



**PLANNING COMMISSION HEARING  
MARCH 28, 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.

**BACKGROUND**

When the Loomis General Plan was adopted in 2001 it stated;

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

After adoption of the Loomis General Plan, residential development was primarily within areas suitable for standard in-fill projects, or large lot subdivisions, in the Residential Agriculture (RA), or Rural Estate (RE) zones. In addition the recession all but stopped any new housing, and therefore there was no pressing need to adopt the PD Zone.

However with the economy recovering, there is now great interest in developing vacant land zoned for residential and commercial uses, suitable for development. 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.

**PLANNED DEVELOPMENT EXPLANATION**

The PD Zone creates 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.

## 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, 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 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

## Planned Development (PD) Zone #17-07

– 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  
MARCH 28, 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; has requested approval of a Major Subdivision; and

**WHEREAS**, on March 28, 2017, the Planning Commission conducted a public hearing of the application, 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 , the written and oral evidence presented to the Planning Commission in support of and in opposition; and

**NOW THEREFORE**, the Planning Commission of the Town of Loomis, at its meeting of March 28, 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 28th day of March 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

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Michael Hogan, Chairman

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Robert King, Town Planner

**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.