



Staff Report

TO: Town of Loomis Planning Commission
FROM: Christy Consolini, Planning Director
DATE: October 24, 2023
RE: Syringe Service Programs – Zoning Ordinance Update to reflect the adopted Urgency Ordinance

Recommendation

1. Discuss and provide input regarding the DRAFT Syringe Service Programs Ordinance – Chapter 13.48, in reference to the adopted Chapter 5.24 prohibiting the establishment, operation, use and/or participation in needle exchange or distribution programs within the Town of Loomis, and the associated amendments to the list of allowed uses in Sections 13.24.040, 13.26.040, 13.28.030 and 13.80.020 referencing Chapter 5.24 and Chapter 13.48;
2. Determine that the proposed action is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b)(3) and is not a project pursuant to section 15378.
3. Approve Planning Commission Resolution #23-04 recommending adoption of a Syringe Service Programs Ordinance – Chapter 13.48 and recommending amendment to Sections 13.24.040, 13.26.040, 13.28.030 and 13.80.020 referencing adopted Chapter 5.24 and Chapter 13.48 to the Town Council for adoption.

Issue Statement and Discussion

At its meeting of September 12, the Town Council adopted Urgency Ordinance 23-293. The ordinance added Chapter 5.24 of the Loomis Municipal Code as an interim ban (until October 27th) on the establishment, operation, use and/or participation in needle exchange or distribution programs within the Town of Loomis. This action was precipitated by an application submitted by Safer Alternatives through Networking & Education (SANE) to the California Department of Public Health (CDPH). The public comment period on this application closed on September 21st.

Staff recommends that since the Town Council made Chapter 5.24 permanent during the October 10, 2023 Town Council meeting through Ordinance 294 that the Planning Commission consider and recommend for adoption to the Town Council the addition of Chapter 13.48 to the Zoning Ordinance regarding syringe service programs and modifications to Sections 13.24.040, 13.26.040, 13.28.030 and 13.80.020 referencing Chapter 5.24 and Chapter 13.48. The addition

of Chapter 13.48 and the modifications to Sections 13.24.040, 13.26.040, 13.28.030 and 13.80.020 referencing Chapter 5.24 and Chapter 13.48 are necessary to ensure consistency between Chapter 5.24 and the Town's Zoning Ordinance as well as to establish terms upon which Code Enforcement may occur.

The improper collection and disposal of used hypodermic needles and syringes presents an imminent threat to the health, property, safety and welfare of the public. Syringe services programs that provide services near schools, parks and playgrounds have especially negative effects since they result in improper disposal of syringes and the congregation of persons addicted to drugs near schools, parks and playgrounds. Of note, residents who require syringe exchange services for medical purposes are currently able to acquire these services at pharmacies and hospitals, which provide new syringes and the proper disposal of used syringes. Those existing activities would not change with the proposed prohibition.

The Town has police power, as granted broadly under Article XI, Section 7 of the California Constitution, to enact and enforce ordinances and regulations for the public peace, health and welfare of the Town and its residents. Syringe services programs negatively impact the Town, by degrading the visual and scenic resources of the community and increasing the risk of injury and illness due to treatment and disposal of hazardous materials. Government Code Sections 36934 and 36937 allow ordinances to be approved as urgency measures for the immediate preservation of the public health, safety and welfare. Findings supporting the need for an urgency ordinance are contained in the ordinance.

CEQA Requirements

The proposed action is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b)(3) and is not a project pursuant to section 15378 because it will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Financial and/or Policy Implications

There is no fiscal impact to the Town by approving this request.

Attachments

- A. Proposed Syringe Service Program Ordinance (Chapter 13.48) and modifications to 13.24.040, 13.26.040, 13.28.030 and 13.80.020 referencing Chapter 5.24 and Chapter 13.48 of the Town's Zoning Ordinance.
- B. Adopted Urgency Ordinance 23-293 and Ordinance 294
- C. Planning Commission Resolution #23-04

**DRAFT
ORDINANCE _____**

ORDINANCE OF THE COUNCIL OF THE TOWN OF LOOMIS ADDING CHAPTER 13.48 OF TITLE 13 OF THE LOOMIS MUNICIPAL CODE REGARDING SYRINGE SERVICE PROGRAMS AND AMENDING SECTIONS 13.24.040, 13.26.040, 13.28.030 AND 13.80.020 REFERENCING ORDINANCE 5.24 AND ORDINANCE 13.48 OF TITLE 13 OF THE LOOMIS MUNICIPAL CODE

THE TOWN OF LOOMIS ORDAINS:

SECTION .1 Chapter 13.48 of Title 13 of the Loomis Municipal Code is hereby added to read as follows:

Chapter 13.48 – Syringe Service Programs

13.48.010 – Purpose.

A. The purpose of this chapter is to prohibit the use of property within the Town of Loomis for syringe exchange programs.

B. The Town Council recognizes that the establishment and operation of a syringe services program within the Town of Loomis will increase improperly disposed needles which pose a serious risk to the public health, safety and welfare, given the potential for personal bodily injury, property damage, and contaminated waterways. It is the purpose and intent of this section to prohibit the use of property within the Town for syringe services programs within the Town of Loomis to protect the public health, safety, and general welfare of its residents.

13.48.020 – Definitions.

A. “Syringe services program” also referred to as a “syringe exchange program,” as the meaning set forth in section 5.24.010.B of the Loomis Municipal Code.

13.48.030 – Syringe service program activity prohibited.

A. It shall be unlawful and a public nuisance for any person to create, establish, operate, or conduct in a syringe services program within the Town of Loomis.

B. In accordance with the provisions of this chapter and chapter 5.24, the town of Loomis will not issue any license, permit, acknowledgement, or other such entitlement authorizing syringe exchange program activity within the town of Loomis where such entitlement is necessary to procure a state license.

C. Regardless of any state license issued for syringe activity in any other jurisdiction, no state licensee may undertake any syringe exchange program activity within the town of Loomis under such a state license.

D. No property owner shall rent, lease, or otherwise permit any person to make use of their property for syringe exchange program activity.

13.48.040 – Conformance to Law.

The provisions of this section shall be interpreted in accordance with otherwise applicable state and federal law(s) and will not apply if determined by the Town to be in violation of any such law(s).

13.48.050 - Violations declared public nuisance—Abatement—Penalties.

A. Violation of this chapter shall constitute a public nuisance. Additionally, adverse effect caused by personal cultivation on the public health, welfare, or safety where such an adverse effect is caused by dust, glare, heat, noise, noxious gasses, odors, smoke, traffic, vibration, or other impacts shall constitute a public nuisance.

B. Abatement of such a public nuisance arising from a violation of this chapter is subject to the procedures set forth in Chapter 7.04 of this code, including summary abatement pursuant to Section 7.04.190 of this code.

C. Any violation of this chapter may be subject to fines or liens as set forth in Chapter 7.04 of this code and any violation of this chapter may additionally be punishable as a misdemeanor.

SECTION 2. Section 13.24.040 of Chapter 13.24 Title 13 of the Loomis Municipal Code is hereby amended to read as follows:

13.24.040 - Residential district general development standards.

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Tables 2-3, and 2-4 in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Division 3 of this title.

LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	RA	RE	RR	RS	RM ⁽⁶⁾	RH ^(5,6)	
TABLE 2-2 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	P Permitted Use, Zoning Clearance required MUP Minor Use Permit required UP Use Permit required S Permit requirement set by Specific Use Regulations — Use not allowed						
AGRICULTURAL AND OPEN SPACE USES							

TABLE 2-2 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	P Permitted Use, Zoning Clearance required						
	MUP Minor Use Permit required						
	UP Use Permit required						
	S Permit requirement set by Specific Use Regulations						
	— Use not allowed						
LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	RA	RE	RR	RS	RM ⁽⁶⁾	RH ^(5,6)	
Mobile home - In mobile home park	P	P	P	P	P	P	13.42.160
Mobile home - Outside of mobile home park	P	P	P	P	P	P	13.42.150
Mobile home - Special needs	MUP	MUP	MUP	MUP	—	—	13.42.170
Mobile home park	UP	UP	UP	UP	UP	UP	13.42.160
Multifamily housing, 2 units	—	—	—	UP	P	P	13.42.250
Multifamily housing, 3 to 5 units	—	—	—	—	P	P	13.42.250
Multifamily housing, 6 to 9 units	—	—	—	—	MUP	P	13.42.250
Multifamily housing, 10 or more units	—	—	—	—	UP	MUP	13.42.250
Organizational house (sorority, monastery, etc.)	UP	—	—	—	UP	UP	
Residential accessory use or structure	P	P	P	P	P	P	13.42.260
Residential care facility, 6 or fewer clients	P	P	P	P	P	P	
Residential care facility, 7 or more clients	—	—	UP	UP	UP	UP	
Residential care facility for the elderly (RCFE)	—	UP	UP	UP	UP	UP	13.42.240
Residential care facility for the elderly (RCFE), 6 or fewer	P	P	P	P	P	P	
Residential care facility for the elderly (RCFE), 7 or more clients	UP	UP	UP	UP	UP	UP	
Rooming or boarding house	—	—	—	—	UP	UP	
Second unit	P	P	P	P	P	—	13.42.270
Single-family dwelling	P	P	P	P	P	—	
Zero lot line single-family dwelling	—	—	—	P	—	—	13.42.300

LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	RA	RE	RR	RS	RM ⁽⁶⁾	RH ^(5,6)	
Telecommunications facility	S	S	S	S	S	S	13.44
Utility facility	UP	UP	UP	UP	UP	UP	
Utility infrastructure	P	P	P	P	P	P	
Windmill for electricity generation	UP	UP	—	—	—	—	13.42.280

Key to Zoning District Symbols

RA	Residential Agricultural	RS	Single-Family Residential
RE	Residential Estate	RM	Medium Density Residential
RR	Rural Residential	RH	High Density Residential

Notes:

- (1) See Division 8 for land use definitions.
- (2) Zoning clearance not required if the use complies with all other applicable town approval requirements and standards.
- (3) Solid walls in setback areas are discouraged in Loomis. A minor use permit for a maximum six-foot tall wall for a home existing as of May 2008 may be approved by the planning commission if they can find that a sound/solid wall is the only feasible alternative. Noise measurements (to be taken from the interior of the residence with windows closed) will be required with the application and reviewed in accordance with Table 3-3, Noise Standards for Short-Duration Events Near Residential Areas ([13.30.070](#)). Design must be compatible with the neighborhood and character of Loomis as determined by the planning commission.
- (4) Supportive and transitional housing shall be subject only to those restrictions that apply to other residential dwellings of the same type (e.g., single-family, multifamily) in the same zone.
- (5) See [13.24.020\(G\)](#) for RH-20 zone district.
- (6) Property zoned RM or RH may be used to support commercial activity along Sierra College Boulevard between the town limits and Brace Road if: (a) the RM or RH property is adjacent to the commercially zoned property; (b) the commercially zoned property is immediately adjacent to Sierra College Boulevard; (c) the RM or RH property and the adjacent commercial property are under common ownership; (d) use of the RM or RH property is limited to supporting uses such as commercial parking, commercial or emergency driveways or drive aisles, lighting and landscaping; and (e) no buildings are built on the RM or RH property. In the case of such use, the development standards applicable to the RM or RH property shall be those governing development of the adjacent commercial property.

TABLE 2-3 - RA, RE, AND RR DISTRICT DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District		
	RA Residential Agricultural	RE Residential Estate	RR Rural Residential
Minimum lot size	<i>Minimum area and width for parcels proposed in new subdivisions.</i>		
Area (net)	4.6 acres	2.3 acres	40,000 sf ⁽¹⁾
Width	160 ft.	160 ft.	135 ft.
Depth	100 ft.		
Frontage	100 ft., unless approved as a cul-de-sac lot or flag lot.		
Residential density	<i>Maximum number of dwelling units allowed on a parcel. The actual number of units allowed will be determined through subdivision or land use permit approval.</i>		
Maximum density	4.6 acres per unit	2.3 acres per unit	40,000 sf per unit
Minimum density allowed	Each legal parcel in a residential zoning district will be allowed one single-family dwelling, regardless of lot area; parcels may also be allowed a second unit in compliance with Section 13.42.270 (Second Units and Carriage Houses).		
Setbacks	<i>Minimum setbacks required. See Section 13.30.110 for exceptions.</i>		
Front	50 ft. from property line (75 ft., if a public or private street or street easement is within setback area)		
Side - Interior (each)	25 ft.	20 ft.	
Side - Corner	Same as front setback		
Rear	25 ft.	20 ft.	
Accessory structures	See Sections 13.42.040 (Agricultural Accessory Structures) and 13.42.260 (Residential Accessory Structures)		
Building separation	20 ft. between a garage and another structure on the site if needed for vehicular ingress and egress to and from the garage; 6 ft. between other structures on the same site.		
Lot coverage	<i>Maximum percentage of total lot area that may be covered by structures.</i>		
	20%; the review authority may allow up to 25% coverage on a nonconforming parcel that it determines is significantly smaller than the minimum area required by the zone (i.e., 25% or less of the required lot area).		20%

Development Feature	Requirement by Zoning District		
	RA Residential Agricultural	RE Residential Estate	RR Rural Residential
Height limit	<i>Maximum allowable height of structures. See Section 13.30.050 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft. and 2 stories		
Landscaping	See Chapter 13.34 (Landscaping Standards)		
Parking	See Chapter 13.36 (Parking and Loading)		
Signs	See Chapter 13.38 (Signs)		

Notes:

- (1) A minimum lot area less than 2.3 acres is allowed only where community water or sewer service is provided.
- (2) An existing parcel in the RR zone that is less than twenty-four thousand square feet may use the setbacks required for the RS zone.
- (3) Residential accessory structures on lots less than twenty thousand square feet may not exceed fifteen feet; all others require a MUP in order to be over fifteen feet high, pursuant to Section 13.42.260(D)(2).
- (4) Second stories on lots less than forty thousand square feet in size are specifically governed by Section 13.42.265.

TABLE 2-4 - RS, RM, AND RH DISTRICT DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District		
	RS Single-Family Residential	RM Medium Density Residential	RH High Density Residential
Minimum lot size	<i>Minimum area and width for parcels proposed in new subdivisions.</i>		
Area (net)	See Section 13.24.050, Table 2-5		10,000 sf ⁽¹⁾
Width			60 ft.
Depth			100 ft.
Residential density	<i>Maximum number of dwelling units allowed on a parcel. The actual number of units allowed will be determined through subdivision or land use permit approval.</i>		
Maximum density	See Section 13.24.050, Table 2-5		1 unit per 3,000 sf of site area
Setbacks	<i>Minimum and, where noted, maximum setbacks required for primary structures. See Section 13.30.110 for exceptions to these requirements.</i>		

Development Feature	Requirement by Zoning District		
	RS Single-Family Residential	RM Medium Density Residential	RH High Density Residential
Front	20 ft.	15 ft., 25 ft. maximum allowed	
Side - Interior (each)	Both interior side setbacks shall total a minimum of 20 ft., with neither side less than 5 ft. 10 ft. is required in the RS-5 zoning district for a 2-story building wall.		
Side - Corner	20 ft.	15 ft.	
Rear	20 ft.		6 ft.
Accessory structures	See Section 13.42.260 (Residential Uses - Residential Accessory Structures)		
Building separation	20 ft. between a garage and another structure on the site, if needed for vehicular ingress and egress to and from the garage; 6 ft. between other structures on the same site.		
Lot coverage	<i>Maximum percentage of total lot area that may be covered by structures.</i>		
	See Table 2-5		40%
Height limit	<i>Maximum allowable height of structures. See Section 13.30.050 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft., 2 stories in RS-20 30 ft., 2 stories elsewhere	30 ft. and 2 stories	
Landscaping	See Chapter 13.34 (Landscaping Standards)		
Parking	See Chapter 13.36 (Parking and Loading)		
Signs	See Chapter 13.38 (Signs)		

Notes:

- (1) A condominium, townhome, or planned development project may be subdivided with smaller parcels for ownership purposes, with their minimum lot area determined through the subdivision review process, provided that the overall development site complies with the lot area requirements of this chapter, and the total number of dwellings does not exceed the maximum density allowed by the applicable zoning district.
- (2) Residential accessory structures on lots less than twenty thousand square feet may not exceed fifteen feet; all others require a MUP in order to be over fifteen feet high, pursuant to Section [13.42.260\(D\)\(2\)](#).
- (3) Second stories on lots less than forty thousand square feet in size are specifically governed by Section [13.42.265](#).

SECTION 3. Section 13.26.040 of Chapter 13.26 Title 13 of the Loomis Municipal Code is hereby amended to read as follows:

13.26.040 - Commercial district general development standards.

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Tables 2-7 and 2-8, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Division 3 of this title.

LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	CO ⁽⁶⁾	CG ⁽⁶⁾	CC ⁽⁶⁾	CT ⁽⁷⁾	
TABLE 2-6	P Permitted Use, Zoning Clearance required MUP Minor Use Permit required UP Use Permit required S Permit requirement set by Specific Use Regulations — Use not allowed				
Allowed Land Uses and Permit Requirements for Commercial Zoning Districts					
INDUSTRY, MANUFACTURING AND PROCESSING, WHOLESALING					
Agricultural product processing	—	—	MUP	—	
Laboratory - Medical, analytical (not experimental)	UP	P	—	—	
Recycling - Reverse vending machines	—	P	—	P	13.42.210
Recycling - Small collection facility	—	MUP ⁽⁴⁾	—	P	13.42.210
Winery ^{(8), (9)}	—	UP	UP	—	13.42.290
RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES					
Auction	—	—	P	—	
Bar/tavern	—	S	S	S	13.42.050
Club, lodge, private meeting hall	UP	UP	UP ⁽³⁾	MUP	13.26.070(C)
Commercial recreation facility - Indoor	—	MUP	MUP	MUP	
Commercial recreation facility - Outdoor	—	—	—	UP	
Community center	—	P	P	MUP	13.26.070(C)
Conference/convention facility	—	—	—	UP	
Equestrian facility	—	—	—	UP	13.26.070(C)

LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	CO ⁽⁶⁾	CG ⁽⁶⁾	CC ⁽⁶⁾	CT ⁽⁷⁾	
TABLE 2-6	P Permitted Use, Zoning Clearance required MUP Minor Use Permit required UP Use Permit required S Permit requirement set by Specific Use Regulations — Use not allowed				
Allowed Land Uses and Permit Requirements for Commercial Zoning Districts					
Fitness/health facility	P	P	p ⁽³⁾	P	
Library, museum	—	—	P	MUP	
Night club	—	—	UP	UP	13.42.050
Park, playground	P	P	P	P	
Religious facility	P	P	—	P	13.42.230 13.26.070(C)
School - Elementary, middle, secondary	UP	UP	UP ⁽³⁾	—	
School - Specialized education/training	UP	UP	UP ⁽³⁾	UP	13.26.070(C)
Sports and entertainment assembly facility	—	—	—	UP	
Studio - Art, dance, martial arts, music, etc.	—	P	P	P	
Theater, auditorium	—	UP	UP	UP	
RESIDENTIAL USES⁽¹⁰⁾					
Commercial cannabis activity	—	—	—	—	13.46.100
Emergency shelter	—	P	P	—	13.42.245
Home occupation	P	P	P	P	13.42.120
Household pets	p ⁽⁵⁾	p ⁽⁵⁾	p ⁽⁵⁾	p ⁽⁵⁾	13.42.060
Live/work unit	—	MUP	MUP	—	13.42.130
Multifamily housing	—	MUP	UP	—	13.42.250
Multifamily housing in a mixed-use structure	P	P	P	P	13.42.140
Residential care facility for the elderly (RCFE)	UP	—	—	UP	13.42.240 13.26.070(C)
Residential care facility, 7 or more clients	UP	—	—	—	

LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	CO ⁽⁶⁾	CG ⁽⁶⁾	CC ⁽⁶⁾	CT ⁽⁷⁾	
TABLE 2-6	P	Permitted Use, Zoning Clearance required			
Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	MUP	Minor Use Permit required			
	UP	Use Permit required			
	S	Permit requirement set by Specific Use Regulations			
	—	Use not allowed			
RETAIL TRADE					
Accessory retail uses	P	P	P	P	13.42.030
Alcoholic beverage sales	—	S	S	S	13.42.050
Artisan shop	—	P	P	P	
Assembly of building components	—	MUP	—	—	
Auto and vehicle sales	—	MUP	—	—	
Auto parts sales with no installation services	—	P	—	P	
Auto rental	—	MUP	—	MUP	
Building/landscape materials sales - Indoor	—	P	—	—	
Building/landscape materials sales - Indoor, 50,000 sf max.	—	P	—	P	
Building/landscape materials sales - Outdoor	—	MUP	—	—	13.42.180
Building/landscape materials sales - Outdoor, 15,000 sf max.	—	—	MUP	—	
Construction and heavy equipment sales and rental	—	UP	—	—	
Convenience store	—	P	P	P	
Drive-through retail	—	UP	—	UP	13.42.090
Extended hour retail	—	MUP ⁽⁴⁾	MUP ⁽⁴⁾	MUP ⁽⁴⁾	
Farm supply and feed store	—	P	P	—	
Farmers market	—	—	MUP	MUP	

LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	CO ⁽⁶⁾	CG ⁽⁶⁾	CC ⁽⁶⁾	CT ⁽⁷⁾	
TABLE 2-6	P Permitted Use, Zoning Clearance required MUP Minor Use Permit required UP Use Permit required S Permit requirement set by Specific Use Regulations — Use not allowed				
Allowed Land Uses and Permit Requirements for Commercial Zoning Districts					
Fuel dealer (propane for home and farm use, etc.)	—	MUP	—	—	
Furniture, furnishings and appliance store	—	P	P	P	
Gas station	—	UP	—	UP	13.42.100
General retail - 10,000 sf or less	—	P	P	P	
General retail - 10,001 to 19,999 sf	—	p ⁽²⁾	MUP	p ⁽²⁾	
General retail - 20,000 sf or more	—	UP	UP	UP	
Groceries, specialty foods - 10,000 sf or less	—	P	P	P	
Groceries, specialty foods - More than 10,000 sf	—	p ⁽²⁾	MUP	UP	
Mobile home, boat, or RV sales	—	UP	—	—	
Office-supporting retail	P	P	P	P	
Outdoor retail sales and activities	—	P	P	P	13.42.180
Produce stand	—	MUP	MUP	MUP	13.42.200
Restaurant, cafe, coffee shop	P	P	P	p ⁽²⁾	
Second hand store	—	MUP	MUP	—	
Shopping center	—	MUP	MUP	MUP ⁽²⁾	
Warehouse retail	—	UP ⁽¹¹⁾	—	—	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL					
ATM	P	P	P	P	
Bank, financial services	UP	P	P	P	
Business support service	P	P	P	P	

LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	CO ⁽⁶⁾	CG ⁽⁶⁾	CC ⁽⁶⁾	CT ⁽⁷⁾	
TABLE 2-6	P	Permitted Use, Zoning Clearance required			
Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	MUP	Minor Use Permit required			
	UP	Use Permit required			
	S	Permit requirement set by Specific Use Regulations			
	—	Use not allowed			
Medical services - Doctor office	P	P	p ⁽³⁾	MUP ⁽²⁾	
Medical services - Clinic, lab, urgent care	UP	UP	p ⁽³⁾	MUP ⁽²⁾	
Medical services - Extended care	UP	UP	—	—	
Office - Accessory	P	P	P	P	
Office - Business/service	P	P	P	P	
Office - Government	MUP	MUP	MUP	MUP	
Office - Processing	MUP	—	UP ⁽³⁾	—	
Office - Processing, 20,000 sf maximum	MUP	—	UP ⁽³⁾	MUP	
Office - Professional	P	P	p ⁽³⁾	MUP	
SERVICES - GENERAL					
Adult day care - 14 or fewer clients	P	P	—	—	
Adult day care - 15 or more clients	MUP	MUP	—	—	
Catering service	—	P	—	MUP ⁽²⁾	
Child day care center	P	P	—	P	13.42.080
Drive-through service	—	UP	—	UP	
Equipment rental	—	MUP	—	—	
Kennel, animal boarding	—	MUP ⁽⁴⁾	—	MUP ⁽⁴⁾	
Lodging - Bed and breakfast inn (B&B)	—	P	P	MUP	13.42.070
Lodging - Hotel or motel	—	UP	UP	UP	
Lodging - Recreational vehicle (RV) park	—	UP	—	MUP	13.42.220

LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	CO ⁽⁶⁾	CG ⁽⁶⁾	CC ⁽⁶⁾	CT ⁽⁷⁾	
TABLE 2-6	P	Permitted Use, Zoning Clearance required			
Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	MUP	Minor Use Permit required			
	UP	Use Permit required			
	S	Permit requirement set by Specific Use Regulations			
	—	Use not allowed			
Maintenance service - Client site services	—	P	—	—	
Mortuary, funeral home	—	UP	UP	—	
Personal services	—	P	P	P	
Personal services - Restricted	—	MUP ⁽⁴⁾	—	—	
Public safety facility	UP	UP	UP	UP	
Repair service - Equipment, large appliances, etc.	—	MUP	—	—	
Social service organization	MUP	P	MUP	—	
<u>Syringe services program</u>	—	—	—	—	<u>13.48</u>
Vehicle services - Major repair/body work	—	UP	—	—	
Vehicle services - Minor maintenance/repair	—	MUP ⁽²⁾	—	MUP ⁽²⁾	
Veterinary clinic, animal hospital	—	UP	—	UP	13.26.070(C)
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE					
Broadcasting studio	MUP	P	UP	MUP	
Parking facility, public or commercial	—	MUP	MUP	—	
Pipeline, utility transmission or distribution line	UP	UP	UP	UP	
Rest stop	—	—	—	MUP	
Telecommunications facility	S	S	S	S	13.44
Transit station or terminal	—	MUP	MUP	MUP	
Utility facility	UP	UP	UP	UP	
Utility infrastructure	P	P	P	P	

Key to Zoning District Symbols

CO	Office Commercial	CC	Central Commercial
CG	General Commercial	CT	Tourist/Destination Commercial

Notes:

- (1) See Division 8 for land use definitions.
- (2) Use permit required when site abuts a residential zone.
- (3) Use allowed only on second or third floor except that an existing single-story residential structure in an area zoned central commercial, may be converted into a business, financial or professional service land use so long as the applicant obtains design review and does not expand the square-footage of the existing structure in a manner that will conflict with applicable zoning standards or in any event more than an additional ten percent.
- (4) Use not allowable on a site abutting a residential zone.
- (5) Zoning clearance not required if the use complies with all other applicable town approval requirements and standards.
- (6) Use permit approval required for all new construction.
- (7) Permit requirements established for the CT zoning district are for the replacement of land uses after initial site development. See Section [13.26.070](#).
- (8) Any winery use application within five hundred feet of an existing school, playground or church shall require use permit approval by the planning commission.
- (9) The maximum annual production capacity of the winery shall not exceed twenty thousand cases, unless permission is granted to allow additional cases during project review.
- (10) Supportive and transitional housing shall be subject only to those restrictions that apply to other residential dwellings of the same type (e.g., single-family, multifamily) in the same zone.
- (11) Warehouse retail is allowed only at locations meeting all of the following criteria: (a) within one-half mile of an I-80 interchange; (b) at least one-half mile from land zoned Central Commercial (CC); and (c) on sites with an aggregate size of fifteen or more acres.

TABLE 2-7 - CO AND CG DISTRICT DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District	
	CO Office Commercial	CG General Commercial
Minimum lot size	<i>Minimum area and width for parcels proposed in new subdivisions.</i>	
Area (net)	5,000 sf ⁽¹⁾	
Width	Determined by the review authority through the subdivision process.	
Residential density	<i>Maximum number of dwelling units allowed in a project. The actual number of units allowed will be determined by the town through subdivision or land use permit approval, as applicable.</i>	
Maximum density	2 - 10 units per acre in a mixed use project, subject to the general plan specific area policies, Land Use and Community Development Element, Section G.	

Development Feature	Requirement by Zoning District	
	CO Office Commercial	CG General Commercial
Setbacks ⁽²⁾	<i>Minimum and, where noted, maximum setbacks required for primary structures. See Section 13.30.110 for exceptions to these requirements.</i>	
Front	15 ft minimum; offices shall be set back no more than 15 ft, except where an entry courtyard is provided, or where approved through design review.	
Side - Interior (each)	15 ft along a lot line abutting an R zone, none required otherwise.	
Side - Corner	15 ft	
Rear	15 ft along a lot line abutting an R zone, none required otherwise.	
Floor area ratio (FAR)	<i>Maximum FAR allowed.</i>	
	0.60 maximum	
Lot coverage	<i>Maximum percentage of total lot area that may be covered by structures. When expressed as a range, the review authority may limit the maximum coverage allowed a specific project to less than the maximum of the range, as determined appropriate for the site and project.</i>	
	35% to 60%	25% to 60%
Height limit	<i>Maximum allowable height of structures. See Section 13.30.050 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	30 ft - 2 stories	35 ft - 2 stories
Landscaping	See Chapter 13.34 (Landscaping Standards)	
Parking	See Chapter 13.36 (Parking and Loading)	
Signs	See Chapter 13.38 (Signs)	

Notes:

(1) A commercial condominium, or a residential condominium, townhome, or planned development project may be subdivided with smaller parcels for ownership purposes, with their minimum lot area determined through the subdivision review process, provided that the overall development site complies with the lot area requirements of this chapter, and the total number of any dwellings is in compliance with the maximum density established by the applicable zoning district.

(2) Ground-floor residential shall comply with the setback requirements and height limits of the RH zone.

TABLE 2-8 - CC AND CT DISTRICT DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District	
	CC Central Commercial	CT Tourist/Destination Commercial
Minimum lot size	<i>Minimum area and width for parcels proposed in new subdivisions.</i>	
Area (net)	5,000 sf ⁽¹⁾	
Width, depth	Determined by the review authority through the subdivision process.	
Residential density	<i>Maximum number of dwelling units allowed in a project. The actual number of units allowed will be determined by the town through subdivision or land use permit approval, as applicable.</i>	
Maximum density	15 units per acre in a mixed use project.	2 - 10 units per acre in a mixed use project.
Setbacks	<i>Minimum and, where noted, maximum setbacks required for primary structures. See Section 13.30.110 for exceptions to these requirements.</i>	
Front	<p>Taylor Road - No front setback allowed; buildings shall be placed at the property line except where a setback is authorized through design review, and except that up to 20 ft may be allowed for outdoor seating or eating areas with design review approval.</p> <p>Horseshoe Bar Road - 15 ft for landscaping and the preservation of existing buildings and landscaping.</p> <p>Sites on other streets - 15 ft.</p>	25 ft, landscaped
Side - Interior (each)	15 ft along a property line abutting a residential zone or use, none required otherwise.	25 ft along a property line abutting a residential zone, none required otherwise.
Side - Corner	Same requirement as front setback.	
Rear	Same requirement as side setbacks.	
Freeway	N.A.	40 ft from the Interstate 80 right-of-way, or other distance approved as part of a master development plan (Section 13.62.070).
Floor area ratio (FAR)	<i>Minimum FAR required and maximum FAR allowed.</i>	

Development Feature	Requirement by Zoning District	
	CC Central Commercial	CT Tourist/Destination Commercial
	0.25 minimum, 1.60 maximum; more than 0.60 may be approved only where parking is provided in a structure that does not detract from the pedestrian orientation of the downtown.	Not applicable
Lot coverage	<i>Maximum percentage of total lot area that may be covered by structures. When expressed as a range, the review authority may limit the maximum coverage allowed a specific project to less than the maximum of the range, as determined appropriate for the site and project.</i>	
	35% to 60%	25% to 40%
Height limit Maximum height	<i>Maximum allowable height of structures. See Section 13.30.050 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>	
	35 ft - 3 stories	35 ft - 3 stories; 45 ft allowed for hotels, motels, and theaters only, with fire department approval
Landscaping	See Chapter 13.34 (Landscaping Standards)	
Parking	See Chapter 13.36 (Parking and Loading)	
Signs	See Chapter 13.38 (Signs)	

Notes:

(1) A commercial condominium, or a residential condominium, townhome, or planned development project may be subdivided with smaller parcels for ownership purposes, with the minimum lot area requirement determined through the subdivision review process, provided that the overall development site complies with the lot area requirements of this chapter, and the total number of any dwellings is in compliance with the maximum density established by the applicable zoning district.

SECTION 4. Section 13.28.030 of Chapter 13.28 Title 13 of the Loomis Municipal Code is hereby amended to read as follows:

13.28.030 - Industrial and public district land uses and permit requirements.

Table 2-9 identifies the uses of land allowed by this title in the industrial and public zoning districts, and the land use permit required to establish each use, in compliance with Section 13.22.030.

NOTE: Where the last column in the table (“Specific Use Regulations”) includes a section number, the regulations in the referenced section apply to the use. Provisions in other sections of this title may also apply.

TABLE 2-9 Allowed Uses and Permit Requirements for Industrial and Public Zoning Districts	P	Permitted Use, Zoning Clearance required			
	MUP	Minor Use Permit required			
	UP	Use Permit required			
	—	Use not allowed			
	S	Permit requirement set by Specific Use Regulations			
LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	BP	ILT	IL	PI	
AGRICULTURE AND OPEN SPACE USES					
Plant nursery	—	P	P	—	
INDUSTRY, MANUFACTURING AND PROCESSING, WHOLESALING					
Agricultural product processing	—	—	P	—	
Artisan/craft product manufacturing	MUP	P	P	—	
Construction contractors	—	MUP	P	—	
Furniture and fixtures manufacturing, cabinet shop	—	MUP ⁽³⁾	P	—	
Industrial research and development	P	—	P	—	
Laboratory - Medical, analytical, research and development	UP	P	P	—	
Laundry, dry cleaning plant	—	—	P	—	
Manufacturing/processing - Heavy	—	—	—	—	
Manufacturing/processing - Intensive	—	—	MUP	—	
Manufacturing/processing - Light	MUP	MUP	P	—	
Media production	P	MUP	P	—	
Printing and publishing	P	MUP	P	—	
Recycling - Scrap and dismantling yards	—	—	MUP	—	13.42.210
Recycling - Small collection facility	MUP	MUP	MUP	MUP	13.42.210
Storage - Outdoor	—	MUP ⁽³⁾	P	—	13.42.190
Storage - Personal storage facility (mini-storage)	—	P	P	—	
Storage - Warehouse, indoor storage	P	P	P	—	

LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	BP	ILT	IL	PI	
TABLE 2-9 Allowed Uses and Permit Requirements for Industrial and Public Zoning Districts					
P Permitted Use, Zoning Clearance required MUP Minor Use Permit required UP Use Permit required — Use not allowed S Permit requirement set by Specific Use Regulations					
Wholesaling and distribution	P	P	P	—	
Winery	—	—	MUP	—	13.42.290
RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES					
Adult oriented business	—	—	S	—	13.40
Club, lodge, private meeting hall	—	UP	UP	UP	
Commercial recreation facility - Indoor	—	—	UP	—	
Community center	—	UP	UP	MUP	
Fitness/health facility	P	P	P	MUP	
Library, museum	—	—	—	MUP	
Religious facility	—	—	—	P	13.42.230
Religious facility - Incidental, not during business hours	—	—	P	P	13.42.230
School - Elementary, middle, secondary	—	—	—	UP	
School - Specialized education/training	MUP	MUP	MUP	UP	
Sports and active recreation facility	—	—	—	UP	
Studio - Art, dance, martial arts, music, etc.	—	P	P	MUP	
RESIDENTIAL USES					
Caretaker/employee unit	MUP	MUP	MUP	MUP	
Commercial cannabis activity	—	—	—	—	13.46.100
Emergency shelter	—	—	—	UP	

Key to Zoning District Symbols

BP	Industrial/Business Park	IL	Light Industrial
ILT	Limited Industrial	PI	Public/Institutional

Notes:

- (1) See Division 8 for land use definitions.
- (2) Use permit required when site abuts a residential zone.
- (3) The review authority shall ensure that proposed outdoor storage activities are compatible with any adjacent residential use.

TABLE 2-9 Allowed Uses and Permit Requirements for Industrial and Public Zoning Districts	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	BP	ILT	IL	PI	
P	Permitted Use, Zoning Clearance required				
MUP	Minor Use Permit required				
UP	Use Permit required				
—	Use not allowed				
S	Permit requirement set by Specific Use Regulations				
LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	BP	ILT	IL	PI	
RETAIL TRADE					
Accessory retail uses	P	P	P	P	13.42.030
Alcoholic beverage sales	—	—	P	—	13.42.050
Auto and vehicle sales and rental	—	MUP	p ⁽²⁾	—	
Auto parts sales	—	P	P	—	
Building and landscape material sales - Indoor	—	P	P	—	
Building and landscape material sales - Outdoor	—	MUP	P	—	13.42.180
Construction and heavy equipment sales and rental	—	—	P	—	
Farm supply and feed store	—	—	P	—	
Mobile home, boat, or RV sales	—	—	MUP	—	
Office - supporting retail	P	P	P	—	
Restaurant	P	P	P	—	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL					
Accessory service uses	P	P	P	P	13.42.030

TABLE 2-9 Allowed Uses and Permit Requirements for Industrial and Public Zoning Districts	P	Permitted Use, Zoning Clearance required			
	MUP	Minor Use Permit required			
	UP	Use Permit required			
	—	Use not allowed			
	S	Permit requirement set by Specific Use Regulations			
LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	BP	ILT	IL	PI	
ATM	P	—	—	—	
Business support service	P	—	P	—	
Medical services - Clinic, urgent care	—	—	—	P	
Medical services - Extended care	—	—	—	P	
Medical services - Hospital	—	—	—	P	
Medical services - Laboratory	P	P	P	P	
Office - Accessory	P	P	P	P	
Office - Government	P	P	P	P	
Office - Processing	P	P	—	—	
SERVICES - GENERAL					
Adult day care	P	P	P	P	
Catering service	P	P	P	—	
Child day care center	P	MUP	MUP	P	13.42.080
Equipment rental	—	p ⁽²⁾	P	—	13.42.180
Kennel, animal boarding	—	p ⁽³⁾	P	p ⁽²⁾	13.42.060
Maintenance service - Client site services	—	MUP	P	—	
Personal services - Restricted	—	—	MUP	—	
Public safety facility	UP	UP	UP	P	
Repair service - Equipment, large appliances, etc.	—	MUP	P	—	
Syringe services program	=	=	=	=	13.48

LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	BP	ILT	IL	PI	
TABLE 2-9 Allowed Uses and Permit Requirements for Industrial and Public Zoning Districts					
P Permitted Use, Zoning Clearance required MUP Minor Use Permit required UP Use Permit required — Use not allowed S Permit requirement set by Specific Use Regulations					
Vehicle services - Major repair/body work	—	MUP ⁽²⁾	MUP	—	
Vehicle services - Minor maintenance/repair	—	MUP ⁽²⁾	P	—	
Veterinary clinic, animal hospital	P	P	P	P	
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE					
Ambulance, taxi, or limousine dispatch facility	—	—	P	—	
Broadcasting studio	P	P	P	—	
Pipeline, utility transmission or distribution line	UP	UP	UP	UP	
Telecommunications facility	S	S	S	S	13.44
Transit station or terminal	UP	UP	UP	UP	
Truck or freight terminal	—	—	MUP	—	
Utility facility	MUP	MUP	MUP	MUP	
Utility infrastructure	P	P	P	P	
Vehicle storage	—	MUP ⁽²⁾	MUP	—	

Key to Zoning District Symbols

BP	Industrial/Business Park	IL	Light Industrial
ILT	Limited Industrial	PI	Public/Institutional

Notes:

- (1) See Division 8 for land use definitions.
- (2) Use permit required when site abuts a residential zone.
- (3) Use not allowed if site abuts a residential zone.

SECTION 5. Section 13.80.020 of Chapter 13.80 Title 13 of the Loomis Municipal Code is hereby amended to read as follows:

13.80.020 - Definitions of specialized terms and phrases.

As used in this title, the following terms and phrases shall have the meaning ascribed to them in this section, unless the context in which they are used clearly requires otherwise.

S. Definitions, S.

Syringe services program also referred to as a **syringe exchange program**, has the meaning set forth in section 5.24.010.B of the Loomis Municipal Code.

SECTION 6. This ordinance shall be effective at the expiration of thirty (30) days from the date of adoption.

SECTION 7. The Deputy Town Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the Town, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in at least three (3) public places in the Town and enter in the Ordinance Book a certificate stating the time and place of said publication by posting.

The foregoing Ordinance was introduced at a regular meeting of the Council of the Town of Loomis held on November 14, 2023, as was ADOPTED AND ORDERED published and post a meeting of the Council held on the 14th day of November, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Danny Cartwright, Mayor

ATTEST:

APPROVED AS TO FORM:

Carol Parker, Deputy Town Clerk

Jeffrey Mitchell, Town Attorney

ORDINANCE NO. 23-293

**AN URGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOOMIS
ADDING CHAPTER 5.24 OF THE MUNICIPAL CODE PROHIBITING THE
ESTABLISHMENT, OPERATION, USE, AND/OR PARTICIPATION IN NEEDLE EXCHANGE
OR DISTRIBUTION PROGRAMS WITHIN THE TOWN OF LOOMIS**

WHEREAS, an application for a syringe services program was submitted by Safer Alternatives through Networking & Education (SANE) to the California Department of Public Health (CDPH) on or around July 31, 2023 that seeks to collect and provide syringe distribution through home delivery and pickup within Placer County, including the Town of Loomis; and

WHEREAS, CDPH determined the application met the baseline requirements in Health and Safety Code section 121349, the public comment period for the application closes on September 21, 2023, and CDPH is expected to issue a decision on the application at any time afterwards; and

WHEREAS, improper collection and disposal of used hypodermic needles and syringes presents an imminent threat to, the health, property, safety and welfare of the public; and

WHEREAS, syringe services programs that provide services near schools, parks and playgrounds have especially negative effects since they result in improper disposal of syringes and the congregation of persons addicted to drugs near schools, parks and playgrounds; and

WHEREAS, pursuant to the Town's police power, as granted broadly under Article XI, Section 5 of the California Constitution, the Town Council of the Town of Loomis has the authority to enact and enforce ordinances and regulations for the public peace, health and welfare of the Town and its residents; and

WHEREAS, Government Code Section 38771 et seq. authorizes the Town, through its legislative body, to declare actions and activities that constitute a public nuisance; and

WHEREAS, the Loomis Municipal Code sets forth regulatory, penal and administrative ordinances of the Town, and as to the use of land, and of buildings thereon, Chapter 13 (Zoning) of the Loomis Municipal Code is intended to promote the growth of the Town in an orderly manner and promote and protect the public health, safety, peace, comfort and general welfare in conformance with the Town's General Plan; and

WHEREAS, syringe services programs are not an enumerated use under the Zoning Code and the Loomis Municipal Code does not specifically address or regulate syringe services programs within the Town; and

WHEREAS, this ordinance is an interim urgency ordinance adopted pursuant to the authority granted to the Town by Government Code Section 65858, and is for the immediate preservation of the public health, safety and welfare. The facts constituting the urgency are:

1. The California Department of Public Health is expected to certify a syringe services program that would provide home delivery and pickup of syringes within the Town of Loomis in conflict with the Town's Zoning Code;
2. Absent the adoption of this Ordinance, the establishment of a syringe services program in the Town is expected to result in an increase in nuisance conditions negatively affecting the well-being of the community, thereby diminishing property values and introducing incompatible land uses to existing neighborhoods or in close proximity thereto; and
3. Absent the adoption of this Ordinance, the establishment of a syringe services program in the Town will increase the burden upon Town services due to enforcement of the established standards and regulations relating to syringe services programs;
4. In a letter dated September 6, 2023, the Placer County Sheriff, on behalf of the County and the Town of Loomis, identified numerous health and public safety concerns specific to the syringe services program under consideration for approval by the California Department of Public Health.

WHEREAS, this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because there is no possibility it will have a significant effect on the environment, and it is not a "project", as defined in Section 15378 of the CEQA Guidelines.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOOMIS ORDAINS AS FOLLOWS:

Section 1. Loomis Municipal Title 5, Chapter 5.24, is added on an interim uncodified basis for the effective period of this ordinance as follows:

CHAPTER 5.24 MISCELLANEOUS BUSINESS REGULATIONS

5.24.010 Syringe Exchange Programs — Public nuisance.

A. Purpose and Intent. The Town Council recognizes that the establishment and operation of a syringe services program will increase improperly disposed needles which pose a serious risk to the public health, safety and welfare, given the potential for personal bodily injury, property damage, and contaminated waterways. It is the purpose and intent of this section to prohibit the establishment, operation, use, and/or participation in a syringe services program within the Town of Loomis to protect the public health, safety, and general welfare of its residents.

B. Definition. "Syringe services program" means a program authorized by the County of Placer or the California Department of Public Health and operating within the Town of Loomis that acts as a point of access to health education and care for people who inject drugs, where hypodermic needles and/or syringes are dispensed, or where used syringes are collected pursuant to the authority of Chapter 18 of Part 4 of Division 105 of the California Health and Safety Code, or successor section or chapter thereof, such that persons participating in and/or operating such programs are exempt from criminal prosecution for acts related to the possession of needles and/or syringes.

C. Prohibition. It shall be unlawful and a public nuisance for any person to create, establish, operate, conduct, or participate in a syringe services program within the Town of Loomis.

D. Conformance to Law. The provisions of this section shall be interpreted in accordance with otherwise applicable state and federal law(s) and will not apply if determined by the Town to be in violation of any such law(s).

Section 2. The recitals and statements of fact set forth in this ordinance are true and correct, constitute a substantive part of this ordinance, and are incorporated herein by this reference. Based on those facts, the Town Council finds, determines and declares that this ordinance is necessary as an emergency measure for the immediate preservation of the public peace, health or safety pursuant to, and as authorized by, Government Code section 65858(a).

Section 3. The Town Council hereby declares, based on the findings set forth above, that there is an immediate need to preserve the public peace, health and safety constituting the urgency for adoption of this ordinance pursuant to Government Code section 36937(c). Accordingly, this ordinance is adopted as an urgency ordinance and shall take effect and be in force immediately upon its adoption until October 27, 2023, unless otherwise repealed or extended as provided in California Government Code Section 65858.

Section 4. The Town Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code section 36933.

I, CAROL PARKER, DEPUTY TOWN CLERK OF THE TOWN OF LOOMIS, HEREBY CERTIFY this ordinance was PASSED and ADOPTED by the Town Council of the Town of Loomis at a regular meeting on September 12, 2023.

AYES:

NOES:

ABSENT:

ABSTAIN:

Danny Cartwright, Mayor

ATTEST:

Carol Parker, Deputy Town Clerk

ORDINANCE NO. 294

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOOMIS
ADOPTING CHAPTER 5.24 OF THE MUNICIPAL CODE PROHIBITING THE
ESTABLISHMENT, OPERATION, USE, AND/OR PARTICIPATION IN
NEEDLE EXCHANGE OR DISTRIBUTION PROGRAMS WITHIN THE
TOWN OF LOOMIS**

WHEREAS, improper collection and disposal of used hypodermic needles and syringes presents an imminent threat to, the health, property, safety and welfare of the public; and

WHEREAS, syringe services programs that provide services near schools, parks and playgrounds have especially negative effects since they result in improper disposal of syringes and the congregation of persons addicted to drugs near schools, parks and playgrounds; and

WHEREAS, pursuant to the Town's police power, as granted broadly under Article XI, Section 5 of the California Constitution, the Town Council of the Town of Loomis has the authority to enact and enforce ordinances and regulations for the public peace, health and welfare of the Town and its residents; and

WHEREAS, Government Code Section 38771 et seq. authorizes the Town, through its legislative body, to declare actions and activities that constitute a public nuisance; and

WHEREAS, this ordinance is adopted as an urgency ordinance pursuant to the authority granted to the Town by Government Code Sections 36934 and 36937, and is for the immediate preservation of the public health, safety and welfare. The facts constituting the urgency are:

1. The California Department of Public Health has considered syringe services programs that would provide home delivery and pickup of syringes within the Town of Loomis;
2. Absent the adoption of this Ordinance, the establishment of a syringe services program in the Town is expected to result in an increase in nuisance conditions negatively affecting the well-being of the community, thereby diminishing property values and introducing incompatible land uses to existing neighborhoods or in close proximity thereto; and
3. Absent the adoption of this Ordinance, the establishment of a syringe services program in the Town will increase the burden upon Town services due to enforcement of the established standards and regulations relating to syringe services programs;
4. In a letter dated September 6, 2023, the Placer County Sheriff, on behalf of the County and the Town of Loomis, identified numerous health and public safety concerns specific to the syringe services program then under consideration for approval by the California Department of Public Health.

WHEREAS, this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because there is no possibility it will have a significant effect on the environment, and it is not a "project", as defined in Section 15378 of the CEQA Guidelines.

WHEREAS, on September 12, 2023, the Town Council adopted Urgency Ordinance 23-293 establishing a prohibition on needle exchange or distribution programs within the Town of Loomis; and

WHEREAS, for the protection of the public's health, safety, and general welfare, the City desires to make permanent the limitations on such activities within the Town, while referring to the Planning Commission the question of whether modifications to the Town's zoning regulations are necessary and appropriate; and

WHEREAS, the City desires that such extension take effect immediately upon its adoption in accordance with §36934 of the California Government Code.

NOW, THEREFORE, BE IT ORDAINED BY THE LOOMIS TOWN COUNCIL AS FOLLOWS:

Section 1. Chapter 5.24 of the Loomis Municipal Code, as adopted on an interim basis by Ordinance 23-293 is hereby made permanent.

Section 2. Findings. In adopting this ordinance, the Town Council finds and determines that each of the recitals and findings set forth above, as well as the applicable recitals and findings contained in Urgency Ordinance 23-293, are true and correct and are incorporated herein by reference, and that the adoption of this ordinance is necessary to continue to protect against the immediate threats to the public safety, health, and welfare which were identified in Urgency Ordinance 23-293.

Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The Town Council of the Town of Loomis hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

Section 4. No Mandatory Duty of Care. This Ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5. Effective Date. This Ordinance shall be in force and take effect immediately from and after its passage and approval by at least four-fifths vote of the Town Council. Although not required by law, the City Clerk shall cause this ordinance to be published in summary format within 15 days after adoption in a newspaper of general circulation published and circulated within the Town of Loomis.

PASSED AND ADOPTED by the Town Council of the Town of Loomis this 10th day of October, 2023, by the following vote:

AYES:	Cortez, Youngblood, Knisley, Ring, Cartwright
NOES:	None
ABSENT:	None
ABSTAIN:	None

Danny Cartwright, Mayor

ATTEST:

Carol Parker, Deputy Town Clerk

RESOLUTION NO. 23-04

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS
RECOMMENDING ADOPTION OF CHAPTER 13.48 OF TITLE 13 OF THE LOOMIS MUNICIPAL CODE
REGARDING SYRINGE SERVICE PROGRAMS AND AMENDING SECTIONS 13.24.040, 13.26.040,
13.28.030 AND 13.80.020 REFERENCING CHAPTER 5.24 AND CHAPTER 13.48 OF CHAPTER 13.26 OF
TITLE 13 OF THE LOOMIS MUNICIPAL CODE TO THE TOWN COUNCIL**

WHEREAS, the Government Code allows the Town of Loomis to adopt ordinances and standards to reasonably control the development of property and to protect the environment consistent with the direction provided by the General Plan; and

WHEREAS, on September 12, 2023, the Town Council adopted Urgency Ordinance 23-293 establishing a prohibition on needle exchange or distribution programs within the Town of Loomis as Chapter 5.24; and

WHEREAS, on October 10, 2023, the Town permanently adopted Chapter 5.24 under Ordinance 294 and directed the Planning Commission to modify the Town’s zoning regulations accordingly; and

WHEREAS, this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because there is no possibility it will have a significant effect on the environment, and it is not a “project,” as defined in Section 15378 of the CEQA Guidelines; and

WHEREAS, the Town of Loomis proposes to amend the Municipal Code by the addition of Chapter 13.48 Syringe Service Programs within the Town’s Zoning Ordinance in reference to Chapter 5.24, and amendment of Sections 13.24.040, 13.26.040, 13.28.030, and 13.80.020 referencing Chapters 13.48 and 5.24; and

WHEREAS, Town staff prepared a DRAFT Syringe Service Program Ordinance, Chapter 13.48 that was reviewed and discussed by the Planning Commission at their meeting of October 24, 2023; and

NOW THEREFORE, the Planning Commission of the Town of Loomis, at its meeting of October 24, 2023, did resolve as follows:

1. The draft Syringe Service Programs Ordinance Chapter 13.48 is hereby recommended to the Town Council for adoption.
2. Amendments to Chapter 13.24 Residential Zoning Districts, Chapter 13.26 Commercial Zoning Districts, 13.28 Industrial Zoning Districts, and 13.80 Glossary adding reference to the Syringe Service Programs Ordinances 13.48 and 5.24 are hereby recommended to the Town Council for adoption.

ADOPTED this 24th day of October 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sarah Jennings
Secretary to the Planning Commission

Tim Onderko
Planning Commission Chairman