

**#10-12 BARKER ROAD ABANDONMENT/REDEDICATION –
15-FOOT SECTION ADJACENT TO 3330 BARKER ROAD
APN: 030-043-044**

15

**STAFF REPORT
TOWN COUNCIL MEETING OF OCTOBER 11, 2011**

REQUEST

Spencer Short, the applicant, requests that the Town abandon a portion (0.15 acre) of right-of-way to the Muschetto fee parcel (3330 Barker Road) with a return of a Multi Purpose Easement to the Town. The request is located at 3330 Barker Road, north of King Road, east of Sierra College Blvd., APN: 030-043-044. The property is zoned Residential Agricultural (RA) and designated "Residential Agricultural" in the General Plan. The proposed "project", if granted, can be found to be consistent with the General Plan and the Zoning Ordinance. The project is Categorically Exempt under CEQA Section 15305.

BACKGROUND

At the January 18, 2011 Planning Commission meeting, the applicant, Spencer Short, addressed the Commission about the request. The minutes from that meeting are below:

Spencer Short (Attorney for Mr. Muschetto - 436 G Street, #106, Lincoln, CA) – Indicated that the property owner, Mr. Muschetto, bought the property prior to the Town incorporating in December 1984. Mr. Short expressed his thoughts on the intent of the General Plan regarding the preservation of the rural characteristics of the Town. He indicated that Mr. Muschetto has been unsuccessful in obtaining a 0.10-acre from an adjacent neighbor. His client wished to pursue this course of action after the June 15, 2010 Planning Commission where he was told that the Commission may be open to a Roadway (easement) Deed option. Mr. Short expressed Mr. Muschetto's desire to protect the trees located within the 15-foot section that he is requesting be transferred (with the return of an easement to the Town). He stated that 35-feet of width is sufficient enough for a roadway (of the 50-foot width of Barker Road, only 15-feet is currently paved).

The Town Engineer confirmed that 35-feet would be of sufficient width for a roadway in that location of Town. No development should be allowed within the easement (this restriction would not be in effect for public utility companies). This would preserve the 15-foot section and the trees within that area.

*The Commission deliberated and discussed the request as well as another potential option (variance), as there may be sufficient evidence to make the findings for a variance. **After further discussion, Commissioner Wilson motioned to recommend that the Council approve of the 15-foot abandonment request (section adjacent to 3330 Barker Road) with a return of a MultiPurpose Easement to the Town. MultiPurpose Easement definition shall be worded per the Town Attorney and Town Engineer and require the following: (1) Utility companies and the Town have rights to the easement; (2) preserve the oak trees within the new easement; and (3) no development shall be allowed within the easement (sans utility companies). Commissioner Wilson's motion was seconded by Commissioner Obranovich and passed by a unanimous voice vote (4-0).***

February 8, 2011 Town Council Minutes-

Spencer Short, representing the applicant, stated the following:

- there is a correction to the staff report which states he is planning to split the property at this time, that is incorrect, he has no intention of developing the property in his life time but would like to split it so he can work out his estate planning.
- this request is intended to protect the zoning of the Town of Loomis.

Hazel Hineline, Barker Road, stated that she supports the request.

Following further discussion on the matter, a motion was made to direct staff to bring this back to the March 8th meeting with the Planning Commission's Conditions included with the resolution and put on consent. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

PROJECT DESCRIPTION

Site: The site is located on 3330 Barker Road on a 9.1-acre parcel with a zoning and land use designation of Residential Agricultural (RA).

Existing Access: One driveway off of Barker Road

Surrounding Uses and Zoning:

- North** – Residential parcels, RA zoning
- East** – Residential parcels, RA zoning
- South** – Residential parcels, RA/RE/RR zoning
- West** – Residential parcels, RA zoning

Existing Easement:

- Barker Road is a 50-foot public roadway that is privately maintained.
- There is a Meandering Drainage Easement that runs through the eastern portion (front) of Mr. Muschetto's property.
- There is also a 5-foot Public Utility Easement along the north and south property lines as well as a 10-foot MultiPurpose Easement along the eastern property line (see attached Subdivision Map- Book K, Page 91).

**The request for an additional 15-feet by Mr. Muschetto would enlarge the existing 10-foot Multipurpose Easement to a 25-foot Multipurpose Easement.

Attached with this report are pictures of the portion adjacent to Mr. Muschetto's property showing the current "conditions" and dimensions of the area of Barker Road that is under review.

Fencing: The black chain-link fence (see attached pictures) is encroaching 15-feet into the 50-foot Barker Road easement. The fence has been located in its current location for 35+ years (according to Mr. Muschetto, within the last 5 years or so he installed the black chain-link in place of the old post and wire fence). Therefore, the 15-foot portion that he is requesting the Town to transfer to him would make the existing fence-line his new property line. As the Town would receive a MultiPurpose Easement in return for the transfer, the Town could still require the fence to be moved in the event Barker Road needs widening.

Environmental: This project is proposed for approval through issuance of a Notice of Exemption under provisions of the California Environmental Quality Act, Section 15305.

ISSUES

Definition of MultiPurpose Easement: The Town Attorney and Town Engineer have discussed potential wording for this MultiPurpose Easement after receiving a draft definition from the applicant. As directed by the Commission, the wording shall include language that allows the Town and any applicable utility company to utilize the easement area for public services; preserve the easement in its natural state (require preservation of the oak trees within the easement) and restrict any development or grading by the property owner within the easement. Final wording of the definition shall be approved by applicable utility companies as well as the Town Engineer and Town Attorney prior to recordation.

Potential for Future Land Division: In the event that the Town Council approves Mr. Muschetto's request, he may have enough property (9.25-acres) to potentially split his parcel from 1 to 2 buildable lots.

Barker Road Concerns: If approved by the Town Council, Barker Road access (typical and for emergency purposes) will not be affected or altered in any way. Nor will the potential for utilities down Barker Road be affected, as the Town would receive a MultiPurpose Easement for the portion that may be deeded to the Muschetto fee parcel. In the event Barker Road needs widening, the Town would have the necessary easement to require Mr. Muschetto's fence to be relocated.

Easements: As there is an existing 10-foot Multipurpose Easement on the eastern boundary of the Muschetto parcel, if his request receives approval, It would essentially expand the existing 10-foot easement to a 25-foot Multipurpose Easement on the eastern boundary of the Muschetto parcel.

*[10' existing easement + 15' of new easement = 25' Multipurpose Easement]

RECOMMENDATION: That the Town Council approve Resolution #11-__ approving the transfer of 0.15-acres of right-of-way to the Muschetto fee parcel (APN: 030-043-044) with a return of a MultiPurpose Easement to the Town.

ATTACHMENTS:

1. Application #10-12
2. Draft TC Resolution #11-__ with conditions of approval
3. Plans dated and received Nov. 19, 2010
4. Onsite pictures taken showing current conditions and measurements (3330 Barker)
5. Aerial of "project area" and surrounding properties
6. APN page 30-04 (showing "project area" and surrounding properties and lot sizes)
7. Zoning Map showing surrounding zoning districts
8. Cross-section of existing Barker Road conditions at 3330 Barker Road
9. Book K, Page 91
10. Grant Deed, Offer of Dedication, Legal Description (all to be recorded if Council approves the request)

RECEIVED

Att. 1



TOWN OF LOOMIS
6140 Horse Shoe Bar Rd, Suite K
Loomis, CA 95650
(916) 652-1840 FAX (916) 652-1847

For Town Use
File Number 10-12
Application Fee(s)
Receipt # 18400 Date 11/19/10
Date Received 11/19/10
Paid \$ 1,000-

PLANNING DEPARTMENT

Planning Application

- 1. Project Title: BARKER Rd ABANDONMENT - Section adjacent to 3330 BARKER
2. Street Address/ Location: 3330 BARKER Rd
3. APN(s): 030-043-044-000 Acreage: 9.1ac / ~.15ac ABANDONMENT
Zoning: General Plan Designation:
Current Site Use: Rural Residential
Surrounding Land Use(s): Rural Residential
4. Property Owner: JOHN MUSCETTA
Address: 3330 BARKER Rd Loomis CA 95650
Telephone: 916-652-7818 email: NA

- 5. Project Applicant: SPENCER SHORT
Address: P.O. Box 1551 LINCOLN, CA 95648
Telephone: 916-295-8203 email: sshort.esq@gmail.com
6. Project Engineer/Architect: NA
Address:
Telephone: email:

7. What actions, approvals or permits by the Town of Loomis does the proposed project require?

- [] Appeal [] Miscellaneous Permit
[] Certificate of Compliance [] Planned Development
[] Conditional Use Permit [] Second Unit Permit
[] Design Review [] Sign Review
[] Development Agreement [] Tentative Review
[] Environmental Review [] Minor Land Division
[] General Plan Amendment [] Subdivision
[] Hardship Mobile Home Permit [] Variance
[] Hot Line Adjustment [] Zoning Amendment (Rezone)
[X] Other ABANDONMENT of Right of Way

8. Does the proposed project need approval by other governmental agencies?
[] Yes [X] no if yes, which agencies?

- 9. Which agencies/utilities provide the following services to the project? (Please note if not hooked up to sewer or water)
Electricity PG&E Natural Gas PG&E
Fire Protection Loomis Fire Water/Well Well
Sewer/Septic SEPTIC Telephone Various

High School Del Oro, ACER H.S. Dist Elem. Sc' Loomis Elementary Dist
Other _____

10. The Town had informed me of my responsibilities pursuant to California Government Code, Section 65962.5(f), regarding notifying the Town of hazardous waste and/or hazardous substance sites on the project site. I have consulted the lists consolidated by the State Environmental Protection Agency dated _____ and find: Regulatory identification number _____

Date of list _____ No problems identified _____

Type of problem _____

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Dated _____ Applicant _____

11. Project Description (Describe the project so that a person unfamiliar with the project would understand the purpose, size, phasing, duration, required improvements, duration of construction activities, surrounding land uses, etc. associated with the project. Attach additional pages as necessary.)

Abandonment of Right of Way to the Muschetto Sec. parcel with a return of a public utility, Access EASEMENT TO TOWN.

This is primarily a paper transfer as discussed with Town Staff AND PLANNING COMMISSION

12. Owner Authorization:

I hereby authorize SPENCER STORT, the above-listed applicant, to make applications for project approvals by the Town of Loomis, regarding the above-described project and to receive all notices, correspondence, etc., from the Town regarding this project. I also hereby authorize the town staff to place a noticing board (approximately 4' x 3') on my property, visible from the street, at least ten (10) days prior to the first hearing on my project, and for subsequent hearings as determined necessary by the Planning Director.

Signature(s) of Owner(s)	Printed Name(s)	Date
<u>John Muschetto</u>	<u>JOHN MUSCHETTO</u>	<u>9/16/10</u>
_____	_____	_____
		Date

13. Applicant and/or Owner Hold Harmless:

Owner, and Applicant (if different from Owner), agrees to hold Town harmless from all injuries, damages, costs and expenses, including attorney's fees resulting from the negligence of owner, and Applicant (if different from Owner), and their employees, contractors, subcontractors and agents, in connection with any proceeding brought in any State or Federal court with respect to the applicant's project.

Signature(s) of Owner(s)	Printed Name(s)	Date
_____	_____	_____
		Date

14. Applicant and/or Owner Acknowledgment:

Owner/Applicant expressly agree they are solely responsible for assuring compliance with all applicable laws, rules, regulations, and practices required to implement this development, and that Town staff's errors or omissions in explaining what is required, whether on this application form or otherwise, do not establish a basis for Owner/Applicant failing to comply with all such laws, rules, regulations and practices.

Signature(s) of Owner(s) and/or Applicant	Printed Name(s)	Date
_____	_____	_____
		Date

TOWN OF LOOMIS
PLANNING DEPARTMENT

ENVIRONMENTAL REVIEW APPLICATION

I. LAND USE AND PLANNING

1. Project Name (same as on Planning Application) BARKER ROAD ABANDONMENT
2. What is the general land use category for the project? RESIDENTIAL
(residential, commercial, industrial, etc.)
3. What are the number of units or gross floor area proposed? 0
4. Are there existing facilities on the site? (buildings, wells, septic systems, parking, etc.) Yes No
If yes, show on the site plan and describe. HOUSE RAEN, SEPTIC ON APN 030-043-044-060
BUT NO STRUCTURE ON ABANDONED PARCEL
5. Is adjacent property in common ownership? Yes No If yes, Assessor's Parcel Number (s) and acreage(s). _____
6. Describe previous land use(s) of the site over the last 10 years. RESIDENTIAL / AG.
7. Will the project require or provide storage for vehicles, equipment, materials, etc.? Yes No
If yes, describe the location, size and type of storage (secured, covered, etc.) proposed. _____

II. POPULATION AND HOUSING

1. How many new residents will the project generate? 0
2. Will the project displace or require the relocation of any residential units? Yes No If yes, the number. _____
3. What changes in character of the neighborhood would result from project development? (surrounding land uses such as residential, agricultural, commercial, etc.) NONE
4. Will the project create or destroy job opportunities? Create Destroy Describe NEITHER.
CLEANS UP GENERAL PLAN DESIGNATIONS & MAXIMIZES CURRENT USES.
5. Will the proposed project displace any currently productive use? Yes No If yes, describe.
EASEMENT INSURES CONTINUITY OF USE.

III. GEOLOGY AND SOILS

1. Are there any potential geologic hazards (soil settlement, steep slopes, slides, faults, etc.) associated with the project property or on surrounding properties? Yes No If yes, describe. _____

2. Will grading on the site be required? Yes [] No [] If yes, describe the grading anticipated for the project (locations, maximum depths/slopes of excavations and fills). _____

 Estimate the grading area/quantities. _____ acres _____ cubic yards
3. Will site excavation and fill quantities balance? Yes [] No [] If no, describe the source(s) or disposal site(s), transport methods and haul routes required for grading materials. _____

4. Are retaining walls proposed? Yes [] No [] If yes, describe location(s), type(s), height(s), etc. _____

5. Describe the erosion potential of the project site and the measures that will be utilized to reduce erosion.
NA
6. Will blasting be required during project construction? Yes [] No [] If yes, describe. _____

7. Are there any known natural economic mineral resources on the project site? (sand, gravel, mineral deposits, etc.) Yes [] No [] If yes, describe. _____

IV. HYDROLOGY AND DRAINAGE

1. Is there any body of water within or on the boundaries of the project site? (lake, pond, stream, canal, etc.) Yes [] No [] If yes, name/describe the body of water and show on the site plan. _____

2. If there is a body of water within or on the boundaries of the project site, will water be diverted from this water body? Yes [] No [] If yes, describe. _____

3. If water will be diverted, does the project applicant have an appropriate or riparian water right? Yes [] No [] If yes, describe. _____

4. Where is the nearest off-site body of water such as a waterway, river stream, pond, canal, irrigation ditch or drainageway? Include the name of this water body, if applicable. BACK of parcel at 3330 Barker Rd.
5. What area/percentage of the project site is presently covered by impervious surface? ~25' x 400'
 What will be the area/percentage of impervious surface coverage after development? SAME
6. Will any runoff from the project site enter any off-site body of water? Yes [] No [] If yes, identify the destination of the runoff. DRAINAGE ON 3330 AS IT HAS SINCE THE ROAD WAS DEVELOPED OVER 30 YEARS AGO.
7. Will there be a discharge to surface waters of wastewater other than stormwater runoff? Yes [] No [] If yes, identify/describe the materials/contaminants present in this runoff. _____

8. Will the project result in the physical alteration of a body of water? Yes [] No [] If yes, describe.

9. Will the drainage or runoff from this project cause or exacerbate downstream flooding? Yes [] No [] If yes, describe. Remains EXACTLY the SAME.

10. Are there any areas of the project site that are subject to flooding or inundation? Yes [] No [] If yes, describe. _____
11. Will the project alter existing drainage channels and/or drainage patterns? Yes [] No [] If yes, describe. _____

V. AIR QUALITY

Note: Specific air quality studies may be required to be conducted as part of the project review/approval process. Such specific studies may be included with the submittal of this questionnaire.

1. Are there currently any known sources of air pollution such as an industrial use or major roadway in the vicinity of the project? Yes [] No [] If yes, describe. _____
2. Describe the following emissions sources related to project development:
 Construction emissions - Extent and duration of site grading activities: NONE

 Stationary source emissions - Are woodstoves proposed in residential projects? Yes [] No []
 Mobile source emissions - Vehicle activities related to residential, commercial and/or industrial uses:
SAME AS IT HAS BEEN FOR OVER 30 YEARS.

3. Based on proposed use, will the project significantly contribute to the violation of ambient air quality standards? Yes [] No [] If yes, describe (may require the results from specific air quality studies).

4. Are there any sensitive receptors to air pollution (such as schools or hospitals) located in the vicinity of the project? Yes [] No [] If yes, describe. _____
5. Describe measures that are proposed by the project to reduce stationary and mobile source emissions?
Paper Transfer. No physical Change.

6. Will vegetation be cleared from the project? Yes [] No [] If yes, describe the method of disposal.

VI. TRANSPORTATION/CIRCULATION

Note: Detailed traffic studies prepared by a qualified traffic consultant may be required, following review of the information presented below. Such studies may be included with the submittal of this questionnaire.

- 1. Does the project front on a local roadway? Yes No If yes, what is the name of the roadway?
BARKER, A PRIVATE ROAD OWNED BY TOWN, BUT NOT MAINTAINED BY TOWN
If no, what is the name and distance of the nearest roadway? King
- 2. Will new entrances onto local roadways be constructed. Yes No
If yes, describe. _____
- 3. Would any non-automobile traffic result from the development of the project? Yes No If yes, describe. _____
- 4. If applicable, what road standards are proposed within the project? Private Standards
(Show typical street sections(s) on the site plan.)
- 5. Will a new entrance(s) onto local roadways be constructed? Yes No
If yes, show location(s) on site plan.
- 6. Describe any frontage improvements to the local roadway(s). NONE
- 7. Describe the traffic that will be generated by the project (average daily traffic [ADT], peak hour volumes and peak hour times/days). NONE
- 8. Will this traffic affect the service levels at an existing major street intersection or freeway interchange?
Yes No If yes, describe. _____
- 9. Are pedestrian, bicycle, equestrian and/or transit facilities proposed with the project? Yes No
If yes, describe. _____
- 10. Will the project require provisions for parking? Yes No If yes, describe the number, size, location and access of the parking facilities proposed. _____
- 11. Will there be company vehicles associated with the project? Yes No If yes, describe the number and type of vehicles and the parking that will be provided for these vehicles (see 10, above). _____

VII. BIOLOGICAL RESOURCES

Note: Detailed studies or exhibits (e.g., tree survey, wetlands delineation) may be required, following a review of the information presented below. Such studies or exhibits may be included with the submittal of this questionnaire.

- 1. Briefly describe site vegetation. FLAT grassland with sporadic oak tree canopy.
- 2. Will any trees of 6-inches diameter breast height (dbh) or greater be removed as a result of project development? Yes [] No [] If yes, describe the number of trees to be removed, tree species, tree inches and the percentage of the trees on the site that the removals represent.
- 3. Briefly describe wildlife typically found in the area. ALL NATIVE FAUNA - Birds, Reptiles AND MAMMALS.
- 4. Describe changes to site habitat(s) resulting from development of the project. NONE
- 5. Are any rare or endangered species (as defined in Section 15380, CEQA Guidelines) found in the project area? Yes [] No [] If yes, describe.
- 6. Are any federally-listed threatened species, or candidates for listing, found in the project area? Yes [] No [] If yes, describe.
- 7. Is there a rare natural community (monitored by the DFG Natural Diversity Data Base) present on the project site? Yes [] No [] If yes, describe.
- 8. Are there wetlands (i.e., seasonal wetlands, wetland swales, riparian corridor, etc.) on the project site? Yes [] No [] If yes, describe (type, acreage, etc.).
- 9. If yes, will project development affect these wetland areas? Yes [] No [] If yes, describe.
- 10. If yes, will a Corps of Engineers permit be required for disturbing site wetlands? Yes [] No []

VIII. HAZARDOUS MATERIALS

Hazardous material are defined as any material that, because of its quantity, concentration or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste and any material (including oils, lubricants and fuels) which a handler or administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or environment.

1. Will the proposed project involve the handling, storage or transportation of hazardous materials?
Yes [] No []

If yes, attach a list of all hazardous materials to be handled/stored at the project site. The list needs to include (but is not limited to) fuels, chemicals, cleaners, lubricants, coolants, biocides, etc. A description needs to be included explaining how these materials will be managed, used, stored, disposed/recycled.

Describe any hazardous wastes that will be generated and detail how/where they will be stored and disposal of. Include an outline of the proposed chemical emergency spill response plan.

If yes, will the project involve the handling, storage or transportation of more than 55 gallons, 500 pounds or 200 cubic feet (STP) at any one time of a product or formulation containing hazardous materials or will any of these materials be stored in underground storage tanks? Yes [] No []

If yes, please contact the Placer County Environmental Health Division at 889-7335 for an explanation of additional requirements.

IX. NOISE

Note: Projects located near a major noise source and/or projects that will result in increased noise generation or exposure may require a detailed noise study (with any proposed mitigations) prior to environmental determination.

1. Is the project located near a major noise source? Yes [] No [] If yes, describe. SIERRA COLLEGE BVD. Train
2. Describe the noise that will be generated by this project, both during construction and following project development. No Change.

X. PUBLIC SERVICES

FIRE AND EMERGENCY MEDICAL SERVICES

1. Describe the nearest fire protection facilities (location, distance, agency). ~1mi - Loomis Fire, Taylor & Horse Shoe Bar
2. Describe the nearest emergency water source for fire protection purposes (type, location, distance, agency).
3. Describe the fire hazard and fire protection needs created as a result of project development. No Change
4. Describe the on-site fire protection facilities proposed with this project. NONE Proposed

5. If this is a single access project, what is the distance from the project to the nearest through roadway/name of roadway? King Road
6. Describe parking area access, number of spaces and entry/exit for emergency vehicles. Remains the SAME - No Change
7. Are there any site limitations that will limit accessibility by emergency service vehicles? Yes [] No [] If yes, describe. GRANT of Public Road access back to Town.
8. Estimate the number of persons on-site (residents or employees/visitors) No Change - No
ON site Dev.

LAW ENFORCEMENT

1. Describe the access to the site and entrance features (gates, etc.). No Change.
2. Describe the security protection that will be provided on the site, if any. NONE
3. Describe the location, visibility and lighting of vehicle and equipment storage areas. NONE

WATER

1. Is the project within a public domestic water system district or service area? Yes [] No [] If yes, describe the district/area. _____
2. Can the district serve the project? Yes [] No []
3. What will be the water source(s) for the project? Well - SAME AS NOW.
4. What is the estimated usage and peak usage of the project? _____ gpd/ _____ gpd
5. Are there any existing or abandoned wells on the site? Yes [] No [] If yes, describe (location, depth, yield, contaminants, etc.) EXISTING.

WASTEWATER

1. Is wastewater presently disposed on the site? Yes [] No [] If yes, describe the method(s) and quantities (gpd). _____
 2. Is the project located within a sewer district? Yes [] No [] If yes, describe. _____
- If yes, can the district serve the project? Yes [] No []
- Is there sewer service in the area? Yes [] No [] If yes, what is the distance to the nearest collector line? _____
3. What are the projected wastewater quantities (gpd) generated by the project and the proposed method of disposal? _____ gpd No Change - 1500 GALLON TANK

4. Will there be any unusual characteristics associated with project wastewater? Yes No If yes, describe any special treatment processes that may be necessary for these wastes. No Change
5. During the wettest time of year, is the groundwater level on the project site less than 8 feet below the surface of the ground? Yes No

SOLID WASTE

1. Describe the type(s) of solid waste and estimate the quantities of waste per day/month that will be produced by the project. Specify if there are any special wastes (chemicals, infectious waste, oils, solvents, recyclables, etc.) No Change - Residential Usage
2. Describe the disposal method of this waste material. Recology Residential Service
3. Describe the access that will be provided to refuse removal vehicles and the location and design of recycling and refuse storage equipment. BARBER ROAD - No Change

PARKS AND RECREATION

1. What is the distance from the project to the nearest public park or recreation area? ~1mi
What is the name of this facility? Sunrise Leominster Park
2. Are any park or recreation facilities proposed as part of the project? Yes No If yes, describe.

SCHOOLS

1. What are the nearest elementary and high schools to the project? H. Clarke Powers, Del Oro
- What are the distances to these schools from the project? ~1m / ~1.5mi

XI. AESTHETICS

1. Is the proposed project consistent/compatible with adjacent land uses and densities? Yes No
Describe the consistencies/compatibilities or inconsistencies/incompatibilities. CLEANS UP
Density Issues
2. Is the proposed project consistent/compatible with adjacent architectural styles? Yes No
Describe the consistencies/compatibilities or inconsistencies/incompatibilities. No Change or
Architecture
3. Describe the signage and/or lighting proposed by the project. NONE

4. Is landscaping proposed? Yes [] No If yes, describe. _____

XII. CULTURAL RESOURCES

Note: If the project site is located on or near an archaeological, historical or paleontological site, specific studies may be required.

1. Does the project site support any archaeological, historical or paleontological features (e.g., Native American habitation sites, old foundations or structures, etc.)? Yes [] No If yes, describe. _____

2. What is the nearest archaeological, historical or paleontological site? GREIFFITH QUARRY IN PENRYN

What is the name of this site? GREIFFITH QUARRY IN PENRYN - HISTORICAL

**TOWN OF LOOMIS
PROCESSING AGREEMENT**

Agreement for Payment of Costs for Town of Loomis Application Processing

FOR TOWN USE ONLY	
Application or Permit #:	_____
Address of Project:	_____
Project Billing #:	_____

TO BE COMPLETED BY APPLICANT:

This Agreement is by and between the Town of Loomis, California, hereafter "Town," and

SPENCER SHART hereinafter "Applicant."

Project Description: Abandonment of POW at Frontage of 3330
BARCKER Rd

1. PROPERTY INFORMATION:

Property Location: 3330 BARCKER Rd Interest of Applicant: Attorney for Owner
(If not fee owner): _____

2. APPLICANT INFORMATION:

Applicant Name: SPENCER SHART Applicant Phone _____
No.: 916-295-8203
Firm Name: LAW Office of Spencer Shart Fax No.: _____
Address: P.O. Box 1571 Email: sshart.esg@gmail.com
LINCOLN, CA 95648

~~Applicant Federal Tax ID or Social Security ID: _____~~

3. CONTACT INFORMATION: (If different from Applicant information.)

Contact Name: _____ Contact Phone No.: _____

Address: _____ Email: _____

4. BILLING INFORMATION: Statements, requests for deposits or refunds shall be directed to Applicant identified in Section 2 above unless stated otherwise below:

Firm Name: _____ Attn: _____
Address: _____

TOWN OF LOOMIS

Att. 2

RESOLUTION NO. 11-__

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOOMIS APPROVING THE ABANDONMENT OF A 0.15-ACRE SECTION OF RIGHT-OF-WAY TO THE MUSCHETTO FEE PARCEL (APN: 030-043-044) WITH A RETURN OF A MULTIPURPOSE EASEMENT TO THE TOWN

WHEREAS, Spencer Short, the applicant, has requested that the Town abandon and transfer a 0.15-acre portion of right-of-way (the section adjacent to 3330 Baker Road) to the Muschetto fee parcel, APN: 030-043-044, such application being identified as #10-12; and

WHEREAS, on February 8 and October 11, 2011, the Town Council conducted public hearings regarding the request, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Town Council reviewed and considered the staff report relating to said application, the plans, the written and oral evidence presented to the Town Council in support of and in opposition to the application; and

NOW, THEREFORE, the Tow Council of the Town of Loomis, at its meeting of March 8, 2011, did resolve as follows:

1. The Town Council of the Town of Loomis hereby approves the abandonment of a 15-foot wide section of right-of-way (section adjacent to 3330 Barker Road and totaling 0.15-acre) to the Muschetto fee parcel (APN: 030-043-044) with a return of a MultiPurpose Easement to the Town, per the conditions set forth in Exhibit A.
2. The Town Clerk is hereby directed to cause a certified copy of this Resolution, conditions of approval and the proper Grant Deed, Offer of Dedication and Legal Description, attested to be said Clerk under the seal of the Town of Loomis, to be recorded in the Office of the Placer County Recorder.

PASSED AND ADOPTED this 11th day of October, 2011 by the following vote:

AYES:
NOES:
ABSENT:

Mayor

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney

#10-12 EXHIBIT A

RECOMMENDED CONDITIONS OF APPROVAL

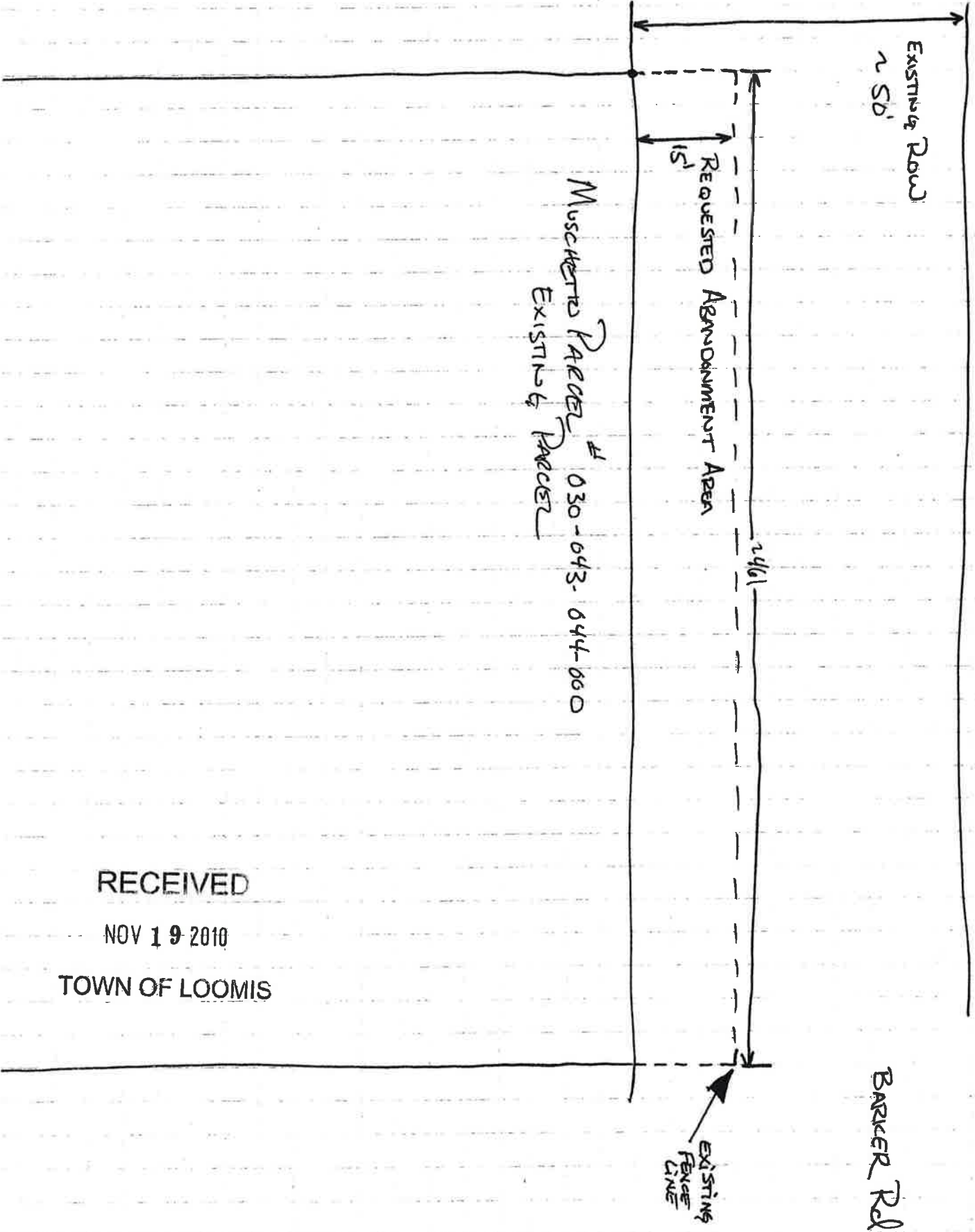
TOWN COUNCIL - 10/11/2011

Project application #10-12 is approved for the abandonment of a 15-foot section of right-of-way (0.15-acre section adjacent to 3330 Barker Road) to the Muschetto fee parcel (APN: 030-043-044), per the following conditions.

GENERAL CONDITIONS

1. Owner shall comply with all provisions of the Town of Loomis Municipal Code.
2. The owner shall indemnify, exonerate and hold harmless the Town of Loomis and all officers and employees thereof against all claims, demands and causes of action arising out of this project.
3. 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.
4. Multi-Purpose Easement shall include language requiring the following: (1) Utility companies and the Town maintain rights to the easement; (2) Oak trees within the Multi-Purpose Easement are to be preserved; and (3) no development shall be allowed within the easement (sans utility companies).

Att. 3



Not to Scale

RECEIVED

NOV 19 2010

TOWN OF LOOMIS

Not To Scale

A N

13' — 15' — 7'

Att. 4

01/12/2011





Att. 5



Not To
Scale

AN

01/12/2011

15'

Current
Property
Line

PERM
PUN



Not to Scale



15'

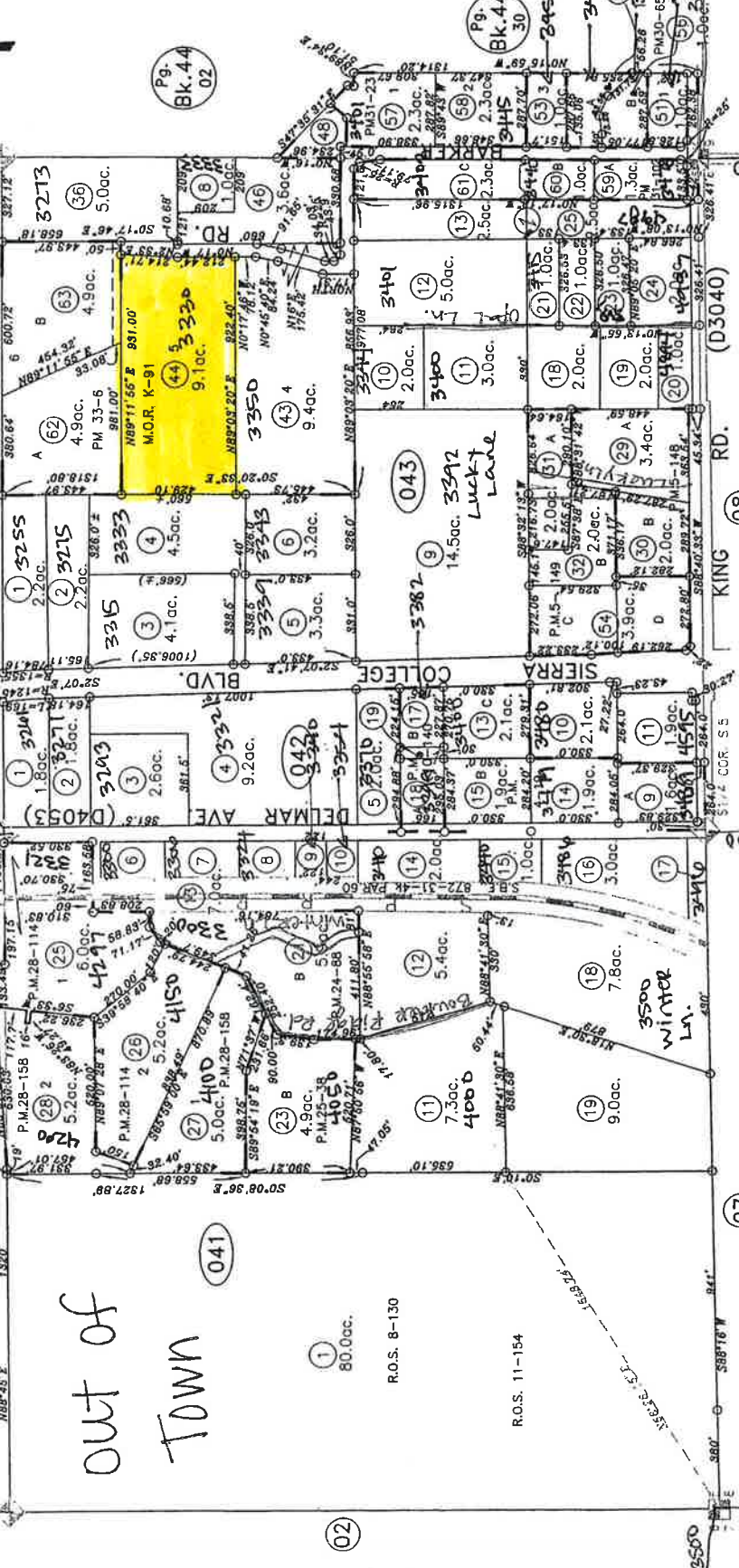
Current
Property
Line

01/12/2011

Att. 6

S.1/2 SEC 5 & POR. S.W.1/4 SEC.4, T.11N., R.7E, M.D.B.&M. 30-04

Parcel M.O.R. Bk. 5, Pgs. 148-70676 & 149-70677
Parcel M.O.R. Bk. 4, Pg. 19-70446
Survey M.O.R. Bk. 3, Pg. 12
Parcel M.O.R. Bk. 28, Pg. 158
Parcel M.O.R. Bk. 25, Pg. 114
Parcel M.O.R. Bk. 30, Pg. 65, No.8-00
Survey M.O.R. Bk.18, Pg.114, No.2661



out of
TOWN

RECEIVED
OCT 1 5 2000
TOWN OF LGOWIS
N89°45'E
1382'

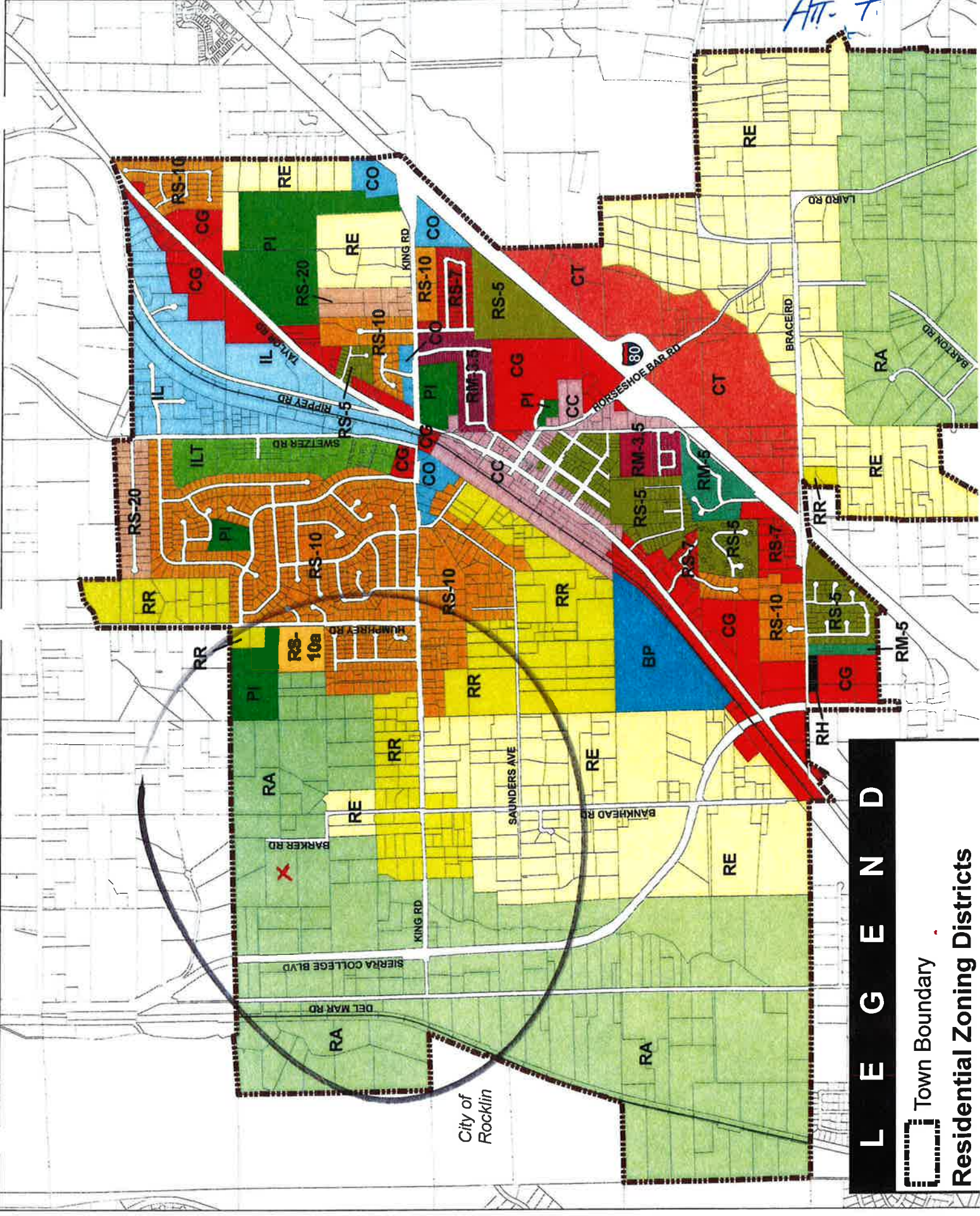
NOTE
All distances on curved lines are chord measurements.

NOTE
This map was prepared for assessment purposes only, and is not intended to illustrate legal building sites or establish precedence over local ordinances. Official information concerning size or use of any parcel should be obtained from recorded documents and local government agencies.

NOTE
Assessor's Block Numbers Shown in Blue

10-11-2006
04-07-2004
06-11-2001
03-29-2000
JAC

Att. 7

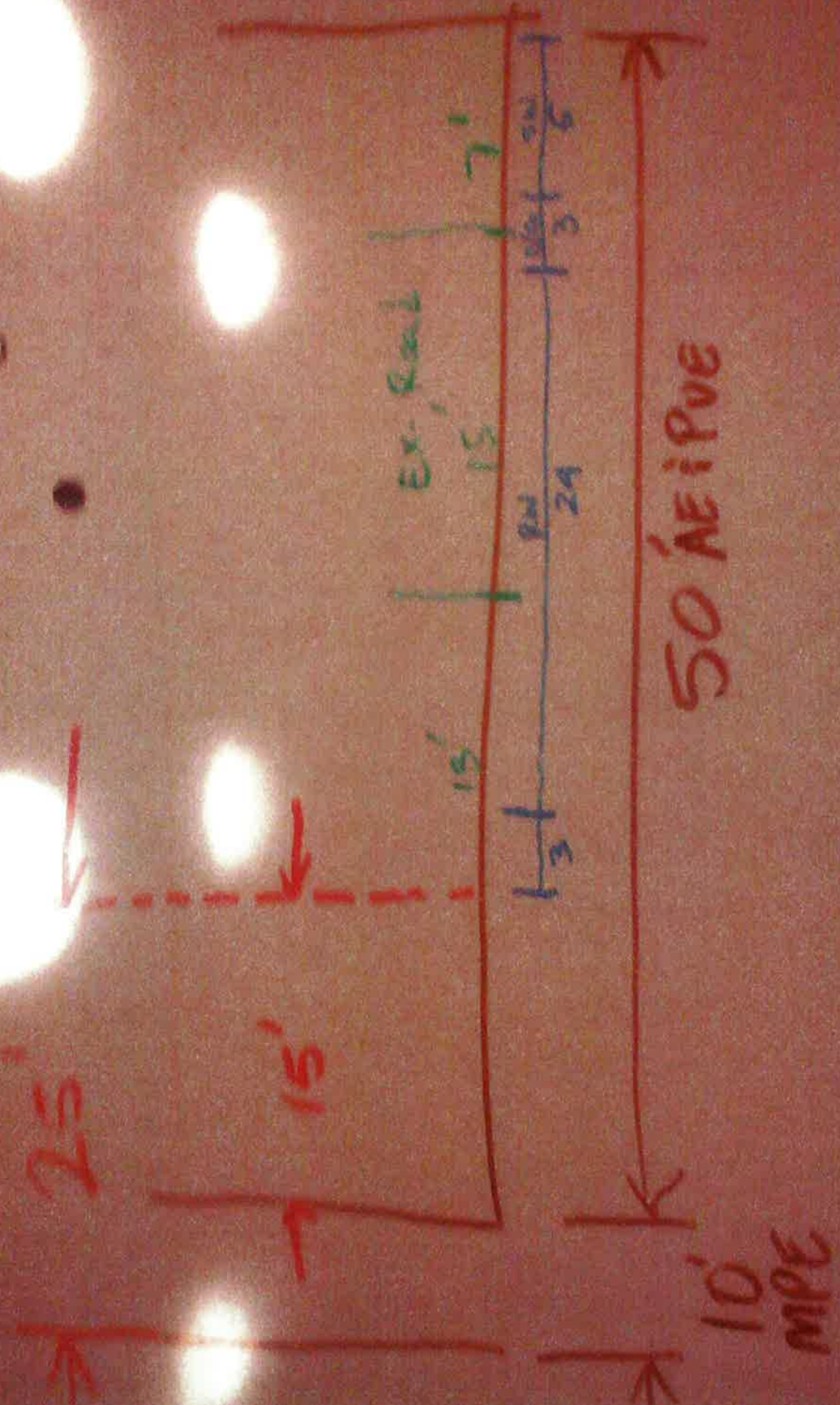


City of Rocklin

LEGEND

Town Boundary
Residential Zoning Districts

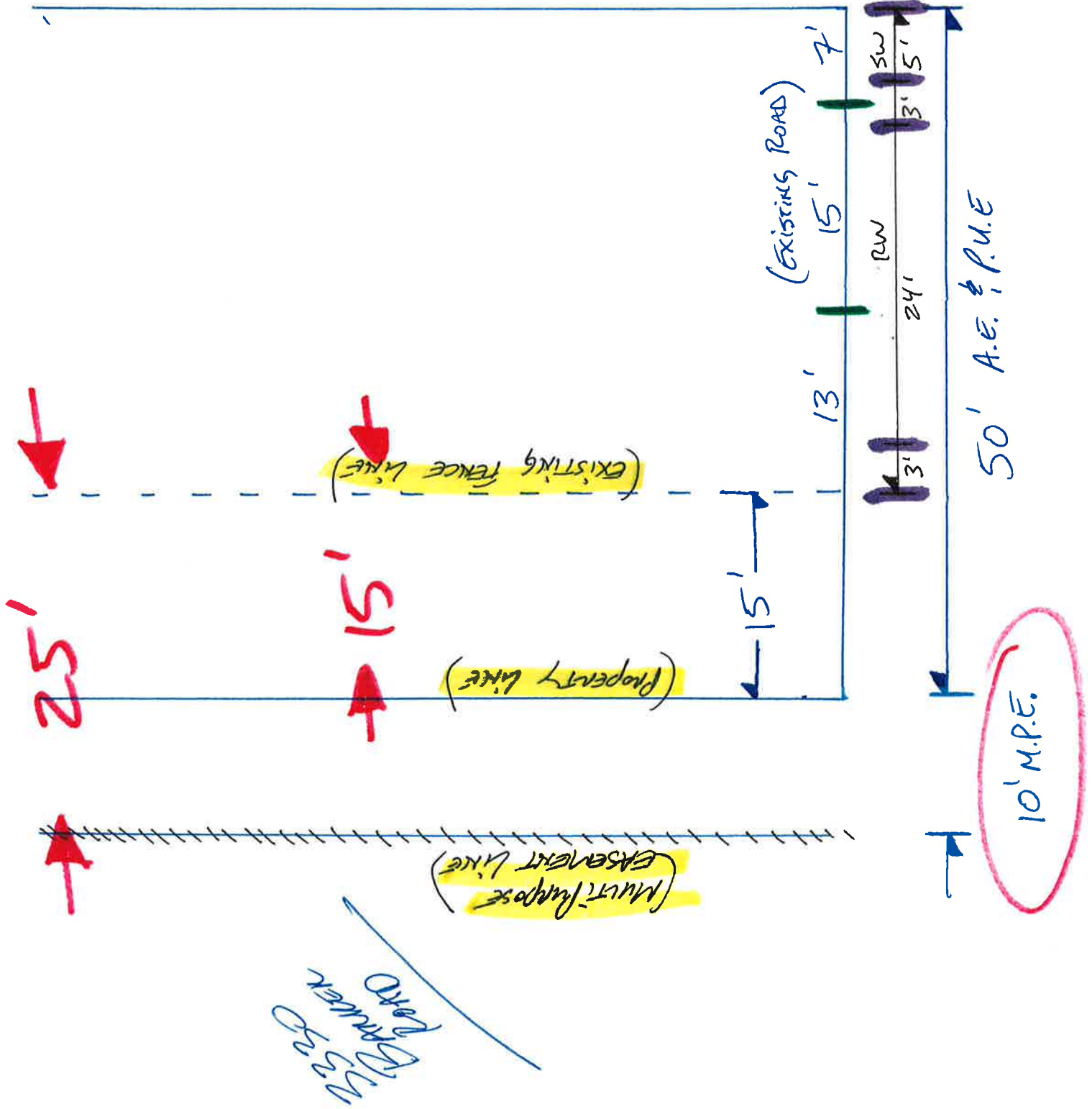
Att. 8





*REQUEST IS TO
 EXTEND THE EXISTING
 10' M.P.E. EASTWARD
 TO CREATE A 25'
 M.P.E. THIS WOULD
 INCREASE THE
 MUSCHETTO PARCEL BY
 0.15 ± ACRES.

A.E. = ACCESS
 EASEMENT
 P.U.E. = PUBLIC
 UTILITY EASEMENT
 M.P.E. = MULTI-PURPOSE
 EASEMENT

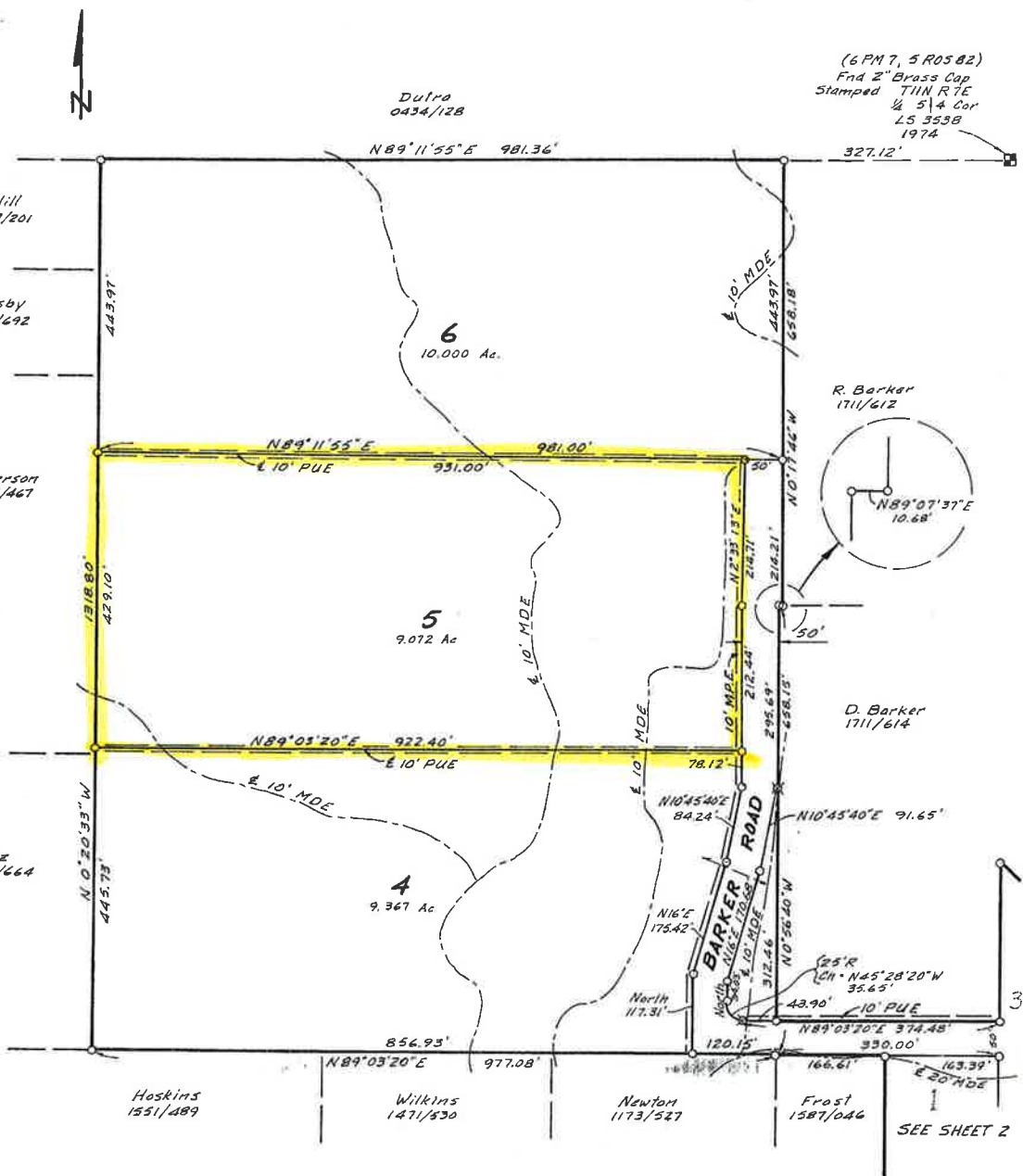


15' SW
 15' RW
 15' SW

10' M.P.E.

50' A.E. & P.U.E.

TRACT No. 375
ANTELOPE CREEK
 A RURAL SUBDIVISION
 A PORTION OF THE SW 1/4, SECTION 4 & SE 1/4, SECTION 5
 T11N, R7E, M.D.M.
 PLACER COUNTY CALIFORNIA
 October 1976 Darrell Smith RCE 13204 Scale: 1"=100'



BASIS OF BEARING

The meridian of this survey is based upon the bearing of N0°16'50\" W along the West line of the Southwest quarter of Section 4, T11N, R7E and is identical to the meridian of the Record of Survey filed in Book 5 Surveys Page 82 and was established from monuments shown as found.

LEGEND

- 10' MPE Multipurpose Easement
- 10' PUE Public Utility Easement
- 10' MDE Meandering Drainage Easement
- Set 3/8 Rebar tagged RCE 13204
- Nothing Set, Nothing Set

BOOK K MAPS PAGE 9L

TRACT No. 375
ANTELOPE CREEK
 A RURAL SUBDIVISION
 A PORTION OF THE SW ¼, SECTION 4 & SE ¼, SECTION 5
 T11N, R7E M.D.M.
 PLACER COUNTY CALIFORNIA
 October 1976 Darrell Smith RCE13204
 Scale: 1"=100'

OWNER'S CERTIFICATE

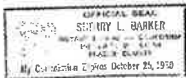
The undersigned hereby certify that they are the only persons having any record title interest in the real property included within this subdivision; and they hereby consent to the preparation and recording of the map; and they offer for dedication to the public for road purposes, the roads as shown hereon; and they do hereby dedicate to the public for the hereinafter described purposes, the following:

1. A 10 foot wide Multipurpose Easement (MPE) lying adjacent to all roads. This easement shall be over, on, across and under the land and shall consist of non-exclusive easements for the following purposes:
 - A. Poles and overhead and underground anchors, guys, wires, conduits, and appurtenances thereto for electric and communication services.
 - B. Drainage, earth slopes, erosion control and all appurtenances thereto, and for clearing sight distances affecting the traveled way.
 - C. To trim and remove trees, limbs and brush.
2. Public Utility Easements (PUE) over, on, across and under strips of land designated on this map for water, gas, sewer and drainage pipes and appurtenances thereto, and for poles and overhead and underground anchors, guys, wires, conduits and appurtenances thereto for electric and communication services, also anchor easements over, on, across and under land lying within five (5) feet of all side lot lines and extending ten (10) feet back from the MPE. All easements hereunder are non-exclusive and include the to trim and remove trees, limbs and brush.
3. A Meandering Drainage Easement (MDE) for the flow of drainage waters through the natural swales as shown on this map. The delineated swales shall be protected and preserved in their natural state for environmental and drainage purposes. Improvements shall not be constructed, nor shall any work, including, but not limited to cutting trees, excavating, benching, grading, and removal of vegetation, be done without the prior written approval of the County of Placer after a showing by competent evidence that the proposed improvement or work will not increase or alter in any manner the natural flow of water nor be detrimental to the environment within and adjacent to the drainage easement.
4. And all other easements as shown on the map for the purposes indicated.

Ben E. Barker
 Ben E. Barker

Vera Barker
 Vera Barker

State of California } ss
 County of Placer



On this 29th day of January, 1977, before me, the undersigned, a notary public in and for the said County and State, personally appeared Ben E. Barker and Vera Barker, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

My commission expires
October 23, 1978

Sherry L. Barker
 Notary Public in and for
 said County and State

SURVEYOR'S CERTIFICATE

I, Darrell A. Smith, hereby certify that this map of Antelope Creek correctly represents a survey made under my direction in April 1976; that the survey is true and complete as shown; that all monuments shown hereon will be of the character shown and will occupy the positions indicated hereon before January 1977; and that said monuments shall be replaced to enable the survey to be retraced.

Date: 12/28/76



COUNTY SURVEYOR'S CERTIFICATE

I, John L. Shotwell, hereby certify: That I have examined this final map; that the subdivision is substantially the same as it appeared on the tentative map as approved by the Planning Commission; that all the provisions of the Subdivision Map Act and ordinances applicable at the time of the approval of the tentative map have been complied with; and that I am satisfied the map is technically correct.

Date: February 10, 1977

John L. Shotwell
 John L. Shotwell CE 11171
 PLACER COUNTY ENGINEER

PLANNING COMMISSION CERTIFICATE

The Planning Commission of Placer County, State of California on this 28th day of January, 1977, did review and forward this to the Board of Supervisors recommending approval.

Attest:
Jack Rich
 SECRETARY
 PLANNING COMMISSION

Carroll Smith
 CHAIRMAN
 PLANNING COMMISSION

BOARD OF SUPERVISORS CERTIFICATE

The Board of Supervisors of the County of Placer, on the 15th day of February, 1977 did approve this map Antelope Creek and has accepted on behalf of the Public the roads, rights-of-way and easements offered for dedication for public use in conformity with the terms of dedication. The exceptions are listed as follows:

1. The road right-of-way for Barker Road is public but maintenance on the road is by the property owners as stipulated within the Conditions, Covenants and Restrictions.
2. Meandering Drainage Easements are accepted for Public use. The County does not accept drainage easements for maintenance purposes.

Attest:
Maurine I. Dobaas
 CLERK OF THE BOARD

Jim Henry
 CHAIRMAN OF THE BOARD

RECORDER'S CERTIFICATE

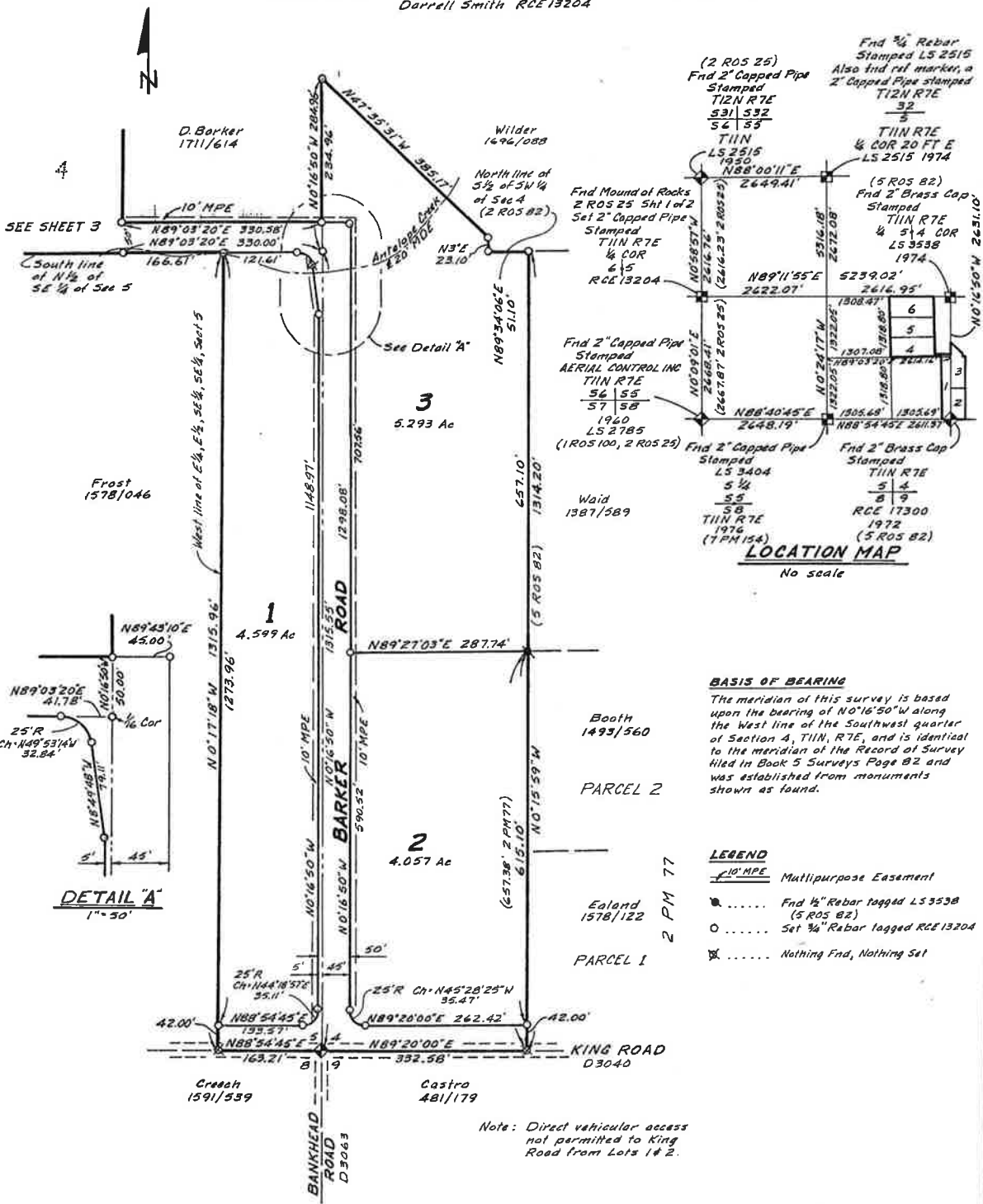
Accepted for Record and filed in the Office of the Recorder of Placer County, State of California, at the request of Ben E. Barker at 30 minutes past 3 P.M., on the 16th day of February, 1977, and recorded in Book K of Maps, on Page 91.

Fee: \$9.00 File No. 5613

Maurine I. Dobaas
 Maurine I. Dobaas
 PLACER COUNTY RECORDER

BOOK K MAPS PAGE 91

TRACT No. 375
ANTELOPE CREEK
 A RURAL SUBDIVISION
 A PORTION OF THE SW ¼, SECTION 4 & SE ¼, SECTION 5
 T11N, R7E M.D.M.
 PLACER COUNTY CALIFORNIA
 October 1976 Darrell Smith RCE13204 Scale: 1"=100'



BASIS OF BEARING
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- LEGEND**
- 10' MPE Multipurpose Easement
 - Fnd ¼" Rebar tagged LS 3538 (5 ROS 82)
 - o Set ¾" Rebar tagged RCE 13204
 - ⊗ Nothing Fnd, Nothing Set

Note: Direct vehicular access not permitted to King Road from Lots 1 & 2.

BOOK K MAPS PAGE 91

Recording requested by:

Town of Loomis
3665 Taylor Rd.
Loomis, CA, 95650

AT.10

And when recorded, mail this deed and tax statements to:

John Muschetto
3330 Barker Rd.
Loomis, CA 95650

GRANT DEED

APN: NA - Abandonment of a Portion of Barker Road in favor of 030-043-044

For valuable consideration of \$1.00 , receipt of which is hereby acknowledged, the Town of Loomis, a municipal corporation in Placer County California hereby grant(s) to:

John and Ila Muschetto, as Trustees for The Muschetto Family Living Trust Dated July 30, 2001, the following real property in the Town of Loomis, County of Placer, California:

Any and all interest in the property listed on Exhibit A which has been a portion of a public roadway which is to be abandoned shall be dedicated by the Town of Loomis to the Muschetto Family Living Trust as indicated above.

(See Exhibit A for description of property)

Date: _____

(Signature of declarant)

State of California
County of _____

On _____, 20____, before me, _____, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary

Project Name:

Recording requested by and Return to:

Town of Loomis
3665 Taylor Road
Loomis, CA 95650
Phone: 916-652-1840
Attention:

THIS SPACE IS RESERVED
FOR THE RECORDER'S USE

**TOWN OF LOOMIS
OFFER OF DEDICATION
MULTI-PURPOSE EASEMENT**

For the receipt of one dollar (\$1.00) or other good and valuable consideration,

the undersigned GRANTOR(S), hereby irrevocably offers for dedication to the Town of Loomis, County of Placer State of California, a non-exclusive multi-purpose easement over, on, across and under the land described below consisting of non-exclusive easements for the installation and maintenance of the following facilities:

1. Street lighting, poles, overhead and underground wires, anchors, conduit and appurtenances thereto for electric, television, lighting and communication services.
2. Water, sewer and gas lines, services and appurtenances thereto.
3. Drainage, earth slopes and erosion control, and all appurtenances thereto, and for clearing sight distances affecting the traveled way.
4. To trim and remove trees, limbs and brush.
5. For construction and maintaining centralized mail delivery boxes, pedestals and slabs. Together with any and all appurtenances thereto including pedestrian access for delivery and receipt of mail.

(Any and all interest in the property conveyed by grantor to the Town of Loomis pursuant to this instrument runs with the land and is binding on the heirs, assigns and successors of the grantor.)

(See Attached Exhibit "A")

GRANTOR(S):

Dated this ____ Day of _____, 20____,

Sign name

Sign name

Print name and title

Print name and title

See following page for Acknowledgement

EXHIBIT 'A'

Abandonment of a portion of Barker Road

That certain real property situate in the Town of Loomis, County of Placer, State of California, described as follows:

Being that portion of Barker Road as shown on Tract Map No. 375, Antelope Creek, filed for record in Book K of Maps, at Page 91, Placer County Records, more particularly described as follows:

The west fifteen (15) feet of Barker Road lying northerly of the easterly prolongation of the South line of Lot 5 as shown on said Tract Map No. 375, containing 0.147 acres more or less.

Robert C. Bangert 7-22-11

Robert C. Bangert PLS 5250 Date
License Expiration Date: 12-31-11

