



APPLICATION FOR FLOOD VARIANCE

A variance, which *will result in very high insurance rates*, may be considered upon written application for certain structures within the limits set forth in [Yolo County Code Section 8-4.601 Variances](#)

Application Checklist

- Payment of Application Fees: (\$3,315.68 as of 7/22/2024 – contact staff for the current amount)
 - Application Form Completed and Signed
 - Good and Sufficient Cause
 - Questions Based on Project Type
 - Location Map and Site Plan
 - Assessor’s Parcel Map with Project Site Outlined
 - Completed “Construction Drawings” Elevation Certificate for each proposed structure
 - For all structures, provide 30% completion plans showing all structure elevations and floor plans on paper with a minimum size of 11”x17”
 - Preliminary Title Report
 - Digital PDF files of all submittal documents
- Additional information may be required based on the specific project.

Applicant

Name _____ Company _____

Address _____ Phone _____

City, State, Zip _____ Email _____

Owner

Name _____ Company _____

Address _____ Phone _____

City, State, Zip _____ Email _____

Project Information

Project Description _____

APN _____ Parcel Size _____ acres

Address _____ Existing Use _____

City, State, Zip _____ Proposed Use _____

GOOD AND SUFFICIENT CAUSE

In addition to the above project-specific requirements, all variance applications must demonstrate a good and sufficient cause for the variance. This cause must be based on characteristics of the land, not financial difficulties of the developer.

1. Provide a description of the proposed development:

2. Describe the unique characteristic(s) of the land that justify a variance:

3. Specify the standard(s) of construction this variance will apply to:

4. Indicate the minimum necessary variance to the specified standard(s) of construction:

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 Flood Protection Ordinance. For example, in the case of variances to an elevation requirement, this means that the Floodplain Administrator need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Floodplain Administrator believes will both provide relief and preserve the integrity of the local ordinance.

5. How does the strict application of the specified standard(s) of construction deprive the property privileges enjoyed by other property in the vicinity and located within identical flood zones.

6. List the increased risks that would be caused by this variance:

7. Describe the proposed condition(s) of approval that will mitigate the increased risks and ensure that the variance does not grant special privileges that are inconsistent with the limitations of other properties in the vicinity and flood zone in which the proposed development is located:

8. Denial of the variance would result in the following exceptional hardship:

"Hardship" as related to Article 6 of this Chapter (Variances) means the exceptional hardship that would result from a failure to grant the requested variance. Yolo County requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors otherwise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

9. Is there potential for materials to be swept into other lands to the injury of others?

10. Describe the potential for danger to life and property due to flooding or erosion damage?

11. Describe the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property?

12. Describe the importance of the services provided by the proposed facility to the community?

13. Describe the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage?

14. Describe the compatibility of the proposed use with existing and anticipated development?

15. Describe the relationship of the proposed use to the comprehensive plan and floodplain management program for that area?

16. Describe the safety of access to the property in time of flood for ordinary and emergency vehicles?

17. Describe the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site?

18. Describe the 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?

19. Will the granting of a variance result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances?

VARIANCE REQUIREMENTS

A variance, which will result in very high flood insurance rates, may be considered upon written application for certain structures. The structure must meet all of the conditions of approval for the variance and only the minimum necessary variance will be granted.

A structure meeting all of the following requirements is allowed without a flood zone variance, but a building permit is still required:

1. Use is limited to parking and storage of flood damage resistant materials,
2. Area is limited to a one-story, two car garage that is 600 square feet or less, and
3. The structure meets all wet floodproofing requirements including anchoring, venting, floodway encroachments, and any utilities must be elevated or dry floodproofed.

The most common justifications for a variance are listed in this below. Select the situation that matches your project and check all of the boxes that apply to your variance application.

Accessory Structure

- I have read, understand, and agree to meet the requirements of [FEMA Policy #104-008-03](#)
- The proposed structure has two or more rigid walls and a roof
- The proposed structure has low damage potential
- The structure is anchored to resist flotation, collapse, and lateral movement.
- The portions of the structure located below the Base Flood Elevation will be constructed with flood damage-resistant materials.
- Mechanical and utility equipment for the structure must be elevated or dry floodproofed to at least one foot above the Base Flood Elevation.

- The structure is not encroaching into a floodway.
- The structure will be wet floodproofed to protect the structure from hydrostatic pressure. The design must meet the NFIP design and performance standards for openings and must allow for the automatic entry and exit of floodwaters without manual operation or the presence of a person (or persons).
- The structure will not contain materials that are hazardous, highly volatile, toxic, or water reactive.
- The proposed structure will be used exclusively as an accessory structure

Accessory Restroom

On public lands, restrooms may be constructed without variance in accordance with [CBC Section 3114 Public Use Restroom Buildings](#).

All other restrooms serving facilities in a flood zone must be one of the following types of structures:

1. A permitted structure meeting all of the requirements for new construction including elevation,
2. A non-substantial improvement (addition or alteration) to an existing structure,
3. A restroom that does not have two or more rigid walls (i.e.: not a “structure”). For example, a canvas tent, with utilities that are either elevated or floodproof,
4. A vehicle or trailer that is licensed through the state, built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Such vehicle must be either:
 - a. On the site for fewer than 180 consecutive days, or
 - b. Ready for highway use, meaning that it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions, or
5. An accessory structure meeting all of the requirements of [FEMA Policy #104-008-03](#). Within this policy, a “structure used by the public, such as a place of employment or entertainment” does not include small, detached bathrooms that are accessory to a park, agricultural site, or similar use that preserves the natural and beneficial function of a floodplain. A variance is not required if it is 600 square feet or less. Larger structures require a variance but will not be eligible if it is determined by the Floodplain Administrator they are not accessory structures. The structure must:
 - a. Meet all wet floodproofing requirements including anchoring, venting, floodway encroachments, and utilities must be elevated or dry floodproofed.
 - b. Be designed to prevent the entry of floodwater into the wastewater system, and discharge from the wastewater system into the flood waters.

Agricultural Structure

An agricultural building is one that is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock; an agricultural structure specifically excludes any structure used for human habitation, any structure used by the public (such as employment or entertainment) and structures with multiple or mixed uses where one or more use does not meet the definition of an agricultural structure.

- The proposed structure will be used exclusively as an agricultural structure
- The structure will not contain materials that are hazardous, highly volatile, toxic, or water reactive.
- I have read, understand, and agree to meet the requirements of [FEMA Policy #104-008-03](#)
- The proposed structure has two or more rigid walls and a roof
- The proposed structure has low damage potential
- The structure is anchored to resist flotation, collapse, and lateral movement.

- The portions of the structure located below the Base Flood Elevation must be constructed with flood damage-resistant materials.
- Mechanical and utility equipment for the structure must be elevated or dry floodproofed to at least one foot above the Base Flood Elevation.
- The structure is not encroaching into a floodway.
- The structure will be wet floodproofed to protect the structure from hydrostatic pressure. The design must meet the NFIP design and performance standards for openings and must allow for the automatic entry and exit of floodwaters without manual operation or the presence of a person (or persons).

Historic Structure

- The proposed repair or rehabilitation triggers flood zone regulations that would interfere with the structure's continued designation as a historic structure
- The structure is listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
- The structure is certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district,
- The structure is individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
- The structure is individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

Infill Project

- The development is on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level.

Lot Size: _____ acres

Describe the land use of the surrounding parcels:

Functionally Dependent Use (Docks):

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

- Describe the necessity to the facility of a waterfront location:

Other Development

Outside of the above project types, variances are rarely approved. Why does this project meet the requirements for a variance?

Required Signatures

I hereby make application for the above-referenced land use entitlement and certify that this application, other documents, and exhibit submitted are true and correct to the best of my knowledge and belief. Should any information or representation submitted in connection with this application form be incorrect or untrue, I understand that Yolo County may rescind any approval or determination or take other appropriate action.

I hereby acknowledge that I have been informed of my right to make written request to the County to receive notice of any proposal by the County to adopt or amend a general or specific plan, or a zoning ordinance or other ordinance affecting building or grading permits, prior to action on said item.

I also certify that I am the owner of the above property or have attached the owner's written consent to file this application. If more than one, please attach a consent letter for each property owner. If owner refuses or is unable to sign, provide copy of lease, title report or other documentation. I understand that verification of property ownership or interests in the property or application may be required.

I the undersigned, hereby authorize the County of Yolo to process the permit request on the previous side of this application in accordance with the Yolo County Code. I (the landowner and/or applicant) am depositing a fee to cover staff review, coordination and processing costs in accordance with the adopted Yolo County Fee Resolution. The fee may consist of a one-time "flat" fee for minor applications or a "deposit" fee which will be used as an initial deposit to open one or more Work Order accounts to pay for staff time spent processing the application billed on a "time and materials" basis. By signing below, I agree to pay all permitting costs, plus any accrued interest, if the applicant does not pay costs.

I agree not to alter the physical condition of the property during the processing of this application by removing trees, demolishing structures, altering streams, and grading or filing. I agree not to start construction of any new structures prior to permit approval. I understand that such alteration or new construction may result in the imposition of criminal, civil or administrative fines or penalties, or may result in the delay or denial of the project application.

I further certify that the attached list of property owners contains the names and addresses of all persons to whom all property is assessed as they appear on the latest available assessment roll of the County within the area described on the attached application and for a distance of three hundred feet (300) from the exterior boundaries of the property described on the attached application.

Pursuant to the requirements of Section 63962.5 of the California Government Code, I certify that the project site for the above entitlement is not located on the State list of identified hazardous waste/or hazardous substance sites. I have reviewed the list kept at the Planning Division Public Counter

I certify under penalty of perjury that the foregoing is true and correct. I hereby certify that I have read all the above information on this page. All this information is correct, and I agree to abide by the requirements therein.

I Acknowledge the following notices:

- 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 for each \$100 of insurance coverage, and
- Such construction below the base flood level increases risk to life and property.

Name: _____

Signed: _____

Date: _____