

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

Resolution No.: 16 –)
A Resolution Establishing New Fees and Revising existing Fees in Article)
XIX (Resource Management Agency-Building Services) of the County of)
Monterey 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. Periodically, construction permitting and inspection services fees are amended to recover some of these costs to provide these services.
4. RMA-Building Services is proposing to clarify existing fee categories, establish two new construction permit fees related to special events, add the “extraordinary development applications” fee category, reduce fees for two fee categories to reflect lower department costs and increase fees for two fee categories to reflect department cost. The amendments to the construction permitting and inspection services fees are shown by ~~strikeout~~ and underline in the Article attached hereto and incorporated herein by reference, with additions shown by underline and deletions shown in ~~strike through~~.
5. The fee adjustments made by this resolution cover a portion of the staff cost of processing applications for construction permits and associated activities. The fees do not exceed the reasonable or actual costs of performing the services. 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.
6. Construction permit and inspection fees are authorized by state law (Government Code section 66014). 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.

7. This action to modify construction permitting and inspection services 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).)
8. Said amendments to the construction permitting and inspection services fees are intended to take effect 60 days after adoption of the amendments except items II.C.11 and II.C.12 in the attached Building Services Master Fee Matrix, relating to the establishment of fees for construction permit submittals received less than 60 days prior to a special event. These two fees are intended to take effect on January 1, 2017 in order to allow time for the hospitality industry to plan for these fees.
9. The Board of Supervisors held a duly noticed public hearing on May 3, 2016 to consider these fee adjustments. 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 by the Monterey County Board of Supervisors as follows:

- a. The foregoing recitals are true and correct.
- b. Article XIX (RMA-Building Services) of the Monterey County Fee Resolution, attached hereto as Exhibit 1 and incorporated herein by reference, is hereby amended as shown by strikeout and underline in the attached Article.
- c. The amendments to Article XIX shall take effect on the sixty-first day after adoption, except for fee categories II.C.11 and II.C.12 in the attached Building Services Master Fee Matrix, relating to the establishment of fees for construction permit submittals received less than 60 days prior to a special event. The fees established in II.C.11 and II.C.12 of Article XIX shall take effect on January 1, 2017.

PASSED AND ADOPTED on this ____ day of _____, 2016, by the following vote, to-wit:

AYES:
NOES:
ABSENT:

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___ for the meeting on _____.

Dated:

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

By _____
, Deputy

EXHIBIT 1

ARTICLE XIX		
RMA - Building Services Master Fees Matrix – ARTICLE XIX		
I. ADMINISTRATIVE FEES	FEE	FEE BASIS ¹
A. Approval Fees		
1. Alternate Methods of Construction	300	fixed
2. Code Modification Request		
a. Simple with minimal review	90	fixed
b. Standard with review	195	fixed
c. Complex requiring Administrative Review (2hour min.)	195	hourly
3. Special Inspection Agency/Fabricator		
a. Initial Application	400	fixed
b. Renewal Application	150	fixed
4. Temporary Certificate of Occupancy	150	fixed
5. Early Utility Connection	150	fixed
B. Appeal Fees		
1. Building Appeal Board		
a. Simple with minimal review	195	fixed
b. Standard with review	585	fixed
2. Accessibility Review Board		
a. Simple with minimal review	195	fixed
b. Standard with review	585	fixed
C. Extension Fees		
1. Permit/Application extension fee expired < one year	90	fixed
2. Permit/Application expired > one year <u>extension - inspections</u>	220 180	fixed <u>per inspection</u>
3. Temporary Certificate of Occupancy	150	fixed
D. Miscellaneous Fees		
1. Deed Restriction	160	fixed
2. Replacement of Inspection card <u>Card</u>	90	fixed
3. Change of Record on Permit	90	fixed
4. Credit Card Surcharge	1.70%	% of invoice
5. Misc. Not otherwise classified-	90	fixed

6. Permit Counter Personnel Hourly Fee

90 hourly

II. PERMIT FEES		
A. Issuance Fees		
1. Simple Permit (No Plans Required)	90	fixed
2. Combination Permit	220	fixed
3. Sub Trade Permit	90	fixed
4. PV/EV Permit		
a. Roof Mounted PV	90	fixed
b. Ground Mounted PV	90	fixed
c. EV Charging Station	90	fixed
5. Deferred Submittal	90	fixed
6. Demolition Permit	90	fixed
7. Final Processing		
a. Standard	90	fixed
b. Extended (greater than 1 hour)	90	hourly
B. Routing Fees		
1. OTC Review and Issuance	90	fixed
2. Plan Review (Building Only)	150	fixed
3. Plan Review (Multi-Agency, <u>Paper submittal</u>)	500	fixed
4. Plan Review (Multi-Agency, <u>Electronic submittal</u>)	410	fixed
C. Plan Review Fees		
1. Over the Counter Plan Review	195	hourly
2. Standard Plan Review ²	80% of Inspection Fee	%
3. Foundation Only Plan Review (<u>50% of Standard PC Plan Review Fee</u>) ³	<u>50%- 150% of PC Plan Review Fee</u>	% of <u>PC Plan Review Fee</u>
4. Standard Plan review	195	hourly
5. Expedited/ <u>Special</u> Plan Review (<u>50% of Scheduled Fee</u>) ⁴	<u>50%- 150% of Scheduled Fee or actual cost for outside plan check</u>	% of <u>PC Plan Review Fee</u>
6. Deferred Submittal	195	hourly
7. PV/EV Plan Review		
a. Roof Mounted PV	195	hourly
b. Ground Mounted PV	195	hourly
c. EV Charging Station	195	hourly
8. Demolition Plan Review	195	hourly
9. HCD Approved Structures Plan Review	195	hourly

10. Plan Review not Otherwise Classified	195	hourly
11. Special Event Construction Permit Submitted < 60 Days Prior to Event	150% of Plan Review Fee	% of Plan Review Fee
12. Special Event Construction Permit Submitted <30 Days Prior to Event	200% of Plan Review Fee	% of Plan Review Fee
13. Extraordinary Development Application ²	20,000 ³	deposit

<u>D. Inspection Fees</u>		
1. Standard Building Inspection ²⁴	Per Valuation Table	calculated/valuation
2. Foundation Only Building Inspection (50% of Standard Insp. Fee) ⁴	<u>150%</u> of Inspection Fee	% of inspection fee
3. Re-Inspection (1 hour Min.)	195	hourly
4. Simple Permits		
a. Minor	180	fixed
b. Standard (up to 3 inspections)	360	fixed
c. Additional Inspections	180	hourly
5. Permit Renewal Investigation	360	fixed
6. Temporary Certificate of Occupancy	360	fixed
7. Early Utility Connection	360	fixed
8. After Hours Inspections		
a. After normal hours (2 hour min) (includes travel time)	<u>180</u> <u>270</u>	hourly
b. Weekends, (4 hour min) (includes travel time)	<u>180</u> <u>270</u>	hourly
c. <u>Holidays and Scheduled Office Closures (includes travel time)</u>	<u>360</u>	<u>hourly</u>
9. Inspections not otherwise classified	180	hourly
<u>10. Extraordinary Development Application Inspections</u> ²	<u>20,000</u> ³	<u>deposit</u>
<u>E. Fee Assessments</u>		
1. California Building standards <u>Standards</u> Surcharge		calculated/state regs
2. Strong Motion-Commercial		calculated/state regs
3. Strong Motion-Residential		calculated/state regs
4. Technology Fee-Building		calculated/county
5. Technology Fee-Planning		calculated/county
6. General Plan Update		calculated/county
<u>F. Bonds</u>		
1. Temporary Occupancy Bond (\$5000 min) ⁵³		TBD
<u>III. RECORD FEES</u>		
<u>A. Escrow Report</u>		
1. Single Family Residence	277	fixed
2. Condominium/Townhouse	277	fixed
3. Multi-family Residence	277	fixed

4. Commercial/Industrial/Agricultural	277	fixed
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<u>IV. CODE ENFORCEMENT FEES</u>		
<u>A. Work without a Permit</u>		
1. Simple Improvements (No Plans Required)		DbI PePlan Review & Insp
2. Major Improvements (Plans Required)		DbI PePlan Review & Insp
<u>B. Administrative Costs</u>		
1. Code Enforcement Investigations and Compliance Support	180	hourly
FOOTNOTES		
^[1] Hourly fees are charged in .25 hour increments		
^[2] "Extraordinary development applications" are those applications which will require staff time well beyond the typical application, as determined by the RMA Director or designee. These applications may include, by way of example and without limitation, applications involving significant/unique technical review and/or an anticipated lengthy time frame for processing because of their scope and complexity. 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.		
^[3] On matters for which a deposit is required, fees will be based on actual time in quarter hour (.25) increments multiplied by the hourly fully burdened labor rate of the individual providing the service. The 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 RMA Director or designee 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.		
^[4] Shell only applications shall be charged at 80% of scheduled fee		
^[3] Foundation only fee is in addition to the full fee per schedule		
^[4] Expedited fee is in addition to the full fee per schedule		

[53] TCO Bond is 110% of valuation of uncompleted work		
[46] Fees on projects above \$1,000,000 are to be a fixed fee based on estimated hours as determined by the CBO Building Official		
Inspection Valuation Table		
Schedule		
Valuation	Fee	
\$0 to \$10,000	\$120.00	
\$10,001 to \$200,000	0.01323xValue-\$12.3	
\$200,001 to \$1,000,000	0.01317xValue	
\$1,000,001 and Up ⁴	Estimated Hours	fixed
The construction valuation is determined from the February 2014 ICC Building Valuation Data with a 1.25 Regional Multiplier.		
The Alternative Energy Incentive Credit (approved separately by the Board of Supervisors) is not listed in this document.		