



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

~~11/27~~  
#4

11/27  
JW

**Department Name:** Public Works  
**Department No.:** 054  
**For Agenda Of:** 11/06/07  
**Placement:** Departmental  
**Estimated Tme:** 1 Hour  
**Continued Item:** Yes  
**If Yes, date from:** 10/23/07  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Scott D. McGolpin, Public Works Director, 568-3010 *SM*  
Director  
Contact Info: Rochelle Camozzi, Chief Financial Officer, 568-3011 *RC*  
**SUBJECT: Road Excavation and Encroachment Permit Fees – All Supervisorial Districts**

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** N/A

As to form: No

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:**

1. Introduce an ordinance entitled “Adopting a Schedule of Fees for Services Provided by the Department of Public Works in Connection with Issuance of Permits for, and Related Supervision of, Encroachments and Excavations in County Highways”;
2. Set the second hearing to (for November 20, 2007 ESTIMATED TIME: 30 MINUTES)
  - A. Adopt the ordinance entitled “Adopting a Schedule of Fees for Services Provided by the Department of Public Works in Connection with Issuance of Permits for, and Related Supervision of, Encroachments and Excavations in County Highways”;
  - B. Approve an annual fee adjustment linked to the Consumer Price Index (CPI) for the Fee schedule reference in Exhibit A;
  - C. Authorize the Public Works Director to update and administer approved unit prices used for Bonding and Fee purposes for FY 2007-2008, and update these annually based on increases linked to the California Construction Cost Index (CCCI);
  - D. Approve the following written finding: The establishment of the fees referenced herein, for services related to the issuance and regulation of encroachment permits, is found by the Board of Supervisors to be exempt from CEQA review, per 14 CCR 15273 (a), (1), (2), (3) and (4), inasmuch as the revenue received will be used for meeting operating expenses, purchasing or leasing supplies, meeting financial reserve needs and obtaining funds for

capital projects necessary to maintain existing levels of service, and will not be used for capital improvements for the expansion of existing facilities.

**Summary Text:**

The Road encroachment and permits fees have not been increased since 1989. During this time frame, the construction cost index has increased by 252.6%. The Department has conducted a study performed by MAXIMUS dated January 2006 using actual costs from fiscal year 2003/04. The study determined that a deficit of approximately \$509,000 annually was occurring to the Road Encroachment Permits Section of Public Works. The MAXIMUS study determined the fees that should be increased to bring the deficit to zero. The Auditor-Controller has updated the MAXIMUS Study (January 2006) to reflect current fee cost for Fiscal Year 2007/2008. The deficit is now \$606,000 annually. Staff has met with multiple entities to have open discussions and to receive input on the proposed fee schedule. Four meetings with the public utility companies and special sewer and water districts were held. Also separate meetings with area engineers, agents, the Coalition of Labor, Agriculture and Business (COLAB), the Home Builders Association and developers were held.

Comments were received from these meetings and staff has recommended adjustments to the fee schedule based on comments received. Some adjustments were made to convert some items to reimbursable hourly rates for charges. Some fees were adjusted downward based on a re-review of actual hours spent on plan check and inspection for particular fee items. The staff recommended fee schedule is shown in Exhibit A.

Several of the utility companies raised the issue that they are already paying Franchise Fees to the County for the use of the County's Road Right of Way and therefore should not be paying additional fees for the issuance of Road Encroachment Permit Fees. Staff did inform these utility companies that at this time the Department does not receive any monies from Franchise Fees. The Santa Barbara County Transportation Division regulates and controls all secondary uses of public roads in order to protect and preserve the primary purpose of roads traveled by the public. A road encroachment permit is required prior to when an applicant installs, maintains, cuts into, repairs or removes any sidewalks, curbs, gutters or road surfacing or installs, repairs or removes any facilities or substructures in, on, over or under any road right-of-way; or excavates or fills in an excavation within a road right-of-way.

Based on the finding of the MAXIMUS study, staff recommends that the Board of Supervisors adopt the attached Ordinance and Fee Schedule as shown in Exhibit A.

If approved by your Board, the Consumer Price Index (CPI) adjustment to Excavation Permits and Encroachment Permits will be effective on July 1 each year, beginning in 2008. The adjustment is not automatic; the Director of Public Works and County Executive Office will annually review revenues and expenditures to ensure that fees charged fairly reflect the cost of the services provided, prior to adjusting fees. If costs exceed the CPI in any given year, the County Executive Officer will provide your Board with options of how to address those costs.

To determine bonding and fees for excavation and encroachment permits private engineers use a list of unit prices for items of construction work. These unit prices need to be updated annually to ensure that subdivision tracts and developments are not under bonded. If developments are under bonded this is a large liability to the County of Santa Barbara if developers go bankrupt and are unable to complete the

bonded improvements. The County of Santa Barbara would be liable for the cost to complete the work that is bonded for. By having unit prices up to current market prices, the County will be properly bonded to ensure the improvements for subdivision development and other development. The Department will review these unit prices annually and make adjustments based on the California Construction Cost Index (CCCI). Any and all adjustments will be presented in workshops with interested parties.

If adopted by the Board, the proposed adjustment in excavation and encroachment permit fees will result in an estimated increase of \$303,000 for Fiscal Year (FY) 2007-2008. These estimates are calculated based on assumptions about the actual number of permit applications received. The actual increase will depend on the number of permits applications processed in FY 2007-08.

These fees qualify for Statutory of California Environmental Quality Act of 1970 (CEQA) exemption under Public Resource Code, Section 21080, Subdivision (b) (8) (A) & (B) and Title 14 (California code of Regulations), Section 15273.

**Background:**

The excavation fees and encroachment fees were last updated in 1989 by Resolution No. 89-158. During this time-frame, construction costs have risen by 252.6%.

**Fiscal and Facilities Impacts:**

Budgeted: No

**Fiscal Analysis:**

Narrative:

Currently the \$606,000, short-fall in fees is being reimbursed by Measure D. This amounts to over \$2,500,000 over the past five fiscal years and equates to fifty (50) lane miles of scrub sealing. If the fee increase is not approved and Measure D is not renewed or replaced, the Department will approach your Board for further direction.

**Special Instructions:**

The Clerk of the Board ensures that noticing of the hearing for the proposed fee adjustment is completed in two general circulation publications 5 and 10 days prior to the hearing in accordance with Government Code §6066.

Public Works shall post Notice of Exemption for the Ordinance in the County Public Works Department at least six days prior to consideration of the activity by the Board of Supervisors to comply with the County CEQA guidelines.

A copy of the Notice of Exemption for the Ordinance will be filed with the Clerk of the Board after project approval to begin the 35 days statute of limitations on legal challenges.

**Subject: Road Excavation and Encroachment Permit Fees – All Supervisorial Districts**

**Agenda Date: October 23, 2007**

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After the November 20 Hearing, within 15 days of the adoption of the ordinance, the Clerk of the Board will publish a copy of the ordinance, or a summary of it, with names of the members of the Board of Supervisors voting for or against the same in the Santa Barbara Newspress, a newspaper of general circulation published in the County of Santa Barbara.

**Attachments:**

Ordinance

Exhibit A

Notice of Exemption

**Authored by:**

Eric Pearson, Construction Section Manager, 681-5686

Dacé Morgan, Public Works, Interim Deputy Director-Transportation, 568-3064

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**BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA, CALIFORNIA**

ORDINANCE NO. \_\_\_\_\_

**An Ordinance Adopting a Schedule of Fees  
for Services Provided by the Department of Public Works in Connection  
with the Issuance of Permits for, and Related Supervision  
of, Encroachments and Excavations in County Highways**

**SECTION 1. Purpose and Findings.**

Due to the inadequacy of current fees, the issuance of encroachment permits and related supervision caused the County to incur a deficit of \$509,000 in fiscal 2003/04 and an increased estimated deficit of \$606,000 in fiscal 2006/07. Adjustment of the fee schedule is therefore necessary to recover up to the full cost of providing these services. Fees and bonds are authorized to be required pursuant to California Streets & Highways Code sections 1464 and 1467.

Pursuant to Government Code Section 54985, the Board of Supervisors has determined reasonably necessary fees to recover the cost of providing the services set forth above based on fee studies of the cost required to provide each service. The fee amounts set forth and adopted in this Ordinance are based upon the results of a fee study dated January, 2006 and updated by the County Auditor-Controller to reflect the current cost of providing the services and enforcing the related regulations and statutes governing encroachments and excavations in County Highways.

In adopting this ordinance, the Board finds that the fees charged by this ordinance are set in an amount equal to or less than reasonably necessary to recover the County's average actual cost of providing the services and enforcing the regulations for which the Department of Public Works charges.

The setting of these fees is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 CCR 15273 and California Public Resources Code section 21080(b)(8)(A) and (B), as the fees will be used for operating expenses, supplies, equipment and materials.

**SECTION 2.**

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

- (a) The Purpose and Findings set forth above are found to be true and correct.
- (b) Pursuant to Government Code section 54985, the rate schedule shown in Exhibit "A," attached hereto and incorporated herein by this reference, is adopted for the services set forth therein, all of which are related to Road Excavation and Encroachment Permits.

- (c) All Public Works and other fees not expressly revised by this Ordinance shall remain in effect.
- (d) The Rate Schedule set forth in Exhibit "A" shall supersede the previous Rate Schedule adopted in March, 1989, and any previous schedules.
- (e) The Rate Schedule adopted hereby shall be effective 60 days following the Board of Supervisors' final action adopting this Ordinance.

**SECTION 3.**

This Ordinance shall take effect and be in force thirty (30) days from the date of its passage and before the expiration of fifteen (15) days after its passage, it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara Newspress, a newspaper of general circulation published in the County of Santa Barbara.

**PASSED, APPROVED, AND ADOPTED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2007 by the following vote:

AYES:  
 NOES:  
 ABSTAIN:  
 ABSENT:

\_\_\_\_\_  
 CHAIR, BOARD OF SUPERVISORS

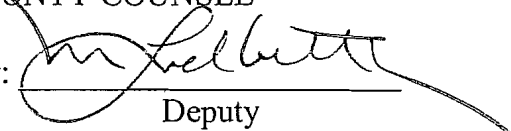
ATTEST:

MICHAEL F. BROWN  
 CLERK OF THE BOARD

By: \_\_\_\_\_  
 Deputy

APPROVED AS TO FORM

SHANE STARK  
 COUNTY COUNSEL

By:   
 Deputy

APPROVED AS TO ACCOUNTING:

ROBERT GEIS  
 AUDITOR-CONTROLLER

By:   
 Deputy

## Exhibit - A

County of Santa Barbara

Rev 14 BOSD18

### Road Encroachment Permits

### FEE SCHEDULE

#### Public Works Department - Transportation Division

Fee #	Service Name / Description	Existing	Proposed
1	Encroachment Permit Issuance (each)	\$ 5	\$ 68
2	Monitoring Well - Annual Permit	\$ 306	\$ 403
3	Residential Driveway	\$ 65	\$ 411
4	Commercial Driveway	\$ 90	\$ 506
5	Sidewalk Repair/Install/Repl., 25 to 100 s.f.	\$ 89	\$ 391
6	Sidewalk Repair/Install/Repl., 101 to 250 s.f.	\$ 250	\$ 465
9	Sidewalk Repair/Install/Repl, >250 s.f (Determine fee using Valuation*)	\$ -	\$ -
10	Curb/Gutter Install/Repl., 5 - 100 l.f.	\$ 474	\$ 465
12	Curb/Gutter Install/Repl., >100 l.f. (Determine fee using Valuation*)	\$ -	\$ -
14	Paved Trench 0 - 60 l.f. (no shoring)	\$ 165	\$ 346
14.1	Paved Trench >60 l.f. (no shoring) (deposit / hourly)*	\$ -	\$ -
17	Paved Trench 0 - 60 l.f. (w/ shoring)	\$ 278	\$ 427
17.1	Paved Trench >60 l.f. (w/ shoring) (deposit / hourly)*	\$ -	\$ -
20	Unpaved Trench 0 - 60 l.f. (no shoring) (includes lab test)	\$ 278	\$ 465
20.1	Unpaved Trench >60 l.f. (no shoring) (deposit / hourly)*	\$ -	\$ -
23	Unpaved Trench 0 - 60 l.f. (w/ shoring) (includes lab test)	\$ 278	\$ 534
23.1	Unpaved Trench >60 l.f. (w/ shoring) (deposit / hourly)"	\$ -	\$ -
26	Utility - Special Single* Permit - Annual	\$ -	\$ 95
27	Utility - Special Single* Permit - each	\$ 50	\$ 95
27.1	Utility Trench - (Fee + hourly*) (Fee includes max. of 3 hrs for plan check and Inspection; hourly thereafter)	\$ -	\$296 + hrly
30.2	Trenchless (w/ excavation), 0-60 l.f.	\$ -	\$ 296
30.3	Trenchless (w/ excavation), >60 l.f. (deposit / hourly)*	\$ -	\$ -
32	Other Minor Encroachments (Not Otherwise Shown), (ie, Hardscape, Landscape, Mailboxes, Signs, etc.), (Limit: One Inspection Trip)	\$ 275	\$ 296
33	Hauling Permit - first day >1000 CY - Earthwork Projects (i.e: Conditions of Approval, Mitigation Measures, etc.)	\$ 1,200	\$ 920
34	Hauling Permit - each additional day	\$ -	\$ 95

## Exhibit - A

Fee #	Service Name / Description	Existing	Proposed
36	Annual Refuse Bin Permit - Supplier Companies only	\$ 5	\$ 148
38	Above Ground Minor Utility Boxes (ie: pedestals, transformers, vaults, etc.)	\$ 242	\$ 534
39	Fence (Masonry, Wood, Chain Link, etc.) (each 1000 l.f.)	\$ 140	\$ 296
40	Retaining Wall <3ft (per 100 l.f.), (No Surcharge, ie: level backfill)	\$ 224	\$ 206
44	Road Closure Permit	\$ 760	\$ 1,235
45	Traffic Control only, (w/in 500 ft of signal and/or on major rds) - first day	\$ 1,757	\$ 662
46	Traffic Control only, (w/in 500 ft of signal and/or on major rds) - each add'l day (5 Days maximum)	\$ -	\$ 190
47	Traffic Control only - Temp lane closure, etc. - first day	\$ 251	\$ 296
48	Traffic Control only - Temp lane closure, etc. - each add'l day (5 Days maximum)	\$ 75	\$ 95
48.1	Traffic Control only > 5 Days (deposit - hourly)*	\$ -	\$ -
49	Transfer of Ownership (Discretionary projects)	\$ -	\$ 680
<b>MAJOR WORK - Valuation / Unit Prices (Public &amp; Private Developments, Discretionary, Subdivisions, etc.)</b>			
50	Public Road - Plan Review - first \$100K	\$ 1,485	2.25%
51	Public Road - Plan Review - next \$150K	\$ 2,985	1.75%
52	Public Road - Plan Review - next \$250K	\$ 4,673	1.25%
53	Public Road - Plan Review - next \$500K	\$ 9,173	0.75%
54	Public Road - Plan Review - over \$1M	\$ 23,235	0.50%
56	Public Road - Inspection - first \$100K	\$ 3,465	4.25%
57	Public Road - Inspection - next \$150K	\$ 6,965	3.25%
58	Public Road - Inspection - next \$250K	\$ 10,903	2.25%
59	Public Road - Inspection - next \$500K	\$ 21,403	1.75%
60	Public Road - Inspection - over \$1M	\$ 54,215	1.50%
61	Traffic Signal or Traffic Signal Modification - (9% deposit / hourly)*	\$ 24,274	\$ -
62	Engineered Structures (deposit - hourly)	\$ -	\$ -
63	Private Road - Plan Review - first \$100K	\$ 750	0.75%
64	Private Road - Plan Review - next \$150K	\$ 2,000	0.45%
65	Private Road - Plan Review - next \$250K	\$ 3,500	0.35%
66	Private Road - Plan Review - next \$500K	\$ 7,500	0.25%
67	Private Road - Plan Review - over \$1M	\$ 20,000	0.20%
69	Private Improvements / Facilities in Public ROW - Maintenance Agreement	\$ -	\$ 948



## Exhibit - A

Fee #	Service Name / Description	Existing	Proposed
<b>70</b>	<b>LAB FEES</b>		
71	Labor (Plant Inspection, Reports, etc.) - hourly*	\$ 34	\$ 84
72	In-Place Density Test - each trip	\$ -	\$ 126
72.1	Field In-Place Density Tests, (each test)	\$ -	\$ 17
73	Moisture Density Relationship Curve (ASTM A or D)	\$ 82	\$ 168
75	Gradation - Coarse	\$ 20	\$ 63
76	Gradation - Fine	\$ 37	\$ 84
77	Hydrometer	\$ 58	\$ 126
78	Moisture Content - Oven Dry	\$ 14	\$ 29
79	Specific Gravity - Coarse Agg	\$ 24	\$ 63
80	Specific Gravity/Absorption - Fine Agg (Silts & Sands)	\$ 34	\$ 84
81	Specific Gravity - Fine Agg (Bituminous Mixes and Bases)	\$ 37	\$ 84
83	Specific Gravity - Absorption only	\$ 14	\$ 63
84	Unit Weight of Agg	\$ 20	\$ 41
85	Cleanness Value	\$ 51	\$ 126
86	Durability - Coarse	\$ 58	\$ 126
87	Durability - Fine	\$ 34	\$ 84
88	Atterburg Limits - Liquid Limit	\$ 41	\$ 126
89	Atterburg Limits - Plastic Limit	\$ 34	\$ 84
91	Sand Equivalent - Single Tube	\$ 20	\$ 42
92	Sand Equivalent - One Set (3 tubes)	\$ 51	\$ 84
93	"R" value	\$ 95	\$ 292
94	Asphalt Concrete Stabilometer Value - Control Sample	\$ 34	\$ 84
95	Asphalt Concrete Stabilometer Value - Optimum Bitumen Content	\$ 128	\$ 333
96	Percent Crushed Agg Particles	\$ 20	\$ 84
97	Extract of Bitumen from AC	\$ 24	\$ 63
98	Swell of Bituminous Mixtures	\$ 34	\$ 84
99	Portland Cement Concrete Cylinders - Fabricate (hourly)*	\$ 34	\$ 84
100	Portland Cement Concrete Cylinders - Compress Strength	\$ 14	\$ 42
101	Portland Cement Concrete Cylinders - Compress Strength CALTRANS	\$ 20	\$ 25
102	Portland Cement Concrete Cylinders - Hold Cylinder (<60 days)	\$ 3	\$ 21
103	Air Content of Fresh Concrete (each test)	\$ 34	\$ 84
104	Unit Weight of Fresh Concrete (each test)	\$ 34	\$ 84
105	Consistency of Fresh Portland Cement Concrete (each slump test)	\$ 34	\$ 41
106	Asphalt Concrete Blend Design (+Lab tests)	\$ 34	\$ 84
107	Portland Cement Concrete Blend Design (+ Lab tests)	\$ 51	\$ 126
108	PH Factor	\$ 24	\$ 63
109	Electrical Resistivity	\$ 24	\$ 84
110	Lab Testing Travel (per trip)	\$ -	\$ 80
111	Consistency of Fresh Portland Cement Concrete (each penetration test)	\$ 34	\$ 63

## Exhibit - A

Fee #	Service Name / Description	Existing	Proposed
<b>Other Permits / Fees</b>			
143	Transportation Permit: Single Oversize Load Permits (State Reg)	\$ 16	\$ 16
144	Transportation Permit: Annual Oversize Load Permits (State Reg)	\$ 90	\$ 90
172	Film Permits - processing only (+ review, inspection / hourly)*	\$ 202	\$ 56
172.1	Pavement Cut Restoration Fees (per lineal foot of cuts)	\$ 0.75	\$ 0.75

**\*Notes - General:**

1.	<b>Additional Services:</b> per hourly rates and costs equal to County cost of services, (i.e. engineering review, calculation review, non-standard facility review, revisions during plan review or construction, outside consultant services, re-tests, re-inspection, enforcement, etc.).
2.	<b>Fees Additive:</b> Depending upon scope of work, i.e.: Issuance + Driveway + Trench + etc. = Total Fee / Permit. Except for Utility's Special Single Permits, Issuance Fee waived.
3.	<b>Fees Doubled:</b> Work started without valid Encroachment Permit.
4.	<b>Pavement Cut Fee Exemption:</b> Utility Companies and Special Districts are required continuously to maintain in good condition the utility trenches constructed for their utilities, and therefore, exempt from the Pavement Cut Restoration Fee.

**\*Notes - Meaning of Terms:**

5.	<b>"Deposit"</b> = Determine amount using Major Work items (Valuation / Percent for Review and Inspection).
6.	<b>"Hourly"</b> = Current Public Works Department weighted labor rates + Auditor/Controllers calculated overhead rates + current equipment / hour rates.
7.	<b>"Includes lab test"</b> = Cost shown include cost for required lab tests.
8.	<b>"Review" &amp; "Inspection"</b> = Includes all types of plans and/or work, i.e.: improvement, landscape, utility, shoring, etc.
9.	<b>"Shoring"</b> = As required per OSHA & CALOSHA STANDARDS.
10.	<b>"Special Single"</b> = Permit type is for maintenance only of: service connections or other minor routine maintenance work, within Annual Permit limits, i.e.: <= 6 c.y. excavation; <= 60 l.f. laterals; Excludes Traffic Control at signals and on Major roads.
11.	<b>"State Reg"</b> = Current Fees per California State approved Transportation Permit Fees, subject to revision by State.
12.	<b>"Trench"</b> = Includes Excavation and Backfill.
13.	<b>"Valuation"</b> = Engineer's Cost Estimate per current County approved unit prices.

**NOTICE OF EXEMPTION**

2007 OCT 15 PM 2:00

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Public Works

COUNTY OF SANTA BARBARA  
CLERK OF THE  
BOARD OF SUPERVISORS

Based on a preliminary review of the project, the following activity is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN(s) N/A

Case No: N/A

Location: COUNTY OF SANTA BARBARA

Project Title: ADOPTION OF FEE ORDINANCE

Project Description: RESOLUTION ESTABLISHING FEES FOR PUBLIC WORKS-ROADS PERMIT DIVISION FOR PLAN CHECKING.

Exempt Status: (Check One)

Ministerial  Statutory  Categorical Exemption  Emergency Project

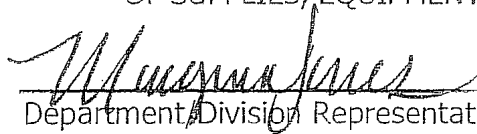
No Possibility of Significant Effect [Sec 15061(b,3)].

Cite specific CEQA Guideline Section:

14 CCR 15273 - PUBLIC RESOURCES CODE SECTION 21080(b)(8)(A) and (B)

Reasons to support exemption findings (attach additional material, if necessary):

FEES WILL BE USED TO MEET OPERATING EXPENSES AND FOR THE PURCHASE OF SUPPLIES, EQUIPMENT AND MATERIALS.



Department/Division Representative  
(Department Head)

Scott McGolpin  
Public Works Director

October 15, 2007

Date

Date October 15, 2007

NOTE: A copy must be posted in the County of Santa Barbara Planning and Development Department at least six days prior to consideration of the activity by the decision makers to comply with County CEQA guidelines and a copy must be filed with the County Clerk of the Board after project approval to begin a 35 day statute of limitation on legal challenges.

Distribution: Public Works

Date Filed with the County Clerk