



Legislation Text

File #: PC 18-046, **Version:** 1

Continued public hearing to consider Rezoning Petition No. Z-17-04 and Minor Subdivision Application MS-17-06 of Hubert & Aurelia Goudie and William & Sylvia Marshalonis to rezone 15.69 acres from Rural Residential "RR-2.5" and Exclusive Agriculture "A-20" to Rural Residential "RR-5"; and subdivide two existing parcels into three lots. The property is located at 4420 Peaceful Glen Road, 2.5 miles north of the City of Vacaville, APN's: 0105-060-390 and 40. (Project Planner: Eric Wilberg) Staff Recommendation: Approve the minor subdivision application and recommend rezoning approval to the Board of Supervisors

RECOMMENDATION:

The Department of Resource Management recommends that the Planning Commission:

1. Conduct a public hearing to consider Rezoning Petition No. Z-17-04 to rezone 15.69 acres from Rural Residential "RR-2.5" and Exclusive Agriculture "A-20" to Rural Residential "RR-5" and to consider Minor Subdivision application MS-17-06 to subdivide two existing parcels into three lots; and
2. Recommend that the Board of Supervisors approve Rezoning Petition Z-17-04; and
3. Approve Minor Subdivision application MS-17-06 based on the findings and subject to the recommended conditions of approval, contingent upon the effective rezoning by the Board of Supervisors; and
4. Make the finding that the project qualifies for a categorical exemption pursuant to CEQA Guidelines Section 15061(b)(3).

Reference Draft Resolution, Attachment A

BACKGROUND:

This item was continued from the October 4, 2018 Planning Commission hearing. At that hearing, the applicant's representative stated concerns during the public comment period regarding a condition of approval related to road improvements. The Condition No. 8 would require the construction of a private roadway to serve proposed Parcel 2. As conditioned, the roadway would extend from Timm Road, across APN 0105-060-240, then to the eastern property line of proposed Parcel 2.

The applicant's representative presented the case to the Commission that the ongoing use of proposed Parcel 2 is intended for agricultural purposes and that no residential development is proposed as part of this project. It was also stated that the property has been historically utilized solely for dry farming and that upgrading the existing access to private road standards would prove excessive and too costly for current and future uses on-site.

At the conclusion of the meeting, the Commission directed the Department to explore alternative road improvements for access to proposed Parcel 2. Conditions of Approval Nos. 9 and 10 in the attached resolution reflect changes to the previous condition. The newly proposed conditions address the scope and sequencing of the road improvements required to serve proposed Parcel 2. In general, road improvements

have been reduced to a commercial driveway apron at Timm Road and a 50 foot stretch of private driveway outside of the public right-of-way.

EXECUTIVE SUMMARY:

The applicant is requesting a rezoning petition to align the proposed Rural Residential Zoning District boundaries with two residential lots within the proposed subdivision. The rezoning petition will convert 15.69 acres of land currently split zoned Rural Residential "RR-2.5" and Exclusive Agriculture "A-20" to Rural Residential "RR-5". The minor subdivision component of the project would effectively result in the creation of one additional lot.

ENVIRONMENTAL ANALYSIS:

The project qualifies for an Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3), General Rule exemption.

PROPERTY INFORMATION:

A. Applicant and Owners:

Hubert & Aurelia Goudie and William & Sylvia Marshalonis
4428 Peaceful Glen Road
Vacaville, CA 95688

B. Surrounding General Plan, Zoning and Land Uses:

	General Plan	Zoning	Land Use
North	Rural Residential	Rural Residential "RR-5"	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 "RR-5" & "RR-2.5"	Residential

ANALYSIS:

A. Environmental 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 southeast of Sweeny Creek, utilized for seasonal dry crop production. Rural residential home-sites 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 61.86 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).

Reference Vicinity Map, Attachment B

B. Project Description

The project's objective is to subdivide two existing parcels into three lots. The intent is to isolate 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 property currently functions with two single family dwellings and associated residential accessory structures on the northwest side of Sweeny Creek and agricultural production taking place on the southeast side of the creek. The subdivision would essentially create a second rural residential lot on the northwest side of the creek.

Reference Tentative Parcel Map, Attachment C

In order to facilitate the subdivision, the applicant has also filed a rezoning petition to align the Rural Residential zoning district boundaries with the two newly configured residential lots. The existing parcels are currently split zoned Rural Residential "RR-2.5" and Exclusive Agriculture "A-20". The proposal will rezone 15.69 acres Rural Residential "RR-5" and maintain the remaining 46.17 acres of the subject site as Exclusive Agriculture "A-20".

Reference Rezoning Exhibit, Attachment D

Proposed Parcel 1 will increase to 5.69 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 will be rezoned Rural Residential "RR-5".

Proposed Parcel 3 will be 10 acres in size. 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 will be rezoned Rural Residential "RR-5".

Proposed Parcel 2 will be 46.17 acres in size. 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 will maintain its existing Exclusive Agriculture "A-20" Zoning.

LAND USE CONSISTENCY

General Plan & Zoning

The General Plan Land Use Diagram designates the subject site Rural Residential. The site is currently split zoned Rural Residential "RR-2.5" and Exclusive Agriculture "A-20". As seen on the General Plan/Zoning Consistency Table (Table LU-7 General Plan), the two existing zoning districts, as well as the proposed zoning change, 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 the 20 acre parcel size. Existing residential development and agriculture use of the property are allowable land uses under each lots respective zoning.

Road Improvement and Land Development Standards

Access to the proposed parcels is provided from Peaceful Glen road by a proposed 60 foot wide private access

easement and from Timm Road by a proposed 60 foot wide private access easement, both shown on the Tentative Parcel Map. In order to access proposed Parcel 2, it is necessary to cross APN 0105-060-240. In order to access proposed Parcel 3, it is necessary to cross proposed Parcel 1, identified as APN 0105-060-400.

Solano County Public Works Engineering recommends the following conditions be placed on any approval of the Tentative Parcel Map:

1. Subdivider shall be limited to one private roadway connection to Peaceful Glen Road and one private roadway connection to Timm Road, within the proposed access easements and at the locations shown on the Tentative Parcel Map.
2. Prior to the recordation of the final Parcel Map, the Subdivider shall obtain and record a 60 foot wide access easement across proposed Parcel 1, as shown on the Tentative Map and identified as APN 0105-060-400.
3. Prior to the recordation of the final Parcel Map, the Subdivider shall obtain and record a 60 foot wide access easement across APN 0105-060-240, referenced on the Tentative Map.
4. Prior to the recordation of the final Parcel Map, the Subdivider shall construct a private roadway from Peaceful Glen Road in accordance with County of Solano Road Improvement Standards. The private roadway shall be constructed from the connection to Peaceful Glen Road, across Parcel 1, identified as APN 0105-060-400 and as shown on the Tentative Map.
5. Prior to the recordation of the final Parcel Map, the Subdivider shall construct a paved commercial driveway apron within the Solano County right-of-way for the driveway access across the parcel identified as APN 0105-060-240 as shown on the Tentative Map. The paved driveway shall extend 50 feet beyond the Solano County right-of-way within the access easement.
6. Prior to issuance of any building permit on, or approval of any future Parcel Map for the parcel identified as Parcel 2 on the Tentative Map, the property owner at the time of development shall construct the private roadway from Timm Road within the access easement across the parcel identified as APN 0105-060-240 and in accordance with County of Solano Road Improvement Standards.
7. Subdivider shall apply for, secure, and abide by the conditions of encroachment permits for all work within the Solano County rights-of-way including, but no limited to, access connections with Peaceful Glen Road and Timm Road. The new access connections shall include paved aprons.
8. Subdivider shall apply for, secure, and abide by the conditions of a grading permit for the construction of the access improvements at Timm Road and Peaceful Glen Road, as shown on the Tentative Map, as well as all onsite grading.
9. Prior to the filing of the final Parcel Map, road maintenance agreements(s) shall be recorded that requires all lot owners in the subdivision to participate in the maintenance of the private roadways. The maintenance agreement(s) shall include all roadway improvements, including culverts and drainage ditches. The agreement(s) shall be submitted and approved by Public Works Engineering prior to recordation. The agreement(s) shall be noted in a supplemental sheet on the Parcel Map for the subdivision, and shall include the private roadways across Parcel 1 of the Tentative Map and the parcel identified as assessor's parcel number 0105-060-240.

ENVIRONMENTAL ANALYSIS (CEQA)

The site has been historically utilized for residential purposes on the northwest side of Sweeny Creek and

dryland farming on the southeast side. Approximately half of the area to be rezoned Rural Residential “RR-5” is currently zoned Rural Residential “RR-2.5”. The zoning change represents a downzoning for this area, whereas a permitted density of housing and development is reduced. The balance of the rezone area is currently zoned Exclusive Agriculture; however this area has historically functioned for residential purposes. The rezoning would be reflective of the existing physical environment and would not result in a loss of productive agricultural land.

The two proposed residential lots are developed with primary residences. The project has the potential to accommodate one additional primary residence intended to support agricultural operations on Proposed Parcel 2; however no residential development is proposed as part of the project. With no additional development, the setting and physical environmental will remain unchanged from its current state. With no changes to the site, the project will not create additional population dependent impacts such as significant increased traffic, overuse of public facilities, nor impact community character. The project site does not contain any major slopes or prominent topographical features; rare, endangered or regionally significant species of native flora and fauna, or known culturally significant archeological sites. 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.

FINDINGS

Rezoning Petition

The Department recommends the Planning Commission make the following findings in recommending approval of the proposed zone change to the Board of Supervisors:

- 1. The proposed zone change is in conformity with the Solano County General Plan with respect to land use, population densities and distribution, traffic circulation and other aspects of the General Plan considered by the Board of Supervisors to be permanent.**

As seen on Table LU-7 of the Solano County General Plan the proposed Rural Residential “RR-5” zoning is consistent with the Rural Residential General Plan designation for the property. The existing residential development of one primary dwelling per parcel, proposed minimum parcel size of 5 acres for lots supported by domestic water well and private septic system, density, and access are in conformity with the proposed zoning and existing designation.

- 2. The 15.69 acres of land proposed to be rezoned Rural Residential “RR-5” is contiguous to other Rural Residential zoned parcels.**

Adjacent parcels located north and east of the subject site share the proposed Rural Residential zoning district.

California Environmental Quality Act

- 3. 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.**

A Notice of Exemption shall be prepared and filed pursuant to CEQA Guidelines Section 15061(b)(3). The project qualifies for this exemption because the potential construction of one additional primary single family residence incidental to agricultural operations is not significant to create effects on environmental resources such as transportation, noise, biological, cultural, hydrology, air quality, or

others. Implementation of recommended conditions of approval would prevent the project from creating significant effects to the environment.

In addition, the zoning change represents a downzoning for this area, whereas a permitted density of housing and development is reduced. The balance of the rezone area is currently zoned Exclusive Agriculture; however this area has historically functioned for residential purposes. The rezoning would be reflective of the existing physical environment and would not result in a loss of productive agricultural land

Subdivision Ordinance

4. The proposed map is consistent with applicable general and specific plans as specified in Section 65451 of the Government Code.

The General Plan Land Use Diagram designates the property Rural Residential. This designation provides for single-family residences on parcels 2.5 - 10 acres in size. The existing residential development and proposed parcel sizes are consistent with the intent of the Rural Residential designation. As seen on General Plan / Zoning Consistency Table (Table LU-7) of the Solano County General Plan, the Exclusive Agricultural Zoning and agricultural use of Proposed Parcel 2 is consistent with the General Plan designation.

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

The three proposed lots are of sufficient size and shape to continue to accommodate residential development and agricultural operations on-site.

6. The site is physically suitable for the proposed type of development.

Proposed Parcel 2 is undeveloped however is of sufficient size, relatively flat, and not located within a water scarce area therefore may accommodate a primary dwelling to be constructed on-site. Proposed Parcels 1 and 3 contain existing residential development.

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

Each of the three proposed lots may accommodate up to one primary single family dwelling. Proposed Parcels 1 and 3 are developed with such residence types. The site is physically suitable to accommodate a primary dwelling on Proposed Parcel 2.

6. The design of the subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The subdivision does not involve any changes to the existing setting, therefore does not include any environmental damages or changes to any habitat(s).

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

The subdivision will not cause serious health problems.

10. The design of the subdivision and the type of improvements will not conflict with any public easements.

Any improvements resulting from the subdivision would be located outside any easements on-site.

10. **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.**

Each primary single family residence would utilize on-site septic systems and would not affect any existing community sewer system.

10. **The property does not front on any public waterway, public river, public stream, coastline, shoreline, publicly owned lake or publicly owned reservoir.**
13. **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.**
14. **The proposed subdivision is not entered into a contract pursuant to the California Land Conservation Act of 1965.**
15. **The proposed subdivision is consistent with applicable provisions of the County Hazardous Waste Management Plan.**

The subdivision does not involve hazardous waste.

16. **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 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.

CONDITIONS OF APPROVAL

1. The Parcel Map to be recorded shall be in substantial compliance with the Tentative Parcel Map for Goudie et. al. prepared by Laugenour and Meikle, dated August 23, 2018; on file with the Solano County Planning Division, except as modified herein.
2. Approval of the Tentative Parcel Map for Minor Subdivision application No. MS-17-06 is contingent upon the effective date for Rezoning Petition Z-17-04, as approved by the Board of Supervisors. The rezoning petition shall take effect no earlier than 30 days from the Board of Supervisors approval of said petition.

Building & Safety Division

3. The permittee shall obtain approval from the Building and Safety Division prior to construction, erection, enlargement, altering, repairing, moving, improving, removing, converting, or demolishing any building or structure, fence, gate, or retaining wall regulated by the Solano County Building Code. The applicant shall submit four sets of plans to the Building and Safety Division for plan review and permits prior to beginning improvements.

Environmental Health Division

4. Prior to any residential development on either parcel, the property owner shall comply with Solano County Code Chapter 6.4 and 13.10 relative to water wells and septic systems.

Public Works - Engineering Division

5. Subdivider shall be limited to one private roadway connection to Peaceful Glen Road and one private roadway connection to Timm Road, within the proposed access easements and at the locations shown on the Tentative Parcel Map.
6. Prior to the recordation of the final Parcel Map, the Subdivider shall obtain and record a 60 foot wide access easement across proposed Parcel 1, as shown on the Tentative Map and identified as APN 0105-060-400.
7. Prior to the recordation of the final Parcel Map, the Subdivider shall obtain and record a 60 foot wide access easement across APN 0105-060-240, referenced on the Tentative Map.
8. Prior to the recordation of the final Parcel Map, the Subdivider shall construct a private roadway from Peaceful Glen Road in accordance with County of Solano Road Improvement Standards. The private roadway shall be constructed from the connection to Peaceful Glen Road, across Parcel 1, identified as APN 0105-060-400 and as shown on the Tentative Map.
9. Prior to the recordation of the final Parcel Map, the Subdivider shall construct a paved commercial driveway apron within the Solano County right-of-way for the driveway access across the parcel identified as APN 0105-060-240 as shown on the Tentative Map. The paved driveway shall extend 50 feet beyond the Solano County right-of-way within the access easement.
10. Prior to issuance of any building permit on, or approval of any future Parcel Map for the parcel identified as Parcel 2 on the Tentative Map, the property owner at the time of development shall construct the private roadway from Timm Road within the access easement across the parcel identified as APN 0105-060-240 and in accordance with County of Solano Road Improvement Standards.
11. Subdivider shall apply for, secure, and abide by the conditions of encroachment permits for all work within the Solano County rights-of-way including, but no limited to, access connections with Peaceful Glen Road and Timm Road. The new access connections shall include paved aprons.
12. Subdivider shall apply for, secure, and abide by the conditions of a grading permit for the construction of the access improvements at Timm Road and Peaceful Glen Road, as shown on the Tentative Map, as well as all onsite grading.
13. Prior to the filing of the final Parcel Map, road maintenance agreements(s) shall be recorded that requires all lot owners in the subdivision to participate in the maintenance of the private roadways. The maintenance agreement(s) shall include all roadway improvements, including culverts and drainage ditches. The agreement(s) shall be submitted and approved by Public Works Engineering prior to recordation. The agreement(s) shall be noted in a supplemental sheet on the Parcel Map for the subdivision, and shall include the private roadways across Parcel 1 of the Tentative Map and the parcel identified as assessor's parcel number 0105-060-240.

Attachments:

- A - Draft Resolution
- B - Vicinity Map
- C - Tentative Parcel Map
- D - Rezoning Exhibit
- E - Assessor's Parcel Map