



Mendocino County

Legislation Text

File #: 16-834, Version: 1

To: Board of Supervisors

From: Planning and Building Services

Meeting Date: August 2, 2016

Department Contact: Jon Moore

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Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Approval of the Department Planning and Building Services' Establishment and Implementation of a Building Permit Amnesty Program Resulting in the Waiver of Investigative/Penalty Fees on Residential Building Permit Applications for Self-Reported Illegal Construction for the Period of July 1, 2016 to June 30, 2017

Recommended Action/Motion:

Approve the Department Planning and Building Services implementation of a Building Permit Amnesty Program that will result in the waiver of investigative/penalty fees on residential building permit applications for self-reported illegal construction for the period July 1, 2016 to June 30, 2017.

Previous Board/Board Committee Actions:

In 2010, the Board of Supervisors authorized an "amnesty program" to create an incentive for the legalization of otherwise unpermitted structures. The 2010 program was initially established for a 6 month period and was later extended to 1 year. On July 18, 2016, the Board of Supervisors directed that this item be placed on the August 2, 2016, Board agenda.

Summary of Request:

The amnesty program allows an individual to avoid investigative fees for permits to legalize self-reported, unpermitted residential construction. Eligible projects may include houses, guest cottages, detached bedrooms, garages, carports, studios, workshops, storage, barns, and other similar buildings, also including septic tank, leach fields and wells. Applicants under the amnesty program are required to provide similar levels of information and submit to the similar levels of review as members of the public who built legally; code requirements cannot be waived through this process. While the amnesty program creates a significant opportunity to legalize many structures, it must be noted that there will be significant barriers for certain structures that would otherwise appear to qualify for legalization through this program. These challenges include density violations (more dwelling units than allowed under the zoning code), setback violations (structures closer to property lines than permissible), coastal development restrictions (environmentally sensitive habitat areas, etc.) and CalFire/4290 violations (driveways overly steep or narrow, etc.). The amnesty program will eliminate investigative fees that would be assessed with regular building permit fees when permitting illegal construction. The amnesty program requires payment of building permit fees, but waives payment of investigative fees that are otherwise mandated by County Code. The investigative fees generally serve two purposes. First, they provide partial reimbursement to the Department for the time and effort spent

in researching and resolving unpermitted (illegal) construction. Second, the investigative fees serve as a “penalty” for violators and create a primary incentive for the public to build legally. Because the amnesty program is only offered to those who self-report violations, the actual investigative time spent by Department staff will be minimized. With the amnesty program, the cost to the County will be the loss of Nuisance Abatement funds that would otherwise be used to clean properties where other resources are not available to address priority violations. The Department will conduct a public outreach to the community to make them aware of the Amnesty Program and the opportunity to legalize their unpermitted residential structures.

Alternative Action/Motion:

Return the matter back to staff with direction.

Supplemental Information Available Online at: N/A

Fiscal Impact:

Source of Funding: N/A

Budgeted in Current F/Y: N/A

Current F/Y Cost: N/A

Annual Recurring Cost: N/A

Supervisory District: All

Vote Requirement: Majority

Agreement/Resolution/Ordinance Approved by County Counsel: N/A

CEO Liaison: Christopher Shaver, Deputy CEO

CEO Review: Yes

Comments: