



Legislation Text

File #: 20-708, Version: 1

Receive an update from the Incident Command Unit regarding the LNU Lightning Complex Fire emergency response and recovery efforts and current status of state and federal guidance regarding debris removal and funding requests.

Published Notice Required? Yes ☐ No ☒
Public Hearing Required? Yes ☐ No ☒

DEPARTMENTAL RECOMMENDATION:

Incident Command staff recommends that the Board receive an update regarding the LNU Lightning Complex response and recovery efforts and current status of state and federal guidance regarding debris removal and funding requests.

SUMMARY:

The extent of damage attributed to the LNU Lightning Complex Fire has become clearer in the past few weeks. Cal Fire reports, which have affirmed by the Sheriff's Office and the Vacaville Fire Protection District, indicate 2 lives lost, 309 homes and 854 structures destroyed with additional loss or damage to related structures such as wells, septic tanks and perimeter fences. Other losses include 1426 PG&E power poles, 1818 feet of destroyed guardrail, 6 severely damaged culverts and 1000 burned trees within or along road rights of way. The loss of vegetative cover, wildlife and farm animals has also been extensive with a burn area extending north to south of over 15 miles and up to 7.5 miles wide. The extent of property loss and damage is unprecedented in recent Solano County history. In response to the fire and the destruction it caused, emergency declarations were made or confirmed by the Governor on August 18, 2020, the County Administrator on August 19, 2020, the President of the United States on August 22, 2020 and the Board of Supervisors on August 25, 2020.

The Board last received an update on the LNU Lightning Complex Fire on September 1, 2020. In conjunction with the update, the Board adopted an Urgency Ordinance establishing requirements for debris removal in the burn areas. The Board also adopted a resolution temporarily waiving fees for certain types of permits such as temporary power for properties in the burn area and on copy charges for certain types of legal documents and deeds needed by residents who lost homes in the fire.

Since the last update, progress has been made in the initial phases of recovery from the fire. Initial cleanup efforts have been initiated and the County has been able to make contact with a significant number of residents who have been affected by the fire. The status of these various efforts is provided in the Discussion section of this report.

As we enter the recovery phase, the County is initiating numerous efforts to help residents in the recovery process. The County has also been aggressive in getting out public information in a timely manner on re-population of areas that were evacuated due to the fire and various safety messages. The County EOC was fully staffed the first 10 days of the event and continues to be activated virtually.

DISCUSSION:

Recovery will be a multi-pronged effort. Certain aspects are long term but staff is diligently working to take immediate steps for the benefit of the local community. They are summarized below. Staff anticipates returning to the Board in late October or early/mid-November with further recommendations on measures to assist residents impacted by the fire including a hardship waiver provision on building permits, possible extension of the temporary fee waivers, an allowance to use previously approved plans on homes destroyed that were constructed in the past 5 years (with minor updates to account for recent building code changes) and special RV placement provisions applicable to properties in the burn area.

Ash and Debris Removal:

The sequence of ash and debris removal will directly impact many permitting issues. Both FEMA and CALOES have commented that no re-occupancy may occur on properties where there are burned structures larger than 120 sf. until Phase 1 and Phase 2 cleanup have been completed. This includes temporary RV's. The County is seeking clarification on where there might be flexibility based on variables such as larger parcel sizes in parts of the burn area that might allow adequate separation from potential health hazards associated with debris piles. Until we get clarification, there is a risk of losing eligibility for public funding of debris removal if re-occupancy of burn properties were allowed prior to the Department of Toxic Substances (DTSC) cleanup standards.

In consideration of this factor, staff is taking necessary steps to expedite the cleanup process. The County did receive commitment of Phase 1 clean up funding from FEMA for household hazardous waste cleanup of affected process and that process is nearly complete. Contractors from DTSC are currently finishing cleanup of the remaining lots. According to the DTSC, 437 of the 492 properties have been completed.

Phase 1 cleanup has been limited to household hazardous wastes, electronic waste and limited asbestos removal. Phase 2 cleanup would cover removal of remaining structure ash, debris and asbestos. As of the writing of this report, the County has received a funding commitment for Phase 2 cleanup from FEMA and CalOES on September 30, 2020. An initial request for Phase 2 funding was made in August with a follow up correspondence sent to FEMA on September 28, 2020 (See attached). Multiple counties were impacted by the LNU Lighting Complex Fire which may affect timing and how FEMA approaches Phase 2 funding.

Once properties are cleared under Phase 1 cleanup, property owners can opt to proceed with Phase 2 cleanup utilizing funds from property insurance or other sources. They would not be eligible to receive public funds if they become available. If property owners opt to proceed on their own, they must first submit a Phase 2 cleanup work plan to County Environmental Health. Thus far, 36 work plans have been approved. 27 others are currently in review.

Temporary Power Permits/Temporary RV's

Because Phase 1 and Phase 2 cleanup has not been completed in the burn area, building permit activity has generally been limited to temporary power requests for agricultural operations (water well) and for swimming pools not damaged by the fire. Thus far, 31 applications for temporary power permits within the burn area have been received. Once debris removal is complete from affected properties, it is anticipated that additional temporary power permits will be received for temporary RV's that will be utilized by some residents as they rebuild homes lost in the fire. The Zoning Ordinance already allows use of an RV as a temporary residence in cases of fire destruction and the re-build process. The Ordinance allows such use for up to 18 months. Specific forms and criteria are being developed following state and federal guidelines for temporary RV's which will be utilized for properties in the burn area. Staff consulted with the Vacaville Fire Protection District and they are in concurrence with allowing temporary RV's subject to appropriate smoke alarms and property

addressing.

Fee Waivers/Hardship Exemptions

The Board actions on September 1, 2020 included a temporary fee waiver for several minor permit categories such as temporary power and septic/well inspections. The waiver was for 60 days. Staff is evaluating the number and type of permits under this waiver we have received thus far, and the level of activity we anticipate in the coming months. Fee revenue foregone under the waivers equates to about \$5600 thus far. It can be anticipated requests for temporary power permits will likely increase once temporary RV's are allowed on properties where homes have been lost to the fire. An extension of the fee waiver until the end of the year would provide assistance to those homeowners in that situation. Staff will return to the Board later this month with further analysis of the fee waiver program and whether there is justification to extend it further.

Longer term the Board will need to weigh other types of fee waivers versus costs to process permits relative to staff time and the possibility that homeowners insurance may cover cost of permitting as part of the re-build. Building permits for new dwelling construction fall under this category. Staff is exploring establishing a Hardship Fee Waiver provision for properties in the burn area where a true hardship situation can be documented.

Staff is also exploring allowing owners of destroyed homes that are newer to utilize existing plans with only minor updates to account for recent code changes. This would significantly reduce the cost of plan check review. This would likely be feasible for homes that had been constructed in the last 5 years.

Local Assistance Center and Follow up Actions

A Local Assistance Center was stood up on August 30, 2020 at the Solano Community College Vacaville Campus in conjunction with FEMA to assist residents in understanding what assistance might be available and to answer their questions on many issues that would be important to them such as how to obtain personal records lost in the fire, the cleanup process for their properties, what type of permits will be pertinent in their effort to re-rebuild, mental health resources in response to the trauma and many other services. The Center remained open at the Vacaville site until September 5, 2020 after which it was re-located to the Fairfield CAC in the cafeteria. During the time the Center was open in Vacaville, 349 unduplicated households were served with some returning a second and third time. A summary of the various services provided at the LAC and the number of customers served is provided in an attachment.

The LAC function at the Fairfield CAC was in person staffed from September 8, 2020 through September 15, 2020 primarily by staff from Environmental Health, Public Works, Building Inspection, Assessor Recorder, and the Sheriff OES. Informational materials from other services were also available as was assistance for registering residents with FEMA. 33 residents were served at the Fairfield LAC during that period.

Since September 16, 2020 LAC functions have been available by appointment. A call-in line is available and through that line appointments can be made with the appropriate department or service provider. A virtual LAC has also been established at SolanoCountyRecovers.org.

The next phase under consideration is opening up a permit center in a regionally convenient location for residents who lost homes in the fire and are ready to begin the re-building process. We anticipate that some individuals would likely begin preparing building permit applications in the next month or two so our goal would be get a permit center up and running within that time frame. With 309 homes lost in the fire, we can anticipate increased building permit activity for at least the next year as individuals pursuing re-building will likely have varied time frames and resources to begin the process. The center would be staffed full time and connected to the County's various systems. At minimum, staff representing the Building and Environmental Health Divisions would be housed at the center.

Newsletter/Communication with Residents

Staff has recently developed a newsletter (Attached) providing useful information to residents in the burn area. It was sent out and is also viewable on the SolanoCountyRecovers web page.

Environmental Health staff has also directly contacted by phone/email over 290 property owners who lost homes to provide information and determine what assistance may be needed.

FINANCIAL IMPACT:

The full extent of financial impacts from the LNU Complex Fire are unknown at this time. The Auditors Office is currently estimating a reduction of approximately \$250K in yearly property tax revenue due to loss of dwellings and structures. Federal and State reimbursement is anticipated for damage to roads and infrastructure although it will not cover 100% of the costs. Repairs for damage to Lake Solano Park will generally be covered by insurance. Remaining costs would be covered utilizing funds from the 5 Million dollar contingency established for fire recovery.

ALTERNATIVES:

The Board could choose not to receive the update. Such action is not recommended as there will be many steps in the recovery process from the LNU Lightning Complex Fire and it will be important for the Board to receive timely updates on progress that is being made.

OTHER AGENCY INVOLVEMENT:

In addition to the CAO's office, the Sheriff's Department and the Resource Management Department, numerous other County Departments have been involved in the recovery process along with consultation with CALOES and FEMA.

CAO RECOMMENDATION:

APPROVE DEPARTMENTAL RECOMMENDATION