

RESOLUTION NO. 2013 - 35

RESOLUTION OF THE BOARD OF SUPERVISORS OF SOLANO COUNTY APPROVING MINOR SUBDIVISION APPLICATION NO. MS-12-06 OF LMP Vineyards LLC

WHEREAS, the Solano County Board of Supervisors has duly considered, in public hearing, a request for Minor Subdivision Application No. MS-12-06 of LMP Vineyards LLC to subdivide one existing parcel under Land Conservation Contract (Williamson Act Contract No. 438) into two parcels of 21.05 and 22.47 acres located at 4867 Suisun Valley Road in a Suisun Valley Agriculture 'A-SV-20', two miles west of the City of Fairfield, APN: 0153-100-050 and;

WHEREAS, said Board has reviewed the applicant's submittal and staff report of the Department of Resource Management and the determined compliance with the California Environmental Quality Act (Section 21083.3), and:

WHEREAS, said Board has heard and considered all comments regarding the application at a duly notice public hearing held on March 26, 2013, and:

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

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).

BE IT, THEREFORE, RESOLVED, that the Board of Supervisors of the County of Solano does hereby determine that the project is not subject to further review under the California Environmental Quality Act pursuant to CEQA Section 21083.3 and, after review of the information submitted, adopt the findings and approve Minor Subdivision Application No. MS-12-06, subject to the following 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 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.

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.

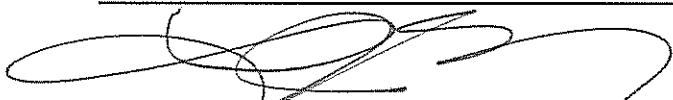
Solano Irrigation District

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.

Passed and adopted by the Solano County Board of Supervisors on March 26, 2013, by the following vote:

AYES:	Supervisors	<u>Hannigan, Spering, Thomson, Vasquez, and</u> <u>Chair Seifert.</u>
NOES:	Supervisors	<u>None.</u>
EXCUSED:	Supervisors	<u>None.</u>



 Linda J. Seifert, Chair
 Solano County Board of Supervisors

ATTEST:
 Birgitta E. Corsello, Clerk
 Solano County Board of Supervisors

By: Mara Chiola deputy
 Patricia J. Crittenden, Chief Deputy Clerk