



## Legislation Text

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**File #:** 07-1405, **Version:** 1

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Development Services Department, Planning Services Division, recommending the Board consider the request appealing the Agricultural Commission's denial of administrative relief from agricultural setbacks relating to Building Permit No. 176291 for property identified as APN 093-021-70 consisting of 20 acres, in the Somerset area; Applicant: Knut Lyssand. (District 2)

**RECOMMENDED ACTION:** Planning staff recommends the Board deny the appeal, thereby upholding the action of the Agricultural Commission on June 13, 2007, denying the request for administrative relief from agricultural setbacks related to building permit #176291, as the specific criteria can not be met.

Background: The structure is an existing second residence that was constructed prior to issuance of the building permit. The request was heard at the Agricultural Commission's regularly scheduled meeting on June 13, 2007. The Agricultural Commission determined that findings could not be made to reduce the required agricultural setback of 200 feet to the requested 101 foot setback along the southern property line and a 109 foot setback along the eastern property line. The single family residence in question was originally applied for under building permit #146989 on April 16, 2003. The permit expired before being issued. As the original permit was applied for prior to adoption of the General Plan, an agricultural setback would not have been required of this project. The applicants re-applied for the building permit on May 11, 2005, permit #165145, and again on August 18, 2006, permit #176291. Sometime during the processing and prior to the issuance of any of the associated permits, the residence was constructed at the current setbacks. Resolution 079-2007 adopted The Criteria and Procedures for Administrative Relief from Agricultural Setbacks. As shown on Attachment 5, the subject parcel did not meet the criteria for a reduction pursuant to B.1 and B.2 as reviewed by Planning Services. Planning Services determined that criteria B.1.a and B.1.b could not be found as the parcel contains buildable sites within the required setback, and adjacent parcels contain choice agricultural soils. Pursuant to procedure B.3, the applicant filed an appeal to the Agricultural Commission which was denied based on the Commission not being able to make the findings due to the absence of a natural or manmade barrier.

### **ATTACHMENTS**

- Attachment 1 - Vicinity Map
- Attachment 2 - Zoning Map
- Attachment 3 - General Plan Map
- Attachment 4 - Building Permit No. 176291 Site Plan
- Attachment 5 - Memo from the Agricultural Commission dated June 20, 2007
- Attachment 6 - Memo from Planning Services dated May 9, 2007
- Attachment 7 - Appeal Form
- Attachment 8 - Setback analysis overlaid on an airphoto
- Attachment 9 - Resolution No. 079-2007, Administrative Relief/Agricultural Setbacks

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