

Attachment B

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; ~~and~~ 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	\$167 <u>194.00</u>	Each permit
2. Condition Compliance fee	hourly <u>\$130</u>	
Appeal, inland permits and coastal permits if not	\$146 <u>324.00</u>	Each appeal

¹ The County Counsel flat fees are based on an hourly rate of ~~\$223~~324.00, representing ~~a weighted blend, rounded to the nearest dollar, of~~ the fully burdened labor rate for the ~~Senior Deputy County Counsel, Step 7 and~~ Deputy County Counsel IV, Step 7 job classifications as of July 1, 2018~~24~~. 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. ~~The deposit for County Counsel time on such matters shall generally be the deposit required on Extraordinary Development Applications unless otherwise indicated; however, o~~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 ~~an hourly~~a condition compliance fee. ~~The hourly condition compliance fee will be based on actual time spent multiplied by the top step fully burdened hourly rate of the individual providing the service. (See hourly rates at Section F below.) A deposit against the total hourly fees may be required as indicated in this Article.~~The condition compliance fee shall be collected after approval of the discretionary entitlement for the project, ~~and after all administrative appeals have been exhausted, based on the fee in effect at the time of collection.~~ 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 ~~total cost for~~ condition compliance fee is based on the estimated reasonable cost of ~~will be based on the cost of staff time to legal review and process 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.

appealable to Coastal Commission ²		
Appeal of Director's Interpretation ³	\$146 <u>324.00</u>	Each appeal
Appeal of Fee Determination ⁴	\$146 <u>324.00</u>	Each appeal
Coastal Administrative Permit--General		
1. Application fee	\$167 <u>194.00</u>	Each permit
2. Condition compliance fee	hourly <u>\$130</u>	
Coastal Development Permit		
1. Application fee	\$669 <u>1944.00</u>	Each permit
2. Condition compliance fee	hourly <u>\$324</u>	
Coastal Implementation Plan amendment (<u>applicant initiated</u>)	Extraordinary Development Application Fee <u>\$3240</u>	Deposit (\$2230) Per application
Combined Development Permit		
1. Application fee	\$669 <u>1944</u>	Each permit
2. Condition compliance fee	hourly <u>\$324</u>	
Design Approval – Limited in Scope (<u>≥1 hour administrative</u> ; no hearing)	\$56.00	Each DA
1. <u>Application fee</u>	<u>\$64</u>	
2. <u>Condition compliance fee</u>	<u>\$64</u>	
Design Approval Requiring Public Hearing	\$223.00	Each DA
1. <u>Application Fee</u>	<u>\$324</u>	
2. <u>Condition compliance fee</u>	<u>\$130</u>	

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, is based upon the fee adopted by the Board of Supervisors on May 7, 2013, rounded down, which sets the fee substantially lower than actual cost. The appeal fee is subsidized by the County General Fund.

³ This appeal fee applies to appeals of the RMA-HCD Director's interpretations of the zoning or subdivision ordinance, regardless of planning area. County Counsel's appeal fee is based upon the fee adopted by the Board of Supervisors on May 7, 2013, rounded down, which 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 upon the fee adopted by the Board of Supervisors on May 7, 2013, rounded down 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.

Development Agreement	Extraordinary Development Application Fee hourly	Deposit (\$ 2230 \$3240)
Director's Interpretation	\$446648	Each
Emergency Permit		Each permit
1. Application fee	\$56194.00	
2. Condition compliance fee	hourly\$130	

Extraordinary Development Application ⁵		
1. <u>Application fee</u>	\$2230 \$3240	Deposit Per application
2. <u>Condition compliance fee</u>	<u>\$648</u>	
General Development Plan		
1. Application fee	\$167324 hourly	Each permit
2. Condition compliance fee	<u>\$324</u>	
General/ <u>Area Land Use</u> Plan Amendment (<u>applicant initiated</u>)	Extraordinary Development Application fee \$3888	Deposit (\$2230) Per application
Minor Amendment (<u>inland permit; no public hearing</u>)		
1. <u>Application fee</u>	\$112 \$324	Each
2. <u>Condition compliance fee</u>	<u>\$130</u>	
Minor and Trivial Amendment (coastal zone permit; no public hearing)		
1. <u>Application fee</u>	\$112 \$324	Each
2. <u>Condition compliance fee</u>	<u>\$130</u>	
Rezoning or Code Text Amendment (<u>applicant initiated</u>)	Extraordinary Development Application Fee \$3240	Deposit (\$2230)Per application
Scenic Easement Amendment	\$446648	Each

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, ~~and other applications as determined by the 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.

Specific Plan <u>(applicant initiated)</u>	Extraordinary- Development- Application Fee <u>\$3888</u>	—Deposit (\$2230) <u>Each</u>
Specific Plan Amendment <u>(applicant initiated)</u>	Extraordinary- Development- Application Fee <u>\$3888</u>	Deposit (\$2230) <u>Each</u>
Specific Plan Conformance Determination_ <u>(Director’s approval or hearing required)</u>	<u>\$669972</u>	Each
Use Permit – General		
1. Application fee	\$502648 <u>hourly</u>	Each <u>permit</u>
2. Condition compliance fee	<u>\$194</u>	
Use Permit -- oil and gas		
1. <u>Application fee</u>	Extraordinary- Development- Application Fee <u>\$1620</u>	Each <u>permit</u>
2. <u>Condition compliance fee</u>	<u>\$324</u>	

Use Permit Amendment, Renewal, or Revision		Each <u>permit</u>
1. <u>Application fee</u>	<u>\$669972</u>	
2. <u>Condition compliance fee</u>	<u>\$130</u>	
Use Permit Extension	\$112194	Each
Variance (Application fee)	<u>\$223324</u>	<u>EachPer application</u>
Vested Rights Determination	Extraordinary- Development- Application Fee <u>\$1944</u>	Deposit (\$2230) <u>Each</u>

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	\$13381944.00	1 - 2 lots
2. each additional lot requested	<u>\$223324.00</u>	Per each addt'l Lot > 2
Certificate of Compliance (Unconditional)		
1. Request for 1 or 2 lots	\$13381944.00	1 – 2 lots
2. Each additional lot requested	<u>\$223324.00</u>	Per each addt'l lot > 2
Certificate of Correction	\$112194.00	Each
Lot Line Adjustment		

1. Application fee	\$167 <u>194.00</u>	Each permit
2. Condition compliance fee	hourly <u>\$130</u>	
Lot Line Adjustment – Williamson Act		
1. Application fee	\$167 <u>2268.00</u>	Each permit
2. Condition compliance fee	hourly <u>\$194</u>	
Lot Line Adjustment Amendment, Revision, or Extension	\$223 <u>324.00</u>	Each
Parcel Legality Determination ⁶		
1. request for 1 or 2 lots	\$1338 <u>1944.00</u>	1 - 2 lots
2. each additional lot requested	\$223 <u>324.00</u>	Per each add'l Lot > 2
Subdivision—Minor or Standard —		<u>Per application</u>
Tentative/Vesting Tentative Map Application	Extraordinary Development Application Fee <u>\$1944</u>	Deposit (\$2230)
Subdivision – Minor or Standard — Final parcel map/ final map review <u>condition compliance</u>	hourly <u>\$324</u>	Deposit (\$892) <u>Per final map</u>
<u>Subdivision – Standard</u> <u>Tentative/Vesting Tentative Map Application</u>	Extraordinary Development Application Fee <u>\$6480</u>	Deposit (\$2230) <u>Per application</u>
<u>Subdivision – Standard</u> <u>Final map condition compliance</u>	hourly <u>\$3240</u>	<u>Per final map (per phase if phased final map)</u>
Subdivision – Minor or Standard— Tentative/Vesting Tentative Map Extension	\$669.00 <u>972</u>	Each
Subdivision –Amendment of Final or Tentative/Vesting Tentative Map	Extraordinary Development Application Fee <u>\$3240</u>	Deposit (\$2230) <u>Per application for amendment</u>

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)	\$892.00 <u>648</u>	Each
Environmental Review – Initial Study (ND/MND)	\$1115.00 <u>1296</u>	Each
Environmental Review – Environmental Impact Report	Extraordinary Development	Deposit (\$2230) <u>Each</u>

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.

	Application Fee <u>\$6480</u>	
Environmental Impact Report --Contract and contract amendment administration	\$446.00 <u>648</u>	Each
Condition Compliance/ Mitigation Monitoring ⁷	hourly (refer to <u>condition compliance fee applicable to the specific permit type)</u>	Deposit (\$446)

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)	\$223.00 <u>324</u>	Each <u>Per application</u>
Commercial Cannabis permit –initial permit	\$365 <u>162</u>	Each
Commercial Cannabis permit –renewal	\$182.50 <u>162</u>	Each
Condition Compliance Review (permits without Mitigation Measures)	hourly	Deposit (\$223)
Deed restriction processing (ministerial permit) ⁸	hourly <u>\$130</u>	Each
Letter of Public Convenience and Necessity	\$446.00 <u>648</u>	Each
Mills Act Contract Application (Government Code § 50281.1)	\$892.00 <u>1296</u>	Each
Oak Woodlands Guidelines Consistency Certification (Government Code § 65401; Fish & Game Code § 1366(f))	\$223.00 <u>324</u>	Each
Road Abandonment (Streets and Highway Code §8321)	\$446.00 <u>648</u>	Each
Williamson Act or Farmland Security Zone Contract	\$1784.00 <u>2592</u>	Each

⁷ ~~The fees for compliance review of mitigation measures are the same as the condition compliance fees, as set forth in this Article. Hourly fees shall apply for condition compliance review for any permit approved after the effective date of this Article. For projects with mitigation measures, projects approved after the effective date of this Article shall be subject to the mitigation monitoring fees set forth in this Article, and projects approved prior to the effective date of this Article shall be subject to the mitigation monitoring fees set forth in the County Fee Resolution that was in effect on the project approval date. For projects with conditions of approval that do not include mitigation measures, projects approved after the effective date of this Article shall be subject to the condition compliance fees set forth in this Article, and projects approved prior to the effective date of this Article shall be subject to the condition compliance fees set forth in the County Fee Resolution that was in effect on the project approval date.~~

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 ~~instead of the deed restriction processing fee.~~

Williamson Act Contract Amendment	\$223.00 <u>324</u>	Each
Surface Mining Reclamation Plan	hourly \$2592	Deposit (\$982) <u>Each</u>

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.

~~F. Hourly Rate~~

~~Where the fee schedule indicates an hourly fee, the hourly fee will be based on actual time spent multiplied by the top step fully burdened hourly rate of the individual providing the service. The hourly rate is \$209/hour for Deputy County Counsel IV and \$236/hour for Senior Deputy County Counsel. In some instances, as indicated in the Article, a deposit is required when hourly fees apply.~~