



# AGRICULTURAL COMMISSION

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*Greg Boeger, Chair – Agricultural Processing Industry*  
*John Winner, Vice-chair – Forestry/Related Industries*  
*Chuck Bacchi – Livestock Industry*  
*Tom Heflin – Fruit and Nut Farming Industry*  
*David Pratt – Fruit and Nut Farming Industry*  
*Lloyd Walker – Other Agricultural Interests*  
*Gary Ward – Livestock Industry*

## MEMORANDUM

**DATE:** January 16, 2007

**TO:** Greg Fuz, Director  
Development Services

**FROM:** Greg Boeger  
Chair

**SUBJECT:** ADMINISTRATIVE RELIEF PROCESS FOR AGRICULTURAL SETBACKS

During the Agricultural Commission's regularly scheduled meeting held on January 10, 2007, the following discussion and motion occurred regarding potential changes to the Administrative Relief Process for Agricultural Setbacks as proposed by the Ag Council's Sub-committee.

Bill Stephans informed the Commission that he was directed by the Board of Supervisors at their January 9, 2007, meeting to proceed with the changes to the Administrative Relief process for agricultural setbacks as an urgent issue. Mr. Stephans stated that the Agricultural Commission's recommendations will be forwarded to the Planning Commission, at which point County Counsel will become heavily involved.

Dave Bolster, representing the Ag Council's Sub-committee, stated that the purpose of the document before the Agricultural Commission was to streamline the process. Mr. Stephans proceeded to go through the document section by section. It was noted that there were two (2) alternatives being presented and both options were reviewed and discussed.

Comments and concerns were heard from staff and audience members regarding the proposed changes and how the fees are distributed among the County departments. The Agricultural Commission selected the first option. Several edits were requested and annotated by Bill Stephans.

Chair Boeger commended the sub-committee on their hard work in submitting a well-written document for the Agricultural Commission to review.

*It was moved by Mr. Winner and seconded by Mr. Walker to conceptually approve the "Proposed Draft Criteria and Procedure For Administrative Relief From Agricultural Setbacks Pursuant To Section 17.06.150" with the changes suggested and concurred amongst the Agricultural Commission and to also recommend that if a fee is charged, that it be proportionately shared by the appropriate departments that are responsible for review. Motion passed.*

Greg Fuz

January 16, 2007

RE: Administrative Relief Process for Agricultural Setbacks

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**AYES:** Bacchi, Heflin, Pratt, Ward, Walker, Winner, Boeger

**NOES:** None

If you have any questions regarding the Agricultural Commission's actions, please contact the Agriculture Department at (530) 621-5520.

GB:cmt

**cc** Larry Appel, Deputy Director Planning Services

**EL DORADO COUNTY AGRICULTURAL COMMISSION  
RECOMMENDED  
CRITERIA AND PROCEDURE  
FOR ADMINISTRATIVE RELIEF FROM  
AGRICULTURAL SETBACKS PURSUANT TO SECTION 17.06.1 50  
(Recommended January 10, 2007)**

**A. Procedure**

- 1** Upon a determination by the Development Services Department that the agricultural setbacks required pursuant to Section 17.06.1 50, Setbacks for Agricultural Protection, apply to a parcel, the property owner or his/her agent (applicant) may petition for administrative relief.
- 2** The applicant shall provide to the Development Services Department sufficient information to show that the required setback would render the parcel unbuildable, or otherwise severely restrict the use and enjoyment of his property if the agricultural setback is applied.
- 3** Under certain circumstances identified in Section B, Criteria, the Development Services Director or his/her designee with concurrence from the Agricultural Commissioner or his/her designee may approve a reduction in the setback up to 50 percent.
- 4** If the reduction in setback requested is greater than 50 percent but 75 percent or less, the property is located adjacent to agricultural or TPZ zoned land, or the property owner is dissatisfied with the decision of the Development Services Director, the Agricultural Commission shall review the request. The applicant shall submit the requested reduction in setback to the Planning Department, together with the information supporting the request. Development Services Department shall then route the information to the Agricultural Commission for review on the next available Commission agenda.
- 5** If the requested reduction cannot meet the administrative criteria in either 3 or 4 above, a variance application pursuant to Chapter 17.24 must be processed.

**B. Criteria**

- 1** Development Services Director Administrative Approval. The Development Services Director, with concurrence from the Agricultural Commissioner, shall approve a reduction in the required setback of up to 50 percent when all of the following exists:
  - a.** No suitable building site exists on the subject parcel except within the required setback;
  - b.** The adjacent agricultural land does not contain "choice soils" or "choice timber production soils" as defined in the General Plan;  
The adjacent land is not located within an agricultural district as designated in the General Plan, or within a Natural Resource designated area if timberland;
  - d.** The portion of the adjacent agricultural land adjacent to the subject property does not contain an existing agricultural or timber operation;
  - e.** The adjacent agricultural land is not zoned either AE, Exclusive Agricultural, or TPZ, Timberland Preserve Zone.

Exhibit A, Resolution No. XXXXXX Administrative Relief Criteria

2. **Development Services Director Administrative Approval.** The Development Services Director with concurrence of the Agricultural Commissioner shall approve a reduction in the required setback of up to 75 percent when the non-compatible use is located on the property to reasonably minimize the potential negative impact(s) on the adjacent agricultural or TPZ land and one or more of the following exists:
  - a. The subject parcel is 5 acres or less; and/or
  - b. The subject parcel has a width to length of greater than a 1 to 3 ratio; and/or
  - c. The subject parcel is located in a Community Region or Rural Center; and/or
  - d. The non-compatible use involves the addition, re-model or re-building of a current structure or demolished structure that was lawfully placed within the agricultural setback. A reduction in the agricultural setback may only be granted by Development Services Director with concurrence of the Agricultural Commissioner when the non-compatible use does not further encroach into the agricultural setback. If the proposed non-compatible use further encroaches into the agricultural setback, the approval, modification or denial of the project shall be required by the Agricultural Commission; and/or
  - e. The approval of a Williamson Act or Farmland Security Zone contract when the parcel or parcels included in the contract application are rezoned from residential to agricultural zoning. The administrative relief review fee shall be waived for each parcel adjacent to the new contract parcel(s).
  - f. The parcel is adjacent to two or more parcels, one or more of which is not zoned for agriculture or for TPZ and the proposed location of the non-compatible use is located directly adjacent to the parcel that is not zoned for agriculture or for TPZ.
3. **Agricultural Commission Approval.** The Agricultural Commission may approve a reduction in the required setback greater than 50% when it can be demonstrated that a natural or man-made barrier or buffer already exists such as, but not limited to, topography, roads, wetlands, streams, utility or other easements, swales, etc., that would reduce the need for such a setback, or the Commission finds three of four ~~all~~ of the following exists:
  - a. No suitable building site exists on the subject parcel except within the required setback due, but not limited to, slopes in excess of thirty (30) percent, other setback requirements, etc.;
  - b. The proposed non-compatible use is located on the property to reasonably minimize the potential negative impact(s) on the adjacent agricultural or TPZ land;  
There is no agricultural activity on the agriculturally zoned parcel(s) and the Commission has determined that the conversion to a low intensive farming operation or to a high intensive farming operation is not likely to take place due to the soil characteristics or to the slope/topography of the parcel(s) or to the General Plan Land Use Designation such as Light/Medium/High Density Residential (LDR, MDR or HDR) of the surrounding or adjacent parcels;
  - d. The Commission has considered the site characteristics of the subject parcel and the adjacent agricultural or TPZ land including, but not limited to, topography, and location of agricultural improvements, etc.

4. **Fee for Administrative Relief Review.** The applicant shall pay the following fee prior to consideration for administrative relief:

- a. Development Services Director .. \$50
- b. Agricultural Commission ..... ....\$350

5. In all cases, if a reduction in the agricultural setback is granted for a non-compatible use, prior to the issuance of a building permit, a Notice of Restriction must be recorded identifying that the non-compatible use is built within an agricultural setback and that the owner of the parcel granted the reduction in the agricultural setback acknowledges and accepts responsibility for the risks associated with building a non-compatible use within the setback.