

# TOWN OF LOOMIS

## RESOLUTION NO: 19-05

### A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOOMIS APPROVING THE VILLAGE AT LOOMIS TENTATIVE SUBDIVISION MAP Project #(14-05)

WHEREAS, the Town received a proposal to develop the 66.5± acre Village at Loomis project site ("Village Project" or "Project"), including amendments to the General Plan Land Use Diagram, General Plan text, rezoning of the Project to Planned Development, a proposed Preliminary Development Plan and Development Standards, proposed Specific Development Plans for Villages 1, 2 and 3, proposed Village Design Guidelines, and a proposed Village Tentative Subdivision Map; and

WHEREAS, concurrent with its consideration of this resolution, the Town Council adopted Resolution 19-01 certifying the Environmental Impact Report for the Village at Loomis Project (the "Village Project" or "Project") and adopting Findings of Fact, a Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Plan for the Project; and

WHEREAS, concurrent with its consideration of this resolution, the Town Council adopted Resolution 19-02 approving changes to the General Plan land use designations for portions of the Village Project and approving changes to certain applicable development standards; and

WHEREAS, concurrent with its consideration of this resolution, the Town Council adopted Ordinance 275 rezoning the Village Project site to Planned Development (PD), establishing PD-01 and approving a Preliminary Development Plan and Development Standards for the Project, all as authorized by Chapter 13.29 of the Loomis Municipal Code; and

WHEREAS, concurrent with its consideration of this resolution, the Town Council adopted Resolution 19-04 approving Specific Development Plans for Village Areas 1, 2 and 3 (PD-01); and

WHEREAS, on April 25, 2018, the Loomis Planning Commission held duly noticed public hearings at which the Planning Commission received public testimony concerning the Village Project and voted to recommend denial of the Village Project; and

WHEREAS, the Town Council conducted a duly noticed public hearing on the Village Project, at which time at which testimony from the public, staff, and the applicant was received; and

WHEREAS, the proposed Village Tentative Subdivision map, as presented to the Town Council on this date, are hereby incorporated by reference.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Loomis as follows:

#### Section 1. Record.

The Record of Proceedings ("Record") upon which the Town Council bases its decision regarding this Resolution includes, but is not limited to: (1) all staff report, Town files and

records and other documents prepared for and/or submitted to the Planning Commission and Town Council relating to the Village at Loomis Project, (2) the Town General Plan; (3) the Final Environmental Impact Report (FEIR) for the Village at Loomis Project; (4) all documentary and oral evidence received at public hearings or submitted to the Town relating to the Village at Loomis Project; (5) all matters of common knowledge to the Town Council and the Town, including, but not limited to, Town, State, and federal laws, policies, rules and regulations, reports, records and projections related to development in the Town and surrounding areas. The location of the custodian of the Record is the Planning Director of the Town of Loomis, 3665 Taylor Road, Loomis, CA 95650.

## Section 2. Findings.

Pursuant to Government Code Section 66474 and the Loomis Municipal Code, and based on the information included in the Record, the Town Council make the following findings in support of approval of the Village Tentative Subdivision Map:

1. None of the conditions described in Government Code Section 66474, subsection (a) through (g), inclusive, exist with respect to the proposed subdivision as follows:
  - a. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the Town's General Plan, all applicable community and specific plans, Chapter 14 of the Town Municipal Code, and the Preliminary Development Plan, Development Standards, and Specific Development Plans for Village Areas 1, 2 and 3;
  - b. The site is physically suitable for the type of development proposed and suited for the proposed density;
  - c. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife their habitat;
  - d. The design of the subdivision and the type of improvements are not likely to cause serious public health problems;
  - e. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use, of, property within the proposed subdivision.
2. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the Town General Plan and Chapter 14 of the Town Municipal Code.
3. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in a violation of the applicable waste discharge requirements prescribed by the California Regional Water Quality Board, Central Valley Region, in that existing treatment plants have a design capacity adequate to service the proposed subdivision (Gov. Code §66474.6).
4. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Gov. Code §66473.1).

5. The Town Council has considered the effect of the approval of this tentative subdivision map on the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources (Gov. Code §66412.3).

Section 3. Action. The Town Council hereby approves the Village Tentative Subdivision Map as presented to the Town Council on this date and on file with the Town Planning Department, subject to the Conditions of Approval set forth in Exhibit A to this Resolution.

PASSED AND ADOPTED this 8<sup>th</sup> day of January, 2019, by the following roll call vote:

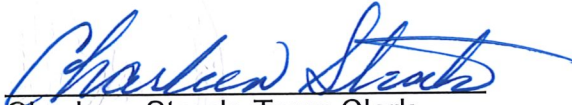
AYES: Baker, Clark-Crets, Morillas, Onderko  
NOES: Duncan  
ABSENT: None  
ABSTAINED: None



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Tim Onderko, Mayor

ATTEST:



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Charleen Strock, Town Clerk

## Exhibit A

### Conditions of Approval

#### GENERAL CONDITIONS

1. The Village at Loomis project ("project") involves the approval of a number of land use entitlements, including: a) changes in General Plan development standards; ii) a rezoning of the property to Planned Development (PD) pursuant to the Loomis Municipal Code; iii) approval of a Preliminary Development Plan for the project, including development standards and design guidelines; iv) approval of a Specific Development Plan applicable to portions of the project; and v) approval of a Development Agreement; and vi) approval of a Mitigation Monitoring and Reporting Program. The terms and conditions of these approvals, including requirements related to the timing and financing of infrastructure needed to serve the project, are hereby incorporated and made conditions of approval. In the event of an actual conflict between any of these terms and conditions, the following order of precedence will apply:
  - a. General Plan;
  - b. Mitigation Monitoring and Reporting Program;
  - c. Development Agreement;
  - d. Preliminary Development Plan and Development Standards;
  - e. Design Guidelines;
  - f. Specific Development Plan;
  - g. Zoning Code;
  - h. These conditions of approval.
2. Applicant shall comply with all applicable provisions of federal, state and Town laws, including the Town of Loomis Municipal Code.
3. Land use phasing and infrastructure phasing shall comply with Exhibits D and E of the Village at Loomis Development Agreement.
4. Mitigation measures contained in the Village at Loomis Environmental Impact Report Mitigation Monitoring and Reporting Program (MMRP) are incorporated herein by reference as required conditions of approval.
5. 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 these 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.
6. When submitting for Improvement Plans, Final Maps or Building Plan Check, the applicant shall provide to the Planning Department a copy of the final conditions of approval (including any mitigation measures and conditions of approval set out in any of the other entitlements applicable and development agreement) with a cover letter specifying exactly how and where the revised project/plans or other document address each of the conditions/mitigation measures/requirements. Plan Check by the Planning Department and Town Engineer will not be

initiated without compliance with this condition.

7. Applicant shall be responsible for correcting inconsistencies that may occur through errors or omissions on improvement plans or construction of project improvements.
8. The applicant 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.

**PUBLIC WORKS IMPROVEMENTS (ROADWAY, DRAINAGE, GRADING AND PARKING DESIGN)**

9. The applicant shall obtain an encroachment permit from the Town of Loomis prior to any grading and/or construction within Town right-of-way.
10. Existing public facilities and real and personal property damaged during the course of construction shall be repaired/restored by the applicant at applicant's expense, to the reasonable satisfaction of the Town Engineer.
11. The Town shall not approve the Final Map(s) for recordation until either:
  - a. A subdivision agreement/contract improvement agreement is entered into along with a bond, cash deposit, or instrument of credit, in the amount of 150% of the estimated cost, guaranteeing the construction of all improvements within the time period required or an approved time extension in accordance with the provisions of the Loomis Municipal Code and other applicable laws. The subdivision agreement/contract improvement agreement shall be in a form acceptable to the Town Attorney.

OR

  - b. The improvement plans are approved, and the improvements are constructed and accepted as complete.
12. All improvement plans and grading plans shall be prepared by a California Registered Civil Engineer and shall be approved by the Town Engineer prior to approval of the improvement plans for that portion of the project.
13. Applicant shall submit as-built plans and computer generated design files on CD (PDF and AutoCAD) detailing the final improvements prior to final acceptance of improvements.
14. The applicant shall pay Town's actual costs for providing plan check, installation and inspection services related to on-site and off-site improvements. Costs shall be paid in full prior to acceptance of the improvements. The applicant shall deposit an initial inspection fee of three percent (3%) of the total grading and construction costs related to civil improvements.
15. Applicant shall dedicate all necessary easements, as shown on the tentative map, for streets, alleys, sewers, water facilities, utilities, drainage facilities, and other facilities as required by the utility agencies and the Town.

16. Applicant shall be responsible for all actions of applicant's contractors and subcontractors until such time as improvements have been accepted as complete by the Town.
17. Both on-site and off-site drainage facilities shall be designed and constructed in compliance with the Placer County Flood Control District Storm Water Management Manual, the Town of Loomis Land Development Manual and best management practices.
18. Prior to issuance of grading permit(s), applicant shall submit a grading and drainage plan to the Town for review and approval that addresses the impacts to the drainage patterns and runoff increases. On-site detention shall be provided 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.
19. Applicant shall establish a Homeowner's Association (HOA) for maintenance of all common areas, including pedestrian walkways, easements, and landscaping, including private front yard landscaping and landscaping in the public rights-of-ways to the extent not already in a maintenance district. A declaration of Covenants, Conditions and Restrictions (CC&RS), in a form acceptable to the Town, shall be recorded on the entire property concurrently with the Final Map. The CC&Rs shall include the following items:
  - a. Garages shall not be used in such a manner as to restrict their availability for the parking of the resident vehicles;
  - b. Prohibits the amendment or deletion of any sections of the CC&Rs required by these conditions without the Town's written consent, which can be withheld in the Town's reasonable discretion; and
  - c. Identifies the Town as a third party beneficiary of these provisions with the right, but not the obligation, to enforce them.
  - d. All landscape areas shall be maintained in a healthy, thriving condition, free from weeds, trash and debris.
20. Access to the project site (for emergency and vehicular access) during grading and construction activities and project operation shall be maintained to the satisfaction of the Director of Public Works/Town Engineer and South Placer Fire Protection District.
21. The applicant shall ensure that the fitness trails are ten feet wide and constructed of decomposed granite. The portion of the trail that serves as a utility access road may be paved or constructed with an all-weather surface. The trail along the westside of the project shall be approximately 1,650 feet long, the trail along the east side shall be approximately 475 feet long. The trail on the west shall include a connection to the end of Library Drive and with Doc Barnes Drive, and the trail on the east would include a connection to the future Blue Anchor Drive. These fitness trails shall include parcourse stations every 200-300 feet. In addition, one parcourse station shall be located in each of the two proposed active parks along with signage directing parcourse users to the other parcourse stations.
22. The applicant shall further ensure that the active parks include turf decorative landscape areas, benches, tot-lot play equipment, including climbing and play structures, and shade structures.

23. All grading shall comply with the requirements of the Town Grading Ordinance (Municipal Code Section 12.04), with prior review and approval by the Town Engineer. A grading permit shall be obtained prior to the approval of Improvement Plans. A rough grading permit may be approved by the Town Engineer prior to approval of the improvement plans.
24. Prior to issuance of a grading permit, the applicant shall submit to the Town a staging plan for construction vehicles to address construction routes on-site and minimize impacts to surrounding uses during construction operations.
25. Prior to issuance of a grading permit, the applicant shall submit to the Town a preliminary construction schedule consistent with Exhibit D and Exhibit E of the Village at Loomis Development Agreement.
26. Prior to issuance of a grading permit and/or improvements plans, applicant shall submit to the Planning Director and the Town Engineer the appropriate permits and clearances from the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, and the Regional Water Quality Control Board.
27. The applicant shall, in consultation with the relevant school, fund and install signage throughout the property depicting safe routes to Loomis Grammar School and Del Oro High School.
28. The Doc Barnes Drive/Gates Drive intersection design shall include pedestrian and bicycle facilities to link the project with commercial uses south of the site. The Pedestrian and bicycle improvements at the intersection shall include features such as left-turn bike boxes, enhanced paving, pedestrian refuges at medians, subject to review by the Town Engineer.

#### **AGENCIES**

29. Prior to approval of improvement plans, Applicant shall provide to the Town of Loomis a will-serve letter or an equivalent approval from South Placer Municipal Utility District, Placer County Water Agency, refuse collector, post office, and South Placer Fire Protection District, including extension of the zone of benefit for the Fire District. The applicant shall comply with all legally enforceable 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.
30. All utility facilities shall be constructed underground, in accordance with the Loomis Municipal Code.
31. Applicant shall provide an approved Letter of Map Revision prior to the issuance of any building permits in Village Plan Area 2 (Village Single Family Court) that contains Lots 159 through 161.

#### **Placer County Health Environmental Health Division**

32. Prior to the issuance of building permits, the applicant shall submit a completed Hazardous Materials Emissions Questionnaire as required by the Placer County Division of Environmental Health.

33. The applicant shall not discharge fuels, oils, other petroleum products, chemicals, detergents, or cleaners to the surface of the ground or to drainage ways on or adjacent to the site.
34. Portable toilets located on-site during grading and construction activities shall be screened from public view. The portable toilet location(s) shall be subject to the approval of Placer County Environmental Health and the Loomis Planning Director.

**South Placer Municipal Utility District (SPMUD)**

35. Prior to recordation of final map, the applicant shall submit a will-serve letter from the South Placer Municipal Utility District to the Town of Loomis confirming that there is sufficient capacity in the sewage collection and conveyance infrastructure to serve the project.
  - a. The creation of any open space areas shall not modify or reduce the rights of SPMUD to access, maintain, repair, and replace sewer facilities, or add regulatory requirements for the above-mentioned activities.
  - b. A new sewer line shall be constructed within the proposed Library Drive, so that portions of the existing 10-inch sewer within the open space of the project can be abandoned in place. Upon acceptance of the sewer improvements by SPMUD, SPMUD will allow the termination of its sewer easement over the abandoned sewer facilities.
  - c. An all-weather access road/surface shall be constructed along the utility corridor which can support the load of SPMUD maintenance vehicles and equipment (46,000 pounds).
    1. SPMUD Standards and Specifications defines all-weather surface as 3-inches of asphalt concrete over 8-inches of compacted aggregate base, or approved equal. Decomposed granite alone will not be accepted.
    2. The access road shall provide access to the entire length of the sewer pipelines with the exception that an access road will not be required over the portion of the existing pipeline within the delineated wetland.
    3. Turnaround spaces shall be constructed per SPMUD standards if the access road(s) do not provide continuous travel across the entirety of the access road. Easements shall be provided to SPMUD for turnaround spaces.

**Placer County Water Agency (PCWA)**

36. Prior to approval of improvement plans, the applicant shall enter into a facilities agreement with PCWA and provide the agreement to the Town.
  - a. The applicant shall design and construct all public water facilities to PCWA and state standards.
  - b. The applicant shall relocate and replace the existing canal where it enters an improved area such as roadway or alley. The canal shall be relocated into the public right of way and not in a private parcel.
  - c. The applicant shall install fencing at the edge of PCWA's existing easement.



d. The applicant shall provide all-weather access along the existing PCWA easement. If decomposed granite is the finished surface of choice, the applicant shall be responsible for maintenance and replacement due to normal expected use of an all-weather surface.

#### **South Placer Fire Protection District**

37. The applicant shall comply with the requirements of the South Placer Fire Protection District prior to the approval of improvement plans.
38. Improvement plans shall show the location and size of fire hydrants and water mains in conformance with the standards and requirements of the South Placer Fire Protection District and Placer County Water Agency.

#### **GENERAL PLANNING**

39. Applicant shall be responsible to ensure all conditions to this permit are binding on all successors-in-interest.
40. Per Government Code Section 66000, applicant shall be responsible for reimbursement of all actual monitoring costs to insure compliance with these conditions.
41. Applicant shall be responsible for taking reasonable actions to abate nuisances caused in the project area which are under the applicant's control.
42. Prior to issuance of grading permit, a minimum cash deposit of \$10,000 (or an amount deemed adequate by the Planning Director) shall be posted to ensure that the heritage trees on site are protected/preserved and replaced, if required. The bond shall be posted on a form approved by the Town Attorney prior to issuance of grading permit.
43. The number of bedrooms per dwelling unit in the Village Residential district (PD Area 1) shall not exceed four (4).

#### **LANDSCAPING AND DESIGN – DESIGN REVIEW APPROVAL**

44. All buildings, landscaping, roads, alleyways, and all trails and pedestrian ways shall be as designed and constructed consistent with the Village at Loomis Development Standards and Village at Loomis Design Guidelines. Minor modifications which do not have a material effect on the design of the project may be approved by the Planning Director consistent with the Specific Development Plans.
45. Universal design features shall be provided in all ground floor units within the Village High Density Residential PD Area (PD Area 4). Universal design features shall include, but not be limited to, wider doors and hallways, step-free entrances, open plan designs, and accessible bathroom and kitchen features.
46. Final landscaping and street tree plans shall be designed and constructed consistent with Section 13.34 (Landscaping Standards) of the Town Municipal Code, the Village at Loomis Development Standards and Village at Loomis Design Guidelines. Minor modifications which do

not have a material effect of the design of the project may be approved by the Planning Director consistent with the Specific Development Plans.

47. Individual development projects are subject to the Village Design Guidelines and shall be subject to preliminary design review by the Village at Loomis Design Review Committee prior to submittal to the Town of Loomis for processing.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

48. An annual mitigation monitoring fee of \$1,000 shall be paid to the Town of Loomis and shall be included within the financing mechanism established to fund maintenance of improvements.