



RESOLUTION NO. 164-2023

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION ESTABLISHING PLANNING AND BUILDING DEPARTMENT FEE POLICIES AND PROCEDURES

(Supersedes: Resolution 186-2019, 187-2019, 005-2020 and 089-2021)

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 or Ordinance; and

WHEREAS, pursuant to County Ordinance Code Section 110.16.020(B), this Resolution controls all matters pertaining to fees in the uniform building codes adopted by the County and replaces all references to fees or fee refunds in such codes; and

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

WHEREAS, adoption of Planning and Building Department Policies and Procedures for the fees and charges in Exhibit A are necessary; and

WHEREAS, on October 22, 2019, the Board adopted Resolution 186-2019, which established the Planning and Building Department Fee Schedule and Policies and Procedures, only performing a cleanup of fees; Resolution 183-2019 entitled Chief Administrative Office, Airports Division Fee Schedule, with no change to fees, and Resolution 184-2019 entitled Chief Administrative Office, Cemeteries Division Fee Schedule, with no change to fees; and

WHEREAS, on January 14, 2020, the Board adopted Resolution 005-2020, which established the Planning and Building Department Fee Schedule and Policies and Procedures only amending the appeal fee; and

WHEREAS, on July 27, 2021, the Board adopted Resolution 089-2021, which established the Planning and Building Department Fee Schedule and Policies and Procedures, only amending the Building Division grading fee, based on a valuation fee based on square footage; and

NOW, THEREFORE, BE IT RESOLVED, the Policies and Procedures set forth in Exhibit A – Planning and Building Department Policies and Procedures for the collection, administration, and refund of fees and/or charges associated with Planning and Building Department activities 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 Planning and Building Department Policies and Procedures; 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 24 day of October, 2023, by the following vote of said Board:

Attest:
Kim Dawson
Clerk of the Board of Supervisors

Ayes: Thomas, Hidahl, Turnboo, Parlin, Laine
Noes: None
Absent: None

By: 
Deputy Clerk
Kyle Kuperus


Chair, Board of Supervisors
Wendy Thomas

PLANNING AND BUILDING DEPARTMENT POLICIES & PROCEDURES

The following fee policies are applicable to fees collected or charged by the Planning and Building Department. These policies and procedures control all matters pertaining to fees in the uniform building codes adopted by the County and replace all references to fees or fee refunds in such codes (County Ordinance Code Section 110.16.020).

A. APPLICABILITY

All fees are due at time of filing the application or requesting the service. Fees are charged as either: fixed rates, fees, charges, or "Time and Materials." The fixed rates, fees, or charges are intended to cover the ordinary costs of the Planning and Building Department 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 the adopted Planning and Building 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 and/or invoice identifying the remaining deposit balance on account or the amount due if deposited funds have been exhausted. If monies are owed, they shall be paid within thirty (30) days as specified in Board of Supervisors Policy B-4, Collections – Recovery of Public Funds. 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 Planning and Building Department 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 Planning and Building Department 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 listed for the application type in the Ordinance. 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 and/or invoice 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 (1) copy each) provided to public agencies.

E. OTHER FEES

Where no fee exists to cover an application process or service not normally provided by Planning and Building, or when the circumstances of the application process are unique, and when it will take more than one (1) 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 Planning and Building Department 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 Planning and Building 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 Planning and Building Department. Pursuant to Board of Supervisors Policy B-2, Fee Waiving, 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 Planning and Building Department 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 (1) 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 Planning and Building Department Director, or their designees.

- c) The application has been deemed incomplete, information has been requested in writing by Planning and Building Department, 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 permit application/plan check fee may be refunded up to 80% if the plan check examination (including the Planning Division and Stormwater Division fees) have not been initiated.
 - g) The permit inspection fee up to 80% may be refunded if no inspections have been completed and work has not begun.
 - h) The deposit or fee was erroneously collected by the County.
- 3) A refund will not be issued for the Technology Fee after an application has been entered into the permitting and/or project system. An applicant with a permit valuation reduction of over 20% between application submission and permit issuance may request a pro rata refund from the Building and Planning Department Director.
 - 4) No refund will be issued for the General Plan Fee after Planning General Plan review has been completed. An applicant with a permit valuation reduction of over 20% between application submission and permit issuance may request a pro rata refund from the Building and Planning Director
 - 5) Any total 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.
 - 6) It is the applicant's responsibility to keep track of the amounts submitted and to inform Planning and Building Department of all changes in address or ownership, including submission of a successor Agreement to Pay in the event of a change in ownership.
 - 7) 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 Planning and Building Department 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 Planning and Building Department 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 Planning and Building Department 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.
- 3) 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. DEPARTMENT SPECIFIC FEES

1) Building Services

- a) Application and Plan Review - Required Plans
When plans are required to be submitted, an application/plan review fee shall be paid at the time of the building application, in the amount equal to one-half (1/2) of the fee. Upon issuance of the permit these fees shall be applied to the total fee collected.
- b) Application and Plan Review – 50% Reduction
When plans referenced in (J.1.a) above are from a master plan previously approved by the County with no modifications, are for a permanent manufactured dwelling on a permanent foundation or have been reviewed and approved by a third-party professional previously approved by the County, the application/plan review fee as described in (J.1.a) above shall be reduced by fifty percent (50%).
- c) Credit toward Replacement Application
An application submitted to replace one that has expired may be eligible for a credit toward the new application/plan review fee if it is re-submitted within six (6) months of the time of the original application expiration. Based on a schedule established by the CAO or Planning and Building Department Director, or their designees, credit may be given for administration/plan review work already performed, which is still applicable under codes and regulations in force at the time of the new application. It is the responsibility of the applicant to provide documentation substantiating work eligible for credit as part of the original application.
- d) Special Inspection
On those occasions where an inspection is authorized by the CAO or Planning and Building Department Director, or their designees, and to otherwise required by a valid construction permit, a fee shall be charged for the special inspection and collected at the time of the application or request.

Special inspection applications must be one of the following:

- i) The record of owner of the property or his/her authorized agent. Proof of authorization is required.
- ii) A legal renter or leaseholder of the property. Proof of such lease or rent must be provided.

Any special inspection applications issued in error because of false or incorrect information on such application will be null and void and all fees collected for such application will be non-refundable.

- e) **Work Performed Outside of Normal Business Hours**
Any work, such as plan review or inspection services, performed outside of normal business hours shall be charged to cover increased employee cost. The minimum charge shall be two (2) hours minimum, at "after business hours" rate.

K. 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.

L. 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.