

## Staff Report

**TO:** Town of Loomis Planning Commission  
**FROM:** Mary Beth Van Voorhis, Planning Director  
**DATE:** February 23, 2021  
**RE:** HOMEWOOD LUMBER - MODIFICATION OF CONDITIONAL USE PERMIT #10-04 - CONDITION OF APPROVAL #37 - APPLICATION #21-02  
 4011 SIERRA COLLEGE BLVD (APN 044-123-075), LOOMIS, CA 95650

### Recommendation

1. Conduct a public hearing and receive public input; and
2. Adopt Resolution #21-01 approving the Modification of Conditional Use Permit #10-04, Condition of Approval #37, for Brace Taylor LLC to improve and provide definition related to ingress/egress to the Homewood Lumber site at 4011 Sierra College Boulevard (APN 044-123-075).

### Issue Statement and Discussion

Homewood Lumber Use Permit #06-10, approved May 29, 2007, was granted an extension under Planning Commission Resolution #10-04, approved on June 15, 2010, to complete the required conditions of approval at 4011 Sierra College Boulevard, APN 044-123-075, Loomis, CA 95650.

At this time, Homewood Lumber owner Brace Taylor LLC., in unification with Town staff, would like to revise the existing language of Condition of Approval #37 to improve and define ingress and egress from Sierra College Boulevard and Brace Road to the Homewood Lumber site.

#### Existing Condition of Approval #37:

*“Delivery trucks for this use shall use Sierra College Boulevard and have limited use of Brace Road. No use of Brace Road east of the site by delivery trucks is permitted with this permit unless involved with a local delivery.”*

#### “Proposed” Condition of Approval #37:

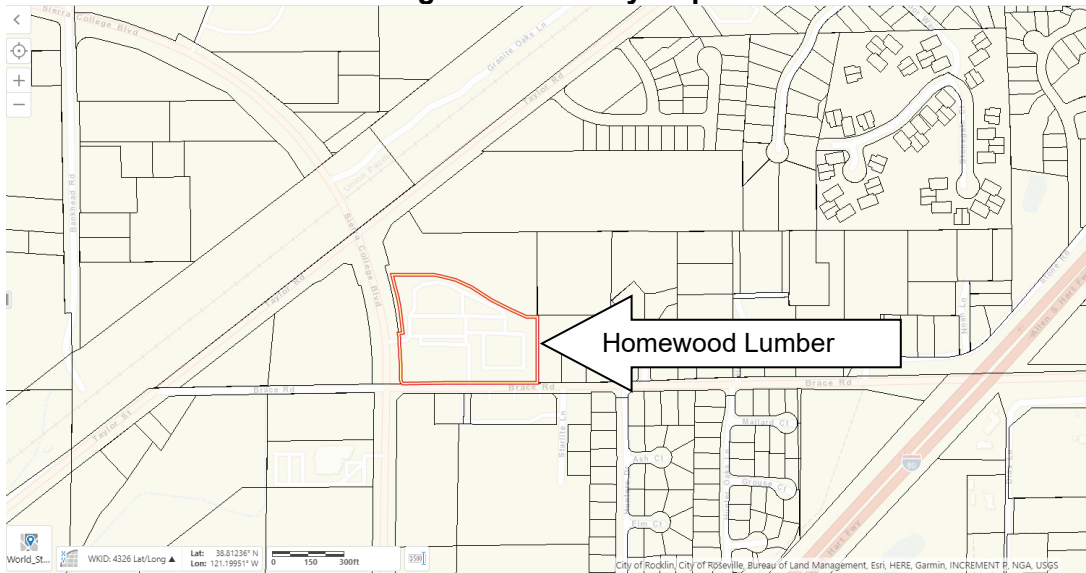
“The Sierra College Boulevard entrance to the property shall be used for all delivery trucks that are: i) traveling northbound on Sierra College Boulevard or eastbound on Brace Road to reach the property, or ii) existing the property and proceeding northbound on Sierra College. The Brace Road entrance to the property may only be used by delivery trucks: i) if they are traveling southbound on Sierra College Boulevard or continuing westbound on Brace Road beyond the Brace Road/Sierra College Boulevard intersection. Delivery trucks may only use Brace Road east of the property for local deliveries. All turning movements onto Sierra College Boulevard or Brace Road shall be conducted in a safe manner and in compliance with applicable state and local laws.”

Over the years the original Condition #37 has created some confusion concerning what “limited use” means. Staff believes that the proposed revised condition captures the intent of Condition #37 while providing better specificity concerning when the Brace Road entrance/exit can be used. Staff

recommends that the Planning Commission approve Resolution #21-01 to revise Homewood Lumber Conditional Use Permit.

The existing 5.2 acre parcel is shown in Figure 1-Vicinity Map.

**Figure 1 – Vicinity Map**



The existing 5.2 acre parcel is shown in Figure 2-Aerial View.

**Figure 2 – Aerial View – Site Specific**



**ATTACHMENTS:**

- A. Draft Resolution #21-01
- B. Planning Commission Resolution #10-04 – June 15, 2010

**NOTE:** Notice published in the Loomis News on February 12, 2021 and mailed to adjacent property owners within 300 feet on February 12, 2021.

**RESOLUTION NO. 21-01**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS  
APPROVING MODIFICATION OF CONDITIONAL USE PERMIT  
#10-04 - CONDITION OF APPROVAL #37 - APPLICATION #21-02  
4011 SIERRA COLLEGE BLVD (APN 044-123-075), LOOMIS, CA 95650**

**WHEREAS**, Homewood Lumber property owner Brace Taylor LLC. and the Town of Loomis have met and concur on the revision of Condition of Approval #37 as stated in Use Permit #10-04 approved on June 15, 2010;

**WHEREAS**, on February 23, 2021, the Planning Commission of the Town of Loomis conducted a public hearing on revision of Condition of Approval #37, at which time any person interested in the matter had an opportunity to be heard; and

**WHEREAS**, the Planning Commission of the Town of Loomis reviewed and considered the staff report relating to the application, the plans, the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

**NOW THEREFORE**, the Planning Commission of the Town of Loomis hereby approves revision to Homewood Lumber Use Permit #10-04, Condition of Approval #37 to read:

“The Sierra College Boulevard entrance to the property shall be used for all delivery trucks that are: i) traveling northbound on Sierra College Boulevard or eastbound on Brace Road to reach the property, or ii) existing the property and proceeding northbound on Sierra College. The Brace Road entrance to the property may only be used by delivery trucks: i) if they are traveling southbound on Sierra College Boulevard or continuing westbound on Brace Road beyond the Brace Road/Sierra College Boulevard intersection. Delivery trucks may only use Brace Road east of the property for local deliveries. All turning movements onto Sierra College Boulevard or Brace Road shall be conducted in a safe manner and in compliance with applicable state and local laws.”

ADOPTED this 23<sup>rd</sup> day of February 2021, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

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Carol Parker, Secretary to the  
Planning Commission

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Greg Obranovich  
Planning Commission Chairman

**RESOLUTION NO. 10-04**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS APPROVING A 12-MONTH EXTENSION OF TIME FOR THE HOMEWOOD LUMBER CONDITIONAL USE PERMIT AND DESIGN REVIEW AT 5251 BRACE ROAD, ASSESSOR PARCEL NUMBERS 044-123-057 AND 044-123-069

**WHEREAS**, Hamid Noorani has requested a 12-month extension of a Conditional Use Permit and Design Review approval for the Homewood Lumber project at 5251 Brace Road, APNs: 044-123-057 & 044-123-069, such application being identified as #10-04; and

**WHEREAS**, on June 15, 2010, the Planning Commission of the Town of Loomis conducted a public hearing on the extension, at which time any person interested in the matter was given an opportunity to be heard; and

**WHEREAS**, the Planning Commission of the Town of Loomis reviewed and considered the staff report relating to said application, the plans, the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

**NOW THEREFORE**, the Planning Commission of the Town of Loomis, at its meeting of June 15, 2010, did resolve as follows:

1. The Planning Commission of the Town of Loomis hereby makes the finding that the proposed use is consistent with the Town of Loomis General Plan and the Zoning Ordinance.
2. A 12-month extension of the Homewood Lumber Relocation Conditional Use Permit approval #06-10 is hereby approved.

ADOPTED this 15th day of June, 2010, by the following vote:

AYES: Arisman, Obranovich, Thew, Wilson

NOES:

ABSENT: Fettke

ABSTAINED:



Janet Thew, Planning Commission Chair



Matt Lopez, Planning Department

## EXHIBIT A

### FINDINGS:

#### Negative Declaration

1. The initial study identified possible adverse environmental effects, but conditions of project approval, now included as part of the project, have reduced them to a point where they are not significant.

#### Conditional Use Permit

1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code;
2. The proposed use is consistent with the General Plan and any applicable specific plan;
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
4. The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and
5. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property or improvements in the vicinity and zoning district in which the property is located in that 1) design review for compatibility with the commercial areas and residential area is required, 2) a noise study has been conducted and its requirements are conditioned with the project, including use of the new type of forklift, 3) a traffic study has been done, and its requirements will be met, and conditions for improvements are required as part of the project – for additional lanes, a turn lane into the Brace Road entrance, a right-in, right-out driveway only on Sierra College, 4) tree mitigation per the Town's Ordinance is required, and will include a restoration plan for the lands behind the developed area dedicated in perpetuity for and to be open space; 5) approval of the wetlands delineation with no-net loss mitigation is required; 6) a negative declaration with required mitigations is being adopted as part of the conditions.

EXHIBIT B  
FINAL CONDITIONS OF APPROVAL/APPEAL  
HOMEWOOD LUMBER RELOCATION, 5251 BRACE ROAD  
TOWN COUNCIL 08/14/07

This Conditional Use Permit and concurrent Tree Permit, are approved for the construction of buildings for lumber and landscaping sales (indoor and outside) and for door assembly, on an 8.84 acre parcel, APNs 044-123-057 and -069, 5251 Brace Road near Sierra College Boulevard per the following conditions and will become effective within 90 days, subsequent to the zoning amendment becoming effective. The owner has two (2) years in which to exercise the Conditional Use Permit by the start of construction on-site. The approval expires 8/14/09, unless extended by the Planning Commission. The start of construction of Phase 2 shall be by August 14, 2012, unless extended by the Planning Commission. The development shall be in accordance with the preliminary site, grading (tree), and utility plan dated May '07 and received 5/23/07, and these conditions. Approval now expires on August 14, 2011, per Planning Commission Resolution #10-04.

GENERAL CONDITIONS

1. \_\_\_\_\_ Owner shall comply with all applicable provisions of the Town of Loomis Municipal Code.
2. \_\_\_\_\_ The conditions of approval are incorporated by this reference and require the owner to implement all of the mitigation measures listed in the Final Mitigated Negative Declaration and Mitigation Monitoring Program, attached.
3. \_\_\_\_\_ The project shall proceed only in accordance with approved plans on file in the Planning Department, the conditions contained herein and the Town of Loomis Municipal Code. Approval of this project, subject to said plans, conditions and Code(s), shall not be interpreted as the Town having waived compliance with any sections of the Town of Loomis Municipal Code (Zoning, Building Codes, etc.), Loomis General Plan, or applicable Plans.
4. \_\_\_\_\_ Development shall be substantially in accordance with the plans entitled "Homewood Lumber Relocation", as prepared by Land Development Services, Inc., consisting of 4 sheet(s), dated "May 07" and submitted 5/18/07 and 5/23/07, except as may be modified by the conditions stated herein.
5. \_\_\_\_\_ When submitting for Plan Check the owner must provide to the Planning Department a copy of the final conditions of approval with a cover letter specifying in detail (narrative with all corroborating documents included) how and where the revised plans address each of the conditions. Plan Check by the Planning Department and Town Engineer will not be initiated without compliance with this condition. All plans shall be consistent with that approved by the Planning Department. The owner shall be responsible for correcting any inconsistency which may occur through error or omission during plan preparation or construction.
6. \_\_\_\_\_ The owner shall indemnify, exonerate and hold harmless the Town of Loomis and all officers and employees thereof against all claims, demands and causes of action arising out of improvements constructed within this project subject to insurance submittals by the applicant as approved by the Town Attorney.

7. \_\_\_\_\_ The conditions of approval of the application shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, which may or may not be shown on the map or improvement plans.  
IMPROVEMENTS (ROADWAY, DRAINAGE, GRADING AND PARKING DESIGN)
8. \_\_\_\_\_ The owner shall construct curb, gutter, 5-foot sidewalk, barricades at the end of ending sidewalk, any drainage facilities (if needed), widening of the pavement section and striping on Sierra College Boulevard and widening of Brace Road along the frontage of the project at ultimate build-out location as shown on the preliminary site plan. Improvements shall be completed to the extent of each Phase (1&2).
9. \_\_\_\_\_ Phase 1 roadway improvements on Sierra College Blvd. shall be done from Brace Road up to the FEMA Q 100 Flood Fringe line approximately 60' north of the north side of curb return at the Sierra College Blvd. entry driveway.
10. \_\_\_\_\_ The Town will take over roadway improvements along Sierra College Blvd. starting about 60' north of the Sierra College Blvd. entry driveway (See condition ) And continue the improvements to Taylor Road and around the turn to the property boundary line on Taylor Road. The Town shall do this work only if an agreement is made for wetland and open space preservation of the 3.6 acre floodway otherwise owner shall do all roadway improvement for the entire length of roadway on Sierra College Blvd. and Taylor Road.
11. \_\_\_\_\_ Owner shall install and maintain accurate information signs, as approved by the Town Engineer, indicating when (dates and times) roads are to be worked on and traffic impeded.
12. \_\_\_\_\_ As part of Phase 1 work, the owner shall modify and/or relocate the traffic signal poles and signal facilities at the northeast corner of Sierra College and Brace to accommodate the ultimate build-out of 6-lanes on Sierra College Blvd . The Town shall credit the applicant for the existing poles and boxes that are surplus material and shall deliver the items to the Town's Corporation Yard.
13. \_\_\_\_\_ Should there be alteration and/or filling in the floodway areas during the development of Phase 2, the applicant shall obtain from FEMA a CLOMR (conditional letter to map revision) to establish the floodplain boundaries prior to construction in accordance with Mitigation Measure 26.
14. \_\_\_\_\_ The parking areas shall be surfaced with a minimum of 2 inches of asphalt on 4 inches of aggregate base. The applicant shall look into the use of pervious type pavement to decrease surface runoff into the flood-zoned area (add condition 14 & 39 together).
15. \_\_\_\_\_ The disabled access ramp to be constructed in the parking lot shall be designed to ADA standards.
16. \_\_\_\_\_ The owner shall obtain an encroachment permit prior to any work within public rights-of-way.
17. \_\_\_\_\_ Existing public facilities, and real and personal property, damaged during the course of construction shall be repaired by the owner at his sole expense, to the reasonable satisfaction of the Town Engineer.
18. \_\_\_\_\_ The owner shall construct all improvements required as a condition of approval of this project or enter into a contract agreement with the Town to construct all improvements, and shall post bond, cash deposit, or instrument of credit, in the amount of 150% of the estimated cost, guaranteeing the construction of all improvements within the time period specified herein or an approved time

extension in accordance with the provisions of the Loomis Municipal Code and other applicable laws.

19. \_\_\_\_\_ The plans for improvements required as a condition of approval of this project shall be prepared by a California Registered Civil Engineer and shall be approved by the Town Engineer prior to any construction.
20. \_\_\_\_\_ The owner shall submit certified as-built plans and computer generated design files on disk detailing the improvements prior to final acceptance of improvements.
21. \_\_\_\_\_ Cost of all inspections related to on-site and off-site improvements shall be borne by the owner and shall be paid prior to completion of the improvements.
22. \_\_\_\_\_ The owner shall dedicate all necessary rights-of-way and easements for streets, alleys, sewers, water facilities, utilities, drainage facilities, and other facilities as required by the Town on the parcel/final map.
23. \_\_\_\_\_ The owner shall be responsible for all actions of his contractors and subcontractors until such time as the improvements have been accepted as complete by the Town.
24. \_\_\_\_\_ A fence and wall plan shall be submitted to the Planning Commission with the design review application for approval prior to approval of the improvement plans or issuance of any permits.
25. \_\_\_\_\_ The owner shall design and construct any proposed fence, wall or building along the east boundary of the property to prevent any damage, modifying, re-aligning or stoppage of the existing drainage swale that runs along the boundary line. If applicable, the owner shall submit retaining wall and/or sound-wall calculations approved by a registered civil engineer at the time of improvement plan submittal.
26. \_\_\_\_\_ If the development abuts undeveloped open space, the development shall be designed with an accessible fire buffer along the open space (which may include a 15' all weather roadway if required by Loomis Fire District). The design, construction and ongoing maintenance of the fire access and open space shall be coordinated with the Loomis Fire District and Town of Loomis Public Works Departments prior to any final occupancy.
27. \_\_\_\_\_ Improvement plans shall show the location and size of fire hydrants and water mains in conformance with the standards and requirements of the Loomis Fire District and Placer County Water Agency.
28. \_\_\_\_\_ All grading shall conform to the Town Grading Ordinance (Municipal Code Section 12), Mitigation Measure 16 and/or as recommended by a soils report to be submitted by owner, with prior review and approval by the Town Engineer. A Grading Permit shall be obtained prior to building permit issuance.
29. \_\_\_\_\_ Both on-site and off-site drainage facilities shall be designed and constructed as directed and approved by the Town Engineer in compliance with the Drainage Manual, Mitigation Measures 20 through 24, and best engineering practices prior to issuance of building permits. Prior to onsite construction, the owner shall submit a grading and drainage plan to the Town Engineer for review and approval that addresses the impacts to the drainage patterns and runoff increases. On-site detention shall be provided on each project, for which a building permit is issued, for the increased runoff rate caused by project development in accordance with the Placer County Flood control



District Storm Water Management Manual and the Loomis Land Development Manual.

30. \_\_\_\_\_ The owner shall dedicate a "drainage" easement a minimum of 25' in width centered on the drainage swale noted on the tentative map exhibit. Deed restrictions shall be recorded concurrent with the final map, which state that "Within the "drainage" easement there shall be no grading, filling or construction of any structures with the exception of open wire fences, installed per applicable Town requirements. There shall be no temporary or permanent storage of materials or equipment and no dumping of trash, lawn or garden trimmings, oil, chemicals, or other toxic materials into the easement. A trail approved by the Town Council may be allowed within the easement.
31. \_\_\_\_\_ Drainage facilities for the project shall be designed and constructed as directed and approved by the Town Engineer according to good public engineering practices and the Town's Dry Creek standards prior to occupancy.
32. \_\_\_\_\_ No on-street parking on Sierra College Boulevard or Brace Road is permitted in conjunction with this permit.
33. \_\_\_\_\_ Prior to improvement plan approval, the owner shall submit documentation from a licensed engineer, for review and approval by the Town Engineer, which indicates the elevation of the 100 year flood throughout the site. The flood plain shall be delineated on the improvement plans. On each building permit and prior to final building approval, an engineer shall certify that the finished floor elevation is a minimum of 2' above the base flood elevation.
34. \_\_\_\_\_ Access to the project site (for emergency and vehicular access) shall be maintained to the satisfaction of the Director of Public Works/Town Engineer at all times during the development.
35. \_\_\_\_\_ The owner shall provide written confirmation from PG&E that there is no conflict with the existing 60kV power lines.
36. \_\_\_\_\_ The Town reserves the right to upgrade or add to Town Standard Plates and Standard Land Development Specifications.
37. \_\_\_\_\_ Delivery trucks for this use shall use Sierra College Boulevard and have limited use of Brace Road. No use of Brace Road east of the site by delivery trucks is permitted with this permit unless involved with a local delivery.
38. \_\_\_\_\_ The applicant shall enter into an agreement with the Town to be reimbursed for any additional work (including engineering and surveying) within the public right-of-way that is above and beyond the applicant's required frontage improvements and modifications to Town facilities.

#### **AGENCIES**

39. \_\_\_\_\_ The owner shall provide will-serve letters from all applicable utilities, the franchised refuse collector, the post office, and the fire department (including extension of the zone of benefit for the Fire District) for the review and approval of Town staff, to the extent legally required. The owner shall complete all legally enforceable requirements or conditions imposed upon the project by these agencies to the satisfaction of the agencies prior to any building permits being issued.
40. \_\_\_\_\_ The owner shall provide will-serve letters from the school districts in which this property is located

and shall pay the impact fees as determined by the two school districts at building permit issuance, to the extent legally required.

41. \_\_\_\_\_ The owner shall install sewer, water, and utilities prior to issuance of the final building approval to the satisfaction of PCWA, Health Department, Loomis Fire Department, and South Placer Municipal Utility District in compliance with town standards, the Municipal Code, etc. The Town Engineer, in consultation with the applicable agencies, shall determine whether this condition has been met.
42. \_\_\_\_\_ All utility facilities shall be placed underground in accordance with the Loomis Municipal Code.
43. \_\_\_\_\_ The owner shall submit a solid waste report to the Town on January 15 and July 15 of every year detailing items diverted, items reused, items sent for recollection/reconditioning/recycling, items composted, and other pertinent information in a form created and approved by the Public Works Director for use in the Town's Solid Waste Report.
44. \_\_\_\_\_ The owner shall insure that adequate dust controls, consistent with Mitigation Measure 3, are implemented during all phases of project construction and operation. A dust control plan must be reviewed and approved by the Placer County Air Pollution Control District prior to groundbreaking. A booklet on Fugitive dust is available from the Placer County Air Pollution Control District.
45. \_\_\_\_\_ Surface soils shall be screened for pesticides and herbicides prior to issuance of a grading permit or approval of Improvement Plans. Any contamination that is found must be re-mediated to the satisfaction of the Town and County Environmental Health Department prior to commencement of grading. If potential unidentified contamination is discovered during grading or construction, work shall halt until the area is investigated by a qualified professional and re-mediated if needed.
46. \_\_\_\_\_ The owner shall use low emission construction equipment maintained in optimum operating condition, and, where feasible use low-sulfur fuel or electronic equipment. Best Available Control Technology shall be used where feasible. Existing power poles or clean fuel generators will be used where feasible instead of temporary diesel generators.
47. \_\_\_\_\_ The owner shall insure that the project conforms with all Placer County Air Pollution Control District Rules and Regulations. The owner shall consult with the Placer County Air Pollution Control District regarding the need for a permit for operation of stationary sources of air emissions. If necessary, the owner shall obtain and comply with the applicable permit.
48. \_\_\_\_\_ The owner shall prohibit open burning on site (see Mitigation 6).
49. \_\_\_\_\_ The owner shall either contribute to the PCAPCD emission offset fund or in an amount that would offset the increase in NOx-related construction emissions in excess of 10 pounds per day or obtain emissions credits from the Placer County Air Pollution Control District;
50. \_\_\_\_\_ The owner shall submit a completed Hazardous Materials Emissions Questionnaire to the Placer County Division of Environmental Health prior to Certificate of Occupancy issuance.
51. \_\_\_\_\_ The owner shall not discharge of fuels, oils, other petroleum products, chemicals, detergents, or cleaners to the surface of the ground or to drainage-ways on or adjacent to the site.
52. \_\_\_\_\_ The owner shall distribute alternate transportation materials to all employees. This information should include but is not limited to ridesharing, mass transit schedules, etc.

53. \_\_\_\_\_ The owner shall dispose of any hazardous materials in accordance with all applicable hazardous materials laws and regulations.
54. \_\_\_\_\_ The owner shall subscribe to weekly refuse collection. Enclosure design and placement and its maintenance shall be submitted for review and approval through the Design Review process and Auburn Placer Disposal prior to issuance of a building permit. The owner shall provide adequate, accessible, and convenient areas for collecting and loading commingled solid waste and recyclable materials.
55. \_\_\_\_\_ The owner shall comply with the requirements of the Loomis Fire Protection District prior to issuance of the improvement plans.
56. \_\_\_\_\_ Per the Loomis Fire Protection District, prior to building permit issuance, an all-weather access driveway shall be provided to any new development, which shall be properly graded, culverted (if necessary), and surfaced with a 4-6 inch base material to allow emergency vehicle access to the parcels
57. \_\_\_\_\_ The owner is subject to the development approval standards established by Resolution No. 1-2004, as amended, of the Loomis Fire District, and the fire service fee established by Loomis Fire District Ordinance No. 1-2004 (for new commercial, industrial and office developments), as amended.
58. \_\_\_\_\_ Improvement plans shall show the location and size of fire hydrants and water mains in conformance with the standards and requirements of the Loomis Fire District and Placer County Water Agency.
59. \_\_\_\_\_ Any security gates and/or fences shall require detailed plans that shall be submitted to the Sheriff's Substation and Fire Department and Planning Department for approval prior to issuance of building permits.
60. \_\_\_\_\_ The owner shall submit to the Planning Director and the Town Engineer verification from the U.S. Army Corps of Engineers or the Town's consultant of the wetlands delineation and from the California Department of Fish and Game that the project has obtained all required permits relating to waterways prior to issuance of improvement plans.
61. \_\_\_\_\_ The owner shall purchase wetland credits (including on-site as allowed) in an amount necessary to provide no net loss of wetlands, per Mitigation Measure 10.
62. \_\_\_\_\_ The owner shall confer with local postal authorities regarding mailbox clustering and turnouts. A letter from the Post Office indicating their conditions are satisfied must be submitted prior to issuance of building permits
63. \_\_\_\_\_ The owner shall notify Placer County Coroner if human remains are discovered, and that if such remains are of Native American origin, then the Native American Heritage Commission will be notified, and the Most Likely Descendant will be consulted regarding the appropriate disposition of the remains of any grave artifacts that are discovered.
64. \_\_\_\_\_ The owner shall provide the land for a bus stop, and kiosk, if requested by the school districts and approved by the Town Council.

## GENERAL PLANNING

65.     \_\_\_     The operation of a lumber facility and door assembly facility shall be conducted in accordance with the project description submitted to staff by the owner indicating the existing and potential activities and hours of operation, attached. Minor modifications to this project description/list of activities may be approved by the Planning Director.
66.     \_\_\_     The rezoning allowing assembly use in the CG zone shall be approved by the Town Council prior to the Planning Commission's approval of this Conditional Use Permit (which includes a specific assembly use) becoming effective.
67.     \_\_\_     Product assembly operations shall be limited to door assembly and moulding. Any other assembly operations require prior approval of the Planning Commission through modification of the Use Permit.
68.     \_\_\_     The building shall be constructed in conformance with Uniform Building Code (UBC) requirements for the uses allowed under Section 13.26.040 of the Town's Zoning Ordinance for CG zoning. Any use within the building shall be conducted only in conformance with the UBC.
69.     \_\_\_     The project shall conform to the General Plan, including the Noise Element standards, State Noise Insulation Standards (CA code of Regulations, Title 24) and Chapter 35 of the Uniform Building Code. Noise generated by the project shall not cause the Ldn to exceed 60 dBA at the property line during or after construction, nor shall it cause the noise level at the property line to exceed 75 dBA at any time during or after construction
70.     \_\_\_     The project shall conform to the requirements of the noise study titled, " Environmental Noise Assessment, Homewood Lumber Relocation, Project 2006-035 ", dated April 14, 2006, by Luke Saxelby of J.C Brennan & Associates, Inc and Mitigation Measure 28. The covered lumber storage shall be constructed to the noise standards of the report, and extend as close to the wetlands as allowable in the first phase. A sound wall shall be constructed with Phase 2 in accordance with the requirements of the Noise Study.
71.     \_\_\_     Owner shall enter into a maintenance agreement with the Town approved by the Town Attorney for the walls and structures necessary for noise attenuation and for the solid waste disposal enclosure.
72.     \_\_\_     The owner shall submit prior to issuance of final building approval and keep on deposit with the Town a \$500 mitigation monitoring fee for payment of an hourly fee to the town for responding to any noise complaints or other complaints regarding conditions of the Use Permit. This mitigation shall be the subject of a mitigation monitoring agreement with the Town, written and approved by the Town Attorney.
73.     \_\_\_     The table saw and reciprocal saw shall be located in the lumber storage building, adjacent to the entry off of Brace Road. Noise baffles and absorbers shall be used and maintained to contain noise. Any open area/doorway will face onto the rear area
74.     \_\_\_     The project shall not disturb the peace, during or after construction (use of business) Out-of-door loudspeakers and/or amplified sound systems shall be limited as approved by the Planning Director and subject to such conditions as may be reasonably imposed by the Planning Director to assure preservation of the public health, safety and welfare.
75.     \_\_\_     Truck deliveries, parking lot sweeping and garbage pick-up shall be limited to the hours of 7:30 a.m.

– 6:00p.m. weekdays and Saturdays. Such activity shall not be permitted on National holidays and Sundays.

76. \_\_\_\_\_ The property owner shall be responsible to ensure all conditions to this permit are binding on all successors-in-interest (e.g. by incorporating into the standard provisions of any sale, lease and/or rental agreements, etc.).
77. \_\_\_\_\_ Owner shall submit an arborist report which requires approval of the Planning Director (as meeting the requirements of these conditions to protect the heritage trees onsite or mitigating any impacts thereto) prior to any improvement plan approval. The arborist report shall contain requirements to avoid the root zone of existing trees, or, if it is necessary to trench within the root zone, how to adequately mitigate the impacts on the trees (and their canopy) during trenching for and installation of utilities. All utilities shall be installed in accordance with the approved arborist report.
78. \_\_\_\_\_ The improvement plan/grading plan shall show appropriate fencing and protection measures for the trees (which are shown to be retained in accordance with this approval) to the satisfaction of the Town Engineer in accordance with best practices and the following bullets. A grading permit shall be obtained prior to any onsite construction. Every attempt shall be made to retain as many existing trees on-site as possible. The owners shall limit tree removal to those trees approved to be removed by this approval in the development areas (marked Exhibit 4 of 4). In no case shall the number of trees to be removed exceed that shown on the Site Plan submitted before the Planning Commission on May 29, 2007.
- Owner shall protect the trees and area within the dripline from damage during grading and construction. Trees shall be fenced prior to any work on site.
  - Prior to on-site construction, the owner shall deposit funds with the Town to pay for a certified arborist to provide periodic inspection of the site during grading and construction, and verification to the Planning Director that the approved protection measures are properly implemented.
  - Prior to issuance of any grading permit the owner shall have the town arborist meet with his grading contractor to discuss the various arborist requirements during construction.
  - Prior to any on-site construction/issuance of any permit, owner shall submit a tree protection/restoration plan (including a list of removed trees, replacement trees, their irrigation and maintenance, measures to save trees to the rear of the paved loading area) for approval by the Planning Commission prior to any construction or permit.
  - Specific recommendations as stated in the arborist report and tree protection/restoration plan shall become requirements of the project and be completed prior to final occupancy or bonded for to the satisfaction of the Town Attorney.
  - Prior to final occupancy, a certified arborist shall submit a written statement confirming compliance with the approved tree mitigation protection plan to the Planning Department.
79. \_\_\_\_\_ A minimum \$10,000 cash performance bond (or an amount deemed adequate by the Planning Director to insure that the heritage trees on site are protected and can be replaced, if required) shall be posted to insure the preservation of trees during construction. The bond shall be posted in a form approved by the Town Attorney prior to issuance of any permits or any grading or movement of heavy equipment onto the site, whichever occurs first.
80. \_\_\_\_\_ Surveys for nesting raptors and loggerhead shrike shall be conducted each year prior to grading, as described in Mitigation Measure 9. If nesting raptors or loggerhead shrike are present, buffers shall be established as described in Measure 9.

81. \_\_\_\_\_ Temporary fencing shall be placed around wetlands to be avoided during project construction of Phase 1. This temporary fencing may not be removed unless approved by the Planning Director.
82. \_\_\_\_\_ Permanent barriers approved by the Planning Director shall be placed around avoided wetlands prior to occupation of the site for Phase 2.
83. \_\_\_\_\_ No certificate of occupancy shall be issued until all conditions incorporated into this Conditional Use Permit are completed and accepted or approved by the Town.
84. \_\_\_\_\_ The hours for on-site construction, shall be limited to Monday through Friday, 7 AM to 7 PM to assure public health, safety and welfare. No construction work shall occur on Saturdays or Sundays or federal holidays. Subsequent retail business activity on site shall be limited to Monday through Friday, 7 AM to 7 PM, Saturdays 8 to 5 PM., and none on Sundays, to assure public health, safety and welfare. Loading and unloading of materials may occur Sunday through Friday night until midnight, with a maximum of four workers at any one time. After retail hours, only the Linde model fork lifts shall be used. The Brace Road gate/entryway may only be open and used during retail business hours. Work inside the building which cannot be heard at the property lines is specifically excluded from these restrictions. Equipment warm up areas, water tanks, and equipment storage areas shall be located in an area as far away from existing residences as is feasible. All heavy construction equipment and all stationary noise sources (such as diesel generators) shall have manufacturer-installed mufflers.
85. \_\_\_\_\_ All lighting shall be shielded and directed on-site and night-sky compliant. A detailed on-site exterior lighting plan, proposed by the owner or his lighting consultant, shall be reviewed and approved by the Planning Department and Town Engineer (for shielding, level of illumination for safety and coverage, design of fixtures in accordance with project and area of Town) prior to building permit issuance. Said plan shall indicate fixture design, illumination, location, height and method of shielding, so as not to adversely affect adjacent properties. The lighting shall be installed prior to building final or any certificates of occupancy being issued.
86. \_\_\_\_\_ All loading and unloading shall occur on-site. Loading areas shall be permanently marked and maintained. No on-street parking of large trucks related to the Homewood Lumber operation shall occur on Brace Road or Sierra College Boulevard. A temporary parking area at the Sierra College Boulevard entryway shall be included and approved in the designs submitted for Design Review Approval.
87. \_\_\_\_\_ The owner shall include a method for screening of the loading area from the residential area on the east side of the property with any design review approval.
88. \_\_\_\_\_ Property owner shall provide parking, open and available on site, for all employees. All employees shall park on site.
89. \_\_\_\_\_ No inoperable vehicles shall be stored out-of-doors at the site for more than 24 hours, except as may be approved by the Planning Director.
90. \_\_\_\_\_ All recreational vehicles, equipment and/or materials to be stored outdoors shall be screened from the residential area and the roadways. Materials shall be stacked no higher than 18' in outdoor display area. The owner shall maintain any fencing in good condition.
91. \_\_\_\_\_ No parking space shall be offered for rent by the property owners.

92. \_\_\_\_\_ Heavy equipment operators and workers involved with initial site development of the potential archaeological and paleontological sensitivity of the site. Workers will be instructed as to the types of materials (unusual amounts of stone, bone, or shell) that could indicate an archaeological site.
93. \_\_\_\_\_ If archaeological, historical, or paleontological features are discovered during construction, work within 100 feet of the find shall be halted, and the Town of Loomis Planning Department shall be notified. A qualified archaeologist, historian, or paleontologist shall be retained at the developer's expense to conduct an on-site evaluation and provide recommendations for removal and/or preservation.
94. \_\_\_\_\_ Items may be stored in the flood fringe only temporarily, and must be stored above the 100-year floodplain and secured to prevent falling into flood waters or floating into drainage pipes
95. \_\_\_\_\_ This Conditional Use Permit shall be reviewed annually by the Planning Commission at a public hearing for the first two years after occupancy (with further annual reviews only required if, at the time of the second review, the Commission finds, after two years, that continuing such reviews is appropriate). A noise study shall be completed after the first two weeks of operation at the site, and prior to each of the first two annual review, for presentation to the Planning Commission
96. \_\_\_\_\_ Before doing any work within the public right-of-way or upon areas used by the general public whether in public or private ownership, the developer shall submit an improvement agreement, complete with time table, nature of improvements, routing or re-routing of the public during construction, and any other contents reasonably required by the Town Engineer, and shall agree in writing that in the event the developer or his contractors, sub-contractors, agents or employees breach the improvement agreement, the Town is entitled to withhold issuance of all future project permits until such time as the breach is remedied to the Town's satisfaction. In the event a subdivision improvement agreement will be entered into with respect to such improvements, that will suffice to fulfill this condition so long as its provisions include the contents outlined above."

#### LANDSCAPING AND DESIGN

97. \_\_\_\_\_ The owner shall develop the site as shown in the site plans (titled "Homewood Lumber Relocation " by Land Development Services, dated received 5/18/07) presented to, reviewed by, and approved by the Planning Commission on May 29, 2007, and marked "APPROVED" in the project file. Minor Modifications which do not have a material effect of the design of the project may be approved by the Planning Director so long as the Planning Director determines that they are in keeping with the Planning Commission's approval.
98. \_\_\_\_\_ The owner shall receive design review approval from the Planning Commission and Town Council at a joint meeting for the buildings and landscaping prior to submittal for building permits or approval of the improvement plans, whichever comes first. Project design shall be visually consistent with planned development of Sierra College Boulevard, per Mitigation Measure 1. A design incorporating fruit shed concepts is encouraged by the Planning Commission. Other options will also be considered.
99. \_\_\_\_\_ All heating, ventilation and air conditioning systems shall be screened from public view, as approved by the Planning Director (in accordance with the design of the project and the surrounding area). A roof plan shall be submitted with spot elevations showing location of all roof equipment including vents, stacks and skylights with the building permit submittals.

100. \_\_\_\_\_ All landscape areas shall be maintained in a healthy, thriving condition, free from weeds, trash and debris. The owner shall enter into a landscape maintenance agreement with the Town prior to receiving final building approval or a certificate of occupancy.
101. \_\_\_\_\_ The owner shall provide a minimum landscaped buffer/screening area of 10' along the eastern property boundary and 15' of drought tolerant landscaping using low-flow irrigation along the Sierra College and Brace Road frontages. The landscaping plan shall comply with the landscaping requirements in the Town's Zoning Ordinance. The landscaping will be reviewed and approved during the Design Review Approval by the Planning Commission.
102. \_\_\_\_\_ Detailed landscaping and irrigation plans stamped by a landscape architect or professional with similar qualifications shall be submitted and approved by the Planning Department as consistent with the approved plans and conditions of approval of the project prior to, or with, the submittal for building plan review. Calculations showing that the parking lot will be shaded 50% in 15 years and a statement indicating conformity of the landscaping plans with these conditions of approval shall be included on the plan.
103. \_\_\_\_\_ Prior to issuance of final building approval of each phase, the landscape professional shall submit a written statement confirming compliance with approved plans and approval of materials and installation to the Planning Department.
104. \_\_\_\_\_ When building permits are issued, the permittee shall purchase a copy of "Living among the Oaks – A Management guide for Landowners" to help him or her better preserve the existing oak trees.
105. \_\_\_\_\_ The owner has agreed to improve and dedicate the approximately 3.6 acre floodway area shown on the Preliminary Site Plan for the Homewood Lumber Relocation project to the Town or to a non-profit agency, in order to allow for the protection and restoration of the oak woodland open space area within the 3.6 acres, in exchange for credits against the owner's tree mitigation and open space development fees. This effort may include a trail and/or a Town entry feature/landscaped area at the corner of Sierra College and Taylor Road. The owner shall submit a plan and agreement to the Town outlining how the owner proposes to improve and dedicate the 3.6 acres. The plan shall include an ongoing maintenance plan for the 3.6 acres funded through an annuity or similar financing method with any proposed credits limited to tree mitigation and open space development fees. The plan and agreement shall be approved by the Town Council prior to any work onsite. Unless Town Council determines otherwise at the time it reviews the plan, the 3.6 acres shall be enclosed by temporary fencing with a 10 foot buffer during the construction of any improvements included in the plan. Thereafter, unless Town Council determines otherwise at the time it reviews the plan, the 3.6 acres shall be permanently enclosed by a cable fence with permanent 3 foot-tall 4"x 4" redwood posts no more than 25 feet apart. There shall be no temporary or permanent storage of equipment and no dumping of trash, lawn or garden clippings, oil, chemicals or other toxic substances within the 3.6 acre area. If the 3.6 acres is deeded to an entity other than the Town, the owner shall assure that the Town is allowed access to the 3.6 acres to maintain the open space and flood plain.
106. \_\_\_\_\_ The owner shall submit a sign plan for the project for the review and obtain approval of the Planning Director per the Sign Ordinance prior to issuance of the building permit/issuance of an occupancy permit. One free-standing monument-type sign shall be permitted for this project. The sign plan shall be submitted prior to receiving final building approval. Such sign shall only be lit by external lighting. Prior to construction of any signage, owner must receive Planning Director approval of the plan.



107. \_\_\_\_\_ The owner shall be required to provide 47 parking spaces and an overflow area for an additional 15 spaces by final occupancy of Phase 1. Overflow area may be used as lumber inventory area until additional on-site parking spaces are determined necessary by the Planning Director after study of the parking situation. The owner shall be required to provide 82 parking spaces by final occupancy of Phase 2. Any company vehicles shall be screened by landscaping or within the buildings. Location of the parking and any gating of the parking is to be as approved by the Planning Director. Plans of the parking spaces shall be reviewed and approved in accordance with Town of Loomis Zoning Ordinance standards prior to issuance of a building permit by the Town Engineer and Planning Director. The spaces shall be paved and striped and improved in accordance with the approved plans prior to issuance of the Certificate of Occupancy.

#### FEES

108. \_\_\_\_\_ The owner shall pay the development fees (e.g. road circulation fees, drainage fees, community facilities fee, master plan fees and fire fees, etc.) in effect at the time of building permit issuance.
109. \_\_\_\_\_ Pursuant to Government Code Chapter 5 - Planning and Land Use 66000, the owner shall be responsible for reimbursement of all inspection and monitoring costs to insure compliance with conditions imposed upon the project incurred by the Town.