



**TOWN OF LOOMIS
PLANNING COMMISSION MINUTES
LOOMIS TOWN HALL
6140 HORSESHOE BAR ROAD, SUITE K
LOOMIS, CALIFORNIA**

TUESDAY

SEPTEMBER 16, 2008

7:30 P.M.

CALL TO ORDER The Meeting was called to order at 7:32pm

PLEDGE OF ALLEGIANCE

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

COMMISSION AND STAFF COMMENTS

Commissioner Obranovich announced that he would recuse himself from Aunt Cynthia's Bed & Biscuit application (item 6).

PUBLIC COMMENT

None

ADOPTION OF AGENDA

A motion to revise the agenda and move item 5 to item 3, and to approve the agenda as revised, was made by Commissioner Obranovich and seconded by Commissioner Arisman and passed by a unanimous voice vote.

CONSENT AGENDA

- 1. MINUTES OF AUGUST 19, 2008**
- 2. PROJECT STATUS REPORT**

RECOMMENDATION

APPROVED
RECEIVED AND FILED

Public Comment on Consent Agenda:

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

PUBLIC HEARINGS

- 3. (Moved from item 5)**
#08-21 FLETCHER, MINOR VARIANCE, 3866 CIRCLE DRIVE, APN: 044-170-018
The Town of Loomis has received an application to allow a 6 inch variance in height for a detached garage located in the rear yard at 3866 Circle Drive, which is located in the RS-5 zoning district.

Recommended Action: Hear staff report, take public comment, and continue this item to the October 21, 2008 Planning Commission meeting.

Public Comment:

A motion to continue this item to the October 21, 2008 Planning Commission meeting was made by Commissioner Obranovich and seconded by Commissioner Thew and passed by a unanimous voice vote.

4. #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 8 lots 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 require the existing homes on Parcel 4 to be demolished. Should the Planning Commission determine to approve the subdivision with the existing homes, a Development Agreement, approved by the Town Council, is required prior to the subdivision action becoming effective. 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-___ approving the eight (8) lot subdivision as allowed by the General Plan and Zoning Ordinance (with a condition to retain the 5 units and to become 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:

Staff informed the Commission that a phased subdivision project could be approved while allowing the Town Council to decide on what they would like to do with parcel 4.

Jerry Aplass (Applicant, Burrell Consulting)- Informed the Commission that the developer will be paving Berg Lane all the way the Saunders Avenue and would like to keep it a privately maintained road. He indicated that there are no wetland impacts and that the owner did not want a Home Owner's Association. Regards parcel 4, he would like to retain the existing houses via a Developer's Agreement with the Town Council. Alternative would be to phase project and ultimately rezone parcel 4.

Walt Scherer (3683 Frost Lane)- Was concerned that many concerns of the neighbors, as expressed at the onsite meeting, have yet to be looked at. He encouraged the Commission to maximize the setbacks from any wetlands or drainage swales, as the drainage swales are vital for Antelope Creek. He feels Berg Lane should be dedicated to and maintained by the Town. Believes that the houses on parcel 4 are not up to code and are dangerous.

Gary Liss (4395 Gold Trail Way)- Echoed Walt Scherer's concerns and hoped the setbacks from any wetlands would be a minimum of 100 feet.

Jerry Aplass- Said a 25 foot setback from wetland is an ample amount of space, according to consultants and the Army Corps. Existing houses on parcel 4 were up to code when built and should not have to demo houses that are being occupied.

Eric Nejadian (Owner)- Regards parcel 4: If they are required to demo the existing houses, it would be very hard to develop that lot and the current occupants would be uprooted. He also wanted the Commission to know that he is proposing larger setbacks than the town requires.

Commissioner Wilson pointed out that many houses in Loomis probably do not meet building code. She spoke with the occupants of the houses on parcel 4 who said that they appreciate having an affordable home to live in. Brian Fragiao, Town Engineer, informed the Commission that the proposed road improvements meet the Town's standards. If Berg Lane is granted to the Town, an assessment district would have to be created to fund the road maintenance. After further Commission deliberation, Town Attorney Dave Larsen recommended continuing this item so the applicant could propose a phased subdivision.

A motion to continue this item to the October 21, 2008 Planning Commission meeting was made by Commissioner Obranovich and seconded by Commissioner Arisman and passed by a unanimous voice vote.

5. 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.

Recommended Action: Hear staff report, take public comment, discuss and continue to the October 21, 2008 Planning Commission meeting.

Public Comment:

Gary Liss (4395 Gold Trail Way)- In favor of downtown winery use.

A motion to continue this item to the October 21, 2008 Planning Commission meeting was made by Commissioner Obranovich and seconded by Commissioner Thew and passed by a unanimous voice vote.

6. #08-18 AUNT CYNTHIA'S BED AND BISCUIT, MODIFICATION TO CONDITIONAL USE PERMIT, 3190 SWETZER ROAD, APN: 044-280-001

The Town of Loomis has received an application for a modification to an approved Conditional Use Permit for Aunt Cynthia's Bed & Biscuit (cage-free animal boarding facility).

Recommended Action: Hear staff report, take public comment, and approve Resolution # 08-modifying an existing Conditional Use Permit at 3190 Swetzer Road, APN: 044-280-001.

Public Comment:

Dominique Le Doux (Applicant, DLD Design & Consulting)- Spoke to the Commission regarding the modifications that the owner, Cynthia McCoy, has proposed. The modification would require the "pond" to be filled in, but would move the dog yards further from the residential properties to the north. It would also save on costs for the required sewer line extension, as opposed to the originally approved Conditional Use Permit.

Commissioner Thew was concerned with the reduction of wildlife habitat by filling in the "pond" and urged habitat enhancement to the rear of the property.

After deliberation, a motion to approve Aunt Cynthia's Bed & Biscuit Conditional Use Permit modification, with the changed conditions as discussed, was made by Commissioner Thew and seconded by Commissioner Wilson and passed by the following voice vote:

Ayes: Thew, Wilson, Arisman, Hogan
Abstain: Obranovich

NEW BUSINESS

7. "BROWN ACT" DISCUSSION

Public Comment:

The Town Attorney and the Planning Commission discussed the Brown Act. Commissioner Thew brought SB-1732 to the Commission attention.

Gary Liss (4395 Gold Trail Way)- (Submitted Brown Act document into record). He would like the Commission to recommend an official policy with the Town's interpretation of the Brown Act, as individual meetings can be a slippery slope.

ADJOURN: 11:00pm