

- 2.1 Variance Application and Processing
 - 2.2 Notice of Public Hearing
 - 2.3 Right of Appeal
 - 2.4 Appeal of Variance Committee Decisions
 - 2.5 Qualifications of the Variance Committee
 - 2.6 Variance Committee Members Terms
 - 2.7 Officers, Meetings and Rules
 - 2.8 Variance Committee Duties
 - 2.9 Removal of Variance Committee Members
 - 2.10 Variance Committee Member Vacancies
 - 2.11 Limitations on Variances
-

A variance is a deviation from any onsite wastewater system policy or design standard set forth in this manual or in the rules and regulations of the Town. A variance may be granted to an applicant by the Town after a hearing by a special committee of variance officers. The variance committee will generally issue a directive to the Onsite Sanitary Official to approve, conditionally approve or deny the variance.

Onsite systems enumerated in Chapter 4 (standard and alternative) and Chapter 6 shall be approved systems and be processed for permit to use through the Public Works Department Division in standard fashion, not as variances.

2.1 VARIANCE APPLICATION AND PROCESSING

Variance applications shall be made to the Onsite Sanitary Official. A separate application shall be filed for each site considered for a variance. Each application should be signed by the property owner and accompanied by:

- A site evaluation report
- Plans and specifications for the proposed onsite wastewater disposal system
- The appropriate fee
- Other information necessary, if requested

The variance committee members shall hold a public hearing on each variance application. The hearing shall take place within thirty days after the date a submitted variance application has been deemed complete by the Onsite Sanitary Official. A copy of the complete variance application and any supporting documentation shall be submitted by the Town Onsite Division to the California Regional Water Quality Control Board, Central Valley Region.

The variance committee shall individually visit the site of the requested variance prior to conducting the hearing, but the burden of presenting the supportive facts shall be the responsibility of the applicant. A decision to grant or deny the variance will be made in writing within thirty days after completion of the hearing. If the variance is granted, the variance committee will state, in writing, the specifications, conditions and location of the onsite wastewater system.

The Town shall issue a construction permit for granted variance systems once the appropriate plans and fees have been submitted, perform necessary inspections, and issue an Operating Permit once the system installation has been approved by the Onsite Sanitary Official or his designee. A monitoring program, performed at the owner's expense, shall be required for systems permitted under a variance.

2.2 NOTICE OF PUBLIC HEARING

Notices of public hearing for variance applications shall be given by the body conducting such hearing at least ten days prior thereto, by publication in a newspaper of general circulation in the Town. In addition, the Town shall give additional notice by mail, using addresses from the latest equalized assessment roll, to all owners of property within a three-hundred-foot distance of any boundary of the subject property. The Town shall also mail or deliver such notice at least ten days prior to the hearing to the owner(s) of the subject property, or his agent, and to the project applicant. The Town shall follow the notice procedures of California government Code Section 65091. Failure to any person to post notice shall not invalidate any proceedings conducted by the decision making body.

2.3 RIGHT OF APPEAL

All determinations of the Variance Committee shall be final unless a written appeal and any required appeal fees are filed within seven (7) days from the date the Variance Committee acts on a variance application. The appeal shall be filed with the Town Clerk. Any interested person shall have the right to file an appeal. The Town Council shall conduct a public hearing on the appeal in accordance with applicable procedures as set forth in this chapter.

2.4 APPEAL OF VARIANCE COMMITTEE DECISIONS

Except as otherwise provided in this chapter, appeals of Variance Committee decisions shall be administered in accordance with the following applicable provisions:

- A. The appeal shall be in writing with a detailed statement of the grounds for the appeal.
- B. The Town Clerk shall set the time, date, and place for a public hearing before the Town Council concerning an appeal of a Variance Committee decision.
- C. Public hearings before the Town Council shall be conducted within forty days after the

receipt of a written appeal and any required appeal fee.

- D. Upon receipt of the notice of appeal of a Variance Committee decision, the Onsite Sanitary Official shall prepare a report of the facts pertaining to the decision of the Variance Committee and shall submit such report to the Town Council.
- E. The Town Council may refer any matter subject to appeal back to the Variance Committee for further consideration if, in the opinion of the Town Council, any new and substantial evidence is presented to the Town Council that was not previously presented to the Variance Committee.
- F. At the close of the hearing, the Town Council may affirm, reverse, revise or modify the appealed decision of the Variance Committee.
- G. If the Town Council does not finalize its action on an appeal within ninety days after the filing thereof, the decision action of the Variance Committee shall be deemed affirmed.
- H. The decision of the Town Council may be appealed to the California State Regional Water Quality Control Board, Central Valley Region, within ten days after the date of the decision. The decision by the California State Water Quality Control Board, Central Valley Region, shall be final.

2.5 QUALIFICATIONS OF THE VARIANCE COMMITTEE

The variance committee members shall be selected by the Town Council to give objective third party opinions concerning special or unusual cases. They must have adequate training in soils as they pertain to subsurface wastewater disposal, knowledge of the public health issues associated with onsite wastewater disposal systems, a thorough understanding of pumps and hydraulics, and personal experience with onsite wastewater disposal systems. The variance committee shall consist of three and not more than five citizen-at-large members appointed by the Town Council. The Town Council may also appoint one additional citizen-at-large member to serve on the variance committee only when a member of the variance committee is absent.

2.6 VARIANCE COMMITTEE MEMBER TERMS

The five citizen-at-large positions and the alternate citizen at large position shall serve a term of four years and be appointed by the Town Council in accordance with the standard procedures utilized by the Town Clerk for filling positions on boards and commissions. The terms of the five citizen-at-large positions and the alternate citizen at large position shall be staggered to provide continuity on the Variance Committee.

2.7 OFFICERS, MEETING AND RULES

The Variance Committee shall elect a chairman and vice-chairman from its membership annually. In the absence or disability of either the chairman or vice-chairman, the Variance Committee may designate a temporary chairman.

The Variance Committee shall hold at least one meeting each year and such other meetings as may be necessary. Variance Committee meetings shall be scheduled at the request of the Town Council, Town Manager or the Onsite Sanitary Official.

The Variance Committee shall adopt rules for the transaction of its business and shall keep a public record of its findings and determinations.

2.8 DUTIES OF THE VARIANCE COMMITTEE

The Variance Committee shall comply with the following provisions established within the Onsite Wastewater Management Zone:

- To hear and consider all requests for variances from the Manual for the Onsite Treatment of Wastewater and other regulations of the Town relating to the disposal of wastewater. Such hearing shall be conducted in accordance with the standards and procedures set forth in this chapter.
- To consider items relating to the treatment and disposal of wastewater within the Town of Paradise referred to them by the Town Council, Town Manager, and Onsite Division staff.

2.9 REMOVAL OF VARIANCE COMMITTEE MEMBERS

A member of the Variance Committee may be removed by a majority vote of all the members of the Town Council. A member who fails, without permission, to attend three successive meetings or fifty percent (50%) of the regular meetings per year of the Variance Committee is subject to possible removal by the Town Council.

2.10 VARIANCE COMMITTEE MEMBER VACANCIES

A vacancy on the Variance Committee occurring by death, resignation, removal or any other cause before the expiration of the affected member's term as a Variance Committee member shall be filled by appointment for the unexpired term by the Town Council.

2.11 LIMITATIONS ON VARIANCES

The following limitations on variances shall apply within the Onsite Wastewater Management Zone:

- A maximum of one variance will be allowed per application.

- No variances will be granted for lot splits or subdivisions.
- No variances will be granted for groundwater or surface water separation requirements.
- No variances will be granted if the proposed system would cause groundwater or surface water degradation.
- No variance will be granted if the proposed system would cause public health problems.
- Any variance issued by the Town shall be considered to be site- and situation-specific. The granting of a variance for one site shall not set a precedent for other sites.

PART B:
DESCRIPTIONS AND DESIGN CRITERIA

