

RESOLUTION NO. 18-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS APPROVING MINOR LAND DIVISION #18-01.

WHEREAS, the property has requested approval of Minor Land Division Application #18-01 subject to the attached findings (Exhibit A) and Conditions of Approval, (Exhibit B); and

WHEREAS, on October 2, 2018, the Planning Commission of the Town of Loomis conducted a public hearing on Minor Land Division Application #18-01, 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 Minor Land Division Application #18-01.

NOW THEREFORE, based on the findings set forth herein the Planning Commission of the Town of Loomis, at its meeting of October 2, 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 Minor Subdivision (Application #18-01) is hereby approved per the findings set forth in Exhibit A and the Conditions of Approval set forth in Exhibit B.

ADOPTED this 2nd day of October 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

Carol Parker, Secretary to the
Planning Commission

Greg Obranovich,
Planning Commission Chairman

EXHIBIT A
FINDINGS: NUTE ROAD–MINOR LAND DIVISION #18-01.
PLANNING COMMISSION, October 2, 2018

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 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 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 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 since water, 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 #18-01
PLANNING COMMISSION, October 2, 2018

Minor Land Division #18-01 is approved to divide two adjacent parcels being 15.6 acres and 52.00 acres (67.6 acres total) into four lots and a Remainder. The size of the new lots will be approximately: Parcel 1 - 16.7 acres, Parcel 2 - 5.7 acres, Parcel 3 - 5.5 acres, Parcel 4 - 15.4 acres and a Remainder of 24.3 acres. The applicant\owner has two (2) years in which to record the Final Parcel Map in accordance with the Exhibits and Maps prepared by Cartwright Engineering dated January 2018 and approved by the Planning Commission on October 2, 2018 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 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**
3. ____ Development shall be substantially in accordance with the plans as prepared by Cartwright Engineering, except as may be modified by the conditions stated herein. **C**
4. ____ The owner shall 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. The owner shall be responsible for correcting any inconsistency which may occur through error or omission during plan preparation or construction. **A**
5. ____ 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**
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 map or improvement plans. **C**
7. ____ 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 the State Subdivision Map Act. **A**

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, 2, 3, and 4 and the Remainder shall share a private road, "Nute Road" onto Barton Road through a non-exclusive easement. **A**
10. ____ The owner\developer shall submit for review and approval by the Town a copy of the terms of the access easement, providing access to Barton Road for Parcels 1, 2, 3, and 4, and the Remainder as shown on the Tentative Parcel Map. **A**
11. ____ The owner shall record an irrevocable offer of dedication for right-of-way of the Barton Road frontage as per requirements of the Town Code as determined by the Town Engineer. **A**
12. ____ The owner shall provide street improvements including asphalt, curb, gutter, and sidewalk along the Barton Road frontage, subject to Loomis Road Standards as determined by the Town Engineer. **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 on all disturbed areas during all demolition/construction activities per State Water Resources Handbook. **C**
18. ____ Prior to development, a geotechnical report shall be prepared to characterize the soils and geologic constraints of the project site. The recommendations of the geotechnical report shall be incorporated into the design and construction of buildings
19. ____ All grading shall conform to the Town Grading Ordinance (Municipal Code Section 12), and/or as approved by the Town Engineer. 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. **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 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**
23. ____ 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**
24. ____ No request for a Final Parcel Map, pursuant to this map, shall be approved until all conditions are completed and accepted by the Town. **A**
25. ____ 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: 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**
28. ____ Lot grading shall be limited to the area necessary for a foundation, garage, pad, and driveway. 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, work shall be halted in accordance to Mitigation Measures CR-1 through CR-4. 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, and no work on Sundays or holidays. **C**
31. ____ 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. **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**

AGENCIES

34. ____ An all-weather access driveway shall be constructed to serve all parcels as shown on the proposed tentative parcel map, to the satisfaction of the **South Placer Fire Protection District**. **A**
35. ____ Prior to issuance of a grading permit, 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 all phases of construction through the use of the following or equally effective measures. **C**
36. ____ As per AB 52, the town shall conduct a site visit with representatives of the **United Auburn Indian Community (UAIC)**, and a professional archaeologist provided by the applicants. Based on this site visit a letter from the tribe showing concurrence as per AB52 of the building sites be provided prior to recordation of the final map. **A**
37. ____ The landowners shall comply with all regulations of the **Placer County Water Agency** as to the maintenance, distribution, and improvements required for delivery and sale of irrigation water. Prior to construction, improvements or expansion of water lines the owners shall obtain such grading and building permits as may be required from the Town of Loomis. **C**
38. ____ The following requirements from the **Placer County Environmental Health Division** as specified in their Memo of September 20, 2018 are required prior to recordation of the final map: **C**
1. *Prior to recordation of the final map, soil sampling for potential contamination from historic past land uses on the subject site should be conducted in accordance with the California EPA, Department of Toxic Substances Control (DTSC) August 2008 "Interim Guidance for Sampling Agricultural Properties." A workplan to conduct a Phase II site assessment shall be submitted to Placer County Environmental Health (PCEHO) for review and approval prior to field activities. The workplan shall also include an evaluation of lead and soil sampling around historic structures. The analytical results from the soil samples obtained during the Phase II screening level investigation shall be submitted to PCEH for review and determination of any additional requirements. A no further action or equivalent letter will be required prior to PCEH final approval for recordation of the final map. (Mitigation Measure HM-2)*
 2. *A water well shall be drilled on proposed Parcels 1, 2, 3 and the Remainder under permit with PCEH, which meets the minimum water quality standards and for which a well final certificate has been issued.*
 3. *Submit to PCEH, for review and approval, a water quality analysis report on water from the wells on Parcel 1, 2, 3, 4 and the Remainder parcel. The report must be prepared by a State Certified*

laboratory and include at minimum Bacteriology: Total coliform, fecal coliform and chlorine residual, as well as Primary and Secondary Drinking Water Standards as defined in Title 22 of the California Code of Regulations.

4. *Submit to Environmental Health Services, for review and approval, a DWR/4-hour yield report for the well Parcel 4. Additional domestic water storage or construction of a new well with adequate yield may be required, depending upon the results of the report.*
5. *There is no record of a permit for the well on Parcel 1. Since there is no permit for the construction of the well the well must be properly destroyed under permit with PCEH.*
6. *Perform soil mantle and percolation testing on Parcel 1, 2, 3, 4 and the Remainder parcel to define a Minimum Usable Sewage Disposal Area (MUSDA). The testing shall be conducted by a qualified sewage disposal consultant and a PCEH representative after submitting the required fees.*
7. *The septic tanks serving the residences on Parcel 1 and 4 shall be evaluated by a licensed septic tank pumper, who shall submit to the Environmental Health Services for review and approval, a report of its capacity, structural condition, materials (e.g., concrete, redwood, metal, fiberglass, etc.) and the necessity for pumping.*
8. *In lieu of having the tank evaluated at this time, the applicant may submit proof that the septic tank has been pumped within the last three (3) years. Other report information listed above is still required.*

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

39. ____ Should the Phase II study identify contaminants in excess of permissible standards, the property owners will 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 or issuance of building permits. **A**
40. ____ Mitigation required in the approved Mitigated Negative Declaration (MND) of this project, is incorporated herein by reference as required conditions of approval. **C**