



Solano County

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Legislation Text

File #: PC 18-006, **Version:** 1

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PUBLIC HEARING to consider Lot Line Adjustment Application No. LLA-18-01 of Hudson Greer Corp. to reconfigure the common parcel boundary between two adjacent lots located at 820 Robben Road, within the Exclusive Agriculture "A-40" Zoning District; APN's: 0111-050-070 and 080. The two properties are entered into Williamson Act Contract No. 309. (Project Planner: Nedzlene Ferrario) STAFF RECOMMENDATION: Approval

Published Notice Required? Yes X No ____
Public Hearing Required? Yes X No ____

RECOMMENDATION:

The Department of Resource Management recommends that the Planning Commission **ADOPT** the attached resolution with respect to the findings, and **APPROVE** Lot Line Adjustment LLA-18-01 subject to the recommended conditions of approval.

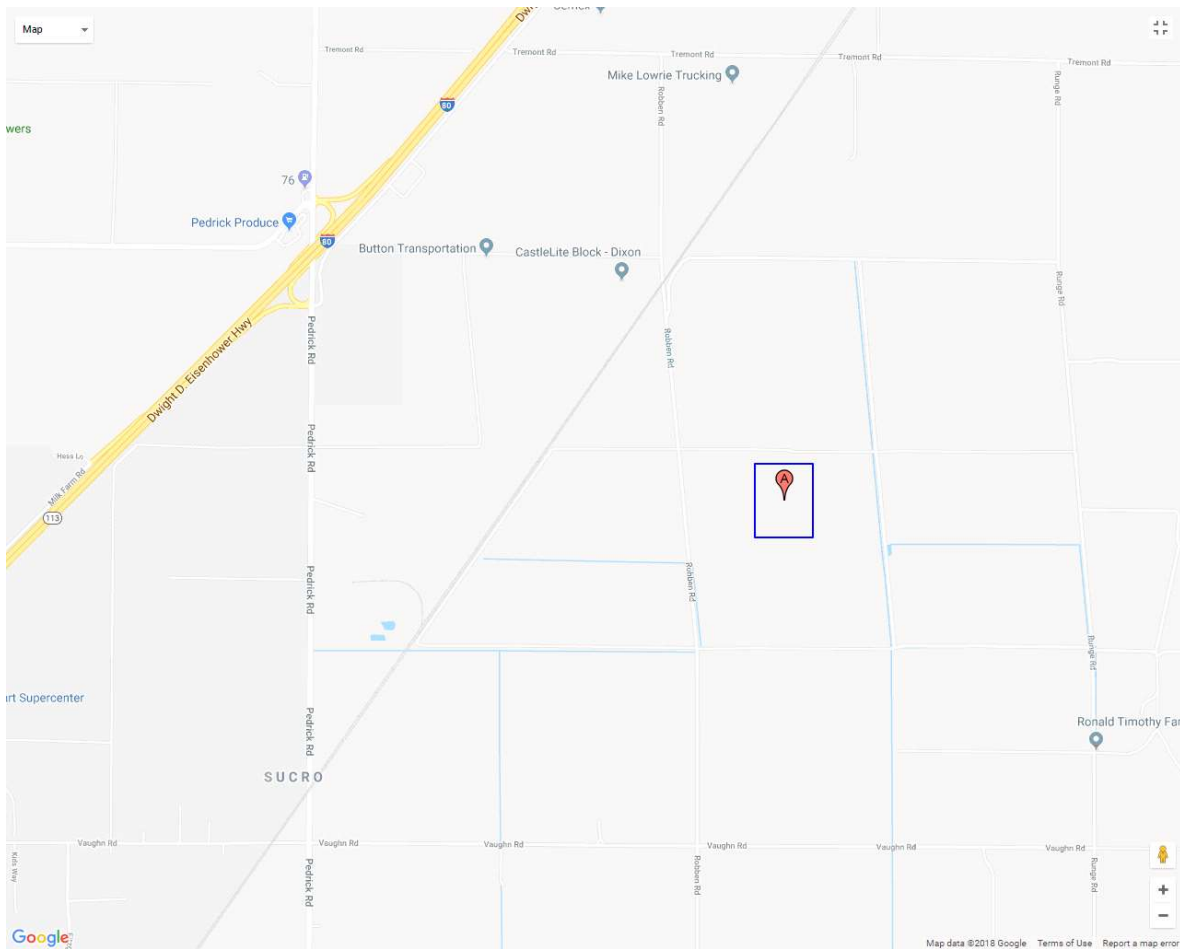
EXECUTIVE SUMMARY:

The property owner, Hudson Greer Corporation, is proposing to adjust the common parcel line between two adjacent lots. The lot line adjustment will result in a net transfer of 1.39 acres from lot 2 to 1. Both lots entered in to an active Land Conservation Contract (Contract Number 309); therefore, Planning Commission is the appropriate approval authority. The current boundary bisects the existing agricultural well and the adjustment would allow the well to be entirely on lot 1.

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).

PROJECT LOCATION MAP:



BACKGROUND:

- A. Prior approvals:** Contract number 309
- B. Applicant/Owner:** Hudson Greer Group Corporation
- C. General Plan Land Use Designation/Zoning:** Agriculture/A-40
- D. Existing Use:** Orchard and residence
- E. Adjacent Zoning and Uses:**
 - North:** A-40/Agriculture
 - South:** A-40/Agriculture
 - East:** A-40/Agriculture
 - West:** A-40/Agriculture

A. PROJECT DESCRIPTION:

The proposal involves adjusting the common property line between APN 0111-050-070 and 080. Both parcels are currently owned by Hudson Greer Corporation. The resulting configuration will transfer 1.39 acres of land from lot 2 to lot 1. The table below details lot information and acreages.

LOT	APN	EXISTING ACREAGE	PROPOSED ACREAGE	NET TRANSFER
1	0111-050-070	75.68 acres	77.07 acres	+1.39
2	0111-050-080	237.91 acres	236.52 acres	-1.39

There are three agricultural wells on lot 2 and the lot line adjustment will allow 1 agricultural well to be located on Lot 2. The proposed adjustment would not change access for the existing residence or adjacent orchard. The proposed lots have been determined legal by the County

B. GENERAL PLAN & ZONING CONSISTENCY:

The property is designated Agriculture on the Land Use Diagram and zoned Exclusive Agriculture - 40 acre minimum. The proposal is consistent with the General Plan. The existing boundary lines have been determined legal by the County Surveyor and the reconfiguration will not result in non-conforming lots and continue to meet the minimum lot sizes as zoned.

C SUBDIVISION ORDINANCE CONSISTENCY:

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 A-SV-20 Zoning District. The proposal involves the reconfiguration of two legal lots and no new lots would be created.

In order to finalize the lot line adjustment the applicants shall secure signed Tax Certificate letters 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.

D. LAND CONSERVATION CONTRACT CONSISTENCY:

Land Conservation Contract (Williamson Act Contract No. 309) was approved in 1969 for the purposes of retaining commercial agriculture on the land in exchange for reduced property taxes. The Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts stipulates the procedure for processing lot line adjustments for contracted land, outlines specific findings, and establishes minimum parcel size.

The Planning Commission is the hearing authority for this application because the lot line adjustment involves parcels under a single land conservation contract and the adjustment would not alter the outer perimeter of the contract. Replacement contracts are not required.

A majority of the 313.5 acre site is identified as Prime Farmland on the latest State Department of Conservation Farmland map. A small portion of the land, approximately 10.21 acres, is designated non-prime. The Williamson Act Rules and Procedures establish a minimum parcel size of 10 acres for Prime Farmland. Proposed Lot 1 (77.07 acres) and Lot 2 (236.52 acres) will continue to exceed the 10 acre minimum parcel size for Prime Farmland

The continued commercial agricultural use and existing residential development on-site are

consistent with State and County Land Conservation Contract requirements.

E. 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.**

No structures are proposed as part of this application and no conforming lot will be made nonconforming in terms of A-40 Zoning District development standards or minimum parcel size.

- 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.**

Lot 1 (77.07 acres) and Lot 2 (236.52 acres) exceed the minimum parcel size of 10 acres required for Prime 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 (2) existing lots, and the lot line adjustment will not create any new parcels. The property and existing land use is 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)].

F. 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-18-01, dated January 18, 2018 prepared by Harris Land Surveying, Inc, 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 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