

## EXHIBIT A

### CRITERIA AND PROCEDURES FOR ADMINISTRATIVE RELIEF FROM AGRICULTURAL SETBACKS

#### A. Procedure

1. Upon a determination by the Development Services Department that the agricultural setbacks required pursuant to General Plan Policies 8.1.3.1, 8.1.3.2, 8.1.3.3 and 8.4.1.2 or Section 17.06.150 of the zoning ordinance apply to a parcel, the property owner or his/her agent (applicant) may petition for administrative relief.
2. In order to petition for administrative relief, 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 the property if the agricultural setback is applied.
3. Under certain circumstances identified in Section B, Criteria, the Development Services Director or his/her designee may approve a reduction in the setback up to seventy-five percent (75%).
4. If the reduction in setback requested is greater than seventy-five percent (75%), or the subject property is located adjacent to agricultural or TPZ zoned land or the applicant is dissatisfied with the decision of the Development Services Director under 3. above, the Agricultural Commission shall review the request. The applicant shall submit to the Development Services Department the requested reduction in setback, together with the information supporting the request. The Development Services Department shall then route the information to the Agricultural Commission for review on the next available Commission agenda.

If the requested reduction cannot meet the administrative criteria in either 3 or 4 above, a variance application may be filed by the applicant pursuant to chapter 17.22

#### B. Criteria

1. Development Services Director Approval. The Development Services Director, shall approve a reduction in the required setback for a proposed non-compatible use/structure of up to fifty percent (50%) 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;

- c) 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 AE - Exclusive Agricultural, AP – Agricultural Preserve, or TPZ - Timberland Production Zone;
  - f) The Agricultural Commissioner concurs with the proposed setback reduction.
2. If the subject parcel cannot meet criteria (a)-(f) above, the Development Services Director may approve a reduction in the required agricultural setback of up to seventy-five percent (75%), subject to the 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 or TPZ zoned land and the subject parcel can meet at least one of the criteria below:
- a) The subject parcel is 5 acres or less;
  - b) The subject parcel has a width to length ratio of greater than 1 to 3 and the longer of the boundary measurements abut the adjacent agricultural or TPZ zoned land;
  - c) The subject parcel is located in a Community Region or Rural Center as designated in the General Plan;
  - d) The non-compatible use/structure involves the addition, re-model or re-building of a current structure or demolished structure that was lawfully placed within the agricultural setback. Under this criterion, a reduction in the agricultural setback may only be granted when the non-compatible use/structure does not further encroach into the agricultural setback. If the proposed non-compatible use/structure would further encroach into the agricultural setback, Agricultural Commission review shall be required pursuant to 3. below;
  - e) The agricultural setback on the subject parcel results from the approval of a new Williamson Act or Farmland Security Zone contract when the parcel or parcels included in the contract application are rezoned from residential to agricultural zoning. Fees for reductions in agricultural setbacks under this criterion are waived for each parcel adjacent to the new contract parcel(s);
  - f) The proposed location of the non-compatible use/structure would be directly adjacent to a parcel or parcels that are not zoned for agricultural or TPZ use.

3. Agricultural Commission Approval. If the subject parcel does not meet the criteria for a reduction in the agricultural setback pursuant to B.1. and B.2 above, the applicant may request review by the Agricultural Commission. The Agricultural Commission may approve a reduction of up to one hundred percent (100%) of the special agricultural setback (not less than 30 feet from the agriculturally zoned parcel) 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 that three of four of the following exists:
  - a) No suitable building site exists on the subject parcel except within the required setback due, but not limited to, compliance with other requirements of the General Plan or other County development regulations;
  - b) The proposed noncompatible use/structure is located on the property to reasonably minimize the potential negative impact on the adjacent agricultural or TPZ zoned land;
  - c) Based on the site characteristics of the subject parcel and the adjacent agricultural or TPZ zoned land including, but not limited to, topography and location of agricultural improvements, etc, the Commission determines that the location of the proposed non-compatible use/structure would reasonably minimize potential negative impacts on agricultural or timber production use.
  - d) There is currently no agricultural activity on the agriculturally zoned parcel(s) adjacent to the subject parcel and the Commission determines that the conversion to a low or high intensive farming operation is not likely to take place due to the soil and/or topographic characteristics of the adjacent agriculturally zoned parcel(s) or because the General Plan Land Use Designation of the surrounding or adjacent parcels is not agricultural (e.g. Light/Medium/High Density Residential);
4. Board of Supervisors Administrative Relief: The Board of Supervisors may approve a reduction of up to one hundred percent (100%) of the special agricultural setback (not less than 30 feet from the agriculturally zoned parcel) on adjacent parcels concurrently with the approval of any parcel rezone to any agricultural designation using the applicable criteria from B.1, B.2., and/or B.3 above or any other criteria deemed appropriate by the Board. Whenever a rezone to an agricultural designation is recommended by the Planning Commission, the recommendation shall also include an analysis and recommendation for the setback for each surrounding parcel that would be affected by the new setback.
5. 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.

6. "Non-compatible use/structure" means those uses of the land which are apt to conflict with 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 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. It includes, but is not limited to:

- a. Residential structures;
- b. Nursing homes;
- c. Public or private schools;
- e. Daycare centers;
- f. Playgrounds;
- g. Swimming pools;
- g. Spas;
- h. Ponds; and
- i. Churches

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

Development Services Director... \$50  
Agricultural Commission .....\$350