



## Staff Report

### May 10, 2022

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**TO:** Honorable Mayor and Members of the Town Council  
**FROM:** Merrill Buck, Town Engineer  
**DATE:** May 3, 2022  
**RE:** Approval of The Grove Subdivision Final Map

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#### **Recommendation**

Staff recommends that the Town Council adopt a resolution for the Grove Subdivision rescinding and replacing Condition of Approval #10 to reassign maintenance responsibilities to either a Homeowner's Association or a Community Facilities District under the Mello-Roos tax act, approving the Final Map and accepting the offer of dedication.

#### **Issue Statement and Discussion**

The Tentative Subdivision Map for The Grove Subdivision (#16-10) was approved by the Town Council on May 9, 2017, per Resolution No. 17-11. Normally, the rights vested under a tentative map expire after 24-months, however, the owner requested, and the Town Council granted, a two-year extension following a public hearing held on March 12, 2019. Due to Covid-19, California adopted Assembly Bill 1561 which automatically extended housing entitlements issued prior to March 2020 an additional 18-month. This brought the date in which the vesting tentative map would expire to November 2022.

The subdivision is located on the west side of Humphrey Road across from Mimosa Court and adjacent to No Name Lane. The project will create twenty-six (26) lots, twenty-two (22) of which have been designated for single family homes, one (1) for a park, and three (3) for either landscaping or water detention. The owner of the subdivision is Presidio BlackPine Loomis 22, LLC, dba BlackPine Communities.

Approvals of final maps are procedural in nature and per Section 66474.1 of the Government Code (Subdivision Map Act), a legislative body shall not deny approval of a final map or parcel map if it has previously approved a tentative map for the proposed

subdivision, and if it finds that the final map is in substantial compliance with the previously approved tentative map.

The map is technically correct and ready for approval. The subdivision map check and processing fee has been paid and with the rescinding and replacement of Condition #10 described later in this report, all conditions of approval have been met. The construction of the public improvements associated with this map are complete with the exception of a final lift of pavement that will occur on Humphrey Road following the removal and relocation of PG&E poles, which the developer has committed to build under an encroachment permit.

### **Rescind and Replace Condition of Approval #10**

Condition #10, shown below, from the tentative map's Conditions of Approval requires the applicant to form a Maintenance District for all the common area improvements.

#### *ORIGINAL Condition of Approval #10:*

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.

The original project, proposed by Mandarich Development was envisioned to have a gated entrance that lead to private, interior streets. Because private streets and underlying improvements are maintained by Homeowner's Associations, the streets, curbs, gutters, storm drain systems and sidewalks were not identified under Condition of Approval #10 as being part of what the required Maintenance District would maintain. When the development was sold to BlackPine Communities, they pursued the project without a gate, narrowed the entrance and designed all the streets to be public, within right-of-way that would be dedicated to the Town.

Instead of a Maintenance District, the Town Attorney has recommended that a Community Facilities District under the Mello-Roos tax act be formed to collect funds that the Town can then use to maintain the publicly dedicated streets, sidewalks, curbs, gutters and storm drain system. A homeowner's association, not listed in the original Condition of Approval #10 will maintain all the common area landscaping, retention basins, park, perimeter fencing, retaining walls, open space areas and street lighting. There is no mitigation monitoring required as the California State Department of Toxic Substance Control (DTSC) has confirmed and certified that the removal and remediation of soil contaminated with elevated levels of pesticides has been completed.

The retention basins will have an easement over them that is granted to the Town, to allow for the conveyance of stormwater. However, they will remain privately owned and maintained by the Homeowner's Association. Should the Homeowner's Association fail

in their duty to maintain the retention basins, there is a “dormant services” provision in the special tax district that allows the Town to collect additional funds to cover the cost of the retention basin’s maintenance.

In consultation with the Town Attorney, and with the Developer’s concurrence, the following revised, Condition of Approval #10 is recommended to replace the original.

REVISED Condition of Approval #10:

10. \_\_\_\_\_The applicant shall petition the Town Council to form a Community Facilities District under the Mello-Roos tax act for ongoing maintenance of the public streets, curbs, gutters, storm drain systems, and sidewalks within the Project. The special tax district shall include a dormant services component for the maintenance of the retention basins, which can be drawn upon, if required, at the Town’s sole discretion. The parameters of the special tax district shall be approved by the Planning Director prior to the Town Council hearing. The Town Council hearing and property owner vote shall be prior to any of the lots transferring ownership. A Homeowners Association shall be formed with responsibility over the maintenance of common landscaping, retention basins, park, exterior side of perimeter fencing and walls, retaining walls, open space areas, and street lighting.

**Fiscal Impact:**

The cost for the ongoing maintenance of the subdivision’s infrastructure will be borne by the property owners that live in the subdivision, either in the form of Homeowner Association dues, or in the form of a special tax that is collected in conjunction with the County’s property tax billing.

**Attachments**

- A. Resolution
- B. Resolution Exhibit
- C. Final Map – The Grove

**TOWN OF LOOMIS**

**RESOLUTION NO. 22 - \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOOMIS  
FOR THE GROVE SUBDIVISION RESCINDING AND REPLACING  
CONDITION OF APPROVAL #10 TO REASSIGN MAINTENANCE RESPONSIBILITIES  
TO EITHER A HOMEOWNER'S ASSOCIATION OR A COMMUNITY FACILITIES  
DISTRICT UNDER THE MELLO-ROOS TAX ACT, APPROVING THE FINAL MAP, AND  
ACCEPTING THE OFFER OF DEDICATION**

**WHEREAS**, BlackPine Communities (the Subdivider), has requested that the Town approve and record a final map for the subdivision known as The Grove (#16-10); and

**WHEREAS**, the tentative subdivision map for the subdivision, originally submitted by MANDARICH DEVELOPMENT and then later sold to the Subdivider was approved subject to certain requirements and conditions of approval; and

**WHEREAS**, that the Town Engineer has reviewed the final map, determined that it substantially conforms to the approved tentative map and all its requirements and conditions of approval, with the exception of Condition of Approval #10; and

**WHEREAS**, through consultation with the Town Attorney, and concurrence from the Subdivider, a revised Condition of Approval #10 has been drafted to reassign maintenance responsibilities for the subdivision's improvements to either a Homeowner's Association or a Community Facilities District under the Mello-Roos tax act; and

**WHEREAS**, with the approval of the revised Condition of Approval #10, the Subdivider has fully satisfied all conditions of the tentative map and the Town Engineer recommends it for approval, along with the acceptance of offers of dedication, for public purposes; and

**WHEREAS**, the Town Council desires to rescind and replace Condition of Approval #10 for The Grove and then approve the final subdivision map and accept the offers of dedication.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Town of Loomis, the following:

1. That the Town Council rescinds Condition of Approval #10 and approves a replacement Condition of Approval #10, as described in the attached Resolution Exhibit.
2. That with the rescinding and replacement of Condition of Approval #10, the final subdivision map for The Grove, as presented to the Council for approval, is found and determined by the Town Council to be in conformity with the approved tentative map for the proposed subdivision and conforms with all applicable ordinances, resolutions and conditions of approval.

3. That the Mayor and Town Clerk are hereby authorized to execute the final subdivision map on behalf of the Town of Loomis and accept on behalf of the public the dedication of streets and public utility easements shown and offered on the final map.
4. That the Town Clerk is hereby authorized and directed to record the final subdivision map and all related documents referred to in this Resolution, in the Office of the Placer County Recorder, when fully executed and notarized.

PASSED AND ADOPTED this 10<sup>th</sup> day of May 2022 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Deputy Town Clerk

**Resolution Exhibit**

*ORIGINAL Condition of Approval #10 (to be Rescinded):*

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.

*REVISED Condition of Approval #10 (To Replace the Original Condition):*

10. \_\_\_\_\_ The applicant shall petition the Town Council to form a Community Facilities District under the Mello-Roos tax act for ongoing maintenance of the public streets, curbs, gutters, storm drain systems, and sidewalks within the Project. The special tax district shall include a dormant services component for the maintenance of the retention basins, which can be drawn upon, if required, at the Town's sole discretion. The parameters of the special tax district shall be approved by the Planning Director prior to the Town Council hearing. The Town Council hearing and property owner vote shall be prior to any of the lots transferring ownership. A Homeowners Association shall be formed with responsibility over the maintenance of common landscaping, retention basins, park, exterior side of perimeter fencing and walls, retaining walls, open space areas, and street lighting.

**Attachment C**

Final Map – The Grove