

RESOLUTION NO. 16-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS APPROVING MINOR MODIFICATION (#16-08) SUBMITTED BY RON SMITH (APPLICANT) TO ALLOW TO ALLOW THE PRIVATE WELLS INSTEAD OF PUBLIC WATER FOR A PREVIOUSLY APPROVED SUBDIVISION, SIERRA COLLEGE ESTATES (APPLICATION 14-09)). APN: 030-100-017

WHEREAS, Ron Smith, the applicant has requested a Minor Modification (#16-08) to allow the private wells instead of public water for the Sierra College Estates Subdivision (Application #14-09) previously approved by the Planning Commission on January 27, 2015 subject to 49 conditions of approval; and,

WHEREAS, on July 26, 2016, 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 this 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 Minor Modification (#16-08).

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the Town of Loomis, at its meeting of July 26, 2016, did resolve as follows:

1. The proposed Project is consistent with the goals, policies and land uses in the Town of Loomis General Plan and Zoning Ordinance.
2. As per Section 15164 Addendum to an EIR or Negative Declaration of the California Environmental Quality Act (CEQA) there have been no substantial changes to the project by this modification to the previous Mitigated Negative Declaration for Sierra College Estates adopted by the Planning Commission on January 27, 2015, it is re-adopted with the Addendum and staff is directed to file a Notice of Determination with the County Clerk.
3. Minor Modification (#16-08) to allow private wells instead of public water for the Sierra College Estates Subdivision is hereby approved per the findings set forth in Exhibit A and the 53 conditions of approval set forth in Exhibit B.

ADOPTED this 26 day of July, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Michael Hogan, Chairman

Robert King, Town Planner

EXHIBIT A
FINDINGS PROJECT #16-08
PLANNING COMMISSION, JULY 26, 2016

California Environmental Quality Act (CEQA)

1. The initial study identified possible adverse environmental effects, but conditions of project approval have reduced them to a point where they are less than significant.
2. As per Section 15164 Addendum to an EIR or Negative Declaration of the California Environmental Quality Act (CEQA) there have been no substantial changes to the project by this modification to the previous Mitigated Negative Declaration for Sierra College Estates adopted by the Planning Commission on January 27, 2015, as re-adopted with the Addendum.

Subdivision Map Act

1. The proposed modification of the subdivision is, together with the provisions for its design and improvement, consistent with the general plan and any applicable specific or community plan.
2. The effect of this decision on the housing needs of the region and balancing these needs against the public service needs of its residents and available fiscal and environmental resources has been considered.
3. The tentative map is consistent with the General Plan and that the site is physically suitable for the type of development.

Pursuant to Section 66474 of the Subdivision Map Act, the Planning Commission makes the following findings as to the proposed modification of the Sierra College Estates Subdivision:

1. The proposed map is consistent with the Town's General Plan and Zoning Ordinance.
2. The design and improvement of the proposed division are consistent with the General Plan because adequate infrastructure and services will be available to serve the demand for services generated by the division, including water, sanitary sewer, and roadways.
3. The site is physically suitable for this type of development in that the site meets the size requirements for seven additional single-family residences, and there are no environmental constraints.

4. The site is physically suitable for the proposed density of development in that the addition of seven single-family residences is consistent with the allowed zoning density.
5. The design of the division or the proposed improvements will not cause substantial environmental damage, or injure fish or wildlife, or their habitat, in that the division is of an existing residential parcel.
6. The design of the division or improvements will not cause serious public health problems since water, sewer, sheriff, fire, and solid waste services will be adequately provided to the project.
7. The design of the project or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed project.

EXHIBIT B
CONDITIONS OF APPROVAL APPLICATION #16-08
PLANNING COMMISSION, JULY 26, 2016

Minor Modification #16-08 is approved to allow the use of private wells rather than public water for a previously approved seven lot subdivision Sierra College Estates (Application #14-09), subject to the findings and the 53 recommended conditions of approval being, APN 030-100-017, located at the northwest corner of Bankhead Road and Sierra College Boulevard. The approval expires on January 27, 2017, unless extended by the Planning Commission.

(Note: New or Modified Conditions of Approval are shown in ***Bold Italics.***)

GENERAL CONDITIONS

1. _____ The Owner shall comply with all provisions of the Town of Loomis Municipal Code.
2. _____ 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.
3. _____ The owner shall submit the CC&R's for review and approval (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 Engineer and Town Attorney prior to Final Map/Parcel Map approval.
4. _____ Development shall be substantially in accordance with the plans entitled "Tentative Parcel Map Sierra College Estates APN 030-100-017-000", as prepared by Rose's Engineering, consisting of one (1) sheet, dated "September 30, 2014" as revised "**June 2016**", except as may be modified by the conditions stated herein.
5. _____ When submitting for 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 (sub-divider) shall defend, indemnify, and hold harmless the Town of Loomis and its agents, officers and employees from any claim, action or proceeding against the

Town, or its agents, officers and employees to attach, set aside, void, or annul, an approval of the Planning Commission, or Town Council concerning the subdivision that is the subject of this application and which is brought within the time period specified in Section 66499.37 of the Subdivision Map Act.

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.
8. _____ The owner shall dedicate a one-foot-wide no-access dedication along the property lines adjacent to Bankhead Road and Sierra College Boulevard on the final map.

IMPROVEMENTS (ROADWAY, DRAINAGE, GRADING)

9. _____ The owner shall record an irrevocable offer of dedication for 30' or ½ of the right-of-way for the Bankhead Road frontage for a total 60-foot right-of-way.
10. _____ The owner shall enter into, and record, a road maintenance agreement, in a form acceptable to the Town Attorney, for the seven parcels prior to recordation of the Final Map.
11. _____ The owner shall construct Class B (H-0) 50'-wide, 6"-thick aggregate base with 2" of asphalt with 8' aggregate base shoulder access road, plus the turn around (Loomis detail H-26) as shown on the tentative map prior to parcel map recordation.
12. _____ The owner shall improve the emergency access easement with a 4" thick aggregate base, 20' in width prior to issuance of the first building permits.
13. _____ The owner shall construct a Loomis detail H-15 Roadway connection onto Bankhead Road.
14. _____ Security gates and/or fences at each end of the emergency vehicle access shall require detailed plans that shall be submitted to the Sheriff's Substation, Fire Department and Planning Department for approval prior to issuance of building permits.
15. _____ The owner shall obtain an encroachment permit prior to any work within public rights-of-way.
16. _____ 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.
17. _____ 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.

18. _____ The owner shall submit certified as-built plans and computer generated design files on disk detailing the improvements prior to final acceptance of improvements.
19. _____ 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.
20. _____ The owner shall dedicate all necessary right-of-way or easements for streets, sewers, water facilities, utilities, drainage facilities, and other facilities as required by the Town on the final map.
21. _____ 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.
22. _____ The owner shall prepare and install erosion and sediment control along the delineated boundary of the riparian zone and all disturbed areas during all demolition/construction activities per State Water Resources Handbook.
23. _____ All grading shall conform to the Town Grading Ordinance, and/or as recommended by a soils report prepared by, with prior review and approval by the Town Engineer. A Grading Permit shall be obtained prior to building permit issuance.
24. _____ Drainage facilities for the site shall be designed and constructed as directed and approved by the Town Engineer according to good public engineering practices and the Town's Dry Creek standards prior to occupancy.
25. _____ No on-street parking on Bankhead Road is permitted in conjunction with this permit.
26. _____ 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 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.

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. The

boundaries of the flood zone through the site shall be delineated with a post & cable per Loomis detail LSC-25.

27. _____ No construction, including but not limited to impenetrable barriers, structures, and/or fencing, shall occur within the area defined as "wetlands" or "restricted area" as delineated on the "Tentative Parcel Map Sierra College Estates APN 030-100-017-000", as prepared by Rose's Engineering, received "June, 2016".

GENERAL PLANNING

28. _____ 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.).

29. _____ The owner will be responsible for taking reasonable actions to abate nuisances caused by this project in the project area which are under the owner's control.

30. _____ No request for a Parcel Map, pursuant to this map, shall be approved until all conditions are completed and accepted by the Town, acceptable to the Town Attorney, for those conditions not completed, as has been submitted.

31. _____ The project shall conform to requirements of the Placer County Air Pollution Control District (PCAPCD). Prior to commencement of grading, the applicant shall submit a dust control plan for approval by the Town Engineer and PCAPCD. The contractor shall apply water to control dust, as required by Rule 228 (Fugitive Dust), to prevent dust impacts offsite. Operational water truck(s) shall be onsite at all times to control fugitive dust. Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off-site. Earth moving construction equipment shall be cleaned with water once per day.

32. _____ If project scheduling allows, the removal of trees shall be conducted outside of the Migratory Bird Treaty Act (MBTA) and peak bird nesting seasons (February 15 through September 15). If tree removal must be conducted during the nesting season, the applicant shall hire a qualified Biologist to conduct a survey for active bird nests within 3 days prior to commencement of any construction activities. Should an active nest be identified, restrictions will be placed on construction activities in the vicinity of any active nest observed until the nest is no longer active, as determined by a qualified Biologist. These restrictions may include a 300- to 500-foot buffer zone designated around a nest to allow construction to proceed while minimizing disturbance to the active nest. Once the nest is no longer active, construction can proceed within the buffer zone. A note which includes the wording of this condition of approval shall be placed on the Improvement Plans.

33. _____ The project proponent shall submit a complete Tree Permit application for review

and approval by the Town of Loomis. Upon review and approval of a complete Tree Permit application, the Town shall issue a Tree Permit.

34. _____ In accordance with the Tree Permit, the applicant shall replace the tree with a living tree (or trees) on the same property or within the Town of Loomis, in a location approved by the Town Manager. (Tree Ordinance §13.54.090) The replacement requirement shall be calculated as provided by Table 5-3 of the Tree Ordinance. The property owner will replace the tree(s) and continue to replace the replacement tree(s) if the tree(s) die(s) any time with five (5) years of the initial planting. Annual Arborist monitoring with a written report is required to ensure survival of the trees.
35. _____ If prehistoric or historical archaeological deposits are discovered during project activities, all work within 25 feet of the discovery shall be halted and the Town of Loomis Planning Department shall be notified. The archaeologist shall assess the situation, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Impacts to archaeological deposits shall be avoided by project activities, but if such impacts cannot be avoided, the deposits shall be evaluated for their eligibility on the California Register of Historic Resources (CRHR). If the deposit is not CRHR eligible, then no further protection of the finds are necessary. If the deposits are CRHR eligible, they shall be protected from project-related impacts, or such impacts shall be mitigated. Mitigation may consist of, but is not necessarily limited to, systematic recovery and analysis of archaeological deposits; recording the resource; preparation of a report of findings; and accessioning recovered archaeological materials at an appropriate curation facility. Public educational outreach may also be appropriate.
36. _____ The project developer shall construct the project in accordance with the Placer County Storm Water Management Manual prepared by the Placer County Flood Control and Water Conservation District as recognized by the Town. The project shall be constructed in a manner so that post-development runoff flows do not exceed predevelopment flows through the use of a drainage plan that includes provisions for on-site detention of runoff flows and payment of the Town's drainage impact fee. The developer shall submit a drainage plan, subject to review and approval of the Town Engineer. The developer shall pay the Town's Drainage Fee and the Dry Creek Watershed Drainage Improvement Fee prior to building permit issuance.
37. _____ No construction work shall begin prior to 7:00 a.m. nor occur after 7:00 p.m. Monday through Friday nor prior to 8:00 a.m. or after 5:00 p.m. on Saturday, with no work to occur on Sundays or holidays.
38. _____ The applicant shall be required to pay the Town's development fees consisting of the Community Facility Fee, Park & Recreation Fee, Low Income Density Bonus Fee, and Placer County Capital Facility Impact Fee. In addition the developer shall be required to pay fees to other service providers: Loomis Fire District Fee, Loomis Union School District Fee, Placer Union High School Fee, SPMUD connection fee, and PCWA connection fee prior to

building permit issuance.

39. _____ The developer shall be required to pay park fees.
40. _____ The developer shall be required to pay the Road Circulation/Major Roads Fee prior to building permit issuance.
41. _____ A grading and drainage plan, subject to review and approval of the Town Engineer, shall be submitted prior to building permit issuance.
42. _____ The owners of all seven parcels shall subscribe to weekly refuse pickup.
43. _____ The applicant shall conduct a Phase 2 Site Assessment in order to determine if there is any residual contamination from the use of pesticides, unless the applicant provides substantial evidence that the property was not historically maintained as an orchard. ***Should a Phase 2 Site Assessment indicate the presence of residual pesticides in excess of threshold standards, the applicant\owner shall clean-up the site as per the requirement of the California EPA Department of Toxic Substance Control prior to the recordation of the final map.***

AGENCIES

44. _____ The owner shall install sewer service per South Placer Municipal Utility District requirements prior to occupancy.
45. _____ The owner shall provide will-serve letters from all applicable utilities, the franchised refuse collector, the post office, and the fire department (including extension of the zone of benefit for the Fire District) for the review and approval of Town staff prior to any building permit issuance. The owner shall complete all requirements or conditions imposed upon the project by these agencies to the satisfaction of the Town and the agencies prior to any building permits being issued.
46. _____ ***The seven residential lots may be served by private well rather than public water subject to the revised conditions of approval.***
47. _____ ***Prior to recordation of the final map, the property owner\applicant shall provide fire protection water supply as per the requirements of the Loomis Fire District, in their memo dated April 26, 2016, and June 30, 2016 or as otherwise modified by them.***
48. _____ ***A note shall be made on the final map that each homeowner shall be required to have a water storage tank to service fire sprinklers, as may be required by the Loomis Fire District, and for other domestic uses.***
49. _____ ***The following shall be submitted for review and approval by the Placer County***

Division of Environmental Health:

- a. A yield report as per Placer County Code Section 19.334.**
- b. Water Quality Analysis Report prepared by a State Certified laboratory and include a minimum Bacteriology, total coliform, fecal coliform, and chlorine residual, as well as Primary and Secondary Drinking Water Standards as defined in Title 22 of the California Code of Regulations.**
- c. Proposed sewer line layouts be submitted prior to well permit approval to determine setback requirements.**

50. _____ All utility facilities shall be placed underground in accordance with the Loomis Municipal Code.
51. _____ The property owner shall coordinate with PG&E on any future development plans which occur within PG&E easements.
52. _____ The owner shall pay the development fees (e.g. road circulation fees, drainage fees, community facilities fee, master plan, Placer County, open space and parks, and fire fees, etc.) in effect at the time of building permit issuance.
53. _____ *To avoid potential impacts to wetlands wells shall be located and constructed as follows:*
- a. Be drilled on established pads outside of the restricted area as shown on the revised Sierra College Estates Tentative Map.**
 - b. If perched water is present during well boring, top soil shall be mixed with 20% bentonite in the immediate vicinity of the well and compacted to prevent water flow.**
 - c. Wells should be located on the higher ground away from possible perched water tables.**

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

54. _____ *Mitigation required in the approved Mitigated Negative Declaration (MND)\Addendum of this project, is incorporated herein by reference as required conditions of approval.*