

The County of Yuba

Community Development and Services Agency



PLANNING COMMISSION STAFF REPORT

MEETING DATE: January 15, 2025

TO: Planning Commission

FROM: Ciara Fisher, Planner III

RE: Variance VAR-24-0003 (Johnson)

REQUEST: The applicant proposes to install an accessory storage structure with a 5-foot setback from the rear property line on a 2-acre parcel zoned Rural Residential (RR-5). The property is located in the Hallwood community, south of Highway 20, identified as Assessor's Parcel Number (APN) 018-310-002.

RECOMMENDATION: Adopt the attached Resolution approving Variance VAR-24-0003 and make a determination that the project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Section 15305(a) (Minor Alterations in Land Use Limitations).

BACKGROUND/DISCUSSION: The applicant, Ryan Johnson, seeks approval for a Variance to construct a 2,500-square-foot accessory structure with a height of 14 feet. The structure is proposed to be located 5 feet from the rear property line on a residential parcel at 2366 Kayla Court in Marysville. Currently, the property hosts a single-family residential home. Due to the limited space and configuration of the property, the applicant is unable to place the accessory structure 30 feet from the rear property line, as required by the zoning standards, and requests approval to position it closer to the property line to better utilize the available space.

The planned structure will take the form of a 2,500-square-foot accessory storage unit. Positioned in the rear yard of the property, it will maintain a setback of 5 feet from the rear southern property line, as requested by the Variance. Additionally, the building will be oriented to face Kayla Court and will comply with the 30-foot yard setback from both the westerly property line and from Messick Road (easterly property line). The Development Code sets a standard requirement of 30 feet for rear setbacks in this zoning designation (Rural Residential 5-acre minimum). Due to the property's constrained size and layout, adhering to this setback would significantly limit the functionality of the proposed structure. The reduced setback will ensure the structure is usable for its intended purpose while still complying with all other applicable development standards, such as height and lot coverage.

SURROUNDING USES:

	GENERAL PLAN	ZONING	EXISTING LAND USE
Subject Property	Rural Community	RR-5	Residential
North	Rural Community	RR-5	Residential
East	Rural Community	RR-5	Residential
South	Rural Community	RR-5	Vacant
West	Rural Community	RR-5	Vacant

The site is zoned Rural Residential, with residential uses surrounding the property. An accessory structure is a compatible use within the affiliated zoning designation. Furthermore, the placement of the structure will not disrupt the character of the surrounding neighborhood or negatively impact adjacent properties, as it will be located entirely within the applicant's property boundaries. The reduced setback, as requested through the Variance, will allow the property owner to maximize the functional use of their lot while maintaining compliance with other zoning standards.

GENERAL PLAN/ZONING: The project site is designated as Rural Community according to the 2030 General Plan Land Use Map. This land use designation supports a diverse mix of residential, agricultural, natural resource oriented commercial uses, parks and recreation, and open space uses, aiming to create a residential environment with supportive services. The proposed accessory structure aligns with the residential component of this designation and does not conflict with the intent to provide a balanced mix of uses within the community.

ENVIRONMENTAL REVIEW: Staff has determined that the project is categorically exempt from environmental review per the California Environmental Quality Act (CEQA) Section 15305(a) (Minor Alterations to Land Use Limitations). This exemption covers minor lot line adjustments, side yard, and setback variances not resulting in the creation of any new parcel.

COMMENTS: The project was circulated to various agencies and County departments for review and comment during the early consultation phase and the environmental review stages of the project. The following is a summary of comments:

- County Staff: The Public Works Department, Environmental Health Department, and Building Department have reviewed the project and provided comments and/or conditions of approval that are incorporated into the attached Conditions of Approval.
- Caltrans: No comments.
- Beale Air Force Base: No comments.
- PG&E: Review indicated this project does not interfere with existing PG&E facilities or easements.

FINDINGS: Projects are evaluated for consistency with the County's General Plan, conformance with the County's Zoning Ordinance, and potential for impacts to the health, safety and welfare of persons who reside or work in the area surrounding the project. In the case of addressing project impacts to health, safety, and welfare, specific findings need to be met for each entitlement. Below are the findings for each project entitlement needed for project approval.

VARIANCE: Section 11.59.050 of the Yuba County Development Code requires that five findings are made in order to approve or conditionally approve a Variance. The five findings are listed below in *italics* and are followed by an evaluation of the request in relation to each finding.

- A. *Because of special circumstances applicable to subject property, including size, shape, topography, location, or surroundings, the strict application of this Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

The proposed accessory structure cannot be placed 30 feet from the rear property line due to the limited size and configuration of the lot. Requiring compliance with the 30-foot setback would prevent the property owner from constructing the structure in a practical location that maximizes the usable space on the property. Granting approval for the Variance would address these specific circumstances, ensuring equitable treatment for the property while maintaining the intent of the Development Code.

- B. *The Variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which subject property is situated.*

The proposed Variance would not confer special privileges that are inconsistent with the limitations imposed on neighboring properties within the same zone. It aligns with the characteristics of the subject property without creating disparities or undue advantages. By maintaining coherence with the regulations applicable to the surrounding area, the Variance ensures equitable treatment while accommodating the property's individual circumstances.

- C. *The granting of the Variance will not be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.*

Granting the Variance will not pose any detriment to public health, safety, convenience, or welfare, nor will it cause harm to surrounding properties and improvements within the area. The proposed structure aligns with the existing land uses in the area and is designed to address the applicant's needs without compromising the integrity or well-being of the community. By carefully considering the surrounding residential properties, the Variance ensures compatibility within the neighborhood.

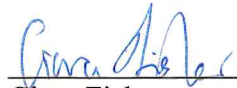
- D. *The granting of the Variance will be consistent with the general purposes and objectives of this Code, any applicable specific plans or adopted community plans, and the General Plan.*

Granting the Variance will be consistent with the overarching purposes and objectives of the Development Code, as well as any pertinent specific or community plans, including the General Plan. By facilitating the construction of the accessory structure, the Variance supports the broader goals of promoting responsible development while preserving the character and integrity of the community as outlined in these guiding documents.

E. The Variance does not authorize a use that is not otherwise permitted in the zone.

The variance does not permit a use that is prohibited within the designated zone. It solely addresses dimensional or setback requirements without extending authorization for activities beyond what is already permissible under the existing zoning regulations.

Report Prepared By:



Ciara Fisher
Planner III



Kevin Perkins
Assistant CDSA Director

ATTACHMENTS

1. Resolution
2. Site Plan
3. Draft Conditions of Approval
4. Comment Letters

**BEFORE THE COUNTY OF YUBA
PLANNING COMMISSION**

RESOLUTION APPROVING VAR-24-0003,)
SUBJECT TO THE ATTACHED) **RESOLUTION NO.: _____**
CONDITIONS OF APPROVAL, AND)
FINDING THE PROJECT EXEMPT FROM)
ENVIRONMENTAL REVIEW)

WHEREAS, The applicant, Ryan Johnson, filed an application for a Variance to construct a 14-foot-tall, 2,500 square foot accessory structure with a proposed rear setback of 5 feet. This Variance seeks to deviate from Development Code Section 11.06.030, which requires a 30-foot setback in the Rural Residential (RR-5) zoning district. This property is located at 2366 Kayla Court in Marysville at Assessor’s Parcel Number: 018-310-002; and

WHEREAS, the Community Development & Services Agency, Planning Department of the County of Yuba has conducted a review of the proposed project and concluded that the project, as conditioned, is consistent with both the 2030 General Plan and Development Code and is exempt from further environmental review pursuant to Section 15305(a) (Minor Alterations in Land Use Limitations) of the California Environmental Quality Act; and

WHEREAS, the Community Development & Services Agency, Planning Department of the County of Yuba, has provided due notice of a public hearing before the Planning Commission of the County of Yuba, and has recommended that the Planning Commission find the proposed project exempt from further environmental review in accordance with the California Environmental Quality Act, as amended;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct;
2. The Planning Commission finds that the proposed project, as conditioned, is consistent with the Land Use Element and other applicable elements of the Yuba County 2030 General Plan as well as with the Yuba County Zoning Map and Development Code;
3. The Planning Commission finds that the project site is physically suitable for the proposed type of development and the proposed density of development;
4. The Planning Commission finds that the proposed project and the conditions under which it would be developed or maintained will promote, protect and secure the public health, safety and general welfare and will result in an orderly and beneficial

development of the County;

5. The Planning Commission finds that the project, as conditioned, meets the County design and improvement standards set forth in the Yuba County Development Code;
6. The Planning Commission finds that, because of special circumstances applicable to subject property, including size, shape, topography, location, or surroundings, the strict application of the Yuba County Development Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
7. The Planning Commission finds that the variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which subject property is situated;
8. The Planning Commission finds that the granting of the variance will not be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated;
9. The Planning Commission finds that the granting of the variance will be consistent with the general purposes and objectives of the Yuba County Development Code, any applicable Specific Plans or adopted Community Plans, and the General Plan;
10. The Planning Commission finds that the variance does not authorize a use that is not otherwise permitted in the zone;
11. The Planning Commission finds that the project, as conditioned, is in compliance with the Yuba County Development Code; and
12. The project will not cause substantial environmental damage to fish and/or wildlife and their habitats, nor have the potential for adverse effect(s) on wildlife resources or the habitat upon which wildlife depends. A Notice of Exemption will be recorded with the County Recorder.

The Planning Commission hereby finds the project exempt from further environmental review pursuant to Section 15305(a) (Minor Alterations in Land Use Limitations) of the California Environmental Quality Act adopts, incorporated herein by reference, and approves VAR-24-0003; subject to the Exemption from Environmental Review and Conditions of Approval incorporated by reference.

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PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of

Yuba, State of California, on the _____, by the following vote.

AYES:
NOES:
ABSENT:
ABSTAIN:

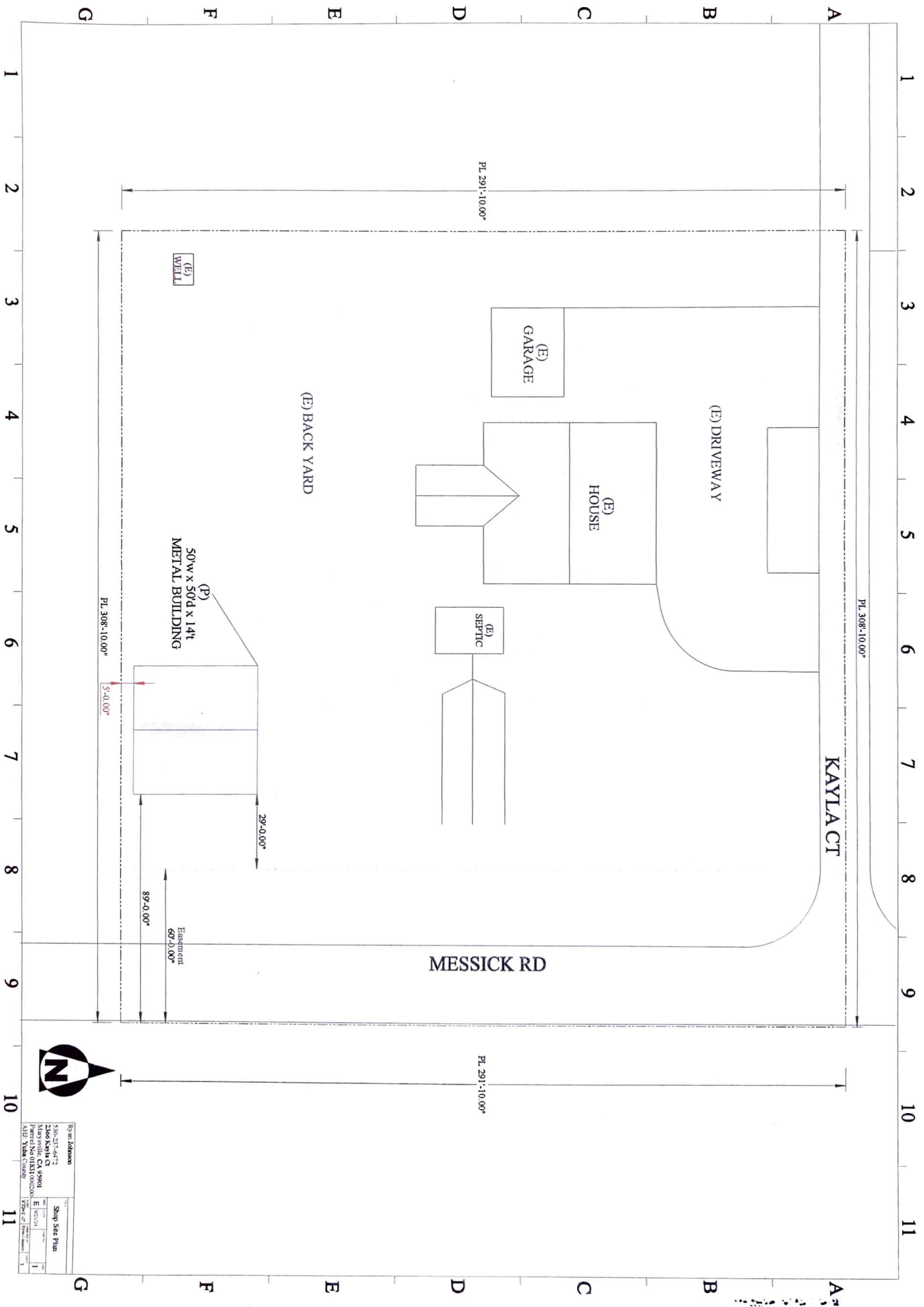
**Yuba County Planning Commission
Chairman**

ATTEST:
Planning Commission Secretary

APPROVED AS TO FORM:
County Counsel

BY: _____

BY:  _____



Ryan Johnson 510.217.4472 2866 Korte Ct Marysville, CA 95964 (916) 438-0000 A/E/C/Interior Design		Title: Site Plan Date: 11/11/2023 Project: 11 Sheet: 1
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**DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION**

Applicant/Owner: Ryan Johnson
APN: 018-310-002

Case Number: VAR-24-0003
PC Hearing Date: January 15, 2025

ACTIONS FOR CONSIDERATION: Staff recommends the Development Review Committee take the following actions:

- I. After review and consideration, make a determination the project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Section 15305(a) (Minor Alterations in Land Use Limitations).
- II. Approve Variance VAR-24-0003 subject to the conditions below, or as may be modified at the public hearing, making the findings made in the Staff Report, pursuant to County of Yuba Title XI Sections 11.59.050.

GENERAL CONDITIONS:

- 1) Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the County. Failure to comply with this provision may be used as grounds for revocation of this permit.
- 2) As a condition of approval, Owner or an agent of Owner acceptable to County shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding, against the County or its agents, officers, and employees; including all costs, attorneys' fees, expenses, and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, void or annul an approval by the County, Staff Development Committee, or other County advisory agency, appeal board, or legislative body concerning the conditional use permit. County shall promptly notify owner of any such claim, action, or proceeding and shall cooperate fully in the defense of said claim, action, or proceeding.
- 3) Owner(s), Owner's agent(s) or Applicant shall comply with all applicable federal, state, and local laws, ordinances, and regulations, and the Yuba County Ordinance Code.
- 4) The variance may be effectuated at the end of the ten (10) day appeal period which is January 27, 2025 at 5:00pm. The variance, VAR-24-0003, shall be designed and operated in substantial conformance with the approved variance as outlined in the approved site plan filed with the Community Development & Services Agency and as conditioned or modified below. No other expansion of uses is authorized or permitted by this use permit.
- 5) This variance approval shall be effectuated within a period of twenty-four (24) months from this approval date and if not effectuated shall expire on January 15th, 2027. Prior to said expiration date, the applicant may apply for an extension of time, provided, however, this approval shall be extended for no more than ninety (90) days on January 15th, 2027.
- 6) Minor modifications to final configuration of the variance may be approved by the Community Development and Services Agency Director.

PUBLIC WORKS DEPARTMENT:

- 7) The Public Works Director may reasonably modify any of the Public Works conditions contained herein.

**DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION**

**Applicant/Owner: Ryan Johnson
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- 8) All existing or proposed driveway encroachments onto Kayla Court shall conform to the current Yuba County Standards for a Rural Driveway (Drawing No. 127 & 128).
- 9) Owner shall be responsible for ensuring discharging surface drainage onto neighboring properties shall be into historical drainage patterns and in such a manner that will not cause erosion or endanger any cut or fill slopes or any building or structure. The surrounding area of the proposed structure shall be graded and drained so that drainage will not cause erosion or endanger any building or structure.

ENVIRONMENTAL HEALTH DEPARTMENT:

No Conditions of Approval.

BUILDING DEPARTMENT:

- 10) All new/proposed buildings and structures shall obtain a building permit prior to construction.
- 11) All new/proposed development must meet applicable requirements of most current adopted version of the California Code of Regulations, Title 24, and Yuba County Ordinance Code Title X, which includes, but is not limited to: Building, Plumbing, Electrical, Mechanical, Accessibility and Fire Code requirements.

PLANNING DEPARTMENT:

- 12) Major modifications, including increasing the setback, shall require an amendment to the Variance application.
- 13) Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developer's/applicant's expense or as agreed by PG&E. There shall be no building of structures under or over any PG&E facilities or inside any PG&E easements that exist within the subject area without PG&E's approval.
- 14) Any and all physical improvements associated with this Variance shall be maintained to the standards specified in these Conditions of Approval set forth for this use permit. Failure to maintain said physical improvement(s) in said manner may be used as grounds for revocation of this use permit.
- 15) The accessory structure shall not be used for habitation.

Yuba County CDSA
Ciara Fisher, Planner III