

ORDINANCE NO. 9570 (NEW SERIES)

AN ORDINANCE AMENDING SECTIONS 810.210, 810.213 AND
810.214 OF THE SAN DIEGO COUNTY CODE OF REGULATORY
ORDINANCES RELATING TO DRAINAGE FEES

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

Section 1. The Board of Supervisors finds and determines that this ordinance should be amended to clearly provide that developers are responsible for funding their on-site drainage improvements.

Section 2. Section 810.210 of the San Diego County Code is hereby amended to read as follows:

Sec. 810.210. CONSTRUCTION CREDIT.

When, as a requirement of the approval of subdivision and parcel maps, the conditions require the construction of any facility described on the Local Drainage Area Fee Map, or any portion of these facilities, the cost of the required improvements shall be credited to the developer based upon the length, capacity and type of facility to be constructed.

Credit for construction of planned facilities shall be the estimated cost as set out in Document No. 608735 on file with the Clerk of the Board of Supervisors. Credit will be limited to the cost associated with 100 percent of the estimated cost of off-site improvements. However, with respect to on-site improvements, credit shall be for 50% of the cost of such facilities, not to exceed the total amount of drainage fees otherwise payable. Adjustment of fees are pursuant to Section 810.211 of this Chapter.

If, upon construction of the facilities, the costs associated with such construction are less than estimated, the subdivider shall pay to the County the difference between the actual costs and the estimated costs to the extent that credit was granted therefor. If the actual cost exceeds the estimated cost, the subdivider may be eligible for reimbursement pursuant to Section 810.213. Total credit, however, shall not exceed 50 percent of the on-site improvements and 100 percent of off-site improvements, and in the case of on-site improvements, may not exceed the fees otherwise payable.

Section 3. Section 810.213 of the San Diego County Code is hereby amended to read as follows:

Sec. 810.213. REIMBURSEMENT.

In the case of off-site improvements, if the construction credit calculated in accordance with Section 810.210 exceeds the drainage fee, the County shall reimburse the subdivider from the appropriate planned local drainage facilities fund. Reimbursement shall be made only as fees are collected in connection with the subdivision of other property in the same PLD area in which said facilities were constructed. The amount of reimbursement shall be limited to the difference between the construction credit and the drainage fee. No subdivider shall receive reimbursement until all subdividers who have previously executed reimbursement agreements payable from the same fund have been fully reimbursed or until such agreements have expired. The maximum term of any reimbursement agreement is ten years.

Section 4. Section 810.214 of the San Diego County Code is hereby amended to read as follows:

Sec. 810.214. APPLICABILITY.

This Chapter shall not be applicable to:

(a) Any tentative subdivision map or tentative parcel filed prior to the 31st day after the effective date of this Chapter. For purposes of this Chapter the filing of a tentative subdivision map or tentative parcel map shall occur on the date that the application therefor is filed and the tentative map or tentative parcel map application fees are paid to the County.

(b) Any tentative map or tentative parcel map or property located within the nine special drainage areas created by the San Diego County Flood Control District by District Ordinance Nos. 6 and 7 within any subsequently created special drainage area. This subdivision shall not affect the validity of the reimbursement agreement entered into prior to the effective date of the ordinance adding this subdivision to the County Code of Regulatory Ordinances.

Section 5. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for or against it in a newspaper of general circulation published in the County of San Diego.