



STAFF REPORT

TO: Town of Loomis Planning Commission
FROM: Christy Consolini, Planning Director
DATE: October 24, 2023
RE: APPLICATION #23-08 – ENRIGHT - MINOR LAND DIVISION
6020 NUTE ROAD, APN: 045-170-078 (formerly 045-170-071)

RECOMMENDATION:

1. Conduct a public hearing and receive public input; and
2. Find the project has been previously analyzed through the adopted Initial Study Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program SCH# 2018082037; and
3. Adopt Resolution #23-03 approving the minor land division, per the findings in Exhibit A, conditions of approval in Exhibit B, and as depicted in Exhibit C.

PROJECT DESCRIPTION

The existing 49.4-acre parcel site (Figure 1- Vicinity Map) at 6020 Nute Road consists of one parcel, with a single family home and associated out buildings (Figure 2 – Aerial View). The site is accessed via Nute Road, a private road which will also serve the four newly created parcels and contains a dedicated easement for access to adjacent 6090 Nute Road (APN 045-170-079). As shown in Figure 2, the property is primarily undeveloped pastureland, with trees along the perimeter with a number of oaks and cottonwoods in the central portion of the site. While most of the project site is fairly level, a butte rises sharply in the northeastern most corner of the site (proposed Parcel 3). Elevations range from 380 to 480 feet, peaking at the northeast corner, the main distribution point for a series of private irrigation lines. An intermittent stream located in the southwestern portion of the project site flows through a culvert under Nute Road. Natural swales collect and convey runoff toward the on-site intermittent stream. There are no floodplains on the property.

Application #23-08 proposes to divide one parcel (APN 045-170-078) being 49.4 acres into four individual parcels. The size of the new parcels will be approximately:

Parcel 1	16.7 acres
Parcel 2	6.2 acres
Parcel 3	5.0 acres
Parcel 4	<u>21.5 acres</u>
	49.4 acres TOTAL

The proposed parcel configuration is shown in Figure 3 – Proposed Minor Land Division #23-08. The minor land division includes the division of land into the four parcels as noted above, as well as a 40-foot private access easement and public utility easement from Brace Road to 6090 Nute Road (APN 045-170-079) along the existing access driveway and a 5-foot waterline easement across proposed Parcel 1 to the public utility easement in the 40-foot access easement. The 40-foot access easement connects with Brace Road at the existing driveway at 6020 Nute Road.

Figure 1 Vicinity Map

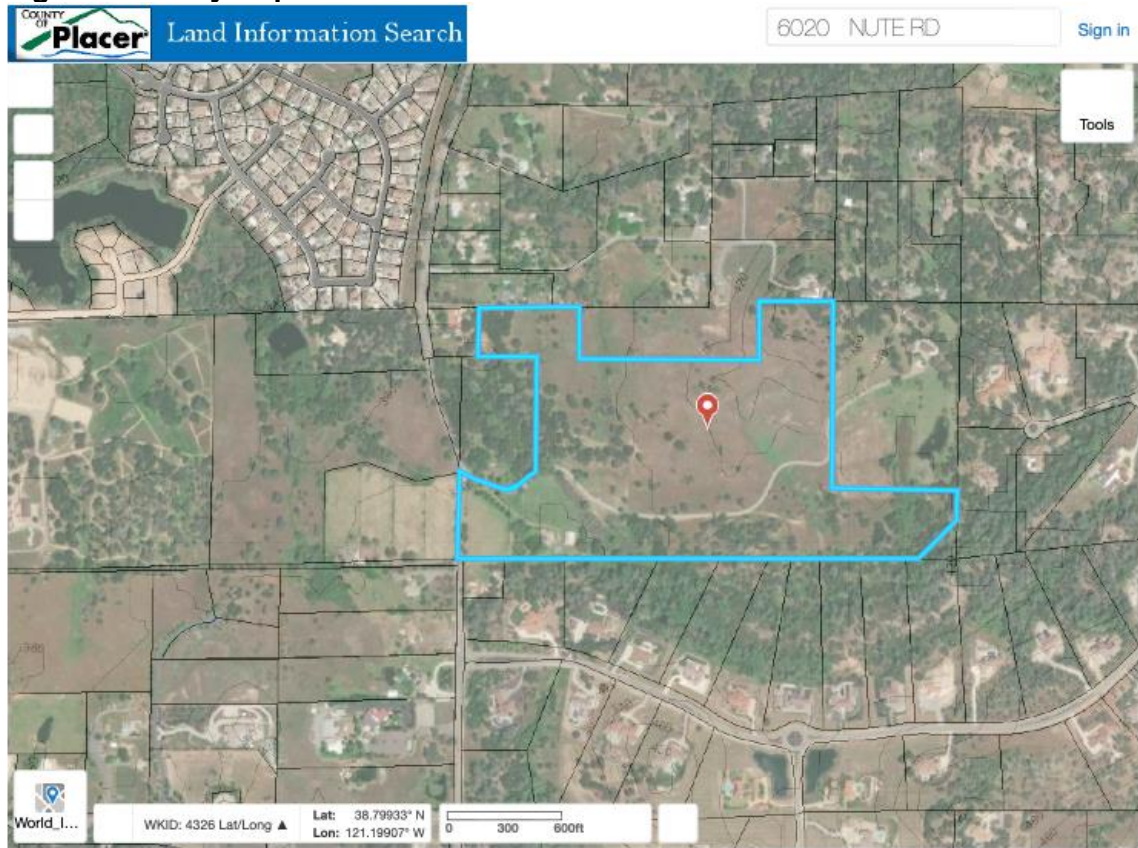
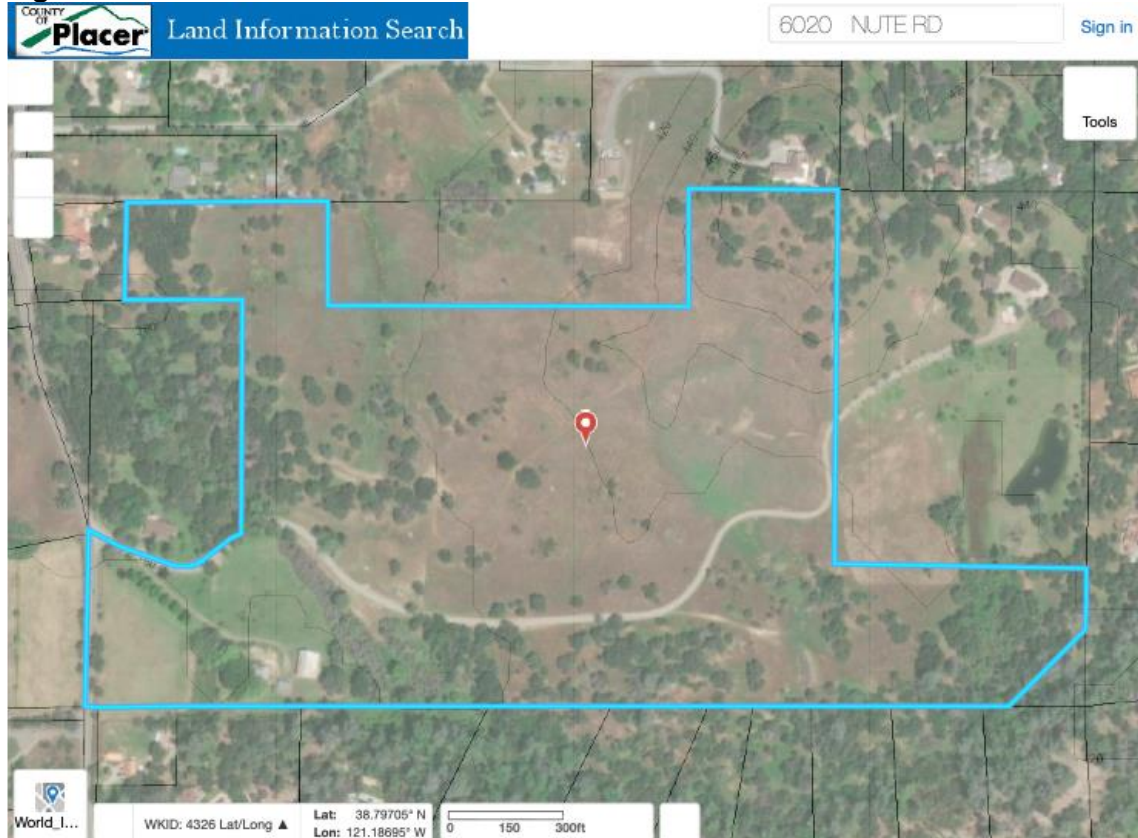


Figure 2 Aerial View



General Plan, Zoning, and Existing Land Uses:

	General Plan	Zoning	Current Land Use
On Site	Residential Agriculture	RA	Single Family Residential/Rangeland
North	Residential Agriculture	RA	Single Family Residential/Rangeland
East	Residential Agriculture	RA	Single Family Residential
South	Residential Agriculture	RA	Single Family Residential
West	Residential Estate	RE	Single Family Residential/Rangeland

General Plan and Zoning District = RA = Residential Agriculture:

	Required	Proposal
Minimum lot size Area (net)	4.6 acres	Complies
Minimum lot width	160 feet	Complies
Minimum lot depth	100 feet	Complies
Minimum lot frontage	100 feet	Complies

Owner Information:

APN 045-170-078

Elizabeth and Rod Enright

6020 Nute Road

Loomis, CA 95650

Existing Improvements/Utilities/Service Systems:

Sewer – Septic

Trash – Recology

Fire – South Placer Fire District

Water – Wells

Non Potable/Irrigation Water – Placer County Water Agency, 6" line privately owned

HISTORY

This minor land division was first reviewed as application #18-01 by the Planning Commission at the meeting of October 2, 2018, under a noticed public hearing, and at that time, the public hearing was continued by the Commission to October 23, 2018, and then further continued to November 27, 2018, under a newly noticed public hearing. Staff worked with the applicant's engineer to address matters associated with conditions placed on the "remainder" parcel identified with the project and determined the parcel division could be processed as one parcel, split four ways. The previous map submittal included a boundary line adjustment with the adjacent property owner at 6090 Nute Road that was processed independently of the previous and current minor land division under Lot Line Adjustment Application #18-13 which has since been recorded with Placer County.

Tentative Map application #18-01 was approved by the Planning Commission on November 27, 2018, by Resolution 18-10 with an expiration of November 27, 2020. The applicant filed for a one-year extension of time which was approved on November 9, 2020, and which extended the expiration date to November 27, 2021. The approval of the extension indicated that future extensions would need to be approved by the Planning Commission through subsequent extension submittals. The application did not pursue additional extensions. Automatic extensions were authorized by the state during the Covid-19 pandemic, again extending the expiration date to May 27, 2023. Despite the submittal of the final parcel maps, the extensions and original approval have now expired prior to map recordation, and the applicant has now re-submitted the application for approval.

This project (#23-08) remains significantly the same as the original approved application (#18-01), with the exception of an acreage correction on Parcel 4 from 24.3 acres to 21.5 acres, and a proposal for Parcels 2 and 3 to connect to the Placer County Water Agency public water system within a 5' water easement and 40' access and utility easement rather than by wells. Wells serve proposed Parcels 1 and 4. Delays in recording the parcel map were largely related to actions associated with well testing and installation on proposed Parcels 2 and 3. Due to the negative results of those efforts and the expiration of the previously approved tentative map, the applicant has revised the submittal to include connection to the public water system, rather than wells, and the addition of the required easements associated with those proposed connections. There are no plans to expand the existing dwelling site on proposed Parcel 1. The remaining proposed parcels, although currently vacant, are proposed to be sold and developed with single family residences consistent with the RA zoning and approved conditions of approval of this minor land division.

Agency referrals were solicited on September 14, 2023. Responses were received from the Placer County Environmental Health Department, South Placer Fire District, Placer County Water Agency, South Placer Municipal Utility District, and PG&E. Those responses are reflected in the conditions of approval for this project (#23-08).

CEQA REQUIREMENTS

An Initial Study/Mitigated Negative Declaration (IS/MND) (SCH# 2018082037) and Mitigation Monitoring and Reporting Program (MMRP) were prepared per the requirements of the California Environmental Quality Act (CEQA) Guidelines and adopted by the Planning Commission on November 27, 2018. The Notice of Determination was filed with the County on November 29, 2018. The IS/MND and MMRP continue to be applicable for this minor land division tentative map resubmittal.

Preliminary review found the proposed actions consistent with the Loomis General Plan and Zoning Code in terms of the zoning and parcel size requirements. As there was the potential for adverse environmental impacts as to endangered species, tree removal, cultural resources, and possible pesticide contamination due to a former orchard, a Mitigated Negative Declaration was prepared as per CEQA under the previous submittal which included the parcel that has now been approved under Lot Line Adjustment #18-13.

This project continues under the adopted IS/MND and MMRP; however, the previously referred to "Remainder" parcel of that analysis is now referenced as "Parcel 4" on the application and on this current application #23-08 tentative map. Parcels 1, 2, and 3, referenced in the IS/MND have not changed. The IS/MND 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. The IS/MND remains valid for this application which has been resubmitted due to tentative map expiration. With the exception of public water service replacing proposed wells through a utility line within the roadway right-of-way and utility easements, and a correction on the total acreage of proposed Parcel 4, the tentative map is otherwise the same as the 2018 application, and therefore, the IS/MND remains applicable to this current application.

Potential impacts identified in the adopted IS/MND and addressed through the MMRP include potential impacts of development in relation to biological resources and potential tree removal, unknown buried cultural/tribal resources and human remains, dust and erosion control during construction, potential hazardous soils which have subsequently been addressed through a Phase II site assessment and other actions taken since the approval of the tentative map in 2018, and protection of existing utility facilities on the property. The IS/MND, MMRP, and Notice of Determination (filed on November 29, 2018) can be found on the Town's planning website: <https://loomis.ca.gov/nute-road-subdivision/>. The MMRP is included as Attachment B for reference in relation to the recommended conditions of approval.

Attachments

- A. Draft Resolution #23-03
 - Exhibit A: Recommended Findings
 - Exhibit B: Recommended Conditions of Approval
 - Exhibit C: Tentative Parcel Map #23-08
- B. Mitigation Monitoring and Reporting Program

The previously adopted IS/MND, MMRP, and Notice of Determination can be found on the Town's Planning Department website: <https://loomis.ca.gov/nute-road-subdivision/>

NOTE: Notice published in the Loomis News on October 12, 2023 and mailed to adjacent property owners within 300 feet on October 5, 2023.

RESOLUTION NO. 23-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS APPROVING
A MINOR LAND DIVISION APPLICATION #23-08
6020 NUTE ROAD; (APN 045-170-078)

WHEREAS, the property has requested approval of Minor Land Division Application #23-08 subject to the attached findings (Exhibit A) and Conditions of Approval (Exhibit B); and

WHEREAS, the Tentative Map for this minor land division and the associated Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (SCH# 2018082037) was previously approved and adopted by the Planning Commission on November 27, 2018 through Planning Commission Resolution 18-10; and

WHEREAS, the approved Tentative Map #18-01 (Planning Commission Resolution 18-10) subsequently expired in May 2023 prior to recording of the prepared final Parcel Map; and

WHEREAS, the applicant has resubmitted the minor land division as application #23-08 to divide the same parcel into four parcels in relatively the same size and configuration as application #18-01 with minor adjustments to meet the conditions established in Resolution #18-10 in regard to water utilities and easements; and

WHEREAS, on October 24, 2023, the Planning Commission of the Town of Loomis conducted a public hearing on Minor Land Division Application #23-08, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission of the Town of Loomis reviewed and considered the staff report relating to said 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 herein makes the following findings to approve Minor Land Division Application #23-08 (6020 Nute Road; APN 045-170-078); and

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the Town of Loomis, at its meeting of October 24, 2023, did resolve as follows:

1. The Initial Study/Mitigated Negative Declaration (SCH# 2018082037) adopted by the Planning Commission on November 27, 2018, including the Mitigation Monitoring Report Program (MMRP) for application #18-01 remains applicable to application #23-08.
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 Land Division, Application #23-08, is hereby approved per the findings set forth in Exhibit A, the Conditions of Approval set forth in Exhibit B, and as depicted in Exhibit C.

ADOPTED this 24th day of October, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Tim Onderko, Chairman

Sarah Jennings, Planning Secretary

FINDINGS
Minor Land Division Application #23-08
6020 Nute Road (APN 045-170-078)

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 public water, septic systems, 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 single-family residences is consistent with the allowed zoning density.
5. The design of the division and 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 and 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.

**CONDITIONS OF APPROVAL
Minor Land Division Application #23-08
6020 Nute Road (APN 045-170-078)**

This Minor Land Division #23-08 is approved to divide one parcel (APN 045-170-078) being 49.4 acres into four parcels. The size of the new parcels will be approximately: Parcel 1 – 16.7 acres, Parcel 2 – 6.2 acres, Parcel 3 – 5.0 acres, and Parcel 4 – 21.5 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 Curtis Surveying dated September 28, 2023 and approved by the Planning Commission on October 24, 2023 and includes 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 owner 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. ____ The Project shall be implemented substantially in accordance with the plans entitled “Tentative Parcel Map for 6020 Nute Road APN 045-170-078” as prepared by Curtis Surveying dated September 28, 2023, except as may be modified by the conditions stated herein. **C**

4. ____ The owner shall provide to the Planning Department and Engineering 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 shall share a private road which shall include APN 045-170-079 (6090 Nute 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 including APN 045-170-079 (6090 Nute Road), 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 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**

13. ____The owner shall obtain an encroachment permit prior to any work within public rights-of-way. **C**

14. ____The owner shall be responsible for all actions of their contractors and subcontractors until the improvements are accepted as complete by the Town. **A**

15. ____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**

16. ____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**

17. ____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 (Mitigation Measure GS-1). **C**

18. ____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**

19. ____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

20. ____ 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**
21. ____ 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**
22. ____ 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**
23. ____ 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**
24. ____ Lot grading shall be limited to the area necessary for a foundation, garage, pad, and driveway. Pads for new homes shall not exceed 2 feet from existing natural grade. **B**
25. ____ Install post and cable fencing around all environmentally sensitive areas, or similar as approved by the Town Engineer. **C**
26. ____ 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**
27. ____ 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**
28. ____ 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**
29. ____ The developer shall be required to pay the Road Circulation/Major Roads Fee prior to building permit issuance. **C**
30. ____ The project shall conform to the General Plan, including the Noise Element standards and California Building Code. Noise generated by the project shall not cause the day-night average sound level (Ldn) to exceed 60 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 75 dBA at any time during or after construction. **B**

31. _____ Pursuant to California Government Code Section 66452.6(a)(1) the conditionally approved tentative map shall expire 24 months after its approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months. (Refer to the complete text of this section for additional specifics related to extensions.)

AGENCIES

32. _____ 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**

33. _____ Building plans for residential dwellings shall be reviewed by the **South Placer Fire Protection District** and all measures recommended by the District shall be implemented. **B**

34. _____ 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 (Mitigation Measure AQ-1). **C**

35. _____ 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**

36. _____ 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**

37. _____ Service to other customers whose private pipe may traverse the property shall be protected as required by the **Placer County Water Agency. C**

38. _____ Prior to acceptance of the final map, all easements shall be recorded for the conveyance of treated water and irrigation water to the satisfaction of the Town Engineer and **Placer County Water Agency. A**

39. _____ The applicant/owner shall obtain treated water service for parcels 2, 3, and 4 through a variance in **Placer County Water Agency's** main line extension policy to obtain service from the 16-inch treated water main located in Barton Road fronting Parcel 1. A private pipe shall be installed in an easement from the meter location to the parcel(s). To receive service, all fees including Water Connection Charges and installation costs must be paid. **C**

40. _____ The property owner shall coordinate with PG&E on any future development plans which occur within PG&E easements. **C**

41. _____ The following requirements from the **Placer County Environmental Health Division** as specified in their Memo of October 3, 2023 are required prior to recordation of the final map or issuance of building permit as specified below to ensure sewage disposal and water supply is defined in order to not create parcels that may be unbuildable.

1. A Phase II limited soil investigation shall be completed in accordance with the California EPA, Department of Toxic Substances Control (DTSC) August 2008 "Interim Guidance for Sampling Agricultural Properties." Due to the historic use of lead arsenate as a pesticide lead should also be

included in the testing. Prior to commencement of the Phase II site assessment, a workplan shall be reviewed and approved by Environmental Health. (Mitigation Measure HM-2) **(Completed – No Further Action Statement 2020)**

2. Each lot shall utilize the approved Minimum Useable Sewage Disposal Areas (MUSDAs) for on-site sewage disposal. A septic construction permit from Environmental Health is required prior to the installation or modification of any septic system. **B**
3. All existing septic systems and MUSDAs shall remain clear of vehicular traffic, parking, structures, or any type of soil modification during construction including placement of spoil piles or fill. Any damage to these areas could render them unusable. Any cuts 2.5 feet or greater made downslope of any existing or future sewage disposal area shall meet the appropriate setback such that there is a separation distance of four times the height of the cut to a maximum of 50 feet. Cuts of this size shall also clear the septic tank location by 20 feet. **B**
4. Parcels 2 and 3 shall connect to PCWA for treated water supply. A will-serve letter indicating that a meter has been installed, fees have been paid, and treated water service is available, shall be required prior to building permit issuance of any plumbed structure on parcel 2 and 3. **B**
5. Parcels 1 and 4 shall utilize the approved drilled water wells for domestic water use. **C**
6. The well drilled on parcel 2 did not meet the minimum capacity required by Placer County. The applicant has requested to keep the well in order to evaluate its capacity in the near future for irrigation use. The well shall be maintained in a sanitary manner to prevent contamination to groundwater. A tight-fitting cap shall be placed on the casing, and the ground shall be sloped away from the casing to encourage drainage away from the wellhead. **C**

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

42. ___ Mitigation required in the approved Mitigated Negative Declaration (MND) of this project, is incorporated herein by reference as required conditions of approval. **C**

Attachment B

Town of Loomis Nute Road Subdivision Project Mitigation Monitoring and Reporting Program

INTRODUCTION

Section 15097 of the California Environmental Quality Act (CEQA) requires that all state and local agencies establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of an Initial Study/Mitigated Negative Declaration (IS/MND).

The mitigation monitoring and reporting program (MMRP) contained herein is intended to satisfy the requirements of CEQA as it relates to the Nute Road Subdivision Project (Proposed Project). This MMRP is intended to be used by Town Staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation.

The IS/MND for the Proposed Project presents a detailed set of mitigation measures applicable to implementation of the Proposed Project. The mitigation measures were initially developed during preparation of the IS/MND (August 2018) and, in some cases, were refined in response to comments on the IS/MND.

The intent of the MMRP is to ensure the effective implementation and enforcement of all adopted mitigation measures. The MMRP will provide for monitoring of construction activities, as necessary, and in the field identification and resolution of environmental concerns.

MITIGATION MONITORING PROGRAM DESCRIPTION

Compliance

The Town of Loomis will coordinate monitoring activities and document the implementation of mitigation measures. The table below identifies the mitigation measures, the monitoring actions, the implementing entities, the responsible parties for monitoring actions, and the timing of mitigation actions. The entity identified as having implementing responsibility has the primary duty to execute the mitigation measures. The "Applicant(s)" shall refer to any entity that seeks entitlements for development of a project in the project area. In some instances this may require contracting for specialized consultant services. In instances where the implementing responsibility is shared between the Town and Construction Contractors, the Town would be responsible for ensuring that the mitigation requirements are implemented. In instances where the Reviewing Party is identified as a department manager or director, the manager or director may delegate review to appropriate subordinate staff.

Field Monitoring of Mitigation Measures

Prior to the issuance of grading and building permits, while detailed development plans are being prepared for acceptance by Town Staff, Town Staff will be responsible for ensuring compliance with mitigation monitoring applicable to the project design phase.

During construction and following the Proposed Project, the Town's Planning Division will assign inspectors who will be responsible for monitoring the implementation of the mitigation measures. The inspectors will report to the Town's Planning Division and will be thoroughly familiar with the mitigation measures in the MMRP. In addition, the inspectors will be familiar with construction contract requirements, schedules, standard construction practices, and mitigation techniques. The Town will be

responsible for onsite, day-to-day monitoring of construction activities, reviewing construction plans and equipment staging/access plans to ensure conformance with adopted mitigation measures. The Town will also have the authority to enforce mitigation measures by suspending particular construction activities.

Once construction has been completed, the Town will monitor the Proposed Project as necessary.

If any mitigation measures are not being implemented, the Town may pursue corrective action. Penalties that may be applied include, but are not limited to, the following: (1) a written notification and request for compliance; (2) withholding of permits; (3) administrative fines; (4) a stop-work order; (5) criminal prosecution and/or administrative fines; (6) forfeiture of security bonds or other guarantees; and (7) revocation of permits or other entitlements.

Changes to Mitigation Measures

Any substantive change in the monitoring plan made by Town Staff shall be reported in writing to the Planning Division. Modifications to the mitigation may be made by Town Staff subject to one of the following findings, documented by evidence included in the record:

- a. The mitigation measure included in the IS/MND and MMRP is no longer required because the significant environmental impact identified in the IS/MND has been found not to exist or to occur at a level which makes the impact less than significant as a result of changes in the project, changes in conditions of the environment or other factors.
Or
- b. The modified or substitute mitigation measure to be included in the MMRP provides a level of environmental protection equal to or greater than that afforded by the mitigation included in the IS/MND and the MMRP; and the modified or substitute mitigation measures do not have significant adverse effects on the environment in addition to or greater than those which were considered by the responsible hearing bodies in their decisions on the IS/MND and the Proposed Project; and the modified or substitute mitigation measures are feasible, and the Town through measures included in the MMRP or other Town procedures can ensure their implementation.

Findings and related documentation supporting the findings involving modifications to mitigation measures shall be maintained in the project file with the MMRP and shall be made available to the public upon request.

MITIGATION MONITORING PROGRAM

The table presented on the following pages provides the MMRP for the Proposed Project. The MMRP identifies:

1. The full text of the mitigation measure(s) applicable to each impact statement;
2. The method and/or process by which the mitigation measure will be implemented;
3. The timing of implementation of each mitigation measure; and
4. The party responsible for ensuring implementation of each mitigation measure.

Following completion of the monitoring and reporting process, the final monitoring results will then be entered into the Town's Mitigation Monitoring and Reporting database.

Mitigation Measure	Implementation	Timing	Reviewing Party	Initial/Date Complete
Air Quality				
<p>AQ-1: Prior to issuance of a grading permit, the contractor shall submit a dust control plan to the Town and 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. These measures shall be included as a standard note on all grading and improvement plans:</p> <ul style="list-style-type: none"> ▪ Construction equipment exhaust emissions shall not exceed PCAPCD Rule 202 Visible Emission limitations. ▪ The prime contractor shall submit to the Air District a comprehensive inventory (i.e. make, model, year, emission rating) of all the heavy-duty offroad equipment (50 horsepower or greater) that will be used an aggregate of 40 or more hours for the construction project. The inventory shall demonstrate that the off-road vehicles to be used during excavation, construction, and grading activities, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet average 20 percent NOx reduction and 45 percent particulate matter reduction compared to the most recent CARB average and shall include enforcement measures to ensure that the reductions are achieved. The PCAPCD shall be contacted for average fleet emission data. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide the District with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreperson. ▪ An enforcement plan shall be established to weekly evaluate project-related on-and-off-road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180-2194. An Environmental Coordinator, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate project related off-road and heavy-duty on-road equipment emissions for compliance with this requirement. Operators of vehicles and equipment found to exceed opacity limits will be notified and the equipment must be repaired within 72 hours. ▪ No open burning of removed vegetation shall be conducted during infrastructure improvements. Vegetative material shall be chipped or delivered to waste to energy facilities. ▪ During construction the contractor shall use existing power sources (e.g., power poles) or clean fuel (e.g., gasoline, biodiesel, natural gas) generators rather than temporary diesel power generators to the extent feasible. ▪ Diesel-power equipment shall not be allowed to idle within 1,000 feet of any sensitive receptors. ▪ Diesel-power equipment shall not be allowed to idle for more than 5 minutes at any time. ▪ Earth moving construction equipment shall be cleaned with water once per day. ▪ An operational water truck shall be onsite at all times. Water to control dust shall be applied as needed to prevent dust impacts off site for active and inactive construction areas. Pursuant to District Rule 228, Section 304, streets shall be wet broomed or washed of any silt carried over to adjacent public thoroughfares during construction activities. 	<p>These measures require a dust control plan be submitted to the Town and PCAPCD.</p>	<p>Prior to approval of grading permits.</p>	<p>Town of Loomis; PCAPCD</p>	

Mitigation Measure	Implementation	Timing	Reviewing Party	Initial/Date Complete
<ul style="list-style-type: none"> ▪ Earth-moving contractors shall not operate pre-1996 heavy-duty diesel equipment on forecast Spare the Air Days. ▪ To the extent feasible, construction activities shall use existing power sources (e.g., power poles) or clean fuel generators rather than temporary diesel power generators. ▪ Traffic speeds on all unpaved surfaces shall be limited to a maximum speed of 15 miles per hour or less. ▪ Construction activity management techniques shall be employed, such as extending the construction period outside the ozone season of May through October; reducing the number of pieces of equipment used simultaneously; increasing the distance between emission sources; reducing or changing the hours of construction; and scheduling activity during off-peak hours. ▪ Contractors shall use low VOC architectural coatings per PCAPCD Rule 218. 				
Biological Resources				
<p>BIO-1: The project applicant shall retain a qualified biologist to conduct a preconstruction survey for the presence of American Badger within the areas to be disturbed within 14 days prior to the onset of construction activities. The results of the survey shall be summarized in a letter report and submitted to the Town. If burrows or other direct evidence of American Badger are found, then consultation with CDFW shall be initiated to determine appropriate setbacks from badger habitat.</p>	<p>A summary of survey results shall be submitted to the Town. CDFW shall be contacted as required.</p>	<p>Prior to construction.</p>	<p>Town of Loomis, CDFW</p>	
<p>BIO-2: Should construction activities occur during the breeding season (February 15 through August 31), a pre-construction survey for raptor and/or nesting birds protected under the Migratory Bird Treaty Act shall be conducted by a qualified biologist. The preconstruction survey shall take place no more than 314 days prior to initiation of construction. If there is a break in construction activity of more than 14 days (2 weeks), subsequent surveys shall be conducted. All trees and shrubs within 500 feet of the area of disturbance shall be surveyed, with particular attention to any trees or shrubs that would be removed or directly disturbed. If an active nest of a protected bird is found on site or in the vicinity of off-site improvements at any time, the biologist shall, in consultation with the California Department of Fish and Wildlife (CDFW), determine whether construction work would affect the active nest or disrupt reproductive behavior. Criteria used for this evaluation shall include presence of visual screening between the nest and construction activities, and behavior of adult raptors in response to the surveyors or other ambient human activity. If construction could affect the nest or disrupt reproductive behavior, the biologist shall, in consultation with CDFW, determine an appropriate construction-free buffer zone around the nest to remain in place until the young have fledged or other appropriate protective measures to ensure no take of protected species occurs. The buffer shall be sufficient to ensure that the nesting birds are not disturbed by construction activities to the extent that they might abandon the nest prematurely. Should construction activities cause the nesting birds to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the exclusionary buffer will be increased such that activities are far enough from the nest to stop this</p>	<p>A summary of survey results shall be submitted to the Town. CDFW shall be contacted as required.</p>	<p>Prior to and during construction.</p>	<p>Town of Loomis, CDFW</p>	

Mitigation Measure	Implementation	Timing	Reviewing Party	Initial/Date Complete
agitated behavior. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.				
<p>BIO-3:</p> <p>a. Project design shall take into account the presence of oak trees within the parcels and the spatial extent of the tree root systems. To the extent feasible, full avoidance of trees shall be required within the project design phase.</p> <p>b. If the removal of one or more protected trees is required for project implementation, the property owner of the affected parcel shall implement one or a combination of the following measures:</p> <ul style="list-style-type: none"> i. Pay an in lieu fee for removal of trees, as calculated according to the Town Tree Ordinance (Section 13.54 of the Municipal Code). The fee shall be paid at the time that Improvement Plans are approved. <p>Or</p> <ul style="list-style-type: none"> ii. Prepare a Tree Planting and Maintenance Plan that provides for the planting of trees on site or at another location within the town where maintenance to ensure survival of the trees will be guaranteed. If trees are to be planted on site, they shall be located in easements that can be protected and reviewed annually for a period of five years. <p>Trees planted to meet the provisions of this measure shall be the same species as the tree(s) that are removed. The selected method shall be adequate to ensure the long-term viability of new plantings at a level that meets or exceeds the level of tree removal, as measured at diameter at breast height.</p> <p>c. All construction shall be conducted in accordance with Section 13.54.070 of the Municipal Code with respect to protected trees within 50 feet of any area to be disturbed by the Proposed Project.</p>	Project design plans shall be submitted to the Town.	Prior to approval of building permits and during construction.	Town of Loomis	
<p>BIO-4: A floristic survey will occur before the Town issues building permits and prior to commencement of ground-disturbing activities, and would cover the Parcels 2 and 3 as well as any areas that may be indirectly affected by the Proposed Project. The floristic surveys will follow the protocols described in the CDFW's Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. A reference population of <i>Balsamorhiza macrolepis</i> will be visited prior to the survey to determine its bloom status in a similar ecosystem and elevation. All species encountered will be identified to the species level to ensure that no other special-status species occur within the site and could be impacted by project-related activities. If any special-status species are found to occur within Parcels 2 and 3, CDFW will be notified prior to issuance of building or grading permits by the Town to determine proper mitigation measures.</p>	A summary of survey results shall be submitted to the Town. CDFW shall be contacted as required.	Prior to and during construction.	Town of Loomis, CDFW	

Mitigation Measure	Implementation	Timing	Reviewing Party	Initial/Date Complete
Cultural and Paleontological Resources				
<p>CR-1: If any cultural resources, such as structural features, unusual amounts of bone or shell artifacts, or architectural remains, are encountered during any construction activities, the project applicant shall implement measures deemed necessary and feasible to avoid or minimize significant effects on the cultural resources including the following:</p> <ul style="list-style-type: none"> ▪ All work within 50 feet of the find shall be halted until a professional archaeologist can evaluate the significance of the find in accordance with CEQA. ▪ If any find is determined to be significant by the archaeologist, then representatives of the Town and project applicant shall meet with the archaeologist to determine the appropriate course of action. If necessary, a Treatment Plan shall be prepared, outlining recovery of the resource, analysis, and reporting of the find. The Treatment Plan shall be submitted to the Town for review and approval prior to resuming construction. ▪ All significant cultural materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the professional archaeologist in accordance with current professional standards. ▪ All mitigation shall be completed prior to the resumption of construction. 	The Town shall be notified upon discovery.	During construction.	Town of Loomis	
<p>CR-2: If vertebrate fossils are discovered during project activities, all work shall cease within 100 feet of the find until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. The Town and project applicant would also be notified of the discovery and the qualified professional paleontologist's opinion within 48 hours of the initial finding. Treatment may include preparation and recovery of fossil materials, so that they can be housed in an appropriate museum or university collection, and also may include preparation of a report for publication describing the finds. Project activities shall not resume until after the qualified professional paleontologist has given clearance and evidence of such clearance has been submitted to the Town.</p>	The Town shall be notified upon discovery.	During construction.	Town of Loomis	
<p>CR-3: If human remains are encountered during construction activities, work within 100 feet of the find shall halt immediately and the County Coroner should be notified in accordance with California Health and Safety Code Section 7050.5. If the remains are of Native American origin, the Coroner must, in accordance with PRC Section 5097, notify the NAHC within 24 hours of this identification. In turn, the NAHC shall identify a Most Likely Descendent, who shall work with the Town and project applicant to develop a plan for avoidance or removal and disposition of the remains. The project applicant shall implement approved mitigation, to be verified by the Local Agency, before resuming ground-disturbing activities within 100 feet of where the remains were discovered.</p>	The Town shall be notified upon discovery.	During construction.	Town of Loomis	
<p>CR-4: The Town shall conduct a site visit with UAIC prior to issuance of building permits. Measures determined in coordination with UAIC following the site visit, which could include the presence of a tribal monitor during initial ground disturbing activities and avoidance and preservation of resources (should any be identified), will be incorporated into conditions of building permits.</p>	The Town shall consult with UAIC and conduct a site visit with UAIC.	Prior to approval of building permits.	Town of Loomis	

Mitigation Measure	Implementation	Timing	Reviewing Party	Initial/Date Complete
Geology and Soils				
GS-1: 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.	A geotechnical report shall be submitted to the Town.	Prior to approval of building permits.	Town of Loomis	
Hazardous Materials				
HM-1: In the event previously unidentified hazardous materials contamination is discovered or believed to be present, work shall stop immediately and the site shall be investigated by a qualified professional. If contaminated, the area shall be remediated by a qualified professional, in consultation with Placer County Environmental Health Division, the Regional Water Quality Control Board and/or the California Department of Toxic Substances Control, as appropriate. Work shall not resume until potential hazards have been identified and managed.	The Town shall be notified upon discovery.	During construction.	Town of Loomis, Placer County Environmental Health Division, RWQCB, DTSC	
HM-2: Prior to ground disturbing activities on the project site, 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 Placer County Health and Human Services (PCHHS) for review and approval prior to field activities. The workplan shall also include soil sampling around any historic structures. Analytical results from soil samples obtained during Phase II screening level investigations shall be compared to the following standards in order to evaluate possible adverse impacts to human health: <ul style="list-style-type: none"> ▪ Preliminary Remediation Goals (PRGs) for residential usage, established by the U.S. Environmental Protection Agency Region IX; and ▪ California Human Health Screening Levels (CHHSLs) established by the California Environmental Protection Agency. If collected samples show low or non-detect results for the constituents analyzed, no further mitigation is necessary. If exceedances are encountered, contamination removal activities shall be implemented in coordination with PCHHS and DTSC. Remedial activities could include but are not limited to excavating soil, lawfully disposing of soil, and retesting onsite soils to ensure native soils are below action levels.	A Phase II site assessment workplan shall be submitted to the PCHHS.	Prior to approval of building permits.	Town of Loomis, PCHHS, DTSC	
HM-3: In order to minimize the potential for wildland or structure fires, and to ensure that the fire department can respond quickly and effectively to any on-site fires, the building plan for the two residential homes shall be reviewed by SPFD, and all measures recommended by the SPFD shall be implemented.	The building plan shall be submitted to SPFD.	Prior to approval of building permits.	Town of Loomis, SPFD	