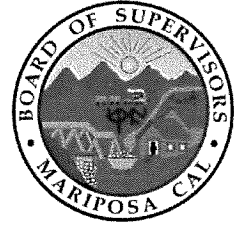




MARIPOSA COUNTY

Administration · 966-3222



RESOLUTION - ACTION REQUESTED 2018-17

MEETING: January 9, 2018
TO: The Board of Supervisors
FROM: Dallin Kimble, County Administrative Officer
RE: Habitat for Humanity Fee Waiver

RECOMMENDATION AND JUSTIFICATION:

Waive Up to \$8846 in Building Permit Fees Associated with Two Habitat for Humanity of Mariposa County (Habitat) Project Houses to be Built at 5055 and 5063 Stroming Road.

On September 26, 2017, the Board approved waiving fees incurred by Habitat for Humanity (Habitat) to process two conditional use permit applications and two design review applications for two houses to be built on Stroming Road for low-to-very-low income families. At that time Jim Evans, Vice President and Interim Treasurer of the Mariposa chapter of Habitat for Humanity, also requested a waiver of all building permit fees associated with the two projects. Several Board members indicated a willingness to consider the action but none was taken at that time.

On November 17, 2017, Habitat incurred a plan check fee on one house with a partial amount of \$1071.72 being paid. A request for waiver of that fee was then received by the Clerk of the Board from Jim Evans. Rather than bringing a series of items to waive individual fees incurred through the building process, staff is requesting a waiver of all fees up to \$4,423 per home.

It should be noted that staff is unable to provide an exact amount of the requested waiver because actual permit costs are based upon plans that have not yet been received from Habitat. The two most recent Habitat projects averaged \$3846 in fees per home. While the final amount may be more or less if submitted plans are substantially different from past projects, staff has accounted for a 15% contingency to account for possible variation.

In considering this item, the Board should be aware of two references in County documents regarding fee waivers. The current General Plan Housing Element, which was used to support the conditional use permit and design review processing fee waivers, states that the County will "offer and support regulatory and financial incentives, such as density bonuses and fee waivers, for projects that include housing units affordable to very low- and/or low-income households".

Likewise, a prior planning fee resolution from 1992 stated: "The Board of Supervisors may consider waivers of application fees upon the filing of a written request. A waiver may be granted in situations which the Board of Supervisors consider equitable and in the public interest (health and safety)."

Resolution - Action Requested 2018-17

The Board should also be aware that waiving fees in this instance may set a precedent for other nonprofits in the community that may be interested in residential construction. Staff is making its recommendation to waive these fees based upon the relative scarcity of available housing, the Board's expressed desire to encourage construction and the guiding documents quoted here.

Because the Building Department is an enterprise fund, the Board has typically provided general funds to reimburse the department for lost fees. Staff will request an appropriate allocation of funds for reimbursement as a part of the midyear budget process.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On September 26, 2017, the Board approved a waiver of the Planning Department fees to process two conditional use permit applications and two design review applications for these two projects.

The Board has waived other Building permit fees on past occasions with the most recent being on August 8, 2017, when the Board waived owner payments for fees for electrical permits (blue tags) to reestablish power lost due to the Detwiler Fire.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

A negative action is a denial of the fee waiver request and will mean that Habitat for Humanity will be responsible to pay the full amount required for building permit fees for the two projects on Stroming Road.

Alternative actions include modifying the total amount to be waived per house, or waiving fees for only one house.

ATTACHMENTS:

Building Department Estimate of Fees - Habitat Stroming Road (PDF)

Habitat 17 Nov 2017 Receipt (PDF)

11-22-2017 Email Request from Jim Evans (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

MARIPOSA COUNTY BUILDING DEPARTMENT
Estimated Fees Listing -- Summary Totals

Application type . . : DWELLING, SINGLE FAMILY-DETACHED
Job description . . : HABITAT HOME
Reference location . :

Fee Description	Amount
BUILDING STANDARDS	8.00
CONTINUING EDUCATION FEE	3.00
ENERGY CALCULATION CHECK	51.75
ISSUANCE FEE-MAJOR	72.75
PLANNING FEE, SITE REVIEW	40.00
SMIP RES OVER \$3850	23.20
PLAN CHECK FEES - BUILDING	1071.72
PLAN CHECK FEES - GRADING	50.00
PLAN CHECK FEES - SPRINKLERS RESIDENTIAL	140.00
PERMIT FEES - BUILDING	1648.80
PERMIT FEES - ELECTRICAL, RESIDENTIAL PE	99.50
PERMIT FEES - GRADING	230.00
Total	3846.07

+

Press Enter to continue.

F3=Exit F7=Print summary F12=Cancel

BP822U06

MARIPOSA COUNTY BUILDING DEPARTMENT
Estimated Fees Listing -- Summary Totals

11/22/17
14:19:04

Application type . . : DWELLING, SINGLE FAMILY-DETACHED
Job description . . : HABITAT HOME
Reference location . :

Fee Description	Amount
PERMIT FEES - MECHANICAL, RESIDENTIAL PE	63.35
PERMIT FEES - PLUMBING, RESIDENTIAL PERM	64.00
PERMIT FEES - SPRINKLERS RESIDENTIAL PER	280.00

Total 3846.07

Press Enter to continue.

F3=Exit F7=Print summary F12=Cancel



MARIPOSA COUNTY BUILDING DEPARTMENT

P.O. Box 1268 • 5100 Bullion Street • Mariposa, CA 95338-1268

Telephone: (209) 966-3934 • Fax: (209) 742-5024

R109.3 Inspection Requests. It shall be the duty of the permit holder or their agent to notify the Building Official that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work.

PERMIT

R109.4 Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official.

PERMIT NO: 14-00031068
TYPE: DWELLING, SINGLE FAMILY-DETACHED
JOB ADDRESS: 4176 SEBASTOPOL RD
APN: 014-250-0500-

DATE: 9/10/14
EXPIRATION DATE: 9/10/17

OWNER:
HABITAT FOR HUMANITY
MARIPOSA COUNTY
PO BOX 1420
MARIPOSA CA 95338

CONTRACTOR:
EDWARDS BUILDING MAINTENANCE
PO BOX 1973
MARIPOSA CA 95338
209-966-2151

WORKER'S COMPENSATION #: A09444649414
INSURANCE COMPANY . . . : FARMERS INS EXC
EXPIRATION DATE : 2/01/15

VALUATION: 171,165
OCCUPANCY:
CONSTRUCTION:

DESCRIPTION OF WORK:
DWELLING
QTY FEE
BASE PERMIT FEE .00
72.00 VALUATION 100,001-500,000 462.96

FEES: BUILDING, COMBINATION
PERMIT FEES 1,603.79
PLAN CHECK FEES 1,042.46

FEES: ELECTRICAL, RESIDENTIAL
PERMIT FEES 141.00

FEES: MECHANICAL, RESIDENTIAL
PERMIT FEES 100.70

FEES: OTHER AGENCIES REQUIRED
NO CHARGE FOR PERMIT

FEES: PLUMBING, RESIDENTIAL
PERMIT FEES 64.00

APPLICATION FEES:
BUILDING STANDARDS 7.00
CONTINUING EDUCATION FEE 3.00
ENERGY CALCULATION CHECK 51.75
ISSUANCE FEE-MAJOR 72.75
PLANNING FEE, SITE REVIEW 40.00
SMIP RES OVER \$3850 22.25
TOTAL 3,148.70

SPECIAL NOTES AND COMMENTS:
DRIVING DIRECTIONS: hwy 49 to indian pea
k to sebastopol rd.

APPLICATION APPROVAL

THIS PERMIT DOES NOT BECOME VALID UNTIL SIGNED BY THE BUILDING OFFICIAL OR HIS DEPUTY AND FEES ARE PAID

NOTES: _____

Issued by Radcliffe Issued 9/10/14

Applicant's Signature [Signature]
Owner () Agent () Contractor (x)
For Inspection Call (209) 966-3934

LICENSED CONTRACTOR'S DECLARATION

I hereby affirm under penalty of perjury that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

License Class 44502-B License No. 495124
Contractor's Signature [Signature] Date 9/10/14

OWNER-BUILDER DECLARATION

I hereby affirm under penalty of perjury that I am exempt from the Contractor's State Law for the reason(s) indicated below by the checkmark(s): I have placed next to the applicable item(s) (Section 7031.5, Business & Professions Code). Any city or county that requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for the permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractor's State License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business & Professions Code) or that he or she is exempt from licensure and the basis for alleged exemption. Any violation of Section 7031.5 by any applicant for permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500).

I, as owner of the property, or my employees with wages as their sole compensation will do: All of or Portions of the work, and the structure is not intended or offered for sale (Section 7044, Business & Professions Code). The Contractor's State Law does not apply to an owner of property who, through employees or personal effort, builds or improves the property, provided that the improvement is sold within one year of completion, the Owner-Builder will have the burden of proving that it was not built or improved for the purpose of sale.)

I, as owner of the property, am exclusively contracting with licensed Contractors to construct the project (Section 7044, Business & Professions Code). The Contractor's State Law does not apply to an owner of property who builds or improves thereon, and who contracts for the projects with a licensed Contractor pursuant to the Contractor's State Law.)

I am exempt from licensure under the Contractor's State Law for the following reasons:

By my signature below, I acknowledge that, except for my personal residence in which I must have resided for at least one year prior to completion of the improvements covered by this permit, I cannot legally sell a structure that I have built as an owner-builder if it has not been constructed in its entirety by licensed contractors. I understand that a copy of the applicable law, Section 7044 of the Business & Professions Code, is available upon request when this application is submitted or at the following Web Site: http://www.leginfo.ca.gov/pub/06_01/0001_0100.html

Signature of Property Owner or Authorized Agent _____ Date _____

WORKERS' COMPENSATION DECLARATION

WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL & SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES & CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000) IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, & ATTORNEY'S FEES.

I hereby affirm under penalty of perjury one of the following declarations:

I have & will maintain workers' compensation insurance, as required by Section 3706 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation carrier and policy number are:

Carrier _____ Policy No. _____ Ex. Date _____
Name of Agent _____ Ph. No. _____

I certify that, in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to workers' compensation laws of California, and agree that, if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

Signature of Applicant [Signature] Date 9/10/14

DECLARATION REGARDING CONSTRUCTION LENDING AGENCY

I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued (Section 5067, Civil Code).
Lender's Name _____
Lender's Address _____

By my signature below, I certify to each of the following:
I am the property owner or authorized to act on the property owner's behalf. I have read this application and the information I have provided is correct. I agree to comply with all applicable city & county ordinances & state laws relating to building construction. I authorize representatives of this city or county to enter the above-identified property for inspection purposes.

Signature of Property Owner or Authorized Agent [Signature] Date _____



MARIPOSA COUNTY BUILDING DEPARTMENT

P.O. Box 1268 • 5100 Bullion Street • Mariposa, CA 95338
Telephone: (209) 966-3934 • Fax: (209) 742-5024

PERMIT

PERMIT NO: 10-00029163
TYPE: DWELLING, SINGLE FAMILY-DETACHED
JOB ADDRESS: 4146 SEBASTOPOL RD
APN: 014-250-0180-

DATE: 11/19/10
EXPIRATION DATE: 11/19/13

OWNER:
DUDLEY, HOWARD/JOY, JR

CONTRACTOR:
OWNER/BUILDER

12061 NIETA DR
GARDEN GROVE CA 92840-3528

MARIPOSA CA 95338

WORKER'S COMPENSATION #: EXEMPT PER CSLB
EXPIRATION DATE: 1/01/11

VALUATION: 162,164
OCCUPANCY:
CONSTRUCTION:

DESCRIPTION OF WORK:

QTY	FEE
BASE PERMIT FEE	.00
63.00 VALUATION 100,001-500,000	395.01

FEE: BUILDING, COMBINATION PERMIT FEES	1,508.01
PLAN CHECK FEES	980.21

FEE: ELECTRICAL, RESIDENTIAL PERMIT FEES	122.50
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FEE: MECHANICAL, RESIDENTIAL PERMIT FEES	55.00
--	-------

FEE: OTHER AGENCIES REQUIRED
NO CHARGE FOR PERMIT

FEE: PLUMBING, RESIDENTIAL PERMIT FEES	55.50
--	-------

APPLICATION FEES:	
BUILDING STANDARDS	7.00
CONTINUING EDUCATION FEE	3.00
ENERGY CALCULATION CHECK	45.00
ISSUANCE FEE-MAJOR	56.00
PLANNING FEE, SITE REVIEW	20.00
SMIP RES OVER \$5000	16.22

TOTAL 2,868.44

SPECIAL NOTES AND COMMENTS:
DRIVING DIRECTIONS:

APPLICATION APPROVAL

THIS PERMIT DOES NOT BECOME VALID UNTIL SIGNED BY THE BUILDING OFFICIAL
OR HIS DEPUTY AND FEES ARE PAID.

NOTES: _____

Issued by Debra Willis Issued 11/19/10

Applicant's Signature [Signature]
Owner () Agent Contractor ()
For Inspection Call (209) 966-3934

I hereby affirm that I am licensed under provisions of chapter 9 (commencing with Section 7000) of division 3 of the Business and Professions Code, and my license is in full force and effect.

I hereby affirm that I am exempt from the Contractor's License Law for the following reason. (Sec. 7031.5 Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law (Chapter 9 commencing with Section 7000 of the Division 3 of the Business and Professions Code) or that is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by an applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500).

I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044 Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale).

I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044 Business and Professions code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractor's License Law).

I am exempt under Sec. _____ B. & P.C.
for this reason: _____

I hereby affirm that I have a certificate of consent to self-insure, or a certificate of Worker's Compensation Insurance of a certified copy thereof (Sec. 3800. Labor Code).

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Worker's Compensation Laws of California.

NOTICE TO APPLICANT: If, after making this Certificate of Exemption, you should become subject to Worker's Compensation provisions to the Labor Code, you must forthwith comply with such provisions or this permit shall be deemed revoked.

I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civil Code).

Lender's Name: _____
Lender's Address: _____

I, as owner or contractor, will comply with all grading rules and regulations as found in the current edition of the Uniform Building Code and Mariposa County Grading ordinance. I accept total responsibility for any fill areas that have not been brought to the attention of the building inspector. I accept all responsibility for any problems or failures resulting from improperly built fills and/or cuts, including problems or failures of buildings that have been placed on or near fills and/or cuts.

I certify that I have read this application and state that the above information is correct. I agree to comply with all county ordinances and state laws relating to building construction, and hereby authorize representatives of this county to enter upon the above mentioned property for inspection purposes.

[Signature] 11-19-2010
Signature of Applicant or Agent Date

COUNTY OF MARIPOSA - CASH RECEIPTS
*** CUSTOMER RECEIPT ***

Batch ID: LWELLS 11/17/17 00 Receipt no: 7646

Year	Number	Type	SvcCd	Description	Amount
2017	33266	BP		BUILDING PERMITS	\$1071.72

5063 STROMING RD
MARIPOSA, CA 95338
Trans number: 1986341
Total tendered: \$1071.72
Total payment: \$1071.72

Trans date: 11/20/17 Time: 15:40:46

COUNTY OF MARIPOSA

Habitat for Humanity of Mariposa County

Rene LaRoche

From: jim evans <owenevan@sti.net>
Sent: Wednesday, November 22, 2017 8:36 AM
To: Rene LaRoche
Cc: Roger Powell
Subject: Re: Fee Waivers Habitat for Humanity of Mariposa County
Attachments: 2nd fee waiver request.pdf

Ms. LaRoche,

Habitat for Humanity of Mariposa County (HfHMC) requests County fee waivers for the construction of two single family homes to be constructed at 5055 & 5063 Stroming Road, Mariposa town. HfHMC estimates the cost of the fee waivers to be less than \$3,000 (Building and Encroachment permits).

HfHMC justifies this request for 2 reasons. Housing Objectives and Programs section 2.3 of the Mariposa County Housing Element states that the County shall "offer...fee waivers for projects that include housing units affordable to very low and/or low income households." Habitat for Humanity International mandates that affiliate homes are to be occupied by very low and/or low income households. Secondly, the Mariposa County Board of Supervisors waived Conditional Use Permit fees for the two subject properties (Resolution 17-650).

As requested, please find attached a copy of the Customer Receipt for the Building Permit for 5063 Stroming Road, Mariposa CA 95338. Please let me know if you require any additional information.

Thank you for your efforts in this matter.

Sincerely,
Jim Evans, Treasurer
Habitat for Humanity of Mariposa County

On 11/15/2017 10:30 AM, Rene LaRoche wrote:

Hi, Jim. As we discussed a couple of weeks ago, I did speak with the Building Department about this and was told that they cannot determine the amount of the fee to be waived until Habitat comes in with the plans. Once fees are determined, an item can then be crafted to go before the Board. It probably makes sense that the item comes from Building but, regardless, we can work with everyone to make sure it happens.

Give me a heads-up when you are ready to go in for the permit so that I can be sure to be available.

René

*René LaRoche, CCB
Clerk of the Board
209.966.3222*

*5100 Bullion Street
P.O. Box 784
Mariposa, California 95338*

From: jim evans [<mailto:owenevan@sti.net>]
Sent: Wednesday, November 15, 2017 10:05 AM

To: Rene LaRoche
Cc: Roger Powell
Subject: Fee Waivers Habitat for Humanity of Mariposa County

Hi Rene,

We are going to "pull" building permits shortly. During the discussion of Resolution 2017-650 at the 9/26/17 meeting, Supervisor Cann "noted that he would like the Board to discuss the full range of fees and consider backfilling them."

You informed me that you were trying to identify which Department would be best to prepare an Agenda item. Have you made any progress? Is there any way we at Habitat can be of assistance?

Please advise,

Jim Evans, Vice-President
Habitat for Humanity of Mariposa County