

BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

ORDINANCE NO. 4745

AN ORDINANCE AMENDING THE EXISTING PLANNING AND DEVELOPMENT,
BUILDING AND SAFETY FEE SCHEDULE TO PROVIDE FOR A PENALTY FEE
PROVISION ON BUILDING PERMITS SUBMITTED IN RESPONSE TO A BUILDING
VIOLATION DETERMINATION

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

SECTION 1. Purpose and Findings.

The Building and Safety Division of Planning & Development fee ordinance is promulgated in accordance with California Government Code Section(s) 66012-66014 and the State Attorney General's opinion 92-506 which calls for an independent cost analysis to develop a fee model tailored to address the particular nature of the Building and Safety costs and indentifies a direct relationship between fees levied and the services provided. The Building and Safety Division and the independent consultant worked together to convert the County's current system of valuation-based fees to cost-based fees. This enhanced analytical approach is consistent with industry trends for Building fees and is intended to improve accuracy and to ensure compliance with state law. The cost analysis revealed that the current fees recover about 98% of the full cost of providing the fee-related services. In addition, the staff hourly rates for all positions are set lower than full cost recovery levels. The recommended fees presented in the study reflect the full cost of providing the services. The proposed fees are based on actual cost and will rise slightly to provide full cost recovery.

Pursuant to Government Code Section 54985, the Board of Supervisors has determined the fee rate reasonably necessary to recover the cost of providing the services set forth above based on fee studies of the cost required to provide each service. The fee amounts set forth and adopted in this Ordinance are based upon the results of a fee study dated June 10, 2008 and reviewed by the County Auditor-Controller to reflect the current cost of providing the services and enforcing the related regulations and statutes governing Building and Safety permitting services.

In adopting this ordinance, the Board finds that the fees charged by this ordinance are set in an amount equal to or less than reasonably necessary to recover the County's average actual cost of providing the services and enforcing the regulations for which the Department of Planning and Development, Building and Safety Division charges.

The setting of these fees is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 CCR 15273 and California Public Resources Code section 21080(b)(8)(A) and (B), as the fees will be used for operating expenses, supplies, equipment and materials.

SECTION 2.

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

- (a) The Purpose and Findings set forth above are found to be true and correct.
- (b) Pursuant to Government Code section 54985, the rate schedule shown in Exhibit "A," attached hereto and incorporated herein by this reference, is adopted for the services set forth therein, all of which are related to Building and Safety Permits.
- (c) All Building and Safety fees not expressly revised by this Ordinance shall remain in effect, e.g., Technology fees, California S.M.I.P fees; .01% for residential projects and .021% for commercial projects, State mandated energy fees; 10% of plan review fee, Photocopying fee \$.25 per page, Microfiche \$1.00 per page and annual maintenance permits; \$100.00 each per year.
- (d) The Director of Planning and Development ("Director") shall annually increase all fees adopted pursuant to the Mitigation Fee Act, Government Code section 66000 et seq., by the Consumer Price Index, All Urban Consumers, Los Angeles-Anaheim-Riverside, and shall use the percent change of that index from January to December of each year. The Building and Safety Division shall provide to the Director by March 10th of each year the proposed Schedule of fees for his or her department that includes the appropriate CPI increase. The Director will review such proposed fees to ensure these accurately reflect the appropriate CPI adjustment and, if satisfied with the accuracy of the fee adjustment, shall increase fees and provide appropriate notice to the public of the increase on or before May 1 of each year. Adjustments to the fees shall be effective on July 1 of each year, beginning in 2009. The department will review annually revenues and expenditure to ensure that the fees are charged fairly and reflect the cost of the services provided. Nothing herein shall be construed as limiting the authority of the Board of Supervisors consider and adopt other adjustments to Building and Safety fees where such actions are appropriate for County to recover fees necessary to cover the cost of the services provided.
- (e) The technology fee is modified to be calculated base on permit cost to conform with fees under exhibits D-G. The Technology fee is \$0.033 per 1.00 of permit value.
- (f) Penalty Fees. Whenever work for which a building permit is required by Chapter 10, Building Regulations, of the Santa Barbara County Code and has commenced without first obtaining said permit, an additional penalty fee equal to all applicable permit fees up to \$2,000 shall be assessed. The payment of such fees shall not exempt any person from compliance with all other provisions of Chapter 10 of the Santa Barbara County Code nor from any penalty prescribed by law.

SECTION 3.

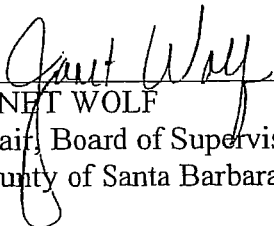
Except as amended by this Ordinance, all Building and Safety fees shall remain unchanged and shall continue in full force and effect.

SECTION 4.

This Ordinance shall take effect and be in force sixty (60) days from the date of its passage and before the expiration of fifteen (15) days after its passage a summary of it shall be published once, 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 of the County of Santa Barbara, State of California, this 16th day of March, 2010 by the following vote:

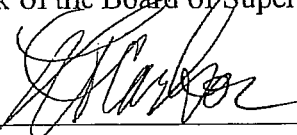
AYES: Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray and
NOES: None Supervisor Centeno
ABSTAINED: None
ABSENT: None



JANET WOLF
Chair, Board of Supervisors
County of Santa Barbara

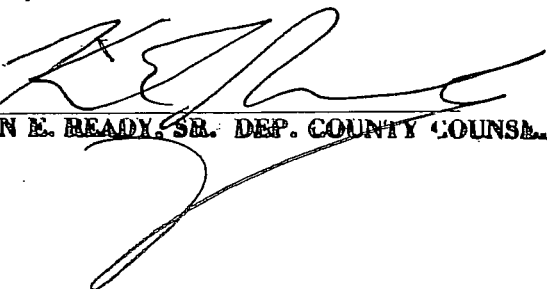
ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By 

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By 

KEVIN E. BRADY, SR. DEP. COUNTY COUNSEL

APPROVED AS TO ACCOUNTING:

ROBERT GEIS
Auditor-Controller

By 