

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administrative Office	(2) MEETING DATE 9/13/2016	(3) CONTACT/PHONE Ron Alsop or Lisa Howe 781-5011	
(4) SUBJECT Request to review the need for continuing the Proclamation of Local Emergency related to the Chimney Fire pursuant to Government Code section 8630 and submittal of a resolution authorizing fee waivers for Chimney Fire reconstruction efforts. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Review the need for continuing the proclamation of local emergency dated August 20, 2016 and ratified by your Board on August 23, 2016 establishing the need to continue the Proclamation of Local Emergency and 2. Approve the resolution authorizing fee waivers required to re-establish fire damaged structures which have been built with a building permit or legally established (some structures built without a County building permit may be verified as legally established by Planning and Building through Assessors records). 			
(6) FUNDING SOURCE(S) General Fund support	(7) CURRENT YEAR FINANCIAL IMPACT \$342,517	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? No
(10) AGENDA PLACEMENT { } Consent { } Presentation { } Hearing (Time Est. ___) X Board Business (Time Est. 15 minutes)			
(11) EXECUTED DOCUMENTS { X } Resolutions { } Contracts { } Ordinances { } N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A { } 4/5 Vote Required X N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY Date: <u>August 23, 2016, Item 24</u>	
(17) ADMINISTRATIVE OFFICE REVIEW This item was prepared by the Administrative Office			
(18) SUPERVISOR DISTRICT(S) All Districts			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Administrative Office / Ron Alsop or Lisa Howe
781-5011

DATE: 9/13/2016

SUBJECT: Request to review the need for continuing the Proclamation of Local Emergency related to the Chimney Fire pursuant to Government Code section 8630 and submittal of a resolution authorizing fee waivers for Chimney Fire reconstruction efforts. All Districts.

RECOMMENDATION

It is recommended that the Board:

1. Review the need for continuing the Proclamation of Local Emergency dated August 20, 2016 and ratified by your Board on August 23, 2016 and
2. Approve the resolution authorizing fee waivers required to re-establish fire damaged structures which have been built with a building permit or legally established (some structures built without a County building permit may be verified as legally established by Planning and Building through Assessors records).

DISCUSSION

Background

On August 23, 2016, the Board of Supervisors ratified the Proclamation of Local Emergency made by the Director of Emergency Services on August 20, 2016 due to the Chimney Fire. Section 8630 of the California Government Code and County Code Chapter 2.80.070(2) require that the Board of Supervisors review the need for continuing the local emergency at least every 30 days until such emergency is terminated. The Board also directed staff to bring back to the Board the necessary information and actions needed in order to waive fees for those who lost structures as a result of the fire.

Due to the continuing response and recovery efforts by many jurisdictions and agencies throughout the county, it is recommended that the Proclamation of Local Emergency related to the Chimney Fire remain in effect. In addition to the local emergency, Governor Jerry Brown issued a Proclamation of a State of Emergency for San Luis Obispo County on August 15, 2016 due to the Chimney Fire.

Fee Waivers

Building Replacement Fees

As stated above, the Board directed staff to bring back necessary information and actions needed in order to waive fees for those who lost structures as a result of the fire. The local emergency proclamation allows for the Planning and Building Director and Public Works Director to implement building and related permit fee waivers per the County Fee Schedule. The County Planning and Building Department's adopted fee schedule (per footnote 5 on the schedule) states that "The Planning Director is authorized to waive land use, building and environmental review fees for applicants who are seeking to reconstruct legally constructed homes and other structures, including associated grading, that were destroyed as a result of a natural or manmade disaster, where the Board of Supervisors adopts a resolution declaring such a

disaster”.

The Public Works Department’s adopted fee schedule (per footnote 6 on the schedule) states that “The Director of Public Works, or his designee, is authorized to waive fees for applicants who are seeking to reconstruct legally constructed homes and other structures, including associated grading, that were destroyed as a result of a natural or manmade disaster, where the Board of Supervisors adopts a resolution declaring such a disaster”. However, it is not anticipated that there will be many, if any at all, permits processed through Public Works as most fire damage is on private property and does not appear to have damages that would require permits. The attached resolution would authorize County staff to waive all County fees required to re-establish Chimney fire damaged structures and accessories, such as wells, which have been built with a building permit or legally established (some structures built without a County building permit may be verified as legally established by Planning and Building through Assessors records). There are some minor State fees that cannot be waived and are shown in the second table.

The following provides a list of the various county fees that could be waived and potential financial impact if the Board authorizes the attached resolution. The current cost for each fee is shown in Attachment 7, A User’s Guide to Residential Permit Fees.

Proposed Chimney Fire Replacement Fees to be Waived	Potential Total Fee Amount (Based on 49 Residential structures)
Planning & Building	
Inspection Fees Plan Check Fee Well Potability Test (discount if on community water) Fire Sprinklers Recycling Plot Plan Review Addressing Fire Plan (County Fire Response Area) Public Facilities Fees - Fire Component Grading Permit	\$291,109 (\$5,740 for Construction and \$201 for Demo estimate per residential structure)
Public Works	
Intake, Review Drainage & Flood Hazard Review Encroachment (onto a County Road) Encroachment (bond) Road Fees	\$7,749 (\$158 Drainage and Flood Review estimate per residential structure)
Environmental Health Services Permits	
Water Well Construction Water Well Destruction New Underground Storage Tank Construction Underground Storage Tank Major Repair Underground Storage Tank Minor Repair Public Swimming Pool Minor Remodel Public Swimming Pool Major Remodel Retail Food Facility New Construction - Retail Markets/Restaurants/Bars/B & B/ Ag Homestay - less than 500 sq ft Retail Food Facility New Construction - Retail Markets/Restaurants/Bars/B & B/ Ag Homestay - 501-5000 sq. ft Retail Food Facility New Construction - Retail Markets/Restaurants/Bars/B & B/ Ag Homestay - 5001-10,000 sq ft Retail Food Facility New Construction - Retail Markets/Restaurants/Bars/B & B/ Ag Homestay - greater than 10,000 sq. ft Retail Markets/Restaurants/Bars/B & B/ Ag Homestay - Major Remodel Retail Markets/Restaurants/Bars/B & B/ Ag Homestay - Minor Remodel	\$43,659 (\$703 well permit and \$188 well destruction permit estimate per residential structure)
Total Estimate	\$342,517

The table below includes examples of common building fees that cannot be waived by the County.

Fees That Cannot Be Waived		Fee Amount
State Fees	SMIP Tax (Earthquake)	Ranges between \$9-\$51 depending on sf per residential structure
	BSAF (Bldg Standards)	Ranges between \$3-\$22 depending on sf per residential structure
School Fees	School Fees	\$3.60 per sq. ft. (Approximate for residential development) per residential structure <i>Paid to the school district in which your project is located. Proof of payment required at time of permit issuance.</i>

Copies of Vital Records - Clerk-Recorder

On August 15, 2016, Governor Brown proclaimed a State of Emergency due to the effects of the Chimney Fire. As part of the proclamation the Governor ordered that Health and Safety Code sections 103525.5 and 103625, and Penal Code section 14251, requiring the imposition of fees, are hereby suspended with regard to any request for copies of certificates of birth, death, marriage, and dissolution of marriage records, by any individual who lost such records as a result of the fire. Such copies shall be provided without charge.

Clerk-Recorder	Fee Amount
Copies of Vital Records - Birth	\$28.00
Copies of Vital Records - Death	\$21.00
Copies of Vital Records - Marriage	\$15.00

Chimney Fire Rebuild Process

For additional information related to Chimney Fire rebuilding please reference the following attached documents. These documents are also available from the Planning and Building Department.

- Chimney Fire Rebuild Frequently Asked Questions
- Chimney Fire Rebuild Steps
- Contact information for services related to the Chimney Fire
- Planning and Building – Fee Waiver Request Form
- Public Works – Fee Waiver Request Form
- A User’s Guide to Residential Permit Fees

County staff created these documents to help property owners navigate the Chimney Fire rebuild process. The attached Frequently Asked Questions document provides answers to questions and contact information for the Assessor’s Office, Planning and Building Department, Public Works Department, and County Environmental Health. The Chimney Fire Rebuild Steps attachment illustrates the steps of the process. If structures have been damaged/destroyed the first step for property owners is to contact the Assessor’s Office. They will be able to help property owners file for property tax relief and assist in researching/documenting the structures that were on the property.

Additional Considerations

825 Foot Floodage Easement- Monterey County Water Resources Agency

It is important to note that the Monterey County Water Resources Agency has a floodage easement over a number of properties surrounding Nacimiento. This floodage easement precludes construction which, when completed falls within the 825 foot floodage easement. Prior to the fire, there were some number of structures that were built within the 825 foot floodage easement. The Monterey County Water Resources Agency contacted Wade Horton, the Public Works Director requesting the County of San Luis Obispo’s attention to the 825 foot floodage easement as it reviews application to re-build damaged structures (Attachment 8).

OTHER AGENCY INVOLVEMENT/IMPACT

Copies of the Proclamation have been sent to the Governor's Office of Emergency Services.

County Counsel reviewed and approved the resolution as to form and legal effect.

Related to the fees and related rebuilding, discussion and involvement has included the Planning and Building Department, the Administrative Office, Public Health's Environmental Health Division, Public Works, the Assessor's Office, OES and the Monterey County Water Resources Agency.

FINANCIAL CONSIDERATIONS

Related to the Proclamation, there are no direct costs related to this request. While certain actions such as obtaining needed services or supplies related to the emergency is allowed due to the local emergency being in place, to date there have been no extraordinary costs as a result.

As shown in the table above, the estimated total potential fee waivers equal \$342,517. It is estimated that fee waivers for Planning and Building could be up to \$291,109. This is calculated based on all 49 of the reported residential dwellings and garages being rebuilt, based on an average 1,500 square foot dwelling, 400 square feet of garage and 220 square feet of porch. The estimated amount of total fees that would be waived for Public Works is \$7,749 based on a total of 49 Drainage and Flood Review fees. For Public Health, loss of fee revenue related to well permits could equal about \$891 each (\$703 well permit and \$188 well destruction permit if needed). It is unknown how many wells will require extensive repair or replacement. However, using the total reported number of 49 destroyed dwellings, if each one had a well and needed the permits, would total \$43,659.

The total does not include fee waivers for Copies of Vital Records as this is anticipated to be nominal.

RESULTS

Maintaining the Proclamation of Local Emergency will continue to allow for a more streamlined process for County resources to operate in order to necessary actions to mitigate the emergency and enhance recovery efforts. This authority includes streamlining the ability to obtain vital supplies, equipment, vehicles and such other property which are lacking and needed for the protection of life and property. It also allows for the ability for County staff to assist in work and tasks outside their normal scope of duties in the capacity of Disaster Service Workers under Government Code section 3100.

Continuing the proclamation and adopting the resolution provides a reaffirmation of the permit waivers authority by the Planning and Building Director and Public Works Director once a resolution issuing a local proclamation of emergency is issued by the Board of Supervisors. Adopting the resolution also ensures fee waivers for departments without such authorities.

ATTACHMENTS

1. Fee Waiver Resolution
2. Chimney Fire Rebuild Frequently Asked Questions
3. Chimney Fire Rebuild Steps
4. Contact information for services related to the Chimney Fire
5. Planning and Building – Fee Waiver Request Form
6. Public Works – Fee Waiver Request Form
7. A User's Guide to Residential Permit Fees
8. Monterey County Letter – 825 Foot Floodage Easement