



**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

**LOOMIS PLANNING COMMISSION
RESOLUTION NO. 17-07
APRIL 18, 2017**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS RECOMMENDING APPROVAL OF A ZONING AMENDMENT TO ADD A PLANNED DEVELOPMENT ZONE TO THE LOOMIS MUNICIPAL CODE.

WHEREAS, the Town of Loomis wishes to add a Planned Development Zone District to the Loomis Municipal Code; and

WHEREAS, on April 18, 2017, the Planning Commission conducted a public hearing, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff report relating to the proposed Planned Development (PD) Zone District, and the written and oral evidence presented to the Planning Commission in support of and in opposition.

NOW THEREFORE, the Planning Commission of the Town of Loomis, at its meeting of April 18, 2017, did resolve as follows:

To approve *Resolution #17-07* recommending approval to the Town Council of adding the Planned Development Zone (Exhibit A) to the Loomis Municipal Code.

ADOPTED this 18th day of April 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Michael Hogan, Chairman

Robert King, Town Planner