



County of El Dorado

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Legislation Details (With Text)

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File created: 9/15/2022 **In control:** Board of Supervisors

On agenda: 10/11/2022 **Final action:** 10/11/2022

Title: Planning and Building Department recommending the Board consider the following:
1) Approve and authorize the Chair to sign Resolution 156-2022, 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 following the Board's adoption of 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"; and
2) Delegate authority to the Planning and Building Department Director, or designee, to approve and authorize all applicable refunds and make any modifications to the Caldor Fire Permit Fee Refund Policy determined necessary.

FUNDING: General Fund.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Approved Resolution Routing Sheet, 2. B - Resolution Adopting the Caldor Fire Permit Fee Refund Policy, 3. Executed Resolution 156-2022

Date	Ver.	Action By	Action	Result
10/11/2022	1	Board of Supervisors	Approved	Pass

Planning and Building Department recommending the Board consider the following:
1) Approve and authorize the Chair to sign Resolution **156-2022**, 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 following the Board's adoption of 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"; and
2) Delegate authority to the Planning and Building Department Director, or designee, to approve and authorize all applicable refunds and make any modifications to the Caldor Fire Permit Fee Refund Policy determined necessary.

FUNDING: General Fund.

DISCUSSION / BACKGROUND

On August 14, 2021, the Caldor Fire erupted in El Dorado County, quickly spread, and threatened the safety of residents and property. While the fire continued to burn, the Board acknowledged the need for the fastest possible transition of displaced residents to interim and long-term shelter, including the rebuilding of homes and communities destroyed by the Caldor Fire.

On September 10, 2021 (File No. 21-1469, Item No. 3), the Board adopted Urgency Ordinance 5150 entitled Caldor Fire Resiliency and Rebuilding Ordinance," adding Chapter 130.69 of Title 130, Article 6 of the El Dorado Ordinance Code to provide for temporary emergency housing options for residents displaced by the Caldor Fire during the recovery and rebuilding process, and also included provisions

to aid during repair and reconstruction of damaged and destroyed dwellings and other structures in the burn area.

On December 14, 2021 (File No. 21-1971, Item No. 53), the Board adopted Urgency Ordinance 5156, further modifying Chapter 130.69 of Title 130 to add Section 130.69.360, Community Services, to provide for the relocation of Community Services on a fire damaged lot in the Caldor burn area to an existing building in any Residential, Commercial, Agricultural, Rural, Resource, Industrial, or Research and Development Zone District under a Temporary Use Permit.

On April 12, 2022 (File No. 22-0604, Item No. 14), the Board approved the use of Caldor Fire Relief Designation funds to pay for Green Fees and California Strong Motion Instrumentation Program (SMIP) Fees for applicants that are eligible for a fee waiver under Urgency Ordinance 5150, both of which are state mandated fees and are unable to be waived.

Additionally, and in order to provide a level of financial relief to those impacted by the fire, Urgency Ordinance 5150 also included criteria to allow for the reduction or waiver of applicable permit fees charged by the Planning and Building Department (Department) for eligible applicants. Following the Board's adoption of Urgency Ordinance 5150 and in accordance with the implementation standards under Section 130.69.130, staff worked to develop a Caldor Fire permit fee reduction or waiver program based on the criteria noted above as well as a standardized permit fee waiver request and a streamlined review and approval process to confirm eligibility based on the adopted criteria and to expedite the fee waiver process for applicants.

During the fee waiver review and approval process, staff have worked closely with Caldor Fire survivors to bring fee waiver requests to resolution, but encountered significant challenges related to applicants that are insured, but are unable to meet the established criteria and therefore not eligible for a fee waiver other than permit fees for Demolition permits, Temporary Mobile Home/Recreational Vehicle permits, and Temporary Electrical permits. Under the established criteria, insured applicants must provide written documentation that indicates their insurance company has denied payment of permitting fees, the cost of permitting fees is not included in their insurance policy, or the insurance company has approved only partial payment of permitting fees.

In response to the challenges noted above along with several other unforeseen challenges, the Department brought an item to the Board on August 23, 2022 (File No. 22-1365, Item No. 22), which provided recommended amendments to Chapter 130.69 under Urgency Ordinance 5163 in order to expand the eligibility criteria for Caldor Fire permit fee reductions and waivers. Two options were provided to the Board, with Option A providing for a one hundred percent (100%) fee waiver to both uninsured and insured applicants, regardless of their level of insurance coverage or underinsured status determination, and Option B providing for a one hundred percent (100%) fee waiver for uninsured applicants and a fifty percent (50%) fee waiver for insured applicants, regardless of their level of insurance coverage or underinsured status determination. Both Options A and B also provided for the inclusion of all applicable Environmental Management Department permit fees as eligible to be waived under Urgency Ordinance 5163.

Upon the Board's adoption of Urgency Ordinance 5163 and Option A, the Board also directed staff to return to the Board with an item to approve and issue refunds for Caldor Fire applicants that had previously submitted permit fee waiver requests, but were either partially approved (Temporary type permit fees only) or were denied based on the previous fee waiver criteria under Urgency Ordinance 5150, as well as Caldor Fire applicants that had previously submitted permit applications without a

fee waiver request. As such, staff is recommending the Board adopt this Resolution authorizing the Department to issue refunds of applicable permit fees charged by both the Planning and Building Department and the Environmental Management Department for applicants that would now be eligible for permit fee waivers.

ALTERNATIVES

The Board may choose not to adopt this Resolution, which would be inconsistent with previous direction to staff as part of the Board's approval of revised Caldor Fire permit fee waiver eligibility criteria.

PRIOR BOARD ACTION

- File No. 21-1469, Item No. 3 - Adoption of Urgency Ordinance 5150
- File No. 21-1971, Item No. 53 - Adoption of Urgency Ordinance 5156
- File No. 22-0604, Item No. 14 - Approval to use Caldor Relief Designation Funds for Green Fees and SMIP Fees
- File No. 22-1365, Item No. 22 - Adoption of Urgency Ordinance 5163

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Environmental Management Department

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

There are no significant changes to Net County Cost beyond the estimated costs related to the Board's adoption of Urgency Ordinance 5163. As indicated in the staff report for Urgency Ordinance 5163, there is not yet enough data to conclusively estimate the number of owners that will rebuild in the Caldor burn area. As such, estimated financial impacts associated with the one hundred percent (100%) fee waiver option were provided to assist with the Board's decision. As it's likely that the total amount of fees waived will be less than those estimated cost provided, additional estimates beyond those original estimates are not necessary for this item. It's estimated that the total amount of refunds due Caldor Fire applicants is approximately \$75,000; however, the final amount may change as staff are still working to identify permits that had previously been issued with or without a fee waiver but now be eligible for a fee waiver based on the revised eligibility criteria under Urgency Ordinance 5163.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk of the Board will obtain the Chair's signature on one (1) copy of the Resolution; and
- 2) The Clerk of the Board will forward a copy of the fully-executed Resolution to the Planning and Building Department, attention Tom Meyer, for further processing.

STRATEGIC PLAN COMPONENT

Good Governance, Healthy Communities, and Public Safety. The Board's adoption of the Resolution and the additional financial relief provided under this Caldor Fire Permit Fee Refund Policy will further the County's continued commitment to lessen the financial burden of those affected while also promoting the resiliency efforts in a goal to rebuild homes in the Caldor Fire burn area.

CONTACT

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Planning and Building Department