ORDINANCE NO. 7

AN ORDINANCE FOR THE ASSESSMENT OF DRAINAGE FEES TO BE COLLECTED PRIOR TO ISSUANCE OF BUILDING PERMITS IN EIGHT SPECIAL DRAINAGE AREAS

Section 1. The Board of Supervisors of the County of San Diego, acting as and constituting the Board of Directors of the San Diego County Flood Control District, do ordain as follows:

SPECIAL DRAINAGE AREA FEE PROGRAM
FOR EIGHT SPECIAL DRAINAGE AREAS

ORDINANCE

Section 1.111. TITLE. The Ordinance shall be known as the Drainage Fee Ordinance for Eight Special Drainage Areas (SDA's) and may be cited as such.

Section 1.112. PURPOSE OF ORDINANCE. The purpose of this ordinance is to make provision for assessing and collecting drainage fees as a condition of issuing a building permit to defray the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas as provided by Section 17.1 of the San Diego County Flood Control District Act (West's Water Code Appendix Section 105.1 et. seq.)

Section 1.113. FINDINGS. The Board of Directors, pursuant to Section 17.1 of the Act, finds that:

1. The further development of property within the eight Special Drainage Areas (SDA's) as detailed on the local drainage area fee maps will require the construction of the facilities shown on those fee maps.

2. The fees established herein are based upon estimated costs of these facilities and the existing facilities which costs are fairly apportioned within the SDA's on the basis of benefits conferred on property proposed for development or on the need for the designated facilities created by the development of property within the SDA's.

Section 1.114. DEFINITIONS. Whenever the following words are used in this Chapter, these shall have the meaning ascribed in this section:

a. "Special Drainage Area Fee Maps" (SDA Fee Maps) mean maps showing the boundaries of each Special Drainage Area and the location of all planned facilities within each area and containing a description and estimated cost of each facility and a schedule of fees for each local drainage area. The "Special Drainage Area Fee Maps" constitute the plan and map referred to in Section 17.1 of the District Act. The SDA Fee Maps may be changed from time to time by action of the Board of Directors. The SDA Fee Maps are on file with the Clerk of the Board of Directors as Document No. 742240(a).

b. "Special Drainage Area" (SDA) means a local or neighborhood drainage area within the meaning of Section 17.1 of the Act and may include all lands lying within the boundaries designated on the SDA Fee Maps.

c. "Fee Rate" shall be determined as follows and applied under Section 1.118:

SPECIAL DRAINAGE AREA	FEE RATE PER SQUARE FOOT	
	RESIDENTIAL	NON-RESIDENTIAL
Valle de Oro	$0.69	$0.91
Sweetwater	$1.35	$1.80
Jamul	$0.16	$0.21
Bostonia	$1.27	$1.69
Lakeside	$0.83	$1.10
Alpine	$0.17	$0.23
San Dieguito	$0.15	$0.20
North County Metro	$0.34	$0.48
average:	0.62 ($1.17)	0.83 ($1.56)

Section 1.115. SPECIAL DRAINAGE AREAS ESTABLISHED. The SDA's for Valle de Oro, Sweetwater, Jamul, Bostonia, Lakeside, Alpine, San Dieguito and North County Metro are hereby established. Said SDA's are depicted upon the SDA Fee Maps and any amendments thereto.

Section 1.116. SPECIAL DRAINAGE AREA FACILITIES. The Board of Directors hereby finds that the development of land within the meaning of the District Act will require the construction of those drainage facilities described on the SDA Fee Maps. Said facilities shall hereinafter be referred to as Special Drainage Area Facilities (SDAF).

Section 1.117. ESTIMATED COSTS. The Board of Directors also finds that the total estimated costs effective through December 31, 1991, for the SDAF within the Valle de Oro, Sweetwater, Jamul, Bostonia, Lakeside, Alpine, San Dieguito and North County Metro SDA's, are as set out in the SDA Fee Maps.

It further finds that if such costs were apportioned uniformly on a potential square foot of buildings basis within each SDA, the pro rata share in each SDA would be as set out above.

Section 1.118. DRAINAGE FEES ESTABLISHED. Pursuant to Section 17.1 of the District Act, the drainage Fee set out in the SDA Fee Maps adopted by action of the Board of Directors shall be paid for developments within the eight SDA's established herein.

The drainage fee shall be calculated follows:

The product of the number of square feet of building(s) in the development and the applicable fee rate.

Section 1.119. PAYMENT OF FEES. The fees required pursuant to this Ordinance shall be paid as a condition of and prior to issuance of a building permit.

Section 1.120. ADJUSTMENT OF FEES. The fee established by Section 1.118 hereof have been established in part on estimated costs to construct SDAF in the calendar year 1991. The Board of Directors shall review and adjust the fee rates when there has been a minimum of a 2% increase or decrease in costs of construction as determined by the ENR Cost of Construction Index for Los Angeles, but no more than once in a year. However, the maximum amount of fee payable by a applicant shall be calculated based on the fee rate in effect on the date that the building permit application is filed with and the application fees paid to the County.

Section 1.121. USE OF DRAINAGE FEE. The fees collected hereunder shall be segregated into a Special Drainage Area fund established for each SDA, and the funds therein and interest accruing thereto shall be expended in accordance with Section 17.1 of the District Act.

Section 1.122. APPLICABILITY. This Ordinance shall not be applicable to any building permit application filed prior to the first day after the effective date of this Ordinance. For purposes of this Ordinance the filing of a building permit application shall occur on the date that the application fees are paid to the County.

If a drainage fee has previously been paid under a subdivision application covering the same parcel or lot, said fee shall be waived.

Section 1.123. EXEMPTIONS. The following types of Building Permits are exempt:

Demolition
Compliance Survey
Reinspection
Signs
Driveways
Fences/Free Standing Walls/Retaining Walls
Swimming Pools/Spas/Saunas
Solar Array Installations
Building Constructed for Government Use
Residential additions with a valuation of $20,000 or less (does not include supplementals)
Interior Remodel of Existing Dwellings
Patio Covers NOT Enclosed
Carports NOT Enclosed
Reroof/Roof Structure Replacement
Awnings or Canopies NOT Enclosed
Interior/Exterior Plaster/Stone-Brick Veneer
Replacement on the same parcel by the owner of a dwelling or dwellings destroyed by fire or other calamity, provided that the application for a building permit to replace such dwelling is filed with the Director within one (1) year after destruction of the dwelling
Tenant Improvement (no increase in floor area-interior work only)
Move-ons (moving an existing structure within a particular SDA)
Fire Stations
Residential Garage Conversions
Commercial Garage Conversions

Section 1.124 APPEAL. Notwithstanding any other provision of this Ordinance, the applicant shall (as part of the building permit process), have the right to present evidence to demonstrate that the fee calculation is incorrect or inequitable as applied in such case.

The applicant shall have the burden of establishing that the fee calculation is incorrect or inequitable. Prior to the issuance of the building permit, the applicant may appeal in writing to the Director, Department of Public Works and provide all engineering studies, cost estimates, and any other relevant data necessary to support the applicant's contentions. If the Director verifies that the calculated fee is in error, the Director shall take action to correct the fee amount.

If the applicant disagrees with the Director's decision, an appeal may be filed with the Flood Control District Board of Directors within fifteen (15) days following the Director's decision. Appeals shall be submitted in writing. A fee of $300, shall accompany each appeal made to the Board. The decision of the Board shall be final.

Section 2. This ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published once with the names of the members voting for and against the same in the San Diego Daily Transcript, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED this 11th day of June, 1991.

JOHN MACDONALD
Chairman of the Board of Directors
of the San Diego County Flood Control
District

The above ordinance was adopted by the following vote:

Director Brian P. Bilbray	is out of the room when the roll is called
Director George F. Bailey	voting "Aye"
Director Susan Golding	voting "Aye"
Director Leon L. Williams	is out of the room when the roll is called
Director John MacDonald	voting "Aye"

ATTEST my hand and the seal of said District this 24th day June, 1991.

(SEAL)

THOMAS J. PASTUSZKA
Clerk of the Board of Directors
San Diego County Flood Control District

By Maria A. Tiscareno
Maria A. Tiscareno, Deputy