

***Before the Board of Supervisors
County of Monterey, State of California***

Resolution No.: 25-020

- Resolution to:)
a. Find that modification of land use permit)
application fees is statutorily exempt from the)
California Environmental Quality Act)
(CEQA) pursuant to Sections 15273 and)
15378(b)(4) of the CEQA Guidelines; and)
b. Amend Article XVII of the Monterey County)
Fee Resolution relating to County Counsel)
land use permit application fees.)

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 land use 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. The Board of Supervisors has adopted and periodically amended articles of the Monterey County Fee Resolution to establish fees to recover at least a portion of the costs of processing applications for land use permits and entitlements. The County Counsel component of land use application fees is set forth in Article XVII of the Monterey County Fee Resolution.
4. County Counsel is proposing an amendment to Article XVII to update fees to reflect County Counsel's current hourly rate, align the fees with a modification to the fee structure already made by County Housing and Community Development, convert most "deposit" fees to flat fees to streamline fee collection, and make other minor adjustments.
5. The fee adjustments made by this resolution are to recover a portion of the cost of County Counsel staff advising County departments on processing of applications for land use for permits and entitlements and associated work. The increased fees do not exceed the estimated reasonable or actual costs of performing the services. Any adjustments to the fees reflect no more than the actual costs of the services or benefits received by the payor. To the extent that

the fees do not result in full cost recovery, the shortfall is subsidized by the County General Fund.

6. 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; the reasonable regulatory costs to local government for issuing permits; 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, are no more than necessary to cover the reasonable costs of providing these services, and allocate costs in a manner that bears a fair and reasonable relationship to the applicant’s burden on, and benefits received from, the governmental activity.
7. The proposed amendment to the County Counsel fee schedule is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15273 and 15378(b)(4) of the CEQA Guidelines because the action involves modification to fees charged by the County for recovery of operating expenses associated with processing land use permits and is a governmental fiscal activity which does not involve a commitment to any specific project which may result in a significant environmental impact.
8. The amendment to the County Counsel fee schedule shall take effect 60 days following adoption of the amendment.
9. A notice of this matter was provided by publication of notice in a newspaper 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 THAT the Monterey County Board of Supervisors does hereby:

1. Certify that the foregoing recitals are true and correct.
2. Find that the modification of land use permit application fees is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15273 and 15378(b)(4) of the CEQA Guidelines; and
3. Amend Article XVII of the Monterey County Fee Resolution relating to County Counsel land use permit application fees, as shown in Article XVII attached to this resolution as Exhibit 1 and incorporated herein by reference.

4. Declare that this amendment to Article XVII shall take effect 60 days following adoption of this resolution.

PASSED AND ADOPTED on this 4th day of February 2025, by roll call vote:

AYES: Supervisors Alejo, Church, Lopez, Askew, and Daniels

NOES: None

ABSENT: None

I, Valerie Ralph, 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 82 for the meeting February 4, 2025.

Dated: February 6, 2025

File ID: RES 25-013

Agenda Item No.: 10

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California



Vicente Ramirez, Deputy

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Attachment 1

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ARTICLE XVII
COUNTY COUNSEL FEES

(Authorized per the following resolutions adopted by the Monterey County Board of Supervisors: Resolution No. 08-132, adopted April 22, 2008; Resolution No. 13-143, adopted May 7, 2013; Resolution No. 14-0421, adopted February 25, 2014; Resolution No. 15-075 adopted March 24, 2015; Resolution No. 16-250, adopted September 27, 2016; Resolution No. 19-318, adopted September 17, 2019; Resolution No. 21-132, adopted May 11, 2021; and Resolution No. _____, adopted _____.)

SECTION 1. LAND USE FEES.

A. Fees for Processing Various Land Use Permits Established in Monterey County Code, Title 20 (Coastal Implementation Plan) and Title 21 (Non-coastal Zoning Ordinance) and Related Planning Services (Government Code §§ 65104, 65909.5, 66014)

<u>DESCRIPTION</u>	<u>AMOUNT¹</u>	<u>UNIT/TIME</u>
Administrative Permit (Inland) —General		
1. Application fee	\$194	Each permit
2. Condition Compliance fee	\$130	
Appeal, inland permits and coastal permits if not appealable to Coastal Commission ²	\$324	Each appeal

¹ The County Counsel flat fees are based on an hourly rate of \$324.00, representing the fully burdened labor rate for the Deputy County Counsel IV, Step 7 job classification as of July 1, 2024. Unless a “deposit” or “hourly” rate is indicated, the application fee is a fixed, one-time fee based on the estimated reasonable cost, averaged across all applications, of processing the permit/entitlement for which the fee is charged. On matters for which a deposit is required, fees will be based on actual time multiplied by the hourly top step fully burdened labor rate of the individual providing the service; applicant is required to pay the indicated deposit and will be billed subsequently if the deposit is insufficient to cover actual processing time. On deposit matters, applicant and County Counsel 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. County Counsel time providing advice to the Board of Supervisors and Planning Commission or prosecuting or defending litigation is not incorporated into the fee calculations.

Where indicated in this Article, fees have been separated into an application fee and a condition compliance fee. The condition compliance fee shall be collected after approval of the discretionary entitlement for the project. For projects with conditions of approval or mitigation measures, projects approved after the effective date of this Article shall be subject to the condition compliance fees set forth in this Article. Projects approved prior to the effective date of this Article shall be subject to the condition compliance and mitigation monitoring fees set forth in the County Fee Resolution that was in effect on the project approval date. The condition compliance fee is based on the estimated reasonable cost of legal review of documents submitted by the applicant to comply with conditions of approval, including compliance with mitigation measures as applicable, and varies based on the complexity of the permit type.

² The appeal fee applies to appeals of decisions on project applications in the non-coastal areas of the County. In the coastal zone, the appeal fee applies only to appeals of permits that are not appealable to the California Coastal Commission such as most Administrative Permits, Design Approvals, Variances, and Use Permits for Tree Removal in certain coastal areas. County Counsel’s appeal fee is based on the estimated reasonable cost of addressing procedural issues on appeal and does not cover time spent on substantive review, which sets the fee substantially lower than actual cost. The appeal fee is subsidized by the County General Fund.

Appeal of Director's Interpretation ³	\$324	Each appeal
Appeal of Fee Determination ⁴	\$324	Each appeal
Coastal Administrative Permit--General		
1. Application fee	\$194	Each permit
2. Condition compliance fee	\$130	
Coastal Development Permit		
1. Application fee	\$1944	Each permit
2. Condition compliance fee	\$324	
Coastal Implementation Plan amendment (applicant initiated)	\$3240	Per application
Combined Development Permit		
1. Application fee	\$1944	Each permit
2. Condition compliance fee	\$324	
Design Approval – Limited in Scope (administrative; no hearing)		Each DA
1. Application fee	\$64	
2. Condition compliance fee	\$64	
Design Approval Requiring Public Hearing		Each DA
1. Application Fee	\$324	
2. Condition compliance fee	\$130	
Development Agreement	hourly	Deposit (\$3240)
Director's Interpretation	\$648	Each
Emergency Permit		Each permit
1. Application fee	\$194	
2. Condition compliance fee	\$130	

³ This appeal fee applies to appeals of the HCD Director's interpretations of the zoning or subdivision ordinance, regardless of planning area. County Counsel's appeal fee is based on the estimated reasonable cost of addressing procedural issues on appeal and does not cover time spent on substantive review, which sets the fee substantially lower than actual cost. The appeal fee is subsidized by the County General Fund.

⁴ This appeal fee is based is based on the estimated reasonable cost of addressing procedural issues on appeal and does not cover time spent on substantive review, which sets the fee substantially lower than actual cost. The appeal fee is subsidized by the County General Fund.

Extraordinary Development Application ⁵		
1. Application fee	\$3240	Per application
2. Condition compliance fee	\$648	
General Development Plan		
1. Application fee	\$324	Each
2. Condition compliance fee	\$324	
General/Land Use Plan Amendment (applicant initiated)	\$3888	Per application
Minor Amendment (inland permit; no public hearing)		
1. Application fee	\$324	Each
2. Condition compliance fee	\$130	
Minor and Trivial Amendment (coastal permit; no public hearing)		
1. Application fee	\$324	Each
2. Condition compliance fee	\$130	
Rezoning or Code Text Amendment (applicant initiated)	\$3240	Per application
Scenic Easement Amendment	\$648	Each
Specific Plan (applicant initiated)	\$3888	Each
Specific Plan Amendment (applicant initiated)	\$3888	Each
Specific Plan Conformance Determination (Director's approval or hearing required)	\$972	Each
Use Permit – General		
1. Application fee	\$648	Each permit
2. Condition compliance fee	\$194	
Use Permit -- oil and gas		
1. Application fee	\$1620	Each permit
2. Condition compliance fee	\$324	

⁵ “Extraordinary Development Applications” are those applications which will require staff time well beyond the typical application, as determined by the Director of Housing and Community Development or Chief of Planning. These applications may include, by way of example and without limitation, applications for large scale development involving multiple discretionary entitlements, significant technical review by other land use agencies, and an anticipated lengthy time frame for processing because of their scope and complexity. Consistent with these criteria, any project requiring the preparation of an EIR shall qualify as an Extraordinary Development Application. The amount paid to the County is for staff costs. The County may utilize a consultant, whose expenses shall be fully funded by the project applicant.

Use Permit Amendment, Renewal, or Revision		Each permit
1. Application fee	\$972	
2. Condition compliance fee	\$130	
Use Permit Extension	\$194	Each
Variance	\$324	Per application
Vested Rights Determination	\$1944	Each

B. Various Subdivision Activities as Established in Monterey County Code, Title 19 (Subdivision Ordinance) (Government Code §§ 66499.35, 66451.2)

Certificate of Compliance (Conditional)		
1. request for 1 or 2 lots	\$1944	1 - 2 lots
2. each additional lot requested	\$324	Per each addt'l Lot > 2
Certificate of Compliance (Unconditional)		
1. Request for 1 or 2 lots	\$1944	1 – 2 lots
2. Each additional lot requested	\$324	Per each addt'l lot > 2
Certificate of Correction	\$194	Each
Lot Line Adjustment		
1. Application fee	\$194	Each permit
2. Condition compliance fee	\$130	
Lot Line Adjustment – Williamson Act		
1. Application fee	\$2268	Each permit
2. Condition compliance fee	\$194	
Lot Line Adjustment Amendment, Revision, or Extension	\$324	Each
Parcel Legality Determination ⁶		
1. request for 1 or 2 lots	\$1944	1 - 2 lots
2. each additional lot requested	\$324	Per each addt'l Lot > 2
Subdivision—Minor		Per application
Tentative/Vesting Tentative Map Application	\$1944	
Subdivision – Minor Final parcel map condition compliance	\$324	Per final map

⁶ A portion (50%) of the fee collected for a parcel legality determination may be credited toward a request for a Certificate of Compliance for the same lot that was the subject of the parcel legality determination.

Subdivision – Standard Tentative/Vesting Tentative Map Application	\$6480	Per application
Subdivision – Standard Final map condition compliance	\$3240	Per final map (per phase if phased final map)
Subdivision – Minor or Standard— Tentative/Vesting Tentative Map Extension	\$972	Each
Subdivision –Amendment of Final or Tentative/Vesting Tentative Map	\$3240	Per application for amendment

C. Fees for Environmental Review Pursuant to California Environmental Quality Act (Public Resources Code § 21089; Government Code §§ 65104, 65909.5, 66014)

Addendum (tiered from earlier EIR)	\$648	Each
Environmental Review – Initial Study (ND/MND)	\$1296	Each
Environmental Review – Environmental Impact Report	\$6480	Each
Environmental Impact Report --Contract and contract amendment administration	\$648	Each
Condition Compliance/ Mitigation Monitoring ⁷	(refer to condition compliance fee applicable to the specific permit type)	

D. Fees For Miscellaneous Services (reference: Gov't Code §65104 and as noted below)

Airport Land Use Commission application review (Pub. Util. Code §21671.5)	\$324	Per application
Commercial Cannabis permit –initial permit	\$162	Each
Commercial Cannabis permit –renewal	\$162	Each
Deed restriction processing (ministerial permit) ⁸	\$130	Each

⁷ The fees for compliance review of mitigation measures are the same as the condition compliance fees, as set forth in this Article.

⁸ This fee applies only to deed restrictions that are not pursuant to a condition of approval for a discretionary entitlement to which a condition compliance fee applies. If the deed restriction is pursuant to a condition of approval for a discretionary entitlement, the applicable condition compliance fee would apply.

Letter of Public Convenience and Necessity	\$648	Each
Mills Act Contract Application (Government Code § 50281.1)	\$1296	Each
Oak Woodlands Guidelines Consistency Certification (Government Code § 65401; Fish & Game Code § 1366(f))	\$324	Each
Road Abandonment (Streets and Highway Code §8321)	\$648	Each
Williamson Act or Farmland Security Zone Contract	\$2592	Each
Williamson Act Contract Amendment	\$324	Each
Surface Mining Reclamation Plan	\$2592	Each

E. Recordation Fee

The applicant for a discretionary land use development permit, use permit, construction permit, Williamson Act agreement, Mills Act contract, lot line adjustment, and/or any procedure that requires processing through the County and includes recording/filing of a document with the Monterey County Recorder shall, in addition to the payment of any and all other County fees, be 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 shall be required whether or not the document is processed on behalf of the applicant by an employee of the County of Monterey (e.g., Clerk of the Board) or is processed by the applicant. Failure to ensure full payment of such recording/filing fee by the time of the recording/filing shall be grounds for rejection of the recording/filing of that document with no liability to the County.