

**REVISED 6/20/06**  
**#05-17, TENTATIVE SUBDIVISION APPROVAL, TREE REMOVAL PERMIT,  
MITIGATED NEGATIVE DECLARATION  
APN: 045-150- 003 and -022**

**STAFF REPORT  
PLANNING COMMISSION MEETING OF JUNE 20, 3006  
CONDITIONS PREPARED FOR APPROVAL**

**REQUEST**

Jeff Jones of Foothill Real Estate, LLC, the applicant, requests tentative subdivision approval on a 40-acre parcel located at 5145 James Drive, north of Rocklin Road, APN: 045-150-003 and -022. The request is to divide the property into 16 2.3 acre lots. The property is zoned Residential Estate (RE) and designated Residential Estate in the General Plan. The proposed project, if granted tentative map approval, is consistent with the General Plan and the Zoning Ordinance. A Mitigated Negative Declaration is proposed for the project.

**BACKGROUND**

The project site has been used as a rural residential site, with one home and associated buildings. The site is used for grazing part of the year. Foothill Real Estate has entered into an agreement with the property owner to subdivide and develop the site, leaving the original residence on a 2.3-acre parcel. The site immediately south of the project site was recently subdivided into 7 lots (Poppy Ridge 1). The applicants have purchased one of these lots, and reconfigured it as shown in a lot line adjustment application being considered concurrently with this subdivision, in order to provide the major access for this subdivision, using James Drive as an emergency access road.

**PROJECT DESCRIPTION**

**Site:** The site is located on James Drive north of Rocklin Road on a 40-acre parcel with a zoning and land use designation of Residential Estate (RE).

**Previous Use:** Residential agricultural; one house is located on the property which is proposed to remain; cattle grazing.

**Access:** James Drive is a private roadway easement, 33' wide with a 10-foot wide graded road base that provides access to the existing house on site as well as three southerly lots, at least one of which could be further subdivided. The portion of James Drive closest to Rocklin Road has been offered for dedication to the Town (50' wide standard). This 50' dedication only exists upon the first parcel from Rocklin Road. The project proposes that the James Drive access become a 20-foot emergency vehicle access. A major access, 50' wide right-of-way, would be created by extending Poppy Ridge Court into the project site.

**Surrounding Uses and Zoning:** The site is zoned RE (Residential Estate) 2.3 acre minimum and designated Residential Estate in the General Plan. Surrounding uses are as follows:

**North** – Undeveloped grassland and oak woodland, with pond and oaks adjacent to the project boundary. This area is planned to be developed as part of the Croftwood project in the City of Rocklin (155 lots, zoning, R-1, 12.5) with an average lot size of 12,632 square feet.

**East** – Undeveloped grassland at present. Zoned RE (2.3 acre minimum).

**South** - Undeveloped grassland and the future Poppy Ridge 1 project, zoned RE (2.3 acre minimum).

**West** - Undeveloped portion of Sierra College, planned for future development with college-related housing and/or athletic fields and/or other college uses.

**Vegetation:** Habitat on the project site is composed of approximately 17.2 acres of annual grassland, 24 acres of oak woodland, and 0.40 acres of seasonal pond. The oak woodland is dominated by blue and interior live oaks. The understory of the oak woodland is composed primarily of grasslands, lacking woody vegetation. The annual grassland is dominated by non-native grasses. A fire crossed over the site in within the last several years, affecting the vegetation.

**Wetlands:** 1.72 acres of wetlands on the project site, including a seasonal pond, wetland swales, seeps, fringe wetlands and an isolated wetland (delineation approved by Army Corps, attached). Unless the applicant proposes to fill over .1 of an acre of wetlands, the Army Corps does not require an **individual** permit. This applicant is not proposing to fill more than .1 of an acre although it should be pointed out, that this applicant plans to sell the lots for others to develop. Therefore, lacking a proposal to fill more than .1 of an acre of wetlands, any regulation or mitigation of the wetlands falls to the Town's policies and practices. The Army Corps prefers that wetlands are located within common areas; however the Town allows wetlands to be in private ownership. This has resulted in some violations of waters of the United States. However, given staffing issues, the Army Corps does not tend to enforce their laws on individual parcels, preferring to set them up to minimize potential violations. While violations are the responsibility of the Corps, complaints and concerns come to the Town. In order to reduce this occurrence, Town staff has evolved a policy on discretionary permits of requiring a minimum buffer of 25' from wetlands (possibly greater, depending on the significance of the wetlands) and physically spotting the wetland easements in the field by posts, if not formally fencing them. For this project, the applicant proposes setbacks from the wetlands on the individual lots that range from 12' to 200' with an average of 40'. Additionally, staff, during the environmental review process, requested that the applicant revise the lot configuration so that it would be less likely for the potential owners to cross over or want to use the wetland areas on the sites (attached is copy of initial map proposed by applicants).

**Flood Plain:** The site is outside of the 100-year flood plain.

**Proposed Use:** Residential including potential for second units (with two second units

required to meet the Town's 10% affordable housing policy).

**Proposed Structure/Setbacks:** Not proposed as part of application but project will allow future residential development, including the potential for second units. 20% coverage allowed; setbacks are 75' from centerline of roadway; 25' from side and rear property lines. The initial study proposes a mitigation to the visual change in the area, which has been accepted by the applicant, that the CC&Rs include provisions for 1) no solid fences in front yards, 2) earth tones and natural finishes, 3) structures over 30' in height shall have a minimum 60' setback from the front property line, 4) minimized grading, 5) encouraging retention of existing vegetation, 6) screened areas below any decks, and 6) Development Notebook approval (also allows for modifications considering visual character).

**Building Height:** Per the Zoning Ordinance, buildings would be limited to two stories or 35 feet.

**Parking:** Per the Zoning Ordinance, each parcel will provide 2 covered and 1 uncovered spaces, plus 1 additional space for each bedroom over 3, plus, for second units, 1 off-street space for studios or 1 bedroom units and 2 spaces for 2 or 3 bedroom units. Street will be wide enough (24' and 20' with 2' flat shoulders and 11' edge in 50' right-of-way or 3' edge in 30' right-of-way) to allow parking at the edges.

**Paving:** Roads would be paved to 20' and 24' in width.

**Number of Proposed Driveways-** 16; Additional may be allowed through approval by Public Works Director.

**Lot Line Adjustment:** The applicant has submitted for a lot line adjustment, but it was received too late to be in the original notice. Therefore at this time, staff's recommended conditions require that the lot line adjustment be completed prior to final map approval. .

**Grading:** No grading plan has been prepared. A grading plan will be prepared with the Improvement Plans and each building permit. Staff recommends that, given the concerns expressed regarding grading during the bus tour of projects in Town, that the Commission consider that grading on each site be limited to the area covering the proposed residences.

**Landscaping:** The applicant proposes to address landscaping in the CC&Rs; Town staff is anticipating receipt of the CC&Rs by the time this report is issued and they will be attached.

**Fencing:** Post and cable fencing will be provided around non-development easements for Lots 9, 10 and 11; and posts, 25' apart, without cable fencing on the other lots. As noted previously, the CC&Rs will not allow solid fencing in front yards.

**Lighting:** Lighting to comply with 13.30.080 of the Town's zoning ordinance. If the

Commission wishes to place additional lighting restrictions (no sports court lighting, no lights higher than x'), this would be the appropriate time.

**Hazardous Materials:** No known hazardous materials occur on the project site. A 500-gallon oil storage tank was located near the existing residence. The Health Department has responded to the Negative Declaration, requesting Phase I information, removal of the underground tank, depending on its location with respect to lot lines, and removal of the existing well and septic tank per their standards. Since it has now been determined that the tank was removed many years ago, and its disposition has been discussed with the health department, recommended Condition 44 has been revised to require that the area around the waste oil tank site be investigated and remediated if necessary, prior to Final Map approval.

**Signage:** No new signage is proposed, including signage for subdivision. Poppy Ridge 1 includes entry way signage, currently existing. Any new signage must receive permits from the Town.

**Drainage:** The site drains north to a pond that flows to an unnamed tributary of Secret Ravine. Mitigation Measure 23 requires that onsite features provide enough retention to reduce flows to pre-project levels. Staff recommendations include the standard conditions for drainage, required by the Placer County Flood Control District Storm Water Management Manual and the Loomis Land Development Manual.

#### **Improvements/Utilities/Service Systems:**

**Sewer:** South Placer Municipal Utility District (SPMUD). The site is currently being annexed into SPMUD and it is anticipated that this project may be developed after the sewer has been extended through the Croftwood project. If this is not the case, a lift station is proposed to provide sewer for the site with approvals from SPMUD.

**Water:** Placer County Water Agency

**Gas/Electric:** PG&E

**Environmental Review:** A Mitigated Negative Declaration is proposed to be adopted to address the environmental effects of the project, under provisions of the California Environmental Quality Act, Section 15070 through 15075. Responses to the comments received are attached. Commissioner Thew requested that the response letters be included with the Poppy Ridge 2 Comments and Responses. The letters are now attached to the Comments and Responses.

#### **ISSUES**

**Land Use:** The zoning and land use designation for the site is RE-Residential Estate. The proposed 2.3-acre residential lots are consistent with this designation and zoning.

The individual lots include easements for wetlands with buffers. The site was designated for 4.6 acre lots prior to 2001; the owner requested much smaller single family lots during the General Plan Update of 1998-2001, more in keeping with adjacent lands in Rocklin.

At the Council meeting on May 9, 2006, the Council indicated it will support (4-1) that the wetlands on this site (given their lower quality) could be placed in an easement, enforced by a non-profit organization with seed money for this enforcement from the developer, also including an Irrevocable Offer of Dedication made to the Town for the possibility of a future public pathway/open space area. While the Council indicated that seed money would be an appropriate funding mechanism for the maintenance of the open space/wetlands area, staff is recommending that an endowment be established for long-term maintenance and enforcement of the easement prior to Final Map approval. The applicant does not favor this requirement and will submit an alternative funding proposal for this project for the staff to review prior to your Tuesday meeting.

**Circulation, Traffic and Parking:** The General Plan states for this area:

3. Residential Estate designation northwest of Rocklin and Barton Roads. The planning of proposed subdivision and development in this Residential Estate designation is encouraged to be coordinated among the different property ownerships. Proposed subdivisions shall be designed to provide parcels with a minimum of 4.6 acres along the Barton and Rocklin Road frontages, and a minimum of 2.3 acres when located away from Barton and Rocklin Roads. To the extent feasible, building sites, should be set back from Rocklin Road and Barton Road to retain native vegetation and terrain features, and preserve the present appearance as a rural road corridor. Access to new parcels is to be provided by new roads from Barton Road and Rocklin Road, with no individual driveway access to Rocklin Road.

Comments from several citizens that staff has heard from, suggest that the main access for the project be through James Drive to minimize impacts to the wetlands and trees. The subject property currently only has title to a 33' wide access on James Drive to Rocklin Road, although it is likely, with future subdivisions, that 50' could/would eventually be dedicated to the Town. If the Commission wishes to request that the subdivision's main access be James Drive, the Commission could ask the applicant if he could acquire the 50' right-of-way (however, to condition this 50' requires an off-site condition which is legally difficult to enforce). The applicant does not favor this approach (having acquired the right to use Poppy Ridge Drive through an agreement with its owner). Technically, this access, if acquired, could be used although the first residence on James Drive adjacent to Rocklin Road appears to be fairly close to the westerly property line, although not within the 50' right of way.

The project is conditioned to provide a potential access to Barton Road through the adjacent parcels. Staff conditions recommend signage at the end of the partially completed street, as well as notice to the new buyers, in order to best insure that this happens after construction of the homes has been started or completed (a problematical

situation). This would insure the more circulation throughout the 160 acre area, rather than continual cul de sac accesses to Barton or Rocklin Roads.

The developer of the adjacent project, Poppy Ridge I, has submitted information to the Town regarding the recorded agreement between this parcel, the Manzitto parcel and their project, and indicated that their agreement only allowed for the additional traffic on this parcel of 16 additional units. The Town Attorney has reviewed this information and is comfortable with the conditions placed on the project by the Town. As shown in the General Plan statement above, the Town has continually expressed an interest in coordinating the circulation for all of the parcels north of Rocklin Road and east of Barton Road- and the recommended conditions for this map would carry out that policy.

The project would increase traffic levels on local roadways, but not enough to degrade service levels on those roads. The project will pay its fair share toward circulation improvements identified in the General Plan. New homes will comply with the Zoning Ordinance parking requirements.

**Noise:** Normal grading and building construction noise would occur, but would be restricted by Mitigation Measure 24. Once occupied, there would be noise that is typical of residential development, including traffic noise. Noise levels would not be great enough to exceed Town standards.

## **Resources (Biological, Agricultural, Cultural, Hydrology, Drainage, Water Quality, Air Quality)**

### Biological Resources/Trees

The project site provides habitat for one special-status plant and six special-status wildlife species, as well as nesting habitat for other raptors. The wildlife species would occur in the single elderberry shrub on the project site, wetlands and/or pond, none of which will be disturbed by the project. The plant species habitat occurs throughout grasslands, so the loss of habitat on the project site would not be significant.

Mitigation Measure 8 requires preconstruction surveys and protection of active raptor nests.

The project site contains 1.72 acres of wetlands, of which 1.59 are considered jurisdictional Waters of the U.S. Most of these wetlands would be avoided, and placed in non-construction easements with 12 to 200-foot buffers surrounding them. The buffers average 40'. Activities in the easement would be limited to those that would not adversely affect wetlands (e.g., grazing). Approximately 0.05 acres of wetland swale would be filled to accommodate the construction of Drive B. An additional 0.006 acres of wetland would be lost to provide access to the eastern side of Lot 16. The total loss of wetlands would be less than .1 acre, thereby not requiring a permit from the Army Corps (which would then trigger their ability to require that the wetlands to be located on separate parcels). The mitigation and protection of the wetlands therefore falls to the Town. Mitigation

Measures 9 through 14 require purchase of wetlands credits or payment of fees to meet the Town's "no net loss" of wetlands policy (Natural Resource and Open Space Policy 8b), and to ensure that wetlands preserved onsite are protected from disturbance and degradation. The mitigations in the Negative Declaration require annual review of the wetlands by a non-profit organization and a fund for correction of any violations that may occur.

Lot 2 contains wetlands that have not received much focus during the discussions on the wetlands. The developer has pointed out that adding this much smaller wetland area, with the other wetlands being removed (an area allowing for a connection over the easement on Lot 16, and the area underneath B Drive) would still total less than .1 of an acre. If the Commission is willing to have this wetland area filled, the developer would mitigate for this smaller area on Parcel 2 through mitigation fees to the Town and/or purchase of mitigation credits- but it is not necessary for their project.

Staff has requested that the applicant show the protected trees within 50' of any proposed improvement/grading and within the proposed building sites and driveways. Other protected trees are listed in the arborist report but not shown on the maps before the Commission. A copy of the map overlaid an aerial is provided for the Commission's understanding of this issue in the Negative Declaration- Figure 5, page 16.

An arborist report documented 1,174 trees meeting the Town's Tree Ordinance criteria. The combined diameter of these trees is 19,817. Of the total, 140 trees were recommended for removal due to compromised health and/or structural stability (mainly due to fire that went through project area). An estimated 275 trees with an aggregate diameter of 4,707 inches (of which 46 trees should be removed because of their condition) are estimated to be removed for infrastructure and building sites. Mitigation Measure 15 requires compensation for the lost trees through replanting onsite or at another suitable location and/or payment of in lieu fees, pursuant to the Tree Ordinance. Staff's recommended conditions require Commission review and approval of the mitigation plan prior to Final Map or Improvement Plan approval. The specific information required for a tree permit cannot be completed until Improvement Plans are done- so the approval of any Tree Permit can only be conceptual at this time. Attached is Section 13.54.070 of the Town's Tree Preservation Ordinance which lists the review standards for approving or denying tree permits.

During discussions with the environmental consultant as the environmental document evolved, staff worked with the Town's and applicant's arborist to create an alternative tree protection/mitigation plan. However, this alternative would be in conflict with the current ordinance (would allow for deviation from the \$500 per inch of tree for blue oaks while in concert with what the Town's arborist may recommend regarding the tree ordinance, which will reflect condition of trees, a mitigation fee approximating \$100 per inch, etc.) and therefore could not be a proposed mitigation. Staff attaches this document for your information, since it cannot be implemented under the current ordinance. The applicant states that it is infeasible to pay \$500 per mitigation inch, and prefers to mitigate on site. Under the tree ordinance, the review authority must determine that replacement or

revegetation is not feasible or desirable before allowing for payment of in-lieu fees. On-site mitigation brings up the question of location of trees and monitoring in back yards. These questions would be resolved during the Commission approval of the tree protection/mitigation plan. Staff recommends that the Commission review the Conditions, starting at Condition 55, to insure that the Commission is comfortable with these conditions for on-site mitigation.

### Cultural Resources

A cultural resource assessment did not identify any significant historic or prehistoric resources within the project site. Therefore, the Proposed Project would not affect any resources on the surface. However, the potential exists for such resources to be located below the surface, where they would not have been discovered during the field survey. The project site is located on a formation that can contain paleontological resources. Mitigation Measures 16 and 17 require that construction workers be informed of the types of materials that could indicate an archaeological or paleontological site, and that work stop in the vicinity of any resources uncovered during construction until the find can be evaluated and properly treated.

### Drainage

The site drains north to a pond that flows to an unnamed tributary of Secret Ravine. Mitigation Measure 23 requires that onsite features provide enough retention to reduce flows to pre-project levels.

### Water Quality

Construction activities could cause erosion and result in water quality degradation from equipment (e.g., such as fuel leaks). Mitigation Measure 18 requires an erosion and sediment control plan, and the contractor must obtain a NPDES General Construction Permit, which requires preparation and implementation of a Stormwater Pollution Prevention Plan. These measures would protect water quality during construction.

The project could result in minor amounts of pollutants entering onsite drainages via stormwater runoff that has come into contact with roads or other surfaces that contain oil or other contaminants. Mitigation Measure 22 requires preparation of a plan demonstrating compliance with the Town's Municipal Stormwater Permit, which regulates stormwater quality.

### Air Quality

The project site is in a non-attainment area for ozone and for PM 10 [particulate matter over 10 microns in size]. The project would not generate enough air emissions to exceed Placer County Air Pollution Control District standards for either project-specific or cumulative development. Furthermore, the proposed project is consistent with the General Plan, and the Town has adopted a statement of overriding considerations for the



increase in air emissions resulting from General Plan implementation. In addition, Mitigation Measures 4 through 7 would reduce construction emissions.

### Aesthetics

The project site is a rural agricultural parcel, with one home and out buildings on 40 acres. At present, the site is surrounded by undeveloped land. Views of the site are obscured by topography and oak woodlands. The only views of the project site at present are from several homes along Barton Road, which are located at slightly higher elevations.

The Proposed Project would alter the visual character of the project site by allowing 15 new homes to be constructed on land that is currently oak woodland and grazing land. The existing residence would remain, although some of the out buildings would be removed. The new homes could be much larger than the existing, one-story house. Since lot coverage for structures is limited to 20 percent, each home would be surrounded by natural or landscaped land. Second units of up to 1,200 square feet could also be developed on these lots in addition to accessory structures, pools, garages, etc. This development would be similar in character to other rural residential development currently occurring in the Loomis area.

Mitigation Measure 1 requires that development within the project site be compatible with the rural character of Loomis, and specifies provisions to be included in the CC&Rs regarding larger building setbacks for homes over 30' in height, grading, exterior colors etc. as noted previously.

The Town Council has directed the Commission to consider regulations on home sizes and impervious coverage, and your responses are in progress. If the Town adopts the ordinances, it is probable that, if a building permit has not been issued, that any development on these lots would be covered. However, in order to make it clear, and prior to the developer acquires vested rights on any of these issues, the Town Attorney has suggested a condition for your consideration (if that is your desire) noting that these lots would be subject to any ordinances that the Town adopts in response to these issues.

### Housing

The proposed project would provide 15 new above-moderate residential units and up to 15 new secondary units. Mitigation Measure 25 requires that the applicant demonstrate that the project meets the Sacramento Regional Compact for Production of Affordable Housing policy with assurance for this to be worked out prior to Final Map Approval, and that CC&Rs not preclude secondary units. These measures would ensure that the project provide its fair share of affordable housing.

The applicant is proposing that the details on the required two second units would be worked out with staff between tentative and final approval.

## Open Space

The project does not propose any specific open space areas, although an argument can, and has been made with the General Plan issues, that the larger lots provide open space in themselves. The subdivision has non-development easements within residential lots containing about 1-½ acre of wetlands. When building permits are issued for each lot, the Town's open space fee will be collected.

Open Space Committee recommendations are attached for your consideration.

## CC&Rs

The Town Attorney has reviewed and revised the conditions to include the Town's concerns related to CC&Rs and retaining the rural environment. The requirement has been placed on the developer regarding whether the uses are inconsistent with the Town's ordinances- with staff reviewing. The Commission has a copy of the proposed CC&Rs and can use these to determine if they have additional concerns on the project.

Grading/Building Envelopes: Condition 60 has been revised to state: Lot grading shall be limited to a maximum of 18,000 square feet for a foundation, garage, pad, and driveway. The applicant is concerned that this would not allow for pools or other amenities- and that the Town's real objective is not to allow for mass grading. An alternative would be to modify the condition to not require mass grading or to use building envelopes as the area for grading and building. Staff has modified the condition to include slopes.

## Public Services

Service to the project would be provided by the Loomis Fire Protection District, Placer County Sheriff's Department, Loomis Union School District and Placer Union High School District. The project property owners will pay property taxes, school fees, and development fees to provide funding for these services.

## Utilities

Water service to the project site would be provided by PCWA, which has adequate supplies and infrastructure to serve the site (on a first come basis). Sewer service is proposed to be provided by SPMUD, which requires annexation currently in process. Mitigation Measure 20 requires that, if annexation is not approved, then a septic study and plan must be approved by the Town, and that all septic systems must comply with the County's Sewage Ordinance.

***RECOMMENDATION: Continue public hearing, take testimony, review responses to comment on Negative Declaration, discuss issues in staff report and***

***recommendation in light direction from the Council and approve Resolution 06-08 for the Poppy Ridge 2 project with the findings in Exhibit A and the recommended conditions in Exhibit B.***

**ATTACHMENTS (*attached to March 21, 2006 report*):**

1. Application
2. Initial map submitted (small copy)
3. Negative Declaration (previously delivered to Commission)
4. Draft Mitigation Monitoring Program
5. Open Space Committee comments/recommendations
6. Discarded Oak Tree Mitigation Plan (for information)
7. March 2006 Letter of Delineation Approval from Army Corps
8. Section 13.54.070 on Tree Permit Actions
9. Plans dated 3/06
10. Figure 5 from Negative Declaration
11. Proposed CC&Rs
12. Comments to Negative Declaration including Health Department comments, Correspondence from Public
13. Draft resolution, findings, and conditions of approval

Attached to this Staff Report

14. All letters, comments on Negative Declaration and Responses to Comments

**NOTE:**

Notice published in paper 2/9/06 and mailed 3/10/06

**RESOLUTION NO. 06-08**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS APPROVING A NEGATIVE DECLARATION AND A SUBDIVISION FOR 16 LOTS and CONCEPTUAL TREE PERMIT FOR *LOOMIS LAND COMPANY* TO ALLOW THE CONSTRUCTION OF 15 NEW HOMES ON 40 ACRES AT 5145 JAMES DRIVE NEAR ROCKLIN ROAD ON APN 045-150-003 and 045-150-022 .

**WHEREAS**, Loomis Land Company, LLC, the applicant, has proposed to subdivide a 40 acres parcel into 16 lots at 5145 James Drive near Rocklin Road, Assessor's Parcel Numbers 045-150-003 and -022 , such application being identified as # 05-17; and

**WHEREAS**, on March 21, 2006, April 18, 2006, May 16, 2006, and June 20, 2006 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 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 hereby makes the findings attached herein as Exhibit A in connection with the Tentative Subdivision Map and conceptual Tree Permit.

**NOW THEREFORE**, based upon the findings set forth hereinabove, the Planning Commission of the Town of Loomis, at its meeting of June 20, 2006, did resolve as follows:

1. The Negative Declaration is approved, and staff is directed to file an appropriate Notice of Determination with the County Clerk.

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 Mitigation Monitoring Program is approved.
4. The Poppy Ridge 2 subdivision, #05-17 is hereby approved per the findings set forth in Exhibit A and the conditions set forth in Exhibit B.

ADOPTED this 20th day of June, 2006, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

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Greg Obranovich, Chairman

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Kathy Kerdus, Secretary

## EXHIBIT A

### FINDINGS:

#### Negative Declaration

1. The initial study identified possible adverse environmental effects, but conditions of project approval have reduced them to a point where they are not considered significant.

#### Subdivision

1. This proposed subdivision, together with the provisions for its design and improvement, is consistent with the Town of Loomis General Plan and the Zoning Ordinance in that the design meets the requirements of the Town's General Plan in that each lot is a minimum of 2.3 acres, the improvements meet the Town requirements for this area and lot size as conditioned, the wetlands have been considered at several meetings and determined that they can be located within easements in an enforceable manner, the circulation is in accordance with the requirements for this area in the General Plan in that it will provide future accessibility for the area, the tree removal has been reviewed and appropriate on-site mitigation will be provided, and the wetland area is offered in an irrevocable of dedication to the Town if in the future the Town determines that it will be an appropriate addition to its open space program.

#### Tree Permit (Conceptual)

1. The approval of the tree permit will not be detrimental to the public health, safety or welfare, and approval of the tree permit is consistent with the provisions of Chapter 13.54 of the Zoning Ordinance as the proposed removal of the trees on site has been reviewed and approved by the Planning Commission with on-site mitigation required. The alternative roadway use of James Drive would not significantly reduce the tree removal necessary for the roadways required to provide access to the project. A formal tree protection plan, to determine location for on-site mitigation, and if alternative mitigations need to be established, particularly for future home construction, is required for the Final Tree Permit.
2. Measures have been incorporated into the project or permit to mitigate impacts to the remaining trees or to replace the trees removed (Mitigation Plan approval by Planning Commission required).

EXHIBIT B  
RECOMMENDED CONDITIONS OF APPROVAL  
PLANNING COMMISSION 3/21/06 *(Revised 4/18/06 and June 20, 2006)*

This subdivision application is approved for 16 lots on a 40 acre parcel at 5145 James Drive, APN 045-150-003 and -022, near Rocklin Road per the following conditions. The owner has two (2) years in which to record the Final Map). The approval expires on May 16, 2008, unless extended by the Planning Commission. The parcels shall be in accordance with the tentative subdivision map dated March 15, 2006 and these conditions.

GENERAL CONDITIONS

1. \_\_\_\_\_ Owner shall comply with all provisions of the Town of Loomis Municipal Code.
2. \_\_\_\_\_ The conditions of approval incorporate by this reference and require the owner to implement all of the mitigation measures listed in the Final Mitigated Negative Declaration Mitigation Monitoring Program, attached, with phasing as approved by the Planning Director.
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 said 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 entitled "Tentative Subdivision Map", as prepared by consisting of one sheet, dated "March 2006", except as may be modified by the conditions stated herein.
5. \_\_\_\_\_ When submitting for Plan Check (both improvement plan check and building 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 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.
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.

#### IMPROVEMENTS (ROADWAY, DRAINAGE, GRADING AND PARKING DESIGN)

8. \_\_\_\_\_ The owner shall record a 20' wide emergency access and utility easement connecting the project to James Drive on the final map.
9. \_\_\_\_\_ The owner shall dedicate 30' of road easement on A Court (north of B Drive) and Hartwick Court; and 50' of road easement on B Drive and A Court (south of B Drive) as shown on the Tentative Map on the final map. These dedications shall allow for the extension of B Drive to Barton Road, including the potential traffic that may occur with this connection. A sign, approved by the Planning Director shall be placed at the end of B Drive indicating its future extension. A notice to buyers of this extension shall be included in the transaction documents for any transfers of properties in the subdivision until B Drive is extended.
10. \_\_\_\_\_ The owner shall construct pavement widths, roadway shoulders, cul-de-sacs and driveway locations as shown on the tentative map.
11. \_\_\_\_\_ The owner shall obtain an encroachment permit prior to any work within public rights-of-way.
12. \_\_\_\_\_ If required by the Town, the owner shall install a night sky sensitive standard post-top street light at all intersections and at the ends of cul de sacs. The height and intensity of the light shall be the minimum necessary to meet Town standards. The owner shall submit the light fixture design to the Town Engineer for approval prior to any ordering of the material.
13. \_\_\_\_\_ 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.
14. \_\_\_\_\_ 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 an approved time extension in accordance with the provisions of the Loomis Municipal Code and other applicable laws.
15. \_\_\_\_\_ 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.
16. \_\_\_\_\_ The owner shall submit certified as-built plans and computer generated design files



on disk detailing the improvements prior to final acceptance of improvements.

17. \_\_\_\_\_ 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.
18. \_\_\_\_\_ The 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 or related to this project.
19. \_\_\_\_\_ The owner shall dedicate all necessary easements for streets, alleys, sewers, water facilities, utilities, drainage facilities, and other facilities as required by the Town on the final map.
20. \_\_\_\_\_ 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.
21. \_\_\_\_\_ If the development abuts undeveloped open space, the development shall be designed to be accessible for fire fighting requirements with approval of the Fire Department and Department of Public Works prior to approval of the any final occupancy/Final Map. On going maintenance of the area shall be addressed in an agreement or manner satisfactory to the Town Attorney.
22. \_\_\_\_\_ Improvement plans shall show the location and size of fire hydrants and water mains in conformance with the standards and requirements of the Loomis Fire District and Placer County Water Agency.
23. \_\_\_\_\_ All grading shall conform to the Town Grading Ordinance (Municipal Code Section 12), and/or as recommended by a soils report prepared by the owners Geotechnical firm, with prior review and approval by the Town Engineer. A Grading Permit shall be obtained prior to building permit issuance.
24. \_\_\_\_\_ Both on-site and off-site drainage facilities shall be designed and constructed as directed and approved by the Town Engineer in compliance with the Drainage Manual, Mitigation Measure 22 (see the attached MMP) and best engineering practices prior to issuance of building permits. Prior to onsite construction, the owner shall submit a grading and drainage plan to the Town Engineer for review and approval that addresses the impacts to the drainage patterns and runoff increases. On-site detention shall be provided on each project for which a building permit is issued, for the increased runoff rate caused by project development in accordance with the Placer County Flood control District Storm Water Management Manual and the Loomis Land Development Manual.
25. \_\_\_\_\_ The applicant shall submit a plan for complying with the Municipal Stormwater Plan to the Town Engineer prior to approval of Improvement Plans.

26. \_\_\_\_\_ If applicable, prior to recordation of the Parcel/Final Map, the owner shall submit documentation from a licensed engineer, for review and approval by the Town Engineer, which indicates the elevation of the 100 year flood throughout the site. The flood plain shall be delineated on the Final Map. On each building permit and prior to final building approval, an engineer shall certify that the finished floor elevation is a minimum of 2' above the base flood elevation.
27. \_\_\_\_\_ The owner shall agree to the maintain the street (which will allow public access) and drainage facilities, any common landscaping, fire hydrants, street lights, and open space in a manner satisfactory to the Town Attorney.
28. \_\_\_\_\_ New home design shall be consistent with the rural character of the Town of Loomis.

Home design and placement shall emphasize conformance with existing topographical features and oak trees, and mass grading shall be avoided to the extent feasible.

The CC&Rs shall include the following provisions:

- The minimum house size shall be no more than 2,400 square feet with a minimum of two enclosed parking spaces.
- No solid fences shall be allowed in front yards.
- Structures and solid fences shall use earth tones and natural finishes to blend into the natural background.
- Buildings over two stories or 30 feet in height shall be set back from the lot line by a minimum of 60 feet.
- Grading for landscaping shall be minimized to the extent feasible.
- Retention of existing vegetation and landscaping compatible with existing vegetation shall be encouraged.
- Areas beneath decks shall be screened.
- Accessory structures shall be compatible with the main structures.
- Clotheslines shall be allowed except in front and exterior side yards.

The above requirements may be changed through Development Notebook review and approval, so long as the Town determines that the changes would not substantially degrade the visual character of the project area.

29. \_\_\_\_\_ The CC&Rs shall include the following provisions:
- Solar roof tiles shall be allowed.
  - Second units shall not be prohibited.
30. \_\_\_\_\_ The owner shall submit the CC&R's for staff review (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 Town Planner, Engineer and Attorney prior to Final Map/Parcel Map approval.

31. \_\_\_\_\_ The Town reserves the right to amend the Town Standard Plates and Standard Land Development Specifications prior to Building Permit application.

#### AGENCIES

32. \_\_\_\_\_ The owner shall provide will-serve letters from all applicable utilities, the franchised refuse collector, the post office, and the fire department for the review and approval of Town staff, to the extent legally required. The owner shall complete all legally enforceable requirements or conditions imposed upon the project by these agencies to the satisfaction of the agencies prior to any building permits being issued.
33. \_\_\_\_\_ The owner shall provide will-serve letters from the school districts in which this property is located and shall pay the impact fees as determined by the two school districts at building permit issuance, to the extent legally required.
34. \_\_\_\_\_ The owner shall install sewer, water and utilities so that they are stubbed to each lot prior to recordation of Parcel / Final Map.
35. \_\_\_\_\_ The owner shall install sewer, water, and utilities prior to Final Map Approval to the satisfaction of PCWA, Health Department, Loomis Fire Department, and South Placer Municipal Utility District (unless annexation does not occur) in compliance with Town standards, the Municipal Code, etc. The Town Engineer, in consultation with the applicable agencies, shall determine whether this condition has been met. If a lift station is required, Planning Director shall approve landscaping for screening prior to approval of improvement plans.
36. \_\_\_\_\_ All utility facilities (except for utility boxes, lift station and other appurtenances that are allowed above ground) shall be placed underground in accordance with the Loomis Municipal Code.
37. \_\_\_\_\_ While sewer service is to be provided if it is at all possible, if annexation to SPMUD cannot occur, a complete site evaluation to confirm septic system suitability for this project must be submitted and approved by the Placer County Environmental Health Department prior to issuance the final map. The site evaluation shall include a clear project description with information about the type of liquid wastes to be generated from the kitchen, e.g., greases, etc. if one is proposed. The septic system shall be constructed as approved by the Health Department prior to issuance of a Certificate of Occupancy.
38. \_\_\_\_\_ The owner shall insure that adequate dust controls are implemented during all phases of project construction and operation. Dust controls must be reviewed and approved by the Placer County Air Pollution Control District prior to

groundbreaking. A booklet on Fugitive dust is available from the Placer County Air Pollution Control District.

39. \_\_\_\_\_ The owner shall insure that the project conforms with all Placer County Air Pollution Control District Rules and Regulations, and that Mitigation Measures 4 through 7 (see attached MMP) are implemented.
40. \_\_\_\_\_ The owner shall minimize open burning of wood and vegetative waste materials from both the construction and operation of the project. No open burning shall occur unless it can be demonstrated to the Placer County Air Pollution Control Officer that alternatives have been explored. These alternatives may include, but are not limited to chipping, mulching, and conversion to biomass fuel. For any open burning that does occur, a Placer County Air Pollution Control District permit must be obtained. Any open burning shall be in conformance with Placer County Air Pollution Control District Regulation 3 [Open Burning], Rules 301-325. The burning of construction/demolition debris, other similar materials listed in the Rules, or landscaping materials is prohibited.
41. \_\_\_\_\_ The owner shall not discharge of fuels, oils, other petroleum products, chemicals, detergents, cleaners, or chemicals to the surface of the ground or to drainageways on or adjacent to the site.
42. \_\_\_\_\_ The owner shall furnish future homeowners with information regarding the county's prohibition against open burning of refuse/household trash. The burning of construction debris is prohibited by County and State rules and regulations.
43. \_\_\_\_\_ The owner shall subscribe to weekly refuse collection. Enclosure design and placement, if visible from a public road, shall be submitted for review and approval by the Planning Director in accordance with good planning practices and the surrounding area and Auburn Placer Disposal prior to issuance of a building permit.
44. \_\_\_\_\_ The owner shall comply with the requirements of the Placer County Environmental Health Department:
  1. Properly destroy, under permit and inspection, the existing well(s) and/or septic system(s) located within the project site. Said destruction shall be shown on the Improvement Plans and included in the engineer's estimate of cost of subdivision improvement.
  2. If at any time during the course of executing the proposed project, evidence of soil and/or groundwater contamination with hazardous material is encountered, the applicant shall immediately stop the project and contact the Environmental Health Services Hazardous Materials Section. The project shall remain stopped until there is resolution of the contamination problem to the satisfaction of the Environmental Health Services and to Central Valley Regional Water Quality Control Board. A note to this effect shall be

added to the Improvement Plans where applicable.

45. \_\_\_\_\_ The owner shall comply with the requirements of the Loomis Fire Protection District prior to recordation of Parcel/Final Map.
46. \_\_\_\_\_ Per the Loomis Fire Protection District, prior to building permit issuance, an all-weather access driveway shall be provided to any new development, which shall be properly graded, culverted (if necessary), and surfaced with a 4-6 inch base material to allow emergency vehicle access to the parcels.
47. \_\_\_\_\_ The owner is subject to the development approval standards established by Resolution No. 1-2004 of the Loomis Fire District, and the fire service fee established by Loomis Fire District Ordinance No. 1-2004 (for new commercial, industrial and office developments).
48. \_\_\_\_\_ Improvement plans shall show the location and size of fire hydrants and water mains in conformance with the standards and requirements of the Loomis Fire District and Placer County Water Agency.
49. \_\_\_\_\_ Any security gates and/or fences on the individual lots shall require detailed plans that shall be submitted to the Sheriff's Substation and Fire Department and Planning Department for approval prior to issuance of building permits.
50. \_\_\_\_\_ The owner shall confer with local postal authorities regarding mailbox clustering and turnouts. A letter from the Post Office indicating their conditions are satisfied must be submitted prior to issuance of building permits.

#### GENERAL PLANNING

51. \_\_\_\_\_ 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.
52. \_\_\_\_\_ The project shall conform to the Zoning Ordinance land use noise compatibility standards and shall implement Mitigation Measure 24 in the attached MMP.
53. \_\_\_\_\_ 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.).
54. \_\_\_\_\_ All lots (including cul-de-sac and knuckle lots) shall have a minimum frontage of

40'. Structures over 30' in height (measured in accordance with Town Zoning Ordinance) shall have a minimum front (and corner side) setback of 60'. Flag lots shall provide a minimum of two additional on-site parking spaces as approved by the Planning Director.

55. \_\_\_\_\_ Owner shall submit a tree mitigation/tree protection plan in accordance with the Town's tree ordinance for approval by the Planning Commission prior to final map approval (including the following bullets). All utilities shall be installed in accordance with the approved arborist report.
- Every attempt shall be made to retain as many existing trees on-site as possible.
  - Measures to protect the trees and the area within the dripline from damage during grading and construction shall be included with necessary permits and shown on the plans.
  - Prior to on-site construction, the owner shall deposit funds with the Town to pay for a certified arborist to provide periodic inspection of the site during grading and construction, and verification to the Planning Director that the approved protection measures are properly implemented.
  - Prior to issuance of any grading permit the owner shall have the Town arborist meet with his arborist and grading contractor to discuss the various arborist requirements during construction.
  - A tree protection plan (including a list of removed trees, replacement trees, their irrigation and maintenance) prior to any on-site construction/issuance of any permit or recordation of map.
  - Monitoring shall be conducted pursuant to the tree ordinance, except that the monitoring period may be extended up to 5 years. .
56. \_\_\_\_\_ Specific recommendations as stated in the tree protection/mitigation plan and approved by the Planning Commission shall become requirements of the project and be completed prior to final occupancy.
57. \_\_\_\_\_ The grading 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 Tree Protection Plan. Owner shall protect the trees and area within the dripline from damage during grading and construction.
58. \_\_\_\_\_ A grading permit shall be obtained prior to any onsite construction.
59. \_\_\_\_\_ A minimum \$10,000 cash performance bond for the improvement plan issuance (or an amount deemed adequate by the Planning Director to insure that the heritage trees on site are protected and can be replaced, if required) and a cash performance bond deemed adequate by the Planning Director for construction on each lot shall be posted to insure the preservation of trees during construction. The bond shall be posted in a form approved by the Town Attorney prior to issuance of any permits or

any grading or movement of heavy equipment onto the site, whichever occurs first.

60. \_\_\_\_\_ Lot grading shall be limited to a maximum of 18,000 square feet for the foundation, garage, pad, slopes, and driveway. Some lots may not accommodate the full 18,000 square feet due to physical and legal (e.g., non-development easement) constraints. Consistent with the General Plan, mass grading shall not be allowed. A document giving notice of these requirements shall be recorded with the final map.
61. \_\_\_\_\_ The applicant shall comply with the Town of Loomis Municipal Code Chapter 13.54 Tree Preservation and Protection (the current 10% removal of trees allowance does not come into effect until initial development of each lot is complete). When building permits are issued, the permittee shall purchase a copy of Living Among the Oaks to better preserve the existing oak trees.
62. \_\_\_\_\_ The hours for on-site construction shall be limited to Monday through Friday, 7 AM to 7 PM, and Saturday, 8 AM to 5 PM to assure public health, safety and welfare. No work shall occur on Sundays. Work inside the building which cannot be heard at the property lines is specifically excluded from these restrictions.
63. \_\_\_\_\_ All lighting shall be night sky compliant, shielded and directed on-site. Residential lighting shall comply with Section 13.30.080 of the Loomis Municipal Code.
64. \_\_\_\_\_ The developer shall ensure that heavy equipment operators and workers involved with initial site development are informed of the potential archaeological and paleontological resources and indicators of such resources, per Mitigation Measures 16 and 17 in the attached MMP.
65. \_\_\_\_\_ If archaeological, historical, or paleontological features are discovered during construction, work within 100 feet of the find shall be halted, and the Town of Loomis Planning Department shall be notified. A qualified archaeologist, historian, or paleontologist shall be retained at the developer's expense to conduct an on-site evaluation and provide recommendations for removal and/or preservation.
66. \_\_\_\_\_ The developer shall deed the development rights for the wetlands easements on the parcel to a qualified non-profit organization approved by the Planning Director which to preserve and maintain the wetlands on the property with the Town as a third party as approved by the Town Attorney. The funding mechanism shall be established, and the non-profit organization shall be identified prior to approval of the Final Map and detailed in the CC&Rs and other documents as approved by the Town Attorney.
67. \_\_\_\_\_ The developer shall prepare a monitoring and maintenance plan for the non-development easement. The plan shall be submitted to the Planning Commission for approval prior to Final Map approval. The plan shall be incorporated into the

CC&Rs and shall include the following items:

- Attorney fees shall be recovered from the Home Owners Association or offending party.
  - The Town shall review and approve the contract and any renewals with the non-profit organization.
  - The Planning Director shall receive and approve annual reports from the non-profit organization.
  - Method for funding of monitoring and maintenance plan.
68. \_\_\_\_\_ The developer shall make an offer of dedication to the Town for the wetlands easement area on the property, in the event that the Town desires for the property to become public open space or parkland in the future.
69. \_\_\_\_\_ The developer shall dedicate the area on the Tentative Map shown on individual lots as a non-development easement with an Irrevocable Offer of Dedication to the Town. Within 60 days of approval of improvement plans, the easement shall be marked in the field with permanent 4"x4" redwood posts 3' tall or equivalent posts (with connecting cable on the exterior boundary of the easement through lots 9, 10 and 11) no more than 25' apart after construction and with temporary fencing to protect the open space area during construction, including a 10' buffer area. Tampering with the post or cables *and/or removal of easement markers* shall be prohibited. No site disturbance, structures, fences or tree removal to be permitted within this area. There shall be no temporary or permanent storage of materials or equipment and no dumping of trash, lawn or garden trimmings, oil, chemicals, or other toxic materials into the easement area. No removal of vegetation other than by hand (except for fire breaks in buffers) and necessary for flood control and fire safety shall be allowed. Livestock shall be allowed in the non-development easements. Cultivation in the non-development easement shall not be allowed, except as needed to maintain and/or enhance the wetlands or for implementation of oak tree mitigation. The non-development easement provisions shall be stated in the CC&Rs in a portion that cannot be amended without the consent of the Town of Loomis and shown in the development notebooks for each lot.
70. \_\_\_\_\_ Preserve signage size and design shall be approved by the Planning Director.
71. \_\_\_\_\_ Preserve signage and the posts and cable shall be installed within 60 days of approval of Improvement Plans.
72. \_\_\_\_\_ Prior to final map approval, developer shall purchase wetland credits or submit mitigation fees to the Town's Wetland Mitigation Bank in an amount equivalent to the amount of wetlands to be filled by the project based on a verified wetlands delineation.



73. \_\_\_\_\_ The isolated wetland on Lot 2 may be filled (removed) with payment of appropriate mitigation fees, per condition 72.
74. \_\_\_\_\_ A non-development easement shall be placed at 10 feet from the drip line of the onsite elderberry shrub, or the developer may remove the shrub and purchase mitigation credits and/or transplant the shrub to an appropriate location. Purchase of mitigation credits and/or transplantation shall be done in consultation with the US Fish and Wildlife Service.
75. \_\_\_\_\_ Temporary fencing shall be placed around the non-development easement during construction of individual homes and at the locations of wetland crossings.
76. \_\_\_\_\_ Development notebooks for each lot shall be submitted for review and approval by the Planning Director prior to approval of the Final Map. At a minimum, the Development Notebook shall show all of the easements on the lots, restrictions on grading, fencing, any tree replacement that is to occur with specific conditions applicable to any regarding tree protection, setbacks, number of required parking spaces, impervious coverage limitation, and height limit. Development Notebook information shall be available to prospective purchasers, and a copy of each development notebook shall be kept by the HOA.
77. \_\_\_\_\_ Applicant shall insure that the Final CC&Rs, submitted for review to the Town are consistent with conditions of approval (and cannot be modified without consent of the Town), and not inconsistent with any applicable local, state, and federal laws.
78. \_\_\_\_\_ If the applicant intends to expressly prohibit any of the otherwise allowable land uses provided for in the Town's ***updated list of allowable land uses in the*** zoning ordinance (e.g., Table 2.2), applicant shall first obtain Town Council's prior written approval after a public hearing is held, and a recommendation received from the Town's Planning Commission.
79. \_\_\_\_\_ The developer shall obtain all necessary state and federal permits or approvals necessary to implement this subdivision project, including but not limited to water quality certification and annexation to SPMUD. Written proof that these approvals have been obtained shall be provided to the Town of Loomis.
80. \_\_\_\_\_ Prior to issuance of the first building permit, the developer shall provide to the Town a letter prepared by a qualified biologist demonstrating that the project complies with the requirements of the applicable Nationwide Permit provisions. The Town's biologist shall conduct a peer review of the letter. The cost of the peer review and any changes to the project or letter resulting from the peer review shall be borne by the applicant. The letter shall also be submitted to the Planning Commission for information.

81. \_\_\_\_\_ Street names shall be approved by the Planning Commission prior to Final Map approval. Subdivision and street names shall reflect the heritage and history of Loomis. Submittal shall include documented reasons as to why specific names should be approved.
82. \_\_\_\_\_ Prior to final map approval, the applicant shall receive approval of the lot line adjustment anticipated with this subdivision.
83. \_\_\_\_\_ Prior to issuance of building permits in the subdivision, the owner of the property shall sign and record a statement acknowledging the presence of non-development easements and agricultural and appurtenant uses in the proximity. The statement shall include the text of Section 13.50.020 of the Municipal Code, stating that “no existing or future agricultural operation or any of its appurtenances, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, and all applicable Town requirements, shall become a nuisance to adjacent land uses, when the action was not a nuisance at the time it began.” This acknowledgement shall also be located in the CC&Rs.
84. \_\_\_\_\_ A survey for pond turtle shall be conducted by a biologist prior to disturbance related to construction of infrastructure (issuance of improvements plans or grading permits), while the portion of the pond on the project site is still inundated, and that, if any turtles are found, that they be relocated to an appropriate site, in consultation with the Department of Fish and Game.
85. \_\_\_\_\_ Preconstruction surveys for raptor and migratory bird nests shall be conducted as required by Mitigation Measure 8 in the MMP.
86. \_\_\_\_\_ The mechanism for providing the affordable units per the SACOG compact shall be finalized prior to approval of the Final Map. The developer has indicated that the affordable housing requirement will be met through the provision of second units.
87. \_\_\_\_\_ An erosion and sediment control plan, consistent with Mitigation Measure 18, shall be submitted to the Town Engineer for review and approval prior to the commencement of construction activity.

#### LANDSCAPING AND DESIGN

88. \_\_\_\_\_ Home designs shall comply with any ordinances adopted by the Town by the time of issuance of building permits.
89. \_\_\_\_\_ The applicant shall submit a Master Landscaping Plan (prepared by a landscape architect or other professional with similar qualifications) for the subdivision, which addresses the street trees. Per the Zoning Ordinance Section 13.34.050.B.2[d], street trees shall be planted at a ratio of one per 30-foot length of right-of-way or as modified by the Planning Director, depending on the type of

tree selected. Street trees shall be native oak trees or other native trees. In this rural subdivision, the trees may be placed in groupings near streets, ***spaced appropriately,*** rather than linear along the street, in order to be more rural-appearing. The Plan shall be submitted to the Planning Director for review and approval prior to approval of the Final Map.

#### FEES

90. \_\_\_\_\_ The owner shall pay the development fees (e.g. road circulation fees, drainage fees, community facilities fee, park, open space, fire fees, etc.) in affect at the time of building permit issuance.
  
91. \_\_\_\_\_ Pursuant to Government Code Chapter 5 - Planning and Land Use 66000, the owner shall be responsible for reimbursement of all monitoring costs to insure compliance with conditions imposed upon the project incurred by the Town.