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Counsel

Michael G. Colantuono

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AGENDA REPORT Consent | Action

February 5, 2018

TO: San Diego Commissioners
FROM: Keene Simonds, Executive Officer
Tamaron Luckett, Executive Assistant
SUBJECT: **Amendments to Adopted Fee Schedule |
Filing of Environmental Determinations**

SUMMARY

The San Diego Local Agency Formation Commission (LAFCO) will consider amendments to the adopted fee schedule tied to processing proposals under the California Environmental Quality Act (CEQA). All amendments involves increases to third-party charges paid to the County of San Diego Clerk-Recorder and range in relative costs from 0.9% to 2.9%.

BACKGROUND

Fee Schedule Requirement

LAFCOs are directed under State law to establish a schedule of fees for the costs of administering its prescribed regulatory and planning responsibilities. This includes establishing fees to cover its own costs to process change of organization proposals, outside service requests, and sphere of influence amendments as well as necessary third-party charge.

Adopted Fee Schedule

San Diego LAFCO's fee schedule was last amended in January 2017. The fee schedule generally assigns fixed application fees and largely based on (a) acreage size and (b) number of affected agencies involved in a specific proposal. The fee schedule also identifies several other charges collected on behalf of other agencies. This includes fees tied to filing requirements for projects under CEQA.

DISCUSSION

In response to notice from the County of San Diego Clerk-Recorder’s Office this item is for the San Diego LAFCO to approve amendments to its adopted fee schedule to accurately reflect new pass-through charges associated with processing proposals under the CEQA. This involves updating and increase fees required by the Clerk-Recorder’s Office with respect to filing notices necessary to complete the public review process involving negative declarations, mitigated negative declarations, and environmental impact reports. The proposed changes are summarized below.

Notice Type	Existing	New
Negative Declaration	\$2,261.25	\$2,280.75
Mitigated Negative Declaration	\$2,261.25	\$2,280.75
Environmental Impact Report	\$3,078.25	\$3,168.00
Certified Regulatory Program	\$1,046.50	\$1,077.00

ANALYSIS

The proposed amendments to the fee schedule clarify the true costs of processing proposals with LAFCO and in particular as it relates to complying with CEQA. These costs have no direct impact on the Commission with the exception of the limited instances when the agency serves as lead agency and initiates an action not exempt from further review under CEQA. Examples of the latter comment would potentially include initiating the formation or dissolution of a special district. A more thorough review of the fee schedule and structure is forthcoming as part of an anticipated comprehensive update.

ALTERNATIVES FOR ACTION

The following alternatives are available to the Commission in considering this item:

Alternative One (recommended)

Approve the amendments to the adopted fee schedule as provided in Attachment One.

Alternative Two

Continue the item to a future meeting and provide direction to staff with respect to any additional analysis or information requested.

RECOMMENDATION

It is recommended the Commission proceed with Alternative One as outlined in the preceding section.

PROCEDURES

This item has been placed on the agenda as part of the consent calendar. Accordingly, a successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation as provided unless otherwise specified by the Commission.

Respectfully,



Keene Simonds
Executive Officer



Tamaron R. Luckett
Executive Assistant

Attachments:

- 1) Proposed Amendments to Fee Schedule (Track-Change)
- 2) Notice from the County of San Diego Clerk-Recorder's Office

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SAN DIEGO LAFCO PROCESSING FEE SCHEDULE *
EFFECTIVE | JANUARY 1, 2018

Attachment One

<u>ACRE(S)</u>	<u>FEE AMOUNT</u>
.50 acre and less	\$2,660
.51 -.99 acre	\$3,325
1 - 9.9	\$4,050
10 - 19.9	\$4,990
20 - 49.9	\$5,830
50 - 99.9	\$6,785
100 – 149.9	\$7,850
150 – 199.9	\$9,060
200+ (\$9,060 plus an acreage fee of \$90 per 100 acres over 200 acres)	\$9,060 / \$90
Incorporation (\$13,750 deposit, plus 60% of actual LAFCO review costs)	\$13,750+
District Formation	\$9,650
Consolidation/Merger/Dissolution/Subsidiary District	\$5,500
Dissolution for Inactivity	\$695

* The above fees are charged for each jurisdictional change (i.e., annexation, detachment, latent power activation or expansion) and sphere amendment associated with a proposal, and apply to cities and districts. For contractual service agreements, payment of the applicable annexation and/or detachment fees as well as sphere amendment(s) must be made upon submittal of a contractual service agreement application. Proponents shall be responsible for actual hearing notification and mailing costs for public hearing items.

SURCHARGE

There will be a 30% surcharge for consideration of contractual service agreements. This surcharge is due prior to LAFCO consideration of the related annexation/detachment application. The surcharge does not apply to service agreements involving health or safety concerns where the property is eligible for immediate annexation, or fire protection contracts that receive agreement from all affected public agencies.

CITY AND DISTRICT SPHERE OF INFLUENCE UPDATE**

	<u>FEE AMOUNT</u>
Base rate for all city and district sphere update proposals	\$5,500
Acreage fee for every 100 acres included in the sphere update proposal beyond the current sphere	\$410
City or district service review	\$5,500

** No sphere update or service review processing fee will be charged for sphere updates that involve reaffirmations or minor amendments. The acreage component for *district* sphere updates may be waived for financial hardship or other circumstances affecting the ability of a *district* to pay fees. Proposals (e.g., consolidations, dissolutions, etc., deemed consistent with LAFCO objectives) will not be charged a processing fee if the applicant pays a sphere update fee and submits a sphere update study and supplemental feasibility report accepted as complete by the Executive Officer.

REQUEST FOR RECONSIDERATION/TIME EXTENSION

		<u>FEE AMOUNT</u>
Request for reconsideration of LAFCO determination		\$1,030
Request for extension of time to complete proceedings		\$350

PETITION FILING FEES

In addition to the proposal processing fee, each application submitted by petition will be charged LAFCO's actual costs to verify the signatures.

OTHER FEES

Applicants are responsible for payment of LAFCO's actual costs associated with conducting authority and protest proceedings.

ENVIRONMENTAL REVIEW

(P.R.C. Section 21089)

CEQA Exemption.....	Actual cost
Review of Initial Study and preparation of Negative Declaration, Mitigated Declaration OR determination that EIR is required.....	Actual cost
Extended Initial Study (if required).....	Actual cost
Preparation of EIR.....	Actual cost
Department of Fish and Game Fee: Effective January 1, 2018	
Negative Declaration OR Mitigated Negative Declaration.....	\$2,280.25
EIR.....	\$3,168.00
Environmental Document pursuant to a Certified Regulatory Program (CRP).....	\$1,077.00
County Clerk Processing Fee.....	\$50.00

INCORPORATION FISCAL ANALYSIS REVIEW

		<u>FEE AMOUNT</u>
Processing of Request for State Controller's Review of an incorporation fiscal analysis		\$3,990

State Controller's review of fiscal analysis Actual cost

PAYMENT OF FEES: Fees are due when proposals are submitted to LAFCO. A supplemental fee may be charged and collected prior to the LAFCO hearing if additional acreage or actions are required.

EXCEPTIONS: Fees may be waived or reduced by the Executive Officer if financial hardship is demonstrated, OR if application is in response to a LAFCO condition or recommendation.

PRE-APPLICATION CONSULTATION AND SPECIAL STUDY SERVICES: Actual cost for pre-application consultation and special study services beyond the first five hours of service provided.



COUNTY OF SAN DIEGO

ERNEST J. DRONENBURG, JR.
ASSESSOR/RECORDER/COUNTY CLERK

www.sdarcc.com



ASSESSOR'S OFFICE
1600 PACIFIC HIGHWAY, SUITE 103
SAN DIEGO, CA 92101-2480
(619) 236-3771 • FAX (619) 557-4056

RECEIVED

JAN 05 2018

RECORDER/COUNTY CLERK'S OFFICE
1600 PACIFIC HIGHWAY, SUITE 260
P.O. BOX 121750, SAN DIEGO, CA 92112-1750
(619) 237-0502 • FAX (619) 557-4155

January 3, 2018

SAN DIEGO LAFCO

TO: ALL LEAD AGENCIES AND INTERESTED PERSONS

RE: DEPARTMENT OF FISH & GAME – UPDATE FILING FEES INCREASE

This letter is to notify you of an adjustment in the environmental filing fees for proposed projects requiring a Negative Declaration (ND) or Environmental Impact Report (EIR) under CEQA.

Fish and Game Code (FGC) Section 711.4 requires the Department of Fish and Game (Department) to collect a filing fee to defray the costs of managing and protecting public trust resources for activities related to environmental review pursuant to CEQA. The environmental filing fees pay for important Department activities, including but not limited to consulting and coordinating with other public agencies, reviewing environmental documents, recommending avoidance and mitigation measures to eliminate or reduce project impacts to fish and wildlife, developing mitigation monitoring requirements and carrying out other activities to protect public trust resources under CEQA.

Pursuant to FGC Section 713, the filing fee is adjusted annually based on changes to the Implicit Price Deflator for State and Local Government Purchases of Goods and Services as published by the US Department of Commerce. The filing fees for calendar year 2018 are shown in the table below and are available on the Department's website at:
http://www.dfg.ca.gov/habcon/ceqa/ceqa_changes.html.

While the filing fees have changed for 2018, the process for payment of filing fees has not changed. The fee is due at the time a Notice of Determination (NOD) is filed. Local lead agencies must pay the fee to the appropriate County Clerk when filing an NOD locally (FGC Section 711.4). County Clerks should not accept nor post an NOD from a local lead agency, unless it is accompanied by one of the following:

1. The correct Department filing fee payment (see table).
2. An Environmental Filing Fee Cash Receipt (FG 753.5a) or Department-approved equivalent showing previous payment of the filing fee for the same document, or
3. A No Effect Determination signed by a Department official which documents that the project will have no effect on fish and wildlife.

A lead agency typically files its NOD before responsible agencies file their project NODs, payment will normally be required at the time of the lead agency's filing. Responsible agencies may submit a copy of an official receipt showing the name of the project and the date and amount of payment. If a receipt showing prior payment of the fee is not provided, the fee must be paid at the time a responsible agency files its NOD. If a required filing fee is not paid for a project, the project will not be operative, vested, or final and any local government permits issued for the project will not be valid (FGC Section 711.4 (c) (3)).

CEQA DOCUMENT	2017 FILING FEE	UPDATED-FEE EFFECTIVE JANUARY 1, 2018
Negative Declaration (ND)	\$2,261.25	\$2,280.75
Mitigated Negative Declaration (MND)	\$2,261.25	\$2,280.75
Environmental Impact Report (EIR)	\$3,078.25	\$3,168.00
Environmental Document pursuant to a Certified Regulatory Program (CRP)*	\$1,046.50	\$1,077.00
County Clerk Processing Fee	\$50.00	\$50.00

* CRPs include certain state agency regulatory programs as defined in section 21080.5 of the Public Resources Code and section 15251 of the CEQA Guidelines. Beginning July 1, 2013, CEQA/CRP Filing Fees will no longer apply to the filing of Notices of Decision or Determination for Forest Practice Rules and Timber Harvest Plans (Pub. Resources Code, § 4629.6, added by Stats. 2012, ch. 289, § 3).

PLEASE NOTE: The \$50.00 documentary handling fee needs to be included with each and every document submitted for filing.

If you have any questions or concerns, please feel free to contact our office at: 619-237-0502.