

Attachment A

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

Resolution No. 19- _____

Adopt a Resolution Amending the Monterey)
County Fee Resolution relating to Fee Articles)
for processing applications for land-use)
permits and entitlements, effective November)
17, 2019, as follows:)
a. Amend Article IX - (RMA-Planning) to re-)
title to RMA-Land Use and to update and)
consolidate land-use application fees for)
RMA-Planning, RMA-Public Works, and)
RMA-Environmental Services;)
b. Rescind and Reserve Article X (RMA-)
Public Works);)
c. Amend Article XIX (RMA-Building)
Services) to revise plan check and)
inspection fees to reflect updates to rates)
based on valuation;)
d. Amend Article XVII (County Counsel) to)
align with revisions to Article IX and)
update rates; and)
e. Rescind and Reserve Article XX (RMA-)
Environmental Services))

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. Periodically, land-use fees are amended to recover at least a portion of the costs to provide these services.
4. The Resource Management Agency (RMA) is proposing to establish a tiered fee schedule based on the estimated reasonable costs for providing those fee-based services, with the objective of simplifying and streamlining the permitting processes and land-use activities workflows, while maximizing recovery of the costs of processing permit applications and developing and implementing regulations.
5. The land-use fee adjustments made by this resolution are to recover staff costs of processing applications for land use for permits and entitlements and associated planning, monitoring, and enforcement activities performed either by the RMA or County Counsel's office. The increased fees do not exceed estimated reasonable or actual costs of performing the services, processing land-use applications and

entitlements, and associated permitting, monitoring, and enforcement activities. Any and all 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 may impact the County General Fund.

6. Land Use fees for Monterey County consist of the following Fee Articles:
 - a. **Fee Article I.E** represents Monterey County Health Department-Environmental Health Bureau (EHB) land-use permitting-related activities. EHB is seeking amendment of Fee Article I.E. in a concurrent, separate item scheduled for Board of Supervisors' consideration. Contingent upon Board approval, the revised Fee Article IE shall be incorporated into the fee collecting and permit tracking system, and RMA shall continue to provide the public with single-point fee-collection services.
 - b. **Fee Article IX** represents land use fees for Planning Services, which is a functional unit of the Resource Management Agency Land Use and Community Development Division. This Article includes fees for services related to land-use entitlements and was last comprehensively updated in 2015 (Resolution 15-075). Proposed changes include a simplified tiered schedule that includes the following land-use divisions of the RMA: Planning, Public Works, Development Services, and Environmental Services that process planning permit-related activities. This Fee article will be renamed to RMA-Land Use.
 - c. **Fee Article X** represents land-use fees for what was formerly referred to as Public Works and is currently called Development Services, which is a functional unit of the Resource Management Agency Land Use and Community Development Division. This Article includes for services related to land use entitlements, and was last updated in 2015 (Resolution 15-075). Proposed changes include moving the fees for these services into a new Article IX (RMA-Land Use), and reserving this fee article for future use if needed. Costs for these services are blended into one fee for RMA land use services, but each unit has updated its hourly rate to reflect the fully burdened labor rate as of July 1, 2019 as it will apply to each separate budget appropriation unit.
 - d. **Fee Article XI** represents Monterey County Water Resources Agency (MCWRA) land-use permitting-related activities for Monterey County projects. MCWRA is a separate legal entity from the County of Monterey, with its own Board of Directors and the Board of Supervisors sitting as the Board of the Water Resources Agency. MCWRA will request amendment of this Article under a separate item scheduled for consideration by the Board of Supervisors sitting as the Board of the Monterey County Water Resources Agency. Contingent upon Board approval, the updated Fee Article XI shall be incorporated into the fee collecting and permit tracking system, and RMA shall continue to provide the public with single-point fee collection services.
 - e. **Fee Article XVII** are fees to cover costs of County Counsel services with respect to applications for land-use permits and entitlements. These fees were last comprehensively revised in 2015 (Resolution 15-075). Revisions are made to align with changes proposed by RMA, including simplifying some fee categories and converting the condition compliance fee to an hourly charge for all types of land-use permits. This alignment assists in implementation and efficiency, since

RMA serves as the single collection point of land-use application fees. Additionally, County Counsel has updated its hourly rate to utilize the fully burdened labor rate as of July 1, 2018.

- f. **Fee Article XIX** represents land use fees for Building Services, which is a functional unit of the Resource Management Agency Land Use and Community Development Division. This Article includes fees relating to building permit and inspection services and was last comprehensively updated in 2016 (Resolution 16-100). Proposed changes include a simplified and standardized valuation permit calculation table and annual updates.
 - g. **Fee Article XX** represents land-use fees for Environmental Services, which is a functional unit of the Resource Management Agency Land Use and Community Development Division. This Article includes for services related to land use entitlements and was last updated in 2015 (Resolution 15-075). Proposed changes include moving fees for these services into a new Article IX (RMA-Land Use) and reserving this fee article for future use if needed. Costs for these services are blended into one fee for RMA land use services, but each unit has updated its hourly rate to reflect the fully burdened labor rate as of July 1, 2019 as it will apply to each separate budget appropriation unit.
 - h. **Fee Article XXI** represents land-use fees for the County Administrative Office to internally reallocate fees received associated with processing Commercial Cannabis Permits.
7. 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 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.
 8. This action to modify land use fees is not a project under the California Environmental Quality Act (CEQA) 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).)
 9. Said amendments to the land-use fees shall take effect no sooner than 60 days following adoption of the amendment.
 10. The Board of Supervisors continued a duly noticed public hearing on July 16, 2019 to September 17, 2019 to consider these fee adjustments. A notice of this matter was provided by publication of notice in newspaper of local 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. Amend the Monterey County Fee Resolution, to take effect November 17, 2019, as follows:
 - a. Amend Article IX-(RMA-Planning) to re-title to RMA-Land Use and to update and consolidate land-use application fees for RMA-Planning, RMA-Public Works, and RMA-Environmental Services;
 - b. Rescind and Reserve Article X (RMA-Public Works);
 - c. Amend Article XIX (RMA-Building Services) to revise plan check and inspection fees to reflect updates to rates based on valuation;
 - d. Amend Article XVII (County Counsel) to align with revisions to Article IX and update rates; and
 - e. Rescind and Reserve Article XX (RMA-Environmental Services).
3. Article IX (RMA-Land Use), Article XVII (County Counsel), and Article XIX (RMA-Building Services), all as amended herein, are attached hereto and incorporated herein by reference.

PASSED AND ADOPTED upon motion of Supervisor _____, seconded by Supervisor _____ and carried this 17th day of September 2019, by the following vote, to wit:

AYES:

NOES:

ABSEN:

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 resolution of said Board of Supervisors duly made and entered in the minutes thereof Minute Book _____ for the meeting on September 17, 2019.

Dated: _____
File Number: _____

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

By _____
Deputy

**ARTICLE IX – RMA Land Use
Resource Management Agency Fee Schedule**

(Per Resolution No. 19-_, adopted September 17, 2019 by the Monterey County Board of Supervisors)

These regulatory and user fees are based on the estimated reasonable cost of providing these services or performing these activities. This fee schedule has been comprehensively revised for land use related activities in response to requests for services (permit applications). This fee schedule combines Planning fees (formerly the sole subject of Article IX), Public Works/Development Services (formerly Fee Article X) and Environmental Services (formerly Fee Article XX) as these services are performed under the Resource Management Agency (RMA). Work done without a permit, where a permit would have been required, is subject to code enforcement and subsequently charged double the permit fee. Fees are based on the estimated reasonable cost 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); Title 19, Monterey County Code (Subdivisions); Public Resources Code sections 2761 - 2764 (Surface Mining and Reclamation Act) and Chapter 16.04, Monterey County Code (Surface Mining and Reclamation); California Environmental Quality Act (Public Resources Code §21000 et seq.); Monterey County Code Chapters 1.20, 1.22, 20.90, and 21.84 (code enforcement activities and process).

2019 RMA Land Use Tiered Fee Schedule ^{1,2}	
General Plan Update & Implementation Fee (GPU&I) Included Unless Noted Otherwise	
No Fee	Address Assignment (first address assignment, each additional address \$90)
	Appeal - Coastal Permit ^{3,7}
	Design Approval limited in scope, no hearing required, no other departmental review required, minor change to existing structure, no addition
	Flood Zone Inquiry Report or Flood Zone Inquiry Cover Page
	Hazard Tree Removal ⁸
	Hazardous Vegetation/Fuel Management Plan Review ⁸
	Special Event Processing (other permits may be required)
TIER 1	Tier 1 • Over-The-Counter • \$550
	Application Request (\$500 no GPU&I fee) ⁷
	Design Approval – Over the Counter, limited in scope, no hearing required
	Landscape Management Plan Review
	Tree Removal (Director's Approval or Waiver)
TIER 2	TIER 2 • \$1,100
	Airport Land Use Commission Application Review
	Appeal of Fee Determination (\$1,000 no GPU&I fee) ^{3,7}
	Certificate of Correction
	Change of Commercial or Industrial Use
	Design Approval - Administrative, review & approval required, no hearing required
	Director's Interpretation (\$1,000 no GPU&I fee ⁷)

	Letter of Public Convenience and Necessity
	Oak Woodland Guidelines Consistency Certification
	Specific Plan Conformance Determination, Director's Approval, no hearing

TIER 3	TIER 3 · \$3,300
	Appeal of Director's Interpretation (\$3,000 no GPU&I fee 3,7,13)
	Big Sur Viewshed Acquisition (Transfer of Development Right)
	Certificate of Compliance Unconditional (up to 2 lots, each additional lot \$1,000) ₁₂
	Design Approval, public hearing required
	Development Review Conference _{5,6}
	License to Cross Non-Access Strip
	Lot Line Adjustment Amendment, Revision, or Extension
	Mills Act Contract Application
	Minor & Trivial Amendment or Minor Amendment, no hearing required
	Parcel Legality Determination ₁₂
	Public Service Easement Abandonment
	Road Name
	Scenic Easement Amendment
Transfer of Development Credit	

TIER 4	TIER 4 · \$5,500
	Administrative Permit or Coastal Administrative Permit (General)
	Emergency Permit
	Environmental Review - Addendum (tiered from earlier Environmental Impact Report)
	Franchise Agreement Extension or Amendment
	Permit Amendment, Renewal, or Revision (not otherwise specified)
	Permit Extension
	Restoration Plan – Administrative
	Road Abandonment
	Specific Plan Conformance Determination, hearing required
	Surface Mine Annual Inspection (disturbed area < 20 acres)
	Use Permit – General
Williamson Act - Farmland Security Zone Contract or Williamson Act Contract Amendment	

TIER 5	TIER 5 • \$7,700
	Certificate of Compliance Conditional (up to 2 lots, each additional lot \$1,000) ₁₂
	Franchise Agreement
	Lot Line Adjustment (General, Williamson Act)
	Minor & Trivial Amendment, hearing required
	Variance
TIER 6	TIER 6 • \$11,000
	Coastal Development Permit
	Combined Development Permit
	Environmental Review - Initial Study (ND/MND)
	General Development Plan
	Restoration Plan, hearing required
	Surface Mine Annual Inspection (disturbed area > 20 acres)
TIER 7	TIER 7 • \$22,000 Deposit _{2,13}
	Coastal Implementation Plan Amendment
	Development Agreement
	Environmental Review – Environmental Impact Report (Extraordinary Development Application) ₄
	Extraordinary Development Application ₄
	General Plan / Land Use Plan Amendment
	Specific Plan
	Specific Plan Amendment
	Subdivision – Minor or Standard - Tentative / Vesting Tentative Map Application - Tentative / Vesting Tentative Map Amendment - Tentative / Vesting Tentative Map Extension - Extension / Subdivision Improvement Agreement Extension
	Surface Mine Reclamation Plan
	Use Permit - Oil & Gas
	Vested Rights Determination
	Zone Change / Code Amendment
Each	
\$90	Address Assignment (first address no fee)
\$3,000	Appeal (Inland) ₇
\$24	Corner Record (Clerk Recorder Fees, CA Business and Professions Code § 8773.2)
\$182	Monterey Peninsula Water Management District Allocation Tracking

\$170	Personal Cannabis Permit
\$150	Record of Survey (Each Additional Sheet)
\$450	Record of Survey (First Sheet)
	<u>Hourly Rates:</u>
\$180	RMA - Code Enforcement Investigations and Compliance Support ¹⁴
\$164	RMA - Environmental Services
\$175	RMA - Planning
\$186	RMA - Development Services
\$224	RMA - Public Works – Traffic
\$90	RMA - Front Counter Processing
HOURLY	<u>Activities / Services Provided Billed on Hourly Rates:</u>
	Code Enforcement Activities
	Commercial Cannabis Permit – initial permit (Deposit Required \$1,000)
	Commercial Cannabis Permit - renewal (Deposit Required \$230)
	Condition Compliance / Mitigation Monitoring (Deposit Required \$6,000) ^{9,10,13}
	Deed Restriction Processing (ministerial permits)
	Research
	Site Visit
	Subdivision - Minor or Standard – Amend Final Map (Deposit Required \$6,000)
	<u>Additional Fees</u>
2.25%	Credit Card Convenience Fee (subject to adjustments)
10%	General Plan Update and Implementation Fee (Included in Tier Pricing Schedule unless noted otherwise ⁷)
1.70%	Storage and Electronic Conversion of Files Fee (File Storage Fee)
6.20%	Technology Fee

Transactions involving the use of a credit card are subject to a Credit Card Convenience Fee. The Credit Card Convenience Fee of 2.25% is based on a current fee established by the County’s contracted merchant bank and is subject to adjustments. The File Storage Fee of 1.70% is based on the costs incurred by RMA to file and store information related to land use applications and services provided. The Technology fee of 6.20%, was determined based on the Adopted Budget for Fiscal Year 2019/20 for Information Technology systems and related support costs directly related to permit processing including, but not limited to, Accela (permit tracking tool) which allows the department (RMA) to function efficiently and directly communicate with customers via online portal. Information technology allows the department to cut costs by communicating directly with customers and other agencies. The annual maintenance costs and associated costs are required to maintain status quo. The costs to maintain the Accela system and associated information technology support are required to provide existing levels of service. The technology fee applies to all fees, unless otherwise specified.

The General Plan Update and implementation regulatory requirement is an ongoing operational mission-critical requirement. The General Plan Update and implementation (GPU&I) fee of 10%, is based on the workload (distributed across an annual basis) and associated annual budget required to implement and update the General Plan as necessary. The GPU&I fee has been incorporated into the tiered fee structure unless otherwise specified. Consistent and timely updates are required. The average annual cost of evaluating individual permits and activities has incremental impacts when taken cumulatively, creates an unnecessary burden on the General Fund. The GPU&I fee is not applied to Application Requests, Appeals, Appeals of Director's Interpretation, and Appeals of Fee Determinations.

The applicant for a land use application, permit approval or any procedure that requires processing through RMA and includes recording/filing of a document with the Monterey County Recorder shall, in addition to the payment of any and all other County and/or RMA fee, 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 the document is processed on behalf of the applicant, by an employee of the County of Monterey (e.g., RMA staff) or Clerk of the Board or 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.

Footnotes

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| <p>1) Unless a "deposit" is indicated, the fee is a flat fee based on the estimated reasonable cost, averaged across all applications, for processing the permit/entitlement/activity. In cases where the scope of an application is modified and exceeds the scope originally used to assign the fee tier (and other associated fees), the RMA reserves the right to re-assess the application to the appropriate fee tier (and collect associated fees).</p> |
| <p>2) For certain applications, a "deposit" is indicated because the cost of processing varies widely depending on the application. Where a "deposit" is indicated, the fee will be based on actual hours, measured by actual time spent on an application in quarter-hour (.25) increments. Applicant is required to pay the deposit, which is initially established based on an estimated minimum set of hours multiplied by the applicable billable rates. If during the processing of applications County staff determines that the deposit is insufficient to cover actual processing time, the applicant will be asked to increase the deposit amount based on a revised estimate provided by the County. The revised estimate will be calculated based on the established billable rate(s) multiplied by actual hours expended. Should the instance arise where the deposit is insufficient to cover the actual cost of the actual processing time, the applicant will be billed to cover the outstanding amount. All outstanding amounts must be paid prior to the County finalizing the application. On deposit applications, the applicant and Deputy Director of Land Use and Community Development may elect, on a case-by-case basis, to agree to a different deposit amount based on the estimated cost of processing a specific application. Invoices shall be provided to the applicant on a frequency dependent upon the application's progress. The fee will be calculated based on the number of hours expended by County staff multiplied by the applicable billable rate noted in the fee article. Consultants and other expenses shall be reimbursed based on actual costs incurred.</p> |
| <p>3) In the coastal zone, the appeal fee applies only to appeals of permits that are not appealable to the California Coastal Commission such as Administrative Permits, Design Approvals, Variances, and Tree Removal Permits in certain coastal areas. The appeal fee does not apply to appeals of Coastal Development Permits that are appealable to the Coastal Commission. No fee is charged for postage & handling.</p> |

<p>4) “Extraordinary development applications” are those applications that require staff time well beyond a typical application, as determined by the Deputy Director of Land Use 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/or an anticipated lengthy time frame for processing because of scope and complexity. Consistent with these criteria, any project requiring the preparation of an Environmental Impact Report shall qualify as an extraordinary development application. The applicant shall be responsible for paying the associated staff hours multiplied by the applicable billable rate noted in the fee article, as well as any other costs incurred, including consultant costs.</p>
<p>5) Fees collected for application appointments and Development Review Conferences shall be credited against any subsequent discretionary permit, except design approval, provided the discretionary permit application is made within 12 months of the application appointment.</p>
<p>6) This fee shall not apply to an application for the first Building Permit following approval of a discretionary planning entitlement, except Design Approvals.</p>
<p>7) General Plan Update and Implementation fee of 10% is applied to the total permit fee assessed toward an application and is required for all permits covered under this article except for: Application Requests; Appeals; Appeals of Director's Interpretation; and Appeals of Fee Determinations.</p>
<p>8) Hazard Tree Removal - <i>No Fee</i> applies when a tree is deemed hazardous by a professional licensed arborist or tree trimmer/remover.</p>
<p>9) Applications approved after the effective date of this article with mitigation measures shall be subject to the mitigation monitoring fees set forth in this Article. Projects approved prior to the effective date of this article with mitigation measures shall be subject to the mitigation monitoring fees set forth in the Monterey County Fee Resolution that was in effect on the application approval date.</p>
<p>10) Applications with conditions of approval that do not include mitigation measures, applications approved after the effective date of this Article shall be subject to the condition compliance fees set forth in this Article, and applications approved prior to the effective date of this Article shall be subject to the condition compliance fees set forth in the Monterey County Fee Resolution that was in effect on the application approval date.</p>
<p>11) Work performed without a permit where a permit is required is subject to Code Enforcement Investigation and Compliance Support based on hourly rates, plus double the permit fee.</p>
<p>12) A portion of the fee (50%, \$1,650) collected for a parcel legality determination may be credited toward a request for Certificate of Compliance (Conditional \$7,700 or Unconditional \$3,300) for the same lot that was the subject of the parcel legality determination.</p>
<p>13) An appeal fee applies to appeals of the RMA Director’s Interpretations of the zoning or subdivision ordinance, regardless of planning area.</p>

Article XIX – Building Services
Resource Management Agency Fee Schedule
 (Per Resolution No. 19-___, adopted September 17, 2019 by the Monterey County Board of Supervisors)

<u>Permit Fees - Mechanical, Plumbing, Electrical, sub-trade, Grading & Building</u>		
Building Permit		
\$0 to \$10,000	\$195	Flat Fee
\$10,001 and Up	Local Multiplier x ICC Valuation = Total Building Permit Fee (0.0315) x (ICC Valuation) = Total Building Permit Fee	
Grading Permit		
Grading Estimate provided by qualified Licensed Professional (eg. PE, Geotechnical Engineer, Contractor)	Local Multiplier x ICC Valuation + Grading Estimate provided by qualified Licensed Professional = Total Building Permit Fee (0.0315) x (ICC Valuation) = Total Building Permit Fee	
Remodeling Building Permit (Based on Extent of Alteration percentage of ICC Valuation)		
Extent of Remodeling & Corresponding % of ICC Valuation = Permit Fee	Definition	
20%	Minor - Cosmetic work, refinishing walls, ceilings, floors; minor mechanical, electrical, plumbing; no structural work.	
40%	Medium - Addition or removal of some walls or extensive construction of partitions; projects with more involved mechanical, electrical, plumbing work, such as residential additions or renovations of bathrooms and kitchens, commercial replacement of major HVAC components or of ceiling grids; refinishing of many existing walls, ceilings, floors; replacement of substantial portions of the glazing systems if a major portion of the project; moderate projects may include minor changes to the exterior envelope or structural systems.	
60%	Major - Addition or demolition of many walls; installation of new glazing systems in conjunction with major remodeling; upgrade of structural systems in some portions to receive increased loads in limited areas or structural repair of significant elements in limited area. Significant upgrades to mechanical, electrical, and plumbing systems in conjunction with significant refinishing of surfaces.	
80%	Extensive - Demolition of all non-structural portions leaving a structural shell; installation of new or substantial replacement of electrical, mechanical systems in conjunction with significant changes in room configuration; significant structural upgrading to meet seismic requirements, or other substantial structural renovation, extensive structural repair.	

95%	Full - Demolition of all interior partition walls (structural and non-structural); Demolition of a majority of exterior walls and entire roof structure; Installation of new electrical, mechanical systems in conjunction with significant changes in room configuration.	
PhotoVoltaic Solar Permit		
Residential Roof Mounted solar system	\$390 + \$15/kW over 15kW	
Residential Ground Mounted solar system	\$780 + \$15/kW over 15kW	
Commercial Roof Mounted solar system	\$1170 + \$7/kW over 50 kW	
Commercial Ground Mounted solar system	\$2340 + \$7/kW over 250 kW	
Mechanical, Plumbing, Electrical - Sub-Trade Permits		
Simple Permit - Demolition	Based on Minimum # of inspections for project	
Simple Permit - Re-Roof	Based on Minimum # of inspections for project	
Simple Permit - Sub Trade	Based on Minimum # of inspections for project	
Plan Review for projects not Otherwise Specified	\$195	Hourly
Express Plan Review - After Hours (Available Upon Approval by Director or Building Official)	\$293	Hourly
Express Plan Review - Holidays (Available Upon Approval by Director or Building Official)	\$390	Hourly
Additional Technical Review Expertise or Specialty Review	Cost + Admin Fee	Calculated at time of Service
Special Events		
Special Event Construction Permit Submitted < 30 Days Prior to Event ₅	Double Plan Review Fee	
Special Event Construction Permit Submitted < 60 Days Prior to Event ₆	1.5 x Plan Review Fee	
Encroachment Permits		
General Encroachment Permit - Minor	\$355	
	-Minor Driveway (residential or commercial)	
	-Tree removal/trimming/landscaping/fences (fences may require separate design approval)	

	-Minor road closure/usage (minor construction or minor special event*/filming-photography)	
	-Directional signs (except temporary arrows)	
	-Underground Utility Trenching (0-750 feet, over 750 feet = + \$2.00 per linear foot)	
	-Utility Poles (1-6 Poles, additional poles = + \$50 per pole)	
	-Boring (1-2 bell holes, additional bell holes = + \$100 each bell hole)	
	-New Sidewalk, curb or gutter = + \$2.00 per linear foot	
*minor special event = two-hundred (200) or more daily participants or road closure less than one (1) day		
General Encroachment Permit - Major	\$905	
	-Major road closure/usage (major construction or major special event*/filming-photography)	
	-Gates/walls (e.g. concrete or masonry wall/column)	
	-Traffic striping, marking or signal improvements	
	-Street Improvements (additional \$0.05 per square foot)	
*major special event = fifty (50) to one-hundred-ninety-nine (199) or more daily participants or road closure more than one (1) day		
Blanket Encroachment Permit for Utility Companies	\$3,005	
Fees not otherwise specified		
Inspection Fee for projects not Otherwise Specified	\$195	Hourly (One Hour Minimum)
Inspection - After Working Hours (Based on Time 1/2)	\$293	Hourly (4 Hour Minimum)
Inspection - Holidays (Based on Double Time)	\$390	Hourly (4 Hour Minimum)
Re-Inspection	\$195	Hourly (One Hour Minimum)
Alternate Methods of Construction / Code Modification Request	\$195	Hourly (One Hour Minimum)
Temporary Certificate of Occupancy	\$500	Flat Fee
Appeal	\$195	Hourly (4-Hour Minimum)
Permit Extension	\$195	Flat Fee

Permit Renewal Investigation	\$195	Hourly (One Hour Minimum)
Deed Restriction	\$195	Flat Fee
Inspection Card Replacement	\$90	Flat Fee
Change of Record on Permit	\$195	Flat Fee
Processing - Permit Front Counter Hourly Rate	\$90	Hourly
Document Management - Escrow Report / Filing / Etc.	\$90	Hourly
Extraordinary Development Applications	\$22,000	Deposit (Billed based on Actual Costs)
Code Enforcement		
Code Enforcement Investigations and Compliance Support	\$180	Hourly
Work without a Permit		Double the Permit Fee
Surcharges		
1. California Building Standards Commission		calculated/state regs
2. Strong Motion Instrumentation Program		calculated/state regs
4. Accessibility (CASP) - Applicable for Commercial Projects		calculated/state regs
5. Credit Card Surcharge	2.25%	(Current County Rate)
6. Storage & Electronic Conversion of Files	1.7%	
7. General Plan Update	10%	
8. Technology	6.2%	
9. Clerk Recorder Fee		(Current County Rate)
Bonds		
Bonds		Determined by ICC valuation, Approved by Building Official
NOTES		
1.Hourly fees are charged in 0.25 hour increments		
2.Express Plan Review availability based on Approval by Director or Building Official		

<p>3. "Extraordinary development applications" are those applications which will require staff time well beyond the typical application, as determined by the Chief of Planning or Building Official. 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/or 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.</p>
<p>4. All applications require diagram of project attached to permit</p>
<p>5. Applicable to Special Events with temporary construction of tents over 400 sq ft</p>
<p>6. Construction valuation is determined from the current International Code Council Building Valuation Data to be updated annually with the first published valuation table of the calendar year.</p>
<p>7. ICC Standard Calculation of Local Multiplier = (Budget x Cost Recovery %) / Total Valuation (from previous Fiscal year) = (\$8,602,494 x 100%) / \$273,181,378) = 0.0315 Budget = Total Building (Salaries & Benefits and Services & Supplies) + (S& B only) Planning 3 FTEs + Public Works/Development Services 5 FTEs + Environmental Services 3 FTEs = \$8,602,494</p>
<p>8. Technical Expertise services required for projects including, but not limited to Water Resources Agency, shall be billed based on Cost Plus administrative fees for costs incurred to process such requests and shall be calculated at the time of service.</p>

**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. _____, adopted _____, 2019.)

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	\$167.00	Each permit
2. Condition Compliance fee	hourly	
Appeal, inland permits and coastal permits if not appealable to Coastal Commission ²	\$146.00	Each appeal

¹ The County Counsel flat fees are based on an hourly rate of \$223.00, 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. 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, 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 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. The total cost for condition compliance will be based on the cost of staff time to review and process documents submitted by the applicant to comply with conditions of approval, including compliance with mitigation measures as applicable.

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 upon the fee adopted by the Board of Supervisors on

Appeal of Director's Interpretation ³	\$146.00	Each appeal
Appeal of Fee Determination ⁴	\$146.00	Each appeal
Coastal Administrative Permit--General		
1. Application fee	\$167.00	Each permit
2. Condition compliance fee	hourly	
Coastal Development Permit		
1. Application fee	\$669.00	Each permit
2. Condition compliance fee	hourly	
Coastal Implementation Plan Amendment	Extraordinary Development Application Fee	Deposit (\$2230)
Combined Development Permit		
1. Application fee	\$669.00	Each permit
2. Condition compliance fee	hourly	
Design Approval –Limited in Scope (≥1 hour; no hearing)	\$56.00	Each DA
Design Approval Requiring Public Hearing	\$223.00	Each DA
Development Agreement	Extraordinary Development Application Fee	Deposit (\$2230)
Director's Interpretation	\$446	Each
Emergency Permit		
1. Application fee	\$56.00	Each permit
2. Condition compliance fee	hourly	

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 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 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, which sets the fee substantially lower than actual cost. The appeal fee is subsidized by the County General Fund.

Extraordinary Development Application ⁵	\$2230.00	Deposit
General Development Plan		
1. Application fee	\$167.00	Each permit
2. Condition compliance fee	hourly	
General/Area Plan Amendment	Extraordinary Development Application Fee	Deposit (\$2230)
Minor Amendment (non-coastal; no public hearing)	\$112.00	Each
Minor and Trivial Amendment (coastal zone; no public hearing)	\$112.00	Each
Rezoning or Code Text Amendment	Extraordinary Development Application Fee	Deposit (\$2230)
Scenic Easement Amendment	\$446.00	Each
Specific Plan	Extraordinary Development Application Fee	Deposit (\$2230)
Specific Plan Amendment	Extraordinary Development Application Fee	Deposit (\$2230)
Specific Plan Conformance Determination	\$669.00	Each
Use Permit-- General		
1. Application fee	\$502.00	Each permit
2. Condition compliance fee	hourly	
Use Permit--oil and gas	Extraordinary Development Application Fee	Deposit (\$2230)
Use Permit Amendment, Renewal, or Revision	\$669.00	Each

⁵ “Extraordinary Development Applications” are those applications which will require staff time well beyond the typical application, as determined by the 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.

Use Permit Extension	\$112.00	Each
Variance (Application fee)	\$223.00	Each
Vested Rights Determination	Extraordinary Development Application Fee	Deposit (\$2230)

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	\$1338.00	1 - 2 lots
2. each additional lot requested	\$223.00	Per each addt'l Lot > 2
Certificate of Compliance (Unconditional)		
1. Request for 1 or 2 lots	\$1338.00	1 – 2 lots
2. Each additional lot requested	\$223.00	Per each addt'l lot > 2
Certificate of Correction	\$112.00	Each
Lot Line Adjustment		
1. Application fee	\$167.00	Each permit
2. Condition compliance fee	hourly	
Lot Line Adjustment – Williamson Act		
1. Application fee	\$1673.00	Each permit
2. Condition compliance fee	hourly	
Lot Line Adjustment Amendment, Revision, or Extension	\$223.00	Each
Parcel Legality Determination ⁶		
1. request for 1 or 2 lots	\$1338.00	1 - 2 lots
2. each additional lot requested	\$223.00	Per each addt'l Lot > 2

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—Minor or Standard— Tentative /Vesting Tentative Map Application	Extraordinary Development Application Fee	Deposit (\$2230)
Subdivision—Minor or Standard— Tentative/Vesting Map Extension	\$669.00	Each
Subdivision—Minor or Standard-- Final parcel map/ final map review	hourly	Deposit (\$892)
Subdivision—Amendment of Final or Tentative/Vesting Tentative Map	Extraordinary Development Application Fee	Deposit (\$2230)

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	Each
Environmental Review-- Initial Study (ND/MND)	\$1115.00	Each
Environmental Review – Environmental Impact Report	Extraordinary Development Application Fee	Deposit (\$2230)
Environmental Impact Report – Contract and contract amendment administration	\$446.00	Each
Condition Compliance/ Mitigation Monitoring ⁷	hourly	Deposit (\$446)

⁷ 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.

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	Each
Commercial Cannabis permit –initial permit	hourly	Deposit (\$424)
Commercial Cannabis permit –renewal	hourly	Deposit (\$160)
Condition Compliance Review (permits without Mitigation Measures)	hourly	Deposit (\$223)
Deed restriction processing (ministerial permit) ⁸	hourly	
Letter of Public Convenience and Necessity	\$446.00	Each
Mills Act Contract Application (Government Code § 50281.1)	\$892.00	Each
Oak Woodlands Guidelines Consistency Certification (Government Code § 65401; Fish & Game Code § 1366(f))	\$223.00	Each
Road Abandonment (Streets and Highway Code § 8321)	\$446.00	Each
Williamson Act or Farmland Security Zone Contract	\$1784.00	Each
Williamson Act Contract Amendment	\$223.00	Each
Surface Mining Reclamation Plan	hourly	Deposit (\$982)

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

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.

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.