

Solano County

675 Texas Street Fairfield, California 94533 www.solanocounty.com

Agenda Submittal

Agenda #:	2	Status:	PC-Regula

Type: PC-Document Department: Planning Commission

File #: PC 23-020 Contact: Eric Wilberg

Agenda date: 11/16/2023 Final Action:

Title: Conduct a noticed public hearing to consider adopting a resolution to approve Lot Line

Adjustment application LLA-23-03 of Flannery Associates LLC to transfer 17.71 acres of land between two adjacent lots under their ownership located at 2154 Anderson Road, 2.5 miles southwest of the City of Rio Vista, within the Exclusive Agriculture "A-160 zoning district; Assessor's Parcel Nos. 0090-190-230, 240, 250, and 0048-130-240. Both properties are entered into an active Williamson Act contract No. 724. Lot line adjustments are ministerial projects; therefore, are not held to the provisions and requirements of the

California Environmental Quality Act (CEQA) per CEQA Section 21080(b)(1)

Governing body: Planning Commission

District:

Attachments: A - Draft Resolution, B - APN Maps, C - Lot Line Adjustment Maps,

D - Lot Summary Table, E - Public Notice

Date:	Ver.	Action By	:			Action:	Result:
Published N	Notice Requ	ired?	Yes _	Х	_No		
Public Hearing Required?		Yes	Χ	No			

DEPARTMENTAL RECOMMENDATION:

The Department of Resource Management recommends that the Planning Commission:

- 1. Conduct a noticed public hearing; and
- 2. Adopt a resolution (Attachment A) to APPROVE Lot Line Adjustment Application LLA-23-03.

SUMMARY:

Flannery Associates LLC is proposing to reconfigure two existing lots totaling 348 acres of their ownership. The adjustment will balance acreage between the two lots and will eliminate Anderson Road (County Road No. 573) from physically bisecting the northern lot.

Pursuant to Government Code §51257(a) and the Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts (Uniform Rules), Planning Commission approval is required for a lot line adjustment involving parcels under a single land conservation contract and which would not alter the outer perimeter of the land subject to that contract. The entire property is under a single land conservation contract, Williamson Act contract No. 724. The proposal does not alter contract boundaries and does not require replacement contracts.

File #: PC 23-020, Version: 1

DISCUSSION:

Project Description

The subject property includes two legal lots created April 25, 1994 via minor subdivision MS-93-04. The existing northern lot is 188.12 acres and is comprised of three Assessor's Parcel Numbers (APN) 0048-130-240, 0090-190-240, and 250. The existing southern lot is 160.01 acres and is identified as APN 0090-190-230.

Flannery Associates LLC is proposing to adjust the common property line between the two lots, transferring 17.72 acres from the northern lot to the southern lot resulting in New Parcel One (170.41 acres) and New Parcel Two (177.72 acres). The lot line adjustment will balance acreage between the lots and will also eliminate Anderson Road from bisecting the northern lot.

As seen on the Tentative Lot Line Adjustment Map included in Attachment C, the proposal will result in a 170.41-acre parcel and a 177.42-acre parcel with a net transfer of 17.71 acres between the two. A summary table of the existing and proposed lot sizes is provided in Attachment D.

The subject property is predominantly utilized for dry land grazing consistent with the requirements of the Williamson Act for commercial agricultural production. In addition, the property is entered into a Wind Farm Lease and is developed with multiple commercial wind turbines of the Shiloh II wind energy facility. Residential and agricultural development on-site is clustered near the intersection of Montezuma Hills Road and Anderson Road. The existing northern parcel is developed with a primary dwelling, agricultural accessory barn, and unenclosed barn south of Anderson Road. After the adjustment, the unenclosed barn will be sited on the southern parcel (New Parcel Two).

Access

The property has developed access off Montezuma Hills Road (County Road No. 345) and Anderson Road (County Road No. 573), both public roads.

Utilities

Existing residential development on the northern parcel is supported by domestic water well and private septic system. The southern parcel is not developed with a residence; however, is located within USGS Water Bearing Zone "C" which is presumed to have an adequate water source for domestic purposes.

CONSISTENCY ANALYSIS:

General Plan and Zoning

The Solano County General Plan designates the property Agriculture. In addition, the property is situated within the Montezuma Hills Agricultural Region which is generally a mix of grazing land and cropland. Sheep are grazed on the hillsides in a crop rotation system which includes the growing of small grains such as oats and barley and a fallow period. With high wind speeds and natural gas deposits, landowners are able to supplement their incomes through productive gas wells and wind turbines. The minimum lot size within the Montezuma Hills is 160 acres. The Exclusive Agriculture "A-160" zoning of the property also carries a minimum lot size of 160 acres. As identified on the General Plan/Zoning Consistency table (Table LU-7, General Plan), the A-160 zoning district is consistent with the Agricultural General Plan designation.

The proposed lot sizes along with the ongoing agricultural use of the property and residential and wind energy production are consistent with the applicable General Plan designation and zoning.

File #: PC 23-020, Version: 1

Subdivision Ordinance

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-160 district. The proposal involves the reconfiguration of two existing lots and no new lots would be created.

In order to finalize the lot line adjustment, Flannery Associates LLC will be required to secure a signed Tax Certificate letter from the Solano County Tax Collector. Details regarding the Tax Certificate process are described in Condition of Approval No. 2 in the resolution. This step also enables the Certificate of Compliance process which ultimately memorializes an approved lot line adjustment.

Land Conservation Contract

The Williamson Act is a State program that provides a preferential tax advantage to a property owner in exchange for a commitment by the owner to maintain the property in commercial agricultural use. The County has established its Uniform Rules to provide local procedures for how the program is to be implemented. The Uniform Rules stipulate the procedure for processing lot line adjustments for contracted land, outline specific findings that must be made, and establishes minimum parcel size.

For parcels to be eligible to enter a land conservation contract, amend an existing contract, and to maintain eligibility while under contract, the Uniform Rules must be met. These requirements include:

- The property must be in commercial agricultural use at the time of application and this must be maintained during the life of the contract. Specific to this project, both parcels are engaged in commercial grazing.
- All land uses on the property must be compatible with the Williamson Act. The agricultural grazing use, residence, and commercial wind energy production on the property is compatible with the Williamson Act.; and
- The property must be located within an appropriate General Plan Designation and Zoning District. Both parcels specific to this project are located within an Agricultural General Plan Designation and Exclusive Agriculture "A-160" zoning district and are therefore eligible to remain under contract.

The proposed lot line adjustment is consistent with the California Land Conservation Act (Williamson Act) as well as the County's Uniform Rules.

Environmental Review (CEQA)

Approval of 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).

PUBLIC NOTICE:

In accordance with the Solano County Subdivision Ordinance, a notice of a public hearing (Attachment E) was published at least 10 days before the scheduled hearing in the Fairfield Daily Republic. In addition, all owners of real property, as shown on the latest equalized assessment roll, within 300 feet of the property and all persons requesting notice of the public hearing were mailed notices of the hearing.

File #: PC 23-020, Version: 1

ALTERNATIVES:

The Planning Commission could also choose to:

- 1. Continue this item to another hearing date for further consideration. This is at the Planning Commission's discretion and may be necessary if additional specific information is required that cannot be obtained during this public hearing; or
- 2. Deny the request to approve Lot Line Adjustment LLA-23-03. This action is not recommended because zoning, use, and size of both parcels are consistent with the General Plan, Zoning Ordinance, Subdivision Ordinance, Williamson Act and the County's Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts.

SOLANO COUNTY PLANNING COMMISSION RESOLUTION NO. XXX

WHEREAS, the Solano County Planning Commission has considered Lot Line Adjustment Application No. LLA-23-03 by **Flannery Associates LLC** to transfer 17.71 acres of land between two adjacent lots under their ownership located at 2154 Anderson Road, 2.5 miles southwest of the City of Rio Vista, within the Exclusive Agriculture "A-160" zoning district; APN's 0090-190-230, 240, 250, and 0048-130-240; and

WHEREAS, the 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 16, 2023; and

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

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 made nonconforming in terms of Exclusive Agriculture "A-160" zoning district development standards or minimum parcel size.

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

The lot line adjustment reconfigures two (2) 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. The Tax Certificate shall be recorded as part of the Certificate of Compliance.

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 a 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.

New Parcel One (170.41 acres) and New Parcel Two (177.72 acres) exceed the minimum parcel size of 40 acres required for Non-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 grazing 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 two (2) existing lots, and the lot line adjustment will not create any new parcels. The property and existing land use are 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)].

BE IT, THEREFORE, RESOLVED, that the Planning Commission of the County of Solano does hereby approve Lot Line Adjustment Application No. LLA-23-03 is subject to the following 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-23-03, dated July 22, 2023 prepared by Barber Surveying, Inc. LS 9097, 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.

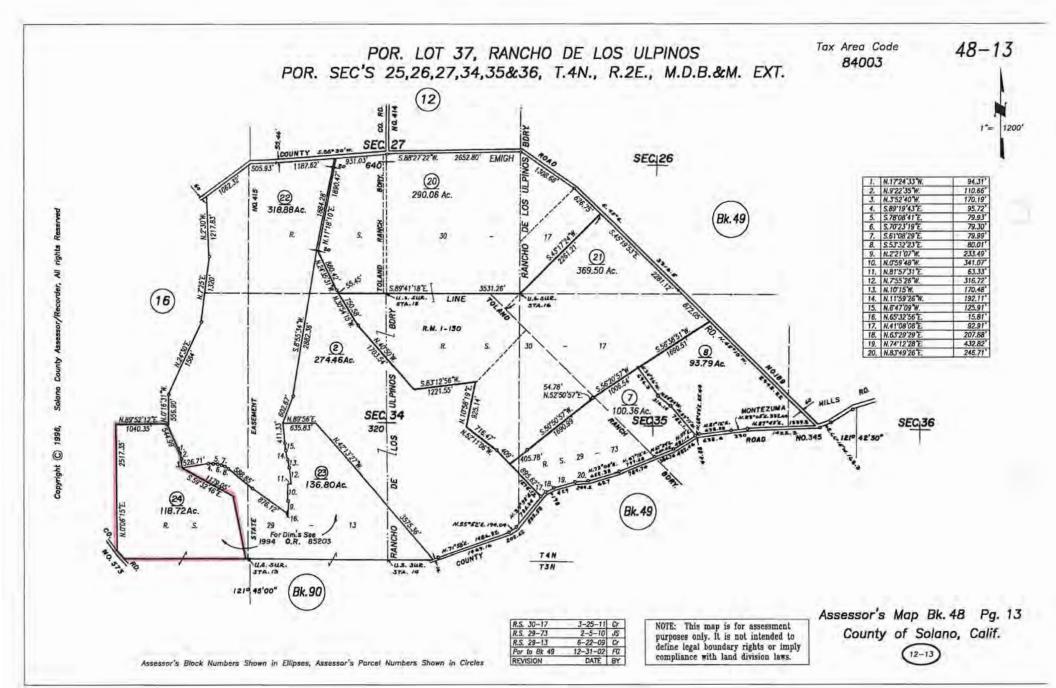
In order to obtain a Certificate of Compliance package that is ready for recordation, the permittee shall submit the following documents to their Title Company to complete the Certificate of Compliance package:

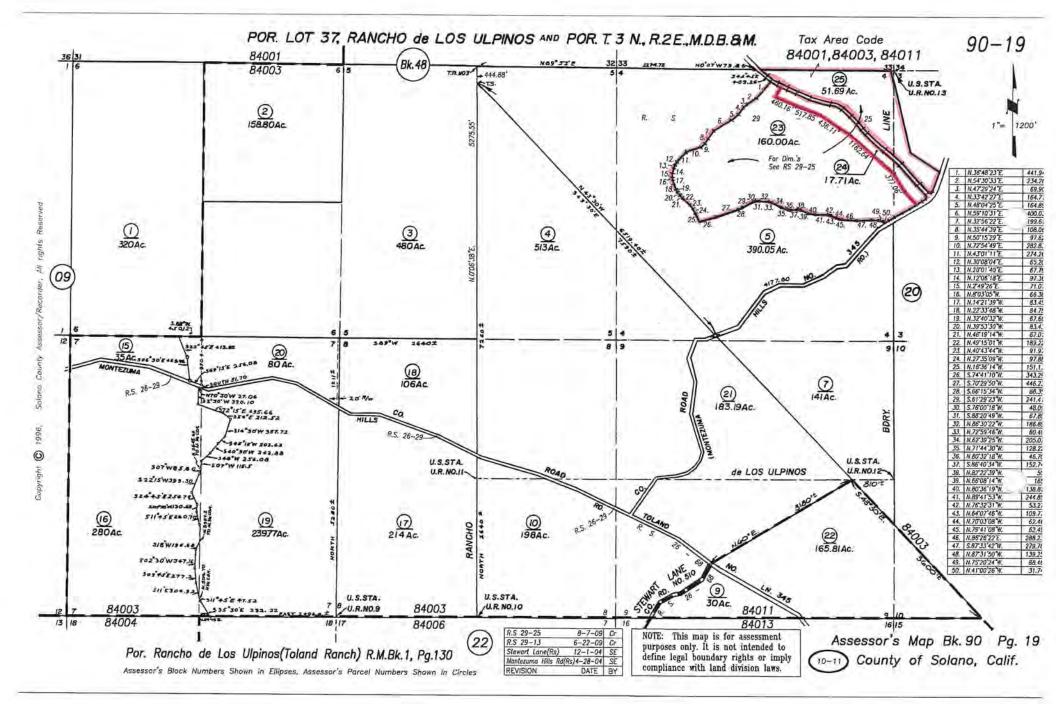
- a) Grant Deed(s) that convey the adjustment area(s) between the parcel owners.
- b) Any conveyance documents that may be required for the relocation and/or extensions of existing utilities and easements.
- c) A statement, certificate, or security indicating there are no liens against the properties 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.

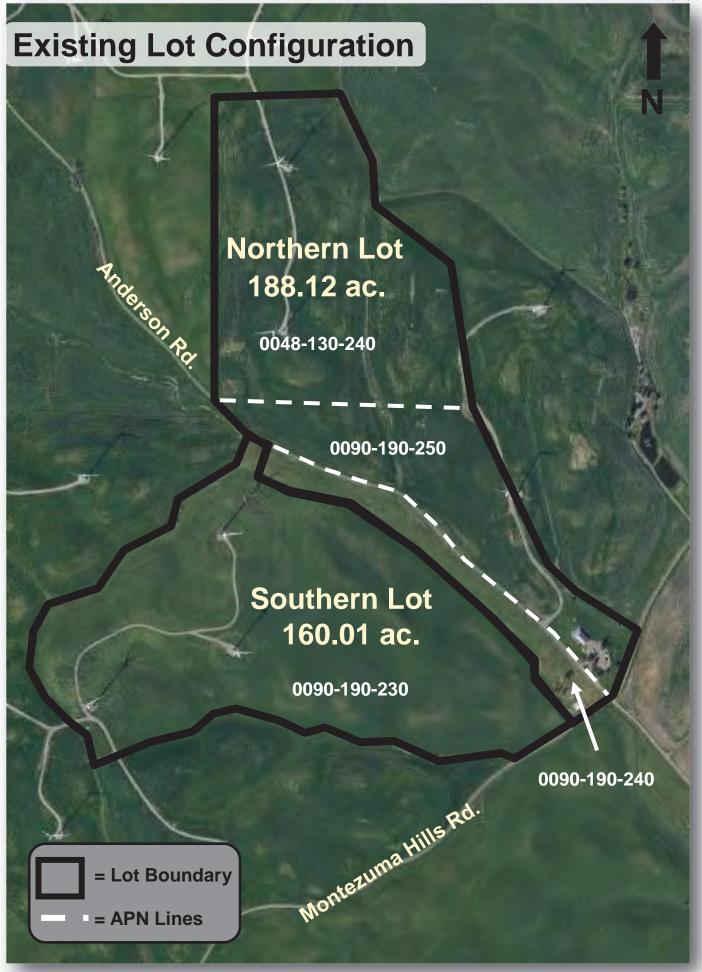
Prior to recording a Certificate of Compliance, the Deeds of Trusts on the properties shall be revised and recorded to reflect the parcel configurations approved by the lot line adjustment.

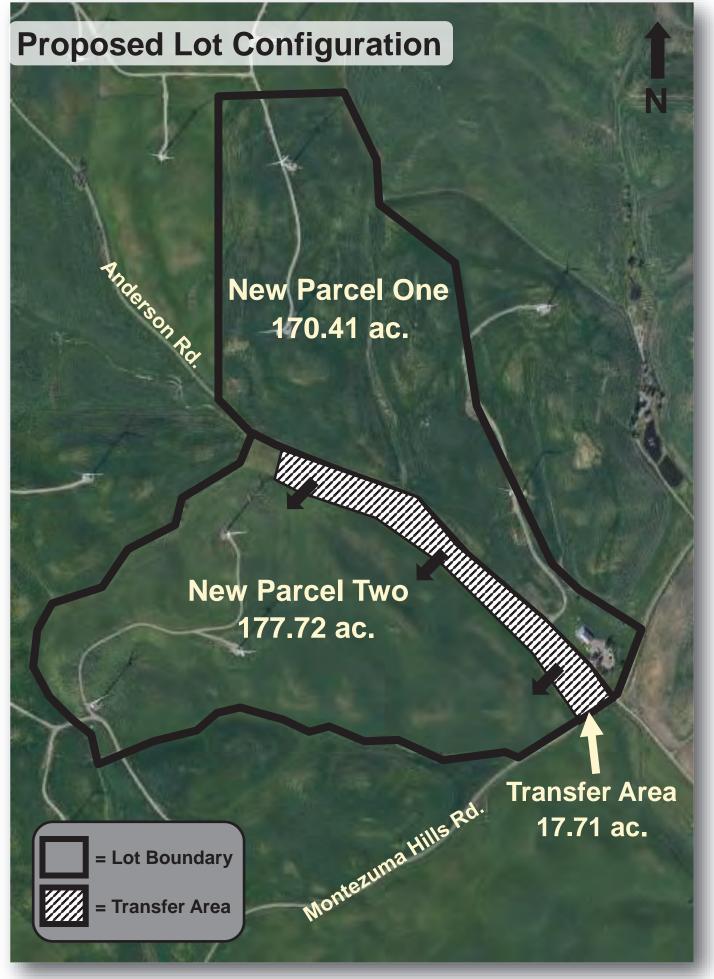
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			ution was adopted at the regular meeting of the Solano nber 16, 2023 by the following vote:
	AYES:	Commissioners	
		_	
	NOES:	Commissioners	
	ABSTAIN:	Commissioners	
	ABSENT:	Commissioners	
			By: Kay Fulfs Cayler, Chairperson Solano County Planning Commission
Atte	st:		
Ву:			_
	Terry Schm	idtbauer, Secretary	

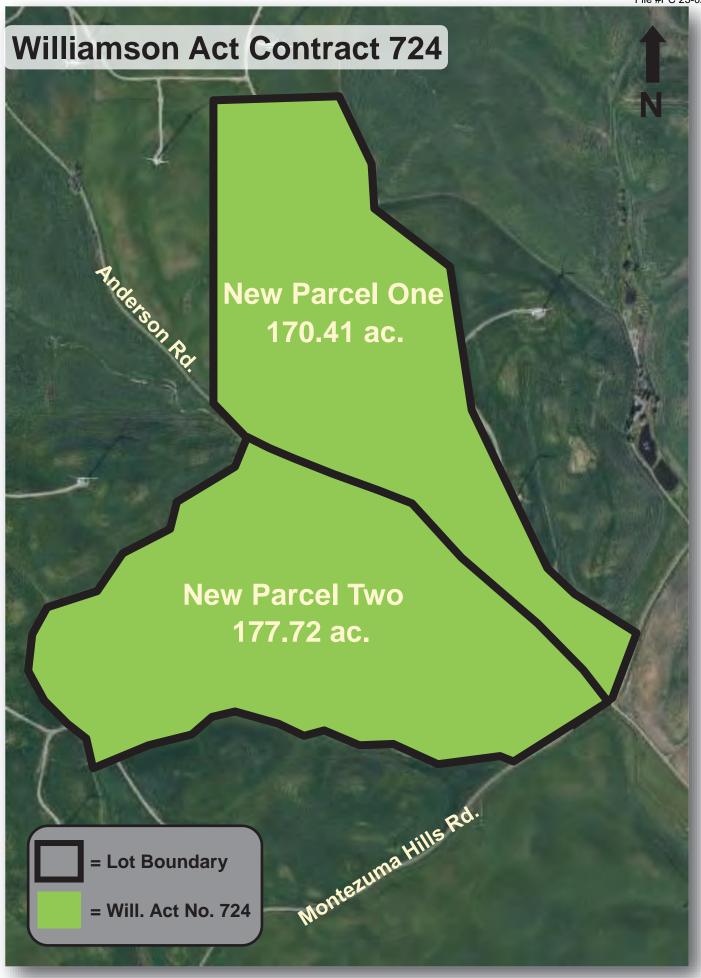


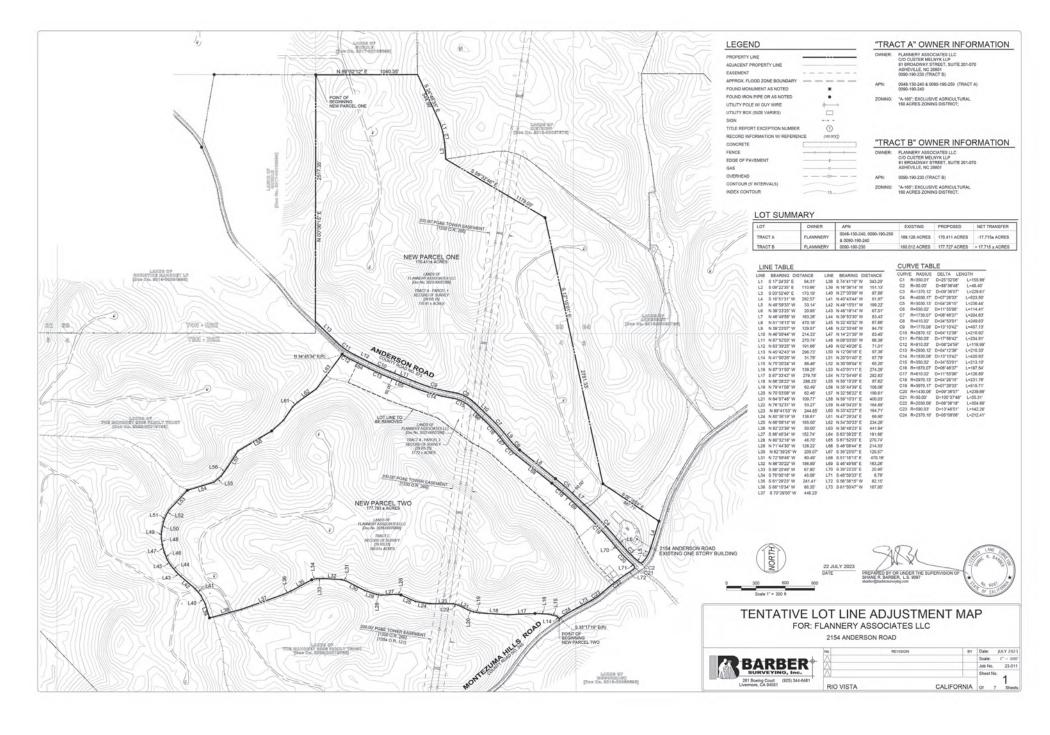












LOT SUMMARY

LOT	OWNER	APN	EXISTING	PROPOSED	NET TRANSFER
TRACT A	FLANNNERY	0048-130-240, 0090-190-250 & 0090-190-240	188,126 ACRES	170.411 ACRES	-17.715± ACRES
TRACT B	FLANNNERY	0090-190-230	160.012 ACRES	177.727 ACRES	+ 17.715 ± ACRES



Planning Services Division

NOTICE OF PUBLIC HEARING

(Planning Commission)

NOTICE IS HEREBY GIVEN that the Solano County Planning Commission will hold a PUBLIC HEARING to consider Lot Line Adjustment application No. LLA-23-03 by Flannery Associates LLC to transfer 17.71 acres of land between adjacent lots under their ownership, within the Exclusive Agriculture A-160 zoning district. Both properties are entered into an active Land Conservation Contract (Williamson Act Contract No. 724). Lot line adjustments are ministerial projects; therefore, are not held to the provisions and requirements of the California Environmental Quality Act (CEQA) per CEQA Section 21080 (b)(1). The property is located at 2154 Anderson Road, 2.5 miles southwest of the City of Rio Vista. APN's: 0090-190-230, 240, 250, and 0048-130-240 (Project Planner: Eric Wilberg, 707-784-6765)

The hearing will be held on **Thursday, November 16, 2023 at 7:00 p.m.** in the Board of Supervisors Chambers, County Administration Center, 1st Floor, 675 Texas Street, Fairfield, California.

The County of Solano does not discriminate against persons with disabilities. If you wish to participate in this meeting and you will require assistance in order to do so, please contact the Department of Resource Management at 707-784-6765 at least 24 hours in advance of the event to make reasonable arrangements to ensure accessibility to this meeting.

PUBLIC COMMENTS:

<u>In-Person</u>: You may attend the public hearing at the time and location listed above and provide comments during the public speaking period. <u>Phone</u>: You may provide comments verbally from your phone by dialing **1-415-655-0001** and entering **Access Code 2632 666 6680**. Once entered in the meeting, you will be able to hear the meeting and will be called upon to speak during the public speaking period. <u>Email/Mail</u>: Written comments can be emailed to <u>PlanningCommission@SolanoCounty.com</u> or mailed to Resource Management, Planning Commission, 675 Texas Street, Suite 5500, Fairfield, CA 94533 and must be received by 10:00 a.m. the day of the meeting. Copies of written comments received will be provided to the Planning Commission and will become a part of the official record but will not be read aloud at the meeting.

Staff reports and associated materials will be available to the public approximately one week prior to the meeting at www.solanocounty.com under Departments; Resource Management; Boards, Commissions & Special Districts; Solano County Planning Commission.

If you challenge the proposed consideration in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.