

Vesting Tentative Map\Design Review #16-10

**LOOMIS TOWN COUNCIL
RESOLUTION NO. XXXX
May 9, 2017**

A RESOLUTION OF THE TOWN COUNCIL OF LOOMIS APPROVING VESTING TENTATIVE MAP OF APPLICATION #16-10 "THE GROVE" SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL.

WHEREAS, Mandarich Development, the applicant has requested approval of a Vesting Tentative Map "The Grove" and Design Review" to create 22 residential lots, along with four additional lots reserved for a park, entryway landscaping, and two required storm drainage detention basins located southwest of No Name Lane and Humphrey Road (APN: 044-021-008) Application #16-10; and,

WHEREAS, on March 28, 2017, 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 approved Resolution #17-03, which included approval of the Vesting Tentative Map, Design Review, and Mitigated Negative Declaration for The Grove project; and

WHEREAS, on May 9, 2017, the Loomis Town Council 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 Loomis Town Council reviewed and considered the administrative record associated with The Grove project, including the staff report relating to this application, the plans, the written and oral evidence presented to the Loomis Town Council in support of and in opposition to the application and recommended approval; and

WHEREAS, the Town Council of Loomis hereby makes the findings attached herein as Exhibit A in connection with Vesting Tentative Map and Design Review Application #16-10; and

NOW THEREFORE, based upon the findings set forth hereinabove, the Loomis Town Council of the Town of Loomis, at its meeting of May 9, 2017, did resolve as follows:

Vesting Tentative Map\Design Review #16-10

1. The proposed Project is consistent with the goals, policies and land uses in the Town of Loomis General Plan and Zoning Ordinance.
2. The proposed subdivision is consistent with the provisions of Section 66474 of the Government Code Subdivision Map Act.
3. Pursuant to CEQA Guidelines **Section 15070 Decision to Prepare a Negative or Mitigated Negative Declaration** the Town of Loomis prepared an Initial Study Mitigated Negative Declaration (IS\MND) and Addendum with 38 mitigation measures to reduce potential impacts to a level of less than significant. The Addendum is hereby adopted along with the revised Mitigation Monitoring Report Plan (MMRP).
4. The Vesting Tentative Map "The Grove" is hereby approved per the findings set forth in Exhibit A and the 50 conditions of approval set forth in Exhibit B.

ADOPTED this 9th day of May 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Robert Burns, Mayor

Cricket Strock, Town Clerk

EXHIBIT A
FINDINGS PROJECT #16-10
LOOMIS TOWN COUNCIL, May 9, 2017

California Environmental Quality Act (CEQA)

1. The initial study identified possible adverse environmental effects, but conditions of project approval, including the Mitigation Monitoring Report Plan (MMRP), have reduced them to a point where they are less than significant.
2. Pursuant to CEQA Guidelines Section 15070 Decision to Prepare a Negative or Mitigated Negative Declaration the Town of Loomis prepared an Initial Study Mitigated Negative Declaration (IS/MND) and an Addendum to the IS/MND. 38 mitigation measures were identified to reduce potential impacts to a level of less than significant in the IS\MND and the MMRP.

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 Loomis Town Council makes the following findings as to the Grove 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 22 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 22 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 and 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 #16-10
LOOMIS TOWN COUNCIL, MAY 9, 2017

The Vesting Tentative Map for the Grove Subdivision and Design Review Application #16-10 is approved for a 26 lot subdivision with 22 residential lots and four public lots (A to D) on a 9.8 acre parcel southwest of Humphrey Road and No Name Lane (APN: 044-021-008) per the following conditions. The applicant has two (2) years in which to record the Final Map to expire on May 9, 2019, unless extended by the Town Council. The map shall be in substantial compliance with the Vesting Tentative Map entitled **Vesting Tentative Map for "The Grove"** prepared by Meredith Engineering dated April 17, 2017 (**Attachment 1**), and the following conditions.

GENERAL CONDITIONS

1. _____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.
2. _____Development shall be substantially in accordance with the Vesting Tentative Map entitled **Vesting Tentative Map for The Grove Map 1 of 4** prepared by Meredith Engineering dated April 17, 2017 except as may be modified by the conditions stated herein.
3. _____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.
4. _____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.
5. _____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.

IMPROVEMENTS (ROADWAY, DRAINAGE, GRADING)

6. _____The owner shall dedicate a one-foot-wide no-access dedication along the property lines adjacent to Humphrey Road and No Name Lane on the final map.
7. _____The developer shall dedicate all necessary easements and right of way as shown on the vesting tentative map of the Grove Subdivision for but not limited to Humphrey Road, No Name Lane, Lots A, B, C, and D, utilities, drainage, and other facilities as required by the Town and other agencies, to the satisfaction of the Town Engineer on the Final Map.
8. _____The owner shall record an irrevocable offer of dedication for 30' or ½ of the right-of-way for the Humphrey Road frontage for a total 60-foot right-of-way.
9. _____Prior to recordation of the Final Map, the developer shall construct all improvements required as a condition of approval of this project (street, water lines, drainage, Humphrey Road and Grove Circle improvements) or enter into a contract agreement with the Town to construct all improvements, and shall post bond, cash deposit, or instrument of credit, guaranteeing the construction of all improvements within the time period specified herein or approved time extension in accordance with the provisions of the Loomis Municipal Code. The entrance features and street landscaping along Humphrey Road, along with the perimeter fences and walls shall be considered an improvement subject to this condition.
10. _____The applicant shall petition the Town Council to form a Maintenance District for ongoing maintenance of the any common landscaping, retention basin, park, perimeter fencing and walls, retaining walls, entry way, open space areas, street lighting and mitigation monitoring. The parameters of the Maintenance District shall be approved by the Planning Director and Town Engineer prior to submittal to the Town Council. The Engineer's Report, Town Council hearing and property owner vote shall be prior to recording of the Final Map.
11. _____Prior to Final Map Approval, the owner shall submit the Covenants, Conditions and Restrictions (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 Planning Director, Town Engineer and Town Attorney.
12. _____Encroachment permits shall be obtained prior to work within public rights-of-way.
13. _____Existing public facilities damaged during the course of construction shall be repaired by the developer at his sole expense, to the satisfaction of the Town Engineer.

14. _____ All new utilities shall be placed underground as per Section 13.30.130 Undergrounding of Utilities of the Loomis Municipal Code. Minor changes to final lot grading elevations may be allowed to facilitate undergrounding, subject to the approval of the Town Engineer.
15. _____ The developer shall improve the Humphrey Road frontage and right-of-way with landscaping, bike lane, two-way left turn lane, acceleration/deceleration lanes, and pavement as approved by the Town Engineer. A standard Plate H-15 access onto Humphrey Road, with "restrictive conditions" option, shall be constructed.
16. _____ 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 and other agencies prior to any construction.
17. _____ The owner (subdivider) 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 attack, 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. The Town shall promptly notify the Owner of any claim, action or proceeding and shall fully cooperate with the Owner in the defense of such action. If the Town fails to promptly notify the Owner of any claim, action, or proceeding, or if the Town fails to cooperate fully in the defense, the Owner shall not thereafter be responsible to defend, indemnify, or hold harmless the Town. The provisions of this indemnity agreement as it pertains to the rights, duties and privileges of the Owner and the Town shall also be subject to provisions of subsections (c) and (d) of Section 66474.9 of the Subdivision Map Act which are incorporated herein by reference. The approval of the map authorized by the Planning Commission or Town Council, as the case may be, shall not be effective for any purpose until the Owner has agreed in writing to be bound by the provisions set forth above. The developer shall indemnify, exonerate and hold harmless the Town of Loomis and all officers, agents and employees thereof against all claims, demands and causes of action arising out of improvements constructed within this project.
18. _____ The developer shall be responsible for all actions of his contractors and subcontractors until such time as the Town has accepted the improvements as complete.
19. _____ Prior to approval of Improvement Plans, an erosion and sediment control plan shall be prepared and included as part of the improvement plans. All the requirements of the Town's National Pollution Discharge Elimination System (NPDES) General Permit and the Town's Storm Water Management Program shall be followed. All erosion and sediment control best management practices shall follow the guidelines of the California Stormwater Quality Association (CASQA) handbooks.

20. _____ The project shall be designed so that after development, the storm water runoff will not exceed the predevelopment runoff rate. The on-site detention shall provide retention of the storm water runoff rate for both a 10 year and a 100 hundred year events that the discharge from the project site shall not exceed 2.0 cubic feet per second (cfs) as shown on the Revised Drainage Plans prepared by Meredith Engineering dated April 17, 2017 and incorporated herein by reference. Other off-site drainage that may occur, shall not exceed historic flows. Project development improvements and facilities shall be in accordance with the Placer County Flood Control District Storm Water Management Manual and the West Placer Storm Water Quality Design Manual to the satisfaction of the Town Engineer.
21. _____ Prior to final acceptance of improvements the owner shall submit certified Record Drawing plans and computer generated design files on disk detailing the improvements.
22. _____ 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.
23. _____ The owner shall be responsible for all actions of his contractors and subcontractors until the improvements have been accepted as complete by the Town.
24. _____ 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 DTSC remediation, and afterwards prior to improvement construction and building permit issuance.
25. _____ No on-street parking on No Name Lane is permitted.
26. _____ If within a 100 year flood zone, prior to recordation of the Final Map, the owner shall submit documentation 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. _____ 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.

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 Final Map, pursuant to this vesting tentative map, shall be approved until all conditions are completed and improvements are accepted by the Town, or conditions/improvements are acceptable to the Town Attorney, for those not completed, as 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 each day.
32. _____ The project proponent shall submit a complete Tree Permit application for review and approval by the Town of Loomis prior to remediation work, grading, excavation or construction.
33. _____ 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, and consult with agencies and Native American Tribes as appropriate, as to the treatment of the discovery. 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 as appropriate with affected tribal groups.
34. _____ Construction shall only be between 7:00 a.m. and 7:00 p.m. Monday through Friday, 8:00 a.m. to 5:00 p.m. on Saturday, and no work on Sundays or holidays.
35. _____ The project shall conform to the General Plan, Noise Element, and Section 13.30.070 Noise Standards of the Loomis Municipal Code and applicable State Regulations so that sound levels will not exceed 60 dBA at the property line during or after remediation

and construction, nor exceed 75 dBA at any time during or after construction.

36. _____ The developer shall pay the Town's development fees consisting of the Community Facility Fee, Park & Recreation Fee subject to park credits, Road Circulation/Major Roads 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.

AGENCIES

37. _____ The developer shall provide will-serve letters from all applicable utilities, the franchised refuse collector, the post office, and the fire department for the review and approval of Town staff. The applicant shall complete all requirements or conditions imposed upon the project by these agencies to the satisfaction of the Town and the agencies prior to acceptance of the improvements as complete.
38. _____ The developer shall provide will-serve letters from the school districts in which this property is located and shall pay the impact fees as determined by the two school districts at building permit issuance, to the extent legally required.
39. _____ The owner shall pay the development fees (e.g. road circulation fees, drainage fees, grading 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.
40. _____ The owner shall comply with the requirements of the California Department of Toxic Substance Control (DTSC) and required by the approved Remedial Action Work Plan (RAW) in the remediation of the site due to pesticide contamination.
41. _____ No construction or building activities shall be allowed on this site until the DTSC certifies the land has been remediated to the applicable State and Federal Regulations.

LANDSCAPING AND DESIGN

42. _____ Final landscaping and street tree plans shall be approved by the Planning Director in accordance with Section 13.34 Landscaping Standards the Town Zoning Ordinance and the Preliminary Landscape Plan (Sheets L1, L2, L3) prepared by Wilson Design Studio dated August 11, 2016 as reviewed and approved by the Planning Commission.
43. _____ The landscaping shall be installed in accordance with the requirements of the Town's Zoning Ordinance prior receiving final building approval or any certificates of occupancy. 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 Planning Commission's approval.

44. _____ Detailed landscaping and irrigation plans stamped by a landscape architect or professional with similar qualifications shall be submitted and approved by the Planning Department as consistent with the approved plans and conditions of approval of the project prior to, or with, the submittal for building plan review. Explanation showing compliance with the Town's landscaping requirements shall be included on the plan.
45. _____ All landscape areas shall be maintained in a healthy, thriving condition, free from weeds, trash and debris. The owner shall annex or create a landscape maintenance district prior to receiving final building approval or a certificate of occupancy. Owner shall dedicate landscape easements to insure that planter strips are irrigated and maintained.
46. _____ Prior to issuance of final building approval, the landscape professional shall submit a written statement confirming compliance with approved plans, materials and installation to the Planning Department.
47. _____ The outside perimeter fences along No Name Lane and Humphrey Road shall consist of a wooden fence, no higher than six feet high, consistent with the Planning Commission's approval, and maintained as part of the proposed maintenance district.
48. _____ The retaining wall along the southern perimeter shall be allowed to exceed the standard maximum height of six (6) feet if necessary for public safety as per Section 13.30.040 A (2) Height Limitations, of the Loomis Zoning Ordinance subject to approval of construction plans reviewed and approved by the Town Engineer, prior to construction.
49. _____ The wooden privacy fence installed by the developer along the southern perimeter of the proposed lots shall not exceed six feet from the finished grade of the project's lots, or from the top of retaining walls installed as per Condition #48.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

50. _____ The 38 Mitigation Measures of the Addendum to the Mitigated Negative Declaration and the adopted Initial Study/Mitigated Negative Declaration, as shown in the Mitigation Measure Monitoring Report are incorporated herein by reference as required conditions of approval. A mitigation monitoring fee of \$250 a year shall be included with the provisions of the proposed Maintenance District payable to the Town of Loomis.