

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Board of Supervisors

BOARD AGENDA:6.A.5
AGENDA DATE: May 21, 2019

SUBJECT:

Approval to Adopt and Waive the Second Reading of Ordinance C.S. 1237 to Establish a New Fee and Amend Existing Fees for Planning Services for the Department of Planning and Community Development

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2019-0297

On motion of Supervisor Chiesa , Seconded by Supervisor Olsen
and approved by the following vote,

Ayes: Supervisors: Olsen, Chiesa, Berryhill, DeMartini, and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended


2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST:


ELIZABETH A. KING, Clerk of the Board of Supervisors

File No. ORD-56-H-3

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Board of Supervisors

BOARD AGENDA:6.A.5
AGENDA DATE: May 21, 2019

CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: No

SUBJECT:

Approval to Adopt and Waive the Second Reading of Ordinance C.S. 1237 to Establish a New Fee and Amend Existing Fees for Planning Services for the Department of Planning and Community Development

STAFF RECOMMENDATION:

1. Adopt and waive the second reading of Ordinance C.S. 1237 to establish a new fee and amend existing fees for Planning Services for the Department of Planning and Community Development.

ATTACHMENT(S):

1. Ordinance CS 1237 Planning

ORDINANCE NO. C.S. 1237

AN ORDINANCE TO ADOPT A REVISED FEE SCHEDULE FOR SERVICES BY THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. The Board of Supervisors hereby adopts the Department of Planning and Community Development 2019 Fee Schedule, attached as Exhibit A and incorporated by reference, a copy of which is on file with the Clerk of the Board of Supervisors and is available for public inspection and copying in that office in accordance with the California Public Records Act.

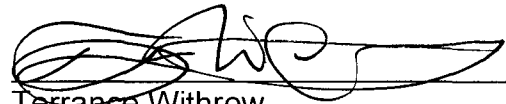
Section 2. This ordinance shall be published once before the expiration of 15 days after passage of this ordinance, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California, and the ordinance shall take effect either (a) pursuant to Section 25123 of the Government Code, 30 days after the date of publication, or (b) pursuant to Section 66017 of the Government Code, 60 days following the final action on the adoption of the fees or charges, whichever date occurs last.

Upon motion of Supervisor Chiesa, seconded by Supervisor Olsen, the foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the 21st day of May, 2019, by the following called vote:

AYES: Supervisors:Olsen, Chiesa, Berryhill, DeMartini
and Chairman Withrow

NOES: Supervisors:None

ABSENT: Supervisors:None

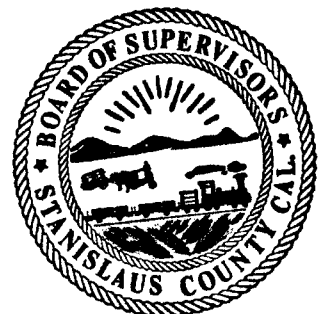


Terrance Withrow,
Chairman of the Board of Supervisors,
of the County of Stanislaus,
State of California

ATTEST:

Elizabeth A. King
Clerk of the Board of Supervisors,
of the County of Stanislaus,
State of California

By: 
Pamela Villarreal, Assistant Clerk of the Board



APPROVED AS TO FORM:
Thomas E. Boze,
County Counsel

By:

A handwritten signature in black ink, appearing to read 'Robert J. Taro', is written over a horizontal line.

Robert J. Taro,
Assistant County Counsel

DRAFT 2019 PLANNING FEES (EFFECTIVE JUNE 21, 2019)

EXHIBIT A

FEES	ACTUAL COST ⁽¹⁾	PLANNING	PUBLIC WORKS ^{(7) (8)}	DER ^{(7) (8)}	PLAN. COMM. CLERK	CLERK OF THE BOARD ⁽⁸⁾	GEN PLAN MAINT	FLOOD PLAIN ADMIN	GIS MAINT	TOTAL FEE ⁽⁹⁾⁽¹⁰⁾⁽¹¹⁾	
Adult Business Permit	Actual Cost Min Charge/ Deposit:	\$3,000	\$70	\$410			\$50	\$50	\$21	\$3,601	Deposit
Ag Grievances	Actual Cost Min Charge/ Deposit:	\$3,000	\$210	\$410	\$144	\$200	\$200	\$200	\$78	\$4,442	Deposit
Alcohol Beverage Control (ABC) License		\$102 \$105							\$1	\$403 \$106	
Appeal of Planning Commission Decision to Board of Supervisors		\$1,158 \$1,195				\$100			\$12	\$1,270 \$1,307	
Appeal of Staff Determination to Planning Commission		\$1,799 \$1,857			\$144				\$12	\$1,955 \$2,013	
Building/Grading Permit Review (4)		\$75 \$77					\$1.28/ \$1,000			\$75 \$77	plus \$1.28/ \$1,000
Business License Application		\$82 \$83								\$82 \$83	
Combination Application (2)										See Note 2 Below	
Community Plan Amendment	Actual Cost Min Charge/ Deposit:	\$5,000	\$340	\$410	\$144	\$200	\$200	\$200	\$81	\$6,575	Deposit
Condition of Approval or Development Standard Modification (6)		\$1,718 \$1,773	\$450	\$160	\$72				\$37	\$2,437 \$2,492	
Continuance Request for PC		\$316 \$326			\$72					\$388 \$398	
Continuance Request for BOS		\$313 \$323			\$64	\$144				\$521 \$531	
Development Agreement	Actual Cost Min Charge/ Deposit:	\$5,000	\$210	\$410	\$144	\$200	\$200	\$200	\$78	\$6,442	Deposit
Environmental Impact Report Separate Fee Charged In Addition To Regular Application Fee	Actual Cost Min Charge/ Deposit:									Deposit - To be determined based on cost estimate	
Environmental Studies & Peer Reviews	Actual Cost Min Charge/ Deposit:									Deposit - To be determined based on cost estimate	
Field Inspections & Site Visits (9) To Verify Conditions Of Approval/Mitigation Measures	Actual Cost Min Charge/ Deposit:	\$151								\$151	Deposit
General Plan Amendment	Actual Cost Min Charge/ Deposit:	\$5,000	\$210	\$410	\$144	\$200	\$200	\$200	\$78	\$6,442	Deposit
Historical Site Review (Staff Approval)		\$382 \$394	\$70	\$410			\$50	\$50	\$21	\$983 \$995	
Historical Site Permit		\$3,678 \$3,694	\$210	\$410	\$144		\$100	\$100	\$46	\$4,689 \$4,704	
Landscape Plan Review		\$76 \$77								\$76 \$77	
Landscape/Site Inspection		\$154 \$156								\$154 \$156	
Minor Lot Line Adjustment In R, C, M, PD, PI, IBP, LI Zones		\$333 \$344	\$210	\$160			\$50	\$50	\$14	\$817 \$828	
Minor Lot Line Adjustment In A-2 Zone Without Williamson Act		\$464 \$479	\$695	\$160			\$50	\$50	\$27	\$1,446 \$1,461	
Lot Line Adjustment In A-2 Zone With Williamson Act		\$717 \$740	\$695	\$160		\$50	\$50	\$50	\$33	\$1,765 \$1,778	
Merger		\$257 \$265							\$2	\$259 \$267	
Mine Use Permit/ Reclamation Plan (RP)/ RP Amendment	Actual Cost Min Charge/ Deposit:	\$15,000	\$255	\$160	\$144		\$200	\$200	\$70	\$16,029	Deposit
Mine Inspections	Actual Cost Min Charge/ Deposit:									Deposit - To be determined based on cost estimate	
Mine Reinspection	Actual Cost Min Charge/ Deposit:									Deposit - To be determined based on cost estimate	
Mobile Home Application		\$257 \$265							\$7	\$264 \$272	
Mobile Home Renewal		\$59 \$61							\$1	\$60 \$62	
Mobile Home Renewal - Late Fee		\$148 \$122							\$1	\$149 \$123	

FEES	ACTUAL COST ⁽¹⁾	PLANNING	PUBLIC WORKS ^{(7) (8)}	DER ^{(7) (8)}	PLAN. COMM. CLERK	CLERK OF THE BOARD ⁽⁸⁾	GEN PLAN MAINT	FLOOD PLAIN ADMIN	GIS MAINT	TOTAL FEE ⁽⁵⁾⁽¹⁰⁾⁽¹¹⁾	
Parcel Maps (R, C, M, LI, IBP, PD, PI Zones) (6)		\$2,626 \$2,710	\$450	\$410	\$144		\$100	\$100	\$41	\$3,871 \$3,955	plus \$30/lot
Parcel Maps (A-2 Zone, Non-Williamson Act And < 4 Parcels + Remainder) (6)		\$3,136 \$3,236	\$450	\$410	\$144		\$100	\$100	\$43	\$4,383 \$4,483	plus \$30/lot
Parcel Maps (A-2 Zone, With Williamson Act Or > 4 Parcels + Remainder) (6)		\$3,136 \$3,236	\$450	\$410	\$144		\$100	\$100	\$57	\$4,997 \$4,497	plus \$30/lot
Permit and Zoning Research (9)	Actual Cost Min Charge/ Deposit:	\$151								\$151	Deposit
Recirculation of Mitigated Negative Declaration	Actual Cost Min Charge/ Deposit:	\$3,000	\$210	\$160	\$144					\$3,514	Deposit
Rezone	Actual Cost Min Charge/ Deposit:	\$10,000	\$210	\$410	\$144	\$400	\$200	\$200	\$78	\$11,642	Deposit
SMARA Determination (Proposed Fee)		\$495					\$50	\$50	\$16	\$611	
Specific Plans	Actual Cost Min Charge/ Deposit:	\$20,000	\$340	\$410	\$144	\$200	\$200	\$200	\$81	\$21,575	Deposit
Staff Approval Permit - With Referral		\$485 \$511	\$70	\$160			\$50	\$50	\$16	\$841 \$857	
Staff Approval Permit - Without Referral & Single-Family Residence In Ag Zone		\$268 \$277					\$20	\$20	\$7	\$315 \$324	
Street Name Change	Actual Cost Min Charge/ Deposit:	\$500	\$125		\$72				\$11	\$708	Deposit
Subdivision Ordinance Exception		\$2,057 \$3,052	\$140	\$410	\$144		\$100	\$100	\$55	\$3,906 \$4,001	
Tentative Subdivision Map (3)	Actual Cost Min Charge/ Deposit:	\$6,500	\$550	\$888 \$928	\$144		\$200	\$200	\$89	\$9571 \$8611	Deposit plus \$30/lot
Time Extensions		\$1,718 \$1,773			\$72				\$10	\$1,800 \$1,855	
Use Permit - Agricultural - All Tiers (6)		\$3,230 \$3,333	\$450	\$410	\$144		\$100	\$100	\$55	\$4,489 \$4,592	
Use Permit - Non-Agriculture Zones (6)		\$3,230 \$3,333	\$450	\$410	\$144		\$100	\$100	\$45	\$4,479 \$4,582	
Use Permit - Requiring Board Of Supervisors Approval (6)		\$3,785 \$3,906	\$450	\$410	\$144	\$200	\$200	\$200	\$63	\$5,452 \$5,573	
Verification Letter - Single SFD		\$115 \$119							\$1	\$116 \$120	
Verification Letter - All Other Uses		\$199 \$196							\$3	\$193 \$199	
Waiver - Noise Control	Actual Cost Min Charge/ Deposit:	\$3,000			\$144				\$12	\$3,156	Deposit
Williamson Act Contract		\$420 \$433	\$70			\$60			\$4	\$554 \$567	
Williamson Act Notice of Non-Renewal		\$136 \$140							\$2	\$138 \$142	
Williamson Act Cancellation (2)		\$900 \$929				\$400	\$200	\$200	\$28	\$1,728 \$1,757	
Zoning Ordinance Text Amendment	Actual Cost Min Charge/ Deposit:	\$5,000	\$210	\$410	\$144	\$400	\$200	\$200	\$68	\$6,632	Deposit
Zoning Ordinance Variance		\$2,957 \$3,052	\$160	\$410	\$144		\$100	\$100	\$55	\$3,926 \$4,021	

PLANNING FEE SCHEDULE NOTES

(1) Fees described above that require a deposit and are charged at "actual cost" have a minimum charge associated with them. The deposit required is the minimum charge and is non-refundable.* This DOES NOT include any necessary consultant costs for environmental review, specialized studies, financial consulting or any other expert consulting services potentially needed by the County for processing these applications. Monthly draws against the deposit will be made based on staff time and materials needed to process the applications. Staff costs and expenses for Planning, Public Works, and DER will be billed at fully burdened weighted labor rates as provided by the Auditors Office at the time of services rendered.

Invoices will be calculated on a quarterly basis and forwarded to the applicant for payment. If the deposit reaches a balance of 20% of the initial deposit or less, the Applicant will be asked to make a subsequent deposit in an amount dependent upon the amount of work left to complete on processing. Applicants will be expected to pay the subsequent deposit within 30 days of invoice date. In the event that the account is not paid within 30 days of the invoice date, processing will be suspended until such time that payment is made. Any remainder will be used to reconcile your final bill. If there is a balance remaining after reconciling the final bill, a refund check will be mailed to you. Public hearings will not be scheduled until payment in full is received.

* Fees may be refunded if the Planning Director, or his/her appointed designee, determines extraordinary circumstance warranting a refund exist.

(2) Applications for two or more actions (e.g., Tentative Map and Exception) will be charged the highest application fee, except applications for a Lot Line Adjustment or Williamson Act Cancellation. See Exceptions note below. For those applications for two or more actions that include an action that is charged at "actual cost" (e.g., General Plan Amendment, Rezone, & Parcel Map) they will be charged the highest deposit amount as a minimum charge and deposit; this deposit is non-refundable.* All additional staff time and expenses needed to complete the application processing that exceed the deposit amount will be charged at actual cost, including staff costs to be billed at weighted labor rate per note (1).

Exceptions: If a Lot Line Adjustment is included in a Combination Application, an additional \$695 will be required beyond the set fee or deposit amount in order to obtain a "Certificate of Compliance" from Public Works. Applications for a Williamson Act Cancellation shall pay a separate fee except when combined with an "actual cost" action.

(3) Department of Environmental Resources charges for Tentative Map review reflect a minimum charge of eight hours at a weighted labor rate of \$116.00 per hour. Additional time required for Tentative Map review will be charged at the same hourly rate.

(4) A General Plan Maintenance Fee will be charged for every Building Permit of \$1.28 per \$1,000 of improvement valuation. This fee will be collected with other Building Permit fees and will be calculated based on the total valuation of the improvement as determined through the normal Building Permit process.

(5) If your project falls within an Airport Planning Boundary, a separate application and fee will be required for the Airport Land Use Commission (ALUC). You will be required to contact the ALUC and submit an application for review. For information purposes only: Projects are identified by the ALUC as either "Major" or "Minor" and the ALUC has adopted the following project review fees as of November 2005: Major: \$1,200, Minor: \$225. An amendment to the ALUC Plan will be charged as "actual cost" with a deposit and minimum charge the same as a General Plan Amendment and appeal of a staff determination as reflected on the current Planning Fee Schedule. Applicants should check with the ALUC to verify application costs.

(6) Department of Public Works charges for Condition of Approval or Development Standards Modifications, Parcel Maps, and Use Permits reflect a minimum charge of five hours at a weighted labor rate of \$90.00 per hour. Additional time required for these request will be charged at \$95 per hour for construction engineering services or \$105 per hour for plan checking/engineering services.

(7) Fees for the Department of Public Works and the Department of Environmental Resources shall only apply when processing of the application(s) require referral to and/or action by the respective departments

(8) A 1% Administrative Cost Recovery Fee will be charged to Public Works, Department of Environmental Resources, and Clerk of the Board for fees collected during the Land Use Application process. An additional 2.5% fee will be charged for fees collected by credit card.

(9) Deposit reflects a two hour minimum charge calculated annually based on the July 1st average weighted labor rate of planner staff (assistant/associate/senior/deputy director) assigned to performing the work. Actual cost for field inspections/site visits shall include mileage.

(10) Any application which has been inactive for one year or more will be recharged current applicable fees, unless it is determined by the Director that the work performed under the original fee will not need to be revised and/or updated.

(11) Any application submitted to legalize or correct for a violation of Stanislaus County Code shall be charged actual cost with a deposit amount equal to the adopted application fee.

ADDITIONAL FEES REQUIRING SEPARATE PAYMENT

California State Archaeology Clearinghouse Fees - Applicable to MANY discretionary Permits - Inquire with staff Make Check payable to "Central California Information Center" Payable at the time of Application Submittal	\$150.00 per hr min. 0.15 per copy
*** Fees subject to change without County approval required. Contact Elizabeth Greathouse at (209) 667-3307 for current fees	

California Fish and Wildlife Environmental Fees - Applicable to ALL discretionary Permits unless found exempt from CDFW Fees Environmental Impact Report Mitigated Negative Declaration / Negative Declaration Make Check payable to: Stanislaus County Payable within 5 days of Planning Commission or Board of Supervisors Action on Project	\$3,271.00 \$2,354.75
*** Fees subject to change without County approval required. For current fees go to www.dfg.ca.gov/habcon/ceqa/ceqa_changes.html	

County Clerk Recorder Fee - Applicable to ALL discretionary Permits, Williamson Act actions, CDFW DeMinimus Findings, and CEQA filings Make check payable to: Stanislaus County Clerk Recorder Payable within 5 days of Planning Commission or Board of Supervisors Action on Project	\$57.00
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ADDITIONAL RECORDER FEES, IN ADDITION TO ANY OTHER FEES, WILL BE REQUIRED IF DOCUMENTS MUST BE RECORDED
Fees are set by the Clerk Recorder's Office

DOCUMENTS & OTHER MEDIA: Reproduction costs for any document or other media retained by the Planning Department shall be actual cost.		
Photocopy Charges:	1st Page	\$1.00
	Additional Pages	\$0.25 per page

STANISLAUS COUNTY ORDINANCE C.S. 1237

Upon motion of Supervisor Chiesa, seconded by Supervisor Olsen, Ordinance C.S. 1237 was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 21st day of May 2019, by the following called vote:

AYES: SUPERVISORS: Olsen, Chiesa, Berryhill, DeMartini, and Chairman Withrow
NOES: None
ABSENT: None
ABSTAINING: None

Ordinance C.S. 1237 to establish a new fee and amend existing fees for Planning Services for the Department of Planning and Community Development.

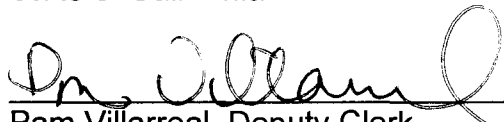
NOTICE IS FURTHER GIVEN that a full copy of the ordinance is available for review in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA. For further information, contact Angela Freitas, Director of the Planning and Community Development Department at (209) 525-6330 between the hours of 8:30 a.m. and 4:30 p.m., planning@stancounty.com or at 1010 10th Street, Suite 3400, Modesto, CA.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: May 21, 2019

ATTEST: ELIZABETH A. KING, Clerk
of the Board of Supervisors
of the County of Stanislaus,
State of California

BY:


Pam Villarreal, Deputy Clerk

ORD-H-3