

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF ADOPTING ) RESOLUTION NO.  
THE LAND DEVELOPMENT FEES FOR )  
PLANNING AND DEVELOPMENT )

WHEREAS:

1. The Board of Supervisors finds that the fees set forth in the attached schedule of fees are exempt from California Environmental Quality Act (CEQA) review pursuant to 14 CCR 15273 and Public Resources Code §21080, subd. (b)(8)(A) and (B) in that the fees will be used for operating expenses and for the purchase of supplies, equipment and materials in connection with processing the land development applications subject to this resolution; and
2. The County has authority to adopt and has adopted land development fees pursuant to the Mitigation Fee Act, Government Code section 66000 et seq.,

IT IS HEREBY RESOLVED THAT:

1. The Land Development Fee Schedule shall be set forth in Exhibit A, which is attached and incorporated by reference. This change to the Land Development Fees shall become effective sixty (60) days after adoption of this resolution.
2. All other fees of Planning and Development, not referenced in Exhibit A, shall remain in full force and effect.
3. Upon a showing of good cause, the Board of Supervisors may, by minute order or resolution, adjust or waive the fees set forth in Exhibit A.
4. The fees set forth in the attached schedule of fees are exempt from California Environmental Quality Act review pursuant to 14 CCR 15273 and Public Resources Code §21080. subd. (b) (8) (A) and (B) in that the fees will be used for operating expenses and for the purchase of supplies, equipment and materials in connection with processing land development applications.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 22<sup>nd</sup> day of January, 2008, 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 County Counsel

APPROVED AS TO ACCOUNTING FORM  
ROBERT GEIS  
AUDITOR-CONTROLLER

By \_\_\_\_\_  
Deputy Auditor-Controller

## PLANNING AND DEVELOPMENT

### *Land Development Fee Schedule*

The County of Santa Barbara requires payment for all processing costs associated with the review of applications for permits for development and other uses of property as required by the County Zoning Ordinances. Planning and Development (P&D) reviews each application and determines what permits or other approvals are required and how the California Environmental Quality Act and other state and local regulations apply. P&D uses the criteria outlined below to determine whether a FIXED FEE or a DEPOSIT shall be required. The Director or designee shall determine the appropriate fee based on similarity of processing requirements with other cases if a project does not fall within any of the permit categories listed in the land development fee categories listed in Exhibit A, pages 8 - 12. Upon submittal of an application the applicant will be required to submit a signed Agreement for Payment of Processing Fees and applicable fixed fees or an initial deposit.

#### **I. FIXED FEE**

P&D collects a non-refundable FIXED FEE when a project requires only a ministerial or minor discretionary permit or other approval with a consistently predictable level of staff review for that application type. These fees are computed using the following formula: average number of hours multiplied by the Standard Salary Cost plus Non-Salary Costs. If a FIXED FEE is collected for the application, applicants will not be billed for any additional costs unless the case is converted to a DEPOSIT as described below.

CONVERSION OF FIXED FEES TO A DEPOSIT: P&D carefully assesses a case during the review of the application and may reconsider the appropriateness of submitted fixed fees if the case has unique characteristics or raises complex issues which would make the case much more expensive to process than the typical case upon which the FIXED FEE was established, or if the applicant submits substantial revisions later in the review process, or if unforeseen circumstances arise. Factors that may warrant conversion from a FIXED FEE to a DEPOSIT include: development on constrained lots, projects that are not CEQA exempt, a zoning violation onsite, coastal frontage, special site characteristics, or changes to the scope of the project by the applicant. For such cases, the P&D Director or designee may require the case be converted to full cost recovery. Any unused portion of the FIXED FEE will be credited to the project account. The applicant will be required to submit an initial deposit before case processing is resumed. Staff will inform applicants in writing when this situation arises.

#### COORDINATION WITH OTHER DEPARTMENT FEE COLLECTIONS

P&D is also charged with collecting fees, as authorized by separate Board of Supervisors resolutions, for other County departments involved in the review of land use developments. In the interest of improved public service it is the intent of the Board that P&D serve as the lead department in the review of development applications and collect all initial county land development processing fees based on a single integrated schedule. P&D is also authorized to determine which fees, including those identified in separate resolutions of the Board for other County departments, are inappropriate to be collected for specific development proposals. The information in this resolution refers to P&D fees only. Please see *County of Santa Barbara Land Development Fees* (available at P&D Zoning Counter) for information on other department fees.

## II. DEPOSIT FOR COST REIMBURSEMENT

A DEPOSIT is collected when a project requires higher level review, preparation of an environmental document or a public hearing for approval. For such cases, the level of staff effort required varies significantly based on complexity, specific site characteristics and the extent of public interest rather than on permit type. A DEPOSIT, equivalent to approximately two months costs for a typical project of the same type will be required and will be held on account to ensure cost reimbursement.

Applicants will receive a monthly invoice for all charges incurred in the previous four weeks and any unpaid balance due. Applicants will be required to pay the invoice within 25 days. Non-payment of an invoice will result in staff stopping work and possible denial of the project in the event that processing cannot be completed due to inability of P & D to adequately assess the case and prepare necessary documentation for decision-maker hearing.

During the first 30 days of review, staff will provide the applicant with a Project Cost Estimate Worksheet. The Project Cost Estimate Worksheet provides applicants with the estimated processing costs of the project based on current information. If changes to the project description or other factors are encountered that will change the scope or length of processing, staff will provide the applicant with an updated Project Cost Estimate Worksheet

If an Environmental Impact Report (EIR) is required, a separate payment for the EIR consultant costs is required prior to approval of the contract or notice to proceed.

After the final decision all unexpended funds will be refunded to the applicant.

## III. STANDARD COSTS

SALARY COST: P&D's standard salary cost (the hourly rate at which planner's time is billed) is approved by the Auditor-Controller's office annually. It is calculated using the average hourly cost including salary and benefits for planners and indirect salary costs attributable to the case processing function, e.g. supervision, clerical support, and planner case processing functions. The billing rate for trainees is 75% of standard salary cost. A \$2.50 charge is applied to the hourly rate to support and maintain computer hardware and software that supports the permit process. ~~This charge will remain in effect through December 2008.~~

The Director of Planning and Development ("Director") shall annually increase all fees adopted pursuant to the Mitigation Fee Act, Government Code section 66000 et seq., by the Consumer Price Index, All Urban Consumers, Los Angeles-Anaheim-Riverside, and shall use the percent change of that index from January to December of each year. Each County department that provides services for fees, as shown in Land Development Fee Schedules A through K, shall provide to the Director by March 10th of each year the proposed Schedule of fees for his or her department that includes the appropriate CPI increase. The Director will review such proposed increases to ensure these accurately reflect the appropriate CPI adjustment and, if satisfied with the accuracy of the fee adjustment, shall increase fees and provide appropriate notice to the public of the increase on or before May 1 of each year. Adjustments to fees shall be effective on July 1 of each year, beginning in 2008. Each County department will review annually revenues and expenditures to ensure that fees are charged fairly and reflect the cost of the services provided. Nothing herein shall be construed as limiting the authority of

the Board to consider and adopt other adjustments to land development fees where such actions are appropriate for County to recover fees necessary to cover the cost of the services provided.

**CONTRACT CASE PROCESSING COSTS:** If an applicant elects to utilize outside contractors to expedite permit processing, consultant costs plus indirect overhead will be charged on an hourly basis, as agreed upon in writing between the applicant and the County.

**NON-SALARY COSTS:** P&D has developed standard charges to recover non-salary costs associated with processing cases. The charges recover costs ranging from office supplies to public hearing costs. A charge will be made against the fee or deposit for each non-salary cost category which applies to that case. See the table on Exhibit A-3.

<b>NON-SALARY COSTS for DEPOSIT CASES</b>	
<b>HEARING RELATED CHARGES</b>	
<b>Consent Agenda (Zoning Administrator or Planning Commission)</b>	<b>\$225</b>
<b>Planning Commission Hearing (not consent)</b>	<b>\$1,000</b>
<b>Zoning Administrator Hearing (not consent) Montecito Planning Commission</b>	<b>\$300</b>
<b>Continuance (Applicant Requested)</b>	<b>\$150</b>
<b>Environmental Review Hearing</b>	<b>\$450</b>
<b>Hearing Stenographer</b>	<b>Actual Cost</b>
<b>Special Planning Commission Hearing</b>	<b>Actual Cost</b>
<b>OTHER NON-SALARY CHARGES</b>	
<b>Any Case Not Falling Into Any Other Category Of Non-Salary Charges</b>	<b>\$55</b>
<b>Required Special Noticing (for CDPs and BAR in specified areas)</b>	<b>\$225</b>
<b>Environmental Review Noticing for Negative Declaration without Hearing</b>	<b>\$225</b>
<b>Director Decision Cases</b>	<b>\$225</b>
<b>Case Withdrawal prior to Completion</b>	<b>\$150</b>
<b>Display Advertisement in Newspaper</b>	<b>Actual Cost</b>

#### **IV. MULTIPLE PERMIT APPLICATIONS**

P&D recognizes that the cost for review of cases requiring multiple permits may not equal the costs of the permits taken separately. The department's policy is to process these cases in a concurrent fashion which minimizes overall time and cost requirements. For multiple ministerial cases with fixed fees P & D will collect the highest ministerial fee and \$100 for each additional fixed fee permit type; for discretionary cases with fixed fees the entire fixed fee will be collected for each discretionary case type; and for any deposit case the highest deposit will be collected. Grading and design review fees will be collected in full.

#### **V. APPEALS**

The appellant must submit FIXED FEES for Planning and Development, County Counsel and Clerk of the Board.

Appeals on projects located within the Coastal Zone of the County of Santa Barbara which qualify under the State of California Public Resources Code §30603 are exempt from the appeal fees stated above.

#### **VI. ZONING VIOLATIONS**

All zoning violation cases (those cases where an actual violation is determined to exist) will be billed for actual staff time spent investigating and correcting the violation at the STANDARD SALARY COST and applicable NON-SALARY COSTS. The fee applies to cases where either the property owner elects to abate or discontinue the violation and therefore no permit is issued or cases where the property owner elects to obtain the permits required to legalize the violation. Where the applicant elects to obtain permits to legalize a violation, standard permit fees described in this fee schedule apply. A penalty fee, equal to all applicable permit fees, but not to exceed \$2,000 is also required.

#### **VII. NON-PAYMENT OF FEES OR DEPOSITS**

P&D will not issue land development permits or building permits until all P&D case processing costs and/or zoning violation costs have been paid. The Building Official may defer the collection of zoning violation costs as a condition to issuance of the building permit if the official determines it is necessary to issue the building permit immediately to protect the health and safety of the public. Deferred zoning violation fees, plus charges for past due amounts, are still due to P&D.

If the owner or applicant owes an amount due on any other land use development case with the County, any past due amount must be paid by the applicant before P&D will accept a subsequent application from the applicant, unless waived by the Director of the department.

**VIII. MISCELLANEOUS COSTS**

Documents and other types of miscellaneous costs not detailed below will be sold at cost of reproduction plus 20% surcharge to cover handling costs, plus tax and shipping (if applicable).

<b>MISCELLANEOUS COSTS</b>	
<b>Photocopies</b>	<b>\$ .25/page</b>
<b>Assessor Parcel Maps w/ Zoning Information</b>	<b>\$ 1.50/page</b>
<b>Microfiche Copies</b>	<b>\$ 1.00/page</b>
<b>Electronic Parcel Information (disk/print-out)</b>	<b>\$50.00 flat fee + \$ .07/parcel</b>
<b>Hearing Tape Copies (Cassette or Video)</b>	<b>Cost of tape + \$10.00/hr. reproduction time</b>
<b>Returned Check for Insufficient Funds</b>	<b>\$40.00/each</b>
<b>Maps (Resource, Zoning Ordinance, Comprehensive and Coastal Plan)</b>	<b>\$ 1.50 taxable + \$5.00 map handling svcs charge add shipping if applicable</b>

## **IX. ENERGY OR INDUSTRIAL PROJECTS**

Energy and/or industrial projects are processed by the Energy Division and the Building & Safety Division of Planning and Development (P&D). Developers will be billed on a monthly basis for all direct and indirect costs related to permit processing, including appeals, permit compliance, and engineering plan review. Direct costs are actual labor and office expenses, and indirect costs, based on the developer's pro-rated share of each month's direct expenses, including reimbursement for County and department overhead costs, which are calculated annually. A signed agreement for payment and an initial fee deposit must be submitted to the Energy Division prior to permit processing, compliance, activity, or engineering plan review.

After an application has been accepted as "complete", P&D will review average monthly costs for the first two months of case processing activity for the project and may request an additional deposit. It is P&D's intention to have on deposit a balance that would cover four months of project processing and compliance costs.

The direct and indirect costs associated with permit processing, on-going permit compliance and engineering plan review for staff of County Counsel and Air Pollution Control District may also be billed through P&D on a monthly basis. Any permits required by other departments will be billed separately by those departments.

Energy Division initial deposits include an amount for Building & Safety staff costs associated with engineering plan review. An additional deposit may be required by Building & Safety to cover costs associated with consultant plan review.

Deposits and fees for processing applications for change of owner, operator, or guarantor under Chapter 25B of the County code fall into four categories, as shown in the following table. In the simplest cases (25B-9.3 and 9.4), a flat fee will be charged for application processing. In the case of mergers and changes of business organization (25B-9.2), existing deposits for case processing or compliance can normally be utilized, and no additional deposit is required (unless special circumstances preclude drawing against the existing deposits). For changes of owner, guarantor, or operator (25B-9.1, 9.5, 9.6, and 10.1), deposits are required. However, the requirement for such a deposit may be waived in these cases, if existing deposits are available and considered sufficient.



<b>ENERGY DIVISION INITIAL DEPOSITS</b>	
<b>PRE-APPLICATION</b>	
Production and Processing	\$ 5,000
Transportation Facilities	\$ 5,000
Supply Base	\$ 5,000
Exploratory Drilling	\$ 2,500
Mine or Power Generation	\$ 5,000
Other Energy Projects	\$ 2,500
Other Industrial Projects	\$ 5,000
<b>CASE PROCESSING: ONGOING</b> (General Plan Amendment, Rezone, Conditional Use Permit, Development Plan, Production Plan)	
Total Capital Costs less than \$5,000,000	\$12,500
Total Capital Costs between \$5,000,000 and \$30,000,000	\$25,000
Total Capital Costs greater than \$30,000,000	\$50,000
Certificate of Financial Responsibility	\$ 5,000
Certificate of Financial Responsibility (certificate for reliance upon owner of facility and shipper of oil)	\$ 2,500
<b>PERMIT COMPLIANCE: ONGOING</b>	
Total Assessed Value less than \$5,000,000	\$12,500
Total Assessed Value between \$5,000,000 and \$30,000,000	\$25,000
Total Assessed Value greater than \$30,000,000	\$50,000
<b>PERMIT COMPLIANCE: MINOR</b>	
Review of Minor Projects	\$ 5,000
<b>CHANGE OWNER, OPERATOR, OR GUARANTOR</b>	
Existing partner becomes managing partner Change of non-managing partner of owner	\$250 (flat fee)
Merger or change of form of business organization of owner or operator	use existing deposit
Change of owner Change of guarantor	\$5,000
Change of operator Temporary operator	\$12,500

**MINISTERIAL PERMITS**

FEE BLDG  
FEE/DEPOSIT TYPE\* FEE

**Coastal Development Permits & Community Plans Areas not associated with a discretionary project**

**Agricultural Structures:**

Agricultural Structure Addition	442	F	
Greenhouses < 300 sq ft	313	F	
Greenhouses 300 - 9,999 sq ft	830	F	25
Greenhouses 10,000 - 19,999 sq ft	1,346	F	25
New Agricultural Structures	894	F	25

**Residential Structures:**

Accessory Structures	507	F	
Addition to Residential Structures	571	F	
Fences, Walls, Pools, Spas	313	F	
Guest houses/Pool houses/Artist studios	636	F	
New Residential or Residential Second Unit	1,088	F	

**Commercial/Industrial Structures:**

Minor Alterations	442	F	
New or addition to existing structure	1,088	F	

**Other Review:**

Change of Use	442	F	75
Demolition	636	F	
Emergency Permit (Coastal Zone)	1,346	F	75
Energy/Public Works Facilities	571	F	

**Other Development:**

Carnival and Other Temporary Uses	442	F	25
Est Value < \$100,000	571	F	75
Est Value \$100,000 - \$499,999	701	F	125
Est Value \$500,000+	1,734	F	125
Exempt from CDP , Revision , Time Extension	249	F	
Simple Permit Exemption	120	F	
Home Occupation	249	F	25
Trailers	571	F	
Tree/Brush Removal	701	F	

**Grading Plan Review & Permit**

Grading < 500 cubic yards	571	F	75
Grading 500 - 1,499 cubic yards	830	F	75
Grading 1,500-4,999 cubic yards	1088	F	75
Grading > 5,000 yards	2,508	F	75

**MINISTERIAL PERMITS CONTINUED**

FEE BLDG  
FEE/DEPOSIT TYPE\* FEE

**Land Use Permits not associated with discretionary project**

**New Structures:**

Agricultural New Structure LUP	313	F	
Habitable Residential New Structure LUP	442	F	
Residential Development with Special Constraints or Zoning Clearance	1,500	D	

**Additions & Changes of Use:**

Agricultural/Residential Structure Addition LUP	197	F	75
Commercial Addition/Change of Use LUP	442	F	75
Residential Development with Special Constraints	1,500	D	

**Other Development & Review:**

Fences, Walls, Pools, Spas, LUP	249	F	
Carnival and Other Temporary Uses	442	F	25
Home Occupation	249	F	25
Demolition, Revision, Exemption, Time Extension	249	F	
Emergency Permit	1,346	F	75
Other Development	442	F	
Energy/Public Works Facilities	442	F	

**Land Use Permits, Coastal Development Permits, Map, and Lot Line Adjustment Clearance (including projects within the Special Area Overlay) associated with discretionary project**

LUP Following Zon Admin or Director Decision	701	F	
LUP Following Plann Comm or Board Decision	1,500	D	
Parcel Map/LLA Clearance - No Conditions	442	F	
Parcel Map/LLA Clearance - Conditions	1,346	F	75
Tract Map Clearance	3,000	D	75

**Design Review**

Board of Architectural Review - Conceptual	184	F	
Board of Architectural Review	507	F	
Community Design Guidelines Review	249	F	
BAR Field Inspection		F	245
BAR Site Visit	1,411	F	
Montecito Board of Architectural Review	274	F	

**DISCRETIONARY PERMITS** FEE BLDG  
FEE/DEPOSIT TYPE\* FEE

**Agricultural Preserves:**

Assumption Contracts	0	F	
Ag Preserve Cancellation	2,250	F	
Contract Modification or Replacement	0	F	
Contract Non-renewal	1,088	F	
New Ag Preserve Contract	0	F	
Rezone/Comp Plan change	0	F	
Farm Land Security Zone Contract	0	F	

**Appeals to Decision-Makers:**

Appeal to Board of Supervisors (Pay Clerk of BD)	300	F	
Appeal to Planning Commission	300	F	

<b>Coastal Development Permit with Hearing</b>	1,500	D	
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**Conditional Use Permits:**

Conditional Use Permit Amendment - Director	5,519	F	
Conditional Use Permit - Major (New or Revised)	5,000	D	125
Conditional Use Permit - Minor or Residential 2nd Unit in Ag Zone Dist	2,624	F	125
Conditional Use Permit Trailer Renewal	1,129	F	
Substantial Conformity Determination	1,500	D	

<b>Cond Certificate of Compliance</b>	3,528	F	75
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**Development Plans:**

Development Plan Amendment - Director Review	6,681	F	
Development Plan - Director Review (New or Revised)	3,000	D	175
Development Plan - PC (New or Revised)	8,000	D	175
Development Plan - ZA (New or Revised)	8,951	F	175
Substantial Conformity Determination	1,500	D	

<b>Determination of Similar Use (Planning Commission)</b>	1,500	D	
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<b>General Plan Amendments</b>	8,000	D	
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<b>General Plan Consistency (Sec 65402)</b>	1,500	D	
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<b>General Plan Consistency (Sec 65402) - Non-Complex</b>	406	F	
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<b>Limited Exceptions Determination</b>	1,500	D	
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**Maps**

Lot Line Adjustment Planning Commission	3,000	D	125
Lot Line Adjustment Zoning Administrator	3,000	D	125
Lot Line Adjustment Modification Prerecordation	3,000	D	
Parcel Map Waiver	1,500	D	
Recorded Map Modification	3,000	D	75
Tentative Map Modification	3,000	D	175
Tentative Parcel Map PC	5,000	D	175
Tentative Parcel Map ZA	3,000	D	175
Tract Map	8,000	D	175

FEE BLDG  
FEE/DEPOSIT TYPE\* FEE

**DISCRETIONARY PERMITS CONTINUED**

<b>Mining Reclamation Plans</b>	5,000	D	835
<b>Modifications of Conditions - including Production, Exploration, and Reclamation Plans and Unrecorded Maps</b>	3,582	F	
<b>Oak Tree Tier 4 Permit</b>	1,500	D	
<b>Oil &amp; Gas Production/Exploration Plans</b>	5,000	D	175
<b>Ordinance Amendments</b>	5,000	D	
<b>Rezone</b>	8,000	D	
<b>Consistency Rezone</b>	2,420	F	
<b>Site Visit</b>	442	F	
<b>Site Investigation (Bldg)</b>		F	75
<b>Specific Plan</b>	8,000	D	
<b>Substantial Conformity Determination</b>	1,500	D	
<b>Time Extensions PC</b>	3,453	F	
<b>Time Extensions ZA</b>	2,237	F	
<b>Variance</b>	1,500	D	75
<b>Zoning Modifications</b>	3,786	F	

**MISCELLANEOUS**

**Consultations**

Consultation 1.5 hrs (+ hrly rate)	249	F + D	
Pre-Application	1,500	D	

**Landscape Plan Review**

Landscape Review Minor	313	F	
Other Landscape Review	701	F	
Performance Security & Administration	313	F	
Drainage Plan Review		F	75

**Other Ordinances & Regulations**

Alcoholic Beverage Control Affidavit	116	F	
Hardship Determinations - Non-conforming use/structure	1,540	F	
Permit Revocation	3000	D	
Montecito GMO Exemption (Not Hardship)	184	F	
Montecito GMO Hardship Exemption	1500	D	
Montecito GMO Points Allocation	830	F	
Overall Sign Plan	3,786	F	
Roadnaming - exist rename	946	F	
Roadnaming - new road	830	F	
Temporary Second Dwelling Agreement & Site Visit	571	F	
Special Problems Area Intake Review	184	F	

	FEE FEE/DEPOSIT	BLDG TYPE*	FEE
Sign Certificate of Compliance	313	F	
Surface Mining Annual Inspection - Minor	313	F	175
Surface Mining Annual Inspection - Moderate	701	F	175
Surface Mining Annual Inspection - Extensive reclamation performed	1,500	D	175

<b>Permit Compliance</b>
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Non-Complex (Change Title to Minor)	500	D	
Medium (Change Title to Major)	1,500	D	

\*FeeType: F = Fixed Fee D = Deposit

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