



RESOLUTION NO.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION ADOPTING THE CALDOR FIRE PERMIT FEE REFUND POLICY TO AUTHORIZE THE ISSUANCE OF REFUNDS OF APPLICABLE PLANNING AND BUILDING DEPARTMENT AND ENVIRONMENTAL MANAGEMENT DEPARTMENT PERMIT FEES FOR CALDOR FIRE APPLICANTS

WHEREAS, pursuant to El Dorado County Ordinance Code Chapter 2.21, the Sheriff is designated as the Director of the Office of Emergency Services and, as such, is authorized to proclaim a local emergency; and

WHEREAS, on August 17, 2021, the Sheriff, as the Director of the Office of Emergency Services, proclaimed a local emergency based on conditions of extreme peril to the safety of persons and property within the territorial limits of the County of El Dorado as a result of the Caldor Fire; and

WHEREAS, in Resolution 104-2021 adopted on August 19, 2021, the Board of Supervisors found that conditions of extreme peril exist due to an imminent and proximate threat to the safety of persons and property within the territorial limits of the County of El Dorado as a result of the Caldor Fire for reasons set forth in the proclamation of local emergency by the County's Sheriff, acting as the Director of the Office of Emergency Services, dated August 17, 2021, and ratified the local emergency proclamation, which continues in effect until terminated by the Board of Supervisors and has not been terminated on the date this urgency ordinance is adopted; and

WHEREAS, on August 17, 2021, the Governor of the State of California proclaimed a State of Emergency for El Dorado County due to the Caldor Fire; and

WHEREAS, on September 1, 2021, the President of the United States declared the existence of an emergency in the State of California and ordered Federal aid to supplement state and local recovery efforts due to the emergency conditions resulting from the Caldor Fire beginning on August 14, 2021, and continuing; and

WHEREAS, as reported by the California Department of Forestry and Fire Protection (CalFIRE) on September 3, 2021, the Caldor Fire to date had consumed over 212,907 acres in El Dorado County and had led to the destruction of at least 661 residential structures, 184 other structures, and 12 commercial properties with only 29% containment; and

WHEREAS, on September 10, 2021, the Board of Supervisors adopted Ordinance 5150 adding Chapter 130.69 of Title 130, Article 6 of the El Dorado County Ordinance Code entitled "Caldor Fire Resiliency and Rebuilding" which provides for temporary emergency housing options for persons displaced by the Caldor Fire during recovery and rebuilding and provisions to aid during repair and reconstruction of damaged dwellings and other structures in the burn area; and

WHEREAS, as reported by CalFIRE upon full containment of the Caldor Fire on October 21, 2021, the Caldor Fire burned a total of 221,835 acres and destroyed a total of 1,003 structures, including 782 single

family residences, 18 commercial properties, and 203 accessory structures, and damaged an additional 81 structures; and

WHEREAS, in addition to displacing residents, the Caldor Fire has also destroyed buildings which previously housed essential community services, including a Pioneer Fire Protection District station and a U.S. Post Office; and

WHEREAS, on December 14, 2021, the Board of Supervisors adopted Ordinance 5156 amending Chapter 130.69 of Title 130, Article 6 of the El Dorado County Ordinance Code entitled “Caldor Fire Resiliency and Rebuilding” to add Section 130.69.360 “Community Services” to Chapter 130.69, making findings that such amendments are essential to immediately allow the fastest possible transition for displaced Community Services in order to continue supporting the health and safety of the communities destroyed by the Caldor Fire; and

WHEREAS, following the Board’s adoption of Urgency Ordinance 5150 and the containment of the Caldor Fire, the Planning and Building Department developed a Caldor Fire Permit Fee Reduction and Waiver Program consistent with the criteria under Chapter 130.69 of Title 130, Article 6, Section 130.69.130, Implementation, Section 130.69.260, Permit Fee Reductions and Waivers, in order to expedite the permit fee reduction and waiver process and provide a form of financial relief to eligible displaced residents within the burn area during the rebuilding and recovery process and to facilitate the rebuilding of properties of displaced County residents; and

WHEREAS, through the Planning and Building Department’s ongoing implementation of the Caldor Fire Permit Fee Reduction and Waiver Program, it has become evident that the majority of the Caldor Fire fee waiver applicants have insurance and are experiencing significant challenges in obtaining sufficient documentation from their insurance companies in order to meet the criteria of Section 130.69.260 and be considered eligible for a permit fee reduction or waiver; and

WHEREAS, in addition to permitting fees charged by the Planning and Building Department, the Environmental Management Department also has permitting requirements and fees for residential wells and septic systems that are applicable to residents displaced by the Caldor Fire; and

WHEREAS, upon concurrence from the Environmental Management Department Director, Environmental Management Department fees charged pursuant to Chapter 8.39, Well Construction and Water Supply Standards, of Title 8, and Chapter 110.32, Onsite Wastewater Treatment Systems, of Title 110, for residential wells and septic systems shall be included as eligible permitting fees to be reduced or waived under Chapter 130.69 of Title 130, as amended; and

WHEREAS, the Board of Supervisors finds that County residents continue to suffer housing and shelter displacement due to the effects of the Caldor Fire and urgent action on both Planning and Building and Environmental Management permit fee reductions and waivers is necessary to preserve the public health and safety of these displaced County residents; and

WHEREAS, on August 23, 2022, the Board adopted Urgency Ordinance 5163, amending Chapter 130.69 of Title 130, Article 6 of the El Dorado County Ordinance Code entitled “Caldor Fire Resiliency and Rebuilding,” revising the eligibility criteria under Section 130.69.260, Permit Fee Reductions and Waivers, and adding Section 130.69.370, Environmental Management Department Permit Fees, to allow for the waiver of additional permit fees in order to provide an increased level of financial relief to residents displaced by the Caldor Fire; and

WHEREAS, the Board directed staff to return to the Board with an item to consider the approval of refunds for Caldor Fire applicants that have previously paid for all or a portion of applicable permit fees that would now be eligible to be waived under the amended criteria of Urgency Ordinance 5163; and

WHEREAS, the Board finds that the adoption of a Caldor Fire Permit Fee Refund Policy will further provide a significant and immediate public benefit and is necessary to provide a continued increased level of financial relief to residents displaced by the Caldor Fire.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of El Dorado hereby adopts a Caldor Fire Permit Fee Refund Policy as follows:

1. The County will issue refunds in accordance with the eligibility criteria, including the substantially equivalent replacement requirements, to all Caldor Fire applicants that have submitted permit applications and have paid the applicable permit fees prior to the Board's adoption of Ordinance 5163, but that would have otherwise been determined eligible for a waiver under Section 130.69.260, Permit Fee Reductions and Waivers, as amended by Urgency Ordinance 5163, following the Board's adoption of Ordinance 5163.
2. The Planning and Building Department Director, or designee, shall be authorized to approve refunds to each eligible applicant.
3. The Planning and Building Department Director, or designee, shall be authorized to make any modifications to this Policy determined necessary in order to provide said refunds.
4. Permit refunds under this Caldor Fire Permit Fee Refund Policy are exempt from the refund requirements and/or criteria of the current Planning and Building Department Fee Schedule and Policies and Procedures adopted under Resolution 089-2021.
5. The County will process refunds, with payment due to the applicant, or contractor if paid on behalf of the applicant, within 180 days of the Board's adoption of this Caldor Fire Permit Refund Policy.

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 _____, 20__, by the following vote of said Board:

Attest:
Kim Dawson
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By: _____
Deputy Clerk

Chair, Board of Supervisors