

ORDINANCE NO. 9750 (New Series)

AN ORDINANCE AMENDING SECTION 364.2, ADDING SECTIONS 459.2.1 AND 460.38, AND REPEALING SECTION 460.37 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE AND AMENDING SECTION 71.408 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO PUBLIC WORKS FEES AND DEPOSITS CHARGED FOR LAND DEVELOPMENT PROJECTS

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that it is necessary to amend Section 364.2, repeal Section 460.37 and add Sections 459.2.1 and 460.38 to the San Diego County Administrative Code and amend Section 71.408 of the San Diego County Code of Regulatory Ordinances pertaining to fees and deposits for Department of Public Works land development related projects. The amendments made by this ordinance are intended to adjust the fees and deposits charged for County review of land development projects to ensure full cost recovery in accordance with Board Policy B-29 and to establish new deposits that will reimburse for County costs incurred to form assessment districts, inspect right-of-way improvements and provide pre-construction building permit screening.

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Section 2. Section 364.2 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 364.2. DEPARTMENT OF PUBLIC WORKS. The following fees and initial deposits shall be paid to the Department of Public Works for the processing of the following permits and applications:

SCHEDULE A-PUBLIC WORKS FEES AND DEPOSITS

All amounts collected under Schedule A shall be initial deposits unless otherwise specified to be a fee.

| APPLICATION NAME | AUTHORITY | FEES/DEPOSITS | |
|--|--|---|--|
| | | FY 05-06 | FY 06-07 |
| ADMINISTRATIVE PERMIT: Application Time Extension | 459(County Administrative Code (CAC)) | \$670 \$670 | \$695 \$695 |
| APPEALS: Administrative Decision To Board of Supervisors To Planning Commission | 459.2 (CAC) 459.1 (CAC) 459.1 (CAC) | \$705 \$705 \$1,130 | \$735 \$735 \$1,175 |
| ASSESSMENT DISTRICT FORMATION | 459.2.1 (CAC) | \$4,195 | \$5,111 |
| BOUNDARY ADJUSTMENT PLATS: Application (2-4 Lots) | 459.3 (CAC) | \$1,065 | \$1,105 |
| BUILDING PLAN PRE-SUBMITTAL SCREENING | 460.38 (CAC) | \$29 Fee | \$30 Fee |
| CENTERLINE REVIEW: | 81.804 (San Diego County Code of Regulatory Ordinances (CRC)) | \$1,215 | \$1,265 |
| CERTIFICATE OF COMPLIANCE: Application (1-4 Lots) Each Additional Lot Increment Per Lot W/Boundary Adjustment (2-4 Lots) Each Additional Lot Increment Violations TPM, Review | 459.4(CAC) | \$410 \$70 \$1,060 \$70 \$3,380 \$995 | \$425 \$70 \$1,100 \$75 \$3,515 \$1,035 |
| CONSTRUCTION & ENCROACHMENT PROJECTS: Inspection Encroachment Permit Fee Construction Permit Fee | 71.408 (CRC) & 71.609 (CRC) 71.608 (CRC) 71.407 (CRC) | 5% Const. Cost<= \$100K + 3% Const. Cost >\$100K \$600 Minimum \$90 Fee \$70 Fee | 5% Const. Cost<= \$100K + 3% Const. Cost >\$100K \$600 Minimum \$93 Fee \$75 Fee |

| APPLICATION NAME | AUTHORITY | FEES/DEPOSITS | |
|---|--|--|--|
| | | FY 05-06 | FY 06-07 |
| ENVIRONMENTAL ACTIONS (EIR): CEQA Exempt Policy Policy I-119 Review EIR Review Extended Initial Studies, Technical Review Negative Declaration Review | 459.5(CAC) | \$200 \$1,115 \$1,685 \$1,625 \$1,300 | \$205 \$1,160 \$1,755 \$1,690 \$1,350 |
| ENVIRONMENTAL REVIEW GRADING CEQA Exemption Update to Previous Environmental AEIS for Average size project AEIS for Large size project | 81.205 (CRC) 87.301 (CRC) | \$340 \$1,050 \$2,505 \$3,870 | \$355 \$1,095 \$2,610 \$4,025 |
| EXCAVATION PROJECT: Inspection & Material Testing Permit Fee | 71.314 (CRC) 71.307 (CRC) | \$5 Per Lineal Foot (LF) for first LF. \$1.75 for each additional LF. \$600 Minimum \$70 Fee | \$5 Per Lineal Foot (LF) for first LF. \$1.75 for each additional LF. \$600 Minimum \$74 Fee |
| GENERAL PLAN AMENDMENT W/OUT REZONE: | 460.33(CAC) | \$860 | \$895 |
| GRADING PERMIT (PLAN CHECK BY CU. YDS): Minor DPW Grading Permit Major Grading Permit (Under 10,000) Major Grading (10,000 or Greater) Inspection Materials | 87.301(CRC) 87.301(CRC) 87.301(CRC) 87.301 (CRC) 87.301 (CRC) | \$735 \$1,425 \$2,215 5% Const. Cost<= \$100K + 3% Const. Cost >\$100K \$600 Minimum 1.5% Const. Cost<= \$50K + 1% Const. Cost >\$50K \$400 Minimum | \$765 \$1,480 \$2,300 5% Const. Cost<= \$100K + 3% Const. Cost >\$100K \$600 Minimum 1.5% Const. Cost<= \$50K + 1% Const. Cost >\$50K \$400 Minimum |
| IMPROVEMENT PLAN REVIEW: Curb Grade Review Inspection Material Testing Permit Fee Parcel Map (TPM) Review | 71.408 (CRC), 81.206(CRC) & 87.301 (CRC) 71.408 (CRC), 81.206(CRC) & 87.301 (CRC) 71.408 (CRC), 81.206(CRC) & 87.301 (CRC) 71.402 (CRC) 81.205 (CRC) & | \$1,590 5% Const. Cost<= \$100K + 3% Const. Cost >\$100K \$3,000 Minimum 1.5% Const. Cost<= \$50K + 1% Const. Cost >\$50K \$400 Minimum \$65 Fee \$1,325 | \$1,655 5% Const. Cost<= \$100K + 3% Const. Cost >\$100K \$3,000 Minimum 1.5% Const. Cost<= \$50K + 1% Const. Cost >\$50K \$400 Minimum \$68 Fee \$1,380 |

| APPLICATION NAME | AUTHORITY | FEE/DEPOSITS | FEE/DEPOSITS |
|--|--|--|---|
| | | FY 05-06 | FY 06-07 |
| Inspection-Public Improvement | 87.301 (CRC) 81.206 (CRC) & 87.301 (CRC) | 5% Const. Cost<= \$100K + 3% Const. Cost >\$100K \$3,000 Minimum | 5% Const. Cost<= \$100K + 3% Const. Cost >\$100K \$3,000 Minimum |
| Inspection-Private Improvement | 81.206 (CRC) & 87.301 (CRC) | 1.5% Const. Cost<= \$100K + 3% Const. Cost >\$100K \$800 Minimum | 5% Const. Cost<= \$100K + 3% Const. Cost >\$100K \$800 Minimum |
| Material Testing | 81.205 (CRC) & 87.301 (CRC) | 1.5% Const. Cost<= \$50K + 1% Const. Cost >\$50K \$400 Minimum | 1.5% Const. Cost<= \$50K + 1% Const. Cost >\$50K \$400 Minimum |
| Subdivision Map (TM) Review | 81.205 (CRC) & 87.301 (CRC) | \$4,650 | \$4,835 |
| Inspection | 81.206 (CRC) & 87.301 (CRC) | 5% Const. Cost<= \$100K+ 3% Const. Cost >\$100K \$1,100 Minimum | 5% Const. Cost<= \$100K + 3% Const. Cost >\$100K \$1,100 Minimum |
| Material Testing | 81.206 (CRC) & 87.301 (CRC) | 1.5% Const. <= \$50K+1%Const. Cost >\$50K \$1,100 Minimum | 1.5% Const. Cost<= \$50K+1%Const. Cost >\$50K \$1,100 Minimum |
| LOT STAKING: | | | |
| Deposit Amount Full Subdivision | 460.31(CAC) | \$1,100 Minimum + \$25 Per acre for 1-50 acres+ \$12.50 per acre for 51- 100 acres + \$7 per acre for 101 or more acres. The above formula produces the following per acre deposits (Acres/Amount): 1-50 \$1,125 – 2,350 51-100 \$2,362-2,975 101+ \$2,982+ | \$1,100 Minimum + \$26 Per acre for 1-50 acres + \$13 per acre for 51-100 acres + \$7 per acre for 101 or more acres. The above formula produces the following per acre deposits (Acres/Amount): 1-51 \$1,126 – 2,400 51-100 \$2,413-3.050 101+ \$3,057+ |
| Self Certification With Right-Of-Way Only | | 1/3 above formula with Minimum \$650 | 1/3 above formula with Minimum \$650 |
| MAJOR USE PERMIT: | | | |
| Review | 460.32(CAC) | \$1,670 | \$1,735 |
| Modification | | \$1,065 | \$1,105 |
| Time Extension | | \$1,065 | \$1,105 |
| MINOR USE PERMIT: | | | |
| Application | 459.7(CAC) | \$1,090 | \$1,135 |
| Minor Deviation | | \$1,090 | \$1,135 |
| Modification | | \$1,090 | \$1,135 |
| MOVING PERMITS: | | | |
| Single Trip | 71.204.1(CRC) | \$16 Fee | \$16 Fee |
| Annual Permit | | \$90 Fee | \$90 Fee |

| APPLICATION NAME | AUTHORITY | FEES/DEPOSITS | |
|--|--|--|--|
| | | FY 05-06 | FY 06-07 |
| PRE-APPLICATION CONFERENCE: | 459.8 (CAC) | \$500 | \$520 |
| RECLAMATION PLAN: Application Modification | 459.9 (CAC) | \$1,930 \$1,020 | \$2,005 \$1,060 |
| RECORD OF SURVEY: | 460 (CAC) | \$428 Fee for first sheet plus \$53 Fee for each additional sheet | \$445 Fee for first sheet plus \$55 Fee for each additional sheet |
| REZONE-RECLASS W/OUT GPA: | 460.33 (CAC) | \$1,250 | \$1,300 |
| ROAD MATTERS: Opening/Vacation Route Locations Stamp Remandment Review | 461 and 462(CAC) 460.1(CAC) | \$1,595 \$35 \$1,315 | \$1,660 \$35 \$1,365 |
| ROUTE EVALUATION, MOVING: | 71.209.5(CRC) | \$190 Fee | \$199 Fee |
| SEWER PLAN REVIEW: | 460.34 (CAC) | \$615 | \$640 |
| SENSITIVE LAND ORDINANCE: | 460.30(CAC) | \$345 | \$360 |
| SITE PLAN REVIEW: Application Minor Deviation Modification Plan Review Time Extension | 460.2(CAC) | \$925 \$400 \$665 \$470 \$320 | \$965 \$415 \$690 \$490 \$330 |
| SPECIFIC PLAN/LARGE SCALE: | 395 (CAC) | \$535 | \$560 |
| STORMWATER: Minor SWMP Major SWMP | 460.36 (CAC) 460.36 (CAC) | \$530 \$1,205 | \$555 \$1,255 |
| STREET LIGHT REVIEW: | 460.3.1 (CAC) | \$350 | \$365 |
| STREET LIGHTING DISTRICT ANNEXATION: | 460.3.1 (CAC) | \$330 | \$345 |
| STREET NAME SIGNS FEE: Sign Installation/Replacement | 460.3 (CAC) | \$190 Fee | \$200 Fee |
| SUBDIVISION, MAJOR (TENTATIVE MAPS): Final Map Review: 1-20 Lots 21-50 Lots 51 or more Lots Map Modification: Phase 1 Qualification Phase 2 Hearing & Modification TM Review TM Review, Expired TM Review, Replacement TM Review, Revised TM Review, Time Extension TM Resolution, Amendment | 81.205(CRC) 81.205(CRC) 81.202(CRC) 81.311(CRC) 81.202(CRC) 81.203.5(CRC) | \$8,395 \$8,990 \$10,450 \$930 \$1,950 \$6,160 \$2,110 \$465 \$1,325 \$465 \$925 | \$8,735 \$9,350 \$10,870 \$970 \$2,030 \$6,410 \$2,195 \$485 \$1,380 \$485 \$965 |
| SUBDIVISION, MINOR (TENTATIVE PARCEL MAPS): Parcel Map Review Map Modification: Phase 1 Qualification Phase 2 Hearing & Modification Release of Improvement on Parcel Map TPM Review TPM Review, Modifications TPM Review, Revised TPM Review, Time Extension | 81.205(CRC) 81.205(CRC) 81.608(CRC) 81.607(CRC) 81.608(CRC) 81.608(CRC) | \$3,175 \$930 \$1,950 \$215 Fee \$1,995 \$600 \$1,325 \$475 | \$3,300 \$970 \$2,030 \$223 Fee \$2,075 \$620 \$1,380 \$490 |

| APPLICATION NAME | AUTHORITY | FEE/DEPOSITS | FEE/DEPOSITS |
|---------------------------------------|---------------|--------------|--------------|
| | | FY 05-06 | FY 06-07 |
| VARIANCES: | | | |
| Administrative Application | 460.4(CAC) | \$620 | \$645 |
| Modification | | \$620 | \$645 |
| Time Extension | | \$620 | \$645 |
| ASSESSMENT DISTRICT FORMATION: | 459.2.1 (CAC) | \$4,915 | \$5,111 |

SCHEDULE B-PROVISIONS

1. **STANDARD HOURLY RATES:** All fees, deposits, and time and material charges shall be calculated and will be charged using the following standard hourly rates.

| POSITION | HOURLY RATE | HOURLY RATE |
|---|-------------|-------------|
| | FY05-06 | FY06-07 |
| Administrative Analyst I, II, III | \$104.50 | \$108.68 |
| Assistant Engineer | \$131.79 | \$137.06 |
| Associate Transportation Specialist | \$111.09 | \$115.53 |
| Civil Engineer | \$131.79 | \$137.06 |
| Construction Technician | \$131.79 | \$137.06 |
| County Counsel Attorney | \$195.00 | \$203.00 |
| County Counsel Paralegal | \$94.00 | \$98.00 |
| Engineering Aide | \$95.50 | \$99.32 |
| Engineering Technician I, II, III | \$95.50 | \$99.32 |
| Equipment Operator | \$65.00 | \$67.70 |
| Intermediate Clerk Typist | \$63.03 | \$65.55 |
| Junior Engineer | \$106.96 | \$111.24 |
| Land Surveyor, Asst. Land Surveyor | \$131.79 | \$137.06 |
| Land Use/Environmental Planner I, II, III | \$91.00 | \$94.64 |
| Land Use/Environmental Planning Mgr | \$129.50 | \$134.68 |
| LUEG Program Manager | \$160.44 | \$166.86 |
| Parks – Project Manager | \$84.00 | \$87.00 |
| Project Manager, DPW | \$141.34 | \$146.99 |
| Public Works Program Coordinator | \$122.10 | \$126.98 |
| Senior Civil Engineer | \$141.34 | \$146.99 |
| Senior Clerk | \$63.03 | \$65.55 |
| Trails Coordinator | \$88.00 | \$92.00 |

2. **INITIAL DEPOSITS:** An initial deposit shall be paid at the time of application submittal. The initial deposit shall be collected with the intent to recover actual costs related to project intake, preliminary project review, site/field visit, and related project analysis.

3. **SUBSEQUENT DEPOSITS:** If it is determined that the initial deposit is insufficient to recover actual costs, the project manager will scope the work remaining on the project and calculate an additional subsequent deposit(s). The subsequent deposit(s) shall be calculated based on factors identified during the initial project analysis, established processing time standards, standard hourly rates and key project stages.

Unanticipated factors arising during project processing such as, but not limited to, complexity, controversy or environmental issues which require additional project review

will be conveyed to the applicant as soon as they are known and the subsequent deposit(s) will be recalculated using the criteria outlined above.

Subsequent deposits may be required by the Director of Public Works. Subsequent deposits shall be paid in the amount calculated by the County and collected with the intent to recover actual project costs by key milestones. Subsequent deposits shall be paid and collected prior to completion of key milestones. The Director of Public Works may discontinue permit processing and/or recommend denial of the said project based on the applicant's refusal to pay the subsequent deposits.

4. REFUNDS: An applicant who has paid the applicable application deposit(s)/fee(s) may withdraw the application prior to completion by submitting a written request to the Director of Public Works. The Department shall discontinue work on such application within one working day from the receipt of said request, except that the Department may continue to process an application involving the violation of a County ordinance.

At the completion of all tasks associated with an application and after all final documents and review are completed, the difference between the deposited amount and the actual cost shall be refunded to the applicant within 180 days.

5. FEE WAIVER FOR STRUCTURES DAMAGED OR DESTROYED BY NATURAL DISASTER: Notwithstanding the fees and deposits otherwise specified in Schedule A of this section, the grading permit fees or deposits may be waived for an applicant who is rebuilding legally built structures which have been damaged or destroyed by a wildfire or other natural disaster and which are located within the boundaries of a geographic area which has been declared by resolution of the Board of Supervisors to be eligible for this fee or deposit waiver. The fee or deposit waiver shall not apply to any portion of a new structure which exceeds the square footage of the structure which is being replaced.

Section 3. Section 459.2.1 is hereby added to the San Diego County Administrative Code to read as follows:

SEC. 459.2.1. ASSESSMENT DISTRICT FORMATION.

All petitions or requests for the formation of Assessment Districts or Zones to fund ongoing maintenance of improvements including, but not limited to, Stormwater Structural Best Management Practices (BMPs), Parks, Open Space, Trails or Landscaping shall be filed with the Director of Public Works. At the time such petition or request is filed, the applicant or petitioner shall deposit with the Director of Public Works, a sum estimated by the Director of Public Works, to be sufficient to cover the actual costs of forming the Assessment District or Zone. The amount of said deposit shall be prescribed by the Board of Supervisors.

Section 4. Section 460.37 of the San Diego County Administrative Code is hereby repealed.

Section 5. Section 460.38 is hereby added to the County Administrative Code as follows:

SEC. 460.38. BUILDING PLAN PRE-SUBMITTAL SCREENING

At the time of initial building plan pre-submittal intake, the applicant shall deposit a sum estimated by the Director of Public Works to be sufficient to cover the actual costs of performing the work, as set forth in Section 364.2 of the County Administrative Code.

Section 6. Section 71.408 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 71.408 ENGINEERING AND/OR INSPECTION SERVICES

An applicant for a permit to construct any work shall, in addition to the issuance fee, pay or make a deposit for engineering review and inspection services as follows:

- (a) An amount estimated by the Director, Department of Public Works to be equal to twice the actual cost of all necessary engineering review and inspection services.
- (b) An applicant for permit to construct a driveway with surfacing other than dirt, gravel or decomposed rock, shall, in addition to the issuance fee, pay engineering and/or inspection deposit. The amount of said deposit shall be determined by resolution no less than annually by the Board of Supervisors.

Section 7. Effective Date. This Ordinance shall take effect and be in force sixty (60) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in San Diego Commerce a newspaper of general circulation published in the County of San Diego.

PASSED AND ADOPTED THIS 11th DAY OF JANUARY, 2006