

**EL DORADO COUNTY
BOARD OF SUPERVISORS
AGENDA TRANSMITTAL
Meeting of September 19, 2006**

AGENDA TITLE: Agricultural Setback – APN 092-021-26

DEPARTMENT: Board of Supervisors

DATE: 9/12/2006

CAO USE ONLY

CONTACT: Supervisor Helen K. Baumann

PHONE: 621-5651

DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:

Supervisor Baumann requests Board act in place of the Agricultural Commission to review a request to reduce the Agricultural Setback requirement for APN 092-021-26. The applicant is requesting a setback reduction greater than 50 percent which per Resolution 176-97 would typically require Agricultural Commission review and approval. Original structures on this parcel were unknowingly constructed on property belonging to the Bureau of Land Management. The applicant is removing the structures and placing a new home on their property. The Bureau of Land Management has provided a deadline for the applicant to be off of the BLM parcel. A setback reduction is necessary to accommodate placement of the new home. The BLM deadline does not afford the applicant the necessary amount of time to request the setback via the standard process. Planning staff has reviewed the request and has provided the necessary findings (Attachment A) for the Board to approve the applicant's request.

Supervisor Baumann recommends the Board, acting in lieu of the Agricultural Commission, approve the applicant's request to reduce the Agricultural Setback requirement to conform with the setbacks depicted on "Attachment B." Applicant would still be required to meet all other requirements of the permit process.

CAO RECOMMENDATION:

Financial impact? () Yes () No

Funding Source: () Gen-Fund () Other

BUDGET SUMMARY:

Total Est. Cost \$ _____
 Funding
 Budgeted \$ _____
 New Funding \$ _____
 Savings* \$ _____
 Other \$ _____
 Total Funding Available \$ _____
 Change in Net County Cost \$ _____

CAO Office Use Only:

4\5's Vote Req'd. () Yes () No
 Change in Policy () Yes () No
 New Personnel () Yes () No

CONCURRENCES:

Risk Management
 County Counsel
 Other

* Explain

BOARD ACTIONS:

Vote: Unanimous _____ Or

I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors.

Ayes:

Date:

Noes:

Attest: CINDY KECK, Board of Supervisors Clerk

Abstentions:

By:

Absent:

EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING SERVICES
MEMO

Date: September 11, 2006
To: Greg Fuz, Development Services Director
From: Pierre Rivas, Principal Planner
Subject: APPLICATION OF SPECIAL AGRICULTURAL SETBACKS
Building Permit #176099 / Mott
APN 092-021-26

The subject lot is not located within a General Plan Agricultural District. The parcel to the east (BLM land) is zoned Agricultural (A) and the parcel to the west and south is zoned Residential Agricultural-20 Acres (RA-20). The lot is 10 acres in size and is therefore subject to special agricultural setbacks in accordance with the Interim Interpretive Guidelines for El Dorado County General Plan Policies 8.1.3.2 and 8.4.1.2 adopted June 22, 2006.

Under the guidelines, the Development Services Director could reduce the setbacks by 50 percent or to 100 feet when five findings (items a through e) can be made as set forth in Exhibit A of Board Resolution No. 176-97. The soil type on the surrounding agricultural zoned lands are Whiterock gravelly silt loam (WhE) as shown on the Soil Survey of El Dorado Area, April 1974, and is not considered a "choice" agricultural soil (El Dorado County Choice Agricultural Soils, June 1991). The manufactured home is proposed to be located approximately 70 feet from the east property boundary and 185 feet from the west property line.

Since the land owner is requesting a setback reduction greater than 50 percent, the guidelines require an Agricultural Commission review. The Commission can reduce the setbacks by any amount when all of three findings can be made.

For purposes of expediency, the Board of Supervisors may review the request in-lieu of review by the Agricultural Commission.

In accordance with Exhibit A of Resolution No. 176-97, the three necessary findings for the Board to make are as follows:

a. No suitable building site exists on the subject parcel except within the required setback. Since the parcel is 300 feet in width, the application of 200-foot setbacks from the east and west property boundaries renders the site unbuildable.

b. *The proposed noncompatible use is located on the property to minimize any potential negative impact on the adjacent agricultural land.* The proposed location of the manufactured home is approximately 70 feet from the east property line. The adjoining BLM land is a narrow sliver of land approximately 100+ feet in width running parallel along the east boundary of the subject property. No agricultural activities are occurring on this land. Placement at this location maximizes the setback (185 feet) from the 117 acre parcel bordering on the west and south. These lands may support grazing opportunities.

c. *The Commission (Board) has considered the site characteristics of the subject parcel and the adjacent agricultural land including, but not limited to, topography, vegetation, and location of agricultural improvements, etc.* The adjacent agriculturally zoned lands are not being used for agriculture and the topography of the subject site has constrained the location of the proposed home site. BLM has agreed to grant the owners access across BLM lands due to topographic constraints of the parcel location with surrounding lands.

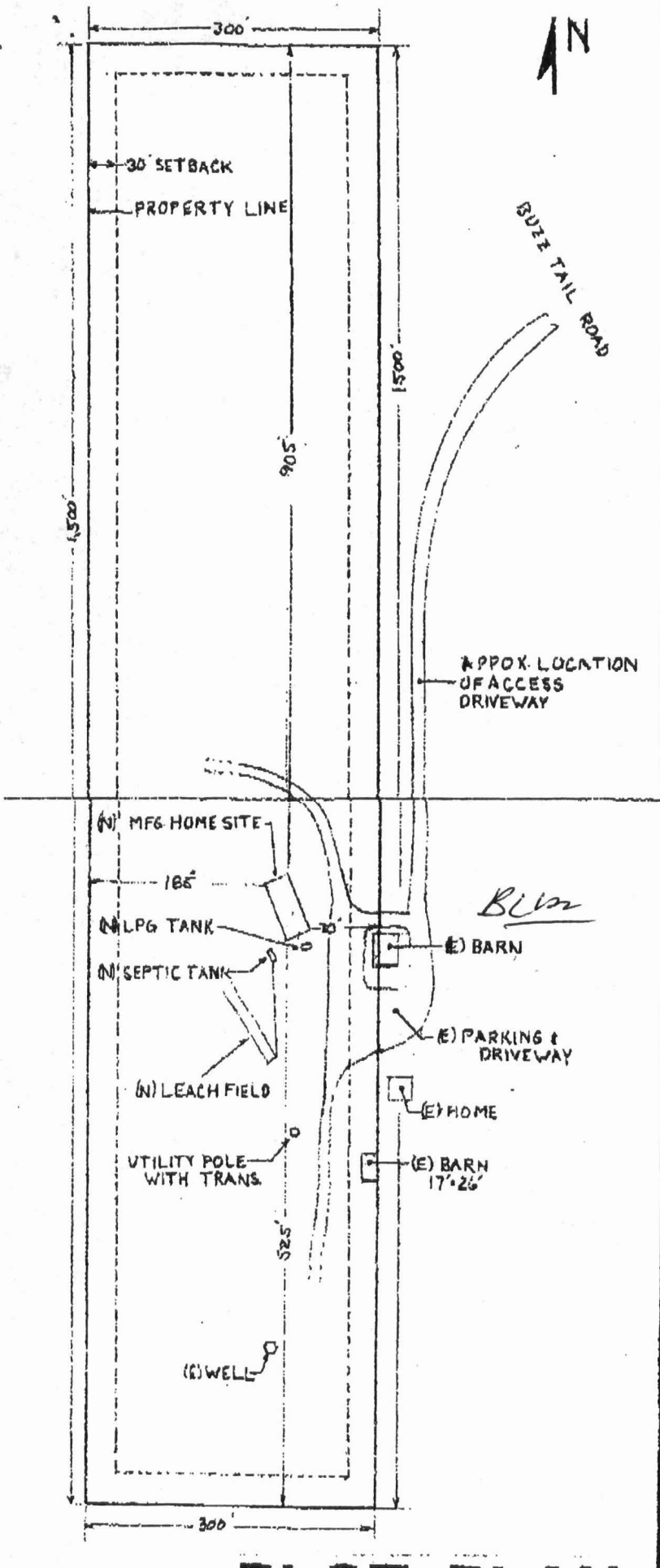
"ATTACHMENT B"

MOTT, ZERLA
6555 RATTER RIDGE RD
EL DORADO, CA 95623
530 622-7775

APN 092-021-26-100

APPLICATION No. 176099

10 ACRES



Re: APN 092-021-26-100
Permit Application: 176099

1. The family has owned this parcel for about 60 years.
2. Due to misinformation that a fence positioned to the east of the eastern property line was the actual property line, years ago they build their home and some of the barns on land now known to belong to the Federal Government.
3. BLM wants them off that property and so a house is being put on their property about 70 west of the eastern property line (which runs North and South).
4. BLM has agreed to grant them a right of access (driveway) over its own land due to the geographic constraints of the parcel location.
5. The USDA has given them a loan in order to buy the mfg. home which is to be a "replacement", and not a new development.
6. The county has been very much involved in this issue and decision and has gone along and has agreed to the decision of the new home.
7. Upon application of the Building Permit (#176099) we found out that this parcel is in the midst of an agricultural zone that now demands 200' setback on all property lines.
8. If one calculates the set back of 200' for the East and West property lines, it totals 400' but the property is only 300' wide!
9. BLM has given a deadline for the family in getting off its own property and that does not allow enough time to go through appeals, etc.
10. The topography of the land (slopes, ravines) along with the normal set backs limit where we can place the mfg. home.
11. We need a quick solution to this issue.