



Department of Resource Management
Planning Services Division

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www.solanocounty.com

STAFF REPORT

Mike Yankovich,
Program Manager

Agenda Item No. 1

TO: Solano County Planning Commission

FROM: Nedzlene Ferrario, Senior Planner

SUBJECT: 2570 Ledgewood Road
APN.: 0026-240-160
Application No. LLA-14-05, Nakamura

DATE: April 2, 2015

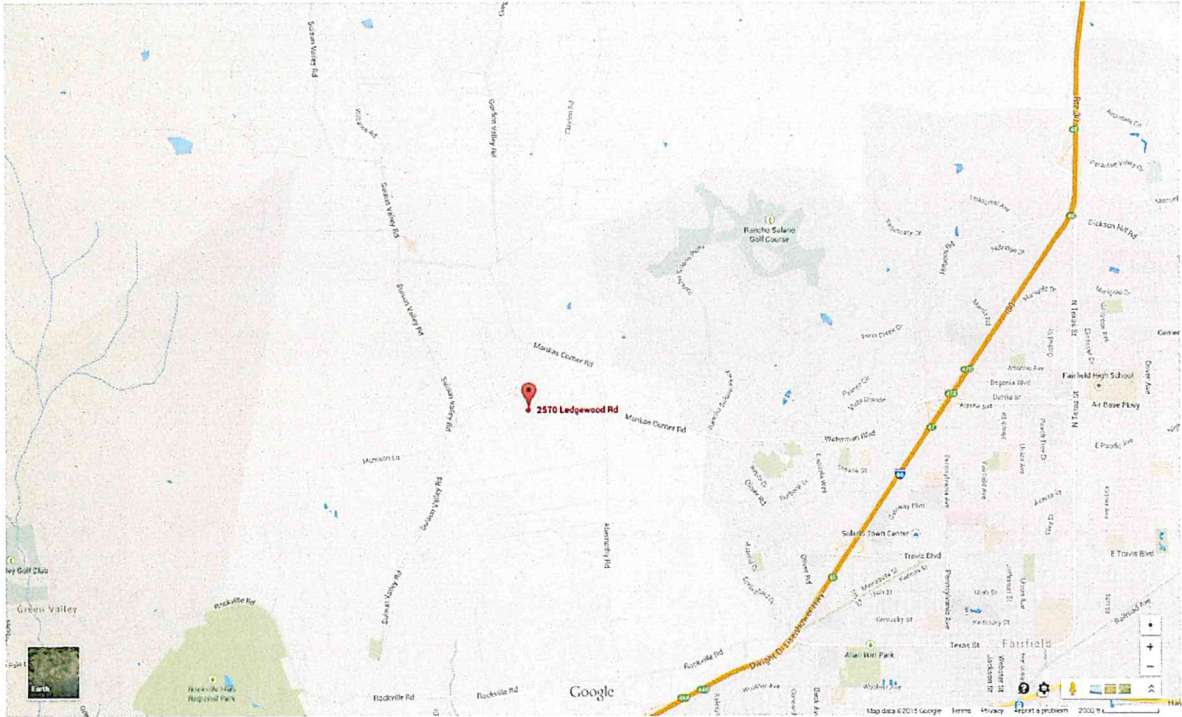
I. RECOMMENDATION:

APPROVE application LLA-14-05 subject to the findings and conditions contained in this report.

II. EXECUTIVE SUMMARY: Request approval to reconfigure the interior property line of two adjacent parcels; Parcel 1 – 23.67 acres and Parcel 2 – 21.87 acres, in the A-SV-20 acre minimum zoning district, owned by the Nakamura family. Currently, there are four residences located on one of the legal parcels, approval of the lot line adjustment will rectify a non-conforming situation. The property is under Williamson Act Contract; therefore, Planning Commission is the approving authority.

III. ENVIRONMENTAL ANALYSIS: Lot line adjustments are ministerial actions; and therefore, exempt from the provisions of CEQA per CEQA Section 21080 (b)(1).

IV. PROJECT LOCATION MAP



V. BACKGROUND:

- A. **Prior approvals:** Williamson Act Contract No. 969
- B. **Applicant/Owner:** James and Jane Nakamura
- C. **General Plan Land Use Designation/Zoning:** Agriculture/A-SV-20
- D. **Existing Use:** Rural residential
- E. **Adjacent Zoning and Uses:**
 - North:** A-SV-20Agriculture
 - South:** A-SV-20/Agriculture
 - East:** A-SV-20/Agriculture
 - West:** A-SV-20/Agriculture

VI. ANALYSIS:

A. **Project Description:**

Request for approval to reconfigure the interior property line of two parcels;

Parcel 1 – 23.67 acres and Parcel 2 – 21.87 acres, in the A-SV-20 acre minimum zoning district, owned by the Nakamura family. Approximately 21.67 acres will be transferred and the intent is to convey the property among family members.

	Existing (ac)	Proposed (ac)
Parcel 1 (APN 0026-240-160) Deed 476 OR 474	45.34	23.67
Parcel 2 (APN 0026-240-160) Deed 608 OR 3	0.2	21.87

The property is developed with 4 residences. Zoning regulations allow a primary and secondary dwelling unit per parcel. However, currently, all four residences are located on one legal parcel. Reconfiguring the interior property lines will allow a primary and secondary dwelling on a legal parcel. Approval of the project will rectify a non-conforming situation.

Access to Parcel 1 is off LedgeWood Road. Access to Parcel 2 is proposed by a 50-foot wide non-exclusive access and utility easement across Parcel 1 as recommended in the conditions of approval.

The property is currently under Williamson Act Contract No. 969. The soils are designated Prime according to the Department of Conservation Farmland Mapping Program and the parcels exceed the minimum 10 acre parcel size requirements. Approval of the lot line adjustment will not affect the boundaries of the contract.

B. General Plan, Zoning and Subdivision Ordinance Consistency:

Approval of the lot line adjustment requires compliance with the General Plan, Zoning and Subdivision Ordinance. Figure LU-1 of the Solano County General Plan designates the affected parcels as Agriculture. The subject properties are located within the Agricultural – Suisun Valley 20 acre minimum zoning district.

Section 26-43 of the County Subdivision Ordinance requires that the adjustment be consistent with applicable building ordinances, and that either (1) all of the resulting lots will conform to all applicable zoning requirements, or (2) 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.

The proposed property adjustment will allow the transfer of property and is consistent with the General Plan, Zoning and Subdivision ordinance.

C. Agricultural Preserve Guidelines Consistency:

The proposed property adjustment will reconfigure interior boundary lines and approval will not affect the contract boundaries or terms; therefore, the proposal is consistent with the guidelines.

VII. 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 in terms of minimum parcel size under zoning.

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

The lot line adjustment reconfigures existing legal parcels and will not result in additional lots.

- 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 Collector's Certificate shall be obtained from the Tax Collector. This document shall be submitted to the Department of Resource Management prior to recordation of the Certificate of Compliance.

- 4. The requirements of CEQA do not apply, as the project is considered ministerial in nature [Section 21080 (b) (1)].**

Lot line adjustments are ministerial projects; therefore, are not held to the provisions and requirements of CEQA.

- 5. The lot line adjustment complies with all of the findings and requirements for lot line adjustments as set forth in Chapter 26, Article IV (Subdivision Ordinance) of the Solano County Code.**

Findings one through three address the requirements for lot line adjustments as set forth in the Solano County Subdivision Ordinance.

6. **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 Williamson Act contracts will continue to enforceably restrict the entire acreage of each newly configured parcel. The outer boundaries of the properties under contract are not being altered, therefore the existing contract is not required to be rescinded and a new contract isn't necessary. A notice of nonrenewal has not been filed.

6. **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.**

There is neither an increase nor decrease in the net amount of acreage restricted. No new contracts are required.

7. **At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.**

There is no change in the amount of land under contract. 100 percent of the land will remain under an active Williamson Act contract.

8. **After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.**

The existing parcels are currently utilized for an orchard and would remain so after this adjustment. Under the County's Williamson Act regulations, the minimum parcel size for viable agriculture on Prime Farmland is 10 acres. The parcel sizes under the proposed configuration exceed the 10 acre minimum.

9. **The lot line adjustment would not compromise the long-term agricultural productivity of the parcels or other agricultural lands subject to a contract or contracts.**

The parcel configuration will allow the current agricultural practices to continue on-site.

10. **The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.**

The proposal deals only with interior property lines and no adjacent agricultural lands will be affected by this lot line adjustment.

11. **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.**

No additional parcels will be created by this lot line adjustment and the two parcels are consistent with the Agricultural land use designation of the Solano County General Plan.

12. The requirements of CEQA do not apply, as the project is considered ministerial in nature [Section 21080 (b) (1)].

Lot line adjustments are ministerial projects, and therefore, are not held to the provisions and requirements of CEQA.

VIII. RECOMMENDED CONDITIONS OF APPROVAL:

1. The lot line adjustment shall be in substantial compliance with the map submitted with lot line adjustment application LLA-14-05, dated January 16, 2015 prepared by Ty Hawkins Land Surveyor, on file with the Planning Services Division.
2. A Certificate of Compliance, demonstrating that the subject lot line has been adjusted to State and County regulations shall be recorded by the applicant subject to the satisfaction of the Planning Services Division. Preparation of the Certificate of Compliance shall be withheld by this division 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 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. Prior to approval of the Certificate of Compliance, the applicant shall submit to the Planning Division deeds for Parcel 1 and 2. To provide access to Parcel Two, deeds conveying Parcels 1 and 2 shall describe the properties being conveyed as follows: The deed conveying Parcel 1 shall except from the property conveyed a 50-foot nonexclusive access and utility easement across Parcel 1 for the benefit of Parcel 2; The deed conveying Parcel 2 shall include as part of the property conveyed a 50-foot nonexclusive access and utility easement across Parcel 1 and connecting Parcel 2 to the Ledgewood Road right of way.

Deeds conveying Parcel 1 to ____ Nakamura and Parcel 2 to ____ Nakamura shall be recorded simultaneously with the certificate of compliance.

ATTACHMENTS:

- Exhibit A - Assessor's Map
- Exhibit B - Lot Line Adjustment Map
- Exhibit C - Resolution

PRELIMINARY LOT LINE ADJUSTMENT

OF THE LANDS OF
Nakamura
 A Portion of Lot 37 Suisun Rancho
 Inst. No. 2012-131658
 APN 0026-240-160
 SOLANO COUNTY CALIFORNIA
 October 2014



By **Hawkins LS 7973**
 3638 Oak Canyon Ln.
 Vacaville Ca, 95688
 (707) 974-9890

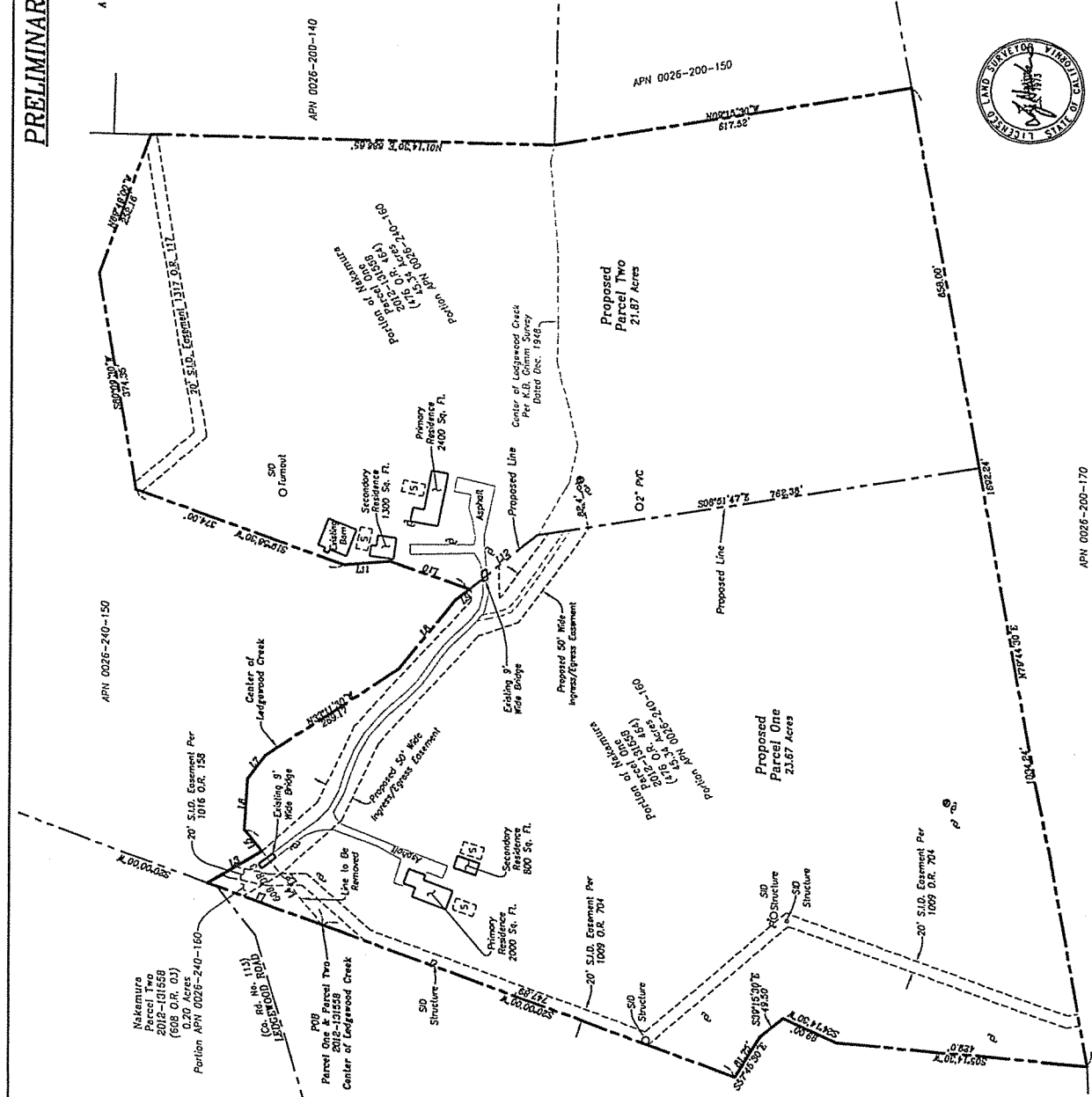
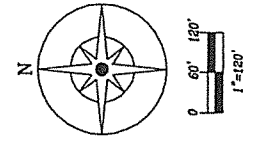
- LEGEND**
- Existing Boundary Line
 - - - Proposed Boundary Line
 - ⊕ Existing Utility Pole
 - ⊙ Existing Domestic Well
 - [S] Existing Septic System

Owner: James & Jean Nakamura
 2570 Leighwood Road
 Fairfield CA 94534
 APN 0026-240-160
 45.54 Acres

Existing Use: Agriculture & Rural Residential
 475 O.R. 464 - 45.34 Acres
 608 O.R. 03 - 0.2 Acres

Proposed Use: Agriculture & Rural Residential

Existing Utilities:
 Water - Private Domestic Well
 Sewer - Private Septic System
 Electric - P.C.A.E.
 Gas - Private LPC Tank



LINE	LENGTH	BEARING
L1	207.45	S87°00'00\"
L2	208.21	S59°26'30\"
L3	167.09	S27°30'00\"
L4	47.15	S52°28'30\"
L5	87.03	N88°43'00\"
L6	50.60	S52°47'30\"
L7	101.80	N51°02'30\"
L8	30.55	N77°21'30\"
L9	146.39	S17°00'30\"
L10	79.34	S84°25'00\"
L11	149.57	N26°41'41\"

SOLANO COUNTY PLANNING COMMISSION

RESOLUTION NO. XX

WHEREAS, the Solano County Planning Commission has considered Lot Line Adjustment Application No. LLA-14-05 of **James and Jane Nakamura** for an adjustment of property between Assessor Parcel Numbers located at 2570 LedgeWood Drive, approximately 2.5 miles northwest of the City of Fairfield, on property zoned Agricultural Suisun Valley 20 acre minimum (A-SV-20). APN's: 0026-240-160 and;

WHEREAS, the Planning 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 April 2, 2015 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 it terms of minimum parcel size under zoning.

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

The lot line adjustment reconfigures existing legal parcels and will not result in additional lots.

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 Collector's Certificate shall be obtained from the Tax Collector. This document shall be submitted to the Department of Resource Management prior to recordation of the Certificate of Compliance.

4. **The lot line adjustment complies with all of the findings and requirements for lot line adjustments as set forth in Chapter 26, Article IV (Subdivision Ordinance) of the Solano County Code.**

Findings one through three address the requirements for lot line adjustments as set forth in the Solano County Subdivision Ordinance.

5. **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 Williamson Act contracts will continue to enforceably restrict the entire acreage of each newly configured parcel. The outer boundaries of the properties under contract are not being altered, therefore the existing contract is not required to be rescinded and a new contract isn't necessary. A notice of nonrenewal has not been filed.

6. **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.**

There is neither an increase nor decrease in the net amount of acreage restricted. No new contracts are required.

7. **At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.**

There is no change in the amount of land under contract. 100 percent of the land will remain under an active Williamson Act contract.

8. **After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.**

The existing parcels are currently utilized for an orchard and would remain so after this adjustment. Under the County's Williamson Act regulations, the minimum parcel size for viable agriculture on Prime farmland is 10 acres. The parcel sizes under the proposed configuration exceed the 10 acre minimum.

9. **The lot line adjustment would not compromise the long-term agricultural productivity of the parcels or other agricultural lands subject to a contract or contracts.**

The parcel configuration will allow the current agricultural practices to continue on-site.

10. **The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.**

The proposal deals only with interior property lines and no adjacent agricultural lands will be affected by this lot line adjustment.

11. **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.**

No additional parcels will be created by this lot line adjustment and the two parcels are consistent with the Agricultural land use designation of the Solano County General Plan.

12. **The requirements of CEQA do not apply, as the project is considered ministerial in nature [Section 21080 (b) (1)].**

Lot line adjustments are ministerial projects, and therefore, are not held to the provisions and requirements of CEQA.

BE IT, THEREFORE, RESOLVED, that the Planning Commission of the County of Solano does hereby APPROVE Lot Line Adjustment Application No. LLA 14-05 subject to the following recommended conditions of approval:

1. The lot line adjustment shall be in substantial compliance with the map submitted with lot line adjustment application LLA-14-05, dated January 16, 2015 prepared by Ty Hawkins Land Surveyor, on file with the Planning Services Division.
2. A Certificate of Compliance, demonstrating that the subject lot line has been adjusted to State and County regulations shall be recorded by the applicant subject to the satisfaction of the Planning Services Division. Preparation of the Certificate of Compliance shall be withheld by this division 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 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.

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Deeds conveying Parcel 1 to ____ Nakamura and Parcel 2 to ____ Nakamura shall be recorded simultaneously with the certificate of compliance.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on April 2, 2015 by the following vote:

AYES:	Commissioners	_____

NOES:	Commissioners	_____
EXCUSED:	Commissioners	_____

By: _____
Bill Emlen, Secretary

R:\PLANNING\ALL PLANNING COMMISSION STAFF REPORTS\2015\April 2, 2015\LLA-14-05-CC-14-09 (Nakamura)\Exhibit C.docx(March 26, 2015)

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