



Mendocino County

Legislation Text

File #: 17-1172, **Version:** 1

To: Board of Supervisors

From: Planning and Building Services

Meeting Date: December 19, 2017

Department Contact: Adrienne Thompson

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Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Approval of Extension of the Building Permit Amnesty Program from December 31, 2017 to June 30, 2018

Recommended Action/Motion:

Approve the extension of the Building Permit Amnesty Program from December 31, 2017, to June 30, 2018.

Previous Board/Board Committee Actions:

On August 2, 2016, the Board approved the establishment of a Building Permit Amnesty Program from July 1, 2016 to June 30, 2017. On June 6, 2017 the Board approved the extension of the Building Permit Amnesty Program from June 30, 2017 to December 31, 2017.

Summary of Request:

At the direction of the Board, Planning and Building Services is requesting an extension of the Building Permit Amnesty Program to June 30, 2018. The amnesty program allows individuals that “self-report” unpermitted construction to legalize projects, such as homes, guest cottage, detached bedroom, garage, carport, studio, workshop, storage building, barns, greenhouses, and other similar structures, also including septic tanks, leach fields and wells. Applicants under the amnesty program are required to provide similar levels of information and submit to similar levels of review as members of the public submitted applications prior to beginning construction; 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. Properties that have an active violation with Code Enforcement do not qualify for the Amnesty Program.

Alternative Action/Motion:

Do not extend the Building Permit Amnesty Program.

Supplemental Information Available Online at: N/A

Fiscal Impact:

Source of Funding: N/A

Current F/Y Cost: N/A

Budgeted in Current F/Y: No

Annual Recurring Cost: N/A

Supervisory District: All

Vote Requirement: Majority

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

CEO Liaison: Chamise Cubbison, Deputy CEO

CEO Review: Yes

CEO Comments:



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Executed By: Nadia Tipton

Final Status: **Approved**

Date: December 21, 2017

Executed Item No.: **N/A**

Note to Department:

Executed Documents Returned to

Department: Originals _____ Copies

_____ Hand Delivered _____ Interoffice

Mail _____ Executed Agreement Sent to

Auditor? Y/N