

RESOLUTION NO. 16-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS APPROVING MINOR LAND DIVISION (#14-11) SUBMITTED BY LARISSA AND DAVID JUSTICE (APPLICANT). APN: 045-071-064

WHEREAS, Larissa and David Justice, the applicant has requested 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 33 conditions of approval; and,

WHEREAS, on July 26, 2016, 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 this 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 Minor Land Division (#14-11).

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the Town of Loomis, at its meeting of July 26, 2016, did resolve as follows:

1. The proposed Project is consistent with the goals, policies and land uses in the Town of Loomis General Plan and Zoning Ordinance.
2. 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 a Notice of Determination with the County Clerk.
3. The Mitigation Monitoring Program is approved,
4. Minor Land Division, #14-11, is hereby approved per the findings set forth in Exhibit A and the conditions set forth in Exhibit B.

ADOPTED this 26 day of July, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Michael Hogan, Chairman

Robert King, Town Planner

EXHIBIT A
FINDINGS: JUSTICE MINOR LAND DIVISION APPLICATION #14-11
PLANNING COMMISSION, JULY 26, 2016

California Environmental Quality Act (CEQA)

1. The initial study identified possible adverse environmental effects, but conditions of project approval have reduced them to a point where they are less than significant.

Minor Land Division

Pursuant to Section 66474 of the Subdivision Map Act, the Planning Commission makes the following findings as to the proposed Minor Land Division:

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 two additional single-family residence, 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 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, 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 #14-11
PLANNING COMMISSION, JULY 26, 2016**

Minor Land Division #14-11 is approved 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 33 recommended conditions of approval, being, APN 045-071-064 located at 6639 Wishing Well Way in the Town of Loomis.

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 6639 Wishing Well Way APN 045-071-064", as prepared by land Development Services, dated "July 7, 2016", 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 A and B.

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. _____ The entrance onto Wishing Well Way shall be a minimum of 20 feet wide pursuant to Loomis Fire District requirements. The driveway shall include 42 feet of driving surface for turnaround.
11. _____ 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 on the final map.
12. _____ The owner shall be responsible for all actions of his contractors and subcontractors until such time as the improvements have been accepted as complete by the Town.
13. _____ The owner shall prepare and install erosion and sediment control along the delineated boundary of the riparian zone and all disturbed areas during all demolition/construction activities per State Water Resources Handbook..
14. _____ Drainage facilities shall be designed and constructed as directed and approved by the Town Engineer in compliance with the Drainage Manual and best engineering practices prior to issuance of building permits. Prior to onsite construction, the owner shall submit a grading and drainage plan to the Town Engineer for review and approval that addresses the impacts to the drainage patterns and runoff increases. On-site detention shall be provided on each project, for which a building permit is issued, for the increased runoff rate caused by project development in accordance with the Placer County Flood control District Storm Water Management Manual and the Loomis Land Development Manual.

Prior to recordation of the Parcel/Final Map, the owner shall submit documentation from a licensed engineer, for review and approval by the Town Engineer, which indicates the elevation of the 100 year flood throughout the site. The flood plain shall be delineated on the Final Map. On each building permit and prior to final building approval, an engineer shall certify that the finished floor elevation is a minimum of 2' above the base flood elevation. The boundaries of the flood zone through the site shall be delineated with a post & cable per Loomis detail LSC-25.

15. _____ No construction, including but not limited to impenetrable barriers, structures, and/or fencing, shall occur within the area defined as "wetlands" or "restricted area" as delineated on the "Tentative Parcel Map 6639 Wishing Well Way APN 045-071-064", as prepared by Land Development Services, Inc. Engineering, received "July 7, 2016".

GENERAL PLANNING

16. _____ 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.).
17. _____ 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.
18. _____ 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.
19. _____ 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.
20. _____ 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 with five (5) years of the initial planting. Annual Arborist monitoring with a written report is required to ensure survival of the trees.
21. _____ 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.
22. _____ 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.

23. _____ 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.
24. _____ 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.
25. _____ 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.
26. _____ 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, and PCWA connection fee prior to building permit issuance.
27. _____ The developer shall be required to pay the Road Circulation/Major Roads Fee prior to building permit issuance.
28. _____ The owners of all three parcels shall subscribe to weekly refuse pickup.

AGENCIES

29. _____ 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.

30. _____ All utility facilities shall be placed underground in accordance with the Loomis Municipal Code.
31. _____ The property owner shall coordinate with PG&E on any future development plans which occur within PG&E easements.

FEES

32. _____ 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.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

33. _____ Mitigation required in the approved Mitigated Negative Declaration (MND) of this project, is incorporated herein by reference as required conditions of approval.