

BILL EMLÉN
Director

TERRY SCHMIDTBAUER
Assistant Director

MIKE YANKOVICH
Planning Services Manager

DEPARTMENT OF RESOURCE MANAGEMENT



**SOLANO
COUNTY**

675 Texas Street, Suite 5500
Fairfield, CA 94533-6342
(707) 784-6765
Fax (707) 784-4805

www.solanocounty.com

Planning Services Division

**ZONING ADMINISTRATOR STAFF REPORT
Minor Subdivision Map Extension**

Application: MS-04-05-EX2 Soffer
Applicant: Marcia Soffer
Project Planner: Karen Avery, Senior Planner

**Meeting of January 19, 2017
Agenda Item No. 2**

Location: 3956 Scenic Ranch Lane, Vacaville
Assessor Parcel Number: 0105-070-080

General Plan: Rural Residential
Zoning: RR-5

Discussion

The applicant is requesting a time extension to the tentative map approval for Minor Subdivision (MS-04-05) which was approved by the Zoning Administrator on December 1, 2005. The applicant is requesting this extension due to the cost of the final improvements and real estate market conditions. This is the second extension request initiated by the applicant. The first extension of the map was approved by the Zoning Administrator on August 16, 2007 for two years until December 1, 2009.

The map has been extended beyond 2009 through several State Legislative Acts including SB1185, AB33, AB208 and AB116. This current extension request by the applicant is for a two-year period; after which there is one discretionary two-year extension available per the Solano County Subdivision Ordinance.

Review and Recommendation

Staff recommends that the Zoning Administrator approve the requested Minor Subdivision Extension No. 2 for a period of two years, as permitted under the Solano County Subdivision Ordinance, subject to the conditions of the 2005 approval and 2007 extension (see attached).

Map Term

Approval by the Solano County Zoning Administrator of this second discretionary time extension of Minor Subdivision MS-04-05 is hereby granted for a two-year period and will expire on December 1, 2018. The minor subdivision tentative map may be extended one additional two-year period by the applicant if requested prior to the expiration date of December 1, 2018.

Attachment:

Solano County Zoning Administrator Resolution No. 07-23

**SOLANO COUNTY ZONING ADMINISTRATOR
RESOLUTION NO. 07-23**

WHEREAS, the Solano County Zoning Administrator has considered a Time Extension to Minor Subdivision Application No. MS-04-05 of **Marcia Soffer** to subdivide 24.91 acres into 4 parcels 5.1 to 7.4 acres in size. The property is located on Scenic Ranch Lane in an "RR-5" Rural Residential Zoning District, 4 miles north of the City of Vacaville, APN: 0105-070-080, and

WHEREAS, said Zoning Administrator has reviewed the report of the Department of Resource Management and heard testimony relative to the subject application at the duly noticed public hearing held on August 16, 2007, which was continued to the meeting of September 6, 2007, and

WHEREAS, after due consideration, the said Zoning Administrator has made the following findings in regard to said proposal:

1. The proposed map is consistent with the Land Use and Circulation Element of the Solano County General Plan.

The property is designated Rural Residential, which allows residential uses such as those that currently occur in the vicinity and are proposed on the project site. The Rural Residential designation is consistent with the Rural Residential zoning district. The proposed parcels are of sufficient size to accommodate on-site sewage disposal systems and domestic water service from the RNVWD.

2. The design of the proposed subdivision is consistent with the Land Use and Circulation Element of the Solano County General Plan.

The property is designated for Rural Residential uses, which allow for single family residences. The design of the proposed subdivision, available road access as conditioned, provisions for domestic water and wastewater disposal and the size of the proposed parcels satisfy the intent of the General Plan.

3. The site is physically suitable for the proposed type of development

The type of development proposed is rural residential homesites, which is the existing and historic use of the site, and for which the site is well suited. The area is currently zoned for 5 acre rural residential uses and all proposed lots meet minimum parcel size for this zoning district.

4. The site is physically suitable for the proposed density of development.

The project as proposed will create three additional homesites. The resultant parcels will be served by onsite sewage disposal systems and domestic water service from the RNVWD as permitted by the Subdivision Ordinance. The new parcels meet the minimum lot size for the RR-5 zoning district.

5. The design of the subdivision will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

A biological resources study concluded the subdivision would not adversely impact biological resources provided certain mitigation measures are implemented. The project qualifies for a Mitigated Negative Declaration pursuant to the provisions of CEQA.

6. The design of the subdivision will not cause serious public health problems.

The project is a proposal for residential lots and, as proposed, is in compliance with the General Plan and the Zoning Ordinance. All proposed parcels will be served with domestic water from the RNVWD and utilize onsite sewage disposal systems, and the project is not anticipated to cause serious public health problems.

7. The design of the subdivision and the type of improvements will not conflict with any public easements.

As is evident on the Tentative Map and the Preliminary Title Report, the proposed subdivision will not conflict with any public easements.

8. The discharge of waste from the proposed subdivision into an existing community sewer system would not result in, or add to, a violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code.

The applicant proposes to utilize onsite sewage disposal systems for the resulting parcels. Soils testing has been submitted which shows that systems which meet County and State regulations can be approved and constructed. As such, there will not be a violation of requirements prescribed by the Regional Water Quality Control Board.

9. The property fronts on any public waterway, public river, public stream, coastline, shoreline, publicly owned lake or publicly owned reservoir and the proposed subdivision does not provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the waterway, river, stream, lake or reservoir bordering or lying within the proposed subdivision, or to land below the ordinary high-water mark on any bay shoreline within the subdivision; provided that the Advisory Agency or Board of Supervisors as appropriate may

approve the tentative map if it finds that alternate reasonable public access is available within a reasonable distance from the subdivision

The project site is not near any public waterway, public river, public stream, coastline, shoreline, or publicly owned lake or reservoir.

10. The proposed subdivision fronts along a public waterway, public river or public stream and does not provide for a dedication of a public easement along a portion of the bank of the waterway, river or stream bordering or lying within the subdivision, which easement is defined so as to provide reasonable public use and maintenance of the waterway, river or stream consistent with public safety.

The project site does not front on any public waterway, public river, or public stream.

11. The proposed subdivision is consistent with a contract entered into pursuant to the California Land Conservation Act of 1965 and the proposed lots to be created from the parent parcel are consistent with the minimum residential building site requirements under the Policy and Uniform Regulations Governing Administration of Agricultural Preserves in Solano County and under Section 66474.4 of the Subdivision Map Act.

The parcel is not under a Williamson Act Contract.

12. The proposed subdivision is consistent with applicable provisions of the County Hazardous Waste Management Plan.

The Solano County Hazardous Materials Area Plan has no provisions applicable to rural residential subdivisions.

13. The proposed subdivision is not located within a special studies zone established pursuant to the Alquist-Priolo Special Studies Zone Act (Public Resources Code Section 2621 et seq.) and is not in accordance with the policies and criteria established by the State Mining and Geology Board pursuant to that Act

The proposed subdivision is not located within a special studies zone established pursuant to the Alquist-Priolo Special Studies Zone Act.

BE IT THEREFORE RESOLVED, that the Zoning Administrator has approved the Time Extension to Minor Subdivision No. MS-04-05 for a period of two years as permitted by Solano County Code Chapter 26 subject to the remaining conditions of the 2005 approval as follows:

1. The Parcel Map to be recorded shall be in substantial compliance with the Tentative Parcel Map labeled "Tentative Parcel Map Lands of Marcia Soffer", dated April

2005, prepared by Brian W. West RCE32319 and on file with the Solano County Planning Division, except as modified herein. The Parcel Map shall be filed for recordation prior to December 1, 2009.

2. Necessary approvals and permits shall be obtained from the Building and Safety Division prior to construction, erection, enlargement, altering, repairing, moving, improving, removing, converting, or demolishing any building or structure, fence, gate, or retaining wall regulated by the Solano County Building Code. The applicant shall submit four sets of plans to the Building and Safety Division for plan review and permits prior to beginning improvements.
3. Storm water improvements, which accommodate increases in storm water runoff, will be required for each lot prior to any new building development. The proposed improvements shall be included in all building and grading permit applications.
4. All requirements of the Environmental Health Division shall be met, including:
 - a. A declaration shall be recorded with the Parcel Map stating that the site evaluation data to date requires the use of engineered sewage disposal systems in the reserve areas specified on parcels 1, 2 and 4. The engineered sewage disposal systems shall be operated, monitored, and maintained in accordance with Solano County Code Chapter 6.4, Sewage Disposal Standards.
 - b. Water supply development or a municipal water service connection shall be provided for each of the proposed parcels prior to approval of the Final Map.
5. In the event that archaeological remains or artifacts are uncovered during construction activities, work shall be stopped and an archaeologist retained to survey the site and provide recommendations. The recommendations of the archaeologist shall be followed.
6. All requirements of the Rural North Vacaville Water District (RNVWD) shall be met, including:
 - a. Prior to filing the Final Map, the property owner shall pay for the installation of an extension of the 6 inch water main line (currently \$71 per foot) from Scenic Ranch Lane, via the proposed 10 foot wide Public Utility and Water Line Easement on the west side of the proposed cul-de-sac, to serve the three proposed parcels. The property owners shall pay for installation of three meters and backflow prevention devices for the supplemental water service connections. The property owner shall send California Water Service Company a set of plans and pay design fees in the amount of \$3,000 to the RNVWD to have Cal Water properly engineer the water main extension.

- b. The property owner shall coordinate with the Vacaville Fire Protection District to pay for installation of a standard District fire hydrant at the end of the proposed cul-de-sac to serve all four parcels under the direct fire protection assessment benefit.
 - c. Prior to filing the Final Map, the property owner shall complete the Application for Assessment Apportionment and pay NBS Local Government Solutions a fee of \$990 to complete the assessment apportionment process.
 - d. Prior to the issuance of building permits for the proposed parcels, a "Will Serve" letter from the RNVWD shall be obtained.
7. All requirements of the Department of Resource Management Public Works Division shall be met, including:
- a. The subdivider shall improve Scenic Ranch Lane from English Hills Road to the west boundary of Proposed Lot 1, as shown on the Tentative Map. The improvements shall conform at a minimum to the private road standards for 2 to 10 potential parcels, as shown in the Road Improvement Standards. These improvements are a 20 foot wide chip seal surface with 4 foot graded shoulders.
 - b. The subdivider shall create a private road and utility easement for proposed Scenic Ranch Court, together with a cul-de-sac turnaround at the end of the private road. The easement for the road shall be 60 feet in width, with the road centered approximately 25 feet west of the easterly easement line. The easement for the cul-de-sac shall have a sixty foot radius, with twenty foot radius curve returns. (Note: The easement has been sized to accommodate the requirements of the RNVWD.) The easement shall have a minimum centerline radius of 290 feet, excepting at the northwest corner of the property along existing Scenic Ranch Lane, where a 150 foot centerline radius will be allowed.

The easement shall be widened to include areas needed to construct the private road and maintain cut and fill slopes for the road. The private road and utility easement shall extend from Scenic Ranch Lane to the cul-de-sac, shown on the tentative map in Parcel A (Lot 3). The easement shall conform at a minimum to the private road standards for 2 to 10 potential parcels, as shown in the Road Improvement Standards. The cul-de-sac shall not be located in the seasonal creek.
 - c. Prior to filing the Parcel Map and the construction of the road improvements, the subdivider shall submit improvement plans prepared by a civil engineer

with a plan check and inspection fee. The improvement plans shall be reviewed, approved and signed by the appropriate official from Public Works Engineering and Planning.

- d. The subdivider shall construct the private road together with a cul-de-sac turnaround at the end of the private road and utility easement. The improvements shall conform at a minimum to Sec. 1-3.1 of the Road Improvement Standards for projects servicing 2 to 10 potential parcels.
- e. All native riparian zone trees removed or damaged as a result of road construction shall be replaced at a ratio of 5:1. Replacement trees shall be planted within the riparian zone on the property. A tree planting plan shall be included in the development plans for the construction of the private road, and the trees shall be planted prior to the issuance of building permits on the newly created parcels. The tree planting plan shall include irrigation and staking detail, as applicable.

Verification: County Department of Resource Management approval of road development plans and on-site inspection of their implementation constitutes verification.

- f. The applicant shall provide to Solano County Resource Management evidence of permitting, or exemption from permitting, by the U.S. Army Corps of Engineers, California Department of fish and Game, and the Regional Water Quality Control Board, prior to the commencement of construction of the private road.

Verification: County Department of Resource Management approval of road development plans and on-site inspection of their implementation constitutes verification.

- g. The subdivider shall construct a permanent fence around the perimeter of the proposed pond to enhance wetland development of the area at the pond banks. The fence shall be of a permanent nature and designed to prevent livestock from accessing the proposed wetland area around the pond. Plans for the fence shall be included in the development plans for construction of the private road. The fence shall be constructed prior to the issuance of building permits for the proposed parcels.

Verification: County Department of Resource Management approval of road development plans and on-site inspection of their implementation constitutes verification.

- h. The subdivider shall construct a permanent fence around the perimeter of the creek buffer zone (see Condition No. 8 c, below) to protect wetland areas along the pond banks. The fence shall be of a permanent nature and designed to prevent livestock from accessing the protected creek area. Plans for the fence shall be included in the development plans for construction of the private road. The fence shall be constructed prior to the issuance of building permits for the proposed parcels.

Verification: County Department of Resource Management approval of road development plans and on-site inspection of their implementation constitutes verification.

- i. The subdivider shall create a 50 foot wide private road and utility easement from the cul-de-sac to the north edge of Lot 4 in place of the 30 foot wide private access and utility easement shown on the tentative map.
- j. If the above improvements are not completed prior to filing the parcel map, the subdivider shall enter into a secured agreement with the County guaranteeing completion of the improvements prior to issuance of a building permit on any of the parcels. The agreement shall be secured as required in Article XI of the Solano County Subdivision Ordinance, and a statement shall be placed on the parcel map stating the nature, extent and requirements for the improvements.
- k. Prior to filing the parcel map, a road maintenance agreement that requires all lot owners in the subdivision to participate in the maintenance of Scenic Ranch Lane and the newly created private road shall be recorded. The maintenance agreement shall be submitted and approved by Public Works Engineering prior to recordation.

- 8. All requirements of the U.S. Army Corps of Engineers (USACE) shall be met, including:

- a. Prior to filing the Parcel Map, the applicant shall prepare a wetlands delineation for the project site, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetland Delineations" and submitted to the USACE.

- b. A declaration shall be recorded with the Parcel Map to read as follows:

No structures shall be placed within the buffer zone located along both sides of the seasonal creek as indicated on the approved Tentative Map. The buffer shall consist of a 25 foot zone on either side of the seasonal creek as measured from the ordinary high water line.

- c. Prior to filing the Parcel Map, the applicant shall submit a revised Tentative Map which shows an outline of the proposed 25 foot buffer zone on both sides of the seasonal creek as measured from the ordinary high water line.
- 9. All requirements of the Vacaville Fire Protection District shall be met prior to issuance of building permits on the proposed parcels.
- 10. Adequate ingress and egress to surrounding parcels shall be maintained during construction of any improvements.
- 11. The dam reconstruction shall be designed to prevent flooding of adjacent upstream properties.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on September 6, 2007.

BIRGITTA E. CORSELLO, DIRECTOR
RESOURCE MANAGEMENT



Michael Yankovich
Planning Program Manager