

ORDINANCE NO. 9643 (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE
TO EXTEND THE TIME THAT AGRICULTURAL EMPLOYEE HOUSING
IS EXEMPT FROM SPECIFIED FEES AND DEPOSITS
REF: POD 03-04

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the following amendments will continue an on going program to waive fees for agricultural employee housing applications. The purpose of these amendments is to continue a program to provide affordable housing for low-income agricultural employees.

Section 2. Section 7602 of the San Diego County Zoning Ordinance is hereby amended to read as follows:

7602 FEES.

Fees shall be paid to the County of San Diego as provided by the Zoning Ordinance for the purpose of defraying the expense of postage, investigation, posting, advertising and other costs incidental to the proceedings prescribed herein. The following provisions shall apply to the establishment, waiver and refund of fees.

- a. Establishment. Fees for consideration of material submitted pursuant to the requirements of the Zoning Ordinance shall be recommended by the Director and approved by the Board of Supervisors.
- b. Fee Schedule. The fees established pursuant to paragraph "a" of this section shall be contained in a Fee Schedule.
- c. Waiver. The application fee for the granting of a Variance, Zone Reclassification, Administrative Permit, Site Plan, or a Use Permit may be waived in any of the following circumstances:
 1. Upon written request of an applicant, when the Director, Planning Environmental Review Board, Planning Commission, or the Board of Supervisors finds the necessity for a Variance is the result of the dedication or granting (without receipt of substantial monetary consideration) of a portion of the property for a public purpose, said Director, Review Board, Commission, or Board may waive the fee for filing the application for Variance, or
 2. If, after considering a statement supplied by the applicant, it is the opinion of the Board of Supervisors that the request is due to a hardship resulting from some error or negligence on the part of the County or its employees.
 3. If the requested waiver of fee is found to conform to the Board of Supervisors Policy regarding refunds and relief from fees when permits are issued in error. The following criteria shall apply:

- (a) An applicant is owed a refund (or a credit) for any fees or deposits paid, fee waiver or other relief when the applicant can demonstrate that:
 - i. The permit issued or approval granted was rescinded due to staff error: or,
 - ii. An additional County permit or approval is required for the project due to staff oversight; and
 - iii. No misinformation was supplied nor information withheld by the applicant that resulted in the permit rescission or initial oversight.
 - (b) Any approval or permit issuance done in error shall not create a liability for the County to pay for or to grant other approvals.
- d. Waived. The application fee is waived for:
- 1. Family Day Care Home for Children, Small Schools and Group Care uses with occupancy of not more than 14 persons.
 - 2. Animal Raising Projects pursuant to Section 3115.
 - 3. Modification of a Major Use Permit for an existing mobilehome park pursuant to Section 6549 a. provided the Director determines that the necessary discretionary action for said modification can occur concurrently with the related tentative subdivision map.
 - 4. Major Use Permit for an existing mobilehome park not established pursuant to the Mobilehome Park Regulations pursuant to Section 6549 b. provided the Director determines that the necessary discretionary action for said Major Use Permit can occur concurrently with the related tentative subdivision map.
 - 5. Any Minor Use Permit for a farm labor camp, or Administrative Permit for farm employee housing, for which a complete application was filed between July 13, 1990, and January 13, 1991 pursuant to Ordinance No. 7768 (N.S.) or was filed between April 5, 1991 and October 5, 1991, pursuant to Ordinance No. 7875 (N.S.) or was filed between October 31, 1991 and July 15, 1992, pursuant to Ordinance No. 8086 (N.S.), or was filed between July 1, 2004 and June 30, 2009 pursuant to Ordinance No. 9643 (N.S).
 - 6. Any application for a Building Permit for farm employee housing for which:
 - (i) the Agricultural Commissioner has issued a certificate of active agricultural enterprise; (ii) the housing is not the subject of an active code enforcement action; (iii) the applicant has entered into the contract

required by Section 6156 u.9. of the Zoning Ordinance; and (iv) a complete application was filed between July 16, 1992 and June 30, 1993, pursuant to Ordinance No. 8086 (N.S.) or was filed between July 30, 1993, and June 30, 1994, pursuant to Ordinance No 8271 (N.S.), or was filed between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N.S.); or was filed between September 15, 1995 and June 30, 1998 pursuant to Ordinance 8574 (N.S.), or was filed between May 14, 1999 and June 30, 2004 pursuant to Ordinance No. 9012 (N.S.) or was filed between July 1, 2004 and June 30, 2009 pursuant to Ordinance No. 9643 (N.S).

Said costs shall include planning and environmental review fees. Costs associated with review by staff of the Departments of Environmental Health and Public Works shall be waived in their entirety.

7. Waive up to the first \$5,000.00 of costs expended by staff within the Department of Planning and Land Use to process any single Minor Use Permit for a farm labor camp which: (i) is not the subject of an active code enforcement action; (ii) the applicant has entered into the contract required by Section 6906.c of the Zoning Ordinance; and (iii) a complete application was filed between July 16, 1992 and June 30, 1993, pursuant to Ordinance No. 8086 (N.S.) or was filed between July 30, 1993, and June 30, 1994, pursuant to Ordinance No 8271 (N.S.), or was filed between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N. S.); or was filed between September 15, 1995 and June 30, 1998 pursuant to Ordinance No. 8574 (N.S.) or was filed between May 14, 1999 and June 30, 2004 pursuant to Ordinance No. 9012 (N.S.), or was filed between July 1, 2004 and June 30, 2009 pursuant to Ordinance No. 9643 (N.S).

Said costs shall include planning and environmental review fees. Costs associated with review by staff of the Departments of Environmental Health and Public Works shall be waived in their entirety.

8. Appeals by any County citizen advisory body of any land use decision, provided such body is authorized to review and make recommendations pertaining to such decisions pursuant to this Ordinance. The decision to file an appeal must be approved by a majority of the group's authorized membership. If no group meeting is scheduled prior to the end of the appeal period, the Chair of the group may file the appeal or must file the appeal if so directed by petition of a majority of the group's membership. The decision to appeal shall then be confirmed by a majority of the group's authorized membership at their next meeting. Failure to achieve a majority vote in favor of appeal shall require the group to withdraw the appeal.
9. A Site Plan filed pursuant to the Community Design Review Area regulations (Section 5750 et seq.) that is a) within the I-15 Corridor (as defined in the County General Plan), and b) for review of a single dwelling

on an existing legal lot or for buildings or structures accessory to such a dwelling.

- e. Refund. At any time prior to final action on any application filed pursuant to the Zoning Ordinance, the applicant may file a written request with the authority having jurisdiction over the application, requesting that the application be withdrawn from further consideration, and that any unused portion of the application fee be refunded. The authority shall then withdraw the application and may recommend to the Board of Supervisors that the application fee or a portion of it be refunded to the applicant. The Board of Supervisors may order the refund of the application fee less any costs said Board shall determine to have been incurred by the County incidental to action on the proposed application.

Section 3. Effective Date. 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 Daily Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED, AND ADOPTED this 5th day of May, 2004.