

## Staff Report

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**TO:** Town of Loomis Planning Commission Members

**FROM:** Mary Beth Van Voorhis, Planning Director

**DATE:** November 27, 2018

**RE:** Minor Land Division #18-01  
6020 Nute Road - APN 045-170-071 – 52.2 acres  
Elizabeth and Rod Enright

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### Recommendation

1. Conduct a public hearing and receive public input; and
2. Adopt the recommended Mitigated Negative Declaration as per the requirements of the California Environmental Quality Act (CEQA); and
3. Adopt Resolution #18-10 approving the Minor Land Division (#18-01) subject to the findings in Exhibit A and the recommended conditions of approval in Exhibit B.

### **PROJECT DESCRIPTION:**

The existing 52.2 acre parcel site (Figure 1-Vicinity Map) consists of one parcel, with a single family home and associated out buildings (Figure 2-Aerial View). The site is accessed via Nute Road, a private road which will also serve the four newly created parcels and contains a dedicated easement for access to adjacent APN 045-170-012. As shown in Figure 2, the majority of the property is undeveloped pasture land, with trees along the perimeter with a number of oaks and cottonwoods in the central portion of the site. While most of the project site is fairly level, a butte rises sharply (Figure 3-Topographic View) in the northeastern corner of the site (proposed Parcel 3). Elevations range from 380 to 480 feet, peaking at the northeast corner, the main distribution point for a series a private irrigation lines. An intermittent stream located in the southwestern portion of the project site which flows through a culvert under Nute Road. Natural swales collect and convey runoff toward the on-site intermittent stream.

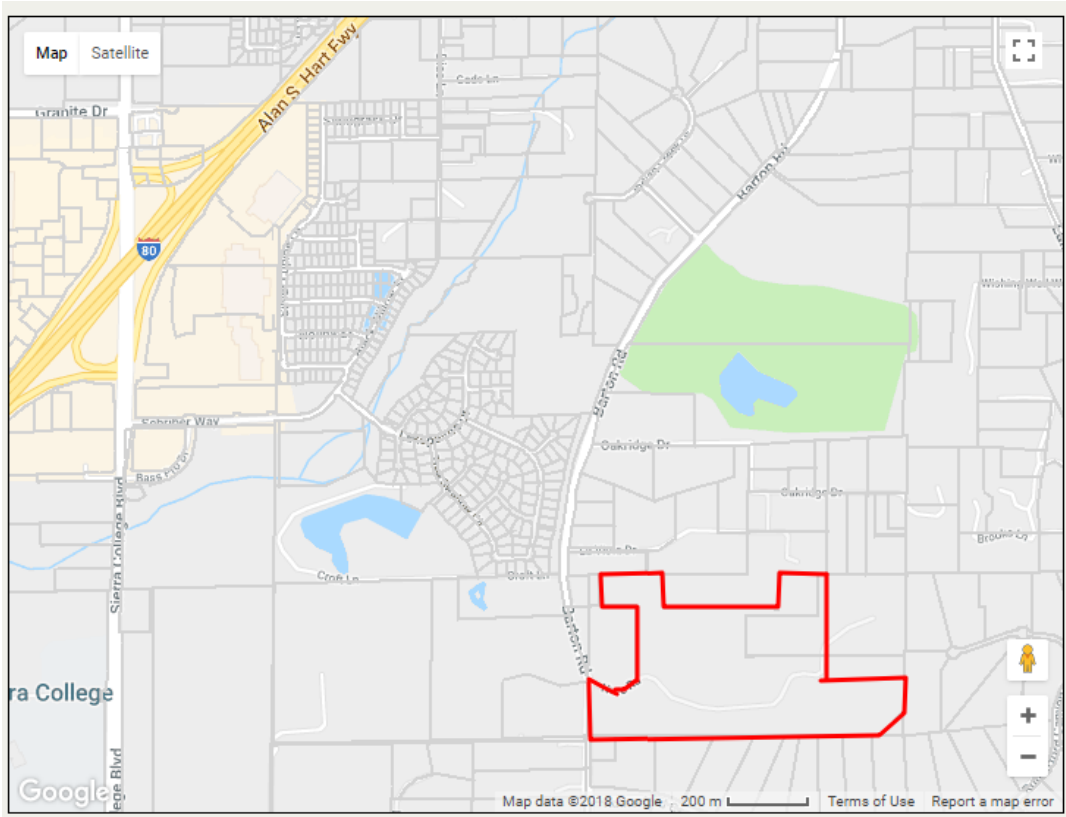
Application #18-01 proposes to divide one parcel (APN 045-170-071) being 52.2 acres into four individual parcels. The size of the new parcels will be approximately:

Parcel 1 - 16.7 acres  
Parcel 2 - 5.7 acres  
Parcel 3 - 5.5 acres  
Parcel 4 - 24.3 acres

**52.2 acres TOTAL**

The proposed new parcel configuration is shown in Figure 4 – Proposed Minor Land Division #18-01.

**Figure 1 – Vicinity Map**



(parcel boundary, shown in red above, is approximate and is based on LLA #18-13)

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



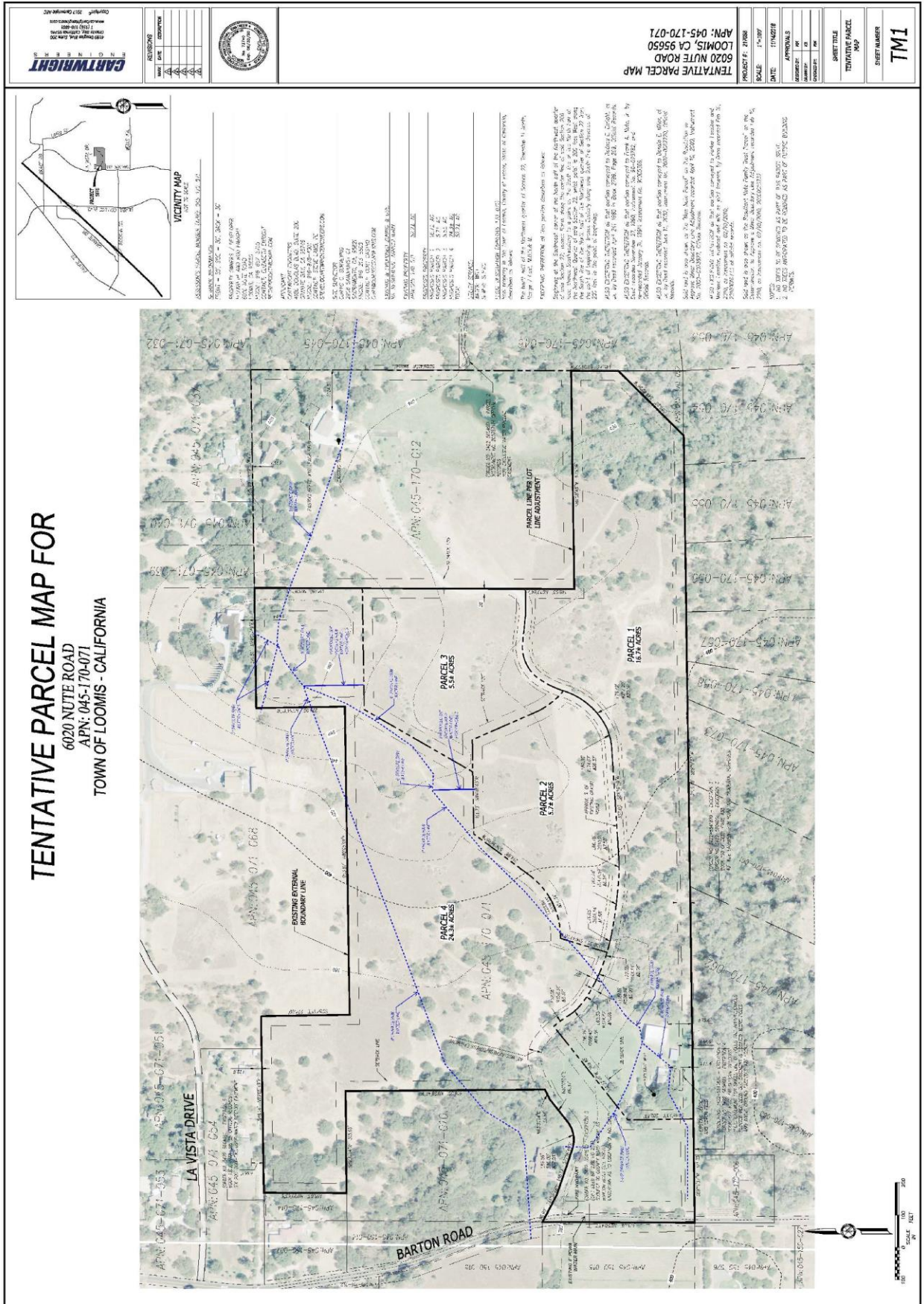
(parcel boundary, shown in red above, is approximate and is based on LLA #18-13)

Figure 3 – Topographic View



(parcel boundary, shown in red above, is approximate and is based on LLA #18-13)

Figure 4 – Proposed Minor Land Division #18-01



**General Plan, Zoning, and Existing Land Uses:**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>CURRENT LAND USE</b>
<b>ON SITE</b>	RESIDENTIAL AGRICULTURE	RA	SINGLE FAMILY RESIDENTIAL\RANGELAND
<b>NORTH</b>	RESIDENTIAL AGRICULTURE	RA	SINGLE FAMILY RESIDENTIAL\RANGELAND
<b>EAST</b>	RESIDENTIAL AGRICULTURE	RA	SINGLE FAMILY RESIDENTIAL
<b>SOUTH</b>	RESIDENTIAL AGRICULTURE	RA	SINGLE FAMILY RESIDENTIAL
<b>WEST</b>	RESIDENTIAL ESTATE	RE	SINGLE FAMILY RESIDENTIAL\RANGELAND

**General Plan & Zoning District = RA = Residential Agriculture:**

	<u>Required</u>	<u>Proposal</u>
Minimum lot size Area (net)	4.6 ac	Complies
Minimum lot width	160 ft.	Complies
Minimum lot depth	100 ft.	Complies
Minimum lot frontage	100 ft.	Complies

The resulting acreages after the Minor Land Division will be:

APN 045-170-012

Parcel 1 = 16.7 acres

Parcel 2 = 5.7 acres

Parcel 3 = 5.5 acres

Parcel 4 = 24.3 acres

**TOTAL = 52.2 acres**

**Owner Information:**

APN 045-170-071

Elizabeth and Rod Enright

6010 Nute Road

Loomis, CA 95650

916-652-5755

[bethenright1@gmail.com](mailto:bethenright1@gmail.com)

**Owner Representative:**

Cartwright Engineers

Mike Micheels, Project Manager

4180 Douglas Blvd, Suite 200

Granite Bay, CA 916-978-4001

[mmicheels@cartwrightengineers.com](mailto:mmicheels@cartwrightengineers.com)

**Existing Improvements/Utilities/Service Systems:**

**Sewer** – Septic

**Trash** - Recology

**Fire** – South Placer Fire District

**Water** - Wells

**Non Potable/Irrigation Water** – Placer County Water Agency, 6” line privately owned

This minor land division was first reviewed by the Planning Commission at the meeting of October 2, 2018 under a noticed public hearing and, at that time, the public hearing was continued by the Commission to October 23, 2018 and then further continued to this meeting of November 27, 2018 under a newly noticed public hearing. Staff has worked with the applicants' engineer to address matters associated with conditions placed on the "remainder" parcel identified with the project and determined this parcel division could be processed as one parcel, split four ways. The previous map submittal included a boundary line adjustment with the adjacent property owner that has now been processed independently of this request under Lot Line Adjustment Application #18-13 and is no longer included in the Minor Land Division of this application #18-01. There are no plans to expand the existing dwelling site on Parcel 1. Parcels 2 and 3, although currently vacant, are proposed to be sold and developed with single family residences consistent with the RA zoning and approved conditions of approval of this minor land division. There is no plan for development of Parcel 4 at this time.

### **CEQA Requirements**

Preliminary review found the proposed actions consistent with the Loomis General Plan and Zoning Code in terms of the zoning and parcel size requirements. As there was the potential for adverse environmental impacts as to endangered species, tree removal, cultural resources and possible pesticide contamination due to a former orchard, a Mitigated Negative Declaration (MND) was prepared as per the California Environmental Quality Act (CEQA) under the previous submittal which included the parcel that has now been approved under Lot Line Adjustment #18-13. This project continues under review of the Mitigated Negative Declaration (MND), however; the previously referred to "Remainder" parcel of that map is now referenced as "Parcel 4" on this revised map. Parcels 1, 2, and 3 of the original submittal have not been changed. The MND was circulated for review and comment to agencies and the public and no significant adverse comments as to the project's environmental impacts were received.

### **ISSUES**

#### **Biology:**

Aquatic habitats and surrounding uplands provide suitable aquatic and upland habitat for the western Biological resources within the 52.2 acre project site were characterized during a survey conducted by a qualified biologist on May 31, 2018. The survey consisted of reconnaissance level investigations of the majority of the site, with a focused survey conducted in the area of potential effects (APE), consisting of Parcels 2 and 3. The findings for that survey are summarized here.

A search of the California Natural Diversity Database (CNDDDB), California Native Plant Society (CNPS) RareFind, and USFWS Information for Planning and Conservation (IPaC) databases reported 35 special-status species known to occur in the region surrounding the project site. The habitat requirements of these species were evaluated to determine whether or not they have the potential to occur within the project site. Of these 35 identified species, the project site has features which could support habitat for 13 special-status species; however; it should be noted that most of these species do not have the potential to occur within the habitats present within the biological APE (Parcels 2 and 3).

A field assessment was conducted on May 31, 2018, to evaluate the site for the presence or potential for presence of these special-status species and to characterize the habitats within the property and the impacts associated with the Proposed Project. Habitat on the 52.2 acre project site is composed of approximately 0.60 acres of cottonwoods, 1.31 acres of mixed hardwood, 37.80 acres of non-native grassland, 18.49 acres of oak woodland, 0.51 acres of open water habitat, and 8.89 acres of ruderal habitats (See Figure 6 IS\MND). An informal delineation of wetlands and other Waters of the U.S. was conducted during this site visit, and a stream feature was delineated flowing south to north through proposed Parcel 1 and Parcel 4 (formerly the Remainder parcel) (as described in Figure 3 of the IS\MND). This aquatic feature is located more than 100 feet from the proposed new parcel.

The Proposed Project would result in the construction of two single-family homes on Parcels 2 and 3. Biological site surveys have determined that there are no special-status species or habitats that currently exist in the proposed lots, and the only potential habitat for any special-status species are the tall trees found within Parcels 2 and 3 that may represent nesting habitat for Swainson's hawk or other MBTA species.

The project site could provide foraging opportunities for raptors or migratory birds. The loss of foraging habitat for these raptors would not be a significant impact, because of the relatively small size of the potential impacts. However, construction activities near nesting trees could disrupt raptor and/or migratory bird nesting behavior. Disturbance to raptors or migratory birds during the nesting season could result in the abandonment of a nest, with the consequence that young would be lost. This would be a significant impact.

Implementation of the following mitigation measure would reduce impacts on raptors and migratory birds by requiring surveys for nesting birds if construction starts during the nesting season, and buffering disturbances around the nests if nesting birds are located will reduce the impacts to a **less-than-significant** level.

### ***Mitigation Measures***

Prior to the issuance of grading permits for improvements within project site, the following mitigation measures shall be implemented:

**BIO-1** *The project applicant shall retain a qualified biologist to conduct a preconstruction survey for the presence of American Badger within the areas to be disturbed within 14 days prior to the onset of construction activities. The results of the survey shall be summarized in a letter report and submitted to the Town. If burrows or other direct evidence of American Badger are found, then consultation with CDFW shall be initiated to determine appropriate setbacks from badger habitat.*

**BIO-2** *Should construction activities occur during the breeding season (February 15 through August 31), a pre-construction survey for raptor and/or nesting birds protected under the Migratory Bird Treaty Act shall be conducted by a qualified biologist. The preconstruction survey shall take place no more than 14 days prior to initiation of construction. All trees and shrubs within 500 feet of the area of disturbance shall be surveyed, with particular attention to any trees or shrubs that would be removed or directly disturbed. If an active nest of a protected bird is found on site or in the vicinity of off-site improvements at any time, the biologist shall, in consultation with the California Department of Fish and Wildlife (CDFW), determine whether construction work would affect the active nest or disrupt reproductive behavior. Criteria used for this evaluation shall include presence of visual screening between the nest and construction activities, and behavior of adult raptors in response to the surveyors or other ambient human activity. If construction could affect the nest or disrupt reproductive behavior, the biologist shall, in consultation with CDFW, determine an appropriate construction-free buffer zone around the nest to remain in place until the young have fledged or other appropriate protective measures to ensure no take of protected species occurs. The buffer shall be sufficient to ensure that the nesting birds are not disturbed by construction activities to the extent that they might abandon the nest prematurely.*

**BIO-4:** *A floristic survey will occur before the Town issues building permits and prior to commencement of ground-disturbing activities and would cover the Parcels 2 and 3 as well as any areas that may be indirectly affected by the Proposed Project. The floristic surveys will follow the protocols described in the*

*CDFW's Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. A reference population of Balsamorhiza macrolepis will be visited prior to the survey to determine its bloom status in a similar ecosystem and elevation. All species encountered will be identified to the species level to ensure that no other special-status species occur within the site and could be impacted by project-related activities. If any special-status species are found to occur within Parcels 2 and 3, CDFW will be notified prior to issuance of building or grading permits by the Town to determine proper mitigation measures.*

The Project will comply with Chapter 13.58 of the Town Municipal Code, which provides procedures and standards for identifying and protecting wetland resources and for permitting wetland restoration, enhancement, and mitigation projects. Section 13.58.030 requires compliance with federal and state requirements, including obtaining a CWA Section 404 permit, CWA Section 401 permit, and a CFGC Section 1602 permit, as applicable.

### **Tree Protection:**

Within Parcel 2, there are 16 oak trees with a diameter of 6 inches or more at breast height, and within Parcel 3 there are 4 additional oak trees with a diameter of 6 inches or more at breast height (refer to the location of oak trees shown on Figure 6 of the IS\MND). The removal of these trees would violate the Town of Loomis' Natural Resources and Open Space Policy #5 (Native Tree Protection). The potential loss of and/or damage to protected trees would be a potentially significant impact. The number and spacing of these oak trees within each parcel is low enough to allow for project design to completely avoid these trees. There is ample space for both access driveways and single-family houses within the parcels to not require removal of these trees. The following mitigation measures have been provided to ensure impacts associated with the Proposed Project are less than significant.

### **Mitigation Measure BIO-3**

*(a) Project design shall take into account the presence of oak trees within the parcels and the spatial extent of the tree root systems. Full avoidance of trees shall be required within the project design phase.*

*(b) If the removal of one or more protected trees is required for project implementation, the property owner of the affected parcel shall implement one or a combination of the following measures:*

*(i) Pay an in lieu fee for removal of trees, as calculated according to the Town Tree Ordinance (Section 13.54 of the Municipal Code). The fee shall be paid at the time that Improvement Plans are approved.*

*Or*

*(ii) Prepare a Tree Planting and Maintenance Plan that provides for the planting of trees on site or at another location within the town where maintenance to ensure survival of the trees will be guaranteed. If trees are to be planted on site, they shall be located in easements that can be protected and reviewed annually for a period of five years.*

*Trees planted to meet the provisions of this measure shall be the same species as the tree(s) that are removed. The selected method shall be adequate to ensure the long-term viability of new plantings at a level that meets or exceeds the level of tree removal, as measured at diameter at breast height.*

*(c) All construction shall be conducted in accordance with Section 13.54.070 of the Municipal Code with respect to protected trees within 50 feet of any area to be disturbed by the Proposed Project.*

*An approved tree permit is required prior to the removal or encroachment into the dripline of any of protected tree in the Project area following the application process described in Section 13.54.080 of the Town's Municipal Code.*



## **Cultural Resources\Tribal Cultural Resources:**

A cultural resources inventory was conducted for the Project area, consisting of a records search, written contact with Native American groups and related agencies, and onsite fieldwork. The methods and results of the inventory, as well as a description of the ethnographical and historical setting for the proposed Project area and surrounding areas are described in the Initial Study\Mitigated Negative Declaration.

On May 15, 2018, AES completed an archaeological survey of proposed Parcels 2 and 3. Most of the site is composed of grasslands and oak woodland, with smaller areas of mixed hardwood and cottonwood in addition to ruderal/developed areas. At the time of the survey, the property was densely covered with thick grasses and weeds preventing ground surface visibility except in extremely isolated locations such as rodent burrow backdirt. Therefore, the survey consisted of roughly parallel pedestrian transects spaced approximately 30 meters apart. The only resources observed included an old iron water pipe section and a segment of barbed wire fence, both located outside Parcels 2 and 3. No other historical or archaeological resources listed on or eligible for the California Register of Historical Resources, or that meet other criteria of significance under CEQA Section 15064.5, were identified within the proposed Project area.

It is possible that previously unknown historical, archaeological, and/or paleontological resources could be discovered during grading and excavation work associated with new construction. Potential impacts to previously undiscovered historic, archaeological, and/or paleontological resources would be avoided through implementation of the proposed Mitigation Measures

Although the Proposed Project would not affect any known archaeological or paleontological resources or human remains, the potential exists for such finds to be located below the surface, where they would not be discovered until project construction. If such resources are present, they could be damaged during grading and/or excavation. This would be a potentially significant impact.

The Town of Loomis informed the United Auburn Indian Community (UAIC) of the Project and requested input from UAIC on any known tribal cultural resources. In a reply letter dated September 12, 2018, the UAIC requested consultation as well as scheduling a site visit. A mitigation measure has been added that site visit with Loomis staff, UAIC representatives, and a professional archaeologist provided by the applicants be conducted. Based on this site visit a letter from the tribe showing concurrence as per AB52 of the building sites must be provided prior to recordation of the final map.

With implementation of **Mitigation Measures CR-1** through **CR-4**, potential impacts to archeological resources, paleontological resources, or human remains in the case of an inadvertent discovery, would be reduced to **less than significant** by ensuring that buried resources, if present, would be identified, evaluated, and treated appropriately.

### **Mitigation Measures**

**CR-1** *If any cultural resources, such as structural features, unusual amounts of bone or shell artifacts, or architectural remains, are encountered during any construction activities, the project applicant shall implement measures deemed necessary and feasible to avoid or minimize significant effects on the cultural resources including the following:*

- *All work within 50 feet of the find shall be halted until a professional archaeologist can evaluate the significance of the find in accordance with CEQA. If any find is determined to be significant by the archaeologist, then representatives of the Town and project applicant shall meet with the archaeologist to determine the appropriate course of action. If necessary, a Treatment Plan shall be prepared, outlining recovery of the resource, analysis, and reporting of the find. The Treatment Plan shall be submitted to the Town for review and approval prior to resuming construction.*

- *All significant cultural materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the professional archaeologist in accordance with current professional standards. All mitigation shall be completed prior to the resumption of construction.*

**CR-2** *If vertebrate fossils are discovered during project activities, all work shall cease within 100 feet of the find until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. The Town and project applicant would also be notified of the discovery and the qualified professional paleontologist's opinion within 48 hours of the initial finding. Treatment may include preparation and recovery of fossil materials, so that they can be housed in an appropriate museum or university collection, and also may include preparation of a report for publication describing the finds. Project activities shall not resume until after the qualified professional paleontologist has given clearance and evidence of such clearance has been submitted to the Town.*

**CR-3** *If human remains are encountered during construction activities, work within 100 feet of the find shall halt immediately and the County Coroner should be notified in accordance with California Health and Safety Code Section 7050.5. If the remains are of Native American origin, the Coroner must, in accordance with PRC Section 5097, notify the NAHC within 24 hours of this identification. In turn, the NAHC shall identify a Most Likely Descendent, who shall work with the Town and project applicant to develop a plan for avoidance or removal and disposition of the remains. The project applicant shall implement approved mitigation, to be verified by the Local Agency, before resuming ground-disturbing activities within 100 feet of where the remains were discovered.*

**CR-4:** *The Town shall conduct a site visit with UAIC prior to issuance of building permits. Measures determined in coordination with UAIC following the site visit, which could include the presence of a tribal monitor during initial ground disturbing activities and avoidance and preservation of resources (should any be identified), will be incorporated into conditions of building permits.*

#### **Drainage:**

Construction of the proposed Project would involve site grading and earthmoving activities, which would expose soils at the site and could result in soil erosion, however, the area of disturbance for the access road, utilities, and home building is small. Soil erosion and topsoil loss would be limited by implementing standard construction practices and best management practices (BMPs) for erosion and sediment control, consistent with the West Placer Storm Water Quality Design Manual (Placer County 2018). Because erosion control and stormwater pollution prevention measures would be implemented, the proposed Project has limited potential to result in substantial soil erosion or loss of topsoil.

#### **Hazardous Materials:**

No properties in the vicinity of the project site are on the Cortese List. Federal, State, and regional databases were searched for records of hazards on or within a mile of the project site. Searched sites include: the SWRCB's GeoTracker, the California Department of Toxic Substances Control's (DTSC) Cortese List and EnviroStor, and the USEPA's FRS Query Page. The only site record within a mile radius was for a property located approximately 600 feet west of the project site, with remedial action completed as of June 15, 2005 (DTSC, 2018a; DTSC, 2018b, SWRCB, 2015, USEPA, 2015). Historic uses of the project site included grazing or agricultural uses, more specifically orchards which could have utilized pesticides or other hazardous materials that may still be present in project site soils.

Exposure to contaminated soils, if present, would be a significant impact. Implementation of the following mitigation measure would reduce the potential risk of exposure to a less-than significant level by ensuring that contaminated groundwater or soils, if present, are identified and remediated promptly.

#### **Mitigation Measure**

**HM-1** *In the event previously unidentified hazardous materials contamination is discovered or believed to be present, work shall stop immediately, and the site shall be investigated by a qualified professional. If contaminated, the area shall be remediated by a qualified professional, in consultation with Placer County Environmental Health Division, the Regional Water Quality Control Board and/or the California Department of Toxic Substances Control, as appropriate. Work shall not resume until potential hazards have been identified and managed.*

**HM-2** *Prior to recordation of the Final Map and/or any ground disturbing activities (including but not limited to grading or import of fill) of the areas historically used as orchards, a Phase II Environmental Assessment shall be conducted. The study shall be conducted in accordance with the California Department of Toxic Substances Control (DTSC) Interim Guidance for Sampling Agricultural Properties (Third Revision), dated August 7, 2008. A workplan to conduct a Phase II site assessment shall be submitted to Placer County Health and Human Services (PCHHS) for review and approval prior to field activities. The workplan shall also include soil sampling around any historic structures. Analytical results from soil samples obtained during Phase II screening level investigations shall be compared to the following standards in order to evaluate possible adverse impacts to human health: Preliminary Remediation Goals (PRGs) for residential usage, established by the U.S. Environmental Protection Agency Region IX; and California Human Health Screening Levels (CHHSLs) established by the California Environmental Protection Agency. If collected samples show low or non-detect results for the constituents analyzed, no further mitigation is necessary. If exceedances are encountered, contamination removal activities shall be implemented in coordination with PCHHS and DTSC. Remedial activities could include but are not limited to excavating soil, lawfully disposing of soil, and retesting onsite soils to ensure native soils are below action levels*

### **Hydrology:**

The Proposed Project would result in new impervious surfaces from the construction of residences on proposed Parcels 2 and 3. This will result in an increase in stormwater runoff, which could alter downstream flood conditions and/or release urban contaminants into surface waters. Part of the Building Permit application with the Town of Loomis includes a Drainage Development Fee and a Dry Creek Watershed Drainage Improvement Fee, which ensure impacts from new developments do not cause impacts to local drainages or to the Dry Creek Watershed. These fees provide funding for improvement projects and maintenance of local water quality and runoff. Further, the new residences would comply with the Town's Municipal Code for residential developments, which ensure proper drainage design through approval requirements from the Town's Public Works Department. This impact would be **less than significant**.

### **Traffic:**

The proposed Project does not conflict with the Circulation Element of the Town General Plan or any other applicable plan, ordinance, or policy. Development of two new single family residences (Parcels 2 and 3) would not result in significant long-term increases in vehicle trips in the area and is not expected to cause an adverse change in the level of service at any roads or intersections in the proposed Project vicinity. Similarly, construction activities would be expected to result in a negligible temporary increase in vehicle trips to the Project area during construction.

The applicants will be required to provide a non-exclusive easement to allow all of the existing, proposed, and future lots access to Barton Road via Nute Road which is private. In addition, a binding road maintenance agreement shall be prepared and recorded to the satisfaction of the Town Engineer binding all existing and future landowners. The width and construction of Nute Road shall be to the satisfaction of the Loomis Town Engineer and the South Placer Fire Protection District.

### **Utilities:**

#### Public Water and Sewer Service Requirements

Policy 4 of the Public Services Element of the Loomis General Plan states public water and sewer is required for any proposed (new) dwelling unit within 300 feet of such service, and for all proposed

development in a nonresidential land use designation. Proposed Parcels 2, 3 and 4 are vacant, however, Parcels 2 and 3 are proposed for new single family development. All three parcels are more than 300 feet from existing water and sewer service along Barton Road. Therefore, they are **not** required to be served by public water or sewer. Parcel 1 has an existing dwelling with no new dwelling proposed and is more than 300 feet from public water or sewer, therefore, it is not required to use public water or sewer. Private wells will require approval and permits from the Placer County Environmental Health Department and will be constructed in accordance with the Placer County Well Ordinance.

#### Irrigation Water

The source of the non-potable water is a 6-inch water line that extends from a distribution box at the existing Placer County Water Agency (PCWA) canal in the adjacent Sierra de Monteserrat subdivision located south and east of the project site. The 6-inch water line is privately owned by the current property owners of the project site. Several nearby residential properties also purchase raw water from PCWA through lateral connections to the 6-inch line, however, before selling water to these adjacent properties, PCWA required an authorization letter from the owner of the project site. The overall amount of raw water that can be drawn from the private line is limited by PCWA established through agreements with the connected property owners for the purchase of raw water (PCWA, 2018).

Parcel 1 will continue non-potable water service per the existing system and new  $\frac{3}{4}$  inch raw water lines will be provided for Parcels 2, 3, and 4 from the existing 6-inch service line. PCWA has informally indicated that it would sell up to  $\frac{1}{2}$  miners inch to each of the new residential parcels pending receipt of authorization letters from each of the property owners that currently have agreements with PCWA for purchase of raw water through the distribution box (PCWA, 2018). The locations of existing and proposed private raw water lines (for Parcels 2, 3, and 4) are shown on Figure 3 of the IS\MND. Easements for the existing raw water lines will be established as part of the final parcel map process to ensure continued service for those currently being served.

Pursuant to CEQA Guidelines Section 15070 Decision to Prepare a Negative or Mitigated Negative Declaration the Town of Loomis prepared an *Initial Study Mitigated Negative Declaration (IS/MND)*. The report is available at [www.loomis.ca.gov](http://www.loomis.ca.gov). Mitigation measures, as discussed above, were identified to reduce potential impacts to a level of less than significant in the *IS/MND Mitigation Monitoring Report Plan (MMRP)* (Attachment B) and is included as required Conditions of Approval for this project.

A Notice of Intent to Adopt a Negative Declaration was posted and mailed to adjacent property owners and Public Agencies for the 30-day public review and comment beginning on August 20, 2018 and concluding September 20, 2018.

Negative Declarations do not require a formal response to comments as do environmental impact reports, however, the Public Comments (Attachment C) were reviewed and the town prepared a *Response to Comments Memorandum* (Attachment D) providing a summary of the pertinent comments and any town responses.

A **Notice of Determination** will be filed with the Placer County Clerk upon approval of the project (Attachment E).

## **Attachments**

- A. Draft Resolution #18-10 (Pages 14 – 20)
  - Exhibit A: Recommended Findings
  - Exhibit B: Recommended Conditions of Approval
- B. Mitigation Monitoring and Reporting Program (Pages 21 – 29)
- C. Public Agency Comments (Pages 30 – 55)
- D. Response to Comments (Pages 56 – 61)
- E. Notice of Determination (Page 62)

## **California Environmental Quality Act (CEQA) Documents**

- 1. Nute Road Initial Study\Mitigated Negative Declaration (IS\MND)\*

\*Previously distributed to Planning Commission Members. Additional copies are available for review at Town Hall or the Town of Loomis Website: [www.Loomis.ca.gov](http://www.Loomis.ca.gov)

**NOTE: Notice published in the Loomis News on November 16, 2018 and mailed to adjacent property owners within 300 feet on November 14, 2018.**

**RESOLUTION NO. 18-10**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS  
APPROVING MINOR LAND DIVISION #18-01  
6020 NUTE ROAD (APN 045-170-071)**

**WHEREAS**, the property has requested approval of Minor Land Division Application #18-01 subject to the attached findings (Exhibit A) and Conditions of Approval, (Exhibit B); and

**WHEREAS**, on November 27, 2018, the Planning Commission of the Town of Loomis conducted a public hearing on Minor Land Division Application #18-01, 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

**WHEREAS**, the Planning Commission of the Town of Loomis hereby makes the following findings to approve Minor Land Division Application #18-01 (6020 Nute Road (APN 045-170-071).

**NOW THEREFORE**, based on the findings set forth herein the Planning Commission of the Town of Loomis, at its meeting of November 27, 2018, did resolve as follows:

1. Pursuant to CEQA Guidelines **Section 15070 Decision to Prepare a Negative or Mitigated Negative Declaration** the Town of Loomis prepared an Initial Study Mitigated Negative Declaration (IS\MND). Mitigation measures were identified to reduce potential impacts to a level of less than significant in the IS\MND and the Mitigation Monitoring Report Plan (MMRP) and is hereby adopted.
2. The proposed Project is consistent with the goals, policies and land uses in the Town of Loomis General Plan and Zoning Ordinance.
3. The Minor Land Division, Application #18-01, is hereby approved per the findings set forth in Exhibit A and the Conditions of Approval set forth in Exhibit B.

ADOPTED this 27<sup>th</sup> day of November 2018, 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

**EXHIBIT A  
FINDINGS  
MINOR LAND DIVISION #18-01  
6020 NUTE ROAD (APN 045-170-071)**

Pursuant to Section 66474 of the Subdivision Map Act, the Planning Commission makes the following findings:

1. The proposed map is consistent with the Town's General Plan and Zoning Ordinance.
2. The design and improvement of the proposed division are consistent with the General Plan because adequate infrastructure and services will be available to serve the demand for services generated by the division, including water, sanitary sewer, and roadways.
3. The site is physically suitable for this type of development in that the site meets the size requirements for single-family residences, and there are no environmental constraints.
4. The site is physically suitable for the proposed density of development in that the addition of two single-family residences (Parcel 2 and 3) is consistent with the allowed zoning density. No development is proposed for Parcel 4 at this time.
5. The design of the division or the proposed improvements will not cause substantial environmental damage, or injure fish or wildlife, or their habitat, in that the division is of an existing residential parcel.
6. The design of the division or improvements will not cause serious public health problems since water, septic, sheriff, fire, and solid waste services will be adequately provided to the project.
7. The design of the project or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed project.

**EXHIBIT B**  
**CONDITIONS OF APPROVAL**  
**MINOR LAND DIVISION #18-01**  
**6020 NUTE ROAD (APN 045-170-071)**

**Minor Land Division #18-01** is approved to divide one parcel (APN 045-170-071) being 52.2 acres into four parcels. The size of the new parcels will be approximately: Parcel 1 – 16.7 acres, Parcel 2 – 5.7 acres, Parcel 3 – 5.5 acres, Parcel 4 – 24.3 acres. The applicant\owner has two (2) years in which to record the Final Parcel Map in accordance with the Exhibits and Maps prepared by Cartwright Engineering dated October 25, 2018 and approved by the Planning Commission on November 27, 2018 and includes the following conditions of approval.

**GENERAL CONDITIONS**

1. \_\_\_\_ The conditions of approval shall apply as noted by the letters “**A**”, “**B**”, “**C**”, after a condition of approval as follows:
  - “**A**” – Required by the Applicant\Subdivider\Owner who is the property owner, prior to recordation of the Final Parcel Map;
  - “**B**” – Required of the property owner of the divided parcels created by the recordation of the Final Parcel Map prior to issuance of building or grading permits; and
  - “**C**” - Conditions required of owners as either “**A**” and “**B**”.
  
2. \_\_\_\_ 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 these 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. **C**
  
3. \_\_\_\_ Development shall be substantially in accordance with the plans as prepared by Cartwright Engineering, except as may be modified by the conditions stated herein. **C**
  
4. \_\_\_\_ The owner shall provide to the Planning Department a copy of the final conditions of approval with a cover letter specifying 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. The owner shall be responsible for correcting any inconsistency which may occur through error or omission during plan preparation or construction. **A**
  
5. \_\_\_\_ The owner (sub-divider) shall defend, indemnify, and hold harmless the Town of Loomis and its agents, officers and employees from any claim, action or proceeding against the Town, or its agents, officers and employees to attach, set aside, void, or annul, an approval of the Planning Commission, or Town Council concerning the subdivision that is the subject of this application and which is brought within the time period specified in Section 66499.37 of the Subdivision Map Act. **A**
  
6. \_\_\_\_ 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. **C**
  
7. \_\_\_\_ The owner shall have prepared for recordation in the Placer County Recorder’s Office a legal description and exhibit map of the property as required the State Subdivision Map Act. **A**



## **IMPROVEMENTS (ROADWAY, DRAINAGE, GRADING)**

8. \_\_\_\_ The owner shall dedicate all necessary right-of-way or easements for streets, sewers, water facilities, utilities, drainage facilities, and other facilities as required by the Town Engineer on the final map. **A**
9. \_\_\_\_ Lots 1, 2, 3, and 4 shall share a private road which shall include APN 045-170-012 (6090 Nute Road), "Nute Road" onto Barton Road through a non-exclusive easement. **A**
10. \_\_\_\_ The owner\developer shall submit for review and approval by the Town a copy of the terms of the access easement, providing access to Barton Road for Parcels 1, 2, 3, and 4 including APN 045-170-012 (6090 Nute Road), as shown on the Tentative Parcel Map. **A**
11. \_\_\_\_ The owner shall record an irrevocable offer of dedication for right-of-way of the Barton Road frontage as per requirements of the Town Code as determined by the Town Engineer. **A**
12. \_\_\_\_ The owner shall provide street improvements including asphalt along the Barton Road frontage, subject to Loomis Road Standards as determined by the Town Engineer. **A**
13. \_\_\_\_ The owner shall construct all improvements required as a condition of approval of this project or enter into an agreement with the Town to construct all improvements, and shall post a 150% bond, cash deposit, or instrument of credit, guaranteeing the construction of all improvements for a twelve (12) month period. Approved time extensions may be granted in accordance with the provisions of the contract agreement, the Loomis Municipal Code and/or other applicable laws. **A**
14. \_\_\_\_ The owner shall obtain an encroachment permit prior to any work within public rights-of-way. **C**
15. \_\_\_\_ The owner shall be responsible for all actions of their contractors and subcontractors until the improvements are accepted as complete by the Town. **A**
16. \_\_\_\_ 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. **C**
17. \_\_\_\_ The owner shall prepare and install erosion and sediment control on all disturbed areas during all demolition/construction activities per State Water Resources Handbook. **C**
18. \_\_\_\_ Prior to development, a geotechnical report shall be prepared to characterize the soils and geologic constraints of the project site. The recommendations of the geotechnical report shall be incorporated into the design and construction of buildings. **C**
19. \_\_\_\_ All grading shall conform to the Town Grading Ordinance (Municipal Code Section 12), and/or as approved by the Town Engineer. Grading shall be performed so that post-development runoff flows do not exceed predevelopment flows, through the use of a drainage plan that includes provisions for on-site detention of runoff flows, in accordance with the Placer County Flood Control District Storm Water Management Manual and the Loomis Land Development Manual. **C**
20. \_\_\_\_ The owner shall set all monuments required by the Subdivision Map Act and shall submit certified as-built Mylar plans, and computer generated design files, on disk prior to final acceptance of improvements. **A**

## GENERAL PLANNING

21. \_\_\_\_ The 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.). **A**
22. \_\_\_\_ The owner will be responsible for taking reasonable actions to abate nuisances caused by this project in the project area which are under the owner's control. **C**
23. \_\_\_\_ No request for a Final Parcel Map, pursuant to this map, shall be approved until all conditions are completed and accepted by the Town. **A**
24. \_\_\_\_ The grading plan/improvement 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: A grading permit or improvement plan shall be obtained prior to any onsite construction consistent with the requirements of Section 13.54 "Tree Preservation and Protection" of the Loomis Zoning Ordinance. Every attempt shall be made to retain as many existing trees on-site as possible. **C**
28. \_\_\_\_ Lot grading shall be limited to the area necessary for a foundation, garage, pad, and driveway. Pads for the new homes shall not exceed 2' from existing natural grade. **B**
29. \_\_\_\_ Install post and cable fencing around all environmentally sensitive areas, or similar as approved by the Town Engineer. **C**
30. \_\_\_\_ If prehistoric or historical archaeological deposits are discovered during project activities, work shall be halted in accordance to Mitigation Measures CR-1 through CR-4. The archaeologist shall assess the situation, and consult with agencies and Native American Tribes, as to the treatment of the discovery. Mitigation may consist of, but is not necessarily limited to, systematic recovery and analysis of archaeological deposits; recording the resource; preparation of a report of findings; and accessioning recovered archaeological materials as appropriate with affected tribal groups. **C**
31. \_\_\_\_ No construction work shall begin prior to 7:00 a.m. nor occur after 7:00 p.m. Monday through Friday nor prior to 8:00 a.m. or after 5:00 p.m. on Saturday, and no work on Sundays or holidays. **C**
32. \_\_\_\_ The owner shall pay development fees as may be required including the Community Facility Fee, Park & Recreation Fee, and Placer County Capital Facility Impact Fee. **C**
33. \_\_\_\_ The developer shall be required to pay the Road Circulation/Major Roads Fee prior to building permit issuance. **C**
34. \_\_\_\_ 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 day-night average sound level (Ldn) to exceed 60 A-weighted decibels (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. **B**
35. \_\_\_\_ Pursuant to California Government Code Section 66452.6(a)(1) the conditionally approved tentative map shall expire 24 months after its approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months. (Refer to the complete text of this section for additional specifics related to extensions.)

## AGENCIES

36. \_\_\_\_ An all-weather access driveway shall be constructed to serve all parcels as shown on the proposed tentative parcel map, to the satisfaction of the **South Placer Fire Protection District. A**
37. \_\_\_\_ Prior to issuance of a grading permit, the contractor shall submit a dust control plan to the Town and Placer County Air Pollution Control District (PCAPCD) for review and approval. The plan shall insure that adequate dust controls are implemented during all phases of construction through the use of the following or equally effective measures. **C**
38. \_\_\_\_ As per AB 52, the town shall conduct a site visit with representatives of the **United Auburn Indian Community (UAIC)**, and a professional archaeologist provided by the applicants. Based on this site visit a letter from the tribe showing concurrence as per AB52 of the building sites be provided prior to recordation of the final map. **A**
39. \_\_\_\_ The landowners shall comply with all regulations of the **Placer County Water Agency** as to the maintenance, distribution, and improvements required for delivery and sale of irrigation water. Prior to construction, improvements or expansion of water lines the owners shall obtain such grading and building permits as may be required from the Town of Loomis. **C**
40. \_\_\_\_ Prior to acceptance of the final map, all easements shall be recorded for the conveyance of irrigation water to the satisfaction of the Town Engineer and **Placer County Water Agency. A**
41. \_\_\_\_ The following requirements from the **Placer County Environmental Health Division** as specified in their Memo of November 8, 2018 are required prior to recordation of the final map to ensure sewage disposal and water supply is defined prior to parcel creation in order to not create parcels that may be unbuildable. **A**
  1. *Prior to recordation of the final map, soil sampling for potential contamination from historic past land uses on the subject site should be conducted in accordance with the California EPA, Department of Toxic Substances Control (DTSC) August 2008 "Interim Guidance for Sampling Agricultural Properties." A workplan to conduct a Phase II site assessment shall be submitted to Placer County Environmental Health (PCEH) for review and approval prior to field activities. The workplan shall also include an evaluation of lead and soil sampling around historic structures. The analytical results from the soil samples obtained during the Phase II screening level investigation shall be submitted to PCEH for review and determination of any additional requirements. A no further action or equivalent letter will be required prior to PCEH final approval for recordation of the final map. (Mitigation Measure HM-2)*
  2. *A water well shall be drilled on proposed Parcels 1, 2, 3 and 4 under permit with PCEH, which meets the minimum water quality standards and for which a well final certificate has been issued.*
  3. *Submit to PCEH, for review and approval, a water quality analysis report on water from the wells on Parcel 1, 2, 3, and 4. The report must be prepared by a State Certified laboratory and include at minimum Bacteriology: Total coliform, fecal coliform and chlorine residual, as well as Primary and Secondary Drinking Water Standards as defined in Title 22 of the California Code of Regulations.*
  4. *There is no record of a permit for the well on Parcel 1. Since there is no permit for the construction of the well the well must be properly destroyed under permit with PCEH.*
  5. *Perform soil mantle and percolation testing on Parcel 1, 2, 3, and 4 to define a Minimum Usable Sewage Disposal Area (MUSDA). The testing shall be conducted by a qualified sewage disposal consultant and a PCEH representative after submitting the required fees.*

6. *The septic tanks serving the residence on Parcel 1 shall be evaluated by a licensed septic tank pumper, who shall submit to the Environmental Health Services for review and approval, a report of its capacity, structural condition, materials (e.g., concrete, redwood, metal, fiberglass, etc.) and the necessity for pumping. In lieu of having the tank evaluated at this time, the applicant may submit proof that the septic tank has been pumped within the last three (3) years. Other report information listed above is still required.*

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

42. \_\_\_\_ Should the Phase II study identify contaminants in excess of permissible standards, the property owners will follow the requirements of the California Division of Toxic Substances Control (DTSC) remediation requirements to reduce contaminants to acceptable levels prior to the recordation of the final map or issuance of building permits. **A**
43. \_\_\_\_ Mitigation required in the approved Mitigated Negative Declaration (MND) of this project, is incorporated herein by reference as required conditions of approval. **C**

## **TOWN OF LOOMIS NUTE ROAD SUBDIVISION PROJECT MITIGATION MONITORING AND REPORTING PROGRAM**

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### **INTRODUCTION**

Section 15097 of the California Environmental Quality Act (CEQA) requires that all state and local agencies establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of an Initial Study/Mitigated Negative Declaration (IS/MND).

The mitigation monitoring and reporting program (MMRP) contained herein is intended to satisfy the requirements of CEQA as it relates to the Nute Road Subdivision Project (Proposed Project). This MMRP is intended to be used by Town Staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation.

The IS/MND for the Proposed Project presents a detailed set of mitigation measures applicable to implementation of the Proposed Project. The mitigation measures were initially developed during preparation of the IS/MND (August 2018) and, in some cases, were refined in response to comments on the IS/MND.

The intent of the MMRP is to ensure the effective implementation and enforcement of all adopted mitigation measures. The MMRP will provide for monitoring of construction activities, as necessary, and in the field identification and resolution of environmental concerns.

### **MITIGATION MONITORING PROGRAM DESCRIPTION**

#### **COMPLIANCE**

The Town of Loomis will coordinate monitoring activities and document the implementation of mitigation measures. The table below identifies the mitigation measures, the monitoring actions, the implementing entities, the responsible parties for monitoring actions, and the timing of mitigation actions. The entity identified as having implementing responsibility has the primary duty to execute the mitigation measures. The "Applicant(s)" shall refer to any entity that seeks entitlements for development of a project in the project area. In some instances this may require contracting for specialized consultant services. In instances where the implementing responsibility is shared between the Town and Construction Contractors, the Town would be responsible for ensuring that the mitigation requirements are implemented. In instances where the Reviewing Party is identified as a department manager or director, the manager or director may delegate review to appropriate subordinate staff.

## FIELD MONITORING OF MITIGATION MEASURES

Prior to the issuance of grading and building permits, while detailed development plans are being prepared for acceptance by Town Staff, Town Staff will be responsible for ensuring compliance with mitigation monitoring applicable to the project design phase.

During construction and following the Proposed Project, the Town's Planning Division will assign inspectors who will be responsible for monitoring the implementation of the mitigation measures. The inspectors will report to the Town's Planning Division and will be thoroughly familiar with the mitigation measures in the MMRP. In addition, the inspectors will be familiar with construction contract requirements, schedules, standard construction practices, and mitigation techniques. The Town will be responsible for onsite, day-to-day monitoring of construction activities, reviewing construction plans and equipment staging/access plans to ensure conformance with adopted mitigation measures. The Town will also have the authority to enforce mitigation measures by suspending particular construction activities.

Once construction has been completed, the Town will monitor the Proposed Project as necessary.

If any mitigation measures are not being implemented, the Town may pursue corrective action. Penalties that may be applied include, but are not limited to, the following: (1) a written notification and request for compliance; (2) withholding of permits; (3) administrative fines; (4) a stop-work order; (5) criminal prosecution and/or administrative fines; (6) forfeiture of security bonds or other guarantees; and (7) revocation of permits or other entitlements.

## CHANGES TO MITIGATION MEASURES

Any substantive change in the monitoring plan made by Town Staff shall be reported in writing to the Planning Division. Modifications to the mitigation may be made by Town Staff subject to one of the following findings, documented by evidence included in the record:

- a. The mitigation measure included in the IS/MND and MMRP is no longer required because the significant environmental impact identified in the IS/MND has been found not to exist or to occur at a level which makes the impact less than significant as a result of changes in the project, changes in conditions of the environment or other factors.

Or

- b. The modified or substitute mitigation measure to be included in the MMRP provides a level of environmental protection equal to or greater than that afforded by the mitigation included in the IS/MND and the MMRP; and the modified or substitute mitigation measures do not have significant adverse effects on the environment in addition to or greater than those which were considered by the responsible hearing bodies in their decisions on the IS/MND and the Proposed Project; and the modified or substitute mitigation measures are feasible, and the Town through measures included in the MMRP or other Town procedures can ensure their implementation.

Findings and related documentation supporting the findings involving modifications to mitigation measures shall be maintained in the project file with the MMRP and shall be made available to the public upon request.

## **MITIGATION MONITORING PROGRAM**

The table presented on the following pages provides the MMRP for the Proposed Project. The MMRP identifies:

1. The full text of the mitigation measure(s) applicable to each impact statement;
2. The method and/or process by which the mitigation measure will be implemented;
3. The timing of implementation of each mitigation measure; and
4. The party responsible for ensuring implementation of each mitigation measure.

Following completion of the monitoring and reporting process, the final monitoring results will then be entered into the Town's Mitigation Monitoring and Reporting database.

Mitigation Measure	Implementation	Timing	Reviewing Party	Initial/Date Complete
<p><b>Air Quality</b></p> <p><b>AQ-1:</b> Prior to issuance of a grading permit, the contractor shall submit a dust control plan to the Town and PCAPCD for review and approval. The plan shall insure that adequate dust controls are implemented during all phases of construction through the use of the following or equally effective measures. These measures shall be included as a standard note on all grading and improvement plans:</p> <ul style="list-style-type: none"> <li>▪ Construction equipment exhaust emissions shall not exceed PCAPCD Rule 202 Visible Emission limitations.</li> <li>▪ The prime contractor shall submit to the Air District a comprehensive inventory (i.e. make, model, year, emission rating) of all the heavy-duty offroad equipment (50 horsepower or greater) that will be used an aggregate of 40 or more hours for the construction project. The inventory shall demonstrate that the off-road vehicles to be used during excavation, construction, and grading activities, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet average 20 percent NOx reduction and 45 percent particulate matter reduction compared to the most recent CARB average and shall include enforcement measures to ensure that the reductions are achieved. The PCAPCD shall be contacted for average fleet emission data. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide the District with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreperson.</li> <li>▪ An enforcement plan shall be established to weekly evaluate project-related on-and-off-road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180-2194. An Environmental Coordinator, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate project related off-road and heavy-duty on-road equipment emissions for compliance with this requirement. Operators of vehicles and equipment found to exceed opacity limits will be notified and the equipment must be repaired within 72 hours.</li> <li>▪ No open burning of removed vegetation shall be conducted during infrastructure improvements. Vegetative material shall be chipped or delivered to waste to energy facilities.</li> <li>▪ During construction the contractor shall use existing power sources (e.g., power poles) or clean fuel (e.g., gasoline, biodiesel, natural gas) generators rather than temporary diesel power generators to the extent feasible.</li> <li>▪ Diesel-power equipment shall not be allowed to idle within 1,000 feet of any sensitive receptors.</li> <li>▪ Diesel-power equipment shall not be allowed to idle for more than 5 minutes at any time.</li> </ul>	<p>These measures require a dust control plan be submitted to the Town and PCAPCD.</p>	<p>Prior to approval of grading permits.</p>	<p>Town of Loomis; PCAPCD</p>	



**Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation	Timing	Reviewing Party	Initial/Date Complete
<ul style="list-style-type: none"> <li>▪ Earth moving construction equipment shall be cleaned with water once per day.</li> <li>▪ An operational water truck shall be onsite at all times. Water to control dust shall be applied as needed to prevent dust impacts off site for active and inactive construction areas. Pursuant to District Rule 228, Section 304, streets shall be wet broomed or washed of any silt carried over to adjacent public thoroughfares during construction activities.</li> <li>▪ Earth-moving contractors shall not operate pre-1996 heavy-duty diesel equipment on forecast Spare the Air Days.</li> <li>▪ To the extent feasible, construction activities shall use existing power sources (e.g., power poles) or clean fuel generators rather than temporary diesel power generators.</li> <li>▪ Traffic speeds on all unpaved surfaces shall be limited to a maximum speed of 15 miles per hour or less.</li> <li>▪ Construction activity management techniques shall be employed, such as extending the construction period outside the ozone season of May through October; reducing the number of pieces of equipment used simultaneously; increasing the distance between emission sources; reducing or changing the hours of construction; and scheduling activity during off-peak hours.</li> <li>▪ Contractors shall use low VOC architectural coatings per PCAPCD Rule 218.</li> </ul>				
<b>Biological Resources</b>				
<p><b>BIO-1:</b> The project applicant shall retain a qualified biologist to conduct a preconstruction survey for the presence of American Badger within the areas to be disturbed within 14 days prior to the onset of construction activities. The results of the survey shall be summarized in a letter report and submitted to the Town. If burrows or other direct evidence of American Badger are found, then consultation with CDFW shall be initiated to determine appropriate setbacks from badger habitat.</p>	<p>A summary of survey results shall be submitted to the Town. CDFW shall be contacted as required.</p>	<p>Prior to construction.</p>	<p>Town of Loomis, CDFW</p>	
<p><b>BIO-2:</b> Should construction activities occur during the breeding season (February 15 through August 31), a pre-construction survey for raptor and/or nesting birds protected under the Migratory Bird Treaty Act shall be conducted by a qualified biologist. The preconstruction survey shall take place no more than 314 days prior to initiation of construction. If there is a break in construction activity of more than 14 days (2 weeks), subsequent surveys shall be conducted. All trees and shrubs within 500 feet of the area of disturbance shall be surveyed, with particular attention to any trees or shrubs that would be removed or directly disturbed. If an active nest of a protected bird is found on site or in the vicinity of off-site improvements at any time, the biologist shall, in consultation with the California Department of Fish and Wildlife (CDFW), determine whether construction work would affect the active nest or disrupt reproductive behavior. Criteria used for this evaluation shall include presence of visual screening between the nest and construction activities, and behavior of adult raptors in response to the surveyors or other ambient human activity. If construction could affect the nest or disrupt reproductive behavior, the biologist shall, in consultation with CDFW, determine an</p>	<p>A summary of survey results shall be submitted to the Town. CDFW shall be contacted as required.</p>	<p>Prior to and during construction.</p>	<p>Town of Loomis, CDFW</p>	

**Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation	Timing	Reviewing Party	Initial/Date Complete
<p>appropriate construction-free buffer zone around the nest to remain in place until the young have fledged or other appropriate protective measures to ensure no take of protected species occurs. The buffer shall be sufficient to ensure that the nesting birds are not disturbed by construction activities to the extent that they might abandon the nest prematurely. Should construction activities cause the nesting birds to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the exclusionary buffer will be increased such that activities are far enough from the nest to stop this agitated behavior. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.</p> <p><b>BIO-3:</b></p> <p>a. Project design shall take into account the presence of oak trees within the parcels and the spatial extent of the tree root systems. To the extent feasible, full avoidance of trees shall be required within the project design phase.</p> <p>b. If the removal of one or more protected trees is required for project implementation, the property owner of the affected parcel shall implement one or a combination of the following measures:</p> <ul style="list-style-type: none"> <li>i. Pay an in lieu fee for removal of trees, as calculated according to the Town Tree Ordinance (Section 13.54 of the Municipal Code). The fee shall be paid at the time that Improvement Plans are approved.</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>ii. Prepare a Tree Planting and Maintenance Plan that provides for the planting of trees on site or at another location within the town where maintenance to ensure survival of the trees will be guaranteed. If trees are to be planted on site, they shall be located in easements that can be protected and reviewed annually for a period of five years.</li> </ul> <p>Trees planted to meet the provisions of this measure shall be the same species as the tree(s) that are removed. The selected method shall be adequate to ensure the long-term viability of new plantings at a level that meets or exceeds the level of tree removal, as measured at diameter at breast height.</p> <p>c. All construction shall be conducted in accordance with Section 13.54.070 of the Municipal Code with respect to protected trees within 50 feet of any area to be disturbed by the Proposed Project.</p>	<p>Project design plans shall be submitted to the Town.</p>	<p>Prior to approval of building permits and during construction.</p>	<p>Town of Loomis</p>	
<p><b>BIO-4:</b> A floristic survey will occur before the Town issues building permits and prior to commencement of ground-disturbing activities, and would cover the Parcels 2 and 3 as well as any areas that may be indirectly affected by the Proposed Project. The floristic surveys will follow the protocols described in the CDFW's Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. A reference population of <i>Balsamorhiza macrolepis</i> will be visited prior to the survey to determine its bloom status in a similar ecosystem and elevation. All species encountered will be identified to the species level to ensure that no other special-status species occur</p>	<p>A summary of survey results shall be submitted to the Town. CDFW shall be contacted as required.</p>	<p>Prior to and during construction.</p>	<p>Town of Loomis, CDFW</p>	

**Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation	Timing	Reviewing Party	Initial/Date Complete
<p>within the site and could be impacted by project-related activities. If any special-status species are found to occur within Parcels 2 and 3, CDFW will be notified prior to issuance of building or grading permits by the Town to determine proper mitigation measures.</p>				
<p><b>Cultural and Paleontological Resources</b></p>				
<p><b>CR-1:</b> If any cultural resources, such as structural features, unusual amounts of bone or shell artifacts, or architectural remains, are encountered during any construction activities, the project applicant shall implement measures deemed necessary and feasible to avoid or minimize significant effects on the cultural resources including the following:</p> <ul style="list-style-type: none"> <li>▪ All work within 50 feet of the find shall be halted until a professional archaeologist can evaluate the significance of the find in accordance with CEQA.</li> <li>▪ If any find is determined to be significant by the archaeologist, then representatives of the Town and project applicant shall meet with the archaeologist to determine the appropriate course of action. If necessary, a Treatment Plan shall be prepared, outlining recovery of the resource, analysis, and reporting of the find. The Treatment Plan shall be submitted to the Town for review and approval prior to resuming construction.</li> <li>▪ All significant cultural materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the professional archaeologist in accordance with current professional standards.</li> <li>▪ All mitigation shall be completed prior to the resumption of construction.</li> </ul>	<p>The Town shall be notified upon discovery.</p>	<p>During construction.</p>	<p>Town of Loomis</p>	
<p><b>CR-2:</b> If vertebrate fossils are discovered during project activities, all work shall cease within 100 feet of the find until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. The Town and project applicant would also be notified of the discovery and the qualified professional paleontologist's opinion within 48 hours of the initial finding. Treatment may include preparation and recovery of fossil materials, so that they can be housed in an appropriate museum or university collection, and also may include preparation of a report for publication describing the finds. Project activities shall not resume until after the qualified professional paleontologist has given clearance and evidence of such clearance has been submitted to the Town.</p>	<p>The Town shall be notified upon discovery.</p>	<p>During construction.</p>	<p>Town of Loomis</p>	
<p><b>CR-3:</b> If human remains are encountered during construction activities, work within 100 feet of the find shall halt immediately and the County Coroner should be notified in accordance with California Health and Safety Code Section 7050.5. If the remains are of Native American origin, the Coroner must, in accordance with PRC Section 5097, notify the NAHC within 24 hours of this identification. In turn, the NAHC shall identify a Most Likely Descendant, who shall work with the Town and project applicant to develop a plan for avoidance or removal and disposition of the remains. The project applicant shall implement approved mitigation, to be verified by the Local Agency, before resuming ground-disturbing activities within 100 feet of where the remains were discovered.</p>	<p>The Town shall be notified upon discovery.</p>	<p>During construction.</p>	<p>Town of Loomis</p>	

**Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation	Timing	Reviewing Party	Initial/Date Complete
<p><b>CR-4:</b> The Town shall conduct a site visit with UAIC prior to issuance of building permits. Measures determined in coordination with UAIC following the site visit, which could include the presence of a tribal monitor during initial ground disturbing activities and avoidance and preservation of resources (should any be identified), will be incorporated into conditions of building permits.</p>	<p>The Town shall consult with UAIC and conduct a site visit with UAIC.</p>	<p>Prior to approval of building permits.</p>	<p>Town of Loomis</p>	
<b>Geology and Soils</b>				
<p><b>GS-1:</b> Prior to development, a geotechnical report shall be prepared to characterize the soils and geologic constraints of the project site. The recommendations of the geotechnical report shall be incorporated into the design and construction of buildings.</p>	<p>A geotechnical report shall be submitted to the Town.</p>	<p>Prior to approval of building permits.</p>	<p>Town of Loomis</p>	
<b>Hazardous Materials</b>				
<p><b>HM-1:</b> In the event previously unidentified hazardous materials contamination is discovered or believed to be present, work shall stop immediately and the site shall be investigated by a qualified professional. If contaminated, the area shall be remediated by a qualified professional, in consultation with Placer County Environmental Health Division, the Regional Water Quality Control Board and/or the California Department of Toxic Substances Control, as appropriate. Work shall not resume until potential hazards have been identified and managed.</p>	<p>The Town shall be notified upon discovery.</p>	<p>During construction.</p>	<p>Town of Loomis, Placer County Environmental Health Division, RWQCB, DTSC</p>	
<p><b>HM-2:</b> Prior to ground disturbing activities on the project site, soil sampling for pesticide residues and metals (e.g., arsenic, copper, mercury, lead) in areas historically used as orchard shall be conducted in accordance with the California Department of Toxic Substances Control (DTSC) Interim Guidance for Sampling Agricultural Properties (Third Revision), dated August 7, 2008. A workplan to conduct a Phase II site assessment shall be submitted to Placer County Health and Human Services (PCHHS) for review and approval prior to field activities. The workplan shall also include soil sampling around any historic structures.</p> <p>Analytical results from soil samples obtained during Phase II screening level investigations shall be compared to the following standards in order to evaluate possible adverse impacts to human health:</p> <ul style="list-style-type: none"> <li>▪ Preliminary Remediation Goals (PRGs) for residential usage, established by the U.S. Environmental Protection Agency Region IX; and</li> <li>▪ California Human Health Screening Levels (CHHSLs) established by the California Environmental Protection Agency.</li> </ul> <p>If collected samples show low or non-detect results for the constituents analyzed, no further mitigation is necessary. If exceedances are encountered, contamination removal activities shall be implemented in coordination with PCHHS and DTSC. Remedial activities could include but are not limited to excavating soil, lawfully disposing of soil, and retesting onsite soils to ensure native soils are below action levels.</p>	<p>A Phase II site assessment workplan shall be submitted to the PCHHS.</p>	<p>Prior to approval of building permits.</p>	<p>Town of Loomis, PCHHS, DTSC</p>	

**Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation	Timing	Reviewing Party	Initial/Date Complete
<p><b>HM-3:</b> In order to minimize the potential for wildland or structure fires, and to ensure that the fire department can respond quickly and effectively to any on-site fires, the building plan for the two residential homes shall be reviewed by SPFD, and all measures recommended by the SPFD shall be implemented.</p>	<p>The building plan shall be submitted to SPFD.</p>	<p>Prior to approval of building permits.</p>	<p>Town of Loomis, SPFD</p>	

## **Attachment A – Comment Letters**

# Comment Letter 1

**From:** Calderaro, Angela@Wildlife <Angela.Calderaro@wildlife.ca.gov>  
**Sent:** Thursday, August 30, 2018 9:55 AM  
**To:** Robert King <RKing@loomis.ca.gov>  
**Cc:** Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>  
**Subject:** Comment: Town of Loomis Nute Road Subdivision Project (SCH 2018082037)

Good morning Mr. King,

The California Department of Fish and Wildlife (Department) is providing comments on the Initial Study/Mitigated Negative Declaration (IS/MND) for the Nute Road Subdivision Project (project) as both a trustee agency and responsible agency under the California Environmental Quality Act (CEQA). As trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species (Guidelines § 15386). The Department may also be a responsible agency for a project affecting biological resources where we will exercise our discretion after the lead agency to approve or carry out a proposed project or some facet thereof (CEQA Guidelines § 15096).

The project include dividing 2 adjacent parcels into 4 parcels. Typically once subdivided there is no subsequent CEQA document, so it is reasonable to assume that the parcels will be developed without an additional opportunity for the Department to provide input under the CEQA process.

### **Streambed Alteration Agreement**

The aerial photograph in Figure 2 seems to indicate that there are wetlands on the eastern portion of the Project boundary. These are not identified on Figure 6. This area is clearly connected to the pond and connects to the stream in the southern portion of the Project site. In addition, cottonwoods are a typical riparian species. If present, there is indication that these are in connection with a stream. The aerial photography and presence of riparian trees suggest that there are several ephemeral drainages on the site that may be subject to Fish and Game Code 1600. The CEQA analysis should state what, if any, jurisdictional features will be removed, disturbed, or otherwise altered by the project. An entity (any person, State, local government agency, or public utility) should consider and analyze whether implementation of the proposed project will result in reasonably foreseeable potentially significant impacts subject to regulation by the Department under Section 1600 et seq. of the FGC. In general, such impacts result whenever a proposed project involves work undertaken in or near a river, stream, or lake that flows at least intermittently through a bed or channel, including ephemeral streams and watercourses. As a responsible agency under CEQA, the Department must rely on the CEQA analysis for the project when exercising our discretion after the lead agency to approve or carry out some facet of a proposed project, such as the issuance of a Lake and Streambed Alteration Agreement (LSAA). Therefore, the CEQA document should include specific, enforceable measures to be carried out onsite or within the same stream system that will avoid, minimize and/or mitigate for project impacts to the natural resources. If CDFW-jurisdictional features will be removed as a result of the project, the Department recommends that the CEQA document identify mitigation that would sufficiently minimize and mitigate the loss of these features.

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### **Special-status Plants**

Survey methodology was not described and therefore it is unknown whether the project biologists conducted rare plant surveys according to established protocol before determining that they were not

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present. The Department recommends using established rare plant survey protocol, such as the *Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see [http://www.dfg.ca.gov/wildlife/nongame/survey\\_monitor.html](http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html)), to identify rare plants that may occur on the project site or otherwise be impacted by project activities. In addition, drought and other adverse conditions may mean that some plant taxa will not be evident or identifiable this year. This may be particularly true for annual and short-lived perennial plant taxa and plants with persistent long-lived seed banks that are known not to germinate every year. Because of these conditions, the failure to locate a plant during the floristic surveys of one field season does not constitute evidence that the plant is absent from the surveyed location. The timing and number of visits necessary to conduct a floristic survey should be determined by geographic location, the natural communities present and the weather patterns of the year, with the understanding that more than one field visit or field season may be necessary to accurately survey the floristic diversity of a site and detect the presence of special status plant taxa.

To make the most out of this field season the Department recommends that:

- Botanical surveys be floristic in nature (every plant taxon that occurs on a site is identified to the taxonomic level necessary to determine rarity and listing status);
- Surveys be conducted in the field at the time of year when target plant taxa are both evident and identifiable (usually during flowering or fruiting), and multiple visits to a site be made (e.g. in early, mid, and late-season) to accurately survey the floristic diversity of the site and detect the presence of all special status plant taxa that are evident and identifiable;
- Nearby reference populations be visited whenever possible to determine if known special status plant populations are evident and identifiable this year, and to obtain a visual image of the target species, associated habitat, and associated natural community. Reference populations may be particularly important this year to ensure that the timing of surveys is appropriate and to help substantiate negative findings in adverse conditions caused by drought.

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Again, additional field seasons of surveys may be necessary to accurately survey the floristic diversity of a site and substantiate negative findings. This may be particularly true when surveying for annual or short-lived perennial plant taxa during drought conditions, and in years where an evident and identifiable reference population could not be referenced.

Reports for surveys that are conducted this year should include a discussion of how the drought affects the comprehensiveness of the surveys, and the potential for false negative surveys. The size, condition, and phenological development of any special-status plant reference populations that were visited should also be described.

If suitable habitat is present, the Department recommends that surveys are conducted in accordance with the protocol identified above to determine whether any rare plants which are either State or federally listed, or meet the criteria pursuant to Guidelines Section 15380(b) are present. A full discussion of the determination and timing of species-specific mitigation to avoid impacts to sensitive plant species present within the vicinity of project site should be included in the CEQA analysis. CEQA guidelines Section 15021 establishes a duty for public agencies to avoid or minimize environmental damage where feasible. CEQA also requires that lead agencies give major consideration to preventing environmental damage, and should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project



would have on the environment. The Department recommends that the lead agency evaluate and demonstrate the project's ability to avoid and minimize both direct and indirect impacts to rare plants and their habitat, and require project modifications as necessary to accomplish these tasks. For those locations of the project site where impacts to sensitive plants are unavoidable, mitigation for this project should be established off-site in accordance with the off-site mitigation program elements. The mitigation plan should be developed that demonstrates specific details designed to accomplish these off-site mitigation program elements. The Department recommends that the lead agency condition the project to require Department's review and approval of a mitigation plan, as necessary.

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#### **Nesting Birds and Raptors**

The project has the potential to disturb bird species or nests protected under the Migratory Bird Treaty Act (MBTA), FGC §3503 and 3503.5. Since project activities may occur during the nesting season (determined by region, species, and climate), construction activities could result in disturbance to nesting raptors and other migratory birds. Raptors and other migratory birds are protected under the MBTA and FGC §3503.5; therefore, potential impacts may be considered potentially significant unless adequate avoidance, minimization and/or mitigation is incorporated. If nests are identified on or adjacent to the project site, implementation of the project may adversely impact the success of the nest site and/or take a bird, their eggs and/or nest.

Mitigation Measure BIO-1 states that preconstruction surveys will be conducted no more than 14 days prior to the start of construction. The Department recommends that this is changed to three (3) days prior to the start of construction. In addition, if there is a break in construction activity of more than 2 weeks then subsequent surveys should be conducted. All measures to protect birds should be performance-based. While some birds may tolerate disturbance within 500 feet of construction activities, other birds may have a different disturbance threshold and "take" (FGC §86) could occur if the no-work buffers are not designed to reduce stress to that individual pair. The Department recommends including performance-based protection measures for avoiding all nests protected under the Migratory Bird Treaty Act and FGC §3503.5. A 500-foot no-work buffer may be sufficient; however, that buffer may need to be increased based on the birds' tolerance level to the disturbance. Below is an example of a performance-based protection measure:

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Should construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the exclusionary buffer will be increased such that activities are far enough from the nest to stop this agitated behavior. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.

Thank you for considering our comments. If you could please reply and let me know you received this email, it would be greatly appreciated. Department personnel are available for consultation regarding biological resources and strategies to minimize impacts. If you have questions, please do not hesitate to contact me.

Regards,

**Please note my phone number has been updated. My office line will be replaced next month. The new number is (916) 767-3993.**

**Angela Calderaro**

Senior Environmental Scientist (Specialist)  
Habitat Conservation Branch  
California Department of Fish and Wildlife, North Central Region  
1701 Nimbus Road, Rancho Cordova CA 95670  
Office: 916-767-3993  
Fax: 916-358-2912  
[Angela.Calderaro@wildlife.ca.gov](mailto:Angela.Calderaro@wildlife.ca.gov)  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

To report a violation please notify the Californians Turn in Poachers and Polluters (CalTIP) program by calling 1-888-DFG-Caltip (1-888-334-2258) or texting "tip411" (numerically, 847411 – Start message with "Caltip") You can even send photos via text. Also, the CalTIP App can be downloaded for free via the Google Play Store and iTunes App Store.



MIWOK United Auburn Indian Community  
MAIDU of the Auburn Rancheria

Gene Whitehouse  
Chairman

John L. Williams  
Vice Chairman

Calvin Moman  
Secretary

Jason Ganu  
Treasurer

Gabe Cayton  
Council Member

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SEP 12 2018

TOWN OF LOOMIS

August 28, 2018

Robert King  
Town of Loomis  
3665 Taylor Road  
Loomis, CA 95650

Subject: Nute Road Minor Subdivision (#18-01)

Dear Robert King,

Thank you for requesting information regarding the above referenced project. The United Auburn Indian Community (UAIC) of the Auburn Rancheria is comprised of Miwok and Southern Maidu (Nisenan) people whose tribal lands are within Placer County and whose service area includes El Dorado, Nevada, Placer, Sacramento, Sutter, and Yuba counties. The UAIC is concerned about development within its aboriginal territory that has potential to impact the lifeways, cultural sites, and landscapes that may be of sacred or ceremonial significance. We appreciate the opportunity to comment on this and other projects. The UAIC would like to consult on this project.

In order to ascertain whether the project could affect cultural resources that may be of importance to the UAIC, we would like to receive copies of any archaeological reports that are completed for the project. We also request copies of environmental documents for the proposed project so that we have the opportunity to comment on appropriate identification, assessment and mitigation related to cultural resources. Finally, we request and recommend that UAIC tribal representatives observe and participate in all cultural resource surveys. To assist in locating and identifying cultural resources, UAIC's Preservation Department offers a mapping, records and literature search services program. This program has been shown to assist project proponents in complying with applicable environmental protection laws and choosing the appropriate mitigation measures or form of environmental documentation during the planning process. If you are interested in the program, please let us know.

The UAIC's Preservation Committee would like to set up a meeting or site visit, and begin consulting on the proposed project. Based on the Preservation Committee's identification of cultural resources in and around your project area, the UAIC recommends that a tribal monitor be present during any ground disturbing activities. Thank you again for taking these matters into consideration, and for involving the UAIC early in the planning process. We look forward to reviewing the documents requested above and consulting on your project. Please contact Marcos Guerrero, Cultural Resources Manager, at (530) 883-2364 or by email at [mguerrero@auburnrancheria.com](mailto:mguerrero@auburnrancheria.com) if you have any questions.

Sincerely,

Gene Whitehouse,  
Chairman

CC: Marcos Guerrero, CRM

Tribal Office 10720 Indian Hill Road Auburn, CA 95603 (530) 883-2390 FAX (530) 883-2380

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RECEIVED

SEP 12 2018

TOWN OF LOOMIS



Central Valley Regional Water Quality Control Board

10 September 2018

Robert King  
Town of Loomis  
PO Box 1330s  
Loomis, CA 95650

CERTIFIED MAIL  
7014 3490 0001 3008 3876

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, NUTE ROAD MINOR SUBDIVISION #18-01 PROJECT, SCH# 2018082037, PLACER COUNTY

Pursuant to the State Clearinghouse's 17 August 2018 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Nute Road Minor Subdivision #18-01 Project, located in Placer County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases,

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, Esq., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley



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the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning Issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/).

#### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:  
[http://www.waterboards.ca.gov/centralvalleywater\\_issues/basin\\_plans/sacsjr.pdf](http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

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(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

**Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

**Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

**Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water

<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional small MS4s, which include military bases, public campuses, prisons and hospitals.

drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml)

**Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver)

R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2013-0145\\_res.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf)

**Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/for\\_growers/apply\\_coalition\\_group/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_coalition_group/index.shtml) or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
  
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

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**Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.



10 September 2018

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

**NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit3.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml)

If you have questions regarding these comments, please contact me at (916) 464-4644 or [Stephanie.Tadlock@waterboards.ca.gov](mailto:Stephanie.Tadlock@waterboards.ca.gov).



Stephanie Tadlock  
Senior Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

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(Cont.)

**Robert King**

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**From:** Mike Ritter <[mritter@southplacerfire.org](mailto:mritter@southplacerfire.org)>  
**Sent:** Monday, September 17, 2018 4:05 PM  
**To:** Robert King  
**Cc:** Katrina Hoop  
**Subject:** #18-09 Minor Land Division - 4823 Saunders Ave  
**Attachments:** C Residential Site Plan Notes 2016.doc; Application Process and Submittal Requirements Residential July 2017 Letterhead.doc; FEES SCHEDULE.pdf; Plan Submittal Application.doc

Robert,

Thank you.

South Placer Fire District has the following comments for the Minor Land Division:

Attached are multiple information packets that will apply to this project, including the future residential homes.

1. Unimproved parcels must maintain a 100' defensible space to the adjacent residential homes.
2. All new homes must have an approved residential fire sprinkler system installed in accordance with NFPA 13D.
3. Residential Fire Sprinkler plans are deferred submittals.
4. A water flow analysis from PCWA must be included with the Residential Fire Sprinkler plans.
5. Plan submittals for the minor land division must be submitted to South Placer Fire District for review. A \$500 fee will apply.
6. Residential driveways must meet all of Appendix "C" requirements that apply. The driveways must be a minimum of 12 feet in width.
7. Residential site plan submittal for each new residence will be required.
8. The address of any future residences must be posted on the buildings and Visible from the roadway fronting the property.

Attachments include: Residential application process, plan submittal application, fee schedule, and appendix "C".

Respectfully,

**Michael Ritter**  
**Division Chief**  
**South Placer Fire District**  
**6900 Eureka Road**  
**Granite Bay, CA 95746**  
**916-791-7059 (Office)**  
**916-791-2199 (Fax)**  
**[mritter@southplacerfire.org](mailto:mritter@southplacerfire.org)**

## APPENDIX C

**South Placer Fire Protection District**  
6900 Eureka Road, Granite Bay CA. 95746 (916) 791-7059

The following are general requirements of the South Placer Fire Protection District for residential homes and home sites. These comments are for residential homes and residential site plans only. Plans submitted for approval shall reflect all requirements that apply. All of the following comments shall be printed on a comment sheet attached to the plans submitted for approval. Prior to final approval, all applicable fees must be paid.

### Residential Civil and Building Site

#### Address

**Address numbers.** All new and existing buildings shall place and maintain approved numbers or address identification on the buildings so as to be plainly visible and legible from the street or road fronting the property. Approved numbers or address identification shall be placed prior to occupancy on all new buildings. Said numbers shall contrast with their background and shall be visible at all hours of the day and night by way of internal or external illumination. Numbers shall be a minimum of 4 inches high with a minimum stroke width of .5 inch. External source illumination shall have an intensity of not less than 5.0 foot-candles.

**Residential signage.** The address of a residence shall be posted and visible from the access roadway fronting the property. Whenever the numbers on the building will not be clearly visible from the access roadway, the numbers shall be placed at the access roadway and the driveway. Address numbers shall be clearly visible from both directions of travel on the roadway fronting the property. Said numbers shall be a minimum of 4 inches in height, with 3/8 inch stroke, reflectorized, and contrast with their background.

**Buildings under construction.** Approved numbers or addresses shall be placed at each fire access road entry into and on each building within construction sites. Numbers shall be visible from at least 100 feet.

#### Driveways

Driveways for access to one and two family dwellings, shall conform to the following criteria as applicable:

1. Driveways serving one parcel with no more than five structures shall be a minimum of twelve (12) feet in width. The chief may require up to a twenty (20) foot wide driveway when more than five structures exist.
2. Roadways serving more than one parcel, but less than five parcels, shall be a minimum twenty (20) feet in width. Roadways serving five parcels or more shall be no less than 24 feet in width.
3. Vertical clearance shall be a minimum of fifteen (15) feet.
4. When the driveway exceeds 150 feet in length, provide a turnout at the midpoint. For driveways not exceeding 400 feet in length, the turnout may be omitted if full sight distance is maintained. If the driveway exceeds 800 feet in length, turnouts shall be no more than 400 feet apart.
5. When a driveway exceeds 300 feet in length, a turnaround shall be provided no greater than 50 feet from the structure.
6. The driveway must be provided with an all-weather surface capable of supporting a 75,000 lb. vehicle loading. When the road grade exceeds ten (10) percent, the road shall be surfaced with asphalt or concrete.

#### Roadway and Driveway Width

Roadway width shall mean driving surface to face of curb or flow line of rolled gutter. All roadways and access roads shall be completed before any building construction.

## APPENDIX C

### Driveway Bridges

Bridges designed for major ingress/egress roads serving subdivisions or used as part of a fire apparatus access road shall be constructed and designed to meet standard, AASHTO HB-17. Bridges shall be no narrower than the driving portion of the road serving each end. The bridge or culvert crossing shall be designed for a live load of a minimum of 75,000 pounds gross vehicle weight. Vehicle load limits shall be posted at both entrances to bridges and culvert crossings.

### Driveway Grades

In order to accommodate driveway grades in excess of sixteen (16) percent, the driveway shall be designed to have a finished surface of grooved concrete or rough asphalt to hold a 45,000 lb. traction load. The concrete grooves shall be ¼ inch wide by ¼ inch deep and ¾ inch on center. The road design shall be certified by a registered engineer and approved by the chief.

### Driveway Radius

The inside turning radius for an access road shall be 30 feet or greater. The outside turning radius for an access road shall be 50 feet or greater. (See Attached Details)

### Driveway Surface

Driveway surfaces shall be paved, concrete, or similar all-weather driving surface, capable of supporting a 75,000 lb load.

### Driveway Turnarounds

Turnarounds are required on driveways and dead end roads as specified. Cul-de-sacs radius shall be 42 feet of driving surface, measured from face of curb or flow line of rolled curb. If a hammerhead/T is used, the top of the (T) shall be a minimum of 80 feet in length. (See Attached Details)

### Dry and Dead Vegetation Abatement

Open areas around residential homes shall be maintained in a fire safe condition. The homeowner shall be responsible to remove dead and dry vegetation at least 100 feet or to the lot line from all non-fire resistive structures as per CFC, Sections 304.1.1; 304.1.2 and California Public Resource Code 4291. This includes all homes and outbuildings.

### Gated Entrances – Residential Lot

Gate entrances on driveways to individual lots shall provide a clear open width at least two feet wider than the width of the driveway. Property owner should contact the Fire Prevention Division to determine the best option of providing Fire District access.

Electronically opened access gates shall be provided with a Model #3502 electronic override switch manufactured by the KNOX Company of Irvine, California. Said switch shall interface with the key pad at the entry gate to provide fire apparatus access to the site. An acceptance test of the Knox access system shall be witnessed by the fire department prior to final approval of the project.

### Residential Sprinkler Systems

**All proposed one and two family homes will require a residential sprinkler fire system and Fire Marshal site plan review.** This standard is pursuant to the 2016 California Residential Code, Section R313 and 2016 California Fire Code. The design and installation shall meet both the latest edition of NFPA Standard 13-D and South Placer Fire District Amendments. Rooms with ceiling heights over 24 feet or more than 600 square feet may require a 3 or 4 head calculation based on the number of heads that may activate during a fire (NFPA 13D, 2016 Edition, Section 10.2.4 and A10.2.4) One pilot head will be required in all attic areas, usually installed near the HVAC if installed in the attic space.

## APPENDIX C

**Garage sprinklers.** Sprinkler heads in garages shall be spaced at no more than 150 sq. ft. per sprinkler and shall be intermediate temperature rated.

**Detached Garages.** Automatic sprinkler protection shall be provided in detached garages under the following circumstances:

1. An exterior wall of the garage is closer than six (6) feet from an exterior wall of an adjacent sprinklered Group R occupancy.
2. A roof projection of the garage is closer than four (4) feet from a roof projection of an adjacent sprinklered Group R occupancy.

**San Juan Water District:**

Automatic sprinkler systems installed within the San Juan Water District Jurisdiction, after January 1, 2017, in one and two family dwellings; Group R-3; and townhomes shall be designed using an approved Modified Passive Purge System design.

*Exception: When an automatic fire sprinkler system is installed with an approved backflow assembly valve to protect the public water supply source.*

**Alarms in Group R3 Occupancies.** Automatic sprinkler systems in R-3 occupancies shall be equipped with a water flow switch, an exterior horn-strobe located on the address side of the structure, and interconnection to the smoke detector alarm circuit.

### Fire Flow Requirements - Residential

Fire Area (square feet)	Fire Flow (gallons per minute)
0 - 3,600	1,500
3,601 - 4,800	1,750
4,801 - 6,200	2,000
6,201 - 7,700	2,250
7,701 - 9,400	2,500
9,401 - 11,300	2,750
11,301 - 13,400	3,000
13,401 - 15,600	3,250

Fire flow may be reduced 50% when provided with an approved automatic sprinkler system

*Reference: CFC Appendix B, Table B105.1 (2)*

**Standpipe**

Proposed homes that do not meet California Fire Code, Section 503.1.1 standard may be required to install an underground Standpipe. Underground installation shall meet the latest edition of NFPA 24 standards.

## APPENDIX C

### **Water Supply**

On site water supply for firefighting shall be as follows for one and two family dwellings: For new subdivisions when more than four parcels are created the minimum fire flow, through approved fire hydrants, shall be 1,500 gallons per minute at 20 pounds residual pressure. Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3600 square feet (344.5 sq. m.) shall not be less than that specified in Table B105.1(2).

All proposed water supplies shall come from a reliable source such as a fixed underground water distribution system or a static water system equaling or exceeding the National Fire Protection Association (NFPA) Standard 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting". On site water supply for firefighting is not required for lot splits or minor subdivisions of 4 or less.

Exception: A reduction in required fire flow of up to 50 percent, as approved by the fire chief, is allowed when the building is provided with an approved automatic fire sprinkler system.

### **Final Plans Accepted**

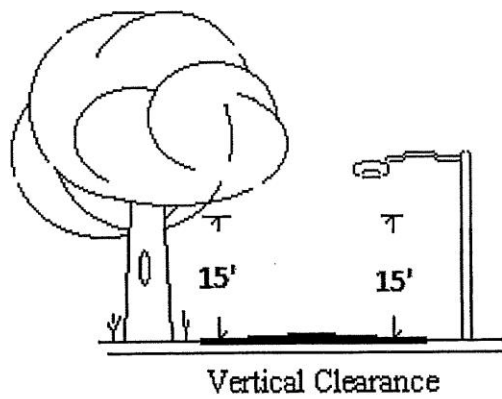
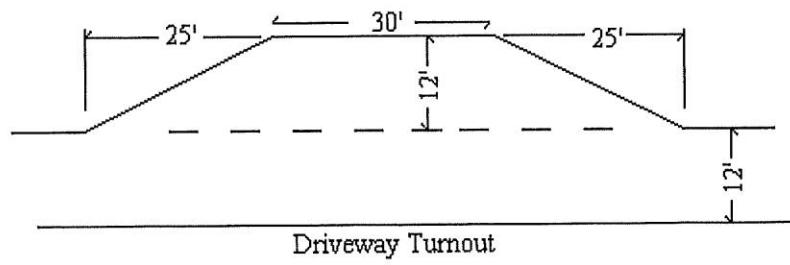
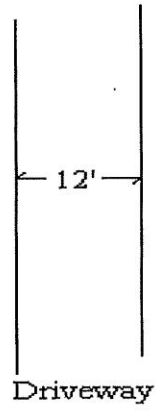
The final plans shall be approved only when stamped and/or signed by authorized the South Placer Fire Protection District personnel.

### **Residential Home Final Acceptance**

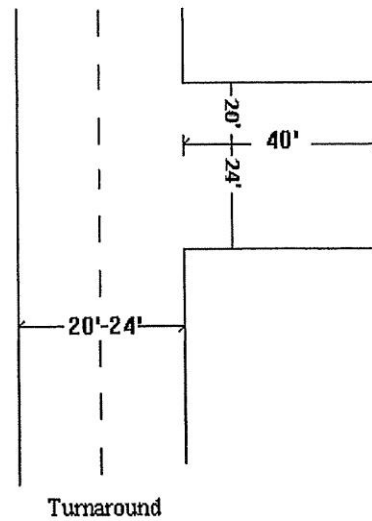
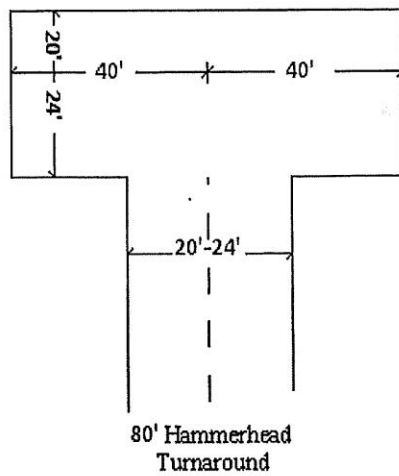
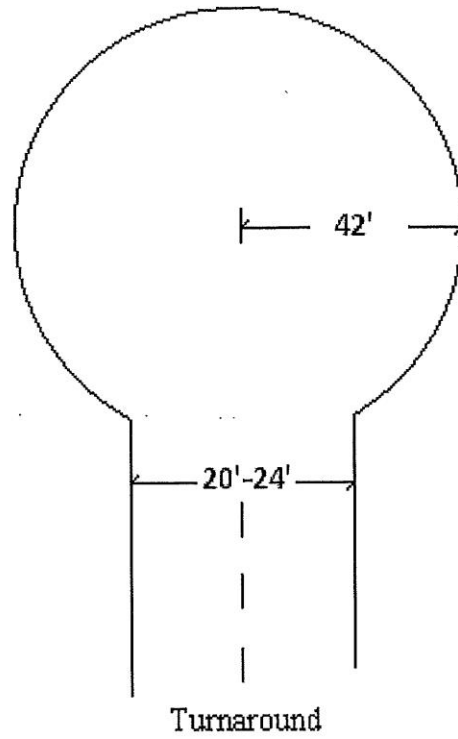
Final acceptance of the project is subject to inspection and testing from the South Placer Fire Protection District. 72 hour notice required previous to inspection and testing.

APPENDIX C

Attached Details Not Drawn To Scale:

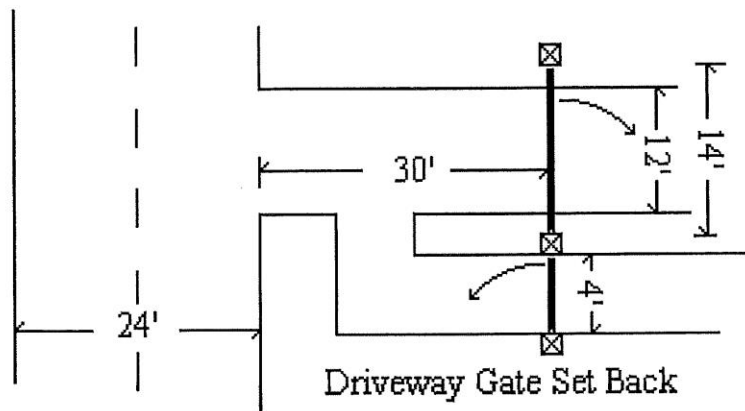
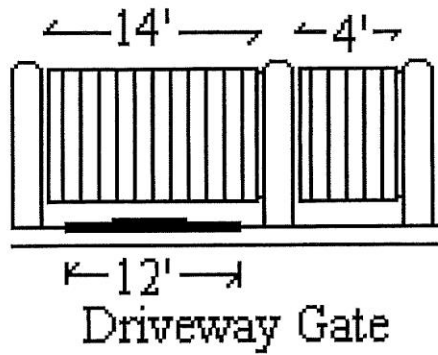


APPENDIX C





APPENDIX C



## South Placer Fire District Fee Schedule

### Section "C" – Commercial / Residential Plan Review

**Section "A" – Permits to Operate**

1. Battery System / Underground Propane Tank	\$250.00
2. Candles / Open flame in assembly areas	\$125.00
3. Carnivals, circus, fairs, & large public events	\$250.00
4. Combustible material storage (inc. high)	\$250.00
5. Compressed Gases	\$250.00
6. Cryogenics	\$250.00
7. Explosives or blasting agents	\$375.00
9. Special burn permits	\$125.00
10. Fireworks – Public Display – Includes high level, low level and ground devices.	
• 200 or less devices	\$500.00
• 201 or more devices	\$625.00
11. Fireworks – Special Pyrotechnic Effects (effects used in Motion pictures, television, theatrical & group entertainment.)	\$500.00
13. Temporary membrane structures / tents	
• Under 3000 sq. ft.	\$250.00
• Over 3000 sq. ft.	\$375.00
14. Tire storage	\$250.00

### Section "B" – Fire / Life Safety Inspections

1. Pre inspection visit for residential care or child day care facility (M&S Code section 13235)	
• Facilities with 25 or fewer persons	\$50.00
• Facilities with 26 or more persons	\$100.00
2. Special inspection request not otherwise specified in this fee schedule. (1 hour minimum)	\$125.00 Hr.
3. Notice of Violation due to non-compliance. (per each inspection)	\$125.00

1. Minimum intake fee (not shown elsewhere)	\$125.00
2. Design & site plan review / consultation Conference (required for Will Serve Letter)	\$125.00 Hr
3. Residential and Commercial Variance request	\$250.00
4. Fire Alarm system:	
• New installation	\$625.00 min.
• Upgrade	\$375.00 min.
<i>(plus \$2.00 per initiating device)</i>	
5. Halon or other specialty fire suppression system.	\$400.00
6. Hood and duct fire suppression system	\$500.00
7. Compressed system gas:	
• Hazardous Materials	\$900.00
• Medical gas	\$825.00
8. Smoke management system	\$500.00 minimum
9. Spray-booths (includes fire protection system)	\$625.00 minimum
10. Fire pump	\$1,000.00 minimum
11. Fire Sprinkler System – New Installation – Commercial:	
• 1-99 heads	\$750.00
• 100 – 199 heads	\$875.00
• 200 or more plus \$.50 per head	\$875.00
12. Fire Sprinkler System – Tenant Improvement:	
• 1-50 heads	\$250.00
• 51 or more plus \$.50 per head	\$375.00
13. Civil Improvements	
• 1 to 3 hydrants	\$1,000.00
• 4 or more hydrants	\$1,500.00 min.
<i>Item 13 includes review of submitted plans, consultation, comments, review of initial re-submitted for approval, underground piping inspection, roadways hydrostatic test, underground piping flush and initial fire flow test.</i>	
14. Building Review/Tenant Improvement Review:	
• 1 – 4,999 square feet	\$250.00
• 5,000 – 49,999 square feet	\$500.00
• 50,000 – plus square feet	\$1,000.00 min.
<i>Item 14 includes review of submitted plans, consultation, comments, review of initial re-submission for approval, and initial site inspections.</i>	
15. Site Plan Review	\$125.00

### Section "C" – Commercial Plan Review

15. Re-inspection due to changes to approved plans without approval, hydrostatic test failure, incomplete work and additional requests for inspections. (1 hour min.)	\$125.00
16. Subdivision / lot spills	
• 1 – 4 lots	\$500.00
• 5 – 24 lots	\$750.00
• 25 or more lots	\$1,000.00 min.
17. Administrative charge for resubmittals upon 2 <sup>nd</sup> or subsequent revision / submittals.	\$125.00
18. Technical report / alternate material or method request (2 hour minimum)	\$250.00 per hour
19. Fire flow / hydrant test	\$250.00

### Section "D" – Miscellaneous

1. Copies of fire reports (victim or allied agency request – NO CHARGE)	\$25.00
2. Audio or video tape reproduction – per tape	\$50.00
3. Photograph reproduction – jpeg files on CD	\$50.00
4. Environmental hazard research	\$125.00 minimum
• 1 hour minimum plus field hours	
5. Incident Cost Recover	Actual Response Cost
• 1 hour minimum	
6. False Alarm cost recovery – A fee will be charge for the third false alarm at the same location with any 180-day period; or anytime a false alarm is generated by an individual working on a fire alarm or fire sprinkler system. (Actual Response Cost	Actual Response Cost
• 1 hour minimum plus field hours	
7. Standby personnel – per hour (1 1/2 time rate)	Actual Response Cost
• 1 hour minimum	
8. Illegal burn response	Actual Response Cost
• 1 hour minimum	
9. Special projects not otherwise specified elsewhere in this fee schedule. 1 hour minimum	\$125.00 minimum
10. "Service provider Contract"	Per contact agreement

Effective mber 1, 2012

Revised August 2012

# South Placer Fire Protection District-Plan Submittal Application

6900 Eureka Road, CA 95746  
Administration Office Number (916) 791-7059 Fax (916) 791-2199  
Office Hours Monday-Friday 8:00am – 5:00pm  
(Closed for Lunch from 12:00pm-1:00pm)

Plan review by:

Regular plan review will take a minimum of 4 weeks  
Expedite Fee Charge \$336.24 per submittal plus regular fee:  Yes  No (Expediting your plans will take approximately 10-business days)

Date: \_\_\_\_\_ Placer County Plan Check Number: \_\_\_\_\_

Project Name: \_\_\_\_\_

Project Address: \_\_\_\_\_

New Commercial  Tenant Improvement  New Residential  Residential-Other  
Submitted  1<sup>st</sup>  2<sup>nd</sup>  3<sup>rd</sup>  4<sup>th</sup>  As Built Plans How Many Sets Being Submitted \_\_\_\_\_

## Contact Information

Name: \_\_\_\_\_ Day Number: \_\_\_\_\_

Address: \_\_\_\_\_ Fax: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_ E-Mail: \_\_\_\_\_

## ↓ Construction/Building Code Classification-Please Mark Box Below For Plan Submittal ↓

Building Construction Type: \_\_\_\_\_ Occupancy Type: \_\_\_\_\_ Code Edition Used: \_\_\_\_\_ UBC: \_\_\_\_\_ UPC: \_\_\_\_\_

### Civil Improvement:

- Civil Improvements/Number of Hydrants \_\_\_\_\_
- 1-3 Hydrants \$1,000.00
  - 4 or more Hydrants \$1,500.00

### New Commercial/Residential Fire Sprinkler System:

- Number of Sprinkler Heads: \_\_\_\_\_
- 1-99 Sprinkler Heads \$750.00
- 100-199 Sprinkler Heads \$875.00
- 200-or more Sprinkler Heads \$875.00 plus .50¢ per head

Residential Only - Passive Purge  Yes  or Backflow Device  Yes   
\*\*\*\*\*Copy to Fire Prevention\*\*\*\*\*

### Tenant Improvement Commercial/Residential Fire Sprinklers:

- Number of Sprinkler Heads: \_\_\_\_\_
- 1-50 Sprinkler Heads \$250.00
- 51 or more Sprinkler Heads \$375.00 plus .50¢ per head

### Lot Splits/Subdivisions:

- Number of Lots: \_\_\_\_\_
- 1-4 Lots \$500.00
- 5-24 Lots \$750.00
- 25 or more Lots \$1,000.00 (Minimum)

Provide street name for new subdivisions: \_\_\_\_\_

### Building Review/Tenant Improvement Review:

- 1-4,999 Square Feet \$250.00
- 5,000-49,999 Square Feet \$500.00
- 50,000-plus Square Feet \$1,000.00

### Other:

- Compressed Gas System: Haz. Mat. \_\_\_\_\_ \$500.00 Medical: \_\_\_\_\_ \$625.00
- Hood System and Duct Fire Suppression System \$500.00
- Spray or Dipping Booth \$625.00 Minimum (Includes Fire Pro. System)
- Fire Pump \$1,000.00 Minimum
- Fire Department Access (Knox) Number of Devices \_\_\_\_\_
- Halon or other Specialty Fire Suppression System \$400.00
- Standpipe Plan Check \$125.00 Minimum Intake Fee
- Smoke Management System \$500.00 Minimum (2 Hour Minimum)
- Fire Flow/Hydrant Test (New Construction) \$250.00
- Site Plan \$125.00
- Variance \$250.00

### Fire Alarm Systems:

- Fire Alarm System New \$625.00 / Upgrade \$375.00  
(Plus \$2.00 per device for new and upgrade)
- Flow & Tamper Alarm Plan Check \$125.00 Minimum Intake Fee

### Fireworks:

- Fireworks/Pyrotechnic (Motion Pictures, Entertainment Groups) \$500.00
- 200 or less Devices \$300.00 – Public Display Only
- 201 or more Devices \$625.00 – Public Display Only

## Important Notes:

All Applicable Fees Must Be Paid Prior to Fire Marshal Review  
Checks Payable to: South Placer Fire Protection District  
Plan review will take a minimum of 4 weeks  
Plan Check Number and Project Street Address Required for all Re-Submittals

## South Placer Fire Copy attach to plans

Effective November 1, 2012 Check #: \_\_\_\_\_ Check Amount: \_\_\_\_\_



## South Placer Fire District

6900 Eureka Road  
Granite Bay, California 95746  
Ph (916) 791-7059 Fax (916) 791-2199  
[www.southplacerfire.org](http://www.southplacerfire.org)

### Board of Directors

*Gregory Grenfell  
Chris Gibson DC  
Terri Ryland  
Tom Millward  
Sean Mullin  
Russ Kelley  
David Harris*  
**Fire Chief**  
*Eric Walder*

*An Organization Committed to the Well-Being of the South Placer Community*

### Residential Application Process

#### Application process and submittal requirements:

South Placer Fire requires a minimum of 2 sets of plans for each plan submitted. Plan review will take a minimum of 4 weeks for each plan submitted. When submitting plans to South Placer Fire an application needs to be filled out and attached to those plans (see attached document). In order to simplify the submittal processes, please go in the order as indicated below. All applicable fees must be paid upon submittal of plans.

- 1) Site Plans (see fee schedule)
- 2) Mitigation Fees will need to be paid for each residence once you receive the (Placer County Permit Issuance Checklist) fees will be based off total square footage being built. Please contact the Administration office for current mitigation fees.
- 3) Once Mitigation Fees are paid you may pull your permit through the County. At that point we will accept all other plans.
- 4) Fire Sprinkler Plans (see fee schedule)

If you have any questions, please let me know.

Thank you,

Katrina Hoop, Administrative Assist/Office Manager  
South Placer Fire  
6900 Eureka Rd  
Granite Bay, CA 95746  
916-791-7059 (Main line)  
916-791-7071 (Direct Line)  
916-791-2199 (Fax)  
[khoop@southplacerfire.org](mailto:khoop@southplacerfire.org)



**Placer County  
Health and Human Services Department**

**Jeffrey S. Brown, M.P.H., M.S.W.**  
Department Director

**Wesley G. Nicks, R.E.H.S.**  
Environmental Health, Director

**Comment Letter #5**

**MEMORANDUM**  
DEPARTMENT OF HEALTH & HUMAN SERVICES  
DIVISION OF ENVIRONMENTAL HEALTH

**To:** Mary Beth Van Voorhis, Town of Loomis Planning Director  
**From:** Laura Rath, REHS  
Land Use and Water Resources Section  
**Date:** November 8, 2018  
**Subject:** #18-01, Nute Rd Minor Land Division (Revised), APN's 045-170-071

Placer County Environmental Health (PCEH) has reviewed the mitigated negative declaration for the abovementioned minor land division. PCEH has the following comments on the mitigated negative declaration:

- 1) Mitigation Measure HM-2 should be updated to read, "Prior to recordation of the final map, soil sampling for potential contamination from historic past land uses on the subject site should be conducted in accordance with the California EPA, Department of Toxic Substances Control (DTSC) August 2008 "Interim Guidance for Sampling Agricultural Properties." A workplan to conduct a Phase II site assessment shall be submitted to Placer County Environmental Health (PCEH) for review and approval prior to field activities. The workplan shall also include an evaluation of lead and soil sampling around historic structures.  
The analytical results from the soil samples obtained during the Phase II screening level investigation shall be submitted to PCEH for review and determination of any additional requirements. A no further action or equivalent letter will be required prior to PCEH final approval for recordation of the final map.

PCEH has the following conditions of approval for the proposed minor land division. These conditions should be satisfied prior to Environmental Health Services approval for recordation of the final map:

- 1. Prior to recordation of the final map, soil sampling for potential contamination from historic past land uses on the subject site should be conducted in accordance with the California EPA, Department of Toxic Substances Control (DTSC) August 2008 "Interim Guidance for Sampling Agricultural Properties." A workplan to conduct a Phase II site assessment shall be submitted to Placer County Environmental Health (PCEH) for review and approval prior to field activities. The workplan shall also include an evaluation of lead and soil sampling around historic structures.  
The analytical results from the soil samples obtained during the Phase II screening level investigation shall be submitted to PCEH for review and determination of any additional requirements. A no further action or equivalent letter will be required prior to PCEH final approval for recordation of the final map. (Mitigation Measure HM-2)

3091 County Center Drive, #180, Auburn, CA 95603 ● [wnicks@placer.ca.gov](mailto:wnicks@placer.ca.gov)  
530.745.2300 ● [www.placer.ca.gov](http://www.placer.ca.gov) ● fax 530.745.2370

*Perspective, Hope, and Opportunity*

2. A water well shall be drilled on proposed Parcels 1, 2, 3 and 4 under permit with PCEH, which meets the minimum water quality standards and for which a well final certificate has been issued.
3. Submit to PCEH, for review and approval, a water quality analysis report on water from the wells on Parcel 1, 2, 3, and 4. The report must be prepared by a State Certified laboratory and include at minimum Bacteriology: Total coliform, fecal coliform and chlorine residual, as well as Primary and Secondary Drinking Water Standards as defined in Title 22 of the California Code of Regulations.
4. There is no record of a permit for the well on Parcel 1. Since there is no permit for the construction of the well the well must be properly destroyed under permit with PCEH.
5. Perform soil mantle and percolation testing on Parcel 1, 2, 3, and 4 to define a Minimum Usable Sewage Disposal Area (MUSDA). The testing shall be conducted by a qualified sewage disposal consultant and a PCEH representative after submitting the required fees.
6. The septic tank serving the residence on Parcel 1 shall be evaluated by a licensed septic tank pumper, who shall submit to the Environmental Health Services for review and approval, a report of its capacity, structural condition, materials (e.g., concrete, redwood, metal, fiberglass, etc.) and the necessity for pumping.

In lieu of having the tank evaluated at this time, the applicant may submit proof that the septic tank has been pumped within the last three (3) years. Other report information listed above is still required.



ANALYTICAL ENVIRONMENTAL SERVICES  
 1801 7TH STREET, SUITE 100  
 SACRAMENTO, CA 95811  
 (916) 447-3479 | FAX (916) 447-1665

## MEMORANDUM

**TO:** Robert King, Town Planner, Town of Loomis

**FROM:** Ryan Sawyer, AES

**DATE:** 9/25/2018

**RE:** Comments received on the ISMND for the Nute Road Subdivision Project

This memorandum contains responses to comments that were received on the Initial Study/Mitigated Negative Declaration (ISMND) for the Nute Road Subdivision Project (Proposed Project). The ISMND was made available to the public on August 17, 2018, for a 30-day comment period which ended on September 17, 2018, pursuant to Section 15073(a) of the California Environmental Quality Act (CEQA) Guidelines. A total of ~~four~~ five comment letters were received, which are included as **Attachment A** to this memorandum. Individual comments within the letters were bracketed as applicable; the responses below have been numbered to correspond to the bracketed comments.

### RESPONSES TO COMMENTS

#### COMMENT LETTER 1 – CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, ANGELA CALDERARO

##### Comment 1-1

Comment noted. Figure 6 has been revised to identify additional potential wetlands on the eastern portion of the project site that were not previously shown, as requested by CDFW. This figure is included as **Attachment B** to this memorandum. This revision does not affect the environmental analysis within the ISMND, as these wetland areas are outside the development area (Parcels 2 and 3). Further, the locations of these wetlands are approximate, as during the site visit this portion of the site was inaccessible due to electrified fencing and grazing animals. Although this area is outside of the area of potential effects associated with the Proposed Project, in the event that the landowner elects to move forward with a separate and unrelated project in the future that involves construction or fill within the potential wetland and drainage areas shown on Figure 6, such activities would be subject to compliance with Fish and Game Code Section 1600, which would likely require a Lake and Streambed Alteration Agreement and additional related CEQA analysis.

The cottonwood trees present on the project site and shown in Figure 6 are not related to a riparian stream and appear to have been purposely planted as a wind break or visual barrier for the homeowner

on Parcel 4. There were no drainages in this area, and nothing to suggest that regularly flowing surface water occurs within this portion of the site. While cottonwoods often occur in conjunction with riparian areas, they are not an obligate wetland or riparian species. Their presence only suggests the potential for a particular habitat, it does not define it. No stream channels were identified around the cottonwood trees; therefore, no permitting associated with the disturbance of streams or other potentially jurisdictional water feature would be a result of this Proposed Project.

The ISMND discusses wetland impacts in Section 3.5.2, and includes the following language:

Parcels 2 and 3 are the only areas within the project site that would undergo construction as a part of the Proposed Project. These parcels do not contain creeks or riparian habitat. Therefore, as a result of the Proposed Project, there will be no impact to riparian habitat or wetlands. However, should any new construction or grading occur on Parcels 1 and 4 as part of a separate and unrelated project, these activities would be required to adhere to the CWA and Section 1600-1607 of the California Fish and Game Code, which are protective of waters of the U.S. and riparian habitat.

Therefore, as described in the ISMND, impacts to wetland features under the Proposed Project would be less than significant. Furthermore, the Town's Municipal Code Section 13.58.040 includes requirements for stream and wetland impacts:

The town shall require new development to mitigate wetland loss in both regulated and non-regulated wetlands to achieve "no net loss" through any combination of the following, in order of desirability.

- A. Avoidance of riparian habitat.
- B. Where avoidance is not feasible, minimization of impacts on the resource.
- C. Compensation, including use of a mitigation banking program that provides the opportunity to mitigate impacts to rare, threatened, and endangered species and/or the habitat which supports these species in wetland and riparian areas. The area for mitigation banking is encouraged to be located within the town.
- D. Any permitted development, grading, fill, excavation, or shading within a wetland shall provide for the mitigation of wetland loss at a replacement ratio of from 1:1 to 4:1, as determined by the review authority based on the biotic value of the wetland established by the required environmental analysis, and shall ensure that there is no net loss of wetland functions and values. The review authority may allow a replacement ratio of less than 4:1 as an incentive, where replacement wetlands are proposed to be located within or in close proximity to the town.
- E. Off-site mitigation of impacted wetlands may be considered where on-site mitigation is not possible. Off-site mitigation should be within the town, as close to the project site as possible, and provide for continuous wildlife corridors connecting habitat areas. (Ord. 205 § 1 (Exh. A), 2003)



## Comment 1-2

Focused botanical surveys were conducted by a qualified biologist on May 31, 2018; the survey included walking 30-meter spaced transects within the area of potential effects (including Parcels 2 and 3, and access roadways as shown in Figure 3), and reconnaissance observations for the remaining areas within the project site. The focused surveys were conducted for the species identified as having the potential to occur within the project site, as determined by background record searches and listed in Table 3-4 of the IS/MND. Three of the four special status plant species identified as having a potential to occur within the project site are "obligate wetland species" (per USDA/NRCS) and no wetlands or other Waters of the U.S. were identified in the area subject to development as a result of the Proposed Project (Parcels 2 and 3); thus, the only special-status plant species with the potential to occur that could be impacted by the project is *Balsamorhiza macrolepis*. While the focused survey was conducted within the bloom season for this plant, an additional mitigation measure to conduct follow-up botanical surveys that meet the standards laid out in the *Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* for this species will be incorporated into the MMRP, as described below:

**BIO-4** A floristic survey will occur before the County issues building permits and prior to commencement of ground-disturbing activities, and would cover the Parcels 2 and 3 as well as any areas that may be indirectly affected by the Proposed Project. The floristic surveys will follow the protocols described in the CDFW's *Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*. A reference population of *Balsamorhiza macrolepis* will be visited prior to the survey to determine its bloom status in a similar ecosystem and elevation. All species encountered will be identified to the species level to ensure that no other special-status species occur within the site and could be impacted by project-related activities. If any special-status species are found to occur within Parcels 2 and 3, CDFW will be notified prior to issuance of building or grading permits by the County to determine proper mitigation measures.

This measure will ensure that no other special-status plant species occur within Parcels 2 and 3, and that there are no previously unidentified state or federally listed or other special-status species that could be impacted as a result of development on Parcels 2 and 3.

## Comment 1-3

Mitigation Measure BIO-2 related to nesting birds has been revised as follows to accommodate CDFW's request:

**BIO-2** Should construction activities occur during the breeding season (February 15 through August 31), a pre-construction survey for raptor and/or nesting birds protected under the Migratory Bird Treaty Act shall be conducted by a qualified biologist. The preconstruction survey shall take place no more than 314 days prior to initiation of construction. If there is a break in construction activity of more than 14 days (2 weeks), subsequent surveys shall be conducted. All trees and shrubs within 500 feet of the area of disturbance shall be surveyed, with particular attention to any trees or shrubs that would be removed or directly disturbed. If an active nest of a protected bird is found on site or in the vicinity of off-site improvements at any time, the biologist shall, in consultation with the California Department of Fish and Wildlife (CDFW), determine whether construction work would affect the active nest or disrupt reproductive behavior. Criteria used for

this evaluation shall include presence of visual screening between the nest and construction activities, and behavior of adult raptors in response to the surveyors or other ambient human activity. If construction could affect the nest or disrupt reproductive behavior, the biologist shall, in consultation with CDFW, determine an appropriate construction-free buffer zone around the nest to remain in place until the young have fledged or other appropriate protective measures to ensure no take of protected species occurs. The buffer shall be sufficient to ensure that the nesting birds are not disturbed by construction activities to the extent that they might abandon the nest prematurely. Should construction activities cause the nesting birds to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the exclusionary buffer will be increased such that activities are far enough from the nest to stop this agitated behavior. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.

## **COMMENT LETTER 2 – UNITED AUBURN INDIAN COMMUNITY, GENE WHITEHOUSE**

### **Comment 2-1**

The Town notes that UAIC has not identified the presence of tribal cultural resources within the project site boundaries. The Town of Loomis will provide the requested documents to the United Auburn Indian Community (UAIC), and coordinate with UAIC for a site visit prior to construction within the project site. The following mitigation measure has been added to the MMRP:

**CR-4** The Town shall conduct a site visit with UAIC prior to issuance of building permits. Measures determined in coordination with UAIC following the site visit, which could include the presence of a tribal monitor during initial ground disturbing activities and avoidance and preservation of resources (should any be identified), will be incorporated into conditions of building permits.

## **COMMENT LETTER 3 – CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD, STEPHANIE TADLOCK**

### **Comment 3-1**

Impacts to hydrology and water quality are addressed in Section 3.10 of the ISMND. This includes potential impacts to surface and groundwater quality, which were determined to be less than significant.

### **Comment 3-2**

Comment noted. Project approvals are included in Section 2.5 of the ISMND.

## **COMMENT LETTER 4 – SOUTH PLACER FIRE DISTRICT, MICHAEL RITTER**

### **Comment 4-1**

Comment noted. The two existing residences on the project site are not within 100 feet of the proposed parcel boundaries. During the building permit approval process for the future residential homes, South Placer Fire District (SPFD) will review the plans for consistency with SPFD requirements.

## COMMENT LETTER 5 – PLACER COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES, LAURA RATH

### Comment 5-1

Mitigation Measure HM-2 has been revised as requested:

**HM-2** ~~Prior to ground disturbing activities on the project site~~recordation of the final map, soil sampling for ~~potential contamination from historic past land uses on the project site~~ pesticide residues and metals (e.g., arsenic, copper, mercury, lead) in areas historically used as orchard shall be conducted in accordance with the California Environmental Protection Agency Department of Toxic Substances Control (DTSC) Interim Guidance for Sampling Agricultural Properties (Third Revision), dated August 7, 2008. A workplan to conduct a Phase II site assessment shall be submitted to Placer County Environmental Health and Human Services (PCEHHS) for review and approval prior to field activities. The workplan shall also include an evaluation of lead and soil sampling around any historic structures.

The analytical results from soil samples obtained during Phase II screening level investigations shall be submitted to PCEH for review and determination of any additional requirements and will be compared to the following standards in order to evaluate possible adverse impacts to human health:

- Preliminary Remediation Goals (PRGs) for residential usage, established by the U.S. Environmental Protection Agency Region IX; and
- California Human Health Screening Levels (CHHSLs) established by the California Environmental Protection Agency.

If collected samples show low or non-detect results for the constituents analyzed, no further mitigation is necessary. If exceedances are encountered, contamination removal activities shall be implemented in coordination with ~~PCHHS~~PCEH and DTSC. Remedial activities could include but are not limited to excavating soil, lawfully disposing of soil, and retesting onsite soils to ensure native soils are below action levels. A "no further action" or equivalent letter will be required prior to PCEH final approval for recordation of the final map.

### Comment 5-2

Comment noted. This requirement is included in Mitigation Measure HM-2 (refer to **Response to Comment 5-1**).

### Comment 5-3

Comment noted. As stated in Sections 2.4.1 and 2.5.3 of the IS/MND, permits for new wells on the project site would be obtained from and approved by PCEH. The requirements provided by PCEH related to obtaining new well permits are noted.

**Comment 5-4**

Comment noted. As stated in Sections 2.4.2 and 2.5.3 of the ISMND, permits for new septic systems on the project site would be obtained from and approved by PCEH. The requirements provided by PCEH related to obtaining new septic system permits are noted.

## Notice of Determination

## Appendix D

## To:

Office of Planning and Research  
 U.S. Mail: Street Address:  
 P.O. Box 3044 1400 Tenth St., Rm 113  
 Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk  
 County of: Placer County  
 Address: 2954 Richardson Drive  
Auburn, CA 95603

## From:

Public Agency: Town of Loomis  
 Address: 365 Taylor Road  
PO Box 1330, Loomis, CA 95650  
 Contact: Planning Department  
 Phone: 916-652-1840

Lead Agency (if different from above):  
Address: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_

**SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**

State Clearinghouse Number (if submitted to State Clearinghouse): # 2018082037

Project Title: Nute Road Minor Subdivision #18-01

Project Applicant: Enright

Project Location (include county): APN 045-170-071, 666020 Nute Road, Loomis, CA 95650 - Placer County

## Project Description:

To divide a 52.2 acre parcel in four parcels:

Parcel 1 = 16.7 acres

Parcel 2 = 5.7 acres

Parcel 3 = 5.5 acres

Parcel 4 = 24.3 acres

This is to advise that the Town of Loomis, Planning Commission has approved the above  
 Lead Agency or  Responsible Agency)

described project on 11/27/2018 and has made the following determinations regarding the above  
 (date)  
 described project.

1. The project [ will  will not] have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [ were  were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [ was  was not] adopted for this project.
5. A statement of Overriding Considerations [ was  was not] adopted for this project.
6. Findings [ were  were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

Town of Loomis, 3665 Taylor Road, Loomis, CA 95650

Signature (Public Agency): \_\_\_\_\_ Title: Planning Director

Date: November 28, 2018 Date Received for filing at OPR: \_\_\_\_\_

Authority cited: Sections 21083, Public Resources Code.  
 Reference Section 21000-21174, Public Resources Code.

Revised 2011