



Legislation Details (With Board Report)

File #: RES 16-047 **Name:** Soberanes Fire
Type: BoS Resolution **Status:** Passed
File created: 8/16/2016 **In control:** Board of Supervisors
On agenda: 8/23/2016 **Final action:** 8/23/2016
Title: Adopt a Resolution:
a. Approving Soberanes Fire Recovery Guidelines to support the processing of permits for the rebuilding of structures destroyed or damaged by the 2016 Soberanes Fire for a 5-year period (August 31, 2021); and
b. Authorizing the Director of Resource Management Agency to extend the five-year timeframe for applying these Guidelines, not to exceed August 31, 2026.
CEQA Action: Statutory Exemption: CEQA Guidelines Section 15269 (Emergency Projects)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Discussion, 3. Attachment B - Resolution, 4. Completed Board Order & Resolution

Date	Ver.	Action By	Action	Result
8/23/2016	1	Board of Supervisors	adopted	Pass

Adopt a Resolution:

- a. Approving Soberanes Fire Recovery Guidelines to support the processing of permits for the rebuilding of structures destroyed or damaged by the 2016 Soberanes Fire for a 5-year period (August 31, 2021); and
b. Authorizing the Director of Resource Management Agency to extend the five-year timeframe for applying these Guidelines, not to exceed August 31, 2026.

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

RECOMMENDATION:

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

- a. Approving Soberanes Fire Recovery Guidelines to support the processing of permits for the rebuilding of structures destroyed or damaged by the 2016 Soberanes Fire 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 August 31, 2026.

PROJECT INFORMATION:

Project File Number: REF160050

Project Location: Soberanes Creek, Garrapata State Park, Carmel Highlands, Palo Colorado, Tassajara, Carmel Valley, Big Sur. At the time of preparing this report, the fire was not fully contained so other locations may ultimately be affected.

Planning Area: Cachagua Area Plan, Carmel Valley Master Plan, Carmel Area Land Use 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 Pfeiffer Fire and the 2015 Fire Incident (Tassajara and Laureles Fires) guidelines as a template for 2016 Soberanes 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 August 31, 2026, 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 17, 2016, 68 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 \$11,000. While \$748,000 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 (57 homes, 11 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.

Prepared by: Kate Battiato, Management Analyst III, ext. 6560

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

Attachments:

Attachment A - Discussion

Attachment B - Draft Board Resolution