

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

Resolution No. 19- _____

A Resolution Amending the Monterey County Fee Resolution to)
Amend and Update Article XIX;)
Amend and Update Article IX;)
Rescind and Reserve Articles X and XX; and)
Revise Fee Article XVII.)

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 some of these costs to provide these services.
4. The Resource Management Agency is proposing to establish a new tiered fee schedule that is transparent, straight-forward and based on the estimated reasonable cost for providing those fee-based services, with the objective of simplifying and streamlining the permitting processes and land use activities workflows, while recovering a higher percentage of the cost of processing permit applications and developing implementing regulations.
5. The land use fee adjustments made by this resolution cover a portion of the staff cost of processing applications for land use for permits and entitlements and associated planning, monitoring, and enforcement activities. The fees do not exceed the estimated reasonable or actual costs of performing the services, processing land use applications and associated permitting, monitoring, and enforcement activities. Any and all 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. Fee Article XIX represents Monterey County Building Services, which is a functional unit of the Resource Management Agency Land Use and Community Development Division, land use permitting related activities. Proposed changes include a simplified and standardized valuation permit calculation table and annual updates from the first published International Code Council valuation table in the calendar year.
7. 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. These fees were last updated in 2015 (Resolution 15-075). Proposed changes include the simplified tiered

schedule that includes all land use divisions of the Resource Management Agency, Planning, Public Works, Development Services and Environmental Services that process planning permit related activities.

8. Fee Article X represents land use fees for what was formerly referred to as Public Works and is currently referred to as Development Services, which is a functional unit of the Resource Management Agency Land Use and Community Development Division. These fees were last updated in 2015 (Resolution 15-075). Proposed changes include moving fees for these services into Article IX.
9. 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. These fees were last updated in 2015 (Resolution 15-075). Proposed changes include moving fees for these services into Article IX.
10. Fee Article XI represents Monterey County Water Resources Agency land use permitting related activities. Adoption of 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 a single point of fee collection services.
11. Fee Article XVII are fees to cover a portion of the cost of County Counsel services with respect to applications for land use permits and entitlements. These fees were last comprehensively revised in 2015. Revisions are made to align with changes proposed by RMA, including simplifying some fee categories and converting the condition compliance fee to a by-the-hour charge for all types of land use permits. This alignment assists in implementation and efficiency, since RMA is the single connection point for collection 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.
12. Fee Article IE represents Monterey County Environmental Health Bureau land use permitting related activities. Fee Article IE shall be incorporated into the fee collecting and permit tracking system, and RMA shall continue to provide the public with a single point of fee collection services.
13. 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.
14. This action to modify land use 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)).

15. Said amendments to the land use fees shall take effect no sooner than 60 days following adoption of the amendments.

16. The Board of Supervisors held a duly noticed public hearing on July 16, 2019 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 does hereby:

- a. Certify that the foregoing recitals are true and correct.
- b. Amend the Monterey County Fee Resolution, to take effect September 16, 2019, as follows:
 1. Amend and update Article XIX (RMA-Building Services);
 2. Amend and update Article IX – (RMA- Planning) to update and consolidate land use application fees for Planning, Public Works and Environmental Services;
 3. Rescind and Reserve Article X (RMA-Development Services);
 4. Rescind and Reserve Article XX – (RMA -Environmental Services); and
 5. Amend and update Article XVII (County Counsel).

PASSED AND ADOPTED upon motion of Supervisor _____, seconded by Supervisor _____ and carried this 16th day of July 2019, by the following vote, to wit:

AYES:
NOES:
ABSENT:

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 July 16, 2019.

Dated: _____
File Number: _____

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

By _____
Deputy

Exhibit 1

ARTICLE IX

Resource Management Agency Fee Schedule

(Per Resolution No. 19-____, adopted July 16, 2019 by the Monterey County Board of Supervisors)

SECTION I. LAND USE

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 includes Planning fees (formerly the sole subject of Article IX), Public Works & Development Services (formerly Fee Article X) and Environmental Services (formerly Fee Article XX) because all of these services are within the Resource Management Agency (RMA). Work done without a permit, where a permit would have been required, is subject to code enforcement and 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).

TIER	2019 RMA Proposed Tiered Fee Schedule ^{1,11,12,13} General Plan Surcharge Included in Fee Unless Noted
No Fee	Appeal (Coastal) ^{3,7}
	Design Approval (Limited Scope & < 1 Hour to process at front counter)
	Flood Zone Inquiry Report or Flood Zone Inquiry Cover Page
	Hazard Tree Removal ¹⁵
	Hazardous Vegetation/Fuel Management Plan Review (< 1 Hour to Process)
	House Number - Address (< 1 Hour to Process)
	Landscape Management Plan Review (<1 Hour to Process)
	Special Events Processing
TIER 1	Tier 1 • Over-The-Counter • \$550
	Application Request (\$500 No GP Surcharge) ⁷
	Design Approval; Limited in Scope; No Hearing Required
	Tree Removal; (Director's Approval, Inland/Waiver, Coastal)
TIER 2	TIER 2 • \$1,100
	Administrative Permit; Signs (Coastal or Inland)
	Airport Land Use Commission Application Review

	Appeal of Fee Determination (\$1,000 no GP Surcharge) ^{3,7}
	Certificate of Correction
	Change of Commercial or Industrial Use
	Conformance Determination; Director's Approval; No Hearing (Specific Plan)
	Conditional Certificate of Compliance (Per Each Addtl Lot)
	Design Approval, Administrative - Review & Approval Required - No Hearing
	Letters of Public Convenience and Necessity
	Mills Act Contract Selected Contract Processing
	Oak Woodland Guidelines Consistency Certification
	Improvement Plan Processing (+ \$0.05 per sq ft pavement)
	Unconditional Certificate of Compliance (Each Addtl lot >2 Parcels)

	TIER 3 • \$3,300
TIER 3	Appeal (Inland) ⁷
	Appeal of Director's Interpretation (\$3,000 No GP Surcharge ⁷)
	Big Sur Viewshed Acquisition (Transfer of Development Right)
	Blanket Utility Permit - For Utility Companies
	Design Approval; Hearing Required
	Development Review Conference ^{5,6}
	License to Cross Non-Access Strip
	Lot Line Adjustment Amendments, Revisions or Extensions
	Mills Act Contract Application
	Minor & Trivial Amendment; No Hearing Required
	Parcel Legality Determination
	Public Service Easement Abandonment
	Road Name
	Transfer of Development Credit
	Scenic Easement Amendment
Unconditional Certificate of Compliance (1-2 Parcels; Addtl Lots Tier 2)	

	TIER 4 • \$5,500
TIER 4	Administrative Permit; General (Coastal or Inland)
	Conformance Determination; Hearing Required (Specific Plan)
	Emergency Permits
	Environmental Review - Addendum/Tiered from earlier EIR
	Franchise Agreement Extension or Amendment
	Permit Amendments, Renewals, Extensions & Revisions
	Restoration Plan - Administrative
	Road Abandonment
	Surface Mine Annual Inspection (disturbed area <20 acres)
	Use Permit; General

	Williamson Act / Farmland Security Zone Contracts & Amendments
TIER 5	TIER 5 • \$7,700
	Conditional Certificate of Compliance (1st lot, Add'l Lots Tier 2)
	Franchise Agreement
	Lot Line Adjustment
	Minor & Trivial Amendment; Hearing Required
	Subdivision Extension
	Variance
TIER 6	TIER 6 • \$11,000
	Coastal Development Permit / Use Permit
	Combined Development Permit
	Environmental Review - Initial Study (ND/MND)
	General Development Plan
	Restoration Plan; Hearing Required
	Subdivision Final Map Amendment
Surface Mine Annual Inspection (disturbed area >20 acres)	
TIER 7	TIER 7 • \$22,000 Deposit ^{2,8,11,13}
	Coastal Implementation Plan Amendment
	Development Agreement
	Environmental Review - EIR
	Extraordinary Development Projects ⁴
	General Plan / Land Use Plan Amendment
	Specific Plan
	Specific Plan Amendment
	Subdivision Amendment / Subdivision Map Amendment
	Subdivision - Minor or Standard
	Surface Mine Reclamation Plan
	Use Permit - Oil & Gas
Vested Rights Determination	
Zone Change / Code Amendment	
Each	
\$24	Corner Record (Clerk Recorder Fees; Ca. Business and Professions Code § 8773.2)
\$182	Monterey Peninsula Water Management District Allocation Tracking
\$450	Record of Survey (First Sheet)
\$150	Record of Survey (Each Additional Sheet)

<u>Encroachment (Monterey County Code Title 14):</u>	
\$355	General Encroachment Permit - Minor Driveway (residential or commercial); tree removal/trimming/landscaping/fences (fences made require separate design approval); minor road closure/usage (minor construction or special event/filming-photography); directional signs (except temporary arrows); general miscellaneous work (Includes utility lateral work for single lot);
\$905	General Encroachment Permit - Major road closure/usage (major construction or special event/filming-photography); gates/walls (e.g. concrete or masonry wall/column); traffic striping, marking or signal improvements
\$355	Encroachment Permit - Underground Utility (trenching 0-750 ft in length) (0-1500ft Add \$2.00 per linear foot)
\$355	Encroachment Permit - Underground Utility (trenching over 750 feet in length) (over 1500ft Add \$1.50 per linear foot)
\$355	Encroachment Permit - Utility Poles Flat fee covers 1-6 poles; additional \$50 each pole
\$355	Encroachment Permit - Boring (1-2 bell holes) Fee covers 1-2 bell holes; additional \$100 each bell hole for 3-9 bell holes, additional \$50 each bell hole for 10+ bell holes
\$3,005	Encroachment Permit - Blanket Permit (for utility companies)
\$355	Encroachment Permit - Curb, Gutter and Sidewalk (new sidewalk) Add \$2.00 per linear foot
\$905	Encroachment Permit - Street Improvements Add \$0.05 per square foot
	*Major special event - More than 200 daily participants or 300+ daily attendees; road usage or closure more than 1 day (1)
	*Minor special event - 50-199 daily participants or <300 daily attendees; road usage or closure less than 1 day (1)

<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 Work - Traffic
\$90	RMA - Front Counter Processing

<u>Activities / Services Provided billed on Hourly Rates:</u>	
HOURLY	Code Enforcement Activities
	Condition Compliance / Mitigation Monitoring ^{9,10,13}
	Deed Restriction Processing (ministerial permits) - Planning
	Research
	Site Visit

2.25%	Credit Card Convenience Fee (Current Monterey County Rate)
1.7%	Storage and Electronic Conversion of Files fees (File Storage Fee)
6.2%	Technology Fee
10%	General Plan Update and Implementation Fee (Included in Tier Pricing Schedule Unless noted on fee item ⁷)

SECTION 2. TECHNOLOGY & GENERAL PLAN UPDATE AND IMPLEMENTATION FEES

Information Technology including, but not limited to Accela (permit tracking tool) 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, staff support required to implement and maintain information technology 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 general plan update and implementation regulatory requirement is an ongoing operational mission critical requirement. Consistent and timely updates are required and each individual permit and or activity has incremental impacts when taken cumulatively create an unnecessary burden on the General Fund contribution required for such activities. The General Plan surcharge has been included in the tiered fee amounts unless noted in individual fee items. The General Plan surcharge is not charged to Application Requests, Appeals, Appeals of Director's Interpretation and Appeals of Fee Determinations and corresponding fee amounts for those items are shown in parentheses next to the fee item.

SECTION 3. RECORDATION FEE

The applicant for a land use application, permit approval or any procedure that requires processing through Resource Management Agency 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 Resource Management Agency, 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., Resource Management Agency) staff or 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.

Notes:

- 1) Resource Management Agency fees are based on the estimated reasonable cost of processing the permit/entitlement for which the fee is charged. In cases where the scope of a project is modified and exceeds the scope originally used to assign the tier, the Resource Management Agency reserves the right to assign the project to higher level tier to meet the needs of the project.

2) On matters for which a deposit is required, fees will be based on actual time in quarter hour (.25) increments multiplied by the hourly rate of actual hours worked by appropriate staff. 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 Chief of Planning 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. Invoices shall be provided to the project applicant on frequency dependent upon the project such as incremental, monthly or quarterly.

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. The Appeal Fee is subsidized by the County General Fund.

4) "Extraordinary development applications" are those applications which will require staff time well beyond the typical application, 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/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.

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.

6) This fee shall not apply to an application for the first Building Permit following approval of a discretionary planning entitlement, except Design Approvals.

7) A General Plan Update and Implementation fee of 10% of the total permit fee charged to the applicant is required for all permits covered under this article except for the following: Application Requests, Appeals, Appeals of Director's Interpretation and Appeals of Fee Determinations.

8) The deposit is paid to the County for staff costs as identified in the Funding or Reimbursement Agreement between the County and the Applicant based on applicable hourly rates. Staff costs shall be reimbursed as part of an Extraordinary Development Application based on hourly rates for services provided or activities performed.

9) Projects 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 County Fee Resolution that was in effect on the project approval date.

10) Projects approved after the effective date of this article with condition compliance shall be subject to the condition compliance fees set forth in this Article. Projects approved prior to the effective date of this article with condition compliance shall be subject to the condition compliance fees set forth in the County Fee Resolution that was in effect on the project approval date.

11) Unless a "deposit" is indicated, the fee is a flat fee based on the estimated reasonable cost, averaged across all applications, of processing the permit/entitlement/activity for which the fee is charged. For certain matters, a "deposit" is indicated because the cost of processing varies widely depending on the particular application. Where a "deposit" is indicated, the fee will be based on actual cost, measured by actual time spent on a particular application in quarter hour (.25) increments. Applicant is required to pay the deposit, which is based on an estimate of minimum cost, and to increase the deposit if, in the course of processing the application, County determines that the deposit is insufficient to cover actual processing time. The fee will be calculated at full cost recovery.

12) A Technology fee of 6.2% is applied to all permits.

13) These fees shall apply, in lieu of other condition compliance fees set forth in this Article, to any permit approved after the effective date of this article that incorporates mitigation measures, such as permits that required adoption of a Mitigated Negative Declaration, certification of an EIR, or carryover of mitigation measures from a previously adopted/certified environmental document. If these fees apply, the other condition compliance fees set forth in this Article do not apply. Projects 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 County Fee Resolution that was in effect on the project approval date.

14) Work done without a Permit where a permit would have been required is subject to Code Enforcement Investigation and Compliance Support based on Hourly rates + Plus Double the Permit Fee.

15) Hazard Tree Removal; No Fee applies when tree is deemed hazardous by professional licensed arborist or tree trimmer/remover.

ARTICLE XIX – Building Services

Building Permit Fee Schedule	Fee	Fee Basis
Building Permit		
Valuation ^{6,7}		
\$0 to \$10,000	\$195	
\$10,001 and Up	(0.0315 ⁷ *Value from ICC Valuation Table)	
Engineer's Estimate required for all projects with >100 cu yds grading & added to valuation for permit	Engineer's Estimate added to valuation of project	
Remodeling Valuation Table (Based on Extent of Alteration)	% of ICC Valuation	Definition:
Minor	20%	Cosmetic work, refinishing walls, ceilings, floors; minor mechanical, electrical, plumbing; no structural work
Medium	40%	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.

Major	60%	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
Extensive	80%	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.
Full	95%	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.
Extraordinary Development Applications	20,000	Deposit (Actual Costs) ₁
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	
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 Plus Admin Fee
Special Event Construction Permit Submitted < 30 Days Prior to Event		Double Plan Review Fee

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
<u>Code Enforcement</u>		
Code Enforcement Investigations and Compliance Support	\$180	Hourly
<u>Work without a Permit</u>		
1. Simple Improvements (No Plans Required)		Double Permit Fee
2. Major Improvements (Plans Required)		Double Permit Fee
<u>Fee Assessments</u>		
1. California Building standards Surcharge		calculated/state regs

2. Strong Motion - Commercial		calculated/state regs
3. Strong Motion - Residential		calculated/state regs
4. Accessibility (CASP) - Applicable for Commercial Projects		calculated/state regs
5. Credit Card Surcharge		(Current County Rate)
6. Storage & Electronic Conversion of Files	1.7%	
7. General Plan Update	10%	GPU charged to 50% of Building Permit
8. Technology	6.2%	
9. Clerk Recorder Fee		(Current County Rate)
<u>Bonds</u>		
Bonds		Determined by valuation; Approved by Building Official
FOOTNOTES		
[1] Hourly fees are charged in .25-hour increments		
[2] Express Plan Review availability based on Approval by Director or Building Official		
[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.		
[4] All applications require diagram of project attached to permit		
[5] Applicable to Special Events with temporary construction of tents over 400 sq ft		
[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.		
[7] Standard ICC Building Valuation Modifier = (Budget * Cost Recovery) / Total Valuation (from previous year) = (\$8,602,494 / \$273,181,378) = 0.0315 Budget = Total Salaries & Benefits and Services & Supplies + (S& B only) Planning 3 FTEs + Public Works/Development Services 5 FTEs + Environmental Services 3 FTEs = \$8,602,494		

**ARTICLE XVII
COUNTY COUNSEL FEES**

(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—General		
1. Application fee	\$167.00	Each permit
2. Condition Compliance fee	hourly	
Administrative Permit—Signs	\$167.00	Each permit
Appeal—inland permits and coastal		

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” 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; 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 Section F below.) The condition compliance fee shall be collected after project approval and after all administrative appeals have been exhausted, based on the fee in effect at the time of collection, to cover the cost of staff time monitoring condition compliance. If the permit incorporates mitigation measures, such as permits that required adoption of a Mitigated Negative Declaration, certification of an EIR, or carryover of mitigation measures from a previously adopted/certified environmental document, the condition compliance fees that apply are the fees set forth under the category “Mitigation Monitoring and Condition Compliance For Projects with Mitigation Measures and/or Conditions of Approval.” Those fees are based on actual time spent on monitoring condition compliance.

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permits if not appealable to Coastal Commission ²	\$146.00	Each appeal
Appeal of Administrative 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 Administrative Permit – Signs	\$112.00	Each permit
Coastal Development Permit ⁶ – General		
1. Application fee	\$669.00	Each permit
2. Condition compliance fee	hourly	
Coastal Development Permit– Signs	\$167.00	Each permit
Coastal Development Permit– Tree Removal Only		
1. Application fee	\$167.00	Each permit
2. Condition compliance fee	hourly	
Coastal Implementation Plan Amendment	Extraordinary Development Application Fee	Deposit
Design Approval –Limited in Scope (≥1 hour; no hearing)	\$56.00	Each DA
Design Approval Requiring Public Hearing	\$223.00	Each
Development Agreement	Extraordinary Development Application Fee	Deposit

² The appeal fee applies to appeals of decisions or 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 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 administrative 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.

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Emergency Permit		
1.	Application fee	\$56.00 Each permit
2.	Condition compliance fee	hourly
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
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
Scenic Easement Amendment		\$446.00 Each
Specific Plan		Extraordinary Development Application Fee Deposit
Specific Plan Amendment		Extraordinary Development Application Fee Deposit
Specific Plan Conformance Determination		\$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.

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Use Permit ⁶ -- General		
1.	Application fee	\$502.00 Each permit
2.	Condition compliance fee	hourly
Use Permit--oil and gas		Extraordinary Development Application Fee Deposit
	Use permit-- signs	\$167.00 Each permit
Use permit—tree removal only		
1.	Application fee	\$167.00 Each permit
2.	Condition compliance fee	hourly
	Use Permit Amendment, Renewal, or Revision	\$669.00 Each
	Use Permit Extension	\$112.00 Each
	Variance (Application fee)	\$223.00 Each
Vested Rights Determination		Extraordinary Development Application Fee Deposit

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

Certificate of Compliance		
A.	request for 1 or 2 lots	\$1338.00 1 - 2 lots
B.	each additional lot requested	\$223.00 Per ea addt'l Lot > 2
Conditional Certificate of Compliance (applic.fee)		
A.	Request for 1 or 2 lots	\$1338.00 1 – 2 lots
B.	Each additional lot requested	\$223.00 per ea addt'l lot > 2
	Certificate of Correction	\$112.00 Each

⁶ 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. Condition compliance fees on Combined Development Permits shall be 85% of the total combined condition compliance fees for each constituent permit that was assessed an application fee as part of the Combined Development Permit.

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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
Minor Subdivision Tentative /Vesting Tentative Map Application--General			
1.	Application fee	Extraordinary Development Application Fee	Deposit
2.	Condition compliance fee/ Parcel (final) map review	hourly	
Minor Subdivision Tentative Map Amendment or Revision			
		Extraordinary Dev. App. Fee	Deposit
Minor Subdivision Tentative Map Extension			
		\$669.00	Each
Minor Subdivision Final Map Amendment			
		Extraordinary Dev. App. Fee	Deposit
Parcel Legality Determination ⁷			
A.	request for 1 or 2 lots	\$1338.00	1 - 2 lots
B.	each additional lot requested	\$223.00	Per ea addt'l Lot > 2
Standard Subdivision, Tentative/Vesting Tentative Map			
1.	Application fee	Extraordinary Dev. App. Fee	Deposit
2.	Condition compliance fee/ Final map review	hourly	

Standard Subdivision Tentative Map

⁷ Fees collected for a parcel legality determination may be credited toward a request for Certificate of Compliance for the same lot that was the subject of the parcel legality determination.

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Amendment or Revision	Extraordinary Dev. App. Fee	Deposit
Standard Subdivision Tentative Map Extension	\$669.00	Each
Standard Subdivision Final Map Amendment	Extraordinary Dev. App. Fee	Deposit

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

Initial Study	\$1115.00	Each
Addendum (tiered from earlier EIR)	\$892.00	Each
Environmental Impact Report—Project review	Extraordinary Development Application Fee	Deposit
Environmental Impact Report – Contract and contract amendment administration	\$446.00	Each
Condition Compliance, Including Projects with Mitigation Measures and/or Conditions of Approval ⁸	hourly	

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	\$424.00	Each
Commercial Cannabis permit –renewal	\$212.00	Each
Deed restriction processing (ministerial permit) ⁹	\$446.00	Each
Letter of Public Convenience and Necessity	\$446.00	Each

⁸ Hourly fees shall apply for condition compliance review to any permit approved after the effective date of this Article. Projects 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 County Fee Resolution that was in effect on the project approval date.

⁹ 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.

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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	\$1115.00	Each
Surface Mining Reclamation Plan	\$982.00	Each

E. Recordation Fee

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

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.

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