



**PLANNING COMMISSION HEARING  
JULY 26, 2016**

**STAFF REPORT  
APPLICATION #14-11 JUSTICE MINOR LAND DIVISION  
APN: 045-071-064**

**RECOMMENDATION**

The Planning Commission adopt Resolution #16-07 approving Minor Land Division #14-11 to divide an 18.15 acre parcel into two lots of 5.12 and 4.89 acres, with a Remainder Parcel of 8.15 acres subject to the findings and the recommended conditions of approval, and adopt the recommended Mitigated Negative Declaration as per the requirements of the California Environmental Quality Act (CEQA).

**REQUEST**

The applicants Larissa and David Justice, request to divide an 18.15 acre parcel into two lots being respectively 5.08 and 4.74 acres, with a Remainder Parcel of 8.15 acres in size.

**PROJECT DESCRIPTION**

**Location:** 6639 Wishing Well Way  
Approximately 900 feet west of Laird Road in the Town of Loomis  
APN: 045-071-064

**Size:** 18.15 acres

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

	GENERAL PLAN	ZONING	CURRENT LAND USE
ON SITE	RESIDENTIAL AGRICULTURE	RA	SINGLE FAMILY RESIDENTIAL
NORTH	RESIDENTIAL AGRICULTURE	RA	SINGLE FAMILY RESIDENTIAL
EAST	RESIDENTIAL AGRICULTURE	RA	SINGLE FAMILY RESIDENTIAL
SOUTH	RESIDENTIAL AGRICULTURE	RA	SINGLE FAMILY RESIDENTIAL
WEST	RESIDENTIAL AGRICULTURE	RA	SINGLE FAMILY RESIDENTIAL

**Improvements/Utilities/Service Systems:**

**Sewer – Septic**

**Water – PCWA**

**Gas/Electric – PG&E**

**Trash – Recology Auburn Placer**

**Fire – Loomis Fire District**

The project site is east of the Indian Creek Country Club and west of the terminus of Wishing Well Lane from where it gets its access. A large knoll rising approximately 40 feet from its lowest point, in the center is its most prominent feature. There are numerous trees, mostly on the north portion, of which 23 have been identified as being subject to the Town's Tree Ordinance (Refer to Arborist Report, attached to the Mitigated Negative Declaration) There is a small farm pond, along with delineated wetlands on the site. Building envelopes are shown on the proposed map indicating buildable areas for each lot. (Refer to Wetlands Study, attached to the Mitigated Negative Declaration) An existing gravel road provides access through the north portion of the site to an adjacent parcel with a residence and outbuildings, which is surrounded by the applicant's land on three sides. A new access road is proposed from Wishing Well Lane along the eastern portion of the site to provide access through the Remainder Parcel, to the two proposed parcels.

The applicants have been allowed to pull permits to build their own home on what is shown as the Remainder Parcel. Whether the minor land division is approved or not, they have the right to build at least one home on this parcel.

**BACKGROUND**

Preliminary review of the proposed minor land application found it consistent with the Loomis General Plan and Zoning Code in terms of the zoning and parcel size requirements. However as there were possible issues as to wetlands, tree removal, possible pesticide contamination due to a former orchard, studies were requested to address these issues. Upon satisfactory completion of these reports, and other requested material the application was deemed complete in September 15, 2015. As there was the potential for adverse environmental impacts a Mitigated Negative Declaration (MND) was prepared as per the California Environmental Quality Act (CEQA). The Mitigated Negative Declaration was circulated for review and comment to agencies and the public in March 2016 with no significant adverse comments as to the project's environmental impacts.

However comments from adjoining neighbors to the east indicated a possible property line problem. Apparently at some past date, a fence had been constructed on what was thought to be the mutual property line. Surveys showed, in fact the fence line to be as much as 42 feet within the applicant's property. Therefore land the neighbors had presumed to be theirs could well be the applicant's.

Recognizing the concern of their neighbors, and wishing to go forward with their application, the Justices revised their proposed land division along the fence line, rather than the actual property line. (Attachment 2) In addition they have offered to provide the this area to the neighboring properties at no cost, other than the recipients paying for the costs to process the required land transfer documentation. They have documented their efforts in a letter dated June 24, 2016. (Attachment 3)

Creation of the two proposed parcels would not affect transfer of land from the Justices to the eastern neighbors, as both of these new parcels are west of the fence line, and therefore any disputed area. The area in question will be left as a panhandle of the Remainder Parcel, where the transfer of land to the neighbors can proceed, as a civil matter.

## **ISSUES**

### **Zoning Code Consistency**

The Residential Agricultural (RA) is applied to areas appropriate for very low density uses where proposed development maintains existing natural vegetation and topography. Parcel sizes are limited to at least 4.6 acres in size as Section 13.24.00 et seq of the Loomis Zoning Ordinance. All of the proposed parcels are in excess of the minimum lot size and measures are in place through both existing regulations and conditions of approval to maintain the proposed parcels in their natural state.

### **General Plan Consistency**

The proposed project is consistent with the Rural Agricultural designation of this property in the Land Use Element of the Loomis General Plan, which encourages very low density residential development in this designation, and maintains natural vegetation to the maximum extent feasible.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

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). (Attachment 4) Ten impacts were identified to reduce potential impacts to a level of less than significant in the IS\MND and the Mitigation Monitoring Report Plan (MMRP). As the property was believed to have been an orchard in the historical past, concern was expressed as to potential pesticide contamination and a Phase II Study was prepared by Aqua-Terra Environmental Consultants. (Refer to the Aqua-Terra Report, attached to the Mitigated Negative Declaration). They tested for arsenic, lead, and organochlorine pesticides i.e DDT, DDE, and DDD and concluded "Arsenic, lead, and organochlorine pesticide levels do not exceed screening levels in any surface soil samples collected." Therefore there was no impact, and no further mitigation was required.

A Notice of Intent to adopt a Negative Declaration was posted and sent to adjacent property owners while the Negative Declaration was circulated to public agencies and made available for the 30 day public review and comment beginning on March 1, 2016. Only five comments were received, two from public agencies, the California Department of Fish and Wildlife (CDFW), and the Central California Regional Water Quality Control Board (CCRWQCB). Staff has discussed and satisfactorily resolved the issues raised by CDFW as shown in the response to comments of the Mitigated Negative Declaration. Comments from the CCRWQCB were just a listing all project must comply with and have been included in the conditions of approval as necessary. The other three comments were from adjacent landowners that while not addressing environmental issues, did express concerns as to the disputed property line.

All of the comment letters, and the response to them are included as part of the project's Mitigated Negative Declaration.

A Notice of Determination will be filed with the Placer County Clerk upon approval of the project.

## **RECOMMENDATION**

The Planning Commission adopt Resolution #16-07 approving Minor Land Division #14-11 to divide an 18.15 acre parcel into two lots of 5.12 and 4.89 acres, with a Remainder Parcel of 8.15 acres subject to the findings and the recommended conditions of approval, and adopt the recommended Mitigated Negative Declaration as per the requirements of the California Environmental Quality Act (CEQA).

## **ATTACHMENTS**

1. Draft Resolution #16-07
  - Exhibit A: Recommended Findings
  - Exhibit B: Recommended Conditions of Approval
2. Original and Revised Tentative Maps of the Justice Minor Land Division
3. Application and Supplemental Material
4. Mitigated Negative Declaration and Reports

**NOTE: Notice published in paper July 14, 2016, and mailed July 13, 2016.**