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**DEPARTMENT OF RESOURCE MANAGEMENT**



**SOLANO  
 COUNTY**

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Planning Services Division

**SOLANO COUNTY ZONING ADMINISTRATOR**

**Staff Report  
 LLA-17-04/CC-17-10**

<b>Application No.</b> LLA-17-04 (Nicholson/Bayley) <b>Project Planner:</b> Travis Kroger, Planning Technician		<b>Meeting of February 15, 2018 Agenda Item No. 1</b>	
<b>Applicants (Property Owners)</b> Mark & Tina Nicholson 2010A Harbison Drive #197 Vacaville, CA 95687		William C. Bayley P.O. Box 255528 Sacramento, CA 95865	
<b>Action Requested</b> Zoning Administrator consideration and approval of Lot Line Adjustment LLA-17-04 to reconfigure common property lines between two adjacent parcels.			
<b>Property Information</b>			
Size: 62.4acres		Location: 2825 Gates Canyon Road	
APNs: 0121-060-050 and 0121-060-060			
Zoning: Watershed "W-160"		Land Use: Residential, vineyard, vacant land	
General Plan: Watershed		Ag. Contract: Not under contract	
Utilities: Well and private septic		Access: Gates Canyon Road	
<b>Adjacent General Plan Designation, Zoning District, and Existing Land Use</b>			
	<b>General Plan</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	Watershed	Watershed "W-160"	Vacant land
<b>South</b>	Watershed	Watershed "W-160"	Vacant land
<b>East</b>	Watershed	Watershed "W-160"	Vacant land
<b>West</b>	N/A	Napa County	Grazing
<b>Environmental Analysis</b> 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).			
<b>Motion to Approve</b> The Zoning Administrator does hereby ADOPT the attached resolution and APPROVE Lot Line Adjustment No. LLA-17-04 based on the enumerated findings and subject to the recommended conditions of approval.			

## SUMMARY

The property owners, Mark and Tina Nicholson and William C. Bayley, are proposing to reallocate parcel acreage across two adjacent lots. The lot line adjustment will result in lots of 29.4 and 33.0 acres. The parcels are not subject to a Land Conservation Contract, thus action may be taken by the Zoning Administrator.

## SETTING

The subject site is situated north-east of the intersection of Gates Canyon Road and Blue Ridge Road, adjacent to the boundary between Solano County and Napa County. The 62 acre site consists of 2 legal lots which are comprised of 2 Assessor's Parcels. The entire site is relatively hilly with 40 acres of the site exhibiting slopes of between 6 and 24 percent. The area to be transferred from parcel 0121-060-060 to parcel 0121-060-050 is developed with a partially completed residence, driveway and a vineyard, and the rest of the two parcels is currently undeveloped. The site is bounded to the north, south and east by undeveloped watershed land, and to the west by Blue Ridge Road, wireless communication facilities, and the Napa County line.

The proposed new configuration of parcel 0121-060-050 will include the existing primary dwelling, driveway and vineyard that are currently located on 0121-060-060. The remaining area of both parcels is currently undeveloped with no applications for additional development on file.

## PROJECT DESCRIPTION

The proposed lot line adjustment would reconfigure interior parcel lines between two adjacent lots to transfer the residence mistakenly constructed on parcel 0121-060-060 to parcel 0121-060-050. The applicant has submitted Certificate of Compliance records and Grant Deed information providing confirmation of two legal lots. These lots would be reconfigured as follows:

Existing Parcel	Existing Acreage	Proposed Parcel	Proposed Acreage	Net Change (acres)
0121-060-060 Bayley	29.4	A	29.4	0
0121-060-050 Nicholson	33.0	B	33.0	0

## ANALYSIS

### *Land Use Consistency*

Figure LU-1 of the Solano County General Plan designates the project site as a Watershed Area. As seen on the General Plan/Zoning Consistency table (Table LU-7, General Plan), the Zoning District is consistent with the General Plan designation. Both lots do not meet the current minimum size for the W-160 zoning district, but an equal area is being transferred between parcels so the total acreage of each will remain the same. The existing land use and proposed parcel sizes are consistent with the General Plan designation and Zoning District regulations. Existing development on-site will continue to maintain minimum set back requirements to property lines, except for the reduced side yard setback for the existing dwelling from the southern parcel line as permitted by Waiver WA-18-01..

### *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 Watershed "W-160" Zoning District. The proposal involves the reconfiguration of two legal lots and no new lots would be created.

In order to finalize the lot line adjustment the applicant shall 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. This step also enables the Certificate of Compliance process which ultimately memorializes an approved lot line adjustment.

### **ENVIRONMENTAL REVIEW**

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).

### **RECOMMENDATION**

Staff recommends that the Zoning Administrator **ADOPT** the attached resolution with respect to the enumerated findings, and **APPROVE** Lot Line Adjustment LLA-17-01 subject to the recommended conditions of approval.

### **LOT LINE ADJUSTMENT MANDATORY FINDINGS**

- 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 with respect to minimum parcel size required under zoning.

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

The lot line adjustment will result in two legal lots, the same number of lots as existed prior to this application.

- 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. This document shall be provided by the applicant to the Planning Services Division. The Tax Certificate shall be recorded as part of the Certificate of Compliance package.

## SUGGESTED FINDINGS

4. **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).**

## CONDITIONS OF APPROVAL

1. The lot line adjustment shall be in substantial compliance with the tentative lot line adjustment map submitted with lot line adjustment application LLA-17-04, prepared by Ty Hawkins Land Surveyor 7973, revised September 27<sup>th</sup>, 2017, on file with the Planning Services Division.
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 Zoning Administrator. 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.

**Public Works Division:**

3. A Certificate of Compliance shall be recorded for the new parcels.
4. Prior to approval of the Certificate of Compliance, the applicant must submit to the Planning Division legal descriptions and plats for the final parcels to be created and legal descriptions of the portions to be transferred between the property owners. All descriptions shall be signed and sealed by a person licensed to practice surveying in the State of California.
5. Legal descriptions prepared for the lot line adjustment shall be in substantial conformance to the Tentative Lot Line Adjustment Map prepared by Ty Hawkins, dated September, 2017.

**Attachments:**

Draft Resolution

Assessor Parcel Maps

Lot Line Adjustment Map

## SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO. XX

**WHEREAS**, the Solano County Zoning Administrator has considered Lot Line Adjustment No. LLA-17-04 (CC-17-10) of **Mark and Tina Nicholson** to adjust the boundary between APN: 0121-060-050 and 0121-060-060 located at 2825 Gates Canyon Road 4 miles northwest of the City of Vacaville in a Watershed and Conservation "W-160" Zoning District. Lot line adjustments are ministerial projects, and therefore are not held to the provisions and requirements of CEQA per CEQA Section 21080 (b)(1), and;

**WHEREAS**, said Zoning Administrator 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 February 15, 2018, and;

**WHEREAS**, after due consideration, the Zoning Administrator 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 with respect to minimum parcel size required under zoning.

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

The lot line adjustment will result in two legal lots, the same number of lots as existed prior to this application.

- 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. This document shall be provided by the applicant to the Planning Services Division. The Tax Certificate shall be recorded as part of the Certificate of Compliance package.

4. **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 Zoning Administrator has approved Lot Line Adjustment Application No. LLA-17-04 subject to the following recommended conditions of approval:

1. The lot line adjustment shall be in substantial compliance with the tentative lot line adjustment map submitted with lot line adjustment application LLA-17-04, prepared by Ty Hawkins Land Surveyor 7973, revised September 27<sup>th</sup>, 2017, on file with the Planning Services Division.
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 Zoning Administrator. 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:

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company with instruction for recordation with the Solano County Recorder, thus completing the Lot Line Adjustment approval process.

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5. Legal descriptions prepared for the lot line adjustment shall be in substantial conformance to the Tentative Lot Line Adjustment Map prepared by Ty Hawkins, dated September, 2017.

\*\*\*\*\*

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on February 15, 2018.

BILL EMLLEN, DIRECTOR  
RESOURCE MANAGEMENT

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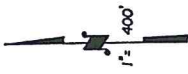
Michael Yankovich  
Planning Program Manager



S. 1/2 SEC. 4, T.6N., R.2W., M.D.B. & M.

Tax Area Code  
91043

121-06



02

SEC. 4

1  
117.00Ac.

2  
40.00Ac.

05

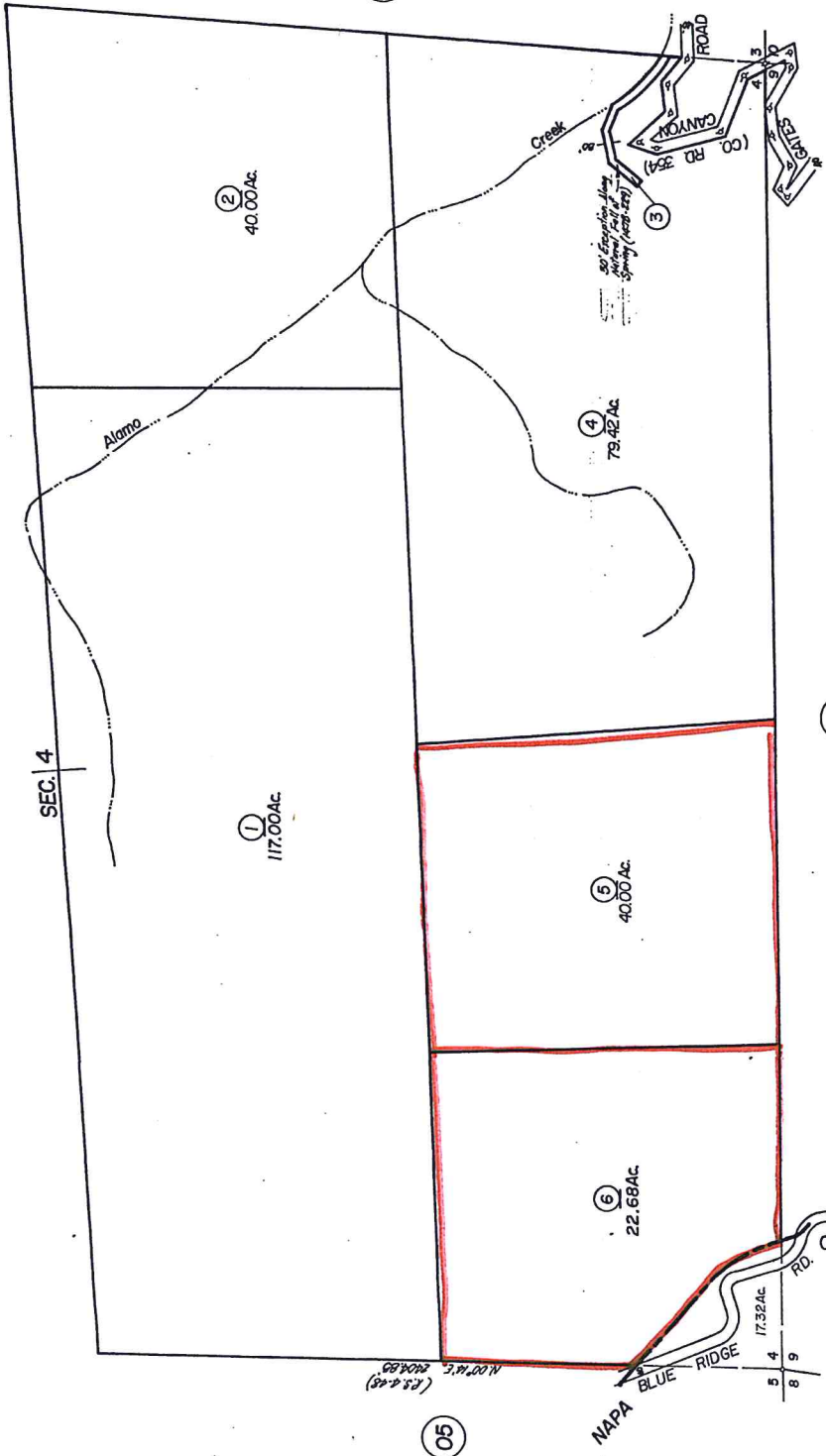
6  
22.68Ac.

5  
40.00Ac.

4  
79.42Ac.

07

09



NO.	DATE	BY
1	1/17/06	DT
2	12/27/07	DT
3	5/12/07	DT

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

Assessor's Map Bk 121 Pg.06  
County of Salano, Calif.

5/2/07

11A-17-04

# Preliminary Lot Line Adjustment

OF THE LANDS OF  
**Nicholson & Bayley**  
 APNs 0121-060-060, & 0121-060-060  
 SOLANO COUNTY CALIFORNIA  
 September 2017

By: Hawkins LS 7973  
 5858 Oak Canyon Ln.  
 Vacaville Ca. 94989  
 (707) 974-6990



- LEGEND**
- Boundary Line To Remain
  - - - Proposed Boundary Line
  - · - · - Boundary Line to Be Removed
  - - - Adjoiner Line
  - - - Easement Line
  - ⊙ Existing Well



**OWNERS:**  
 Mark & Tina Nicholson  
 2010A Harbor Drive #197  
 Vacaville CA 95687  
 William C. Bayley  
 P.O. Box 25399  
 Sacramento CA 95865

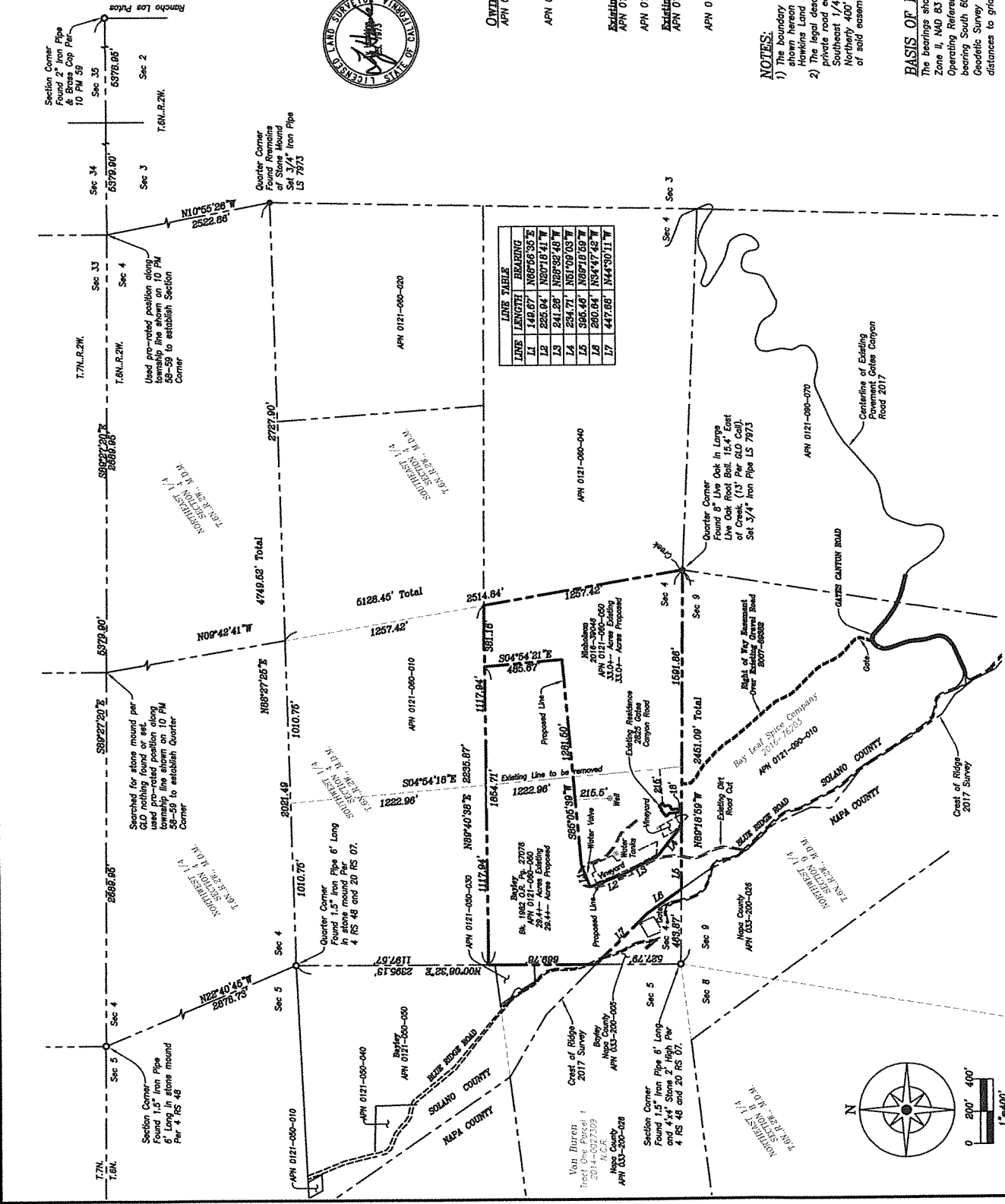
**Existing Uses:**  
 APN 0121-060-060 Residence under Construction, Watershed  
 APN 0121-060-060 Vacant Watershed  
**Existing Utilities:**  
 APN 0121-060-060 Water - Private Well  
 Sewer - None  
 APN 0121-060-060 None

**NOTES:**

- 1) The boundary resolution for the Southwest 1/4 of Section 4, T6N, R2W, M.D.M. shown herein is the result of boundary survey work for Mark & Tina Nicholson by Hawkins Land Surveying in 2017.
- 2) The legal description of the parcel shown herein is taken from the Survey Map Number 2016-39046 describes a 20' wide easement for the purpose of water, sewer, gas, and utilities appurtenant to the Southwest 1/4 of the Southwest 1/4 of Section 4, T6N, R2W, lying within the Northernly 400' of the Northwest 1/4 of Section 9, T6N, R2W, M.D.M. Exact location of said easement not disclosed of record.

**BASIS OF BEARINGS**

The bearings shown herein are based upon the California Coordinate System, Zone II, MAD 83 (2011) as determined locally by a line between Continuous Operating Reference Stations (CORS) Santa Rosa CA CORS and Fallman CORS bearing South 60°27'12" East as derived from values published by the National Geodetic Survey (NGS). All distances are ground unless noted, to convert ground distances to grid multiply by 0.99999131.



LINE	LENGTH	BEARING
L1	148.67'	N67°56'35"E
L2	225.84'	N87°16'41"W
L3	241.28'	N89°32'48"W
L4	254.71'	N81°09'03"W
L5	285.40'	N87°16'41"W
L6	230.24'	N84°47'45"W
L7	447.88'	N44°30'11"W

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