

COUNTY OF PLACER Community Development Resource Agency

Michael J. Johnson, Agency Director

PLANNING

Paul Thompson
Deputy Planning Director

HEARING DATE: November 15, 2012

TIME: 9:10 A.M.

DATE:

November 1, 2012

TO:

Zoning Administrator

FROM:

Planning Services Division

SUBJECT:

Variance to a side setback to allow a ground mounted photovoltaic solar system

to be installed with a 10-foot setback - PVAAT20120308

APPLICANT:

Magic Sun Solar Inc. on behalf of Paul and Liz Hammack

STAFF PLANNER:

Roy Schaefer, Associate Planner

ZONING:

RA-B-100 (Residential Agricultural, combining Building Site minimum of 2.3

acres)

LOCATION:

9235 Royal Crest Court, Granite Bay

APN: 050-040-036

PROPOSAL:

The applicant is requesting a Variance to the side setback requirement to allow for the installation of a ground mounted photovoltaic solar system. The proposed side setback is 10 feet from the south property boundary, where typically a 30-foot setback is required.

CEQA COMPLIANCE:

The 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).

BACKGROUND/ANALYSIS:

Staff conducted a field review of the project site on October 24, 2012. The 2.46-acre parcel is located at 9235 Royal Crest Court in Granite Bay. The subject property is zoned RA-B-100 (Residential Agricultural, combining Building Site minimum of 2.3 acre) and is designated Rural Residential (2.3-4.6 acre min) in the Granite Bay Community Plan.

This square shaped lot is currently being developed with a large single-family residence and residential amenities. Building plans for a new single-family residence with residential accessory

structures are currently being finalized by the property owner. The proposed residential development for the lot includes a direct current photovoltaic system that would utilize a ground mounted rack system. The development includes a large two-story residence with attached garages, a courtyard area, a sports court in the rear area and extensive landscaping in front of and behind the residence. This Variance request to install the system at the southwest corner is due to the limited space on the lot due to the size of the residence. The surrounding parcels are developed with single-family residences and residential accessory structures.

Staff supports this Variance request to allow for a 10-foot side setback as there are special circumstances applicable to the lot that includes the fact that the solar array site was selected because it would have limited impact from shade and would not require an alteration of the site plans for the proposed new residential development. Because of these circumstances the strict application of the Zoning Ordinance has been found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications. The high point of the array would be 5-feet, 5-inches and the only property with a view of the solar system is the undeveloped lot to the immediate south. With the completion of a 6-foot high wall/fence along the south property boundary the system would no longer be visible from the lot to the south.

The Environmental Health Services (EHS) support the recommendation of approval for this Variance request, and they have no recommended conditions of approval.

RECOMMENDATION:

Staff recommends **approval** of this Variance request for a ground mounted photovoltaic solar system to be installed with a 10-foot side setback from the south property boundary, based on the following findings and recommended conditions of approval.

FINDINGS:

CEQA FINDINGS

1. The 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).

VARIANCE FINDINGS

- 1. There are special circumstances applicable to the lot that includes the fact that the solar array site was selected because it has reduced negative effects from shade and would not require an alteration of the site plans for the proposed new residential development, and because of such circumstances the strict application of the Zoning Ordinance has been found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.
- 2. The granting of this Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone district.
- 3. The Variance does not authorize a use that is not otherwise allowed in the RA-B-100 Zone District.

- 4. The granting of this Variance does not, under the circumstances and conditions applied in this particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.
- 5. The Variance is consistent with the *Granite Bay Community Plan* and *Placer County General Plan*.

CONDITIONS OF APPROVAL:

- 1. Approval of this Variance (PVAAT20120308) allows for the installation of a ground mounted photovoltaic solar system (maximum 5 feet, 5 inches) with a 10-foot side setback from the south property boundary, where typically a 30-foot setback is required.
- 2. The applicant shall satisfy any conditions set forth by the California Department of Forestry or the serving South Placer Fire Protection District.
- 3. The applicant shall obtain a Building Permit for the ground mounted photovoltaic system from the Placer County Building Department.
- 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 PVAA20120308, Magic Sun Solar Inc. Variance to a side setback requirement. 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 (PVAAT20120308) shall expire on November 26, 2014 unless previously exercised.

ATTACHMENTS:

- A. Memo from Department of Environmental Health Services
- B. Site Plan
- cc: Engineering & Surveying Division Environmental Health Department



Placer County Health and Human Services Department

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

Ken Stuart, M.S.E.H., R.E.H.S. Environmental Health, Interim Division Director

MEMORANDUM

DEPARTMENT OF HEALTH & HUMAN SERVICES ENVIRONMENTAL HEALTH SERVICES

To:

Zoning Administrator

From:

Laura Rath, REHS

Land Use and Water Resources Section

Date:

October 31, 2012

Subject:

PVAA 20120308, Hammack, APN 050-040-036

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

Paul Hammack 9235 Royal Crest Ct Granite Bay, Ca 95746 Magic Sun Solar Inc PO Box 795 Loomis CA 95650 Brandon Hurlock 916-300-4105 bhurlock@magicsunsolar.com

This request is asking for permission to encroach on the south property line setback. The solar panels will be no closer than 12' to the southern property line. The maximum height of the solar panels will be 5'6" high from the slab. Please keep in mind that the wall built on the property line will be 6' high making it impossible for the solar panels to be seen by the neighbors to the south.

