



## Legislation Details (With Text)

**File #:** 09-0458      **Version:** 1

**Type:** Agenda Item      **Status:** Adopted

**File created:** 4/2/2009      **In control:** Board Of Supervisors

**On agenda:** 4/21/2009      **Final action:** 4/21/2009

**Title:** Development Services Department requesting the Board's consideration of a request submitted by Clayton and Ed Stetson appealing the denial by the Agriculture Commission of a request for administrative relief from the agricultural setbacks on APN 041-950-10.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 09-0458.A, 2. 09-0458.B, 3. 09-0458.C, 4. 09-0458.D, 5. 09-0458.E, 6. 09-0458.F, 7. 09-0458.G, 8. 09-0458.H, 9. 09-0458.I, 10. 09-0458.J, 11. 09-0458.K, 12. Maps rcvd from B. Stephans.PDF, 13. Maps rcvd from E. STETSON.PDF

Date	Ver.	Action By	Action	Result
10/22/2013	1	Board Of Supervisors	Adopted As Amended	Pass

Development Services Department requesting the Board's consideration of a request submitted by Clayton and Ed Stetson appealing the denial by the Agriculture Commission of a request for administrative relief from the agricultural setbacks on APN 041-950-10.

**Background:** The property consists of 20 acres and is located on Sunday Ridge Road, .25 miles north of Grizzly Flat Road, Supervisorial District II. The applicants have submitted the request for relief from the 200 feet agricultural setback set forth in §17.06.150, authorized by Policies 8.1.3.2 and 8.4.1.2 of the General Plan. No building permit applications have been filed but the appellant believes that the application of the setback renders the site unsellable. Planning staff could not make the findings for administrative relief as provided under Resolution 079-2007, therefore, the request was referred to the Agriculture Commission as provided by the resolution. The Agriculture Commission also found that the required criteria for administrative relief could not be made, and the request was denied. The Commission found that there was no natural or man-made barrier to separate the potential structures from the adjacent agriculturally zoned land, and none of the four criteria under Section B.3 could be met. The land to the north contains choice soils and there is an active Christmas tree farm with TPZ zoning to the south. No specific development has been proposed and the purpose of the requested waiver is to enable the current owner to sell the property. Please see the attached minutes of the Commission for a detailed discussion of their findings.

This parcel was created in the configuration it is today by means of a parcel map (PM45/12) which was a merge and redivision of eleven existing parcels, originally created as separate mining claims. The map was recorded in 1994. The agricultural setback requirements have been in place since 1983.

**Recommended Action:** Uphold the Agriculture Commission's action of March 11, 2009 to deny the administrative relief request to reduce the special setback for protection of agricultural land from 200 feet to 30 feet for both the north and south boundaries, as the specific criteria for relief cannot be

met.

Contact: Peter Maurer 5331/ Roger Trout 5369