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Planning Services Division

**Agenda Item No. 1**

**TO:** Solano County Planning Commission

**FROM:** Nedzlene Ferrario, Senior Planner

**SUBJECT:** Appeal of Zoning Administrator Approval of Minor Subdivision  
Application No. MS-14-03 (West)

**DATE:** July 2, 2015

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- I. **BACKGROUND:** The subject property, identified as Lot 4, was part of a subdivision approved in 2002 by the Board of Supervisors subdividing 148 acres in to two 5-acre parcels zoned RR-5, and five 21.5+ acre parcels zoned A-20 (S-01-02). Donald Pippo was the subdivider and Brian West was the engineer for the subdivision. The final map was recorded in April 2003 in substantial compliance with the approved tentative map. The approved tentative map and final map is included as Exhibit C. In 2006, a lot line adjustment reconfigured the north easterly boundaries of Lot 3 and 4 (LLA-06-08 & CC-06-15); and subsequently Donald Pippo along with adjacent property owners petitioned to rezone the subject property and the property to the northeast, to RR-2.5. The Board of Supervisors granted approval on March 13, 2007 (Z-06-02).
- II. **CURRENT REQUEST:** On October 16, 2014, Brian and Eileen West, current owners on title and applicant, filed a Minor Subdivision application to subdivide the 21.66 acre property in to 4 parcels comprised of three 2.5 acre parcels and one 14.16 acre parcel, a total of four lots. A Draft Mitigated Negative Declaration was released for public comment and noticed for public hearing for May 7, 2015. The item was continued by the applicant, and on May 21, 2015, the Zoning Administrator approved the Minor Subdivision subject to conditions of approval.
- III. **APPEAL DISCUSSION:** Michael and Eileen Smith appealed the Zoning Administrator's approval of the Minor Subdivision application. The appellants claim that Donald Pippo, adjacent property owner and previous subdivider of the current property, is a co - subdivider for this project; therefore, a Major Subdivision should have been filed and acted upon by the Planning Commission and Board of Supervisors. To support their claim, the Smiths submitted grant deed and deed of trust for the property which demonstrates that the property was conveyed to the Wests by Donald Pippo who also holds the debt on the property. The appellants also claim that because the 14 acre parcel may be resubdivided in the future, and is publicly marketed as "Phase 2" of the development, a Major Subdivision application should have been filed in order to completely evaluate the circulation impacts. Finally, the appellants claim that the impacts of the special events such as weddings and gatherings occurring on Donald Pippo's adjacent property should be evaluated as well.

According to the Subdivision Ordinance, subdivisions consisting of four or fewer parcels may be processed as a Minor Subdivision and approved by the Zoning Administrator. Subdivisions consisting of five or more parcels shall file a Major Subdivision and the approving authority is the Board of Supervisors upon a recommendation by the Planning Commission. Both processes are noticed public hearings and subject to CEQA. The type of application is determined by the number of parcels created by the subdivider. If the subdivider has not previously subdivided any adjacent properties, then the number of parcels created by the subdivider is simply the number of parcels shown on the proposed map. However, if one or more subdividers on the current application have previously subdivided adjacent property, then the number of parcels created through those prior subdivisions are counted for purposes of determining whether the current subdivision must be processed as a Minor or Major Subdivision. The intent is to prevent a subdivider from avoiding requirements applicable to Major Subdivisions by engaging in a series of Minor Subdivisions.

The decision before the Planning Commission is to determine whether or not, Donald Pippo is a co-subdivider on the current subdivision application. If the Planning Commission decides that Donald Pippo is a co-subdivider on this application, then adjacent properties previously subdivided by Donald Pippo should be included in the subdivision lot counts and a Major Subdivision is the appropriate application procedure. Exhibit C identifies adjacent properties previously subdivided, or owned, by Donald Pippo. The applicant must refile the application, pay additional fees, recirculate the environmental document and the project shall be noticed for action by the Planning Commission and Board of Supervisors. Alternatively, if the Planning Commission determines that a Minor Subdivision is appropriate then the Zoning Administrator's decision is upheld.

If the current application must be processed as a Major Subdivision due to Donald Pippo being a co-subdivider, then the applicant may decide to propose subdivision of the 14 acre parcel as part of a revised application.

With regard to the impacts of the on-going special events, such activities would require a use permit application and effects should be evaluated within the context of a use permit application instead of a subdivision.

**ATTACHMENTS:**

Exhibit A - Appeal Package

Exhibit B - County Counsel Memo

Exhibit C - 2002 Tentative Map and Recorded Final Map

Exhibit D - May 7 and May 21, 2015 Zoning Administrator Minutes

Exhibit E - ZA Staff Report, Environmental Document and Resolution