



# AGRICULTURAL COMMISSION

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*Greg Boeger, Chair – Agricultural Processing Industry*  
*John Winner, Vice-chair – Forestry/Related Industries*  
*Chuck Bacchi – Livestock Industry*  
*Tom Heflin – Fruit and Nut Farming Industry*  
*David Pratt – Fruit and Nut Farming Industry*  
*Lloyd Walker – Other Agricultural Interest*  
*Gary Ward – Livestock Industry*

## MEMORANDUM

**DATE:** April 18, 2007

**TO:** Kristin Davis  
Development Services-Planning

**FROM:** Greg Boeger  
Chair

**SUBJECT:** FRANK & PATRICIA MATAGRANO

During the Agricultural Commission's regularly scheduled meeting held on April 11, 2007, the following discussion and motion occurred regarding a request for Administrative Relief from Agricultural Setbacks for the proposed single-family dwelling with an attached recreation room and an attached shop to be located 75 feet from the south property line. The subject parcel is adjacent to Residential Agricultural (RA-40) zoned land and therefore subject to special agricultural setbacks in accordance with the Interim Interpretive Guidelines adopted June 22, 2006. (District 4)

Steve Burton informed the Agricultural Commission there were photos, hand-outs and a site visit report that was completed after the meeting packets were delivered. Also, an opposition letter was submitted this evening from the neighbor who owns the southernmost property. The site visit was conducted by Mr. Stephans and Mr. Burton with the purpose of evaluating the application requesting Administrative Relief from the existing 200 foot Agricultural Setback. The applicant, Mr. Matagrano was requesting a reduction in the setback to 75 feet from the southerly zoned RA-40 parcel. The site visit determined that there were no natural barriers, nor was it found that the other criteria existed. Mr. Burton stated that although Mr. Matagrano's request was very worthy in nature, staff could not recommend approval. It was also found that other suitable building sites exist on the subject parcel, especially where an area has been leveled and cleared for a truck turnaround and equipment storage site. It is staff's opinion that the proposed non-compatible use is not located on the property to minimize any potential negative impact on the adjacent agricultural land. The dense vegetation located on the boundary line cannot be considered a barrier.

Mr. Boeger and Mr. Stephans discussed the application and whether or not the Granny Flat would be attached to a substantial garage which is estimated at 5000 square feet. Mr. Stephans explained that if the Granny Flat was detached from the garage, it would not be considered a problem because the garage could be used as a barrier and also it appeared that the 1200 square foot studio would be close, if not at the 200 foot setback. Because the Granny Flat was to be attached the whole structure had to be considered one building. Mr. Burton stated the garage in itself was not considered to be a non-compatible use as long as it was not attached to the residence.

Submitted by *Art Marinaccio*

at Board Hearing of 5/1/07  
#47

Frank Matagrano explained that his wife, Patricia Matagrano was the designer of the building and if the Granny Flat was not attached, it would lose the desired appearance.

Bill Stephans commented that Planning may have problem with a 1200 square foot Granny Flat being attached to a 5000 square foot garage because it could be remodeled later to make it larger than 1200 square feet and the Matagrano residence hasn't been built yet. This may cause problems obtaining a building permit for the larger residential structure. If the home is proposed residence expands to larger than 1200 square feet, then that would no longer be considered a Granny Flat which would then require the Matagranos to build a 1200 square foot Granny Flat instead of the planned large residence. This scenario could result in a "catch 22", not from the Ag perspective, but from Planning or Building's perspective. There was also discussion regarding the zoning problems that may arise, and a presentation of an aerial photograph of the eighty acres of the Matagrano property presented by Art Marinaccio who also spoke of the need of a zoning change.

Gina Hunter stated Planning would not have a problem if the Granny Flat and garage were built at the same time. Bill Stephans said the garage could be built in the 200 foot setback but recommended the Granny Flat be built at the 200 foot measurement or further so there would be no need to request the Relief from the Ag setback.

Mr. Matagrano agreed to the suggestion of building the garage unattached to the Granny Flat which would then be built at the 200 foot property line.

*Staff recommends to disapprove the request for Administrative Relief from Agricultural Setbacks for the proposed building located 75 feet from the south property line.*

*It was moved by Mr. Walker and seconded by Mr. Heflin to deny the request for Administrative Relief from the 200 foot setback to place the proposed building 75 feet from the south property line. Motion passed.*

**AYES:** Ward, Winner, Boeger, Heflin, Pratt, Walker

**NOES:** None

**ABSENT:** Bacchi

If you have any questions regarding the Agricultural Commission's actions, please contact the Agriculture Department at (530) 621-5520.

GB:na

cc: Frank & Patricia Matagrano

April 10, 2007

Agricultural Commission  
County of El Dorado

Dear Agricultural Commission representative,

This letter is submitted as my written objection to Frank and Patricia Matagrano's request for Administrative Relief from Agricultural Setbacks as brought forth for review by your Commission on April 11, 2007, pursuant to El Dorado County Code, Section 17.22.020.

Please refer to Mr. Matagrano's property at APN 105-100-11, and my property identified as APN 105-100-12. My property borders on the South side of Mr. Matagrano's property and is adjacent to the proposed building site currently under review.

My reasons for this objection are based upon my concerns of my property valuation being placed in jeopardy. I intend to sell the property and it is currently listed for sale.

My concerns are based upon conversations with my Real Estate Agent and my Real Estate Attorney of which both advise me to object because this matter must be disclosed to the Buyer(s) of my property. They will have future vested interest of which I wish to consider. This change will have a serious affect on the price and future interest.

County Code requires I be notified 10 days prior to the hearing, and the Meeting Notification letter was post marked April 4, 2007, only 7 days notice. Also, according to County Code, Section 17.22.020, Subsection A, it states "The Planning Director may grant administrative relief or waiver from standards set forth in this Title of up to ten percent (10%) of the area or dimension subject to the following procedure: et al". Code requires a setback of 200 feet, of which, if I properly interpret the code as written, means the Commission would be able to grant a setback of no less than 180 feet, not 75 feet as requested.

It is noteworthy to observe that the Matagranos have ample area in which to build within the setback requirements without effecting my property or requiring a waiver.

Thanks you for your time and consideration.



Raymond J. Bohlke  
Property Owner of APN 105-100-12  
Area: Lotus/ Peterson Lane

**CATEGORY V  
SURROUNDING LAND USE  
(10 points possible)**

Points	Surrounding Land Use
10	Parcel is located within an established and recognized agricultural area (Agricultural District)
7	Parcel is located in an area having good crop potential but not yet intensively planted. Urbanization on adjacent parcels is slight to moderate.
5	Parcel is located in an area of good crop potential, but about half of the surrounding parcels are urbanized (less than 5 acres in size).
2	Parcel is located within an existing community.

A cumulative score of 60 points or more in all 5 categories signifies that a parcel or segment has a good agricultural capability.

**EL DORADO COUNTY CHOICE AGRICULTURAL SOILS\***

<u>Prime Farmland</u>	<u>Statewide Important Farmland</u>	<u>Unique &amp; Soils of Local Importance</u>		
AfB	AsC	AfC	CoE	MsC
AfB2	AsC	AfC2	DfC	ReC
ArB	BhC	AfD	DfD	SbD
CmB	DfB	AgD	DmD	SfC2
HgB	HgC	ArC	HgD	SfD2
HhC	HrC	ArD	JrC	SkC
LaB	PgB	BhD	JrD	SkD
ReB	Rk	BpC	JtC	SkE
	SbC	BpD	JtD	SsC
	ScC	CkD	JvD	SsD
	SgC	CmC	MaD	SsE
	WaB	CmD	MrC	SuC
		CoC	MrD	SuD

\*El Dorado County Choice Soils are defined as soil types that exhibit "choice" agricultural characteristics as delineated by the USDA-SCS and a local adhoc committee.

Submit by Email