

## RESOLUTION NO. 18-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS APPROVING A MAJOR USE PERMIT AND DESIGN REVIEW (APPLICATION, #17-08) TO ALLOW THE CONSTRUCTION AND OPERATION OF A PRIVATE EQUESTRIAN CENTER ON A 40 ACRE PARCEL, LOCATED APPROXIMATELY ¼ MILE NORTH OF THE INTERSECTION OF JAMES ROAD AND ROCKLIN ROAD WITHIN THE TOWN OF LOOMIS. (APN: 045-050-003)

**WHEREAS**, Grace and Rex Kamphafner, the applicant/owners, have requested to construct and operate a private equestrian center and submitted a Major Use Permit and Design Review, Application #17-08; and,

**WHEREAS**, on July 24, 2018, 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 the Major Use Permit and Design Review for the construction and operation of the equestrian center.

**NOW THEREFORE**, based upon the findings set forth hereinabove, the Planning Commission of the Town of Loomis, at its meeting of July 24, 2018, did resolve as follows:

1. 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). 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 (MMRP) and is hereby adopted.
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 Major Use Permit and Design Review (Application #17-08) is hereby approved per the findings set forth in Exhibit A and the Conditions of Approval set forth in Exhibit B.

ADOPTED this 24th day of July, 2018, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

\_\_\_\_\_  
George Obranovich, Chairman

\_\_\_\_\_  
Carol Parker, Planning Secretary

## EXHIBIT A

### FINDINGS: MAJOR USE PERMIT AND DESIGN REVIEW APPLICATION #17-08 PLANNING COMMISSION, JULY 24, 2018

#### California Environmental Quality Act (CEQA)

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

#### Conditional Use Permit

1. The proposed use as conditioned is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Ordinance and Municipal Code;
2. The proposed use as conditioned is consistent with the General 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; and
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 in that the impacts of the use on the surrounding neighborhoods and the Town of Loomis have been minimize to acceptable levels by the recommended conditions of approval conditions of approval.

#### Design Review

1. The proposed Project complies with Section 13.62.040 Design Review of the Town of Loomis Zoning Code.
2. The proposed Project provides architectural design, building massing and scale appropriate to and compatible with the site surroundings and the community.
3. The proposed Project provides attractive and desirable site layout and design, including, but not limited to, building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;
4. The proposed Project provides efficient and safe public access, circulation and parking.
5. The proposed Project provides appropriate open space and landscaping, including the use of water efficient landscaping.
6. The proposed Project is consistent with the Town of Loomis General Plan.
7. The proposed Project complies with any applicable design guidelines and/or adopted design review policies.

**EXHIBIT B  
CONDITIONS OF APPROVAL  
MAJOR USE PERMIT, AND DESIGN REVIEW APPLICATION #17-08  
PLANNING COMMISSION, JULY 24, 2018**

**Major Use Permit and Design Review Application #17-08** is approved to allow the applicant/owner to construct and operate a private equestrian center, as per the following conditions. The applicant/owner has one (1) year [July 24, 2019] in which to initiate building construction.

**GENERAL CONDITIONS**

1. \_\_\_\_\_ The applicant/owner shall comply with all applicable provisions of the Town of Loomis Municipal Code.
2. \_\_\_\_\_ The Project shall proceed only in accordance with approved plans on file in the Planning Department, the conditions contained herein and the Town of Loomis Municipal Code. Prior to any use of the Project site or business activity being commenced thereon, all conditions of approval and required improvements, shall be completed to the satisfaction of the Town. Approval of this Project shall not waive compliance with all sections of the Town of Loomis Municipal Code (Zoning, Building Codes, etc.), Loomis General Plan, and applicable policy plans.
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. \_\_\_\_\_ Development shall be substantially in accordance with the plans approved by the Planning Commission on July 24, 2018, 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 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.
6. \_\_\_\_\_ 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 attach, set aside, void, or annul, an approval of the Planning Commission, or Town Council as to the project, subject of this application.
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.
8. \_\_\_\_\_ All construction plans, such as, but not limited to the site plan, building elevations, landscaping, and irrigation plans, grading plan, mechanical drawings, street improvement plans, and detailed drawings submitted to the Building Division for permits shall be coordinated for consistency by the applicant/owner prior to the issuance of any permits, or commencement of the subject use, whichever comes first. Any change or modification to one particular plan shall require the

corresponding revisions on other plans. All plans shall be consistent with that approved by the Planning Department. The applicant/owner shall be responsible of correcting any inconsistency which may occur through error or omission during plan preparation or construction.

#### IMPROVEMENTS

9. \_\_\_\_\_ The applicant/owner shall obtain an encroachment permit prior to any work within public rights-of-way from either the Town of Loomis or City of Rocklin as may be within their jurisdiction and notify the corresponding agency of such requests.
10. \_\_\_\_\_ The applicant\owner shall provide frontage improvements including asphalt, curb, gutter and sidewalks at the ultimate right of way width of Rocklin Road consistent with Town specifications and approval of the Town Engineer.
11. \_\_\_\_\_ Provide tapers east and west of James Drive for acceleration and deceleration as recommended by a traffic study prepared by KdAnderson along Rocklin road consistent with the long term plans for widening it to the satisfaction of the Town engineers of both Loomis and Rocklin.
12. \_\_\_\_\_ The applicant/owner shall construct all improvements required as a condition of approval of this Project prior to tenant occupancy of the building or enter into a contract 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 month period. Approved time extension in accordance with the provisions of the Loomis Municipal Code.
13. \_\_\_\_\_ The plans for site 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 by the applicant/owner.
14. \_\_\_\_\_ The applicant/owner shall submit certified as-built Mylar plans, and computer generated design files, on disk prior to final acceptance of improvements.
15. \_\_\_\_\_ Cost of all inspections related to on-site and off-site improvements shall be borne by the applicant/owner and shall be paid prior to completion of the improvements.
16. \_\_\_\_\_ The applicant/owner shall indemnify, exonerate and hold harmless the Town of Loomis and all officers and employees thereof against all claims, demands and causes of action arising out of improvements constructed within this Project.
17. \_\_\_\_\_ The applicant/owner shall be responsible for all actions of his contractors and subcontractors until such time as the improvements have been accepted as complete by the Town.
18. \_\_\_\_\_ All grading shall conform to the Town Grading Ordinance 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**.
19. \_\_\_\_\_ All utility facilities shall be placed underground in accordance with Town Ordinance.
20. \_\_\_\_\_ No construction, including but not limited to impenetrable barriers, structures, and/or fencing, shall occur within the area defined as the streambed\wetlands.

## AGENCIES

21. \_\_\_\_ The applicant/owner shall obtain a permit for Septic Disposal from the Placer County Environmental Health Services prior to the issuance of building permits, and abandonment of wells.
22. \_\_\_\_ The South Placer Municipal Utility District (SPMUD) stated "Should the applicant decide to connect to the public sewer system, the design and construction of all on-site and off-site facilities which may be required as a result of this project, including the acquisition and granting of sewer easements, will be the responsibility of the developer\owner."
23. \_\_\_\_ Obtain and provide to the Town a Will-Serve letter from the Placer County Water Agency (PCWA) prior to the issuance of Building Permits and prior to abandonment and capping of the existing on-site wells.
24. \_\_\_\_ The Town of Loomis and the South Placer Fire District will review and approve the plans submitted by the applicant/owner to ensure the buildings and grounds are in compliance with regulations in accordance with the approved use as an equestrian center.
25. \_\_\_\_ The applicant shall provide a will-serve letter from Recology prior to occupancy, and subscribe to weekly refuse collection.
26. \_\_\_\_ The applicant/owner shall provide a will-serve or similar instrument showing they have a contract with a licensed waste hauler for the removal and disposal of manure and other similar waste materials in compliance with local, state, and federal laws prior to the boarding of any horses.
27. \_\_\_\_ Comply with all regulations and requirements of the South Placer Fire District as to water supply, sprinklers, and vehicular access.

## GENERAL PLANNING

28. \_\_\_\_ Owner shall construct the project consistent with the site plan, dated March 14, 2018, contained in project's Mitigated Negative Declaration (MND), including the location, orientation and dimensions (height, length, width) of the facilities identified on the site plan and described in the IS\MND.
29. \_\_\_\_ The facility shall be limited to the boarding of 55 horses on site,"40 horses in stalls in the main barn, 8 horses in stalls in the existing "mare motel", and 7 additional horses in pasture.
30. \_\_\_\_ The operating hours of the facility shall be limited to 7:00 am to 8:30 deliveries and pick-ups (solid waste/manure).
31. \_\_\_\_ The facility shall not host horse shows or similar events.
32. \_\_\_\_ The covered arena will use footing that does not require watering and is dust free. The footing for the outdoor arenas will also be dust free and require little watering. Any dust control watering of the arenas shall be done by automatic sprinkler systems.
33. \_\_\_\_ Outdoor lighting shall conform to Section 13.30.080 Outdoor Lighting of the Loomis Municipal Code and shall not exceed the height of any adjacent or attached building, shall

be shielded or recessed so that the source is not visible from offsite, and is directed toward project facilities and downward and away from and not spillover onto adjoining properties to minimize spillover light.

34. \_\_\_\_\_ The outdoor arenas or dressage areas shall not be lighted other than for security needs consistent with the standards referenced in Condition #6 above.
35. \_\_\_\_\_ The Barn, Mare Motel and Manure Garage shall be equipped with an Automatic Fly Control System that provides fly control 24 hours a day 7 days a week.
36. \_\_\_\_\_ Manure and soiled bedding shall be removed from stalls and common areas once or twice a day and stored in a covered bin within the Manure Garage as shown on the project site plan. No outside and/or uncovered manure or soiled bedding shall be permitted on the project site.
37. \_\_\_\_\_ Covered bins containing manure and soiled bedding shall be contained in the Manure Garage which shall be an enclosed structure, with a weather proof roof and doors that shall remain closed except for the delivery and removal of waste materials.
38. \_\_\_\_\_ Manure disposal bins shall be located as shown on the site plan and be at least of 120 feet from the Owner's northern property line and at least 300 feet from the owner's western property line.
39. \_\_\_\_\_ Manure and waste pick up shall be scheduled often enough to empty bins before they reach full capacity, and a minimum of once per week.
40. \_\_\_\_\_ The automated fly spray system shall be regularly maintained. If at any time, the system fails the system shall be repaired or replaced within one week.
41. \_\_\_\_\_ No amplified sound system is allowed.
42. \_\_\_\_\_ Owner shall provide invoices of the licensed waste hauler noting removal of manure and soiled bedding from the Manure Garage.
43. \_\_\_\_\_ These conditions of approval shall run with the land.
44. \_\_\_\_\_ Violations of any of these conditions of approval shall constitute grounds for enforcement action by the Town of Loomis, including but not limited to the rescission of the project's conditional use permit.
45. \_\_\_\_\_ The property owner and future property owner shall be responsible to ensure all conditions are incorporated into the standard provisions of any sale, lease and/or rental agreements entered into with any new owners or tenants on the property subject to this Conditional Use Permit.
46. \_\_\_\_\_ All lighting shall be shielded (bulb shall not be visible from roadway or adjacent properties) and directed on-site. The plans shall be reviewed by the Planning Department and Town Engineer prior to building permit issuance and the lighting shall be installed prior to building final or any

certificates of occupancy being issued in accordance with the Loomis Municipal Code.

47. \_\_\_\_\_ The applicant/owner shall pay the Road Circulation Fees, Drainage Fees, Community Facilities Fee and Fire Fee in affect at the time of building permit issuance.
48. \_\_\_\_\_ Occupancy and boarding shall not be permitted until all conditions incorporated into this Permit are completed by the applicant/owner and accepted or approved by the Town.
49. \_\_\_\_\_ The applicant/owner shall construct the building as shown in the design plans presented to, reviewed by, and approved by the Planning Commission on July 24, 2018, and marked "APPROVED" in the Project file.
50. \_\_\_\_\_ If construction or tree removal occurs during the nesting season of bird species protected by the Migratory Bird Treaty Act (MBTA) or the California Department of Fish and Wildlife (CDFW) between February 15 through August 31 a qualified biologist shall conduct a pre-construction survey for active nests within 14 days prior of construction activities or tree removal. If no active nests are located a report shall be filed with the Town prior to issuance of building, grading or tree removal permits. If active nests are located the Town shall be immediately notified and a qualified biologist shall mark buffer zones and monitor nests until the end of breeding or the young have fledged to the satisfaction of the Planning Director.
51. \_\_\_\_\_ 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.
52. \_\_\_\_\_ 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.
53. \_\_\_\_\_ 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.
54. \_\_\_\_\_ No permits for Grading and Building shall be issued until the Tree Removal Permit is approved and mitigation accepted by the Town.

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

55. \_\_\_\_\_ The Mitigation Measures of the adopted Initial Study/Mitigated Negative Declaration, as shown in the Mitigation Measure Monitoring Report are incorporated herein by reference as required conditions of approval.