



# Monterey County Water Resources Agency

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## Board Order

Upon motion of Supervisor Salinas, seconded by Supervisor Parker, and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution No. 13-144 to amend certain specified Monterey County Water Resources Agency land use permitting activities fees, including:

- a. Levying a new well construction fee for the Water Resources Agency's technical support to the Monterey County Environmental Health Bureau well permit program for evaluation of new domestic wells, in the inland areas of Monterey County resulting from the implementation of 2010 General Plan Policy (PS-3.3);
- b. Levying a new well construction fee for the Water Resources Agency's technical support to the Monterey County Environmental Health Bureau well permit program for evaluation of new high capacity wells, in the inland areas of Monterey County resulting from the implementation of 2010 General Plan Policy (PS-3.4);
- c. Amending the description of where well construction, reconstruction, and destruction permit fees are collected for the Water Resources Agency to include Zone 2C and additional areas of Monterey County inclusive of the area under the jurisdiction of the Pajaro Valley Water Management Agency; and,


PASSED AND ADOPTED on this 7th day of May 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker and Potter  
 NOES: None  
 ABSENT: None

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 76 for the meeting on May 7, 2013.

Dated: May 29, 2013  
File Number: WRA RES 13-002

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

By  Deputy

**Before the Board of Supervisors of the Monterey County Water Resources Agency  
County of Monterey, State of California**

**Resolution No. 13-144**

A Resolution Amending Monterey County )  
Water Resources Agency Land Use Fees..... )

This Resolution is made with reference to the following facts:

1. State law allows the Monterey County Water Resources Agency (MCWRA), 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. Several of the Monterey County land use departments and the MCWRA are proposing to amend some fees to keep pace with an increase in costs of providing some of these services, to modify fee categories to reflect more efficient operations, to clarify some fee categories, to levy fees for additional mandated services, and to reduce the fee for land use permit appeals. Because the County employs a single point for collection of the fee from the applicant, consistency and uniformity across the departments and the MCWRA in the structure of land use fees are needed in order to administer fees efficiently. To this end, the departments and the MCWRA have restructured fees to further segment existing permit fees to better represent actual cost of service, clarified some fees for more consistent application by the staff and better understanding by the public, levied to recover the costs of mandated services, or streamlined existing permit fees to reflect updated data on processing times. The amendments to the land use fees are shown by strikeout and underline in the Articles attached hereto and incorporated herein by reference, with additions shown by underline and deletions shown in ~~strike through~~.
3. The amendments to MCWRA fees include new fees to cover staff costs for technical support to the Monterey County Environmental Health Bureau’s well permit program for evaluation of new domestic wells and high capacity wells pursuant to policies of the Monterey County 2010 General Plan and enlargement of the geographic area where certain existing MCWRA well construction/reconstruction/destruction fees apply.
4. The fee adjustments made by this resolution cover staff costs for technical support services to the Monterey County Environmental Health Bureau’s well permit program for evaluation of new domestic wells and high capacity wells pursuant to policies of the Monterey County 2010 General Plan and enlargement of the geographic area where certain existing MCWRA well construction/reconstruction/destruction fees apply. The fees do not exceed the reasonable or actual costs of performing said 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.
5. 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 specific government services provided directly to the applicant that is not provided to those not charged, are imposed for the reasonable regulatory costs to the local agency for issuing permits for property development and the administrative enforcement thereof, and do not exceed the reasonable costs to the MCWRA of providing these services.

6. This action to Levy fees for technical support services for evaluation of new domestic and high capacity wells 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).)
7. Said Agency fees and amended fees shall take effect no sooner than 60 days following final action on the adoption of the amendments.
8. On April 22, 2013, the Board of Directors of the Monterey County Water Resources Agency considered and recommended that the Board of Supervisors of the Monterey County Water Resources Agency levy the new fees to cover staff costs for technical support to the Monterey County Environmental Health Bureau's well permit program for evaluation of new domestic wells and high capacity wells pursuant to policies of the Monterey County 2010 General Plan and enlargement of the geographic area where certain existing MCWRA well construction/reconstruction/destruction fees apply.
9. The Board of Supervisors of the Monterey County Water Resources Agency held a duly noticed public hearing on May 7, 2013 to consider these fee adjustments. Notice of this matter was provided by publication of notice in newspapers of local circulation in the County of Monterey and all testimony from staff and the public has been heard and considered.

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

1. The foregoing recitals are true and correct.
2. Articles XI, setting forth the Monterey County Water Resources Agency land use permitting fees, attached hereto and incorporated herein by reference, is hereby amended as shown by ~~strikeout~~ and underline in the attached Article, including the following:
  - A. Levying a new well construction fee for the Water Resources Agency's technical support to the Monterey County Environmental Health Bureau well permit program for evaluation of new domestic wells, resulting from the implementation of 2010 General Plan Policy (PS-3.3);
  - B. Levying a new well construction fee for the Water Resources Agency's technical support to the Monterey County Environmental Health Bureau well permit program for evaluation of new high capacity wells, resulting from the implementation of 2010 General Plan Policy (PS-3.4);
  - C. Amending the description of where well construction, reconstruction, and destruction permit fees are collected for the Water Resources Agency to include Zone 2C and additional areas of Monterey County inclusive of the

area under the jurisdiction of the Pajaro Valley Water Management Agency;  
and

- D. Amending specified fees as presented in the County of Monterey Master Fee Resolution Article XI.
3. Said amendments to Article XI shall take effect on the 61<sup>st</sup> day following adoption.
  4. Monterey County Water Resources Agency consents to collection of these fees, as amended, by the County on behalf of MCWRA and inclusion of Article XI (Water Resources Agency) into the Monterey County Fee Resolution.

**PASSED AND ADOPTED** upon motion of Supervisor Salinas seconded by Supervisor Parker and carried this 7th day of May 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas and Parker

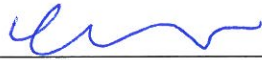
NOES: None

ABSENT: Supervisor Potter

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 76 for the meeting on May 7, 2013.

Dated: May 29, 2013  
File Number: WRA RES 13-002

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

By  \_\_\_\_\_  
Deputy

**ARTICLE XI**

**MONTEREY COUNTY WATER RESOURCES AGENCY FEES**

(Per Resolution 13-144, adopted May 7, 2013 by the Monterey County Board of Supervisors)

**SECTION I. LAND USE**

**A. Various land use permits as established in Title 20.1, Monterey County Code (Coastal Implementation Plan) and Title 21, Monterey County Code (Zoning).**

| <u>DESCRIPTION</u>                            | <u>AMOUNT</u>                             | <u>UNIT/TIME</u> |
|---|---|------------------|
| 1. Administrative Permit                      | \$975.90                                  | Each             |
| 2. Appeal (8)                                 | \$365.83                                  | Each             |
| 3. Permit Amendment Revisions or Extension    | \$610.08                                  | Each             |
| 4. Coastal Development Permits                |   |                  |
| a. Tree Removal Only                          | \$244.25                                  | Each             |
| b. All Others                                 | \$975.90                                  | Each             |
| 5. Coastal Implementation Plan Amendment (1)  | Extraordinary Development Application Fee |                  |
| 6. General Development Plan                   | \$1,220.15                                | Each             |
| 7. General/Area Plan Amendments (1)           | Extraordinary Development Application Fee |                  |
| 8. Extraordinary Development Applications (1) | \$7,318.75                                | Deposit          |
| 9. Rezoning or Code Text Amendments (1)       | Extraordinary Development Application Fee |                  |
| 10. Initial Environmental Review              | \$486.32                                  | Each             |
| 11. Use Permit                                | \$975.90                                  | Each             |
| 12. Variance                                  | \$854.32                                  | Each             |

**B. Various subdivision activities as established in Title 19, Monterey County Code (Subdivisions)**

|   |            |      |
|---|------------|------|
| 1. Lot Line Adjustment                                | \$731.66   | Each |
| 2. Minor Subdivision Amendment, Revisions, Extensions | \$610.08   | Each |
| 3. Minor Subdivision Tentative Map                    | \$2,927.72 | Each |

|    |  |                        |                 |
|----|--|------------------------|-----------------|
| 4. | Minor Subdivision Vesting Tentative Map                      | \$2,927.72             | Each            |
| 5. | Standard Subdivision, Amendments, Revisions<br>or Extensions | \$610.08               | Each            |
| 6. | Standard Subdivision Preliminary Map<br>After 24 hours       | \$2,927.72<br>\$121.58 | Deposit<br>Hour |
| 7. | Standard Subdivision Tentative Map<br>After 30 hours         | \$3,659.38<br>\$121.58 | Deposit<br>Hour |
| 8. | Standard Subdivision Vesting Tentative Map<br>After 40 hours | \$4,878.45<br>\$121.58 | Deposit<br>Hour |
| 9. | Mitigation Monitoring (2)                                    |                        |                 |
|    | a. 1-10 Measures   | \$731.66               | Deposit         |
|    | b. 11-30 Measures  | \$1,463.32             | Deposit         |
|    | c. Over 30 Measures  | \$2,194.99             | Deposit         |

## SECTION 2. MISCELLANEOUS

### A. Various fees pursuant to Government Code section 65104 for planning services provided by the Water Resources Agency.

| <u>DESCRIPTION</u>  | <u>AMOUNT</u>                                | <u>UNIT/TIME</u> |
|---|--|------------------|
| 1. Pre/Post Application Conference (9)  | \$364.74                                     | Each             |
| 2. Specific Plans and Amendments (1)  | Extraordinary Development<br>Application Fee |                  |
| 3. Building/Grading Permit Review   |  |                  |
| a. Standard Building Permits or Grading Permits<br>including, but not limited to, development<br>activities such as single family dwellings,<br>additions of 50% or more, and routine grading | \$731.66                                     | Each             |
| b. New Commercial or Industrial w/out Initial Study <sup>3</sup>  | \$487.42                                     | Each             |
| c. New Commercial or Industrial w/Initial Study <sup>3</sup>  | \$487.42                                     | Each             |
| d. Dwelling Addition of Less than 50%   | \$487.42                                     | Each             |
| e. Commercial or Industrial Addition<br>w/out Initial Study   | \$487.42                                     | Each             |
| f. Commercial or Industrial Addition w/Initial Study  | \$487.42                                     | Each             |
| g. Plan Check for building/grading permits that have<br>an associated planning permit   | \$365.83                                     | Each             |
| h. Building and/or Grading Permits for projects<br>located within the 100-year floodplain. (Applied   |  |                  |

|           |  |   |         |
|-----------|--|---|---------|
|           | by MCWRA only)   | \$2,917.92                                | Deposit |
|           | After 24 hours   | \$121.58                                  | Hour    |
| i.        | NPDES Fee: Applied to Grading Permits that involve soil disturbance > or = 1 acre or are part of a larger common plan that disturbs > or = 1 acre  | \$243.16                                  | Each    |
| 4.        | Monterey Peninsula Water Management District Allocation Tracking: Water Release Form processing fee  | \$182.91                                  | Each    |
| 5.        | Big Sur Viewshed Acquisition   | \$244.25                                  | Each    |
| 6.        | Environmental Impact Report Review   | Extraordinary Development Application Fee |         |
| 7.        | Floodzone Inquiry Report – including supporting maps   | \$83.92                                   | Each    |
| 8.        | Floodzone Inquiry Report – cover sheet only  | \$55.95                                   | Each    |
| <b>B.</b> | <b>Water well permits as required in Title 15.08, Monterey County Code</b>   |   |         |
| 1.        | Well Construction Fees for Wells Producing Over 5 acre-feet per year in Zone 2C and additional areas of Monterey County inclusive of the jurisdiction of the Pajaro Valley Water Management Agency | \$610.08                                  | Each    |
| 2.        | Well Reconstruction/Destruction Fees for Wells in Zone 2C and additional areas of Monterey County inclusive of the jurisdiction of the Pajaro Valley Water Management Agency                       | \$365.83                                  | Each    |
| 3.        | Well Construction/Destruction Database Maintenance Fees County Wide <sup>4</sup>   | \$365.83                                  | Each    |
| 4.        | Well Construction Fee for New Domestic Well, in the inland areas of Monterey County <sup>5</sup>   | \$121.58                                  | Each    |
| 5.        | Well Construction Fee for New High Capacity Well, in the inland areas of Monterey County <sup>6</sup>  | \$243.16                                  | Each    |
| <b>C.</b> | <b>Hydrogeologic Report Review for the Monterey County Environmental Health Department as required by Title 19, Monterey County Code (Subdivisions)</b>  |   |         |
| 1.        | Hydrogeologic Report Review  | \$731.66                                  | Each    |
| 2.        | Hydrogeologic Report Review w/Diminimus Finding  | \$244.25                                  | Each    |

**D. Hydrogeologic Report Preparation as required by Title 19, Monterey County Code (Subdivisions)**

|                            |          |         |
|----------------------------|----------|---------|
| 1. Contract Administration | \$2,721  | Deposit |
| After 24 hours             | \$121.58 | Hour    |

**SECTION 3. ANNUAL FEE ADJUSTMENT**

The dollar amounts listed in this Article are for 2013-2014 fiscal year, effective as of the date set forth in the Board of Supervisors' resolution adopting these fees.

**Notes:**

- 1) "Extraordinary Development Applications" are those applications which will require staff time well beyond the typical application, as determined by the Director 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 their scope and complexity. Consistent with these criteria, any project requiring the preparation of an Environmental Impact Report shall qualify as an extraordinary development application. WRA fees are based on an hourly rate of \$121.58. The amount paid to WRA is for staff costs. The WRA may utilize a consultant, whose expenses shall be fully funded by the project applicant.
- 2) Projects approved after July 7, 2013 with mitigation measures shall be subject to the mitigation monitoring fees set forth in this Article. Projects approved prior to July 7, 2013 with mitigation measures shall be subject to the mitigation monitoring fees set forth in the County Fee Resolution that was in effect on the project approval date.
- 3) Buildings over 5,000 square feet and greenhouses.
- 4) This fee is added to the \$610.08 in B-1, the \$365.83 in B-2, the \$121.58 in B-4, and the \$243.16 in B-5.
- 5) This fee is added to the \$610.08 in B-1 for new domestic wells with greater than fifteen (15) connections located in the inland areas of Monterey County within Zone 2C and areas of Monterey County inclusive of the jurisdiction of the Pajaro Valley Water Management Agency.
- 6) This fee is added to the \$610.08 in B-1 for new wells proposing a flow over 1,000 gallons per minute that are located in the inland areas of Monterey County within Zone 2C and areas of Monterey County inclusive of the jurisdiction of the Pajaro Valley Water Management Agency.
- 7) Fees for Combined Development Permits under Chapter 21.76 of Title 21 and Chapter 20.70 of Title 20 shall be 85% of the total combined permit fees.
- 8) 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.
- 9) Fees collected for Pre-Application Conferences (Section 2.A.1) shall be credited against any subsequent discretionary permit, except design approval, provided the discretionary permit application is made within 6 months of the application appointment.