

**EL DORADO COUNTY  
BOARD OF SUPERVISORS  
AGENDA TRANSMITTAL  
Meeting of May 1 , 2007**

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| <b>AGENDA TITLE: Request for Administrative Relief</b>   |  |                     |
| <b>DEPARTMENT: Board of Supervisors</b>  | <b>DATE: April 20, 2007</b>  | <b>CAO USE ONLY</b> |
| <b>CONTACT: Supervisor Ron Briggs</b>  | <b>PHONE: 621-6513</b>   |                     |
| <b>DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION: Supervisor Briggs requesting Board approve the request by Frank and Pat Matagrano for Administrative Relief from Agricultural Setbacks for the proposed construction of a residence and garage at their Lotus property</b>                     |  |                     |
| <b>CAO RECOMMENDATION:</b>   |  |                     |
| <b>Financial impact? ( ) Yes ( ) No</b>  | <b>Funding Source: ( ) Gen Fund ( ) Other</b>  |                     |
| <b>BUDGET SUMMARY:</b><br><b>Total Est. Cost</b> \$ _____<br><b>Funding</b><br><b>Budgeted</b> \$ _____<br><b>New Funding</b> \$ _____<br><b>Savings*</b> \$ _____<br><b>Other</b> \$ _____<br><b>Total Funding Available</b> \$ _____<br><b>Change in Net County Cost</b> \$ _____<br>* Explain | <b>CAO Office Use Only:</b><br>4/5's Vote Req.                                ( ) Yes( ) No<br>Change in Policy                                ( ) Yes                ( ) No<br>New Personnel                                    ( ) Yes( ) No<br><b>CONCURRENCES:</b><br>Risk Management<br>County Counsel<br>Other |                     |
| <b>BOARD ACTIONS:</b>  |  |                     |
| <b>Vote: Unanimous _____ Or</b><br><br><b>Ayes:</b><br><br><b>Noes:</b><br><br><b>Abstentions:</b><br><br><b>Absent:</b><br>Rev. 7/96 j:\agendalwin96  | <b>I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors.</b><br><br><b>Date:</b><br><br><b>Attest: CINDY KECK, Board of Supervisors Clerk</b><br><br><b>By:</b>   |                     |

Attachment to appeal of Agricultural Commission denial of request for relief from  
Agricultural 200 foot setback

2007 APR 20 PM 4:06

April 20, 2007

RECEIVED  
BOARD OF SUPERVISORS  
FLORIDA COUNTY

To: Board of Supervisors of El Dorado County

The request is that the Board of Supervisors approve our request for administrative relief from the 200 foot agricultural setback so as to enable us to build a 1200 square foot residence and garage on our property.

The solution proposed at the Agricultural Commission hearing was that we delete a portion of our garage in favor of making that section a breezeway. This would create more of a separation of the occupied structure from that portion of the structure to be built within the 200 foot setback. We can and will do this if necessary but it is not as useful a facility as what we originally proposed.

Our understanding of the reasons for the denial was that the commissioners did not have the ability to conclude that there was no other location within the 80 acres where we could build the structure. They also could not make a finding that the structures were located so as to minimize any potential negative impact on the adjacent agricultural land.

These seem like one issue but it was determined that the commission could not make 3 of the 4 necessary findings. And the request was denied. This may be technically correct but has no real applicability when there is no real potential for agricultural use on the adjacent site.

The adjacent 41 acre parcel (105-100-12 Bohlke) has no agricultural use and is not likely to be used as agriculture. We had the adjacent property studied to determine if it would be a suitable property for expansion of our operation and determined that it simply was not suitable. Our garage is proposed adjacent to an area that is brush and oak trees and somewhat steep. It is physically removed from any building site by topographical constraints and is not accessible except through our vineyard.

To impose any constraints on an actual agricultural operation that would reduce the efficiency of that operation to protect "possible" agricultural uses on a parcel that should never have been zoned for agriculture in the first place does not seem to have a public policy purpose. We therefore request that you use your discretion in allowing us to construct our improvements in a way that is most useful for our operation and has no actual detrimental effect on anyone.

The Matagrano vineyard property consists of 80 acres on Peterson Lane which is off of Bassi Road in the Lotus area.

The subject parcel has approximately 15 acres in vineyard.

The property is zoned RA-40 as is the parcel to the south owned by Bohlke. Much of the region is currently designated RA-40 for no apparent reason. The parcels to the West are all owned by BLM and consist of the "Clark Mountain" parcel as well as the Cronin Ranch parcel to our Northwest.

The soils within which we are growing wine grapes are Auberry coarse sandy loam ArB and ArD. The soils upon which we plan to build our garage and residence structure as well as the soil on the adjacent parcel are Auberry very rocky coarse sandy loam.(AuD). The storic index of the latter soils drops to 25. These soils are correctly identified as not being suitable for grape production.

The adjacent parcel is currently vacant and has always been vacant. It is currently being offered for sale.

Thank you for your consideration of our request.



Art Marianccio, agent for Frank and Pat Matagrano



## DEPARTMENT OF AGRICULTURE WEIGHTS AND MEASURES

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**William J. Stephans**  
Agricultural Commissioner  
Sealer of Weights and Measures

311 Fair Lane  
Placerville, CA 95667  
(530) 621-5520  
(530) 626-4756 FAX  
eldcag@co.el-dorado.ca.us

### MEMORANDUM

**DATE:** April 9, 2007

**TO:** El Dorado County Agricultural Commission

**FROM:** *SB*  
Steven G. Burton

**SUBJECT:** **APPLICATION FOR ADMINISTRATIVE  
RELIEF FROM 200 FOOT AGRICULTURAL  
SETBACK- FRANK MATAGRANO**

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On April 9, 2007, Bill Stephans and I made a site visit to 5080 Petersen Lane in the Lotus/Coloma area. The purpose of the site visit was to evaluate an application for Administrative Relief of the existing 200 foot agricultural setback from the adjoining parcel.

The applicant is requesting a reduction of the setback to 75 feet from the southern RA-40 zoning parcel.

Findings:

See attached report.



DEPARTMENT OF AGRICULTURE
WEIGHTS AND MEASURES

William J. Stephans
Agricultural Commissioner
Sealer of Weights and Measures

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ADMINISTRATIVE RELIEF FROM AGRICULTURAL SETBACK
SITE VISIT REPORT

APPLICANT(S) NAME(S): FRANK & PATRICIA MATA GRAND
SITE ADDRESS: 5080 PETERSON LANE LOTUS C.A.
APN#: 105-100-11 PARCEL SIZE: 80A ZONING: RA 40 LAND USE DESIG.: RR

SITE VISIT DATE: 4/5/07 ATTENDEES: FRANK MATA GRAND BILL STEPHANS STEVE BURTON

LOCATED WITHIN AN AG DISTRICT? YES NO If yes, which one?

AG SETBACK: 200 foot ADJACENT PARCEL ZONING: RA 40

REQUESTED SETBACK & NON-CONFORMING USE: GARAGE, 1200 FT^2 STUDIO

REQUIRED CRITERIA:

Natural barrier exists that reduces need for setback (Topography Other)

EXPLAIN: NONE

OR ALL THE FOLLOWING EXISTS:

- 1. YES NO No suitable building site exists on the subject parcel except within the required setback; AND
2. YES NO The proposed non-compatible use is located on the property to minimize any potential negative impact on the adjacent agricultural land; AND
3. The Commission has considered the site characteristics of the subject parcel and the adjacent agricultural land including, but not limited to, topography, vegetation, and location of agricultural improvements, etc.

SITE CHARACTERISTICS TO BE CONSIDERED BY COMMISSION:

**STAFF RECOMMENDATION:**

APPROVE

CONDITIONALLY APPROVE

DISAPPROVE

NO RECOMMENDATION; EXPLAIN: \_\_\_\_\_

COMMENTS: THE PROJECT IN ITS EXISTING  
PROPOSAL (4/5/07) DOESN'T MEET THE  
CURRENT CRITERIA.

Steve G. Butler  
STAFF SIGNATURE

4/9/07  
DATE