

EL DORADO COUNTY CALIFORNIA
Chief Administrative Office

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July 2, 2007

Memo To: Board of Supervisors

From: Laura S. Gill, Chief Administrative Officer

Laura S. Gill

RECEIVED
BOARD OF SUPERVISORS
EL DORADO COUNTY

Subject: Permit Fee Waivers or Deferrals for Structures Affected by Angora Fire
(Agenda Item #35, July 3, 2007)

I recommend that the Board of Supervisors adopt the attached resolution that provides a waiver for all county construction-related permits for the repair and replacement of the equivalent square footage of previously existing and damaged structures within the burn areas of the Angora Fire.

Background

The Angora Fire began on Sunday, June 23 east of Fallen Leaf Lake. The County proclaimed a local emergency on Sunday June 23, which was ratified by the Board of Supervisors on Tuesday, June 26. As of Thursday, June 28, 229 residences and 75 commercial structures have been destroyed. Another 14 residences have been damaged. According to the California Department of Forestry and Fire Protection, the fire has been brought under full control as of 6 p.m. on July 2.

As a result of the Angora fire, serious health and safety hazards exist from fire debris. The Environmental Health Department has been working with various State agencies to expedite the removal of this debris so that residents can rebuild on their parcels. This agenda item addresses the next step, providing for a waiver of building permit and related fees. According to Section 15.16.020 of the El Dorado County Ordinance Code, all matters pertaining to building permit fees are as established by resolution of the El Dorado County Board of Supervisors. The attached resolution provides for a waiver of all County permit fees associated with repairing or rebuilding the equivalent square footage of previously existing and damaged homes and structures within the burn area of the Angora fire. Property owners would be responsible for paying all fees due on any square footage for any additional square footage.

Issues

Waiver versus deferral. In order to streamline the rebuilding process, the County can choose to either defer or waive the fees related to structure construction. A number of jurisdictions in southern California (City of San Diego, San Diego County, and San Bernardino County) have suffered through a number of wildfires over the past four years. Over this time, the City of San Diego and San Bernardino County have provided both deferrals and waivers. Staffs in these jurisdictions have moved away from deferrals in favor of fee waivers:

- During the 2004 Old and Grand Prix fires, San Bernardino County initiated a detailed fee deferral program that required each affected property owner to file a Hardship Waiver

Request. The Board waived the fees in advance and authorized the appropriate department head to determine if the applicant qualified. Staff found implementation of the program to be fairly time consuming for staff and onerous for the property owner. As other wildfires struck since the Old and Grand Prix fires, the Board opted to waive fees for anyone who suffered damage, with no demonstration of hardship required.

The City of San Diego suffered a wildfire in 2003 (the Cedar fire) that resulted in the destruction of 327 homes and 15 commercial structures. In the aftermath of the wildfire, the San Diego City Council opted to waive permit fees. The staff report noted that a fee waiver program could be a cumbersome process, requiring several hours of the homeowner's time and staff time to process these requests. Also, homeowners may be underinsured if their insurance policies did not include an annual inflation adjustment.

The San Diego County Board of Supervisors approved a fee waiver program in December 2003 following four separate fires, including the Cedar fire.

Alternatively, the Board can choose not to waive fees for all owners of fire destroyed or damaged structures but instead waive fees only for homeowners who are uninsured or underinsured. This will require an amendment to the attached resolution to provide fee waivers or refunds only if certain conditions are met.

Time Allowed for Waiver Program. According to the Tahoe Regional Planning Agency (TRPA) web site, "current rules allow for property owners to pursue the replacement of previously existing development for up to 18 months from the fire. (TRPA) will be discussing possible extensions to this timeline if needed." The attached resolution is consistent with TRPA rules by allowing for County permit applications to be submitted to the Development Services Department by December 23, 2008.

Alternatives

Do not waive fees for all owners of fire destroyed or damaged structures but instead waive fees only for homeowners who are uninsured or underinsured. This will require an amendment to the attached resolution to provide fee waivers or refunds only if certain conditions are met.

Fiscal Impacts

The Development Services Department advises that a permit fee waiver program will result in \$900,000 in "lost" revenue that would otherwise be received through building permits. However, this permit fee revenue was not anticipated in the Department's revenue projections. In addition, the Department estimates the cost of using outside plan checkers at \$100,000. The Development Services Department and I will refine this estimate and incorporate a budget adjustment for the final FY 2007-08 budget to be considered by the Board of Supervisors in September.

Actions to be Taken Following Approval

Staff will implement the fee waiver program and work with the affected property owners.

I remain available to answer any questions or address any concerns you may have concerning the proposed fee waiver program.



RESOLUTION NO.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

***A RESOLUTION DECLARING PROPERTY OWNERS AFFECTED BY THE ANGORA FIRE
TO BE ELIGIBLE FOR PERMIT FEE WAIVERS***

- WHEREAS,** *The County proclaimed a local emergency due to the outbreak of the Angora Fire on Sunday, June 23, and the Board of Supervisors ratified said action on Tuesday, June 26; and*
- WHEREAS,** *As of Thursday, June 28, 2007, 229 residences and 75 commercial structures have been destroyed, and another 14 residences have been damaged; and*
- WHEREAS,** *As a result of the Angora fire, serious health and safety hazards currently exist from fire debris, including unstable chimneys, walls of fire damaged structures, and harmful chemicals that are likely to remain on affected parcels, such hazards requiring immediate attention and constituting a local emergency; and*
- WHEREAS,** *the expeditious demolition of damaged structures and facilitation of the rebuilding and upgrading of the structures, including making the structures more fire-resistant, is in the best interest of the citizens of El Dorado County; and*
- WHEREAS,** *The provision of fee waivers will provide critical relief to victims of the recent fires in the unincorporated area of the Tahoe basin, expedite the permitting process and waive permit fees for legally built structures that have been destroyed; such relief is deemed to serve a public purpose; and*
- WHEREAS,** *Section 15.16.020 of the El Dorado County Code states that "all matters pertaining to fees are as established by resolution of the El Dorado County Board of Supervisors."*

NOW, THEREFORE, BE IT RESOLVED that,

- Section 1.** *The Board of Supervisors hereby waives all County ~~demolition and permit fees~~ associated with property owners removing, repairing and/or rebuilding the equivalent square footage of previously existing and damaged homes and ~~residences~~ structures (including accessory buildings) within the burn areas of the Angora Fire.*
- Section 2.** *Permit fee waivers will be granted one time for each affected parcel.*

Section 3. All such ~~demolition and~~ County permit applications must be submitted to the Development Services Department by December 23, 2008.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the _____ day of _____, 200__, by the following vote of said Board:

Attest:
Cindy Keck
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By: _____
Deputy Clerk

Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATE: _____

Attest: CINDY KECK, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By: _____