



EL DORADO COUNTY PLANNING & BUILDING DEPARTMENT

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Date: October 2, 2023
To: Honorable Board of Supervisors
From: Karen L. Garner, Director
Subject: **Interpretation of Square Footage Related to the Rebuilding of Caldor and Mosquito Fire Residential Structures (Updated from original memo 12/6/22)**

Caldor Urgency Ordinance 5150 Section 130.69.260 and Mosquito Urgency Ordinance 5172 Section 130.69.A allows for the waiver of Planning and Building Department permit fees for the “repair or reconstruction of a conforming or legal nonconforming dwelling or structure on fire-damaged lots in the burn area, provided that the repair or reconstruction is substantially equivalent to the damaged or destroyed dwelling or structure, the applicant owned the lot as of August 14, 2021 (Caldor) or September 6, 2022 (Mosquito), and the application is submitted prior to the expiration of this Chapter 130.69.”

As applications for reconstruction of destroyed homes have been submitted to the County, there are situations where the proposed homes are larger in size than what was destroyed. In cases where the proposed home is substantially larger than what was destroyed, Building permit fees are charged for the square footage above and beyond the square footage of the home destroyed.

In some instances, the increased square footage is minor and a result of a different layout of the home, not because of increased utility of the home. Other examples when minor increases may be necessary is to accommodate ADA needs such as wider hallways and larger bathrooms or when a previously “stick-built” home is replaced with a manufactured home. By their nature, manufactured homes have pre-determined sizes and although there are a variety of choices, it is unlikely a manufactured home will be the exact same square footage as the destroyed home, even if the number of bedrooms, bathrooms and other rooms are the same.

To accommodate these types of requests, the Planning and Building Department will apply the language from Ordinance 5150 and 5172 for “substantially equivalent” when calculating the square footage of the proposed rebuild. This would allow a minor increase to square footage while still waiving all Building and Planning Permit fees. Though not specifically defined, the term references Revenue and Taxation Code 69(c)(2) which details revaluation of destroyed property for tax purposes:

“Replacement property is comparable to the property substantially damaged or destroyed if it is similar in size, utility, and function to the property which it replaces.”

To ensure a subjective review when evaluating what is “substantially equivalent”, staff will allow up to 250 square feet above the documented and permitted square footage of the destroyed home without additional Planning and Building Permit fees. For homes that exceed 250 square feet beyond the square footage of the destroyed home, Planning and Building Permit fees will be applied to the difference. The 250 square feet may only be applied to the primary residence and cannot be applied to increase the size of detached garages, decks or other accessory structures that are being replaced. As noted, if the property owner wants to increase the size of their home beyond 250 square feet of the previous size or rebuild larger accessory structures, they have the ability to do so and would only pay permit costs for the square footage exceeding the waived amount.

Example #1

Destroyed home: 1,500 sq. ft.

Proposed home: 1,600 sq. ft.

Full waiver of Planning and Building fees applies (increase is less than 250 sq. ft.).

Example #2

Destroyed home: 1,500 sq. ft.

Proposed home: 2,000 sq. ft.

Waiver of Planning and Building fees for 1,750 sq. ft. Normal Planning and Building fees applied to remaining 250 sq. ft.

This allowance for up to an additional 250 square feet for fee waiver purposes was reviewed by other affected Departments.

- County Assessor. The County Assessor has reviewed this proposal and supports this methodology, noting that the language will also support determinations by the Assessor’s Office when looking at reassessments under the various calamity provisions of the Revenue & Taxation code.
- Environmental Management. Increased square footage could necessitate a larger septic system depending on the size of the existing septic system and the nature of the increased square footage. Environmental Management will review proposed plans to determine if the septic system is adequately sized for the proposed home.

This information will be made available to the public by posting on the Caldor Fire and Mosquito Fire website as well as Planning and Building staff that interact and assist Caldor and Mosquito Fire victims.

Should you have any questions, you may contact me at (530) 621-5132 or Karen.L.Garner@edcgov.us.

cc: Tiffany Schmid, CAO
Jon DeVille, County Assessor
Jeffrey Warren, Director, Environmental Management
Tom Burnette, Chief Building Official