~~ the council as a whole may entertain other nominations for the position ~~and fill the vacancy by majority vote~~.

2.36.050 Expenses. Reserved

~~———— Each member of the planning commission of the town shall receive the sum of fifty dollars per month as compensation for attending and participating in planning commission meetings. (Ord. 7 § 5, 1984)~~

TOWN OF LOOMIS

ORDINANCE NO.: _____

AN ORDINANCE OF THE TOWN OF LOOMIS AMENDING CHAPTER 2.36 OF THE MUNICIPAL CODE RELATING TO THE PLANNING COMMISSION

Section 1. Sections 2.36.020, .030, .040, and .050 of the Town's Municipal Code are hereby amended to read as follows:

2.36.020 Members—Appointment—Terms of office.

A. Each town councilmember shall appoint a member to the planning commission. Appointment shall be announced at the regular council meeting in January following election to the council to become effective on February 1st of that year. In the event of vacancy on the commission due to election of a commission member to the council, that vacancy shall be filled in accordance with Section 2.36.040 of this code.

B. In the event a councilmember vacates a seat prior to the end of a term of office, his or her appointment to the planning commission is deemed terminated thirty days after the filling of the vacated council seat. The newly seated councilmember filling out the term of office of the vacated seat shall make an appointment to the commission within thirty days of being seated.

C. All other vacancies shall be in accordance with Section 2.36.040.

D. The term of a planning commissioner is four years beginning February 1st of the appointment year unless the seat is vacated or the planning commissioner is removed from office during that four year term. In that event, the term of the new appointment is the unfilled portion of the original four year term. At the end of a term of office, a commissioner may be reappointed to another term. A commissioner vacates a commission seat on the last day of January four years from appointment.

2.36.030 Members—Removal from office.

Any commissioner may be removed at any time and for any reason by the councilmember who appointed the commissioner. The effective date of removal shall be the date of delivery to the City Clerk of written notice of removal, or such later date as may be specified in the notice.

2.36.040 Vacancies.

A. If a commissioner vacates a commission seat for any reason prior to the end of a term, or is removed from office, the appointing councilmember must appoint a new commissioner within thirty days of the vacancy.

B. If a new appointment is not made by the councilmember within thirty days of the vacancy, the council as a whole may entertain other nominations for the position and fill the vacancy by majority vote.

2.36.050. Reserved.

Section 2. Posting. The Town Clerk shall cause this 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.

The foregoing Ordinance was introduced at a regular meeting of the Council of the Town of Loomis held on the _____, 2013, and was ADOPTED AND ORDERED published and posted at a meeting of the Council held on the ____ day of _____, 2013, by the following roll call vote:

AYES:
NOES:
ABSENT:

By: _____
Mayor

ATTEST:
By: _____
Crickett Strock, Town Clerk