

..title

Public Hearing to consider Rezoning Petition No. Z-17-03 of Thomas and Shelly Pecotte to rezone a 5-acre portion of a 30-acre parcel of land from Exclusive Agriculture "A-20" to Rural Residential "RR-5". The property is located along Independence Lane, 0.5 mile north of the City of Vacaville; APN's 0105-170-230, 0105-180-260, 0105-200-510, and 0105-210-120.

..body

Published Notice Required? Yes No

Public Hearing Required? Yes No

DEPARTMENTAL RECOMMENDATION:

The Department of Resource Management recommends that the Planning Commission:

1. Conduct a noticed public hearing to consider Rezoning Petition No. Z-17-03 to rezone 5 acres from Exclusive Agriculture "A-20" to Rural Residential "RR-5", and
2. Make a recommendation to deny Rezoning Petition No. Z-17-03 to the Board of Supervisors

SUMMARY:

The project involves a request to rezone a 5-acre portion of a larger 30-acre property located at the corner of Independence and Liberty Lanes in unincorporated Vacaville. The fundamental issue raised by this rezoning petition is the suitability of the neighborhood for additional rural residential development at this time.

Reference Attachment C – Vicinity Map

Reference Attachment D – Subject Site

DISCUSSION:

Background

The applicant has been working with the Department of Resource Management since 2017 in pursuing a variety of land use entitlements to accommodate rural residential development on the subject site.

The initial proposal was filed June 29, 2017 which included a request to rezone 5 acres of Agriculturally zoned property to Rural Residential "RR-5" and subsequent lot line adjustment that would effectively isolate and create the rural residential lot from the larger agricultural property.

After reviewing the proposal to rezone and considering the applicant's intent to pursue rural residential development within the project boundaries, the Department encouraged a more comprehensive residential development plan for the area. Staff recommended that the applicant incorporate the entire acreage designated Rural Residential by the General Plan as well as file a Policy Plan Overlay application to conceptualize residential development of the site. Staff's recommendation was based on:

- Applicant's stated intent to pursue residential development on the 75 acres

- Rural Residential General Plan Designation for the area
- General Plan Residential Land Use Policies
- Existing topography and natural resource constraints
- Vehicle circulation issues to and through the subject site

On April 13, 2018 the applicant revised their project description to include the entire 75 acres under their ownership into the rezoning request. No additional information or development plans were provided at that time and staff's recommendation to file a comprehensive development plan in the form of a Policy Plan Overlay application remained unchanged.

On July 3, 2018 the applicant began filing elements of a Policy Plan Overlay application. Through December 2018 multiple revisions were made to the project description and the conceptual development plan at the request of staff to address the project's compatibility and protection of existing topography, natural resources, scenic and open space views, and vehicle circulation to and through the subject site.

Early in 2019, the applicant and their engineer explored solutions to the transportation and vehicle circulation issues. Since then a development plan which demonstrates adequate access has not been submitted to the Department. Late in 2019, after several months of inaction, the applicant abandoned pursuit of the Policy Plan Overlay and decided to revert back to the original proposal to rezone a 5 acre portion of the property to RR-5 with a lot line adjustment to create a lot for sale.

On March 30, 2020 the applicant submitted a letter to the Department requesting a public hearing by the Planning Commission at their earliest convenience.

Comprehensive Planning Effort

Early in the review of this project, staff advised the applicant that the Department of Resource Management could not support a partial parcel rezoning of 5 acres of the 30-acre property to Rural Residential development. Staff encouraged the applicant to apply for rural residential zoning on the entire 75 acres and apply for a policy plan overlay to establish a development layout along with solutions to the issues discussed below.

The applicant filed those applications and staff began review and analysis of those applications. The applicant and their consultants never completed the development plan with proposed solutions to the core issue of vehicle access and circulation. As a result, the applicant chose to abandon the comprehensive planning process and revert to a request to rezone a 5-acre portion of the property at this time.

Staff has discouraged the practice of partial parcel zoning for a long period of time because it is important to consider the ramifications of development of an entire parcel and its impacts on the surrounding neighborhood along with identifying any mitigation measures which might be necessary. For this reason, along with the issues considered below, staff is recommending denial of the rezoning request.

Issues Considered

Access and Neighborhood Circulation System

Adequate road access has been a major issue that has hindered the pursuit of the project for two reasons:

1. Private vs Public Road Improvement Standards.

The subject site derives access from Independence Lane and Liberty Lane, two private, dead-end roads which lead to Gibson Canyon Road.

The Solano County Road Improvement Standards and Land Development Requirements discusses private roads with regard to specified dimensions, structural composition, and the potential number of lots served by a private road. The potential number of lots served is a function of the residential development density prescribed by the General Plan's Land Use Designation applied to an area. As stated, the entire subject site and surrounding parcels carry the Rural Residential designation. Generally, the average density for the Rural Residential designation is one dwelling unit per 5-acre lot; however, where there is availability of a public water source then the density could be reduced to one dwelling unit per 2.5 acres. The project site is located within the Rural North Vacaville Water District and the applicant has connections to the District, therefore the potential of one dwelling unit per 2.5 acres exists within the project boundary.

Section 1-3 of the Road Improvement Standards requires the structural section of road to be built to public road standards for projects serving more than ten potential parcels. The existing private road system currently serves 12 parcels; however, is not built to public road standards. Improving the existing private road network to public road standards would entail substantial construction costs and possible right of way acquisition.

Any rezoning of the property increases the rural residential development potential along Independence and Liberty Lanes and would further burden the existing private road system. The proposed rezoning does not address the circulation issues therefore is inconsistent with the Solano County Road Improvement Standards and Land Development Requirements. The 5 acre rezoning request is not consistent with County Road Improvement standards and requirements.

Reference Attachment E – Parcels Accessing Independence & Liberty Lanes

2. State Fire Regulations.

The State of California Board of Forestry and Fire Protection has adopted Fire Safe Regulation Standards which are implemented within State Responsibility Areas (SRA) for fire prevention and protection. The Pecotte properties are situated within a "Moderate" Fire Hazard Severity Zone within the CalFire SRA which establishes regulatory standards for Emergency Access and Egress. The Fire Safe Regulations include provisions for:

- Minimum road width
- Road construction specifications to support a 75,000 pound fire apparatus
- Turnarounds for dead-end roads
- Maximum road length

Independence Lane and Liberty Lane currently do not meet the Fire Safe Regulations. The existing roads do not meet the minimum width of 20 feet for their entire length. Information pertaining to the structural composition of the existing roads has not been provided or verified. Turnarounds at the terminus of Liberty Lane and at 1,320 foot intervals are not currently

constructed. The cumulative length of the dead-end private road system exceeds the 2,640 foot maximum for 5 acre Rural Residential development. The 5 acre rezoning request is not consistent with Fire Safe Regulation standards and requirements.

The Fire Safe Regulations also prescribe other fire protection standards which must be implemented with any new development in a State Responsibility Area. These requirements may alter the minimum setbacks permitted by local ordinance and may require the development of onsite fire protection water storage. These requirements should be analyzed for any rural residential development of the subject site.

Reference Attachment F – SRA Vicinity Map

Environmental Constraints

The northern half of the Pecotte properties near the intersection between Independence Lane and Liberty Lane is relatively flat exhibiting slopes of less than six percent. Gibson Canyon Creek cuts across the extreme northwest corner of the northern most parcel. Elevation at that location is 210 feet above mean sea level (AMSL). Topography begins to increase moving towards the southern half of property and is characterized by rolling hills exhibiting slopes around 15 percent; however, some sections of the property are classified as steep exhibiting slopes in excess of 24%. An unnamed intermittent water course traverses west to east across the center parcel. Elevation reaches its peak at 400 feet AMSL on the southernmost parcel. The hillsides near the southern boundary of the subject site contain large stands of mature trees which should be preserved as a scenic resource.

General Plan policy encourages clustering in rural residential projects as a means of preserving important scenic and environmental resources. As discussed above there are environmental constraints on-site which include topography, creeks, native trees, and scenic resources that should be addressed with a comprehensive planning effort and analyzed through the Policy Plan Overlay application process.

LAND USE CONSISTENCY ANALYSIS:

General Plan & Zoning

The General Plan Land Use Diagram designates the 30-acre subject site and adjacent lands of Pecotte as Rural Residential. The General Plan contains Land Use Policies which guide development for residential uses, including:

LUP-14

Establish rural residential development in a manner that preserves rural character and scenic qualities and protects sensitive resources including agricultural lands, creeks, native trees, open spaces, and views.

LUP-17

Encourage clustering of residential development when necessary to preserve agricultural lands, natural resource areas and environmental quality, to provide for the efficient delivery of services and utilities, and to mitigate potential health and safety hazards.

The Department continues to encourage a comprehensive residential development plan for the area. A comprehensive plan would mitigate topographical constraints of the subject site, preserve

and protect sensitive natural resources including creeks, woodland, open space, and scenic views from adjacent residential development. Rezoning only 5 acres of the larger Rural Residential area fails to achieve these objectives and would be inconsistent with the General Plan for the area.

Reference Attachment G – Existing Zoning Map

Reference Attachment H – Proposed Zoning Map

Reference Attachment I – General Plan Map

ENVIRONMENTAL ANALYSIS:

Environmental Analysis has not been completed for the project. Staff has indicated to the applicant that a negative declaration would have been required for the overall project. Since the applicant is no longer pursuing the overall development plan and because the Department is recommending denial of the 5-acre rezoning proposal, environmental review has not been undertaken.

PUBLIC HEARING NOTICE:

In accordance with Solano County Zoning Regulations, notice of a public hearing was published at least 15 days before the scheduled hearing in the Fairfield Daily Republic.

FINANCIAL IMPACT:

The cost for processing this application is recovered from the filing fees paid by the applicant.

ALTERNATIVES:

The Planning Commission may choose alternative actions, including:

1. Make the finding that the project qualifies for a categorical exemption pursuant to CEQA Guidelines Section 15061(b)(3), and recommend Approval of the project, as requested, to the Board of Supervisors, or
2. Continue the hearing in order to obtain additional information.

OTHER AGENCY INVOLVEMENT:

The proposed project has been noticed and solicited for review and comment by various local, regional, and State agencies.

ATTACHMENTS:

A – Draft Resolution

B – Assessor's Parcel Maps

C – Vicinity Map

D – Subject Site Aerial

E – Parcels Accessing Independence & Liberty Lanes

F – SRA Vicinity Map

G – Existing Zoning Map

H – Proposed Zoning Map

I – General Plan Designation

**SOLANO COUNTY PLANNING COMMISSION
RESOLUTION NO.**

**RESOLUTION RECOMMENDING
DENIAL OF REZONING PETITION Z-17-03
TO THE SOLANO COUNTY BOARD OF SUPERVISORS**

WHEREAS, the Solano County Planning Commission, after proper notice, conducted a public hearing on September 3, 2020, related to Rezoning Petition Z-17-03 of Thomas and Shelly Pecotte; and

WHEREAS, after public testimony and due deliberation, the Planning Commission has determined that the proposed rezoning is not appropriate and desirable, and is not consistent with the Solano County General Plan.

RESOLVED, that the Solano County Planning Commission does hereby recommend denial of the proposed rezoning petition to the Solano County Board of Supervisors.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on September 3, 2020, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSTAIN: Commissioners

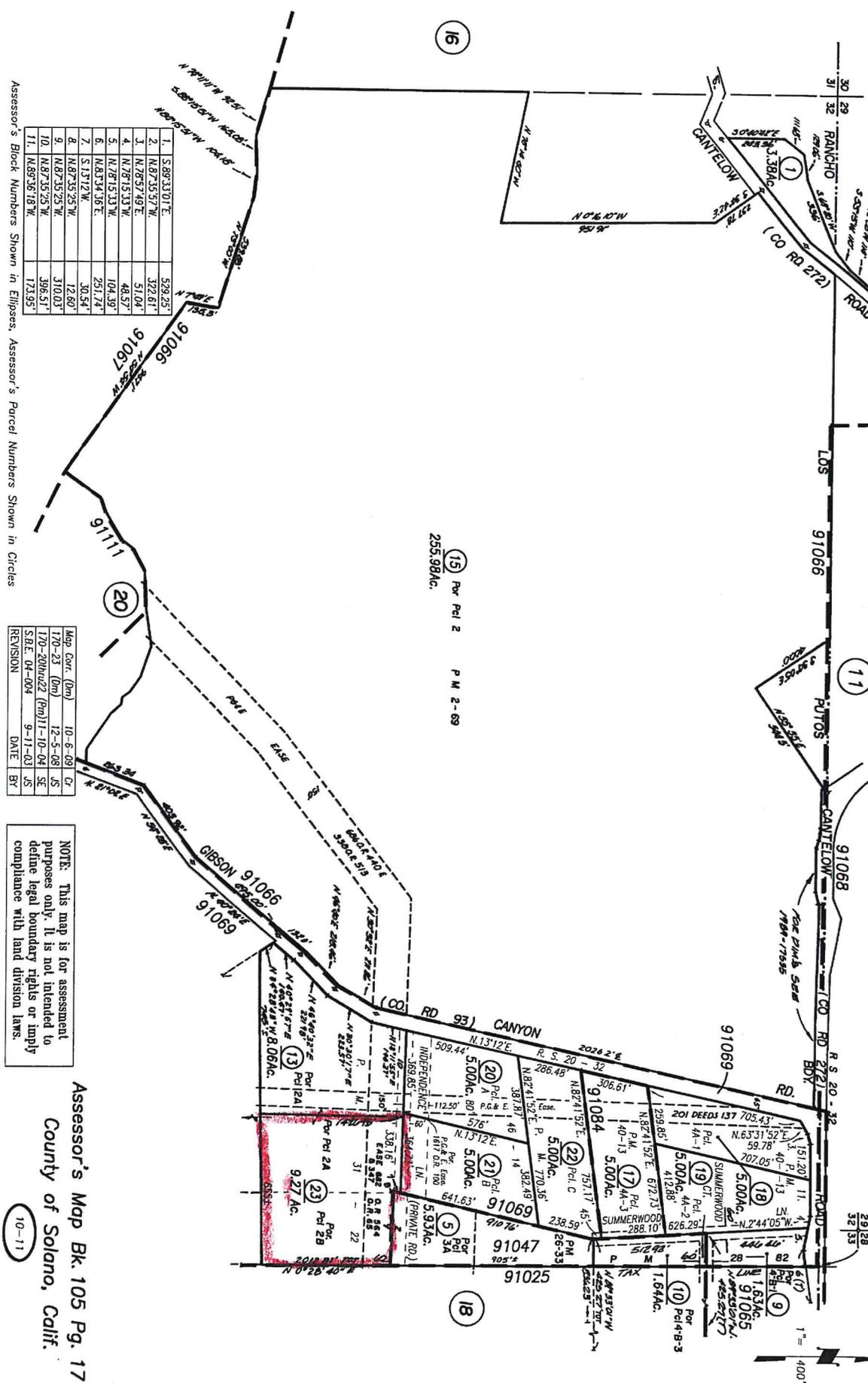
ABSENT: Commissioners

B y :

Terry Schmidtbauer, Secretary

POR. LOT 38, RANCHO LOS PUTOS
 POR. SEC. 32, T.7N., R.1W., M.D.B.& M. EXT.

Tax Area Code
 91047,91066
 91069,91084
 105-17

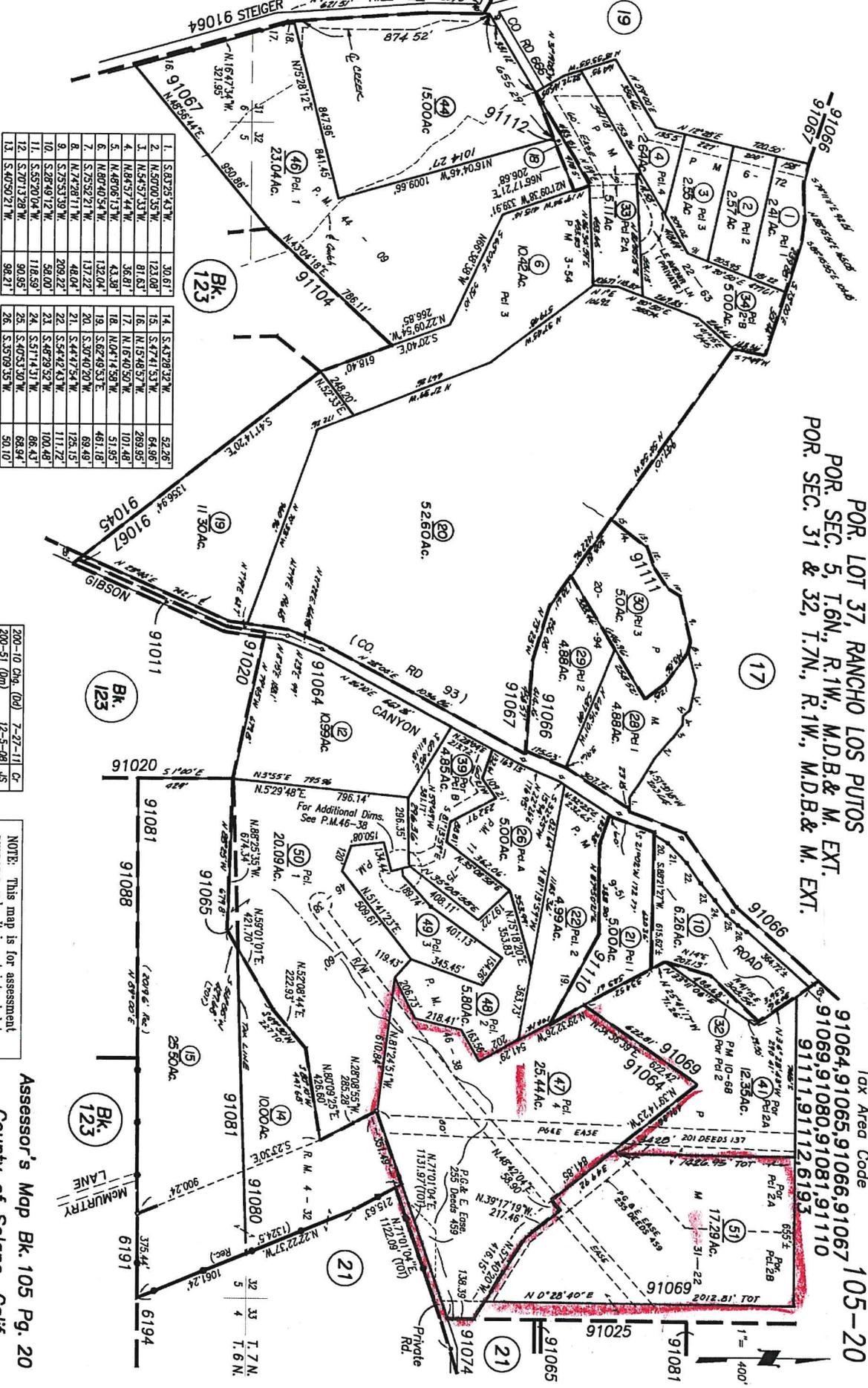


1.	S.89°33'01"E.	529.25'
2.	N.87°33'37"W.	322.61'
3.	N.78°57'49"E.	51.04'
4.	N.78°15'33"W.	48.57'
5.	N.78°15'33"W.	104.39'
6.	N.83°34'36"E.	251.74'
7.	S.13°12'W.	30.54'
8.	N.87°35'25"W.	12.80'
9.	N.87°35'25"W.	310.03'
10.	N.87°35'23"W.	396.51'
11.	N.89°36'18"W.	173.95'

Map Cvr. (Dm)	10-6-09	Cr
170-23 (Dm)	12-5-08	JS
170-200r22 (Pm)11-10-04	SE	JS
S.B.E. 04-04	9-11-03	JS
REVISION	DATE	BY

NOTE: This map is for assessment purposes only. It is not intended to define legal boundary rights or imply compliance with land division laws.

Assessor's Map Bk. 105 Pg. 17
 County of Solano, Calif.
 10-11



POR. LOT 37, RANCHO LOS PUTOS
 POR. SEC. 5, T.6N., R.1W., M.D.B.& M. EXT.
 POR. SEC. 31 & 32, T.7N., R.1W., M.D.B.& M. EXT.

Tax Area Code
 91064, 91065, 91066, 91067 105-20
 91069, 91080, 91081, 91110
 91111, 91112, 6193

1.	S.83°25'43"W.	30.61'	32.26'
2.	N.50°00'33"W.	123.08'	64.96'
3.	N.54°57'33"W.	81.63'	289.95'
4.	N.84°57'44"W.	36.81'	101.48'
5.	N.48°06'13"W.	43.38'	51.95'
6.	N.80°40'54"W.	132.04'	461.18'
7.	S.25°52'21"W.	137.22'	89.48'
8.	N.74°28'11"W.	46.04'	128.15'
9.	S.75°53'39"W.	209.72'	111.72'
10.	S.28°49'12"W.	58.00'	100.48'
11.	S.55°20'04"W.	118.59'	66.43'
12.	S.70°13'28"W.	90.85'	68.94'
13.	S.40°50'21"W.	98.21'	50.10'

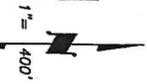
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5.	S.47°41'53"W.	64.96'
6.	N.15°48'57"W.	289.95'
7.	N.16°40'50"W.	101.48'
8.	N.04°14'58"W.	51.95'
9.	S.62°48'53"E.	461.18'
10.	S.30°48'20"W.	89.48'
11.	S.54°41'54"W.	128.15'
12.	S.54°42'43"W.	111.72'
13.	S.46°29'52"W.	100.48'
14.	S.57°14'31"W.	66.43'
15.	S.40°53'30"W.	68.94'
16.	S.35°09'35"W.	50.10'

Assessor's Block Numbers Shown in Ellipses, Assessor's Parcel Numbers Shown in Circles
Essie L. Troutman
R.M. Bk. 04 Pg. 32

200-10 Ord. (04)	7-27-11	Gr
200-51 Ord.	12-5-08	JS
Map Corr.	10-06-08	DV
200-16 to Pg. 21	3-3-06	JS
REVISION	DATE	BY

NOTE: This map is for assessment purposes only. It is not intended to define legal boundary rights or imply compliance with land division laws.

Assessor's Map Bk. 105 Pg. 20
 County of Solano, Calif.
 (12-13)

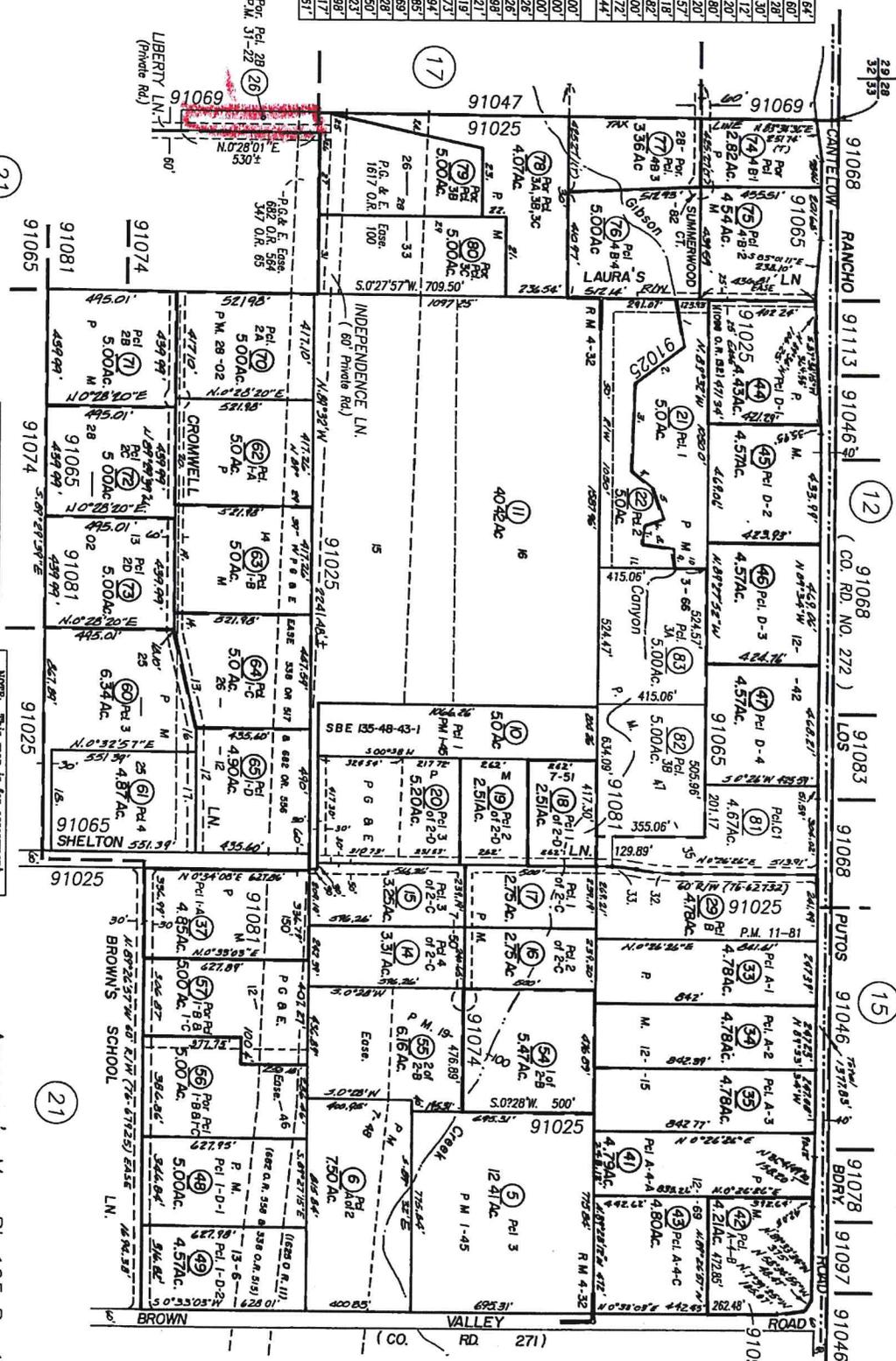


POR. LOT 38, RANCHO LOS PUTOS
 POR. SEC. 33, T.7N, R.1W, M.D.B.& M. EXT

Tax Area Code
 91025, 91065, 91074
 91081, 91099

105-18

1.	N.81°31'E	190.64'
2.	S.17°03'50"E	235.67'
3.	S.87°27'40"E	338.28'
4.	N.39°13'E	112.30'
5.	N.70°59'E	126.12'
6.	S.17°44'20"E	78.20'
7.	S.81°25'50"E	73.80'
8.	N.75°21'0"E	124.20'
9.	N.68°43'E	77.57'
10.	N.07°29'20"E	120.18'
11.	N.07°29'20"E	294.42'
12.	N.69°29'59"W	490.00'
13.	S.17°01'56"W	370.72'
14.	N.69°29'59"W	86.44'
15.		
16.	N.69°29'59"E	105.00'
17.	N.69°29'59"E	385.00'
18.	N.69°29'59"E	385.00'
19.	N.69°29'59"E	417.26'
20.	N.69°29'59"E	417.26'
21.	S.69°33'01"E	306.99'
22.	N.07°57'57"E	69.21'
23.	N.69°32'03"E	273.19'
24.	N.13°12'E	609.73'
25.	N.67°35'57"E	79.94'
26.	N.07°29'20"E	43.85'
27.	N.07°29'20"E	327.69'
28.	N.07°29'20"E	641.28'
29.	N.07°29'20"E	709.50'
30.	N.69°33'01"E	836.23'
31.	N.69°32'03"E	306.99'
32.	R=1000'	165.17'
33.	R=1000'	163.61'



Essie L. Troutman Sub. - R. M. Bk. 4, Pg. 32

180-91-83 (PW)	12-29-05	CR
TAC LINC CORR.	2-9-04	PL
S.B.E. 04-004	9-11-03	JS
S.B.E. 00-004	9-21-99	PL
S.B.E. 98-012	1-11-99	PL
S.B.E. 98-002	12-3-97	RS
REVISION	DATE	BY

NOTE: This map is for assessment purposes only and is not for the intent of interpreting legal boundary rights, zoning regulations and/or legality of land division laws.

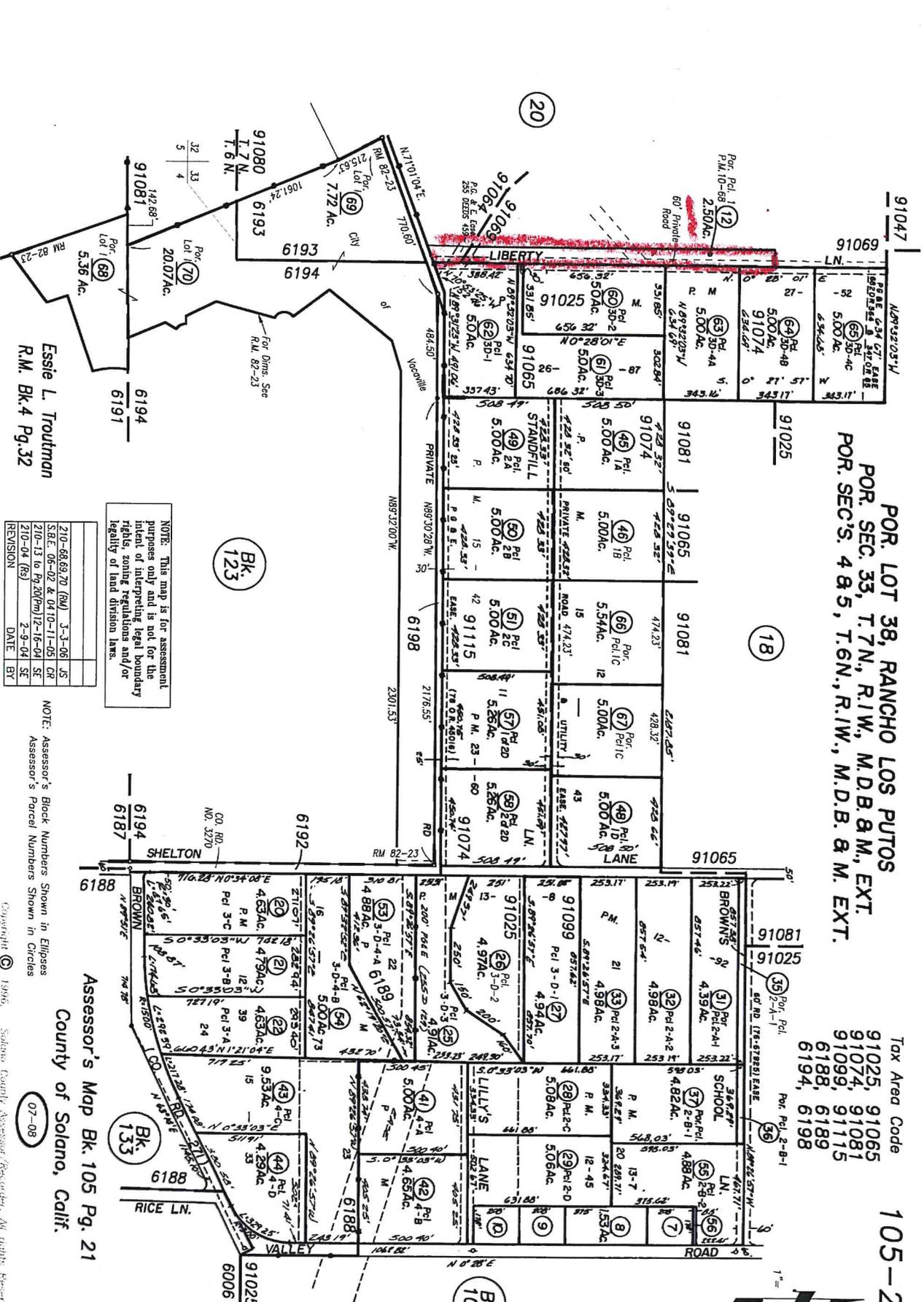
NOTE: Assessor's Block Numbers Shown in Ellipses

Assessor's Map Bk. 105 Pg. 18
 County of Solano, Calif.
 06-07

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**POR. LOT 38, RANCHO LOS PUTOS
 POR. SEC. 33, T. 7N., R. 1W., M.D.B. & M., EXT.
 POR. SEC'S. 4 & 5, T. 6N., R. 1W., M.D.B. & M. EXT.**

Tax Area Code
105-21



NOTE: This map is for assessment purposes only and is not for the intent of interpreting legal boundary rights, zoning regulations and/or legality of land division laws.

210-68-69-70 (RM)	3-3-06	JS
S.R.E. 06-02 & 0410-11-051 CR		
210-13 to Pq.20(6m)12-16-04 SE		
210-04 (R9)	2-9-04	BY
REVISION	DATE	BY

NOTE: Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles

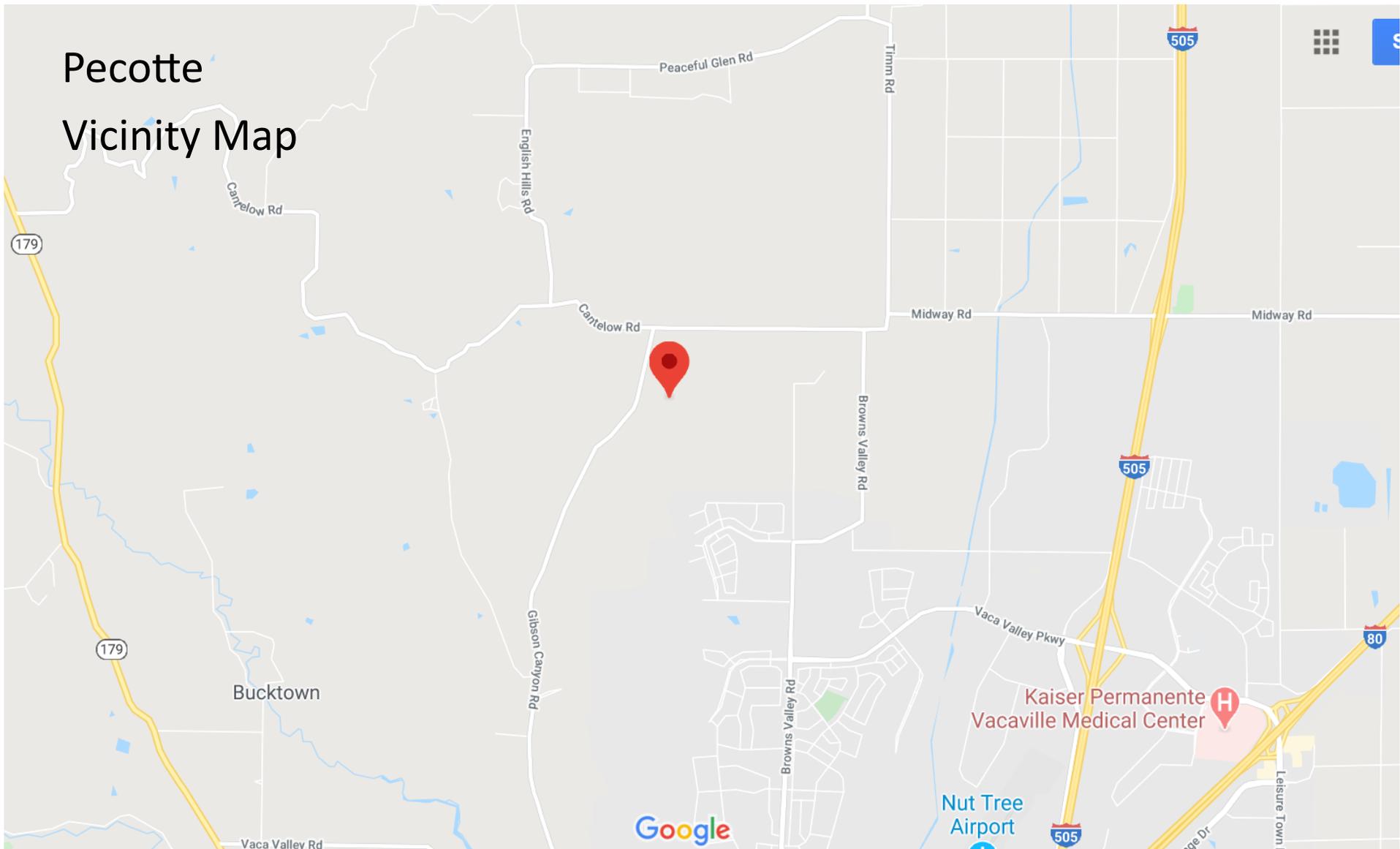
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Assessor's Map Bk. 105 Pg. 21
 County of Solano, Calif.

07-08

Essie L. Troutman
 R.M. Bk. 4 Pg. 32

Pecotte Vicinity Map



Pecotte
Subject Site



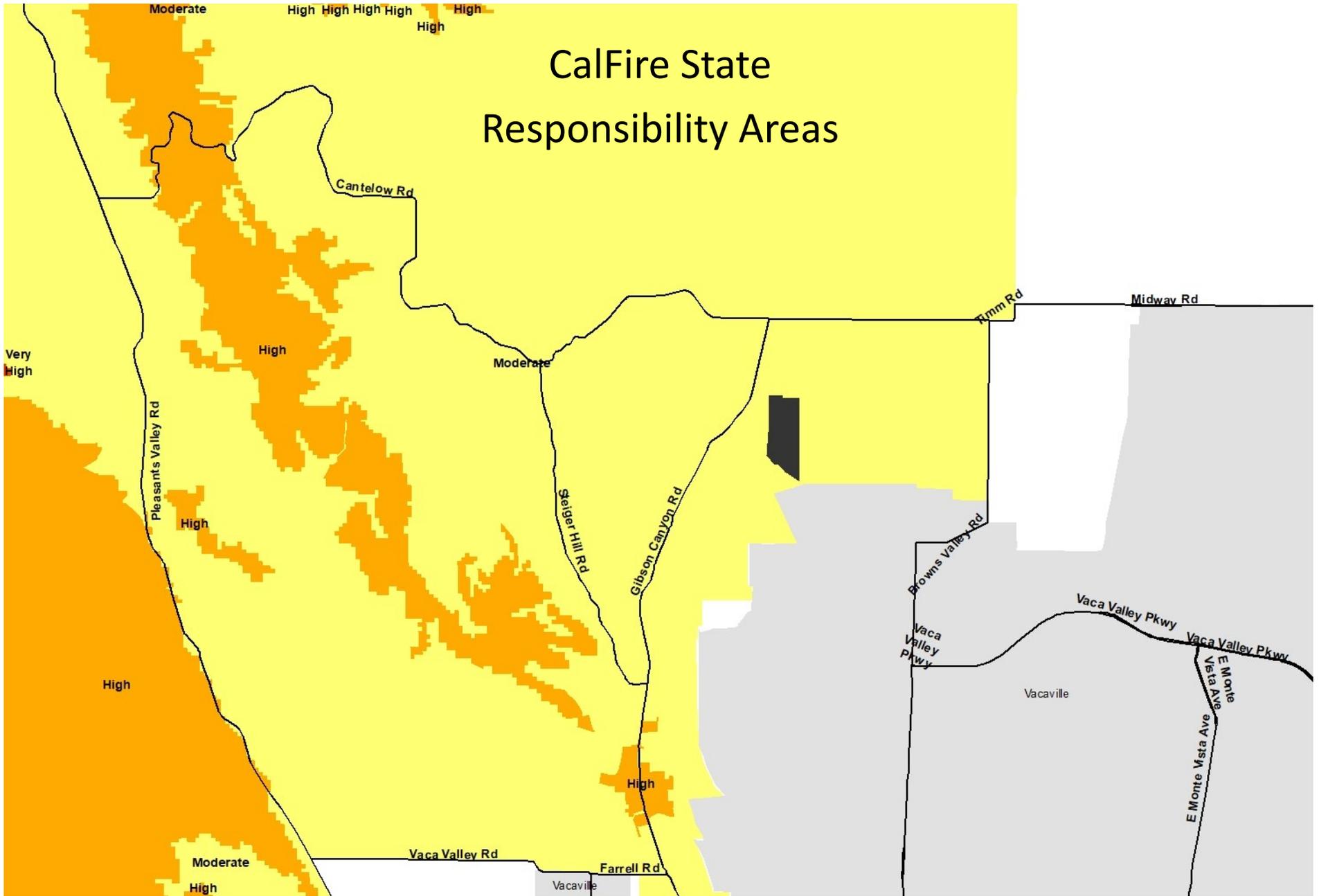
Vacaville

Parcels accessing
Independence &
Liberty Lanes

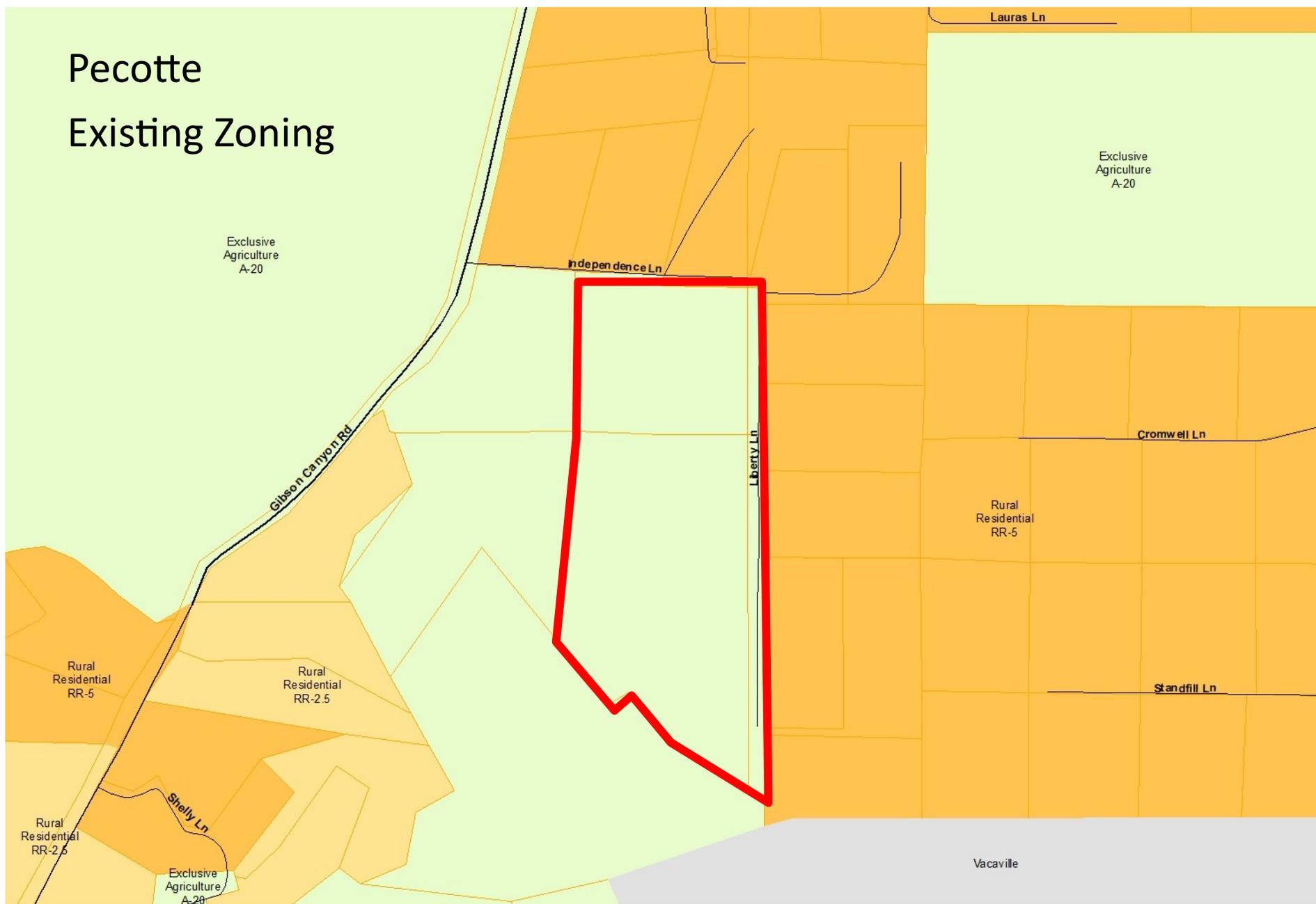


Vacaville

CalFire State Responsibility Areas



Pecotte Existing Zoning



Exclusive
Agriculture
A-20

Exclusive
Agriculture
A-20

Independence Ln

Laurus Ln

Gibson Canyon Rd

Cromwell Ln

Rural
Residential
RR-5

Rural
Residential
RR-5

Rural
Residential
RR-2.5

Standfill Ln

Rural
Residential
RR-2.5

Shelly Ln

Exclusive
Agriculture
A-20

Liberty Ln

Vacaville

Pecotte Proposed Rezone

