



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
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TOM BURNS, PLANNING DIRECTOR

June 10, 2008

AGENDA DATE: June 17, 2008

Board of Supervisors
 County of Santa Cruz
 701 Ocean Street
 Santa Cruz, CA 95060

SUBJECT: Regulations for Rebuilding After the Summit Fire

Members of the Board:

In the week following May 23 we were once again reminded of how vulnerable our County is to a range of natural forces that present ongoing challenges to our local citizens, emergency responders, and fragile natural resources. Over the past 25 years we have suffered events that have led to numerous disaster declarations – including floods and landslides, coastal wave inundation and erosion, a major earthquake, and now a second wildfire. Each of these events has presented serious challenges to emergency responders and residents during the subsequent days and weeks of emergency response activities. And, each event has also created unique difficulties for business owners and residents as they address rebuilding issues on private properties, and for local government agencies as they attempt to restore damaged public infrastructure.

As part of the recovery process from each of these disasters the question is almost always raised – how can local government help private property owners accelerate the building/repair process in response to the disaster? In responding to that question it is important to balance the desires of property owners with the need for good land use and hazard mitigation planning. A proper balancing of these sometimes competing concerns will ideally result in both a streamlined process for applicants as well as a regulatory system that ensures that the rebuilding occurs in a manner that minimizes future risks to residents.

The purpose of this report is to address these broad issues in the context of the Summit Fire.

Past Rebuilding Lessons

Board members will recall that the question of preparedness for the aftermath of declared disasters was raised back in 2006. In response, staff prepared a report for the Board on this topic (Attachment 1), which concluded that, while certain activities can be anticipated in advance, typically each event raises a unique set of issues and challenges that can best be responded to after the event occurs and the full extent of damage is understood. As a result, that report suggested that it was best to have in place some basic policies, but to recognize that policy guidance from the Board in response to the particulars of the event will typically need to occur -- ideally very early in the recovery process.

With that understanding, staff initiated the first stage of the post-fire recovery discussions the afternoon of the fire, recognizing that final recommendations for the Board could not be completed until the impact of the fire was fully understood. While Fire Officials are still uncovering additional damage as they continue their evaluation of the burn areas, the initial damage assessment report has been completed. Now that the extent of private property damage is known, we are bringing forward this report for your consideration with regard to the Summit Fire.

Guiding Principles for Post-Disaster Permit Questions

Before getting into the specifics of the Summit Fire and recommended policies, it is worthwhile to provide an overall context for considering disaster-recovery planning and permitting issues. 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 others in the future:

- Any special policies providing accelerated permit processing or regulatory relief should only apply to structures that were legal at the time of the disaster.¹ As always, County staff will work with owners of un-permitted structures to permit replacement of their residences, but such structures should be addressed in the context of the normal 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.²

¹ Legal means that the structure was either: built and inspected with a building permit issued by the County; or a structure that existed prior to the County requiring building permits (a legal non-conforming structure). The information needed to address this question is readily available within the records of the Planning Department and Assessor's Office.

² 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. For example, if a structure is destroyed as a result of an active landslide, it is likely unsafe to rebuild on or near the landslide. A structure destroyed by a flood must, by Federal law, be elevated or located outside of the flood risk area.

- In the context of adopting any special policies in response to a disaster, consideration should 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.³

Summary of Summit Fire Damage Assessment

One of the roles for the Planning Department after a disaster is to assemble information needed to summarize the extent of private property damage that occurred as a result of the event. In this instance, we played a support role to Cal Fire, which prepared an initial report summarizing damage. At this point in time, our staffs are working together to conduct a more comprehensive damage assessment. We will likely have that information as part of the oral report on June 17. Preliminary findings include the destruction of over 35 dwellings, 80 outbuildings, and 160 vehicles.

Through cooperation with Cal Fire staff, we have been able to identify the parcel on which these structures were located, and have crosschecked these parcels against our building permit records. Recognizing that the occupancy of Travel Trailers and Recreational Vehicles on unimproved parcels is prohibited in the County, except in very limited circumstances, it is expected that not more than 50% of the dwellings will ultimately prove to have been legally constructed. In cases of illegal dwellings we will likely discover that the supporting water system and sewage disposal system were also not permitted, the access to the property and related grading was not permitted or reviewed for adequacy by the fire agency, and related fees were not paid, including payment of school fees and other residential impact fees.

Consistent with the suggested guiding principles stated earlier in this report, we do not believe that such structures or other illegal residences should be eligible to take advantage of any approved special rebuilding regulations. Such consideration should be reserved for those owners who have already been through the permit process. Instead, we would encourage interested owners who were occupying illegal structures to apply for a permit through the regular permit processes, and we stand ready to assist them. Code enforcement penalties and sanctions do not apply if someone voluntarily seeks to legalize a residential structure.

Existing General Rebuilding Polices

While many of the post-disaster rebuilding policies were tailored to the unique aspects of the specific event, there are several key policies that apply generally to any locally declared disaster or fire damage loss, including the Summit Fire:

³ The Planning Department still receives inquiries regarding possible rebuilding after the earthquake – an event that occurred almost 20 years ago. Such requests are difficult to address, oftentimes with important information no longer readily available.

- The ability of the Planning Director to issue Emergency Permits for unique situations. Authority already exists to issue emergency building and grading permits. Having emergency grading and building permit authority may prove particularly helpful in accelerating earthwork and other improvements needed to stabilize certain areas, mitigate potential debris flows, and to install erosion control material and structures to minimize damage to the riparian areas and degradation of water quality within the watershed area affected by the 4,200-acre area that has been largely denuded by the fire.
- The ability of the Planning Department to issue permits for temporary occupancy of mobile homes, travel trailers, or Recreational Vehicles on properties after a disaster, prior to issuing a permit for the replacement dwelling. Typically, such structures are only allowed in conjunction with issuance of a building permit for a new residence. These special authorities allow property owners to rapidly reestablish a presence on the property after a disaster, assuming that the site complies with the most basic geologic safety standards and has a viable water and septic system. Consistent with the suggested guiding principles, we believe that such authority should only be extended for legal structures lost due to the fire and in locations that do not require substantial grading. Guidelines for this program have been developed and are posted on the section of the County's website related to the Summit Fire (Attachment 2).
- The requirement that the permit process for replacement/repair permits for damaged or destroyed legal residences to be accelerated. We have already begun detailed discussions with representatives of the building permit reviewing agencies – Public Works, Environmental Health, and Cal Fire – to address in advance what needs to be done to provide an effective accelerated process for building permits to replace legal structures that were destroyed by the Summit Fire.

We envision using all three of these provisions in the coming months to address the needs of homeowners and to address land management issues in the Summit Fire area.

Proposed Special Approaches to Facilitate Summit Fire Rebuilding

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

- Under the recently adopted California Building and Fire Codes, any replacement structure must meet the most current building and fire codes. Such codes are regularly updated to address the latest seismic design standards and fire protection features. Most recently these standards have been amended by the State to require fire-resistive exterior features and increased on-site water storage to address fires. As well, they now mandate soils reports and proper foundation designs for all but minor structures. Given that these codes are based on State-

adopted regulations, the County does not have the ability to adjust these standards for rebuilding.

While it is reasonable to require the rebuilt structures to fully comply with the current fire and building regulations, it may not be feasible to fully improve the access roads and driveways to meet today's fire, planning and environmental standards. Some of these access roads were built many years ago. Exceptions will be granted on a case-by-case basis to allow the rebuilding of legal residences where it is infeasible to achieve full compliance with current standards for grade, width, surfacing, and turnaround areas. Reasonable improvements will be required where it is feasible to do so, to improve emergency response capability in the future. But, in no case will access limitations be used as a basis for prohibiting reconstruction. Again, these exceptions will only apply to the replacement of legal dwellings.

- It is too early to know the particulars of each destroyed legal home, but it is possible that some structures could have been built in a fashion that does not comply with current regulations -- not meeting zoning or environmental setbacks or being over height. If possible, rebuilt residences should meet all current site standards. But in a few cases, it may not be possible to rebuild the structure in a conforming location for topographic, geologic, or environmental reasons. If such circumstances are encountered, we would then recommend appropriate regulatory changes to allow in-kind reconstruction without requiring special discretionary approvals – eliminating the need for public hearings and related costs and processing time requirements.

At this stage of the disaster recovery effort it is too early to determine if this sort of regulatory relief is needed to facilitate rebuilding in this area. Since these are larger rural parcels, it is likely that legally constructed dwellings and accessory structures meet current site standards. Therefore, after we have completed our permit research and discussions with affected property owners, we will return to your Board with further recommendations if it appears that amendments to the County Code are needed to address building standard issues.

- Most homes that were destroyed by the fire are located on sites either within the State-designated San Andreas Fault Zone or related locally designated fault zones -- areas subject to fault surface rupture, severe seismic shaking, and landslides. Because of the high level of hazards in this area, 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.

Fortunately, geologic reports were already completed for some of the sites as part of earlier permits. This will provide important baseline information for rebuilding on these and other properties. A preliminary evaluation of sites in the burn area suggests that our staff geologist will be able to adequately address geologic issues for most sites based on current information, significantly reducing costs and delays

for many wanting to rebuild. 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 the safest practical building site, while minimizing the level of additional technical studies.

- Environmental Health has special standards that apply to calamity victims for water supply and on-site septic disposal systems that differ from those standards that apply to new development. These regulations, which allow for reconnecting to functioning water and septic systems without upgrading to current standards, will apply to legal structures destroyed by the Summit Fire – both for temporary and permanent replacement residences. As is the case with any addition to a structure, significant additions beyond previous permitted square footage will trigger more detailed evaluation and possible upgrades to these systems.

The efforts noted above will go a long way to facilitate the rebuilding process. In fact, based on our current knowledge of the damage that has occurred as a result of the fire, there is not currently a need to alter the current provisions of the County Code to facilitate the rebuilding of legal residences that were destroyed by the Summit Fire. If, in the course of learning more about the individual permit histories or site conditions we discover issues that conflict with current policies, we will return to your Board with specific remedies on a future agenda.

Permit System Administration Issues

We are forming a special unit within the Planning Department to meet with the public, answer questions and handle the resulting permit applications to rebuild and repair the legal residences and accessory structures in the Summit Fire area. This approach will ensure overall consistency and a well-defined system for tracking applications that are to be given priority attention during the permit review process. Management staff will also be available to meet with the unit as issues arise that require a policy decision.

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.

The impact fees can run into the many thousands of dollars. These include fees for parks, transportation improvements, childcare, drainage, roadside improvements, and schools. But in most cases, impact fees are not charged for disaster rebuilds. Such projects are generally exempt, unless additional square footage or bedrooms beyond what had previously been permitted are being added as part of the reconstruction. The logic for this exemption is that the in-kind rebuilding is not creating new impacts to public infrastructure, or creating new demands on public facilities, since the legal 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 work to process a permit and inspect a structure is virtually the same regardless of whether it is the original permit or a

permit to replace a structure destroyed by fire. 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. This is a difficult financial time for the County overall, largely driven by the downturn in the real estate and building industry. Therefore, while we believe that impact fees related to previously permitted portions of new structures should be waived, we would not recommend building permit fee reductions. But be assured that we will look for every opportunity to simplify the process and thereby reduce costs for disaster victims wherever possible. In spite of this recommendation, if the Board wishes to further reduce fees for fire victims, we would recommend that reductions occur on an across-the-board percentage basis.

Coordinating with Property Owners

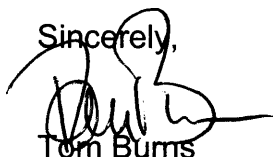
Following your Board's consideration of this report, we will meet with the affected property owners of legal residences to discuss the various issues regarding rebuilding, including the option of temporary occupancy.

For property owners who lost their residences but were not living in a legal dwelling permitted by the County, we do offer a service that will help these owners understand the site constraints and development issues that they will encounter in seeking permits to rebuild. The Planning Department's Pre-Development Site Review Process (PDSR) is a fixed-fee process designed to give owners a detailed overview of the issues and requirements for building on their property. Individuals who apply for a PDSR will also be given priority attention. If an applicant were to combine this assessment with a site evaluation from Environmental Health and access review by County Fire, they would have a full feasibility report on issues related to receiving a building permit.

Conclusion/Recommendation

Recovery from a disaster is a difficult one – particularly for property owners who have lost their homes and personal possessions. As a result, our County has always made efforts to facilitate the rebuilding process, wherever practical. Fortunately, important policies are already in place to facilitate the rebuilding effort. 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, we will return to your Board with recommended actions on a future Board agenda.

It is therefore RECOMMENDED that your Board accept and file this report.

Sincerely,

 Tom Burns
 Planning Director



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TOM BURNS, PLANNING DIRECTOR

November 9, 2006

AGENDA DATE: November 21, 2006

Board of Supervisors
 County of Santa Cruz
 701 Ocean Street
 Santa Cruz, CA 95060

SUBJECT: DISASTER RESPONSE ISSUES

Members of the Board:

At the conclusion of your action on the Emergency Service Department's budget last June, your Board directed the County Administrative Office, in conjunction with the Emergency Services staff and the Planning Department, to prepare a follow-up report on disaster response policy issues for your Board's consideration. This report is in response to your Board's directive. The first section of this report will discuss the County's general preparedness, followed by a discussion of broad land use policy issues that arise as the result of a natural disaster.

Emergency Management atic

As your Board is aware, there are numerous natural disaster events that could occur in Santa Cruz County, Earthquakes, wildland fires, floods, landslides, tsunamis, and coastal flooding are the most likely natural disasters that could affect our County in the future. Certainly, we've had more than our fair share of devastating natural disasters over the past 25 years, including a major earthquake, a wildland fire, coastal flooding and several devastating storm events with localized flooding and damages and in some cases, catastrophic landslides. As experience has shown, each event is unique and the issues and challenges surrounding one event can be markedly different than the next.

In addition to these natural threats, there are numerous other threats for which the County must prepare, including hazardous materials accidents, bioterrorism, and health emergencies, including a major pandemic. Numerous County Departments are involved in planning for such events and readying their agencies to respond, including the Office of Emergency Service, the Department of Public Works, the Sheriff's Department, the County Administrative Office, the Planning Department, the Health Department, County Fire, and others. But it is difficult to anticipate all of the problems and challenges that might arise; therefore it is critical to have a viable emergency response organization in place that can mobilize quickly, and one that is capable of responding to unforeseen problems and issues.

As your Board may recall, Santa Cruz has had such an organization for many years, and has adopted a number of plans and appendices to prepare the County for various disaster scenarios. The County has also participated in several drills and tabletop exercises with partner agencies that are designed to test our response capabilities. As your Board is also aware this fall, in response to a federal mandate, the County adopted the National Incident Management System (NIMS) for emergency operations. Like its counterpart, in California's Standard Emergency Management System (SEMS), one of the critical functions of emergency response is situational analysis, which in a nutshell is the ability to take a broader look at what is happening locally and regionally in the days and weeks following a major event to anticipate emerging issues, plan for the next phase of response and recovery, and identify policy issues for consideration by local elected officials such as your Board.

Land Use Issues

While it is important to have an organization and emergency response structure in place to deal with the unanticipated issues and problems that confront local agencies after a large and devastating natural disaster or other emergency, there are also certain land use policy issues that can be anticipated in advance of a catastrophic event. Perhaps the most significant and difficult of those policy issues is the core question of whether a structure that has been significantly damaged or destroyed can be rebuilt or re-occupied following a disaster. A major earthquake, landslides and debris flows, fires, and several floods have forced our County to confront this issue time and time again over the past 25 years.

Over time, the County has adopted numerous County regulations that apply during emergencies, or that govern the repair and reconstruction of structures following a natural disaster. Several of these policies have been in place for decades. Other amendments were adopted following the Loma Prieta earthquake and are still in effect today. These regulations, which are incorporated into various sections of the County Code, are summarized briefly below and provide some degree of regulatory relief to disaster victims.

Emergency Permit Authority

The Planning Director has broad authority to issue emergency coastal, grading and building permits under specific conditions and subject to certain restrictions. Nearly every winter this authority is used to address one or more urgent situations that require immediate action to prevent damage to property or to reduce a serious life safety risk. Following a widespread natural disaster, numerous emergency permits are typically issued (12.10.121); (13.20.090); (16.20.116).

Temporary Occupancy of Mobile Home or RV

A mobile home, travel trailer, or recreational vehicle may be used as a temporary residence after a natural disaster for which a local emergency has been declared by the Board of Supervisors, when the permanent residence on the property has been destroyed, or damaged to the extent that the Building Official has posted it "Unsafe to Occupy," or if the repairs are so extensive that temporary relocation is necessary during the period of repair or reconstruction (13.10.683j).

Use Approvals

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Emergency Use approvals may be granted at the discretion of the Planning Director to allow temporary relocation of a commercial use when the use has been displaced as a result of a declared natural disaster (13.10.225).

Repair and/or Reconstruction of Damaged or Destroyed Structures

There are several provisions of the County Code that deal with the repair or reconstruction of damaged buildings. Here are some of the key provisions in effect that govern rebuilding/reconstruction:

The replacement of any structure, other than a public works facility, destroyed by a natural disaster is exempt from the requirement for a Coastal Zone permit, provided certain criteria are met (13.20.067).

Non-conforming structures that are damaged as a result of a natural disaster or fire may be repaired or reconstructed, subject to certain restrictions (13.10.261 et seq).

Agricultural buffer and biotic review requirements do not apply to applications to rebuild a structure that has been damaged or destroyed as the result of a natural disaster (16.50.095); (16.32.060).

These policies provide clear policy guidance for many situations, and have been utilized on many occasions in recent years following local disasters or intense storm events. But each event, especially large catastrophic events such as the Loma Prieta earthquake, will present its own unique set of policy issues that will require Board deliberation and action. Decisions such as these will need to be made:

Should the Planning Department curtail normal operations to focus exclusively on disaster recovery? Is a special organizational unit needed? Should hours of operation be expanded?

Are any urgency ordinances needed to facilitate repair and recovery?

Do any existing provisions of the County Code need to be modified to facilitate repair and recovery without compromising health and safety?

Should the County waive or modify normal application submittal requirements for disaster permits?

Should the County accept inspections and self-certification by homeowner representatives (engineers and contractors) if inspection resources are overwhelmed?

Should the County allow property owners to rebuild in areas of uncertain risk if they sign a disclosure accepting the risks and fully indemnify the County?

Do regular or reduced permit fees apply to disaster repair permits?

This is by no means an exhaustive list, but is an example of the types of topics that require a thorough and thoughtful analysis by staff following a major natural disaster. While the demands on staff in the immediate aftermath of a large disaster can be overwhelming, it is incumbent on



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TOM BURNS, PLANNING DIRECTOR

SUMMIT FIRE

TEMPORARY OCCUPANCY OF MOBILEHOME, TRAVEL TRAILERS OR RECREATIONAL VEHICLES FOLLOWING A NATURAL DISASTER

The County of Santa Cruz allows property owners to temporarily occupy a mobilehome, travel trailer or RV on a property when a residence on that property has been destroyed or has been determined to be uninhabitable by the Building Official, and there has been a declaration of emergency by the Board of Supervisors. The issuance of a Building Permit for the temporary occupancy of a mobilehome, travel trailer or RV will have the following requirements:

- The residence that was destroyed was a legal residence.
- The temporary residence will be located at or near the destroyed residence and does not require major earthmoving.
- The property owner enters 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 2 years, whichever is sooner.
- The proposed location of the temporary residence must not be in a geologically hazardous location.
- The temporary residence must be connected to septic and water systems acceptable to Environmental Health Services.
- The property must be properly addressed and signed at the site.
- In addition, for mobilehomes a State HCD approved foundation system is required.

The following information or materials will need to be submitted with your application:

- a minimal site plan of the property (see example) showing where the former residence was located and where the temporary residence will be located (3 copies), and showing the following:
 - roads and driveways
 - electrical utility poles
 - septic system, water and gas locations
- detailed driving directions to the property
- 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

You will need to submit your application at one of these two Permit centers:

- Santa Cruz (701 Ocean Street, Santa Cruz); M-F 8-11:30 am
- Aptos (8045 Soquel Drive, Aptos); T-TH 1-4:30 pm

The location of the proposed temporary residence needs to be staked or otherwise designated within 1 day following the application.

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The application will be reviewed by Environmental Planning to conduct a site visit to make sure that the temporary residence will not be located in a geologically hazardous area.

Following issuance of the Building Permit for the temporary structure, the following inspections will need to be scheduled with a Building Inspector and Environmental Health:

1. The connection to the potable water supply. Appropriate piping is required.
2. The connection to the septic system. Appropriate piping is required.
3. The gas line from the propane tank to the unit. This line needs to be in an open trench for the inspection.
4. The electrical system has been correctly installed, including receptacles and/or breakers as appropriate for the type of power connection.
5. For mobilehomes, a proper temporary foundation must be installed.

For more information regarding the Building Permit for a travel trailer or an RV as a temporary residence contact the Building Counter by telephone, M-F 1-4pm at 454-2260.

For information regarding septic system and water system clearances, contact the Environmental Health Land Use Team M-F 8-9:30 am at 454-2022.

For information regarding the cleanup of ash and hazardous materials, contact the Hazardous Materials Team at 454-2022.

CASE C: 1"=50' for large parcel
with enlarged inset (1"=20')
for detail.

