



County of Orange

# MEMO

8593

**DATE:** November 15, 2007  
**TO:** Darlene Bloom, Clerk of the Board  
**FROM:** Thomas G. Mauk, County Executive Officer  
**SUBJECT:** Exception to the Rule 21

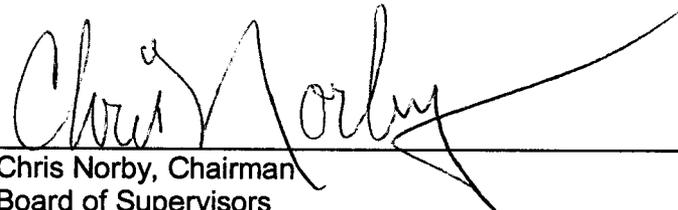
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The County Executive Office is requesting a supplemental for the November 20, 2007 Board Hearing Meeting:

**Board Meeting Date:** November 20, 2007  
**Subject:** Santiago Fire Permit Fee Deferral and Waiver Policy.  
**Calendar:** Supplemental  
**Districts:** 3rd

**Reason for Supplemental:** Board must authorize the procedures for waiver of permit fees for the Santiago Fire before such waivers may be granted.

**Concur:**

  
Chris Norby, Chairman  
Board of Supervisors

cc: Member, Board of Supervisors  
Rob Richardson, Assistant to the County Executive Officer  
Ben De Mayo, County Counsel



SUPPLEMENTAL AGENDA ITEM
AGENDA STAFF REPORT

ASR Control

MEETING DATE: 11/20/07
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): 3
SUBMITTING AGENCY/DEPARTMENT: Resources and Development Management Department
DEPARTMENT CONTACT PERSON(S): Tim Neely, (714) 834-2552
Carlos Bustamante, (714) 834-2855

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SUBJECT: Santiago Fire Permit Fee Deferral and Waiver Policy

CEO CONCUR

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COUNTY COUNSEL REVIEW

Approve Resolution to form

CLERK OF THE BOARD

Discussion
3 Votes Board Majority

Budgeted: No

Current Year Cost: \$70,000

Annual Cost: \$200,000 over
next two fiscal years

Staffing Impact: No

# of Positions:

Sole Source:

Current Fiscal Year Revenue: \$70,000

Funding Source: General Fund

Prior Board Action: November 6, 2007

RECOMMENDED ACTION(S)

- 1. Approve the attached resolution setting forth an emergency permit fee deferral and waiver policy/process for victims of the Santiago Fire and find that deferral and waiver of building and related permit fees serves a public purpose.
2. Authorize the Director of Resources and Development Management Department (RDMD) or his designee, to defer and waive building and related permit fees in accordance with the attached 2007 Santiago Fire Permit Fee Deferral and Waiver Policy and use General Funds to cover associated costs.

SUMMARY:

Authorization to defer and waive building and related permit fees will provide home owners who were affected by the 2007 Santiago Fire with relief from permit costs associated with the rebuilding and/or repair of their homes.

BACKGROUND INFORMATION:

The recent Santiago Fire resulted in significant property destruction and damage. The Orange County Fire Authority's latest damage assessments indicate that fifteen residences were destroyed and eight residences were damaged. Additionally, twelve outbuildings were damaged and nine were destroyed.

On November 6, 2007, the Board of Supervisors conceptually approved and directed the Resource and Development Management Department to waive building and demolition permit fees for fire damaged or destroyed building property within the Santiago Fire area. Your Board also directed staff to give priority to permit applications for reconstruction of such buildings and to return on November 20, 2007 with a proposed resolution and process. The attached 2007 Santiago Fire Permit Fee Deferral and Waiver Policy and draft Board Resolution set forth the recommended policy, replacement structure criteria, and process.

Permit fee payments to the County will be deferred until the issuance of permits and/or the issuance of certificates of use and occupancy. Uninsured homeowners will have all permit fees waived and insured homeowners will be expected to reimburse the County for all permit fees that they receive as part of a claim settlement for their insurance companies. The County will waive any increment of building and related permit fees that are accrued above and beyond the amount that the owners are reimbursed from their insurance claims.

**CEQA Compliance:** Recommended action is not a project as defined by CEQA pursuant to Section 15378 (b) (5) of the CEQA Guidelines.

**FINANCIAL IMPACT:**

The Department will return to your Board to address budget issues in the 2nd Quarter Report.

**STAFFING IMPACT:**

N/A

**REVIEWING AGENCIES:**

N/A

**ATTACHMENT(S):**

Attachment A – 2007 Santiago Fire Permit Fee Deferral and Waiver Policy  
Attachment B – Draft Resolution



# **COUNTY OF ORANGE**

## **RESOURCES & DEVELOPMENT MANAGEMENT DEPARTMENT**

300 N. Flower Street  
Santa Ana, CA

P.O. Box 4048  
Santa Ana, CA 92702-4048

Telephone: (714) 834-2300  
Fax: (714) 834-5188

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## **Attachment A**

### **2007 Santiago Fire Fee Deferral and Waiver Policy**

In an effort to help fire victims rebuild their homes as quickly as possible, it is the intent of the County to defer and waive building and related permit fees in accordance with the following policies and procedures:

#### **Replacement Structure Criteria**

- 1) Homeowner must show proof of property ownership.
- 2) Homeowner must rebuild a substantially similar structure that is within the previous footprint with the same or less square footage as the lost structure.
- 3) Homeowner must ensure that proposed reconstruction does not cross property lines.
- 4) Homeowner must demonstrate that no replacement structure is to be rebuilt within a known floodplain.

#### **Fee Deferral and Waiver Policy**

- 1) Fee payments to the County will be deferred until the issuance of permits and/or the issuance of certificates of use and occupancy.
- 2) For insured homeowners, the County will waive any increment of building and related permit fees that are accrued above and beyond the amount that the owners are reimbursed from their insurance claims. Property owners will be expected to reimburse the County for all permit fees that they receive as a part of a claim settlement from their insurance companies.
- 3) If no accounting/documentation of reimbursed fees can be provided by the homeowner or insurance company, the County will use standard Uniform Building Code fee schedules to determine baseline fees to determine appropriate deferral/waiver. The Director of Planning and Development Services is responsible for such determinations.
- 4) Uninsured homeowners will have all permit fees associated with the rebuilding of their homes/structures waived, assuming there is no modification to the replacement home/structure.

# **Attachment A**

## **Fee Deferral and Waiver Policy Page 2**

5) This fee deferral/waiver policy applies only to current property owners and is not transferable.

### **Projects with Design Modifications**

This deferral and waiver of fees will only apply to “replacement” structures. The extent to which projects alter or add to the original size and/or footprint of the damaged or destroyed structure will be treated as a normal project application and will not be eligible for fee waivers. The Director, Planning and Development Services is authorized to make all determinations regarding the application of this policy.

### **Planning Permit Fees**

Pursuant to Orange County Zoning Code (Section 7-9-150.10(c), when the Board of Supervisors declared a local emergency the Director of Planning and Development Services was authorized to waive the requirement to obtain a discretionary permit to rebuild structures damaged by the fire for a period of six months, provided that the replacement structures are substantially the same as before the fire. Consequently, since discretionary planning permits are waived for replacement of structures that are substantially the same as those that pre-existed the fire, no planning permit fees will be charged for the replacement of such structures. However, if the replacement structures are not substantially the same as before and require discretionary planning permits, owners will be required to pay standard fees for those permits.

### **Effective Date**

This policy shall be in effect for a period of 180 days from the date the Board of Supervisors declared a local emergency unless extended by the Board of Supervisors.

## Attachment B

RESOLUTION OF THE BOARD OF SUPERVISORS OF  
ORANGE COUNTY, CALIFORNIA  
November 20, 2007

WHEREAS, on October 21, 2007, a fire known as the Santiago Fire originated near Santiago Canyon Road and Silverado Canyon Road;

WHEREAS, the Santiago Fire burned approximately 28,400 acres and damaged or destroyed approximately forty-four homes and other structures;

WHEREAS, on October 21, 2007, the Governor of the State of California proclaimed a State of Emergency to exist in, among other places, the County of Orange;

WHEREAS, on October 23, 2007, the Board of Supervisors adopted Resolution No. 07-189, and proclaimed a local emergency in connection with the Santiago Fire;

WHEREAS, on October 24, 2007, the President of the United States declared that the conditions in the County of Orange, among other counties in the State of California, constituted a major disaster (FEMA-1731-DR);

WHEREAS, those who have lost or sustained damages to their homes, property, businesses or places of employment may need to obtain assistance rebuilding structures damaged or destroyed by the Santiago Fire;

WHEREAS, Orange County Ordinance No. 07-002 requires the County to impose fees that are used to pay for the costs of providing building and inspection services;

WHEREAS, on November 6, 2007, the Board of Supervisors directed the Resources and Management Development Department (RDMD) to develop a process for the deferral or waiver of building and demolition permit fees for fire damaged or destroyed structures within the Santiago Fire area; and,

WHEREAS, on November 6, 2007, the Board of Supervisors directed RDMD to give priority to permit applications for the reconstruction of buildings damaged or destroyed by the Santiago Fire;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of Supervisors finds that the deferral and waiver of building and related permit fees for property owners whose property was damaged or destroyed by the Santiago Fire is supported by good cause and serves a public purpose by facilitating the reconstruction of structures damaged or destroyed by the fire and assisting those residents victimized by the fires;
2. The Director of RDMD or his designee is hereby authorized and directed to defer and waive building and related permit fees for property owners whose property was damaged or destroyed by the Santiago Fire in accordance with the attached "2007 Santiago Fire Permit Fee Deferral and Waiver Policy"; and,

**Attachment B**

- 3. County general funds shall be used to cover costs associated with deferring and waiving permit fees in connection with the Santiago Fire.