



## Legislation Text

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**File #:** 13-0033, **Version:** 1

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Hearing to consider a request submitted by Stanley and Joan Geel appealing the denial by the Agricultural Commission of a request for administrative relief from the agricultural setbacks on property identified by APN 048-080-50, consisting of 12 acres, in the Camino area; and Planning Services recommending the Board take the following action:

(1) Approve the appeal, thereby granting setback relief, reducing the agricultural setback from 200 feet to 30 feet for the eastern boundary for the deck requested in Building Permit 205973, as the deck meets the intent of the Zoning Ordinance setbacks and specific criteria for relief can be met as a man-made barrier already exists. (Est. Time: 20 Min) (Supervisory District 3)

### **Background**

This is a request submitted by STANLEY and JOAN GEEL appealing the denial by the Agricultural Commission of a request for administrative relief from the agricultural setbacks on Assessor's Parcel Number 048-080-50. The property consists of 12 acres and is located on North Canyon Road, approximately 0.5 mile north of Carson Road, in the Camino area, Supervisory District 3.

The applicants have submitted the request for relief from the 200 foot agricultural/timberland setback set forth in Section 17.06.150, authorized by Policies 8.1.3.2 and 8.4.1.2 of the General Plan. The land to the east contains choice soils and is within the Timberland Preserve Zone (TPZ) district. Building permit number 205973 has been applied for to resolve previously unpermitted construction including the deck that is the subject of this relief request. Planning staff could not make the findings for administrative relief as provided under Resolution 079-2007; therefore, the request was referred to the Agricultural Commission as provided by the resolution.

Prior to the hearing, the owners redesigned the deck to meet the 30 foot setback required by the Exclusive Agricultural (AE) zone district development standards and consistent with Section 17.14.050.A of the Zoning Ordinance which allows a cantilevered deck to have the support posts/footing at the 30 foot setback. The eastern property line is located in the center of a 12 foot wide El Dorado Irrigation District (EID) water ditch. This and the 10 foot wide service road provides a man-made barrier between the deck and the timberland.

The Agricultural Commission found that the required criteria for administrative relief could not be made because Resolution 079-2007 does not provide for a setback of less than 30 feet for a cantilevered deck. Therefore, although both Planning Services and the Agricultural Commission find that setback relief is appropriate, the technical authority to approve the relief rests with the Board. Planning Services recommends approval of the setback relief which would reduce the agricultural setback from 200 feet to 30 feet, as measured from the footings of the deck.

Please see Attachment 9 for the Agricultural Commission's discussion and motion made at the December 12, 2012 meeting.

### Attachments:

Attachment 1 - Location Map

Attachment 2 - Zoning Map  
Attachment 3 - General Plan Map  
Attachment 4 - Administrative Relief Application Form  
Attachment 5 - Site Plan  
Attachment 6 - Site Plan Detail  
Attachment 7 - Appeal Form  
Attachment 8 - Planning Services Memo; Request Ag Commission Review-Geel; November 28, 2012  
Attachment 9 - Agricultural Commission Action Memo-Geel; December 14, 2012  
Attachment 10 - Criteria and Procedures for Administrative Relief from Agricultural Setbacks (Exhibit A, Resolution 079-2007)  
Attachment 11 - AP Page 48:08  
Attachment 12 - Record of Survey 16:59

**Contact**

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**Follow-up for COB**

Send Dept copy of correspondence.