



Legislation Text

File #: 22-0604, **Version:** 1

Planning and Building Department recommending the Board consider the following:

- 1) Find that, consistent with the objectives of Urgency Ordinance 5150 and subsequent amendments to the County's Zoning Ordinance to waive certain permitting fees related to the Caldor Fire rebuilding effort, a significant public benefit is derived from the County's additional contribution of funding towards the payment of State mandated Green Fees and California Strong Motion Instrumentation Program (SMIP) Fees required for applicable building permits; and
- 2) Approve and authorize the use of the County's Caldor Fire Relief Designation Funds to cover the cost of the Green Fees and SMIP Fees required for residents and/or business owners that are eligible for fee waivers as specified in Urgency Ordinance 5150.

FUNDING: General Fund.

DISCUSSION / BACKGROUND

On September 10, 2021 (File No. 21-1469, Item No. 3), the Board adopted Urgency Ordinance 5150 entitled "Caldor Fire Resiliency and Rebuilding Ordinance" which added Chapter 130.69 to Title 130 (Zoning) of the El Dorado County Ordinance Code, to provide 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. Included in this modification to the Zoning Ordinance are criteria for the waiver or reduction of permit fees adopted and charged by the Planning and Building Department (Department).

The fees are levied on permits necessary for temporary emergency housing for displaced persons on fire-damaged lots in the burn area, or permits necessary for the demolition of a destroyed or damaged dwelling or structure, and for repair or reconstruction of a conforming or legal nonconforming dwelling or structure on fire-damaged lots in the burn area, provided that:

- The repair or reconstruction is substantially equivalent to the damaged or destroyed dwelling or structure;
- The applicant owned the lot(s) as of August 14, 2021; and
- The application is submitted prior to the expiration of Chapter 130.69.

Pursuant to Chapter 130.69, fee waivers or fee reductions may be granted for applicants that:

- Do not have insurance;
- The insurance company has denied payment of the permitting fees;
- The insurance company does not include the cost of permitting fees for repair or reconstruction; or
- The insurance company has approved only partial payment of the permitting fee, in which case, only the uncovered portion may be waived.

Since the Board's adoption of Urgency Ordinance 5150, the Department has received a number of

Caldor fee waiver requests and, of those, the majority of requests are for the waiver of fees for demolition permits, temporary mobile home permits, and temporary power permits. The Department has also received fee waiver requests from individuals that are ready to begin the rebuilding process. In the coming months, the Department anticipates that the volume of Caldor fee waiver requests will significantly increase, and with more individuals returning to their lots and weather conditions improving, rebuilding activities will also increase.

Though not originally identified during the development and adoption of Urgency Ordinance 5150, staff observed that upon receipt of Caldor fee waiver requests many of the Department's permit fees also include the required collection of State mandated Green Fees and SMIP Fees. These permits include Temporary Mobile Home permits, Residential Building permits, Non-Residential Building permits, Grading permits, Electrical permits, and Temporary Use permits. With the exception of Building permits (both residential and non-residential) and Grading permits, the Green Fees collected are \$1 for each permit. For Building permits (both residential and non-residential) and Grading permits, the Green Fees collected are based on valuation and are set at \$4 for every \$100,000 in valuation. SMIP fees are broken into two (2) categories: Category 1 being one (1) to three (3) story residential; and Category 2 being residential over three (3) story residential and all commercial. Similar to the Green Fees, SMIP Fees are based on project valuation. Category 1 fees are equal to the project valuation multiplied by a rate of \$.00013, and Category 2 fees are equal to the project valuation multiplied by a rate of \$.00028.

Based on staff's estimates of anticipated rebuilding activity, including all permits listed above, the estimated total amount of Green Fees and SMIP Fees required will not exceed \$25,000. This estimate may vary depending on the number of individuals or business owners that wish to rebuild. As the Green Fees and SMIP fees are State mandated and unable to be waived, the Department is proposing that the Board approve and authorize the use of Caldor Fire Relief Designation Funds to cover the payment of any Green Fees and SMIP Fees in lieu of requiring applicants to pay the Green Fees and SMIP for any permits that are waived or reduced pursuant to the criteria specified in Chapter 130.69. Additionally, the Department has worked with the County's Emergency Operations Center staff to pursue a waiver of the Green Fees and SMIP Fees at the State level; however, it was determined that this would be highly unlikely and in the event they would be waived, the timeline for doing so would likely be beyond that of the timeline specified in Urgency Ordinance 5150, thus providing no relief to those impacted and eligible for Caldor fee waivers.

Further, the Department is recommending that Board find that by doing so, a significant public benefit is derived through the expedited processing of Caldor fee waiver requests as well as a reduction in the amount of both the applicant's time and effort, and staff time spent processing the requests. If the applicants are required to pay the Green Fees and SMIP Fees, they would be required to either pay the fee at the time they submit their fee waiver request, or come back to the Department or make the payment online prior to the waiver being granted. It's also anticipated that applicants will be submitting multiple fee waiver requests as the rebuilding effort is likely to be completed in phases, which would require that they pay for the Green Fees and SMIP Fees on multiple occasions. As an example, if an applicant submits an application for a demo permit, Temporary RV (TRV), and temporary power, staff would need to collect the State required Green Fees of \$3.00. To rebuild a 2,000 square foot home, staff estimates that the average SMIP and Green Fees that would be required to be collected is approximately \$47.32. Given the small dollar amounts per applicant, the time and effort for an applicant to submit fees and the staff time and cost to intake and process the funds from an applicant, staff recommends the use of Caldor Fire Relief Designation Funds, thus

furthering the objective of simplifying and expediting the overall process.

ALTERNATIVES

The Board may choose not to approve the use of the Caldor Fire Relief Designation Funds to cover the cost of the State mandated Green Fees and SMIP Fees. This would result in applicants who meet the fee waiver requirements paying such fees prior to any Caldor fee waivers being approved, and would also increase the time in which Caldor fee waivers could be processed.

PRIOR BOARD ACTION

The Board has previously taken the following actions related to the Caldor Fire and applicable to the Department:

- September 10, 2021 (File No. 21-1469, Item No. 3) - Adoption of Urgency Ordinance 5150
- September 21, 2021 (File No. 21-1503, Item No. 33) - Creation of the Caldor Fire Relief Designation Funds
- November 2, 2021 (File No. 21-1722, Item No. 3) - Allocation of Caldor Fire Relief Designation Funds

OTHER DEPARTMENT / AGENCY INVOLVEMENT

N/A

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

It's estimated that the total amount of Green Fees and SMIP Fees, based on estimated rebuilding activities, will total less than \$25,000. On November 2, 2021, the Board approved allocating a portion of the Caldor Fire Relief Designation Funds to the Department to offset costs associated with expediting and processing building and planning permits for those affected by the Caldor Fire, including costs associated with the fee waivers authorized by Urgency Ordinance 5150. The Department has not yet seen the anticipated volume of Caldor fee waivers or permit application originally anticipated and, therefore, has not expended a significant portion of the Caldor funding that was allocated. For Fiscal Year (FY) 2021-22, the Department is proposing to use the originally allocated funding to cover the Green Fees and SMIP Fees required for building permits.

Beginning in FY 2022-23, the Department anticipates rebuilding activity will increase, which will also increase the amount of Green Fees and SMIP Fees required to be collected with each building permit. If the Department is not able to absorb these costs on an annual basis utilizing the allocated Caldor Fire Relief Designation Funds, the Department would return to the Board to request additional funding beyond what was previously allocated to cover the remaining Green Fees and SMIP Fees.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Good Governance, Healthy Communities, and Public Safety - As with the Urgency Ordinance 5150

for Caldor Fire Resiliency and Rebuilding, the County's payment of the Green Fees and SMIP Fees for those qualified for Caldor fee waivers supports the County's Strategic Plan goal of Good Governance by establishing standards and procedures to help expedite the interim housing of those affected by the Caldor Fire. By expediting this process, this also supports the County's Strategic Plan goals of Healthy Communities and Public Safety by providing quicker access to safe and permitted temporary housing.

CONTACT

Karen Garner, Director
Planning and Building Department