



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: 7171 McCormack Road
APN.: 048-090-160
Application No. LLA-15-01, Hagan

DATE: June 4, 2015

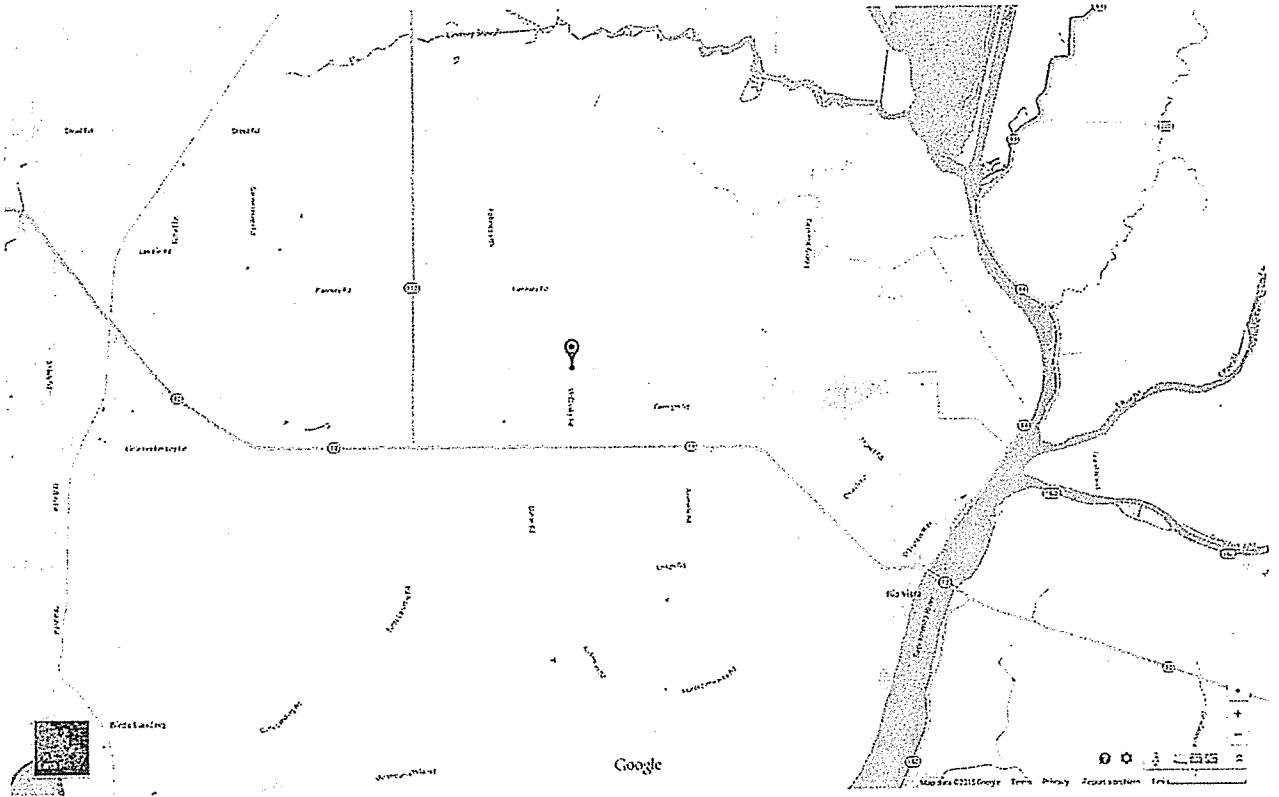
I. RECOMMENDATION:

A. **APPROVE** Lot Line Adjustment application LLA-15-01 subject to the findings and conditions contained in this report.

II. **EXECUTIVE SUMMARY:** Request approval to reconfigure the interior property line of three legal parcels totaling 485.6 acres. The proposed request will result in two new parcels: Parcel A – 295.8 acres and Parcel B – 190 acres. The project site is located within the A-160 zoning district, and owned by the Hagan family for estate planning purposes. The property is under Williamson Act Contract No. 576; 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. 576
- B. **Applicant/Owner:** Michael and Jane Hagan; Daniel and Andrea Hagan
- C. **General Plan Land Use Designation/Zoning:** Agriculture/A-160
- D. **Existing Use:** Agriculture
- E. **Adjacent Zoning and Uses:**
 - North:** A-160/Agriculture
 - South:** A-160/Agriculture
 - East:** A-160/Agriculture
 - West:** A-160/Agriculture

VI. ANALYSIS:

A. Project Description:

The property is currently comprised of three legal parcels: Parcel 1 – 161.8, Parcel 2 – 161.8 and Parcel 3- 162.2. The applicant is requesting to reconfigure the interior boundary lines which would result in two new parcels: Parcel A – 295.8 acres and Parcel B – 190 acres. Parcel 1 will be combined with Parcel 2 to create new Parcel A and 27.8 acres will be transferred and combined with Parcel 3 to establish new Parcel B.

Acreage	Proposed Parcel A	Proposed Parcel B
Existing Parcel 1	161.8	
Existing Parcel 2	161.8	
<i>Transfer to Parcel B</i>	-27.8	27.8
Existing Parcel 3		162.2
Total	295.8	190.0

The property line adjustment will allow the residences to remain on separate parcels and enable a 60-foot wide strip for the southwest portion to connect to the northwest portion of new Parcel A.

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 Exclusive Agriculture 160 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 property is encumbered by contract no. 576 and designated Non-Prime. The 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.

7. **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.

8. **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.

9. **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 crop production and grazing, would remain so after this adjustment. Under the County's Williamson Act regulations, the minimum parcel size for viable agriculture on Non-Prime Farmland is 40 acres. The parcel sizes under the proposed configuration exceed the 40 acre minimum.

10. **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.

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

The proposal only affects interior property lines of the contract and no adjacent agricultural lands will be affected by this lot line adjustment.

12. **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.

13. **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-15-01, dated September 2014 prepared by Michael Ford Land Surveying, 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.

ATTACHMENTS:

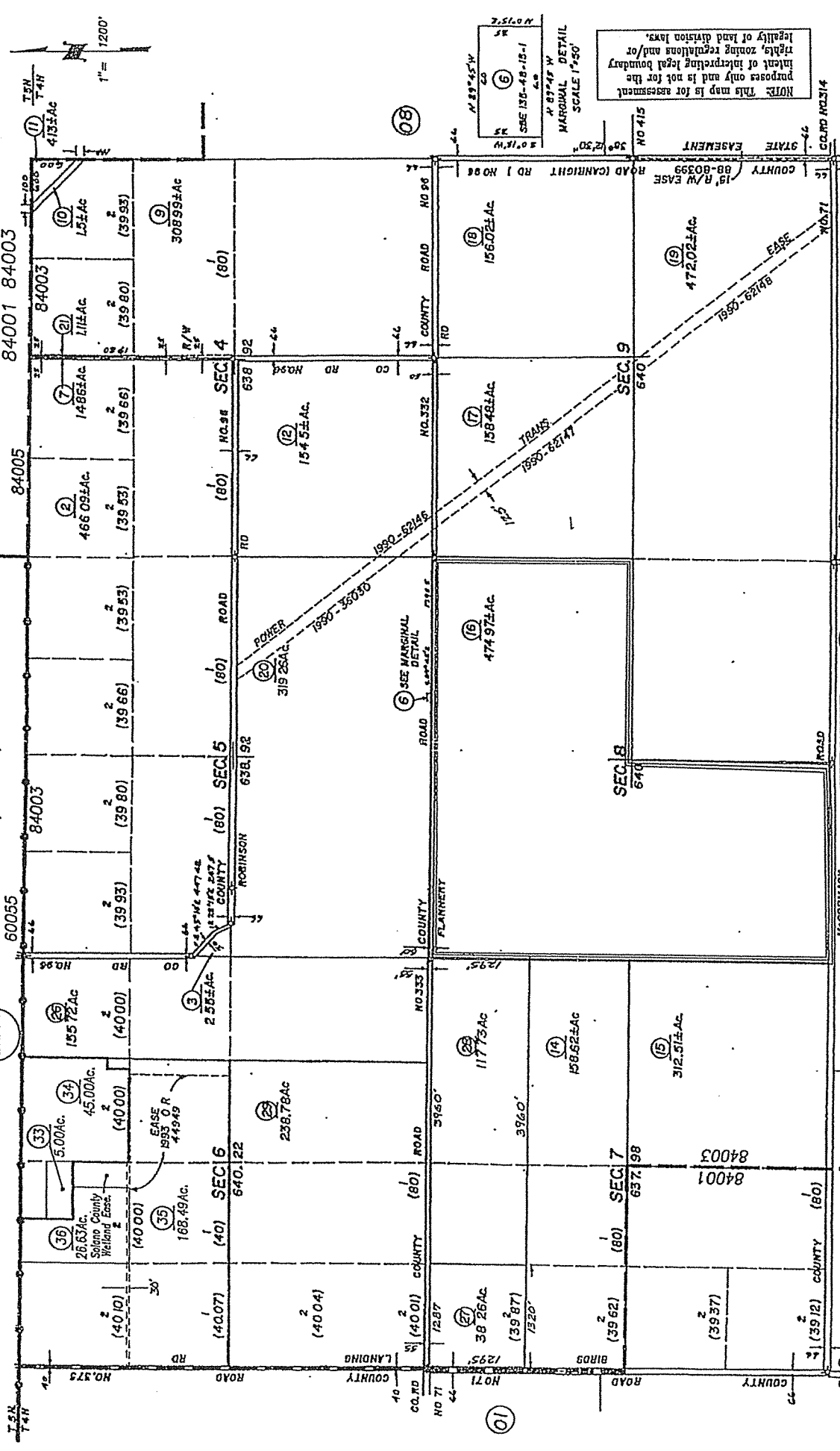
- Exhibit A - Assessor's Map
- Exhibit B - Lot Line Adjustment Map
- Exhibit C - Draft Resolution

48-09

Tax Area Code
84001 84003

T.4N., R.2E., M.D.B.&M.

Bk. 42



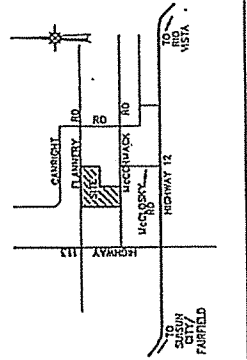
NOTE: This map is for assessment purposes only and is not for the intent of interpreting legal boundary legality of land division laws.

MARGINAL DETAIL
SCALE 1"=50'
N 87°45' W
S 85°15' 48" 15-1
S 85°15' 48" 15-1
S 85°15' 48" 15-1

REVISION	DATE	BY
090-37632	12-31-01	SE
090-37632	3-15-01	FD
090-37632	3-23-01	FD
090-37632	12-31-01	FD

10
NOTE: Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles
Copyright © - 1996, Solano County Assessor/Recorder, All rights Reserved
05-06

Assessor's Map Bk. 48 Pg. 09
County of Solano, Calif.



VICINITY MAP
1/4" SCALE

- AREA EXCHANGE SUMMARY**
- ① AREA 1 (27.9 ACRES) TO BE TAKEN FROM HISTORIC PARCEL TWO AND ADJOINING HISTORIC PARCEL THREE AND ADJOINING HISTORIC PARCEL ONE AND COMBINED WITH HISTORIC PARCEL TWO. RESULTANT PARCEL "A"
 - ② HISTORIC PARCEL ONE TO BE COMBINED WITH HISTORIC PARCEL TWO. RESULTANT PARCEL "A"



THIS DEED PREPARED BY ME OR UNDER MY SUPERVISION AT THE REQUEST OF JANEI HAGAN ON SEPTEMBER 2014.

Michael E. Ford
MICHAEL E. FORD FLS 155737 DATE

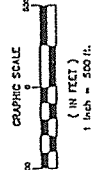
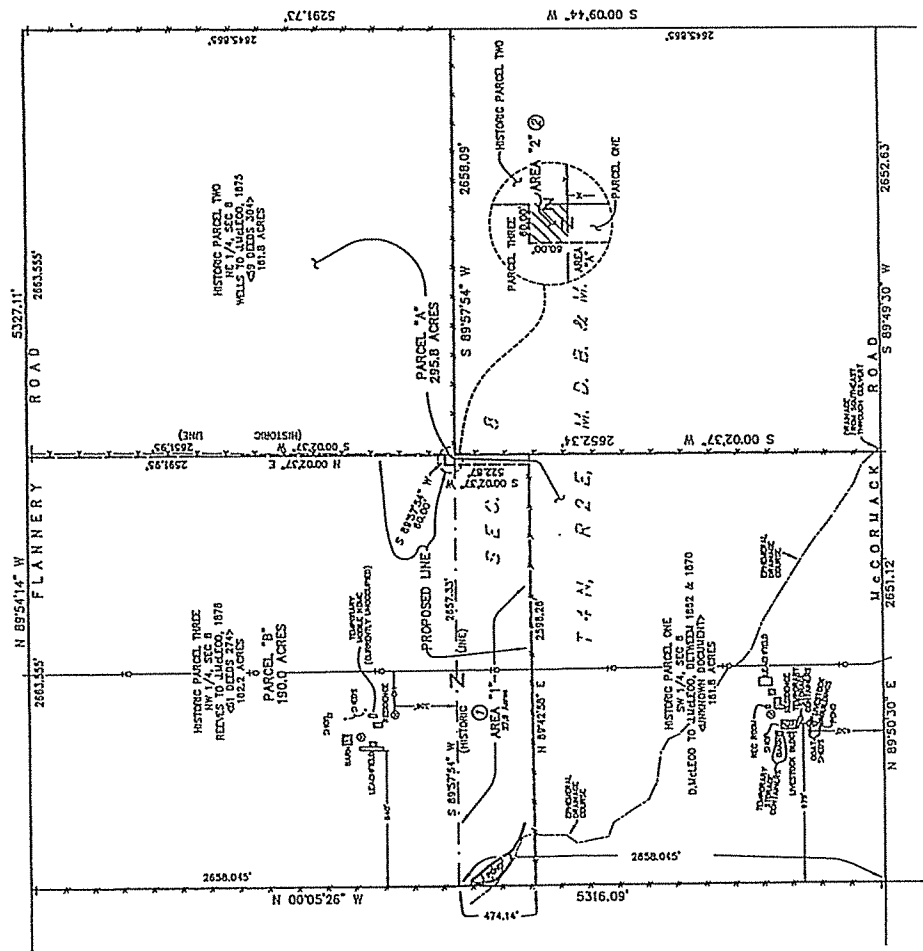
NOTES
ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
ALL TIES ARE PERPENDICULAR UNLESS OTHERWISE NOTED.

LOT LINE ADJUSTMENT & CERTIFICATE OF COMPLIANCE

A PROPOSED LOT LINE ADJUSTMENT FOR THE LANDS OF MICHAEL, JAMES HAGAN AND JANEI LINNE HAGAN, HUSBAND AND WIFE, AS TO AN UNDIVIDED 1/2 INTEREST DANIEL EMHETT HAGAN AND ANDREA KRISTIN HAGAN, HUSBAND AND WIFE, AS TO AN UNDIVIDED 1/2 INTEREST AS TO AND UNDIVIDED 1/2 INTEREST AS DESCRIBED BY DEEDS RECORDED AS DOCUMENT NUMBER 2000-00087353 AND 2002-0017374, OFFICIAL RECORDS OF SOLANO COUNTY

BING THE W 1/2 & NE 1/4, SEC. 8, T. 4 N. R. 2 E. M.D.B.64M
COUNTY OF SOLANO STATE OF CALIFORNIA
SCALE: 1" = 500'

APR 0018-000-180 JOB #14247 THIS SHEET ONLY



- LEGEND**
- SEPTIC TANK
 - WELL
 - OVERHEAD UTILITY LINES
 - COSTING WIRE FENCE

SOLANO COUNTY PLANNING COMMISSION

RESOLUTION NO. XX

WHEREAS, the Solano County Planning Commission has considered Lot Line Adjustment Application No. LLA-15-01 of Janet Hagan for an adjustment of property located at 7171 McCormack Road, Rio Vista, on property zoned Exclusive Agriculture 160 acre minimum (A-160). APN: 048-090-160, 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 June 4, 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.

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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.**

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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.

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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 15-01 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-15-01, dated September 2014 prepared by Michael Ford Land Surveying, 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.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on June 4, 2015 by the following vote:

AYES: Commissioners _____
NOES: Commissioners _____
EXCUSED: Commissioners _____

By: _____
Bill Emlen, Secretary

