

RULE 3180 ADMINISTRATIVE FEES FOR INDIRECT SOURCE REVIEW (ISR) (Adopted December 15, 2005; Amended January 17, 2008)

Note: This rule is effective through June 30, 2009.

1.0 Purpose

The purpose of this rule is to recover District's costs for administering the requirements of District Rule 9510 (Indirect Source Review).

2.0 Applicability

This rule applies to development projects subject to a portion or all the requirements of Rule 9510.

3.0 Application Filing Fee

When a developer submits an Air Impact Assessment (AIA) application in accordance with the provisions of District Rule 9510, the developer shall pay a non-refundable application filing fee according to the following fee schedule:

Residential projects .....	\$432
Non-residential or mixed use projects .....	\$648

4.0 Application Evaluation Fee

4.1 Every developer who files an air impact assessment application in accordance with the provisions of District Rule 9510 shall pay an evaluation fee for the development and/or review of the air quality analysis and the determination of the Off-Site Emission Reduction Fees necessary for off-site emission reductions. The fee shall be calculated using the staff hours expended and the prevailing weighted labor rate. No applicant shall be charged for staff hours associated with staff training or correction of staff errors. All filing fees paid shall be credited towards the evaluation fee.

4.2 All time spent by the District application processing staff on the project, beginning with pre-application meeting through issuance of the final decision, must be logged on a "Application Processing Time" log. Upon formal request by a developer, the District shall provide a current status of actual time expenditure, broken down by major application processing steps within 10 days.

4.3 Notification of Fee Amount and Payment: The developer shall be notified of the evaluation fee in excess of the application fee when it receives the approval or denial of the AIA application. The fee shall be payable within sixty (60) calendar days.

5.0 Administrative Fees for Mitigation Projects

5.1 Each developer that is subject to the off-site emission reduction fees under District Rule 9510 shall pay to the District an administrative fee equal to four percent (4%) of the required off-site fees for the District's cost of administering the off-site emission reduction program as outlined in Rule 9510.

5.2 Notification of Fee Amount and Payment: The administrative fees for off-site projects shall be paid at the same time as the off-site emission reduction fees.

5.3 Refund of Administrative Fees for Off-Site Projects

If a project is terminated or is cancelled, the building permit or use permit expires, is canceled, or is voided, no construction has taken place, and the use has never occupied the site, the applicant is entitled to a refund of the administrative fees for off-site projects and the off-site emission reduction fees paid less the administrative costs incurred by the District. The developer must provide written request of refund, with proof of termination within thirty (30) calendar days of termination, such as confirmation from local agency of permit cancellation.

6.0 Fee Penalty

If payment of any charges levied under this rule are not received by the District within sixty (60) calendar days of the invoice date, or by the date specified on the invoice, the charges shall be increased in accordance with the schedule provided in Rule 3010 Section 11.0 (Late Fees).