

RESOLUTION NO.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION ESTABLISHING DEPARTMENT OF TRANSPORTATION FEE SCHEDULE AND
POLICIES AND PROCEDURES

(Supersedes: Resolution 185-2019)

WHEREAS, pursuant to Government Code Sections 54985 and 66016 and County Ordinance Code Section 1.04.260, the Board of Supervisors of El Dorado County (Board) has established rates, charges, and fees for certain activities; and

WHEREAS, once established, rates, charges, and fees may be modified, set, or fixed by the Board by Resolution; and

WHEREAS, the Board adopted Resolution 204-93 on July 13, 1993, which established a consolidated fee schedule including Fee Schedule Policies for the Planning Department, Department of Transportation, and Environmental Management Department related to permit processing; and

WHEREAS, portions of the consolidated fee schedule were modified by Resolution 20-97 on January 28, 1997 for Department of Transportation County Engineer Fees; and

WHEREAS, all the functions covered by various resolutions included herein had been consolidated within the Community Development Agency (CDA); and

WHEREAS, the Board adopted a series of Resolutions establishing and amending a consolidated fee schedule and policies and procedures for those functions formerly under the CDA, which was most recently amended by Resolution 185-2019 on October 22, 2019; and

WHEREAS, at the time the fees were adopted in the Consolidated Fee Schedule and Policies and Procedures by Resolution 079-2016, adopted by the Board on May 3, 2016, the cost of providing services included on the consolidated fee schedule was documented in the CDA Fee Study, dated March 22, 2016; and

WHEREAS, it was discussed by the Divisions of CDA at the Board that they would return every couple years with an updated fee that is calculated based on the current approved hourly rate multiplied by the approved number of hours per cost of service provided by the Divisions; and

WHEREAS, on April 18, 2017, the Board adopted Ordinance 5051 reorganizing the CDA into separate departments. The CDA's Transportation Division is now referred to as the El Dorado County, Department of Transportation; and

WHEREAS, Department of Transportation has performed the analysis to determine that the fees and charges for services included in Exhibit A, which is attached hereto and incorporated herein, do not exceed the estimated amount of time required to provide the services for which they are charged and the fees and charges represent only amounts necessary to recover the cost of providing the service and/or enforcing the regulations for which they are charged; and

WHEREAS, adoption of Department of Transportation Policies and Procedures for the fees and charges in Exhibit B are necessary.

NOW, THEREFORE, BE IT RESOLVED, the Board finds that the fees and charges for services included in Exhibit A do not exceed the estimated amount of time required to provide the services for which they are charged and the fees and charges represent only amounts necessary to recover the cost of providing the service and/or enforcing the regulations for which they are charged; and

BE IT FURTHER RESOLVED, pursuant to applicable provisions of state law and County Ordinance Code, the new, increased, or reduced fees set forth in Exhibit A – Department of Transportation Fee Schedule are hereby adopted and shall take effect sixty (60) days from execution of this Resolution; and

BE IT FURTHER RESOLVED, any existing County fees not modified in Exhibit A shall remain in full force and effect; and

BE IT FURTHER RESOLVED, individual fees may be added and/or modified from time to time by Resolution amending the Department of Transportation Fee Schedule in its entirety, incorporating those modifications in Exhibit A, subject to the necessary notice and analysis under the applicable provisions of state law; and

BE IT FURTHER RESOLVED, the Policies and Procedures set forth in Exhibit B – Department of Transportation Policies and Procedures are hereby adopted and shall take effect upon execution of this Resolution; and

BE IT FURTHER RESOLVED, the Policies and Procedures may be modified from time to time by Resolution amending the Department of Transportation Policies and Procedures in its entirety, incorporating those modifications in Exhibit B; and

BE IT FURTHER RESOLVED, all rates, charges, and fees established by either Resolution or Ordinance Code shall be subject to the Board of Supervisors Policy No. B-4 related to Recovery of Funds, and unpaid balances shall be subject to increase to include costs incurred by the County Department responsible for administering Revenue Recovery Services, as updated from time to time.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 20th day of April, 2021, by the following vote of said Board:

Attest:
Kim Dawson
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By: _____
Deputy Clerk

_____ Chair, Board of Supervisors

DEPARTMENT OF TRANSPORTATION FEE SCHEDULE

	<u>Current Fee</u>	<u>Proposed Fee</u>	<u>Net Change</u>
Hourly Rate	Variable - Per Classification	Variable - Per Classification	
Abandonment of Easement	\$853.00	\$877.00	\$24.00
AdHoc	\$1,000 deposit, T&M	\$1,000 deposit, T&M	-
Certificate of Compliance	\$936.00	\$962.00	\$26.00
Commercial Grading	5%** & T&M	5%** & T&M	-
Conditional-Use Permit (All Categories)			
Planning Commission	\$1,600 deposit, T&M	\$1,600 deposit, T&M	-
Zoning Administrator	\$1,600 deposit, T&M	\$1,600 deposit, T&M	-
Zoning Administrator (Minor)(Categorically Exempt)	\$1,600 deposit, T&M	\$1,600 deposit, T&M	-
Off-Premise Signs (CEQA Section 15311(A))	\$1,600 deposit, T&M	\$1,600 deposit, T&M	-
On-Site Signs, Excess Area (CEQA Section 15311(A))	\$1,600 deposit, T&M	\$1,600 deposit, T&M	-
Ham Radio Antenna Height (CEQA Section 15303(E))	\$1,600 deposit, T&M	\$1,600 deposit, T&M	-
Fence Height (CEQA Section 15303(E))	\$1,600 deposit, T&M	\$1,600 deposit, T&M	-
Modification of Non-Conforming Parking/Landscaping (CEQA Section 15311(B))	\$1,600 deposit, T&M	\$1,600 deposit, T&M	-
Temporary Uses Not Listed (Zoning Ord. Section 17.23.030)	\$1,600 deposit, T&M	\$1,600 deposit, T&M	-
Minor Expansion of Floor Area (CEQA Section 15301 (E))	\$1,600 deposit, T&M	\$1,600 deposit, T&M	-
New Construction Commercial 2,500/10,000 Sf or Less (CEQA Section 15303(C))	\$1,600 deposit, T&M	\$1,600 deposit, T&M	-
Wireless Communications Facility (Co-Location)	\$1,600 deposit, T&M	\$1,600 deposit, T&M	-
Major Revisions to Approved Conditional-Use Permit	\$1,600 deposit, T&M	\$1,600 deposit, T&M	-
Minor Revisions to Approved Conditional Use Permit	\$1,600 deposit, T&M	\$1,600 deposit, T&M	-
Design Review			
Planning Commission or Director	\$3,000 deposit, T&M	\$3,000 deposit, T&M	-
Minor Design Review			
A. Signs, On-Site	\$403.00	\$401.00	(\$2.00)
B. Accessory Structures	\$403.00	\$401.00	(\$2.00)
C. Minor Expansion of Floor Plan	\$403.00	\$401.00	(\$2.00)
D. New Construction, Commercial	\$403.00	\$401.00	(\$2.00)
E. 3 Single-Family Residences	\$403.00	\$401.00	(\$2.00)
F. 4-6 Apartment Units	\$403.00	\$401.00	(\$2.00)
Revision to Approved Design Review	T&M	T&M	-
Encroachments Applications			
Utility	\$115.00	\$122.00	\$7.00
Excavation	Covered by Grading Permit	Covered by Grading Permit	-
Access or Driveway (Blanket, Field, Adjacent cut/fill)	\$115.00	\$122.00	\$7.00
Encroachments Inspections			
Utility			
A. Utility Company/District	T&M	T&M	-
B. Non-Utility Company/District	\$300.00 deposit, T&M	\$300.00 deposit, T&M	-
Excavation	Covered by Grading Permit	Covered by Grading Permit	-
Access or Driveway			
A. On improved County Rd w/ curb and gutter or with an approved drainage facility	2 inspections \$488.00	\$502.00	\$14.00
Site Review, Final			
B. Permit with non-improved road with stamped plans	3 inspections \$732.00	\$753.00	\$21.00
Site Review, Sub Grade, Final			
C. Permit with non-improved road with unstamped plans	4 inspections \$976.00	\$1,004.00	\$28.00
Site Review, Sub Grade, Rock Grade, Final			
D. Reinspections of Above	per inspection \$244.00	\$251.00	\$7.00
Additional Encroachment Fees			
Permit Application For Work Performed Prior to Issuance of a Valid Permit (per Ordinance 12.08.160B)	\$60.00	\$60.00	-
Appeal Fee (per Ordinance 12.08.160C)	\$230.00	\$50.00	(\$180.00)
Permit Renewal	\$58.00	\$61.00	\$3.00
Obstruction Permit: Personal Property	\$550.00	\$574.00	\$24.00
Obstruction Permit: Personal Property with Hold Harmless	\$1,525.00	\$1,576.00	\$51.00
Obstruction Permit: Subdivision Ladder Sign	\$733.00	\$762.00	\$29.00
Fiscal Impact Analysis / Public Facilities Financing Plan	\$1,000 deposit, T&M	\$1,000 deposit, T&M	-
General Grading			
Application	\$115.00	\$122.00	\$7.00
Plan Check			
250 -1500 Cubic Yards	\$244.00	\$251.00	\$7.00
Over 1500 Cubic Yards	\$1,000 deposit, T&M	\$1,000 deposit, T&M	-
Changes, Additions or Revisions	T&M	T&M	-
Inspection			
250 - 1,500 Cubic Yards	\$1,219.00 (based on 5 inspections)	\$1,253.00 (based on 5 inspections)	\$34.00
Over 1500 Cubic Yards	\$1,000 deposit, T&M	\$1,000 deposit, T&M	-
Changes, Additions or Revisions	T&M	T&M	-
Surety	\$115.00	\$122.00	\$7.00

DEPARTMENT OF TRANSPORTATION FEE SCHEDULE

General Vacation	\$1,500 deposit, T&M	\$1,500 deposit, T&M	-
Irrevocable Offer of Dedication (Surveyor's Office)	\$408.00	\$420.00	\$12.00
Irrevocable Offer of Dedication (Department of Transportation)		\$1,000 deposit, T&M	\$1,000.00
Lot Line Adjustment	\$599.00	\$596.00	(\$3.00)
Oversized Load (State Mandated) Permit			
Over width, height, or weight on any type transport***	\$16.00 each	\$16.00 each	-
Over width, height, or weight on any type of transport blanket***	\$90.00 annually per Vehicle	\$90.00 annually per Vehicle	-
Parcel Map Commercial	\$5,000 deposit, T&M	\$5,000 deposit, T&M	-
Parcel Map Residential			
Plan check Inspection	\$5,000 deposit, T&M	\$5,000 deposit, T&M	-
Revisions to Approved Parcel Map	T&M	T&M	-
Time Extensions	T&M	T&M	-
Planned Development			
Residential	\$2,000 deposit, T&M	\$2,000 deposit, T&M	-
Commercial/Industrial	\$2,000 deposit, T&M	\$2,000 deposit, T&M	-
In Conjunction with Zone Change	\$2,000 deposit, T&M	\$2,000 deposit, T&M	-
Revision to Approved Development Plan		\$1,000 deposit, T&M	\$1,000.00
Pre Application Development Meeting - Major	\$1,106.00	\$1,191.00	\$85.00
Pre Application Development Meeting - Minor	\$369.00	\$397.00	\$28.00
Roadside Memorial Sign (per Ordinance 4833)	\$289.00	\$265.00	(\$24.00)
Specific Plans and Revisions (Staff costs only. Consultant costs are covered by separate contract)		\$5,000 deposit, T&M	\$5,000.00
Temporary Use Permit (All Categories)			
A. Subdivision Model Homes, Construction Yard, Office, Outdoor Sales	\$724.00	\$721.00	(\$3.00)
B. Christmas Tree Lots, Auctions, Temporary Signs	\$724.00	\$721.00	(\$3.00)
C. Outdoor Concerts, Itinerate Shows, Carnivals, Circuses, Rodeos, and Religious Revival Meetings	\$724.00	\$721.00	(\$3.00)
D. Other Uses: As determined by Transportation Department Director	\$724.00	\$721.00	(\$3.00)
Tentative Maps	\$5,000 deposit plus 2.5%**, T&M	\$5,000 deposit plus 2.5%**, T&M	-
Traffic Study and Vehicle Miles Traveled analysis	\$5,000 deposit, T&M	\$5,000 deposit, T&M	-
Variance	\$770.00	\$767.00	(\$3.00)
Zone Change	\$545.00	\$543.00	(\$2.00)
Zone with General Plan Map Amendment	\$823.00	\$820.00	(\$3.00)

** Deposits based on Developer's Engineer's Estimate

*** Maximum Fees are established in accordance with the State of California Vehicle Code Division 15, Chapter 5, Article 6, Section 35795 "Permit Fee" and the State of California Code of Regulations, Title 21, Sec. 1411.3

ZONE OF BENEFIT

Zone of Benefit Proceedings	\$1,000 deposit, T&M	\$1,000 deposit, T&M	-
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DEPARTMENT OF TRANSPORTATION ADDITIONAL FEES

Returned Check Fee - Tied to Maximum allowed by State	\$25.00	\$25.00	-
Copies/Duplication	15 cents per page or "printer cost" plus 5% handling fee	15 cents per page or "printer cost" plus 5% handling fee	-
Maps/GIS			
Size A (8 1/2" x 11")	\$5.00	\$5.00	-
Size B (11"x 17")	\$7.50	\$7.50	-
Size C (18" x 24")	\$10.00	\$10.00	-
Size D (24" x 36")	\$15 + \$2.50 per SF over 6 SF	\$15 + \$2.50 per SF over 6 SF	-
Miscellaneous Manuals, Etc.	Actual cost	Actual cost	-
Public Record Requests	Per Evidence Code 1563	Per Evidence Code 1563 15 cents per page	-
Research Records	T&M	T&M	-
Revenue Recovery Referral Charge	14% of amount sent to collections	14% of amount sent to collections	-
Witness Fee	T&M per applicable Government Code	T&M per applicable Government Code	-

DEPARTMENT OF TRANSPORTATION POLICIES & PROCEDURES

The following fee policies are applicable to fees collected or charged by Department of Transportation.

A. APPLICABILITY

All fees are due at time of filing the application or requesting the service. Fees are charged as either: fixed rates, fees, or charges or "Time and Materials." The fixed rates, fees, or charges are intended to cover the ordinary costs of Department of Transportation (DOT) for providing that service. The "Time and Materials" fees listed are an initial deposit and are described in more detail in the "Time and Materials" section.

B. TIME AND MATERIALS

In all of those instances in Exhibit A – Department of Transportation Fee Schedule where a dollar amount is provided followed by a reference to "T&M," the dollar amount is the initial minimum deposit, and the T&M means the actual cost to the applicant to process the application or permit is based on a Time and Materials method of billing. For services subject to T&M charges, the applicant will receive a billing statement identifying the remaining deposit balance on account or the amount due if deposited funds have been exhausted, as specified in Board of Supervisors Policy B-4. If monies are owed, they shall be paid within thirty (30) days as specified in Board of Supervisors Policy B-4. Any outstanding balances must be paid before action by the approving authority. To make certain there is no misunderstanding regarding the application deposit and billing process, the applicant will be required to sign an "Agreement to Pay" statement with application submittal acknowledging agreement to pay the processing costs regardless of whether the application is approved or denied.

C. CONVERSION TO TIME AND MATERIALS

When, in the opinion of the Chief Administrative Officer (CAO) or DOT Director, or their designees, the costs of processing an application will significantly exceed the required fixed fee due to the unusual complexity of the project, either the CAO or DOT Director may convert the application to a Time and Materials billing process. When this conversion is proposed, the applicant will be notified in writing and will be requested to submit a deposit in an amount estimated to be sufficient to cover the remaining staff work to bring the application to a final decision. Staff work on the application will stop until the required deposit is provided. This conversion would occur when it is obvious the required fee is going to be insufficient, which would typically occur during or soon after the Technical Advisory Committee meeting. However, it could occur later in the process if controversy becomes more evident and/or revisions are proposed to the project to mitigate project impacts or public concerns. After the conversion, the applicant will receive a monthly billing statement identifying the remaining processing fee and/or deposit, or the amount due if deposited funds have been exhausted. If monies are owed, they should be paid before action by the approving authority.

D. COUNTY AND NON-COUNTY AGENCIES ARE SUBJECT TO STANDARD FEES

All County and non-County agencies (special districts, non-profit, etc.) shall be required to pay full application costs to offset the affected departments' processing costs. No charges shall be levied for documents/plans (one copy each) provided to public agencies.

E. OTHER FEES

Where no fee exists to cover an application process or service not normally provided by DOT, or when the circumstances of the application process are unique, and when it will take more than one hour to process the application or provide the service, a fee shall be paid or deposit collected, based on an estimate of processing costs by the CAO or DOT Director, or their designees, using the approved hourly billing rate. If a deposit is collected, the applicant will be billed based on the Time and Materials basis described above. Or as an option, the CAO or DOT Department Director, or their designees, may apply a fee in another category, if such fee would adequately cover the anticipated level of effort required to process the application.

F. FEE WAIVERS

Fee waivers cannot be approved by DOT. Pursuant to Board of Supervisors Policy B-2, or its equivalent, the CAO has limited authority to waive certain fees.

G. COLLECTIONS

Unpaid balances are subject to Board of Supervisors Policy B-4, Collections – Recovery of Public Funds. Balances referred to County Revenue Recovery will be assessed an amount equal to the costs incurred by the County for administering revenue recovery services.

H. REFUNDS

- 1) Fixed application fees are not refundable except as designated in 2.b. and 2.f, below.
- 2) The CAO or DOT Director, or their designees, may authorize a refund of any unexpended Time and Materials or fixed fees upon any of the following circumstances:
 - a) The project/application is approved or denied and no further work will be required and the Time and Materials account is closed.
 - b) The applicant withdraws the application and requests a refund in writing.
 - i) The County shall discontinue work on the application within one working day from the receipt of said request, except that the County may continue to process an application involving the violation of a County ordinance.
 - ii) Where a refund is requested of a fixed fee, the refund amount shall be based upon the percentage of work completed as estimated by the CAO or DOT Director, or their designees.
 - c) The application has been deemed incomplete, information has been requested in writing by DOT, and the applicant has not provided the information within a one-year period.
 - d) The project/application has been placed on-hold or moved off-calendar of a Planning Commission or Board of Supervisors hearing at the request of the applicant and the applicant has not responded or requested the matter to be rescheduled for hearing within a one-year period.
 - e) The project/application was moved off-calendar of a Planning Commission or Board of Supervisors hearing by the decision maker and the applicant has been requested to

perform additional tasks such as: provide more information, consult with other agencies, or make revisions, but the necessary information has not been provided within a one-year period.

- f) The deposit or fee was erroneously collected by the County.
- 3) Any refund of \$25.00 or less will not be issued; therefore, any deposit balance of \$25.00 or less will not be eligible for refund and will be retained by the County.
- 4) It is the applicant's responsibility to keep track of the amounts submitted and to inform DOT of all changes in address or ownership, including submission of a successor Agreement to Pay in the event of a change in ownership.
- 5) After all notices have been given and four (4) years have passed the County can follow the County's escheatment process per Government Code Section 50050 – 50057 for disposing of unexpended fees.

I. VIOLATIONS

- 1) Whenever any work or activities for which a permit is required has been commenced, without first obtaining said permit, an investigation may be required before a permit is issued for such work.
- 2) An investigation fee, in addition to the permit fee, may be collected by the CAO or DOT Director, or their designees, whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee. The payment of such investigation fee shall not exempt any person from penalty prescribed by ordinance or law. The CAO or DOT Director, or their designees may, at his or her discretion, collect this investigation fee at the time of the application or permit issuance. The CAO or DOT Director, or their designees, at his or her discretion, may not require investigation fees in cases where the owner of property is voluntarily revealing work done without a permit and securing a permit for the work.

When a violation of any County Ordinance includes or results from the failure to attain a required permit, the fee or deposit for obtaining the permit required to correct the violation shall be double the fee or deposit amount shown, unless another ordinance or law provides for a greater amount, in which case the greater amount shall apply. The additional fee or deposit shall be treated as a non-refundable fixed fee, even if the initial amount is a deposit.

J. SEVERABILITY

If any title, article, section, subsection, sentence, clause, or phrase of these Policies and Procedures or any amendment thereto is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of these Policies and Procedures or amendments thereto. The Board of Supervisors declares that it would have approved these Policies and Procedures and each title, article, section, subsection, sentence, clause, and phrase of these Policies and Procedures irrespective of the fact that any one or more titles, sections, subsections, sentences, clauses, or phrases are declared invalid or unconstitutional.

K. NON-EXCLUSIVITY

Nothing in these Policies and Procedures or any amendment thereto shall limit or preclude the enforcement of other county ordinances, including penalties therein or any other federal, state or local laws or regulations. The remedies provided herein are cumulative to all other remedies now or hereafter available to abate or otherwise enforce a fee or permit requirement for conduct described herein. The collection or acceptance of any fee does not constitute and shall not be construed as approval or authorization of any conduct, activity, or condition that violates any federal, state, or local laws or regulations.