

Exhibit A

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FIRE RECOVERY GUIDELINES:

Board Report

September 15, 2020

Adopt a Resolution:

- a. Approving Fire Recovery Guidelines for the River, Carmel and Dolan Fires to support the processing of permits for the rebuilding of structures destroyed or damaged by the three 2020 Fires for a 5-year period (September 15, 2025); and
- b. Authorizing the Director of Resource Management Agency to extend the five-year timeframe for applying these Guidelines, not to exceed September 15, 2030.

CEQA Action: Statutory Exemption: CEQA Guidelines Section 15269 (Emergency Projects)

..Report

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt the attached resolution:

- a. Approving Fire Recovery Guidelines for the River, Carmel and Dolan Fires to support the processing of permits for the rebuilding of structures destroyed or damaged by the three 2020 Fires for a 5-year period; and
- b. Authorizing the Director of Resource Management Agency to extend the 5-year timeframe for applying these Guidelines, not to exceed September 15, 2030.

PROJECT INFORMATION:

Project File Number: RRF

Project Locations:

River Fire- Pine Canyon and River Road, east of Salinas

Carmel Fire- Cachagua Road and Carmel Valley Road, south of Carmel

Dolan Fire- Highway 1 (MM 32.20) north of Limekiln State Park, 10 Miles south of Big Sur

At the time of preparing this report, one fire was not fully contained so other locations may ultimately be affected.

Planning Areas: Toro Area Plan, Cachagua Area Plan, Carmel Valley Master Plan, Big Sur Land Use Plan

SUMMARY/DISCUSSION:

Recovery from a disaster is a difficult one - particularly for property owners who have lost their homes and personal possessions. As a result, Monterey County has always made efforts to facilitate the rebuilding process, wherever practical. In prior disasters, the Board has adopted Fire Recovery Guidelines. Staff used the 2016 Soberanes guidelines as a template for the 2020 River, Carmel, and Dolan Fire Recovery Guidelines including:

- Establish an expedited permit process for those seeking to rebuild a structure or infrastructure (roads, wells, septic, utilities, etc) damaged or destroyed by the fire
- Provide guidance on permit fees whereby fees are not required up front. Permit fees to replace permitted and legal, non-conforming structures not

covered by insurance would be waived. Identify processing permits as a top priority. RMA has identified Freda Escobar as the primary point of contact to assist applicants through the process. Applications filed under these guidelines will receive special handling, including appurtenant permits such removal of hazardous trees. Voluntary action to permit formerly unpermitted development would receive priority processing through the regular County permit process separate from the Recovery Team.

Past events have demonstrated that it can take many years to get things in order, especially when the property was not insured. Staff is recommending that these guidelines sunset approximately five years from the date of adoption. Staff is also recommending authorizing the Director of the Resource Management Agency to extend the five-year timeframe, expiring on September 15, 2030, should rebuilding efforts require additional time beyond what can be currently anticipated. It does not appear that there is a need to adopt any additional measures at this time, but if specific rebuilding policy issues arise as we learn more about these sites, staff will return to the Board with recommended actions. See Attachment A for a detailed discussion

OTHER AGENCY INVOLVEMENT:

The following agencies/groups have reviewed the guidelines:

- Resource Management Agency (Planning, Environmental Services, Building Services, Public Works, Parks)
- Environmental Health Bureau
- County Counsel
- Assessor
- County Administrative Office
- Office of Emergency Services

FINANCING:

The proposed actions would result in loss of revenue to involved land use departments due to costs that would normally be recovered through fees for construction permits, and septic, well, and encroachment permits, where required.

As of the date of this report, it is too early to ascertain the value of related fee waivers, however for illustration purposes a rough estimate is provided below. As of August 28, 2020, 126 structures have been destroyed. Using a moderately sized home of 2,000 square feet as a basis for estimate, a construction permit to build such a structure costs approximately \$ 15,000. While \$1,335,000 could be used to as a rough estimate of the maximum potential cost of fee waivers, factors such as the number of homes vs. outbuildings (89 homes, 40 outbuildings), the percentage of insured vs. uninsured structures, permitted vs. unpermitted structures, the probability of rebuild vs. site abandonment, square footage of rebuilt structures, and compliance with construction permitting for rebuilding should all be taken into account when considering the true cost of fee waivers to the County. As more site specific rebuild information becomes available, more precise fiscal estimates will become feasible.

Staff will track time associated with processing related permits to identify costs associated with the disaster and seek reimbursement through the General Fund if needed. In some instances, property owner insurance policies may reimburse for permit costs, which may reduce impacts to department revenues and the General Fund.

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Approved by: Carl P. Holm, AICP, Director Resource Management Agency

Attachments:

Attachment A - Discussion

Attachment B - Draft Board Resolution

ATTACHMENT A - DISCUSSION

Fire Recover Guidelines for the 2020 River, Carmel and Dolan Fires are designed to balance the desires of property owners with the need for good land use and hazard mitigation planning. The result is a streamlined process for an applicant that ensures rebuilding occurs consistent with the regulatory system and minimizes future risks to residents.

The following matrix summarizes the central provisions of the Fire Rebuild Guidelines for the River, Carmel and Dolan Fires.

<u>Fire Rebuild Summary Matrix</u>	Permitted or Legal Non-Conforming	Unpermitted
Insured	<ul style="list-style-type: none"> • Expedited with Special Handling • No Fees Upfront • Eligible for Fee Waiver with Insurance Claim Rejection Letter 	<ul style="list-style-type: none"> • Expedited with Special Handling • No Fees Upfront • <u>NOT</u> Eligible for Fee Waiver • No penalty fee for work done without a permit
Uninsured	<ul style="list-style-type: none"> • Expedited with Special Handling • No Fees Upfront • Eligible for Fee Waiver with Uninsured Status Letter 	<ul style="list-style-type: none"> • Expedited with Special Handling • No Fees Upfront • <u>NOT</u> Eligible for Fee Waiver • No penalty fee for work done without a permit

Actions Being Taken by Staff

We envision using all current regulations and these guidelines, at the direction of the Board of Supervisors, to address the needs of homeowners and to address land management issues in the fire area. With some regulations already in place, staff initiated the post-fire recovery discussions.

Each land use department has committed to accelerating the permit process for replacement or repair permits for damaged or destroyed residences and related infrastructure. We have had detailed discussions with representatives of the permit reviewing agencies – RMA (Planning, Development Services, Public Works, Environmental Services) and Environmental Health Bureau - to address what needs to be done to provide an effective accelerated process for building permits to replace legal structures and infrastructure that were destroyed or damaged. There is also the intent to expedite permits for structures where no permits are on file, provided the proposed design meets regulatory requirements.

Structures with No Permits on File

In cases of unpermitted structures, we may discover that the supporting water system and sewage disposal system were also not permitted, the access to the property and related grading were not permitted or reviewed for adequacy by the fire agency, and related fees were not paid, including payment of school fees. Consistent with the suggested guiding principles stated later in this discussion, staff is recommending that unpermitted structures should not be eligible for fee waivers and need to demonstrate that they meet all regulatory requirements. Fee waiver consideration should be reserved for those owners who have already been through the permit process or had legal non-conforming structures. Where there are unpermitted structures, we would recommend the following:

1. Allow property owners to rebuild structures under the proposed guidelines.
2. In order to encourage voluntary action to permit formerly un-permitted development, staff could offer priority processing through the regular County permit process separate from the Recovery Team. This should be separate in order to best utilize special resources for legal and legal non-conforming conditions.

Based on our past experience, staff is recommending the following fundamental principles as the basis for considering post-disaster land use policies for this event, and these may be useful for others in the future:

Any special policies providing procedural and monetary relief should only apply to structures and infrastructure (e.g. roads, wells, spring boxes, etc.) that were legal, as defined below, at the time of the disaster. As always, County staff will work with owners of unpermitted structures to permit replacement of their residences, but such structures should be addressed in the context of the normal permit process, with the exception that we would expedite the permit process. The general goal for any such policies should be to allow for replacement for legal structures on a parcel, wherever possible, unless the site has been rendered unbuildable, or there is an alternative practical location on the property that can significantly reduce the impacts to sensitive resources or exposure of occupants to future safety risks. There are some instances where rebuilding is simply not possible due to the property, as a result of the disaster, no longer being a safe building location.

Legal, Defined

Legal means that the structure was either built and inspected with a building permit issued by the County or was a structure that existed prior to the County requiring building permits (a legal non-conforming structure). Information to address this question is readily available within existing records of several County Departments or agencies; however, not all records exist for permits issued since building permit requirements began in the 1950's. Some structures affected by the fires may not be shown in the County system. The County would determine if a damaged structure is legal. By standards of law and due process, the presumption is the structure is legal unless staff finds evidence the building was constructed without proper permits or approvals.

Fee Waivers

The question of permit fees is one that always arises following a disaster. In general terms, the fees associated with permits to rebuild fall into two basic categories – impact fees and permit fees. Impact fees, such as for schools and roads, can run into many thousands of dollars.

However, in most cases, impact fees would not be charged for rebuilding a permitted structure where impact fees had been paid. Such projects are generally exempt, unless additional square footage or bedrooms beyond what had previously existed are being added as part of the reconstruction. The logic for this exemption is that the in-kind rebuilding does not create new impacts to public infrastructure, nor new demands on public facilities, since the dwellings were already in existence. In addition, many owners have already paid impact fees with their original permit.

Permit fees, on the other hand, typically do apply, since the staff work involved to process a permit application and inspect a structure is virtually the same regardless of whether the application is for the original permit or a permit to replace a structure. In addition, insurance will generally cover the permit fees as part of the rebuilding costs. If not borne by the applicant, then the unfunded work associated with processing and inspecting these replacement buildings must be borne by the County General Fund. In other counties with similar situations, fees have either been waived (Riverside, San Diego, and El Dorado Counties) or reduced (Santa Cruz County).

Staff is recommending that permit fees should be waived for the reconstruction of units in the following categories, unless insurance would provide for coverage of County fees without adversely affecting the construction reimbursement amount:

- Replacement structures must meet the following criteria:
 - conform to all applicable zoning requirements; and
 - proposed for the same use as the destroyed structure; and
 - do not exceed the floor area, height, or bulk of the destroyed structure by more than 10%; and
 - Either site the destroyed structure in substantially the same location on the affected property or relocate the building site in a manner that better meets LCP policies and would meet all Coastal Implementation Plan requirements.

Any fees owed to the County for replacement of permitted or legal non-conforming structures shall not be subject to up-front payment. Any fee waiver would include all appurtenant permits, such as tree removal for hazardous trees, grading, well permits, septic permits, encroachment permits, address numbering applications, slope exceptions, temporary power, temporary occupancy, and any other County permits that might be needed. The fee waiver would not include a waiver of any environmental documents needed to rebuild or repair structure(s) for a property owner who has chosen to 1) relocate their building site, or 2) increase the structure size, beyond that described above.

Proposed Special Approaches to Facilitate Fire Rebuilding

In addition to the general policies discussed above, staff has reviewed the range of specific issues that may arise from rebuilding in the area affected by the fire; this process also included input from the various reviewing agencies. As a result of those discussions, the following issues have been identified.

The County currently has a waiver process to remove trees that pose hazard to life or structures. Certain species of trees recover well from fire (e.g.; oaks and redwoods), and no real potential hazard exists until/unless there is a structure on the property. Therefore, staff has included guidelines as part of the application to address requests for removing trees and/or vegetation. In addition, the application form includes a request for a planting/restoration plan that takes fuel modification into account as well as management of the forest resources.

New or replacement homes are typically required to prepare detailed evaluations of geologic and soils issues as part of the building permit process. The conclusions of such reports often impact the building site location as well as the design of the house and foundation. Geologic or geotechnical reports may have already been completed for some of the sites as part of earlier permits. This will provide important baseline information for rebuilding on these and other properties. Staff will need to work closely with owners to determine where this information will need to be supplemented. The focus of this overall effort will be to define a safe practical building site, while minimizing the level of additional technical studies.

Homes that were destroyed by the fire may be located within a FEMA-designated Special Flood Hazard Area (SFHA). Substantially damaged homes located in a SFHA are required to be constructed in accordance with *Regulations for Floodplains in Monterey County*, Chapter 16.16 of the County Code. As defined in the regulations, "substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. In this case, County staff will need to work closely with the applicant to ensure their home is designed and constructed in compliance with County floodplain regulations.

In the case of potable water and sewage disposal infrastructure, Monterey County Health Department, Environmental Health Bureau (EHB) will review each impacted property on a case-by-case basis to assure the protection of public health; but at the same time making every effort to process permits as quickly as possible. Legal Structures that are being replaced by like structures or being repaired will be allowed to reconnect to existing On-site Wastewater Treatment Systems (OWTS), assuming that no public health threat is identified. In addition, EHB will work with the disaster victims to establish short-term interim public health protection measures as needed to allow reoccupation of their property during the recovery period. The goal of EHB is to both protect public health and assist disaster victims to recover from the fire in the shortest possible time.

Rebuilding of a fire damaged OWTS will not be considered a "new" OWTS under the Monterey

County Local Agency Management Plan (LAMP). Any OWTS destroyed by the fires that were legally constructed (permitted) prior to adoption of the LAMP may be built back to the same size, specifications and standards at the time which the system was permitted (i.e.: like-for-like).

Sunset Provision

In the context of adopting any special policies in response to a disaster, consideration should also be given to including sunset provisions to ensure that rebuilding permits processed under special rules are issued in a timeframe that is reasonable for owners, but does not result in applications being made under special rules decades after the event has occurred. Past events have demonstrated that it can take years to get things in order, especially when the property was not insured. Staff is recommending that these guidelines sunset approximately five years from the date of adoption.

Staff is also recommending authorizing the Director of the Resource Management Agency to extend the five-year timeframe for an additional five years, should rebuilding efforts require additional time beyond what can be currently anticipated. This authority to extend the timeframe expires on September 15, 2030.

This recommendation is a preemptive measure designed to provide flexibility and responsiveness to fire victims should additional time be needed to finish rebuilding efforts. This will allow staff continue working with rebuild applicants who have demonstrated due diligence in rebuilding without delaying progress by needing to return to the Board of Supervisors to continue under the rebuild authority.

Additionally, it is foreseeable that the remote location of the fire may impede rebuild efforts more than can be anticipated at this time. The added flexibility with the sunset date will help staff accommodate this unknown with the result of more responsiveness to fire victims, in an expeditious manner.

Coordinating with Property Owners

Following the Board's consideration of this report and adoption of the proposed guidelines, staff will meet with the affected property owners to discuss the various issues regarding rebuilding, including the option of temporary occupancy. Staff will assemble a team that will be on call to address affected property owners' questions and concerns and to assist them with the application process. This team will also oversee the expedited process to address any issues that could delay an application's processing.

**ATTACHMENT B
RESOLUTION**

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. _____

Resolution of the Board of Supervisors:

- a. Approving Fire Recovery Guidelines to support the processing of permits for the rebuilding of structures destroyed or damaged by the 2020 River, Carmel and Dolan Fires for a 5-year period; and
- b. Authorizing the Resource Management Agency Director to extend the timeframe for applying these Guidelines
(REF ____/River, Carmel and Dolan Fires)

I. RECITALS

1. On August 16, 2020, the River fire started near Pine Canyon and River Road, east of Salinas, damaging or destroying many residences and outbuildings;
2. On August 18, 2020, the Carmel fire started near Cachagua Road and Carmel Valley Road, south of Carmel, damaging or destroying many residences and outbuildings;
3. On August 18, 2020, the Dolan fire started near Highway 1, (mile marker 32.20) north of Limekiln State Park, 10 miles south of Big Sur, currently, 3 structures have been destroyed.
4. On August 18, 2020 the County Administrative Officer executed a proclamation declaring a Local Emergency relating to the 2020 River, Carmel and Dolan Wildfires in Monterey County.
5. On August 18, 2020 the Board of Supervisors adopted a resolution confirming and ratifying the declaration of a Local Emergency relating to the 2020 River, Carmel and Dolan Wildfires in Monterey County.
6. On August 18, 2020, the Governor issued a Proclamation of a State of Emergency for Monterey County, specifically identifying the 2020 Monterey County Wildfires, which burned tens of thousands of acres of land, threatened thousands of homes and other structures and caused the evacuation of residents.
7. These fires and the related evacuations have caused a substantial financial hardship to those whose property were damaged from the fire and may contribute to a substantial loss of revenue to businesses in these areas.
8. The County anticipates that structures will be damaged or destroyed by natural disasters and includes regulations in the Coastal and Inland Zoning Ordinances to ensure that the process of rebuilding what was lost is not an onerous process.
9. The Coastal Zoning Regulations, in Section 20.70.120.H of Title 20 of the Monterey County

Code, include the following exemption from the requirement to obtain a Coastal Development Permit for conforming structures:

"The replacement of any structure, other than a public works facility, destroyed by natural disaster. Such replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10%, and shall be sited in the same location on the affected property as the destroyed structure. Structures which are destroyed by natural disaster in the Carmel Meadows and Carmel Point areas may be rebuilt to their original height and bulk of that existing prior to the disaster. Applicant shall provide proof of previous dimensions.

As used in this subdivision, "natural disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

As used in this subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure."

10. The Coastal Zoning Regulations, in Section 20.68.050 of Title 20, include the following language to address non-conforming uses and structures destroyed by natural disaster:

"20.68.050 DAMAGED OR DESTROYED LEGAL NONCONFORMING STRUCTURES.

If at any time any structure in existence at the time any provision of this Title becomes applicable to it, which does not conform to this Title, be damaged or destroyed by fire, explosion, act of God, or act of public enemy, the land and structure shall be subject to all the regulations specified by this Title for the district in which said land and structure are located, except that such structure may be rebuilt to a total floor area and volume not exceeding that of the structure destroyed and the use may continue as herein provided for nonconforming uses, if a Coastal Development Permit is first secured.

Replacement structures meeting the following criteria shall not require a Coastal Development Permit:

- 1. they conform to all of the applicable zoning requirements; and*
- 2. they are proposed for the same use as the destroyed structure; and*
- 3. they do not exceed the floor area, height, or bulk of the destroyed structure by more than 10%; and*
- 4. they are sited in substantially the same location on the affected property as the destroyed structure."*

11. The Inland Zoning Regulations, in Section 21.68.050 of Title 21 of the Monterey County Code, include the following language to address non-conforming uses and structures destroyed by natural disaster:

“21.68.050 - Damaged or destroyed legal nonconforming structures.

If at any time any structure in existence at the time any provision of this Title becomes applicable to it, which does not conform to this Title, be damaged or destroyed by fire, explosion, act of God, or act of public enemy, the land and structure shall be subject to all the regulations specified by this Title for the district in which said land and structure are located; except that such structure may be rebuilt to a total floor area and volume not exceeding that of the structure destroyed and the use may continue as herein provided for nonconforming uses, if a Use Permit is first secured.”

12. The Board of Supervisors adopted a Fee Waiver Resolution in August, 2000 (Revised Complete Board Order Resolution July 10, 2013), which waives fees in the following circumstance:

“Permit fees for the repair or reconstruction of property and structures damaged or destroyed by an act or event that has been declared a disaster by the Board of Supervisors where insurance is inadequate to pay the applicable fees.”
13. The rebuilding of the structures damaged or destroyed by the fire, without adequate review of the site and construction plans, could be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of such proposed use; or be detrimental or injurious to property and improvement in the neighborhood; or to the general welfare of the County.
14. To preserve the health, safety, and general welfare of the public and those that would reoccupy structures in the fire area, it is necessary for proposals to rebuild in these areas be reviewed by county staff for consistency with current regulations and safety standards.
15. These procedures are intended to establish minimum requirements to safeguard the public health, safety, and general welfare through structural strength, stability, and safety to life and property from fire and other hazards attributed to the built environment.
16. Constructing buildings to code will ensure the rebuilding of damaged structures will meet the minimum Building Code standards to protect the health, safety and general welfare of the occupants and the public.
17. The County has analyzed the financial implications of waiving fees for the reconstruction of these structures and identified that, should fees be waived to allow reconstruction, the source of funding for staff time to review, issue and inspect permits associated with the reconstruction would be the General Fund.
18. Past events have demonstrated that it can take many years to get things in order after a disaster, especially when the property was not insured. General guidelines sunset five years from the date of adoption, however to allow further time, the Board authorizes the Director of the Resource Management Agency to extend the five-year timeframe an additional five years, expiring on September 15, 2030, should rebuilding efforts require additional time beyond what can be currently anticipated.
19. The adoption of these guidelines is statutorily exempt from the California Environmental Quality Act (CEQA). Section 15269 of the CEQA Guidelines establishes a Statutory Exemption for Emergency Projects including, but not limited to, projects to maintain,

repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor.

II. DECISION

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby adopts the following Fire Recovery Guidelines for the River, Carmel and Dolan Fires to support the processing of permits for the rebuilding of structures destroyed or damaged by the Fire Incidents, including providing for fee waivers as described herein.

2020 Monterey County Fire Recovery Guidelines

General Guidance

1. All proposals to reconstruct or repair structures damaged or destroyed by the Fires of 2020 (“the River Fire, Carmel Fire, Dolan Fire”, or “the Fires”) shall be processed ahead of all projects outside the fire areas currently under review.
2. Rebuilding of a fire damaged On-Site Wastewater System (OWTS) will not be considered a “new” OWTS under the Monterey County Local Agency Management Plan (LAMP). Any OWTS destroyed by the fires that were legally constructed (permitted) prior to adoption of the LAMP may be built back to the same size, specifications and standards at the time which the system was permitted (i.e.: like-for-like).

Staff Assistance

1. The County designates Freda Escobar Resource Management Agency, (RMA) Permit Coordinator as the point of contact to ensure consistent and expeditious processing of all applications for reconstruction of destroyed or damaged structures resulting from the 2020 Fires. Each land use department, RMA-Planning, RMA- Building Services, RMA- Public Works, Environmental Services along with the Environmental Health Bureau of the Health Department, shall assign a staff member, creating a Recovery Team, to assist the property owners whose properties contained structures that were damaged or destroyed.
2. The Recovery Team shall conduct an in-office meeting with a property owner and their representatives as the top priority ahead of all other requests to the maximum extent feasible upon receiving a phone call for such a meeting.
3. RMA-Building Services and RMA-Planning, along with the Environmental Health Bureau, shall conduct a coordinated site visit for all proposed reconstruction of destroyed structures or for those damaged such that the foundation, water system, or septic systems have been damaged to the point of requiring replacement or substantial repair.
4. The Recovery Team shall coordinate reviews, site visits, and inspections with the

appropriate local fire agency to ensure that the site is safe for entry, temporary residences, debris removal, construction, and habitation.

Reentry

1. Prior to County employees traveling to sites damaged by the fires, safety clearance shall be provided by the appropriate agency, including the fire department, incident command, Environmental Health Bureau, or law enforcement agencies.
2. County teams sent out to allow entry to a site shall assess the safety of access to the site, the integrity of the building site, and the stability of soils and vegetation.
3. County teams sent out to analyze site reconstruction or repair shall assess the soil and slope stability characteristics, water system integrity, feasibility of reusing the septic system, identify potential inconsistencies with County policies relating to health and safety, and determine whether the reconstruction or repair proposed can be carried out in a manner meeting the requirements of the applicable Zoning Ordinance, building and fire codes, and all applicable health regulations.
4. The County may request expert assistance to assess the safety of entry, damage assessment, demolition, construction, temporary habitation, or permanent habitation of these sites at the property owner's expense.
5. Subsequent to Reentry steps numbers 1 through 4, or in conjunction with those site assessments, the County Recovery Team shall visit each site to assess potential issues related to rebuilding structures or allowing temporary residences. Any Land Use Advisory Committee activities that include a site visit shall occur only after the County has determined that the site appears safe pursuant to Reentry steps numbers 1 through 4.
6. Temporary residences will be allowed subject to the following:
 - a. The Building Official must determine that the structure has been destroyed or is otherwise uninhabitable.
 - b. The residence that was damaged or destroyed was a legal residence.
 - c. The temporary residence will be located at or near the destroyed residence and will not involve major earthmoving, disturbance to archaeological or other sensitive resources, or be in an area deemed to be unsafe by the Building Official.
 - d. The property owner enters into an agreement with the County guaranteeing that the temporary residence will be removed from the property, or have the utilities disconnected in the case of a Recreational Vehicle or Trailer, following completion of a permanent residence or within three (3) years, whichever is sooner.
 - e. The temporary residence must be connected to onsite wastewater treatment and water systems acceptable to the Environmental Health Bureau prior to occupancy unless interim measures are in place to provide potable water and manage wastewater in a healthful and sanitary manner acceptable to the EHB. Examples may include the use of chemical toilets, or temporary wastewater or water tanks that conform with industry standards, with routine maintenance/service guaranteed by a service contract with a qualified professional.

- f. The property must be properly addressed and signed at the site pursuant to the requirements of the Fire Department.
- g. For mobile homes, California Department of Housing and Community Development approved foundation systems or other engineered foundation systems approved by RMA-Building Services is required.
- h. All required building inspections must be obtained, and a final occupancy inspection be conducted prior to occupancy.

Recovery

1. DAMAGED OR DESTROYED STRUCTURES – PERMIT FEES

Applications to repair, demolish, reconstruct or rebuild any permitted or legal non-conforming structure damaged or destroyed by the Fire, as listed in Section 1(a) Fire Recovery Categories, shall not pay fees at the time of submittal. Additionally, all appurtenant permits, such as tree removal for hazardous trees, grading, well permits, water system permits, septic permits, onsite waste water system permits, permits for storage and/or disposal of hazardous materials and hazardous waste, encroachment permits, address numbering applications, slope exceptions, temporary power, temporary occupancy, and any other permits that might be needed to bring any structure or parcel back to its original condition shall not be subject to up-front fees.

Fees covered under this section include all County land use fees including RMA-Planning, RMA-Building Services, RMA-Environmental Services, RMA-Revenue Services, Environmental Health Bureau and County Counsel.

1(a) FIRE RECOVERY CATEGORIES

- o Rebuilding of a non-conforming use pursuant to Section 20.68.050 or 21.68.050; or
- o Meets the requirements for an exemption found in Section 20.70.120.H; or
- o A relocated building site would better meet policies (General Plan, Local Coastal Program Land Use Plan) and would meet all Zoning (Coastal Implementation Plan) requirements.

2. PERMITTED OR LEGAL NON-CONFORMING STRUCTURES - INSURED

Permit fees related to repair, demolition, or reconstruction of an insured, permitted structure damaged or destroyed by the Fire, as listed in Section 1(a). Fire Recovery Categories, are eligible for waiver, as described below. Additionally, all appurtenant permits, such as tree removal for hazardous trees, grading, well permits, septic permits, encroachment permits, address numbering applications, slope exceptions, temporary power, temporary occupancy, and any other permits that might be needed to bring an insured structure or parcel back to its original permitted condition are eligible for waiver, as described below.

The County, through its RMA-Permit Center, will waive permit fees related to repair, demolition, or reconstruction of an insured, permitted structure damaged or destroyed by the Fire or appurtenant permits needed to bring an insured, permitted structure or parcel back to its original condition according to the following steps:

- 1) Applicant does not pay fees upfront at permit initialization or issuance. Applicant is issued a fee invoice to submit to insurance carrier. A hold is placed on the permit record preventing final inspection until settlement of fees.
- 2) Applicant submits fees as a claim to insurance carrier.
- 3) Insurance carrier processes claim.

- 4) Applicant remits any fees covered by insurance carrier to RMA-Permit Center prior to final inspection.
- 5) Applicant submits fee waiver request form for any fees not covered by insurance carrier prior to final inspection. Applicant must submit insurance carrier claim rejection letter at time of fee waiver request.
- 6) Once fees are remitted and/or fee waiver is approved, the hold on final inspection is removed, allowing final inspection to proceed.

3. PERMITTED OR LEGAL NON-CONFORMING STRUCTURES - UNINSURED

Permit fees related to repair, demolition, or reconstruction of an uninsured, permitted structure damaged or destroyed by the Fire, as listed in Section 1(a). Fire Recovery Categories, are eligible for waiver, as described below. Additionally, all appurtenant permits, such as tree removal for hazardous trees, grading, well permits, septic permits, encroachment permits, address numbering applications, slope exceptions, temporary power, temporary occupancy, and any other permits that might be needed to bring an uninsured, permitted structure or parcel back to its original condition are eligible for waiver, as described below.

The County, through its RMA-Permit Center, will waive permit fees related to repair, demolition, or reconstruction of an uninsured, permitted structure damaged or destroyed by the Fire or appurtenant permits needed to bring an uninsured, permitted structure or parcel back to its original condition according to the following steps:

- 1) Applicant does not pay fees upfront at permit initialization or issuance.
- 2) Applicant is issued a fee invoice. A hold is placed on the permit record preventing final inspection until settlement of fees.
- 3) Applicant submits fee waiver request form along with a letter to RMA-Permit Center detailing the uninsured status of the structure.
- 4) Once fee waiver is approved, the hold on final inspection is removed, allowing final inspection to proceed.

4. UNPERMITTED STRUCTURES

Permit fees related to repair, demolition, or reconstruction of an unpermitted structure damaged or destroyed by the Fire, as listed in Section 1(a) Fire Recovery Categories, are not eligible for waiver. Additionally, all appurtenant permits, such as tree removal for hazardous trees, grading, well permits, septic permits, encroachment permits, address numbering applications, slope exceptions, temporary power, temporary occupancy, and any other permits that might be needed to bring an unpermitted structure or parcel back to its original condition are not eligible for waiver.

The County, through its RMA-Permit Center, will process fee payment related to repair, demolition, or reconstruction of unpermitted structures damaged or destroyed by the Fire or appurtenant permits needed to bring unpermitted structures or parcel back to its original condition according to the following steps:

- 1) Applicant does not pay fees upfront at permit initialization (submittal).
- 2) Applicant is issued a fee invoice to submit to insurance carrier (if insured). A hold is placed on the permit record preventing final inspection until settlement of fees.
- 3) Applicant remits any fees due to RMA-Permit Center prior to final inspection.
- 4) Once fees are remitted, the hold on final inspection is removed, allowing final inspection to proceed.

All permits to repair, demolish, reconstruct or rebuild unpermitted structures damaged or destroyed by the Fire, as listed in Section 1(a) Fire Recovery Categories, shall not be subject to fee surcharges applied to work done without a permit.

5. Fees waivers do not include a waiver of any environmental documents needed to rebuild or repair structure(s) for a property owner who has chosen to 1) relocate their building site, 2) increase the structure size, beyond that allowed by Monterey County Code Sections 20.68.050, or 20.70.120.H, or 3) permit structures that had not received permits.
6. In the event of a conflict between, on the one hand, the fees and fee waiver policies previously adopted by the Board of Supervisors and, on the other hand, the fee and fee waiver provisions of these 2020 Fire Recovery Guidelines, these Guidelines prevail.
7. Any proposal to modify, alter, replace, or add onto a structure damaged or destroyed by the Fire shall undergo a regular permit process as outlined in the Monterey County Code, unless it meets the exemptions found in Monterey County Code Sections 21.68.050, 20.68.050 or 20.70.120.H. All permits for reconstruction or repair shall be expedited by the Recovery Team. Any proposed structure not meeting these exemptions will be subject to meeting all requirements of the Monterey County Code.
8. The property owner shall provide sufficient information to determine the property location, access route, size and location of structures, and details regarding the water system, septic system, and utilities.
9. The information required to be included in the submittal package shall be as determined by the Recovery Team for any particular property. A typical submittal list shall be prepared for all properties and shall disclose which reports are at the discretion of the Recovery Team. Any proposal to build outside the pre-existing footprint, or on sites where unique circumstances could cause adverse impacts to health, safety, or resources, may be subject to additional studies.
10. Tree removal shall be subject to a determination that the proposal is consistent with applicable policies and all findings required by the applicable ordinance can be made.
11. All structures proposed to be reconstructed, repaired in a manner altering its appearance, or where the repaired structure includes a proposed addition, or contains a non-conforming use meeting the requirements of Sections 21.68.050, 20.68.050 or 20.70.120.H, shall be processed as a Design Approval. Design review shall be limited to compliance with these guidelines.
12. The Building Code establishes requirements for foundation and soils investigation reports for all new building and structures. Upon written request from the designer of record, the Building Official may consider requests for modification of requirements when special individual reasons exist that make these requirements not necessary to obtain compliance with California Building Standards Code.
13. Pursuant to state law, all new buildings and structures and alteration or repairs to existing building and structures shall comply with the current California Code of Regulations, including the California Building Standards Code with such modifications as County has adopted, and all governing local rules and policies in place at the time plans are submitted.

14. Applications to reconstruct or repair structures must be submitted by September 15, 2030 to qualify under these guidelines.

BE IT FURTHER RESOLVED that these guidelines and the provisions contained herein shall expire on September 15, 2025, unless otherwise extended by the Resource Management Agency Director, not to exceed September 15, 2030.

PASSED AND ADOPTED on this 15th day of September 2020, upon motion of Supervisor _____, seconded by Supervisor _____, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book _____ for the meeting on _____.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy



Monterey County Board of Supervisors

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Board Order

Upon motion of Supervisor Potter, seconded by Supervisor Salinas and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution 16-224 to:

- a. Approve Soberanes Fire Recovery Guidelines to support the processing of permits for the rebuilding of structures destroyed or damaged by the 2016 Soberanes/Chimney Fire for a 5-year period; and
- b. Authorize the Director of Resource Management Agency to extend the five-year timeframe for applying these Guidelines, not to exceed August 31, 2026.

PASSED AND ADOPTED on this 23rd day of August 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter
NOES: None
ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 79 for the meeting on August 23, 2016.

Dated: September 7, 2016
File ID: RES 16-047

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By *Dennis Hancock*
Deputy

Before the Board of Supervisors in and for the County of Monterey, State of California

Resolution No. 16-224

- Resolution of the Board of Supervisors:)
- a. Approving Fire Recovery Guidelines to support the processing of permits for the rebuilding of structures destroyed or damaged by the 2016 Soberanes/Chimney Fire for a 5-year period; and)
- b. Authorizing the Resource Management Agency Director to extend the timeframe for applying these Guidelines.....)
(REF160050/Soberanes/Chimney Fire))

I. RECITALS

1. July 22, 2016, a fire started near the Soberanes Creek area of Garrapata State Park, damaging or destroying many residences and outbuildings.
2. On July 23, 2016, the County Administrative Officer executed a proclamation declaring a Local Emergency relating to the 2016 Soberanes Wildfire in Monterey County.
3. On July 26, 2016, the Board of Supervisors adopted a resolution confirming and ratifying the declaration of a Local Emergency relating to the 2016 Soberanes Wildfire in Monterey County.
4. On July 26, 2016, the Acting Governor issued a Proclamation of a State of Emergency for Monterey County, specifically identifying the 2016 Soberanes/Chimney Fire, which burned tens of thousands of acres of land, threatened thousands of homes and other structures and caused the evacuation of residents.
5. This fire and the related evacuations have caused a substantial financial hardship to those whose property were damaged from the fire and may contribute to a substantial loss of revenue to businesses in these areas.
6. The County anticipates that structures will be damaged or destroyed by natural disasters and includes regulations in the Coastal and Inland Zoning Ordinances to ensure that the process of rebuilding what was lost is not an onerous process.
7. The Coastal Zoning Regulations, in Section 20.70.120.H of Title 20 of the Monterey County Code, include the following exemption from the requirement to obtain a Coastal Development Permit for conforming structures:

“The replacement of any structure, other than a public works facility, destroyed by natural disaster. Such replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10%, and shall be sited in the same location on the affected property as the destroyed structure. Structures which are destroyed by natural disaster in the Carmel Meadows and Carmel Point areas may be rebuilt to their original height and

bulk of that existing prior to the disaster. Applicant shall provide proof of previous dimensions.

As used in this subdivision, "natural disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

As used in this subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure."

8. The Coastal Zoning Regulations, in Section 20.68.050 of Title 20, include the following language to address non-conforming uses and structures destroyed by natural disaster:

"20.68.050 DAMAGED OR DESTROYED LEGAL NONCONFORMING STRUCTURES.

If at any time any structure in existence at the time any provision of this Title becomes applicable to it, which does not conform to this Title, be damaged or destroyed by fire, explosion, act of God, or act of public enemy, the land and structure shall be subject to all the regulations specified by this Title for the district in which said land and structure are located, except that such structure may be rebuilt to a total floor area and volume not exceeding that of the structure destroyed and the use may continue as herein provided for nonconforming uses, if a Coastal Development Permit is first secured.

Replacement structures meeting the following criteria shall not require a Coastal Development Permit:

- 1. they conform to all of the applicable zoning requirements; and*
- 2. they are proposed for the same use as the destroyed structure; and*
- 3. they do not exceed the floor area, height, or bulk of the destroyed structure by more than 10%; and*
- 4. they are sited in substantially the same location on the affected property as the destroyed structure."*

9. The Inland Zoning Regulations, in Section 21.68.050 of Title 21 of the Monterey County Code, include the following language to address non-conforming uses and structures destroyed by natural disaster:

"21.68.050 - Damaged or destroyed legal nonconforming structures.

If at any time any structure in existence at the time any provision of this Title becomes applicable to it, which does not conform to this Title, be damaged or destroyed by fire, explosion, act of God, or act of public enemy, the land and structure shall be subject to all the regulations specified by this Title for the district in which said land and structure are located; except that such structure may be rebuilt to a total floor area and volume not exceeding that of the structure destroyed and the use may continue as herein provided for

nonconforming uses, if a Use Permit is first secured.”

10. The Board of Supervisors adopted a Fee Waiver Resolution in August, 2000 (Revised Complete Board Order Resolution July 10, 2013), which waives fees in the following circumstance:

“Permit fees for the repair or reconstruction of property and structures damaged or destroyed by an act or event that has been declared a disaster by the Board of Supervisors where insurance is inadequate to pay the applicable fees.”

11. The rebuilding of the structures damaged or destroyed by the fire, without adequate review of the site and construction plans, could be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of such proposed use; or be detrimental or injurious to property and improvement in the neighborhood; or to the general welfare of the County.
12. To preserve the health, safety, and general welfare of the public and those that would reoccupy structures in the fire area, it is necessary for proposals to rebuild in these areas be reviewed by county staff for consistency with current regulations and safety standards.
13. These procedures are intended to establish minimum requirements to safeguard the public health, safety, and general welfare through structural strength, stability, and safety to life and property from fire and other hazards attributed to the built environment.
14. Constructing buildings to code will ensure the rebuilding of damaged structures will meet the minimum Building Code standards to protect the health, safety and general welfare of the occupants and the public.
15. The County has analyzed the financial implications of waiving fees for the reconstruction of these structures and identified that, should fees be waived to allow reconstruction, the source of funding for staff time to review, issue and inspect permits associated with the reconstruction would be the General Fund.
16. The adoption of these guidelines is statutorily exempt from the California Environmental Quality Act (CEQA). Section 15269 of the CEQA Guidelines establishes a Statutory Exemption for Emergency Projects including, but not limited to, projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor.

II. DECISION

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby adopts the following Soberanes/Chimney Fire Recovery Guidelines to support the processing of permits for the rebuilding of structures destroyed or damaged by the Fire Incident, including providing for fee waivers as described herein.

Soberanes/Chimney Fire Recovery Guidelines

General Guidance

1. All proposals to reconstruct or repair structures damaged or destroyed by the Soberanes/Chimney Fire of 2016 (“the Soberanes/Chimney Fire” or “the Fire”) shall be processed ahead of all projects outside the fire areas currently under review.

Staff Assistance

1. The County designates the Resource Management Agency (RMA) Permit Coordinator as the point of contact to ensure consistent and expeditious processing of all applications for reconstruction of destroyed or damaged structures resulting from the Soberanes/Chimney Fire. Each land use department, RMA-Planning, RMA- Building Services, RMA-Public Works, Environmental Health Bureau, and Water Resources Agency, shall assign a staff member, creating a Recovery Team, to assist the property owners whose properties contained structures that were damaged or destroyed.
2. The Recovery Team shall conduct an in-office meeting with a property owner and their representatives as the top priority ahead of all other requests to the maximum extent feasible upon receiving a phone call for such a meeting.
3. RMA-Building Services and RMA-Planning, along with the Environmental Health Bureau, shall conduct a coordinated site visit for all proposed reconstruction of destroyed structures or for those damaged such that the foundation, water system, or septic systems have been damaged to the point of requiring replacement or substantial repair.
4. The Recovery Team shall coordinate reviews, site visits, and inspections with the appropriate local fire agency to ensure that the site is safe for entry, temporary residences, debris removal, construction, and habitation.

Reentry

1. Prior to County employees traveling to sites damaged by the fires, safety clearance shall be provided by the appropriate agency, including the fire department, incident command, Environmental Health Bureau, or law enforcement agencies.
2. County teams sent out to allow entry to a site shall assess the safety of access to the site, the integrity of the building site, and the stability of soils and vegetation.
3. County teams sent out to analyze site reconstruction or repair shall assess the soil and slope stability characteristics, water system integrity, feasibility of reusing the septic system, identify potential inconsistencies with County policies relating to health and safety, and determine whether the reconstruction or repair proposed can be carried out in a manner meeting the requirements of the applicable Zoning Ordinance, building and fire codes, and all applicable health regulations.
4. The County may request expert assistance to assess the safety of entry, damage assessment, demolition, construction, temporary habitation, or permanent habitation of these sites at the property owner’s expense.
5. Subsequent to Reentry steps numbers 1 through 4, or in conjunction with those site assessments, the County Recovery Team shall visit each site to assess potential issues related to rebuilding structures or allowing temporary residences. Any Land Use Advisory Committee activities that include a site visit shall occur only after the County has determined

that the site appears safe pursuant to Reentry steps numbers 1 through 4.

6. Temporary residences will be allowed subject to the following:

- a. The Building Official must determine that the structure has been destroyed or is otherwise uninhabitable.
- b. The residence that was damaged or destroyed was a legal residence.
- c. The temporary residence will be located at or near the destroyed residence and will not involve major earthmoving, disturbance to archaeological or other sensitive resources, or be in an area deemed to be unsafe by the Building Official.
- d. The property owner enters into an agreement with the County guaranteeing that the temporary residence will be removed from the property, or have the utilities disconnected in the case of a Recreational Vehicle or Trailer, following completion of a permanent residence or within three (3) years, whichever is sooner.
- e. The temporary residence must be connected to septic and water systems acceptable to the Environmental Health Bureau prior to occupancy.
- f. The property must be properly addressed and signed at the site pursuant to the requirements of the Fire Department and the County.
- g. For mobile homes, California Department of Housing and Community Development approved foundation systems or other engineered foundation systems approved by RMA-Building Services is required.
- h. All required building inspections must be obtained, and a final occupancy inspection be conducted prior to occupancy.

Recovery

1. DAMAGED OR DESTROYED STRUCTURES – PERMIT FEES

Applications to repair, demolish, reconstruct or rebuild any permitted or legal non-conforming structure damaged or destroyed by the Fire, as listed in Section 1(a) Fire Recovery Categories, shall not pay fees at the time of submittal. Additionally, all appurtenant permits, such as tree removal for hazardous trees, grading, well permits, septic permits, onsite waste water system permits, permits for storage and/or disposal of hazardous materials and hazardous waste, encroachment permits, address numbering applications, slope exceptions, temporary power, temporary occupancy, and any other permits that might be needed to bring any structure or parcel back to its original condition shall not be subject to up-front fees.

Fees covered under this section include all County land use fees including RMA-Planning, RMA-Building Services, RMA-Environmental Services, RMA-Revenue Services, Environmental Health Bureau, County Counsel, and Water Resources Agency.

1(a) FIRE RECOVERY CATEGORIES

- Rebuilding of a non-conforming use pursuant to Section 20.68.050 or 21.68.050; or
- Meets the requirements for an exemption found in Section 20.70.120.H; or
- A relocated building site would better meet policies (General Plan, Local Coastal Program Land Use Plan) and would meet all Zoning (Coastal Implementation Plan) requirements.

2. PERMITTED OR LEGAL NON-CONFORMING STRUCTURES - INSURED

Permit fees related to repair, demolition, or reconstruction of an insured, permitted structure damaged or destroyed by the Fire, as listed in Section 1(a). Fire Recovery Categories, are eligible for waiver, as described below. Additionally, all appurtenant permits, such as tree removal for hazardous trees, grading, well permits, septic permits, encroachment permits, address numbering applications, slope exceptions, temporary power, temporary occupancy, and any other permits that might be needed to bring an insured structure or parcel back to its original permitted condition are eligible for waiver, as described below.

The County, through its RMA-Permit Center, will waive permit fees related to repair, demolition, or reconstruction of an insured, permitted structure damaged or destroyed by the Fire or appurtenant permits needed to bring an insured, permitted structure or parcel back to its original condition according to the following steps:

- 1) Applicant does not pay fees upfront at permit initialization or issuance. Applicant is issued a fee invoice to submit to insurance carrier. A hold is placed on the permit record preventing final inspection until settlement of fees.
- 2) Applicant submits fees as a claim to insurance carrier.
- 3) Insurance carrier processes claim.
- 4) Applicant remits any fees covered by insurance carrier to RMA-Permit Center prior to final inspection.
- 5) Applicant submits fee waiver request form for any fees not covered by insurance carrier prior to final inspection. Applicant must submit insurance carrier claim rejection letter at time of fee waiver request.
- 6) Once fees are remitted and/or fee waiver is approved, the hold on final inspection is removed, allowing final inspection to proceed.

3. PERMITTED OR LEGAL NON-CONFORMING STRUCTURES - UNINSURED

Permit fees related to repair, demolition, or reconstruction of an uninsured, permitted structure damaged or destroyed by the Fire, as listed in Section 1(a). Fire Recovery Categories, are eligible for waiver, as described below. Additionally, all appurtenant permits, such as tree removal for hazardous trees, grading, well permits, septic permits, encroachment permits, address numbering applications, slope exceptions, temporary power, temporary occupancy, and any other permits that might be needed to bring an uninsured, permitted structure or parcel back to its original condition are eligible for waiver, as described below.

The County, through its RMA-Permit Center, will waive permit fees related to repair, demolition, or reconstruction of an uninsured, permitted structure damaged or destroyed by the Fire or appurtenant permits needed to bring an uninsured, permitted structure or parcel back to its original condition according to the following steps:

- 1) Applicant does not pay fees upfront at permit initialization or issuance.
- 2) Applicant is issued a fee invoice. A hold is placed on the permit record preventing final inspection until settlement of fees.
- 3) Applicant submits fee waiver request form along with a letter to RMA-Permit Center detailing the uninsured status of the structure.
- 4) Once fee waiver is approved, the hold on final inspection is removed, allowing final inspection to proceed.

4. UNPERMITTED STRUCTURES

Permit fees related to repair, demolition, or reconstruction of an unpermitted structure damaged or destroyed by the Fire, as listed in Section 1(a) Fire Recovery Categories, are not eligible for

waiver. Additionally, all appurtenant permits, such as tree removal for hazardous trees, grading, well permits, septic permits, encroachment permits, address numbering applications, slope exceptions, temporary power, temporary occupancy, and any other permits that might be needed to bring an unpermitted structure or parcel back to its original condition are not eligible for waiver.

The County, through its RMA-Permit Center, will process fee payment related to repair, demolition, or reconstruction of unpermitted structures damaged or destroyed by the Fire or appurtenant permits needed to bring unpermitted structures or parcel back to its original condition according to the following steps:

- 1) Applicant does not pay fees upfront at permit initialization (submittal).
- 2) Applicant is issued a fee invoice to submit to insurance carrier (if insured). A hold is placed on the permit record preventing final inspection until settlement of fees.
- 3) Applicant remits any fees due to RMA-Permit Center prior to final inspection.
- 4) Once fees are remitted, the hold on final inspection is removed, allowing final inspection to proceed.

All permits to repair, demolish, reconstruct or rebuild unpermitted structures damaged or destroyed by the Fire, as listed in Section 1(a) Fire Recovery Categories, shall not be subject to fee surcharges applied to work done without a permit.

5. Fees waivers do not include a waiver of any environmental documents needed to rebuild or repair structure(s) for a property owner who has chosen to 1) relocate their building site, 2) increase the structure size, beyond that allowed by Monterey County Code Sections 20.68.050, or 20.70.120.H, or 3) permit structures that had not received permits.
6. In the event of a conflict between, on the one hand, the fees and fee waiver policies previously adopted by the Board of Supervisors and, on the other hand, the fee and fee waiver provisions of these Soberanes/Chimney Fire Recovery Guidelines, these Guidelines prevail.
7. Any proposal to modify, alter, replace, or add onto a structure damaged or destroyed by the Fire shall undergo a regular permit process as outlined in the Monterey County Code, unless it meets the exemptions found in Monterey County Code Sections 21.68.050, 20.68.050 or 20.70.120.H. All permits for reconstruction or repair shall be expedited by the Recovery Team. Any proposed structure not meeting these exemptions will be subject to meeting all requirements of the Monterey County Code.
8. The property owner shall provide sufficient information to determine the property location, access route, size and location of structures, and details regarding the water system, septic system, and utilities.
9. The information required to be included in the submittal package shall be as determined by the Recovery Team for any particular property. A typical submittal list shall be prepared for all properties and shall disclose which reports are at the discretion of the Recovery Team. Any proposal to build outside the pre-existing footprint, or on sites where unique circumstances could cause adverse impacts to health, safety, or resources, may be subject to additional studies.
10. Tree removal shall be subject to a determination that the proposal is consistent with applicable

policies and all findings required by the applicable ordinance can be made.

11. All structures proposed to be reconstructed, repaired in a manner altering its appearance, or where the repaired structure includes a proposed addition, or contains a non-conforming use meeting the requirements of Sections 21.68.050, 20.68.050 or 20.70.120.H, shall be processed as a Design Approval. Design review shall be limited to compliance with these guidelines.
12. The Building Code establishes requirements for foundation and soils investigation reports for all new building and structures. Upon written request from the designer of record, the Building Official may consider requests for modification of requirements when special individual reasons exist that make these requirements not necessary to obtain compliance with California Building Standards Code.
13. Pursuant to state law, all new buildings and structures and alteration or repairs to existing building and structures shall comply with the current California Code of Regulations, including the California Building Standards Code with such modifications as County has adopted, and all governing local rules and policies in place at the time plans are submitted.
14. Applications to reconstruct or repair structures must be submitted by September 1, 2021 to qualify under these guidelines.

BE IT FURTHER RESOLVED that these guidelines and the provisions contained herein shall expire on August 31, 2021, unless otherwise extended by the Resource Management Agency Director, not to exceed August 31, 2026.

PASSED AND ADOPTED upon motion of Supervisor Potter, seconded by Supervisor Salinas carried this 23rd day of August 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 79 for the meeting on August 23, 2016.

Dated: August 30, 2016
File Number: RES 16-047

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy

Pfeiffer Fire Recovery Guidelines

General Guidance

1. All proposals to reconstruct or repair structures damaged or destroyed by the Pfeiffer Fire of 2013 shall be processed ahead of all projects outside the fire areas currently under review.
2. All damaged or destroyed structures, for which the county has no record, shall be presumed to be a legal structure unless the County has evidence to the contrary.
3. Tree removal shall be subject to a determination that the tree is hazardous to structures (as determined by the fire authority) or proposal is consistent with applicable policies and all findings required by the applicable ordinance can be made.
4. Inquiries related to repair or reconstruction of structures damaged or destroyed by the Pfeiffer Fire should be directed to Joe Sidor at 755-5200, as the initial point of contact for the County Recovery Team consisting of RMA-Planning, RMA-Building Services, RMA-Public Works, Environmental Health Bureau, and Monterey County Water Resources Agency.
5. County Recovery Team members shall meet with a property owner and their representatives within two working days of receiving a phone call for such a meeting, including a site visit if requested.

Reentry/Recovery

1. Upon clearance from the appropriate local fire agency, the County Recovery Team shall visit each site to assess potential issues related to rebuilding structures and/or allowing temporary residences.
2. The County Recovery Team shall identify potential inconsistencies with County policies relating to health and safety, including;
 - a. safety of access to the site,
 - b. integrity of the building site,
 - c. stability of soils and vegetation,
 - d. site reconstruction or repair analysis,
 - e. soil and slope stability characteristics,
 - f. water system integrity,
 - g. feasibility of reusing the septic system,
3. County Recovery Team shall determine whether the reconstruction or repair proposed can be carried out in a manner meeting the requirements of applicable zoning, building, fire and health codes. Any Land Use Advisory Committee activities that include a site visit shall occur only after the County has determined that the site appears safe pursuant to Reentry steps 1 and 2.
4. Temporary residences will be allowed subject to the following:
 - a. The Building Official must determine that the structure has been destroyed or is otherwise uninhabitable.

- b. The residence that was damaged or destroyed was a legal residence.
- c. The temporary residence will be located at or near the destroyed residence and will not involve major earthmoving, disturbance to archaeological or other sensitive resources, or be in an area deemed to be unsafe by the Building Official.
- d. The Property Owner enters into an agreement with the County guaranteeing that the temporary residence will be removed from the property, or have the utilities disconnected in the case of a Recreational Vehicle or Trailer, following completion of a permanent residence or within three (3) years, whichever is sooner.
- e. The temporary residence must be connected to septic and water systems acceptable to the Environmental Health Bureau prior to occupancy.
- f. The property must be properly addressed and signed at the site pursuant to the requirements of the Fire Department.
- g. For mobile homes, State HCD approved foundation systems or other engineered foundation systems approved by RMA-Building Services is required.
- h. All required building inspections must be obtained, and a final occupancy inspection be conducted prior to occupancy.

Reentry/Recovery

1. All permits to repair, demolish, reconstruct or rebuild a permitted structure damaged or destroyed by the Fire shall not be subject to fees related to repair, demolition, or reconstruction, unless the property owner's insurance company provides reimbursement for permit fees without reducing the amount of money available for construction. The fee waiver would not include permits to replace unpermitted structures or environmental documents needed to rebuild or repair structure(s) for a property owner who has chosen to 1) relocate their building site, or 2) increase the structure size, beyond that allowed by Monterey County Code Sections 20.68.050, or 20.70.120.H.
2. Any proposal to modify, alter, replace, or add onto a structure damaged or destroyed by the fire shall undergo a regular permit process as outlined in the Monterey County Code, unless it meets the exemptions found in Monterey County Code Sections 20.68.050 or 20.70.120.H. All permits for reconstruction or repair shall be expedited by the Recovery Team. Any proposed structure not meeting these exemptions will be subject to meeting all requirements of the Monterey County Code.
3. Pursuant to state law, all new buildings and structures and alteration or repairs to existing building and structures shall comply with the current California Code of Regulations and all governing local rules and policies. California Building Codes establishes requirements for foundation and soils investigation reports for all new building and structures. Upon written request from the designer of record, the Building Official may consider requests for modification of requirements when special individual reasons exist that make these requirements impractical.
4. Application Process (Exhibit A)
5. Rebuild Application, including Scope of Work (Exhibit B)
6. Application Information (Exhibit C)

7. Applications to reconstruct or repair structures must be submitted by December 23, 2015 to qualify under these guidelines. Permits must be issued prior to December 23, 2016. Either of these dates may be extended by further action of the Board of Supervisors.

EXHIBIT A

APPLICATION PROCESS

STEP 1

Complete the application form and scope of work. Submit your application at the following Permit Center:

- Salinas (168 W. Alisal, 2nd Floor, Salinas); Monday through Friday 8 a.m. to 4 p.m.

Include six sets of plans and two site plans to be routed as follows:

- a. Building (2 sets, one for the field)
- b. Assessor
- c. Planning
- d. Fire
- e. Environmental Health
- f. Water Resources (site plan only)
- g. Public Works (site plan only)

STEP 2

The location of the proposed structure/temporary residence needs to be staked (2-foot wood stakes at corners) or otherwise designated within 1 day following the application.

STEP 3

~~Call 831-755-5200 to schedule a pre-site inspection with the Permit Recovery Team. The County will coordinate a site visit with the property owner and their representative (e.g. architect) as well as the local Land Use Advisory Committee to assess the following:~~

- Grading review of geologic conditions (building site and surrounding area).
- Planning review of environmental conditions (site/area).
- Environmental Health review of septic and/or well conditions.
- Water Resources review of site drainage.
- Public Works review of access conditions.

STEP 4

Following issuance of the Building Permit, inspections will need to be scheduled through our call center at 831-755-5025.

For information regarding septic system and water system clearances, contact the Environmental Health Land Use Team Monday through Friday, 8 am – 5 pm at 831-755-4505.

For information regarding the cleanup of ash and hazardous materials, contact the Hazardous Materials Team Monday through Friday, 8 am – 5 pm at 831-755-4505.

EXHIBIT B

COUNTY LOGO (INSERT HERE)	Monterey County – Resource Management Agency- Planning and RMA-Building Services 168 W. Alisal, 2 nd Floor, Salinas, CA 93901 Telephone: 831.755-5200 (direct line) 831.755.5025 (call center) Fax: 831.757.9516 http://www.co.monterey.ca.us/planning/ http://www.co.monterey.ca.us/building/
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DISASTER REBUILD APPLICATION

ASSESSOR'S PARCEL NUMBER	
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PROJECT ADDRESS	
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PROPERTY OWNER	Name:
	Address:
	City/State/Zip:
	Telephone/Fax/Email:

APPLICANT/AGENT	Name:
	Address:
	City/State/Zip:
	Telephone/Fax/Email:

PROJECT DESCRIPTION <i>Also see attachments:</i> -Scope of Work -Application Information -Color Sheets -Photo Sheet	(Attach Additional Sheets if needed)
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Note: Buildings must comply with the 2013 Building Codes.

PROPERTY OWNER/AGENT SIGNATURE: _____ **DATE:** _____

FOR DEPARTMENT USE ONLY	
ZONING: _____	AREA/LAND USE PLAN: _____
PERMITTED STRUCTURE: <input type="checkbox"/> YES <input type="checkbox"/> NO	
VIOLATION ON THE PROPERTY? <input type="checkbox"/> YES <input type="checkbox"/> NO	
RELATED PERMITS: _____	
RECOMMENDED ACTION: <input type="checkbox"/> APPROVE <input type="checkbox"/> DENY	
CONDITIONS: _____ _____	
PROCESSED BY: _____	DATE: _____
DIRECTOR APPROVAL: _____	DATE: _____

SCOPE OF WORK – REBUILD

PLEASE CHECK "YES" OR "NO" FOR ALL BOXES

YES	NO	
		Are you rebuilding a structure damaged by the Pfeiffer fire?
		Is the structure being located in the same place as the original building?
		Was the residence/structure that was destroyed a legal residence/structure (building permits)?
		Does the proposed construction require major earthmoving (archaeology)?
		Are there any trees damaged by the fire you request to remove?
		Is there vegetation within 100 feet of the building site that was <u>not</u> destroyed by fire?
		Could the proposed building be visible from Highway One?
		Is the proposed development located within 100 feet of a waterway (creek, river, etc)?
		If the project is on a septic system, is the existing system being replaced/changed (e.g. size, location)?
		If the project uses water from a well/spring, is existing equipment being replaced/changed (e.g. location)?
		If requesting a temporary residence, is the property owner willing to enter into an agreement with the County guaranteeing that the temporary residence will be removed from the property (or have utilities disconnected, in the case of a trailer or RV) following completion of the permanent replacement residence or within 3 years, whichever is sooner? <i>Note: mobilehomes require an engineered or a State HCD approved foundation system</i>
		Are there any other residences on the property?

EXHIBIT C

APPLICATION INFORMATION – REBUILD	
PLEASE PROVIDE THE FOLLOWING INFORMATION	
1.	Application Forms
2.	Fee Waiver Form (Attached)
3.	Detailed driving directions to the property
4.	The property must be properly addressed and signed at the site.
5.	<p>The following information or materials will need to be submitted with your application:</p> <ul style="list-style-type: none"> b. Site Plan, Floor Plan, and Elevations summarizing how the proposed design differs from the existing structure (increasing area by ___ sf/___%, changing height from ___ feet to ___ feet, stucco instead of wood siding, redesigning interior to add ___ sf to master bedroom, adding a porch/deck, etc). c. If the building is in the same footprint, please indicate graphically the former footprint compared to the new footprint. d. The size and type of building lost by the fire. Please provide any records that show this building (photos, plans, assessor records, etc) e. Existing water source f. Roads and driveways g. Electrical utility poles h. Locations and size of septic system, water system, and gas i. Septic and water system clearances from Environmental Health Services for homes built prior to 1956, evidence to support that the structure existed at that time.
6.	Two copies of Geotechnical Report per Building Code standards.
7.	<p>If requesting to remove trees damaged by the fire, please provide one report by an arborist or Fire Official that:</p> <ul style="list-style-type: none"> a. Identifies the species, size, condition of the tree. b. Why it needs to be removed. Since certain tree species recover well from fire (e.g. oak, redwood), the report should include a discussion that addresses this issue relative to the tree(s) proposed for removal. If the tree is requested for removal due to being a hazard, the report needs to justify how/why the tree is a hazard.
8.	Please include six copies of an erosion control plan for the construction area and other potential impact areas from the fire.
9.	<p>If there is vegetation within 100 feet of the building site, please include a concept landscape plan that includes:</p> <ul style="list-style-type: none"> a. Existing vegetation (habitat/species, location, etc). b. Proposed planting and restoration areas. If planning to re-seed any areas, please include the seed mix proposed. c. Proposed irrigation (if applicable). d. Fuel modification plans.
10.	<p>If any rebuild is proposed outside of the original footprint, include a letter from an archaeologist that addresses:</p> <ul style="list-style-type: none"> a. Is the project site located within 750 feet of a known archaeological resource? b. Is there any evidence of archaeological resources in the proposed building area? <p>If yes to either question, you may need an archaeological report. If no, all you need is the letter stating these facts.</p>

PHOTOGRAPHS

DATE: _____ **SITE ADDRESS:** _____ **PLANNER:** _____

DESCRIPTION: _____

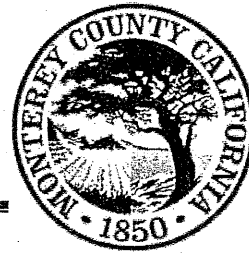
DATE: _____ **SITE ADDRESS:** _____ **PLANNER:** _____

DESCRIPTION: _____

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Benny J. Young, Director
Carl P. Holm, AICP, Deputy Director

Michael A. Rodriguez, C.B.O., Chief Building Official
Michael Novo, AICP, Director of Planning
Robert K. Murdoch, P.E., Director of Public Works



168 W. Alisal Street, 2nd Floor
Salinas, CA 93901
<http://www.co.monterey.ca.us/rma>

STANDARD BUILDING PLAN SUBMITTAL CHECKLIST

SITE ADDRESS		APN
CITY	ZIP	CROSS STREET
OWNER NAME		OWNER PHONE

Residential: New Addition Remodel Commercial: New Addition Remodel Tenant Improvement

Please complete the form prior to arriving at the counter. Permit Center Staff will review this checklist prior to plan check submittal to ensure completeness.

Documents		Provided	Required
GENERAL	Completed Construction Application Permit Form and Questionnaire		✓
	Scope of work documented on the application and plans		✓
	Documented cost estimate to establish valuation		✓
	Complete sets of plans		✓
COVER SHEET	Site plan drawn to scale with north arrow, topography lines, setbacks, property line, structures (existing and proposed), roads, driveways, easements, site utilities, supply lines, meter locations, wells, septic system, leach lines, direction of drainage, floodplain, trees, etc		✓
	Project data: Assessor's parcel number, square footage, construction type, occupancy classification and load, stories, sprinklered, exits required, exits provided, seismic design category and wind exposure category		✓
	Name and address of property owner		✓
	Name and address of site plan preparer		✓
	Deferred submittal notes		
	Special inspection items		
SUPPORTING DOCUMENTS	Geotechnical soils investigation report (2 copies) or completed Modification of Code Form to waive soils investigation report		
	Structural calculations, if applicable (2 copies)		
	Title 24 energy compliance report, if applicable (2 copies)		
	ESP Waiver (if less than 500sf addition, 50cy and 1,000sf of ground disturbance)		
	Unreasonable Hardship Exception Application Form (for commercial and new multifamily)		
	CalGreen Checklist (for new buildings)		
	Construction Waste Management Form (for new buildings)		
	Owner/Builder Verification Form (if you as the owner will be pulling the permit)		
Manufacturer Specifications			
PLANS	Grading plans		
	ESP Plans (if greater than 500sf addition, 50cy and 1,000sf of ground disturbance)		
	Foundation plan with foundation details cross referenced		
	Floor plans with details cross referenced		
	Roof plan with details cross referenced		
	Elevations (north, south, east and west) with section view referenced		
	Cross Sections/Details		
	Structural foundation, floor and roof framing plans with details		

(CONTINUED ON NEXT PAGE)

	Excavation and shoring plans (if applicable)		
	Stairs and stair details (if applicable)		
	Electrical Plans		
	Mechanical Plans (for commercial and multifamily projects)		
	Plumbing Plans (for commercial and multifamily projects)		
	Plumbing and Mechanical Isometrics (for single family dwellings and/or accessory buildings)		
	Title 24 Energy Certificate of Compliance incorporated into plans		
	CalGreen Checklist incorporated into plans		
	Disabled accessibility details (for commercial and new multifamily projects)		
OTHER AGENCIES	Fire life safety notes		
	Application for onsite wastewater system permit (new/repair/alternative/demolition of septic system)		
	Can and will serve from water or sewer purveyor		
	Application for Monterey County Encroachment Permit (includes any structure or object of any kind or character placed in, on, under or over any county road)		
	Monterey County Address Request Form		
	Monterey Peninsula Water Management District Water Form (required if you are within district boundaries and are adding or changing water fixtures)		
	Plan check requirement with Environmental Health for pools and spas		

2013-12-18 MTS