

RESOLUTION NO. 2020 - _____

RESOLUTION OF THE SOLANO COUNTY BOARD OF SUPERVISORS APPROVING LOT LINE ADJUSTMENT APPLICATION LLA-19-09, AMENDING AGRICULTURAL PRESERVE NO. 475, RESCINDING LAND CONSERVATION CONTRACT NOS. 1376 AND 1377, AND APPROVING LAND CONSERVATION CONTRACT NO. 1378 OF FRANK VEZER AND LAND CONSERVATION CONTRACT NO. 1379 OF HAROLD NOVOTNY AND AUTHORIZING ITS EXECUTION BY THE CHAIRPERSON AND DIRECTING THAT IT BE RECORDED SIMULTANEOUSLY WITH CERTIFICATE OF COMPLIANCE CC-19-20

Whereas, the Solano County Board of Supervisors has considered, in public hearing, Lot Line Adjustment Application No. LLA-19-09 of Harold Novotny and Frank Vezer to reconfigure the common property line between two adjacent lots located at 5404 Williams Road, 2.5 miles northwest of the City of Fairfield, within the Suisun Valley Agriculture "A-SV-20" Zoning District; APN's: 0149-090-210 and 23, and Amend Agricultural Preserve No. 475 by rescinding Land Conservation Contract Nos. 1376 and 1377 and approving two replacement contracts; Land Conservation Contract No. 1378 of Frank Vezer and Land Conservation Contract No. 1379 of Harold Novotny; and

Whereas, said Board has reviewed the applicant's submittal and staff report of the Department of Resource Management, and heard and considered all comments regarding said application a duly noticed public hearing held October 6, 2020, and

Whereas, it is the policy of the County of Solano to encourage the preservation of land for agricultural and open space uses in accordance with principles set forth in the California Land Conservation Act of 1965; and

Whereas, after due consideration, said Board has made the following findings regarding 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.**

No structures are proposed as part of this application and no conforming lot will be made nonconforming in terms of A-SV-20 Zoning District development standards or minimum parcel size of 20 acres.

- 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.

WILLIAMSON ACT FINDINGS per GOVERNMENT CODE SECTION 5127(a)

- 4. The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.**

The terms of the existing contract will remain unchanged. The contract will remain in effect for a minimum of ten (10) years until such time as a non-renewal or cancellation application is initiated.

- 5. There is no net decrease in the amount of the acreage restricted. In cases where the parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.**

The amount of land under restricted contract will not change.

- 6. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.**

The entire acreage under contract will remain the same.

- 7. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use.**

The proposed Novotny parcel of 30.72 acres exceeds the minimum parcel size of 10 acres as required for Prime Farmland. The proposed Vezer parcel of 61.18 acres exceeds the minimum parcel size of 40 acres required for Nonprime Farmland.

- 8. The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.**

The existing agricultural land use will remain unchanged and would not compromise the long-term agricultural productivity of the parcels or other agricultural lands.

- 9. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.**

The lot line adjustment will not affect adjacent agricultural lands.

- 10. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.**

There are two existing lots, and the lot line adjustment will not create any new parcels. The developable parcels and existing land uses are consistent with the General Plan.

SUGGESTED FINDINGS

11. 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)].

Resolved, that the Solano County Board of Supervisors does hereby approve Lot Line Adjustment Application No. LLA-19-09 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-16-02, dated March 2015 prepared by Ty Hawkins LS 7973, on file with the Planning Services Division and as approved by the Planning Commission.
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 Planning Commission. 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 the Planning Division:

- 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. The Certificate of Compliance shall be recorded simultaneously with the replacement Land Conservation Contract Nos. 1378 and 1379.

Further Resolved, that Agricultural Preserve No. 475 is amended and Land Conservation Contract Nos. 1376 and 1377 are rescinded.

Further Resolved, that real property consisting of 61.18 acres set forth in Land Conservation Contract No. 1378 of Frank Vezer in the form recommended to this Board by the Department of Resource Management of Solano County is hereby approved for land under Agricultural Preserve No. 475.

Further Resolved, that real property consisting of 30.72 acres set forth in Land Conservation Contract No. 1379 of Harold Novotny in the form recommended to this Board by the Department of Resource Management of Solano County is hereby approved for land under Agricultural Preserve No. 475.

Further Resolved, that the Board of Supervisors, County of Solano, State of California, does hereby authorize and directs its Chairperson, to execute said Land Conservation Contracts as approved by this Board, and

Further Resolved, that said contracts be recorded with the Recorder of Solano County, State of California. Simultaneously with Certificate of Compliance CC-19-20

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on October 6, 2020, by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

EXCUSED: SUPERVISORS _____

ERIN HANNIGAN, Chairwoman
Solano County Board of Supervisors

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

By: _____
Alicia Draves, Chief Deputy Clerk