

FLOODPLAIN DEVELOPMENT VARIANCE

APPLICATION PACKET

Sutter County Water Resources Department
1130 Civic Center Boulevard
Yuba City, California, 95993
(530) 822-7450

Floodplain management regulations cannot be written to anticipate every imaginable situation. A process for issuing variances gives a builder a way to seek permission to vary from the letter of the rules because of a special situation. A **variance** is a grant of relief by the County from the terms of a land use, zoning or building code regulation. Because a variance can create an increased risk to life and property, variances from flood elevation or other requirements in the flood ordinance should be rare.

Granting variances is a local decision that must be based on not only National Flood Insurance Program (NFIP) criteria, but also on state law and local regulations. A floodplain development variance may only be issued for either of the following situations: 1) wet floodproofing of an accessory structure or a structure used solely for agricultural purposes; 2) reconstruction, rehabilitation or restoration of historic structures; or 3) wet floodproofing of a structure requiring a waterfront location for the conduct of a functionally dependent use.

Attached are the necessary filing forms and instructions for submitting a complete floodplain management variance application. All forms must be completely filled out and submitted with any necessary supporting information. This packet includes the following forms:

- Application for Floodplain Development Variance
- General Application Information
- Eligibility Criteria
- Acknowledgement of Adverse Effects
- Site Plan Requirements

Upon receipt of the **completed forms, site plan, and filing fees**, the Floodplain Administrator will determine the completeness of the application. This review will be completed as soon as possible, but at most, within thirty (30) days of the submittal of the application. If the application is determined to be complete, the County will set the application for a hearing before the Public Works Support Services Committee.

If sufficient information **has not** been submitted to adequately process your application, you will receive a notice of incomplete application with instructions on how to complete the application. Upon receipt of that additional information or revised application, the thirty (30) day review period will begin again.

Approximately five (5) days prior to the Public Works Support Services Committee meeting, the Floodplain Administrator will prepare a report and submit it to you, the Public Works Support Services Committee, and others involved with the project. This report will be based

on the information contained in your application and staff analysis. The report will usually contain a recommendation for approval, conditional approval, or denial. After either being approved or denied by the Public Works Support Services Committee, the application will be scheduled for hearing before the County Board of Supervisors.

Since the information contained in your application is used to evaluate the project and in the preparation of the staff report, it is important that you provide complete and accurate data. Failure to provide adequate information could significantly delay the processing of your application.

Each section of the application packet should be carefully reviewed prior to submittal and responses to **EVERY** question provided. If a particular response is not applicable, an N/A should be marked in the space provided indicating that the question has been reviewed by the applicant. If there are **ANY** blank spaces, staff will assume that the applicant has not completed the application packet and will return it for completion.

Applicants and/or their representatives are encouraged to attend the public hearing.

The variance criteria set forth in the Floodplain Management Ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of the ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the land itself, and not shared by adjacent parcels. The unique characteristics must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

If the variance requested is to allow wet floodproofing of accessory or certain agricultural structures, the wet floodproofing design will be checked during the building permit process. A wet floodproofing design is not required prior to obtaining a variance.

PLEASE CONTACT THE WATER RESOURCES DEPARTMENT at (530) 822-3299 IF YOU HAVE ANY QUESTIONS WHILE PREPARING THE APPLICATION, OR AT ANY TIME DURING THE PERMIT PROCESS. WE WILL BE HAPPY TO ASSIST YOU IN ANY WAY WE CAN.

**COUNTY OF SUTTER
APPLICATION FOR FLOODPLAIN DEVELOPMENT VARIANCE**

Floodplain Development Variance Fee.....At Cost with a \$550.00 Deposit

OFFICE USE ONLY		
Application No.:	Date Filed:	Receipt No.:

Applicant

- _____ a. Request variance to allow wet floodproofing
 _____ b. Other (explain): _____

Property Location and Address: _____

Assessor's Parcel No(s): _____ **Zoning:** _____

Proposed Building Type/Use: _____

Proposed Building Size: _____ (sq ft) **Proposed Finish Floor Elevation:** _____

Existing Ground Elevation at Proposed Building Site: _____ (NGVD 1929)

Note: Existing ground elevation may be estimated; no formal survey is required for a variance application.

FIRM Map/Panel No: 0603940 _____ **Flood Zone:** _____ **Base Flood Elevation:** _____

	Property Owner		Applicant
NAME:	_____	_____	_____
ADDRESS:	_____	_____	_____
CITY:	_____	_____	_____
PHONE:	_____	_____	_____
EMAIL:	_____	_____	_____

SIGNATURE OF PROPERTY OWNER: _____

OFFICE USE ONLY	
Floodplain Administrator Recommendation: () Approval () Conditional Approval () Disapproval	Date: _____
Public Works Support Services Committee Recommendation: () Approval () Conditional Approval () Disapproval () Not Required	Date: _____
DISPOSITION: () APPROVED () CONDITIONALLY APPROVED () DENIED by the Board of Supervisors on _____.	
Floodplain Administrator Signature:	Date:
Conditions Attached: () Yes () No	

**THIS VARIANCE BECOMES NULL AND VOID IF BUILDING PERMIT NOT ISSUED
 WITHIN ONE YEAR OF THE DATE OF APPROVAL AND/OR BUILDING NOT
 CONSTRUCTED AND OCCUPANCY PERMIT ISSUED WITHIN TWO YEARS OF DATE OF
 APPROVAL.**

GENERAL APPLICATION INFORMATION FORM

This document, once completed, will provide necessary information about the proposed project. Please answer applicable questions as accurately and completely as possible. Further information could be required from the applicant to evaluate the project.

**PLEASE PRINT CLEARLY OR TYPE
USE A SEPARATE SHEET, IF NECESSARY, TO EXPLAIN THE FOLLOWING:**

I. Project Characteristics:

A. Describe the proposed project including all existing and proposed uses of the site. _____

B. Parcel size (square feet or acres): _____

C. Existing land use (attached photographs of the site):
Undeveloped (vacant) _____ Developed _____

If developed, describe extent (type and use of all structures): _____

D. Existing surrounding land uses:

North _____

South _____

East _____

West _____

E. Will the project use, store, or dispose of any potentially hazardous materials, such as toxic substances, flammables, or explosives? _____

If yes, please explain _____

F. Will the project include utility services (electric, gas, water, sewer) to the proposed building? _____

If yes, please explain _____

G. Will the project include any stationary mechanical equipment in the proposed building? _____

If yes, please explain _____

H. What is the necessity of the facility to have a waterfront location? _____

I. Is there an alternative location available for the proposed structure that is not subject to flooding or erosion damage? _____

I hereby certify, to the best of my knowledge, that the above statements are correct.

Signature of Person Preparing Form

Date

Telephone Number

ELIGIBILITY CRITERIA
(Completed by Applicant)

In order to approve a variance, specific findings must be made and supported by evidence of record. Your application for a variance will be considered on the basis of the degree to which your statements fulfill the mandatory findings for approval:

1. Identify why the parcel's physical characteristics are so unusual that complying with the requirements of the ordinance would create an exceptional hardship to the applicant or the surrounding property owners. Applicant may wish to reference FEMA Technical Bulletin 7-93. Identify if this variance is for wet floodproofing an agricultural building that would be used exclusively in connection with production, harvesting, storage, drying or raising of agricultural commodities.

Applicant's Statement: _____

2. Identify whether this variance is for new construction, substantial improvement, or other proposed new development, and also include lot size. Please note that as the lot size increases beyond one half acre, the technical justification required for issuing the variance increases.

Applicant's Statement: _____

3. Identify whether the variances is for the repair or rehabilitation of "historic structures" (as defined in Section 1780-210 of the floodplain management ordinance). If so, include a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

Applicant's Statement: _____

4. Is the proposed development within a regulatory floodway? If so, certification by a registered civil engineer demonstrating that the proposed encroachment shall not result in any increase in flood levels during the base flood discharge is required prior to consideration of a variance. Identify whether this "No-Rise" certification is available if the proposed development is within a regulatory floodway.

Applicant's Statement: _____

5. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of the floodplain management ordinance. Is the request for your variance the minimum deviation possible from code to enable reasonable development of the property?

Applicant's Statement: _____

**Acknowledgement of Adverse Effects
Application for Floodplain Management Variance
Sutter County, California**

The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage. Such construction below base flood level increases risks to life and property.

Structures built below the Base Flood Elevation shall maintain all wet floodproofing elements for the life of the structure. All interior walls, ceilings and floors below the Base Flood Elevation shall be unfinished or constructed of flood resistant materials. Mechanical, electrical or plumbing devices shall not be installed below the Base Flood Elevation except as allowed under FEMA Technical Bulletin 7-93 or successor documents. The walls of the enclosed areas below the Base Flood Elevation shall be equipped and remain equipped with vents as shown on the Permit. Any alterations or changes from these conditions constitute a violation of the Permit. The County may take any appropriate legal action to correct any violation.

Pursuant to the authority of the County of Sutter, California, sections 1780-610, 1780-620, and 1780-630 of the Sutter County Ordinance Code, the undersigned owner of the property so described below is requesting a variance to the Floodplain Management Ordinance. I, the owner of said property, do hereby acknowledge and accept full responsibility for the property value, loss during flooding conditions and any increase of risk whereby flood and/or other insurance may increase in cost by the granting of this variance. It is further understood that the County of Sutter shall not be held liable for any damage or cost incurred that may result from the granting of the attached variance request.

Property Requesting Variance:

Address: _____

Sutter County APN: _____

PROPERTY OWNER:

Name (printed) _____

Name (Signature) _____ Date _____

Mailing Address

Street Address: _____

City: _____ State: _____ Zip: _____

THE FOLLOWING QUESTIONS MUST BE ANSWERED BY STAFF WHEN ANALYZING THIS REQUEST FOR VARIANCE. PLEASE INCLUDE ANY PERTINENT FACTS THAT MAY ASSIST IN THIS ANALYSIS.

I. What danger is there that materials may be swept onto other lands to the injury of others?

II. What danger to life and property may occur due to flooding or erosion damage?

III. How susceptible is the proposed facility and its contents to flood damage and what effects will such damage have on the existing individual owner and future owners of the property?

IV. What is the importance of the services provided by the proposed facility to the community?

V. What is the compatibility of the proposed use with existing and anticipated development?

VI. What is the relationship of the proposed use to the comprehensive plan and floodplain management program for that area?

VII. How will the property have safe access for ordinary and emergency vehicles in time of flood?

VIII. What is the expected height, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site?

IX. What are the anticipated costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges?



Sutter County - Water Resources Department
1130 Civic Center Blvd, Yuba City, CA 95993
530/822-7450 (telephone) 530/822-7457 (fax)

SITE PLAN REQUIREMENTS

The site plan will aid in evaluation of the project by graphically depicting the existing features of the parcel and the proposed development. As a planning level document the site plan may be hand-drawn by the applicant using a straight edge and scale. It must be easily reproducible.

- A. Plans to be drawn to a recognized scale. (i.e. 1"=10'), paper size not to exceed 11" x 17".
- B. Show **north** arrow.
- C. Title block.
- D. Show elevation of existing ground at the proposed building site. (Existing ground elevations may be taken from a USGS quadrangle map; no formal survey is required for a variance application.) Show anticipated finish floor elevations for all proposed buildings.
- E. Show property lines and lot dimensions.
- F. Show all existing and proposed structures and the distances between each including accessory buildings, decks, pools, pool equipment, spas, sheds and detached garages. Clearly distinguish between what is existing and what is proposed as new.
- G. Show existing and proposed front, side and rear setbacks for all floors from the property line to the closest portion of the building.
- H. Show driveways and adjacent streets.
- I. Show existing or proposed path of known utilities: electrical, gas, sewer or septic tank location, storm drains, and water or well location.
- J. Show any water feature (streams, canals, culverts, ditches, lakes, ponds, and any body of water (intermittent or perennial).
- M. Identify portion of parcel in special flood hazard area and denote base flood elevation at proposed building site (this information can generally be obtained by contacting the Sutter County – Water Resources staff at 530-822-3299).

**COUNTY OF SUTTER
FLOODPLAIN DEVELOPMENT VARIANCE APPLICATION**

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Summary Sheet (to be completed by Water Resources Staff)

Type of Variance Requested:

- () Wet floodproofing of an accessory structure;
- () Wet Floodproofing of a structure used solely for agricultural purposes;
- () Reconstruction, rehabilitation or restoration of an historic structure; or
- () Wet Floodproofing of a structure requiring a waterfront location for the conduct of a functionally dependent use.

For the following questions, acceptable answers are underlined:

- Is application complete? () Yes () No
- Would variance comply with FEMA regulations? () Yes () No
- Would denial result in exceptional hardship? () Yes () No
- If within Floodway, is No-Rise Certification provided? () Yes () No () N/A
- Would variance constitute minimum relief? () Yes () No
- Would there be a risk of debris transport? () Yes () No
- Would there be an increased risk to life or property? () Yes () No
- Is the proposed location necessary? () Yes () No
- Is there a better alternate location for facility? () Yes () No

Staff recommendation:

- () Approve Variance
- () Approve Variance with Conditions
- () Deny Variance

Water Resources Staff Signature

Date

Planning Staff Signature

Date