

**COUNTY OF SANTA BARBARA
BOARD OF SUPERVISORS**

ORDINANCE NO. _____

**An Ordinance Adopting a Schedule of Fees for Services Provided
by the Department of Public Works, Water Resources Division - Project Clean
Water in Connection With Providing Services Within the Jurisdiction of Santa
Barbara County**

SECTION 1. Purpose and Findings.

The purpose of this Ordinance is to establish fees for various services provided by the Water Resources Division - Project Clean Water (Division) of the Public Works Department. The fee amounts set forth and adopted in this Ordinance are based upon the results of a fee study by the Public Works Department, and reflect the current cost of providing the services and enforcing the related regulations and Government Code statutes governing land use related to flood control and natural water course drainage.

Pursuant to Government Code Section 54985, the Board of Supervisors has determined the fee rate necessary to recover the cost of providing the services set forth above is 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 reviewed by the County Auditor-Controller to reflect the current cost of providing the services and enforcing the related regulations and statutes governing Division services.

In adopting this Ordinance, the Board of Supervisors 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 ensuring compliance with State Law, County Ordinances and regulations for which the Department of Public Works, Water Resources Project Clean Water Division 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. General Provisions.

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

- a) County Resolution No. 04-0110 adopted for the collection of fees for services by the Water Resources Project Clean Water Division of the Public Works Department is hereby rescinded for services submitted after the effective date of this Ordinance. Fees for services submitted prior to the effective date of this Ordinance shall remain under jurisdiction of County Resolution No. 04-0110;
- b) The Water Resources Fee Schedule shall be set forth in Exhibit A, which is attached and incorporated by reference;
- c) The Director of Public Works shall annually review and may adjust the fees adopted herein and set forth in Exhibit A pursuant to changes to the Consumer Price Index (CPI). Adjustments shall be rounded to the nearest dollar and become effective no earlier than July 1st of each year and an appropriate notice shall be provided to the public 60 days prior to the adjustment effective date. CPI adjustments shall be based on the All Urban Consumers, Los Angeles-Riverside-Orange County area and shall use the percent change of that index from January through December of the year prior to the effective date;
- d) Fees and procedures outlined in Exhibit A shall be controlling of and shall supersede fees collected by Planning and Development for Public Works pursuant to resolutions or ordinances enacted to control Planning and Development fees;

- e) The Department of Public Works shall reimburse County Counsel from the fees collected by them at the appropriate hourly rate as determined by the Auditor-Controller for services provided in connection with those contained within this Ordinance;
- f) All other fees of Public Works including those for the Water Resources Project Clean Water Division not referenced in Exhibit A shall remain in full force and effect;
- g) Upon a showing of good cause, the Board of Supervisors may adjust or waive the fees set forth in Exhibit A;
- h) The fees set forth in the attached schedule of fees are exempt from the California Environment Quality Act (CEQA) review pursuant to 14 CCR § 15273 and Public Resources Code Section 21080, subd. (b)(8)(A) and (B) in that the fees will be used for operating expenses and for the purpose of supplies, equipment and materials.

SECTION 3. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 4. Effective Date.

This Ordinance shall take effect and be in force thirty (30) days from the date of its adoption by the Board of Supervisors. 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 News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED, this ____ day of _____, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

 Gregg Hart, Chair
 Board of Supervisors, County of Santa Barbara

ATTEST:
 MONA MIYASATO
 Clerk of the Board of Supervisors
 County of Santa Barbara

By: _____
 Deputy

Date: _____

APPROVED AS TO FORM:
 MICHAEL C. GHIZZONI
 COUNTY COUNSEL

By: Johannah L. Hartley
Johannah L. Hartley (Aug 13, 2020 07:16 PDT)
 Deputy

APPROVED AS TO ACCOUNTING FORM:
 BETSY M. SCHAFFER, CPA
 AUDITOR-CONTROLLER

By: C. Schaffer
 Deputy

EXHIBIT "A"

PUBLIC WORKS WATER RESOURCES DIVISION - PROJECT CLEAN WATER

Land Use Review Fee Schedule

The County of Santa Barbara Public Works Water Resources Project Clean Water Division (Division) requires payment for all processing costs associated with the review of various private development submittals made to the Department of Planning and Development. The Division reviews each document for compliance with State Law and local Ordinances before submitting final documents to the County Recorder. The Public Works Department uses the criteria outlined below to determine whether a FIXED FEE or DEPOSIT shall be required. The Public Works Land Use Review Fees are listed in this Exhibit below.

1. FIXED FEE

The Project Clean Water Division collects a FIXED FEE when a project has a consistently predictable level of staff review for that document type. If a fixed fee is collected at application submittal, applicants will not be billed for additional costs unless the project raises complex issues causing the project to be more expensive to process than is typical for cases which the fixed fee was based. In such cases, the Director or designee may convert the fixed fee project to a full cost recovery billing. Staff will notify the Financially Responsible Party in writing before the project is converted to a cost recovery billing process. An Agreement for Payment of Processing Fees form, identifying the Financially Responsible Party in case of conversion to a full cost recovery project, shall be collected at project submittal for land development projects.

2. DEPOSIT FOR FULL COST RECOVERY

A DEPOSIT is collected when a project requires a higher level of review or has a significant chance that it will deviate substantially from the average project of its type. An Agreement for Payment of Processing Fees form, identifying a Financially Responsible Party, shall be collected at project submittal. A DEPOSIT is also collected at project submittal and will be held in trust to ensure cost reimbursement. Additional deposits will be requested when the project balance has been determined to be less than the remaining estimate of work to be performed before closure of the project. Actual charges (hourly rates) will be applied to project deposits on a monthly basis. The applicant will be charged for any consultant costs (direct and indirect). The applicant will be notified of the need for a consultant prior to charges being incurred.

After project documents are reviewed and approved for recording and all project related costs have been charged, the applicant will receive a refund of any remaining balance, unless the project balance is less than twenty (\$20) dollars.

3. CONSULTANT COSTS

The applicant will be charged any consultant costs (direct and indirect). The applicant will be notified of the need for a consultant prior to charges being incurred. Consultant costs will be billed as part of the monthly invoice cycle and will be due when invoice payment is due.

If an Environmental Impact Report (EIR) or Negative Declaration (ND) is required, a separate payment or deposit for the EIR consultant costs may be required prior to approval of a contract with the consultant or prior to the issuance of a notice to proceed.

4. EXPEDITED PROCESSING

EXPEDITED PROCESSING is a voluntary process whereby the applicant can request that a project be reviewed by a qualified county contractor, as selected by the Division, or regular county employee on overtime. This request must be made in writing. The Division will approve or deny the request contingent upon the availability of staff to work overtime and/or contractor availability.

EXPEDITED PROCESSING COST: Any project that is subject to this section will require 1 ½ (one and one-half) times the initial fee for FIXED FEE or 1 ½ (one and one-half) times the initial deposit for DEPOSIT projects. Hourly overtime charges will be charged against the deposit at 1 ½ (one and one-half) times the normal hourly approved billing rate of county staff processing the project. All indirect costs will also be paid (overnight mail, etc.) by the applicant. The applicant will be charged all consultant costs (direct and indirect).

5. IN PROGRESS PROJECT FEES

All projects submitted prior to the effective date of this Ordinance are not subject to it and all fees, with the exception of hourly rates, will be paid in accordance with the previously adopted Resolution until project completion. Projects submitted on or after the effective date of this Ordinance shall be subject to this Ordinance.

6. CPI ADJUSTMENT

The Director of Public Works (“Director”) shall annually review and may adjust fees adopted herein pursuant to the changes to the Consumer Price Index (CPI). Adjustments to the fees shall be rounded to the nearest dollar and become effective no earlier than July 1 of each year and appropriate notice shall be provided to the public 60 days prior to the adjustment effective date. CPI adjustments shall be based on the All Urban Consumers, Los Angeles-Anaheim-Riverside area and shall use the percent change of that index from January to December of the year prior to the effective date.

7. NON-PAYMENT OF FEES OR DEPOSITS

The Division will not finalize or record any subdivision map or document review project until all project processing costs have been paid. This includes those FEES collected by the Division for County Counsel. For DEPOSIT applications, work will be held in abeyance until the DEPOSIT amount estimated by staff has been paid. Failure to pay initial deposit within ten (10) calendar days and/or additional deposits within thirty (30) calendar days of billing date shall be grounds for suspension of processing of the project. If the owner or applicant owes an amount due on any other subdivision map or document review project with the Project Clean Water division, any past due amount must be paid by the applicant before the Project Clean Water Division will accept a subsequent application from the applicant. Further, the applicant will be required to submit full estimated costs of processing plus 50% at the time the deposit for the subsequent application is due.

8. ADMINISTRATIVE FEES AND COSTS

Document requests and other types of miscellaneous administrative services not detailed below will be charged actual cost plus 20% surcharge to cover handling costs and any tax or shipping (as applicable).

Fee Item Description	Cost
Photocopies	\$0.10 per page
Returned Payment Fee	\$40.00 per returned item

PUBLIC WORKS WATER RESOURCES DIVISION – PROJECT CLEAN WATER
Land Use Review Fee Schedule
 Effective _____

Application Review - Ministerial Permits Land Use and Coastal Development Permits (LUPs and CDPs)		Fee Type	Annual Volume	New Fee
1	Addition to Agricultural Structure	Fixed	1	\$ 72
2	New Agricultural Structures	Fixed	2	\$ 72
3	Commercial/Industrial New/Addition to Existing Structure	Fixed	1	\$ 36
4	Accessory Structures	Fixed	2	\$ 72
5	Addition to Residential Structures	Fixed	1	\$ 72
6	New Residential Structure or Residential 2nd Unit	Fixed	1	\$ 72
7	Residential Development with Special Constraints or Zoning Clearance	Fixed	1	\$ 72
Application Review - Discretionary Permits				
8	Coastal Development Permit with Hearing	Fixed	28	\$ 59
9	Conditional Use Permit Amendment - Director Review	Fixed	2	\$ 116
10	Conditional Use Permit - Major (New or Revised)	Fixed	3	\$ 174
11	Conditional Use Permit - Minor	Fixed	3	\$ 65
12	Conditional Use Permit - Minor for Residential 2nd Unit in Ag Zone	Fixed	3	\$ 65
13	Development Plan Amendment - Director Review	Fixed	2	\$ 116
14	Development Plan - Director (New or Revised - Final After Prelim)	Fixed	4	\$ 246
15	Development Plan - Planning Commission (New or Revised)	Fixed	4	\$ 246
16	Development Plan - Zoning Administrator (New or Revised)	Fixed	4	\$ 246
17	Tentative Parcel Map Plann Comm (less than 5 lots)	Fixed	2	\$ 58
18	Tentative Parcel Map Zoning Administrator (less than 5 lots)	Fixed	2	\$ 58
19	*Tract Map (5-49 lots) - Flood Control requires deposit +\$111/lot	Fixed	1	\$ 246
20	*Tract Map (50+ lots) - Flood Control requires deposit +\$111/lot	Fixed	1	\$ 246
Plan Check Deposit				
21	Plan Check Project Deposit	Deposit	VAR	\$ 2,000
Staff Hourly Rates				
22	Project Clean Water Manager	Fixed	N/A	\$ 165
23	Civil Engineer III	Fixed	N/A	\$ 155
24	Civil Engineer II	Fixed	N/A	\$ 127
25	Engineering Tech Specialist	Fixed	N/A	\$ 132
Other Services/Permits				
26	Storm Drain Markers	At Cost	VAR	N/A
27	Consultation	Fixed	*based on staff hourly rates	