



Charlene M Tim/PV/EDC  
03/05/2009 04:09 PM

To Cynthia C Johnson/PV/EDC@TCP  
cc Suzanne Allen de Sanchez/PV/EDC@TCP, Aaron D Mount/PV/EDC@TCP  
bcc  
Subject Fw: Cox Ag Preserve setback recommendations

CJ,

Please include the attached PDF file for the Cox item (Z08-0014/WAC08-0004) scheduled for the Board's March 10th, 2:00pm hearing . Please call with any questions. Thank you.

Char Tim  
Clerk of the Planning Commission  
El Dorado County Development Services  
(530) 621-5351

----- Forwarded by Charlene M Tim/PV/EDC on 03/05/2009 04:05 PM -----

Aaron D Mount/PV/EDC  
03/05/2009 02:39 PM

To Charlene M Tim/PV/EDC@TCP  
cc  
Subject Fw: Cox Ag Preserve setback recommendations

Char,

Don't shoot the messenger!! Chris from AG just sent this to me and wants it added to the agenda package for the Cox Ag Preserve (WAC-08-0004/Z -08-0014)

Aaron Mount  
Associate Planner  
El Dorado County  
530-621-5355

----- Forwarded by Aaron D Mount/PV/EDC on 03/05/2009 02:36 PM -----

Chris J Flores/PV/EDC  
03/05/2009 02:24 PM

To Aaron D Mount/PV/EDC@TCP  
cc Pierre Rivas/PV/EDC@TCP  
Subject Cox Ag Preserve setback recommendations



Aaron,

Here is our recommendation document for the Cox Ag Preserve. Call me if you have any questions. Hope it can be added to the board packet.



Cox Setback Recommendations.pdf

Respectfully,

Chris Flores  
Agricultural Biologist/Standards Inspector II  
El Dorado County Department of Agriculture,  
Weights & Measures  
530-621-5520  
chris.flores@edcgov.us



EL DORADO COUNTY DEPARTMENT OF AGRICULTURE  
WEIGHTS AND MEASURES

MEMORANDUM

March 4, 2009

TO: Bill Stephans

CC: Aaron Mount, Planning Services

FROM: Chris Flores

SUBJECT: Z 08-0014 AND WAC 08-0004; COX AGRICULTURAL PRESERVE

---

**Summary of Setback Recommendations:** The following parcels fall under Criteria 2. e). of the Criteria and Procedures for Administrative Relief from Agricultural Setbacks (Board Resolution 079-2007, April 17, 2007), which states: "...the Development Services Director may approve a reduction in the required agricultural setback of up to seventy-five (75%), subject to concurrence of the Agricultural Commissioner, provided that the proposed non-compatible use/structure is located in a manner that would reasonably minimize the potential negative impact(s) on the adjacent agricultural zoned land and the subject parcel can meet at least one of the criteria below: ...e) The agricultural setback on the subject parcel results from the approval of a new Williamson Act contract when the parcel or parcels included in the contract application are rezoned from residential to agricultural zoning..."

All affected parcels have been analyzed using the following criteria:

1. Parcel size
2. Current zoning
3. Current Land Use Designation
4. Topography
5. Natural or man-made buffers
6. Number of houses on property and location
7. Is parcel in an Agricultural District?
8. Is parcel in a Rural Center?
9. Property owner input/request.

The following parcels correspond to their respective numbers on the attached aerial photo.

1. **Wells Fargo: 2020 South Moonshadow Ln., APN 093-110-04 (1.87 acres)**
  - Property is zoned RE-5, Land Use is RR, AG District = No
  - As the parcel is 1.87 acres, the Development Services Director may approve a reduction in the required agricultural setback of up to seventy-five percent, subject to the concurrence of the Agricultural Commissioner.
  - There is currently one house on the property.
  - *Recommend 50 foot setback as South Moonshadow Ln. would act as a buffer.*



Above: driveway to 2020 South Moonshadow taken from South Moonshadow Ln.

2. **Cary Smith: 5780 Mt. Aukum Rd., APN 093-110-02 (48.44 acres)**
  - Property is zoned AE, Land Use is NR, AG District = No
  - *Recommend 200 foot agricultural setback.*
  
3. **Susanne McCrady: 2055 South Moonshadow Ln., APN 093-180-30 (10.14 acres)**
  - Property is zoned RE-10, Land Use is RR, Ag District = No
  - Sent letter on 2/27/09. No response as of 3/5/09.
  - Property is undeveloped.
  - Property has a 200 foot agricultural setback against its eastern boundary.
  - *Recommend 200 foot agricultural setback.*



Above and below: area west of S. Moonshadow Ln and adjacent to subject parcel.



**4. Richard Mattos: 3040 & 3042 Gopher Hole Rd., APN 093-180-46 (10.17 acres)**

- Property is zoned RE-10, Land Use is RR, AG District = No
- Conducted site visit on 2/27/09. Spoke with Mr. Mattos. He stated that he does not have any plans of building anything else. There are two houses already existing on the property.
- *Recommend 200 foot agricultural setback.*



Above: 3040 and 3042 Gopher Hole Rd.

**5. Deborah Merhoff and Oliver Hendricks: 3031 Gopher Hole Rd., APN 093-180-03 (10 acres)**

- Property is zoned RE-10, Land Use is RR, AG District = No
- No listed phone #. Conducted site visit on 2/27/09, no one home.
- Sent letter 2/27/09. No response as of 3/5/09.
- Property has one single-family residence.
- *Recommend 200 foot agricultural setback.*



Above: triangular area between subject parcel and Gopher Hole Rd.



Above: area of property west of Gopher Hole Rd that would be affected by setback.



**6. Norman Stoldt: 2961 and 2985 Gopher Hole Rd., APN 093-180-06 (18.51 acres)**

- Property is zoned RE-10, Land Use is RR, AG District = No
- Property has two single family dwellings and a swimming pool.
- Spoke to Mr. Stoldt on 3/4/09. He does not have any plans to build a non-compatible use within the proposed 200 foot setback.
- *Recommend 200 foot agricultural setback.*





7. Gloyd Zeller: 5920 Mt. Aukum Rd., APN 093-180-09 (13.66 acres)

- Property is zoned RE-5 & C, Land Use is C, AG District = No, Rural Center = Yes
- Property is undeveloped.
- Owner would like a 30 foot residential setback.
- *Recommend 50 foot setback.*

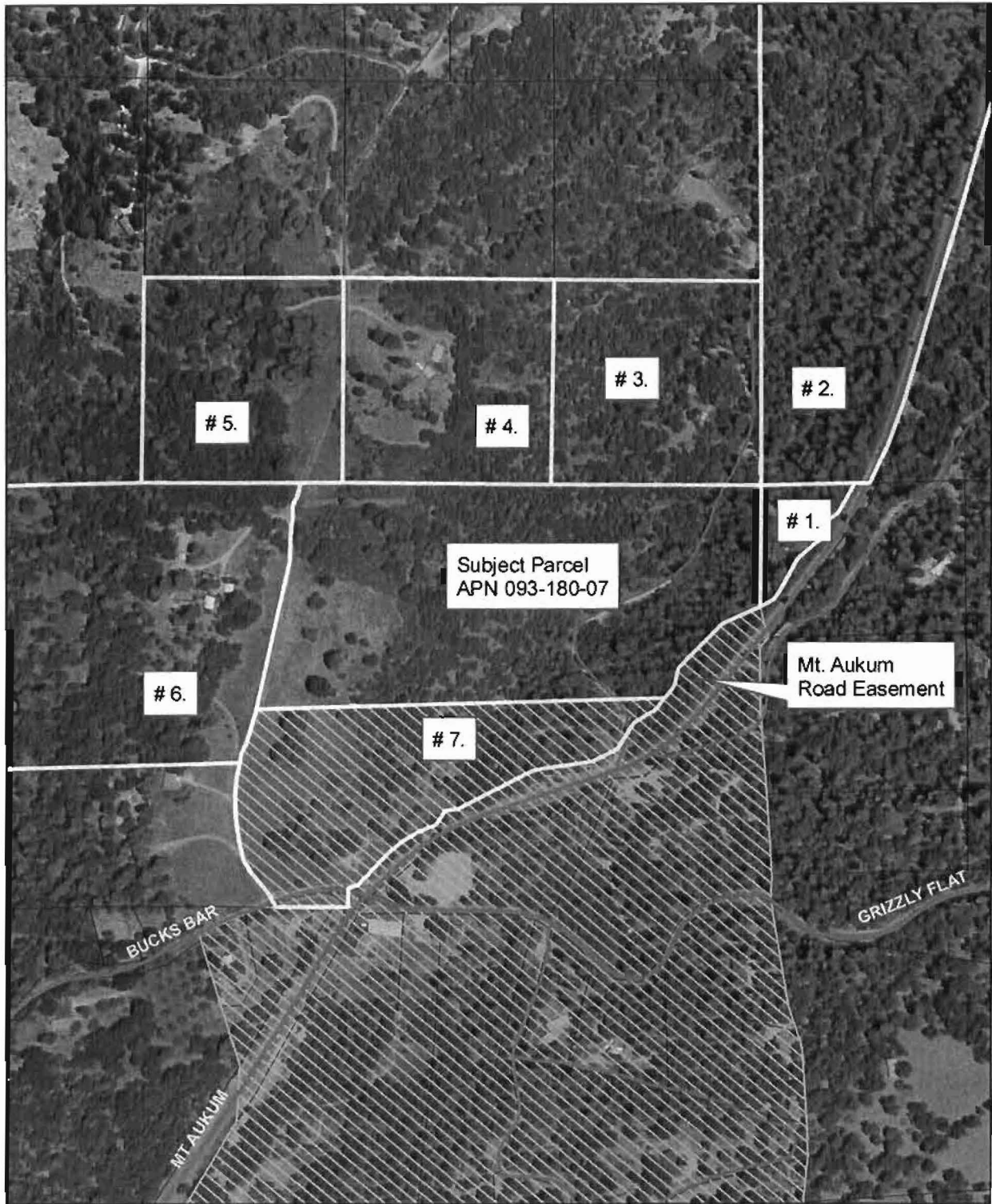


Above: portion of parcel adjacent to subject parcel and east of Gopher Hole Rd.



Above: commercially zoned portion of property off of Mt. Aukum Rd.

# Z 08-0014 & WAC 08-0004



Copyright 2003 AirPhoto USA

#### DISCLAIMER

THIS DEPICTION WAS COMPILED FROM UNVERIFIED PUBLIC AND PRIVATE SOURCES AND IS ILLUSTRATIVE ONLY. NO REPRESENTATION IS MADE AS TO ACCURACY OF THIS INFORMATION. PARCEL BOUNDARIES ARE PARTICULARLY UNRELIABLE. USERS MAKE USE OF THIS DEPICTION AT THEIR OWN RISK.

MAP PREPARED BY CHRIS FLORES  
DATE: MARCH 5, 2009

EL DORADO COUNTY AGRICULTURE DEPARTMENT  
PHONE (530) 621-5520 FAX (530) 626-4756

#### Legend

 Somerset Rural Center



0 255 510 1,020 1,530 Feet



**Note:** *Resolution No. 079-2007 Exhibit A of the Board of Supervisors pertaining to the adoption of the Criteria and Procedures for Administrative Relief from Agricultural Setback, Section B.5, requires the following action: In all cases, if a reduction in the agricultural setback is granted for a non-compatible use/structure, prior to the issuance of a building permit, a Notice of Restriction must be recorded identifying that the non-compatible use/structure is constructed 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/structure within the setback. (See following document)*

RECORDING REQUESTED BY:

WHEN RECORDED, RETURN TO:

NAME:

MAILING ADDRESS:

CITY, STATE, ZIP:

SPACE ABOVE RESERVED FOR RECORDERS USE

## NOTICE OF RESTRICTION AND AGREEMENT TO DISCLOSE AGRICULTURAL SETBACK

NOTICE IS HEREBY given that existing or potential agricultural operations and ranch marketing activities are located near or adjacent to the parcel designated as Assessor's Parcel Number 000-000-00 as noted in the Official Records of the County of El Dorado. Further more, owner(s) have requested and have received approval of a site plan review of Building Permit No. 000000 for placement of a single family residence located within an agricultural setback.

The County of El Dorado recognizes that agriculture is important to the vitality of the County. General Plan Policy 8.1.3.2 requires that incompatible uses be placed a minimum of 200 feet from the adjoining agriculturally zoned lands for the protection of the agricultural lands from the encroachment of incompatible land uses unless a reduction of the agricultural setback is granted upon request by owner(s) and approved by the County subject to this agreement.

The purpose of this agreement is to recognize that the establishment of residential uses may be incompatible with existing or potential agricultural operations and ranch marketing activities. The recording of this document is imposed as a result of the above referenced building permit and Resolution No. 079-2007 of the Board of Supervisors pertaining to the adoption of the Criteria and Procedures for Administrative Relief from Agricultural Setback. The signing of this agreement acknowledges the following:

1. Property owner(s), hereinafter referred to as "owner", acknowledges that the residential use/structure(s), authorized by the above permit, is being constructed within an agricultural setback;
2. Owner is the owner of real property in El Dorado County, California, described in Exhibit "A" and incorporated by reference;
3. The owner acknowledges and is made aware that "non-compatible" residential use/structure(s) means those residential uses of the land which are apt to be impacted by agricultural uses/operations due to sprays, dust, noise, odors, equipment or products escaping the agricultural property in a manner which threatens the health, safety, welfare or repose of adjacent occupants or land uses. It also means those residential uses which are apt to cause conflict and threaten the loss of viability of agricultural use due to trespass, vandalism, theft, complaint and dog related problems; and

4. The owner acknowledges and accepts responsibility for the risk of inconveniences and/or nuisances arising from agricultural operations and ranch marketing activities due to building a non-compatible use/structure within an agricultural setback.

Said Notice of Restriction and Agreement to Disclose Agricultural Setback shall be binding upon the real property, as described in Exhibit "A", and shall remain in effect until rescinded by the County of El Dorado. The purpose of this agreement is to give constructive notice of existing or potential agricultural operations and activities adjacent to or in the vicinity of referenced property.

Owner(s) agree(s) to have his/her/their signature(s) to this agreement notarized.

By \_\_\_\_\_ Print \_\_\_\_\_  
Property Owner(s) Property Owner(s)

By \_\_\_\_\_ Print \_\_\_\_\_  
Property Owner(s) Property Owner(s)

STATE OF CALIFORNIA }  
 County of El Dorado

On \_\_\_\_\_ before me, \_\_\_\_\_  
Date Here insert Name and Title of the Officer

personally appeared \_\_\_\_\_  
Name(s) of Signer(s)

Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

\_\_\_\_\_  
Signature of Notary Public

Place Notary Seal Above