

BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA, CALIFORNIA

ORDINANCE NO. 5183

**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 Road Right of Way**

**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 \$435,000 in fiscal year 2021-22 and an increased estimated deficit of \$568,000 in fiscal year 2023-24. 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 March, 2023 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. General Provisions.**

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 connect.

- 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) The Director of Public Works 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;
- d) All Public Works and other fees not expressly revised by this Ordinance shall remain in effect.
- e) The Rate Schedule set forth in exhibit "A" shall supersede the previous Rate Schedule adopted in November, 2007, and any previous schedules.
- f) Upon a showing of good cause, the Board of Directors may adjust or waive the fees set forth in Exhibit A;
- g) The Rate Schedule adopted hereby shall be effective 60 days following the Board of Supervisors' final action adopting this Ordinance.
- 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, subdivision (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 passage, with the Rate Schedule taking effect thirty (30) days thereafter, 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 News Press, Santa Maria Times, and Lompoc Record, newspapers of general circulation published in the County of Santa Barbara.

**PASSED, APPROVED, AND ADOPTED** by the Board of Supervisors of the County Santa Barbara, State of California, on this 27th day of June, 2023 by the following vote:

**AYES:** Supervisors Williams, Capps, Hartmann, Nelson and Lavagnino

**NAYS:** None


**ABSENT:** None

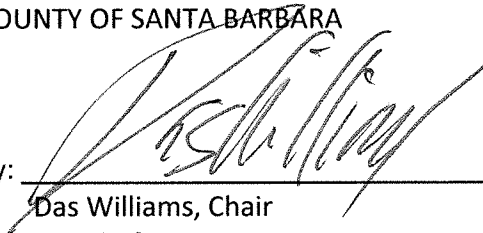
**ABSTAIN:** None

ATTEST:

MONA MIYASATO  
COUNTY EXECUTIVE OFFICE  
CLERK OF THE BOARD

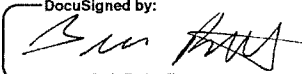
COUNTY OF SANTA BARBARA

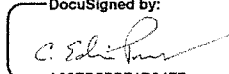
By:   
Deputy Clerk

  
Das Williams, Chair  
Board of Supervisors

APPROVED AS TO FORM:  
RACHEL VAN MULLEM  
COUNTY COUNSEL

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

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Deputy County Counsel

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By: A99ED5BD71D04FB...  
Deputy

## **EXHIBIT "A"**

### **PUBLIC WORKS TRANSPORTATION DIVISION**

#### *Permit Fee Schedule*

The County of Santa Barbara Public Works Transportation Division requires payment for service costs associated with the issuance of permits for, and related supervision of, encroachments and excavations in County Road Right of Way for the unincorporated areas of Santa Barbara County and, when requested, for the Cities of Santa Maria, Lompoc, Buellton, Solvang, Santa Barbara, and Carpinteria. The Division reviews each document for compliance with State Law and local Ordinances before submitting final documents to applicable parties. The Public Works Department uses the criteria outlined below to determine whether a FIXED FEE or DEPOSIT shall be required. The Public Works Permit Fees are listed in this Exhibit below.

#### **1. FIXED FEE**

A FIXED FEE is collected 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 on 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 retained 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.

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. 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 or request to have work performed outside of normal business hours. This request must be made in writing. It is at the discretion of the Division to 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).

### **4. IN PROGRESS PROJECT FEES**

All permit applications submitted prior to the effective date of the Rate Schedule, as set forth in the Ordinance adopting the Rate Schedule, are not subject to it and all fees, with the exception of hourly rates, will be paid in accordance with the previously adopted Ordinance. Permit applications submitted on or after the effective date of this Ordinance shall be subject to this Ordinance.

### **5. CPI ADJUSTMENT**

The Director of Public Works 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.

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

The Division will not provide final approval until all processing costs have been paid. 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 permits for Encroachments and Excavations in County Highways Road Right of Way, any past due amount must be paid by the applicant before the 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.

## Road Encroachment Permits

## FEE SCHEDULE

## Public Works Department - Transportation Division

<b>NEW Fee #</b>	<b>Service Name / Description</b>	<b>PROPOSED FEE</b>
1	Monitoring Well - Annual Permit for Quarterly Traffic Control	\$ 2,653
2	Construct Monitoring Well	\$ 926
3	Residential Driveway	\$ 650
4	Commercial Driveway	\$ 1,276
5	Sidewalk - Repair/Install, 0 - 50 Square Foot	\$ 551
6	Sidewalk - Repair/Install, 51 - 500 Square Foot	\$ 1,101
7	Sidewalk - Repair/Install, >500 Square Foot - (Deposit/Hourly*) (Minimum Deposit \$1500)	Hourly
8	Curb/Gutter - Repair/Install, 0 - 20 Linear Foot	\$ 551
9	Curb/Gutter - Repair/Install, 21 - 100 Linear Foot	\$ 1,101
10	Curb/Gutter - Repair/Install, >100 Linear Foot - (Deposit/Hourly*) (Minimum Deposit \$1500)	Hourly
11	Trenching/Potholing (Including Trenchless), 0 - 100 Linear Foot	\$ 1,177
12	Trenching/Potholing (Including Trenchless), >100 Linear Foot - (Deposit/Hourly*) (Minimum Deposit \$2000)	Hourly
13	Utility Annual Permit* - Authorizes Self Issuance of Special Single* Permits	\$ 218
14	Utility Special Single* Permit - Each Self Issued Permit	\$ 176
15	Utility Permits - (Hourly/Invoiced*)	Hourly
16	Other Minor Encroachments (Landscape, Mailboxes, Signs, Vacuum Breakers, Private Facilities, Gates, Etc.)	\$ 964
17	Hauling Permit - first day >1000 CY - Earthwork Projects (Conditions of Approval, EIR, Mitigation Measures, Grading Permits, Etc.)	\$ 920

18	Hauling Permit, Additional Days - (Deposit/Hourly*) (Deposit is Determined at \$95 each additional day of Hauling) (Minimum Deposit \$1500)	Hourly
19	Annual Refuse Bin Permit - Supplier Companies Only	\$ 476
20	Walls/Fences/Retaining Wall Less than 3 Foot, (level backfill), per 100 Foot.	\$ 875
21	Tree Trimming	\$ 100
22	Tree Removal - (Deposit/Hourly*) (Minimum Deposit \$1000)	Hourly
23	Pipeline Abandonment, per 1000 Foot.	\$ 841
24	Road Closure, per Day	\$ 1,991
25	Traffic Control Major, - Within 500 feet of a Traffic Signal and/or on Major Roads, No Construction/Traffic Control Only - First Day	\$1,152
26	Traffic Control Major, - Within 500 feet of a Traffic Signal and/or on Major Roads, No Construction/Traffic Control Only- each additional day - (Deposit/Hourly*) (Minimum Deposit \$1500)	Hourly
27	Traffic Control Minor - Temporary Lane Closure, Flagging, Shoulder Work - First Day	\$1,027
28	Traffic Control Minor - Temporary Lane Closure, Flagging, Shoulder Work - each additional day - (Deposit/Hourly*) (Minimum Deposit \$1500)	Hourly

**MAJOR WORK: - \*Engineers Estimate / Unit Prices (Public & Private: Developments, Discretionary, Subdivisions, Tracts, Large Projects, etc.)**

29	Transfer of Ownership (Discretionary Projects) - (Deposit/Hourly*) (Minimum Deposit \$1000)	Hourly
30	Public Road - Plan Review - (Deposit/Hourly*) (Deposit Determined at 2% of Engineer's Estimate*) (Minimum Deposit \$5000)	Hourly
31	Public Road - Inspection & Bond Compliance - (Deposit/Hourly*) (Deposit Determined at 8% of Engineer's Estimate*) (Minimum Deposit \$5000)	Hourly
32	Private Road - Plan Review - (Deposit/Hourly*) (Deposit Determined at 1% of Engineer's Estimate*) (Minimum Deposit \$5000)	Hourly

33	Private Road - Bond Compliance* - (Deposit Hourly*) (Deposit \$10000)	Hourly
34	Traffic Signal or Traffic Signal Modification - (Deposit/Hourly*) (Deposit Determined at 10% of Engineer's Estimate*)	Hourly
35	Engineered Structures (Bridges, Box Culverts, Retaining Walls, Shoring, Other Engineered Facilities) - (Deposit Hourly*) (Deposit Determined at 10% of Engineer's Estimate*) (Minimum Deposit \$1500)	Hourly
36	Maintenance Agreement - Private Improvements in the Public Road Right of Way	\$1,341
<b>Other Permits / Fees</b>		
37	Transportation Permit: Single Oversize Load Permits (State Regulation*)	\$16
38	Transportation Permit: Annual Oversize Load Permits (State Regulation*)	\$90
39	Film Permits - Special Review (Structural, Permit Conflicts) (Deposit/Hourly*)	Hourly
40	Use of Right-of-Way (Scaffolding, Lane Closures, Bike & Pedestrian Closure, Etc.) (Duration / Location as authorized by County Traffic Engineer - Maximum 30 Days) - (Deposit Hourly*) (Minimum Deposit \$1500)	Hourly
41	Design Exceptions - (Deposit Hourly*) (Minimum Deposit \$1500)	Hourly
42	Pavement Cut Restoration Fees (Per Lineal Foot of Cuts)	\$ 0.75
43	Consultation Fee - (Per 1-hour meeting)	\$ 350
44	Staff Hourly Overtime Rate	\$ 225

**\*Notes - General:**

**Additional Services:** 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.).

**Fees Additive:** Depending upon scope of work, i.e.: Issuance + Driveway + Trench + etc. = Total Fee / Permit.

**Fees Doubled:** Work started without valid Encroachment Permit.



**Pavement Cut Fee Exemption:** Utility Companies and Special Districts are required continuously to maintain in good condition the utility trenches constructed for their utilities, and therefore, are exempt from the Pavement Cut Restoration Fee.

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

**"Deposit"** = Determine amount using Major Work items (Engineer's Estimate / Percent for Review and Inspection).

**"Hourly"** = Current Public Works Department weighted labor rates + Auditor/Controllers calculated overhead rates + current equipment / hour rates.

**"Review" & "Inspection"** = Includes all types of plans and/or work, i.e.: improvement, landscape, utility, shoring, etc.

**"Shoring"** = As required per OSHA & Cal OSHA STANDARDS.

**"Annual Utility Special Single Permit"** = Allows Utility Companies to self-issue their own Special Single Permits. For minor maintenance only as described in the definition "Special Single Permit" Excludes Traffic Control at Traffic Signals and on Major & Collector Roads.

**"Special Single Permit"** = Permit type is for maintenance only of: service connections or other minor routine maintenance work, within Annual Permit limits: less than or equal to 6 Cubic Yards excavation; less than or equal to 60 Linear Foot. perpendicular laterals; Excludes Traffic Control at Traffic Signals and on Major & Collector Roads.

**"State Regulation"** = Current Fees per California State approved Transportation Permit Fees, subject to revision by State.

**"Trench"** = Includes Excavation and Backfill.

**"Engineer's Estimate"** = Engineer's Cost Estimate per current County approved unit prices.

**"Bond Compliance"** = Administration of Sureties (Bonds, Letter of Credit, Cash or other approved Surety). Construction Compliance & Compliance with the Subdivision Map Act.

**"Invoiced"** = Hourly Charges are billed.