RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE
COUNTY OF SANTA BARBARA,
STATE OF CALIFORNIA

IN THE MATTER OF ADOPTING THE LAND DEVELOPMENT FEES FOR PLANNING AND DEVELOPMENT	)	RESOLUTION NO. 12-46

WHEREAS:

1. The County has authority to adopt and has adopted land development fees pursuant to the Mitigation Fee Act, Government Code section 66000 et seq.,

IT IS HEREBY RESOLVED THAT:

1. The amended Land Development Fee Schedule shall be set forth in Exhibit A, which is attached and incorporated by reference. This change to the Land Development Fees shall become effective sixty (60) days after adoption of this resolution.

2. All other fees of Planning and Development, not referenced in Exhibit A, shall remain in full force and effect.

3. Upon a showing of good cause, the Board of Supervisors may, by minute order or resolution, adjust or waive the fees set forth in Exhibit A.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 6th day of March, 2012, by the following vote:

D-6

AYES: Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Lavagnino

NOES: Supervisor Gray

ABSTAIN: None

ABSENT: None

Chair, Board of Supervisors

ATTEST:
CHANDRA L. WALLAR
CLERK OF THE BOARD

By _____
Deputy

APPROVED AS TO FORM

DENNIS A. MARSHALL
COUNTY COUNSEL

By _____
Deputy County Counsel

ROBERT GEIS
AUDITOR-CONTROLLER

By: _____
Deputy Auditor-Controller

PLANNING AND DEVELOPMENT
Land Development Fee Schedule

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 the County Zoning Ordinances. Planning and Development (P&D) reviews each application and determines what permits or other approvals are required and how the California Environmental Quality Act and other state and local regulations apply. P&D uses the criteria outlined below to determine whether a FIXED FEE or COST REIMBURSEMENT shall be required. The Director or designee shall determine the appropriate fee based on similarity of processing requirements with other cases if a project does not fall within any of the permit categories listed in the land development fee categories listed in Exhibit A. Upon submittal of an application the applicant will be required to submit a signed Agreement for Payment of Processing Fees and applicable fixed fees or a security deposit.

I. FIXED FEE

P&D collects a non-refundable FIXED FEE when a project requires only a ministerial or minor discretionary permit or other approval with a consistently predictable level of staff review for that application type. These fees are computed using the following formula: average number of hours multiplied by the Standard Salary Cost plus Non-Salary Costs. If a FIXED FEE is collected for the application, applicants will not be billed for any additional costs unless the case is converted to a SECURITY DEPOSIT as described below.

CONVERSION OF FIXED FEES TO A SECURITY DEPOSIT: P&D carefully assesses a case during the review of the application and may reconsider the appropriateness of submitted fixed fees if the case has unique characteristics or raises complex issues which would make the case much more expensive to process than the typical case upon which the FIXED FEE was established, or if the applicant submits substantial revisions later in the review process, or if unforeseen circumstances arise Factors that may warrant conversion from a FIXED FEE to a SECURITY DEPOSIT include: development on constrained lots, projects that are not CEQA exempt, a zoning violation onsite, coastal frontage, special site characteristics, or changes to the scope of the project by the applicant. For such cases, the P&D Director or designee may require the case be converted to full cost recovery. Any unused portion of the FIXED FEE will be credited to the project account. The applicant will be required to submit a security deposit before case processing is resumed. Staff will inform applicants in writing when this situation arises.

COORDINATION WITH OTHER DEPARTMENT FEE COLLECTIONS

P&D is also charged with collecting fees, as authorized by separate Board of Supervisors resolutions, for other County departments involved in the review of land use developments. In the interest of improved public service it is the intent of the Board that P&D serve as the lead department in the review of development applications and collect all initial county land development processing fees based on a single integrated schedule. P&D is authorized to determine which fees, including those identified in separate resolutions of the Board for other County departments, are inappropriate to be collected for specific development proposals. P&D may also require additional fees for the Air Pollution Control District for any project that requires extraordinary review by the District. The information in this resolution refers to P&D fees only. Please see *County of Santa Barbara Land Development Fees* (available at P&D Zoning Counter) for information on other department fees.

II. SECURITY DEPOSIT FOR COST REIMBURSEMENT

A SECURITY DEPOSIT is collected when a project requires higher level review, preparation of an environmental document or a public hearing for approval. For such cases, the level of staff effort required varies significantly based on complexity, specific site characteristics and the extent of public interest rather than on permit type. A SECURITY DEPOSIT, equivalent to approximately two months costs for a typical project of the same type will be required and will be held on account to ensure cost reimbursement.

Applicants will receive a monthly invoice for all charges incurred in the previous four weeks and any unpaid balance due. Applicants will be required to pay the invoice within 25 days. Non-payment of an invoice will result in staff stopping work and possible denial of the project in the event that processing cannot be completed due to inability of P & D to adequately assess the case and prepare necessary documentation for decision-maker hearing.

During the first 30 days of review, staff will provide the applicant with a Project Cost Estimate Worksheet. The Project Cost Estimate Worksheet provides applicants with the estimated processing costs of the project based on current information. If changes to the project description or other factors are encountered that will change the scope or length of processing, staff will provide the applicant with an updated Project Cost Estimate Worksheet

If an Environmental Impact Report (EIR) is required, a separate payment for the EIR consultant costs may be required prior to approval of the contract or notice to proceed.

After the final decision all unexpended funds will be refunded to the applicant.

III. STANDARD COSTS

SALARY COST: P&D's standard salary cost (the hourly rate at which planner's time is billed) is approved by the Auditor-Controller's office annually. It is calculated using the average hourly cost including salary and benefits for planners and indirect salary costs attributable to the case processing function, e.g. supervision, clerical support, and planner case processing functions. The billing rate for trainees is 75% of standard salary cost. A technology fee charge is applied to the hourly rate to support and maintain computer hardware and software that supports the permit process. A fee is also applied to the hourly rate to support general plan activities.

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. Each County department that provides services for fees 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 increases 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 fees shall be effective the first day of the pay period that includes July 1st. Each County department will review annually revenues and expenditures to ensure that fees are charged fairly and reflect the cost of the services provided. Nothing herein shall be construed as

limiting the authority of the Board to consider and adopt other adjustments to land development fees where such actions are appropriate for County to recover fees necessary to cover the cost of the services provided.

TEA AND JESUSITA FIRE REBUILD PERMITS
The hourly rate for planning permits necessary to rebuild following the Tea and Jesusita Fires will be billed at $152.55.

CONTRACT CASE PROCESSING COSTS: If an applicant elects to utilize outside contractors to expedite permit processing, consultant costs plus indirect overhead and the technology and general plan fees will be charged on an hourly basis, as agreed upon in writing between the applicant and the County.

NON-SALARY COSTS: P&D has developed standard charges to recover non-salary costs associated with processing cases. The charges recover costs ranging from office supplies to public hearing costs. A charge will be made against the fee or deposit for each non-salary cost category which applies to that case.

NON-SALARY COSTS for SECURITY DEPOSIT CASES CPI Adjustment 1.3%	
HEARING RELATED CHARGES	
Consent Agenda (Zoning Administrator or Planning Commission)	$284
Planning Commission Hearing (not consent)	$1,266
Zoning Administrator Hearing (not consent) Montecito Planning Commission	$380 $376
BAR Final/Revised	$187
Continuance (Applicant Requested) [1]	$187
Environmental Review Hearing	$572
Hearing Stenographer	Actual Cost
Special Planning Commission Hearing	Actual Cost
Director Decision	$284

1. A continuance fee is charged if notice has been completed and the Applicant or Representative does not attend the hearing; a continuance is requested within 72 hours of hearing, or an applicant driven hearing reschedule requires new noticing.

OTHER NON-SALARY CHARGES	
Any Case Not Falling Into Any Other Category Of Non-Salary Charges & Ministerial Permit Noticing	**$71**
Environmental Review Noticing for Negative Declaration without Hearing	**$284**
2nd Residential Unit In Coastal Zone	**$284**
Case Withdrawal prior to Completion	**$187**
Display Advertisement in Newspaper	**Actual Cost**
Posted Placard- Small / Large	**$25 / $29**
Mailed Notices to Owners and Residents 300ft / 1000ft	**$95 / $1.50 for each parcel noticed**
Mailed Notice for Deposit Project- non salary cost	**$45**

IV. MULTIPLE PERMIT APPLICATIONS

P&D recognizes that the cost for review of cases requiring multiple permits may not equal the costs of the permits taken separately. The department's policy is to process these cases in a concurrent fashion which minimizes overall time and cost requirements. For multiple ministerial cases with fixed fees P & D will collect the highest ministerial fee and $150 for each additional fixed fee permit type; for discretionary cases with fixed fees the entire fixed fee will be collected for each discretionary case type; and for any security deposit case the highest security deposit will be collected. Grading and design review fees will be collected in full.

V. APPEALS

The appellant must submit FIXED FEES for Planning and Development, County Counsel and Clerk of the Board. Appeals for energy or industrial projects being processed by the Energy Division will be billed for all direct and indirect costs on a monthly basis.

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

VI. ZONING VIOLATIONS

All zoning violation cases (those cases where an actual violation is determined to exist) will be billed for actual staff time spent investigating and correcting the violation at the STANDARD SALARY COST and applicable NON-SALARY COSTS. The fee applies to cases where either the property owner elects to abate or discontinue the violation and therefore no permit is issued or cases where the property owner elects to obtain the permits required to legalize the violation.

Where the applicant elects to obtain permits to legalize a violation, standard permit fees described in this fee schedule apply. A penalty equal to all applicable permit fees, but not to exceed $2,000 is also required.

VII. NON-PAYMENT OF FEES OR DEPOSITS

P&D will not issue land development permits or building permits until all P&D case processing costs and/or zoning violation costs have been paid. The Building Official may defer the collection of zoning violation costs as a condition to issuance of the building permit if the official determines it is necessary to issue the building permit immediately to protect the health and safety of the public. Deferred zoning violation fees, plus charges for past due amounts, are still due to P&D.

If the owner or applicant owes an amount due on any other land use development case with the County, any past due amount must be paid by the applicant before P&D will accept a subsequent application from the applicant, unless waived by the Director of the department.

VIII. MISCELLANEOUS COSTS

Documents and other types of miscellaneous costs not detailed below will be sold at cost of reproduction plus 20% surcharge to cover handling costs, plus tax and shipping (if applicable).

MISCELLANEOUS COSTS	
Color Maps: **8.5 x 11** **11 x 17** **Custom**	 **$3.00 + shipping** **$6.00 + shipping** **Actual cost + shipping**
Photocopies	**$ .25/page**
Assessor Parcel Maps w/ Zoning Information	**$ 1.50/page**
Microfiche Copies	**$ 1.00/page**
Electronic Parcel Information (disk/print-out)	**$50.00 flat fee + $ .07/parcel**
Hearing Tape Copies (Cassette or Video)	**Cost of tape + $10.00/hr. reproduction time**
Returned Check for Insufficient Funds	**$40.00/each**
Maps (Zoning, Comprehensive Planning and Coastal)	**$ 1.50 taxable + $5.00 map handling charge + shipping**

IX. ENERGY OR INDUSTRIAL PROJECTS

Energy and/or industrial projects are processed by the Energy Division and the Building & Safety Division of Planning and Development (P&D). Developers will be billed on a monthly basis for all direct and indirect costs (including technology and general plan fees) related to permit processing, including appeals, permit compliance, and engineering plan review. Direct costs are actual labor and office expenses, and indirect costs, based on the developer's pro-rated share of each month's direct expenses, including reimbursement for County and department overhead costs, which are calculated annually. A signed agreement for payment and an initial fee deposit must be submitted to the Energy Division prior to permit processing, compliance, activity, or engineering plan review.

After an application has been accepted as "complete", P&D will review average monthly costs for the first two months of case processing activity for the project and may request an additional deposit. It is P&D's intention to have on deposit a balance that would cover four months of project processing and compliance costs.

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

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

Deposits and fees for processing applications for change 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 utilized, and no additional deposit is required (unless special circumstances preclude drawing against the existing deposits). For changes of owner, guarantor, or operator (25B-9.1, 9.5, 9.6, and 10.1), deposits are required. However, the requirement for such a deposit may be waived in these cases, if existing deposits are available and considered sufficient.

ENERGY DIVISION INITIAL DEPOSITS	
PRE-APPLICATION	
Production and Processing	$ 5,000
Transportation Facilities	$ 5,000
Supply Base	$ 5,000
Exploratory Drilling	$ 2,500
Mine or Power Generation	$ 5,000
Other Energy Projects	$ 5,000
Other Industrial Projects	$ 5,000
CASE PROCESSING: ONGOING (General Plan Amendment, Rezone, Conditional Use Permit, Development Plan, Production Plan)	
Total Capital Costs less than $5,000,000	$12,500
Total Capital Costs between $5,000,000 and $30,000,000	$25,000
Total Capital Costs greater than $30,000,000	$50,000
Certificate of Financial Responsibility	$ 5,000
Certificate of Financial Responsibility (certificate for reliance upon owner of facility and shipper of oil)	$ 2,500
PERMIT COMPLIANCE: ONGOING	
Total Assessed Value less than $5,000,000	$12,500
Total Assessed Value between $5,000,000 and $30,000,000	$25,000
Total Assessed Value greater than $30,000,000	$50,000
PERMIT COMPLIANCE: MINOR	
Review of Minor Projects	$ 5,000
CHANGE OWNER, OPERATOR, OR GUARANTOR	
Existing partner becomes managing partner Change of non-managing partner of owner	$300 (flat fee)
Merger or change of form of business organization of owner or operator	use existing deposit
Change of owner Change of guarantor	$5,000
Change of operator Temporary operator	$12,500