



Legislation Text

File #: PC 19-043, Version: 1

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Planning Commission consideration of Lot Line Adjustment Application No. LLA-19-04 (CC-19-10) of Russell & Kathleen Lester and George & Cynthia Lester to adjust the property lines between APN 0107-110-060 and 070; 0107-130-110 and 120 into three (3) parcels in the Exclusive Agriculture 40 acre minimum "A-40" zoning district, under Williamson Act contract no. 12. The property is located on the northside of Sievers Road and southside of Campbell Road, within unincorporated Dixon. (Project Planner: Nedzlene Ferrario)

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-19-04 subject to the recommended conditions of approval.

EXECUTIVE SUMMARY:

The property is comprised of three legal parcels within four assessor's tax parcels, totaling 1,127.56 acres, owned jointly by Russell & Kathleen Lester and George and Cynthia Lester. The owners are proposing to reconfigure legal parcels and separate the ownership. The property was entered in to an active Williamson Act Contract (Contract Number 12) in 1968, and pursuant to the Solano County Agricultural Preservation Guidelines, Lot Line Adjustments under Williamson Act contract require Planning Commission approval.

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).

BACKGROUND:

- A. **Prior approvals:** Williamson Act Contract number 12
- B. **Applicant/Owner:** Russel and Catherine Lester, George and Cynthia Lester
- 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

PROJECT DESCRIPTION:

The proposal involves property totaling 1,127.56 acres and adjustment of the common property lines of three

legal lots, comprised of multiple assessor's tax parcels, in the A-40 zoning district. County Surveyor review confirmed that the property comprises of three legal parcels. The resulting configuration will transfer about 533.15 acres between Proposed Parcel 1 and 2. Proposed Parcel 3 is currently a triangular parcel but will change into rectangular in shape and remain the same acreage. Access to the property is off Garnett Lane, Sievers and Campbell Roads. The table below details lot information and the acreages:

LOT	APN	EXISTING ACREAGE	PROPOSED ACREAGE	NET TRANSFER
1	0107-130-110 & 120	1044.41	511.26	-533.15
2	0107-110-060(por) & 070	61.39	594.56	+533.15
3	0107-110-060(por)	13.89	13.89	0

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. Proposed Lot 1 and 2 exceed the zoning minimum size; however, Proposed Parcel 3 is a legal non-conforming lot that will remain non-conforming.

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-40 zoning district. The proposal involves the reconfiguration of three 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.

In addition, the property is encumbered by several Deeds of Trust. The applicant is required to record new Deeds of Trusts which reflect the new configuration prior to recording the certificate of compliance.

WILLIAMSON ACT (LAND CONSERVATION) CONTRACT CONSISTENCY:

Land Conservation Contract (Williamson Act Contract No. 12) was approved in 1969 for the purposes of retaining commercial agriculture on the land in exchange for a reduction in 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.

The entire property is identified as Prime Farmland on the latest State Department of Conservation Farmland map. The Williamson Act Rules and Procedures establish a minimum parcel size of 10 acres for Prime Farmland. The proposed parcels sizes satisfy the 10-acre minimum parcel size.

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

State and County Land Conservation Contract requirements.

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 created nonconforming in terms of A-40 Zoning District development standards or minimum parcel size. Lot 3 is a legal non-conforming lot and will remain non-conforming, with no reduction in size.

- 2. Approval of the lot line adjustment will not create a greater number of parcels than originally existed.**

The lot line adjustment reconfigures three (3) 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 lot sizes 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 three (3) existing legal lots, and the lot line adjustment will not create any new parcels. The property and existing land use is consistent with the General Plan.

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)].

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-19-04, dated September 4, 2019 prepared by Hawkins 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.

- 3. Prior to recording the Certificate of Compliance, the Deeds of Trust recorded for the subject property shall be revised and recorded to reflect the parcel configurations approved by the lot line adjustment.

ATTACHMENTS:

Exhibit A - Draft Resolution
Exhibit B - Lot Line Adjustment Exhibit
Exhibit C - Notice of Exemption
Exhibit D - Project Location