



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

TUESDAY **September 22, 2015** **7:30 PM**

CALL TO ORDER: 7:30PM

PLEDGE OF ALLEGIANCE

ROLL CALL

- X Chairman Hogan
- X Commissioner Duncan
- X Commissioner Kelly
- X Commissioner Onderko
- X Commissioner Wilson

COMMISSION COMMENT FOR ITEMS NOT ON THE AGENDA: NONE

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA: NONE

ADOPTION OF AGENDA

If items on the Agenda will be rescheduled for a different day and time, it will be announced at this time. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five minute time limit. The Chairman has the discretion of limiting the total discussion time for an item.

MOTION TO ACCEPT THE AGENDA BY: ONDERKO SECONDED BY: KELLY

VOTE: 5 AYES 0 NOES 0 ABSTAIN 0 ABSENT

CONSENT AGENDA

RECOMMENDATION

1. PROJECT STATUS REPORT

RECEIVE AND FILE

2. APRIL 28, 2015 MINUTES

APPROVE

3. SEPTEMBER 1, 2015 MINUTES

APPROVE

PUBLIC COMMENT ON CONSENT AGENDA: NONE

MOTION TO ACCEPT THE CONSENT AGENDA BY: KELLY SECONDED BY: WILSON

VOTE: 5 AYES 0 NOES 0 ABSTAIN 0 ABSENT

PUBLIC HEARING:

4. #15-07 POPIE WINES TASTING ROOM (CONDITIONAL USE PERMIT)
3550 TAYLOR ROAD, APN: 044-072-064

Popie Wines (Michael Duarte), the applicant, requests a Use Permit (UP) to operate a tasting room at 3550 Taylor Road, within the Blue Goose, APN: 044-072-064. The property is zoned Central Commercial (CC) and designated Central Commercial in the General Plan. A Use Permit is required in order to operate a winery (tasting room) within the CC zoning district. The proposed project, if granted a Use Permit, can be found to be consistent with the General Plan and the Zoning Ordinance. The project is Categorically Exempt under CEQA Section 15301.

RECOMMENDATION: Hear staff report, take public comment, and approve Resolution #15-06 for the Popie Wines Tasting Room Use Permit with the findings in Exhibit A and the recommended conditions in Exhibit B

COMMISSION COMMENT: Commissioner Wilson asked about noise and parking in and around the Tasting Room /Blue Goose.

PUBLIC COMMENT:

Applicant MICHAEL DUARTE discussed and explained project
Gary Liss- 4395 Gold Trail Way – Spoke in favor of the project
Jenny Knisley – 4135 Hunters Drive – Spoke in favor of the project

MOTION TO APPROVE RESOLUTION #15-06 FOR THE POPIE WINES TASTING ROOM USE PERMIT WITH THE FINDINGS IN EXHIBIT A AND THE RECOMMENDED CONDITIONS IN EXHIBIT B BY ONDERKO SECONDED BY DUNCAN

VOTE: 5 AYES 0 NOES 0 ABSTAIN 0 ABSENT

5. #15-06 BROWNING SHED VARIANCE REQUEST
4305 INDIAN CREEK DRIVE, APN: 045-200-010

Brent and Tricia Browning, the applicant/owner, is requesting one (1) Variance approval on their 3.0-acre parcel located at 4305 Indian Creek Drive, northwest of Barton Road, APN: 045-200-010-000. The request is to allow for the construction of a replacement shed within the required setback. The parcel is zoned Residential Agriculture (RA) and designated Residential Agricultural, 4.6 acres/du in the General Plan. The project is Categorically Exempt under CEQA Section 15305.

RECOMMENDATION: Hear staff report, take public comment, and consider Resolution #15-06 for the setback variance for the replacement shed, per the findings in Exhibit A and conditions of approval in Exhibit B.

WHEN READING THE STAFF REPORT, PLANNER AMANDA ROSE INCLUDED THE FOLLOWING INFORMATION:

Since the preparation of the original staff report for the Browning Shed Variance Request, staff has learned of additional information affecting its original recommendation. An analysis of the subject property as compared to adjacent neighbors demonstrates that 4305 Indian Creek Drive does not have any unique topographical or other special circumstances affecting the physical nature of the land which differs from neighboring properties. Consequently, staff does not believe that the requisite findings can be met to support the approval of a variance.

As explained in the original staff report, the shed in question was built in conformance with the Placer County Code, prior to the incorporation of the Town. Therefore, the shed is considered a legal non-conforming structure. Section 13.72.030(B)(1)(b) of the Town's Municipal Code allows non-conforming structures to be changed or expanded in the single-family dwelling context with some limitations. That section provides:

A dwelling that does not comply with the current setback requirements or height limits of the applicable zoning district may be enlarged, provided that no addition extends further into the required setbacks or above the height limit than any portion of the existing structure.

Section 13.72.030(B)(1)(b) allows legal non-conforming uses to be expanded as long as the structure does not extend further into the required setbacks or above the height limit than any portion of the existing structure. Here, the property owner has removed the original shed because it was dilapidated. Section 13.72.030(B)(4) allows "repairs, alterations or reconstruction [of non-conforming structures]...to comply with building code requirements" for seismic retrofitting and building code compliance. Therefore, as long as the new shed meets all existing building code requirements and does not extend further into the existing setback or exceed the height of the shed that was constructed pursuant to the Placer County Code, this new shed is allowed under the Town's Code.

While it is true that the reconstructed shed will be enlarged and moved slightly from the footprint of the "existing" or legally non-conforming shed, the portion that will be expanded will not be extending further into the existing setback, nor will it exceed the height of that shed.

For these reasons, and based on the authority found in Section 13.72.030(B) of the Town Municipal Code, staff recommends that the Planning Commission find that the reconstruction of the shed located at 4305 Indian Creek Drive (APN: 045-200-010) is allowed; provided however, the property owner must obtain all appropriate building permits and construct the shed in conformance with the Building Code, and, the shed must not extend further into the existing setback or exceed the height of the original setback.

Staff further recommends that the Planning Commission not adopt Resolution No. 15-06 because the findings for a variance cannot be met.

COMMISSIONER COMMENTS: CHAIRMAN HOGAN PUT IN PLACE A 5 MINUTE RECESS TO READ THROUGH AND UNDERSTAND THE NEW INFORMATION. Town Attorney Mona Ebrahimi explained the new information to Staff, Council and public, the reasons the variance findings could not be met; and explained code section 13.72.030 and how it applied to this shed. Advised that applicant could withdraw the variance request and pursue at staff level. Chairman Hogan opened the discussion on the options to the applicant.

PUBLIC COMMENT:

Applicant Trish Browning – 4305 Discussed the variance request. During this discussion, the Town Attorney restated the option to withdraw the variance request. Eric Jepson – 5509 Grouse Court – Spoke on behalf of the applicant – asked questions of the attorney on the variance findings and the zoning code that allows for the rebuilding of the shed. Reiterated that the Brownings do want to go forward with a variance request. Commissioners participated in a discussion with the applicant.

Pat Miller – 4395 Gold Trail Way – Spoke in opposition of the variance request
Gary Liss – 4395 Gold Trail Way – Spoke in opposition of the variance request
Sandra Calvert – 4285 Indian Creek Way – Spoke in opposition of the variance request
Rhonda Craythorn – 6147 Morgan Place – Spoke in defense of the applicant and in favor of the variance request
Scott Craythorn – 6147 Morgan Place – Spoke in favor of the variance request
Keaton Browning – 4305 Indian Springs – Spoke in favor/ defense of the variance request
James Wilson – 4245 Indian Creek – Spoke in opposition of the variance request as this project does not fit the requirements.

COMMISSION DELIBERATIONS:

Commissioner Onderko – commented on the importance of following building plans.
Commissioner Kelly asked for clarification on what would be allowed to be done if the request was withdrawn and brought to staff level.
Commissioner Duncan and Chairman Hogan commented on the importance of getting building permits prior to beginning any work, demos included.
The Town Attorney clarified the options before the Commission – Deciding on the variance; addressing a continuance or withdrawing the variance request.

The applicant Trish Browning asked for a continuance until the October 27, 2015 to explore her options.
MOTION TO CONTINUE RESOLUTION #15-06 TO THE OCTOBER 27, 2015 MEETING BY: ONDERKO SECONDED BY KELLY
VOTE: 5 AYES 0 NOES 0 ABSTAIN 0 ABSENT
ADJOURNMENT: _____ 9:30 PM

Signed November 18, 2015 at Loomis, California.



Carol Parker, Administrative Clerk/Planning Assistant