

County Contract No.

# TRINITY COUNTY

## Board Item Request Form

Subsequent 1

Department  
Transportation

Meeting Date : Sep 15, 2015

Contact:

Rick Tippett

Phone:

623-1365

Requested Agenda Location:

Requested Action:

Move to discuss and/or take action regarding debris clean up related to the 2015 Fires in Trinity County, and find that the need to take immediate action came to the attention of the Board subsequent to the agenda being posted. The urgency is that clean up needs to start immediately.

Authorize the Director of Building and Planning to waive fees for reconstruction of structures lost or damaged during the 2015 wildfires in Trinity County and authorize the County Administrative Officer and Director of Transportation to execute any and all documents necessary to secure State and Federal funding for disaster related efforts.

Fiscal Impact:

Unknown.

Prepared By: \_\_\_\_\_

Email: \_\_\_\_\_

Special Instructions to the Clerk:

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## STAFF REPORT

Subject: Waive Building Permit Fees for Fire Victims  
Date: September 15, 2015

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**ISSUE:** Should the Board authorize the Building Official to waive fees for reconstruction of previously permitted homes and ancillary buildings destroyed during the 2015 Trinity County Fires?

**BACKGROUND:** On Thursday, July 30, 2015, numerous fires were ignited from 500+ lightning strikes in the County. Most of the fires merged to form five complexes, River, Mad River, Route, Fork, and South. This was compounded by two fires in the Weaverville Area, Democrat on August 25<sup>th</sup>, and Browns on September 8<sup>th</sup>. Over 210,000 acres were burned and the fires destroyed approximately 30 residences and 30 outbuildings, most from the Blue Fire (Fork Complex) in Trinity Pines.

Because of the fires, damages, and hazardous conditions, the Governor issued Executive Order B-33-15 direction the Office of Emergency Services (Cal OES) to provide assistance under the California Disaster Assistance Act (CDAA) to help cover costs incurred in responding to and recovering from these fires. CDAA is intended to assist the County with extraordinary costs incurred by the County in the response and recovery process.

**DISCUSSION:** Due to the impact of these fires on local residents who lost their homes, and the County's desire to fully recover and rebuild, the Board may want to consider waiving the permit fees for associated reconstruction for previously permitted structures. Such permit fees include septic, well, encroachment, planning clearance, construction and inspection fees during the reconstruction process.

Waiving Building Permit Fees would be a new practice as this did not take place for previous fires. Only a few structures burned in the 2008 fires, and BLM was expected to cover the cost for the Lewiston Fires. Fees are not recommended to be waived for unpermitted structures.

A preliminary initial draft policy is as follows:

1. The dwelling that is being repaired or replaced was constructed under permit unless original construction pre-dated requirements for a building permit.
2. Any expansion of the size of the dwelling being repaired or reconstructed shall be subject to plan review and building permit fees calculated for the additional size only.
3. The building permit fee exemption is for dwellings and other accessory buildings.
4. As Builts would be accepted with amendments as required to comply with Building and Fire Codes.
5. Limit fee waiver to a specific time period of 6 months after the incident with ability for property owners to request an extension.
6. Waive Director's use permit fees for temporary RV placement during reconstruction on fire damaged properties;
7. Streamline processing of Director's use permits for temporary RV placement during reconstruction without notice to contiguous property owners.
8. Determine that accessory uses (e.g., gardens, chicken coops, outbuildings) surviving on properties where the principal structure was destroyed, do not constitute an "accessory use prior to a main use" (which requires a Director's use permit), unless rebuilding of the principal structure does not commence within a reasonable time (e.g., one year).

9. Authorize the Building Official to contract with additional vendors to enable expedited Plan review and inspections in order to address additional work.

**ALTERNATIVES INCLUDING FINANCIAL IMPLICATIONS:**

- 1) Waive all fees as outlined in the draft policy. Cost to General Fund up to \$80,000 in work not offset by revenues.
- 2) Collect fees, but waive fees for Director's Use Permit to provide temporary housing until such time replacement housing could be reconstructed. Cost to General Fund up to \$10,000 in work not offset by revenues, but to be offset by \$180,000 of potential revenues from unexpected building permits.
- 3) Collect all fees, with no waiver.

As mentioned in the report, the CDAA Grant is to cover the extraordinary cost, such as overtime or consultants. To optimize the return, the work will likely be done in addition to the existing workload requiring extended (overtime) hours. Cost is hard to predict, but it could likely be up to \$200,000. It is reasonable to expect that 60% to 75% would be recovered reducing cost. The remaining balance would have to be supplemented with General Fund Contingency, which could be up to \$80,000.

**RECOMMENDATION:** Because of the uncertainty of reimbursement, I recommend that fees continue to be collected for the replacement dwelling, but waive the fees for Director's Use Permit to allow temporary housing.

All other provisions related to streamlining should be approved.

Direction provided could be implemented immediately under Director's discretion, but it is the Departments intent to return with a written policy to be adopted at a future meeting.

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Richard Tippett, Director of Transportation

**CAO RECOMMENDATION:** Concur:  Yes  No  
Comments:

## STAFF REPORT

Subject: CalRecycle Debris Removal

Date: September 15, 2015

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**ISSUE:** Should the Board approve an Memorandum of Understanding (MOU) with the California Department of Resources Recycling and Recovery (CalRecycle) to provide environmental restoration activities, and further authorize the County Administrative Officer and/or Director of Transportation to execute all agreements and contracts necessary to carry out mitigations of hazardous waste and debris from the 2015 Trinity County Fires?

**BACKGROUND:** On Thursday, July 30, 2015, numerous fires were ignited from 500+ lightning strikes in the County. Most of the fires merged to form five complexes, River, Mad River, Route, Fork, and South. This was compounded by two fires in the Weaverville Area, Democrat on August 25<sup>th</sup>, and Browns on September 8<sup>th</sup>. Over 210,000 acres were burned and the fires destroyed approximately 30 residences and 30 outbuildings, most from the Blue Fire (Fork Complex) in Trinity Pines.

Because of the fires, damages, and hazardous conditions, the Governor issued Executive Order B-33-15 direction the Office of Emergency Services (Cal OES) to provide assistance under the California Disaster Assistance Act (CDAA) to help cover costs incurred in responding to and recovering from these fires. CDAA is intended to assist the County with extraordinary costs incurred by the County in the response and recovery process.

Ash and debris inside burned structures may contain more toxic substances than forest fire ash because of the many synthetic and other materials present in buildings. Older buildings in particular may contain asbestos and lead. A more cautious approach should be taken in the removal of ash and other debris from inside burned structures for the protection of health and safety.

To minimize exposure to emergency personnel, the general public and workers involved with restoration efforts, and to minimize dispersion to the air and run-off surrounding surface waters, the ash and contaminated debris should be cleaned up and contained as quickly as possible.

**DISCUSSION:** With CDAA funds, there are two ways that properties can be cleaned up after a fire. They are as follows;

Option 1 – Property owner or owner's contractor may conduct cleanup on their own with regulatory oversight provided by the Trinity County.

This option has an associated cost with regulatory inspections and waste disposal. This option provides some assurance of protecting public health, safety and the environment by providing regulatory oversight which can reduce hazard risks of the debris and facilitate redevelopment. If environmental concerns warrant it, code enforcement efforts may need to be initiated.

This option will be difficult at best as the debris cannot be accepted at any of our waste facilities and will have to be taken out of county for proper disposal.

Option 2 – Clean up would be performed by specialized contractors managed by the State Cal Recycle agency and County Environmental Health and Building

and Safety Divisions on behalf of property owners and funded through the California Disaster Assistance Act (CDAA) under the Debris Removal Operations Plan that will be developed for the County by CalRecycle.

This option provides the assurance that fire debris will be completed in a timely and secure manner with the highest level of assurance for public health and safety and environmental compliance.

Prior to the proposed comprehensive cleanup, as described in Option 2, the California Department of Toxic Substances Control (DTSC) will offer a removal of immediately identified hazards and gross contamination. This pre-cleanup operation can also evaluate, to some extent, the degree of contamination that may be present.

If CalRecycle is to be used for debris removal, there are some steps involved for implementation, including obtaining right of entry from the property owner. Because this program is at no cost to the property owner, it is expected that most will select this option and have the property cleaned using CDAA funds. Also, the attached MOU would have to be executed outlining specific responsibilities. Further, contracts with selected firms will have to be executed under emergency authority to permit expedited debris removal.

If the property owner does not perform cleaning up the property using either option, or the property owner cannot be located, the MOU with CalRecycle requires that the County immediately initiate the Abatement Process to allow for legal entry onto the property. All unsafe structures that were damaged or destroyed by the fires have been posted, providing the initial notification required for abatement.

**ALTERNATIVES INCLUDING FINANCIAL IMPLICATIONS:**

- 1) Authorize the MOU and initial clean up.
- 2) Reject the agreement and provide Staff with direction. Care has to be taken with this option as this could cause the county to be ineligible for debris removal reimbursement under the CDAA program.

**RECOMMENDATION:** Approve an MOU with the California Department of Resources Recycling and Recovery (CalRecycle) and further authorize the County Administrative Officer and/or Director of Transportation to execute all agreements and contracts necessary to carry out mitigations of hazardous waste and debris from the 2015 Trinity County Fires.

Respectfully Submitted,

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Richard Tippett, Director of Transportation

**CAO RECOMMENDATION:** Concur:  Yes  No  
Comments:

Memorandum of Understanding  
Between Trinity County and  
The California Department of Resources Recycling and Recovery  
Concerning the Trinity County Fires Debris Removal and  
Related Environmental Restoration Activities

WHEREAS, The Governor proclaimed a state of emergency due to the outbreak of fires due to lightning strikes in Trinity County on July 31, 2015; and

WHEREAS, As a result of the 2015 Trinity County Fires (Fork, Mad River, River, South, and Route Complexes, Democrat, and Browns Fires), approximately 60 structures, of which included 30 dwelling units, were destroyed or damaged in Trinity County; and

WHEREAS, As a result of these fires, potentially serious health and safety hazards currently exist from fire debris, including unstable chimneys, walls of fire damaged structures, and harmful materials that are likely to remain on affected parcels, such hazards requiring immediate attention and constituting a local emergency; and

WHEREAS, The expeditious demolition of damaged structures and facilitation of the rebuilding and upgrading of the structures, including making the structures more fire-resistant, is in the best interest of the citizens of Trinity County; and

WHEREAS, On August 27, 2015, the Governor issued an Executive Order B-33-15 invoking the California Disaster Assistance Act, and ordering the Office of Emergency Services to provide assistance to the local government; and

WHEREAS, That Executive Order directs that "State agencies shall, as necessary for the protection of public health and the environment, enter into contracts to assist local governments and arrange for the procurement of materials, goods, and services necessary to quickly remove dangerous debris, repair damaged resources, and restore and protect the impacted watershed;" and

WHEREAS, The Governor's Proclamation states that "State agencies and departments within my administration shall work with local officials to assist them in establishing and implementing a comprehensive structural debris removal plan."

NOW THEREFORE, the following Memorandum of Understanding (MOU) between Trinity County (County) and the California Department of Resources Recycling and Recovery (CalRecycle) shall govern activities for the 2015 Trinity County Fires Structural Debris Removal project:

## Debris Removal

1. CalRecycle will develop a "Debris Removal Operations Plan for the 2015 Trinity County Fires incident related to debris removal and related environmental restoration activities associated with the 2015 Trinity County Fires, including, but not limited to, burned vehicles, structural materials, vegetation, household waste, and trailers. Plan development will be open to input from Trinity County and adopted for use on the project. A Debris Removal Operations Team will then use the plan to manage the project and will modify it as required to suit the needs of the project. The plan is a "living document". At its sole discretion, the Debris Removal Operations Team will determine whether any particular debris removal is within the scope of the plan. The above activities are hereinafter sometimes referred to as the "state-managed debris removal program."
2. County will secure permission from affected property owners for CalRecycle employees and contractors to enter their properties. No work on a parcel will begin unless the property owner signs a Right of Entry Agreement [for debris removal on private property], or if no owner is available to provide consent, until the property is declared a public nuisance and/or health hazard and entry is authorized by law. Actual site debris removal will not begin until at least six property owners have provided the above referenced authorizations, or if no owner is available to provide consent, until the property is declared a public nuisance and/or health hazard and access is obtained by the County and authorized by law.
3. County will collect and transport, at no charge to CalRecycle or its contractors, any household hazardous waste discovered on the affected parcels.

## State Funding and CalRecycle Reimbursement

1. In order to begin debris removal as expeditiously as possible, CalRecycle will utilize such funding as may be available towards the cost of the state-managed debris removal program.
2. The preliminary estimates indicate that the costs for the state-managed debris removal program is approximately \$X.X million.
3. County agrees that CalRecycle will be reimbursed utilizing funds County receives from the California Disaster Assistance Act, for the actual costs of implementing the state managed debris removal program and related environmental restoration activities. CalRecycle will present the County with itemized invoices for the debris removal activities associated with each individual property within 45 days of the completion of each property remediation. County will reimburse CalRecycle for these invoices within 30 days of receipt of the itemized invoice, as long as funds have been provided for said purpose to County by the Office of Emergency Services, or within 30 days after County receives funds to pay for those costs.

4. If the County receives advanced funding from the California Disaster Assistance Act (or Office of Emergency Services) for the costs of the state-managed debris removal program, the County agrees to advance these funds to CalRecycle for its costs.
5. County may assign payments to CalRecycle from other parties including homeowners' insurance companies or other entities involved in this effort. However, CalRecycle will accept such assigned payments only if they are received by CalRecycle before or within the 30-day invoice payment period established above. If payments are received after the 30-day invoice payment period, then County shall assign them to the Office of Emergency Services.
6. The County and CalRecycle agree that costs incurred in the performance of this Agreement prior to execution are eligible for reimbursement pursuant to this Agreement.

The County's officers or employees with responsibility for administering this Agreement are Wendy Tyler, County Administrative Officer, Richard Tippett, Director of Transportation or his successor. The parties to this Agreement warrant and represent that the undersigned individuals executing this Agreement on their respective behalf are fully authorized to do so by law or other appropriate instrument and to bind upon said parties the obligations set forth herein.

Trinity County

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
 Wendy G. Tyler  
 County Administrative Officer

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
 Margaret Long  
 County Counsel

California Department of Resources Recycling and Recovery

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
 Name:  
 Title: