

..title

Conduct a noticed public hearing to consider Zoning Petition Z-21-01 by Scott Seibel to rezone 5.2 acres of property from Rural Residential "RR-5" to Rural Residential "RR-2.5". The property is located northwest of the intersection of Shelton Lane and Cromwell Lane, 0.3 miles north of the City of Vacaville; APN 0105-180-650. The Department of Resource Management recommends that this project is exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3), common sense exemption.

..body

Published Notice Required? Yes  X  No

Public Hearing Required? Yes  X  No

**DEPARTMENTAL RECOMMENDATION:**

The Department of Resource Management recommends that the Planning Commission:

1. Conduct a noticed public hearing to consider Zoning Petition Z-21-01 by Scott Seibel to rezone 5.2 acres of property from Rural Residential "RR-5" to Rural Residential "RR-2.5"; and
2. Adopt a resolution recommending approval of Zoning Petition Z-21-01 and forward it to the Board of Supervisors for their action.

**SUMMARY:**

**I. INTRODUCTION**

The Planning Commission is being asked to consider a rezoning petition for a 5.2-acre parcel from RR-5 to RR 2.5 which would allow the subject property to be subdivided into two (2) parcels. The rezone request is accompanied by Minor Subdivision application MS-21-02 to create two (2) new parcels approximately 2.7 and 2.5 acres in size, which is scheduled to be heard by the Zoning Administrator at 10 a.m. on November 3, 2022. The proposed subdivision meets the County's requirements as conditioned and approval is contingent upon the Planning Commission and Board of Supervisors approving the zoning change. The proposed parcels may not be sold or financed until the subdivider complies with the conditions of approval such as installation of public water improvements, compliance with on-site sewage disposal standards, and subdivision map recordation.

Pursuant to Section 28.111 of the Solano County Zoning Regulations, the Planning Commission's decision on the rezone request and recommendation will then be forwarded on to the Board of Supervisors for final action.

After conclusion of its hearing on this matter, the Planning Commission shall render its decision by recommending one of the following options:

1. Approval
2. Approval with modifications
3. Disapproval of the proposed rezone

**II. SETTING**

This property (Assessor Parcel Number [APN]: 0105-180-650) is located northwest of the intersection of Shelton Lane and Cromwell Lane, 0.3 miles north of the City of Vacaville in unincorporated Solano County.

The parcel is 5.2 gross acres/ 4.56 net acres in size and is relatively flat, exhibiting slopes of less than six percent. Storm water runoff drains to the northeast due to the slight slope of the lot. The parcel is developed

with two (2) residential structures, a swimming pool, and several accessory structures including a garage and a 26' x 40' shop building which has been converted to an unpermitted 3<sup>rd</sup> dwelling. A 1,968 square foot primary dwelling identified as 7181 Shelton Lane is located on proposed Parcel A, and an accessory dwelling unit (ADU) identified as 4387 Cromwell Lane is located on proposed Parcel B.

All necessary encroachments are developed, with access provided off Shelton Lane and Cromwell Lane. Water is provided by a Rural North Vacaville water connection and two domestic wells, and both the primary dwelling and ADU are connected to on-site septic systems. Trees are planted along the southern property line and the southern half of the easterly property line, and adjacent to the existing shop and dwellings. A small vineyard is planted at the southeast corner of the property, and the remaining undeveloped portions of the property are grass or bare ground. A PG&E easement 150 feet in width for overhead electrical transmission lines crosses the parcel along the northern property line. Rural Residential lots generally ranging between 2.5 – 5 acres surround the project site, with one larger A-20 zoned parcel to the northwest. Nearly all the lots in the vicinity of the subject site have been developed with residences and residential accessory structures.

### **III. PROJECT DESCRIPTION**

The project applicant proposes to rezone the 5.2-acre property from Rural Residential 5 acre minimum (RR-5) to Rural Residential 2.5 acre minimum (RR 2.5) to allow for subdivision of the property into two (2) parcels, Parcel A (2.5 acres) and Parcel B (2.7 acres). The proposed Tentative Parcel Map meets the County's requirements as conditioned, and included as Attachment A. Access to Parcel A is from an existing encroachment from Shelton Lane, and Parcel B is accessed from existing encroachment from Cromwell Lane, a private road. No changes to the existing access are proposed. Public water is provided by the Solano Irrigation District and sewage disposal by two existing private septic systems.

Rezoning Petition Z-21-01 shall be considered by the Planning Commission and Board of Supervisors. Zoning Administrator approval of the Minor Subdivision is contingent upon effective rezoning by the Board.

### **IV. SPECIFIC CONDITIONS**

#### Unpermitted Structures:

The existing structure labeled "SHOP" on proposed Parcel A has been converted to residential use without approval of a Building Permit. Prior to recordation of the Final Map, a Building Permit must be obtained to either permit this structure as an ADU on proposed Parcel A or convert it back to a residential accessory structure for storage as originally permitted. The Rural Residential zoning district does not permit more than two dwellings per parcel so the additional as-built dwelling cannot be permitted without approval of this subdivision. The existing horse stalls along the eastern property line must also be properly permitted or removed.

The configuration of the proposed parcel line will result in the existing permitted ADU becoming the Primary Dwelling on Parcel B. The dwelling on Parcel B was properly permitted at the time of construction and will be considered existing non-conforming due to the fact that Parcel B does not have a garage, so future additions or modifications to this structure would be subject to Section 28.114 of the Solano County Code unless an enclosed two car garage is constructed or a Neighborhood Compatibility Waiver is approved.

#### On-site Sewage Disposal:

While no new development is proposed, a septic system reserve area meeting Solano County Code requirements must be designated. The existing property is highly developed and is also encumbered by

a PG&E easement and setbacks to existing on-site water wells that significantly limit the area available to provide an on-site sewage disposal system reserve area for proposed Parcel B. To address this, the minor subdivision was conditioned to provide various options to install or designate the sewage disposal reserve area, one of which must be implemented prior to final map approval. The existence of the driveway on Parcel B over the existing leachfield is considered non-conforming and will be allowed to remain with implementation of one of the conditions.

**Garage:**

The existing Accessory Dwelling Unit (ADU) on proposed Parcel B meets the minimum size requirement for a primary dwelling but does not have a two-car garage. After recordation of the Final Map, this residence will be considered an existing non-conforming primary dwelling on Parcel B, and any future additions or modifications will be subject to Section 28.114 of the Solano County code unless an enclosed two car garage is constructed or a Neighborhood Compatibility Waiver approved.

With implementation of these and other conditions detailed in Attachment E, Minor Subdivision (MS-21-02) Draft Resolution & Conditions of Approval, staff's position is that the tentative map complies to the intent of County Code.

**V. LAND USE CONSISTENCY**

**General Plan & Zoning**

The property is designated Rural Residential with an allowable density of 1 dwelling unit per 2.5 acres to 1 dwelling unit per 10 acres, according to the Solano County General Plan, and zoned Rural Residential 5 acre minimum (RR-5). The proposal to subdivide would allow an additional developable parcel. The project meets the minimum lot size, public street frontage and within the allowable density.

The parcels to the south, east and west are zoned RR-5, and the parcels to the north are zoned RR-2.5. A larger parcel located to the northwest of the subject parcel is zoned A-20 with the potential to be rezoned to Rural Residential. Rezoning the subject property to RR 2.5 is consistent with the zoning in the surrounding area and within the allowable densities of the General Plan.

**VI. ENVIRONMENTAL ANALYSIS:**

This project is covered by the common-sense Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3). The zoning change is consistent with the General Plan designation, the property is currently developed with dwellings, driveways and accessory structures. No new development is proposed as part of this project which would cause significant environmental effects.

**Attachments:**

[A – Draft Resolution](#)

[B – Vicinity Map](#)

[C – Existing & Proposed Zoning Map](#)

[D – Tentative Subdivision Map](#)

[E – Minor Subdivision \(MS-21-02\) Draft Resolution & Conditions of Approval](#)

## SOLANO COUNTY PLANNING COMMISSION RESOLUTION NO. XXXX

**WHEREAS**, the Solano County Planning Commission has duly considered in a public hearing Rezoning Petition Z-21-01 by Scott Seibel to rezone 5.2 acres of property from Rural Residential "RR-5" to Rural Residential "RR-2.5". The proposed area of rezone is located northwest of the intersection of Shelton Lane and Cromwell Lane, 0.3 miles north of the City of Vacaville, APN 0105-180-650; and

**WHEREAS**, said Commission has reviewed the Applicant's submittal and the staff report of the Department of Resource Management, and heard and considered all comments regarding said application at the public hearing held on Thursday, November 3, 2022; and

**WHEREAS**, after considering the project, including the environmental analysis, the Planning Commission recommends to the Board of Supervisors that a Notice of Exemption shall be filed for the project pursuant to CEQA Guidelines Section 15061(b)(3), common sense exemption; and

**WHEREAS**, after public testimony and due deliberation, the Planning Commission recommends to the Board of Supervisors that the rezoning petition is appropriate and desirable, and is consistent with the Solano County General Plan.

**RESOLVED**, that the Solano County Planning Commission does hereby make a recommendation of approval to the Board of Supervisors on Rezoning Petition No. Z-21-01.

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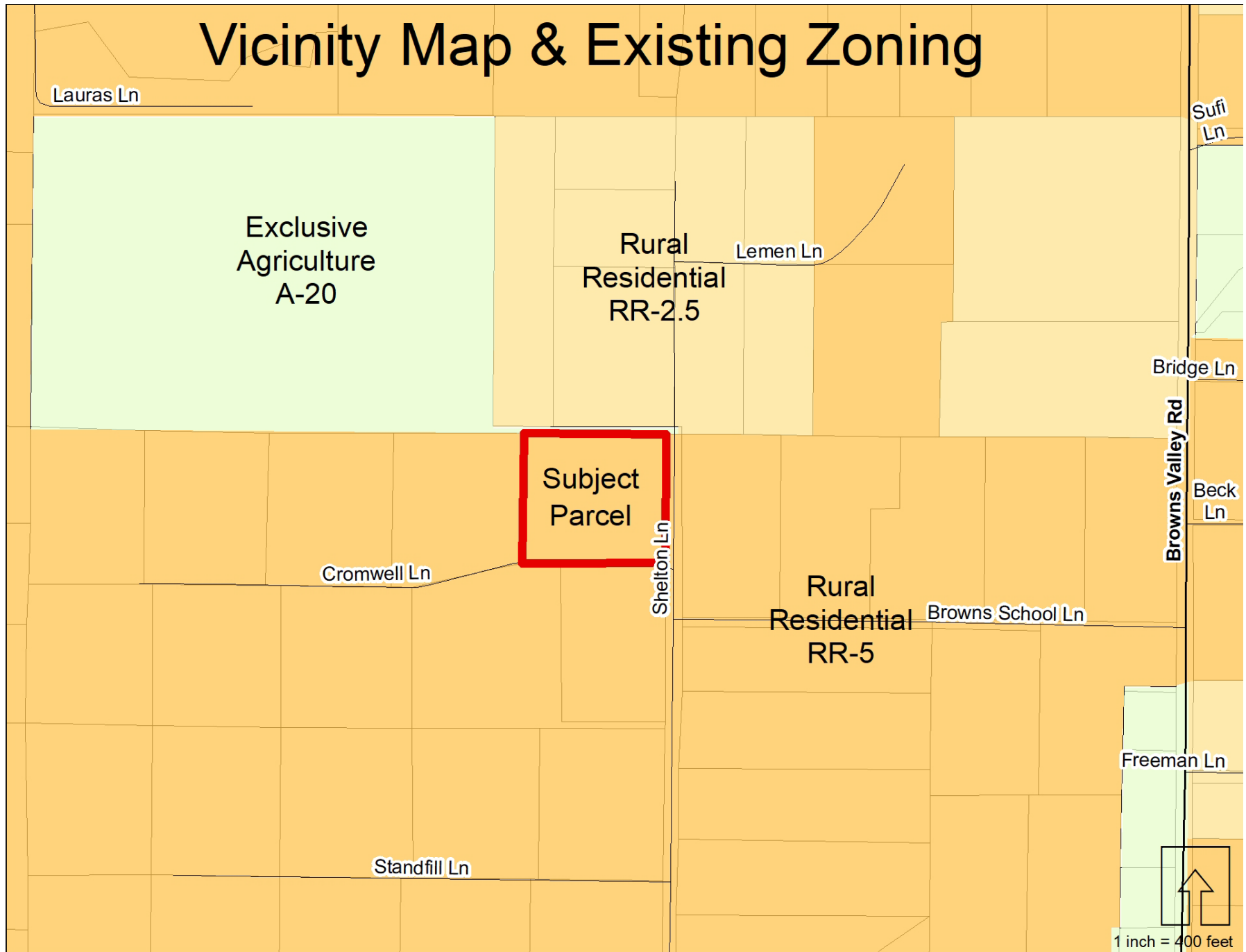
I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on November 3, 2022, by the following vote:

AYES:	Commissioners	
NOES:	Commissioners	
ABSTAIN:	Commissioners	
ABSENT:	Commissioners	

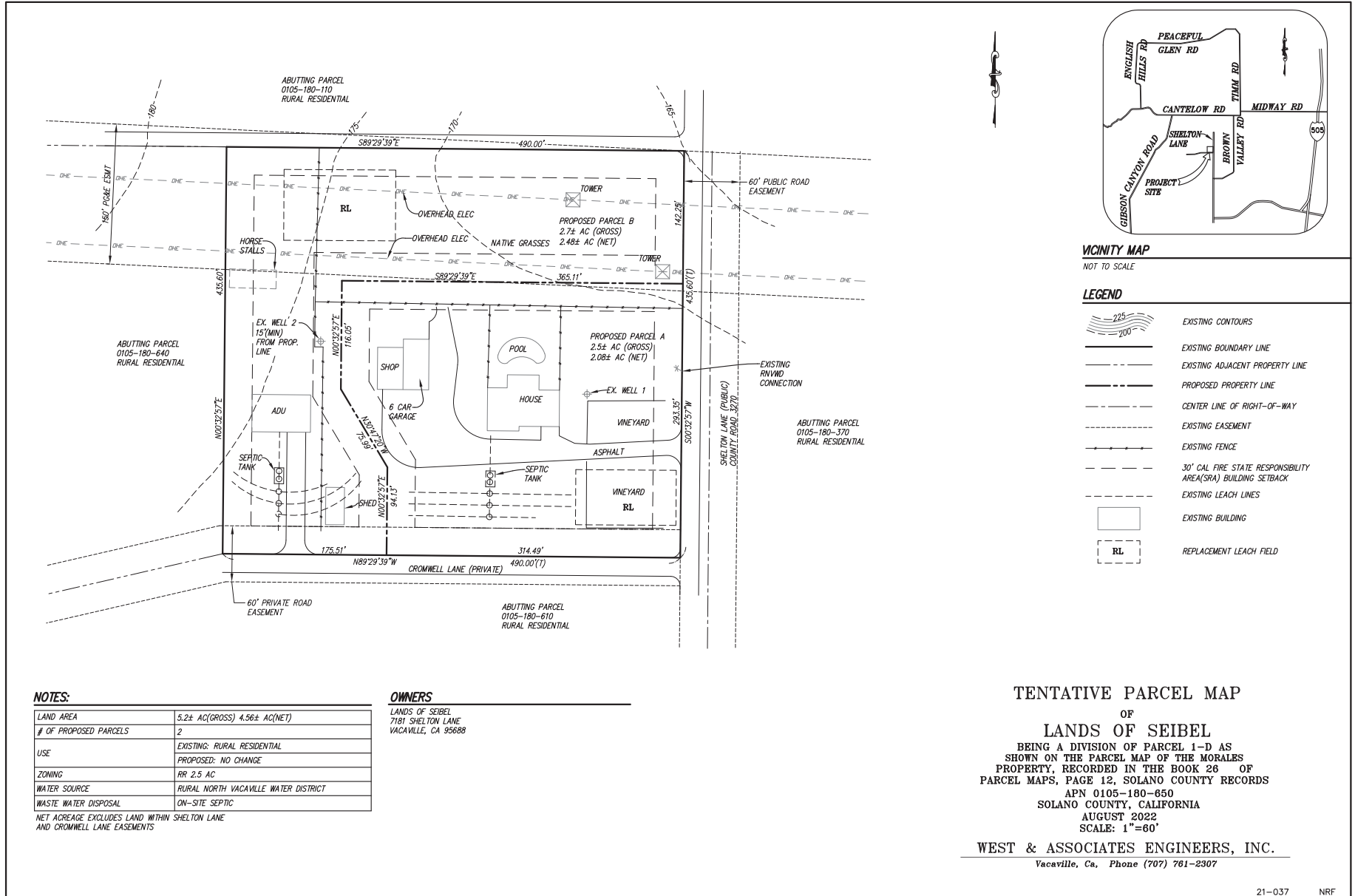
\_\_\_\_\_  
Kelly Rhoads-Poston, Chairperson  
Solano County Planning Commission

Attest:

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







VICINITY MAP  
NOT TO SCALE

LEGEND

- EXISTING CONTOURS
- EXISTING BOUNDARY LINE
- EXISTING ADJACENT PROPERTY LINE
- PROPOSED PROPERTY LINE
- CENTER LINE OF RIGHT-OF-WAY
- EXISTING EASEMENT
- EXISTING FENCE
- 30' CAL FIRE STATE RESPONSIBILITY AREA (SRA) BUILDING SETBACK
- EXISTING LEACH LINES
- EXISTING BUILDING
- REPLACEMENT LEACH FIELD

NOTES:

LAND AREA	5.2± AC(GROSS) 4.56± AC(NET)
# OF PROPOSED PARCELS	2
USE	EXISTING: RURAL RESIDENTIAL PROPOSED: NO CHANGE
ZONING	RR 2.5 AC
WATER SOURCE	RURAL NORTH VACAVILLE WATER DISTRICT
WASTE WATER DISPOSAL	ON-SITE SEPTIC

NET ACREAGE EXCLUDES LAND WITHIN SHELTON LANE AND CROMWELL LANE EASEMENTS

OWNERS

LANDS OF SEIBEL  
781 SHELTON LANE  
VACAVILLE, CA 95688

TENTATIVE PARCEL MAP

OF

LANDS OF SEIBEL

BEING A DIVISION OF PARCEL 1-D AS SHOWN ON THE PARCEL MAP OF THE MORALES PROPERTY, RECORDED IN THE BOOK 26 OF PARCEL MAPS, PAGE 12, SOLANO COUNTY RECORDS  
APN 0105-180-650  
SOLANO COUNTY, CALIFORNIA  
AUGUST 2022  
SCALE: 1"=60'

WEST & ASSOCIATES ENGINEERS, INC.

Vacaville, Ca, Phone (707) 761-2307

## SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO. XX

**WHEREAS**, the Solano County Zoning Administrator has considered Minor Subdivision Application No. MS-21-02 of Scott Seibel to subdivide an existing 5.2-acre parcel into two (2) lots 2.7 and 2.5 acres in size, contingent upon the approval of accompanying rezone application Z-21-01 to change the current zone, Rural Residential 5 acre minimum (RR-5) to Rural Residential 2.5 acre minimum (RR 2.5). The property is located at 7181 Shelton Lane, northwest of the intersection of Shelton Lane and Cromwell Lane, 0.3 miles north of the City of Vacaville; APN: 0105-180-650; 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 November 3, 2022; and

**WHEREAS**, after due consideration, the Zoning Administrator has made the following findings in regard to said proposal:

**1. The proposed map is consistent with applicable general and specific plans as specified in Section 65451 of the Government Code.**

The General Plan Land Use Diagram designates the property Rural Residential one (1) dwelling unit/2.5 acres – one (1) dwelling unit/10 acres. The design of the subdivision allocates appropriate densities consistent with the Rural Residential land use designation. As conditioned, the proposed map is consistent with applicable policies of the General Plan.

**2. The design of the proposed subdivision is consistent with the Solano County General Plan.**

a. The property is designated by the General Plan for rural residential development, which allows for single family residences and accessory uses. The design of the proposed subdivision and provisions for domestic water supply, wastewater disposal and the development density satisfy the intent of the General Plan.

b. As proposed and conditioned, the design of the subdivision is in conformance with the provisions of Article VII (Design Requirements) of the Solano County Subdivision Ordinance.

- Due to the location of the existing development and PG&E easement the proposed lots are constrained to an irregular shape, so an exception to the normal design standards is warranted as allowed by section 26-72.3(e) of the Solano County Subdivision Ordinance.
- Due to the location of the existing development and PG&E easement, proposed Parcel B will have frontage on both Shelton Lane (a public road) and Cromwell Lane (a private road). This proposed design is consistent with Section 26-75.2(a) of the Solano County Subdivision Ordinance.
- The location of the proposed lots does not require street lighting to be provided.



**3. The site is physically suitable for the proposed type of development.**

The parcels as proposed and conditioned can accommodate the existing and proposed home sites, driveways and individual septic disposal systems.

**4. The site is physically suitable for the proposed density of development.**

The project site can accommodate the proposed subdivision with two (2) existing primary homes on 5.2 acres, resulting in a development density of one primary dwelling unit per 2.5 acres. The proposed parcels meet the minimum lot size allowed by the RR-2.5 zoning district.

**5. The design of the subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

Both parcels are currently developed, with no new development, disturbance or increased activity proposed. The project is also located outside of all Priority Habitat areas identified in Figure RS-1 of the Solano County General Plan.

**6. The design of the subdivision will not cause serious public health problems.**

Each proposed lot is currently developed, and no changes are proposed. Existing dwellings will be served by a public water system and on-site sewage disposal system. As proposed and conditioned, the subdivision will not cause serious health problems.

**7. The design of the subdivision and the type of improvements will not conflict with any public easements.**

The project as conditioned and as evident on the Parcel Map will not conflict with any public easements.

**8. The discharge of waste from the proposed subdivision into an existing community sewer system would not result in, or add to, a violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code.**

Each primary single-family residence would utilize on-site septic systems and would not affect any existing community sewer system.

**9. The property does not front on any public waterway, public river, public stream, coastline, shoreline, publicly owned lake or publicly owned reservoir.**

**10. The proposed subdivision does not front along a public waterway, public river or public stream and dedication of a public easement along a portion of the bank of the private waterway, river or stream bordering or lying within the subdivision is required.**

**11. The property or property owner has not entered into contract with Solano County California Land Conservation Act; therefore, the provisions of the California Land Conservation Act do not apply.**

**12. The project does not involve hazardous waste; therefore, consistency with the County Hazardous Waste Management Plan is not required.**

13. **The proposed subdivision is not located within a special studies zone established pursuant to the Alquist-Priolo Special Studies Zone Act (Public Resources Code Section 2621 et seq.)**
14. **The proposed subdivision is consistent with the State Board of Forestry and Fire Protection's State Responsibility Area (SRA) Fire Safe Regulations.**

The proposed subdivision is in the Moderate zone of the State Responsibility Area. All future development will be reviewed for compliance with all applicable regulations.

15. **A Notice of Exemption shall be prepared and filed pursuant to CEQA Guidelines Section 15061(b)(3). The project qualifies for this exemption because the proposal does not have the potential create effects on environmental resources such as transportation, noise, biological, cultural, hydrology, air quality, or others.**

This project is covered by the common-sense Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3). No new development is proposed as part of this project, the parent parcel is currently developed with a primary dwelling and an accessory dwelling unit, and the proposed subdivision will result in the separation of the existing dwellings by the new parcel boundary. Approval of the subdivision will allow future development of each parcel but current and potential future uses of the land will otherwise remain unchanged.

**RESOLVED**, the Zoning Administrator approves Minor Subdivision Application No. MS-21-02 subject to the following conditions of approval:

*General Conditions*

1. This Tentative Map approval will not go into effect until 30 days following approval of Rezoning Petition Z-21-02 by the Solano County Board of Supervisors.
2. Pursuant to Section 26-98.1 of the Solano County Subdivision Ordinance, a Parcel Map shall be recorded within twenty-four (24) months from the date of approval of the Tentative Parcel Map. Failure to do so will result in the expiration of the approved Minor Subdivision MS-21-02 unless extended pursuant to Section 26-98.2 of the Solano County Subdivision Ordinance.
3. The Parcel Map to be recorded shall be in substantial compliance with the Tentative Parcel Map prepared by West & Associates Engineering, Inc, for Scott Siebel and received by the Solano County Planning Division on August 30, 2022, except as modified herein.
4. Prior to Parcel Map recordation, secure a building permit from the Building and Safety Division for the existing unpermitted Accessory Dwelling Unit (ADU) labeled "SHOP" on proposed Parcel A. This as-built ADU shall either be properly permitted for the current use or converted back to a shop/storage building and final inspection of the building permit completed prior to Parcel Map recordation.
5. The property is located in the Moderate Risk State Responsibility Area (SRA). Delineate on the Parcel Map 30-foot defensible space setback measured from property lines as required by Cal Fire Fire Safe Regulations (SRA).

<b>General - Action Required:</b>	<b>When:</b>	<b>Date Completed:</b>	<b>Verified by:</b>
Record Parcel Map or file for extension	Within 24 months of Tentative Map approval		
Permit existing ADU or convert back to storage	Prior to recordation of Parcel Map		

*Solano County Public Works – Engineering Services Division*

6. A Parcel Map shall be filed with the Solano County Surveyor. The map shall conform to the requirements of the State Subdivision Map Act and the Solano County Subdivision Ordinance. The map shall be prepared by a licensed surveyor or civil engineer. Upon the map being filed with the County Recorder the subdivision is valid.
7. Each lot shall be limited to one connection to a public road.
8. NOTE ON THE MAP. The following note shall be placed on the supplemental map sheet. "Each lot is limited to one connection to a public road."
9. NOTE ON THE MAP. The following note shall be placed on the supplemental map sheet. "Payment of the English Hills Transportation Impact Fee will be required before the issuance of building permits for all dwelling units."
10. NOTE ON THE MAP. The following note shall be placed on the supplemental map sheet. "Additional Fire Safe regulations may affect future construction on these parcels."
11. NOTE ON THE MAP. The following note will be placed on the supplemental map sheet. "A grading permit review will be required before the issuance of a building permit for dwellings or driveways."

<b>Public Works - Engineering - Action Required:</b>	<b>When:</b>	<b>Date Completed:</b>	<b>Verified by:</b>
Add notes 9-11 on Parcel Map	Prior to recordation of Parcel Map		

*Environmental Health Division*

12. Prior to Parcel Map recordation, one (1) of the following options for sewage disposal on proposed Parcel B shall be completed and the subdivider shall submit documentary evidence to the satisfaction of the Environmental Health Division.
  - a. PG&E must amend their easement on Parcel B to exclude the area of the reserve field and to provide access to the field for maintenance. The amendment must be recorded.
  - b. Design and construct the replacement system in the PG&E easement with PG&E and Solano County approval to serve as primary system for the property. Valve off the existing system to serve as replacement area.
  - c. Destroy the existing water well and designate the replacement area outside of the PG&E easement area.

Location, design and construction of septic systems and reserve areas shall comply with Chapter 6.4 of Solano County Code.

13. A permit shall be obtained to permit a new septic system (or modify the existing system) to serve the existing unpermitted 3<sup>rd</sup> dwelling which will be permitted as an ADU on proposed Parcel A with the existing ADU becoming the primary dwelling on proposed Parcel B.

<b>Environmental Health - Action Required:</b>	<b>When:</b>	<b>Date Completed:</b>	<b>Verified by:</b>
Complete one of the options in condition#12 for Proposed Parcel B related to septic system reserve areas and submit documentary evidence to the satisfaction of the Environmental Health Division.	Prior to recordation of Parcel Map		
Obtain a permit for the septic system for the as-built secondary dwelling conversion on proposed Parcel A	Prior to recordation of Parcel Map		

*Rural North Vacaville Water District*

14. The Developer shall sign a District Work Order prior to review of the Parcel Map or Improvement Plans. The work order is the mechanism to which all fees and charges associated with District staff time and/or materials will be charged for reimbursement from the landowner(s).
15. Prior to approval of the Parcel Map, the developer shall obtain a Will Serve letter from the District.
16. Prior to approval of any maps or plans, the Developer(s) must be paid current on all accounts and assessments.
17. If the Developer proposes to use District water for the properties, the Developer shall be required to provide a new water service to each of the newly created parcels prior to approval of the Parcel Map.
18. The water district is a rural drinking water system. New residences may need to provide additional on-site storage for in-house fire protection systems. Hydrants within the district are for the filling of fire department tanker trucks (there is no guarantee on flow rate or quantity of water available).
19. The Developer shall have their Engineer design the necessary system improvements to accommodate service to each newly created parcel.
20. Construction:
- All improvements shall be constructed by the Developer's contractor and inspected by the District.
  - The Developer's contractor shall be required to secure a District Encroachment Permit prior to any construction.
  - A preconstruction field meeting must be held with the Developer, the Developer's contractor, and District staff.
  - The Developer's contractor shall submit material specification sheets for all materials required for the proposed improvements. The District must review and approve the material submittals prior to material procurement.

- e. The District will furnish, at the Developer’s expense, the meter, pressure regulating valve, and backflow prevention device to be installed by the Developer’s contractor.
- 21. The Parcel Map shall include the District’s Statement for District approval.
- 22. All construction shall be complete prior to approval of the Parcel Map.
- 23. After approval of Parcel Map, the Developer’s Engineer shall provide the District with two (2) copies of the Parcel Map, and one (1) PDF copy of the Parcel Map.
- 24. All costs for project administration, design, review, construction, inspection, and other work related to the project shall be borne by the Developer.
- 25. District GIS files will be updated accordingly, by the District, and at the Developer’s expense.
- 26. Electronic AutoCAD files are required upon the completion of the project showing “As- Builts” for electronic archiving.

<b>Rural North Vacaville Water District - Action Required:</b>	<b>When:</b>	<b>Date Completed:</b>	<b>Verified by:</b>
Obtain Will-Serve letter	Already provided	N/A	TK
Provide new water service to Parcel B	Prior to recordation of Parcel Map		
Obtain encroachment permit	Prior to construction of improvements		
Provide copies of Parcel Map per condition 22	Following Parcel Map approval		
Provide AutoCAD files per condition 25	Following project completion		

*Vacaville Fire Protection District*

- 27. Comply with the Vacaville Fire Protection District rules and regulations.

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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on November 3, 2022.

TERRY SCHMIDTBAUER, DIRECTOR  
 RESOURCE MANAGEMENT

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Allan Calder  
 Planning Services Manager