



**COUNTY OF PLACER**  
**Community Development Resource Agency**

Michael J. Johnson, AICP  
Agency Director

**PLANNING**

EJ Ivaldi  
Deputy Director, Planning

**HEARING DATE:** February 19, 2015  
**TIME:** 9:10AM

**TO:** Zoning Administrator  
**FROM:** Development Review Committee  
**SUBJECT:** Variance (PLN 14-00225) - Pallari

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**PLAN AREA:** Horseshoe Bar/Penryn Community Plan

**GENERAL PLAN DESIGNATION:** Rural Estate, 4.6-20 acre minimum

**ZONING:** RA-B-X 4.6 acre minimum (Residential-Agricultural, combining minimum building site of 4.6 acres)

**STAFF PLANNER:** Nikki Streegan, Associate Planner

**LOCATION:** The project is located at 2890 Buckeye Drive, Penryn – APN# 032-248-020

**APPLICANT:** ES Electrical Construction Inc.

**PROPOSAL:**

The applicants request approval of a Variance to allow for a seven foot front setback for a 32-foot by 13-foot ground-mount solar array, where 50 feet from the edge of easement is required.

**CEQA COMPLIANCE:**

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 (E) of the Placer County Environmental Review Ordinance (Class 3 - New construction of accessory structures). The Zoning Administrator will be required to make a finding to this effect.

**BACKGROUND:**

The subject property is located in Penryn in a Residential-Agricultural B-X 4.6 acre minimum (combining a 4.6 acre minimum lot size) Zone District. The property is developed with a single-family home and is bordered by single-family homes to the north, east, south, and west. A pond, which is fed from natural run-off, is located on the eastern boundary of the property along Aspen Drive, and a stream runs along the western boundary of the property.

Staff conducted a site visit on January 2, 2015 and the proposed project location is in an open patch of trees located on the southeastern portion of the property. The proposed project is located along Aspen Drive, which is a private road with limited access (bollards block access from normal traffic) from Rock Springs Road. While this is a privately maintained road, the County is allowed access for emergency vehicles and public utilities, and reserves the right to establish this as a County right of way in the future.

A Variance has been submitted to reduce the minimum setback to what is considered a front property line along Aspen Drive.

**ANALYSIS:**

According to the property owner's solar contractor, other locations on the property were analyzed as alternatives. These alternatives provided insufficient space, proximity to watercourses, or too much shading to support efficient function of the array. The current location protects trees from removal as well as provides optimal sun exposure. While the system will be in proximity to the edge of the Aspen Drive easement, it will be seven feet in height at its highest end, providing a standard and low-profile system that will be angled away from homes.

Due to the fact that alternative locations on the property provide poor solar exposure, the proposed location results in no tree loss, and the array will be angled at a low profile; staff supports the request for a Variance to allow the array to remain in its current location.

**RECOMMENDATION:**

The Development Review Committee recommends that the Zoning Administrator **approve** this Variance (PLN14-00225) based upon the following findings and recommended conditions of approval.

**FINDINGS:**

CEQA

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 (E) of the Placer County Environmental Review Ordinance (Class 3 - New construction of accessory structures).

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, including tree coverage and insufficient solar exposure at other locations on the property, the strict application of the provisions of Chapter 17 would deprive the property of privileges enjoyed by other residential properties in the vicinity and under identical zoning classification.
2. The granting of this Variance does not constitute a grant of special privileges inconsistent with limitations upon other residential 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.
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.

**RECOMMENDED CONDITIONS OF APPROVAL:**

1. Approval of this Variance allows for a seven foot setback from the front property line along Aspen Drive where 50 feet from the property lines is required, in order to allow a 13-foot by 32-foot ground-mount solar array. (PLN)
2. The applicant shall apply for a Building Permit for the array through the Placer County Building Department within 30 days of approval of the Variance. (PLN)
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 Pallari Variance (PLN14-00225). 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. (PLN)
5. This Variance (PLN14-00225) shall expire on February 19, 2016 unless previously exercised with approval of a building permit and final inspection for the ground-mount solar array. (PLN)

Respectfully submitted,



Nikki Streegan  
Associate Planner

**ATTACHMENTS:**

Attachment A – Memo from Environmental Health

Attachment B – Memo from ESD

Attachment C - Site Plans

cc: Sharon Boswell - Engineering and Surveying Department  
Laura Rath - Environmental Health Services  
ES Electrical Construction Inc. - Applicant



# 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:** January 22, 2015  
**Subject:** PVAA 20140225, Pallari, APN 032-248-020

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

Note: Soils testing will be required upon any further property improvements that reduces any further possible useable sewage disposal area. This would include the addition of a garage, barn, other structures, swimming pool, etc.

*Perspective, Hope, and Opportunity*



**COUNTY OF PLACER**  
**Community Development/Resource Agency**

Michael Johnson, AICP  
Agency Director

**ENGINEERING AND  
SURVEYING DIVISION**

Richard Eiri, Deputy Director

**MEMORANDUM**

**TO: NIKKI STREGAN, PLANNING SVCS DIV**                      **DATE: JANUARY 29, 2015**  
**NICOLE HAGMAIER, PLANNING SVCS DIV**

**FROM: SHARON BOSWELL, ESD**

**SUBJECT: PLN 14-00225, VAA TO FRONT SB; ASPEN DR; PENRYN; PALLARI**  
**(APN: 032-248-020-000)**

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This project requests approval to construct a ground-mounted solar array within the front setback of Aspen Drive, a privately maintained public right of way (32' from centerline and 7' from edge of easement). The Engineering & Surveying Division (ESD) **supports** the Development Review Committee's recommendation for this Variance application with no recommended conditions of approval.

