



**TOWN OF LOOMIS
PLANNING COMMISSION MINUTES
LOOMIS DEPOT
5775 HORSESHOE BAR ROAD
LOOMIS, CALIFORNIA**

TUESDAY

March 17, 2009

7:30 P.M.

CALL TO ORDER 7:32pm

PLEDGE OF ALLEGIANCE

ROLL CALL

All Present

- Chairman Thew
- Commissioner Wilson
- Commissioner Obranovich
- Commissioner Thew
- Commissioner Arisman

COMMISSION AND STAFF COMMENTS

None

PUBLIC COMMENT

None

ADOPTION OF AGENDA

A motion to adopt the agenda was made by Commissioner Thew and seconded by Commissioner Arisman and passed by a unanimous voice vote.

AT THIS TIME THE COMMISSION WILL CONDUCT CEREMONIAL MATTERS:

Administration of Oath of Office:

Planning Commissioner Kim Fettke

Town Clerk Crickett Strock swore in Commissioner Fettke.

COMMISSION TO ELECT CHAIRMAN AND VICE-CHAIRMAN

A motion to elect Commissioner Thew as Chairman was made by Commissioner Arisman and seconded by Commissioner Obranovich and passed by a unanimous vote.

A motion to elect Commissioner Arisman as Vice-Chairman was made by Commissioner Obranovich and seconded by Commissioner Fettke and passed by a unanimous voice vote.

RECOGNITION TO: Michael Hogan

Commissioner Thew presented Michael Hogan a plaque in appreciation of his service to the Town of Loomis for his work as a Planning Commissioner and Chairman.

Michael Hogan thanked the Commissioners and staff. He stated that he enjoyed his time on the Commission and his time spent with the other Commissioners.

CONSENT AGENDA

RECOMMENDATION

1. **MINUTES OF FEBRUARY 17, 2009**

APPROVED

Public Comment on Consent Agenda:

None

A motion to approve the consent agenda was made by Commissioner Arisman and seconded by Commissioner Obranovich and passed by a unanimous voice vote.

PUBLIC HEARINGS**3. #08-12 Del Oro Vistas, Brace Road at Stone Road, APNs: 044-123-013, 044-150-001, & -018, Negative Declaration, Tentative Subdivision Map, & Lot Line Adjustment for Swift Engineering**

The Town of Loomis has received an application to subdivide 4.15-acres of land into sixteen (16) lots; twelve (12) buildable lots varying in sizes from 7,000 sq.ft. to 12,940 sq.ft., three (3) open space parcels ranging in sizes of 7,300 to 39,400 sq.ft., and one (1) lot for a park that totals 3,350 sq.ft. The parcels are zoned Single-Family Residential 7,000 sq.ft. minimum (RS-7). The project is proposed for approval through adoption of a Mitigated Negative Declaration.

Recommended Action: Hear staff report, take public comment, and approve project #08-12 for the subdivision and Lot Line Adjustment of a parcels 044-123-013, 044-150-001, 018 into sixteen lots.

Public Comment:

Commissioner Wilson was concerned with the street width and no allowed parking on the proposed private road. The Town Engineer, Brian Fragiato, stated that the proposed road consists of 28' of pavement, which would allow on-street parking (2' of curb and gutter on each side to total 32' width). He proposed removing recommended conditions of approval #24 and #25 which relate to red-curbing and no-on street parking. Commission was concerned with the proposed sound wall on proposed parcel 1. Commissioners Wilson and Thew asked about the proposed open space and park parcels and who would maintain those areas. Staff informed Commission that there are two options: (1) Owner dedicates to the Town (Petitions the Town Council) and the Council would have the option to accept or deny dedication of those lands; (2) Property owners fund the maintenance of the open space and park parcels in the form of a Maintenance/Assessment District. If Council denies offer of dedication, option 2 would be needed for maintenance of open space and park parcels. Commissioner Obranovich was concerned with the street improvements, as the road proposed is private. Brian Fragiato confirmed that the proposed improvements would not be needed on a private road, as the proposed street improvements are to public road standards. Commissioner Fettke asked to insert a condition that requires the fencing around the open space/riparian areas to be to California Department of Fish & Game standards. Commissioner Fettke was concerned with the impact to the protected trees within the proposed development envelopes and the mitigation for their potential removal and why all were proposed for removal are not indicated on the map. Staff informed Commission that any trees removed within the building envelopes will be required to be mitigated for at the building permit stage. All protected trees planned for removal to accommodate the street improvements will be mitigated for, per LMC §13.54-Tree Preservation and Protection. Commissioner Thew asked why this project has no reference to Low Impact Development (LID). Brian Fragiato informed the Commission that the applicant is looking at pervious asphalt to incorporate with this project. Also, there is no underground drainage as part of this project. The run-off will be collected and filtered through a bio-swale before the water reaches Sucker Ravine. Information has been given to the applicant on outfall treatments and dry swales/bio-filters for run-off.

Don Swift - Swift Engineering

Clarified that the fence to be constructed on the south side of proposed parcel 1 (abuts Brace Road) will not be a sound wall (stated it will be a sound fence). Informed Commission why all trees planned for removal are not indicated on the map (the trees are on Mike Boberg's property, who is doing a Lot Line Adjustment with the applicant/owner in conjunction with the Subdivision application). Mr. Swift did not want any development to be bound by the proposed building envelopes, but stated the setback requirements of

the applicable zoning district are not proposed to be altered (wants more flexibility for house pad design come building permit stage). The project will not require more than 1-foot cut/fill (could be deeper if swale used on drainage outfall). The existing sewer is plenty low enough to get service to all of the parcels. The proposed park parcel is planned to be dedicated to the Town, however, it is the Council's decision to accept or deny the Offer of Dedication. He stated that curb, gutter, and sidewalk would make this subdivision look less rural.

Commissioners Arisman and Thew brought up a few items on the application form that were incorrectly marked. Don Swift answered the Commissioners questions and concerns with the application form.

Peter Markus - 5699 Stone Road

Wondered why access is located off of Stone Road instead of Brace Road. Concerned with the traffic that will come with the new subdivision and the existing traffic off of Stone Road.

Walt Scherer - 3683 Frost Lane

Stated that this project is within the Downtown Master Plan area and wanted to make sure that the Downtown Master Plan guidelines are looked at in regards to this project (rural to remove sidewalks, street profiles). Suggested not calling a sound wall a sound fence, as it is a sound wall, which would not conform with the General Plan. The project needs to conform to the General Plan and Downtown Master Plan (streams, creeks) and that might require the removal of some proposed lots.

Vic Markey - 3254 Taylor Road

Suggested that the Town not take on the responsibility of maintaining the pond within the open space area, as there are liability concerns that the Town should try to avoid. Concerned with the density of the proposed project. Thinks a better road design could be done to save some protected trees. Stated that with twelve (12) new buildable lots, there would be a dramatic increase in traffic onto Brace Road.

Linda Foiles - 3965 Howard Lane

Concerned about the increase in traffic onto Brace Road and the run-off into Sucker Ravine. Would like to see nice houses constructed (tasteful architecture and no pre-fabricated homes). Would like to see the creek brought back to its original form to help with potential flooding during the winter months (stated that the pond was man made by the previous owner, Mr. Dodd). Currently, the creek gets very wide during the winter months.

Pat Miller - 4395 Gold Trail Way

Asked the Commission to consider a better road design to save some protected trees (meander around the trees). Does not want this subdivision to be like Brace Ranch Estates where the subdivision was clear-cut and now sits vacant with few to no trees.

Mark Hughes – El Dorado Hills (applicant/owner representative)

Stated that he is an environmentally sensitive developer. He is for any conditions of approval that would protect the existing environment on and around the project site. He believes that the planned improvements at Brace Road and Sierra College Blvd., as well as the potential connection of Stone Road with Horseshoe Bar Road, will alleviate any traffic concerns this project may bring. Informed Commission that tree's will obviously be mitigated for and every effort will be made to retain the trees onsite.

The Town Engineer and Planning Director addressed the comments from Walt Scherer regarding the Downtown Master Plan and the street improvement issue, per Chairman Thew request. The concept of the Downtown Master Plan is to have through and walkable roads. The Town Engineer and Planning Director suggested that the Town Manager present the street improvement issue to the Town Council for input on what they want to see, as this is a proposed private road.

Commissioner Obranovich had concerns with the sound fence versus the sound wall and would like applicant and staff to look at other feasible options and what they would look like. Commissioner Thew wanted to know who would maintain the park/open space parcels in the event the Town Council does not accept the Offer of Dedication, since there are no CC&R's with this project. Wants the pipe and fill in open

space parcel A looked into. She was not clear on the future connections with other roads and would like that information clarified. Tree removal needs to be looked (Boberg property) and some conditions tweaked/addressed before the next meeting. Commissioner Wilson wanted conditions #24, #25, #27, and #55 omitted. #28 needs to be removed since CC&R's are not being proposed at this time.

A motion to continue this item to April 21, 2009 Planning Commission meeting was made by Commissioner Obranovich and seconded by Commissioner Arisman and passed by a unanimous voice vote.

4. #08-32 MetroPCS Project SC144/Loomis Site Modification, 3237 Rippey Road, APN: 043-020-031, Minor Use Permit for Telecommunications Monopole Extension

The Town of Loomis has received an application to raise an existing 60-foot telecommunication monopole to 90-feet and moving the existing antenna array from approximately 58-feet to 87-feet. The proposed antenna array consists of four (4) panel antennas. The existing arrays, which extend approximately 4-feet out from the monopole, are to be removed and replaced by "flush-mounted" arrays. No other changes to the existing telecommunications facility are being proposed. The parcel is zoned Light Industrial (IL). The proposed project could be found to be consistent with the General Plan and Zoning Ordinance. Project categorically exempt under CEQA Section 15303(c)-Class 3.

Recommended Action: Hear staff report, take public comment, and approve a Notice of Exemption and Minor Use Permit for project #08-32 for a 30-foot extension to the existing 60-foot telecommunications monopole (total height of 90-feet).

Public Comment:

Tim Miller - MetroPCS agent

Stated that the Federal Communications Commission regulates and requires their standards to be met before bringing the telecommunications facility into service. A technician checks the facility every 4-6 weeks. The facility is un-manned. He asked that the maintenance hours be changed (condition #8) to allow emergency maintenance between 11pm-4am (when most persons are not using their cell phones).

Commissioner Fettke asked about the type of equipment used and the noise made when it comes to maintaining the facility in emergency situations. Tim Miller stated it takes roughly 3-4 hours every 2-3 years and that a lift is needed to access the top of the tower. Minimal noise and the site is located in an industrial area. Commissioner Thew, and endorsed by Commissioner Fettke, suggested a condition be added that would require all future antenna arrays to be flush mounted.

Vic Markey - 3254 Taylor Road

Stated that these telecommunication poles emit radioactive waves (downward scatter of the radiation) and that this site is located close to Del Oro High School. He had visibility/aesthetic concerns as well as health concerns for the surrounding areas.

Tim Miller

Informed everyone that Del Oro High School currently has two (2) cell phone towers at their football field. Also, the tower owner is regulated by the Federal Communications Commission.

Commissioner Obranovich stated that there is no proven conclusive study that confirms a direct cause & effect with cell phone tower radiation and cancer. Informed everyone of the Inverse-Square-Law which states that the further away you are, the amount of radioactive waves decreases exponentially.

A motion to approve the Minor Use Permit (Resolution #09-03), while modifying condition #8 to allow emergency maintenance hours between 11pm-4am and requiring any new antenna array placed on the 30-foot extension to be flush-mounted, was made by Commissioner Obranovich and seconded by Commissioner Arisman and passed by a unanimous roll call vote.

NEW BUSINESS

5. **5345 Poppy Ridge Court, APN: 045-150-042, Ground Mount Solar System, Interpretation of the Definition of an “Accessory Structure”**

The Town has received a building permit application for a ground mount solar system. The height of the array is 5.5-feet at its highest peak. It is proposed to be 5-feet from the side and rear property lines. Side and rear setbacks for the property are 25-feet (Residential Estate zoning district). The zoning ordinance allows accessory structures to be 5-feet from side and rear property lines if under 10-feet in height. Current definition of “Accessory Structure” does not include ground mounted solar system.

Recommended Action: Hear from applicant, take public comment and consider whether to interpret solar panels as accessory structures, which will allow for reduced setbacks for ground-mounted solar panels throughout town.

Public Comment:

Commissioners Obranovich and Fettke had concerns on the rights of the adjacent properties regarding the obstruction of the solar arrays. Could it infringe on their development rights? Commissioner Thew asked if there were any other locations on the property that could accommodate the solar panels.

Steve Hanson - Solar Universe

Initially thought a ground mounted solar array system was considered an accessory structure. Stated that the proposed location is the only place onsite where the numbers of panels needed can fit, as well as the direction the panels need to face (south). The location limits the visual impacts.

Commissioner Obranovich was concerned with the precedent that could be set if they determine that ground mounted solar array systems are considered accessory structures. The Town Attorney, Dave Larsen, suggested that staff should follow this up with something concrete in the Zoning Ordinance, or require design review or a use permit for future ground mounted solar systems. Commissioner Fettke stated that although she is in support of solar, she cannot approve this if it sets a precedent. Commissioner Wilson asked staff if there are any other ways to look at this other than an accessory structure. Staff responded by stating that a variance can be applied for, but the findings would have to be met in order to approve.

A motion to continue this item to the April 21, 2009 Commission meeting was made by Commissioner Thew and seconded by Commissioner Arisman and passed by a unanimous voice vote.

ADJOURN:

11:07pm

Matt Lopez, Planning Technician

Janet Thew, Chairman