



## PLANNING COMMISSION HEARING AUGUST 28, 2018

### STAFF REPORT

APPLICATION #17-11/12 KING ROAD  
LOT MERGER\LOT LINE ADJUSTMENT and MINOR LAND DIVISION

#### REQUEST

To divide a 5.04 acre (gross) parcel into four lots of approximately 1.26 acres each, as well as consolidate and reconfigure the lots to the north of the five acre parcel into two standard parcels and provide access to the subsequent divided lots.

#### RECOMMENDATION

The Planning Commission adopt Resolution #18-05 approving a Merger and Lot Line Adjustment (Application #17-11) to reconfigure the existing five lots into three, and Minor Land Division( #17-12 to divide the reconfigured 5.04 acre lot into four lots of approximately 1.26 acres each, 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).

#### SITE DESCRIPTION

**Location:** 5442 King Road

**Merger\Lot Line Adjustment (17-11);** The four parcels subject to the Merger and Lot Line Adjustment and north of the proposed Minor Subdivision (17-12) are all zoned RS-10 Single Family Residential 10,000 square foot minimum and designated Residential Medium Density in the General Plan.

#### Minor Subdivision (17-12)

**Size:** 5.04 acres +/-

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

	GENERAL PLAN	ZONING	CURRENT LAND USE
ON SITE	RURAL RESIDENTIAL	RR	SINGLE FAMILY RESIDENTIAL
NORTH	SINGLE FAMILY RESIDENTIAL	RS-10	SINGLE FAMILY RESIDENTIAL
EAST	SINGLE FAMILY RESIDENTIAL	RS-10	SINGLE FAMILY RESIDENTIAL
SOUTH	RURAL RESIDENTIAL	RR	SINGLE FAMILY RESIDENTIAL
WEST	RURAL ESTATE	RE	SINGLE FAMILY RESIDENTIAL

#### Improvements/Utilities/Service Systems:

**Sewer** – SPMUD, **Water** – PCWA, **Trash** – Recology Auburn Placer, **Fire** – South Placer Fire District

The site is primarily pasture with several stands of oak and other trees, along with an intermittent stream, and pond. Currently there is a single family residence, garage, and shop, on the five acre site, which would be within proposed Parcel 4, and an existing residence on the lot fronting along King Road.

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. An existing gravel road provides access from King Road to the 5.04 acre parcel.

## **BACKGROUND**

Interest has been shown over a number of years in subdividing the 5.04 +/- parcel, but with no follow through for a variety of reasons, the most significant being the lack of access to King Road. Access was only provided by two very narrow ten foot wide strips of land, which were inadequate for anything but a single dwelling.

The applicants however obtained not only the 5.04 acre parcel and its two access parcels, but also the two parcels to the north. They requested a lot line adjustment to reconfigure these five parcels into three, and in doing so eliminate the narrow access parcels, provide a non-exclusive easement, wide enough to allow the subsequent division of the 5.04 acre parcel into four lots.

However the Subdivision Map Act does not allow Lot Line Adjustments of more than four parcels. Therefore a merger of the two narrow access parcels is proposed first, so there would be only four parcels included in the Lot Line Adjustment. Upon completion of the Lot Line Adjustment there will be only three parcels, the two parcels zoned RS-10, and the 5.04 acre parcel zoned Rural Residential. The two smaller parcels will have as a condition of approval a requirement to provide a non-exclusive access easement to the benefit of the 5.04 acre parcel and its subsequent division into four parcels.

The applicants final action is the division of the 5.04 acre parcel into four parcels being: Parcel 1 -1.42 acres, Parcel 2 -1.26 acres, Parcel 3- 1.26 acres, and Parcel 4-1.1 acres, the latter being the site of an existing home.

Preliminary review found the proposed actions 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, and studies were requested to address these issues. 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 and no significant adverse comments as to the project's environmental impacts were received.

## **ISSUES**

### **Biology**

Aquatic habitats and surrounding uplands provide suitable aquatic and upland habitat for the western pond turtle (*Emys marmorata*), a state species of special concern. Construction of the proposed Project could result in both direct and indirect impacts to the western pond turtle. Direct impacts to western pond turtles resulting from ground disturbance, equipment use, and other proposed Project activities, as well as indirect effects to western pond turtle resulting from impacts to water quality and aquatic habitat, would be avoided through implementation of Mitigation Measure BIO-3.

*A qualified biologist shall conduct a preconstruction clearance survey for western pond turtles within 48 hours prior to any ground disturbance in the Project area. Any western pond turtles found within the construction work area shall be allowed to voluntarily move out of this area or shall be captured and held by a qualified biologist for the minimum amount of time necessary to release them into suitable aquatic habitat outside the construction work area. If a western pond turtle nest containing eggs or young is identified within the construction work area, the biologist shall determine an appropriate no-disturbance buffer to ensure avoidance of the nest.*

Trees and shrubs in the area represent potential breeding and/or foraging habitat for some species of special-status and migratory birds. White-tailed kite (*Elanus leucurus*), Swainson's hawk (*Buteo swainsoni*) and purple martin (*Progne subis*) could potentially breed in the proposed Project area.

*If an active bird or raptor nest is identified within the construction work area or an active raptor nest is identified within 250 feet from the construction work area, a no-disturbance buffer shall be established around the nest to avoid disturbance of the nesting birds or raptors until a qualified biologist determines that the young have fledged and are foraging on their own. The extent of these buffers shall be determined by the biologist and shall depend on the species identified, level of noise or construction disturbance, line-of-sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. If no active nests are found during the preconstruction surveys, then no buffers or additional mitigation is required.*

The aquatic resources delineation for the Project area identified a total of 0.194 acre of aquatic resources, in the southwestern portion of the 5-acre parcel. Future development of the three new home sites proposes to avoid all potentially jurisdictional aquatic resources to the maximum degree possible. Mitigation Measure BIO-2 establishes protective buffers around aquatic resources to ensure these features are avoided. All riparian vegetation would be avoided.

There is an existing SPMUD manhole located on the southwestern edge of the property. Installation of a new sewer line and associated 16-foot-wide drivable easement from the existing manhole to a proposed manhole in the proposed cul-de-sac may require the placement of fill within a small portion of riparian wetland and seasonal swale. The total impact to jurisdictional waters from these sewer line improvements would be less than 0.03 acres. Mitigation Measure BIO-5 would be implemented to ensure compliance with Chapter 13.58 of the Town Municipal Code, "Wetland Protection and Restoration," which requires that new development achieve "no net loss" of wetlands.

*The Project will comply with Chapter 13.58 of the Town Municipal Code, which provides procedures and standards for identifying and protecting wetland resources and for permitting wetland restoration, enhancement, and mitigation projects. Section 13.58.030 requires compliance with federal and state requirements, including obtaining a CWA Section 404 permit, CWA Section 401 permit, and a CFGC Section 1602 permit, as applicable.*

### **Tree Protection**

An Arborist Report and Tree Inventory Summary was developed. The tree survey found 86 trees with a DBH of 4 inches or larger within and/or overhanging the proposed project area.

Trees may be removed to allow for road construction, utilities easements, and construction of future homes. Based on the current plans, 6 trees would be removed as a result of property improvements. Of these, 4 trees qualify for protection under the Town's tree ordinance (Table 1).

**Table 1. Trees Removed due to Property Improvements**

<b>Tree #</b>	<b>Common Name</b>	<b>Species</b>	<b>DBH (inches)<sup>1</sup></b>	<b>Protected Tree?</b>
115	Pin Oak	Quercus palustris	14	Yes
116	Pin Oak	Quercus palustris	15	Yes
117	Pin Oak	Quercus palustris	20	Yes
120	Stone Pine	Pinus pinea	20, 29	No
n/a	Eucalyptus	Eucalyptus sp.	No data	No
169	Valley Oak	Quercus lobate	13	Yes

<sup>1</sup> For multi-stem trees, data includes DBH for each stem

*The following measures would be implemented to ensure compliance with the Town's Tree Ordinance:*

- *A final site plan will be developed and submitted to the Town, showing the location of all Project activities that may affect protected trees. The site plan will include locations of access road and cul-de-sac construction, house construction footprints, and a trenching pathway plan depicting easements, sewers, water mains, irrigation, and underground utilities. The plan would also include an accurate plotting of the critical root zone of each protected tree within 50 feet of the soil disturbance activity.*
- *A tree permit would be obtained prior to the removal or encroachment into the dripline of any of protected tree in the Project area following the application process described in Section 13.54.080 of the Town's Municipal Code.*

### **Cultural Resources\Tribal Cultural Resources**

A cultural resources inventory was conducted for the Project area, consisting of a records search, written contact with Native American groups and related agencies, and onsite fieldwork. The methods and results of the inventory, as well as a description of the ethnographical and historical setting for the proposed Project area and surrounding areas are described in the Cultural Resources Report (Area West Environmental, Inc. 2018a).

Several large granite boulders were observed near an existing residence and where no future development is planned. One has linear, shallow fissures of varying lengths that were determined to be petroglyphs depicting a territorial boundary. This prehistoric resource is considered potentially eligible for inclusion into the California State Register of Historic Places and/or the National Register of Historic Places. Additionally, a lead casting ingot was found during investigative probing of a fallen tree's root ball but was determined not to be of historical significance. No other historical or archaeological resources listed on or eligible for the California Register of Historical Resources, or that meet other criteria of significance under CEQA Section 15064.5, were identified within the proposed Project area.

However, it is possible that previously unknown historical, archaeological, and/or paleontological resources could be discovered during grading and excavation work associated with new construction. Potential impacts to previously undiscovered historic, archaeological, and/or paleontological resources would be avoided through implementation of Mitigation Measures CUL-2 and CUL-3.

The Town of Loomis had previously informed the United Auburn Indian Community (UAIC) of the Project and requested input from UAIC on any known tribal cultural resources. In a reply letter dated September 20, 2017, the UAIC requested consultation by requesting copies of the environmental and cultural reports, as well as scheduling a site visit. A site visit was conducted with Town of Loomis staff, UAIC representatives, and the consulting archaeologist on February 8, 2018.

## Drainage

Construction of the proposed Project would involve site grading and earthmoving activities, which would expose soils at the site and could result in soil erosion. However, the area of disturbance for the access road, utilities, and home building is small. Soil erosion and topsoil loss would be limited by implementing standard construction practices and best management practices (BMPs) for erosion and sediment control, consistent with the West Placer Storm Water Quality Design Manual (Placer County 2018). Because erosion control and stormwater pollution prevention measures would be implemented, the proposed Project has limited potential to result in substantial soil erosion or loss of topsoil.

## Hazardous Materials

A Phase I Environmental Site Assessment Report (ESA) was developed for the Project area. The purpose of the report is to identify recognized environmental conditions (RECs)<sup>1</sup> in connection with the Project area. The study determined that there is no evidence of recognized RECs in the Project area (Ninyo and Moore 2017).

According to the ESA, the northeast portion of the 5-acre parcel was previously planted with a small, non-commercial orchard between the late 1930s and early 1950s. Application of pesticides or herbicides may have occurred in the orchard, and it is possible that residual pesticides may be found in the shallow soils in this small portion of the Project area. A Phase II Soil Sampling Study was required, and the workplan is now being evaluated by the Placer County Environmental Health Division for approval and implementation.

Should the Phase II study identify contaminants in excess of permissible standards, the property owners shall follow the requirements of the California Division of Toxic Substances Control (DTSC) remediation requirements to reduce contaminants to acceptable levels prior to the recordation of the final map.

The IS\MND identified this as a potential impact requiring the following mitigation:

***Mitigation Measure HAZ-1: Conduct Phase II Soil Sampling and Implement Contamination Removal Activities as Needed.*** Soil sampling for pesticide residues and metals (e.g., arsenic, copper, mercury, lead) in areas historically used as orchard shall be conducted in accordance with the California Department of Toxic Substances Control (DTSC) Interim Guidance for Sampling Agricultural Properties (Third Revision), dated August 7, 2008. A workplan to conduct a Phase II site assessment shall be submitted to PCHHS for review and approval prior to field activities. The workplan shall also include soil sampling around any historic structures.

## Hydrology

A portion of the proposed Project is located within the 100-year flood hazard area for Sucker Ravine drainage. No project activities (e.g., roadway, utility, and home construction) would occur within a federally designated 100-year flood hazard area. As required by Town zoning code, all housing would be constructed a minimum of 2 feet above the floodplain elevation.

According to the Placer County Flood Control and Water Conservation District in a letter dated August 18, 2018 there is a pending update to the FEMA Flood Insurance Study and Flood Insurance Rate Map to be effective November 2, 2018. While no major changes are expected, a condition of approval will be to verify the proposed building envelopes are still out of the 100 year flood plain, and if not to modify the building envelopes accordingly.

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## **Traffic**

The proposed Project does not conflict with the Circulation Element of the Town General Plan or any other applicable plan, ordinance, or policy. Development of up to four new single family residences in the Project area would not result in significant long-term increases in vehicle trips in the area and is not expected to cause an adverse change in the level of service at any roads or intersections in the proposed Project vicinity. Similarly, construction activities would be expected to result in a negligible temporary increase in vehicle trips to the Project area during construction.

The applicants will be required to provide a non-exclusive easement to allow the four proposed parcels, along with the resultant parcel 2 of the Lot Line Adjustment access to King Road. The width and construction of the private access road shall be to the satisfaction of the Loomis Town Engineer and the South Placer Fire Protection District.

## **Utilities**

The Project will require extension of existing water service lines from PCWA. A new ¾-inch meter and private pipe will connect to the PCWA's 8-inch treated water main in King Road. The new pipe will be installed within the public utility easement and access road to the new parcels.

SPMUD is requiring the construction of new sewer lines connecting up to four new homes into an existing manhole in the southwestern portion of the 5.04 acre parcel. Construction of the new sewer line and corresponding access would affect wetlands on the Project site, as described in the Biological Resources section. Mitigation Measures described in the Biological Resources section would be implemented to minimize potential impacts from construction of sewer facilities and access to meet SPMUD requirements.

## **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 3) Mitigation measures were identified to reduce potential impacts to a level of less than significant in the *IS/MND Mitigation Monitoring Report Plan (MMRP)* (Attachment 6) and included as required Conditions of Approval for this project

A Notice of Intent to Adopt a Negative Declaration was posted and mailed to adjacent property owners and Public Agencies for the 30 day public review and comment beginning on July 17, 2018 and concluding August 17, 2018.

Negative Declarations do not require a formal response to comments as do environmental impact reports. However, the Public Comments (Attachment #8) were reviewed and the town prepared a *Response to Comments Memorandum* (Attachment #9) providing a summary of the pertinent comments and any town response to it.

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

## **RECOMMENDATION**

The Planning Commission adopt Resolution #18-05 approving a Merger and Lot Line Adjustment (Application #17-11) to reconfigure the existing five lots into three, and Minor Land Division( #17-12 to divide the reconfigured 5.04 acre lot into four lots of approximately 1.26 acres each, 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 #18-05
  - Exhibit A: Recommended Findings
  - Exhibit B: Recommended Conditions of Approval
2. Project Exhibit Maps
  - Lot Merger, #17-11a
  - Lot Line Adjustment, #17-11b
  - Minor Land Division Map #17-12a
  - Road & PUE Easement #17-12b
3. Aerial Photo\Existing Lot Lines
4. Zoning Map
5. Aquatic Resources\Wetlands Delineation Map

## California Environmental Quality Act (CEQA) Documents

6. King Road Initial Study\Mitigated Negative Declaration (IS\MND)  
And Mitigation Monitoring and Report Program (MMRP)\*
7. Studies and Reports \*\*
  - Arborist Report
  - Cultural Studies Report
  - ESA Phase 1 Study
  - Wetlands Delineation Report
8. Public Comments
  - Agency Comments
    - Placer County Water Agency
    - City of Rocklin
    - South Placer Fire Protection District
    - South Placer Municipal Utility District
    - Placer County Flood Control and Water Conservation District
  - Citizen Comments -None
9. Response to Comments Memorandum

\* Previously Distributed to Planning Commission Members. Additional copies available at Town Hall or the Loomis Website: [www.Loomis.ca.gov](http://www.Loomis.ca.gov)

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**NOTE:** Notice published in the Loomis News on August 16, 2018 and mailed to adjacent property owners within 300 feet on August 17, 2018.