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Planning Services Division

SOLANO COUNTY ZONING ADMINISTRATOR

Staff Report LLA-19-06/CC-19-16

Application No. LLA-19-06 (Goudie) Meeting of August 20, 2020

Project Planner: Eric Wilberg, Planner Associate Agenda Item No. 1

Applicant

Hubert & Aurelia Goudie 4428 Peaceful Glen Road Vacaville, CA 95688

Property Owners

Goudie et. al. 4428 Peaceful Glen Road Vacaville, CA 95688

Action Requested

Zoning Administrator consideration and approval of Lot Line Adjustment LLA-19-06 to reconfigure property lines between three adjacent parcels.

Property Information

Size: 70 acres	Location: 2.5 miles North of City of Vacaville	
APNs: 0105-060-39, 40, and 0105-090-040		
Zoning: RR-5 and A-20	Land Use: Dry land farming, residential	
ieneral Plan: Rural Residential Ag. Contract: Not under contract		
Utilities: Private well and septic	Access: Peaceful Glen & Timm Roads	

Adjacent General Plan Designation, Zoning District, and Existing Land Use

	General Plan	Zoning	Land Use
North	Rural Residential	Rural Residential "RR-2.5"	Rural Residential
South	Rural Residential	Exclusive Agriculture "A-20"	Seasonal dry crop
East	Rural Residential	Exclusive Agriculture "A-20"	Seasonal dry crop
West	Rural Residential	Rural Residential	Rural Residential

Environmental Analysis

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).

Motion to Approve

The Zoning Administrator does hereby ADOPT the attached resolution and APPROVE Lot Line Adjustment No. LLA-19-06 based on the enumerated findings and subject to the recommended conditions of approval.

SETTING

The subject site is located along Peaceful Glen Road, 2.5 miles north of the City of Vacaville. The site is bound to the north by Peaceful Glen Road; to the east by a parcel in agricultural production (seasonal dry crop); to the south by a parcel in agricultural production (seasonal dry crop); and to the west by residential home sites. The site is situated predominantly within a swath of agricultural land utilized for seasonal dry crop production southeast of Sweeny Creek. Rural residential homesites on parcels ranging in size between 2.5 – 5 acres surround the agricultural area. Generally, the area identified as English Hills is located north and west of the subject site and the Allendale area is located to the east and south.

A majority of the 70-acre site is relatively flat exhibiting slopes of less than six percent. Sweeny creek meanders through the property, generally in a north-south direction. All development on-site is located northwest of the creek and consists of two residences and two residential accessory structures (carport and pole barn). Utilities including domestic water wells and private septic systems support the residential development on-site. Access to the property is provided via private driveway encroachment off Peaceful Glen Road (County Road No. 457).

BACKGROUND

On February 21, 2019 the Planning Commission considered Rezoning Petition Z-17-04 of Goudie et. al. and Adopted Resolution No. 4668 making a recommendation of approval to the Solano County Board of Supervisors. The intent of the rezoning petition was to delineate residential development on the northwest side of Sweeny Creek, generally the dividing line between the Rural Residential and the Agricultural zoned areas of the property. The petition resulted in rezoning 15.69 acres on the northwest side of Sweeny Creek from Rural Residential "RR-2.5" and Exclusive Agriculture "A-20" to Rural Residential "RR-5". The balance acreage of the property remained Exclusive Agriculture "A-20".

The rezoning was part of a larger project to facilitate the subdivision of the parent parcels resulting in two Rural Residential lots and one Agricultural lot. On March 21, 2019 the Planning Commission considered Minor Subdivision MS-17-06 and Adopted Resolution No. 4670 granting approval of the Tentative Parcel Map contingent upon the effective rezoning of the property.

On May 14, 2019 the Solano County Board of Supervisors adopted Ordinance No. 2019-1804 implementing Rezoning Petition Z-17-04 which became effective June 14, 2019. Since that time, the applicants have withdrawn approval of their Tentative Parcel Map, primarily due to costly road improvements imposed on the tentative parcel map, and have decided to pursue the current lot line adjustment.

Reference Attachment D, Minor Subdivision MS-17-06 Withdrawal Letter Reference Attachment E, Ordinance No. 2019-1804

PROJECT DESCRIPTION

The applicants are proposing to reconfigure common property lines between three adjacent parcels. The proposed reconfiguration would align with existing residential development, Sweeney Creek, and the Rural Residential and Agricultural Zoning District boundaries.

The lot line adjustment would result in:

Parcel 1 being 5.897 acres. This lot is developed with a single-family dwelling, car port, and supporting domestic water well and private septic system. The lot has frontage along Peaceful Glen Road and a developed encroachment and private driveway to the public road. Parcel 1 is zoned Rural Residential "RR-5".

Parcel 2 being 55.92 acres. The lot is undeveloped and utilized for seasonal dry farming. The intent is to keep the parcel in agricultural production and no development is proposed as part of this project. The lot will be accessed via 60-foot wide access easement extending from Timm Road through the adjacent parcel to the east (APN 0105-060-240). Parcel 2 is zoned Exclusive Agriculture "A-20".

Parcel 3 being 10 acres. This lot is developed with a single-family dwelling, pole barn, and supporting domestic water well and private septic system. The lot will be accessed via 60-foot wide access easement extending from Peaceful Glen Road through Proposed Parcel 1. Parcel 3 is zoned Rural Residential "RR-5".

Reference Attachment C, Lot Line Adjustment map

ANALYSIS

Land Use Consistency

The General Plan Land Use Diagram designates the subject site Rural Residential. The Rural Residential designation provides for single-family residences on parcels ranging in sizes between 2.5-10 acres. Table LU-5 of the General Plan establishes minimum density standards for dwelling units per acre for each land use designation. The minimum density standard for the Rural Residential designation is one dwelling unit per 2.5 acres (1 du/2.5 ac.). All proposed lots exceed 5 acres and are consistent with the General Plan density standards for dwelling units per acre.

The site is currently split zoned Rural Residential "RR-5" and Exclusive Agriculture "A-20". As seen on the General Plan/Zoning Consistency Table (Table LU-7 General Plan), the two existing zoning districts are consistent with the general plan designation. Each of the three proposed parcels meets or exceeds the minimum parcel size required by their respective zoning district. The two Rural Residential lots will maintain a minimum of 5 acres and the Exclusive Agriculture lot will maintain a 20-acre parcel size. Existing residential development and agriculture use of the property are allowable land uses under each lots respective zoning.

Subdivision Ordinance

The applicant has supplied adequate information to accompany the lot line adjustment application per County Subdivision Ordinance Section 26-41.1. The proposal is consistent with allowable land uses and development standards of the Rural Residential "RR-5" and Exclusive Agriculture "A-20" Zoning Districts. The proposal involves the reconfiguration of three legal lots and no new lots would be created.

In order to finalize the lot line adjustment, the applicant shall secure a signed Tax Certificate letter from the Solano County Tax Collector. Details regarding the Tax Certificate process are described in Condition of Approval No. 2. This step also enables the Certificate of Compliance process which ultimately memorializes an approved lot line adjustment.

ENVIRONMENTAL REVIEW

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).

RECOMMENDATION

Staff recommends that the Zoning Administrator **ADOPT** the attached resolution with respect to the enumerated findings and **APPROVE** Lot Line Adjustment LLA-19-06 subject to the recommended conditions of approval.

Attachments:

- A Draft Resolution
- B Assessor Parcel Maps
- C Lot Line Adjustment Map
- D Withdrawal Letter of MS-17-06
- E Ordinance No. 2019-1804

SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO.

WHEREAS, the Solano County Zoning Administrator has considered Lot Line Adjustment Application No. LLA-19-06 and Certificate of Compliance No. CC-19-16 of Hubert and Aurelia Goudie et. al. reconfigure property lines between three adjacent parcels. The properties are located at 4428 Peaceful Glen Road, 2.5 miles north of the City of Vacaville, within the Rural Residential "RR-5" and Exclusive Agriculture "A-20" Zoning Districts: APN's 0105-060-390, 40, and 0105-090-040, 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 20, 2020 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 building codes and no lot will be made nonconforming with regard to zoning regulations. The adjustment will not reduce the aggregate lot area of any nonconforming lot.

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

The lot line adjustment reconfigures three (3) existing legal parcels. No additional parcel will be created.

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 Solano 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 LLA-19-06 subject to the following recommended 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-19-06 dated March 31, 2020, prepared by Laugenour and Meikle, and as approved by the Zoning Administrator.
- 2. A Certificate of Compliance demonstrating that the subject lot lines have 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

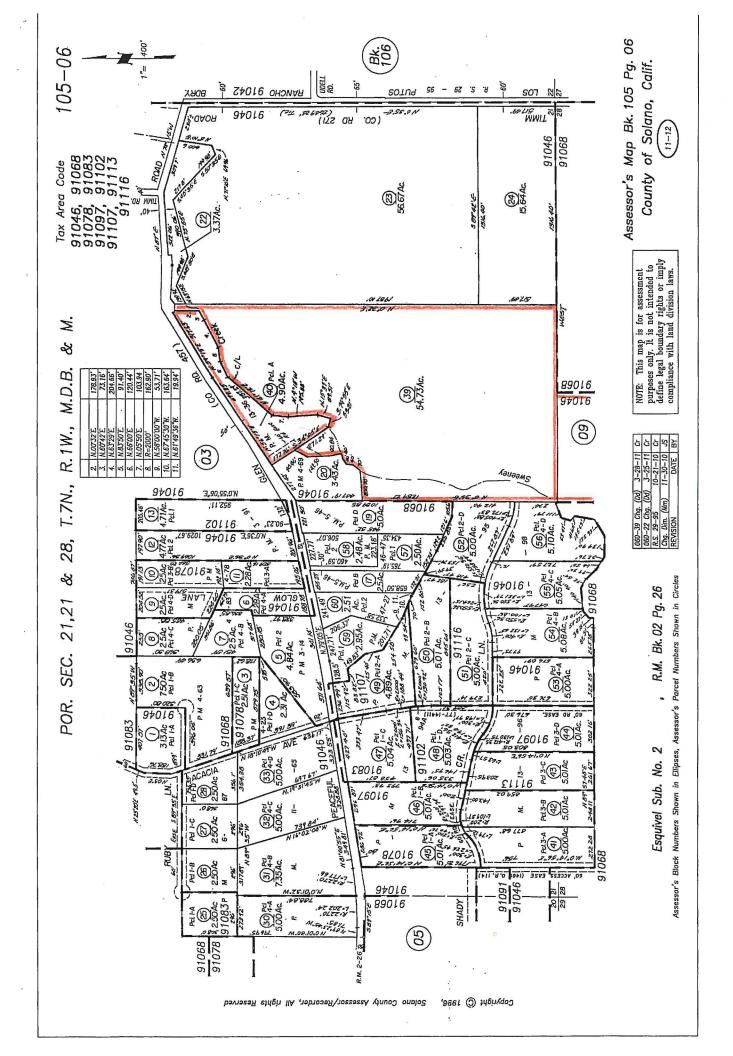
completing the Lot Line Adjustment approval process.

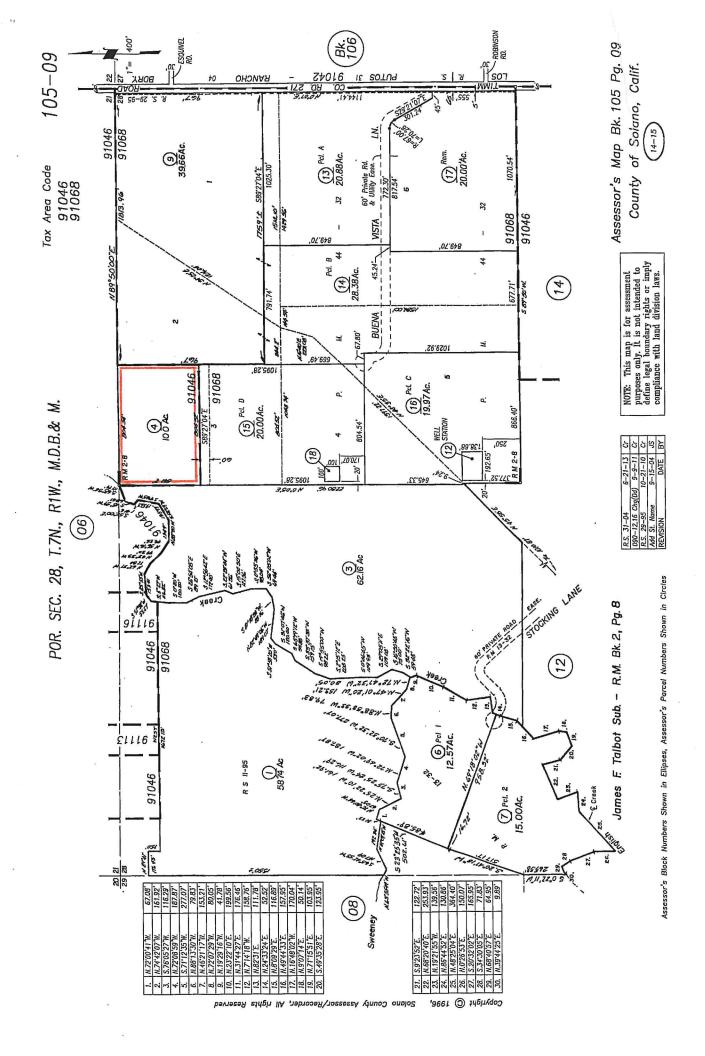
- 3. Legal access shall be provided from Parcel 2 of the application to Timm Road. The width shall be 60 feet as shown on the application map. Legal access shall be provided from Parcel 3 of the application to Peaceful Glen Road. The width shall be a minimum of 60 feet. These easements will also allow the installation of utilities.
- 4. Applicant shall apply for, secure and abide by the conditions of encroachment permits for all work within the Solano County rights-of-way including, but not limited to, construction of any access improvements required in order to provide legal access to any parcels affected by the Lot Line Adjustment.
- 5. Applicant shall apply for, secure and abide by the conditions of a grading permit for the construction of any access improvements required in order to provide legal access to any parcels affected by the Lot Line Adjustment.

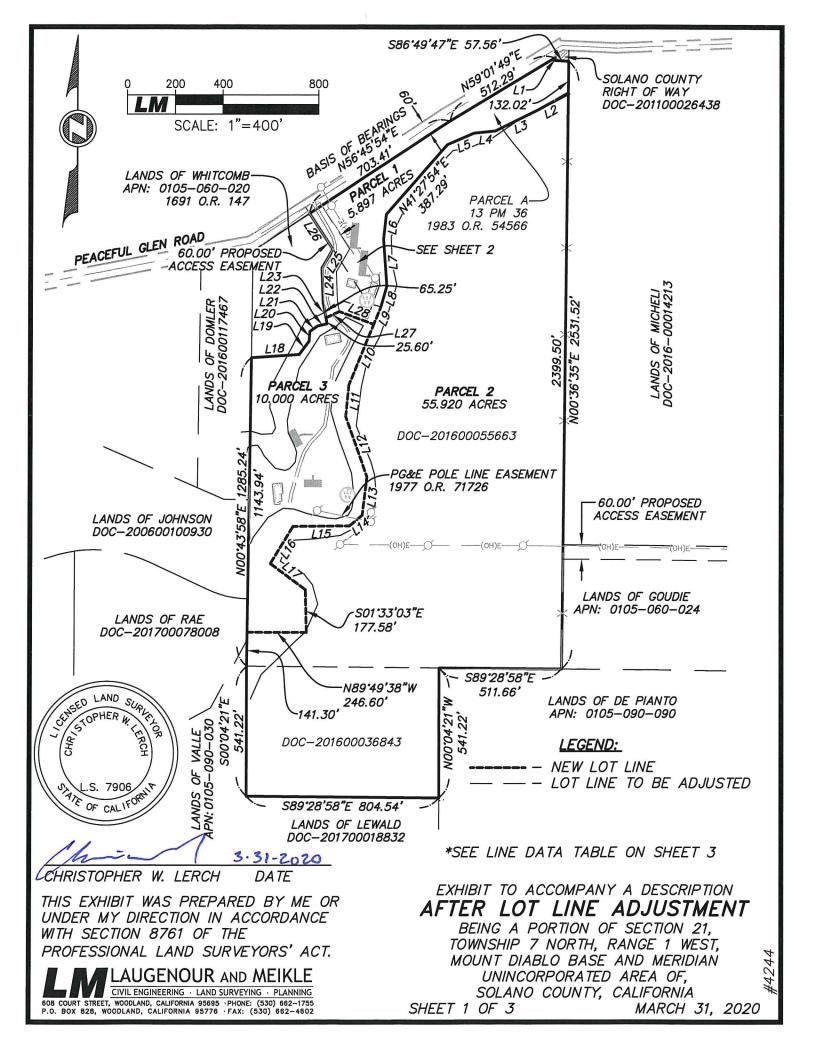
I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on August 20, 2020.

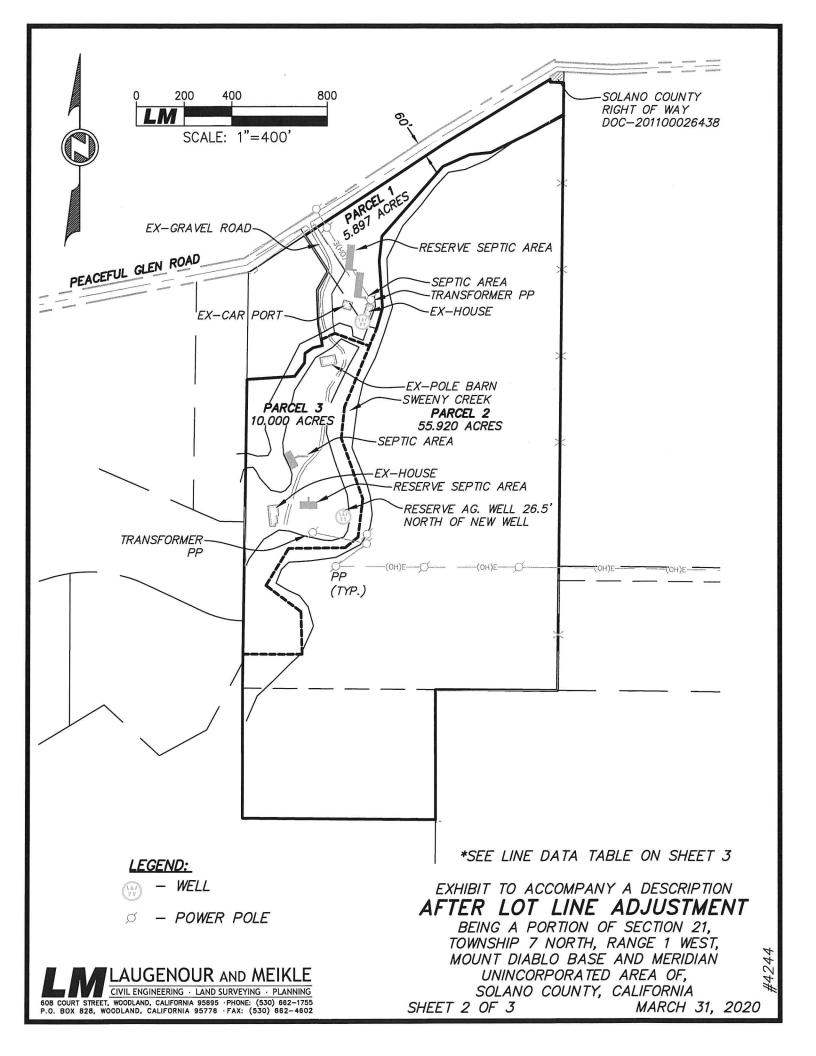
Terry Schmidtbauer, INTERIM DIRECTOR RESOURCE MANAGEMENT

Allan Calder, Planning Manager Department of Resource Management









LINE TABLE			
LINE	BEARING	LENGTH	
L1	S00°44'23"W	11.54'	
L2	S60°57'54"W	138.25'	
L3	S63°44'54"W	204.66'	
L4	S84°05'54"W	91.40'	
L5	S6675'54"W	120.44'	
L6	S06°05'54"W	103.94'	
L7	S04°02'06"E	195.88'	
L8	S15°52'54"W	89.51'	
L9	S2279'55"W	78.66'	
L10	S2279'55"W	274.05'	
L11	S05°41'27"W	131.43'	
L12	S19°39'09"E	267.10'	
L13	S06°58'24"W	161.07'	
L14	S50°32'29"W	69.27'	
L15	S89°25'11"W	235.53	
L16	S31°30'33"W	181.78'	
L17	S53°20'41"E	182.61	
L18	N8615'30"E	199.67'	
L19	N36°34'54"E	70.00'	
L20	N03°08'54"E	40.00'	
L21	N55°55'54"E	40.00'	
L22	N76°43'54"E	40.01'	
L23	N1074'06"W	90.85'	
L24	N0274'06"W	142.50'	
L25	N30°05'54"E	90.96'	
L26	N33°14'06"W	177.76'	
L27	S65°13'41"W	61.98'	
L28	N69°54'12"W	153.97'	

EXHIBIT TO ACCOMPANY A DESCRIPTION AFTER LOT LINE ADJUSTMENT

BEING A PORTION OF SECTION 21,
TOWNSHIP 7 NORTH, RANGE 1 WEST,
MOUNT DIABLO BASE AND MERIDIAN
UNINCORPORATED AREA OF,
SOLANO COUNTY, CALIFORNIA
SHEET 3 OF 3 MARCH 31, 2020

Hubert and Aurelia Goudie, et al. 4428 Peaceful Glen Rd. Vacaville CA, 95688

April 15, 2020

Solano County Department of Resource Management Planning Services Division 675 Texas St., Ste. 5500 Fairfield, CA 94533

Re: Lot Line Adjustment Application No. 19-06 Re: Minor Subdivision Application No. MS-17-06

Pursuant to a request from Eric Wilberg of the Solano County Department of Resource Management, and to facilitate our pending Lot Line Adjustment application, we formally withdraw our tentative parcel map (MS-17-06) as approved by the Solano County Planning Commission on March 21, 2019.

Thank you,

H. A. Goudie

ORDINANCE NO. 2019 - 1804

AN ORDINANCE AMENDING CHAPTER 28, SECTION 28.11 ZONING MAP NO. 2-S, OF THE SOLANO COUNTY CODE TO REZONE A 15.69 ACRE PORTION OF PROPERTY LOCATED AT 4420 PEACEFUL GLEN ROAD FROM THE RURAL RESIDENTIAL (RR-2.5) AND EXCLUSIVE AGRICULTURAL (A-20) ZONING DISTRICTS TO THE RURAL RESIDENTIAL (RR-5) ZONING DISTRICT

Whereas, the proposed zone change is in conformity with the General Plan for the County with regard to land use, population densities and distribution, traffic circulation, public water supply and other aspects of the General Plan considered by the Board of Supervisors to be pertinent; and

Whereas, the zoning amendment will not constitute a nuisance or be detrimental to the health, safety, comfort, or general welfare of the people of the County or be detrimental to adjacent property or improvements in the neighborhood; and

Whereas, the project does not have the potential for causing a significant effect on the environment; therefore a Notice of Exemption shall be prepared for the project pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), General Rule exemption.

Therefore, the Solano County Board of Supervisors ordains as follows:

Section 1.

Chapter 28, Section 28.11 Zoning Map No. 2-S of the Solano County Code (Zoning Regulations) is amended as illustrated in Exhibit 1, attached to this ordinance.

Section 2.

Any portion of this ordinance deemed invalid or unenforceable shall be severed from the remainder, which shall remain in full force and effect.

Section 3.

This ordinance shall take effect 30 days after its adoption.

Section 4.

A summary of this ordinance will be published within 15 days after its adoption in the Fairfield Daily Republic, a newspaper of general circulation in Solano County.

PASSED AND ADOPTED by the Solano County Board of Supervisors at its regular meeting on May 14, 2019, by the following vote:

AYES: Supervisors Brown, Spering, Vasquez, Thomson and Chairwoman Hannigan

NOES: Supervisors None.

EXCUSED: Supervisors None.

ERIN HANNIGAN, Chairwoman Solano County Board of Supervisors

ATTEST:

BIRGITTA E. CORSELLO, Clerk Solano, County Board of Supervisors

Jeanette Neiger, Chief Deputy Clerk

Introduced: Adopted: Effective: Operative:

Ordinance No. 2019 - 1804
Page 3
Exhibit 1. Z-17-04 (Goudie) Propose Rezoning Map

