ANALYSIS

This ordinance amends Chapter 17 of the Los Angeles County Flood Control District Code by:

- Amending Section 17.03 to add definitions for "Flood Control Permit," "Issuance of a Flood Control Permit," and revise the definitions of various other terms to clarify their meanings;
- Amending Section 17.05 to include new fees and to increase existing fees to defray the costs incurred by the Los Angeles County Flood Control District (District) for plan check, inspections, and other activities performed in connection with the issuance of flood hazard reports, the issuance of permits for work affecting District facilities and property rights, the approval of transfer drains, and the provision of other miscellaneous services;
- Amending Section 17.05 to authorize the District to collect an investigation fee for unpermitted work affecting District property or facilities by third persons;
- Amending Section 17.05 to add annual fee adjustments based on the Consumer Price Index (CPI) for subsections A through F in an effort to maintain ongoing cost recovery; and
- Providing for a temporary reduction of 20 percent on the new and increased fees if charged in connection with a project involving one single-family residence or one structure with a building footprint of 10,000 square feet or less, applicable for a period of three years after the adoption date of the ordinance.

ANDREA SHERIDAN ORDIN
County Counsel

By
MARK T. YANAI
Principal Deputy County Counsel
Property Division

MTY:vn

05/24/06 (Requested)
04/12/11 (Revised)

HOA.370494.15

ORDINANCE NO. 2011-0018

An ordinance amending Chapter 17 of the Los Angeles Flood Control District Code, to add and revise definitions and to establish new fees and increase existing fees charged by the Los Angeles County Flood Control District.

The Board of Supervisors of the Los Angeles County Flood Control District ordains as follows:

SECTION 1. Section 17.03 of the Los Angeles County Flood Control District Code is hereby amended to read as follows:

17.03 Definitions.

A. Flood Hazard Report Definitions.

1. "Issu~~ing~~ance of Flood Hazard Reports – ~~r~~Regular flood hazard report" means the process required to make an engineering analysis and issue a report commenting on the degree of flood hazard from rivers, streams, channels, and local drainage to which a subdivision, parcel of land, building, or proposed construction is subject. Said report may include recommendations for mitigating the flood hazard.

2. "Issu~~ing~~ance of Flood Hazard Reports – "~~q~~Quarry flood hazard report" means the process required to make an engineering analysis and issue a report evaluating the degree of flood hazard caused by or to which a quarry operation is subject. Said report may include recommendations for mitigating the flood hazard and operating controls.

B. Plan Check Definitions.

1. "~~Checks of p~~Plan~~s~~ Check for Work Affecting District Facilities – ~~m~~Minor modifications" ~~of District facilities~~ means those plan checks requiring three hours or less for structural, hydraulic, or other technical reviews, as deemed necessary by the District. Minor modifications shall include, but not be limited, to the following:

a. Manhole ~~shaft adjustments~~modifications;

b. Overbuild proposals where structural analysis of footing loads on the District facilities are not necessary;

c. Fencing modifications;

d. Abandoning of catchbasins;

e. Grading over storm-drain facilities; and

f. Utility crossing (aerial and underground).

2. "~~Checks of p~~Plan~~s~~ Check for Work Affecting District Facilities – ~~m~~Major modifications" ~~of District facilities~~ means those plan checks requiring more than three hours for structural, hydraulic, or other technical reviews, as deemed necessary by the District. Case I ~~is for~~shall consist of checks requiring three to eight hours, and Case II ~~is for~~shall consist of checks requiring more than eight hours. Major modifications shall include, but not be limited, to the following:

a. Realignment or reconstruction of main-line storm-drain facilities;

b. Primary and secondary utility corridor-type installations;

c. Pipe connections greater than 24 inches in diameter or box equivalent where the connection requires a structural review~~.~~; and

d. Catchbasin construction, relocation, or modification.

3. "~~Checks of p~~Plan~~s~~ Check for ~~t~~Transfer ~~d~~Drains" means those plan checks required to determine the acceptability of a flood control or storm-drain project for transfer to the District for operation and maintenance under Section 13-3/4 of the District's Flood Control Act. Said checks may include, but shall not be limited to, a review of:

a. Engineering plans and construction drawings;

b. Hydrological maps and calculations;

c. Hydraulic and structural calculations;

d. Operational aspects and maintainability;

e. Conformance to District standards and criteria; and

f. Accuracy of rights-of-way.

4. "~~Checks of p~~Plan~~s for~~ Check for Work Affecting District Facilities – ~~m~~Minor revisions" and "Plan Check for Transfer Drains – Minor revisions" means those checks of revisions to previously approved plans requiring two hours or less per sheet for structural, hydraulic, or other technical reviews as deemed necessary by the District. Minor revisions shall include, but not be limited to, the following:

a. Manhole ~~shaft adjustments~~modifications;

b. Overbuild proposals where structural analysis of footing loads on proposed drains are not necessary;

c. Fencing modifications;

d. Abandoning or relocating catch basins; and

e. Correcting errors and omissions to approved plans.

5. "~~Checks of p~~Plans ~~for~~Check for Work Affecting District Facilities – ~~m~~Major revisions" and "Plan Check for Transfer Drains – Major revisions" means those checks of revisions to previously approved plans requiring more than two hours for structural, hydraulic, or other technical reviews as deemed necessary by the District. Major revisions shall include, but not be limited to, the following:

a. Realignment or reconstruction of mainline storm drains, channels, or levees;

b. Pipe connections greater than 24 inches in diameter or box equivalent where the connection requires a structural review;

c. Modifications to debris or detention basins; and

d. Modifications to inlet and outlet structures.

C. Inspection Definitions.

1. "~~Minor i~~Inspections of Work Affecting District Facilities – Modifications of District facilities – Minor" means those inspections which can be completed upon the making of three or less individual inspections of projects of the following or similar types of improvements and/or structures:

a. Manhole ~~shaft adjustments~~modifications;

b. Catchbasin connections or modifications;

c. Fence relocations or modifications; and

d. Grading over storm drain facilities.

2. "~~Major i~~Inspections of Work Affecting District Facilities – Modifications of District facilities – Major" means those inspections which because of the nature of the project affect District facilities to such an extent as to require more than three individual inspections or continuous supervision of the project by one or more inspectors during the phase of construction which involves District~~'s~~ facilities, including but not limited to, cover slabs over channels, extensive overbuilding, or storm drain realignment.

3. "~~Transfer drain i~~Inspections of Transfer Drains" means those inspections performed to determine the acceptability of a drainage facility proposed to be transferred to the District for operation and maintenance under Section 13-3/4 of the District's Flood Control Act.

D. Utility Corridor Installation Definitions.

1. "Primary" utility corridor type installations~~"~~ means those installations which involve parallel facilities of length greater than 1,000 feet.

2. "Secondary" utility corridor type installations~~"~~ means those installations which involve parallel facilities of a length of 1,000 feet or less.

E. Miscellaneous Services Definitions.

1. "Miscellaneous services" ~~means those services such as~~shall consist of, ~~but not limited to~~without limitation, searching of records, checking of maps and plans not otherwise defined, reviewing legal documents insofar as they affect District~~'s~~ properties and/or interests, and temporary use of District right-of-way.

2. "Flood Control Permit" means the document issued by the District authorizing the use, modification, demolition, relocation, or construction of or connection to a flood control, storm drain or water conservation structure, facility or appurtenance, or any other property constructed, owned, controlled, used, or maintained by or on behalf of the District.

3. "Issuance of Flood Control Permit" shall mean the review of the permit application, the entry of the information into the permit system, the printing of the permit, the preparation of the permit package, and the distribution of the permit package, as applicable, to the appropriate District personnel and to other public agencies.

SECTION 2. Section 17.05 of the Los Angeles County Flood Control District Code is hereby amended to read as follows:

17.05 Fees for services -- Cost determination and collection.

Before District approval of any items described in Section 17.03 above, or the commencement of any construction or improvement work that is proposed to be transferred to, or affects land, improvements and/or facilities of the Los Angeles County Flood Control District, for the benefit of another party, the person, party or agency doing such work or receiving the report, hereinafter referred to as "applicant," shall deposit with the chief engineer of the Los Angeles County Flood Control District the sums of money hereinafter set forth, and the District's chief engineer is hereby authorized to charge and collect such fees according to the following schedule:

. . .

B. ~~Checking of~~ Plan~~s~~ Check for Work Affecting District Facilities.*

1. ~~Small c~~Connections:

a. One inch to six inches – $150.00.

b. Eight inches to ~~24~~12 inches – $~~1~~300.00.

c. Over 12 inches to 24 inches – $750.00.

d. Over 24 inches – Actual costs to District ($750.00 minimum).

~~2. Large connections (over 24 inches) – $250.00.~~

~~3~~2. Minor modifications – $150.00.

~~4~~3. Major modifications:

(Case I) -- ~~$250.00~~Actual cost to District ($750.00 minimum).

(Case II) -- Actual cost to District ($1,500.00 minimum).

4. Minor revisions – $150.00.

5. Major revisions:

(Case I) -- Actual cost to District ($750.00 minimum).

(Case II) -- Actual cost to District ($1,500.00 minimum).

~~5~~6. Overbuilding – Actual cost to District ($1,500.00 minimum).

~~6~~7. Excavations – $~~2~~600.00.

~~7~~8. Bridge:

a. Clear span (no modification to District facilities) -- Actual cost to District ($1,500.00 minimum).

b. All others (including any modifications to District facilities) -- Actual cost to District ($~~6~~1,800.00 minimum).

9. Landscaping:

a. Minor (0 to 1/2 acre) -- Actual cost to District ($500 minimum).

b. Major (more than 1/2 acre) -- Actual cost to District ($1,500.00 minimum).

10. Temporary discharge – $1,646.00.

11. Letter of non-objection or concept review -- Actual cost to District ($1,000.00 minimum).

*~~One plan review fee for each permit.~~ If a permit ~~requires plan review for~~application involves more than one of the category~~, largest fee category only shall be charged~~ies of work described above, the plan check fees shall be cumulative.

C. ~~Checking of~~ Plan~~s~~ Check for Transfer Drains. The fee for the checking of plans, studies, and supporting information for transfer drains shall be in addition to all other fees and charges required by law. These fees shall be payable upon submission or resubmission of the plans or supporting information and are as follows:

. . .

2. Storm drain plans and supporting data shall be based on estimated construction costs and number of resubmittals and are calculated as follows:

. . .

b. A resubmittal fee equal to 10 percent of the original fee will be assessed beginning with the ~~six~~third submittal and each subsequent submittal;

. . .

D. ~~Making of~~ Inspection~~s~~ ~~for~~of Work Affecting District Facilities.

1. Connection to District facilities:*

Pipe Size or Box Equivalent.

a. Eight inches or less – $~~2~~600.00.

b. Over eight inches to ~~24~~12 inches – $~~3~~900.00.

c. Over ~~24~~12 inches to ~~33~~24 inches – $~~450~~1,279.00.

d. Over ~~33~~24 inches to ~~60~~33 inches – $~~600~~1,350.00.

e. Over ~~60~~33 inches to 60 inches – $~~875~~1,583.00.

f. Over 60 inches – $2,064.00.

*For outlets requiring flap gates or cover plates during construction, ~~include additional~~ $~~7~~225.00 for ~~fee~~open channels; or add the actual cost to District ($2,265.31 minimum) if underground inspection is required.

2. Modifications of District facilities:

a. Minor – $~~7~~225.00.

b. Major – Actual cost to District ($~~2~~750.00 minimum).

3. Crossings of District facilities:

a. Aerial (communications and power lines) – $~~2~~600.00.

b. Pipelines (requiring no modification of District's facilities or its use thereof) – $~~400~~1,147.00.

4. Bridging of District facilities:

a. Clear span (no abutments in District right-of-way) – $1,500.00.

b. All others (major construction) – Actual cost to District ($~~6~~1,800.00 minimum).

5. Utility corridor (parallel) type installations, if amount has not been agreed to between parties by separate agreement~~:~~

~~a. Primary – Actual cost to District ($500.00 minimum).~~

~~b. Secondary –~~ Actual cost to District ($1,500.00 minimum).

6. Inspection of ~~C~~construction, modification, or ~~R~~relocation of ~~C~~catchbasins to be ~~M~~maintained by District. The following fees apply to basins located at one street intersection or in the immediate vicinity thereof; basins at more distant locations shall be considered as separate units and separate/or individual charges will be as hereinafter provided:

a. One basin – $~~2~~600.00.

b. Two basins – $~~27~~825.00.

c. Three basins – $~~37~~1,125.00.

d. Four basins – $~~475~~1,425.00.

e. Five basins – $~~550~~1,585.00.

7. Overbuild – Actual cost to District ($1,500.00 minimum).

8. Landscaping – Actual cost to District ($600.00 minimum).

9. Temporary discharge – $453.00.

10. Underground inspection of any District facility – Actual cost to District ($2,265.31 minimum).

11. Inspection of the manufacture of pipe and other materials at the point of manufacture – Actual cost to District ($1,000.00 minimum).

12. Excavations – Actual cost to District ($1,000.00 minimum).

E. ~~Making of~~ Inspection~~s for~~ of Transfer Drains. The fee for ~~inspecting the construction of~~ transfer drain~~s~~ inspections in unincorporated areas of the County or in incorporated cities for which the District provides full inspection for such drains shall be based on the estimated construction cost and are calculated in accordance with the schedule below.

The inspection fee for all other transfer drain~~s~~ inspections will be the actual cost of providing inspection ~~(minimum per subsection D of this section)~~.

1. Estimated Construction Cost	Base Fee Plus Percent of Construction Cost
$ 0.00 – $~~2~~100,000.00	$~~328~~939.00 plus 19.317% of construction cost over $2,000.00
~~2,001.00 – 100,000.00~~	~~328.00 + 15.65 percent of excess over $2,000.00~~
$100,001.00 – $500,000.00	~~15,665.00~~$19,871.00 ~~+ 1.38 percent of excess~~plus 6.41% of construction cost over $100,000.00
$500,001.00 and up	~~21,185~~$45,511.00 ~~+ 1.19 percent of excess~~plus 4.82% of construction cost over 500,000.00

. . .

F. Providing Miscellaneous Services.

1. Issuance of Flood Control Permit – $111.00.

~~1~~2. Searching of records – $~~3~~90.00.

~~2~~3. Checking of maps – Actual cost to District ($~~7~~225.00 minimum).

~~3~~4. Reviewing legal documents – Actual cost to District ($~~7~~225.00 minimum).

~~4~~5. Other related services affecting District's properties and/or interests – Actual cost to District ($~~7~~225.00 minimum).

~~5~~6. Amendment to permits – ~~$50.00~~Actual cost to District ($150.00 minimum).

~~6~~7. Extension of time of permits – $~~2~~75.00.

~~7~~8. Vehicle testing or any other temporary use of District right-of-way – $~~30.00~~69.16/day plus $~~75~~210.00 for inspection and $872.00 for plan check.

~~8~~9. Taking of motion or TV pictures – $300.00/day.

~~9~~10. Taking of still pictures – $100.00/day.

~~10~~11. Use of District rights-of-way to gain temporary access to adjoining lands~~:~~ – $859.00 for review to determine permit conditions plus $225.00 for inspection of permitted activity. If fencing must be removed, a security deposit shall be required in an amount equal to the estimated replacement cost of fencing.

~~a. District right-of-way is fenced and the fence has to be removed and replaced upon completion – $75.00/job includes inspection.~~

~~b. District right-of-way is not fenced or right-of-way is fenced but fence is not removed – $50~~76~~.00/job includes two inspection trips, $25.00/job includes one inspection trip.~~

~~11~~12. Apiary – $150.00/year includes inspection (50 hives maximum per location).

13. Transfer Drain (Private Drain and Miscellaneous Transfer Drain) processing – $476.00.

. . .

J. The fees set forth in subsections ~~C and E~~A through F of this ~~s~~Section shall be reviewed annually by the District's chief engineer. Beginning on July 1, ~~1997~~2011, and thereafter on each succeeding July 1st, the amount of each fee shall be adjusted as follows: Calculate the percentage movement between ~~April~~March of the previous year and March of the current year in the Consumer Price Index (CPI) for all urban consumers in the Los Angeles, Anaheim, and Riverside areas, as published by the United States Government Bureau of Labor Statistics, adjust each fee by said percentage amount and round up to the nearest dollar. ~~Provided, however, n~~No adjustment shall increase or decrease any fee ~~and no fee shall exceed~~to an amount more or less than the amount necessary to recover the reasonable cost of providing the services for which the fee is imposed. When it is determined that the amount reasonably necessary to recover the cost of providing the services for which the fees are imposed is in excess of this adjustment, the District's chief engineer may present fee proposals to the ~~b~~Board of ~~s~~Supervisors for approval.

K. If the District's chief engineer determines that, due to the complexity of the work proposed by the applicant or other unusual circumstances, any fee specified in this Chapter will be insufficient to recover the District's reasonable costs of providing the

corresponding services, the District may require a deposit in lieu of the fee, from which the actual costs of services will be deducted.

L. Whenever any person, firm, corporation, municipality, or district connects any structure or facility to, or alters or modifies, or uses in any manner whatsoever any flood control, storm drain or water conservation structure, facility, appurtenance, or any other property owned, constructed, maintained, or controlled by or on behalf of the District, without first having obtained a permit therefore in accordance with Section 20.94.030 of Title 20 of the Los Angeles County Code and any other pertinent ordinance, resolution, rule, or regulation of the District, the District shall conduct a special investigation of said connection, alteration, modification or use, and the person, firm, corporation, municipality, or district shall pay an investigation fee to the District in addition to all other fees required by this Chapter. The amount of the investigation fee shall be equal to the total amount of all other fees applicable to the connection, alteration, modification or use, authorized by this Chapter. The District's chief engineer, or his/her designee, may waive the investigation fee if the District's chief engineer or his/her designee determines that the connection, alteration, modification or use was urgently necessary and that it was not practical to obtain a permit before the commencement of the work. In all such emergency cases, a permit shall be obtained as soon as it is practical to do so, and if there is an unreasonable delay in obtaining the permit, an investigation fee shall be charged as provided in this subparagraph. Nothing in this subparagraph shall be construed as authorizing any person, firm, corporation,

municipality, or district to begin work without the required permit except in case of an emergency.

M. The fees set forth in subsections B, D, F1 through F7, and F11, of this Section shall be subject to a twenty percent (20%) reduction if charged for services rendered by the District in connection with a project involving one single-family residence or one structure with a building footprint of 10,000 square feet or less. The reduction described in this subsection M shall be applied to eligible fees charged within three (3) years of the adoption date of the ordinance adding this subsection, after which time the reduction shall cease and no further reduction shall be applied.

[T20FCDC17MYCC]

SECTION 3. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.

Mike Antonovich
Mayor

ATTEST:

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of April 26, 2011 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

	Ayes		Noes
Supervisors	Gloria Molina	Supervisors	Don Knabe
	Mark Ridley-Thomas		
	Zev Yaroslavsky		
	Michael D. Antonovich		

Effective Date: May 26, 2011

~~Operative Date:~~

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By _____
Deputy

APPROVED AS TO FORM:
ANDREA SHERIDAN ORDIN
County Counsel

By Leela Kapur
Leela Kapur
Chief Deputy County Counsel

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