ORDINANCE NO. 4991

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA ESTABLISHING FEES FOR PLANNING AND DEVELOPMENT DEPARTMENT SERVICES.

That the Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

WHEREAS, the Planning and Development Department provides permitting and enforcement services related to land use and development; and

WHEREAS, the County Board of Supervisors has authority to adopt fees for development projects pursuant to Government Code section 66000 et seq.; and

WHEREAS, the County Board of Supervisors has authority to adopt fees in the amount reasonably necessary to recover the cost of providing service pursuant to Government Code section 54985 et seq.; and

WHEREAS, Planning and Development engaged a fee study consultant to evaluate permitting and enforcement services to recommend fees for each service; and

WHEREAS, Planning and Development strives to increase and maintain clarity, consistency, and transparency in the fee process; and

WHEREAS, the attached fees are directly related to the cost reasonably necessary to provide each service; and

WHEREAS, Resolution No. 12-46 sets Land Development Fees for Planning and Development; and

WHEREAS, Ordinance No. 4745 sets Building Development Fees for the Building and Safety Division and the Petroleum Unit of Planning and Development; and

WHEREAS, the County Board of Supervisors finds that the fees set forth in the attached schedules of fees are exempt from CEQA review pursuant to Public Resources Code sections 15378(b)(5), the action does not constitute a project, and 15273 (a) (1), CEQA does not apply to the establishment,
modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of: (1) Meeting operating expenses, including employee wage rates and fringe benefits.

SECTION 2:

Board Resolution No. 12-46 for Land Development Fees for Planning and Development is hereby superseded by this ordinance as of the date the fees in the Exhibit become operative and as numbered by the Clerk of the Board of Supervisors.

SECTION 3:

Board Ordinance No. 4745 setting Building Development, Film and Petroleum Fees for the Building and Safety Division and the Petroleum Unit of Planning and Development is hereby superseded by this ordinance as of the date the fees in the Exhibit become operative and as numbered by the Clerk of the Board of Supervisors.

SECTION 4:

The Director of Planning and Development ("Director") shall annually review and may adjust fees adopted herein pursuant to the changes to the Consumer Price Index (CPI). Adjustments 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. Consumer Price Index 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.

SECTION 5:

A Technology Maintenance Surcharge shall be added to all permit charges including hourly rate charges to support and maintain computer hardware and software that supports the permitting process.

SECTION 6:

A General Plan Maintenance Surcharge shall be added to all building permits issued for construction or remodeling of structures to support general plan activities.

SECTION 7:
A Records Management Surcharge shall be added to all permit charges including hourly rate charges to support services necessary to digitize and archive permitting records.

SECTION 8:

This ordinance shall take effect and be in force thirty (30) days from the date of its passage and shall only become operative and be in force sixty (60) days after adoption of this ordinance. Before the expiration of fifteen (15) days after its passage a summary of the ordinance shall be published once together 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 by the Board of Supervisors on the County of Santa Barbara, State of California, this 4th day of April, 2017, by the following vote:

AYES: Supervisor Williams, Supervisor Wolf, and Supervisor Hartmann

NOES: Supervisor Adam, and Supervisor Lavagnino

ABSTAIN: None

ABSENT: None

By:
JOAN HARTMANN, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA
STATE OF CALIFORNIA

ATTEST:
MONA MIYASATO
COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD
By: Deputy Clerk

APPROVED AS TO FORM:
THEO A. FALLATI, CPA
AUDITOR-CONTROLLER

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL
By: [Signature]
Deputy Auditor-Controller

By: [Signature]
Deputy County Counsel
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 County Ordinances. Fee categories for permits and services are listed. If a project or service does not fall within any of the fee categories identified, the Director or designee shall determine the appropriate fee based on similarity of processing requirements with other permit or service type or shall charge based on the actual cost of providing service. Fees or deposits identified for the permit or service types are due at application submittal. For land development projects, applicants are also required to submit a signed Agreement for Payment of Processing Fees at application submittal. Fees are evaluated annually to ensure accuracy and will be adjusted appropriately and rounded to the nearest dollar.

I. FIXED FEES
Planning and Development collects a non-refundable fixed fee when a project is minor in nature and has a consistently predictable level of staff review for the project type. If a fixed fee is collected at application submittal, applicants will not be billed for any additional costs unless the project raises complex issues causing the project to be more expensive to process than is typical for cases for 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. Factors that may warrant conversion to a full cost recovery billing process may include, but are not limited to, the following: development on constrained lots, projects that are not CEQA exempt, projects with special site characteristics, sites with ongoing violations, changes to project scope by the applicant, coastal frontage, etc. Staff will notify the Financially Responsible Party in writing before the project is converted to a full cost recovery billing process. An Agreement for Payment 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.

II. SECURITY DEPOSITS FOR FULL COST RECOVERY
A security deposit is collected when a project is more complex in nature. Such a project may require the preparation of an environmental document or a public hearing for project approval. The level of staff effort required on such a project varies significantly due more to the complexity, site characteristics, and extent of public interest rather than permit type. An Agreement for Payment form, identifying a Financially Responsible Party, shall be collected at project submittal. A security deposit will also be collected at application submittal and will be held in trust to ensure cost reimbursement. Earned interest above one percent on deposits of $50,000 or more will be credited to the applicant’s account. Financially Responsible Parties will receive monthly invoices for charges incurred during the billing period and any unpaid balances due. Staff will stop work on project accounts that are in arrears. Projects in arrears may be denied due to staff’s inability to complete project review. Once a project concludes, any security deposit held in trust will be used to pay any remaining balance on the project. Any unused portion of the security deposit will be refunded to the Financially Responsible Party on file.
III. CONSULTANT COSTS
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. 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) 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.

IV. APPEALS
Appellants wishing to appeal a decision must submit fees as included in the list of services attached. Additional fees for other County departments may be necessary as part of the appeal (e.g. Clerk of the Board, County Counsel). Project applicants who redesign their projects during the appeal process are responsible for additional staff costs necessary to review the redesigned projects. Appeals to the Board of Supervisors may be filed with and fees submitted to the Clerk of the Board.

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

All costs incurred for appeals filed for projects submitted under XI. ENERGY AND MINERALS FEES AND COSTS will be billed to the project applicant on a monthly basis.

V. VIOLATIONS
Planning and Development is charged with enforcing various chapters of the Santa Barbara County Code. If a violation is determined to exist, the property owner will be billed for actual staff time spent investigating and correcting the violation at the hourly rates set herein, as well as any additional non-salary costs necessary to abate the violation. Fines may be levied pursuant to Chapter 24A of the Santa Barbara County Code.

VI. NON-PAYMENT OF FEES OR DEPOSITS
Planning and Development will not issue land development permits or building permits until case processing costs and/or violation costs have been paid. The Building Official may defer the collection of violation costs as a condition for building permit issuance if the Official determines it necessary to issue a building permit immediately to protect the health and safety of the public. Deferred fees and charges are still due to Planning and Development and may be collected at final inspection clearance. In any event, Planning and Development will not accept any subsequent applications from an owner or applicant who has a past due amount unless waived by the Director.
VII. 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).

<table>
<thead>
<tr>
<th>Fee Item Description</th>
<th>Cost:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Photocopies</td>
<td>$0.10 per page</td>
</tr>
<tr>
<td>Microfiche Copies</td>
<td>$0.20 per page</td>
</tr>
<tr>
<td>Returned Payment Fee</td>
<td>$40.00 per returned item</td>
</tr>
<tr>
<td>Hearing Stenographer</td>
<td>Actual Cost</td>
</tr>
</tbody>
</table>

VIII. DEVELOPMENT REVIEW FEES AND COSTS
Planning and Development will collect either a fixed fee (see Section I above) or a security deposit (see Section II above) for permits submitted for development and other uses of property as required by County Zoning Ordinances. Fees and costs associated with these permits are listed in the Land Use Development Fees and Costs schedule in Exhibit A. Security Deposit amounts for full cost recovery cases are in bold and highlighted.

IX. BUILDING DEVELOPMENT FEES AND COSTS
The Building and Safety Division is charged with enforcing and providing permits and services related to Chapters 9A (Brush Removal), 10 (Building Regulations), 11 (Mobilehomes), 14 (Grading), and 14C (Film Permits) of the Santa Barbara County Code. Fees and costs associated with these services are listed in the Building Development Fees and Costs schedule in Exhibit A and may be fixed fees (see Section I), security deposit items (see Section II), or may be charged on an hourly basis (see Section VII for hourly rates). Initial plan check fees are due at the time of application submittal and any remaining fees including inspection fees are due at permit issuance, unless otherwise stated in the County Code.

The Building and Safety Division also collects statutory fees on behalf of the State of California for Building Administration (Health and Safety Code section 18931.6), Seismic Hazard Mapping fees (Public Resources Code section 2705), and Mobilehome Park Permits (Heath and Safety Code section 18502).

X. PETROLEUM FEES AND COSTS
The Petroleum Unit of the Energy and Minerals Division is charged with enforcing and providing permits and services related to the County's Petroleum Code (Chapter 25 of the Santa Barbara County Code). Fees and costs associated with these services are listed in Exhibit A and may be a fixed fee (see Section I), a security deposit item (see Section II), or charged on an hourly basis (see Section VII for hourly rates).
XI. ENERGY AND MINERALS FEES AND COSTS

1) ENERGY OR INDUSTRIAL PROJECTS FEES AND COSTS

Energy and/or industrial projects are processed by staff in the Energy and Minerals Division with some coordination with Building and Safety Division staff. Developers will be billed on a monthly basis for all direct and indirect costs (including technology maintenance, general plan maintenance, and records management surcharges) related to permit processing, including, but not limited to, appeals, permit compliance, and engineering plan review. Direct costs include labor and office expenses. Indirect costs are based on the developer's pro-rated share of each month's direct expenses, including reimbursement for County and departmental overhead costs which are calculated annually. A signed Agreement for Payment form and an initial fee deposit must be submitted to the Energy and Minerals Division prior to permit processing, compliance activity, or engineering plan review.

After an application has been accepted as complete, Planning and Development will review average monthly costs for the first two months of case processing activity for the project and may request an additional deposit. Deposits are generally set at levels to cover four months of project processing and compliance costs.

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

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

Deposits and fees for processing applications for changes 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 used and no additional deposit will be required (unless special circumstances preclude drawing against the existing deposit). Deposits are required for changes of owner, guarantor, or operator under 25B-9.1, 9.5, 9.6, and 10.1. However, the requirement for such a deposit may be waived if existing deposits are deemed available and considered sufficient.
<table>
<thead>
<tr>
<th>ENERGY AND MINERALS DEPOSITS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PRE-APPLICATIONS</strong></td>
<td></td>
</tr>
<tr>
<td>Production and Processing</td>
<td>$5,000</td>
</tr>
<tr>
<td>Transportation Facilities</td>
<td>$5,000</td>
</tr>
<tr>
<td>Supply Base</td>
<td>$5,000</td>
</tr>
<tr>
<td>Exploratory Drilling</td>
<td>$2,500</td>
</tr>
<tr>
<td>Mine or Power Generation</td>
<td>$5,000</td>
</tr>
<tr>
<td>Other</td>
<td>$5,000</td>
</tr>
<tr>
<td><strong>CASE PROCESSING: ONGOING</strong></td>
<td></td>
</tr>
<tr>
<td>(General Plan Amendment, Rezone, Conditional Use Permit, Development Plan, Production Plan, etc)</td>
<td></td>
</tr>
<tr>
<td>Total Capital Costs &lt; $5,000,000</td>
<td>$12,500</td>
</tr>
<tr>
<td>Total Capital Costs between $5,000,000 and $30,000,000</td>
<td>$25,000</td>
</tr>
<tr>
<td>Total Capital Costs &gt; $30,000,000</td>
<td>$50,000</td>
</tr>
<tr>
<td>Certificate of Financial Responsibility</td>
<td>$5,000</td>
</tr>
<tr>
<td>Certificate of Financial Responsibility (certificate for reliance upon owner of facility and shipper of oil)</td>
<td>$2,500</td>
</tr>
<tr>
<td><strong>PERMIT COMPLIANCE: ONGOING</strong></td>
<td></td>
</tr>
<tr>
<td>Total Assessed Value &lt; $5,000,000</td>
<td>$12,500</td>
</tr>
<tr>
<td>Total Assessed Value between $5,000,000 and $30,000,000</td>
<td>$25,000</td>
</tr>
<tr>
<td>Total Assessed Value &gt; $30,000,000</td>
<td>$50,000</td>
</tr>
<tr>
<td><strong>PERMIT COMPLIANCE: MINOR</strong></td>
<td></td>
</tr>
<tr>
<td>Review of Minor Projects</td>
<td>$5,000</td>
</tr>
<tr>
<td><strong>CHANGE OF OWNER, OPERATOR, OR GUARANTOR</strong></td>
<td></td>
</tr>
<tr>
<td>-Existing partner becomes managing partner</td>
<td>$300 (fixed fee)</td>
</tr>
<tr>
<td>-Change of non-managing partner of owner</td>
<td></td>
</tr>
<tr>
<td>Merger or change of form of business organization of owner operator</td>
<td>Existing Deposit</td>
</tr>
<tr>
<td>-Change of Owner</td>
<td></td>
</tr>
<tr>
<td>-Change of Guarantor</td>
<td>$5,000</td>
</tr>
<tr>
<td>-Change of Operator</td>
<td></td>
</tr>
<tr>
<td>-Temporary Operator</td>
<td>$12,500</td>
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</tbody>
</table>