



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: Planning and
Development
Department No.: 053
For Agenda Of: March 18, 2008
Placement: Administrative
Estimated Tme: n/a
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department John Baker, 568-2085
Director(s)
Contact Info: Steve Mason 568-2070, Planning and Development
Rick Merrifield 681-4934, Environmental Health

SUBJECT: Land Development Fee Resolutions

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: Select_Concurrence

Recommended Actions:

The Board of Supervisors set a public hearing on April 1, 2008 to consider amendments to Land Development Fee Resolutions for Planning and Development and the Environmental Health Division of the Public Health Department.

On April 1, 2008, The Board of Supervisors' actions should include the following:

A. Adopt the following Resolutions to amend Land Development Fees effective sixty (60) days following Board action, for each of the following departments:

1. Planning and Development, Land Use Fee Resolution Exhibit A
2. Public Health, Environmental Health Division, Land Use Fee Resolution - Exhibit B
3. Public Health Environmental Health Division, Liquid Waste - Exhibit C
4. Pubic Health Environmental Health Division, Wells and Private Water Systems - Exhibit D
5. Public Health Environmental Health Division, Drinking Water - Exhibit E

B. Approve Notices of Exemption for each of the Fee Resolutions.

Summary Text:

Planning and Development

The land development permit process is supported by fees charged for services. Your Board last increased fees in January 2007. At that time, an annual automatic adjustment to fees was approved linked to the Consumer Price Index (CPI). It was expected that a CPI increase would cover typical cost increases. This coming year, the cost for the retirement contribution has far exceeded the CPI. In order to fund the increased retirement costs, Environmental Health and Planning and Development are requesting the Board approve a rate increase.

Planning and Development is also requesting a surcharge on the planning permit hourly rate to recover costs associated with work the Long Range Planning Division provides in support of land development and are not currently supported by permit revenues. These activities include: review of projects for General Plan consistency, participation in new case review, SB 18 compliance, and AB 1600 review.

| Planning Permit Hourly Rate | Hourly Rate | Net Revenue | % Increase |
|---|-------------|-------------|------------|
| Planning hourly rate (effective 7/08) including previously approved technology fee (2.50 /hr) | \$134.42 | | |
| Increase to offset retirement charges | \$ 6.96 | \$200,506 | 5.2% |
| General plan consistency review services for proposed development -\$2.62/hr) | \$ 2.62 | \$ 73,739 | 1.9% |
| Proposed hourly rate | \$144.00 | \$274,187 | 7.1% |

Costs for County Counsel litigation allocated to the department in the Cost Allocation Plan are not included in the overhead calculation for Planning and Developments hourly rates. Inclusion of the litigation costs in the overhead rate is inequitable, since only a small number of permits incur these costs. Planning and Development's hourly rate does not fully recover the overhead allocated to the land development permit processing function through the Cost Allocation Plan. These overhead costs are offset by building and energy permit revenue.

In addition to the proposed hourly rate change, P&D proposes several additional changes to the schedule of fees.

1. Implement an additional meeting charge for any project that exceeds three reviews for Board of Architectural Review.

BAR fees are fixed to cover costs associated with the various levels of review (conceptual, preliminary and final). Currently projects can be reviewed by the BAR any number of times. P&D proposes to charge all projects that exceed three BAR meetings \$165 for each additional meeting.

2. Added Fee for Post Approval Follow-up.

The Post Approval Follow-up fee of \$144 will be assessed to projects where the planning staff will be involved in project clearances and minor review during construction or permit compliance.

3. Simplification of the schedule of fees.

P&D proposes to simplify the schedule of fees by reducing the number of fee categories and combining categories where possible. Further, the organization of the fees is more customer oriented. The categories now better match how applicants use the fee schedule rather than the structure of the zoning ordinance.

4. Shifting CUP Minor or Residential Second Unit in Agricultural District to full cost recovery.

To better recover costs the P&D proposes to move the CUP Minor fee to full cost recovery. Costs associated with these projects have exceeded the fixed permit fees for the past year. Applicants will pay monthly invoices for all hours worked on the project.

| Fixed Fees Proposed for Full Cost Recovery | Fixed Fee | Proposed Deposit |
|---|-----------|------------------|
| CUP Minor or Residential 2 nd Unit in Ag. Dist | \$2,915. | \$1,500 |

Building and Safety Fees

In January 2008 the State of California implemented a new standard code for building and construction. This new code no longer includes standard fee tables used to assess building permit fees. As a result, P&D is currently conducting a detailed study of building permitting, plan check, inspection, code enforcement and grading to develop fees representative of the cost of those activities. This study is expected to be complete in early April 2008. The department will return to the Board in April 2008 with a proposed fee resolution for all Building and Safety Division fees.

The Building and Safety fees in the Land Development Fee Resolution are for Building and Safety staff to provide new case review and Subdivision Committee participation for land use permits.

Environmental Health

Environmental Health Services (EHS) administers three fee-supported programs related to land development: Land Use (one resolution), Liquid Waste (one resolution) and Drinking Water (two resolutions). Fees for these programs are organized into four separate resolutions because of different sources of legal mandates and authority. The Land Use program is essentially an extension of the permit process administered by Planning & Development. The fee resolutions for the Liquid Waste and Drinking Water programs are included here pursuant to the Board’s previous request to see all fees related to land development at the same time.

EHS Land Use Program

The Land Use program is staffed by a Senior Environmental Health Specialist who participates directly in the permit process administered by Planning & Development. This individual has a strong geology

background and serves as the County’s expert on matters related to onsite disposal of sewage. The EHS Land Use Specialist reviews most discretionary cases, attends Subdivision & Development Review Committee (SDRC) meetings, and provides comments, consultation and recommended conditions of approval related to onsite sewage disposal, drinking water and other relevant issues to applicants, planners and decision makers. The proposed fee revisions will result in an estimated revenue increase to the Land Use program of \$19,795.

Liquid Waste

The Liquid Waste program accounts for approximately 13% of EHS services. It includes staff in both Santa Barbara and Santa Maria offices that review and approve plans for construction, modification or abandonment of private onsite sewage treatment systems. For new development, EHS staff coordinates with Planning & Development planners to facilitate concurrent review of septic system plans and Land Use permits. For simple projects with little or no impact to septic system capacity or expansion, EHS continues to provide a low cost alternative to a comprehensive evaluation of the system. That fee has been adjusted to \$40 in order to recover the cost of review and processing. The proposed fee revisions will result in an estimated revenue increase to the Liquid Waste program of \$26,200.

Drinking Water

The Drinking Water program operates under three fee resolutions, two of which are related to land development and included in this package. The first resolution addresses services related to small public water systems addressed in the California Safe Drinking Water Act. EHS is the designated Local Primacy Agency for enforcement of State requirements related to public water systems with fewer than 200 connections. In accordance with State law, the fees and requirements are based on the number of connections and categories of use. The second resolution addresses services related to water wells and private domestic water systems. The proposed fee revisions will result in an estimated revenue increase to the Drinking Water program of \$34,365.

EHS Fee Adjustments

Since the last adjustment of these fees in January 2007, EHS has incurred increases in salary and retirement costs that exceed the CPI of 4.2%. For that reason, the proposed fee adjustments are based on actual cost increases incurred during calendar years 2007 and 2008 instead of a simple CPI adjustment. No change is proposed in the hourly rate of \$110/hour at this time. Because EHS administers multiple programs that operate under nine separate fee resolutions and because the hourly rate is a small portion of EHS business, maintenance of a consistent hourly rate is recommended in the interest of consistency and clarity.

| | % Increase | Revenue Increase |
|---------------------------------------|--------------|------------------|
| Salary Increases (COLA & equity adj.) | 13.0% | 54,983 |
| Retirement Increase | 6.0% | 25,377 |
| Total Increase | 19.0% | \$80,360 |

Consistent with the fee policy, all of the fees included in the attached Resolutions have been reviewed by the County Auditor-Controller as to accounting form. Further, County Counsel has reviewed and approved the Resolutions as to form.

These fees qualify for statutory 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.

Fee Collection

Planning and Development is charged with collecting the majority of land development fees, as authorized by a separate Board of Supervisors resolution, for other County departments involved in the review of land use developments. In the interest of improved public service, the Board established Planning and Development to serve as the lead department in the review of development applications and collection of initial county land development processing fees.

Performance Measure:

n/a

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

The net financial impact of this fee request is \$274,187 for Planning and Development, and \$80,360 for Environmental Health. These revenues are included in the FY 2008-09 recommended budget.

Staffing Impacts:

Legal Positions:

FTEs:

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 §66016.

Planning and Development shall post Notice of Exemptions for each of the Resolutions in the County Planning and Development 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 each of the Resolutions will be filed with the Clerk of the Board after project approval to begin the 35 day statute of limitations on legal challenges.

Attachments:

Public Health, Environmental Health Division, Land Use Fee Resolution

Public Health Environmental Health Division, Liquid Waste

Public Health Environmental Health Division, Wells and Private Water Systems

Public Health Environmental Health Division, Drinking Water

Authored by:

Steve Mason, 805-568-2070

cc:

John Baker, Deputy CEO

Dianne Black, Development Services Director

John McInnes, Long Range Planning Director

Betsy Blaine, Business Manager

Rick Merrifield, Environmental Health Director