

## RESOLUTION NO. 18-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS APPROVING MINOR LAND DIVISION APPLICATION #17-16.

**WHEREAS**, the property has requested approval of Minor Land Division Application #17-16 subject to the attached findings (Exhibit A) and Conditions of Approval, (Exhibit B); and

**WHEREAS**, on January 23, 2018, the Planning Commission of the Town of Loomis conducted a public hearing on the extension, 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 17-16.

**NOW THEREFORE**, based on the findings set forth herein the Planning Commission of the Town of Loomis, at its meeting of January 23, 2018, did resolve as follows:

1. The proposed Project is consistent with the goals, policies and land uses in the Town of Loomis General Plan and Zoning Ordinance.
2. Pursuant to CEQA Guidelines Section 15315 Minor Land Divisions the project is found to be categorically exempt as it consists of a division of property in an urbanized area zoned for residential, commercial, or industrial use into four or fewer parcels in conformance with the General Plan and zoning. No variances or exceptions are required, and all services and 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

ADOPTED this 23rd day of January 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

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Robert King, Town Planner

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Michael Hogan, Planning Commission Chairman

**EXHIBIT A**

**FINDINGS: COLONY LANE MINOR LAND DIVISION APPLICATION #17-16  
PLANNING COMMISSION, JANUARY 23, 2018**

Pursuant to Section 66474 of the Subdivision Map Act, the Planning Commission makes the following findings as to the proposed Minor Land Division:

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: COLONY LANE MINOR LAND DIVISION APPLICATION #17-16  
PLANNING COMMISSION, JANUARY 23, 2018**

The Minor Land Division is approved for the division of a 26,571 sf (.61 ac) parcel into two parcels; Parcel 1 being 13,939.2 sf (.32 ac) and Parcel 2 being 12,632.4 sf (.29 ac), The approval expires on January 23, 2020, unless extended by the Planning Commission.

**GENERAL CONDITIONS**

1. \_\_\_\_\_ The conditions of approval shall apply as noted by the letters "A", "B", "C", after a condition of approval as follows:
  1. "A" – Required by the Applicant\Subdivider\Owner who is the property owner, prior to recordation of the Final Parcel Map;
  2. "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
  3. "C" Conditions required of owners as either "A" and "B".
2. \_\_\_\_\_ The owner shall comply with the Town of Loomis Municipal Code. C
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. C
4. \_\_\_\_\_ The Project shall be implemented substantially in accordance with the plan entitled "5995 Katie Lane Town of Loomis, CA" as prepared by the California Surveying Company, consisting of one sheet, dated August 2017 except as may be modified by the conditions stated herein. . C
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. A
6. \_\_\_\_\_ The owner (subdivider) 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 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. 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 subsections (c) and (d) 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. A

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. C

#### **IMPROVEMENTS**

1. \_\_\_\_ The owner shall obtain an encroachment permit prior to any work within public rights-of-way.
2. \_\_\_\_ 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.
3. \_\_\_\_ The owner shall set all monuments required by the Subdivision Map Act and shall submit certified as-built plans CAD files prior to final acceptance of improvements.
4. \_\_\_\_ 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.
5. \_\_\_\_ 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 and show such on the final map prior to recordation. A
6. \_\_\_\_ The 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.
7. \_\_\_\_ 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 to construct all improvements, and shall post 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.
8. \_\_\_\_ All grading shall conform to the Town Grading Ordinance (Municipal Code Section 12, 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. C

#### **GENERAL PLANNING**

1. \_\_\_\_ The property 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.).
2. \_\_\_\_ 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.
3. \_\_\_\_ Prior to the issuance of any Building Permits on either the existing or the new parcel, the owner shall ensure that all existing and future structures, inclusive of the existing onsite sheds, shall comply with the

Town's setback regulations.

4. \_\_\_\_ The Recreational Vehicle Storage Carport shall either removed from the property or relocated to comply with the setback regulations of the newly approved parcels prior to recordation of the final map.
5. \_\_\_\_ 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
6. \_\_\_\_ 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. C
7. \_\_\_\_ 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. C
8. \_\_\_\_ The owner shall pay development fees consisting of the Community Facility Fee, Park & Recreation Fee, and Placer County Capital Facility Impact Fee as required. C
9. \_\_\_\_ The developer shall be required to pay the Road Circulation/Major Roads Fee prior to building permit issuance. C
10. \_\_\_\_ 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
11. \_\_\_\_ No request for a Parcel Map, pursuant to this map, shall be approved until all conditions are completed and accepted by the Town, acceptable to the Town Attorney, for those conditions not completed, as has been submitted.

## **AGENCIES**

Identify and provide easements as may be necessary for the Westside Pipe Canal and any private raw water pipes traversing the project site prior to recordation of the final map to the satisfaction of the Placer County Water Agency (PCWA).

Prior to issuance of a Building Permit for construction of a residence on Parcel 2, the owner shall obtain a "can and will serve" letter, and comply with any and all Rules and Regulations of PCWA.

Prior to issuance of a Building Permit for construction on either Parcel 1 or Parcel 2 the owner shall submit an application for review and approval by the South Placer Fire District (SPFD) and comply with those requirements

provided in the SPFD e-mail dated December 27, 2017. (attached)

Prior to the recordation of the Final Map submit a Phase I Environmental Site Assessment to the Placer County Division of Environmental Health. Should they determine there are potential concerns a Phase 2 "limited soil investigation" Environmental Assessment shall be prepared in accordance with the California EPA, Department of Toxic Substances Control (DTSC) requirements and the site remediated as required by local and state regulations. (See attached Memo dated December 29, 2017)

Prior to issuance of a Building Permit for construction on Parcel 2, provide the Placer County Division of Environmental Health a "can and will-serve" letter from PCWA, SPMUD, and Recology.

Prior to issuance of a Building Permit for construction on Parcel 2 the owner shall comply with the requirements as provided in the South Placer Municipal District (SPMUD) letter dated December 28, 2017. (attached)