

PLANNING SERVICES COMMUNITY DEVELOPMENT AGENCY CONSOLIDATED FEE POLICIES & PROCEDURES

The following fee policies are applicable to ~~all~~ fees collected by ~~Planning Services the~~
Community Development Agency.

A. A-APPLICABILITY

~~The following~~All fees are due at time of filing the application or requesting the service. Fees are charged as ~~either: either~~ "fixed rates, fees or charges," or "Time and Materials." The "fixed rates, fees, or charges" are intended to cover the ordinary costs of the Community Development Agency's ~~Development Services Division ("Division")~~ 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. MULTIPLE APPLICATION FEES

~~In those instances where two or more applications are filed with Planning Services at the same time for the same project, all fees collected for that submittal shall be adjusted as follows:~~

~~First Application — Full fees~~

~~Second Application — 20% reduction, requiring payment of 80% of the fees for the second application~~

~~Any Additional Applications — 40% reduction, requiring payment of 60% of the third or additional application fees~~

~~The determination of which application pays the full amount, which has a 20 percent reduction, etc., is based on the amount of the application fee. The type of application which has the highest Planning Services fee is considered the first application; the application with the second highest Planning Services fee is the second application, etc. For multiple applications that are reviewed on a Time and Materials basis, only the deposit for the application with the highest listed deposit amount on the fee schedule shall be collected at the time of application submittal.~~

C. TIME AND MATERIALS

In all of those instances in ~~the~~Exhibit A – Consolidated 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

Comment [EZ1]: Moved to: Division Specific Fees, Planning

based on a Time and Materials method of billing ~~at an hourly rate of \$100.00 for Planning Services unless such rate is modified by the Board of Supervisors. For services subject to T&M charges.~~ The applicant will receive a monthly billing statement 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, the "Agreement to Pay." Any outstanding balances must be paid before action by the approving authority. ~~Interest will be charged on late payments (more than 30 days overdue). If payment is not received within 90 days of said billing, collection will be processed through small claims court or by filing a lien on the affected property.~~ 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.

~~Trust funds may be established on major projects such as those requiring the hiring of consultants for the preparation of an environmental impact report. The applicant, by contract, would be required to maintain a balance in the trust account equal to the initial required deposit, or as otherwise stated in the contract. Unused trust funds will be refunded to the applicant upon withdrawal of the application, or after final action is taken by the County on the application.~~

DC. CONVERSION TO TIME AND MATERIALS

When, in the opinion of the Community Development ~~Services Division Agency~~ Director ("~~Division~~ Director") or designee, the costs of processing an application will significantly exceed the required fixed fee due to the unusual complexity of the project, the ~~Division~~ 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.

E. PUBLIC AGENCIES

~~No charges shall be levied for documents/plans (one copy each) provided to public agencies.~~

FD. 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.

GE. OTHER FEES

Where no fee exists to cover an application process or service not normally provided by the Division Agency, 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 ~~affected department or division's~~ Director or designee, 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 ~~Division~~ Director or designee may apply a fee in another category, ~~if no~~ such fee would adequately cover the anticipated level of effort required to process the application.

HF. FEE WAIVERS

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

IG. 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, turned over to the County Revenue Recovery Division will be assessed an additional charge of 15 percent.~~

JH. REFUNDS

- 1) ~~Fixed application fees are not refundable except as designated in 2.f, below.~~
- 2) ~~The~~ ~~Division~~ Director or designee may authorize a refund of any unexpended ~~application 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 Director or designee.~~

~~b)–~~

c) The application has been deemed incomplete, information has been requested in writing by the Agency, and the applicant has not provided the information within a one year period.

~~e)~~

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 ~~the last~~ 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 ~~the a last~~ one -year period.

f) The deposit or fee was erroneously collected by the County.

~~e)3)~~ Additional conditions applicable to refunds related to building permits are described in Section J.

~~2)4)~~ Any refund of ~~\$25.00~~ 0.00 or less will not be issued; therefore any deposit balance of ~~\$25.00~~ 0.00 or less will not be eligible for refund and will be ~~kept~~ retained by the County.

Comment [EZ2]: Per Ruth Y – under state Escheat statutes

~~3)5)~~ It is the applicant's responsibility to keep track of the amounts submitted and to inform the Agency of all changes in address or ownership, including submission of a successor Agreement to Pay in the event of a change in ownership.

6) 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 Director or designee, 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 law. The Director or designee may, at his or her discretion, collect this investigation fee at the time of the application or permit issuance. The Director or designee, 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.

Comment [EZ3]: From Building Reso 180-2007 Part 5, A.

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. The additional fee or deposit shall be treated as a non-refundable fixed fee, even if the initial amount is a deposit.

Comment [EZ4]: From County Engineer Reso 20-97

J. DIVISION 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.

Comment [EZ5]: a & b from Building Fee Reso 180-2007, Part 3 A& B.

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 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 6 months of the time of the original application expiration. Based on a schedule established by the Director or designee, 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) Refund on Withdrawal

The Director or designee may authorize the refund of not more than 80% of the building permit fee paid, less the application fee if any plan review activity has occurred. The minimum fee retained by the County shall be equal to the hourly rate applicable to the permit activity.

The Director or designee shall not authorize the refunding of Building Services fees paid unless:

- i) Written request to withdraw an application or permit is provided by the current owner or original applicant or an authorized agent of either.
- ii) Said request is made within one year of the application or within two years of the original date of issuance.
- iii) No work of any sort has been done under the permit in question.

2) Environmental Management

a) Required Fees

No person, corporation, association, firm, business or entity shall operate, perform, carry on, conduct or engage in any of the activities delineated in the Environmental Management fees without paying the fee listed and obtaining a permit and/or receipt therefore from the Community Development Agency, Environmental Management Division. A permit or receipt may be issued at any time during the year and shall expire annually on the one-year anniversary date.

Comment [EZ6]: Per Barbara H. most activities require a permit; HAZMAT inspection/certification does not, but does require renewal, and issuance of a receipt. Therefore, both references are included herein.

b) Penalty Charges

Pursuant to County Ordinance Code Section 8.05.130 if, prior to expiration of a permit or anniversary date of the issuance of a receipt, any specific fee is not paid, the applicant shall pay, in addition to the fee a penalty sum in an amount equal to two times the ordinary fee. These fees are in addition to any other actions allowable by regulation or statute. These penalties apply to all fees owed to the Division, to the extent allowed by law.

Comment [EZ7]: EMD former Department Policy was 25% penalty at 30 days, 50% at 60, 100% at 90 ; included in Reso 139-2007 as Department Policy. Revised here for consistency with County Ord. Code.

3) Planning Services

~~MULTIPLE APPLICATION FEES~~ Multiple Application Fees

Comment [EZ8]: Moved from B.

In those instances where two or more applications are filed with Planning Services at the same time for the same project, all fees collected for that submittal shall be adjusted as follows:

- First Application _____ = _____ Full fees
- Second Application _____ = _____ -20% reduction, requiring payment of 80% of the fees for the second application
- Any Additional Applications _____ = _____ 40% reduction, requiring payment of 60% of the third or additional application fees

The determination of which application pays the full amount, which has a 20 percent reduction, etc., is based on the amount of the application fee. The type of application which has the highest Planning Services fee is considered the first application; the application with the second highest Planning Services fee is the second application, etc. For multiple applications that are reviewed on a Time and Materials basis, only the deposit for the application with the highest listed deposit amount on the fee schedule shall be collected at the time of application submittal.

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.

4)