

Where there has been differing standards, staff has consistently applied the more restrictive requirements. The rationale for that is that while there may be a minimum standard, circumstances may vary, and the greater setback was established to protect persons, resources and property values as deemed appropriate for each zone district. Taking as an example the two standards above, and determining that a stable is an agricultural structure, the absolute minimum for a stable is 25 feet. In a One-acre Residential (R1A) Zone, which only requires a 15-foot side yard setback for residential and other accessory structures, the setback for stables or other agricultural structures is still 25 feet due to the potential for dust, flies, and odors that may emanate from such a structure. However, because of the larger parcel size requirement, and the desire to provide greater separation of structures in the zone districts with larger minimum parcel sizes, greater setbacks are established. Therefore, even though 25 feet is set forth as the minimum for stables, it is increased to 50 feet in this zone district.

Another question that has been raised is what defines an agriculture structure. There is no definition in the zoning ordinance; therefore, one must utilize common usage of the terms. (Note: “Agricultural enterprise structure” is defined, but that is a separate use related to ranch marketing activities and is not related to the subject issue.) Webster’s defines agricultural as “relating to, used in, or concerned with agriculture.” Agriculture is defined as “the science or art of cultivating the soil, producing crops, and raising livestock...” Planning staff, therefore, has interpreted the provisions for agricultural setbacks as applying to any structure, whether primary or secondary, that is intended to house animals (other than pets), used for crop or equipment maintenance, and for the propagation of plants, including barns, stables, covered arenas, and other similar structures. Again, the primary concern is that such structures tend to create dust, odor, flies and other nuisances that require a greater separation from adjacent property.

Recommendation:

Staff recommends that the Planning Commission take the following action:

1. Find that “agricultural structures” as used in the zoning ordinance, Title 17 of the El Dorado County Code, means structures used for the purpose of keeping, housing, and exercising domestic farm animals or for storing or maintaining equipment used for agricultural purposes, including barns, stables, and riding arenas.
2. Find that where there is more than one setback set forth for a specified use or structure in the zoning ordinance the greater shall be applied.