



## Legislation Text

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**File #:** 21-1565, **Version:** 1

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Planning and Building Department, with concurrence from the Chief Administrative Office and pursuant to Board of Supervisors Policy B-2, Section II, B(1), recommending the Board approve a waiver of applicable permit review fees for Permit 317507 in the amount of \$3,092.16, including \$522.08 for Building, \$294.00 for Planning, \$522.08 for Code Enforcement, \$1,714.00 for Environmental Management, and \$40.00 for the Surveyor's Office, requested by John and Kelly Helms for the unpermitted conversion of a 500 square-foot garage to a second dwelling on the property located at 6521 Slug Gulch Road in Somerset, Board of Supervisors District II (Attachment A).

**FUNDING:** General Fund.

### **DISCUSSION / BACKGROUND**

John and Kelly Helms (Applicant) acquired the property located at 6521 Slug Gulch Road in Somerset in late 2013.

In December 2018, while an unrelated Code Enforcement complaint was being investigated it was discovered that a 500 square-foot garage had been converted to a second dwelling on the property without the necessary permits, prior to the Applicant purchasing the property.

The Applicant is making a good faith effort to remedy the Code Case and to permit the unpermitted conversion and is seeking a waiver of applicable permit review fees pursuant to Board of Supervisors Policy B-2, Section II, B(1), which explains that fees may be waived if the levying of the fee in question would result in extreme financial hardship to the requesting entity. Based on documentation provided by the Applicant, staff have verified that their level of income is below the prescribed low-income eligibility level pursuant to the 2021 Department of Housing and Urban Development (HUD) Median Income Level.

Total estimated fees for Permit No. 317507 are \$3,717.56 (Attachment B). Policy B-2, Fee Waivers, does not apply to the State mandated fees (Green fees), which are estimated to total \$2.00, or Special District Fire Fees in the amount of \$600, for which the County has no authority to waive. Additional fees not recommended to be waived include the County's Technology Fee and the General Plan Implementation Fee, which are estimated to total \$23.40. These fees are not recommended to be waived because they are nominal on a project level, but their accumulated collection from all projects is essential to broader County operations. As such, the Department, with concurrence of the Chief Administrative Office, is recommending the Board consider waiving the remaining \$3,092.16 in fees, as the fees in question would result in extreme financial hardship to the Applicant, pursuant to Section II, B(1) of the Policy (Attachment C).

### **ALTERNATIVES**

The Board could choose to modify the amount of fees waived, or to not approve the fee waiver request, which may delay the Applicant's progress on remedying the Code Violation.

**PRIOR BOARD ACTION**

N/A

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Surveyor's Office  
Environmental Management

**CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

**FINANCIAL IMPACT**

These fees are typically paid by the Applicant. Approval of the fee waiver in the amount of \$3,092.16, would require the use of General Fund to pay for the Department staff time and materials associated with the plan review for the proposed project. However, a budget transfer is not necessary as it is anticipated that the Department will have adequate General Fund savings to cover the cost of the waived fees.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

Good Governance: Evaluate requests and recommendations based on complete assessment of the best available information, with the goal of reaching well informed decisions.

**CONTACT**

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