

ITEM 4 ATTACH A

RESOLUTION NO. 19-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS APPROVING MINOR LAND DIVISION #19-01 3970 & 3980 MORILLAS LANE – APN 043-130-055

WHEREAS, the property owner has requested approval of Minor Land Division Application #19-01 subject to the attached findings (Exhibit A) and Conditions of Approval, (Exhibit B); and

WHEREAS, on May 28, 2019, the Planning Commission of the Town of Loomis conducted a public hearing on Minor Land Division Application #19-01 for the property at 3970 & 3980 Morillas Lane (APN 043-130-055), 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.

NOW THEREFORE BE IT RESOLVED, the Planning Commission of the Town of Loomis hereby makes the Findings attached hereto as Exhibit A and the imposes the Conditions of Approval attached hereto as Exhibit B; and

BE IT FURTHER RESOLVED, the Planning Commission finds the proposed project constitutes minor land division and is therefore categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15315 of the CEQA Guidelines under the Class 15 categorical exemption because:

1. The proposed division of property is into two parcels.
2. The proposed division is in conformance with the General Plan and zoning.
3. No variances or exceptions are required.
4. All services and access to the proposed parcels to local standards are available.
5. The subject parcel was not involved in a division of a larger parcel within the previous 2 years.
6. The subject parcel does not have an average slope greater than 20 percent.

BE IT FURTHER RESOLVED, the Planning Commission finds the proposed Project is consistent with the goals, policies and land uses in the Town of Loomis General Plan and Zoning Ordinance.

BE IT FURTHER RESOLVED, the Planning Commission hereby approves Minor Land Division, Application #19-01 per the findings set forth in Exhibit A and the conditions set forth in Exhibit B.

ADOPTED this 28th day of May 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

Carol Parker, Secretary to the
Planning Commission

Greg Obranovich
Planning Commission Chairman

**EXHIBIT A
FINDINGS
MINOR LAND DIVISION #19-01
3970 & 3980 MORILLAS LANE – APN 043-130-055**

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 are available to serve the demand for services generated by the division, including water, 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 existing development and 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, 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 APPLICATION #19-01
3970 & 3980 MORILLAS LANE – APN 043-130-055

This Minor Land Division is approved for the division of one 6.5 acre parcel into two parcels; Parcel 1 being +/- 3.93 acres (171,191 sq.ft.) and Parcel 2 being +/- 2.30 acres (100,188 sq.ft.) and a 25' Right of Way-Parcel 2 being .27 +/- acres (11,761 sq.ft.).

The approval is valid for the term of two years and will expire on **May 31, 2021**, unless extended by the Planning Commission in accordance with the provisions outlined in Municipal Code Chapter 14.20.180. A request for extension shall be filed not less than thirty (30) days before the map is to expire and shall state the reasons for requesting the extension. A request for extension shall receive Planning Commission approval.

1	The owner shall be responsible to ensure <u>all</u> of the below conditions of this permit approval are binding on all successors-in-interest (e.g. by incorporating them into the standard provisions of any sale, lease and/or rental agreement, etc.).	
		Date Completed
2	The owner shall comply with the Town of Loomis Municipal Code.	
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.	
4	The Project shall be implemented substantially in accordance with the plans entitled "3970 Morillas Lane, Town of Loomis, CA", dated February 2019 (received March 1, 2019), as prepared by Baker Williams Engineering Group, consisting of one sheet, except as may be modified by the conditions stated herein.	
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 <u>will not</u> 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.	

6	<p>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 attack, set aside, void, or annul, an approval of the Planning Commission, or Town Council concerning the land division 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. The Town shall promptly notify the Owner of any claim, action or proceeding and shall fully cooperate with the Owner in the defense of such action. If the Town fails to promptly notify the Owner of any claim, action, or proceeding, or if the Town fails to cooperate fully in the defense, the Owner shall not thereafter be responsible to defend, indemnify, or hold harmless the Town. The provisions of this indemnity agreement as it pertains to the rights, duties, and privileges of the Owner and the Town shall also be subject to provisions of Section 66474.9 of the Subdivision Map Act which are hereby incorporated herein by reference. The approval of the map requested by Owner and authorized by the Planning Commission or Town Council, as the case may be, shall not be effective for any purpose until the Owner has agreed in writing to be bound by the provisions set forth above.</p>	
7	<p>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.</p>	
8	<p>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 by the State Subdivision Map Act.</p>	

IMPROVEMENTS (ROADWAY, DRAINAGE, GRADING)

9	<p>The owner shall obtain a Town of Loomis approved encroachment permit prior to any work within public rights-of-way for frontage improvements on Horseshoe Bar Road and Brace Road.</p>	
10	<p>The plans for improvements required as a condition of approval of this project shall be prepared by a California Registered Civil Engineer and shall be approved by the Town Engineer prior to any construction.</p>	
11	<p>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.</p>	
12	<p>The cost of all inspections related to on-site and off-site improvements shall be borne by the owner and shall be paid prior to completion of the improvements.</p>	
13	<p>The owner shall dedicate all necessary right-of-ways or easements for streets, water facilities, sewer facilities, utilities, drainage facilities, and other facilities as required by the Town Engineer and show such on the final map prior to recordation.</p>	
14	<p>The owner shall be responsible for all actions of their contractors and sub-contractors until the improvements are accepted as complete by the Town.</p>	
15	<p>Prior to recordation of a Final Parcel Map, the owner shall construct all improvements required as a condition of approval of this project, or enter into a contract agreement with the Town of Loomis to construct all improvements, and shall post a bond, cash deposit, or instrument of credit, guaranteeing the construction of all improvements within the time period specified herein or approved time extension in accordance with the Town of Loomis Municipal Code Chapter 14.20.180.</p>	

16	All grading shall conform to the Town Grading Ordinance (Municipal Code Section 12), and/or as approved by the Town Engineer. All 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. Applicant shall meet all requirements of Placer County Flood Control and Water Conservation District prior to recordation of the Final Map.	
17	Parcel 1 is directly accessed from Horseshoe Bar Road. Parcel 1 shall dedicate 25' (1/2 road section) of Morillas Lane along the easterly portion of the property (Horseshoe Bar Road) prior to recordation of the Final Map. Parcel 2 is directly accessed from Brace Road. Parcels 1 and 2 shall construct, to Town Standards, frontage improvements at Morillas Lane and Horseshoe Bar Road and Brace Road.	
18	Reciprocal access through Morillas Lane Parcels 1 and 2 will discontinue upon recordation of the Final Map.	
19	The owner/developer shall submit for review and approval by the Town a copy of the terms of any public utility easement(s) to be recorded with the Final Map.	
20	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.	
21	The owner shall prepare and install erosion and sediment control on any/all disturbed areas during all demolition/construction activities per State Water Resources Handbook.	

GENERAL PLANNING

25	The owner shall be responsible for taking reasonable actions to abate nuisances caused by this project in the project area.	
26	A Town approved grading permit or improvement plan shall be obtained prior to any onsite construction consistent with the requirements of Chapter 13.54 "Tree Conservation" of the Town of Loomis Zoning Ordinance. Every attempt shall be made to retain as many existing trees on-site as possible. Any trees determined to be removed at any time shall also obtain a Town approved Tree Removal Permit and provide payment of fees and/or replanting mitigation as required.	
27	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 there shall be no work on Sundays or holidays.	
28	For any new construction, 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 prior to building permit issuance.	
29	For any new construction, the developer shall be required to pay the Road Circulation/Major Roads Fee prior to building permit issuance.	
30	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.	
31	No request for a Final Parcel Map, pursuant to this tentative map, shall be approved until all conditions are completed and accepted by the Town, or as acceptable to the Town Attorney, for those conditions not completed.	

AGENCIES

32	Applicant shall submit application and obtain approval consistent with their standards to meet applicable driveway access, turn around, and surface requirements to serve proposed Parcel 1 and Parcel 2 to the satisfaction of the South Placer Fire Protection District (SPFPD) and the Town Engineer prior to recordation of the Final Map	
33	Pursuant to PCFPD, any new residential homes shall require a residential fire sprinkler system designed to meet the latest edition of NFPA 13D and shall be equipped with a water flow switch and exterior horn-strobe, interconnected to the smoke detectors.	
34	Pursuant to PCFPD, address numbers shall be visible from the roadway fronting the properties. Numbers shall be a minimum of 4" in height and shall contrast with their background.	
35	Prior to issuance of a grading permit, if necessary, 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 any phases of construction.	
36	Pursuant to AB 52, the applicant and Town shall conduct a site visit with representatives of the United Auburn Indian Community (UAIC) , and a professional archaeologist provided by the applicants to identify any potential on-site cultural resources. Based on this site visit a letter from the tribe indicating their findings and recommendations shall be provided prior to recordation of the Final Map.	
37	A tribal monitor must be present during any ground disturbing activities prior to any construction/development commences. 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.	
38	Placer County Water Agency (PCWA) currently serves treated water to this parcel by an existing ¾" meter connected to the Agency's 8" treat water main located in Horseshoe Bar Road. The existing meter shall be considered as belonging to Proposed Parcel 1 (3970 Morillas Lane). Proposed Parcel 2 (3980 Morillas Lane) shall require the installation of a new service from Brace Road which has a 10" treated water main. The additional water service or upsizing the meter for residential fire sprinklers can be made available upon receiving a completed meter application detailing the proposed usage, and payment of all fees and additional Water Connection Charges that may apply. All easements shall be recorded for conveyance of domestic water and irrigation water service to the satisfaction of the Town Engineer and PCWA prior to Final Map recordation.	

39	Pursuant to Placer County Health and Human Services Department (PCHHSD) Environmental Health Division , the "Historic Orchard Site Assessment Report, dated September 20, 2018, prepared by Aqua-Terra Environmental Consultants, summarize the results of soil sampling activities to evaluate the property for potential contamination related to former agriculture impacts and lead based paint. Soil sample results for organochlorine pesticides and arsenic are below published screening levels, however, lead was reported at concentrations above the residential California Human Health Screening Level in samples around the existing residence (Proposed Parcel 1). The extent of the lead impacts in the vicinity of the residence is not currently defined. The applicant shall provide a workplan outlining a proposal to conduct further sampling in the vicinity of this residence or a proposal to conduct remedial activity to PCHHSD for review and approval prior to Final Map recordation.	
40	Applicant to submit to PCHHSD, for review and approval, a "will-serve" letter or a "letter of availability" from PCWA for domestic water service for Proposed Parcel 2 prior to Final Map recordation.	
41	Soils testing has been performed but does not appear to be compatible with the proposed parcel configurations. Applicant to perform soil mantle testing and soil percolation testing for proposed Parcel 1 and 2. Submit the report to PCHHSD from the qualified sewage disposal consultant summarizing the results of the testing prior to Final Map recordation.	
42	Applicant is required to submit to PCHHSD, Environmental Health Services, for review and approval, a complete septic system tracing for the septic system located on proposed Parcel 2 prior to Final Map recordation.	
43	Applicant is required to submit to PCHHSD, Environmental Health Services, for review and approval, an evaluation of both septic tanks serving proposed Parcel 1 and 2. This evaluation shall be prepared by a licensed septic tank pumper and report the capacities, structural conditions, materials (e.g., concrete, redwood, metal, fiberglass, etc.) and be pumped by a licensed septic tank pumper prior to Final Map recordation. Note: In lieu of having the tank evaluated at this time, the applicant may submit proof that the septic tanks have been pumped within the last three (3) years. Other report information listed above is still required.	
44	Applicant shall meet all requirements of PCHHSD prior to Final Map recordation.	
45	Pursuant to South Placer Municipal Utility District (SPMUD) Proposed Parcel 1 and 2 are within their service area and eligible for sewer service, however, there are no existing sewer facilities within or near the proposed parcels. The applicant shall contact the SPMUD to meet to discuss the potential for future sewer service, as may be needed. Any/all new construction shall be completed to the SPMUD Standard Specifications and Improvement Standards and are required prior to Final Map recordation.	
46	Applicant shall meet all requirements of Central Valley Regional Water Quality Control Board (CVRWQCB) , as outlined in their comment letter of April 4, 2019, to protect the quality of surface and groundwaters of the state prior to recordation of the Final Map.	
47	Applicant shall meet all requirements of Pacific Gas & Electric Company (PGE) and provide all necessary public utility easements and right-of-ways prior to recordation of the Final Map.	

48	Applicant shall subscribe to weekly curbside solid waste service (Recology) as required.	
49	Applicant shall pay \$50.00 California Notice of Exemption recording fee and provide proof of filing with the Placer County Recorder within 5 days of approval.	

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of: Placer
2954 Richardson Drive
Auburn, CA 95603

From: (Public Agency): Town of Loomis
3665 Taylor Road, PO Box 1330
Loomis, CA 95650

(Address)

Project Title: Minor Land Division #19-01, 3970/3980 Morillas Ln., Loomis, CA 95650 (APN 043-130-055)

Project Applicant: Phillip Todd, 2740 Fulton Avenue, Suite 223, Sacramento, CA 95835 (916-515-1211)

Project Location - Specific:
3970/3980 Morillas Lane, Loomis, CA 95650 (APN 043-130-055).

Project Location - City: Loomis, CA Project Location - County: Placer, CA

Description of Nature, Purpose and Beneficiaries of Project:

Minor land division of an existing Residential Estates 6.5 acre parcel to become two parcels of +/- 3.93 and +/- 2.30 acres with a +/- .27 acre non-exclusive road and utility easement.

Owner: Ganiyeva Holdings, LLC., 181 Vista Creek Circle, Sacramento, CA 95835 (916-515-1211)

Name of Public Agency Approving Project: Town of Loomis, CA

Name of Person or Agency Carrying Out Project: Planning Department

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
Categorical Exemption. State type and section number: #15315. Minor Land Division
Statutory Exemptions. State code number:

Reasons why project is exempt:

Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services & access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

Lead Agency

Contact Person: Mary Beth Van Voorhis Area Code/Telephone/Extension: 916-652-1840 x21

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Date: Title: Planning Director

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for filing at OPR:
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.