



County of Monterey

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

Legislation Details (With Board Report)

File #:	RES 20-148	Name:	2020 Fire Recovery Guidelines
Type:	BoS Resolution	Status:	Passed - RMA Administration
File created:	9/2/2020	In control:	Board of Supervisors
On agenda:	9/15/2020	Final action:	9/15/2020
Title:	Adopt a Resolution: a. Finding that approval of Fire Recovery Guidelines is an emergency action which qualifies as a Statutory Exemption pursuant to CEQA Guidelines Section 15269; b. 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 c. Authorizing the Director of Resource Management Agency to extend the five-year timeframe for applying these Guidelines, not to exceed September 15, 2030. Planning Areas: Toro Area Plan, Cachagua Area Plan, Carmel Valley Master Plan, Big Sur Land Use Plan, Greater Monterey Peninsula Area Plan Proposed CEQA Action: Emergency action which qualifies as a Statutory Exemption pursuant to CEQA Guidelines Section 15269.		

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Discussion, 3. Attachment B - Draft Board Resolution, 4. Completed Board Order Item No. 15, 5. Completed Resolution Item No. 15

Date	Ver.	Action By	Action	Result
9/15/2020	1	Board of Supervisors		

Adopt a Resolution:

- Finding that approval of Fire Recovery Guidelines is an emergency action which qualifies as a Statutory Exemption pursuant to CEQA Guidelines Section 15269;
- 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
- Authorizing the Director of Resource Management Agency to extend the five-year timeframe for applying these Guidelines, not to exceed September 15, 2030.

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

Proposed CEQA Action: Emergency action which qualifies as a Statutory Exemption pursuant to CEQA Guidelines Section 15269.

RECOMMENDATION:

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

- Finding that approval of Fire Recovery Guidelines is an emergency action which qualifies as a Statutory Exemption pursuant to CEQA Guidelines Section 15269;
- 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
- Authorizing the Director of Resource Management Agency to extend the 5-year

timeframe for applying these Guidelines, not to exceed September 15, 2030.

Project Locations:

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

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

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

At the time of preparing this report, these fires were not fully contained so other locations may ultimately be affected.

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:

- Establishing an expedited permit process for those seeking to rebuild a structure or infrastructure (roads, wells, water systems, septic, utilities, etc.) damaged or destroyed by the fire
- Providing 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, RMA Permit Coordinator 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 as 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.

RMA has also confirmed with County Environmental Health (EHB) that rebuilding of a fire damaged septic or 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).

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. Staff is recommending that these guidelines sunset approximately five years from the date of adoption. Once the five year date is expired, staff is also recommending authorizing the Director of the Resource Management Agency to extend the five-year timeframe for an additional five years which would expire 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. RMA and EHB breakdown for approximately 89 homes:

- \$1.3M RMA-Building Services
- \$480K RMA-Planning Services
- \$140K Environmental Health Bureau
- \$36K RMA-Environmental Services

While approximately \$2M 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.

Prepared by: Elizabeth Gonzales, RMA Permit Counter Supervisor
Reviewed by: Freda Escobar, RMA Permit Coordinator
Approved by: Carl P. Holm, AICP, Director Resource Management Agency

The following attachments are on file with the Clerk of the Board:
Attachment A - Discussion
Attachment B - Draft Board Resolution