

# COUNTY OF PLACER Community Development/Resource Agency

Michael J. Johnson, Agency Director

## PLANNING SERVICES DIVISION

Paul Thompson Deputy Planning Director

HEARING DATE: July 19, 2012

TIME: 9:20 am

TO:

Zoning Administrator

FROM:

**Development Review Committee** 

DATE:

July 12, 2012

SUBJECT:

Variance (PVAA 20120180) - Matteson Side and Rear Setback

PLAN AREA: Granite Bay Community Plan

**COMMUNITY PLAN DESIGNATION:** Rural Estate – 4.6 to 20 Acre Minimum Lot Size

**ZONING:** RA-B-X-4.6 (Residential Agriculture, combining 4.6 acre minimum lot size)

STAFF PLANNER: Gerry Haas, Senior Planner

**LOCATION:** 6115 Terracina Court, Loomis

ASSESSOR'S PARCEL NUMBER: 035-022-053

**APPLICANT:** Magic Sun Solar on behalf of property owner (Ray Matteson)

#### PROPOSAL:

The applicant is requesting a Variance to allow for a private photovoltaic system to be constructed at five feet from the north (rear) property line and 25 feet from the west (side) property line, where a 30-foot structural setback from each property line is required.

#### **CEQA COMPLIANCE:**

The project is categorically exempt from environmental review pursuant to provisions of Section 15303 of the California Environmental Quality Act Guidelines and Section 18.36.050 of the Placer County Environmental Review Ordinance (Class 3(E) – New construction of accessory structures.

#### **BACKGROUND:**

Staff conducted a field review of the project site on July 6, 2012. The three-acre parcel is located within the Terracina Subdivision, approved by the Planning Commission on May 27, 2004. The subdivision includes 17 single-family residential lots, ranging in size from 2.5 to 3.9 acres in size, and three larger open space lots that include wetland habitat and/or watercourses and riparian features.

The west and south property lines are bordered by similarly sized residential parcels developed with single-family residences. The east property line borders Open Space Lot C, which includes a portion of Miner's Ravine, running parallel (north to south) to the property line. The north property line borders a 16-acre parcel that is developed with a mobile/modular home.

The site is developed with a 6,460 square-foot single family residence with an attached 1,843 square-foot garage, paved driveway, outdoor pool, a man-made pond and septic system. There are many trees, including mature oaks and various landscape varieties, interspersed throughout the parcel and large grass covered areas to the north and east of the residence.

## **ANALYSIS:**

The proposed photovoltaic system would include five individual arrays, each one covering approximately 372 square feet. As shown on the site plan, the arrays would be constructed in the northwest corner of the parcel. The entire photovoltaic system would provide 140 kilowatts of electricity for the property owner. The size of the system is intended to offset daily electricity demand generated by the pond pumps, site irrigation and, to a lesser extent household use.

As stated in the project description, the location for the photovoltaic system was selected to avoid large areas of shade produced by the mature trees on-site. The northeast portion of the site includes the septic leach fields, and footings cannot be constructed in that area, and the southern portion of the site is developed with the house and pond. The roof of the house is not suitable for a system of the size proposed because the roof is not oriented to the south and there are only small, limited areas of southern exposure. In addition, the roofing materials are concreted to the roof and the solar racking cannot be installed without replacing the roof.

Although the site constraints effectively restrict the photovoltaic system to the location proposed, construction within the side and rear setback areas is likely to have a negligible effect on neighboring property owners. If constructed, the system would only be visible to neighboring property owners to the north and west. Each of those parcels is separated, to the west by tree cover and to the north by distance, from the proposed location of the solar arrays.

#### **RECOMMENDATION:**

Staff recommends **approval** of this Variance request to allow for a private photovoltaic system to be constructed at five feet from the north (rear) property line and 25 feet from the west (side) property line, where a 30-foot structural setback from each property line is required, based on the following findings and recommended conditions of approval.

#### FINDINGS:

### **CEQA**

The Zoning Administrator finds that this project is categorically exempt from environmental review pursuant to provisions of Section 15303 of the California Environmental Quality Act Guidelines and Section 18.36.050 of the Placer County Environmental Review Ordinance (Class 3(E) – New construction of accessory structures). There is no exception to this finding.

### **VARIANCE:**

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

- 1. Because of special circumstances applicable to this property, the strict application of the provisions of Chapter 17 would deprive the property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. The special circumstances include the existing on-site improvements (house, septic leach field and pond) and the presence of several mature oak trees that effectively restrict the suitable area for a photovoltaic system to the location proposed.
- 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 because the unique circumstances that exist on the subject parcel, including the level of development and the limited open areas that enjoy solar exposure, do not exist on all other lots in the area.
- 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 Granite Bay Community Plan.
- 6. The Variance, as granted, is the minimum necessary departure from the applicable requirements of Chapter 17 to grant relief to the applicant, consistent with sections 1 and 2 above.

#### CONDITIONS OF APPROVAL:

- Approval of this Variance (PVAA20120180) allows for a private photovoltaic system to be constructed at five feet from the north (rear) property line and 25 feet from the west (side) property line, where a 30-foot structural setback from each property line is required
- 3. The applicant shall obtain a Building Permit for the ground mounted photovoltaic system from the Placer County Building Services Division.
- 4. The applicant shall 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 attorneys fees awarded in any proceeding brought in any State or Federal court, challenging the County's approval of that certain Project know as the PVAA20120180, Matteson Side and Rear Setback Variance. The applicant shall, upon written request of the County pay, or at the County's option reimburse the County for, all reasonable costs for defense of any such action and preparation of an administrative record, including the County staff time, costs of transcription 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 written request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provisions of this condition.

5. This Variance (PVAA20120180) shall expire on July 30, 2014 unless exercised by issuance of a Building Permit.

#### **ATTACHMENTS:**

- A. Memo from Department of Engineering and Surveying
- B. Memo from Department of Environmental Health Services

cc: Engineering & Surveying Department Environmental Health Department PVAA20120180



# COUNTY OF PLACER Community Development Resource Agency

ENGINEERING & SURVEYING

## MEMORANDUM

TO:

GERRY HAAS, PLANNING DIVISION

DATE:

JULY 6, 2012

181

NICOLE HAGMAIER, PLANNING DIVISION

FROM:

SHARON BOSWELL, ENGINEERING & SURVEYING DEPT

SUBJECT:

PVAA 20120180: REAR SETBACK; TERRACINA CT; LOOMIS; MATTESON

(APN: 035-022-053)

This project requests approval of a rear setback to 5' from property line for a ground mounted solar array. The Engineering & Surveying Department (ESD) **supports** the Development Review Committee's recommendation for this Variance application with no concerns or recommended conditions of approval.