



**Agricultural Commission
Staff Report**

Date: July 2, 2018

To: El Dorado County Agricultural Commission

From: LeeAnne Mila; Deputy Agricultural Commissioner

Subject: ADM17-0139/Bernard & Sherri Lapos Administrative
Relief from Agricultural Setback
Assessor's Parcel Number: 046-690-10

Planning Request and Project Description:

Planning Services is requesting review for administrative relief from the agricultural setback for the above referenced project.

This request is for the construction of a swimming pool. The administrative relief requested is a Revised/Corrected submittal for the project that originally received a recommendation of approval from the Agricultural Commission on February 15, 2018. Building Permit 267601 was issued consistent with the February 15th approvals. The location error was discovered by the applicant's contractor while confirming the required setbacks.

Key to this Revised/Corrected submittal is to understand the observed/planned physical location of the pool site hasn't changed; only the calculation to the southern property line has now been properly identified by the pool contractor.

The Revised/Corrected submittal, now shows the proposed building site is approximately thirty-two feet (32' (pool, back of bond beam)), and the pool equipment approximately fifty-feet, eleven inches (50.92') from the property line of the adjacent Limited Agriculture-10 acre zoned parcel (LA-10) to the south/southeast (APN: 046-690-09). The applicant's parcel, identified by APN 046-690-10 consists of 13.78 acres and is located at 6350 Brinkwood Lane. (Supervisor District: 2).

Note 1: Applicant's revised request states a relief request of a total of approximately 168-feet (Required 200 foot setback minus the proposed 32-foot pool building setback from the property line).

Note 2: As determined by Roger Trout, Director of Planning & Building Departments, the fee waiver previously approved by the Chief Administrative Officer is applicable to all ongoing fees to get the project to conclusion for both the Planning & Building Departments as well as the Agricultural Department.

Parcel Description:

- Parcel Number and Acreage: 046-690-10, 13.78 Acres
- Agricultural District: Yes
- Land Use Designation: Agricultural Lands to the North and Rural Residential on all other sides of the property.
- Zoning: LA-10 (Limited Agriculture, 10 acres); surrounding zoning designations are LA-10 (Limited Agriculture, 10 acres) to the south, AG-40 (Agricultural Grazing, 40 Acres) to the North, RL-10 (Rural Land, 10 Acres) and TC (Transportation Corridor) on the east side of the property.
- Soil Type: No choice soils

Discussion:

A site visit was conducted on January 11, 2018 to review the placement of the swimming pool.

Staff Recommendation:

Staff recommends APPROVAL of the Lapos' revised/corrected submittal, as the location has not physically changed. The proposed building site is approximately thirty-two feet (32' (pool, back of bond beam)), and the pool equipment approximately fifty-feet, eleven inches (50.92') from the property line of the adjacent Limited Agriculture-10 acre zoned parcel (LA-10) to the south/southeast (APN: 046-690-09). findings that the Agricultural Commission is required to make by Resolution No. 079-2007 and adopted by the Board of Supervisors on April 17, 2007, can be made:

1. *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;*
 - a. *The topography of this parcel and the developed areas related to the main dwelling (septic systems, leach fields, electrical service, driveways, etc..) severely limit the available pool sites.*
2. *The proposed non-compatible structure will be located on the property to*

reasonably minimize the potential negative impact on adjacent agriculturally zoned land;

a. The applicant has located the pool site to reasonably minimize any negative impacts to agriculturally zoned lands adjacent to the parcel.

- 3. Based on the site characteristics of the subject parcel and the adjacent agriculturally 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 structure would reasonably minimize potential negative impacts on agricultural or timber production use; and*

a. The pool placement limits the amount of natural vegetation and oak removal. The topography of the property and the surrounding property provide a natural buffer to any agricultural operations that could be conducted in the future.

- 4. There is currently no agricultural activity on the agriculturally zoned parcel 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 or because the General Plan Land Use Designation of the surrounding or adjacent parcels is not agricultural (e.g. Light/Medium/High Density Residential).*

Staff also recommends that the applicant comply with 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 Setbacks. Section B.5 requires the following action by the applicant: 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.

If the Agricultural Commission cannot make the required findings in Resolution No. 079-2007, 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.



AGRICULTURAL COMMISSION

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

Greg Boeger, Chair – Agricultural Processing Industry
Dave Bolster, Vice-chair – Fruit and Nut Farming Industry
Lloyd Walker- Other Agricultural Interest
Chuck Bacchi – Livestock Industry
Bill Draper – Forestry/Related Industries
Ron Mansfield – Fruit and Nut Farming Industry

MEETING NOTIFICATION

The El Dorado County Agricultural Commission has been requested to review a project application for a parcel that is located in the proximity of your property. It is the customary business practice for this Commission to notify all parcels located within 500 feet of the subject parcel's boundary lines. Please note that the requested project may or may not affect your property.

The project listed below will be heard by the El Dorado County Agricultural Commission on **July 11, 2018**. This meeting is a public hearing that will begin at **6:30 pm** in the **Building A Board of Supervisors Hearing Room** 330 Fair Lane, Placerville, California.

RE: ADM17-0139/Bernard & Sherri Lapos
Administrative Relief from Agricultural Setback
Existing Building Permit 267601; Assessor's Parcel Number:
046-690-10
Planner: Mark Mallard

Please note, the notice sent out previously was incorrect. This information was updated 6/29/18

Planning Request and Project Description:

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The Revised/Corrected submittal, now shows the proposed building site is approximately thirty-two feet (32' (pool, back of bond beam)), and the pool equipment approximately fifty-feet, eleven inches (50.92') from the property line of the adjacent Limited Agriculture-10 acre zoned parcel (LA-10) to the south/southeast (APN: 046-690-09). The applicant's parcel, identified by APN 046-690-10 consists of 13.78 acres and is located at 6350 Brinkwood Lane. (Supervisor District: 2).

Note 1: Applicant's revised request states a relief request of a total of approximately 168-feet (Required 200 foot setback minus the proposed 32-foot pool building setback from the property line).

Note 2: As determined by Roger Trout, Director of Planning & Building Departments, the fee waiver previously approved by the Chief Administrative



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RE: **ADM17-0139/Bernard & Sherri Lapos**
Administrative Relief from Agricultural Setback
Existing Building Permit 267601; Assessor's Parcel Number:
046-690-10
Planner: Mark Mallard

Planning Request and Project Description:

Planning Services is requesting review for administrative relief from the Timber Production Zone (TPZ) setback for the above referenced project. This request is for a new single-family dwelling unit. According to the applicant, the proposed building site is approximately fifty feet (50') from the property line of the adjacent TPZ parcel to the north (APN: 096-100-26). The applicant's parcel (APN 096-100-26) is zoned Rural Lands Ten-Acres (RL-10) consisting of 7.5 acres (Supervisor District: 3).

Note: Applicant's request stated a relief request of a total of approximately 150-feet (Required 200 foot setback minus the proposed 50-foot building setback from the property line).

The Agricultural Commission is an advisory body to and for the Board of Supervisors and Planning Commission on all matters pertaining to agriculture. The Agricultural Commission reviews and makes recommendations only on the agricultural element of the project. ****Please note that the exception to this is a "Request for Administrative Relief from an Agricultural Setback" which is processed solely through the El Dorado County Department of Agriculture with the Agricultural Commission's decision being able to be appealed to the El Dorado County Board of Supervisors.**

All interested parties for the above-mentioned project are encouraged to attend this meeting. Public testimony will be received on each agenda item as it is called. Individual comments are limited to 3 minutes; and individuals representing a group are allocated 5 minutes.

If you wish to view the meeting agenda in its entirety, please go to following website: <https://eldorado.legistar.com/Calendar.aspx>. The agenda is also posted in the lobby of the Bethell-Delfino Agriculture Building located at 311 Fair Lane, Placerville, California. A copy of the project's submitted documents may also be reviewed at this location.

If you have any questions regarding this meeting, please contact the Clerk to the Agricultural Commission at (530) 621-5520. All questions relating to specific details of the project should be addressed to the Planner identified above at Planning Services, (530) 621-5355.



5160®

04669009
BERNAL LUCIA ANNA TR
7786 MT AUKUM RD
SOMERSET, CA 95684

04669014
DAY GARY R TR
6909 FLAT CREEK DR
SOMERSET, CA 95684

04666003
RAMME THOMAS M TR
44128 LAKEVIEW DR
EL MACERO, CA 95618

04669008
STEWART DANIEL R
7808 MT AUKUM RD
SOMERSET, CA 95684

04608120
WIN WIN INCORPORATED CA CORP
601 MAIN ST
PLACERVILLE, CA 95667

Easy Peel® Address Labels
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04608157
D AGOSTINI ROBERT A
PO BOX 2
MOUNT AUKUM, CA 95656

04669010
LAPOS BERNARD TR
PO BOX 48
MOUNT AUKUM, CA 95656

04669028
RIVER PINES ESTATES
% 3793 TOWN CT
PINOLE, CA 94564

04669012
WADE GREGORY A TR
PO BOX 429
MT AUKUM, CA 95656

Go to avery.com/templates
Use Avery Template 5160

04608158
D AGOSTINI ROBERT W TR
PO BOX 1
MOUNT AUKUM, CA 95656

04669013
MADDEN MARK S
PO BOX 228
MOUNT AUKUM, CA 95656

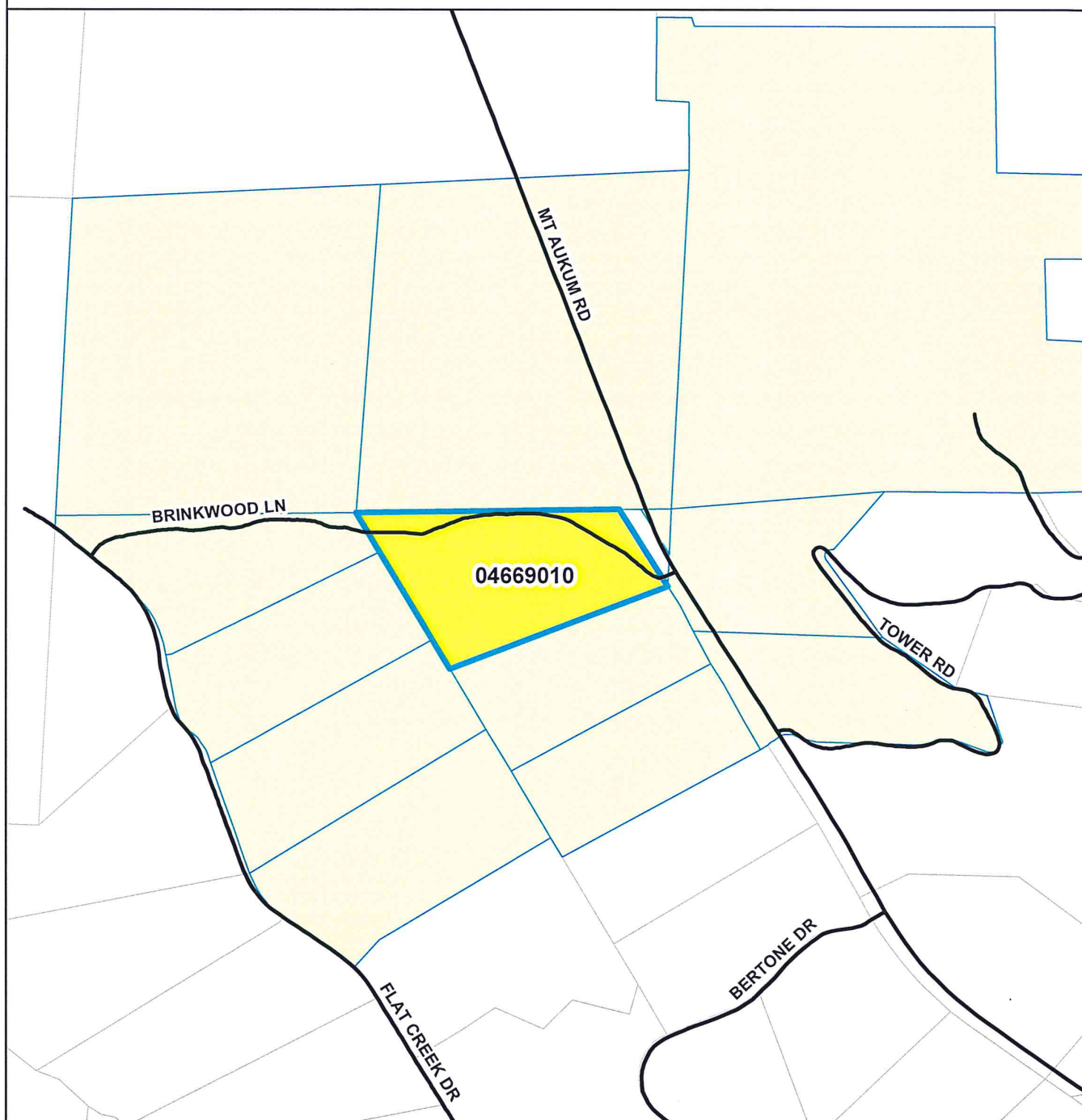
04669011
SNYDER BELVA M
6801 FLAT CREEK DR
SOMERSET, CA 95684

04666002
WATLEY ANTHONY W
P O BOX 376
MT AUKUM, CA 95656

D AGOSTINI ROBERT A
PO BOX 2
MOUNT AUKUM, CA 95656

04669010

LAPOS Notification

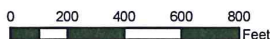


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MAP PREPARED BY: Frank Bruijs DATE: Dec. 28, 2017

PROJECT ID: 0073244
EL DORADO COUNTY SURVEYOR/G.I.S. DIVISION
PHONE (530) 621-6511 FAX (530) 626-4731



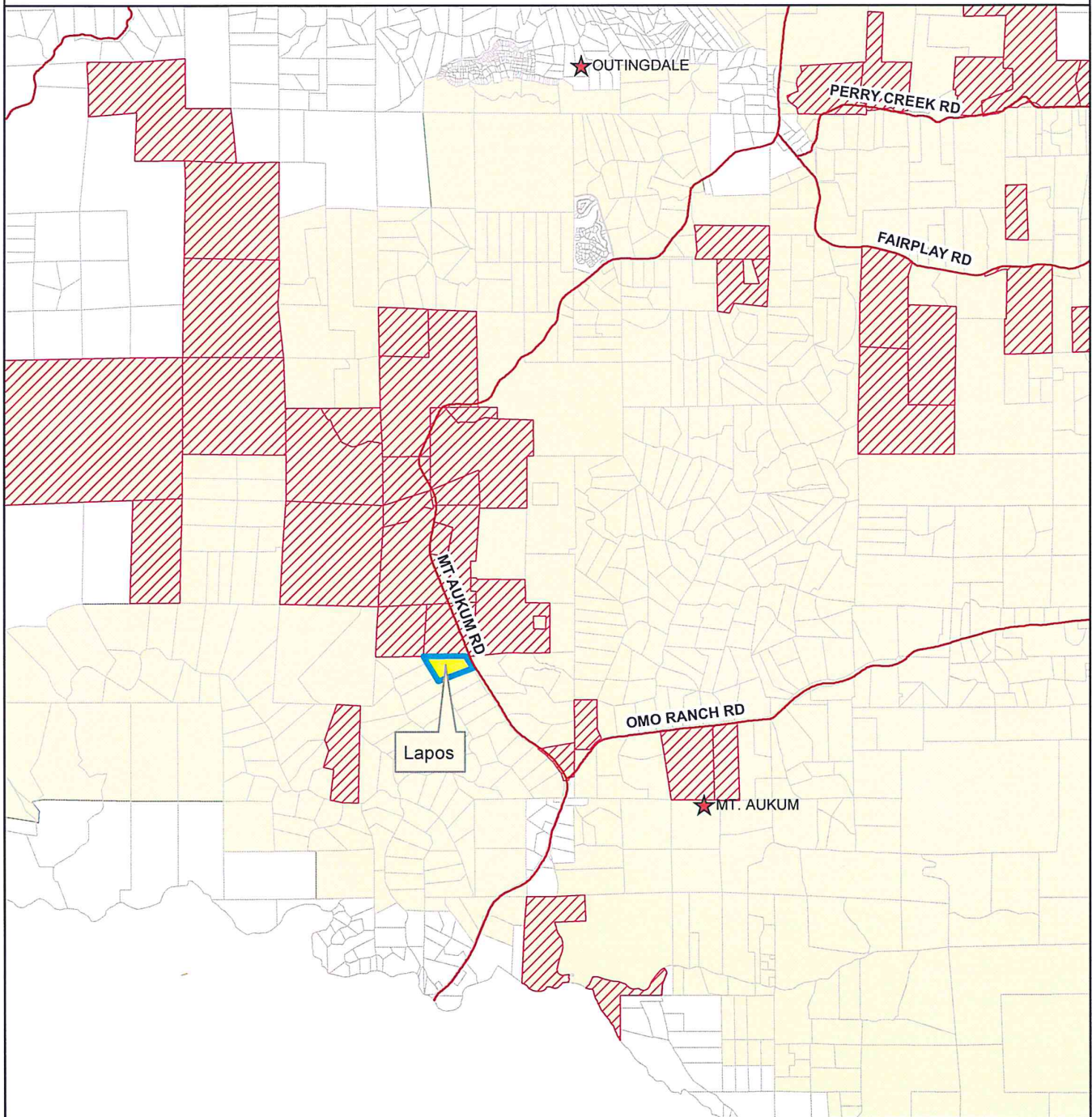
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El Dorado County Agricultural Commission

LAPOS

Proximity to Agricultural District



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MAP PREPARED BY: Frank Bruija DATE: Dec. 28, 2017

PROJECT ID: 007324p

EL DORADO COUNTY SURVEYOR & G.L.S. DIVISION
PHONE (951) 621-4511 FAX (951) 626-8731

- Lapos Parcel
- Ag District
- Ag Preserves
- Parcel Base
- Major Roads

0 0.5 1 1.5 Miles

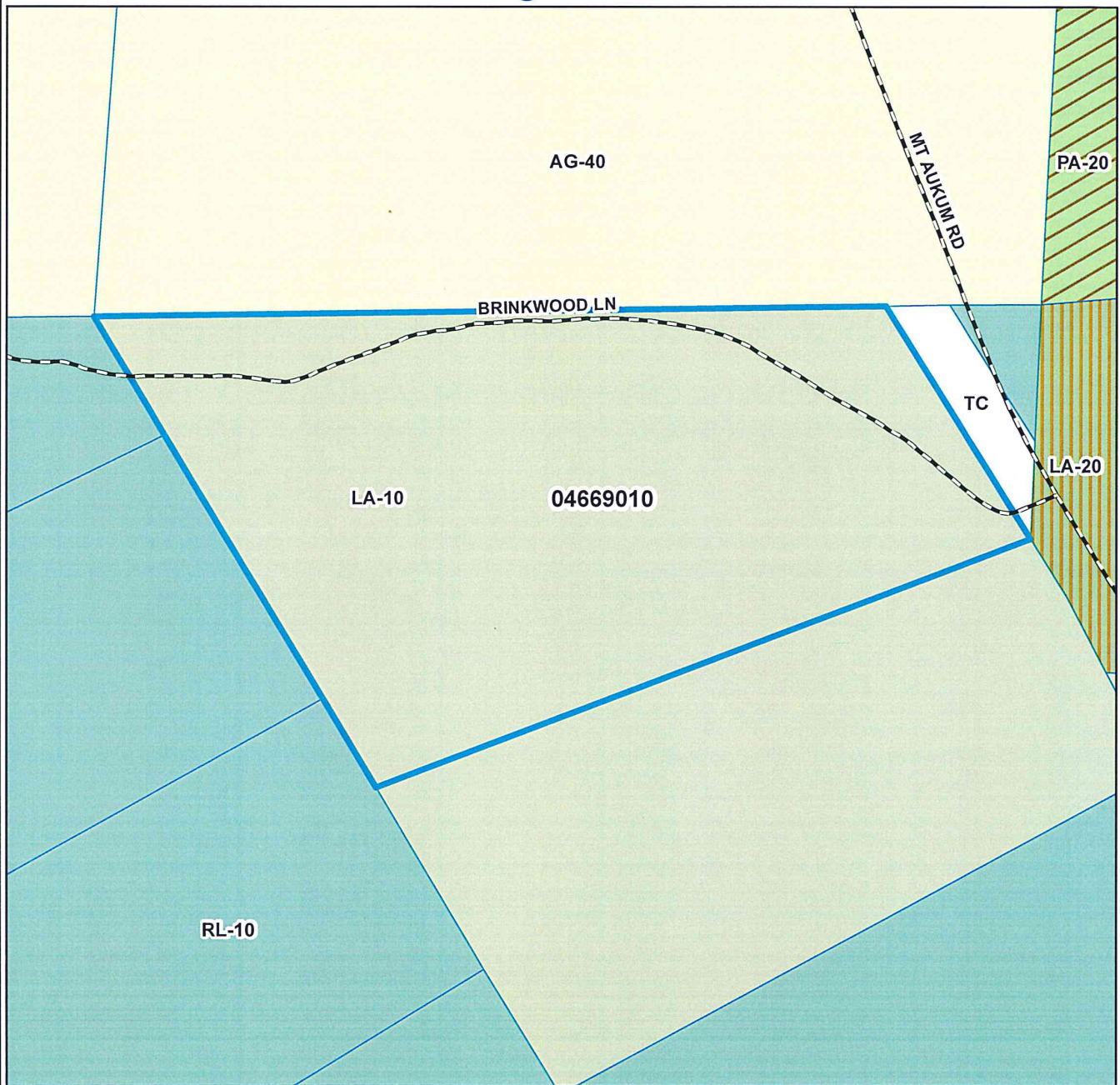
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El Dorado County Agricultural Commission

LAPOS

Zoning 9-28-2017



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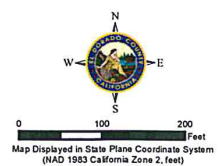
MAP PREPARED BY: Frank Bruija DATE: Dec. 28, 2017

PROJECT ID: 0073244z

EL DORADO COUNTY SURVEYOR G.I.S. DIVISION
PHONE (530) 621-6511 FAX (530) 626-8731

- Lapos Parcel
- AG-40 = Agricultural Grazing 40 Acres
- LA-10 = Limited Agriculture 10 Acres
- LA-20 = Limited Agriculture 20 Acres
- PA-20 = Planned Agriculture 20 Acres

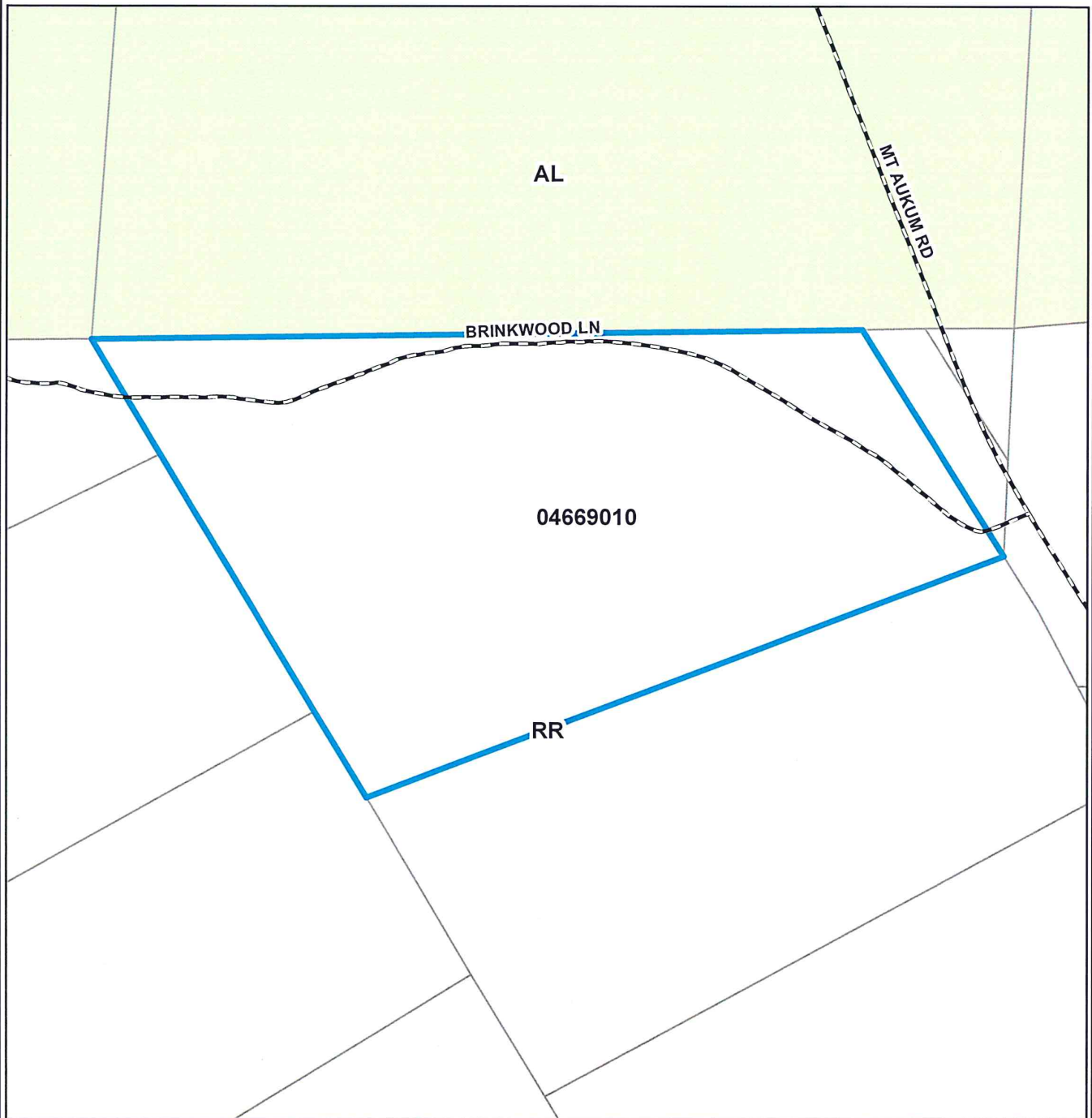
- RL-10 = Rural Land 10 Acres
- TC = Transportation Corridor
- Parcel Base
- Roads



El Dorado County Agricultural Commission

LAPOS

Land Use 9-28-2017



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MAP PREPARED BY: Frank Brugg DATE: Dec. 28, 2017

PROJECT ID: 0073244L

EL DORADO COUNTY SURVEYOR, G.I.S. DIVISION
PHONE (951) 621-6511 FAX (951) 626-4731

- Lapos Parcel
- Agricultural Lands
- Parcel Base
- Roads
- Rural Residential

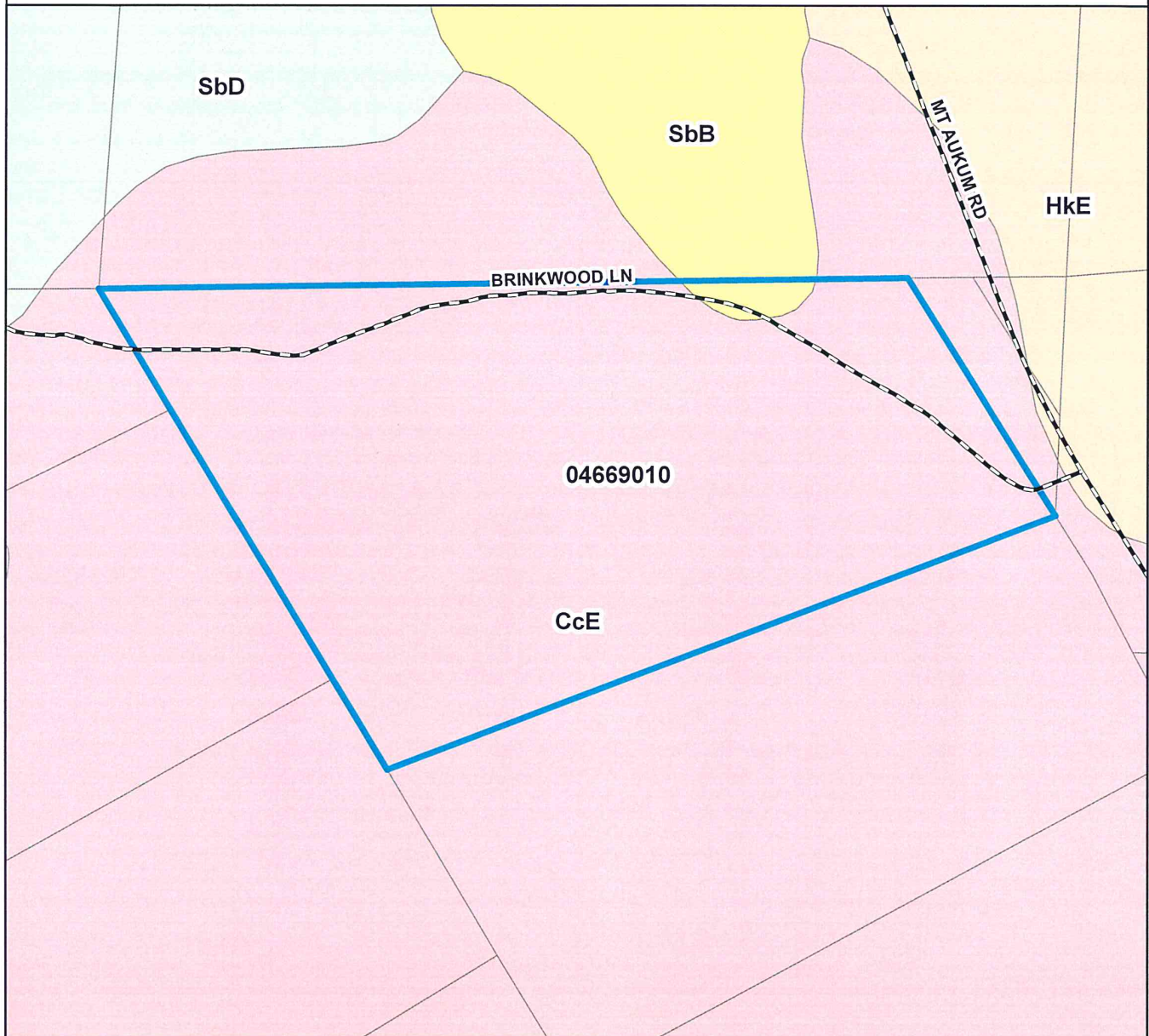
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Feet

Map Displayed in State Plane Coordinate System (NAD 1983 California Zone 2, feet)



El Dorado County Agricultural Commission

LAPOS Soils



DISCLAIMER

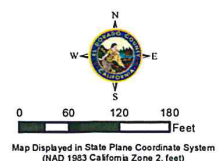
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PROJECT ID: 0073244

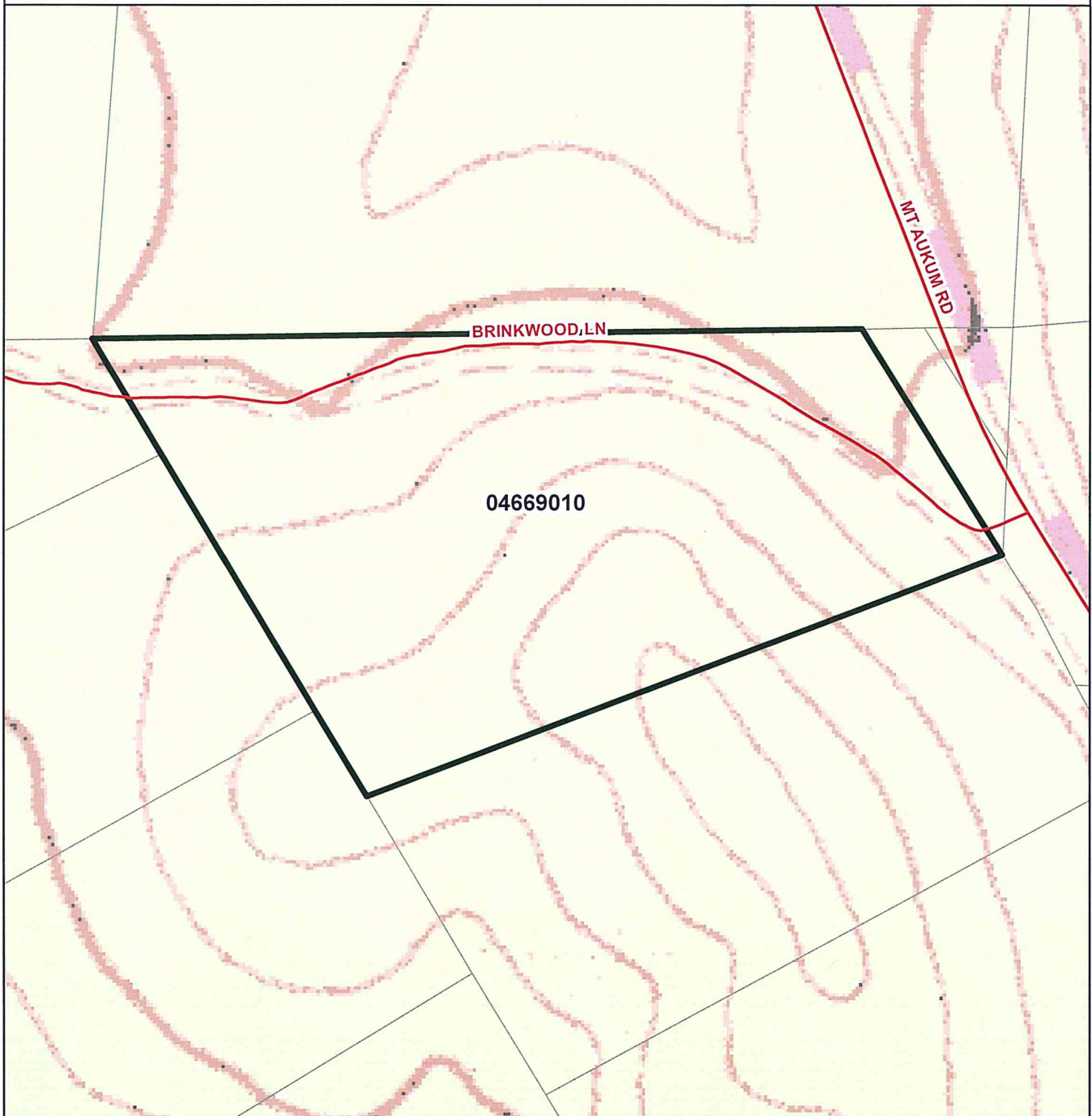
EL DORADO COUNTY SURVEYOR/G.I.S. DIVISION
PHONE (930) 621-4511 FAX (930) 626-8721

- Lapos Parcel
- CcE -CHAIX VERY ROCKY COARSE SANDY LOAM, 9 TO 50 PERCENT SLOPES
- HkE -HOLLAND VERY ROCKY COARSE SANDY LOAM, 15 TO 50 PERCENT SLOPES
- SbB -SHAVER COARSE SANDY LOAM, 5 TO 9 PERCENT SLOPES
- SbD -SHAVER COARSE SANDY LOAM, 15 TO 30 PERCENT SLOPES
- Parcel Base
- Roads



El Dorado County Agricultural Commission

LAPOS Topography



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EL DORADO COUNTY SURVEYOR G.I.S. DIVISION
PHONE (951) 621-4511 FAX (951) 626-4731

Legend



Lapos Parcel



Parcels



Roads

0 200 400 Feet

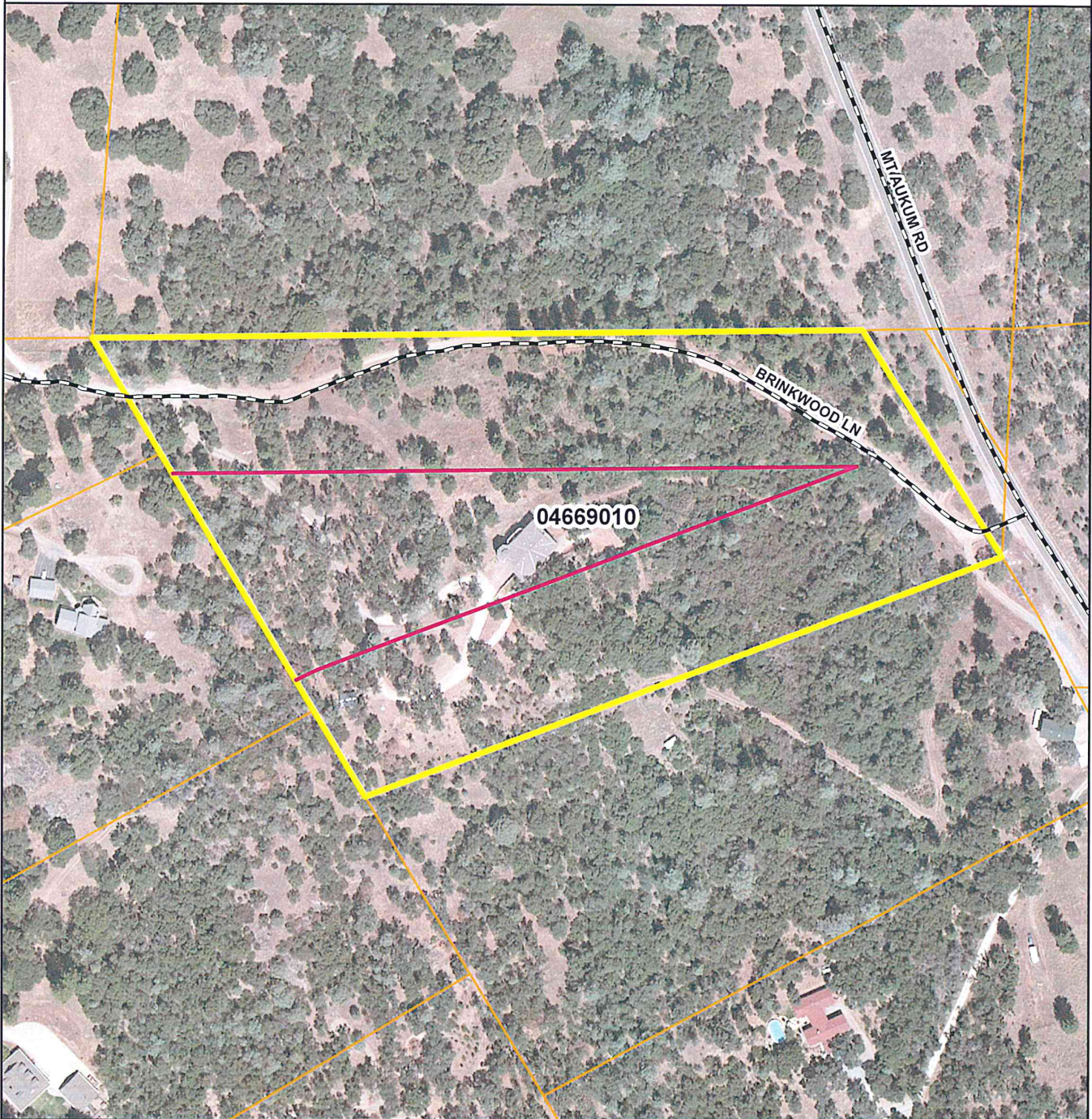
Map Displayed in State Plane Coordinate System (NAD 1983 California Zone 2, feet)



El Dorado County Agricultural Commission

LAPOS

Aerials: 2011



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MAP PREPARED BY: Frank Brugin DATE: Dec. 28, 2017

PROJECT ID: 0073244a

EL DORADO COUNTY SURVEYOR G.I.S. DIVISION
PHONE (530) 621-6311 FAX (530) 626-8731

Legend

- Lapos Parcel
- Parcel Base
- 200ft Setback
- Roads

0 100 200 300 Feet

Map Displayed in State Plane Coordinate System (NAD 1983 California Zone 2, feet)



El Dorado County Agricultural Commission