



**BOARD OF SUPERVISORS  
AGENDA LETTER**

**Agenda Number:**

**Clerk of the Board of Supervisors**  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Public Works  
**Department No.:** 054  
**For Agenda Of:** 03/09/2010  
**Placement:** Set Hearing  
**Estimated Tme:** 20 minutes on 3/23/10  
**Continued Item:** No  
**If Yes, date from:** NA  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Scott D. McGolpin, Public Works Director, Ext. 3010  
Director(s)  
Contact Info: Michael B. Emmons, Deputy Director, Surveyor Ext. 3034  
Thomas Fayram, Deputy Director, Flood Control Ext. 3436  
**SUBJECT: Public Works County Surveyor and Water Resources Division Development  
Review Fee Update**

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**County Counsel Concurrence**

As to form: YES

**Other Concurrence:** N/A

As to form: No

**Recommended Actions:**

That the Board of Supervisors:

1. Set hearings to consider recommendations regarding Ordinances relating to fee schedules of the Surveyor and Water Resources Divisions of the Public Works Department, as follow: (Set First Hearing on the Departmental Agenda for March 23, 2010: Time Estimated 20 minutes)
  - a) Consider the introduction (first reading on the departmental agenda) of an Ordinance entitled "An Ordinance Adopting a Schedule of Fees for Services provided by the Department of Public Works, County Surveyor Division in Connection with the Review and Approval of Subdivision and Survey Related Documents and Maps within the Jurisdiction of Santa Barbara County"; and
  - b) Consider the introduction (first reading on the departmental agenda) of an Ordinance entitled "An Ordinance of the County of Santa Barbara, State of California, Adopting a Schedule of Fees for Services provided by the Public Works Department, Water Resources Division, in Connection with Providing Services within the County of Santa Barbara, State of California".
2. Set the second hearing on the Administrative Agenda to consider (for April 6, 2010):

**Auditor-Controller Concurrence**

As to form: YES

- a) Adoption of an Ordinance entitled “An Ordinance Adopting a Schedule of Fees for Services provided by the Department of Public Works, County Surveyor Division in Connection with the Review and Approval of Subdivision and Survey Related Documents and Maps within the Jurisdiction of Santa Barbara County”.
- b) Adoption of an Ordinance entitled “An Ordinance of the County of Santa Barbara, State of California, Adopting a Schedule of Fees for Services provided by the Public Works Department, Water Resources Division, in Connection with Providing Services within the County of Santa Barbara, State of California”; and
- c) Upon adoption of the above, pursuant to County’s California Environmental Quality Act (CEQA) Guidelines, Approve Notice of Exemption from the California Environmental Quality Act of 1970 (CEQA) exemption under Public Resources Code, Section 21080, Subdivision (b)(8)(A) & (B) and Title 14 (California Code of Regulations), Section 15273, for the Fee Resolution.
- d) Rescind County Resolution 96-47 for the collection of fees for the Water Resources Division, as of the effective date of the fee ordinance referred to in b), above.
- e) Rescind County Resolution 07-411 for collection of fees for the Office of the County Surveyor, as of the effective date of the fee ordinance referred to in c), above.

**Summary Text:**

In accordance with the Board’s approved fee policy, the Department conducted a cost of services study of the existing charges by the County Surveyor’s Division and the Water Resources Division. The goal of this study was to insure that the full cost of services be recovered where possible; protect general tax payers from funding review of development permits; and to have the proposed fee adjustments adopted prior to your Board’s approval of the Department’s budget for FY 2010/2011.

**County Surveyor Division:**

The County Surveyor Division is required to provide services related to subdivision map and document review by County Ordinance and State Law. Exhibit A is a compilation of fees collected by the County Surveyor Division outlining the current and proposed fee structure. Most fees currently are deposit-based and the need to adjust them is largely driven by cost of delivering services, reduction of the General Fund subsidy, and a request by the development community, our customers, to provide fixed fees for planning purposes. The fee change is supported by more accurate accounting of individual projects during the past several years and was analyzed and prepared by an outside consulting firm. The primary focus of the proposal for collection of fees by the County Surveyor is to change the method of collection from a deposit to a fixed fee type system. This fee structure will allow for future cost of living and other adjustments approved by the Board of Supervisors without the necessity of returning for a modification to the new structure as individual billing rates will change but the structure will remain in place. It also allows the County Surveyor or designee to convert any fixed fee project into a deposit based project if the project is substantially more difficult than what the fixed fee was originally based on, if the project is substantially revised during the review process, or if the project requires more than 3 reviews.

### **Water Resources Division:**

The Development Review Fees for the Water Resources Division have not been modified since 1996. Since that time costs have increased, although staffing levels have not. Flood Control has also initiated Performance Measures for Development review including timely issuance of condition letters and a two week turn-around on Plan Checking of approved projects. Standard Conditions are also available online and staffing in the North County is now available on Tuesdays, or other days with advanced scheduling. The proposed Flood Control development review fees we set by evaluating past projects and multiplying the average hours for the projects by the new hourly rate. These are fixed fee projects. The structure for post project approval plan checking changes only with annual hourly rate as has been the case. Annual changes to the hourly rate will be calculated and approved by the Auditor Controller and are subject to a change in accordance with the Consumer Price Index (CPI) provided in the ordinance.

### **Customer Workshops:**

The County Surveyor and Water Resources Division held workshops regarding this fee change proposal. Two were held in North County, one at a California Land Surveyors Association meeting in Santa Maria with Flood Control absent (December 2008) and one at the Public Works Building on Foster Road (January 2010). The remaining two were held in the South County in the Public Works Conference Room #1 in Santa Barbara (February 2009 and January 2010). In addition, staff requested the item be heard at the Process Improvement Oversight Committee. That meeting was held on February 4, 2010. Several comments were received regarding the proposed fees. Also, a comment was raised about certain fees and their applicability in Water Resources. An example of this would be an application for a CDP for a fence where Water Resources would play no role. Staff agreed with that comment and made provisions in the Ordinance for the Public Works Director to waive certain fees for Flood Control review if the project clearly had absolutely no required input from Flood Control.

At most of the meetings held to get input from the public on the fee structure change for the County Surveyor's Office, opposition was expressed against the creation of a "Record of Survey for Subdivision purposes" fee. As a result, the County Surveyor removed this proposed fee from the fee schedule due to the lack of subdivision activity in the foreseeable future. Should subdivision activity return to normal, the Department will consider returning to your Board to discuss the possibility of instituting this fee. In addition, opposition was expressed both verbally and by letter for the proposed increase of the Record of Survey review fee from \$344 to \$450. The County Surveyor believes that this raise is appropriate for the following reasons: 1) The fee has not been changed since 1989; 2) The proposed fee is substantially lower than full cost recovery but is at a "price break point" where having a higher fee would essentially discourage the practitioner from filing records that benefit the public; and 3) Substantial organizational and policy changes have been made within the County Surveyor's Office which should result in an overall reduction in Record of Survey review costs which were not present at the time of the fee study.

Upon their effective date, these ordinances replace County Resolution 07-411 for fees collected by the County Surveyor and County Resolution 96-47 for the Water Resources Division.

**Background:**

In August 2008, the Public Works Department completed a study of its fees for the Office of the County Surveyor and the Water Resources Division (Attachment "C"). The Office of the County Surveyor Office fees were last updated in 2007 and the Water Resources Division fees were last updated in 1996.

**Performance Measure: N/A**

**Fiscal and Facilities Impacts: None**

If approved, fees will become effective May 6, 2010. Revenues from this increase for Office of the County Surveyor are estimated to be \$9,000 in FY 2009/10 and \$36,000 in FY2010/11. For the Water Resources Division, revenues from this increase estimated to be \$6,000 in FY 2009/10 and \$23,000 in FY2010/11. There are no facilities impacts.

**Special Instructions:**

After the March 9<sup>th</sup> Hearing direct the Clerk of the Board to:

1. Publish a Notice of Public Hearing pursuant to Section 6066 of the Government Code (publish notice on March 12 and 19, 2010) in the Santa Barbara Daily Sound and the Santa Maria Times.

After the April 6<sup>th</sup> Hearing direct the Clerk of the Board to:

1. Send copies of the adopted Ordinances and copies of the minute order to the Public Works Department, Surveyors Division, Water Resources Division, and County Counsel.
2. Publish a copy of each ordinance or summary of with names of the members of the Board of Supervisors voting for or against the Ordinances in the Santa Barbara Daily Sound 15 days of adoption of the Ordinances.
3. Post the attached CEQA Notice of Exemption.

**Attachments:**

Attachment A – Fee Ordinance Surveyor's Office

Attachment B – Fee Ordinance Water Resources Division

Attachment C – Cost of Service Study for Dept of Public Works, Surveyor and Water Resources Divisions

**Authored by:** Michael B. Emmons, Deputy Director, Surveyor  
Thomas Fayram, Deputy Director

**cc:** Kevin Ready - County Counsel  
Michael Ledbetter – County Counsel