

OC PLANNING REPORT

DATE: February 20, 2020

TO: Orange County Zoning Administrator

FROM: OC Development Services/Planning Division

SUBJECT: Public Hearing on Planning Application PA19-0268 for a Use Permit

PROPOSAL: A Use Permit to allow the height of safety netting and supporting steel poles at a height of 50 feet along the south side of an existing golf driving range exceeding the Zoning Code height limit of 18 feet.

GENERAL PLAN DESIGNATION: 1B "Suburban Residential"

ZONING: OS "Open Space"

LOCATION: The golf driving range is located within the Yorba Linda Country Club located at 19400 Mountain View, in an unincorporated area of Yorba Linda. The subject driving range safety netting would be located adjacent to Arroyo Cajon Dr. The project site is within the Third Supervisorial District. (APN: 348-231-05 and 348-231-48)

APPLICANT: Yorba Linda Country Club (Sanyo Foods Corp of America), Property Owner
JudgeNetting, Agent

STAFF CONTACT: Kevin Canning, Contract Planner
Phone: (714) 667-8847 Email: Kevin.Canning@ocpw.ocgov.com

RECOMMENDED ACTIONS:

OC Development Services/Planning recommends the Zoning Administrator:

- a) Receive staff report and public testimony as appropriate;
- b) Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA), under the Class 1 (*Existing Facilities*) and Class 4 (*Minor Alterations to Land*) exemptions pursuant to Sections 15301 and 15304 of the California Environmental Quality Act (CEQA) Guidelines and County of Orange procedures; and,
- c) Approve Planning Application PA19-0268 for a Use Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND AND EXISTING CONDITIONS

The principal use of the country club and golf course was established in 1957. In 1973, Conditional Permit 1499 added a tennis club. In 2002, Use Permit PA020055 permitted the extension of existing safety fencing along the northerly side of the driving range and to increase the height of that fencing from 65 to 75 feet.

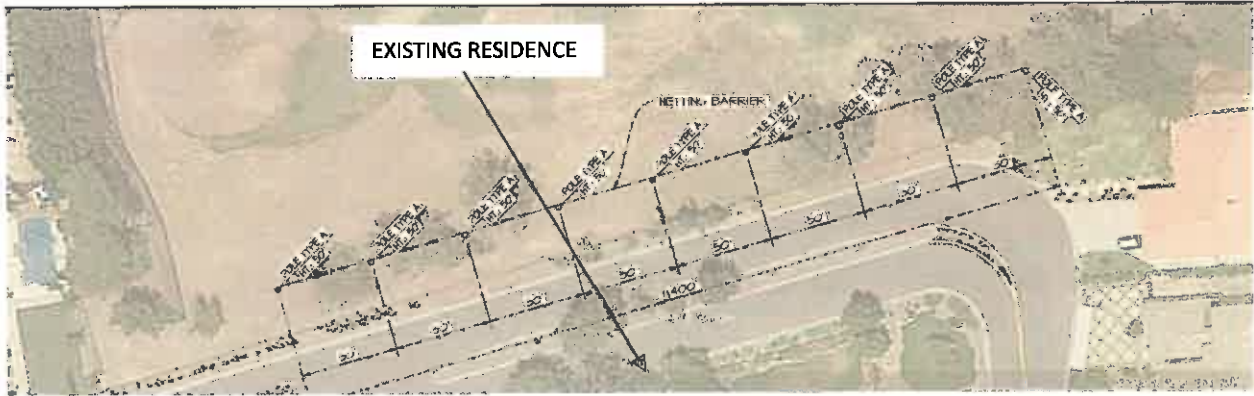
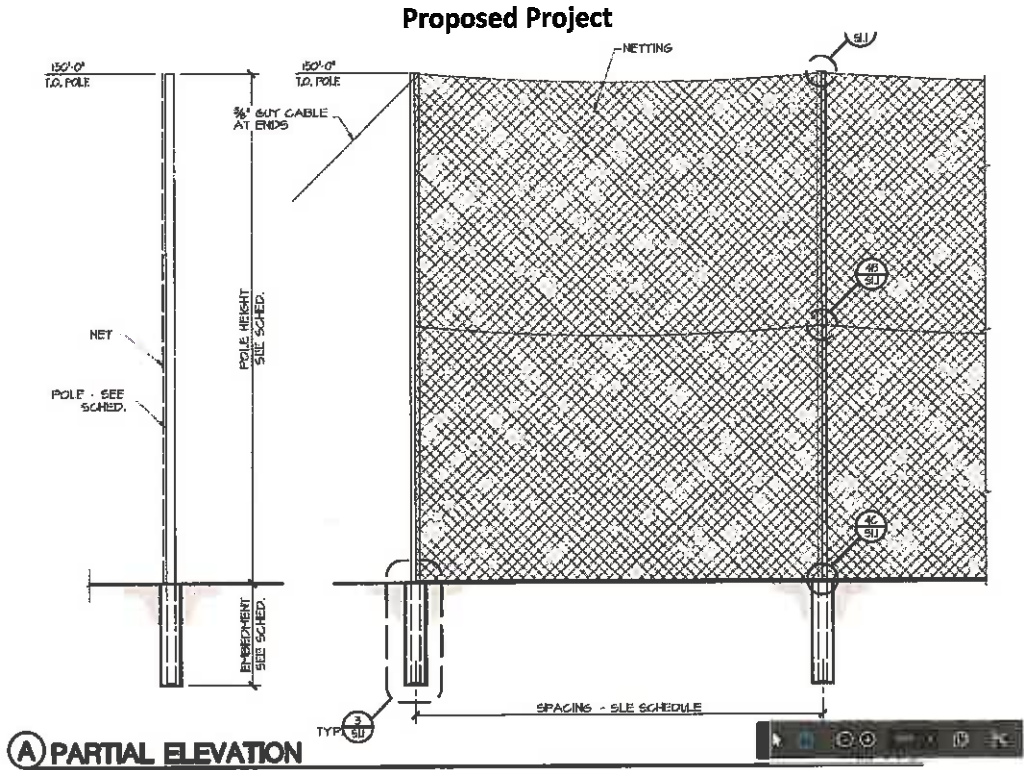
Aerial of Project Site



PROPOSED PROJECT

The proposal involves adding approximately 400 linear feet of safety netting along the southerly side of the existing driving range at the Yorba Linda Country Club. The proposed safety netting and nine supporting steel poles would be 50 feet in height. The addition of the safety screening netting over the District height limitation of 18 feet would be permitted subject to approval of a Use Permit approved by the Zoning Administrator per Section 7-9-137.5(f) of the County Zoning Code.

Historically, property fencing did exist along the southerly side of the golf course and the existing tree line was considered adequate to protect against errant golf shots. However, the Country Club now wishes to increase the level of safety along the southerly side of the driving range. Due to topographical differences between the northerly and southerly edges of the driving range, it has been determined that a height of 50 feet will be adequate (as opposed to the 75 feet approved for the northerly edge).



SURROUNDING LAND USE

The project site is an accessory use to a golf course permitted in the Open Space District. The zoning and existing land use for surrounding properties is as follows:

Direction	Zoning Description	Existing Land Use
Project Site	“Open Space” (OS) District	Golf driving range
North	100-E4-15000 “Small Estates”	Single-Family Dwellings
South	Parkside Estates Planned Development (City)	Single-Family Dwellings
East	“Open Space” (OS) District	Golf Course
West	Parkside Estates Planned Development (City)	Single-Family Dwellings

DISCUSSION/ANALYSIS

Below is a table comparing the development standards for OS “Open Space” District with the proposed project:

Project Comparison with OS “Open Space” District Site Development Standards		
STANDARD	REQUIRED	PROPOSED
Building Site Area	1 acre	Driving Range is approximately 5 acres of a 135-acre country club facility
Fencing Height (non-opaque), if located >20 feet from property line	18 feet	50 feet ¹

¹ Indicates Use Permit requested by the applicant

Use Permit – Safety Netting Height

The Zoning Code allows for the modification of fence/wall heights under Section 7-9-137.5(f). That section provides for two findings to be made to approve an increased height. For the subject request, staff recommends that these two findings can be made, as follows:

- (1) *The height and location of the fence or wall as proposed will not result in or create a traffic hazard.* The subject safety netting will be located parallel to and approximately 35 feet away from the existing curb line (approximately 25 feet from property line). Therefore, the orientation of the safety netting will have no potential to obstruct sight lines for vehicles travelling on the adjacent street.
- (2) *The location, size, design and other characteristics of the fence or wall will not create conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.* The proposed safety netting will be black in color and based upon experiences in similar golf-related installations such netting tends to ‘disappear’ from view, particularly when viewed directly on. The golf course and driving range have operated for many years and the proposed netting would not increase the use of the course nor will it create any new objectionable impact. The use of such safety netting, both in materials, color and proposed height is compatible with the existing driving range use, and other golf-related uses throughout Orange County.

REFERRAL FOR COMMENT AND PUBLIC NOTICE

A Notice of Hearing was mailed to all property owners of record within 300 feet of the entire golf course property on February 7, 2020. Additionally, a notice was posted at the project site, the County Hall of Administration and at the County Administration South building, 601 N. Ross Street, as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to County Divisions, and the Orange County Fire Authority. All comments by County Divisions and OCFA have been addressed through incorporation of proposed Conditions of Approval provided as Appendix 2.

The applicant’s agent has informed staff that the Country Club management has informed nearby neighbors of the proposed safety netting and that neighbors have expressed support for the proposal. If any public comments are received after the mailing of the public notice, they will be provided to Zoning Administrator as soon as they are received.

CEQA COMPLIANCE

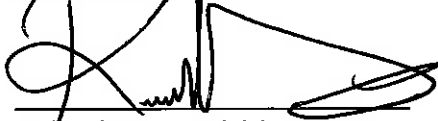
The California Environmental Quality Act (CEQA) allows categorical exemptions for projects that have been determined not to have a significant effect on the environment. (CEQA Guidelines §15300-15332). Following is a brief analysis of the project's consistency with Class 1 and Class 4 categorical exemptions.

The Class 1 categorical exemption (Existing Facilities) provides for the operation and minor alteration of existing private facilities. Section 15301(f) provides for the addition of safety devices in conjunction with existing facilities. The proposed safety netting adjacent to the driving range will augment the existing safety netting to prevent errant golf balls from leaving the driving range and damaging property and injuring people. The Class 4 categorical exemption (Minor Alterations to Land) provides for the minor land alterations required to install the supporting poles for the netting. Section 15304(c) provides for filling of the excavations for the poles. Appendix D of the Orange County Local CEQA Procedures Manual provides a categorical exemption for construction permits consistent with the State CEQA Guidelines Class 1 and Class 4 categorical exemptions.

CONCLUSION

Staff has reviewed the applicant's request for a Use Permit and found the project request to be consistent with Zoning Code provisions that would permit fences/walls to exceed otherwise standard District height limitations. Staff supports approval of the project subject to the Findings and Conditions of Approval provided as Attachments 1 and 2.

Submitted by:



Richard Vuong, Division Manager
Planning, OC Development Services

Concurred by:



Colby Cataldi, Deputy Director
OC Public Works/Development Services

ATTACHMENTS:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Applicant's Letter
4. Site Photos
5. Project Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the OC Planning Commission within 15 calendar days of the decision upon submittal of required documents and a deposit of \$500 filed at the County Administration South building, 601 N. Ross Street, Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to OC Development Services / Planning.



Attachment 1
Findings
 PA19-0268

1 **PA19-0268**
GENERAL PLAN

That the use or project proposed is consistent with the objectives, policies, and general land uses and programs specified in the General Plan adopted pursuant to the State Planning and Zoning Law.

2 **PA19-0268**
ZONING

That the use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, or specific plan regulations applicable to the property.

3 **PA19-0268**
COMPATIBILITY

That the location, size, design and operating characteristics of the proposed use will not create unusual conditions or situations that may be incompatible with other permitted uses in the vicinity.

4 **PA19-0268**
GENERAL WELFARE

That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

5 **PA19-0268**
CATEGORICALLY EXEMPT

That the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA), Class 1 (existing facilities), and Class 4 (minor alterations to land) pursuant to Sections 15301 and 15304 of the California Environmental Quality Act (CEQA) Guidelines and County of Orange procedures.

6 **PA190042**
FENCE AND WALL 1

That the height and location of the over-height walls within the front setback area and along the side and rear property lines areas will not result in or create a traffic hazard.

7 **PA190042**
FENCE AND WALL 2

That the height and location of the over-height walls as proposed will not create conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.

8 **PA19-0268**
PUBLIC FACILITIES

That the approval of the permit application is in compliance with Codified Ordinances Section 7-9-711.



Attachment 2
Conditions of Approval
 PA19-0268

1 **PA19-0268**
BASIC/ZONING REGULATIONS

This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance or approval of the project regarding any other applicable ordinance, regulation or requirement.

2 **PA19-0268**
BASIC/TIME LIMIT

This approval is valid for a period of 36 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.

3 **PA19-0268**
BASIC/LAND USE PLAN

Except as otherwise provided herein, this permit is approved as a land use plan. If the applicant proposes changes regarding the location or alteration of any use or structure, the applicant shall submit a changed plan to the Director, OC Planning, for approval. If the Director, OC Planning, determines that the proposed change complies with the provisions and the spirit and intent of the original approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

4 **PA19-0268**
BASIC/COMPLIANCE

Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Planning Commission.

5 **PA19-0268**
INDEMNIFICATION

Applicant shall defend with counsel approved by the County of Orange in writing, indemnify and hold harmless the County of Orange, its officers, agents and employees from any claim, action or proceeding against the County, its officers, agents or employees to attack, set aside, void, or annul any approval of the application or related decision, or the adoption of any environmental documents, findings or other environmental determination, by the County of Orange, its Board of Supervisors, Planning Commission, Zoning Administrator, Director of OC Public Works, or Deputy Director of OC Development Services Planning concerning this application. The County may, at its sole discretion, participate in the defense of any action, at the applicant's expense, but such participation shall not relieve applicant of his/her obligations under this condition. Applicant shall reimburse the County for any court costs and attorneys fees that the County may be required to pay as a result of such action. The County shall promptly notify the applicant of any such claim, action or proceeding.

6 BASIC/APPEAL EXACTIONS PA19-0268

Pursuant to Government Code Section 66020, the applicant is hereby informed that the 90-day approval period in which the applicant may protest the fees, dedications, reservations or other exactions imposed on this project through the conditions of approval has begun.

7 CONSTRUCTION NOISE PA19-0268

A. Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Permit Services, that:

(1) All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.

(2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).

(3) Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

B. Notations in the above format, appropriately numbered and included with other notations on the front sheet of the project's permitted grading plans, will be considered as adequate evidence of compliance with this condition.

8 EROSION AND SEDIMENT CONTROL PLAN PA19-0268

If determined necessary. prior to the issuance of any grading or building permit, the applicant shall submit an Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Building and Safety Division, to demonstrate compliance with the County's NPDES Implementation Program and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall also describe how the applicant will ensure that all BMPs will be maintained during construction of any future public right-of-ways. The ESCP shall be updated as needed to address the changing circumstances of the project site. A copy of the current ESCP shall be kept at the project site and be available for County review on request.

9 GEOLOGY REPORT PA19-0268

Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the Manager, Permit Services, for approval. The report shall include the information and be in the form as required by the Grading Code and Grading Manual.



JudgeNetting

Barrier Specialists

PROJECT LOCATION:

**YORBA LINDA COUNTRY CLUB
19400 MOUNTAIN VIEW AVENUE
YORBA LINDA, CA 92886**

SCOPE OF WORK: INSTALL APPROXIMATELY 400 LINEAR FEET OF 50' ABOVE GROUND LEVEL POLES AND NETTING ON SOUTH SIDE OF GOLF COURSE DRIVING RANGE AT YORBA LINDA COUNTRY CLUB.

REASON FOR DEVIATION REQUEST: THE NETTING AND POLES NEED TO BE INSTALLED AT THIS HEIGHT TO PREVENT ERRANT BALLS FROM HITTING PEOPLE OR CARS TO THE SOUTH OF THE DRIVING RANGE.

www.judgenetting.com



