

AN ORDINANCE FOR THE ASSESSMENT OF A
DRAINAGE FEE TO BE COLLECTED PRIOR TO THE
ISSUANCE OF A BUILDING PERMIT IN THE
SPRING VALLEY/CASA DE ORO SPECIAL DRAINAGE AREA

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 SPRING VALLEY/CASA DE ORO

CHAPTER 1
ORDINANCE

Section 1.111. TITLE. The Ordinance shall be known as the
Drainage Fee Ordinance for the Spring Valley/Casa de Oro Special
Drainage Area (SDA) 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 Deering's Water-Uncodified Acts (San Diego County
Flood Control District Act).

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

(1) The further development of property within the Spring
Valley/Casa de Oro Special Drainage Area as detailed on the local
drainage area fee map will require the construction of the
drainage facilities shown on that fee map.

(2) The fees established herein are based upon estimated
costs of these facilities which costs are fairly apportioned
within the SDA 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..

Section 1.114. DEFINITIONS. Whenever the following words
are used in this Ordinance, they shall have the meaning ascribed
to them in this section.

(a) "Special Drainage Area Fee Map" means a map 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 Map" constitutes the plan and map referred to in Section 17.1 of the District Act. The Special Drainage Area Fee Map may be changed from time to time by action of the Board of Supervisors. The Special Drainage Area Fee Map is on file with the Clerk of the Board of Directors as Document No. 719800(a).

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

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

Spring Valley/Casa de Oro
Special Drainage Area

<u>BUILDING TYPE</u>	<u>FEE RATE</u>
Residential	\$0.54/square foot
Non-Residential	\$0.70/square foot

Section 1.115. DRAINAGE AREA ESTABLISHED. SDA for Spring Valley/Casa de Oro is hereby established. Said SDA is depicted upon the Special Drainage Area Fee Map 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 in the Special Drainage Area Fee Map. 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, 1989, for the SDAF within the Spring Valley/Casa de Oro SDA are as set out in the Special Drainage Area Fee Map.

It further finds that if such costs were apportioned uniformly on a potential square foot of buildings basis, the pro rata share in the SDA would be as set out in the Special Drainage Area Fee Map.

Section 1.118. DRAINAGE FEES ESTABLISHED. Pursuant to the Section 17.1 of the District Act, the drainage fee set out in the Special Drainage Area Fee Map adopted by action of the Board of Directors shall be paid for developments within the Spring Valley/Casa de Oro SDA established herein.

The drainage fee shall be calculated as follows:

The product of the fee rate (cents per square foot) and number of square feet of building (total floor area, all floors of all buildings) in the development.

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

Section 1.120. ADJUSTMENT OF FEE RATE. The fee rate established by Section 1.118 hereof has been established in part on estimated costs to construct SDAF in the calendar year 1989. The Board of Directors shall review and adjust the fee rate when there has been a minimum of a 2% increase or decrease in costs of construction as determined by the ENR Construction Cost Index for Los Angeles, but no more than once in a year. However, the maximum amount of fee payable by an 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. If the Board of Directors does not review and adjust the fee rate, the previously established fee rate shall remain in effect until such review has been conducted.

Section 1.121. USE OF DRAINAGE FEE. The fees collected hereunder shall be segregated into a special local drainage area facilities fund established for the Spring Valley/Casa de Oro 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 property, such fee shall be credited against current requirements as calculated under Section 1.118.

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 Governmental Use

Residential additions with a valuation of \$20,000 or less (does not include supplementals)
Interior Remodel of Existing Dwellings
Patio Covers NOT Enclosed
Decks/Balconies/Stairs 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 this Special Drainage Area
Fire Stations
Residential Garage Conversions
Commercial Garage Conversions

Section 1.123. APPEAL. Notwithstanding any other provision of this Ordinance, the applicant may, 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 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, he shall take action to correct the fee amount.

If the applicant disagrees with the Director's decision, an appeal may be filed within fifteen (15) days following the Director's decision with the Flood Control District Board of Directors. Appeals shall be submitted in writing. A fee of \$300.00 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 sixty (60) 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 23rd day of May,
1989.

SUSAN GOLDING
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 F. Bilbray	voting "Aye"
Director George F. Bailey	voting "Aye"
Director Susan Golding	voting "Aye"
Director Leon L. Williams	is absent and not voting
Director John MacDonald	is absent and not voting

ATTEST my hand and the seal of said Flood Control District this
23rd day of May, 1989.

KATHRYN A. NELSON
Clerk of the Board of Directors of the
San Diego County Flood Control District

By Maria A. Tiscareno
Deputy

(SEAL)

RECORDED
INDEXED
MAY 24 1989
William E. Smith

