SOLANO COUNTY PLANNING COMMISSION Resource Management Staff Report

Application No. LLA-11-07/CC-11-10

Project Planner: Eric Wilberg

Meeting of November 3, 2011 Agenda Item No. 2

Property Owner:

Name: Robert & Wendy Chadbourne
Address: 20 Chimney Creek Road

Napa, CA 94558

Action Requested: Approval of a Lot Line Adjustment to reconfigure property lines between three contiguous legal parcels, where all parcels are under active Williamson Act contract.

Site Information:

Size: 414.08 acres

Location: 3475 Chadbourne Road

Zoning: Limited Agriculture 'AL 80'

Land Use: Outdoor recreation, hayfields, open space

General Plan: Agricultural

Williamson Act: Contract Nos. 492 and 1363

Soil: Class IV and VI Access: Chadbourne Road

Adjacent Zoning:

North, South, East & West: Limited Agriculture 'AL 80' Exclusive Agriculture to the north,

south, east. "Watershed and Conservation" to the west.

Adjacent Land Use:

North: Turf Nursery
South: Marsh

East: Marsh, Recreational Hunting Club **West:** Marsh, Recreational Hunting Club

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-11-07 with respect to the suggested findings and subject to the recommended conditions of approval.

SITE DESCRIPTION

The site consists of three (3) legal lots, comprised of five (5) Assessor Parcel Numbers. The property is located within the Secondary Management Area of the Suisun Marsh and is relatively flat exhibiting slopes of less than 6%. The 414 acre site is predominantly undeveloped marshland, with portions being utilized for cattle grazing, hay production, and open space for pheasant and duck hunting. Solano Irrigation District (SID) drainage ditches run throughout the site. The land surrounding the project site is also relatively flat. Land to the west, north and east are also utilized for recreational hunting. The land to the south of the project site is open-space, marsh.

The subject parcels are located along the west side of Chadbourne Road, just south of the Fairfield-Suisun Sewer District treatment facility and south of the City of Fairfield. Development on site is clustered around the Suisun Marsh Hunting Preserve clubhouse, which is operated by the applicant and has been addressed 3475 Chadbourne Road. The ~2.5 acre developed area also includes a 2,000 sq. ft. equipment shed, 3,500 sq. ft. barn, dog kennels, pheasant pens, three caretakers units, restroom facilities and parking for club members.

PROJECT DESCRIPTION

The proposal will reconfigure interior property lines between three adjacent parcels under common ownership. The three existing lots are comprised of multiple Assessors' Parcel Nos. due to various Tax Assessment Lines. All three lots are under active Williamson Act contract (Nos. 492 and 1363), thus requiring Planning Commission approval. No changes to the Williamson Act Contracts or to the Agricultural Preserve are proposed or required as a result of the lot line adjustment. No outer boundaries of any of the contracts are being affected and no land will be taken out of contract. The current provisions for potable water and sewage disposal will not change as a result of this lot line adjustment. The site is provided water by the City of Fairfield and sewage disposal is handled by private septic. Below is a breakdown of both the existing and proposed configurations:

Existing Configuration

Parcel	APN	APN Acreage	Total Gross Acreage
Legal Parcel 1	0046-320-140	0.62	
_	0046-320-150	172.99	173.61
Legal Parcel 2	0046-320-050	55.47	55.47
Legal Parcel 3	0046-320-060	29.00	185.00
_	0046-320-070	156.00	

Proposed Configuration

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Parcel	Acreage		
Proposed Parcel 1	229.20		
Proposed Parcel 2	128.00		
Proposed Parcel 3	57.00		

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

As seen on the General Plan/Zoning Consistency table (Table LU-7, General Plan), the 'AL 80' Zoning District is consistent with the Agriculture General Plan Designation. Existing parcel 2 is 55.27 acres and is considered legal nonconforming in terms of size. Proposed parcel 3 will increase slightly, to 57 acres and remain legal non-conforming. In accord with Section 26-43 of the County Subdivision Ordinance, no conforming lot will be made nonconforming. In addition, no nonconforming lot will decrease in size.

Williamson Act

Each of the three lots are under active Williamson Act contracts. Existing parcels 1 and 2 are under contract no. 492 and parcel 3 is under contract no. 1363. The agricultural use of the properties is hay production. There are no proposed changes to the land use as a result of the lot line adjustment. The perimeter boundaries of contracted land will not be affected by the lot line adjustment. Per the Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts, the minimum parcel size for land defined as Nonprime is 40 acres. Each newly configured lot exceeds this minimum requirement.

Access

The site is accessed from Chadbourne Road. Upon change of ownership for proposed parcel two, an access easement shall be established. The easement is not required at this time because all of contiguous lots are under common ownership.

MANDATORY Findings

In addition to all other requirements applicable to lot line adjustments, a lot line adjustment involving one or more parcels under land conservation contract shall not be approved unless the Planning Commission or Board of Supervisors makes the following findings, as required by Gov. Code Section 51257(a):

1. The lot line adjustment complies with all of the findings and requirements for lot line adjustments as set forth in Chapter 26, Article IV of the Solano County Code.

All three parcels are currently under an active Williamson Act Contract and a "notice of non-renewal" has not been filed on the contract.

2. 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 Williamson Act contracts will continue to enforceably restrict each newly configured parcel. A notice of nonrenewal has not been filed and the contracts are not required to be rescinded.

There is no net decrease in the amount of the acreage restricted. In cases where two 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.

No land will be taken out of contract as a result of this lot line adjustment. Contract boundaries will not be changing.

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

No land will be taken out of contract as a result of this lot line adjustment. 100 percent of the land under contract will remain under contract.

5. After the lot line adjustment, the parcels of the land subject to contract will be large enough to sustain their agricultural use.

Each newly configured parcel will meet the 40 acre minimum parcel size set for Nonprime farmland. Farming activities on the property shall continue.

6. 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 lot line adjustment will not compromise the long-term agricultural productivity of the property or other agricultural lands under contract. The parcels, as adjusted, will be consistent with the existing farming practices on the property.

7. 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.

8. 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 Solano County General Plan.

The lot line adjustment will not create any additional developable parcel. Three lots currently exist and three lots will remain after the adjustment.

SUGGESTED FINDINGS

 The proposed Lot Line 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 affected lots which do not meet the minimum are requirements of their zoning designations, pursuant to Section 66412(d) of the Subdivision Map Act.

The project is consistent with applicable building ordinances and zoning requirements for the Limited Agricultural 'AL 80' Zoning District.

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

Three existing parcels are involved in the lot line adjustment and no new parcels will be created.

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.

The applicant will be provided with a Tax Collector's Certificate that must be completed and signed by the Tax Collector. The applicant will submit the signed Certificate to the Solano County Assessor/Recorder prior to recordation of the Certificate of Compliance.

4. The requirements of CEQA do not apply, as the project is considered ministerial in nature per CEQA Section 21080(b)(1).

Lot line adjustments are ministerial projects, and therefore are not held to the provision and requirements of CEQA.

RECOMMENDATION

Staff recommends that the Planning Commission does hereby ADOPT the attached resolution:

- 1. Adopting the findings with respect to Lot Line Adjustment No. LLA-11-07, and
- 2. Approve Lot Line Adjustment No. LLA-11-07, subject to the recommended conditions of approval.

RECOMMENDED CONDITIONS OF APPROVAL

- The Lot Line Adjustment shall be in substantial compliance with the map submitted with Lot Line Adjustment application LLA-11-07 dated June, 2011 and received by the County June 23, 2011, prepared by Mountain Pacific Surveys, on file with the Planning Services Division.
- 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 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
Exhibit B: Assessor Parcel Map
Exhibit C: Lot Line Adjustment Map

SOLANO COUNTY PLANNING COMMISSION RESOLUTION NO. XX

WHEREAS, the Solano County Planning Commission has considered Lot Line Adjustment Application No. LLA-11-07 & Certificate of Compliance No. CC-11-10 of Robert Chadbourne to reconfigure property lines between three contiguous legal parcels, where all parcels are under active Williamson Act contract. The property is located at 3475 Chadbourne Road 5 miles south of the City of Fairfield in an "AL-80" Exclusive Agricultural Zoning District, APN's: 0046-320-140, 150, & 050, 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 November 3, 2011, and;

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

1. The lot line adjustment complies with all of the findings and requirements for lot line adjustments as set forth in Chapter 26, Article IV of the Solano County Code.

All three parcels are currently under an active Williamson Act Contract and a "notice of non-renewal" has not been filed on the contract.

2. 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 Williamson Act contracts will continue to enforceably restrict each newly configured parcel. A notice of nonrenewal has not been filed and the contracts are not required to be rescinded.

3. There is no net decrease in the amount of the acreage restricted. In cases where two 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.

No land will be taken out of contract as a result of this lot line adjustment. Contract boundaries will not be changing.

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

No land will be taken out of contract as a result of this lot line adjustment. 100 percent of the land under contract will remain under contract.

5. After the lot line adjustment, the parcels of the land subject to contract will be large enough to sustain their agricultural use.

Each newly configured parcel will meet the 40 acre minimum parcel size set for Nonprime farmland. Farming activities on the property shall continue.



6. 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 lot line adjustment will not compromise the long-term agricultural productivity of the property or other agricultural lands under contract. The parcels, as adjusted, will be consistent with the existing farming practices on the property.

7. 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.

8. 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 Solano County General Plan.

The lot line adjustment will not create any additional developable parcel. Three lots currently exist and three lots will remain after the adjustment.

9. The proposed Lot Line 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 affected lots which do not meet the minimum are requirements of their zoning designations, pursuant to Section 66412(d) of the Subdivision Map Act.

The project is consistent with applicable building ordinances and zoning requirements for the Limited Agricultural 'AL 80' Zoning District.

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

Three existing parcels are involved in the lot line adjustment and no new parcels will be created.

11. 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.

The applicant will be provided with a Tax Collector's Certificate that must be completed and signed by the Tax Collector. The applicant will submit the signed Certificate to the Solano County Assessor/Recorder prior to recordation of the Certificate of Compliance.

12. The requirements of CEQA do not apply, as the project is considered ministerial in nature per CEQA Section 21080(b)(1).

Lot line adjustments are ministerial projects, and therefore are not held to the provision and requirements of CEQA.

BE IT, THEREFORE, RESOLVED, that the Planning Commission of the County of Solano does hereby approve Lot Line Adjustment Application No. LLA-11-07 and Certificate of Compliance No. CC-11-10 subject to the following recommended conditions of approval:

- The Lot Line Adjustment shall be in substantial compliance with the map submitted with Lot Line Adjustment application LLA-11-07 dated June, 2011 and received by the County June 23, 2011, prepared by Mountain Pacific Surveys, on file with the Planning Services Division.
- 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 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/EscrowOfficer 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.

Planning Commissio	on on November 3, 201	1, by the following vote:	
AYES:	Commissioners		
NOES:	Commissioners		
ABSTAIN:	Commissioners		
ABSENT:	Commissioners		
	450000	By:	

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County

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Bill Emlen, Secretary

Solano County Dept. of Resource Mgmt. Planning Services Division File Nos. LLA-11-07/ CC-11-10 Date Received: 06/23/2011

Exhibit B

of the lands of Robert J. and Wendy Chadbourne Assessor's Parcel No's 046-320-050, 046-320-150, 046-320-140, 046-032-070 & 046-032-060 TENTATIVE LOT LINE ADJUSTMENT MAP References; R-1 = Grant Dood flee for Record July 21, 1833 as incl. 1933-000es1727. Temestri to Chackoums Wilderson Act Contract No. 195 consists of APN's: 046-129-050, 046-120-060, 046-130-070, 046-1210-140 and 046-170-150 R-2 a Frai American Tibe Daport Order Ho. HCS-402500-514 Dated May 18, 2011 Proposed Parcels: Paral In. 1 par R-1 Morga with Parcal Int. 5 per R-1 279-24 Acres (total) Note: Boanday lives and frage shows hereon are espausinase had scovey. APAL ONE-XXX-GOD Pursal No. 2 per E-1 Pursal No. 2 per E-1 Gueral has hers APA's cha to Tax Assa (IXX-Aures (GDS) Owner: Robert & Wendy Charboum 707-429-1352 APPE OUE-LICE & DUE-LICE HG Pursual Rice & par first Pursual Chee per RF3 (parsual has ken APPS than to Tear A 1717 # Aures (pass) Proposed Parcel X A Partion of Parcel Ma. 3 per R-1 57 ± Acres Mail Address: 20 Chimney Creek Road Napa, CA 14658 Sta Address: 3475 Charlesonno Road Seison, CA 194585 Adjusted Parzel No. 3 per R-1 128 ± Acres GRAPHIC SCALE Existing Parcels:
APH: 046-120-050
Parcel No. 5 per R-1
Parcel Those per R-2
55.64 Acres

(11 mar) 1 map = 470 m

Land Surveying
Lapping
Planning
1800 W. Paras Bt.
Fulfield, Ca. 94055
(707)448-4494

Mountain Pacific Surveys

Solano County Dept. of Resource Mgmt. File Nos. LLA-11-07/ CC-11-10 Date Received: 06/23/2011 Planning Services Division

C

Exhibit

Parcel No. 5 per R-1