

RESOLUTION NO. 54-23

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
TEMPORARILY REDUCING BUILDING AND PLANNING PERMIT FEES BY FIFTY
PERCENT FOR PROPERTIES DAMAGED BY THE 2023 WINTER STORMS**

**THE CITY COUNCIL
City of Morro Bay, California**

WHEREAS, the City of Morro Bay experienced significant rain events in January and March of 2023 resulting in Morro Creek and Little Morro Creek overtopping their banks and flooding adjacent nearby properties. Several properties were damaged as are result of the flooding resulting in a need for significant repair work; and

WHEREAS, some property owners are still in the process of repairing their properties and others will be embarking upon that process soon; and

WHEREAS, the City Council desires to assist in facilitating the needed repair work by reducing the City Planning and Building permit fees by fifty percent for repair work associated with the January/March 2023 flooding events. Such fee reduction furthers the general public benefit and welfare as the 2023 winter storms posed unprecedented and unexpected damage impacts upon community members that may not have been otherwise positioned or prepared for processing permits needed to rebuild or repair their properties; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay as follows:

Section 1: Findings. Based upon all the evidence, the Council makes the following findings:

California Environmental Quality Act (CEQA)

- A. Adoption of this resolution does not qualify as a project subject to CEQA because it constitutes (1) continuing administrative or maintenance activities, such as general policy and procedure making; (2) government fiscal activities that do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment; and (3) organizational or administrative activities of a public agency that will not result in direct or indirect physical changes in the environment. (State CEQA Guidelines, §§ 15060(c)(3).) Moreover, the approval of the Resolution does not qualify as a “project” because it does not have a potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, § 15378(a).)

Section 2: Action. The City Council does hereby reduce the Planning and Building permit fees by up to fifty percent for properties damaged as a result of flooding experienced during the January/March 2023 flooding events subject to the following requirements:

1. Up to fifty percent of the City Planning and Building permit fees may be waived, but in no case can the fee reduction, when combined with insurance and/or FEMA reimbursement exceed the cost of construction.
2. Fee waiver request must be received no later than December 31, 2023.
3. All fees associated with post-approval revisions to the project's Planning Department approval or building permit issuance will be charged in accordance with the City's Adopted Fee Schedule.
4. Fee waivers are not transferable. If a waiver is obtained, a Certificate of Occupancy will only be issued to the property owner who files the proof of primary residency at the time of the 2023 January/March flood events. All fees that were waived must be paid to the City before a Certificate of Occupancy is issued to an owner other than the one listed on the fee waiver.
5. Property owners are eligible for a fee waiver if the property that was destroyed or damaged by the January and/or March flood events was their primary residence at that time. All applicants requesting a fee waiver must submit proof of ownership and primary residency and provide photo identification and documentation of primary residency that will be reviewed by City staff. Accepted proof for primary residency includes: an active voter registration, a valid driver license, or other government-issued documentation with both the property owner name and the property address that was damaged or destroyed by the January/March 2023 flood events.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on this 22nd day of August 2023 on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

CARLA WIXOM, Mayor

ATTEST

DANA SWANSON, City Clerk