

**SOLANO COUNTY PLANNING COMMISSION**  
**Resource Management Staff Report**

**Application No.** LLA-11-05/CC-11-08 Jones  
**Project Planner:** Karen Avery, Senior Planner

**Meeting of July 7, 2011**  
**Agenda Item No. 3**

**Property Owner:**

**Name:** James R. Jones  
**Address:** 8752 Eggert Road  
Davis, CA 95618

**Action Requested:** Approval of a Lot Line Adjustment to adjust property lines between two existing parcels, where both parcels are under Williamson Act contract No. 520. The parcels are currently 1.60 acres and 41.68 acres in size. After the Lot Line Adjustment the parcels will be 1.87 acres and 41.41 acres in size.

**Site Information:**

**Size:** APN 110-190-150 = 1.60 acres  
APN 110-190-140 = 41.68 acres  
**Location:** Tremont and Eggert Roads  
**Zoning:** "A-40" Exclusive Agriculture  
**Land Use:** Agriculture (grazing)  
**General Plan:** Agricultural  
**Williamson Act:** Contract No. 520  
**Soil:** Mostly Class II some Class I  
**Access:** Tremont and Eggert Roads

**Adjacent Zoning:**

**North, South, East & West:** "A-40" Exclusive Agriculture to the north, south, east and west.

**Adjacent Land Use:**

**North:** Agriculture/Orchards  
**South:** Agriculture/Row Crops  
**East:** Agriculture/Row Crops  
**West:** Agriculture/Row Crops

**Environmental Status:** After review of the CEQA Guidelines, staff is recommending that the Planning Commission find that this Lot Line Adjustment is a ministerial action and is therefore exempt from the provisions of CEQA per CEQA Section 21080 (b)(1).

**Recommendation:** The Department of Resource Management recommends that the Planning Commission adopt the attached resolution approving Lot Line Adjustment No. LLA-11-05 with respect to the suggested findings and subject to the recommended conditions of approval.

## PROJECT DESCRIPTION

The project site consists of two separate legal lots, near the intersection of Eggert Road and Tremont Road outside the city limits of Davis. The 1.60 acre parcel (Jones) is improved with a primary residence and a detached garage. Improvements on the 41.68 acre (Slivkoff) parcel consist of a primary and secondary dwelling, two detached garages and several outbuildings. The rest of the 41 acre parcel is planted with almond and walnut trees. Access for the 1.60 acre parcel (Jones) is from Eggert Road and access to the 41 acre parcel (Slivkoff) is from Tremont Road.

The applicant, Jones, is requesting the lot line adjustment to create a more uniform sized parcel. The net acreage exchanging ownership is approximately .27 of an acre. As a result of the lot line adjustment, APN 0110-190-150 will increase from 1.60 acres to 1.87 acres and APN 0102-190-140 will decrease from 41.68 acres to 41.41 acres (Exhibit C). No access changes are proposed with this lot line adjustment. The existing septic systems and water wells are not affected by this lot line adjustment.

A lot line adjustment, LLA-07-10, involving these same parcels and the same lot line adjustment request was approved by the Planning Commission on June 5, 2008. However, the Certificate of Compliance, CC-07-18, recognizing the lot line adjustment was not recorded within the two year timeframe as required by the Solano County Subdivision Ordinance. Therefore, the applicant has submitted a new lot line adjustment application to complete the applicant's wish to adjust the property lines.

## BACKGROUND

This project involves two existing legal lots, a 41.68 ac. parcel owned by Slivkoff, a 1.6 ac. parcel owned by Jones.

- Prior to the 1880s, Solano County Schools owned a 1.87 acre parcel located at what is now the intersection of Tremont and Eggert Road.
- In 1938, the 1.87 acre school site was sold and a .27 ac. portion of the 1.87 acre parcel was deeded to the Tremont Hall Association, thereby creating two legal parcels, a .27 ac. parcel and a 1.6 ac. parcel.
- In 1970, the current owners of the 41.68 ac and the 1.6 ac parcels, the Jones family, entered into a Williamson Act contract on the entire property without realizing that the 1.6 ac parcel existed as a separate legal lot. The .27 ac parcel owned by the Tremont Hall Association was not part of the Williamson Act contract (Exhibit E).
- In 1974, the .27 acre Tremont Hall parcel was sold to the Jones family. The Jones family was now the owners of 156+ acres of land which consisted of a total of three legal lots, although at the time, neither the Jones family nor the County realized that there were in fact three legal lots. Specifically, they did not realize that 1.6 ac piece was a separate legal lot or that the .27 ac parcel was not included in the Williamson Act contract in approved in 1970.
- However, in 1997 the applicant and County became aware of the previous Deed history and the County approved a lot line adjustment in which the .27 acre parcel (former Tremont Hall Association parcel) was enlarged to 41.68 acres. During this lot line adjustment, the legal status of the 1.6 ac lot as a legal lot was also recognized. The end result of the 1997 lot line adjustment application was that there were three legal lots, a 1.6 ac lot, a 41.68 ac lot (Parcel A, Exhibit D), and a 113.24 acre lot (Parcel B, Exhibit D). The approval of this 1997 lot line adjustment created a conflict with the provision of the Williamson Act, which does not permit separate parcels smaller than 10 acres in size to exist under contract.

## ENVIRONMENTAL DETERMINATION

After review of the CEQA Guidelines, staff is recommending that the Commission find that this Lot Line Adjustment is a ministerial action and is therefore exempt from the provisions of CEQA per CEQA Section 21080 (b)(1).

## ANALYSIS

### General Plan and Zoning

Both parcels are zoned A-40 and have a general plan designation of "Agricultural" requiring a minimum parcel size of 40 acres. The proposed 41.41 acre parcel meets the requirements of current zoning and general plan designations regarding both size and use. The current 1.60 acre parcel is non-conforming in size. County policy allows for lot line adjustments on legal non-conforming parcels as long as the smallest existing parcel is not made more non-conforming by the approval of the lot line adjustment. In this instance, the smallest existing parcel is 1.60 acres in size. Since this parcel will be increased by .27 of an acre with a resulting parcel size of 1.87 acres, this action is consistent with the County policy for lot line adjustments effecting legal non-conforming parcels.

### Williamson Act

Both the 41.68 acre parcel and the 1.6 acre parcel are under Williamson Act Contract No. 520. As noted above, the .27 acre portion that is to be combined with the 1.6 acre parcel was not included in the Williamson Act contract when the contract was established, as it was owned by the Tremont Hall Association and not part of the Jones parcel.

Per County policy, the minimum parcel size for prime land is ten acres under the Williamson Act. Because the 1.87 acre parcel that will result from the merger of the 1.6 acre parcel and the .27 acre portion, as described above, will still not meet the minimum ten acres required by the Williamson Act, staff is recommending the applicant file a non-renewal of the Williamson Act Contract on the 1.60 acre portion prior to the recordation of the Certificate of Compliance. This will result in the entire 1.87 parcel coming out of the Williamson Act in 10 years.

The continued use of the existing walnut and almond orchard on the 41.41 acre parcel is consistent with the Williamson Act.

## STATE FINDINGS:

### Section 51257 of the California Government Code

The proposed Lot Line Adjustment and Contract revisions meet the requirements of Section 51257 of the California Government Code as follows:

1. *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.*

Both parcels will remain under contract for at least ten years.

2. *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.*

There is neither an increase nor decrease in the net amount of acreage restricted.

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

At least 90 percent of the land currently under contract will remain under a Williamson Act Contract.

4. *After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.*

The 41.68 acre parcel will continue to produce walnuts and almonds. As discussed above, the 1.87 parcel is below the 10 acre minimum defined by the Williamson Act as being large enough to sustain its agricultural use. However, as noted, staff is recommending that the lot line adjustment be conditioned to require that the applicant file a notice of non-renewal on the 1.6 acre portion of this parcel prior to recordation of a certificate of compliance. With this condition, the lot line adjustment will be consistent with the intent of the Williamson Act.

5. *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.*

There is currently no agriculture on the existing 1.6 acre parcel. There are approximately 20 almond trees on the .27 acre portion that is being added to the 1.6 acre parcel. Since the .27 ac. parcel was not included in the Williamson Act contract in 1970, the loss of those trees will not materially compromise the long-term agricultural productivity of the larger parcel that will remain under the Williamson Act.

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

No adjacent agricultural lands will be affected by this lot line adjustment.

7. *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.*

No additional parcels will be created by this lot line adjustment and the parcels are consistent with the Extensive Agricultural land use designation of the Solano County General Plan.

#### Policies and Regulations of Agricultural Preserves in Solano County

As required by VI. Lot Line Adjustments of the Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts in Solano County, the proposed Lot Line Adjustment will be accomplished pursuant to conditions found by the Planning Commission to be compatible with the California Land Conservation Act.

### Section 66412(d) of the California Government Code

As required by Governments Code Section 66412(d), the Planning Commission has limited its review and approval of the proposed Lot Line Adjustment to a determination of whether or not the parcels resulting from the Lot Line Adjustment will conform to local zoning and building ordinances, and has not imposed conditions or exactions on its approval except to conform to local zoning and building ordinances or to facilitate the relocation of existing utilities, infrastructure, or easements.

### **SUGGESTED FINDINGS**

1. The proposed Lot Line Adjustment is compatible with the California Land Conservation Act because the seven findings outlined above as required by Section 51257 can be made in this case, based on evidence presented to the Planning Commission as outlined above.
2. The proposed Lot Line Adjustment is compatible with the Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts in Solano County. Findings can be made in this case, based on evidence presented to the Planning Commission as outlined above.
3. The proposed Lot Line Adjustment is a ministerial action and is therefore exempt from the provisions of CEQA per CEQA Section 21080 (b) (1).
4. The proposed Lot Line Adjustment complies with all zoning and building ordinances per the requirements of Section 66412(d).

### **RECOMMENDATION**

The Planning Commission does hereby ADOPT the attached resolution to:

1. Adopt the suggested findings with respect to Lot Line Adjustment No. LLA-11-05, and
2. Approve Lot Line Adjustment No. LLA-11-05, subject to the recommended conditions of approval.

### **RECOMMENDED CONDITIONS OF APPROVAL**

1. The Lot Line Adjustment shall be in substantial compliance with the map submitted with Lot Line Adjustment application LLA-11-05 dated September 10, 2007 and received by the County September 13, 2007, prepared by Ty Hawkins, Hawkins Land Surveying, on file with the Planning Services Division.
2. The applicant shall file a non-renewal of the Williamson Act Contract on the 1.87 acre parcel prior to the recordation of the Certificate of Compliance.
3. A Certificate of Compliance, demonstrating that the subject lot line has been adjusted according to State and County regulations shall be recorded subject to the satisfaction of the Planning Services Division. The Planning Services Division shall withhold recordation of the Certificate of Compliance until all requirements of this approval have been satisfactorily completed.

In order to complete this step, written legal descriptions of the parcels as adjusted, prepared by a registered land surveyor or civil engineer licensed to survey in the State of California, shall be submitted to the Planning Services Division. Each page of the legal description must be

must be signed and sealed by the professional preparing the descriptions. Upon approval by the Planning Services Division of the legal descriptions, 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 instructions to the Title Company/Escrow Officer to prepare new grant deeds reflecting the property boundaries as adjusted, and to record the Certificate of Compliance concurrently with the new grant deeds.

**ATTACHMENTS**

Exhibit A: Draft Resolution .....07  
Exhibit B: Assessor Parcel Map .....10  
Exhibit C: 2007 Lot Line Adjustment Map .....11  
Exhibit D: 1997 Lot Line Adjustment Map .....12  
Exhibit E: 1970 Williamson Act Contract Map .....13

**SOLANO COUNTY PLANNING COMMISSION  
RESOLUTION NO. XX**

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**WHEREAS**, the Solano County Planning Commission has considered Lot Line Adjustment Application No. LLA-11-05 of **James Jones** to adjust the property located at 8752 Eggert Road located within the "A-40" Exclusive Agricultural Zoning District, 4 miles south of the City of Davis, APN's: 0110-190-150 and 0110-190-140, and

**WHEREAS**, said Commission has reviewed the report of the Department of Resource Management and heard testimony relative to the subject application at the duly noticed public hearing held on July 7, 2011, and

**WHEREAS**, after due consideration, the said Planning Commission has made the following findings in regard to said proposal:

The proposed Lot Line Adjustment and Contract revisions meet the requirements of Section 51257 of the California Government Code as follows:

1. 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.

Both parcels will remain under contract for at least ten years.

2. 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.

There is neither an increase nor decrease in the net amount of acreage restricted.

3. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.

At least 90 percent of the land currently under contract will remain under a Williamson Act Contract.

4. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

The 41.68 acre parcel will continue to produce walnuts and almonds. As discussed above, the 1.87 parcel is below the 10 acre minimum defined by the Williamson Act as being large enough to sustain its agricultural use. However, as noted, staff is recommending that the lot line adjustment be conditioned to require that the applicant file a notice of non-renewal on the 1.6 acre portion of this parcel prior to recordation of a certificate of compliance. With this condition, the lot line adjustment will be consistent with the intent of the Williamson Act.

5. 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.

**EXHIBIT A**

There is currently no agriculture on the existing 1.6 acre parcel. There are approximately 20 almond trees on the .27 acre portion that is being added to the 1.6 acre parcel. Since the .27 ac. parcel was not included in the Williamson Act contract in 1970, the loss of those trees will not materially compromise the long-term agricultural productivity of the larger parcel that will remain under the Williamson Act.

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

No adjacent agricultural lands will be affected by this lot line adjustment.

7. 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.

No additional parcels will be created by this lot line adjustment and the parcels are consistent with the Extensive Agricultural land use designation of the Solano County General Plan.

#### Policies and Regulations of Agricultural Preserves in Solano County

As required by VI. Lot Line Adjustments of the Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts in Solano County, the proposed Lot Line Adjustment will be accomplished pursuant to conditions found by the Planning Commission to be compatible with the California Land Conservation Act.

#### Section 66412(d) of the California Government Code

As required by Governments Code Section 66412(d), the Planning Commission has limited its review and approval of the proposed Lot Line Adjustment to a determination of whether or not the parcels resulting from the Lot Line Adjustment will conform to local zoning and building ordinances, and has not imposed conditions or exactions on its approval except to conform to local zoning and building ordinances or to facilitate the relocation of existing utilities, infrastructure, or easements.

#### **SUGGESTED FINDINGS**

1. The proposed Lot Line Adjustment is compatible with the California Land Conservation Act because the seven findings outlined above as required by Section 51257 can be made in this case, based on evidence presented to the Planning Commission as outlined above.
2. The proposed Lot Line Adjustment is compatible with the Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts in Solano County. Findings can be made in this case, based on evidence presented to the Planning Commission as outlined above.
3. The proposed Lot Line Adjustment is a ministerial action and is therefore exempt from the provisions of CEQA per CEQA Section 21080 (b) (1).
4. The proposed Lot Line Adjustment complies with all zoning and building ordinances per the requirements of Section 66412(d).



**BE IT, THEREFORE, RESOLVED**, that the Planning Commission of the County of Solano does hereby adopt the suggested findings and approve Lot Line Adjustment Application No. LLA-11-05 subject to the following conditions of approval:

1. The Lot Line Adjustment shall be in substantial compliance with the map submitted with Lot Line Adjustment Application No. LLA-11-05 dated September 10, 2007 and received by the County September 13, 2007, prepared by Ty Hawkins, Hawkins Land Surveying, on file with the Planning Services Division.
2. The applicant shall file a non-renewal of the Williamson Act Contract on the 1.87 acre parcel prior to the recordation of the Certificate of Compliance.
3. A Certificate of Compliance, demonstrating that the subject lot line has been adjusted according to State and County regulations shall be recorded subject to the satisfaction of the Planning Services Division. The Planning Services Division shall withhold recordation of the Certificate of Compliance until all requirements of this approval have been satisfactorily completed.
4. In order to complete this step, written legal descriptions of the parcels as adjusted, prepared by a registered land surveyor or civil engineer licensed to survey in the State of California, shall be submitted to the Planning Services Division. Each page of the legal description must be signed and sealed by the professional preparing the descriptions. Upon approval by the Planning Services Division of the legal descriptions, 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 instructions to the Title Company/Escrow Officer to prepare new grant deeds reflecting the property boundaries as adjusted, and to record the Certificate of Compliance concurrently with the new grant deeds.

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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on July 7, 2011 by the following vote:

AYES:	Commissioners	_____
		_____
NOES:	Commissioners	_____
ABSTAIN:	Commissioners	_____
ABSENT:	Commissioners	_____

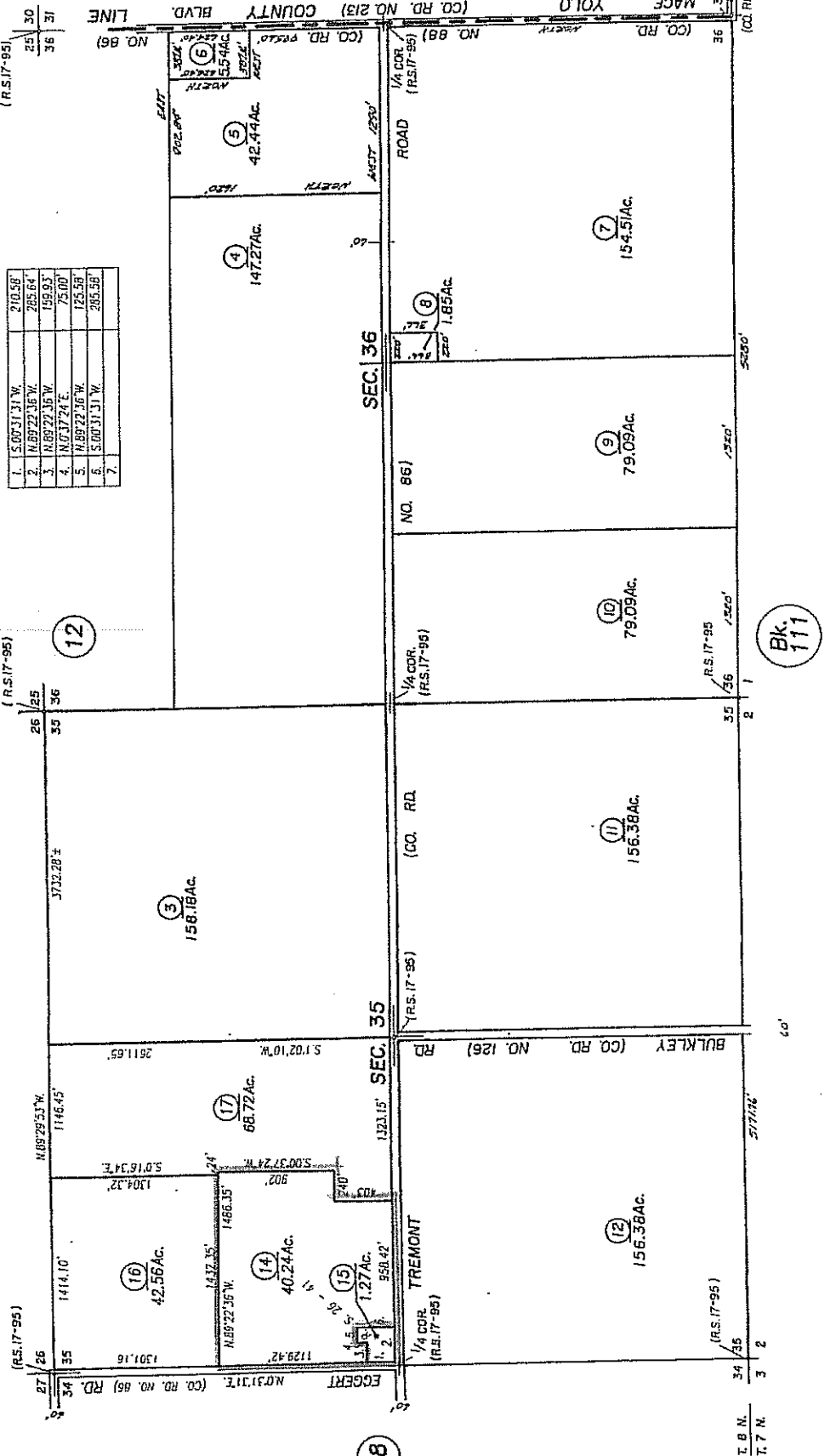
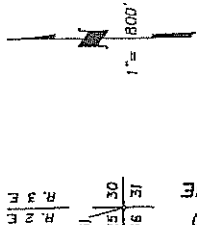
By: \_\_\_\_\_  
Bill Emlen, Director

**FILE COPY**

Tax Area Code  
63003

110-19

SEC. 35 & POR. SEC. 36, T.8N., R.2E., M.D.B.& M.



1.	S.00°31'31"W.	210.58
2.	N.89°22'36"W.	285.64
3.	N.89°22'36"W.	159.93
4.	N.0°17'24"E.	25.00
5.	N.89°22'36"W.	125.58
6.	S.00°31'31"W.	285.58
7.		

NOTE: This map is for assessment purposes only and is not for the intent of interpreting legal boundary rights, zoning regulations and/or legality of land division laws.

NOTE: Assessor's Block Numbers Shown in Ellipses Assessor's Parcel Numbers Shown in Circles

REVISION	DATE	BY
190-16 & 17 (Dd)	10-25-06	JS
011-14 & 15 (Rs)	5-26-04	SE
011-13-15 (Dd)	12-11-91	SJK
SUBMET	2-6-91	S.S

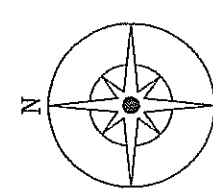
Assessor's Map Bk. 110 Pg. 19  
County of Solano, Calif.

07-08

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Solano County Dept of Resource Mgmt  
Planning Division  
Application No(s): LLA-07-10 & CC-07-18  
Date Received: September 13, 2007

18



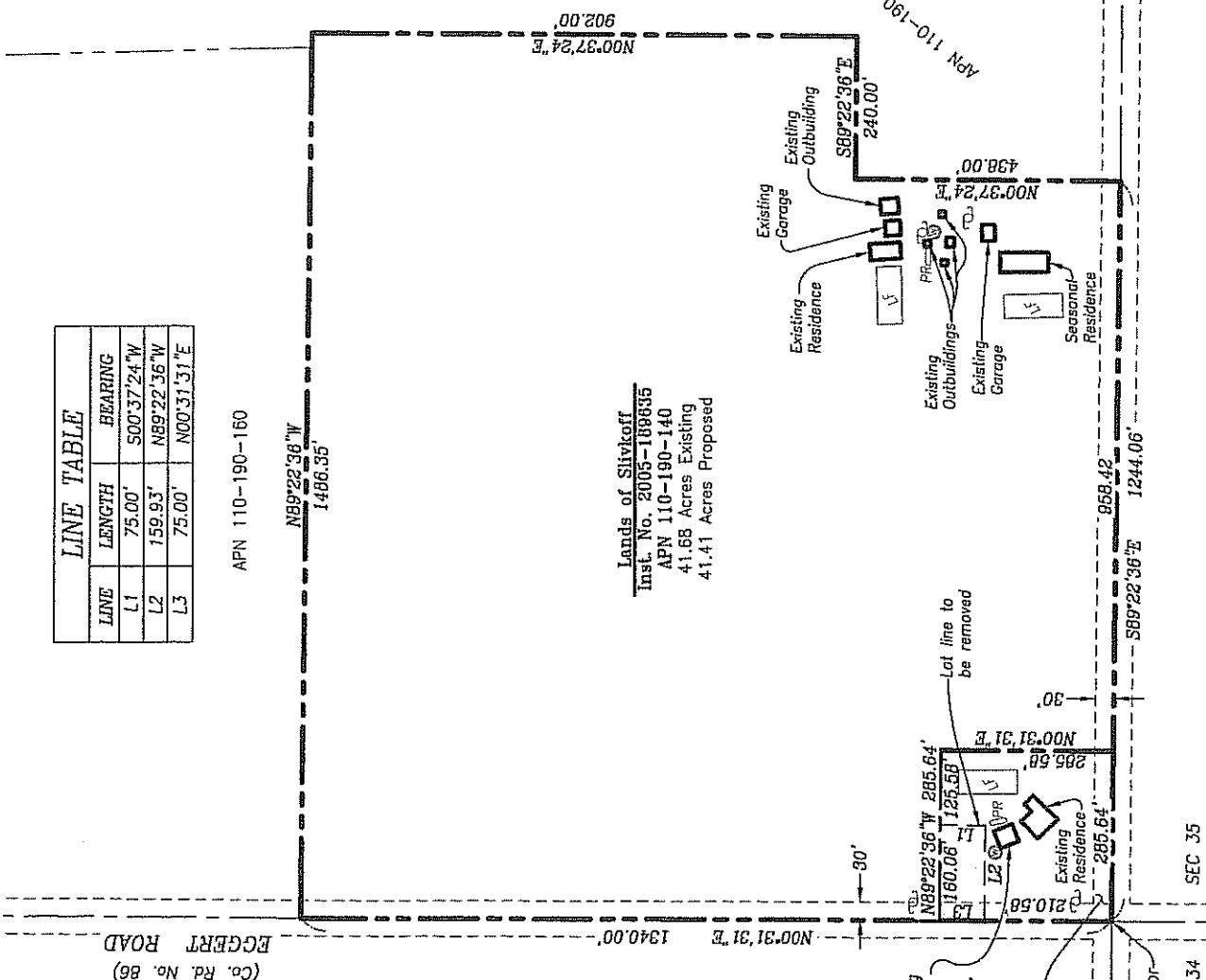
1"=200'

LINE TABLE		
LINE	LENGTH	BEARING
L1	75.00'	S00°37'24"W
L2	159.93'	N89°22'36"W
L3	75.00'	N00°31'31"E

APN 110-190-150

N89°22'36"W  
1486.35'

Lands of Slivkoff  
Inst. No. 2005-189635  
APN 110-190-140  
41.68 Acres Existing  
41.41 Acres Proposed



**Owners:**  
APN 110-190-150  
James Jones  
8752 Eggert Rd.  
Davis Co. 95618  
530-219-1433

APN 110-190-140  
Emma R. Slivkoff  
545 Elder Ct.  
San Jose CA. 95123  
408-348-4721

**Existing Use:** APN 110-190-150 - Rural Residential  
APN 110-190-140 - Rural Residence, Orchard

**Utilities:**  
APN 110-190-150  
Water - Private Well  
Sewer - Private Septic System  
Electric - P.G.&E.  
Phone - A.T.&T.  
Gas - Private LPG Tank

APN 110-190-140  
Water - Private Well  
Sewer - Private Septic System  
Electric - P.G.&E.  
Phone - A.T.&T.  
Gas - Private LPG Tank

**LEGEND**

- ⊙ Existing Well
- ⊞ Existing Leach Field
- PR Existing Propane Tank
- ⊞ Existing Utility Pole

**BASIS OF BEARINGS**

Bearings shown hereon are based upon the Centerline of Tremont Road as shown in Book 26 of Surveys of Page 41. Said bearing taken as N89°22'36"W.

TREMONT ROAD  
(Co. Rd. No. 86)

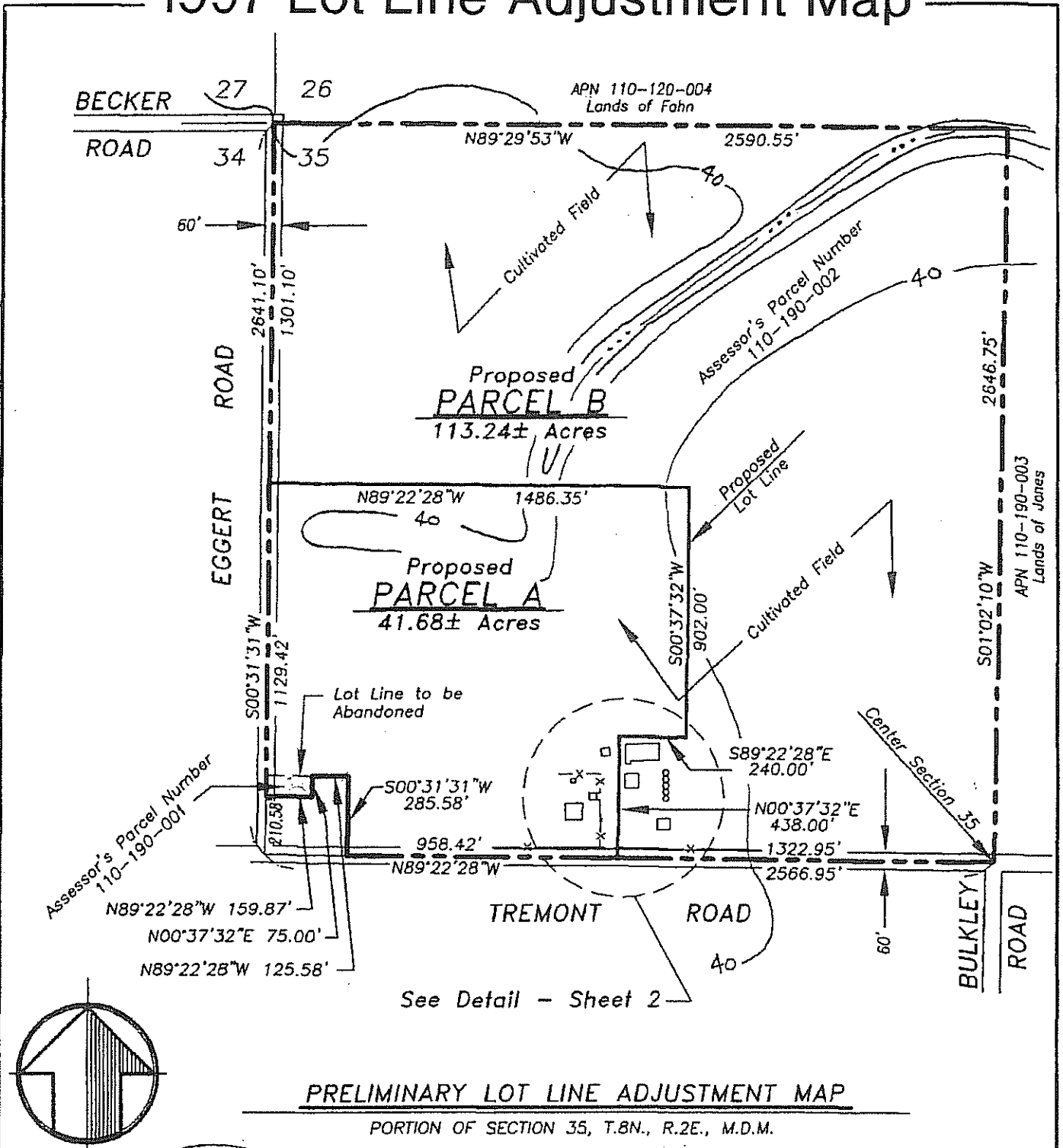
1/4 Cor.  
T.8N. SEC 34  
SEC 35

Drawn: TH  
Scale: 1"=200'  
Date: 09/10/07  
Sheet 1 of 1

Ty Hawkins LS 7973  
3636 Oak Canyon Ln.  
Vacaville Ca. 95688  
(707) 974-8890  
(707) 447-7171

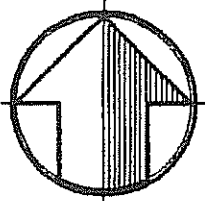
**PROPOSED LOT LINE ADJUSTMENT**  
A.P.N.'s 110-190-150 & 110-190-140  
Lands of Jones and Slivkoff  
Instrument No. 2006-130647 - 2005-189635  
Solano County Call

# 1997 Lot Line Adjustment Map



## PRELIMINARY LOT LINE ADJUSTMENT MAP

PORTION OF SECTION 35, T.8N., R.2E., M.D.M.



Construction Staking  
Mapping  
Land Surveys  
1505 West Texas Street  
Fairfield, California 94533  
(707) 425-6234

APPROVED BY

DATE: **OCT 10, 1997**

DRAWN BY:	CMW	DATE:	Oct., 1997
CHECKED BY:		SCALE:	1" = 500'
APPROVED BY:		JOB NO.:	597029
SHEET	1	OF	2
DRAWING NO.		REV. NO.	

