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DEPARTMENT OF RESOURCE MANAGEMENT



**SOLANO
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Planning Services Division

**SOLANO COUNTY ZONING ADMINISTRATOR
 Staff Report
 Nicholson Bay Leaf Lot Line Adjustment**

Application No. LLA-19-03 Project Planner: Nedzlene Ferrario		Meeting of June 6, 2019 Agenda Item No. 1	
Applicant: Ty Hawkins, Hawkins Land Surveying 3636 Oak Canyon Lane Vacaville, CA 95688		Property Owners Mark and Tina Nicholson (APN 0121060050) 2010A Harbison Drive #197 Vacaville, CA 95687 Bay Leaf Spice Company (APN 0121090010) 5169 Dartmoor Circle Fairfield, CA 94534	
Action Requested: Approval to adjust a common property line between two non-conforming lots off Blue Ridge Road. The adjustment will result in a net transfer of 1.24 acres between APN 0121-090-010 and 0121-060-050 in the W 160-acre minimum zone.			
Property Information			
Size: 33 and 48 acres		Location: 2825 Gates Canyon Road	
APNs: 0121-090-010 and 0121-060-050			
Zoning: W-160		Land Use: residential	
General Plan: Watershed		Ag. Contract: N/A	
Utilities: Well and septic		Access: Gates Canyon Road	
Adjacent General Plan Designation, Zoning District, and Existing Land Use			
	General Plan	Zoning	Land Use
North	Watershed	W-160	Communication towers
South	Watershed	W-160	undeveloped
East	Watershed	W-160	undeveloped
West	Napa County	W-160	undeveloped
Environmental Analysis Lot line adjustments are ministerial actions; and therefore, exempt from the provisions of CEQA per CEQA Section 21080 (b)(1)			
Motion to Approve: ADOPT the attached resolution with respect to the findings and APPROVE Lot Line Adjustment LLA-19-03 subject to the recommended conditions of approval.			

PROJECT DESCRIPTION/BACKGROUND:

The application involves adjusting the common property line between properties owned by Mark and Tina Nicholson and Bay Leaf Spice Company, within the W-160 zoning district. The current lots are currently non-conforming in size in the W-160 zone. A lot line adjustment was approved and recorded between the subject parcel and the property to the west (LLA 17-10). The current application is between the Nicholson property and the Bay Leaf property to the south. Note that the Assessor's Parcel Number reference for the Nicholson property is inactive and a new APN number will be assigned.

The purpose is to correct a side yard setback issue of the home under construction owned by Mark and Tina Nicholson. The required side yard setback is 20 feet and the existing home is setback 18 feet. The adjustment would set the home about 190 feet from the new property line, more than adequate to correct the situation. In order to reconfigure the property line, the adjacent property owners have agreed to swap 1.24 acres to each other. The proposed acreage for each property will not change and the parcels will remain non-conforming.

LOT/OWNER	APN	EXISTING ACREAGE	PROPOSED ACREAGE	NET TRANSFER
Bay Leaf Spice Company	0121-090-010	48.72	48.72	-1.24
Nicholson	0121-060-050	33.0	33.0	-1.24

GENERAL PLAN AND ZONING CONSISTENCY

Both properties are zoned Watershed 160 acre minimum (W-160) and designated Watershed on the Land Use Diagram. The existing and proposed properties meet the zoning standards, and consistent with the General Plan.

ENVIRONMENTAL ANALYSIS (CEQA)

Lot line adjustments are ministerial actions; and therefore, exempt from the provisions of CEQA per CEQA Section 21080 (b)(1).

RECOMMENDATION

ADOPT the attached resolution with respect to the findings and **APPROVE** Lot Line Adjustment LLA-19-03 subject to the recommended conditions of approval.

MANDATORY FINDINGS

1. The adjustment is consistent with applicable building ordinances and no conforming lot will be made nonconforming with applicable zoning requirements, and the adjustment will not reduce the aggregate area of all affected lots which do not meet the minimum area requirements of their zoning designations, pursuant to Section 66412(d) of the Subdivision Map Act.

The proposal is consistent with applicable regulations.

2. Approval of the lot line adjustment will not create a greater number of parcels than originally existed.

The lot line adjustment reconfigures two (2) non-conforming parcels and will not create any new parcels.

3. **A letter signed by the Solano County Tax Collector, stating that there are no liens against the properties or any part thereof for unpaid State, County, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable, and stating that security has been filed with the Clerk of the Board of Supervisors for the estimated taxes which are a lien on the property but not yet payable for taxes and special assessments, and stating that security satisfy the requirements of Section 66493 of the Subdivision Map Act will be provided.**

A signed Tax Certificate shall be obtained from the County Tax Collector. This document shall be provided by the applicant to the Planning Services Division. The Tax Certificate shall be recorded as part of the Certificate of Compliance package.

4. **The proposed lot line adjustment is a ministerial action and is therefore not subject to the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines Section 21080 (b) (1)].**

CONDITIONS OF APPROVAL

1. The Lot Line Adjustment shall be established in compliance with the application materials and tentative lot line adjustment map filed for application no. LLA-19-03, dated January 2019, prepared by Ty Hawkins Land Surveying, on file with the Planning Services Division and as approved by the Zoning Administrator.
2. A Certificate of Compliance demonstrating that the subject lot line has been adjusted in accord with the State of California Subdivision Map Act and Solano County Subdivision Ordinance regulations shall be recorded with the Solano County Recorder's Office within one (1) year of the tentative approval by the Zoning Administrator. Failure to record a Certificate of Compliance within one year of Hearing Authority approval shall render the Lot Line Adjustment null and void.

Submittal of additional documents is required by the applicant in order to obtain a Certificate of Compliance from the Planning Division. The applicant shall initiate this step by submitting written legal descriptions of the parcels as adjusted to the Planning Services Division. The legal descriptions shall be prepared by a registered land surveyor or civil engineer licensed to survey in the State of California and each page of the legal descriptions must be signed and sealed by the professional preparing the descriptions. Upon review and approval of the legal descriptions by the Planning Division, a Certificate of Compliance will be prepared and forwarded by the Planning Services Division to the Title Company/Escrow Officer identified on the Lot line Adjustment application, with instruction to the Title Company/Escrow Officer to prepare new grant deeds reflecting the property boundaries as adjusted.

In order to obtain a Certificate of Compliance package that is ready for recordation, the permittee shall submit the following documents to their Title Company to complete the Certificate of Compliance package:

- a) Grant Deed(s) that convey the adjustment area(s) between the parcel owners.
- b) Any conveyance documents that may be required for the relocation and/or extensions of existing utilities and easements.

- c) A statement, certificate, or security indicating there are no liens against the properties for any unpaid taxes or special assessments. Property owners shall work with their representative title company and contact the Solano County Assessor's Mapping Department to initiate the 'Tax Certificate' process. Fees are collected by the Assessor's Office to begin this process.

Once all of the necessary documents have been submitted to the Planning Division, a Certificate of Compliance package will be prepared and transmitted to the applicant's title company with instruction for recordation with the Solano County Recorder, thus completing the Lot Line Adjustment approval process.

Attachments:

- Exhibit A - Draft Resolution
- Exhibit B - Lot Line Adjustment Exhibit

SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO.

WHEREAS, the Solano County Zoning Administrator has considered Lot Line Adjustment Application No. LLA-19-03 to adjust the common boundary line between APN's: 0121090010 and 0121060050, located at the 2825 Gates Canyon Road in unincorporated Vacaville, 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 June 6, 2019, and;

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

- 1. The adjustment is consistent with applicable building ordinances and no conforming lot will be made nonconforming with applicable zoning requirements, and the adjustment will not reduce the aggregate area of all affected lots which do not meet the minimum area requirements of their zoning designations, pursuant to Section 66412(d) of the Subdivision Map Act.**

The proposal is consistent with applicable regulations.

- 2. Approval of the lot line adjustment will not create a greater number of parcels than originally existed.**

The lot line adjustment reconfigures two (2) existing legal parcels and will not create any new parcels.

- 3. A letter signed by the Solano County Tax Collector, stating that there are no liens against the properties or any part thereof for unpaid State, County, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable, and stating that security has been filed with the Clerk of the Board of Supervisors for the estimated taxes which are a lien on the property but not yet payable for taxes and special assessments, and stating that security satisfy the requirements of Section 66493 of the Subdivision Map Act will be provided.**

A signed Tax Certificate shall be obtained from the County Tax Collector. This document shall be provided by the applicant to the Planning Services Division. The Tax Certificate shall be recorded as part of the Certificate of Compliance package.

- 4. The proposed lot line adjustment is a ministerial action and is therefore not subject to the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines Section 21080(b)(1).**

BE IT THEREFORE RESOLVED, that the Zoning Administrator has approved Lot Line Adjustment Application No. LLA-19-03 subject to the following recommended conditions of approval:

1. The lot line adjustment shall be in substantial compliance with the tentative lot line adjustment map submitted with lot line adjustment application LLA-19-03, prepared by Ty Hawkins Land Surveying, dated January 2019, on file with the Planning Services Division.
2. A Certificate of Compliance demonstrating that the subject lot line has been adjusted in accord with the State of California Subdivision Map Act and Solano County Subdivision Ordinance regulations shall be recorded with the Solano County Recorder's Office within one (1) year of the tentative approval by the Zoning Administrator. Failure to record a Certificate of Compliance within one year of Hearing Authority approval shall render the Lot Line Adjustment null and void.

Submittal of additional documents is required by the applicant in order to obtain a Certificate of Compliance from the Planning Division. The applicant shall initiate this step by submitting written legal descriptions of the parcels as adjusted to the Planning Services Division. The legal descriptions shall be prepared by a registered land surveyor or civil engineer licensed to survey in the State of California and each page of the legal descriptions must be signed and sealed by the professional preparing the descriptions. Upon review and approval of the legal descriptions by the Planning Division, a Certificate of Compliance will be prepared and forwarded by the Planning Services Division to the Title Company/Escrow Officer identified on the Lot line Adjustment application, with instruction to the Title Company/Escrow Officer to prepare new grant deeds reflecting the property boundaries as adjusted.

In order to obtain a Certificate of Compliance package that is ready for recordation, the permittee shall submit the following documents to their Title Company to complete the Certificate of Compliance package:

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Once all of the necessary documents have been submitted to the Planning Division, a Certificate of Compliance package will be prepared and transmitted to the applicant's title company with instruction for recordation with the Solano County Recorder, thus completing the Lot Line Adjustment approval process.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on June 6, 2019

BILL EMLN, DIRECTOR
RESOURCE MANAGEMENT

Michael Yankovich
Planning Program Manager

Preliminary Lot Line Adjustment

OF THE LANDS OF
Nicholson & Bay Leaf Spice Company

APNS 0121-060-050, & 0121-090-010
SOLANO COUNTY CALIFORNIA
January 2019

Ty Hawkins LS 7973
3638 Oak Canyon Ln.
Vacaville Ca. 95688
(707) 974-8890



BASIS OF BEARINGS

The bearings shown hereon are based upon the California Coordinate System, Zone II, NAD 83 (2011) as determined locally by a line between Continuous Operating Reference Stations (CORS) Santa Rosa CA CORS and Fullman Cars bearing South 60°27'12" East as derived from values published by the National Geodetic Survey (NGS). All distances are ground unless noted, to convert ground distances to grid multiply by 0.9999131'.

Owners:
APN 0121-060-050 Mark & Tina Nicholson
2010A Harbison Drive #197
Vacaville CA 95687

APN 0121-090-010 Bay Leaf Spice Co.
Attn: Michael Lewis
5163 Dartmoor Circle
Fairfield CA 94534

Existing Use:
APN 0121-060-050 Residence under Construction, Watershed

APN 0121-090-010 Vacant Watershed

Existing Utilities:
APN 0121-060-050 Water - Private Well
Sewer - None

APN 0121-090-010 Water - Private Well
Sewer - None

LEGEND

- Boundary Line To Remain
- Proposed Boundary Line
- Boundary Line To Be Removed
- Adjoiner Line
- Easement Line

