



# County of El Dorado

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## Legislation Details (With Text)

**File #:** 19-1826      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 12/3/2019      **In control:** Board of Supervisors

**On agenda:** 1/14/2020      **Final action:** 1/14/2020

**Title:** HEARING - Planning and Building Department recommending the Board approve and authorize the Chair to sign the following:  
1) Resolution 005-2020 entitled "Planning and Building Department Fee Schedule and Policies and Procedures," thereby rescinding prior Resolution 186-2019 adopted by the Board on October 22, 2019 (Legistar Item 19-0663), and provide direction to staff on which of the following Appeal Fee options the Board would like to adopt:  
a) Option A (staff recommendation): set the Appeal fee at \$943 based on the analysis presented in Attachment D and convert the base application to T&M to recover any costs associated with the Appeal beyond the initial \$943 Appeal fee;  
b) Option B: set the Appeal fee at tiered amounts of \$943 for projects appealed to the Planning Commission and \$3,221 for projects appealed to the Board of Supervisors;  
c) Option C: set the Appeal fee at \$3,221 (the average cost of an Appeal based on the 2015 fee study);  
d) Option D: leave the Appeal fee at the current rate of \$239; or  
e) Option E: set the Appeal fee at an amount deemed appropriate by the Board. (Est. Time: 30 Min.)

**FUNDING:** Fees for Service.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Counsel Approval, 2. B - Resolution Planning and Building - Redline, 3. C - Resolution Planning and Building, 4. C - Revised Resolution Planning and Building BOS Rcvd 1-10-20, 5. D - Land Use Appeal Fee Study, 6. Executed Resolution 005-2020

Date	Ver.	Action By	Action	Result
1/14/2020	1	Board of Supervisors	Approved	Pass

HEARING - Planning and Building Department recommending the Board approve and authorize the Chair to sign the following:

1) Resolution **005-2020** entitled "Planning and Building Department Fee Schedule and Policies and Procedures," thereby rescinding prior Resolution **186-2019** adopted by the Board on October 22, 2019 (Legistar Item 19-0663), and provide direction to staff on which of the following Appeal Fee options the Board would like to adopt:  
a) Option A (staff recommendation): set the Appeal fee at \$943 based on the analysis presented in Attachment D and convert the base application to T&M to recover any costs associated with the Appeal beyond the initial \$943 Appeal fee;  
b) Option B: set the Appeal fee at tiered amounts of \$943 for projects appealed to the Planning Commission and \$3,221 for projects appealed to the Board of Supervisors;  
c) Option C: set the Appeal fee at \$3,221 (the average cost of an Appeal based on the 2015 fee study);  
d) Option D: leave the Appeal fee at the current rate of \$239; or  
e) Option E: set the Appeal fee at an amount deemed appropriate by the Board. (Est. Time: 30 Min.)

**FUNDING:** Fees for Service.

**DISCUSSION / BACKGROUND**

On October 22, 2019 staff from the Chief Administrative Office, Airports & Cemeteries Division, Department of Transportation, Planning and Building Department, and Environmental Management Department presented an item to the Board of Supervisors recommending the Board adopt and authorize the Chair to sign Resolutions to adopt updated fee schedules for each Department (Legistar Item 19-0663).

The Planning and Building Department recommended the Board adopt and authorize the Chair to sign Resolution **186-2019** entitled “Planning and Building Fee Schedule and Fee Policies and Procedures” (Resolution), thereby rescinding prior Resolution 080-2019 adopted by the Board on May 21, 2019 (Item 27), entitled “Resolution Establishing a Consolidated Fee Schedule and Consolidated Fee Policies and Procedures El Dorado County Community Development Services and Adopting Fees for Services”.

The Planning and Building Department’s Fee Schedule was updated to reflect the new approved Fiscal Year 2018-19 hourly blended rate, multiplied by the number of hours it took to perform the service in the Fiscal Year 2015-16 hourly time study. In accordance with previously established policies and procedures, a public hearing was conducted simultaneously with the Board’s consideration of the revised fee schedules and resolutions.

The updated Fee Schedule also included fee increases and new fees to comply with State Regulations and to offset General Fund costs where project specific tasks were being performed without a funding source.

Notable recommended changes included the following:

1. An increase to the Planning Division hourly rate from \$119.27 to \$139.82 to adjust for increased staffing costs, increased CalPERS costs, A-87 costs, and director allocation;
2. An increase to the Building Division hourly rate from \$108.88 to \$126.12 to adjust for increased staffing costs related to staffing costs, increased CalPERS costs, A-87 costs, and director allocation;
3. The addition of a Mitigation Monitoring and Reporting Program/Condition of Approval Compliance Time and Materials Fee to recover the cost of staff time associated with ensuring compliance with Mitigation Measures and Conditions of Approvals pursuant to State regulations after a project has been approved;
4. The addition of Model Water Efficiency Landscape Ordinance Fees to provide a funding mechanism to recoup staff time associated with reviewing Model Water Efficiency Landscape plans pursuant to State regulation;
5. The addition of a Public Facilities Financing Plan/Fiscal Impact Analysis Time and Materials Fee to provide the ability for County staff to charge Applicants for the time to review these documents; and
6. Staff asked the Board to review the Appeal Fee time analysis and provided five options for the Board to consider:

Option A (Staff’s recommendation): Increase the Appeal fee to \$943, and convert the base Application to T&M;

Option B: Appeal fee is tiered with two categories; \$943 for projects appealed to the Planning Commission and \$3,221 for projects appealed to the Board of Supervisors;

Option C: Set the fee at \$3,221 for full cost recovery;

Option D: Leave the Appeal fee at the current charge of \$239;

Option E: Set the Fee at another amount deemed appropriate by the Board, but not to exceed the cost of providing the service (\$3,221).

The Board approved the Resolution including recommended changes 1 through 5; however, was unable to reach consensus on the Appeal Fee.

The following motions were made during the discussion in an effort to reach consensus:

1. A motion was made by Supervisor Frentzen, seconded by Supervisor Hidahl to Adopt Resolution 186-2019, which did not include an Appeal Fee option, entitled "Planning and Building Department Fee Schedule and Policies and Procedures," thereby rescinding prior Resolution 080-2019, May 21, 2019. Yes: 4 - Veerkamp, Frentzen, Hidahl and Parlin Absent: 1 - Novasel
2. A motion was made by Supervisor Frentzen, seconded by Supervisor Hidahl to set the Appeal Fee at \$280 and convert the base application to Time and Materials (T&M) to recover any costs associated with the Appeal beyond the initial \$280 Appeal fee. Motion Failed. Yes: 2 - Frentzen and Hidahl Noes: 2 - Veerkamp and Parlin Absent: 1 - Novasel
3. A motion was made by Supervisor Parlin to set the Appeal Fee at \$280 without T&M. Motion Failed for lack of a second.
4. A motion was made by Supervisor Hidahl to set the Appeal Fee at \$943 without T&M. Motion Failed for lack of a second.

After the four failed motions, Staff was directed to return to the Board with the Appeal Fee options when all Board members were present.

Pursuant to this direction Staff is returning to the Board to further discuss the same Appeal Fee options presented on October 22, 2019, including:

Option A (Staff recommendation): Increase the Appeal fee to \$943, and convert the base Application to T&M;

Option B: Appeal fee is tiered with two categories; \$943 for projects appealed to the Planning Commission and \$3,221 for projects appealed to the Board of Supervisors;

Option C: Set the fee at \$3,221 for full cost recovery;

Option D: Leave the Appeal fee at the current charge of \$239;

Option E: Set the Fee at another amount deemed appropriate by the Board, but not to exceed the cost of providing the service (\$3,221).

## **ALTERNATIVES**

The Board could chose to provide alternative direction to staff not included in Options A-E above.

## **PRIOR BOARD ACTION**

See Background/Discussion above.

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Chief Administrative Office, Community Development, Finance & Administration and County Counsel

## **CAO RECOMMENDATION / COMMENTS**

Consider options and provide direction to staff.

## **FINANCIAL IMPACT**

The proposed rates are based on cost recovery methodology in order that the affected programs either run without a Net County Cost or a greatly reduced Net County Cost.

## **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk of the Board will obtain the Chair's signature on the original Resolution.
- 2) The Clerk of the Board will forward one (1) copy of the signed Resolutions to the Department.

## **STRATEGIC PLAN COMPONENT**

Good Governance

## **CONTACT**

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Planning and Building Department