

Before the Board of Supervisors in and for the County of Monterey, State of California

Resolution No. 14-042

A Resolution Establishing New Fees and Revising Existing Fees for land use permitting activities in Articles I.E, IX, X, XVII, XIX, and XX (new article) of the Monterey County Fee Resolution and Incorporating Amendments to Article XI into the Monterey County Fee Resolution.....

This Resolution is made with reference to the following facts:

- 1. State law allows the County, after noticed public hearing, to adopt a resolution to adopt new fees or increase existing fees for processing permits and entitlements, provided the fees do not exceed the estimated reasonable cost of providing the service for which the fee is charged.
2. Section 1.40.010 of Chapter 1.40 of the Monterey County Code provides that all fees, penalties, refunds, reimbursements, and charges of any kind collected by the County may be specified in the Monterey County Fee Resolution.
3. Federal, state, and local laws and regulations mandate that the County provide certain services. In FY 2002-03, County land use departments completed a comprehensive update of the County Master Fee Resolution relative to fees for reviewing, processing and/or monitoring of land use development applications and entitlements (Board of Supervisors Resolution No. 03-161). This update established the baseline for the amount of time required to process land use applications. These baseline data have been periodically reanalyzed, and adjustments to fees have been made and approved in 2004 (Resolution No. 04-145), 2005 (Resolution No. 05-169), 2007 (Resolution No. 07-223), 2008 (Resolution Nos. 08-099 and 08-132), and 2010 (Resolution No. 10-130) to reflect adjustments in time spent on processing certain categories of permits and increases in County labor costs, to add new fee categories, and to refine the fee categories. On May 7, 2013, the Board of Supervisors approved modifications to a few specific fees for the current fiscal year.
4. On July 9, 2013, the Board of Supervisors directed staff to analyze separating the fee for condition compliance from the upfront application fee and to review the hourly rate for fee calculations.
5. Several of the land use departments are proposing to amend fees for land use permitting activities to keep pace with an increase in costs of providing some of these services, to modify fee categories to reflect more efficient operations, to clarify some fee categories, and to add fees where new services are required by law or where gaps in collecting fees were identified. Because the County employs a single point for collection of the fee from the applicant, consistency and uniformity across the departments in the structure of land use fees are needed in order to administer fees efficiently. To this end, the departments

have restructured fees to further segment existing permit fees to better represent actual cost of service, clarify some fees for more consistent application by the staff and better understanding by the public, or streamline existing permit fees to reflect updated data on processing times.

6. The County collects the fees for the Monterey County Water Resources Agency (MCWRA), and therefore Article XI for MCWRA fees is included within the County Fee Resolution pursuant to Section 1.40.010 of the Monterey County Code. The Board of Supervisors of the Monterey County Water Resources Agency is scheduled to consider the fee amendments shown in Article XI attached hereto, and accordingly, the Board intends by adoption of this resolution to include Article XI as amended into the County fee resolution if the Board of Supervisors of the Monterey County Water Resources Agency approves said amendments to Article XI and said amendments go into effect.
7. The land use fee adjustments made by this resolution cover a portion of the staff cost of processing applications for land use permits and entitlements and associated planning, monitoring, and enforcement activities. The fees do not exceed the reasonable or actual costs of performing the services, processing land use applications and associated permitting, monitoring, and enforcement activities. Any and all of the adjustments to the fees reflect no more than the actual cost of the service or benefit received by the payor. To the extent that the fees do not result in full cost recovery, the discount does not result in increased charges to other payors; the increased cost will be covered by an increased subsidy from the County General Fund.
8. These fees are not a "tax" and are exempt from voter approval under section 1(e)(1)-(3), (5) and (6) of Article XIII C of the California Constitution (Proposition 26, excepting from the definition of "tax" charges imposed for specific benefit conferred/privilege/service or product, and/or reasonable regulatory costs to a local government for issuing permits and the administrative enforcement thereof, fines and penalties and charges for violation of law, and property development charges.) These fees are imposed for a specific government service provided directly to the applicant that is not provided to those not charged, are imposed for the reasonable regulatory costs to the County for issuing permits for property development and the administrative enforcement thereof, and do not exceed the reasonable costs to the County of providing these services.
9. This action to modify land use fees is not a project under the California Environmental Quality Act because it is a governmental funding mechanism which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. (CEQA Guidelines section 15378(b)(4).)
10. Said amendments to the land use fees are intended to take effect on the 61st day following adoption.
11. The Board of Supervisors held a duly noticed public hearing on February 25, 2014 to consider these fee adjustments. Notice of this matter was provided by publication of notice in newspapers of general circulation in the County and distribution of notice to interested persons, and all testimony from staff and the public has been heard and considered.

NOW, THEREFORE, BE IT RESOLVED by the Monterey County Board of Supervisors as follows:

1. The foregoing recitals are true and correct.
2. Articles I.E (Environmental Health Bureau), IX (RMA-Planning), X (RMA-Public Works), XVII (County Counsel), XIX (RMA-Building Services), and XX (RMA-Environmental Services) of the Monterey County Fee Resolution are hereby amended as set forth in the Articles attached hereto and incorporated herein by reference.
3. The amended Articles shall take effect on the 61st day following adoption.
4. Amendments to Article XI (Water Resources Agency), attached hereto and incorporated herein by reference, shall be incorporated into Article XI of the Monterey County Fee Resolution, contingent upon approval of said amendments by the Board of Supervisors of the Monterey County Water Resources Agency and said amendments taking effect.

PASSED AND ADOPTED upon motion of Supervisor Potter, seconded by Supervisor Salinas and carried this 25th day of February 2014, by the following vote, to wit:

AYES: Supervisors Armenta, Salinas and Potter

NOES: Supervisor Calcagno

ABSENT: Supervisor Parker

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 77 for the meeting on February 25, 2014.

Dated: February 27, 2014
File Number: RES 14-010

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hanawick
Deputy

ATTACHMENT A DISCUSSION

Summary

During the past year, Monterey County land use departments and the Water Resources Agency have worked together on development and analysis for a comprehensive look at land use application fees. As part of that process, RMA-Planning additionally engaged a fee consultant to review each permit type. Outcomes of the fees review include the following:

- Hourly rates have been reconstructed for several departments.
- New fees are added where new services are required by law or where gaps in collecting fees were identified.
- Generally, the number of hours to process a discretionary permit has reduced, but some fees are proposed to increase while others are proposed to be reduced based on other factors.
- Recovery of overhead costs consistent with County practices.
- A proposal to separate the application fee from the condition compliance fee will allow departments to align revenue more appropriately to the year that related work is actually conducted.
- In most cases, recommended fees are aligned with Board policy to recover costs for conducting services.
- Addition of a new RMA-Environmental Services section and fee article to comply with new statutory requirements.
- Reduction in Technology fee surcharge for maintaining permit tracking system.

As discussed in the cover report, RMA-Planning will be deferring adjustments for further study. However, there are a few minor changes to the Planning fees (Article IX) to address new services (e.g. Minor and Trivial Amendment in non-coastal areas) and a reduction of the technology fee consistent with the other land use agencies. Staff will meet with development industry representatives who apply for land use permits and are offering a different model on how fees should be charged.

The cumulative effect of the adjustments is that fees are recommended to rise for the following reasons:

- Cost recovery of increased overhead costs
- New regulations (stormwater requirements, General Plan policies, Building Codes, etc)
- Hourly rates adjusted to current salary levels

Authority for Charging Fees

Land use fees are not a “tax” and are exempt from voter approval under section 1(e)(1)-(3), (5) and (6) of Article XIII C of the California Constitution (Proposition 26, excepting certain fees and charges from the definition of “tax”.) These fees 1) are imposed for a specific government service provided directly to the applicant that is not provided to those not charged, 2) are imposed for the reasonable regulatory costs to the County for issuing permits for property development and the administrative enforcement thereof, and 3) do not exceed the reasonable or

actual costs to the County of performing the services, processing land use applications and associated permitting, monitoring, and enforcement activities.

Any and all of the adjustments to the fees reflect no more than the actual cost of the service or benefit received by the payor. To the extent that the fees do not result in full cost recovery, the discount does not result in increased charges to other payors. Lacking other funding sources, increased costs would require an increased subsidy from other funding sources or result in a reduction in service levels to ensure that departmental costs do not exceed available funding.

Detailed Discussion

Condition Compliance/Mitigation Monitoring

Historically, County land use fees have been based on actual staff time for monitoring of mitigation measures, and the fee for condition compliance (conditions other than mitigation measures) was included as part of the application fee. Staff has evaluated the amount of staff time that is spent processing an application through the hearing process versus documenting compliance with conditions of approval.

Based on the trends for these processes, fees for condition compliance for most permit types have been separated from the application fee (except RMA-Planning, as noted above). The permit application fees were reduced by the applicable condition compliance percentage for most departments. This new structure reduces the upfront application costs for an applicant, and will provide revenue for the condition compliance processing at the time the related work is conducted. In cases where an application is subsequently denied, the Condition Compliance fee would not be collected. In most cases, projects subject to a flat fee will pay a flat fee for condition compliance. The flat fee will be a fixed, one-time fee based on the estimated reasonable cost, average across all applications for that permit type. Fees for Condition Compliance will be collected after project approval and after all administrative appeals have been exhausted.

- *RMA-Planning*. 80% of the staff time, on average, is spent processing an application through the hearing process. The remaining 20% is spent after permit approval, documenting compliance with the conditions of approval. Application fees will cover processing the project through condition compliance.
- *RMA-Public Works*. 75% of the staff time, on average, is spent processing an application through the hearing process. The remaining 25% is spent after permit approval, documenting compliance with the conditions of approval.
- *RMA-Environmental Services*. No data was available to support splitting the application fee from the condition compliance fee. Application fees will cover processing the project through condition compliance.
- *County Counsel*. 75% of the staff time, on average, is spent providing legal advice relating to processing an application through the hearing process. The remaining 25% is spent after permit approval, reviewing condition compliance documents as to legal form and providing legal advice relating to staff documenting and monitoring condition compliance.

- *Environmental Health Bureau.* 80% of the staff time, on average, is spent processing an application through the hearing process. The remaining 20% is spent after permit approval, documenting compliance with the conditions of approval.
- *Monterey County Water Resources Agency.* 80% of the staff time, on average, is spent processing an application through the hearing process. The remaining 20% is spent after permit approval, documenting compliance with the conditions of approval.

RMA-Planning will collect the fee for condition compliance for all land use agencies prior to starting the work on condition compliance and will distribute the fees to all the land use departments in the same way application fees are collected and distributed.

Projects for which application fees are based on actual staff time spent will pay a fee based on actual staff time for condition compliance. Because compliance with conditions of approval on projects with mitigation measures can vary greatly between projects, a deposit will be required for mitigation monitoring and condition compliance, and the fee will be based on actual staff time. Through this new structure, projects that are more time-intensive will provide fees to cover actual cost, rather than basing the fee on the estimated reasonable cost averaged across all applications.

Deposits are submitted to RMA-Planning. The individual departments draw from the deposit on a monthly basis as reimbursement for costs of related time and materials. In cases where departmental costs for conditions and mitigation measures exceed the amount held on deposit, an additional deposit may be required. Applicants will be reimbursed any funds remaining after all conditions are cleared. RMA-Environmental Services does not collect a set deposit; instead, they propose to charge \$163.96 per hour against these deposits for any condition compliance and mitigation monitoring that falls within their service responsibility. There is a change from the number of conditions/mitigation that will be amended in the Planning Fee Article to be consistent with the other fee articles.

Deposit Projects/Extraordinary Development Application

For certain projects and permit types, such as those determined by the Director of Planning to be Extraordinary Development Applications, the land use processing fee is based on actual time rather than a flat fee. For applications charged based on actual time, a deposit is collected against the actual time, and the applicant is charged over the course of the project for the cost of staff time. These are the so-called “deposit projects.” Most of the departments have developed a new deposit structure of low, medium, high, and extraordinary deposits. One deposit is submitted to RMA-Planning, and individual departments deduct from the deposit, on a monthly basis, for the time and materials expended by staff. As previously allowed, an applicant and the Director of Planning may elect, on a case-by-case basis, to agree to a different deposit amount based on the estimated actual cost of processing a specific application. This new deposit structure provides more flexibility than the previous Extraordinary Development Application deposit.

There are a number of land use permit application types that are historically staff time-intensive to process. These permit types, listed below, have been converted to “deposit projects” versus “flat fee” permits (except for RMA-Planning, as noted above):

- Initial Studies for Minor Subdivisions;
- Most Minor Subdivision and Standard Subdivision applications (explained below);
- Condition Compliance for Minor and Standard Subdivisions;
- Condition Compliance for projects that required adoption of a Mitigated Negative Declaration, certification of an EIR, or carryover of mitigation measures from a previously adopted/certified environmental document;
- Amended Parcel and Final Maps; and
- Vested Rights Determinations

Permit fees for Minor and Standard Subdivisions were previously partitioned on the basis of the type of sewage disposal system or type of map proposed (existing sewers versus new septic system or tentative map versus vesting tentative map). Because most of these permit types are now deposit projects, the revised Fee Articles consolidate the permit types and require a smaller deposit than the previous Extraordinary Development Application deposit. A flat fee will remain for applications for Extensions, Revisions, and Amendments to Minor and Standard Subdivisions. Additionally, a new permit type for Minor Subdivisions within a Community Area with an adopted Community Plan was created. For those applications with an adopted Community Plan that do not require an Initial Study, the permit fee will be a flat fee.

Hourly Rate

A new hourly rate has been established for each of the land use departments, except the Monterey County Water Resources Agency and RMA-Planning. Due to FY 2013-14 negotiated salary increases, staffing costs will increase each year through the next three fiscal years. Land use departments will re-evaluate these fees to adjust for changing staff costs prior to budget preparations for the next fiscal year. In such cases, staff will return to the Board with proposed revisions as determined necessary. It should be noted that since staffing changes occur throughout the fiscal year as a normal part of business, negotiated salary changes will not necessarily translate to a like percentage increase in fees. No automatic increase for inflation, based on the United States Department of Labor Consumer Price Index (CPI) San Francisco-Oakland-San Jose Area, is included in these fees.

The billable rate for RMA-Public Works has increased from \$108.68 to \$186.00 to more accurately reflect current staff costs. In 2008, the Public Works hourly rate was established as \$101.00. For each subsequent year until 2012, the rate was adjusted based on the United States Department of Labor Consumer Price Index (CPI), San Francisco-Oakland-San Jose Area, as authorized by the Board in 2008 (Resolution No. 08-132). In 2012, the hourly rate increased to \$108.68 per hour, and has not been adjusted since that change. Also over the past years, staffing positions have changed for the permit processing team and costs for County staff have increased. The hourly rate for Public Works has not been updated to reflect these changes. To recover actual County costs, the proposed hourly rate more appropriately reflects these updates.

The rate for Environmental Health Bureau (EHB) land use fees has decreased so that it is consistent with the rate approved by the Board of Supervisors for EHB on May 7, 2013. This rate serves as the basis for all other EHB fees. The inconsistency between the EHB hourly rate for land use projects and all other EHB fees occurred inadvertently due to the automatic CPI

adjustment that has historically been applied to land use fees. EHB is in the process of preparing a three-year budget forecast, which will reflect adjustments based on union labor negotiated changes in salary and benefits costs. EHB will return to the Board in early 2014 to adjust certain EHB non-land use fees, including the hourly rate. In the event the Board approves a revised EHB hourly rate, non-deposit land use fees will also be adjusted at that time to reflect the revised rate.

Basic hourly rates for RMA-Building Services fixed fee category items are based upon actual time estimated and averaged out to perform those various tasks multiplied by the hourly rate for that job classification typically performing those tasks. Hourly rates for staff time are proposed as follows:

- Counter Support - change from \$73.65 to \$90.00
- Inspection - change from \$192.14 to \$180.00
- Plan Review - change from \$217.76 to \$195.00
- Code Enforcement - change from \$207.08 to \$180.00

These amounts represent a weighted blend of the fully burdened labor rate for all job classifications and a weighted percentage of management and administrative staff and operational overhead costs. Hourly fee categories are applied where time estimates to perform tasks is not possible or may vary significantly between projects. When appropriate, RMA-Building Services will charge these rates towards deposits collected by the RMA-Planning for time spent in the discretionary process for preliminary review of projects and meetings as part of the Pre-application meeting and review process.

The County Counsel hourly rate for flat fees is proposed to be updated to \$195, representing a weighted blend of the fully burdened labor rate for the Senior Deputy County Counsel and Deputy County Counsel IV, Step 7 job classifications as of July 1, 2013. This would be a change from the existing rate of \$182.91, which was based on a blended hourly rate of \$170 for fiscal year 2008-2009, as subsequently adjusted annually based on the CPI through July 1, 2012, per Board of Supervisors' Resolution No. 08-132. When fees are charged on the basis of actual time rather than flat fees, the fully burdened labor rates of the persons processing the permit applications will be used. County Counsel's hourly rate for appeal fees will remain at \$146 (rounded down from \$146.33), based on the Board's May 7, 2013 adoption of the appeal fee.

Overhead Costs

Significant changes to departmental charges from internal service departments and a change in how liability insurance is distributed have resulted in a substantial increase in overhead costs for departments over the last couple years. The adjusted hourly rate, and therefore the recommended fees, takes into account this shift in internal service charges and causes a significant increase in the application fee.

A substantial increase in RMA-Planning costs, driving the need for more discussion with industry representatives, is a substantial increase in overhead, primarily liability insurance caused by a change in the allocation methodology. General Liability costs related to land use matters are being charged to RMA-Planning. Over the past few years, the cost of "Salaries and Benefits" for RMA-Planning has remained fairly flat, between \$3.5 million and \$3.9 million per

year (**Attachment F**). However, the cost of Services and Supplies (overhead) has jumped from \$1.3 million to \$2.2 million per year in the last three years alone (**Attachment F**). If liability insurance had not increased, the hourly rate would have decreased this year. Many other overhead charges have also increased over the last couple years but would not have caused an increase in the hourly rate. Additional increases are expected over the next three years in general liability, negotiated salary and benefit increases, and the move to full cost recovery charged to RMA-Planning from internal service (other county) departments. This substantive issue is causing the department and the industry to discuss alternatives.

Technology Fee

An analysis demonstrated that the technology surcharge to cover Accela Automation (permit tracking system) maintenance costs can be reduced. A reduction in the surcharge percentage from 6% to 4% is recommended due to increases in permit activity. This fee was originally adopted to finance the purchase and ongoing maintenance of the Accela permit tracking system. Now that the purchase has been completed, maintenance costs are approximately \$200,000 per year over the next 3 years. This cost can be recovered through a surcharge of four percent on building and planning permit fees based on expected permit activity and revenue. Other technology costs are not recovered through this surcharge and are built into the budgets for all the land use departments. Technology costs other than the Accela system are subsidized for some of the land use departments while the other departments attempt to fully recover their costs through fees.

Recording/Filing Fee

A section has been added to the Fee Articles to reiterate the pattern and practice of requiring applicants to pay recording/filing fees to record or file their documents. The applicant for a discretionary land use development permit, construction permit, Williamson Act agreement, Mills Act contract, lot line adjustment, and/or any procedure that requires processing and includes recording/filing of a document with the Monterey County Recorder is required to pay any and all applicable standard recording/filing fees no later than the time of the recording/filing of that document. The payment of the applicable recording/filing fee is required whether or not the document is processed on behalf of the applicant by an employee of the County of Monterey (i.e., RMA-Planning staff or Clerk to the Board) or is processed by the applicant.

Ministerial Permits-Deed Restrictions

A new processing fee for deed restrictions associated with ministerial permits has been added to the fee articles. The fee will be collected to offset the preparation of the documents required for ministerial permits, such as deed restrictions for guest houses where only a construction permit or Design Approval is required. Fees for deed restrictions required under discretionary permits will continue to be collected under condition compliance for the discretionary permit.

Rounding of Fees to nearest Whole Dollar amount

Except for the File Storage fee, the Technology fee, and the General Plan Update fee, the fees within the fee articles have been rounded to the nearest dollar in an effort to make collection and payment of the fees easier for staff and applicants alike.

Total Permit Fees

Cumulative changes to land use fees are generally higher due primarily to the increases in hourly rate for RMA-Public Works and the new charges required for stormwater monitoring, typically found in the RMA-Environmental Services Article. The Fee Matrix (**Attachment B-2**) shows the total proposed fees for all land use department for each permit type. **Attachment B-1** shows the existing fees for all land use departments.

Individual Department Summaries

RMA-Planning

Comprehensive Study

For RMA-Planning, a comprehensive study was done on land use fees for this year. The study looked at the average number of hours each type of permit has taken to process in the past, but the study based the recommended fee on what it *should* take to process those types of permits, on average. In the past, the fee was set based on the historic data. In most cases, that means that fees are set based on a lower number of hours than the historic data demonstrates.

In addition to reviewing the number of hours that certain activities should take, RMA-Planning also completely rebuilt their hourly rate (**Attachment E**). Because of significant increases in overhead costs, we will be working with development industry representatives to determine methods of simplifying the fee articles and controlling application fees. RMA-Planning also prepared a comprehensive analysis of past data to determine the appropriate fee separation for processing an application to a decision versus a separate condition compliance fee for projects that are approved. Any adjustments related to this, for RMA-Planning, will be discussed with the industry representatives.

Changes in Fees

RMA-Planning fee adjustments are proposed for just a few minor categories to be consistent with changes recommended by other departments. All other changes are being deferred until industry discussions have been completed. The Appeal fee has increased by \$162.16 with the addition of the new RMA-Environmental Services fee and by rounding down the other fees.

Efficiency

On time performance for land use permit processing has increased for six straight years from 40% in FY 08 to 75% last fiscal year and trending at 84% (mid-year) this fiscal year. It should be noted that those increases in performance have occurred during times of substantial personnel reductions. Even with reductions in staffing, RMA-Planning is continuing to find ways to increase efficiency in permit processing. For example, the RMA-Planning fee study set fees at the desired (reduced) number of hours it should take to process a variety of permit types, not the actual time it has taken to process those same permits. Our goal is to close the gap between the desired number of hours to process and the actual number of hours, on average, it has taken to process permits.

RMA-Public Works

RMA-Public Works has devised a new deposit structure of \$1,000.00, \$2,000.00, \$3,000.00, \$4,000.00 and \$5,000.00, for the RMA-Public Works portion of the fee on deposit projects. This new deposit structure provides more flexibility than the previous RMA-Public Works Extraordinary Development Application deposit of more than \$5,000.00. The changes to the hourly rate are explained above.

RMA-Environmental Services

RMA-Environmental Services is a new section formed to perform duties related to stormwater management, erosion control and grading. Article XX has been created and reflects:

- Transferring ministerial permits and plan review fees for grading, erosion control, and stormwater from Building Services Article XIX into Article XX
- Transferring site inspections fees from Building Services Article XIX into Article XX
- Adding Development Review Conference (DRC) and Code Enforcement fees to address deficiencies identified in the Notice of Violation
- Adding discretionary permit fees to cover costs associated with new stormwater management regulations.

New stormwater management regulations were adopted by the State of California in 2013, including: (1) the National Pollutant Discharge Elimination System General Permit No. CAS000004 Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems; and, (2) the Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region. These regulations include more stringent development standards that must be applied to a wider range of projects, including additional site inspection requirements for each project.

Ministerial permit plan review and site inspection fees for grading, erosion control, and stormwater management are currently recovered utilizing RMA-Building Services Article XIX, which realizes annual revenue of approximately \$320,000. Using the current fee structure, revenue for these services is expected to double in FY14-15 as a result of added requirements under the new stormwater management regulations.

The Notice of Violation issued by the California Regional Water Quality Control Board identified a deficiency of engaging stormwater review in the discretionary permit process. Discretionary permit fees are not currently included and would be a new fee. As such, applicants will see an increase in permit fees for these services; however, combining grading, erosion control, and stormwater management services is expected to mitigate costs by increasing plan review and site inspection efficiencies.

RMA-Environmental Services flat fees include costs for application processing and condition compliance. Fees are based upon an hourly rate of \$163.96 which represents a weighted blend of the fully burdened labor rate for a Senior Water Resources Hydrologist, Civil Engineer, Water Resources Hydrologist, and Grading Inspector. Flat fees are based upon the estimated average number of hours, necessary to process the permit/entitlement, multiplied by the hourly rate. Deposits represent an estimate of the minimum cost for an activity, and charges will be based upon the actual time spent on a particular application in quarter hour increments. When

appropriate, RMA-Environmental Services will charge \$163.96 per hour towards deposits collected by the Planning Department.

RMA-Building Services

The current building permit fee schedule has proven to be confusing and difficult to understand by the public and Building Services counter staff. RMA Building Services recommends the following revisions to the Building Permit fee schedule:

- Simplify, clarify and provide consistency for how various permit and administrative fees outlined in the schedule are calculated and assessed.
- Adjust fee amounts to cover the cost for service.
- Add fee categories for new permit types such as solar installations and electric vehicle charging stations, expedited plan review, and foundation and phased approvals.
- Reflect moving grading and storm water plan review and inspections to the new RMA-Environmental Services team.
- Clarify Code Enforcement fees to allow for tracking of staff time and documentation of investigative activities to recover administrative costs for CE cases which may achieve compliance through the assessment of administrative fines and/or resolution through the ALJ hearing process.
- Assess valuation-based fixed fee permits calculations for plan review and inspection services using project construction valuation as provided in project valuation tables as published by the International Code Council's Construction Valuation Tables and/or as provided in contract documents submitted by the applicant.

We believe the revised schedule is now easier to read, and follows a much more logical sequence in presentation.

Using project construction valuation will result in fee amounts more closely aligned with the actual cost to provide service and is consistent with how fees are assessed by other jurisdictions in the region. Fee amounts for issuance and processing permits, which are customarily based upon time allocations for specific tasks, have been increased by a range of 5% to 10% for valuation-based fixed fee permits. With the recent adoption of the 2013 California State Building Codes language has been included to provide clarity for calculating permit fees based on construction valuation which is anticipated to result in a more fair and equitable method to assess permit fees. Various other fees including appeal fees, code modification requests, project routing, special inspector and fabricator qualification review fees, etc. have been substantially reduced.

Fixed fee category items were based upon actual time estimated and averaged out to perform those various tasks multiplied by the hourly rate for that job classification typically performing those tasks. Hourly rates for staff time are proposed as follows:

- Counter Support - change from \$73.65 to \$90.00
- Inspection - change from \$192.14 to \$180.00
- Plan Review - change from \$217.76 to \$195.00
- Code Enforcement - change from \$207.08 to \$180.00

These amounts represent a weighted blend of the fully burdened labor rate for all job classifications and a weighted percentage of management and administrative staff and operational overhead costs.

County Counsel

For the purpose of uniformity across the departments to enable common administration of the land use permit fees, County Counsel has modified its fee structure to correspond to fee structure changes proposed by the other County land use departments. Accordingly, where appropriate, permit fees that are currently collected at the time of application are proposed to be separated into “application fees” and “condition compliance fees,” the latter to be collected only if and after a permit is approved. For such fees, the proposed allocation, based on a review of a sample of County Counsel time records, is 75% to processing the application and 25% to condition compliance. Other minor adjustments have been made, such as adding a few additional permit categories and separating the subdivision amendment and subdivision extension into two categories, resulting in increase to the amendment fee and decrease in the extension fee.

Environmental Health Bureau

Time-Task Evaluation

The Environmental Health Bureau (EHB) conducted an evaluation of staff time attributed to a variety of land use permits, including an analysis of the total time spent per project to estimate the number of hours that certain activities should take. EHB also analyzed a set of “cleared” permit applications, those that have been approved and all conditions have been satisfied, to establish the appropriate split between the Application and Condition Compliance fees.

Changes in Fees/Permit Types

Most application fees for EHB have decreased based on quarter hour (0.25) increments of the realigned EHB hourly rate. Based upon the results of the EHB time-task evaluation three fees have increased: Use Permits, Administrative Permits and Residential Building Permits served by Onsite Wastewater Treatment Systems. In addition, four activities have been identified that require EHB review but have historically been conducted by staff without cost recovery: Minor and Trivial Amendments, Design Approvals for Properties served by Onsite Wastewater Treatment Systems and Deed Restriction/Notification Preparation. Rainwater Harvesting/Cistern System fees have been added based on anticipated staff time to review, permit and inspect these systems in accordance with Chapter 17 of the 2013 California Plumbing Code (adopted by the Monterey County Board of Supervisors on January 7, 2014). Commercial Building Permit fees have been separated into an application fee and a plan check fee so that existing, compliant commercial facilities that do not require a comprehensive plan check will not incur additional costs.

Consistent with all land use departments, EHB has converted various permit types to “deposit projects” versus “flat fee” permits. With the new deposit project types, EHB has devised a new deposit structure of low, medium, high and extraordinary deposits of \$650.00, \$1,300.00, \$2,600.00 and \$6,500.00, respectively, for the EHB portion of the fee.

Hydrogeological Reports

A hydrogeological report prepared for a subdivision must be conducted under contract with Monterey County pursuant to Title 19 of the Monterey County Code. An additional deposit has been specified for instances when EHB will be responsible to administer the contract for a hydrogeological report.

Nomenclature

EHB has updated terminology associated with a septic system throughout Article I.E. to reflect the current industry naming convention “Onsite Wastewater Treatment System (OWTS)”, and clarified that the term Public Utility is a reference to Wastewater Treatment Facilities, as defined by the 2010 General Plan (please refer to footnote 10 in Article I.E, Section 5 for additional information.)

Monterey County Water Resources Agency

The proposed amendments to MCWRA land use fee descriptions include revising certain discretionary permit fees to a split fee structure, updating fee descriptions for various subdivision and planning service activities, and deleting the NPDES stormwater fee. RMA-Environmental Services is now responsible for administering stormwater quality regulations within Monterey County.

The 2010 Monterey County General Plan requires the General Manager of the Water Resources Agency to provide advice concerning whether a long term sustainable water supply is available for certain development projects. The current Master Fee Resolution does not include a fee applicable to advice on long term sustainable water supply. The proposed amendments include levying a new fee to support advice on project specific long term sustainable water supply (2010 General Plan Policy PS-3.2). The proposed fee to be collected is the Extraordinary Development Application Fee, consisting of a \$7,318.75 deposit, which will be charged hourly on hydrogeologic report review and evaluation. This fee will apply to new development for which hydrogeologic review is required under General Plan Policy PS-3.1.