



**STAFF REPORT  
PLANNING COMMISSION MEETING OF JANUARY 27, 2015**

To: Planning Commission

From: Amanda Rose

Subject: PROJECT #13-13 WELLS AVENUE – BARTON ROAD MINOR LAND DIVISION (MLD) AND  
NEGATIVE DECLARATION (ND)

Date: January 27, 2015

**REQUEST**

Ron Smith, the applicant, requests a Minor Land Division (MLD) approval on a 21.7-acre parcel located at the southeast corner of Wells Avenue and Barton Road, APN: 045-182-001. The request is to subdivide 21.7-acre APN 045-182-001 into four lots each with a minimum lot size of 4.6 net acres. The property is zoned Residential Agricultural (RA) and designated "RA" in the General Plan. The proposed project, if granted a MLD is consistent with the General Plan and the Zoning Ordinance. A Negative Declaration has been prepared and circulated under CEQA.

**PROJECT DESCRIPTION**

The proposed project would subdivide 21.7-acre APN 045-182-001, which is zoned Residential Agricultural (RA), into four lots each with a minimum lot size of 4.6 net acres. Each parcel would have sewer and water available from existing lines on the Wells Avenue frontage. All lots would be accessed from Wells Avenue. Because of wetlands constraints, access to Parcel 3 would be from a dedicated ingress/egress and utility easement on Parcel 2. The proposed project would create four lots with a minimum lot size of 4.6 net acres. Roads and building pads would be constructed by lot purchasers.

Internal access to buildable lots is indicated on the tentative parcel map for Parcels 2, 3, and 4. Access rights for other entrances would be removed by deed. Driveway construction would be limited to a 20-foot corridor from Wells Avenue to the building pads for Parcels 2, 3, and 4 as shown on the tentative map. At Wells Avenue, the access roads to Parcels 2, 3, and 4 will fully span the linear wetland (i.e., roadside ditch) adjacent to Wells Avenue – beginning and ending

above the 100-year storm elevation and with abutments outside of the high-water mark for the spanned wetland.

The driveway would be constructed with a porous pavement material. A geo-grid or geo-mat material would be used below the rock section to reduce the amount of rock needed. A licensed arborist would be required during road construction. Road construction would involve no cut or fill within delineated wetlands on the property, and accepted erosion-control Best Management Practices (BMPs) would be employed to prevent construction sediment from inadvertently reaching wetlands.

The proposed project would require the removal of approximately 16 trees and would affect approximately 5 additional trees. Development of the access road/driveway would occur within the dripline of trees 148, 149, 156, 157, and 158. The applicant would prepare a tree mitigation plan that clearly describes how removal of trees during construction would be mitigated by on-site plantings.

<b>Tree No.</b>	<b>Species (<i>scientific name</i>)</b>	<b>Diameter at Breast Height</b>
102	Black willow ( <i>Salix gooddingii</i> )	12" – 20"
108	Live Oak ( <i>Quercus wislizenii</i> )	8"
109	Live Oak ( <i>Quercus wislizenii</i> )	9" and 6"
110	Live Oak ( <i>Quercus wislizenii</i> )	14"
111	Live Oak ( <i>Quercus wislizenii</i> )	8", 6", 6", and 7.5"
112	Live Oak ( <i>Quercus wislizenii</i> )	13", 9", 6", 7", and 7.5"
150	Cottonwood ( <i>Populus fremontii</i> )	14"
151	Cottonwood ( <i>Populus fremontii</i> )	12"
152	Cottonwood ( <i>Populus fremontii</i> )	20"
153	Cottonwood ( <i>Populus fremontii</i> )	18"
154	Cottonwood ( <i>Populus fremontii</i> )	18" – 18"
156	Cottonwood ( <i>Populus fremontii</i> )	24"
171	Valley Oak ( <i>Quercus lobata</i> )	2"
173	Valley Oak ( <i>Quercus lobata</i> )	5"
174	Valley Oak ( <i>Quercus lobata</i> )	4"
175	Valley Oak ( <i>Quercus lobata</i> )	5"

Sewer, water, and other utility construction would involve trenchless technology at a depth of at least 6 feet. In order to avoid tree roots and accommodate high groundwater tables, services would require engineering.

**SITE DESCRIPTION**

The project is located on the southeast corner of Wells Avenue and Barton Road on parcel 045-182-001. The northwest corner of the property (i.e., at the intersection of Wells Avenue and Barton Road) has been cleared and used as a staging area for road construction. The remaining northern portion of the project area is a low-lying area containing marshes, annual grassland, open riparian forests, and uplands with valley and live oak trees. The area is also threaded with

thickets of Himalayan blackberry that tie together emergent wetlands, older riparian forest, and seasonal wetland depressions. The project area's southern upland slopes support an open oak woodland with trees and shrubs intermixed with annual grassland.

**General Plan Designation:** Residential Agricultural

**Zoning:** RA Residential Agricultural

**Surrounding Uses and Zoning:**

**North** – Wells Avenue/Residential Agricultural

**South** – Residential Agricultural

**East** – Residential Agricultural

**West** – Barton Road/Residential Agricultural

**Improvements/Utilities/Service Systems:**

**Sewer** – SPMUD

**Water** – PCWA

**Gas/Electric** – PG&E

**Trash** – Recology Auburn Placer

**ENVIRONMENTAL REVIEW**

No significant impacts were identified in the Initial Study. A Negative Declaration has been prepared and circulated under CEQA from December 4, 2014 through January 5, 2015. One comment letter (from the Central Valley Regional Water Quality Control Board dated December 23, 2014) was received. A Notice of Determination will be filed with the Placer County Clerk upon approval of the project.

**RECOMMENDATION**

That the Planning Commission approve Resolution #15-     approving a Negative Declaration and Project #13-13 MLD allowing subdivision of the 21.7-acre APN 045-182-001 into four lots each with a minimum lot size of 4.6 net acres with the Findings in Exhibit A and the Conditions in Exhibit B.

**ATTACHMENTS**

1. Resolution #15-     approving a Negative Declaration and Project #13-13 MLD with Conditions
2. Application
3. Negative Declaration/Environmental Initial Study
4. CVRWQCB letter dated December 23, 2014
5. Site Plan/Elevation Drawings

RESOLUTION #15-    

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS APPROVING A NEGATIVE DECLARATION AND A MINOR LAND DIVISION FOR WELLS AVENUE – BARTON ROAD (APN 045-182-001)

**WHEREAS**, Ron Smith, the applicant, has proposed to subdivide the 21.7-acre APN 045-182-001 into four lots each with a minimum lot size of 4.6 net acres, such application being identified as #13-13; and

**WHEREAS**, on January 27, 2015, the Planning Commission conducted a public hearing of the application, at which time any person interested in the matter was given an opportunity to be heard; and

**WHEREAS**, the Planning Commission reviewed and considered the staff report relating to said 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 findings attached herein as Exhibit A in connection with #13-13 Wells Avenue – Barton Road Minor Land Division; and

**NOW THEREFORE**, based upon the findings set forth hereinabove, the Planning Commission of the Town of Loomis, at its meeting of January 27, 2015, did resolve as follows:

1. An initial study has been conducted by the Town to evaluate the potential for adverse environmental impact of the proposed project. The Mitigated Negative Declaration is approved, and staff is directed to file an appropriate Notice of Determination with the County Clerk.
2. The Mitigation Monitoring Program is approved,
3. The project, #13-13 MLD, is hereby approved per the findings set forth in Exhibit A and the conditions set forth in Exhibit B.

ADOPTED this 27<sup>th</sup> day of January, 2015, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

\_\_\_\_\_  
Michael Hogan, Chairman

\_\_\_\_\_  
Amanda Rose, Planner

**EXHIBIT A  
PROJECT #13-13  
PLANNING COMMISSION HEARING January 27, 2015**

**FINDINGS:**

Negative Declaration

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

Minor Land Division

1. This proposed minor land division, together with the provisions for its design and improvement, is consistent with the Town of Loomis General Plan and the Zoning Ordinance in that the property is in a residential area zoned for residential use.

Minor Land Division

Pursuant to Section 66474 of the Subdivision Map Act, the Planning Commission hereby finds and determines as follows:

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 are currently in the direct frontage of the property, and 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 four additional 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 four single-family residences is consistent with the allowed zoning density.
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, sewer, 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 PROJECT #13-13  
PLANNING COMMISSION, JANUARY 27, 2015

This Minor Land Division is approved for the division of a 21.7-acre parcel, APN 045-182-001, located at the southeast corner of Wells Avenue and Barton Road, per the following conditions. The approval expires on January 27, 2017, unless extended by the Planning Commission.

GENERAL CONDITIONS

1. \_\_\_\_\_ Owner shall comply with all provisions of the Town of Loomis Municipal Code.
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 said plans, conditions, and Code(s), shall not be interpreted as the Town having waived compliance with any sections of the Town of Loomis Municipal Code (Zoning, Building Codes, etc.), Loomis General Plan, or applicable Plans.
3. \_\_\_\_\_ Development shall be substantially in accordance with the plans entitled "Tentative Parcel Map Wells Avenue APN 045-182-001-000", as prepared by Rose's Engineering, consisting of one (1) sheet, dated and received "October 7, 2014", except as may be modified by the conditions stated herein.
4. \_\_\_\_\_ When submitting for Plan Check, the owner must provide to the Planning Department a copy of the final conditions of approval with a cover letter specifying how and where the revised plans address each of the conditions. Plan Check by the Planning Department and Town Engineer will not be initiated without compliance with this condition. All plans shall be consistent with that approved by the Planning Department. The owner shall be responsible for correcting any inconsistency which may occur through error or omission during plan preparation or construction.
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.
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.

IMPROVEMENTS (ROADWAY, DRAINAGE, GRADING)

7. \_\_\_\_\_ Any and all grading shall conform to the Town Grading Ordinance (Municipal Code Section

12.04) with prior review and approval by the Town Engineer. A Grading Permit shall be obtained prior to building permit issuance for Parcels 1, 2, 3, and 4.

8. \_\_\_\_\_ 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.
9. \_\_\_\_\_ On-site detention shall be provided on each project, for which a building permit is issued, for the increased runoff rate caused by project development in accordance with the Placer County Flood Control District Storm Water Management Manual and the Loomis Land Development Manual.
10. \_\_\_\_\_ No driveway access onto Barton Road shall be permitted from proposed Parcel 1.
11. \_\_\_\_\_ Driveway entrance onto Wells Avenue shall be a minimum 200 feet from the intersection of Wells Avenue and Barton Road. The driveway shall be a minimum of 20 feet wide pursuant to South Placer Fire District requirements. The driveway shall include 42 feet of driving surface for turnaround.

#### GENERAL PLANNING

12. \_\_\_\_\_ The property owner shall be responsible to ensure all conditions to this permit are binding on all successors-in-interest (e.g. by incorporating into the standard provisions of any sale, lease and/or rental agreements, etc.).
13. \_\_\_\_\_ 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.
14. \_\_\_\_\_ No request for a Parcel Map, pursuant to this map, shall be approved until all conditions are completed and accepted by the Town, acceptable to the Town Attorney, for those conditions not completed, as has been submitted.
15. \_\_\_\_\_ The project proponent shall submit a complete Tree Permit application for review and approval by the Town of Loomis. Upon review and approval of a complete Tree Permit application, the Town shall issue a Tree Permit.
16. \_\_\_\_\_ In accordance with the Tree Permit, the applicant shall replace the tree with a living tree (or trees) on the same property or within the Town of Loomis, in a location approved by the Town Manager. (Tree Ordinance §13.54.090) The replacement requirement shall be calculated as provided by Table 5-3 of the Tree Ordinance. The property owner will replace the tree(s) and continue to replace the replacement tree(s) if the tree(s) die(s) any time within five (5) years of the initial planting. Annual Arborist monitoring with a written report is required to ensure survival of the trees.
17. \_\_\_\_\_ The project shall conform to requirements of the Placer County Air Pollution Control District (PCAPCD). Prior to commencement of grading, the applicant shall submit a dust control plan for approval by the Town Engineer and PCAPCD.

18. \_\_\_\_\_ If project scheduling allows, the removal of trees shall be conducted outside of the Migratory Bird Treaty Act (MBTA) and peak bird nesting seasons (February 15 through September 15). If tree removal must be conducted during the nesting season, the applicant shall hire a qualified Biologist to conduct a survey for active bird nests within 3 days prior to commencement of any construction activities. Should an active nest be identified, restrictions will be placed on construction activities in the vicinity of any active nest observed until the nest is no longer active, as determined by a qualified Biologist. These restrictions may include a 300- to 500-foot buffer zone designated around a nest to allow construction to proceed while minimizing disturbance to the active nest. Once the nest is no longer active, construction can proceed within the buffer zone. A note which includes the wording of this condition of approval shall be placed on the Improvement Plans.
19. \_\_\_\_\_ If prehistoric or historical archaeological deposits are discovered during project activities, all work within 25 feet of the discovery shall be halted and the Town of Loomis Planning Department shall be notified. The archaeologist shall assess the situation, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Impacts to archaeological deposits shall be avoided by project activities, but if such impacts cannot be avoided, the deposits shall be evaluated for their eligibility on the California Register of Historic Resources (CRHR). If the deposit is not CRHR eligible, then no further protection of the finds are necessary. If the deposits are CRHR eligible, they shall be protected from project-related impacts, or such impacts shall be mitigated. 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 at an appropriate curation facility. Public educational outreach may also be appropriate.
20. \_\_\_\_\_ The project developer shall construct the project in accordance with the Placer County Storm Water Management Manual prepared by the Placer County Flood Control and Water Conservation District as recognized by the Town. The project shall be constructed in a manner 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 and payment of the Town's drainage impact fee. Other drainage system improvements may be required such as creation of a new detention basin. The developer shall submit a drainage plan, subject to review and approval of the Town Engineer. The developer shall pay the Town's Drainage Fee and the Dry Creek Watershed Drainage Improvement Fee prior to building permit issuance.
21. \_\_\_\_\_ 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, with no work to occur on Sundays or holidays.
22. \_\_\_\_\_ The applicant shall be required to pay the Town's development fees consisting of the Community Facility Fee, Park & Recreation Fee, and Placer County Capital Facility Impact Fee. In addition the developer shall be required to pay fees to other service providers: Loomis Fire District Fee, Loomis Union School District Fee, Placer Union High School Fee, SPMUD connection fee, and PCWA connection fee prior to building permit issuance.



- 23. \_\_\_\_\_ The developer shall be required to pay park fees.
- 24. \_\_\_\_\_ The developer shall be required to pay the Road Circulation/Major Roads Fee prior to building permit issuance.
- 25. \_\_\_\_\_ A grading and drainage plan, subject to review and approval of the Town Engineer, shall be submitted prior to building permit issuance.
- 26. \_\_\_\_\_ The owners of all four parcels shall subscribe to weekly refuse pickup through Auburn Placer Disposal Service.

AGENCIES

- 27. \_\_\_\_\_ The owner shall provide will-serve letters from all applicable utilities, the franchised refuse collector, the post office, and the fire department (including extension of the zone of benefit for the Fire District) for the review and approval of Town staff prior to any building permit issuance. The owner shall complete all requirements or conditions imposed upon the project by these agencies to the satisfaction of the Town and the agencies prior to any building permits being issued.
- 28. \_\_\_\_\_ All utility facilities shall be placed underground in accordance with the Loomis Municipal Code.
- 29. \_\_\_\_\_ The property owner shall coordinate with PG&E on any future development plans which occur within PG&E easements.

FEES

- 30. \_\_\_\_\_ The owner shall pay the development fees (e.g. road circulation fees, drainage fees, community facilities fee, master plan, Placer County, open space and parks, and fire fees, etc.) in effect at the time of building permit issuance.