

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Supervisor
duly seconded by Supervisor
the following Resolution is adopted:

RESOLUTION AUTHORIZING IMPLEMENTATION OF A "LEGALIZATION ASSISTANCE PERMIT PROGRAM" ("LAPP") AND CLARIFYING UNIFIED FEE SCHEDULE ADMINISTRATION WITH REGARD TO THE INAPPLICABILITY OF CUREC ("CONSTRUCTION UNPERMITTED - RECOVER ENFORCEMENT COSTS") FEES, ABILITY TO APPLY CASE-BY-CASE COST RECOVERY PERMIT-RELATED FEES, AND LEVEL OF IMPACT FEES IMPOSED, FOR PROJECTS VOLUNTARILY PARTICIPATING IN THE LAPP

WHEREAS, the County desires to encourage owners of unpermitted improvements to voluntarily engage with the County to seek to obtain necessary permits for existing construction and improvements; and

WHEREAS, the Board of Supervisors determines that the benefits to public health, safety and welfare from legalization of undocumented or unpermitted construction support the imposition of applicable Impact Fees as provided herein for projects processed under a "Legalization Assistance Permit Program" ("LAPP"), based upon a finding that without the LAPP Program such construction and improvements are most likely to remain unpermitted and illegal, and that "status quo" situation does not result in payment of impact fees; and

WHEREAS, it is in the public interest that unpermitted construction become legalized, and it is desired to impose impact fees as provided herein to provide an incentive for owners to participate in the LAPP; and

WHEREAS, the Board of Supervisors determines that the "Construction Unpermitted-Recover Enforcement Costs" fee ("CUREC" double fees), is not applicable for projects that voluntarily engage with the County's LAPP, as these are not considered code enforcement cases under the LAPP.

WHEREAS, the Board of Supervisors has previously enacted Resolution No. 375-82 which amended certain sections of the Santa Cruz County Code to provide that fees previously specified therein shall henceforth be established by Resolution of this Board; and

WHEREAS, the Board has adopted a Unified Fee Schedule, and periodically adopts Resolutions amending the Unified Fee Schedule with regard to setting the level and applicability of fees for zoning permits, building permits, impact fees and a variety of other items; and

WHEREAS, the Board has determined that it is necessary to clarify the applicability of certain fees for development and building permit applications that are filed in the future to legalize existing unpermitted construction and improvements under a Board-authorized Legalization Assistance Permit Program ("LAPP"), which will be in effect for a limited two-year time period.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby a) finds that the Legalization Assistance Permit Program (LAPP) as described by materials considered by the Board on this date is exempt from the California Environmental Quality Act; and b) authorizes

operation of a LAPP to operate from August 24, 2014 through August 31, 2016; and; c) authorizes the Planning Director to issue LAPP Administrative Practice Guidelines for operation of the Program, and to issue updates to such Guidelines as needed, consistent with the overall intent of the Program as expressed by the attached Exhibit A.

BE IT FURTHER RESOLVED AND ORDERED that the fees and charges of the Unified Fee Schedule(s) that will be in effect from August 24, 2014 through August 24, 2016, are hereby clarified as follows:

1. The "Construction Unpermitted – Recover Enforcement Costs" (CUREC) fee does not apply to projects voluntarily participating in the LAPP Program to permit existing construction or improvements; and
2. County land use permitting agencies are granted the discretion to apply special inspection fees charged on an hourly basis to calculate the level of development permit and building plan check, processing, review and permit fees for projects participating in the LAPP Program; and
3. The Board of Supervisors hereby authorizes the imposition of impact fees in effect at the time the unpermitted construction took place for projects of applicants who voluntarily participate in the LAPP.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 2014 by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson, Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:



COUNTY COUNSEL

cc: County Counsel
 Planning Department