



County of Monterey Planning Commission

Item No.3

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

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September 25, 2024

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REF240002 - COUNTY OF MONTEREY (REBUILD OF PROPERTIES AFFECTED BY FIRE)

Continued from April 24, 2024; Public hearing to review information regarding properties affected by Wildfires.

Project Location: Big Sur Coast Land Use Plan

Proposed CEQA action: Not a project pursuant to Section 15378 of the CEQA Guidelines.

RECOMMENDATION:

It is recommended that the Planning Commission receive a report from Housing and Community Development, Environmental Health Bureau and Public Works regarding the hurdles to rebuilding properties affected by Fire (Referral 18.11).

SUMMARY:

On April 24, 2024, staff presented a report on properties affected by wildfires from 2015 to current. Although the Planning Commission appreciated all the work that had been done to recover from the 2020 fires, the Planning Commission was still concerned for the property owners affected by the Pfeiffer fire and Soberanes/Chimney fires that have not been able to rebuild. Specifically, the obstacles from septic system replacements and the roads that were affected by the Big Sur fires.

For each fire, the Board of Supervisors had adopted a Resolution for fire recovery which specified criteria intended to reduce hurdles to rebuilding. Each resolution varies slightly but the criteria contained in the resolutions and the process for rebuilding after a fire are discussed in more detail in each report. This includes timeframes for property owners to submit rebuild applications to HCD. Those reports are attached as **Exhibit A**.

- The Fire Recovery Guidelines for the 2020 River, Carmel and Dolan fires have a ten-year timeframe not to exceed September 15, 2030.
- The Fire Recovery Guidelines for the 2016 Soberanes/Chimney fires have a ten-year timeframe not to exceed August 31, 2026.
- The Fire Recovery Guidelines for the 2013 Pfeiffer fire had a three- year timeframe not to exceed December 23, 2016.

DISCUSSION:

After review of the initial report and response to the referral on April 24, the Planning Commission was still concerned with the low percentage of homes repaired or reconstructed after being damaged by a fire. With the information available, rebuilt homes accounted for approximately 39% of the units destroyed indicating that there are factors or hurdles to rebuilding after a fire. Most of the rebuilt homes were from the 2020 fires. The Planning Commission had requested to see maps of the 2013 and 2016 fire areas. Staff was unable to find a map for the Pfeiffer fire, however attached as **Exhibit B** are two maps, one was used for the Soberanes Fire and the other, for the Chimney fire.

There are many factors or hurdles to reconstruction of buildings after a fire. The Planning Commission wanted to better understand these barriers to rebuilding, specifically:

- Replacement of septic systems, when do they have to be replaced? (Environmental Health Bureau)
- County road access, specifically, Palo Colorado Road (Public Works)
- Provisions to reside in a trailer during construction (HCD)

Staff reached out to Environmental Health and Public Works for comments. These departments will be available for further discussion on September 25, 2024.

Wells and Septic Systems

The EHB has consistently allowed reconstruction of a dwelling damaged by the Carmel, Dolan and River wildfires to rebuild a structure of similar size/location/etc. using their existing OWTS provided it is confirmed to be in good operational condition. If an OWTS is in unacceptable condition, the replacement system is allowed to be built back to the same size, specifications and standards in place at the time the OWTS was permitted. Reconstruction of a dwelling that was not previously permitted by the County, or proposed to increase footprint/bedroom count, are required to comply with current OWTS standards.

Nicki Fowler, Supervising Environmental Health Specialist confirmed that redevelopment of properties with incomplete permit history to be the most challenging barrier to reconstruction. Since staff aren't allowed discretion to deviate from local code/requirements unless expressly written in a Board-approved resolution or policy, there is no alternative. It was suggested that perhaps the PC can consider criteria for those residential structures that have been in use for generations without recorded permits. For example, reconstruction to a standard that protects life, health and safety but may not fully meet current code. Recognizing these criteria that could be subjective and tough to balance the extent of the prior development against and potential impacts posed by site limitations.

Roads

Public Works has replaced and repaired many miles of roads that have been damaged by fire or subsequent debris flows that proceed fire events. Some of these repairs are reimbursable under the Federal Emergency Management Agency (FEMA) programs, others require obtaining grant funds or use of County Road funds to cover the cost of repairs. With respect to Palo Colorado Road in Big Sur, Enrique Saavedra, Chief of Public Works, provided a copy of a Board Report dated March 19,

2024, where the Board of Supervisors adopted a Mitigation Monitoring and Reporting Program, ratified a Professional Services Agreement, and Directed staff to proceed with the design of the Palo Colorado Road Storm Damage Repair Project (**Exhibit C**). There were a number of factors that have led to damage on this road and it is not all directly the result of fire. The repairs needed to Palo Colorado Road will require several million dollars and Public Works has been seeking funding to complete those repairs. Enrique and the project manager, Victor Gutierrez, who prepared the report will be at the meeting to give more detailed updates.

Temporary Residences

There are currently provisions in Monterey County Code that allow temporary residences during the construction of a main dwelling (up to 18 months after the issuance of the construction permit), subject to a discretionary permit. However, for those affected by the fires, temporary residences (such as RVs, mobile homes, etc.) were not only exempt from a discretionary permit, but they were allowed to be brought onto the property immediately, subject to a building permit.

OTHER AGENCY INVOLVEMENT

The following agencies/groups have reviewed the guidelines:

- Housing and Community Development
- Environmental Health Bureau
- Public Works

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Approved by: Craig Spencer, HCD Director, (831) 755-5233

The following attachments are on file with HCD:

Exhibit A - Fire Recovery Guidelines for:

- 2020 River, Carmel and Dolan Fires
- Soberanes/Chimney Fires
- Pfeiffer Fire

Exhibit B -Soberanes Fire Map

Exhibit C: Public Works Board Report dated March 19, 2024 - Palo Colorado Road Storm Damage Repair Project.

cc: Planning REF240002