



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

TUESDAY

October 21, 2008

7:30 P.M.

CALL TO ORDER The meeting was called to order at 7:30 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 staff or Commission comments

PUBLIC COMMENT

There was no public comment on items not on the agenda

ADOPTION OF AGENDA

If items on the Agenda will be rescheduled for a different day and time, it will be announced at this time. All matters listed under the Consent Agenda are considered to be routine and all will be enacted by one motion with a voice vote. There is no separate discussion of these items unless members of the Planning Commission, audience or staff request specific items to be removed from the Consent Agenda for separate action. Any items removed will be considered after the motion to approve the Consent Agenda.

CONSENT AGENDA

RECOMMENDATION

1. MINUTES OF SEPTEMBER 16, 2008

APPROVED

2. PROJECT STATUS REPORT

RECEIVED AND FILED

Commissioner Thew inquired about the Wild chicken alcohol beverage license and encroachment permit, the Takamoto General Plan amendment and the Villages EIR consultant. The Planning Director informed Commissioner Thew that the encroachment permit was needed for outdoor seating in the public right-of-way, that staff was still in discussion about how to correct the Takamoto zoning issue and that the consultant for the Villages project had been paid to begin the EIR process. Chairman Hogan outlined the protocol of the meeting and the allotted time for public comment on matters before the Commission.

Public Comment on Consent Agenda: There was no public comment.

A voice vote was taken approving the Consent Agenda and approved by all Commissioners in attendance:

Ayes: Wilson, Obranovich, Hogan, Arisman, Thew

Noes: None

PUBLIC HEARINGS

3. #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 determine if the findings for the proposed minor variance can be made. Staff is recommending denial of this application but is providing a draft resolution for an approval.

Public Comment:

Following staff report, the Planning Commissioners asked questions of staff and heard from the applicant, Mrs. Patsie Fletcher.

Patsie Fletcher- 3866 Circle Drive

Mrs. Fletcher stated that she has been living on Circle Drive for 30+ years and that they are not bad neighbors and get along with neighbors. She said that the garage/workshop was intended to be used for storage and to house vintage cars owned by her husband. She said the structure was meant to help them clean up their yard and remove “temporary” buildings in their rear yard. She said that there was no intention of starting a business, that they planned on using lap siding and landscape to screen the view.

Jack Speck- 3876 Circle Drive

Mr. Speck questioned the drainage issue and was worried about runoff to his property. He said that the structure was too large and that it was not as depicted in the photo provided by the Fletcher's.

Gary Liss- 4395 Gold Trail Way

Mr. Liss stated that he was in favor of a variance approval and hoped that the neighbors could reach a compromise. He said that he had not been by the site to witness the project but hoped that the Commission could use its discretion to come to a decision which made sense.

Following this public comment, the Fletcher's were able to rebut the public comment and said that they have every intention to make the building look aesthetically pleasing and that the drainage did not run to the rear of the property but to a drain on a neighbors property. The Town Engineer said that he would have to inspect the site in order to make a determination but that the drainage could be addressed. Commissioner Thew stated her concern that the finished product was not represented by what was existing onsite. The Planning Commission debated the merits of an approval and added a condition to the approval that allowed the Director the power to work with applicants to properly screen the structure and comply with appropriate design materials.

A motion to approve Resolution #08-13 was made by Commissioner Wilson and seconded by Commissioner Obranovich to approve the Variance request with modified findings and added conditions and approved by the following voice vote:

**Ayes: Wilson, Obranovich, Hogan
Noes: Arisman, Thew**

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 leave the existing homes on Parcel 4 on site until the Council gives direction on a Development Agreement to allow homes to remain. Should the Planning Commission determine to approve the subdivision retaining the existing homes, a Development Agreement, approved by the Town Council, is required prior to the subdivision action becoming effective. A General Plan and Zoning Amendment have been considered. 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:

Following staff report, the Commissioners asked staff to clarify the issue(s) at hand and were told that the plan to retain the 5 homes through a Development Agreement, general Plan amendment or the like was not finalized although there was an alternate plan that would subdivide the land into 8 lots and retain 2 of the 5 existing homes on proposed lot 4. The Town Engineer explained the different road maintenance options available for conditioning and the Town attorney laid out options for the Planning Commission moving forward. The Commission elected to take public comment and continue the item to the November meeting.

Gary Liss- 4395 Gold Trail Way

He said that he was worried that an amendment to the General Plan and condition 8 of the recommended approvals set a bad precedent for the town and that the project was not consistent. He mentioned the idea of clustering the project and that staff should be enforcing the 100' setback from all wetlands and not just blue line.

Michelle Miner- 3870 Berg Lane

She said that she is a property manager for the rental company and wanted to see the homes preserved for her and the other renters since they provided a chance to live in Loomis for young families.

Candice Hewitt- 3739 Berg Lane

She also stated that the homes were needed and were close to good schools and should remain.

Harold Hewitt- _____Saunders Avenue

He was in favor of keeping homes and liked having his family close by in a home they could afford to live in.

Dwayne Fender- 3870 Berg lane

He stated that he was concerned about the value of his homes should the existing homes be retained. He said that the road should not be private but taken over by the city to maintain and for liability. He said that the homes were sub-standard and need major rehab.

Following public comment, the applicant addressed the Planning Commission and said that clustering had already been ruled out and that there were no constraints that would allow the Commission to make the necessary findings. He said he was agreeable to making the 5 homes deed restricted and wanted to keep the affordable homes. He offered to allow the building inspector to inspect the homes and report to the Planning director. The Commissioners then deliberated on the project and encouraged the applicant to further work with staff to find a way to legally retain the homes as a component of the subdivision.

A motion to continue the item to the November 18, 2008 Planning Commission meeting was made by commissioner Thew and seconded by Commissioner Arisman and approved by a voice vote:

Ayes: Thew, Arisman, Hogan, Obranovich, Wilson

Noes: None

5. DEVELOPMENT AGREEMENT WITH HOMEWOOD LUMBER

The approved Homewood Lumber Relocation project proposes to relocate existing lumber sales, door assembly and storage facilities onto an 8.8-acre site located at the intersection of Brace Road and Sierra College Boulevard in Loomis. The Town is considering approval of a Development Agreement with the applicant. A Development Agreement is a land use approval contract allowed through California law. It provides greater certainty for an applicant and provides flexibility for the Town in its requirements as long as the development agreement proposal is consistent with the General Plan. The Town is allowed to be more or less restrictive with the zoning requirements as long as these changes do not conflict with the General Plan. This agreement is negotiated between the applicant and the Town and approved in the form of an ordinance by the Town Council, after recommendation by the Planning Commission (both at public hearings). This specific development agreement addresses a land exchange and fees as well as a tree protection and preservation plan. With respect to environmental documentation, staff anticipates recommending that the Council [make a finding that this action is covered by the previously adopted Mitigated Negative Declaration](#).

Recommended Action:

Hear staff report, take public comment and consider a recommendation of approval to the Town Council or as modified by the Commission.

Public Comment:

****Staff discussed previous concerns of possible Brown Act violations with the Commission. The Town Attorney determined that no such violation occurred.****

The staff report was given by the Town Manager detailing the deal points of the Development agreement, points of modification (including revised development fee total, tree mitigation) and answered questions of the Commission. Following this period, the applicant was able to address the Planning Commission and updated them on the progress of the development approvals and plan of Homewood's relocation.

Gary Liss- 4395 Gold Trail Way

Mr. Liss said that he was in favor of Homewood staying in Loomis but felt that the terms of the negotiations should be more beneficial for the town. He stated that he wanted the tree mitigations followed as discussed in the ordinance and believes that the open space has no value. He was concerned that the DA would be setting a precedent for the future of the town.

Madelyn Coles-5470 Brace Road

She said that she agreed with Mr. Liss and said that she thought the town was giving up to much money. Mrs. Coles also expressed concern about the materials in a local newspaper advertisement.

Larry Baldwin-

Homewood Lumber and Loomis are connected and need each other to succeed. Mr. Baldwin stated that the truss factory is at another location and that the other items mentioned in the ad by Mrs. Coles were pre-fabricated and not manufactured onsite. He stated that the relocation would alleviate traffic through the center of town by drawing cars to the Sierra College/Taylor intersection.

Gerald Neal- 5490 Brace Road

Mr. Neal asked why the town is bending backwards for Homewood Lumber and believed that the site is not suitable for the project. He said that Homewood should have to pay all the fees that any other business would.

Peter Graff- 7000 Brooks Lane

He said that he supports Homewood Lumber and its relocation and states that Homewood is a part of the town.

Following public comment the applicant was able to rebut the public comment and said that Homewood intends to pay all standard building fees and reiterated that they want to stay in Loomis. The Planning commissioners deliberated on the Agreement. Commissioner Wilson said that negotiations are not uncommon when bringing business into a community. Chairman Hogan said that business support a town, not residences and that other jurisdictions do much more for other businesses. Commissioner Thew expressed her opposition to an approval of the Agreement citing her concern with the fee allocation, the dedication value of the land by Homewood Lumber given need for maintenance and that the agreement is not in the best interest of the town.

The town attorney reviewed the points of modification including that the prevailing wage be changed to name the town, rollover if after 10 years and section 7.4 would be modified as written by the Town attorney. That Homewood would be obligated to replant the total numbers of trees if they relocated or went out of business. The term of the agreement was determined to be for a period of 15 years.

A motion to recommend the Homewood Lumber Development Agreement to the Town Council with included modifications by the town attorney was made by Commissioner Obranovich and seconded by Commissioner Wilson and approved by the following roll call vote:

Ayes: Obranovich, Wilson, Hogan, Arisman

Noes: Thew

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.

Recommended Action: Continue to November 18, 2008 Planning Commission

Public Comment:

Gary Liss- 4395 Gold Trail Way

Mr. Liss encouraged winery usage in the Downtown Core.

A motion was made to continue this item to the November 18, 2008 Commission by Commissioner Wilson and seconded by Commissioner Arisman and approved by a voice vote:

Ayes: Wilson, Arisman, Obranovich, Hogan, Thew

Noes: None

7. #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: Hear staff report, take public comment, discuss and request any additional information needed for a decision and continue to November 18, 2008 Planning Commission.

Public Comment:

**** Chairman Hogan recused himself since he rents commercial property abutting the project and Commissioner Arisman stated that she is within 2500 feet of the site and does not believe that the project affects her property value.****

Irving Dumm- Granite Bay

Mr. Dumm believed that some of the structures and other issues are grand-fathered (non-conforming) but said that he intended to work with staff and the Commission to bring the site up to code. He asked that the town continue to let him operate so that the businesses onsite would not have to close. Staff indicated that the building department would be consulted and that they would meet with Mr. Dumm to move the project towards compliance.

A motion was made to continue the item to the November 18, 2008 meeting by Commissioner Obranovich and seconded by Commissioner Wilson with a voice vote approval:

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

ADJOURN: The meeting was adjourned at 11:42 p.m.

Ryan Wunsch, Assistant Planner

Michael Hogan, Planning Commission Chair