

# Summit rebuilding

## Board relaxes hazards rule

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SANTA CRUZ — Faced with swarms of angry home owners and the prospect of a mounting budget deficit, the county Board of Supervisors on Tuesday unanimously approved sweeping revisions in the geological hazards ordinance which had kept hundreds of Summit and San Lorenzo Valley area residents from rebuilding their earthquake-damaged homes.

The move opens the door for hundreds of home owners whose efforts to rebuild from the quake were stuck in a seemingly never-ending "spiral" of geological, geotechnical and soils reports.

The board decision also clears the way for many other Summit-area dwellers who — confused and frustrated at the plight of their mountain neighbors — stayed out of the county's Earthquake Recovery Unit permit process altogether, preferring instead to take a wait-and-see stance.

"There is a lot of unfairness in this whole issue," said Supervisor Sherry Mehl. "We're trying to work under very stressful conditions to help people put their lives back together."

"This is a compromise," she said.

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Supervisor Jan Beautz, who along with colleague Fred Keeley led the effort to change the hazards ordinance, agreed.

"Supervisor Mehl's analysis is a correct one," Beautz said. "We need to focus on the level of repair, not the level of geology. I have heard too many situations where the geology (study) is more costly than the (home) repairs."

The board vote amends — with new language and interpretation — the controversial earthquake hazards emergency ordinance, enacted in the aftermath of the Oct. 17 disaster. It changes geological survey policies of the Earthquake Recovery Unit and takes steps to speed up the quake-permit process.

The vote also begins to address the mounting dollar-difference between what the county has spent on its earthquake repair efforts and what federal and state governments have delivered in "promised" aid.

After approving the revisions, the board members quickly turned their attention to the shortfall, estimated by Planning Director Dianne Guzman at \$700,000, and climbing. Federal Emergency Management Agency (FEMA) funding for the Earthquake Recovery Unit and staff expires Oct. 1 unless local officials can wrangle an extension.

"My hope is that all those people who are affected will turn their guns quickly on the federal level," said Supervisor Gary Patton. "Representatives (Leon) Panetta and (Tom) Campbell need to hear it. The president, the governor came here after the earthquake and said they would respond."

Beautz said, "I urge everyone here to contact their federal legislators."

The stickiest exchanges in the hazards-ordinance debate revolved around the standards under which a Summit-area home would be subject to geological scrutiny; and, what to do with those permit-seekers already in the county process when the changes become law on Thursday.

Previously, any earthquake-related repair or reconstruction fell into the ordinances definition of "development," thereby exposing the rebuilder to myriad geological, geotechnical and soil reports, a costly and time consuming process.

The revised ordinance stipulates geological reports only when "substantial improvement," or repairs exceeding 50 percent of the value of the house, are needed.

"With the policy change it becomes critical what gets counted in the '50 percent' and what doesn't," Guzman told the board. The change, Guzman said, should "make things clean and clear. We're making a concerted effort — in calculating the 50 percent — to allow people to rebuild."

Still, Summit-area homes that were nearly or totally destroyed by the quake, or that sit on active fissures — Guzman estimated there were about 20 — would continue to be deemed uninhabitable. "If we find an unsafe situation, we have an obligation to do something about it," she said.

The '50 percent' ruling should "exempt a large number" of permit applications, Guzman said, "but in the other direction we may have a surge of applications into the system. We may be dealing with a category of permits where the problems will be more complex to solve," she said.

Some home owners who are currently in the earthquake recovery process may get a exemption even though preliminary geological reports show danger in the event of another earthquake. The retroactivity of it all bothered Patton.

"We should not go back and rewrite the past. I did not intend for us to rewrite history," Patton said. "If we've got a report that says something (negative) and we ignore what it says ... That's just not good public policy."

As an answer to that, the board voted to force home owners who rebuild despite unfavorable geological reports to sign a declaration attesting to that fact for the benefit of future buyers of their home.

If FEMA funding is not extended, new arrivals in the permit process may be liable for fees after Oct. 1 that were previously paid by the federal government. "After Oct. 1 it may be on them if our federal officials can't get that agency to turn around," Keeley warned.