ADM20-0050 Stewart Agricultural Setback Relief for Accessory Dwelling Assessor's Parcel Number: 317-040-026-000

Planning Request and Project Description:

The applicant is requesting administrative relief from the required 200-foot agricultural setback for the above-referenced project be reduced to about 150 feet from the northern property line to place an accessory dwelling unit.

The applicant's parcel, APN 317-040-026, is 10.00 acres and zoned Limited Agricultural-10 acre (LA- 10). The parcel located to the north is 317-040-086 is zoned Planned Agriculture 20-acre (PA-20); the parcel to the southwest is 317-040-027 is zoned LA-10. The remaining neighboring properties are zoned Rural Lands 10 acre minimum (RL-10). All parcels are in Supervisor District 4 and are within agriculture districts.

Parcel Description:

Parcel Number and Acreage: 317-040-026, 10.00 Acres

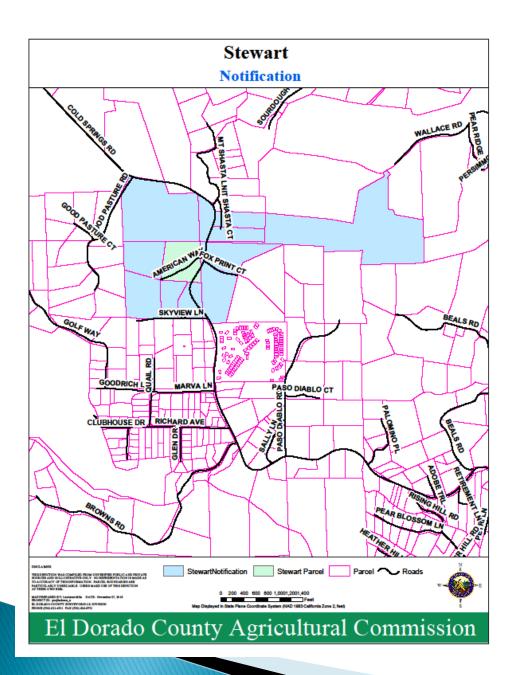
Agricultural District: Yes, Gold Hill

Land Use Designation: Rural Residential, RR

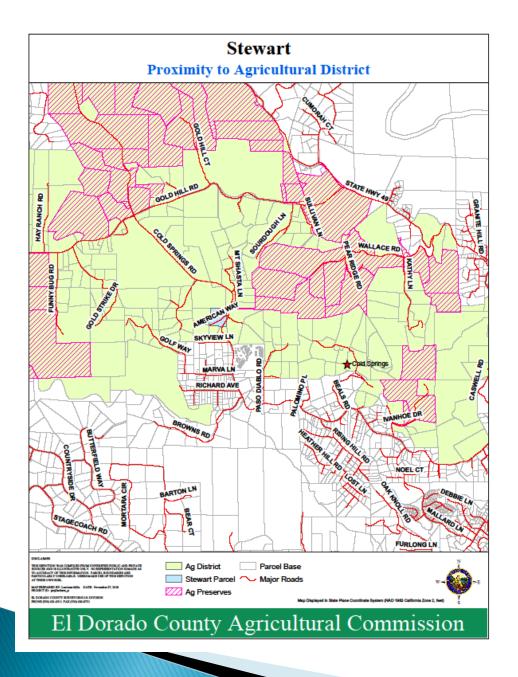
Zoning: LA-20 (Limited Agriculture, 20 Acres).

Choice Soils:

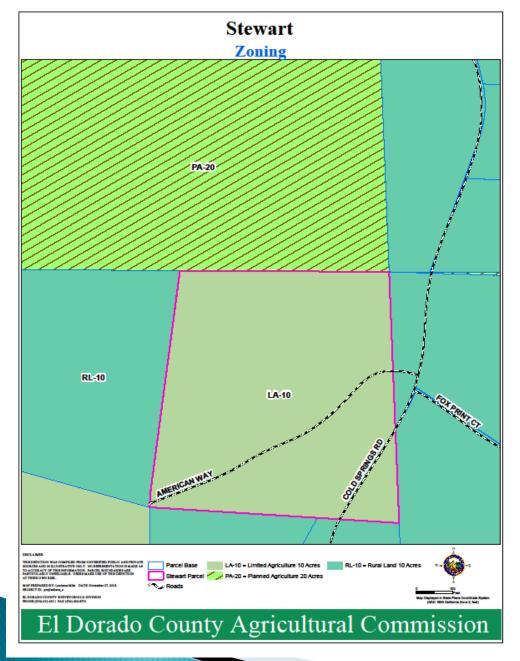
AsC: Auberry rocky coarse sandy loam, 5 to 15 percent slopes



500 Ft. Notification

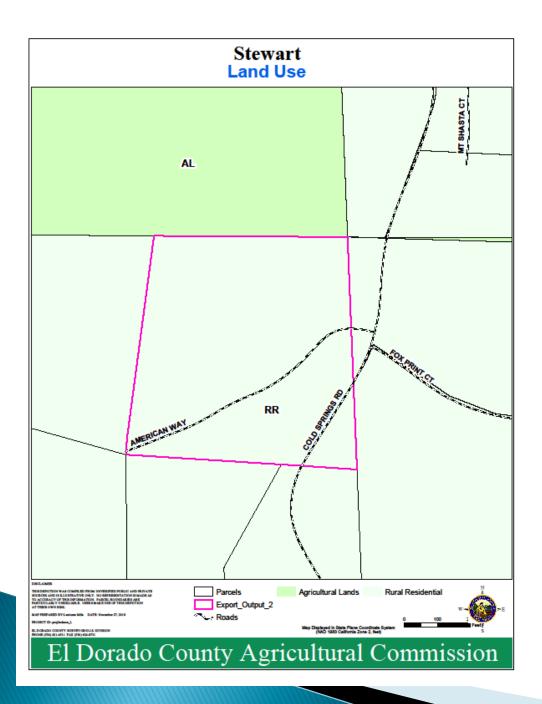


Agricultural District: Yes



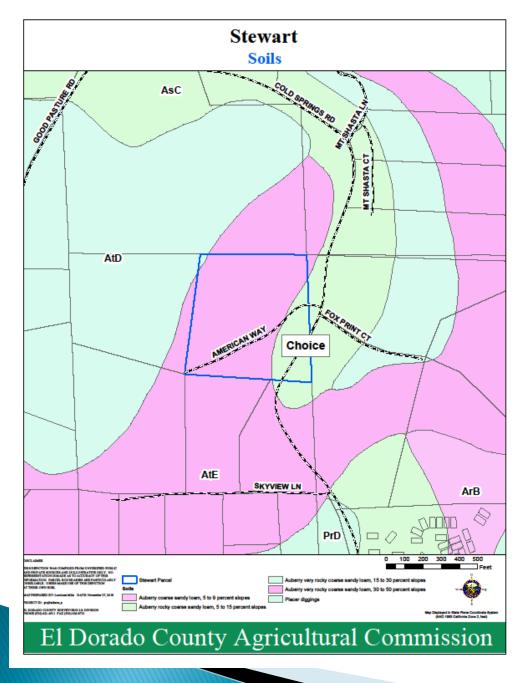
Zoning:

LA-10: Limited Agriculture, 10 acres



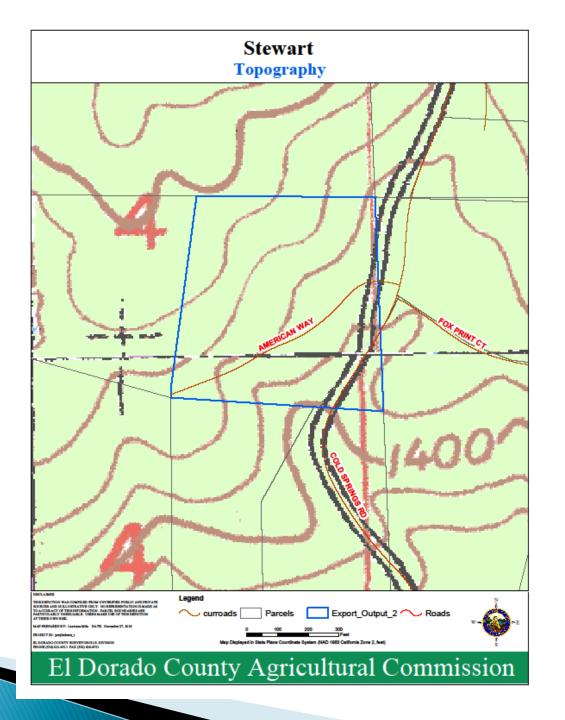
Land Use Designation:

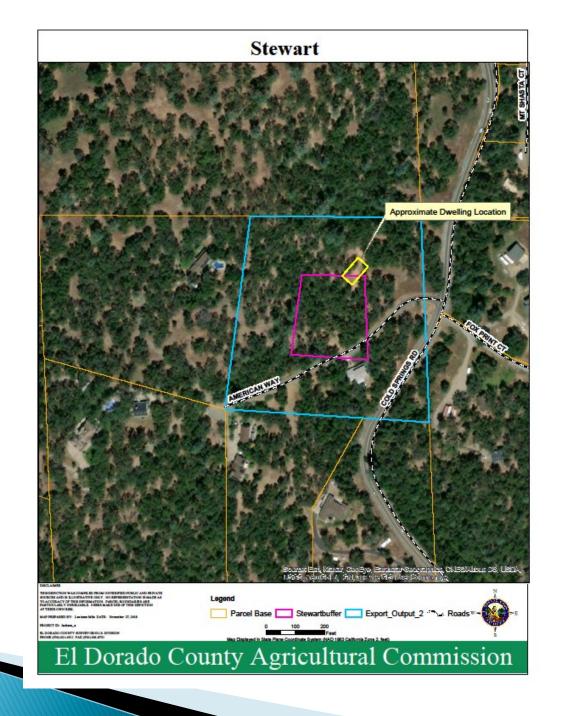
RR - Rural Residential



Choice Soils:

 AsC; Auberry rocky coarse sandy loam, 5 to 15 percent slopes

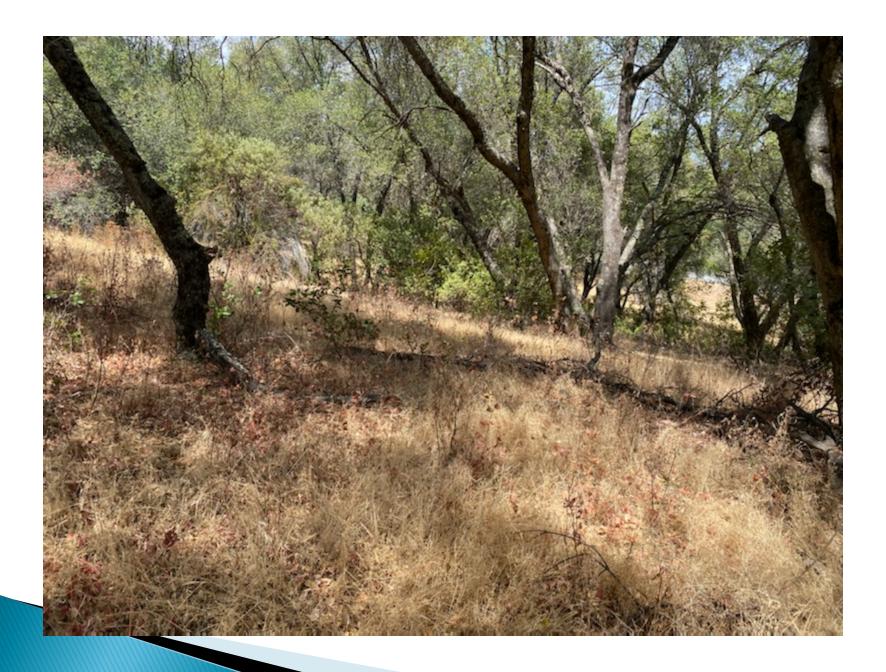


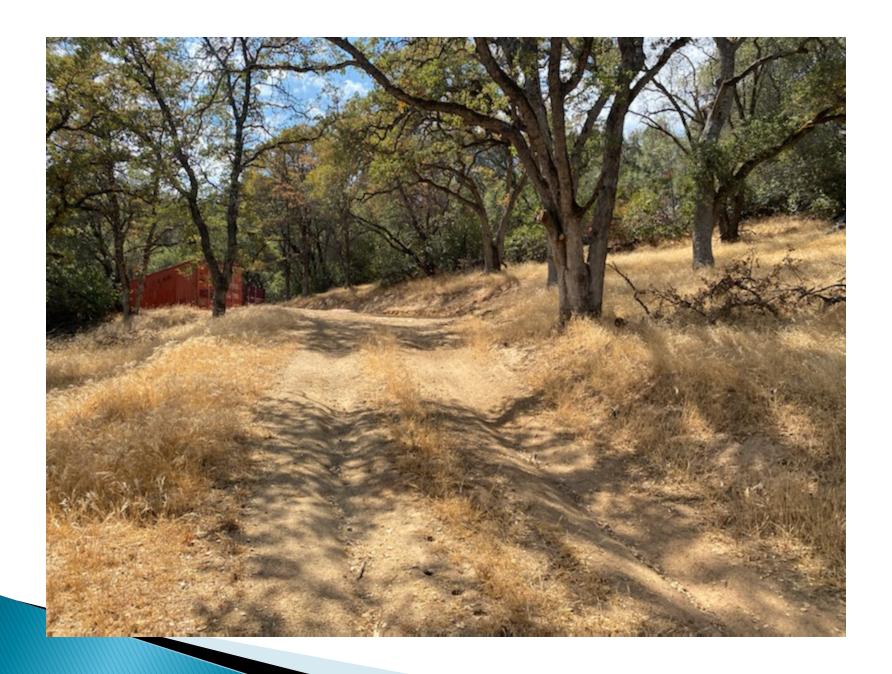






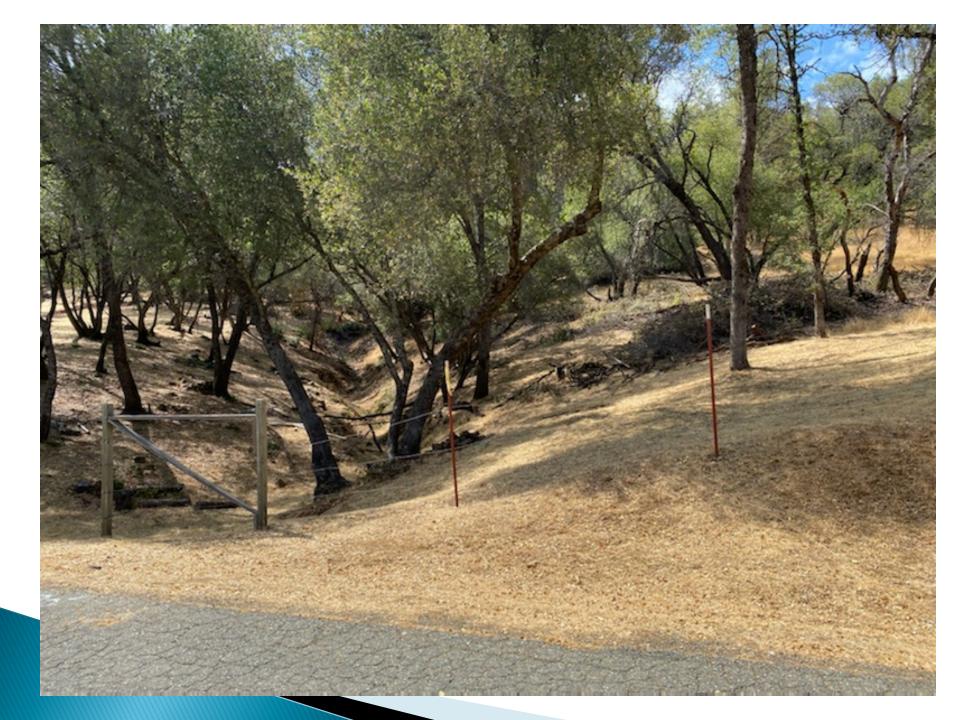












Discussion:

A site visit was conducted on July 19, 2021 to assess the placement of the proposed dwelling.

Staff Findings:

Staff recommends APPROVAL for the above-referenced project, reducing the setback to no less than 150 feet from the northern property line to place an accessory dwelling unit, as staff believes that three of the four 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;

Topography limits the buildable sites. American Way bisects the property further limiting the available sites. There is a current dwelling on the opposite side of American Way on the applicants parcel.

2. The proposed non-compatible structure will be located on the property to reasonably minimize the potential negative impact on adjacent agriculturally zoned land;

The proposed building has been located to minimize any negative impacts.

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

The site is buffered by existing shrubs and oak stands at the fence line. The PA-20 zoned land slopes away from the applicants property effectively acting as a buffer.

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 soils 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 agriculture (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.