

SOLANO COUNTY BOARD OF SUPERVISORS

Staff Report Minor Subdivision MS-12-06 (Lanza)

PROJECT DESCRIPTION

Request Board of Supervisors approval to subdivide one existing parcel (APN 0153-100-050) into two parcels of 21.05 and 22.47 acres. The subject property is under an active Land Conservation Contract (Williamson Act contract # 438).

APPLICANT: Ron Lanza (LMP Vineyards LLC)

LOCATION: 4756 Suisun Valley Road

APN: 0153-100-050

PROPERTY SIZE: 43.50 acres

GENERAL PLAN: Agriculture

ZONING: Suisun Valley Agricultural 'A-SV-20'

EXISTING LAND USE

The property is located within the Suisun Valley Agricultural region, along Suisun Valley Road, two miles west of the City of Fairfield. The parcel consists of 43.50 acres of essentially flat, agricultural land cultivated in vineyards. An existing dirt road runs east to west through the property, bisecting the parcel into two halves. The entire lot is planted with vineyards; no development has occurred on site.

SURROUNDING LAND USE

North:	Farmland and vineyards
South:	Farmland and vineyards
East:	Farmland and vineyards
West:	Farmland and vineyards

ANALYSIS

GENERAL PLAN CONSISTENCY

The General Plan Land Use Diagram designates this parcel Agriculture. In addition, the property is located within the Suisun Valley special study area and the Suisun Valley Agricultural Region. The Suisun Valley special study area and the Suisun Valley Agricultural Region provide for 20 acre minimum parcel sizes to maintain farmable units and to encourage viable agricultural and ranching uses within the Valley. (General Plan: SS P-12, Table AG-3).

Both proposed parcel 1 (21.05 ac.) and proposed parcel 2 (22.47 ac.) exceed the 20 acre minimum parcel size endorsed by the General Plan. In addition, the property's agricultural land use is encouraged throughout the Land Use Chapter of the General Plan. The land use and lot sizes are consistent with the Land Use and Agriculture Chapters of the General Plan.

ZONING CONSISTENCY

The site is located within the Suisun Valley Agriculture 'A-SV-20' zoning district. As seen on the General Plan/Zoning Consistency Table (Table LU-7 General Plan), the existing zoning is consistent with the Agricultural General Plan Designation.

The property is currently planted in vineyards and undeveloped. Both proposed parcel 1 (21.05 ac.) and proposed parcel 2 (22.47 ac.) exceed the 20 acre minimum parcel size specified within the Suisun Valley Agriculture 'A-SV-20' Zoning District (Section 28.23.40, Zoning Regulations). Both the existing land use and proposed lot sizes are consistent with the zoning district.

WILLIAMSON ACT CONSISTENCY

In 1970, the property was entered into a Land Conservation Contract, Williamson Act contract #438. Section VII (A) (3) of the Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts states; *for parcels zoned A-SV-20, the minimum parcel size for new parcels created within preserves is 20 acres.*

The property is currently planted with vineyards. Each of the two proposed parcels exceeds the 20 acre minimum lot size requirements set forth under the County's Williamson Act Rules and Regulations.

In addition to all other requirements applicable to a subdivision, a subdivision involving one or more parcels under land conservation contract shall not be approved unless the Board of Supervisors makes the findings required by Gov. Code Section 66474.4(a). These Rules and Procedures may be used to support the required findings, as follows:

- 1) The requirement that resulting parcels be large enough to support their agricultural use, using the presumption described in Gov. Code Section 51222, is satisfied by the requirement in Section VII (A) that resulting parcels be at least 20, 41 or 80 acres; and
- 2) The requirement that the subdivision will not result in residential development not incidental to the commercial agricultural use of the land is satisfied by the presumption described in Section IV (B) (5).

Staff has previously conferred with the County Counsel's Office and determined that the approval of the minor subdivision is consistent with the Williamson Act and that the potential residential units may be permitted by both the Suisun Valley Agriculture 'A-SV-20' Zoning Regulations and the Williamson Act contract for the property. Furthermore, any development on Williamson Act Lands requires verification in the form of a supplemental questionnaire to be completed at the time of building permit application. This process ensures that all development is incidental to and compatible with the rules and regulations of the Williamson Act. No development is proposed with this application.

ACCESS

Both proposed parcels would have direct access to Suisun Valley Road as configured. At this time access to the property is a field access with no paved driveway encroachment. An existing dirt road, running east to west, bisects the property along with a 40 foot wide residential access easement.

ON-SITE SEWAGE DISPOSAL

Solano County Code, Sections 6.4-32, 6.4-81, 6.4-81.1, and 6.4-81.2, requires that all parcels proposed to be created and supported by on-site sewage disposal systems be tested for adequacy of such systems and designate both a primary and reserve area for the construction of on-site sewage disposal system leachfields. Site testing for each of the proposed parcels is not submitted at this time.

The property owners state no intention to develop the property at this time. In the event development is proposed, soil testing to determine suitability and on-site sewage disposal system design shall be provided and inspected under permit from the Department of Resource Management. Sewage disposal system design shall meet applicable standards of Solano County Code, Chapter 6.4 – Sewage Disposal Standards, including mandated soil testing requirements.

WATER

The property is served by Solano Irrigation District, which provides agricultural irrigation water for the property. At this time, water wells are not developed at the property. A developed water well is required within the boundaries of each approved parcel, prior to an application for building permit. The undeveloped parcels are not required to demonstrate a water source prior to Parcel Map approval, as the area is designated as a “C” water zone, according to US Geological Mapping – 1972 Water Bearing Rocks in the San Francisco Bay Region, and is not considered to have quantity and yield restrictions for water well development. Water development is required as part of the building permit application process.

ENVIRONMENTAL ASSESSMENT

Staff recommends that the Board of Supervisors find that this project is not subject to additional CEQA review, per CEQA Section 21083.3.

CEQA Section 21083.3 and Guideline Section 15183(a) provide that projects which are consistent with the development density established by existing zoning, a community plan, or general plan for which an EIR was certified, do not trigger additional environmental review except to examine whether there are project specific effects peculiar to the project or site.

The Board of Supervisors approved the Solano County General Plan on August 5, 2008. The associated certified Environmental Impact Report examined effects of implementing the General Plan, including establishing minimum parcel sizes for the various land use designations as well as the agricultural regions within the County.

The subsequent Suisun Valley Strategic Plan was adopted by the Board of Supervisors February 1, 2011 which implemented the Suisun Valley Agricultural Region General Plan

policies and rezoned the Exclusive Agriculture districts to the Suisun Valley Agriculture district (Ordinance No. 2011-1717).

The project proposes to subdivide APN 0153-100-050 into two parcels, proposed parcel 1 (21.05 acres) and proposed parcel 2 (22.47 acres). No development is proposed at this time. Part I of the Initial Study for the application has been examined to determine whether the project presents any new, potentially significant impacts. No significant impacts were identified.

MANDATORY FINDINGS

SUBDIVISION ORDINANCE FINDINGS

1. The proposed map is consistent with the Solano County General Plan and the Suisun Valley Strategic Plan.

The property has an Agricultural General Plan designation and is located within the Suisun Valley special study area and the Suisun Valley Agricultural Region. The Suisun Valley special study area and the Suisun Valley Agricultural Region provide for 20 acre minimum parcel sizes to maintain farmable units and to encourage viable agricultural and ranching uses within the Valley (General Plan: SS P-12, Table AG-3). The agricultural land use and proposed lot sizes are consistent with these plans and designations.

2. The design of the proposed subdivision is consistent with the Solano County General Plan.

The property is designated for agricultural use and is currently planted with vineyards. The design of the proposed subdivision, available road access, 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 site is undeveloped and no construction is proposed. The site is physically suitable to continue farming operations, and could facilitate potential residential development in support of farming operations.

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

The site is undeveloped and no construction is proposed. The site is physically suitable to continue farming operations, and would facilitate potential residential development in support of farming operations. Each newly created parcel would be suitable to construct a primary dwelling in support of agricultural operations. Site specific soil testing and a domestic drinking water well would be required to be permitted through the Environmental Health Services Division at the time of residential development. The footprint of these potential structures would leave large swaths of land well-suited for viable agricultural crop production.

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

Existing access to proposed parcels 1 and 2 is provided off of Suisun Valley Road. No development has taken place on-site and no development or grading activities are proposed. Based on examination of the submitted application materials, the proposed minor subdivision does not pose any substantial change in the environmental or damage to biological resources. A Notice of Exemption shall be filed for this project.

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

The project is a proposal for agricultural lots and, as proposed, is in compliance with the General Plan and the Zoning Ordinance. Upon review of the application, Tentative Parcel Map, and staff site inspection, no public health problems have been identified. It is not anticipated that the project will cause 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 Parcel 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 project will not result in the discharge of waste from the proposed subdivision into an existing community sewer system. If development occurs on-site, on-site private septic systems would be developed to handle discharged waste.

9. The property does not front on any public waterway, public river, public stream, coastline, shoreline, publicly owned lake or publicly owned reservoir.

The project site does not front on any public waterway, river, stream, coastline, shoreline, lake or reservoir

10. The proposed subdivision does not front 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 property is under Williamson Act Contract #438. The property is currently utilized for commercial agricultural purposes consistent with the Williamson Act. The newly created parcel may continue the use of the property for commercial agricultural purposes.

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 agricultural 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.

SOLANO COUNTY WILLIAMSON ACT REGULATIONS FINDINGS

14. The resulting parcels are large enough to support their agricultural use, using the presumption described in Gov. Code Section 51222, is satisfied by the requirement in Section VII (A) that resulting parcels be at least 20, 41 or 80 acres; and

Within the Suisun Valley Agriculture zoning district the minimum parcel size is 20 acres. The proposed parcels are greater than the 20 acres in size; thus, exceed the minimum acreage requirements and of adequate size and shape for continued agricultural production.

15. The subdivision will not result in residential development not incidental to the commercial agricultural use of the land is satisfied by the presumption described in Section IV (B) (5).

The proposed 20 acre parcels could allow for residential development in support of the commercial agricultural production on-site. The Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts requires verification in the form of a supplemental questionnaire to be completed at the time of building permit application. This process ensures that all development is incidental to and compatible with the rules and regulations of the Williamson Act.

SUGGESTED FINDINGS

16. A Notice of Exemption shall be filed pursuant to Section 21083.3 of the California Environmental Quality Act.

CEQA Section 21083.3 and Guideline Section 15183(a) provide that projects which are consistent with the development density established by existing zoning, a community plan, or general plan for which an EIR was certified, do not trigger additional environmental review except to examine whether there are project specific effects peculiar to the project or site.

17. An approved tentative map for minor subdivision MS-12-06 will require a parcel map, pursuant to Section 26-31 (b) of the Solano County Subdivision Ordinance (20 acre exception provision).

Each lot created by this subdivision will have a gross area of 20 acres or more.

18. The Environmental Health Services Division has determined that the subdivision design as conditioned complies with Chapter 25 of the County Code for sewage disposal.
19. The Public Works Division of the Department of Resource Management has determined that the subdivision design, as conditioned, complies with the Road Improvement Standards and Land Development and Subdivision Requirements as required by Chapter 28 of the Solano County Code (Zoning Ordinance) and referred to in Chapter 26 (Subdivision Ordinance).

RECOMMENDATION

Staff recommends that the Board of Supervisors find that this not subject to further CEQA review, per CEQA Section 21083.3, ADOPT the mandatory and suggested findings and APPROVE Minor Subdivision Application No. MS-12-03, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

1. The Parcel Map to be filed shall be in substantial compliance with the Tentative Parcel Map labeled “Tentative Parcel Map Lands of Lanza Vineyards Inc.”, dated July 2012 and prepared by Mountain Pacific Surveys; on file with the Solano County Planning Services Division, except as modified herein.

Building & Safety Division

2. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2010 California Building Code, or the latest edition enforced at the time of building permit application. “Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.”

Environmental Health Services Division

3. Site specific soil testing is required for each of the recognized parcels, prior to approval of any development requiring installation of an on-site sewage disposal system. The construction of any on-site sewage disposal system shall be approved under permit as issued by this office, and shall include site inspection, construction inspection, and will require an annual operational permit if an engineered type alternative sewage disposal system is required (Solano County Code, Chapter 6.4 Sewage Disposal Standards).
4. A developed domestic drinking water well is required within the boundaries of each approved parcel, prior to an application for building permit. The undeveloped parcels are not required to demonstrate a water source prior to Parcel mpa approval, as the area is designated as a “C” water zone, according to US Geological Mapping 1972 Water Bearing Rocks in the San Francisco Bay Region, and is not considered to have quantity

and yield restrictions for water well development. Water development is required as part of the building permit application process.

Public Works - Engineering

5. Applicant shall abide by the conditions of the Solano Irrigation District for irrigation service prior to recordation of the map. Written proof that conditions of the Solano Irrigation District have been satisfied will need to be supplied to Public Works Engineering.
6. At the time of any future development the applicant shall apply for, secure and abide by the conditions of an encroachment permit for any driveway connections to Suisun Valley Road.

Solano Irrigation District

7. Per the District's Rules and Regulations, the subdivider is required to provide a water service to all newly created parcels.
8. The SID Engineer, to the extent of existing records, will identify existing SID facilities within the scope of a project. Per the SID record drawings; there is currently an abandoned 6-inch water service at the northeast corner of the property and an existing 8-inch water service at the southeast corner of the property. The existing service at the southeast corner of the property will serve water to Proposed Parcel 2. The following are options available to the landowners to provide water service to Proposed Parcel 1:
 - a. Connect to the existing abandoned service and re-establish the service.
 - b. Install a new connection to the mainline and new service.
9. Both Proposed Parcels may receive irrigation water for the existing 8-inch water service as long as the same person owns or leases them. Once one of the parcels is sold or leased to a different entity, they will be required to use their individual turnouts.
10. The District shall design the new turnout or modified turnout and install the new service at the landowner's expense.
11. Prior to any design, the landowner shall provide the District a topographic survey of the properties.
12. The service modification shall either be installed by District staff or installed by a licensed contractor under the supervision of the District Inspector.
13. The subdivider must sign a District work order prior to recording of the Parcel Map. The work order is the mechanism to which all fees and charges associated with District staff time and/or materials will be charged for reimbursement from the landowner.
14. Electronic AutoCAD files are required upon the completion of the project showing "as-builts" for electronic archiving.