

SOLANO COUNTY PLANNING COMMISSION
Resource Management Staff Report

Application No. LLA 08-09
Project Planner: Eric Wilberg

Meeting of July 16th, 2009
Agenda Item No. 1

Applicant/Property Owner:

Name: Robert & Wendy Chadbourne
Address: P.O. Box 898
Fairfield, CA 94533

Action Requested: Approval of a Lot Line Adjustment to adjust property lines between two existing legal parcels, where each parcel is under a Land Conservation Contract. The parcels are currently 185 acres and 472 acres in size. After the Lot Line Adjustment the parcel A will be 456.8 acres and parcel B will be 200.6 acres in size.

Site Information:

Size: APN 0046-320-070: 156 acres
APN 0046-320-060: 29 acres
APN 0046-050-080: 80 acres
APN 0046-060-160: 402.8 acres

Location: 3475 Chadbourne Road
Zoning: "AL-80" Limited Agriculture
Land Use: Grazing, open-space marsh, recreational hunting
General Plan: Agriculture
Williamson Act: Contract Nos. 422, 492
Soil Tamba Mucky Clay
Reyes Silty Clay
Alviso Silty Clay Loam
Joice Muck

Access Chadbourne Road

Adjacent Zoning:

North: AL-80
South: MP
East: AL-80
West: AL-80

Adjacent Land Use:

North: Recreational Hunting Club
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: Staff recommends the Planning Commission ADOPT the attached resolution:

1. Adopting the recommended findings with respect to Lot Line Adjustment No. LLA 08-09, and
2. Approving Lot Line Adjustment No. LLA 08-09, subject to the recommended conditions of approval.

Environmental Setting

The project site consists of two (2) legal lots, comprised of four (4) 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 site is predominantly undeveloped marsh land, being utilized for cattle grazing and open space for a pheasant and duck hunting club. Peltier Slough meanders across the relatively flat land, asymmetrically bisecting the site's 667 acres. An existing drainage canal defines a majority of the western property line for the two legal lots. Both the existing and proposed lots front along Chadbourne Road and provide access to the site. Development on site is clustered around the clubhouse of the Suisun Marsh Hunting Preserve, 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. As indicated on Part I of the Initial Study, the nearest residential unit is located within 1,000 feet of the project site and multiple other duck clubs exist in the nearby vicinity (Exhibit B).

The land surrounding the project site is also relatively flat, demonstrating slopes of less than 6%. 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.

PROJECT DESCRIPTION

The proposed lot line adjustment will reconfigure the property lines between two lots. The project is comprised of Assessor Parcel Nos. 0046-050-080, 0046-060-160, 0046-320-060 and 070 which together total 667 acres. As described in the deed provided for this lot line adjustment, APN Nos. 0046-320-060 and 070 form one legal lot. APN Nos. 0046-050-080 and 0046-060-160 form the second legal lot. The lot line adjustment map titled 'Chadbourne Pheasant Club' depicts the two legal lots as Parcels A & B, and proposes to transfer approximately 272 acres of land from one parcel to the other (Exhibit B).

To transfer approximately 272 acres of land from Parcel B to Parcel A, the (old lot line) common property line will shift 2,331 feet to the south to become the (new lot line).

Parcel APN	Current Acreage	Proposed Acreage	Current Use
LEGAL LOT 1	185 AC	PARCEL A 456.8 AC	Cattle grazing, pheasant club, open space
0046-320-060	29 AC		
0046-320-070	156 AC		
LEGAL LOT 2	472 AC	PARCEL B 200.6 AC	Cattle grazing, pheasant club, open space
0046-050-080	80 AC		
0046-060-160	402.8 AC		

ANALYSIS

General Plan and Zoning

The project is consistent with the provisions of Chapter IV (Recreation Land Use) of the Land Use and Circulation Element of the Solano County General Plan, which states "that provisions should be made for public and private recreational development to allow for public recreation and access to the marsh for such uses as fishing, hunting, boating, picnicking, hiking and nature study.

Williamson Act

All parcels involved in this lot line adjustment are under Land Conservation Contracts. Legal lot 1 is under Williamson Act Contract No. 492 and lot 2 is under contract No. 422. The proposed lot line adjustment will change the Williamson Act Contract boundaries, thus requiring new contracts to be established. The applicant has applied for replacement Agricultural Preserve Contracts (AG 1363 and AG 1364) to be heard by the Board of Supervisors on July 21st, 2009.

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 exempt from the provisions of CEQA per CEQA Section 21080 (b)(1).

FINDINGS

- 1. The proposed Lot Line Adjustment complies with all zoning and building ordinances per the requirements of Section 26-43 of the Solano County Subdivision Ordinance.**

No lot will be made non-conforming with respect to minimum parcel size.

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

There will continue to be two legal lots following the lot line adjustment.

- 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 satisfying the requirements of Section 66493 of the Subdivision Map Act, will be provided to the Solano County Assessor/Recorder prior to recordation of the Certificate of Compliance.**

This letter will be provided to the Assessor/Recorder prior to recordation of the Certificate of Compliance.

4. This Lot Line Adjustment is exempt from the provisions of the California Environmental Quality Act (CEQA).

This lot line adjustment is a ministerial action and is therefore exempt from the provisions of CEQA per CEQA Section 21080 (b)(1).

RECOMMENDATION

Staff recommends that the Planning Commission ADOPT the attached resolution:

1. Adopting the recommended Findings with respect to Lot Line Adjustment No. LLA-08-09, and
2. Approving Lot Line Adjustment No. LLA-08-09, subject to the conditions of approval recommended below.

RECOMMENDED CONDITIONS OF APPROVAL

1. The Lot Line Adjustment shall be in substantial compliance with the map submitted with Lot Line Adjustment application LLA-08-09, titled "Chadbourne Pheasant Club" prepared by Isakson & Associates on file with the Planning Services Division.
2. A Certificate of Compliance, demonstrating that the subject lot lines have 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.

3. Land Conservation Contract Nos. 1363 and 1364 shall be recorded in conjunction with Certificate of Compliance No. CC-08-12.

ATTACHMENTS

- Exhibit A: Draft Resolution
Exhibit B: Lot Line Adjustment Map

SOLANO COUNTY PLANNING COMMISSION
RESOLUTION NO. --

WHEREAS, the Solano County Planning Commission has considered Lot Line Adjustment Application No. LLA-08-09 and Certificate of Compliance No. CC-08-12 of **Robert and Wendy Chadbourne** for a lot line adjustment of property located in an "AL-80" Limited Agricultural Zoning District, 2 miles south of the City of Fairfield, APN's: 0046-060-160; 0046-320-060, 070, 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 16, 2009, and

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

1. **The proposed Lot Line Adjustment complies with all zoning and building ordinances per the requirements of Section 26-43 of the Solano County Subdivision Ordinance.**

No lot will be made non-conforming with respect to minimum parcel size.

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

There will continue to be two legal lots following the lot line adjustment.

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 satisfying the requirements of Section 66493 of the Subdivision Map Act, will be provided to the Solano County Assessor/Recorder prior to recordation of the Certificate of Compliance.**

This letter will be provided to the Assessor/Recorder prior to recordation of the Certificate of Compliance.

4. **This Lot Line Adjustment is exempt from the provisions of the California Environmental Quality Act (CEQA).**

This lot line adjustment is a ministerial action and is therefore exempt from the provisions of CEQA per CEQA Section 21080 (b)(1).

BE IT, THEREFORE, RESOLVED, that the Planning Commission of the County of Solano does hereby adopt the recommended Findings and approve Lot Line Adjustment Application No. LLA-08-09 subject to the following recommended conditions of approval:

Exhibit A

1. The Lot Line Adjustment shall be in substantial compliance with the map submitted with Lot Line Adjustment application LLA-08-09, titled "Chadbourne Pheasant Club" prepared by Isakson & Associates on file with the Planning Services Division.
2. A Certificate of Compliance, demonstrating that the subject lot lines have 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.

3. Land Conservation Contract Nos. 1363 and 1364 shall be recorded in conjunction with Certificate of Compliance No. CC-08-12.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on July 16, 2009 by the following vote:

AYES:	Commissioners	_____

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

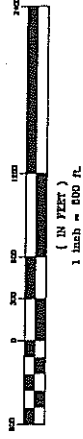
By: _____
Birgitta E. Corsello, Secretary

FILE COPY

LOT LINE ADJUSTMENT
"CHADBOURNE PHEASANT CLUB"
 BEING A PORTION OF SECTIONS 9, 15 &
 16 TOWNSHIP 4 NORTH, RANGE 2 WEST
 M.D.B.M., SOLANO COUNTY
 STATE OF CALIFORNIA

SOLANO COUNTY, CALIFORNIA
 ISAKSON & ASSOCIATES INC
 CIVIL ENGINEERING & LAND SURVEYING
 2255 TONACIO VALLEY ROAD SUITE 'C'
 WALNUT CREEK, CALIFORNIA
 NOVEMBER, 2008 SCALE: 1"=600'

GRAPHIC SCALE



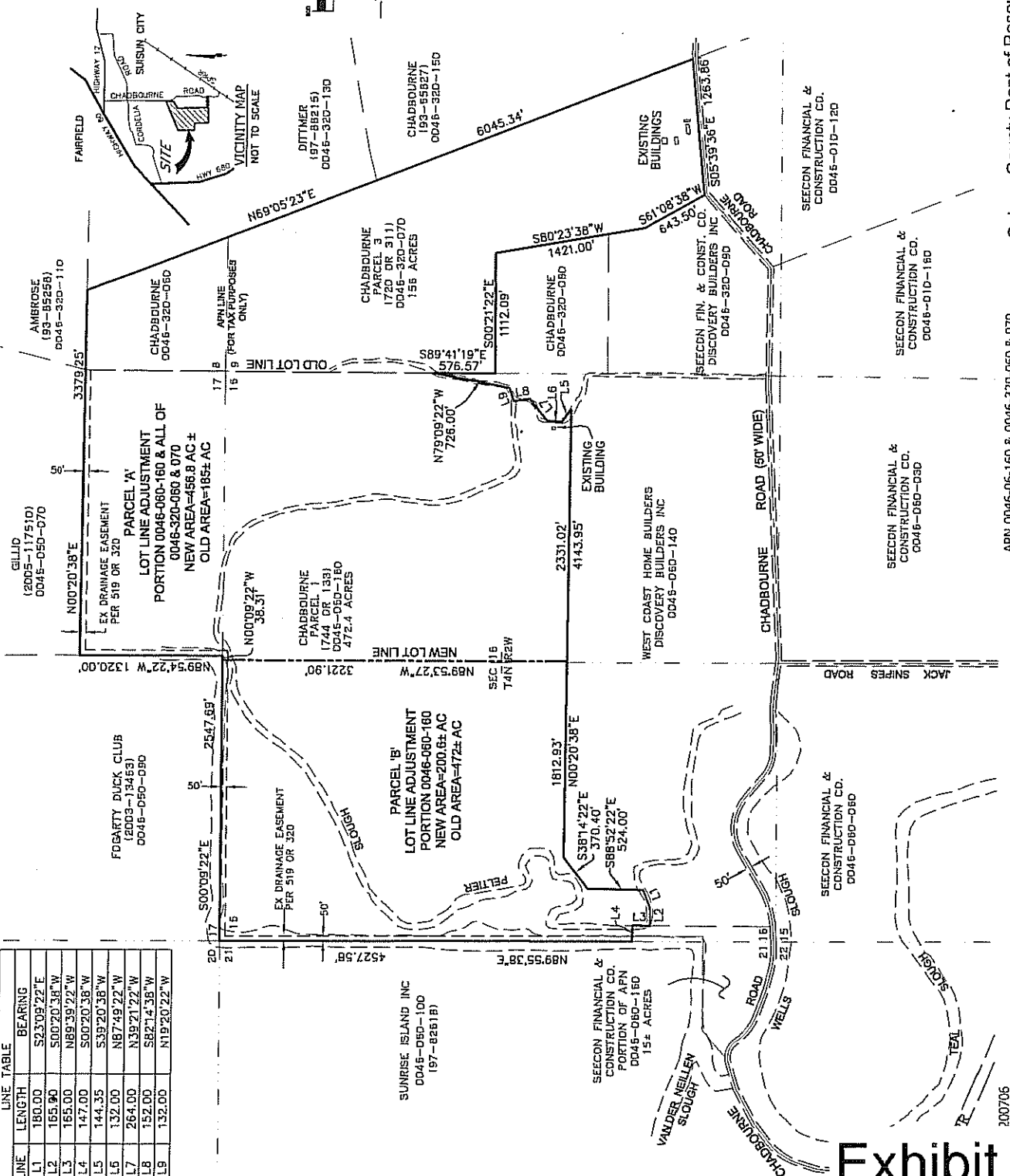
NOTES:

THE EXACT LOCATION OF THE FOLLOWING EASEMENTS ARE NOT LOCATEABLE:

- 1) AN EASEMENT IN FAVOR OF PGE RECORDED DECEMBER 23, 1912 BOOK 200 DEEDS 477
- 2) AN EASEMENT IN FAVOR OF PGE RECORDED JANUARY 11, 1913 BOOK 201 DEEDS 284

LEGEND

- BOUNDARY LINES
- NEW LOT LINE
- EXISTING RIGHT-OF-WAY LINE
- EXISTING PARCEL LINE
- CENTELINE
- SECTION LINE
- APPROXIMATE LOCATION OF EXISTING SLOUGH



LINE	LENGTH	BEARING
L1	180.00	S23°09'22"E
L2	165.90	S00°20'38"W
L3	165.00	N89°39'22"W
L4	147.00	S00°20'38"W
L5	144.35	S39°20'38"W
L6	132.00	N87°49'22"W
L7	264.00	N39°21'22"W
L8	152.00	S82°14'38"W
L9	132.00	N19°20'22"W

Solano County Dept of Resource Mgmt
 Planning Division
 Application No(s): LLA-08-09/CC-08-12
 Date Received: December 1, 2008

APN 0046-06-160 & 0046-320-060 & 070

Exhibit B

200706