AGENDA SUMMARY
PUBLIC WORKS/SUPPORT SERVICES COMMITTEE

The agenda and staff reports are posted on the Sutter County Website at: http://suttercountyca.igm2.com/Citizens/Default.aspx
Agenda items are available for review at the Department of Development Services located at 1130 Civic Center Blvd., Yuba City, during normal business hours.

DECEMBER 13, 2018
8:30 A.M.
1160 CIVIC CENTER BLVD.
YUBA CITY, CA

DEVELOPMENT SERVICES

1) Approval of a Floodplain Development Variance to allow wet floodproofing of a structure used exclusively for agricultural purposes located at 2150 Anderson Lane, Yuba City, CA 95993 (APN 23-140-045) (Figueroa)

2) Approval of a Contract Addendum #5 with GEI, Inc. for Sustainable Groundwater Management Act Program

Requests for assistive listening devices or other accommodations, such as interpretive services, should be made through the Department of Development Services at (530) 822-7400. Requests should be made at least 72 hours prior to the meeting. Later requests will be accommodated to the extent feasible.
PUBLIC WORKS/SUPPORT SERVICES COMMITTEE
Standing Committee Staff Report

To: Public Works/Support Services Committee
From: Neal Hay, Director of Development Services
Department: Development Services
Subject: Approval of a Floodplain Development Variance to allow wet floodproofing of a structure used exclusively for agricultural purposes located at 2150 Anderson Lane, Yuba City, CA 95993 (APN 23-140-045) (Figueroa)

Recommendation

That the Public Works/Support Services Committee recommends the Board of Supervisors approves a Floodplain Development Variance to allow wet floodproofing of a structure used exclusively for agricultural purposes located at 2150 Anderson Lane, Yuba City, CA 95993 (APN 23-140-045) (Figueroa).

Background

Sutter County participates in the National Flood Insurance Program (NFIP) to remain eligible for federally backed mortgages, federally backed flood insurance, and FEMA disaster assistance. NFIP participation is voluntary but requires the community to adopt and implement a floodplain management ordinance that meets or exceeds the minimum NFIP criteria. Sutter County (County) Ordinance Code Chapter 1780 entitled, “Floodplain Management,” outlines County requirements that are NFIP compliant for development in the floodplain. In order to protect people and property from harm, structures are required to be elevated one foot above the 100-year flood elevation.

The NFIP criteria and County’s Floodplain Management Ordinance provide a mechanism to allow relief from the elevation requirement in certain situations by granting a Floodplain Development Variance that allows for wet floodproofing of a nonresidential structure.

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 a community from the terms of a floodplain management regulation. Because a variance can lead to an increased risk to life and property, variances from flood elevation requirements or other floodplain management requirements should be granted only rarely.

Granting Floodplain Development Variances is a local decision that must be based on not only NFIP criteria, but also on state law and local regulations. A Floodplain Development Variance may only be issued for the following situations: 
(1) Wet floodproofing Structures functionally dependent upon close proximity to water with no additional threat to public safety;

(2) Wet floodproofing Accessory Structures used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds for limited storage, less than 450 square feet);

(3) Wet floodproofing Agricultural Structures used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, storage of agricultural equipment, or providing temporary shelter for livestock (farming) with no additional threat to public safety. The structure must be located on the primary parcel or a homesite parcel with an adjacent farming operation; and

(4) Rehabilitation or restoration of “historic structures” upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an historic structure.

Discussion

The applicant has applied for a Floodplain Development Variance (U-18-050) to allow wet floodproofing of a structure used exclusively for agricultural purposes. The proposed footprint of the structure size is approximately 1,100 square feet (22ft by 50ft). The structure is located on an approximately 20-acre parcel zoned Agricultural. The elevation of the proposed finished floor is approximately 7.3 feet below the Base Flood Elevation (BFE). A site plan is included in the attached application.

The Department has reviewed the application and there are no exceptions taken with the proposed structure. The proposed structure shall be constructed in accordance with NFIP criteria, state regulations, and local regulations (County Floodplain Management Ordinance). The attached application summary sheets list the criteria reviewed. The owner will be required to submit for a FEMA Elevation Certificate that will document the wet floodproofing. The owner will also be required to execute a Zone A/AE Flood Indemnification Agreement as a condition of receiving building permits for the wet floodproofed buildings per the County Floodplain Management Ordinance.

Prior Board Action

No known past Board actions exist.

Board Alternatives

The Board could deny the Floodplain Development Variance, which would then require the applicant to either elevate the structure(s) or dry flood proof the structure(s) in accordance with 44 CFR 60.3 and the County’s Floodplain Management Ordinance.

Other Department and/or Agency Involvement

FEMA is issued biennial report for Floodplain Development Variances. FEMA also reviews them as part of the reoccurring Community Assisted Visits (CAV). The last CAV was conducted in late 2011 and is typically on a 5-year cycle.

Action Following Approval

Upon granting of the Floodplain Development Variance, Development Services staff would continue to process the submitted building application, permits and other documents relating to the construction of the structure.

Fiscal Impact

No impact on the County’s General Fund because Floodplain Development Variance fees are charged “at cost” to offset staff time.
Countywide Goals & Top Priorities Compliance

Confirming the proposed structure is an NFIP compliant structure ensures Sutter County and its residents remain eligible for federally backed mortgages, federally backed flood insurance, and FEMA disaster assistance addresses the following:

- Goal E: Provide and enhance public infrastructure, including essential water, wastewater, other utilities, transportation systems (including “Farm to Market” roads), and achieve best possible flood protection for entire County region, including upgrading necessary levees to obtain reasonable flood insurance coverage for all residents, businesses, and property owners.
- Goal H: Protect, support, and enhance Sutter County’s rich agricultural base.

Respectfully Submitted,

s/ Neal Hay
Director of Development Services

Attachments:
1. Floodplain Development Variance Application
FLOODPLAIN DEVELOPMENT VARIANCE APPLICATION FORM
(COMPLETED BY APPLICANT)

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

OFFICE USE ONLY

Application No.: U-18-050 Date Filed: 10/25/18 Receipt No.: 34547

X a. Request variance to allow wet floodproofing

 Property Assessor's Parcel No.: 23-140-045 Zoning: AG
 Property Address: 2150 Anderson Lane, Yuba City, CA 95993
 Proposed Building Type/Use: Ag building
 Proposed Building Size (ft²): 4,100 FIRM Map/Panel No: 0603940 600 E
 Length/Width/Height (ft): 50 x 22 x 12 Flood Zone: A
 Elevation Datum for Document (circle/choose one): [ ] NGVD29 or X NAVD88
 Existing Ground Elevation at Proposed Building Site (ft): 44.5 ft (NAVD 1988)
 Base Flood Elevation (ft): 52.3 ft Proposed Finish Floor Elevation (ft): 45 ft

Note: Ground elevation may be estimated; no formal survey is required for application.

Property Owner: Margarito Figueroa
Applicant (If different): Frances Kelle Evans

NAME: 2150 Anderson Lane, Yuba City, CA 95993
PHONE: 530-923-3216
EMAIL: kevans@evansfarming.com

SIGNATURE OF PROPERTY OWNER:

OFFICE USE ONLY

Floodplain Administrator Recommendation:
( ) Approval ( ) Conditional Approval ( ) Disapproval

Floodplain Administrator Signature: [Signature] Date: 11/2/18

Public Works Support Services Committee Recommendation: Date:
( ) Approval ( ) Conditional Approval ( ) Disapproval ( ) Not Required

DISPOSITION: ( ) APPROVED ( ) CONDITIONALLY APPROVED ( ) DENIED
by the Board of Supervisors on ____________________________.

Floodplain Manager 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.

Packet Pg. 5
Floodplain Development Variance

COUNTY OF SUTTER
FLOODPLAIN DEVELOPMENT VARIANCE APPLICATION REVIEW FORM
(COMPLETED BY STAFF)

OFFICE USE ONLY
Application No.: U-18-050 | Date Filed: 10/25/18 | Receipt No.: 345417

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

Staff recommendation:
( ) Approve Variance
( X) Approve Variance with Conditions
( ) Deny Variance

Conditions (if applicable):
Elevation Certificate and Indemnity Agreement.

Water Resources Staff Signature

Planning Staff Signature

10/29/18
Date

June 29, 2018
To: Public Works/Support Services Committee
From: Neal Hay, Director of Development Services
Department: Development Services
Subject: Approval of a Contract Addendum #5 with GEI, Inc. for Sustainable Groundwater Management Act Program

Recommendation

It is recommended that the Public Works/Support Services Committee recommends that the Board of Supervisors:

1. Approves Agreement Addendum #5 for Professional Services with G.E.I. Consultants Inc. (GEI) to amend the Time of Performance to June 30, 2019, and,
2. Authorizes the Director of Development Services, or his designee, to execute the contract addendum and all documents related to the administration of the Professional Services Agreement in accordance with the Public Contract Code.

Background

In September 2014, the Sustainable Groundwater Management Act (SGMA) was signed in order to allow local agencies to customize groundwater sustainability plans to their regional economic and environmental needs. A new governance structure, known as Groundwater Sustainability Agencies (GSA’s), were created by local agencies to assess the local groundwater basins and create Groundwater Sustainability Plans (GSP’s) in order to establish long-term sustainability.

There are three groundwater subbasins within Sutter County: the East Butte Subbasin, the Sutter Subbasin, and the North American Subbasin. SGMA requires that by January 31, 2022, basins must be managed by either a single GSP or multiple GSP’s. All GSA’s within each subbasin will be working collaboratively to create a GSP for the subbasin.

SGMA has a provision for sustainable subbasins to submit an Alternative Plan, which were due on January 1, 2017. An Alternative Plan for the Sutter Subbasin was submitted in December 2016. To date, review comments from the Department of Water Resources (DWR) regarding the Alternative Plan have not been received.
Discussion

The Department hired GEI in 2016 to provide technical assistance necessary to comply with SGMA and for the preparation of the Alternative Plan.

Addendum #5 will amend the contract to extend the Time of Performance to June 30, 2019.

Review comments from DWR regarding the Alternative are expected in early 2019, and the Department will need GEI's expertise in preparing the response to the comments.

Sutter County staff has been meeting with the various stakeholders in each subbasin to discuss the SGMA process and those who chose to be a GSA in each subbasin.

The Alternative Plan is available for review at the Board Clerk’s office and the Development Services counter.

Prior Board Action

April 24, 2018: Approved Agreement Addendum #4, adding “Task 6: Annual Report Preparation”

August 22, 2017: Approved Agreement Addendum #3, extending the existing contract to a completion date of June 30, 2018.

December 20, 2016: Approved Agreement Addendum #2 and increased the no-to-exceed agreement amount from $124,754.00 to $293,555.00.

August 23, 2016: Approved Agreement Addendum #1 and increased the not-to-exceed agreement amount from $34,754 to $124,754.00.

Board Alternatives

The Board could choose not to authorize the GEI Agreement addendum. However, various aspects of SGMA require specialized skills which Department staff does not currently possess. Having GEI continue the work on the Alternative provides continuity on the project, rather than having another consultant perform the work.

Other Department and/or Agency Involvement

The California Department of Water Resources and the State Water Resources Control Board are the lead State agencies responsible for developing regulations and reporting requirements necessary to comply with SGMA. The County is meeting and working collaboratively with local mutual water companies, water districts, drainage districts, and reclamation districts within the County. The County is also working with neighboring counties to ensure there are no conflicting issues as the work continues forward to obtain sustainability.

Action Following Approval

The Department will provide Amendment #5 to GEI for execution and will continue to manage the contract.

Fiscal Impact

There are no costs associated with extending the Time of Performance on the agreement. The anticipated project costs to provide a response to DWR are included in the adopted budget for FY 2018-19, Water Resources Professional Services (1922-00-52180).
Countywide Goals & Top Priorities Compliance

Responsible and sustainable groundwater use and consumption supports the following countywide goals:

- Goal B: Operate County government in a fiscally and managerially responsible manner to ensure Sutter County remains a viable and sustainable community to live, work, recreate, and raise a family.

- Goal H: Protect, support, and enhance Sutter County’s rich agricultural base.

Respectfully Submitted,

S/ Neal Hay
Director of Development Services

Attachments:
1. GEI Addendum #5
ADDENDUM #5
TO AGREEMENT FOR PROFESSIONAL SERVICES:
GROUNDWATER SUSTAINABILITY AGENCY DEVELOPMENT ASSISTANCE FY 15/16

WHEREAS, as of May 20, 2016, GEI Consultants, Inc. (“Consultant”) and the County of Sutter (“County”) entered into an Agreement for Professional Services: Groundwater Sustainability Agency Development Assistance FY 15/16, which is incorporated herein by this reference, and

WHEREAS, the parties are mutually desirous of amending the Time of Performance as amended in Addendum #3 from June 30, 2018, to June 30, 2019, and

WHEREAS, the parties are mutually desirous of Addendum #5 being retroactively effective, beginning July 1, 2018,

NOW, THEREFORE, for valuable consideration receipt of which is hereby acknowledged, Consultant and County agree that the Time of Performance in Agreement for Professional Services: Groundwater Sustainability Agency Development Assistance FY15/16 entered into as of May 20, 2016, be amended to June 30, 2019, effective July 1, 2018.

Dated:___________

GEI Consultants, Inc

By_______________________
Richard W. Shatz
Principal Hydrogeologist

Dated:___________

County of Sutter

By_______________________
Neal Hay, PE
Director of Development Services

Approved as to Form

By_______________________
Deputy County Counsel