



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

TUESDAY

November 18, 2008

7:30 P.M.

CALL TO ORDER The meeting was called to order at 7:33 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL Present Chairman Hogan
Commissioner Wilson
Commissioner Obranovich
Commissioner Thew
Commissioner Arisman

COMMISSION AND STAFF COMMENTS

There were no comments by the Commission or staff

PUBLIC COMMENT

There was no public comment on items not on the agenda

ADOPTION OF AGENDA

The agenda was adopted on a motion by Commissioner Obranovich and seconded by Commissioner Arisman and approved with revisions to the minutes by a voice vote:

*Ayes: Obranovich, Arisman, Hogan, Thew, Wilson
Noes: None*

CONSENT AGENDA

RECOMMENDATION

1. MINUTES OF OCTOBER 21, 2008

APPROVED

Commissioner Thew asked that her comments in opposition to the Homewood Lumber Development Agreement be included in the minutes.

2. PROJECT STATUS REPORT

RECEIVED AND FILED

Public Comment on Consent Agenda:

There was no public comment on the Consent Agenda.

The Consent agenda was adopted on a motion made by Commissioner Obranovich and seconded by Commissioner Thew and approved by a voice vote:

*Ayes: Obranovich, Thew, Hogan, Wilson, Arisman
Noes: None*

PUBLIC HEARINGS

3. #07-01 NEJADIAN SUBDIVISION, 3739 BERG LANE, APNs: 044-080-052 & 053

The Town of Loomis has received an application for a Subdivision to divide 2 existing parcels into seven (7) lots with a remainder parcel on ±9.4 acres. The lots will vary in size from 1.0 - 1.13 acres. This project is located at 3739 Berg Lane, south of Saunders Avenue, APNs: 044-080-052 & -053. The site is zoned (RR) and designated Rural Residential (1-acre minimum) in the General Plan. A Mitigated Negative Declaration (MND) is proposed with mitigation to ensure that no environmental impacts are significant. The project, as proposed, would now leave the existing homes on a remainder parcel on site for 4 years or until the Council considers a rezoning of these parcels which would allow for their retention. A condition has been drafted that requires the approval of a legal agreement with the town attorney to either bring the subdivision into conformance with the General Plan and Zoning Amendment by November 18, 2012 or to demolish and abandon the number of homes needed to comply with the General Plan and Zoning Ordinance. The applicant has also agreed to enter into a deed restriction for the 5 homes to remain affordable for the next 20 years. The comment period on the MND was from June 25, 2008 to July 15, 2008.

Recommended Action: Hear the staff report, take public comment and consider the draft Resolution # 08-14 approving the seven (7) lot subdivision as allowed by the General Plan and Zoning Ordinance (with an agreement to retain the 5 units as affordable for 4 years or if the remainder parcel is rezoned, for a n affordable period of 20 years agreeable to the town attorney and effective only after Town Council action) and adopting the Mitigated Negative Declaration and Mitigation Monitoring Plan, with the findings in Exhibit A and the recommended conditions in Exhibit B.

Public Comment:

Following staff report the Commission asked questions of staff and the applicant pertaining to the project.

Jerry Aplass- Burrell Consulting, Applicant

Applicant and staff met and tried to craft conditions to satisfy the Commission on issues from the last meeting which included the retention of the five non-conforming homes on parcel 4, affordable housing compact requirement and General Plan consistency. Conditions were also included for Road Maintenance along with a cost estimate for review by the Town Engineer, although monitoring and maintenance of the onsite wetlands was still in question.

Miguel Ucovich- Town Council

Councilman Ucovich stated that the applicant should apply for a General Plan amendment now and not wait for the town to begin an update. He told the Commission that Berg Lane should be a public street with assessment district(not town policy to allow private roads) and high level maintenance. He agreed that there needed to be funding for wetland protection and monitoring.

Robert Hollis- 4577 Saunders Avenue

Mr. Hollis asked if the proposed remainder parcel was precedent setting and asked what the benefit/purpose of the alternate plan was.

Shelley Ferguson- 3699 Frost Lane

She said that the zone was for 1 acre lots (40,000 s.f. minimums) so why change the zoning and that the homes planned to be kept were not in that great a shape and would devalue the applicants' project. She went on to say that Frost Lane had a Road Maintenance Agreement at one time that no one followed and proper maintenance would only be done if the road was

public. Ms. Ferguson also said that she wanted the wetlands fenced for protection. She also said that if the homes needed to be brought up to code, the tenants would be forced to leave while these repairs were being made.

Elaine Wesky- 5475 Saunders Avenue

She said that she agreed with her neighbors and that she was worried about increased traffic on Saunders Avenue. Mrs. Wesky also said that the road was substandard and that the wetlands should be preserved.

Julian Smith- 5701 Saunders Avenue

Mr. Smith said that the project would devalue his property if the existing homes were retained and asked what other developers would do should the remainder parcel be approved as proposed.

Frances Scherer- 3679 Frost Lane

Mrs. Scherer said that she thought the road should be public with an HOA or other maintenance mechanism.

The Commission deliberated and discussed the outstanding issues. Commissioner Obranovich asked if the homes would need to be inspected by the Town building official. Commissioner Thew said that the "fencing" along the wetland boundary would not be split rail but a post and cable barrier to discourage people from entering and impacting the area.

The town engineer said that the town could have either road type (public with funding or private without funding) to maintain the road. A condition was added to the approval that the Town Attorney would draft a maintenance agreement that did not allow the applicant/owner to protest the creation of an assessment district if Berg were to become a public road. An Irrevocable Offer of Dedication (IOD) would be offered to the town and a Notice of intent would be recorded with the deeds and title report. Chairman Hogan asked who would be responsible for payment and maintenance and was told that now the applicant would be but the town would take responsibility should the road become public and all property owners would be assessed. Commissioner Arisman asked if the date of expiration on the remainder lot was 2010 or 2012. Staff responded that the intended date was November 18, 2012. Chairman Hogan asked if the Negative Declaration had taken into account the loss of the homes and whether or not the document would stand up if challenges since the town might require that the homes be demolished. The Director responded that the Neg Dec is an environmental document and that social and financial factors were not always fully analyzed.

Following this discussion a motion was made to approve Resolution #08-14 with revised conditions adding the necessity for a Road Maintenance Agreement with an IOD and wetlands maintenance included and recorded in the agreement. A condition (#49) changing the date affecting the removal of the homes should a zoning change not be granted was amended. That permanent post-cable be constructed to protect the wetlands onsite and deleting condition on housing code compliance and landscaping approved by the Planning Director. All HOA references were removed from the conditions and replaced with condition # 50 and 52. The motion was re-stated by the Planning Director and the motion was seconded by Commissioner Obranovich and approved by the following roll call vote:

Ayes: Wilson, Obranovich, Arisman

Noes: Hogan, Thew

4. #08-02 IRVING DUMM CODE COMPLIANCE APPLICATION, 3415 & 3485 SWETZER ROAD, APNs 043-030-064 & 043-030-065

Irving Dumm, the applicant, must obtain a Conditional Use Permit, Minor Use Permit, Design Review and Sign Review approval to continue businesses and structures for which Town approvals were never obtained. The CUP is required for Manufacturing/processing-Intensive

(§13.28.030) uses within the Light Industrial (IL) zoning district. Design Review is required for the construction of non-permitted structures (in order to verify that all structures that have been illegally erected comply with the town's ordinance). Mr. Dumm also has a 24-hour caretaker onsite, which requires MUP approval.

Recommended Action: Continue this item to the December 16, 2008 Planning Commission meeting.

Public Comment:

There was no public comment on this item.

A motion was made to continue this item to the December 16, 2008 meeting by Commissioner Arisman and seconded by Commissioner Wilson and approved by a voice vote:

Ayes: Arisman, Wilson, Obranovich, Thew

Noes: None

Abstain: Hogan

5. # 08-23 LUGO CONDITIONAL USE PERMIT AND DESIGN REVIEW, 3240 TAYLOR ROAD, APN: 043-014-008

The Town of Loomis has received an application for a free-standing office-warehouse building and auto sales facility to be located at 3240 Taylor Road. A Conditional Use Permit and Design Review approval are required for this proposal. A Categorical Exemption is proposed under CEQA section 15332- in-fill development.

Recommended Action: Hear staff report, take public comment and discuss design review approval. Direct staff and/or applicant to make necessary changes to aesthetics of project.

Public Comment:

Following staff report the Commission was able to ask questions of staff and the applicant. Issues brought up were the design and model of the building, revisions in compliance with the Paul Walsh design letter, grading and retaining walls onsite.

Colleen Romig- 3244 Taylor Road

Mrs. Romig informed the Commission that there was a property line dispute between the parties and that a modular home was existing on a portion of the southwest area of the proposed project.

Miguel Ucovich- Councilmember

He encouraged the Commission to direct the applicant to work with the adjoining property owner to resolve the property line issue.

Roger Smith- 6735 Wells Avenue

He expressed his concern that the design be quality as the lot is on the main street through town. He said that Homewood Lumber had a similar issue and no theme that would reflect the town.

The applicant said that they had been in contact with the neighbors 8 months ago and had not heard from them regarding his survey. He said that they would be able to make minor design changes to the building and hoped that an approval could be warranted at the next meeting.

The Commissioners stated their concerns and requested that the applicant address the following issues. Commissioner Arisman was concerned with the landscaping, location of roll-up doors and the lot line issue. Commissioner Thew was not convinced that the applicant had addressed all of the concerns laid forth in the Paul Walsh letter and that the design was not in the best interest of the town. Commissioner Obranovich stated that the modular is close to the proposed use, that the materials used be durable and have higher design content. Chairman Hogan also expressed

concern regarding the location of the modular and the lot line issue and said that precast metal is not the best selection of material for a long-term building. Commissioner Wilson reviewed the conditions of approval and asked that design be re-worked and brought back to the commission at a later date.

A motion was made to continue the item to the January 20th meeting so that the applicant could address the issues brought up by the Commission. The motion was made by Commissioner Thew, seconded by Commissioner Arisman and approved by a voice vote:

Ayes: Thew, Arisman, Obranovich, Hogan, Wilson

Noes: None

6. REVISIONS TO THE TOWN OF LOOMIS ZONING ORDINANCE REGARDING DRAFT WINERY USE IN THE CENTRAL COMMERCIAL (CC) AND GENERAL COMMERCIAL (CG) ZONING DISTRICTS

The Town of Loomis Planning Commission will consider draft revisions to the Zoning Ordinance to allow winery use in the Central Commercial Downtown Core and General Commercial zoning districts. This may involve revision to the winery standards under section 13.42.290 and the definitions of winery in section 13.80.020. A Negative Declaration is proposed for review and comment prior to an action by the Town Council.

Recommended Action: Hear staff report, take public comment and discuss potential revisions and recommend to the Town Council.

Public Comment:

Following staff report, the issues stated from the June meeting were discussed and the Planning Commission directed staff to return in December with a final draft of the Winery Ordinance update.

Roger Smith- 6735 Wells Avenue

Mr. Smith stated that he would like to see a tasting room downtown as a retail use and not in the rural area of Loomis.

A motion was made to continue this item to the December 16, 2008 meeting by Commissioner Thew and seconded by Commissioner Arisman and approved by a voice vote:

Ayes: Thew, Arisman, Obranovich, Hogan, Wilson

Noes: None

ADJOURN: The meeting was adjourned at 10:38 p.m.

Ryan Wunsch, Assistant Planner

Michael Hogan, Planning Commission Chair

INFORMATION SUBMITTED AT HEARING OR AFTER PREPARATION OF PACKETS

The Planning Commission may not have time to read written information submitted at the hearing or after 5:00 p.m. the Friday before the scheduled hearing date. We encourage you to present your comments, during the scheduled time period, at the public hearing.

ACCOMMODATING THOSE INDIVIDUALS WITH SPECIAL NEEDS

In compliance with the Americans with Disabilities Act, the Town of Loomis encourages those with disabilities to participate fully in the public hearing process. If you have special needs or requirements in order for you to attend or participate in the Town's public hearing process or programs, please contact Town Hall at 652-1840 prior to the public hearing or program you wish to attend, so that we can accommodate you.

ADMINISTRATIVE REMEDIES MUST BE EXHAUSTED PRIOR TO ACTION BEING INITIATED IN A COURT OF LAW

If you challenge the proposed project described above in court, you may be limited to raising only those issues you raised at the public hearing described in this notice, or in written correspondence delivered to the Town at, or prior to the public hearing.

APPEAL PERIOD

** There is a 10-day appeal period for most Planning Commission decisions. However, a Planning Commission approval of a tentative parcel map has a 15-day appeal period. Appeals can be made by any interested party by submittal of a written appeal request to the Loomis Town Clerk, 6140 Horseshoe Bar Road, Suite K, Loomis, California, 95650. **