



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, Agency Director

**PLANNING
SERVICES DIVISION**

E.J. Ivaldi, Deputy Director

MEMORANDUM

Hearing Date: April 16, 2015
Hearing Time: 9:30 a.m.

Date: April 16, 2015
To: Zoning Administrator
From: Planning Services Division
Subject: Orr Variance (PLN15-00099)
Applicant: Garry Orr and Wendy Beecham
Staff Planner: Melanie Jackson
Zoning: F-B-X 10 (Farm, combining minimum Building Site designation of 10 acres)
Location: 7401 Baxter Grade Road
APN: 026-212-020

Proposal:

The applicants are requesting a Variance to allow for the construction of an approximately 1,800 square foot agricultural storage structure ten feet from the west side property line (where 30 feet is normally required) and 70 feet from the centerline of Baxter Grade Road (where 80 feet from centerline is normally required). The property owners are also requesting a Variance to allow for the construction of single-family residence within an approximately 8,655 building envelope that would be located ten feet from the north side property line (where 30 feet is normally required), ten feet from the west side property line (where 30 feet is normally required) and 46 feet from the centerline of Baxter Grade Road (where 80 feet from the centerline is normally required).

CEQA Compliance:

The project is Categorically Exempt from environmental review pursuant to the 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, New Construction or Conversion of Small Structures).

Background/Analysis:

The subject property is comprised of three acres, slopes gently downwards towards the east side of the property and contains moderate tree coverage. Baxter Grade Road abuts the south and east property lines.

The property was previously developed with a single-family residence that has since been removed. The applicants would like to construct a new single-family residence in roughly the same area, minimizing further site disturbance. However, this location encroaches into the side and front setbacks, the applicants are requesting Variances to allow for construction ten feet from the north side property line (where 30 feet would normally be required), ten feet from the west side property line (where 30 feet would normally be required) and 46 feet from the centerline of Baxter Grade Road (where 80 feet from centerline would normally be required).

In addition to the residence, the applicants would also like to construct an agricultural structure on the southwestern side of the property. This location would also encroach into required setbacks. As a result, the applicants are requesting Variances to allow for the structure to be located ten feet from the west side property line (where 30 feet would normally be required) and 70 feet from the centerline of Baxter Grade Road (where 80 feet from the centerline of the road is normally required).

Buildable areas on the subject property are significantly limited due to several factors. Baxter Grade Road is maintained by Placer County and is included in the Placer County Highway Deficiency Report that requires an ultimate right-of-way of 60' and subject to special building setbacks of one-half the special ultimate right-of-way plus the normal front setback of 50'. This imposes an 80 foot setback from the centerline of Baxter Grade Road on both the south and east property lines. In addition, the property contains overhead power lines located on the northern side of the property. Because of the power lines location and because no construction can occur underneath the power lines, they essentially bisect the property, limiting buildable areas to either side of the power lines. Finally, the parcel contains moderate tree coverage, sloping topography and ponding areas.

For the reasons listed above, staff has determined that there are special circumstances on the subject property, including the location of Baxter Grade Road, the topography of the property and the limitations imposed by the overhead power lines that create limitations to the extent that, without a Variance, the property would be deprived of privileges enjoyed by other properties in the vicinity and in the same zone district.

Recommendation:

Staff recommends that the Zoning Administrator approve the applicants request for a Variance to allow for the construction of an approximately 1,800 square foot agricultural storage structure ten feet from the west side property line (where 30 feet is normally required) and 70 feet from the centerline of Baxter Grade Road (where 80 feet from centerline is normally required). The property owners are also requesting a Variance to allow for the construction of single-family residence within an approximately 8,655 building envelope that would be located ten feet from the north side property line (where 30 feet is normally required), ten feet from the west side property line (where 30 feet is normally required) and 46 feet from the centerline of Baxter Grade Road (where 80 feet from the centerline is normally required).

Findings:

CEQA Findings

The project is Categorically Exempt from environmental review pursuant to the 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, New Construction or Conversion of Small Structures).

Variance Findings:

1. There are special circumstances on the subject property, including the location of Baxter Grade Road, the topography of the property and the limitations imposed by the overhead power lines that warrant the need for a Variance. 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 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 *Placer County General Plan*.

Attachments:

Attachment A – Recommended Conditions of Approval

Attachment B - Memo from Engineering and Surveying Division

Attachment C - Memo from Department of Environmental Health Services

Attachment D - Site Plan

cc: Engineering and Surveying
Environmental Health Department
PLN15-00099 File
Applicant

Recommended Conditions of Approval:

1. Approval of this Variance (PLN15-00099) allows for the construction of an approximately 1,800 square foot agricultural storage structure ten feet from the west side property line (where 30 feet is normally required) and 70 feet from the centerline of Baxter Grade Road (where 80 feet from centerline is normally required). The property owners are also requesting a Variance to allow for the construction of single-family residence within an approximately 8,655 building envelope that would be located ten feet from the north side property line (where 30 feet is normally required), ten feet from the west side property line (where 30 feet is normally required) and 46 feet from the centerline of Baxter Grade Road (where 80 feet from the centerline is normally required).
2. A building permit shall be obtained from the Placer County Building Department prior to any new construction on site.
3. 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 attorneys' fees awarded by a certain development project known as Orr Variance, PLN15-00099. The applicant shall, upon written request of the County, pay 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. (County Counsel)
4. The existing driveway connection at the northerly end of the subject parcel is the only approved driveway encroachment as part of this project. A second encroachment onto Baxter Grade Road was evaluated at the most southerly portion of the parcel, however, was determined to not be able to achieve adequate sight distance. An encroachment permit for any future proposed driveway connection shall be obtained from the Department of Public Works (DPW) and shall demonstrate adequate sight distance per the requirements of Plate R-17 for a design speed of 35 mph, or as otherwise specified by DPW. **(ESD)**
5. No structures shall be constructed within any utility easements, unless evidence of explicit permission is provided from the easement holder prior to building permit issuance (Sec. 17.54.130). **(ESD)**
6. This Variance, PLN15-00099, shall expire on April 26, 2017 unless previously exercised.



COUNTY OF PLACER
Community Development/Resource Agency

Michael Johnson, AICP
Agency Director

**ENGINEERING AND
SURVEYING DIVISION**

Richard Eiri, Deputy Director

MEMORANDUM

TO: MELANIE JACKSON, PLANNING SVCS DIV DATE: MARCH 30, 2015
NICOLE HAGMAIER, PLANNING SVCS DIV

FROM: SHARON BOSWELL, ESD

**SUBJECT: PLN 15-00099, VAA TO FRONT, REAR & SIDE SBs; BAXTER GRADE RD;
AUBURN; ORR/BEECHAM; (APN: 026-212-020-000)**

This project requests approval to construct a new residence within the front, rear, and side setback, to be located at the north end of a three (3) acre parcel. The applicant further proposes to construct a detached storage structure within the front and side setbacks, to be located at the south end of the subject parcel. The project is accessed from Baxter Grade Road, a publicly maintained road. 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. The existing driveway connection at the northerly end of the subject parcel is the only approved driveway encroachment as part of this project. A second encroachment onto Baxter Grade Road was evaluated at the most southerly portion of the parcel, however, was determined to not be able to achieve adequate sight distance. An encroachment permit for any future proposed driveway connection shall be obtained from the Department of Public Works (DPW) and shall demonstrate adequate sight distance per the requirements of Plate R-17 for a design speed of 35 mph, or as otherwise specified by DPW.
2. No structures shall be constructed within any utility easements, unless evidence of explicit permission is provided from the easement holder prior to building permit issuance (Sec. 17.54.130).



Placer County Health and Human Services Department

Jeffrey S. Brown, M.P.H., M.S.W.
Department Director

Wesley G. Nicks, R.E.H.S.
Environmental Health, Director

MEMORANDUM

DEPARTMENT OF HEALTH & HUMAN SERVICES ENVIRONMENTAL HEALTH SERVICES

To: Zoning Administrator

From: Laura Rath, REHS
Land Use and Water Resources Section

Date: March 25, 2015

Subject: PLN 15-00099, Field of Dream Growers, APN 026-212-020

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

Perspective, Hope, and Opportunity



**ORR
DESIGN
OFFICE**

BUILDINGS
LANDSCAPES
INTERIORS
PLANNING
GRAPHICS

2119 K STREET
2ND FLOOR
SUITE 200
SANTA ANA, CA 92701
desain@orrdesign.com
CARY ON
CA LIC. NO. 3221

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PROJECT
Vision
GROWERS
SETBACK
VARIANCE
EXHIBIT
ADDRESS

7401 Baxter Grade Rd.
Auburn, CA
95603

APH: 026-212-020-000

FILE

1502

Baxter Grade
1502-EXHIBIT

DATE

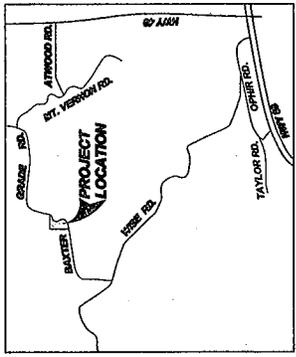
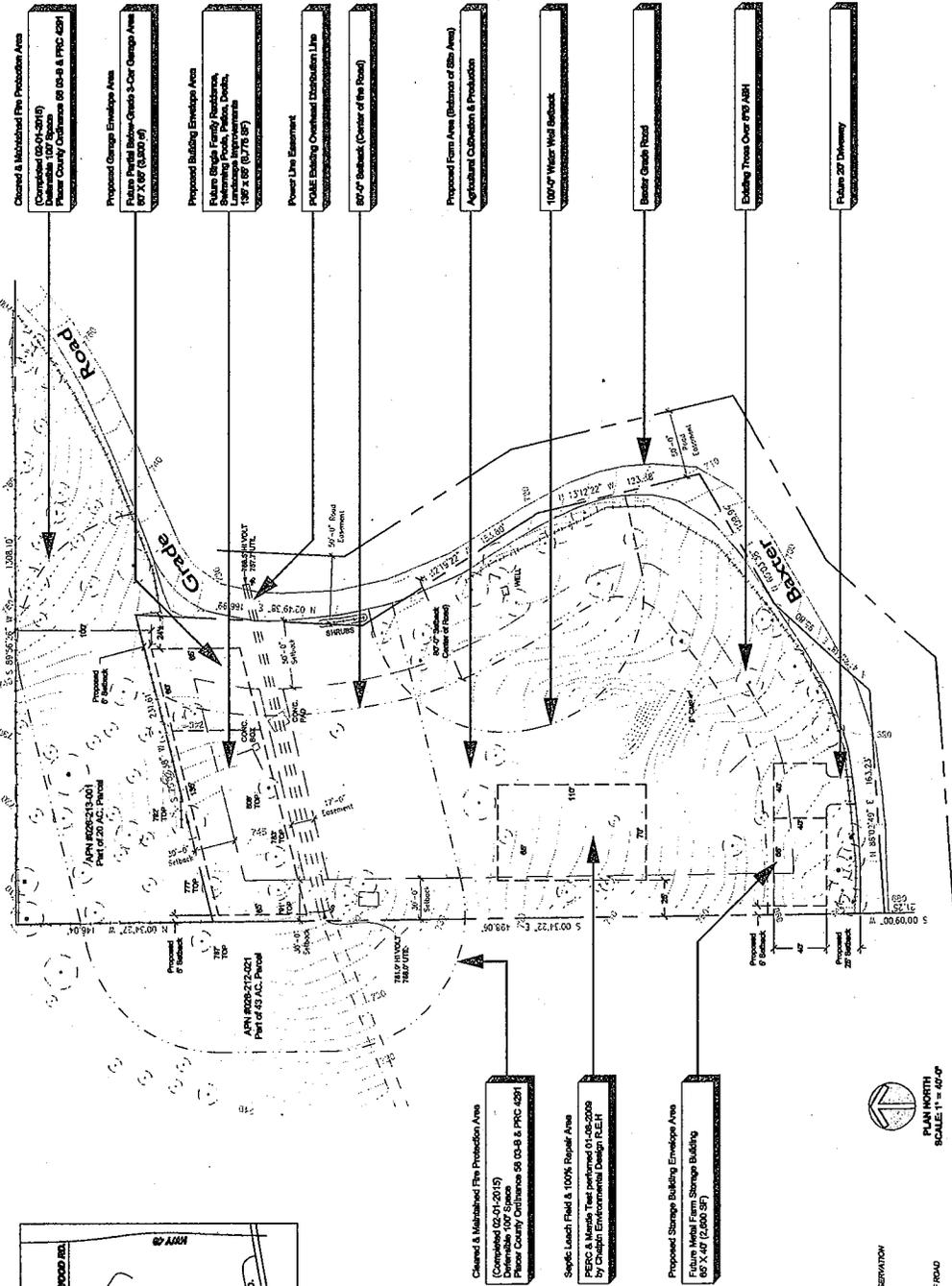
March 6, 2015

REVISIONS

SCALE
1" = 40'-0"
(= 1:1600 Scale Feet)
**DRAWING
NUMBER**

EX-1

Setback Variance Exhibit



Cleared & Maintained Fire Protection Area
(Completed 02-21-2015)
Drivables 100' Space
Pleasant County Ordinance 58.03-B & PRC 0261

Septic Leach Field & 100% Repair Area
PERC & Merado Test performed 01-08-2009
by Chappin Environmental Design P.E.H.

Proposed Storage Building Envelope Area
Future Metal Firm Storage Building
65' X 47' (2,600 SF)



MARK A. BABIN
REGISTERED PROFESSIONAL ENGINEER
CONTOUR INTERVAL: 1' @ 2'
SURVEY DATE: 01/23/05
SITE AREA: 3 ACRES ± TO EDGE OF ROAD