

#### COUNTY OF PLACER

#### Community Development Resource Agency

Michael J. Johnson, AICP Agency Director

#### **PLANNING**

Paul Thompson Deputy Planning Director

**HEARING DATE:** March 21, 2012

TIME: 9:00am

TO:

Zoning Administrator

FROM:

**Development Review Committee** 

DATE:

March 7, 2013

SUBJECT:

Variance (PVAA 20130020) - Wagner Variance

PLAN AREA: Meadow Vista Community Plan

GENERAL PLAN DESIGNATION: Rural Residential 1 - 2.3 acre minimum

**ZONING:** Residential Single-Family combining Agriculture combining minimum Building Site of 2.3

acres (RS-AG-B-100)

STAFF PLANNER: Alex Fisch, Senior Planner

LOCATION: The project site is located at 2840 Meadow Vista Road in Meadow Vista, 200

yards east of the intersection of Meadow Vista Road and McElroy Road.

APPLICANT: Edie Wagner

#### PROPOSAL:

The applicant requests approval of Variances to allow for the raising and keeping of one horse on a lot size of 0.78 acres where a minimum of one acre is required, a reduction in the front setback requirement of 80 feet from the centerline of Meadow Vista Road and a Variance to the front setback requirement of 75 feet to the centerline of Oak Lane in order to allow for a front setback of 60 feet and 30 feet from the centerline of each road, respectively, in order to construct an 11-foot by 19-foot horse stall and tack shed building, and a Variance the maximum allowable fence height within the front setback of three feet to allow for a four-foot tall open wire fence.

#### **CEQA COMPLIANCE:**

This project is categorically exempt from environmental review pursuant to provisions of Section 15305 of the California Environmental Quality Act Guidelines and Section 18.36.070 of the Placer County Environmental Review Ordinance (Class 5, Minor alterations in land use limitations). The Zoning Administrator will be required to make a finding to this effect.

#### PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices were mailed to property owners of record within 300 feet of the project site. Other appropriate agencies, public interest groups, and citizens were sent copies of the public hearing notice. Community Development Resource Agency staff and the Departments of Engineering and Surveying, Public Works, Environmental Health, the Fire Department and the Agricultural Commissioner were transmitted copies of the project plans and application for review and comment. Comments received from agency staff and from the Agricultural Commissioner have been incorporated into this report. No public comments were received as of the time of preparation of this report.

#### PROJECT DESCRIPTION:

The applicant requests approval of Variances to allow for the raising and keeping of one horse on a lot size of 0.78 acres where a minimum of one acre is required, a reduction in the front setback requirement of 80 feet from the centerline of Meadow Vista Road and a Variance to the front setback requirement of 75 feet to the centerline of Oak Lane in order to allow for a front setback of 60 feet and 30 feet from the centerline of each road, respectively, in order to construct an 11-foot by 19-foot horse stall and tack shed building, and a Variance the maximum allowable fence height within the front setback of three feet to allow for a four-foot tall open wire fence.

#### **BACKGROUND:**

The 0.78-acre project site is level and somewhat irregular in shape. Meadow Vista Road is located adjacent to the main property frontage along the south property boundary. Oak Lane, a private residential serving roadway, runs along the length of the east property boundary. A 1,500 square-foot single-family home is located in the central portion of the property. A semi-circle gravel driveway serves the property from Meadow Vista Road and includes a secondary connection to Oak Lane along the easterly property boundary. The driveway connection to Meadow Vista Road is currently unpaved.

The property includes a mixture of landscaped yard area and native blue oak woodland, characteristic of the surrounding area and residential properties. Properties in the immediate vicinity of the project site include a mixture of similarly sized parcels and parcels over one-acre in size. Numerous properties in the neighborhood include fenced enclosures for horses, llamas, goats, chickens and other animals.

The applicant owns a single horse that she has owned for approximately 10 years. Until recently the horse had been boarded at an off-site boarding facility, but a recent financial hardship forced the applicant to relocate the horse to a nearby property on a temporary basis. Due to the difficulties of feeding, care and exercise caused by the horse being located off-site, the applicant now proposes to relocate the animal to her property where proper daily care and feeding can be more easily accomplished.

#### **ANALYSIS:**

The applicant proposes to establish a small fenced horse pasture of approximately 4,000 square feet in the southeast corner of the property adjacent to Meadow Vista Road and Oak Lane. The pasture would be fenced with a four foot tall open wire fence that would be located outside of the Meadow Vista Road right of way and adjacent to Oak Lane. An 11-foot by 19-foot horse stall and tack shed building is proposed to be constructed within the pasture and would be located at the previously described reduced property boundary setbacks. The building is proposed to be constructed in a manner that is consistent with other residential accessory

buildings and agricultural outbuildings in the neighborhood, and would have an appearance similar to a Tuff Shed brand building.

In order to evaluate this Variance request, staff reviewed the Animal Raising and Keeping section of the Zoning Ordinance pertaining to horses. For additional guidance, staff also referenced the Zoning Ordinance Equine Management Regulations (Appendix F).

The Animal Raising and Keeping section of the ordinance requires that in the combining Agriculture zone district (-AG) no more than two horses per gross acre may be kept and that at least one gross acre of land is required to keep any horses. The ordinance does not specify location restrictions or a minimum size for horse pastures, training corrals, paddocks or animal enclosures, nor does it specify if an animal enclosure is required. For these reasons, Planning staff consulted with the County Agricultural Commissioner to determine whether or not the applicant's proposal was consistent with standard equine keeping practices and whether other practices should be enforced to ensure that a nuisance would not be created if Variances were granted.

The Agricultural Commissioner advised that the primary nuisances caused by horses are dust created as a result of pasture overgrazing when animals are allowed uncontrolled pasture access, and flies and odors caused by inadequate manure management. The Commissioner advised that at a minimum a smaller paddock should be required to be enclosed within the pasture area to retain the animal on a daily basis, and that the horse only be allowed access to the main pasture for exercise and training. In his opinion, this would prevent the horse from overgrazing the area and creating a dust nuisance. Retaining the animal in the smaller area would also confine animal wastes to that area and thus require more frequent manure pick up and disposal. Manure management practices are detailed in the Equine Management Regulations of the Zoning Ordinance and the applicant would be required to follow those requirements if requested Variances are granted. Staff has prepared proposed conditions of approval to address the Commissioners recommendations regarding pasture management, which are included in the recommended conditions at the end of this report.

The Commissioner further advised that the applicant should be required to construct an enclosed stall prior to relocating the horse to the property from its current pasture location. While staff agrees with the basis of this advisory, staff can find no requirement for this in the Zoning Ordinance and therefore has not conditioned that a shelter be established prior to locating the horse on the property. It is hereby further noted that the applicant intends to construct a horse stall and tack shed building as soon as possible, and thereby would meet the intent of the recommendation, but the timing of building construction is not certain due to current financial constraints.

Staff's evaluation of Variance requests for relief from the minimum property size for the raising and keeping of one horse and for the proposed moderate increase in fence height in the front setback determined that there are special circumstances related to the size of the subject property, which at one acre would allow for the keeping of two horses but at 0.78 acres does not allow for keeping any horses. In addition, staff determined that the request to increase the maximum allowable fence height within the front setback from three feet to four feet is the minimum departure from the ordinance necessary and that the four foot tall fence would be consistent with fence heights on surrounding properties, many of which are also four or more feet tall within the front setback. Because the fence would be located outside of the roadway right of way, sight distance issues at intersections and driveways would not be created.

Staff's evaluation of requested Variances to front setback requirements found that there are special circumstances related to the size and shape of the subject property that warrant relief to Zoning Ordinance requirements. In addition, staff found that the proximity of the two roadway frontages adjacent to the two longest sides of the property result in unusually restrictive setbacks that prevent useful utilization of portions of the property where an owner would typically expect to be able to build a small outbuilding. Staff found that the proposed location of the building is unlikely to result in conflicts or impositions on neighboring properties or land uses, and that the building character and location would be consistent with similar residential accessory buildings and agricultural outbuildings located in the neighborhood.

#### RECOMMENDATION:

The Development Review Committee recommends that the Zoning Administrator **approve** this Variance (PVAA 20130020) based upon the following findings and recommended conditions of approval.

#### FINDINGS:

#### CEQA

The Zoning Administrator finds that this project is categorically exempt from review under CEQA pursuant to Section 15305, Minor alterations in land use limitations (Class 5) of the CEQA Guidelines (ERO Section 18.36.070) because the reductions in minimum lot size to allow for keeping one horse and the reduced setback standards for the tack shed and allowances to increase fence height will not, under these particular circumstances, result in environmental impacts. There is no exception to this finding.

#### VARIANCE:

Having considered the staff report, supporting documents and public testimony, the Zoning Administrator hereby finds that:

- 1. Because of special circumstances applicable to this property, which include the small size of the parcel, the existing physical location of the home, driveway, and adjacent roadways, the strict application of the provisions of Chapter 17 of the County Code would deprive the property of privileges enjoyed by other properties in the vicinity and under the identical zoning classification.
- 2. The granting of this Variance does not constitute a grant of special privileges inconsistent with limitations upon other properties in the vicinity and in the zone district.
- 3. The granting of this Variance does not authorize a use that is not otherwise authorized in the zone district in which the property is located.
- 4. The granting of this Variance does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, or injurious to nearby property or improvements.
- 5. The Variance is consistent with the objectives, policies, general land uses and programs as specified in the Placer County General Plan and the Granite Bay Community Plan.
- 6. The Variance, as granted, is the minimum departure from the applicable requirements of Chapter 17 to grant relief to the applicant, consistent with sections 1 and 2 above.

#### RECOMMENDED CONDITIONS OF APPROVAL:

The Development Review Committee recommends that the Variance requests be subject to the following proposed conditions of approval:

- 1. This Variance authorizes the keeping of one horse on the 0.78-acre subject property where a minimum of one acre is normally required. Variances are approved for a reduction in the front setback requirement of 80 feet from the centerline of Meadow Vista Road and 75 feet to the centerline of Oak Lane to allow for a setback of 60 feet and 30 feet from the centerline of each road, respectively, for construction of an 11-foot by 19-foot horse stall and tack shed building. Setbacks shall be measured to the roof eaves. A Variance to the maximum allowable fence height within the front setback is approved to allow for a four-foot tall open wire fence or similarly open-style field fence. This approval is applicable to Assessor's Parcel Number 074-052-019. (PLN)
- 2. Prior to locating the horse on the subject property, the applicant shall construct a fenced enclosure in accordance with the pasture location shown on the Site Plan. The pasture enclosure shall include a secondary fenced enclosure within the pasture where the horse will be maintained on a daily basis. The secondary enclosure shall not exceed 400 square feet in gross area. The horse shall be maintained within the secondary enclosure except during training and exercise periods. (PLN)
- 3. The pasture and all attendant facilities shall be managed in accordance with Appendix F of the Zoning Ordinance (Equine Management Regulations attached). (PLN)
- 4. The applicant shall obtain a Building Permit from the Building Services Division for the proposed horse stall and tack shed building. Prior to or concurrent with the Building Permit submittal, the building plans shall be reviewed by the Planning Services Division to ensure compliance with the design criteria described in the Variance staff report. (PLN)
- 5. The applicant shall, upon written request of the County, defend, indemnify, and hold harmless the County of Placer, the County Board of Supervisors, and its officers, agents, and employees, from any and all actions, lawsuits, claims, damages, or costs, including attorney's fees awarded by a certain development project know as the *Wagner Variance Project*. The applicant shall, upon written request of the County, pay for, or, at the County's option, reimburse the County for all costs for preparation of an administrative record required for any such action, including the costs of transcription, County staff time, and duplication. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any tender under this provision. This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the County relating to the approval of the Project. Upon request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provision of this condition. (PLN)
- 6. Prior to Building Permit issuance, or within 12 months (whichever occurs first), obtain an encroachment permit to reconstruct the existing driveway that connects to a publicly maintained road (Meadow Vista Road), to a Plate R-18, LDM standard. Final acceptance

- of the encroachment permit shall occur prior to expiration of the approved variances or prior to the variances being considered exercised. (ESD)
- 7. At the time of site visit, fence posts had been placed for the ultimate construction of a cyclone fence or field fence. Prior to Building Permit issuance, the posts that have been placed adjacent to Meadow Vista Road shall be relocated to a minimum of 30' from the centerline of Meadow Vista Road. (ESD)
- 8. This Variance is approved for 24 months and shall expire on March 21, 2015, unless exercised by construction of fenced enclosures in accordance with condition 2 and relocation of the horse to the subject property. The exercise period for construction of the tack shed building shall expire on March 21, 2015, unless exercised by approval of a Building Permit and completion of a foundation inspection. (PLN)



# COUNTY OF PLACER Community Development Resource Agency

## ENGINEERING & SURVEYING

DATE: FEBRUARY 14, 2013

#### **MEMORANDUM**

TO:

**ALEX FISCH, PLANNING DIV** 

NICOLE HAGMAIER, PLANNING DIV

FROM:

SHARON BOSWELL, ESD

SUBJECT:

PVAA 20130020: FRONT S/Bs & VAA to ANIMAL RAISING (SEC. 17.56.050 F.(9);

MEADOW VISTA RD; MEADOW VISTA; WAGNER (APN: 074-052-019)

This project requests approval of two front setbacks: 1) 60' to centerline of Meadow Vista Road (where 80' is required), 2) a front setback to 30' from center of Oak Lane, a private road (where 75' is required). Additionally, the applicant is requesting a variance to the Animal Raising and Keeping Ordinance to allow the keeping of one horse on a parcel less than one acre. The Engineering & Surveying Division (ESD) supports the Development Review Committee's recommendation for this Variance application subject to the following recommended conditions of approval:

- 1. Prior to Building Permit issuance, obtain an encroachment permit to reconstruct the existing driveway that connects to a publicly maintained road (Meadow Vista Road), to a Plate R-18, LDM standard.
- 2. At the time of site visit, 5' high fence posts had been recently placed for the ultimate construction of a cyclone fence. Prior to Building Permit issuance, the posts that have been placed adjacent to Meadow Vista Road shall be relocated to a minimum of 30' from the centerline of Meadow Vista Road.



### Placer County Health and Human Services Department

**Richard J. Burton, M.D., M.P.H.**Health Officer and Department Director

Wesley G. Nicks, R.E.H.S.
Director of Environmental Health,
Public Health and Animal Services

### **MEMORANDUM**

## DEPARTMENT OF HEALTH & HUMAN SERVICES ENVIRONMENTAL HEALTH SERVICES

То:

Zoning Administrator

From:

Justin Hansen

Land Use and Water Resources Section

Date:

February 11, 2013

Subject:

PVAA 20130020, Wagner Variance, APN 074-052-019

Environmental Health Services has reviewed the above application for variance and has no objections or recommended conditions of approval.