

..title

Conduct a noticed public hearing to consider Lot Line Adjustment application LLA-21-03 of Terry & Linda Dykes and Michael & Judith Dykes to transfer 20.57 acres of land between two adjacent lots located at 4118 Lagoon Valley Road, one mile north of the City of Fairfield, within the Exclusive Agriculture "A-20" Zoning District, APN's: 0167-040-010 and 020. Both properties are entered into an active Williamson Act Contract (No. 841).

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Published Notice Required? Yes  X  No  \_\_\_   
Public Hearing Required? Yes  X  No  \_\_\_

**DEPARTMENT RECOMMENDATION:**

The Department of Resource Management recommends that the Planning Commission:

1. Conduct a noticed public hearing; and
2. Adopt a resolution to approve Lot Line Adjustment application LLA-21-03 (Attachment A).

**SUMMARY:**

Both parcels are entered into an active Land Conservation Contract, Williamson Act Contract No. 841, therefore requiring approval by the Planning Commission pursuant to the Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts.

The applicants are proposing to adjust a common property line between two adjacent lots which would result in the transfer of 20.57 acres from the northern parcel (APN 0167-040-020) to the southern parcel (APN 0167-040-010). The intent of the adjustment is to equalize acreage for estate planning purposes. Both reconfigured lots meet the 20-acre minimum parcel size required by zoning and the 40-acre minimum size for non-prime parcels under land conservation contract.

**DISCUSSION:**

*Setting*

The subject properties are situated within Lagoon Valley, between the cities of Fairfield and Vacaville, south of Interstate 80. Both parcels are relatively flat at their frontage along Lagoon Valley Road. Moving east away from the road, both lots become hilly rising in elevation to approximately 840 feet above sea level. Both lots are utilized for dry land grazing. The northern parcel is developed with an existing residence, 4114 Lagoon Valley Road, and multiple accessory structures. The southern parcel is developed with two residences, 4118 & 4120 Lagoon Valley Road, along with multiple accessory structures.

As shown on the lot line adjustment map (Attachment C), the reconfiguration will result in the following change in lot sizes:

Terry & Linda Dykes (0167-040-010) Existing 60.45 ac / Proposed 81.02 ac / +20.57 ac  
Michael & Judith Dykes (0167-040-020) Existing 60.63 ac / Proposed 40.06 ac / -20.57 ac

### *Access*

The project proposes no changes to existing vehicle access to either parcel. Both properties have access via private access easement which connects to Lagoon Valley Road to the west.

### *Utilities*

Both parcels are developed with domestic water well and private septic system.

### *General Plan and Zoning*

Figure LU-1 of the Solano County General Plan designates the project site Agriculture. In addition, the parcels are located within the Exclusive Agriculture "A-20" Zoning District. As seen on the General Plan/Zoning Consistency table (Table LU-7, General Plan) the A-20 district is consistent with the Agricultural General Plan designation.

The existing residential development and agricultural uses of the property, along with proposed parcel sizes (exceeding 20 acres) are consistent with the General Plan and A-SV-20 Zoning District regulations.

### *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-20 Zoning District. The proposal involves the reconfiguration of two legal lots and no new lots would be created. The two lots were created via Minor Subdivision MS-79-40 and memorialized via Certificate of Compliance recorded December 17, 1979.

In order to finalize the lot line adjustment, the applicants 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 requires the Certificate of Compliance process which ultimately memorializes an approved lot line adjustment.

### *Land Conservation Contract*

The Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts stipulates the procedure for processing lot line adjustments for contracted land, outlines specific findings, and establishes minimum parcel sizes.

The Planning Commission is the hearing authority for this application because the lot line adjustment involves parcels under a single land conservation contract. Replacement contracts are not required.

For the parcels to be eligible to enter a land conservation contract, amend an existing contract, and to maintain eligibility while under contract, the County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts requirements must be met. These requirements include:

- The property must be in commercial agricultural use at the time of application and must be maintained during the life of the contract
- All land uses on the property must be compatible with the Williamson Act

- The property must be located within an appropriate General Plan Designation and Zoning District

As described in further detail below, each parcel is engaged in agricultural production. In addition to the agricultural uses, existing residential development is compatible with the Williamson Act. Both parcels are located within an Agricultural General Plan Designation and Exclusive Agriculture "A20" Zoning District and are therefore eligible for Contract consideration. Therefore, both parcels comply with County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts.

#### *Development Review Committee*

The application was reviewed at the Department's Development Review Committee "DRC". Recommended conditions of approval from each division of the Department have been incorporated into the resolution as necessary.

#### *Environmental Review (CEQA)*

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 Planning Commission Adopt a resolution to Approve Lot Line Adjustment LLA-21-03 subject to the recommended conditions of approval.

#### **ALTERNATIVES:**

At the conclusion of the public hearing on this matter, the Planning Commission may alternatively choose to:

1. Continue the public hearing to allow for collection of additional information required to render a decision. If continued, the Commission would establish the date to continue the hearing; or
2. Deny the lot line adjustment. This action is not recommended because the existing agricultural use of the land and proposed parcel sizes 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.

#### **ATTACHMENTS:**

[A – Draft Resolution](#)

[B – Assessor Parcel Map](#)

[C – Lot Line Adjustment Map](#)

[D – Public Notice](#)

## SOLANO COUNTY PLANNING COMMISSION RESOLUTION NO. XXX

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**WHEREAS**, the Solano County Planning Commission has considered Lot Line Adjustment Application No. LLA-21-03 of **Terry & Linda Dykes and Michael & Judith Dykes** to transfer 20.57 acres of land between two adjacent lots located at 4118 Lagoon Valley Road, one mile north of the City of Fairfield, within the Exclusive Agriculture "A-20" Zoning District, APN's: 0167-040-010 and 020, 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 December 1, 2022, 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-20" 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. 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.

### **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 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.**

Parcel A (81.02 acres) and Parcel B (40.06 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 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-21-03 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-21-03, dated March 1, 2022

prepared by Ty Hawkins LS 7973, 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.

- 3. 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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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on December 1, 2022 by the following vote:

AYES: Commissioners \_\_\_\_\_

NOES: Commissioners \_\_\_\_\_

ABSTAIN: Commissioners \_\_\_\_\_

ABSENT: Commissioners \_\_\_\_\_

\_\_\_\_\_  
Kelly Rhoads-Poston, Chairperson  
Solano County Planning Commission

Attest:

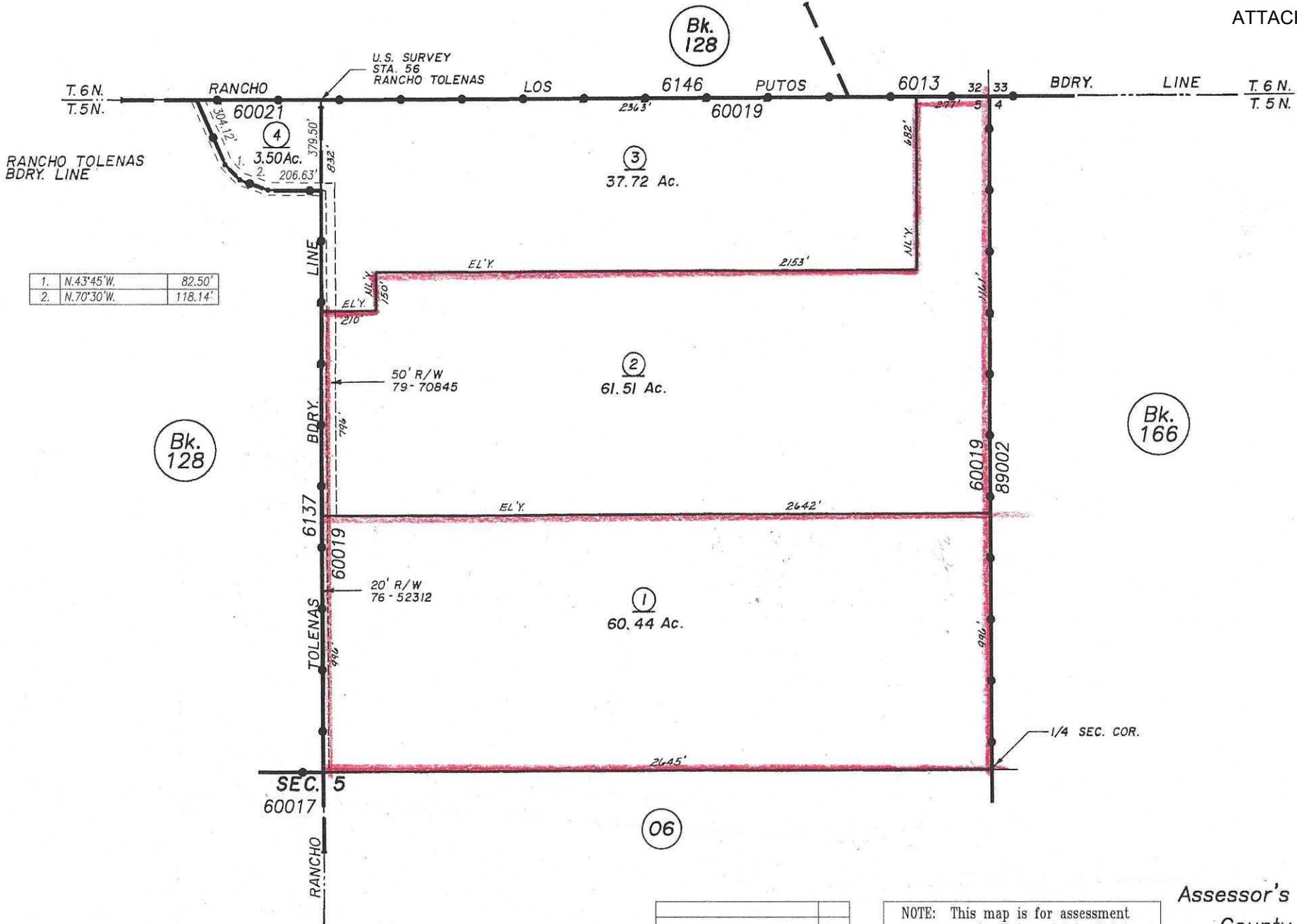
By: \_\_\_\_\_  
Terry Schmidtbauer, Secretary

DRAFT

POR. LOT 37, RANCHO TOLENAS  
 N.E. 1/4, SEC. 5, T.5N., R.1W., M.D.B. & M. EXT.

Tax Area Code  
 60019  
 60021

ATTACHMENT B

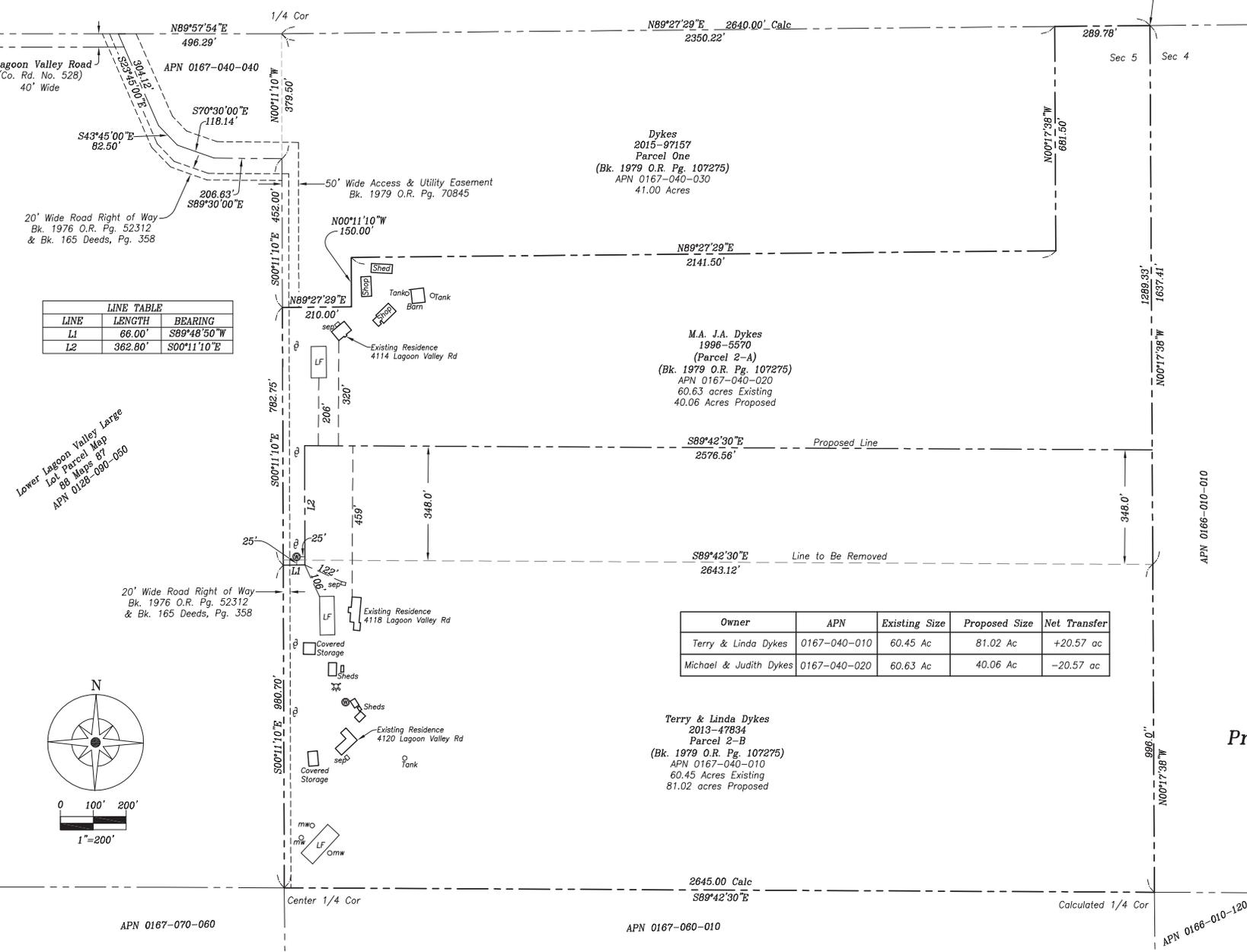


1.	N.43°45'W.	82.50'
2.	N.70°30'W.	118.14'

REVISION	DATE	BY
040-04 (Remap)	12-30-14	Cr
Adj. Bk.166(Dm)	1-3-07	Cr

NOTE: This map is for assessment purposes only. It is not intended to define legal boundary rights or imply compliance with land division laws.

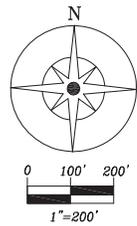
Rancho Los Pulos



LINE	LENGTH	BEARING
L1	66.00'	S89°48'50"W
L2	362.60'	S00°11'10"E

Lower Lagoon Valley Large Lot Parcel Map  
88 Maps 87  
APN 0128-000-000

20' Wide Road Right of Way  
Bk. 1976 O.R. Pg. 52312  
& Bk. 165 Deeds, Pg. 358



**LEGEND**

- Boundary Line To Remain
- - - Proposed Boundary Line
- Boundary Line to Be Removed
- - - Adjoiner Line
- - - Easement Line
- sepl Existing Septic Tank
- LF Existing Leach Field
- ⊙ Existing Well
- ⊕ Existing Fire Hydrant
- ⊖ Existing Utility Pole



**Owners:**  
 APN 0167-040-010 Terry & Linda Dykes  
 4118 Lagoon Valley Road  
 Fairfield CA 94533  
 APN 0167-040-020 Michael & Judith Dykes  
 4114 Lagoon Valley Road  
 Fairfield CA 94533

**Existing Use:**  
 APN 0167-040-010 Rural Residence, Grazing Land  
 APN 0167-040-020 Rural Residence, Grazing Land

**Existing Utilities:**  
 APN 0167-040-010 Water - Private Well  
 Sewer - Private Septic System  
 APN 0167-040-020 Water - Private Well  
 Sewer - Private Septic System

Owner	APN	Existing Size	Proposed Size	Net Transfer
Terry & Linda Dykes	0167-040-010	60.45 Ac	81.02 Ac	+20.57 ac
Michael & Judith Dykes	0167-040-020	60.63 Ac	40.06 Ac	-20.57 ac

APN 0167-070-060

APN 0167-060-010

APN 0166-010-120

APN 0166-010-010

**Preliminary Lot Line Adjustment**  
 OF THE LANDS OF  
 Dykes  
 Parcel 2-A and 2-B  
 Bk. 1979 O.R. Pg. 107275  
 APNS 0167-040-010, & 0167-040-020  
 SOLANO COUNTY CALIFORNIA  
 May 2019

Ty Hawkins LS 7973  
 3636 Oak Canyon Ln.  
 Vacaville Ca. 95688  
 (707) 974-9890

## DEPARTMENT OF RESOURCE MANAGEMENT

SOLANO  
COUNTY

Planning Services Division

**NOTICE OF PUBLIC HEARING  
(Planning Commission)**

**NOTICE IS GIVEN** that the Solano County Planning Commission will hold a **PUBLIC HEARING** to consider Lot Line Adjustment application LLA-21-03 of Terry & Linda Dykes and Michael & Judith Dykes to transfer 20 acres of land between two adjacent lots located at 4118 Lagoon Valley Road, 1 mile north of the City of Fairfield, within the Exclusive Agriculture "A-20" Zoning District, APN's: 0167-040-010 and 020. Both properties are entered into an active Williamson Act Contract (No. 841). The project is determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 21080 (b)(1). (Project Planner: Eric Wilberg, 707-784-6765).

The hearing will be held in the Board of Supervisors' Chambers, County Administration Center, 1<sup>st</sup> Floor, 675 Texas Street, Fairfield on **December 1<sup>st</sup>, 2022 at 7:00 p.m.** or as soon thereafter as the matter may be heard.

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:**

In-Person: You may attend the public hearing at the time and location listed above and provide comments during the public speaking period. Phone: You may provide comments verbally from your phone by dialing **1-415-655-0001** and entering **Access Code 2467 197 1378**. 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. Email/Mail: Written comments can be emailed to [PlanningCommission@SolanoCounty.com](mailto:PlanningCommission@SolanoCounty.com) 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](http://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.

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Daily Republic – legal ad/one-time – Wednesday, November 16  
Vacaville Reporter – legal ad/one-time – Wednesday, November 16