

RESOLUTION NO. 19-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS
APPROVING CONDITIONAL USE PERMIT #19-16
SMOGBUSTERS
3865 TAYLOR ROAD – APN 044-123-050**

WHEREAS, applicants Nick and Jena Lyons have requested approval of Conditional Use Permit Application #19-16 subject to the attached findings (Exhibit A) and Conditions of Approval, (Exhibit B); and

WHEREAS, on July 23, 2019, the Planning Commission of the Town of Loomis conducted a public hearing on Use Permit Application #19-16, 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; and

WHEREAS, the Planning Commission of the Town of Loomis hereby makes the following findings to approve Use Permit Application #19-16 for "Smogbusters" for the property at 3865 Taylor Road, APN 044-123-050.

NOW THEREFORE, based on the findings set forth herein the Planning Commission of the Town of Loomis, at its meeting of July 23, 2019, did resolve as follows:

1. The project is exempt from the California Environmental Quality Act (CEQA) pursuant to the Class 32 exemption and adopt the recommended Notice of Exemption; and .
2. The proposed Project is consistent with the goals, policies and land uses in the Town of Loomis General Plan and Zoning Ordinance.
3. The Use Permit, Application #19-16, is hereby approved per the findings set forth in Exhibit A and the Conditions of Approval set forth in Exhibit B.

ADOPTED this 23rd day of July 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

Carol Parker, Secretary to the
Planning Commission

Greg Obranovich
Planning Commission Chairman

**EXHIBIT A
FINDINGS
USE PERMIT #19-16
SMOGBUSTERS
3865 TAYLOR ROAD – APN 044-123-050**

The Planning Commission makes the following findings consistent with Municipal Code Chapter 13.62.050(F):

1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provision of this title and the municipal code.
2. The proposed use is consistent with the general plan and any applicable specific plan.
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.
4. The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints.
5. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

EXHIBIT B
CONDITIONS OF APPROVAL
USE PERMIT #19-16
SMOGBUSTERS
3865 TAYLOR ROAD – APN 044-123-050

This Use Permit is approved for operation of a vehicle smog test facility “Smogbusters” in an existing/vacant 1,340 sq.ft. commercial building on a one and one-half acres (1.5) acre (65,340 sq.ft.) parcel at 3865 Taylor Road, Loomis, CA 95650.

Pursuant to Municipal Code Chapter 13.64.020 this Use Permit approval shall become effective on the 11th day following the date of application approval by the review authority, provided that no appeal has been filed in compliance with Chapter 13.74, August 5, 2019.

Pursuant to Municipal Code Chapter 13.64.040 this approval shall be deemed to run with the land through any change of ownership of the subject site, from the effective date of the permit, except in any case where a permit expires and becomes void in compliance with Section 13.64.00. All applicable conditions of approval shall continue to apply after a change in property ownership.

Pursuant to Municipal Code Chapter 13.64.060(A)(1) any approval not exercised within two years of approval shall expire and become void, except where an extension of time is approved in compliance with Chapter 13.64.060(B) - Extensions of Time prior to the expiration of the permit (April 8, 2021).

1	The applicant shall be responsible to ensure all 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 applicant shall, at all times, 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	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, Town Engineer, and Building Department <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.	
5	The owner 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 Use Permit that is the subject of this application.	

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 improvement plans.	
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IMPROVEMENTS (ROADWAY, DRAINAGE, GRADING)

7	The owner shall obtain a Town of Loomis approved encroachment permit prior to any work within public rights-of-way.	
8	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.	
9	The owner shall replace the south driveway entrance (frontage improvement) at the southern property entrance to Town Standards as approved by the Town Engineer.	
10	The owner shall install one additional handicap designated parking space in front of Building One, Unit B (Smogbusters).	
11	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.	
12	The owner shall be responsible for all actions of their contractors and sub-contractors until the improvements are accepted as complete by the Town.	
13	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 13.64.060(B).	
14	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.	
15	The owner shall prepare and install erosion and sediment control on all disturbed areas during all demolition/construction activities per State Water Resources Handbook.	

GENERAL PLANNING

16	The owner shall be responsible for taking reasonable actions to abate nuisances caused by this project in the project area.	
17	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.	
18	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 65 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 65 dBA at any time during or after construction.	
19	No request for final inspection for on-site improvements, pursuant to this Use Permit, 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.	
20	Pursuant to Municipal Code Chapter 13.38.030, the owner shall submit application and fee payment to obtain an approved Sign Permit prior to the installation of business signage.	

21	"Smogbusters" shall provide smog check testing only business. No repairs or service work shall be performed on site.	
22	"Smogbusters" shall not test recreational vehicles or commercial trucks.	
23	"Smogbusters" shall operate Monday through Friday from 8:30 a.m. to 5:00 p.m. and Saturday from 8:30 a.m. to 2:00 p.m.	
24	Owner shall obtain and maintain a valid Town of Loomis business license.	

AGENCIES

25	<p>Placer County Environmental Health (PCEH) 1) "Hazardous materials" as defined in Health and Safety Code Division 20, Chapter 6.95 shall not be allowed on any premises in regulated quantities (55 gallons, 200 cubic feet, 500 pounds) without notification to Environmental Health Services. A property owner/occupant who handles or stores regulated quantities of hazardous materials shall comply with the following within 30 days of commencing operations:</p> <p>Operator must complete an electronic submittal to California Environmental Reporting System (CERS) and pay required permit fees.</p> <p>If the business will generate hazardous waste from routine operations, obtain an EPA ID number from the Department of Toxic Substances Control (DTSC). (Note: If the business owner/operator is unsure of what constitutes a hazardous material or waste, please contact Environmental Health Services for assistance at 530-745-2300.)</p>	
26	<p>South Placer Fire Protection District (SPFPD) Application #19-16 states that no construction will take place. SPFPD will not require tenant improvement plans to be submitted. If future construction is performed, all construction must comply with South Placer Fire District standards, as well as the 2016 California Building and Fire Codes.</p> <ol style="list-style-type: none"> 1. SPFD will require two 2A 10BC fire extinguishers to be mounted for this business. One in the testing area and one in the waiting/office area. 2. The address must be posted and visible from the roadway fronting the property, Taylor Road. 3. SPFD requires a fire final inspection prior to occupancy. (Refer to SPFPD, Appendix F "Tenant Improvement Requirements".) 	
27	<p>Placer County Water Agency (PCWA) PCWA currently serves treated water to this parcel by an existing 5/8" meter connected to the PCWA 20" treated water main in Taylor Road. Additional water 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. Contact Customer Service at 530/823-4850 for required forms and fees.</p>	
28	<p>South Placer Municipal Utility District (SPMUD). Owner shall meet all requirements of the SPMUD. The design and construction of all on-site and off-site facilities including the acquisition and granting of sewer easements, will be responsibility of the owner. All work shall conform to the Standard Specifications of SPMUD. Improvement plans shall be submitted to SPMUD for review and approval along with required participation fees.</p> <p>Additional comments:</p> <ol style="list-style-type: none"> 4. The existing 4" sewer connection in Taylor Road is undersized for a commercial property based on SPMUD Standards and Specifications. Depending on the scope of work, the lateral may be required to be upsized to a 6" pipe. 5. A property line cleanout is required at the back of walk or edge of the right- 	

	<p>of-way per SPMUD Standards and Specifications.</p> <p>6. Additional participation fees are required based on the change in use. Contact SPMUD for additional fee information.</p> <p>Should the owner/applicant decide to move forward with public sewer, the owner/and or owner's representative will need to schedule a meeting with District staff in order to discuss the project and to determine specific requirements prior to issuance of a will-serve letter.</p>	
29	<p>Central Valley Regional Water Quality Control Board (CVRWQCB)</p> <p>Owner/applicant shall, at all times, meet all requirements of the CVRWQB to ensure protection of the quality of surface and groundwaters of the state.</p>	
30	<p>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. (Note: A Notice of Exemption may be filed, but is not required, after a public agency decides that a project is exempt from CEQA and grants approval of the project. Should the Notice of Exemption be filed, a shorter statute of limitations of 35 days commences for any challenge to the approval. If a Notice of Exemption is not filed, the normal 180 day statute of limitations will apply.)</p>	

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

Project Title: Use Permit #19-16 - 3865 Taylor Road, Loomis, CA 95650 (044-123-050)

Project Applicant: Nick and Jena Lyons, 3685 Sudor Lane, Loomis, CA 95650

Project Location - Specific: 3865 Taylor Road, Unit B, Loomis, CA 95650 (APN 044-123-050).

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

Description of Nature, Purpose and Beneficiaries of Project:

Use Permit #19-16 to operate a vehicle smog testing facility (no repairs or service work shall be performed) in an existing/vacant 1,340 sq.ft. commercial building on a 1.5 acre (65,340 sq.ft.) parcel at 3865 Taylor Road, Loomis, CA 95650.

Owner: John and Mary Jean Muff, 14710 Wild Duck Lane, Grass Valley, CA 95645

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));
[X] Categorical Exemption. State type and section number: #15332, Class 32 - In-fill Development
Statutory Exemptions. State code number:

Reasons why project is exempt:

Class 32 consists of projects characterized as in-fill development meeting the conditions described as:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
(c) The project site has no value as habitat for endangered, rare or threatened species.
(d) Approval of the project would not result in any significant effect relating to traffic, noise, air quality, or water quality.
(e) The site can adequately be served by all required utilities and public services.

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? [X] Yes [] No

Signature: Date: Title: Planning Director

[X] Signed by Lead Agency [] Signed by Applicant

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