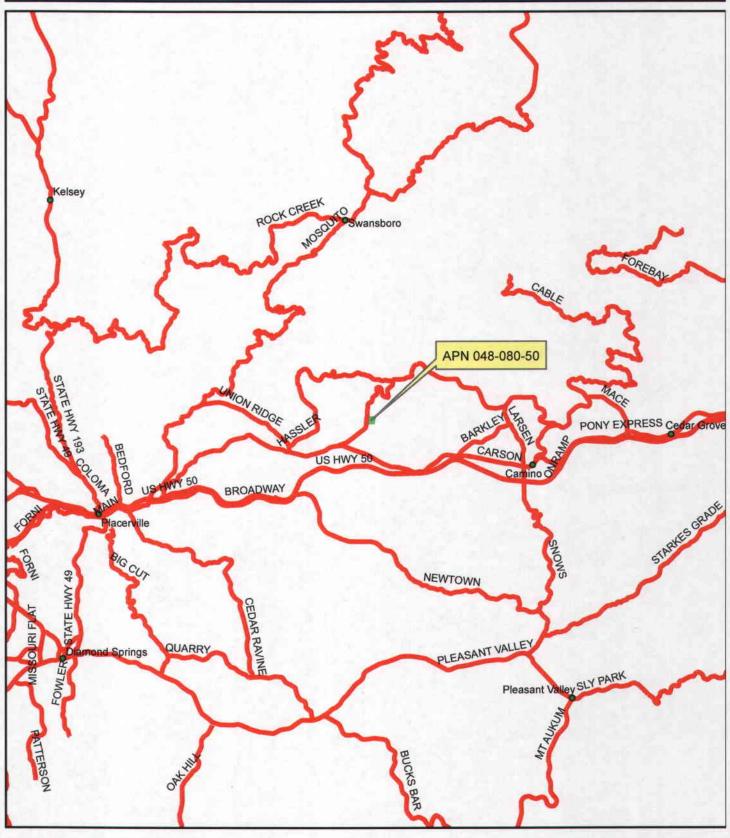
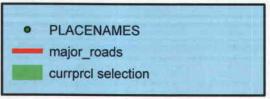
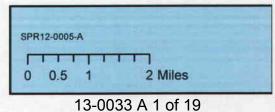
## **Attachment 1: Location Map**

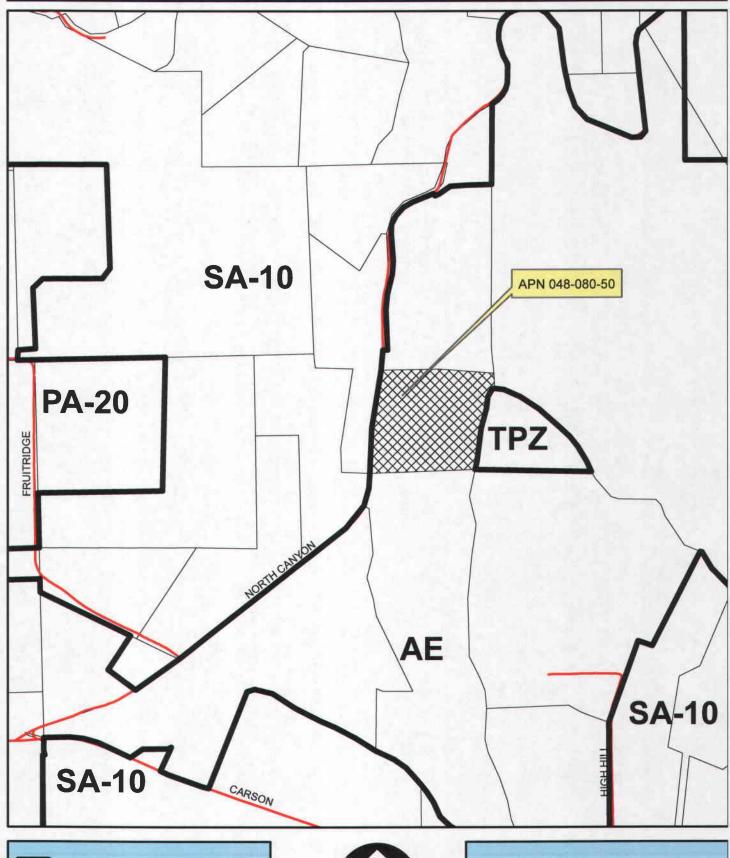


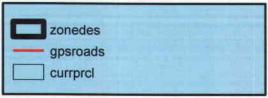




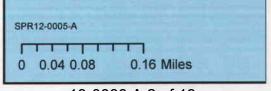


## **Attachment 2: Zone District Map**



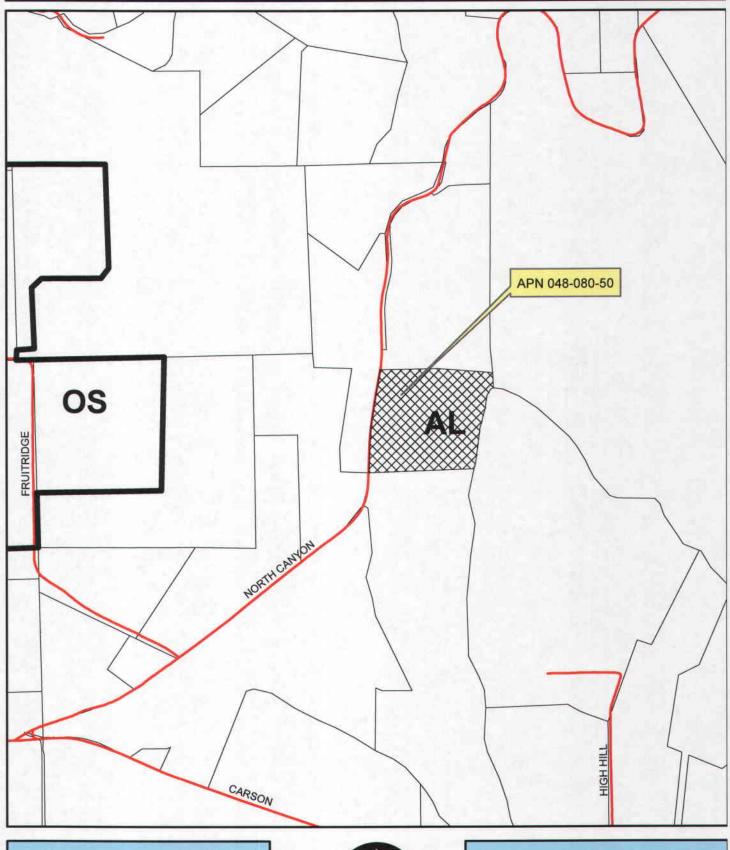


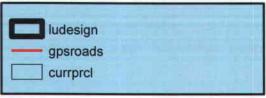




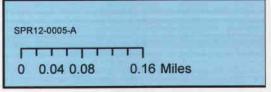
13-0033 A 2 of 19

# Attachment 3: General Plan Map











# DEPARTMENT OF AGRICULTURE WEIGHTS AND MEASURES

### Charlene Carveth

Agricultural Commissioner Sealer of Weights and Measures 311 Fair Lane Placerville, CA 95667 (530) 621-5520 (530) 626-4756 FAX eldcag@edcgov us

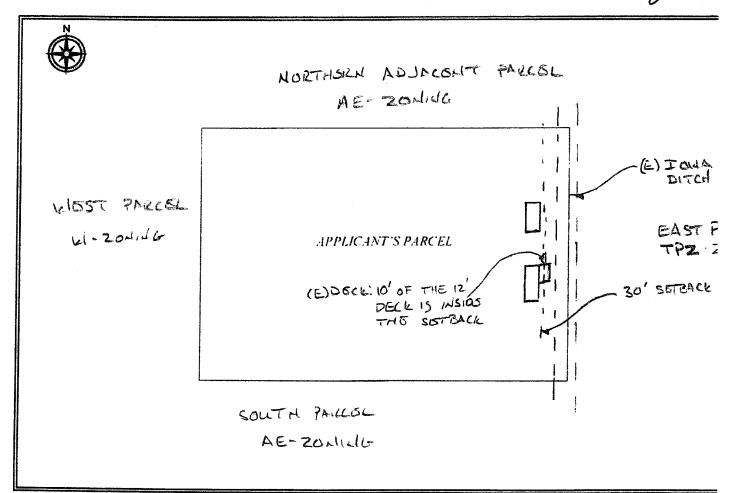
# REQUEST FOR ADMINISTRATIVE RELIEF FROM AN AGRICULTURAL SETBACK – APPLICATION

APPLICANT(S) NAV	IF(s): Stanley and Joan Geel				
SITE ADDRESS:	3000 N. Canyon Rd., Camino 95709 3000 N. Canyon Rd., Camino 95709				
MAILING ADDRESS	3000 N. Canyon Rd. Camino 95709				
TELECHONE NUMBE	(B(S): (DAY) 530-621-3740 (EVE) 530-621-3740				
APN#: 048-0	080-50-100 PARCEL SIZE: 12 acres zoning: AE				
LOCATED WITHIN A	N AG DISTRICT? YES NO ADJACENT PARCEL ZONING: TPZ				
IF THE ADJACENT P A COMMUNITY REG	ARCEL IS ZONED TPZ OR NATURAL RESOURCES, IS YOUR PROPERTY LOCATED WITHIN ION OR RURAL CENTER? YES NO NOT APPLICABLE  ACK: 200 foot SETBACK YOU ARE REQUESTING: 30 foot				
REQUESTED USE (AG	RICULTURALLY-INCOMPATIBLE):				
Deck					
PLEASE ANSWER T	LDING PERMIT FOR REQUESTED USE? YES (Permit # 205973) NOTHE FOLLOWING:				
1. YES NO	Does a natural barrier exist that reduces the need for a setback?  [[2]Topography [7] Other				
2. TYES WNO	Is there any other suitable building site that exists on the parcel <u>except</u> within the required setback?				
3.  V, YES     NO	Is your proposed agriculturally-incompatible use located on the property to minimize any potential negative impact on the adjacent agricultural land?				
Improvements etc.	eteristics of your parcel and the adjacent agricultural land that the Agricultural Commission reluding, but not limited to, topography, vegetation, and location of agricultural				
The proper parcel is in constitutes as Volunteer gr	ty line between our property and the TPZ the middle of the Town Ditch. The dith structural barrier and has no impact on the owth of trees on the adjacent				

- Protecting Agriculture, People and the Environment -

Zoning of your parcel Exclusive Agriculture IN THE DIAGRAM BELOW, SHOW THE FOLLOWING:

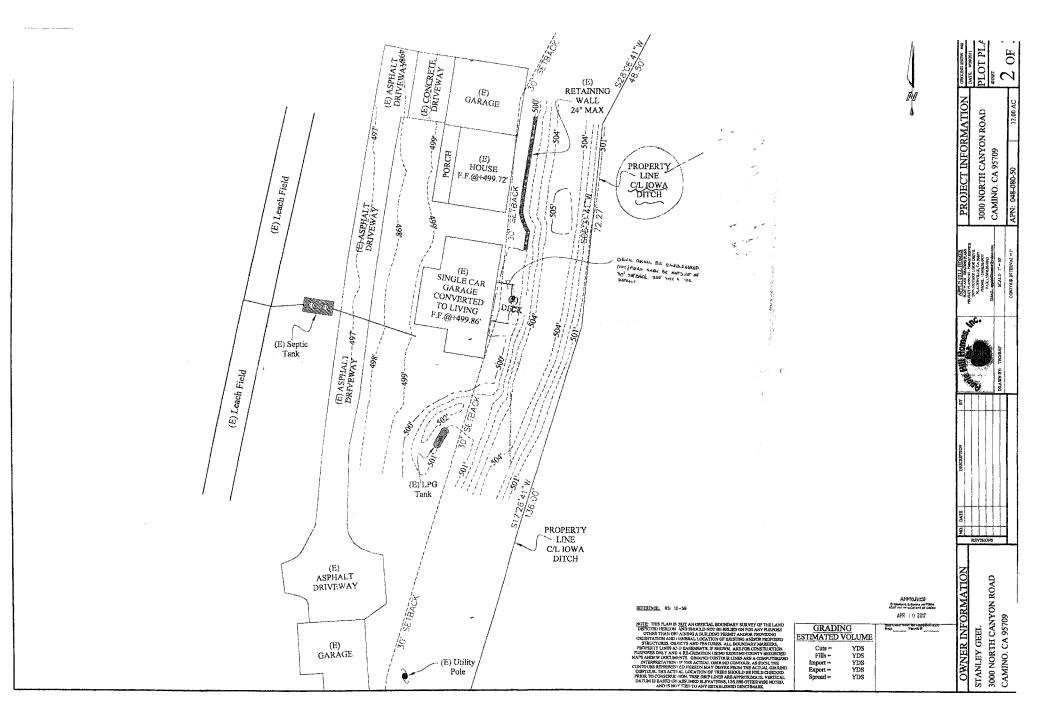
- Zoning of adjacent parcels: Sewal TPZ
- C. Placement of agriculturally-incompatible use
- Indicate requested setback distance REQUEST A 6' CAUTILOUSE INTO 30' SOTTEACL D.
- Indicate any unique site characteristics of property: TOWA DITCH (12 ft. wide) E. 6 ft. high

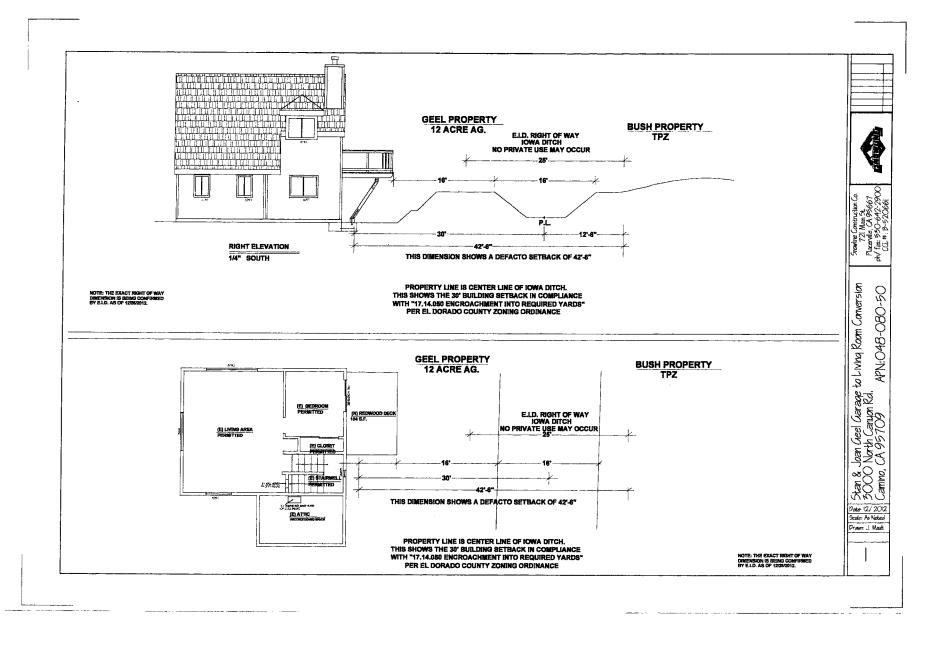


#### ANY ADDITIONAL COMMENTS?

Lel E PROPOSU TO RECONSTRUCT THE DOCK SUCH THAT THE POST OUTSIDE OF THE 30' SETBACK AND CANTILOUSE THE DECK INTO THE SETBACK. THE MEN DECK EXTENDS & FROM THE HOUSE AND 6 OF THE DECK WILL BE ENCHOACHING THIS 30' SOTBALK

Joan Deel

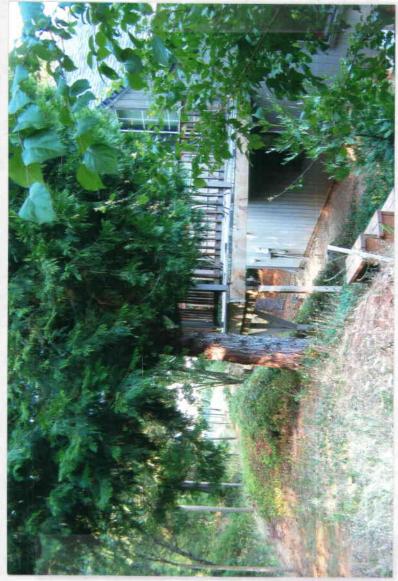


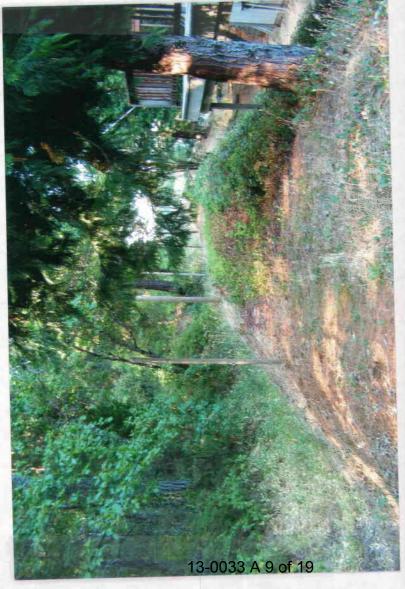


## **ATTACHMENT 6**

File Number: <u>SPR 12-0005-A</u>	Receipt No.: 28185
Date Received: 12-27-12	Amount: 200.00
APPEAL FORM (For more information, see Section 17.22.220	
Appeals must be submitted to the Planning Department see fee schedule or contact the Planning Department for	or appeal fee information.
APPELLANT STANLEY AND JOAN G.	EEL
ADDRESS 3000 N. CANYON RD., C.	AMINO, CA 95709
APPELLANT STANLEY AND JOAN 6.  ADDRESS 3000 N. CANYON RD., C.  DAYTIME TELEPHONE (530) 621-3740	CELL# 530-919-7879
A letter from the Appellant authorizing the Agent to act in appeal.	his/her behalf must be submitted with this
AGENT	
ADDRESS	
DAYTIME TELEPHONE	# Y 40 =
APPEAL BEING MADE TO: Source of Supervisor	ors Planning Commission
ACTION BEING APPEALED (Please specify the action application, denial of an application, conditions of approval, please attach copy of the action application of approval, please attach copy of the action application of approval, please attach copy of the action application of approval, please attach copy of the action application of approval.	val, etc., <u>and</u> specific reasons for appeal.
THE AGRICULTURAL CONNISSION MADE NO	DELISION ON THE REQUEST FOR AN
AGRICULTURAL SEIBACK RELIEF APPLICATI	ON APNO48-080-50. THE APPLICANTS
HAVE REDESIGNED A CURRENT NON-LOME	LIANT DECK TOMEET THE PLANNING
DEPT. REGULATION SECTION 17.14.05	O, A, THE RELONSTRUCTED DECK FOOTINGS
WELL MEET THE 30 FT, SETBACK AND THE	E DECK SURFACE WILL BE CANTILEVERED
INTO THE SETBAPK LESS THAN 25%, THE O TO THE RAST HAVE GIVEN APPROVAL TO	WNERS OF THE ADJACENT TPZ PROPERTY
SITE CHARACTERISTIC OF THE 30 FOOT. (E.I.D.) WHICH CONSTITUTES THE BOUNDA	SETBALK IS THE IOWA DITCHIRKIGATION
AND THAT OF THE APPLICANT, AN EART	HEN BANK GFEET HIGH AND IOFEET
ACROSS AS PART OF THE 12 FOOT DIT BETWEEN THE TWO PARCELS. E.T. DATE OF ACTION BEING APPEALED 12-1	CH FORMS ANATURALIDARKIEM D. HAS IS FT. RIGHT OF WAY. 12-12
Stanley Jell Goor Heal	12-18-12
Signature	Date







Geel Deck 21 pitch deck 30 13-0033 A 10 of 19

## **DEVELOPMENT SERVICES DEPARTMENT**

P

http://www.edcgov.us/devservices

PLACERVILLE OFFICE:

2850 FAIRLANE COURT PLACERVILLE, CA 95667

BUILDING (530) 621-5315 / (530) 622-1708 FAX

bldgdept@edcgov.us

PLANNING (530) 621-5355 / (530) 642-0508 FAX

planning@edcgov.us

LAKE TAHOE OFFICE:
3368 LAKE TAHOE BLVD. SUITE 302
SOUTH LAKE TAHOE, CA 96150
(530) 573-3330
(530) 542-9082 FAX
tahoebuild@edcgov.us

#### **MEMORANDUM**

DATE:

November 28, 2012

TO:

Charlene Carveth, Agricultural Commissioner, Dept. of Agriculture-Weights & Measures

FROM:

Priscilla Maxwell, Development Technician Planning Services

**SUBJECT:** 

Request for Agricultural Commission Review of Agricultural Setback Relief

**Application** 

Stanley and Joan Geel/APN 048-080-50-100 Building Permit Application No. 205973

It has been determined that the minimum requirements for Agriculture/Timberland setbacks have not been met. Administrative relief is required pursuant to Exhibit A, Criteria and Procedures for Administrative Relief from Agricultural Setbacks, Section B.3 Agricultural Commission Approval. Accordingly, Planning Services is forwarding the enclosed Administrative Relief Application to the Agricultural Commission for their review and determination.

#### Findings of Fact

The owner of the subject parcel is requesting administrative relief from Agricultural/Timberland setbacks for a proposed deck to be located 30 feet from the eastern property line, which is adjacent to Timberland Preserve Zoned land (TPZ).

Section 17.06.150 requires a 200 ft setback from adjacent TPZ zoned land, unless administrative relief is granted by the Agricultural Commission. The current zoning, Exclusive Agriculture, Section17.36. 090.E, allows building setbacks of 30 feet from the property lines. Section 17.14050.A allows a cantilevered deck to have the support posts/footings at a 30 ft setback. Plans as submitted are approvable by Planning Services consistent with these two provisions.

The eastern property line is located in the center of a 12 foot wide ditch. The second half of the ditch represents 6 feet of additional setback from the actual Agriculture/Timberland. (See attached diagram)

### **ATTACHMENT 8**

## AGRICULTURAL COMMISSION

311 Fair Lane Placerville, CA 95667 (530) 621-5520 (530) 626-4756 FAX eldcag@edcgov.us

Greg Boeger, Chair – Agricultural Processing Industry
Lloyd Walker, Vice-chair – Other Agricultural Interests
Chuck Bacchi – Livestock Industry
Bill Draper, Forestry /Related Industries
Ron Mansfield – Fruit and Nut Farming Industry
Tim Neilsen – Livestock Industry
John Smith – Fruit and Nut Farming Industry

#### **MEMORANDUM**

DATE:

December 14, 2012

TO:

Priscilla Maxwell, Development Services/Planning

FROM:

Greg Boeger, Chair

**SUBJECT:** 

Request for Relief from an Agricultural Setback; Stan and Joan Geel;

APN 048-080-50

During the Agricultural Commission's regularly scheduled meeting held on December 12, 2012 the following discussion and motion occurred regarding the request for administrative relief of a 200 foot agricultural setback to allow the reconstruction of an existing deck to be located 24 feet from the Timber Production Zone (TPZ) parcel to the east. (District 3)

Staff gave a brief report:

The applicants have an existing deck located ten feet from the TPZ parcel to the east. They have applied for relief from the agricultural setback to reconstruct the deck and place it twenty-four feet from the property line. The subject parcel is 12 acres in size and zoned Exclusive Agricultural (AE) with an Agricultural Land (AL) land use designation. The subject parcel is located within the Camino/Fruitridge Agricultural District, is located at approximately 2800 feet elevation, and is in Williamson Act Contract number 256. The soil type, on the parcel, consists of Aiken Loam and Cohasset Cobbly Loam; Unique and Soils of Local Importance. The subject parcel has over nine acres of planted crop including grapes, blueberries and apples.

The surrounding parcels are Select Agricultural Ten-Acre (SA-10), Exclusive Agricultural (AE) and Timber Production Zone (TPZ). All surrounding land use designations are Agricultural Land (AL).

Staff reiterated the findings that must be made by the Agricultural Commission, pursuant to Exhibit A; Criteria and Procedures for Administrative Relief from Agricultural Setbacks.

"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 easements, swales, etc., that would reduce the need for such a setback..."

Discussion ensued regarding the existing deck and the EID ditch between the subject parcel and the TPZ parcel to the east. The Agricultural Commission discussed that they are constrained by the Office of the east.

**ATTACHMENT 9** 

Ag Commission Meeting Results Meeting Date: December 12, 2012

RE: Geel; APN 048-080-50

Page 2

restriction of the thirty foot rule.

The applicants were available for questions. Mr. Geel stated that the property line runs through the center of the EID ditch. He also stated that twenty-four years ago, they built their house thirty feet from the property line to the east (which was the setback at the time). A year later, they added on the deck, which they didn't know required a permit. They would now like to replace the deck and are seeking agricultural setback relief for a replacement.

It was moved by Mr. Smith and seconded by Mr. Nielsen to NOT make a recommendation regarding the application for agricultural setback relief as the applicants are requesting a setback of twenty four feet from the TPZ parcel to the east and it is NOT within the Agricultural Commission's authority to grant such relief.

#### Motion passed

AYES: Mansfield, Neilsen, Smith, Walker, Boeger, Draper, Bacchi

NOES: None

**Note:** If the Agricultural Commission cannot make the required findings in Resolution No. 079-2007, Exhibit A, an application may be made to the Board of Supervisors for administrative relief. Such relief may be granted by the Board of Supervisors upon a determination by the Board taking all relevant facts into consideration that the public interest is served by the granting of the relief. Such applications shall be made to the Development Services Department and a recommendation made to the Board of Supervisors.

cc: Joan and Stan Geel

#### **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. <u>Development Services Director Approval.</u> 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.

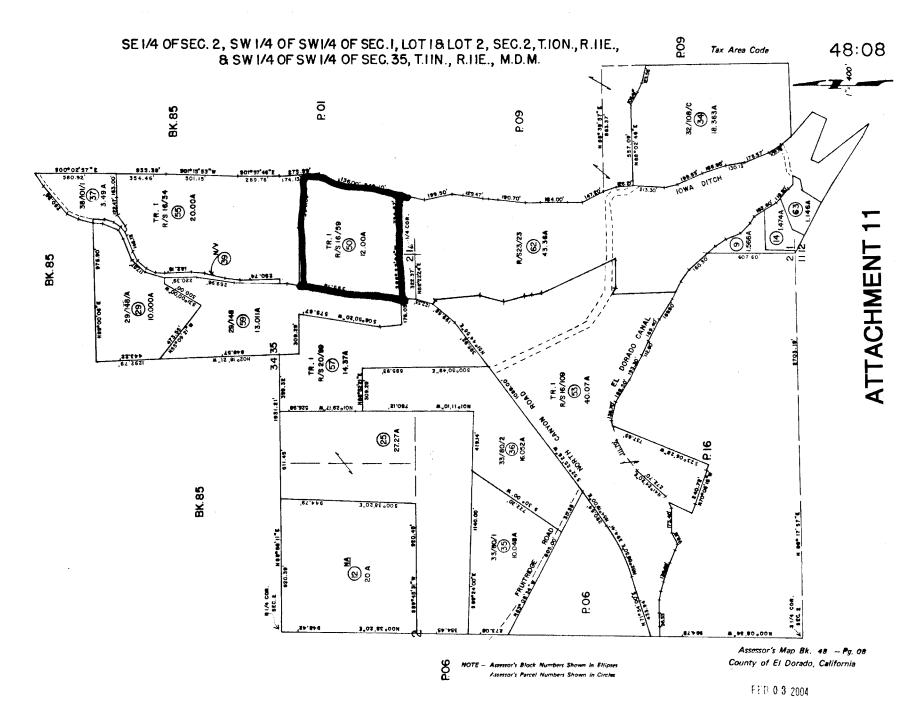
- 3. Agricultural Commission Approval. If the subject parcel does not meet the criteria for a reduction in the agricultural setback pursuant to B.1 and B.2 above, the applicant may request review by the Agricultural Commission. The Agricultural Commission may approve a reduction of up to one hundred 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.
- 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;	e.	Daycare centers;	g.	Spas;
b.	Nursing homes;	f.	Playgrounds;	h.	Ponds; and
c.	Public or private schools;	g.	Swimming pools;	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



#### RECORD OF SURVEY LEGEND REFERENCES A PORTION OF THE NW 1/4 OF SEC. I AND THE NE 1/4 OF SEC. 2, PARCEL MAP 29-148 TION., RITE., M.D.M. . COMPUTED POINT: NOTHING FOUND OR SET RECORD OF SURVEY 16-34 O GET 3/4" CAPPED IRON PIPE STAMPED LIS 4663 PARCEL MAP 38-101 FOUND 3/4" CAPPED IRON PIPE STAMPED LS, 4443 PARCEL MAP 32-108 COUNTY OF EL DORADO STATE OF CALIFORNIA FOUND 3/4 CAPPED IRON PIPE STAMPED L.S. 3864 RECORD OF SURVEY 6-76 JAMES C. WILLSON, L.S.4663 SCALE: 1" = 100' DECEMBER 1988 BASIS OF BEARINGS THE MERIDIAN OF THE SURVEY IS IDENTICAL TO THE MERIDIAN OF PARCEL MAP 29-148. NOTE SECTION LINE N89\*18'18"E 209.83 THE PURPOSE OF THIS SURVEY IS TO DELINEATE THE BOUNDARY OF THE BOUNDARY 184 80 25.03 NOO\* 25' 26"W 58.72" LINE ADJUSTMENT FILED IN BOOK 3070 AT PAGE 162 OF OFFICIAL RECORDS. -NW CORNER OF SECTION I PER RM. 58-101 R 5. 16-34 SURVEYOR'S STATEMENT 588° 15' 46"W THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY 364.08 DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S 389 59 ACT AT THE REQUEST OF CARL B. VISMAN, JR. ON DECEMBER 20, 1988. a C Willson 20,00 561° 55'48"W LICENSE EXPIRATION DATE: 9-30-90 15.07 No. 4663 5 28°06'41"W 48.50" CANYON 505°31'41"W 72.25" TRACT I 12.00 ACRES COUNTY SURVEYOR'S STATEMENT THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE VISMAN LAND SURVEYOR'S ACT THIS 6TH DAY OF FEBRUARY 1989 1648 - 590 JOHN P. SANDERS COUNTY SURVEYOR NORTH COUNTY OF EL DORADO LICENSE EXPRATION DATE: 6-30-92 COUNTY RECORDER'S STATEMENT 512"23'41"W 25.08 FILED THIS 7 DAY OF JEDGERY, 1989 AT 10:27 AM IN 588° 22' 24" W B.L.A. 3070 / 162 BOOK 16 OF RECORD OF SURVEYS AT PAGE 59 AT THE REQUEST OF CARL B. VISMAN, JR. EL DORADO ORCHARDS 514 56 53 W DOCUMENT NUMBER: 63/9 Dorothy N88° 22' 24"E DOROTHY CARR 17 43 COUNTY RECORDER COUNTY OF EL DORADO ڼ

EXISTING ASSESSOR'S PARCEL NUMBERS: 48-08-40 142