

ORDINANCE NO. 9533 (New Series)

**AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE
OF REGULATORY ORDINANCES AND ADMINISTRATIVE
CODE RELATED TO PUBLIC WORKS FEES AND DEPOSITS**

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 revise the following provisions pertaining to existing deposits and fees for the Department of Public Works land development related projects. The amendments made by this ordinance are intended to comply with Board of Supervisors Policy B-29 to assure full cost recovery.

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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.

<u>APPLICATION NAME</u>	<u>AUTHORITY</u>	<u>FEE/DEPOSIT</u>	<u>FEE/DEPOSIT</u>
		FY 02-03	FY 03-04
ADMINISTRATIVE PERMIT: Application Time Extension	459(San Diego County Administrative Code (CAC))	\$510 \$510	\$580 \$580
APPEALS: Administrative Decision To Board of Supervisors To Planning Commission	459.2 (CAC) 459.1 (CAC) 459.1 (CAC)	\$580 \$580 \$930	\$650 \$650 \$1,030
BOUNDARY ADJUSTMENT PLATS: Application (2-4 Lots) Each Additional Lot Increment	459.3 (CAC)	\$800 \$50 Per Lot	\$910 \$55 Per Lot
CENTERLINE REVIEW:	81.804 (San Diego County Code (CRC))	\$850	\$960
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)	\$310 \$50 Per Lot \$790 \$50 Per Lot \$2,540 \$750	\$350 \$55 Per Lot \$900 \$55 Per Lot \$2,890 \$850
CONSTRUCTION & ENCROACHMENT PROJECTS: Inspection Material Testing Permit Fee	71.407(CRC), 71.408 (CRC) and 71.609 (CRC)	5% Const. Cost<= \$100K + 3% Const. Cost > \$100K \$600 Minimum 1.5% Const. Cost<= \$50K + 1% Const. Cost > \$50K \$400 Minimum \$50 Fee	5% Const. Cost<= \$100K + 3% Const. Cost > \$100K \$600 Minimum 1.5% Const. Cost<= \$50K + 1% Const. Cost > \$50K \$400 Minimum \$55 Fee
ENVIRONMENTAL ACTIONS (EIR): CEQA Exempt Policy Policy I-119 Review EIR Review Extended Initial Studies, Technical Review Negative Declaration Review	459.5(CRC)	\$150 \$910 \$1,340 \$1,330 \$1,070	\$170 \$1,020 \$1,510 \$1,490 \$1,190
EXCAVATION PROJECT: Inspection & Material Testing	71.314(CRC)	\$5 Per Lineal Foot	\$5 Per Lineal Foot

Permit Fee	71.307(CRC)	\$600 Minimum Deposit \$50 Fee	\$600 Minimum Deposit \$55 Fee
GENERAL PLAN AMENDMENT W/OUT REZONE:	460.33(CAC)	\$650	\$740
GRADING PERMIT (PLAN CHECK BY CU. YDS):			
Major Grading Permit (Under 10,000)	87.206(CRC)	\$1,100	\$1,250
Major Grading (10,000 or Greater)	459.6(CAC)	\$1,200	\$1,360
IMPROVEMENT PLAN REVIEW:			
Curb Grade	81.206(CRC)	\$1,200	\$1,360
Review			
Inspection		5% Const. Cost<= \$100K + 3% Const. Cost > \$100K \$3,000 Minimum	5% Const. Cost<= \$100K + 3% Const. Cost > \$100K \$3,000 Minimum
Material Testing		1.5% Const. Cost<= \$50K + 1% Const. Cost > \$50K \$400 Minimum	1.5% Const. Cost<= \$50K + 1% Const. Cost > \$50K \$400 Minimum
Permit Fee		\$40 Fee	\$45 Fee
Parcel Map (TPM)			
Review		\$1,000	\$1,140
Inspection-Public Improvement		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		5% Const. Cost<= \$100K + 3% Const. Cost > \$100K \$800 Minimum	5% Const. Cost<= \$100K + 3% Const. Cost > \$100K \$800 Minimum
Material Testing		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		\$3,520	\$3,990
Inspection		5% Const. Cost<= \$100K + 3% Const. Cost > \$100K \$1,100 Minimum	5% Const. Cost<= \$100K + 3% Const. Cost > \$100K \$1,100 Minimum
Material Testing		1.5% Const. Cost<= \$50K + 1% Const. Cost > \$50K \$1,100 Minimum	1.5% Const. Cost<= \$50K + 1% Const. Cost > \$50K \$1,100 Minimum
LOT STAKING:			
Deposit Amount	460.31(CAC)	\$1,000 Minimum + \$20	\$1,000 Minimum + \$20

		per acre for 1-50 acres + \$10 per acre for 51-100 acres + \$5 per acre for 101 or more acres. The above formula produces the following per acre deposits (Acres/Amount): 1-50 \$1,020-\$2,000 51-100 \$2,010-\$2,500 101+ \$2,505+	per acre for 1-50 acres + \$10 per acre for 51-100 acres + per acre for 101 or more acres. The above formula produces the following per acre deposits (Acres/Amount): 1-50 \$1,020-\$2,000 51-100 \$2,010-\$2,500 101+ \$2,505+
MAJOR USE PERMIT: Review Modification Time Extension	460.32(CAC)	\$1,650 \$900 \$900	\$1,880 \$1,020 \$1,020
MINOR USE PERMIT: Application Minor Deviation Modification	459.7(CAC)	\$810 \$810 \$810	\$920 \$920 \$920
MOVING PERMITS:	71.204.1(CRC)	\$16 Fee	\$16 Fee
PRE-APPLICATION CONFERENCE:	459.8 (CAC)	\$750	\$850
RECLAMATION PLAN: Application Modification	459.9 (CAC)	\$1,450 \$770	\$1,640 \$870
RECORD OF SURVEY:	460 (CAC)	\$375 Fee	\$430 Fee
REZONE-RECLASS W/OUT GPA:	460.33 (CAC)	\$940	\$1,070
ROAD MATTERS: Opening/Vacation Remandment Review	461 and 462(CAC) 460.1(CAC)	\$1,210 \$1,050	\$1,370 \$1,180
ROUTE EVALUATION, MOVING:	71.209.5(CRC)	\$140 Fee	\$160 Fee
SEWER PLAN REVIEW:	460.34 (CAC)	\$470	\$530
SENSITIVE LAND ORDINANCE:	460.30(CAC)	\$260	\$300
SITE PLAN REVIEW: Application Minor Deviation Modification Plan Review Time Extension	460.2(CAC)	\$700 \$300 \$500 \$360 \$240	\$790 \$340 \$570 \$410 \$270
SPECIFIC PLAN/LARGE SCALE:	395 (CAC)	\$410	\$470
STORMWATER: Minor SWMP Major SWMP Formation of Special Benefit Area for BMP Maintenance	460.36 (CAC) 460.36 (CAC) 460.37 (CAC)	\$400 \$910 \$3,620	\$460 \$1,020 \$4,120
STREET LIGHT REVIEW:	460.3.1 (CAC)	\$200	\$230
STREET NAME SIGNS: New Sign Installation Sign Replacement	460.3 (CAC)	\$130 Fee \$130 Fee	\$130 Fee \$130 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	81.205(CRC) 81.205(CRC) 81.202(CRC)	\$6,300 \$6,750 \$7,850 \$720 \$1,470 \$3,750 \$1,610	\$7,160 \$7,660 \$8,910 \$810 \$1,670 \$4,260 \$1,830

TM Review, Replacement	81.311(CRC)	\$350	\$400
TM Review, Revised		\$1,000	\$1,140
TM Review, Time Extension	81.202(CRC)	\$350	\$400
TM Resolution, Amendment	81.203.5(CRC)	\$700	\$790
SUBDIVISION, MINOR (TENTATIVE PARCEL MAPS):			
Parcel Map Review	81.205(CRC)	\$2,380	\$2,700
Map Modification:			
Phase 1 Qualification		\$720	\$810
Phase 2 Hearing & Modification		\$1,470	\$1,670
Release of Improvement on Parcel Map	81.205(CRC)	\$150	\$170
TPM Review		\$2,050	\$2,330
TPM Review, Modifications	81.608(CRC)	\$450	\$510
TPM Review, Pre-application	81.607(CRC)	\$1,200	\$1,200
TPM Review, Revised	81.608(CRC)	\$1,000	\$1,140
TPM Review, Time Extension	81.608(CRC)	\$350	\$400
VARIANCES:	460.4(CAC)		
Administrative		\$470	\$530
Application		\$470	\$530
Modification		\$470	\$530
Time Extension		\$470	\$530
WATERCOURSE PROJECT:	88.203(CRC)		
Inspection		5% Const. Cost<= \$100K + 3% Const. Cost > \$100K \$600 Minimum	5% Const. Cost<= \$100K + 3% Const. Cost > \$100K \$600 Minimum
Material Testing		1.5% Const. Cost<= \$50K + 1% Const. Cost > \$50K \$400 Minimum	1.5% Const. Cost<= \$50K + 1% Const. Cost > \$50K \$400 Minimum
Permit Fee		\$50 Fee	\$50 Fee
Plan Check		\$330	\$330

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.

<u>POSITION</u>	<u>HOURLY RATE</u>	
	<u>FY 02-03</u>	<u>FY 03-04</u>
Assistant Engineer	\$98.43	\$111.94
Civil Engineer	\$98.43	\$111.94
Junior Engineer	\$82.99	\$90.71
Senior Civil Engineer	\$115.80	\$129.31
Assistant Land Surveyor	\$98.43	\$111.94
Land Surveyor	\$98.43	\$111.94
Engineering Aid	\$69.48	\$79.13
Engineering Technician I	\$69.48	\$79.13
Engineering Technician II	\$69.48	\$79.13
Engineering Technician III	\$69.48	\$79.13
Construction Technician	\$98.43	\$111.94
Public Works Manager	\$129.31	\$148.61
Project Manager, DPW	\$115.80	\$129.31
Intermediate Clerk Typist	\$46.32	\$50.18

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 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 deposit.

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 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 459. ADMINISTRATIVE PERMIT DEPOSIT. In those cases where review, research, opinion, recommendation, or other involvement from the Department of Public Works will be needed in the consideration and processing of an Administrative Permit or the extension of time on an Administrative Permit (per Zoning Ord. Section 7056), the actual costs of the department shall be paid by the applicant. Applications that may affect traffic flows, traffic safety, drainage patterns, grading, or planned future roads shall be deemed to require such involvement. At the time of application for a permit or time extension, the applicant 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 performing the work. The amount of said deposit shall be prescribed by the Board of Supervisors.

Section 4. Section 459.4 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 459.4. CERTIFICATE OF COMPLIANCE. In those cases where review, research, opinion, recommendation, or other involvement from the Department of Public Works will be needed in the consideration and processing of a Certificate of Compliance, Certificate of Compliance with Boundary Adjustment Plat (per section 81.1105 of the San Diego County Code), or the resolution of a violation, the actual costs of the department shall be paid by the applicant. At the time of filing an adjustment plat as described, the applicant 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 performing the required work. The amount of said deposit shall be prescribed by the Board of Supervisors.

Section 5. Section 459.6 of the San Diego County Administrative Code is hereby repealed.

Section 6. Section 460.3.1 of the San Diego County Administrative Code is hereby added to read as follows:

SEC. 460.3.1. STREET LIGHT PLAN REVIEW. In those cases where review, research, opinion, recommendation, or other involvement from the Department of Public Works will be needed in the consideration and processing for street lights or annexation to the County lighting district, the requestor 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 performing the work. The amount of said deposit shall be prescribed by the Board of Supervisors.

Section 7. Section 460.36 of the San Diego County Administrative Code is hereby added to read as follows:

SEC. 460.36. STORMWATER MANAGEMENT PLAN REVIEW. In those cases where review, research, opinion, recommendation, or other involvement from the Department of Public Works will be needed in the consideration and processing of a Stormwater Management Plan for a minor or major project, the applicant 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 performing the work. The amount of said deposit shall be prescribed by the Board of Supervisors.

Section 8. Section 460.37 of the San Diego County Administrative Code is hereby added to read as follows:

SEC. 460.37. FORMATION OF SPECIAL BENEFIT AREA FOR STORMWATER BMP MAINTENANCE. All petitions or requests for the formation of a Special Benefit Area within the County Flood Control District to fund ongoing maintenance of Stormwater Structural Best Management Practices (BMP) 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 benefit area. The amount of said deposit shall be prescribed by the Board of Supervisors.

Section 9. Section 461 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 461. DEPOSIT FOR ROAD VACATIONS. All petitions or applications for the vacation or abandonment of all or any part of a County highway, walkway, easement, slope rights, access rights, irrevocable offers of dedication and such other petitions that may be filed, shall be filed with the Director of Public Works. At the time such petition or application is filed, the applicant or petitioner shall pay a deposit to the Department of Public Works in an amount sufficient to cover the actual costs to pay the expenses which may be incurred by the Department of Public Works for investigations, publications and processing the application or the petition, except that the Director of Public Works may waive the deposit when in his/her opinion, deletion or realignment of a Circulation Element route makes dedication no longer applicable. The amount of said deposit shall be prescribed by the Board of Supervisors.

Section 10. Section 462 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 462. DEPOSIT FOR ROAD OPENINGS. All petitions or applications for the opening or establishment of a County highway shall be filed with the Director of Planning and Land Use. The Department of Planning and Land Use may determine that the application should be transferred to the Department of Public Works, along with the required deposit, for processing. At the time such petition or application is filed, the applicant or petitioner shall pay a deposit to defray the expenses incurred by the County in investigating and processing the petition or application. The amount of the deposit shall be prescribed by the Board of Supervisors.

Section 11. Section 71.307 of the San Diego County Code is hereby amended to read as follows:

SEC. 71.307. PERMIT FEE. Every person unless otherwise exempted by law applying for a permit required by this chapter shall at the time of making application for the permit pay an issuance fee. The amount of said fee shall be prescribed by the Board of Supervisors.

Section 12. Section 81.201 of the San Diego County Code is hereby amended to read as follows:

SEC. 81.201. TENTATIVE MAP DEPOSIT. At the time of filing a tentative map with the Advisory Agency there shall be paid to the Department a tentative map examination deposit. The amount of said deposit shall be determined no less than annually by the Board or Supervisors.

Section 13. Section 81.202 of the San Diego County Code is hereby amended to read as follows:

SEC. 81.202. REVISED AND EXPIRED TENTATIVE MAP DEPOSIT. At the time of filing a revised or expired tentative map, there shall be paid to the Department a revised or expired tentative map examination deposit. The amount of said deposit shall be determined no less than annually by the Board of Supervisors.

Section 14. Section 81.203 of the San Diego County Code is hereby repealed.

Section 15. Section 81.203.5 of the San Diego County Code is hereby amended to read as follows:

SEC. 81.203.5. RESOLUTION AMENDMENT DEPOSIT. At the time of filing a request to amend the resolution of conditional approval of an approved tentative map there shall be paid to the Department a resolution amendment deposit. The amount of said deposit shall be determined no less than annually by the Board of Supervisors.

Section 16. Section 81.311 of the San Diego County Code is hereby amended to read as follows:

SEC. 81.311. REPLACEMENT TENTATIVE MAP. A replacement tentative map may be submitted at any time prior to tentative map approval. A replacement tentative map shall be submitted when the Planning Environmental Review Board, Planning Commission or the Board of Supervisors finds that the number or nature of the changes necessary for conditional approval are such that they can be shown more clearly and simply by such a map. Any person filing a replacement tentative map shall pay a deposit to the Department of Public Works in an amount sufficient to cover the actual costs. The amount of said deposit shall be prescribed by the Board of Supervisors.

Section 17. Section 87.206 of the San Diego County Code is hereby amended to read as follows:

SEC. 87.206. PLAN CHECKING FEE. At the time of filing an application for a grading permit, a plan checking fee or deposit shall be paid to the County in accordance with this section.

(a) For a grading permit applied for pursuant to Section 87.210, a plan checking fee shall be submitted to the Director of Planning and Land Use based on the volume of excavation or fill, whichever is greater, and shall be an amount as prescribed by the Board of Supervisors.

(b) In those cases where review from the Department of Public Works will be needed in the consideration and processing of a DPW Major Permit or Major Plan Review, the actual costs of the department shall be paid by the applicant. At the time of filing, the applicant 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 performing the required work. The amount of said deposit shall be prescribed by the Board of Supervisors.

(c) Where the grading plans or specifications provide for the construction of drainage structures or facilities (other than standard terrace drains and similar facilities), including retaining walls and similar irrigation systems, or when such plans include proposals for granting drainage and appurtenant easements to San Diego County Flood Control Districts there shall be paid to the Director of Public Works the actual cost of checking the plans and specifications and of preparing the documents for the drainage and appurtenant easements. At the time such plans and specifications are submitted, the applicant shall deposit with the Director of Public Works a sum estimated by the Director of Public Works to be sufficient to cover such actual costs. If such actual costs are less than the amount deposited, the Director of Public Works shall refund to the applicant any amount remaining in said deposit in accordance with Section 87.213. If any deposit is insufficient to pay the actual costs of checking the plans or preparing the documents, the applicant, upon demand of the Director of Public Works, shall pay to him an amount deemed sufficient by the Director of Public Works to complete the work in process.

(d) If an Environmental Impact Report is deemed necessary to the issuance of a permit, the applicant 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 incurred in the preparation and/or review of the Environmental Impact Report. If the actual cost of preparing and/or reviewing the Environmental Impact Report is less than the amount deposited, the Director of Public Works shall refund to the permittee any amount remaining in said deposit in accordance with Section 87.213. If any deposit is insufficient to pay all the actual costs of checking, the permittee, upon demand of the Director of Public Works shall pay to him an amount deemed sufficient by the Director of Public Works to complete the work in process. If the permittee fails or refuses to pay such amount upon demand, the Director of Public Works may refuse issuance of a grading permit until the amount is paid in full, or, if a permit is already issued, the grading shall be considered incomplete and the grading permit may be revoked in accordance with the procedures set forth in section 87.212.

Section 18. Section 81.607 of the San Diego County Code is hereby amended to read as follows:

SEC. 81.607. REPLACEMENT TENTATIVE PARCEL MAP. A replacement tentative parcel map may be submitted at any time prior to tentative parcel map approval. A replacement tentative parcel map shall be submitted when the Director of Public Works, Board of Planning and Zoning Appeals, or Board of Supervisors finds that the number or nature of changes necessary for approval are such that they cannot be shown clearly or simply on the original tentative parcel map and a deposit shall be paid to the Department of Public Works in an amount sufficient to cover the actual costs. The amount of said deposit shall be prescribed by the Board of Supervisors.

Section 19. 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.

Section 20. Operative Date. This Ordinance shall be operative on May 4, 2003

PASSED, APPROVED, AND ADOPTED this 5th day of March 2003.