



**PLANNING COMMISSION HEARING  
MARCH 28, 2017**

**STAFF REPORT  
MINOR SUBDIVISION #16-19 "LANDS OF PETKUS"  
APPLICANT: DAN PETKUS**

**REQUEST**

The applicant is proposing to re-subdivide a previously approved subdivision of 20 lots "Del Oro Vistas" into only four lots on a 4.3 acre site, north of Brace Road and west of I-80 in the Town of Loomis. The land is designated Residential Medium Density in the Loomis General Plan and zoned RS-7 Single-Family Residential 7,000 sf minimum.

**RECOMMENDATION**

To approve *Resolution #17-05 (Attachment 1)* rescinding Major Subdivision #08-12 "Del Oro Vistas," and simultaneously approve Minor Subdivision #16-19 "Lands of Petkus" to divide the project site into only four residential lots, subject to the previously adopted Mitigated Negative Declaration for "Del Oro Vistas" as per Section 15162 of California Environmental Quality Act (CEQA) Guidelines and the recommended findings and conditions of approval.

**PROJECT DESCRIPTION**

**Location:** Northwest of Brace Road and Stone Road within the Town of Loomis.  
APN: 044-123-013, 044-150-001 & 018

**Size:** 4.43 acres

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

	GENERAL PLAN	ZONING	CURRENT LAND USE
<b>ON SITE</b>	RESIDENTIAL MEDIUM DENSITY	RS-7	VACANT/RESIDENTIAL
<b>NORTH</b>	RESIDENTIAL MEDIUM DENSITY	RS-5	STONE GATE & HERITAGE PARKS ESTATES
<b>EAST</b>	RESIDENTIAL MEDIUM DENSITY	RS-7	SINGLE FAMILY RESIDENTIAL
<b>SOUTH</b>	RESIDENTIAL MEDIUM DENSITY	RS-5	SINGLE FAMILY RESIDENTIAL
<b>WEST</b>	RESIDENTIAL MEDIUM DENSITY	RS-7	SINGLE FAMILY RESIDENTIAL

**Improvements/Utilities/Service Systems:**  
Sewer – SPMUD (Temporary Moratorium)

**Water – PCWA**  
**Gas/Electric – PG&E**  
**Trash – Recology**  
**Fire – Loomis Fire District**

### **General Plan Consistency**

The proposed project is consistent with the Residential Medium Density designation of the Land Use Element and is applied for development of subdivisions between 2 to 6 dwelling units per acre, not exceeding 35% lot coverage.

### **Zoning Code Consistency**

The project is zoned Single Family Residential 7,000sf minimum (RS-7) and consistent with the Residential Medium Density designation of the General Plan. All of the proposed parcels are in excess of the minimum lot size, ranging from .53 acre to 1.72 acres, averaging approximately one acre each.

### **Proposed Project:**

As shown on *The "Lands of Petkus" Tentative Parcel Map (Attachment 2)*, the site will consist of four parcels accessed from Brace Road, Parcels 1 and 2 directly from Brace Road, and Parcels 3 and 4 via an existing 20 ft access easement.

Late in 2016 the owner submitted an application to replace the previously approved Del Oro Vistas Major Subdivision (**Attachment 3**) with a Minor Subdivision. This proposal would reduce the number of residential lots from 16 to four, along with eliminating the subdivision's road and grading of those 16 building sites. Preliminary review of the proposed minor subdivision indicated that it would have less impacts associated with it than those identified in the Mitigated Negative Declaration (**Attachment 4**) adopted for the Del Oro Vistas Subdivision. Accordingly as per Section 15162 of the CEQA Guidelines the previous Mitigated Negative Declaration may be used for the "Lands of Petkus" Minor Subdivision #16-19.

The application for Minor Subdivision #16-19 was circulated to Responsible and Trustee Agencies for preliminary review and comment, noting the Town intended to adopt the previous Mitigated Negative Declaration. Three responses were received, none of which objected to the use of the previous Mitigated Negative Declaration, though they requested the project comply with their existing terms and regulations.

### **Existing Conditions:**

The 4.15± acre project site has extensive stands of trees including a large number of protected oak trees. Sucker Ravine traverses the northeastern portion of the project site and includes both seasonal and riparian habitat and wetlands subject to regulations of the Army Corps of Engineers (ACOE). There are two existing residences which hereto now have been proposed to be removed.

## **BACKGROUND**

The Del Oro Vistas Subdivision was approved by the Planning Commission on April 21, 2009 subject to 45 conditions of approval and a Mitigated Negative Declaration with 11 mandatory mitigation measures. (Attachment 4) The subdivision contained 20 lots, of which 16 were residential lots, and four to protect sensitive lands, especially around stream environments. The wetland areas were approximately 0.185 acres of seasonal and riparian wetlands, most near Sucker Ravine, within the proposed protected areas. The most significant issues were erosion, drainage, removal of protected trees, and impacts upon wetlands and the habitat along Sucker Ravine.

As Del Oro Vistas was a major subdivision, a number of improvements had to be constructed to serve the 16 residential lots, including a 52 ft wide street, including sidewalks, curbs, drainage, and gutters. In addition each residential lot would need to be graded and served with a variety of utilities. In addition a number of protected trees would be removed for the road and building pads. The grading and increased impervious surfaces would alter and increase off-site drainage requiring measures to retain the excess water on-site.

The Town has regulations as to grading, tree protection, waterway protection, and noise impacts. However a Mitigated Negative Declaration was needed to address all these impacts together, along with potential impacts to archaeological and cultural resources, air, and water quality.

## **ISSUES**

### **Wetlands**

The proposed protected areas including the wetlands from the Del Oro Vistas Tract Map have been reiterated on the Lands of Petkus Parcel Map and excluded from development. As a matter of routine the Army Corps of Engineers will need an updated delineation to confirm their prior determination that protected waters would not be impacted, prior to recordation of the Final Parcel Map

### **Tree Protection**

The Del Oro Vistas Subdivision projected that 19 protected trees would need to be removed due to road, improvement, and homebuilding. With only four lots, no dedicated road, and greater area to site a home to avoid impacts the number of protected trees being removed will be significantly less. Development of these lots is subject to Section 13.54.00 **Tree Preservation and Protection** of the Loomis Municipal Code. Along with these regulations, conditions of approval have been recommended to ensure the minimum amount of tree removal as addressed in the Mitigated Negative Declaration.

### **Drainage**

The new division of land will comprise only four dwellings and driveways to serve them, resulting in approximately 15,000 sf of impervious surface, in contrast to 75,000 sf if Del Oro Vistas was built out. While this will decrease the projected run-off, Loomis and Placer County require that post-development runoff flows do not exceed predevelopment flows. Development of the proposed parcels will need to submit drainage plans, prior to issuance of building or grading permits, 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.

### **Noise**

Section 13.30.070 Noise Standards of the Loomis Municipal Code requires for residential uses that noise not exceed 65 dBA in outdoor activity areas, and 45 dBA for home interiors. The noise assessment study conducted by J.C. Brennan & Associates dated October 16, 2008, reported that Parcel One of the Del Oro Vistas Subdivision would exceed these standards, due to noise from I-80 to the east. Mitigation included a sound wall along the south property line of Parcel One along Brace Road, special sound rated windows for the second floor (if so developed), and air conditioning to allow closure of windows. Parcel One of Del Oro Estates is more or less, the south half of Lot 1 of the Lands of Petkus Parcel Map. Unless a new noise study would indicate otherwise the previous mitigation is still necessary, and included as conditions of approval.

### **Utilities**

During the period between approval of the Del Oro Vistas Subdivision approval in early 2009, and today, SPMUD's sewer collector serving this site reached capacity. Therefore SPMUD cannot serve this site, until the new line is completed estimated to in late December 2017.

### **Land Use**

Even though each of the proposed parcels exceeds the minimum lot size of 7,000sf, subsequent division of these four lots could result in a total of 16 lots. This would equal the number of residential lots of the Del Oro Vistas Subdivision, but without the improvements and guarantees of the Town's Subdivision regulations or the State Subdivision Map Act. Therefore a condition has been recommended to restrict future subdivision of these four lots by future owners and their successors.

### **Road Improvements**

While the proposed parcel map will no longer need a road as proposed for Del Oro Vistas, it will still require dedication and improvement of Brace Road as before. In order to get Final Approval and record the map, the applicant\owner will need to dedicate the necessary road frontage along Brace Road, consistent with the requirements of the Circulation Element. Along with providing improvements including asphalt, curb, gutter, and sidewalk along Parcels 1 and 2, as shown on the proposed parcel map.

### **Design Review**

Though still subject to the General Plan requirements to retain a rural character and preserve the natural environment, a subdivisions of four or less lots is not subject to Design Review. However development is subject to **Chapter 5 Resource Management** of the Loomis Zoning Code which restricts and protects trees, waterways, and wetlands of the Town. The larger lot development of the parcel map, in contrast to the previous 20 lot subdivision will be more in keeping with the Town's goals of keeping its rural character and preserving its natural features.

## **CONDITIONS OF APPROVAL**

The previous Conditions of Approval for the Del Oro Vistas Subdivision were analyzed as to their applicability to apply to the Lands of Petkus Parcel Map, and the previous Mitigated Negative Declaration. Most conditions were retained, some with minor rewriting, so those applicable to a Major Subdivision were removed and conditions applicable to a Minor Subdivision added. Conditions necessary to ensure mitigation of environmental impacts were retained, but amended to reflect the development of only a four lot parcel map, but in no way allowing greater intensity or environmental impacts.

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

The Town of Loomis prepared an Initial Study Mitigated Negative Declaration (IS\MND) and adopted it on April 21, 2009 in the approval of The Del Oro Vistas Tentative Tract Map. 11 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 (**Attachment 5**)

The proposed "Lands of Petkus" Minor Subdivision #16-19 was circulated to Responsible and Trustee Agencies for comment and review, with a statement the Town intended to adopt the Mitigated Negative Declaration prepared for the Del Oro Vistas Subdivision. Three responses were received, none of which objected to the use of the previous Mitigated Negative Declaration. (**Attachment 6**)

Pursuant to CEQA Guidelines **Section 15162 Subsequent EIRs and Negative Declarations**, it has been determined there was no substantial evidence requiring either a Subsequent Negative Declaration or an Addendum. There have been no substantial changes to the environment or regulations, and the changes to the project do not require a major revision as the previously identified impacts will not be exceeded, and in many circumstances reduced. Therefore staff recommends the use of the previous mitigated negative declaration for this project.

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

## **RECOMMENDATION**

To approve *Resolution #17-05 (Attachment 1)* rescinding Major Subdivision #08-12 "Del Oro Vistas," and simultaneously approve Minor Subdivision #16-19 "Lands of Petkus" to divide the project site into only four residential lots, subject to the previously adopted Mitigated Negative Declaration for "Del Oro Vistas" as per Section 15162 of California Environmental Quality Act (CEQA) Guidelines and the recommended findings and conditions of approval.

#### **ATTACHMENTS**

1. Draft Resolution #17-05
  - Exhibit A: Recommended Findings
  - Exhibit B: Recommended Conditions of Approval
2. Proposed "Lands of Petkus" Tentative Parcel Map #16-19
3. Approved "Del Oro Vistas" Tentative Tract Map #08-12
4. Adopted Mitigated Negative Declaration (MND) and Reports - Del Oro Vistas
5. Adopted Mitigation Monitoring Reporting Plan (MMRP) - Del Oro Vistas
6. Agency Comments

**NOTE: Notice published in Loomis Times March 16, 2017, and mailed March 16, 2017.**

## **RESOLUTION NO. 17-05**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS APPROVING MINOR LAND DIVISION #16-19 "LANDS OF PETKUS" AND SIMULTANEOUSLY RESCIND MAJOR SUBDIVISION #08-12 "DEL ORO VISTAS" SUBJECT TO THE PREVIOUS MITIGATED NEGATIVE DECLARATION FOR "DEL ORO VISTAS" AND THE RECOMMENDED FINDINGS AND 45 CONDITIONS OF APPROVAL.

**WHEREAS**, Dan Petkus, the owner has proposed to re-subdivide a previously approved tentative tract map "Del Oro Vistas" Major Subdivision #08-12 into four lots (Parcel 1- 0.53 acres, Parcel 2 - 0.80 acres, Parcel 3 – 1.72 acres, Parcel 4 – 1.11 acres) as Minor Subdivision #16-19 "Lands of Petkus" on a 4.3 acre site being APN's 044-123-013, 044-150-001, and 008; and

**WHEREAS**, the Tentative Tract Map "Del Oro Vistas" Major Subdivision #08-12 approved by the Planning Commission on April 21, 2009 is to be simultaneously rescinded; and

**WHEREAS**, as per Section 15162 Subsequent EIRs and Negative Declarations allows the use of a previous negative declaration if there is substantial evidence requiring a Subsequent Negative Declaration; and

**WHEREAS**, on March 28, 2017 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 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 findings attached herein as Exhibit A for approving Minor Subdivision #16-19 "Lands of Petkus."

**NOW THEREFORE**, based upon the findings set forth hereinabove, the Planning Commission of the Town of Loomis, at its meeting of April 28, 2017, did resolve as follows:

1. The previous Mitigated Negative Declaration for Major Subdivision #08-12 is adopted as per Section 15162 of the CEQA Guidelines, and staff is directed to file a Notice of Determination with the County Clerk.
2. The proposed Minor Subdivision #16-19 is consistent with the goals, policies and land uses in the Town of Loomis General Plan and Zoning Ordinance.
3. The project identified as #16-19 is hereby approved per the findings set forth in Exhibit A and the 45 conditions set forth in Exhibit B.

ADOPTED this 28th day of March, 2017, by the following vote:

AYES:  
NOES:  
ABSTAINED:  
ABSENT:

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Mike Hogan, Chairman

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Robert King, Town Planner



## **EXHIBIT A**

### **FINDINGS: "LANDS OF PETKUS" MINOR LAND DIVISION APPLICATION #16-19 PLANNING COMMISSION, MARCH 28, 2017**

#### California Environmental Quality Act (CEQA)

1. Pursuant to CEQA Guidelines Section 15162 Subsequent EIRs and Negative Declarations, it has been determined there was no substantial evidence requiring either a Subsequent Negative Declaration or an Addendum. There have been no substantial changes to the environment or regulations, and the changes to the project do not require a major revision.
2. The Mitigated Negative Declaration identified possible adverse environmental effects, that have been mitigated by conditions of project approval that 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 as it meets the size requirements for four additional single-family residences, and there are no unmitigated 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 as adequate utilities, sheriff, fire, and solid waste services serve 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 the proposed project.

**EXHIBIT B**  
**CONDITIONS OF APPROVAL MINOR LAND DIVISION #16-19**  
**PLANNING COMMISSION, March 28, 2017**

Minor Land Division #16-19 is approved to divide a 4.15 acre parcel into four lots being Parcel 1 (.53 acres), Parcel 2 (.80 acres), Parcel 3 (1.72 acres) and Parcel 4 (1.11 acres) subject to the findings and the 45 conditions of approval, being, APNs 044-123-013 and 044-150-001 and 044-150-018 within the Town of Loomis. The applicant\owner has two (2) years in which to record the Final Parcel Map. The parcels shall be in accordance with the "Vesting Tentative Map "Lands of Petkus" as prepared by Giuliani & Kull Inc. dated October 10, 2016, and approved by the Planning Commission on March 28, 2017 and 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 owners 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 owner shall comply with the Town of Loomis Municipal Code. C
3. \_\_\_\_ The project shall proceed only in accordance with approved plans on file in the Planning Department, the conditions contained herein, and the Town of Loomis Municipal Code. Approval of this project, subject to 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
4. \_\_\_\_ Development shall be substantially in accordance with the plans entitled Vesting Tentative Map "Lands of Petkus" as prepared by Giuliani & Kull Inc. dated October 10, 2016, except as may be modified by the conditions stated herein. C
5. \_\_\_\_ When submitting for Plan Check, the owner must provide to the Planning Department a copy of the final conditions of approval with a cover letter specifying 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. A
6. \_\_\_\_ 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**

7. \_\_\_\_ The conditions of approval of the application shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, which may or may not be shown on the map or improvement plans. **C**

#### **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 and 2 shall share a common driveway onto Brace Road. **C**
10. \_\_\_\_ The owner\developer shall submit for review and approval by the Town a copy of the terms of the access easement, along the eastern edge of APN 044-150-018 providing access to Stone Road for Parcels 3 and 4, as shown on the Vesting Tentative Map. **A**
11. \_\_\_\_ The owner shall record an irrevocable offer of dedication for 22' or ½ of the right-of-way for the Brace Road frontage for a total 44-foot right-of-way. **A**
12. \_\_\_\_ The owner shall provide street improvements including asphalt, curb, gutter, and sidewalk at the ultimate width of Brace Road, along Parcels 1 and 2, as shown on the tentative map, subject to Loomis Road Standards. **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 along the delineated boundary of the riparian zone and all disturbed areas during all demolition/construction activities per State Water Resources Handbook. C
18. \_\_\_\_ All grading shall conform to the Town Grading Ordinance (Municipal Code Section 12), and/or as recommended by a soils report prepared by Swift Engineering, with prior review and approval by the Town Engineer. All grading 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, in accordance with the Placer County Flood Control District Storm Water Management Manual and the Loomis Land Development Manual. C
19. \_\_\_\_ No construction, including but not limited to impenetrable barriers, structures, and/or fencing, shall occur within the area defined as "wetlands", "restricted area" and environmentally sensitive areas as delineated on the "Vesting Tentative Map "Lands of Petkus" as prepared by Giuliani & Kull Inc. dated October 10, 2016. 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. \_\_\_\_ Prior to approval of the Final Map, the Developer\Owner shall restrict the further division of the lots created by this parcel map as approved by the Planning Commission. These restrictions shall be recorded in the deeds and a copy of the tentative map exhibit shall be given to the property owners. The final map shall add a statement to this effect. A
23. \_\_\_\_ Prior to final map approval, the owner shall submit the Covenants, Conditions and Restrictions (CC&R'S) for review and approval (in accordance with these conditions insuring that those parts of the CC&R's that involve these conditions cannot be amended without the consent of the Town) by the Planning Director, Town Engineer and Town Attorney. A
24. \_\_\_\_ 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
25. \_\_\_\_ 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. A

26. \_\_\_\_\_ 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 bullets. 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

\_\_\_\_\_ Owner shall protect the trees and area within the dripline from damage during grading and construction. C

\_\_\_\_\_ Prior to issuance of any grading permit the owner shall provide an arborist report as required by Section 13.54.040 of the Loomis Zoning Ordinance for approval by the Planning Director. The arborist meet shall direct the grading contractor as to tree preservation requirements during construction. C

\_\_\_\_\_ Tree locations shall be subject to verification through an arborist report prior to issuance of a building permit, with recommendations regarding the trees to be saved whose driplines are within 10' of the proposed residence. The owner shall comply with the Town's tree mitigation requirements in Section 13.54 of the Zoning Ordinance, as approved by the Planning Director, prior to issuance of the improvement plans, and prior to building permit on any lot on which a protected tree is to be removed with the initial development. Mitigation shall be based on total number of trees to be removed for the parcel (i.e. protected trees to be removed for infrastructure- and in building envelopes and proposed driveways.) B

27. \_\_\_\_\_ Prior to approval of the Final Map, the Developer\Owner shall submit revised building envelopes adapted and updated from the Del Oro Vistas Tentative Map, approved by the Planning Commission on April 21, 2009. These restrictions shall be recorded in the deeds and a copy of the tentative map exhibit shall be given to the property owners. The final map shall add a statement to this effect. A

28. \_\_\_\_\_ Lot grading shall be limited to the area necessary for a foundation, garage, pad, and driveway and all structures shall only be permitted within the approved building envelopes shown on the Final Map. Protected trees outside of the envelopes are to be retained and protected even if their dripline encroaches on the envelope. Pads for the new homes shall not exceed 2' from existing natural grade B

29. \_\_\_\_\_ 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, 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

30. \_\_\_\_ 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. C
31. \_\_\_\_ The owner shall pay development fees consisting of the Community Facility Fee, Park & Recreation Fee, and Placer County Capital Facility Impact Fee. C
32. \_\_\_\_ The developer shall be required to pay the Road Circulation/Major Roads Fee prior to building permit issuance. C
33. \_\_\_\_ The project shall conform to the General Plan, including the Noise Element standards, State Noise Insulation Standards (CA Code of Regulations, Title 24) and Chapter 35 of the Uniform Building Code. Noise generated by the project shall not cause the Ldn to exceed 60 dBA at the property line during or after construction, nor shall it cause the noise level at the property line to exceed 75 dBA at any time during or after construction. B
34. \_\_\_\_ Prior to issuance of each building permit, each residence shall conform to the requirements of the noise study titled, "Del Oro Vistas", dated October 16, 2008, by J.C. Brennan & Associates. B
35. \_\_\_\_ The owner of Parcel 1 shall construct a 6 foot high composite wood fence to act as a noise barrier along Brace Road, in compliance with the 2008 J.C. Brennan Noise Study prior to any certificate of occupancy being issued, unless a new revised noise study indicates the parcel is consistent with the Town's Noise Standards. B
36. \_\_\_\_ Prior to demolition and removal of existing structures the applicant shall obtain necessary permits from the Loomis Building Department and Loomis Fire Protection District. A

#### **AGENCIES**

37. \_\_\_\_ The owner shall provide will-serve letters from all applicable utilities, Recology, the post office, and the fire department for the review and approval 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. B
38. \_\_\_\_ No Building Permit shall be issued until SPMUD has completed their service improvement plan to serve this area, and has issued a Will-Serve letter. B
39. \_\_\_\_ Construction of SPMUD sewer facilities required to serve these parcels shall conform

to the Standard Specifications of SPMUD, with improvement plans submitted to SPMUD for review and approval. **A**

40. \_\_\_\_\_The applicant shall include the new Preliminary FEMA Flood Insurance Study (FIS) revised floodplain mapping dated December 28, 2015 for Sucker Ravine on theFinal Map as required by the Placer County Flood Control and Water Conservation District. **A**
41. \_\_\_\_\_The project shall conform to requirements of the Placer County Air Pollution Control District (PCAPCD). Prior to grading, the applicant shall submit a dust control plan for approval by the Town Engineer and PCAPCD. **C**
42. \_\_\_\_\_All-weather access driveways shall be constructed to serve all parcels as shown on the proposed tentative parcel map, to the satisfaction of the Loomis Fire Protection District. **A**
43. \_\_\_\_\_The development shall keep a maintained accessible fire buffer along the open space adjacent to the proposed lots as approved by the Loomis Fire Protection District. **B**
44. \_\_\_\_\_Fire hydrants and water mains shall be constructed in conformance with the standards and requirements of the Loomis Fire Protection District and Placer County Water Agency. **C**

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

45. \_\_\_\_\_Mitigation required in the approved Mitigated Negative Declaration (MND) of this project, is incorporated herein by reference as required conditions of approval. **C**