



Staff Report

TO: Town of Loomis Town Council
FROM: Christy Consolini, Planning Director
DATE: December 12, 2023
RE: Syringe Service Programs – Public hearing and first reading of Zoning Ordinance Update to ensure consistency with Ordinance 294

Recommendation

1. Hold a public hearing regarding the recommended 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. Conduct first reading of Ordinance No. ___ 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.
4. Inform the public that the City Council anticipates holding a second reading and adoption of Ordinance No. ___ at its regular meeting of January 9, 2024.

Issue Statement and Discussion

At its meeting of September 12, the Town Council adopted Urgency Ordinance 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. The Town Council made Chapter 5.24 permanent during the October 10, 2023 Town Council meeting through adoption of Ordinance 294.

On October 24, 2023 the Town of Loomis Planning Commission considered and recommended 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 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. Ordinance No._____ 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 Ordinance 294
- C. Planning Commission Resolution #23-04

ORDINANCE _____**ORDINANCE OF THE TOWN 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**

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 City Council has determined that this ordinance is necessary to ensure the protection of the public health, safety and welfare, based on the following:

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 293 establishing a prohibition on needle exchange or distribution programs within the Town of Loomis; and

WHEREAS, on October 10, 2023, the Town Council adopted Ordinance 294 making permanent the prohibition on needle exchange or distribution programs within the Town of Loomis for the protection of the public's health, safety, and general welfare; and

WHEREAS, on October 24, 2023, the Town Planning Commission recommended modifications to the Town's zoning regulations as necessary and appropriate.

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

SECTION 1.

The following provisions of the Loomis Zoning Ordinance (Title 13) are hereby amended as shown, with new text shown by **double underlining**:

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.

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)	
AGRICULTURAL AND OPEN SPACE USES							

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 accessory structure	P	P	P	—	—	—	13.42.040
Animal keeping	S	S	S	S	S	S	13.42.060
Crop production, horticulture, orchard, vineyard	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	—	—	—	
Plant nursery, retail	MUP	MUP	—	—	—	—	13.42.180
Plant nursery, wholesale, 5 acres or less	MUP	MUP	MUP	—	—	—	13.42.180
Plant nursery, wholesale, more than 5 acres	MUP	MUP	—	—	—	—	13.42.180
Storage of petroleum products for on-site use	P	P	—	—	—	—	
Winery	UP	UP	—	—	—	—	13.42.290
RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES							
Club, lodge, private meeting hall	UP	UP	UP	—	—	—	
Golf course, country club	UP	UP	UP	UP	—	—	
Equestrian facilities	UP	UP	UP	—	—	—	
Parks and playgrounds, public	P	P	P	P	P	P	
Private residential recreation facility	MUP	MUP	MUP	MUP	MUP	MUP	
Religious facility	UP	UP	UP	UP	UP	UP	13.42.230
RESIDENTIAL USES⁽⁴⁾							
Carriage house	—	—	—	P	P	—	13.42.270
Commercial cannabis activity	—	—	—	—	—	—	13.46.100
Home occupation	P	P	P	P	P	P	13.42.120

LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	RA	RE	RR	RS	RM ⁽⁶⁾	RH ^(5,6)	
	<p>TABLE 2-2</p> <p>Allowed Land Uses and Permit Requirements for Residential Zoning Districts</p> <p>P Permitted Use, Zoning Clearance required</p> <p>MUP Minor Use Permit required</p> <p>UP Use Permit required</p> <p>S Permit requirement set by Specific Use Regulations</p> <p>— Use not allowed</p>						
Household pets (see also “animal keeping” above)	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	13.42.060
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

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						
Single-family dwelling	P	P	P	P	P	—	
Zero lot line single-family dwelling	—	—	—	P	—	—	13.42.300
RETAIL TRADE							
Accessory retail and services	P	P	P	P	—	—	13.42.030
Hay/feed sales	MUP	MUP	MUP	—	—	—	13.42.110
Produce stand	MUP	MUP	MUP	—	—	—	13.42.200
SERVICES							
Bed and breakfast inn (B&B)	UP	UP	UP	UP	—	—	13.42.070
Adult day care - 6 or fewer clients	P	P	P	P	P	P	
Adult day care - 7 or more clients	MUP	MUP	MUP	MUP	MUP	MUP	
Cemetery	UP	UP	UP	—	—	—	
Child day care - Large family day care home	P	P	P	MUP	MUP	MUP	13.42.080
Child day care - Small family day care home	P	P	P	P	P	P	
Child or adult day care center	UP	UP	UP	UP	UP	UP	13.42.080
Kennel, animal boarding	UP	UP	—	—	—	—	13.42.060
Medical services - Extended care	UP	UP	UP	UP	UP	UP	
Public buildings and uses	UP	UP	UP	UP	UP	UP	
<u>Syringe services program</u>	≡	≡	≡	≡	≡	≡	<u>13.48</u>
Veterinary clinic, animal hospital	UP	UP	—	—	—	—	
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE							

LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	RA	RE	RR	RS	RM ⁽⁶⁾	RH ^(5,6)	
	Pipeline, utility transmission or distribution line	UP	UP	UP	UP	UP	
Sound wall	MUP ⁽³⁾	MUP ⁽³⁾	MUP ⁽³⁾	MUP ⁽³⁾	MUP ⁽³⁾	MUP ⁽³⁾	
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.

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)
Fitness/health facility	P	P	P ⁽³⁾	P	

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial 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
		CO ⁽⁶⁾	CG ⁽⁶⁾	CC ⁽⁶⁾	CT ⁽⁷⁾	
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	—	—	—		
RETAIL TRADE						

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial 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
		CO ⁽⁶⁾	CG ⁽⁶⁾	CC ⁽⁶⁾	CT ⁽⁷⁾	
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		
Fuel dealer (propane for home and farm use, etc.)	—	MUP	—	—		

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial 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
	CO ⁽⁶⁾	CG ⁽⁶⁾	CC ⁽⁶⁾	CT ⁽⁷⁾	
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	
Medical services - Doctor office	P	P	P ⁽³⁾	MUP ⁽²⁾	

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial 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
	CO ⁽⁶⁾	CG ⁽⁶⁾	CC ⁽⁶⁾	CT ⁽⁷⁾	
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
Maintenance service - Client site services	—	P	—	—	
Mortuary, funeral home	—	UP	UP	—	

LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	CO ⁽⁶⁾	CG ⁽⁶⁾	CC ⁽⁶⁾	CT ⁽⁷⁾	
TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial 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					
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
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CG	General Commercial	CT	Tourist/Destination Commercial
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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.

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	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
ATM	P	—	—	—	

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	
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	—	
<u>Syringe services program</u>	≡	≡	≡	≡	<u>13.48</u>
Vehicle services - Major repair/body work	—	MUP ⁽²⁾	MUP	—	
Vehicle services - Minor maintenance/repair	—	MUP ⁽²⁾	P	—	

LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	BP	ILT	IL	PI	
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.

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 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 Ordinance 294, are true and correct and are incorporated herein by reference.

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 30 days from and after its passage and approval by the Town Council. The Town 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.

The foregoing Ordinance was introduced at a regular meeting of the Council of the Town of Loomis held on December 12, 2023, as was ADOPTED AND ORDERED published and post a meeting of the Council held on the 9th day of January, 2024 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. 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, was adopted on an interim basis by Ordinance 293 made permanent by Ordinance 294.

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 Ordinance 294, 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 Ordinance 294.

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: Kelly, DiPillo, DeMartini, Wilson, Onderko

NOES:

ABSENT:

ABSTAIN:

Sarah Jennings
Secretary to the Planning Commission

Tim Onderko
Planning Commission Chairman