



Agricultural Commission Staff Report

Date: March 7, 2019

To: El Dorado County Agricultural Commission

From: LeeAnne Mila; Deputy Agricultural Commissioner

Subject: **ADM18-0262/Andrew & Stephanie Maltbie
Owner/Applicant Steve & Kandi Tusso (Agent: Sandra
Booher)
Administrative Relief from Agricultural Setback
Assessor's Parcel Number: 043-470-03**

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 to allow for the expansion/construction of additional living space. The project would convert an existing attached garage to living space, add a small carport in front of this conversion, and expand the existing house with living space to the north, northeast and east, adding small covered patios to the west and south of this portion of the expansion, and adding a garage. The existing single family dwelling was built circa 1954.

The applicant's parcel, identified by APN 043-470-03, has a General Plan Designation of Agricultural Lands, Agricultural District Overlay (AL-A), is zoned Planned Agriculture (PA-20) but consists of only 2.64 acres. Its address is 2374 Cable Road, in the Camino Area Thorn Road. (Supervisor District: 3).

Unique to this request for agricultural setback relief is that virtually all the areas to which the expansion of living space (a non-compatible use to the adjacent agricultural zoning/use(s)) is proposed, is within a required agricultural setback of 200' from agricultural zoning to the west through the south east (Planned Agriculture, Twenty Acres (PA-20)). Although the subject parcel has Cable road along its southern property line, technically a separation of adjacency, agricultural lands, and potentially a 200' agricultural setback exist across Cable Road to the south, southeast (Also PA-20 zoning), The car port and the garage are not, non-compatible to agricultural and are

accordingly not subject to agricultural setbacks. The applicant has indicated that they currently have no intention of converting the carport and/or the garage to non-compatible uses in the future.

Accordingly, the applicant is requesting agricultural setback relief from all property lines. Along the western property line, the reduction would be 161' to proposed setback of 39'. Along the north east, east, southeastern property line(s) the reduction would range from 70'-88'; the resultant setbacks becoming 130' to 88'. Along the Cable Road (southern property line), should the proposed reductions be approved, the "new residence" would be located approximately 106' from Cable Road/southern property line.

The adjacent agricultural zoned parcels have APNs of 043-470-21, 043-470-39 from the west through the east, south east. APNs 043-440-59, 043-440-64 and 043-440-63 have agricultural zoning across Cable Road to the southeast through the south. All of these agricultural parcels are zoned Planned Agricultural, Twenty Acres (PA-20). **Parcel**

Description:

- Parcel Number and Acreage: 043-470-03, 2.64 Acres
- Agricultural District: Yes
- Land Use Designation: AL = Agricultural Lands
- Zoning: PA-20 (Planned Agriculture, 20 Acres).
- Soil Type: All Choice Soils

Discussion:

A site visit was conducted on March 6, 2019 to review the expansion/construction of additional living space

Staff Recommendation:

Staff recommends APPROVAL of the Tuso/Maltbie request is to allow for the expansion/construction of additional living space from an existing house.(utilizing the requested setbacks), as staff believes the 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 entire parcel is within the 200 foot setback. There are no new building sites being requested.***

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 existing structure being requested for conversion is a single dwelling home with an attached garage. The request is to increase the footprint. No additional building sites are being requested. The existing living structure was built in 1954.***
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 utilization of the current single family dwelling will minimize the impacts on adjacent agriculture.***
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).*

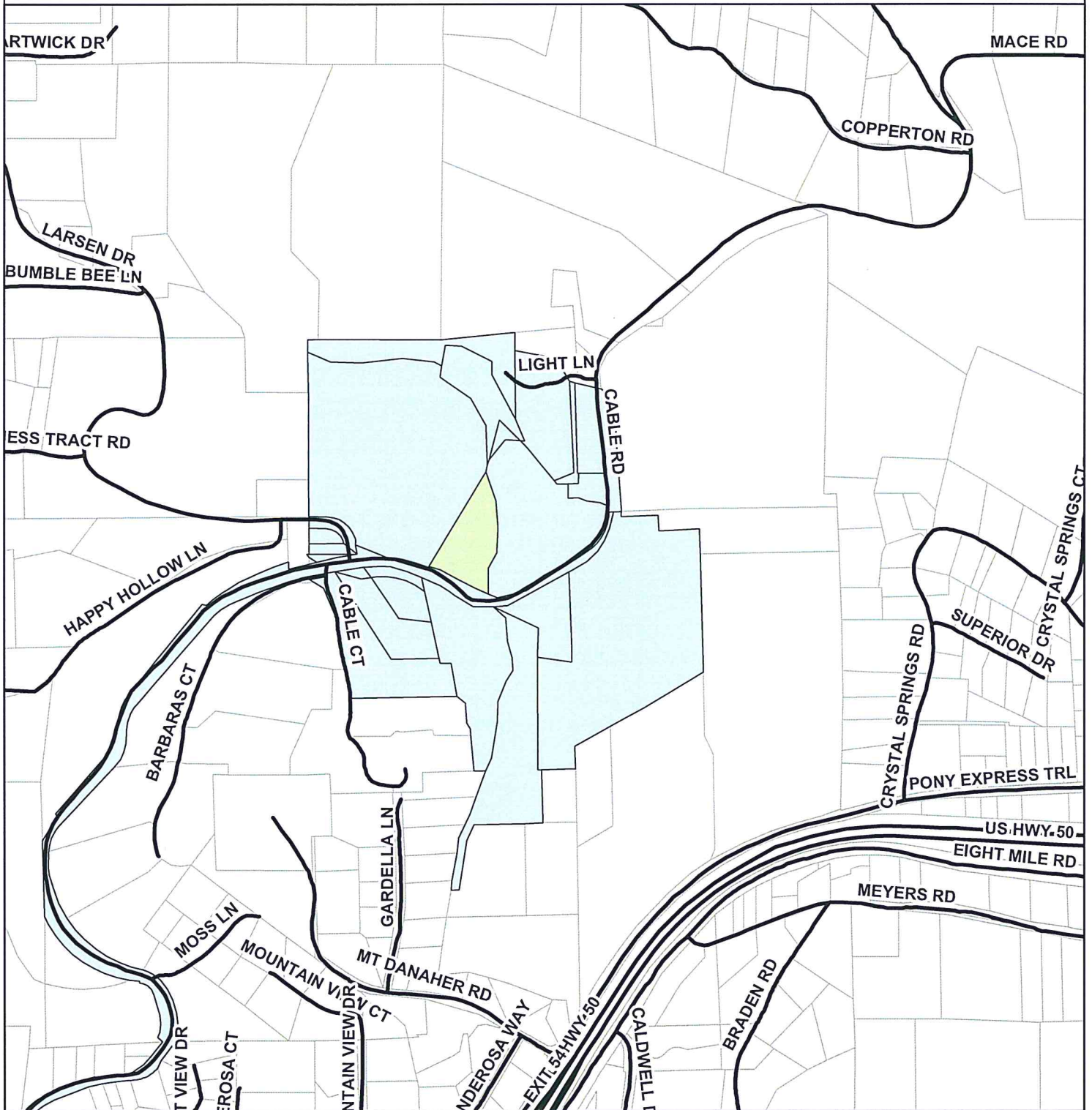
Staff also recommends that the applicant comply with Resolution No. 079-2007 Exhibit A of the Board of Supervisors pertaining to the adoption of the Criteria and Procedures for Administrative Relief from Agricultural Setbacks. Section B.5 requires the following action by the applicant: In all cases, 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.

Maltbie

Notification



DISCLAIMER

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MAP PREPARED BY: LeeAnne Mills DATE: December 21, 2018
PROJECT ID: Cordellor_n
EL DORADO COUNTY SURVEYOR G.L.S. DIVISION
PHONE (530) 621-6511 FAX (530) 626-8751

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

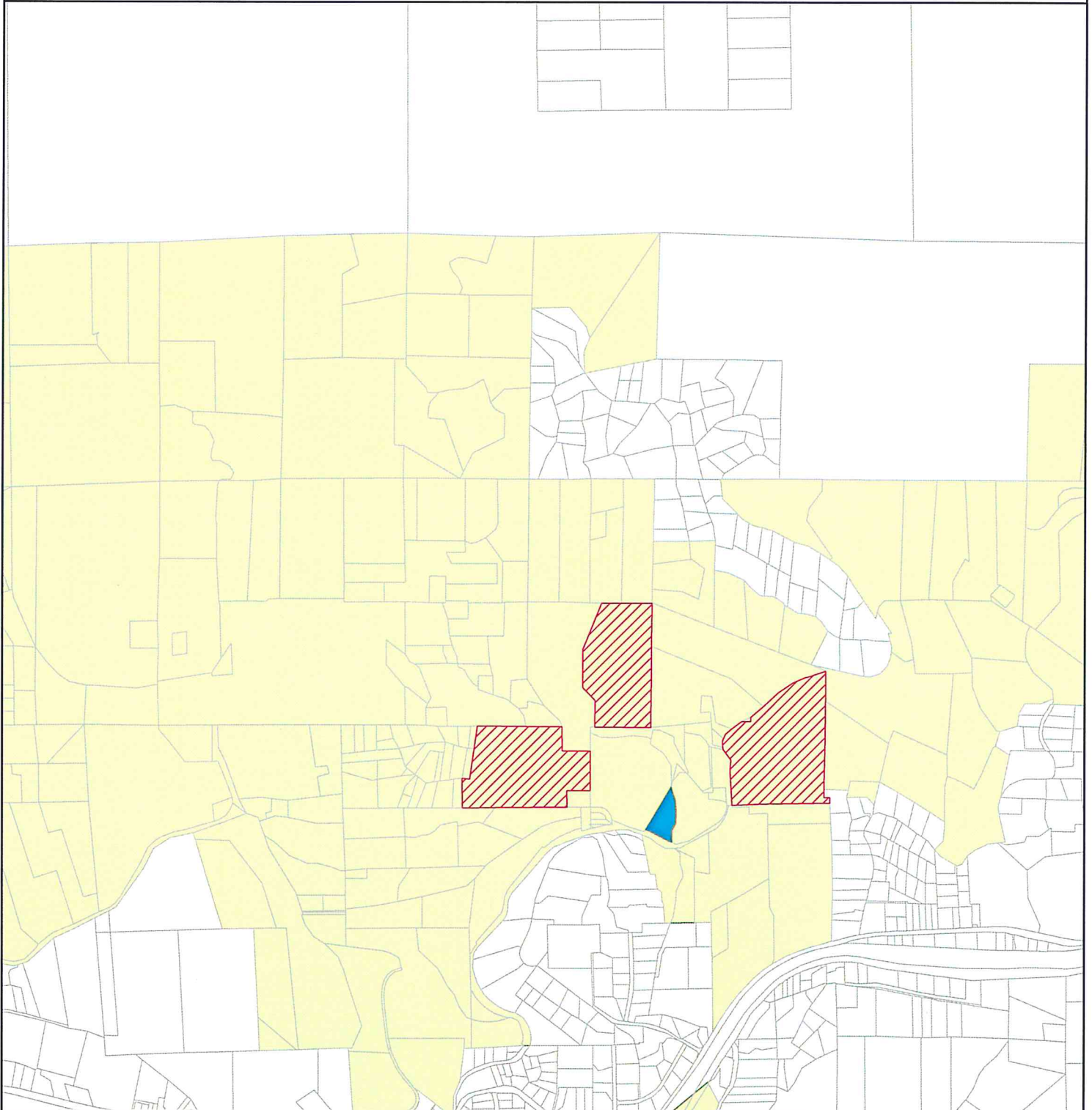


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19-0590 AG STAFF REPORT MALTBIE 5 of 11

Maltbie

Proximity to Agricultural District



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MAP PREPARED BY: LeeAnne Mila DATE: December 21, 2018
PROJECT ID: Cordoba_p

EL DORADO COUNTY SURVEYOR/G.I.S. DIVISION
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 Maltbie  Ag Preserves
 Ag District  Parcel Base



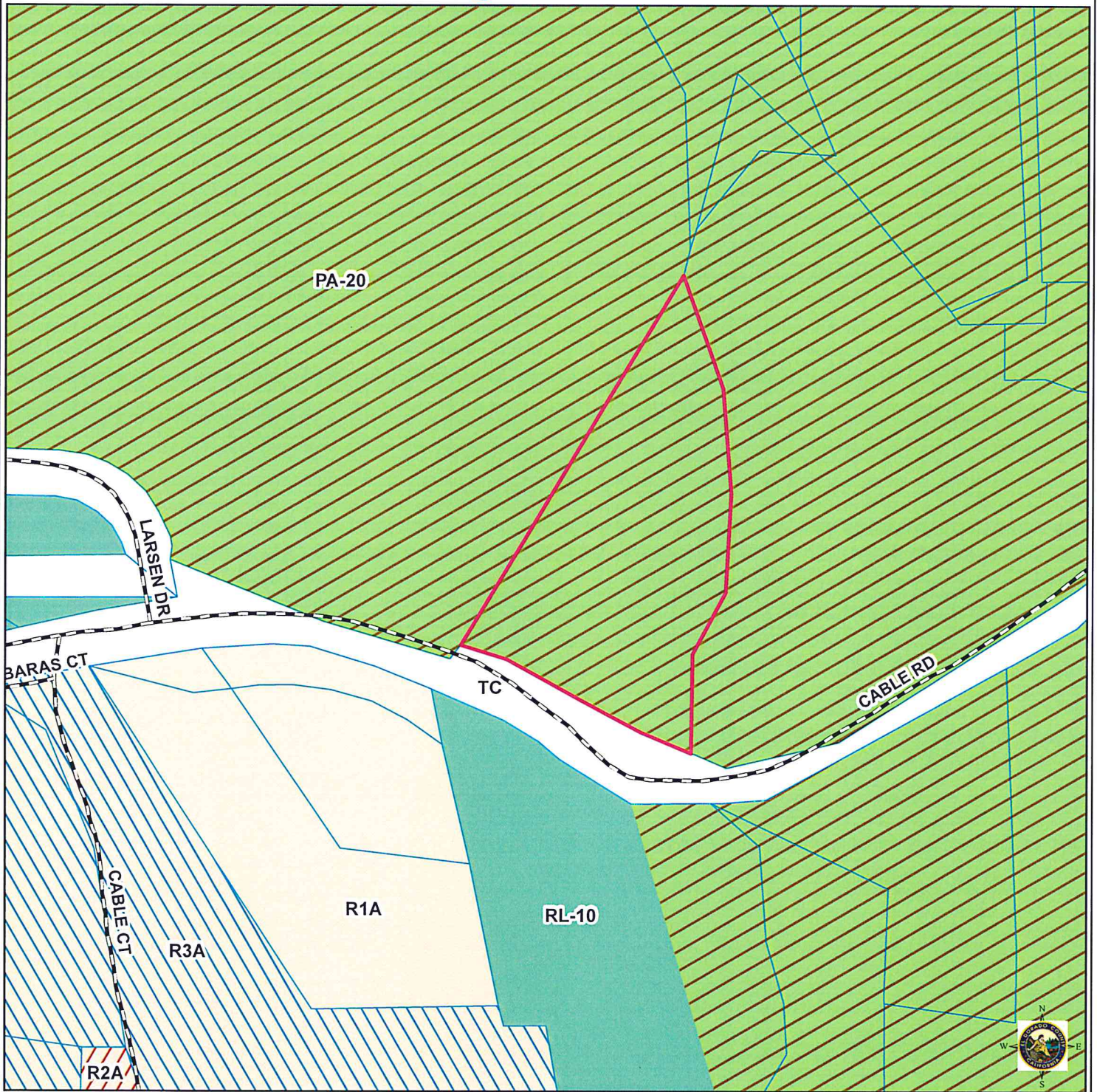
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19-0590 AG STAFF REPORT MALTBIE 6 of 11

Maltbie

Zoning 7-10-2017



0 100 Feet

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Roads

Maltbie

Parcel Base

PA-20 = Planned Agriculture 20 Acres

R1A = Residential 1 Acre

R2A = Residential 2 Acres

R3A = Residential 3 Acres

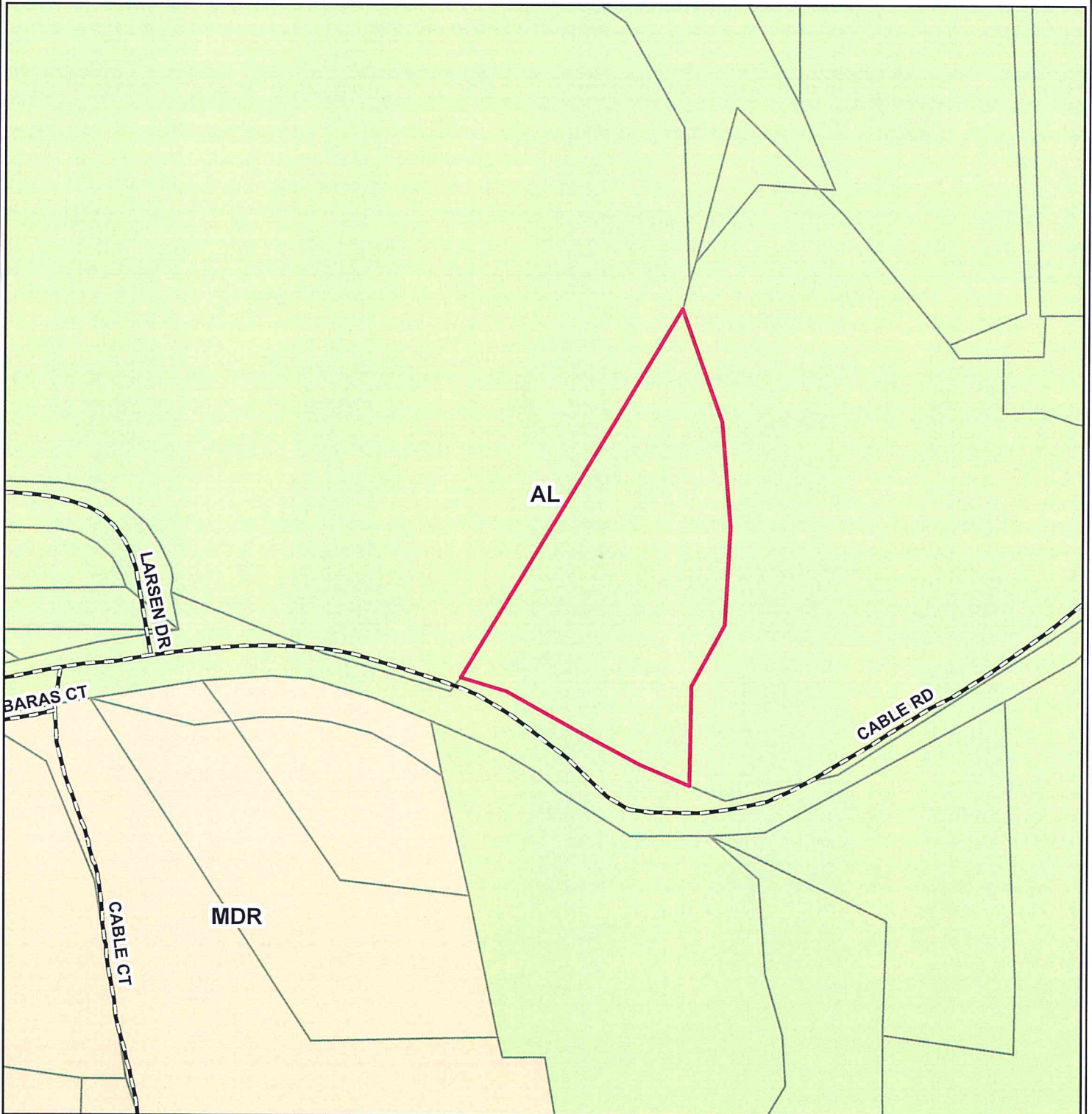
RL-10 = Rural Land 10 Acres

TC = Transportation Corridor

El Dorado County Agricultural Commission

Maltbie

Land Use 7-10-2018



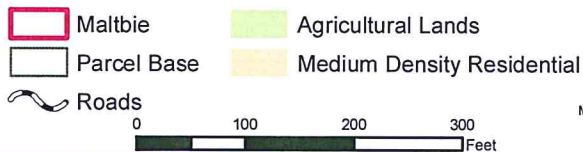
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MAP PREPARED BY: LeeAnne Mils DATE: December 21, 2018

PROJECT ID: Cordellia_L

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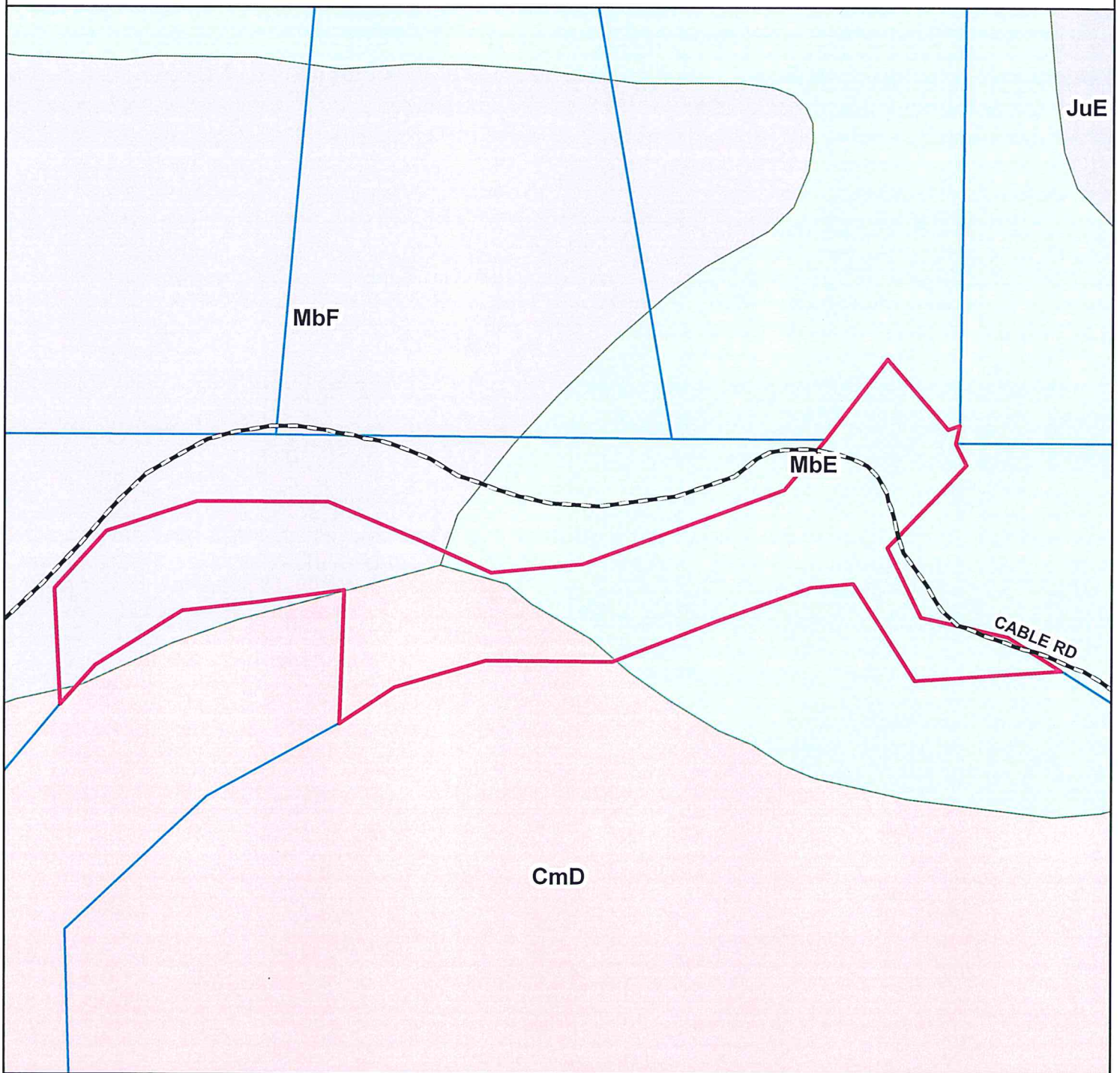


Map Displayed in State Plane Coordinate System
(NAD 1983 California Zone 2, feet)



El Dorado County Agricultural Commission

Evans Soils



- | | |
|-------------|--|
| Roads | Soils |
| Evans | Cohasset loam, 15 to 30 percent slopes |
| Parcel Base | Josephine very rocky silt loam, 9 to 50 percent slopes |
| | Mariposa very rocky silt loam, 3 to 50 percent slopes |
| | Mariposa very rocky silt loam, 50 to 70 percent slopes |

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MAP PREPARED BY: LeeAnne Mills

0 100 200 300 Feet

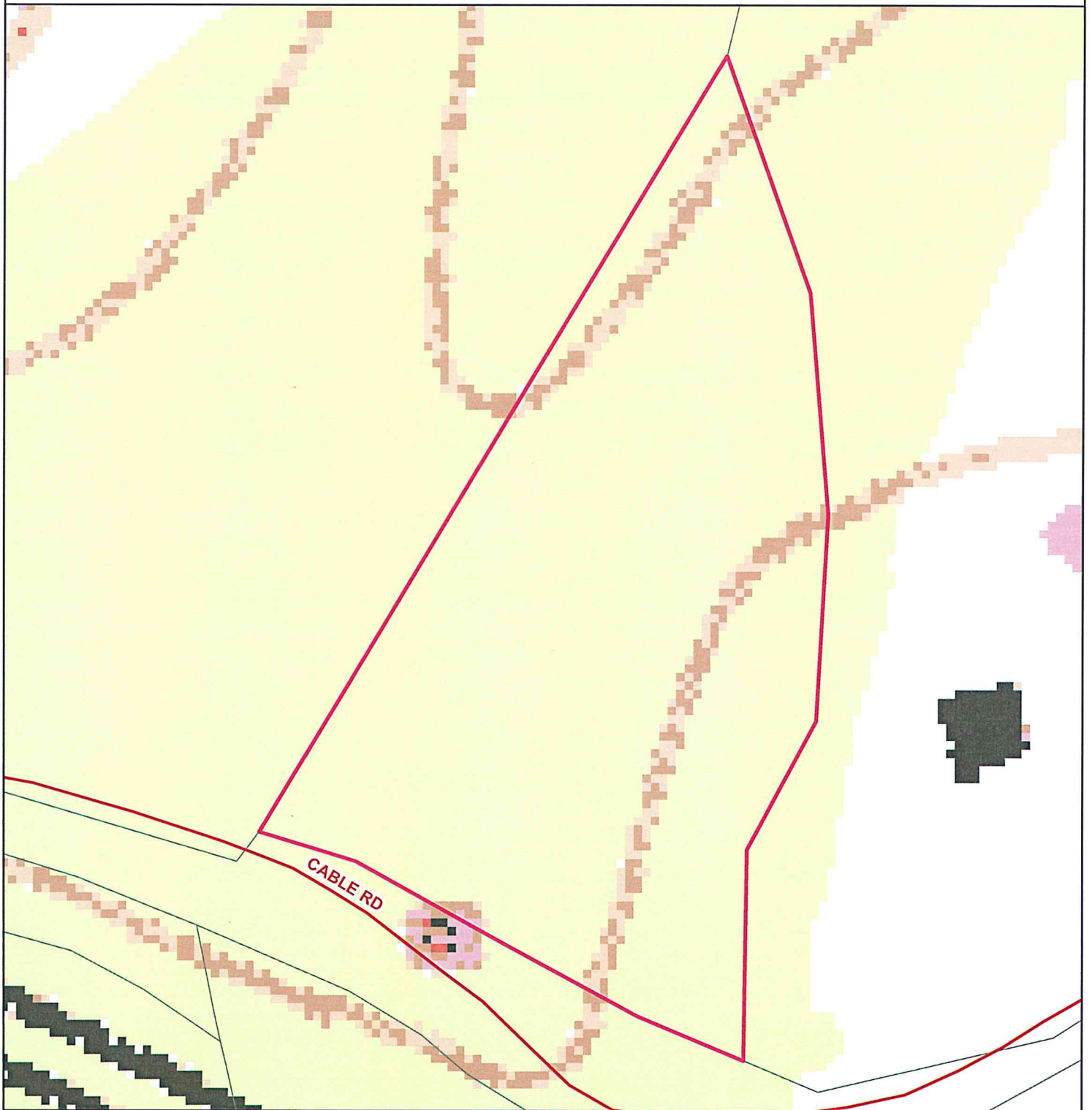


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Maltbie Topography



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MAP PREPARED BY: LeeAnne Milla

Legend

Parcels Maltbie Roads

0 100 Feet

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

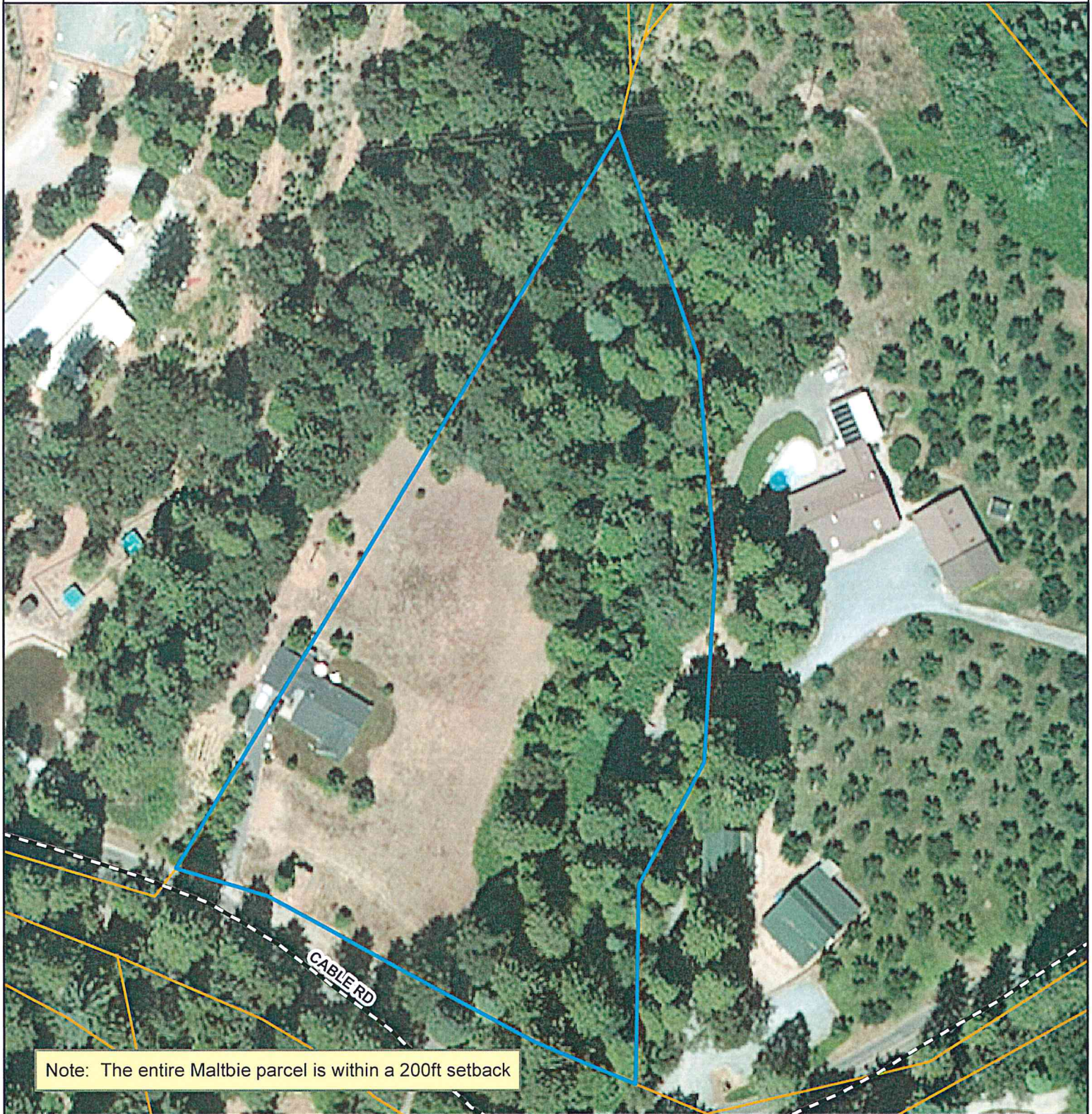


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19-0590 AG STAFF REPORT MALTBIE 10 of 11

Maltbie

Aerials: 2011



Note: The entire Maltbie parcel is within a 200ft setback

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MAP PREPARED BY: LeeAnne Mila DATE: December 21, 2018

PROJECT ID: Jackson_a

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Legend

- Maltbie
- Parcel Base
- Roads

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

