



Legislation Text

File #: PC 19-016, Version: 1

..title

PUBLIC HEARING to consider Minor Subdivision Application MS-17-06 of Hubert & Aurelia Goudie et. al. to subdivide two existing parcels into three lots. The property is located at 4420 Peaceful Glen Road within the Rural Residential "RR-2.5" and Exclusive Agriculture "A-20" Zoning Districts, 2.5 miles north of the City of Vacaville, APN's: 0105-060-390 and 40. (Project Planner: Eric Wilberg) Staff Recommendation: Approval

RECOMMENDATION:

The Department of Resource Management recommends that the Planning Commission:

1. Conduct a public hearing to consider Minor Subdivision application MS-17-06 to subdivide two existing parcels into three lots; and
2. 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
3. Make the finding that the project qualifies for a categorical exemption pursuant to CEQA Guidelines Section 15061(b)(3).

Reference Draft Resolution, Attachment A

EXECUTIVE SUMMARY:

The applicant is requesting approval of Minor Subdivision application MS-17-06 to subdivide two existing parcels into three lots. The project would result in the creation of one additional Rural Residential parcel. The project also involves a rezoning petition to align the proposed Rural Residential Zoning District boundaries with the 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". A recommendation to approve Rezoning Petition Z-17-04 was forwarded onto the Board of Supervisors by the Planning Commission at its February 21, 2019 meeting.

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 objective of the project 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 the creek and agricultural production taking place on the southeast side. The subdivision would create a second rural residential lot on the northwest side of the creek.

Reference Tentative Parcel Map, Attachment C

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 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.

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".

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 proposed 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

LAND USE CONSISTENCY

General Plan

The General Plan Land Use Diagram designates the subject site Rural Residential. The Rural Residential designation provides for single-family residences on parcels ranging in sizes between 2.5 - 10 acres. Table LU-5 of the General Plan establishes minimum density standards for dwelling units per acre for each land use designation. The minimum density standard for the Rural Residential designation is one dwelling unit per 2.5 acres (1 du/2.5 ac.). Each of the proposed lots exceeds 5 acres and are consistent with the General Plan density standards for dwelling units per acre.

In addition, the Roadway Diagram (General Plan page TC-13) depicts a Planned Collector roadway at or near the vicinity of the project site. Page TC-10 of the General Plan defines Collector Roads as linking local and collector roads with arterials, freeways, and other collector roads which usually have moderate but not congested volume. The Planned Collector roadway in the vicinity of the project is referred to as the "east-west connector" for the transportation network within the English Hills area of unincorporated Vacaville. The objective of the east-west connector is to link Timm Road in the east with English Hills Road in the west. Specific details regarding location, alignment, and construction of the roadway are not provided in the General Plan; however a 60 foot right of way was granted to Solano County for public purposes via recorded Parcel Map 44 - 32 on nearby Assessor's Parcel No. 0105-090-150, south of the project site.

The project's proposed access easement from Timm Road has the potential to serve as a future public road for two reasons. As discussed, the alignment of the easement is similar to that of the depicted alignment in the General Plan for the east-west connector, a planned public road. Secondly, the project site has the potential to serve 10 or more lots. Potential lot counts are calculated based on parcel acreage divided by the density standard set by the General Plan designation. The project site and adjoining parcels carry the Rural Residential General Plan designation which has a minimum density standard of one dwelling unit per 2.5 acres. At a minimum, the proposed access easement from Timm Road will serve Proposed Parcel 2 (46.18 acres) and the adjacent APN 0105-090-040 (10 acres) and

therefore have the potential to serve twenty-two lots should rezoning and subdivision applications be pursued in the future. Section 1-3.1 of the Solano County Road Improvement Standards and Land Development Requirements states “for projects serving more than ten potential parcels, the structural section shall be the same as that required for public road. The number of potential parcels shall be determined based on the County General Plan”.

Zoning

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 Rural Residential “RR-5” 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 a 20 acre parcel size. Existing residential development and agriculture use of the property are allowable land uses under each lots respective zoning.

Road Improvement Standards and Land Development Requirements

Parcel 1 - Proposed Parcel 1 fronts Peaceful Glen Road and has adequate access.

Parcel 2 - Access to Proposed Parcel 2 is provided from Timm Road by a proposed 60 foot wide private access easement across APN 0105-060-240.

Parcel 3 - Access to Proposed Parcel 3 is provided from Peaceful Glen Road by a proposed 60 foot wide private access easement across Parcel 1.

Adjacent Parcel - A question has been raised whether a parcel immediately to the south of the proposed subdivision (APN 0105-090-040) is landlocked and should be provided access as part of this subdivision.

At the Planning Commission hearing on November 1, 2018 the applicant’s representative submitted a diagram and several documents purporting to show this adjacent parcel has two routes of access to Timm Road (*Reference Attachment E*). After review of those documents as well as Parcel Map 44 PM 22 (2002), Department of Resource Management staff along with the acting County Surveyor have determined that adjacent APN 0105-090-040 does not have “adequate access” pursuant to sections 26-72.5 and 26-75.1(a) of the Solano County Subdivision Ordinance and as defined in section 1-3.5 of the Solano County Road Improvement Standards and Land Development Requirements. In summary, the circulation plan for a proposed subdivision shall provide public or private road frontage to each lot, shall conform to the circulation element of the General Plan, and any other applicable circulation plan as may be adopted by the County, and shall extend proposed roads to contiguous property to facilitate through roads.

Since November 2018 Department staff has worked with the applicants and their representatives to ensure adequate access will be provided to APN 0105-090-040. As seen on the revised Tentative Parcel Map dated February 5, 2019 the subdivider has extended the proposed access easement from Timm Road across APN 0105-060-240, through Proposed Parcel 2, and ending in a cul-de-sac at the easement’s westerly terminus at APN 0105-090-040. The proposed easement from Timm Road resolves any concerns regarding adequate access for the proposed subdivision and the adjacent parcel.

All proposed easements are shown on the revised Tentative Parcel Map dated February 5, 2019. As discussed the proposed easement from Timm Road has the potential to serve as a future public road therefore must also be provided as an irrevocable offer of dedication for future potential use as a public road.

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 private access easements at the locations shown on the Tentative Parcel Map.
2. The final Parcel Map shall provide a sixty-foot (60') wide private access easement across Parcel 1 providing adequate access to Parcel 3, as shown on the Tentative Map.
3. The final Parcel Map shall provide a sixty-foot (60') wide private access easement across the parcel identified as APN 0105-060-240 providing access to Parcel 2 at the location shown on the Tentative Map.
4. The final Parcel Map shall provide a sixty-foot (60') wide Irrevocable Offer of Dedication (IOD) for a public road across the parcel identified as APN 0105-060-240 at the location of the proposed private access easement from Timm Road, as shown on the Tentative Map.
5. The final Parcel Map shall provide a sixty-foot (60') wide Irrevocable Offer of Dedication (IOD) across Parcel 2 (extension of the IOD across the parcel identified as APN 0105-060-240) to provide access to the parcel identified as APN 0105-090-040 at the location of the proposed private access easement shown on the Tentative Map. The turnaround must be shown dimensionally within Parcel 2, though the easement must provide at least 60 feet of width at its interface with APN 0105-090-040.
6. 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, and within the private access easement as shown on the Tentative Map.
7. Prior to the recordation of the final Parcel Map, the Subdivider shall construct a private roadway from Timm Road to Parcel 2 in accordance with County of Solano Road Improvement Standards. The private roadway shall be constructed from the connection to Timm Road, across the parcel identified as APN 0105-060-240 to Parcel 2 within the IOD and proposed private access easement shown on the Tentative Map.
8. Prior to the recordation of the final Parcel Map, the Subdivider shall construct a private roadway within the IOD and proposed private access easement across Parcel 2 shown on the Tentative Map in accordance with County of Solano Road Improvement Standards providing access to the parcel identified as APN 0105-090-040.
9. 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 not limited to, access connections with Peaceful Glen Road and Timm Road. The new access connections shall include paved aprons.
10. 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 any onsite grading.

11. Prior to the filing of the final Parcel Map, road maintenance agreement(s) shall be recorded that requires all lot owners within 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 0105-060-240.

ENVIRONMENTAL ANALYSIS (CEQA)

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

Subdivision Ordinance

- 1. 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 District and agricultural use of Proposed Parcel 2 is also consistent with the General Plan designation.

- 2. 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.

- 3. 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.

3. 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.

3. 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).

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

The subdivision will not cause serious health problems.

7. 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.

7. 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.

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

11. The proposed subdivision is not entered into a contract pursuant to the California Land Conservation Act of 1965.

12. The proposed subdivision is consistent with applicable provisions of the County Hazardous Waste Management Plan.

The subdivision does not involve hazardous waste.

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 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.

California Environmental Quality Act

14. 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.

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 February 5, 2019; 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, 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 private access easements at the locations shown on the Tentative Parcel Map.
6. The final Parcel Map shall provide a sixty-foot (60') wide private access easement across Parcel 1 providing adequate access to Parcel 3, as shown on the Tentative Map.
7. The final Parcel Map shall provide a sixty-foot (60') wide private access easement across the parcel identified as APN 0105-060-240 providing access to Parcel 2 at the location shown on the Tentative Map.
8. The final Parcel Map shall provide a sixty-foot (60') wide Irrevocable Offer of Dedication (IOD) for a public road across the parcel identified as APN 0105-060-240 at the location of the proposed private access easement from Timm Road, as shown on the Tentative Map.
9. The final Parcel Map shall provide a sixty-foot (60') wide Irrevocable Offer of Dedication (IOD) across Parcel 2 (extension of the IOD across the parcel identified as APN 0105-060-240) to provide access to the parcel identified as APN 0105-090-040 at the location of the proposed private access easement shown on the Tentative Map. The turnaround must be shown dimensionally within Parcel 2, though the easement must provide at least 60 feet of width at its interface with APN 0105-090-040.
10. 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, and within the private access easement as shown on the Tentative Map.
11. Prior to the recordation of the final Parcel Map, the Subdivider shall construct a private roadway from Timm Road to Parcel 2 in accordance with County of Solano Road Improvement Standards. The private roadway shall be constructed from the connection to Timm Road, across the parcel identified as APN 0105-060-240 to Parcel 2 within the IOD and proposed private access easement shown on the Tentative Map.
12. Prior to the recordation of the final Parcel Map, the Subdivider shall construct a private roadway within the IOD and proposed private access easement across Parcel 2 shown on the Tentative Map in accordance with County of Solano Road Improvement Standards providing access to the parcel identified as APN 0105-090-040.
13. 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 not limited to, access connections with Peaceful Glen Road and Timm Road. The new access connections shall include paved aprons.
14. 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 any onsite grading.
15. Prior to the filing of the final Parcel Map, road maintenance agreement(s) shall be recorded that

requires all lot owners within 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 0105-060-240.

Attachments:

- A - Draft Resolution
- B - Vicinity Map
- C - Tentative Parcel Map
- D - Rezoning Exhibit
- E - Easement & Deed Documents
- F - Assessor's Parcel Map