

# Attachment E

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**ARTICLE XVII  
COUNTY COUNSEL FEES**

(Per Resolution No. 08-132, adopted April 22, 2008 by the Monterey County Board of Supervisors, Resolution No. 13-143, adopted May 7, 2013 by the Monterey County Board of Supervisors, Resolution No. 14-0421, adopted February 25, 2014 by the Monterey County Board of Supervisors, and Resolution No. 15-075 adopted March 24, 2015 by the Monterey County Board of Supervisors)

**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>AMOUNT<sup>1</sup></u>	<u>UNIT/TIME</u>
Administrative Permit—General		
1. Application fee	\$159.00	Each
2. Condition Compliance fee	\$53.00	Permit
Administrative Permit—Signs	\$159.00	Each

<sup>1</sup> Unless noted otherwise, County Counsel fees are based on an hourly rate of \$212.00 , representing a weighted blend, rounded to the nearest dollar, of the fully burdened labor rate for the Senior Deputy County Counsel and Deputy County Counsel IV, Step 7 job classifications as of July 1, 2015. Where indicated in this Article, fees have been separated into an application fee and a condition compliance fee. 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 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.

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.” Those fees are based on actual time spent on monitoring condition compliance and require a deposit. Additionally, project applications whose application fees were based on actual time, rather than flat fee, will continue to be subject to fees based on actual time for condition compliance, and the County may require an additional deposit for condition compliance. For all other projects, the fee for condition compliance is as indicated in the fee schedule. Where the applicable condition compliance fee is a flat fee, it is based on the estimated reasonable cost of staff time for monitoring condition compliance. Because such flat fees represent an average across all similar permits, such flat fee shall be required of all permits having at least one condition of approval, regardless of the total number of conditions and regardless of the land use department or agency that originated the condition.

Appeal—inland permits and coastal permits if not appealable to Coastal Commission <sup>2</sup>	\$146.00	Each
Appeal of Administrative Interpretation <sup>3</sup>	\$146.00	Each
Appeal of Fee Determination <sup>4</sup>	\$146.00	Each
Coastal Administrative Permit--General		
1. Application fee	\$159.00	Each
2. Condition compliance fee	\$53.00	Permit
Coastal Administrative Permit – Signs	\$106.00	Each
Coastal Development Permit <sup>6</sup> – General		
1. Application fee	\$795.00	Each
2. Condition compliance fee	\$265.00	Permit
Coastal Development Permit– Signs	\$159.00	Each
Coastal Development Permit– Tree Removal Only		
1. Application fee	\$159.00	Each
2. Condition compliance fee	\$53.00	Permit
Coastal Implementation Plan Amendment	Extraordinary Development Application Fee	Deposit
Design Approval – Administrative	\$53.00	Each
Design Approval Requiring Public Hearing	\$212.00	Each
Development Agreement	Extraordinary Development Application Fee	Deposit

#### Emergency Permit

<sup>2</sup> 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..

<sup>3</sup> 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..

<sup>4</sup> 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.

1.	Application fee	\$53.00	Each
2.	Condition compliance fee	\$53.00	Permit
Extraordinary Development Application <sup>5</sup>		\$2120.00	Deposit
General Development Plan			
1.	Application fee	\$159.00	Each
2.	Condition compliance fee	\$53.00	Permit
General/Area Plan Amendment		Extraordinary Development Application Fee	Deposit
Minor Amendment (non-coastal; no public hearing)		\$106.00	Each
Minor and Trivial Amendment (coastal zone; no public hearing)		\$106.00	Each
Rezoning or Code Text Amendment		Extraordinary Development Application Fee	Deposit
Scenic Easement Amendment		\$424.00	Each
Specific Plan		Extraordinary Development Application Fee	Deposit
Specific Plan Amendment		Extraordinary Development Application Fee	Deposit
Specific Plan Conformance Determination		\$636.00	Each
Use Permit <sup>6</sup> -- General			
1.	Application fee	\$477.00	Each
2.	Condition compliance fee	\$159.00	Permit

<sup>5</sup> “Extraordinary Development Applications” are those applications which will require staff time well beyond the typical application, as determined by the Director of Planning, and other applications 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 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.

<sup>6</sup> 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.

Use Permit--oil and gas	Extraordinary Development Application Fee	Deposit
Use permit-- signs	\$159.00	Each
Use permit--tree removal only		
1. Application fee	\$159.00	Each
2. Condition compliance fee	\$53.00	Permit
Use Permit Amendment, Renewal, or Revision	\$636.00	Each
Use Permit Extension	\$106.00	Each
Variance (Application fee)	\$212.00	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	\$1272.00	1 - 2 lots
B. each additional lot requested	\$424.00	Per ea addt'l Lot > 2
Conditional Certificate of Compliance (applic.fee)	\$636.00	Per Lot
Certificate of Correction	\$106.00	Each
Lot Line Adjustment		
1. Application fee	\$159.00	Each
2. Condition compliance fee	\$53.00	Permit
Lot Line Adjustment – Williamson Act		
1. Application fee	\$1590.00	Each
2. Condition compliance fee	\$530.00	Permit
Lot Line Adjustment Amendment, Revision or Extension	\$212.00	Each
Minor Subdivision Tentative /Vesting Tentative Map Application--General		
1. Application fee	Extraordinary Development Application Fee	Deposit
2. Condition compliance fee/		

Parcel map review	Extraordinary Dev. App. Fee	Deposit
Minor Subdivision Tentative/Vesting Tentative Map Application –adopted Community Plan		
A. If initial study required:		
1. Application fee	Extraordinary Dev. App. Fee	Deposit
2. Condition compliance fee/ Parcel map review	Extraordinary Dev. App. Fee	Deposit
B. If no initial study required:		
1. Application fee	\$1272.00	Each
2. Condition compliance fee/ Parcel map review	\$424.00	Map
Minor Subdivision Tentative Map Amendment or Revision	\$1060.00	Each
Minor Subdivision Tentative Map Extension	\$636.00	Each
Minor Subdivision Final Map Amendment	\$2120.00	Deposit
Parcel Legality Determination <sup>7</sup>		
A. request for 1 or 2 lots	\$1272.00	1 - 2 lots
B. each additional lot requested	\$424.00	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	Extraordinary Dev. App. Fee	Deposit
Standard Subdivision Tentative Map Amendment or Revision	\$2120.00	Each
Standard Subdivision Tentative Map Extension	\$636.00	Each
Standard Subdivision Final Map Amendment	\$2120.00	Deposit
<b>C. Fees for Environmental Review Pursuant to California Environmental Quality Act (Public Resources Code § 21089; Government Code §§ 65104, 65909.5, 66014)</b>		

#### Initial Study

<sup>7</sup> 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.

a.	Single Family Dwelling (SFD)	\$424.00	Each
b.	Commercial/industrial	\$1272.00	Each
c.	Minor subdivision	\$1272.00	Deposit
d.	Standard subdivision	\$1696.00	Deposit
e.	Other	\$848.00	Each
	Addendum (tiered from earlier EIR)	\$848.00	Each
	Environmental Impact Report—Project review	Extraordinary Development Application Fee	Deposit
	Environmental Impact Report – Contract and contract amendment administration	\$424.00	Each
	Mitigation Monitoring and Condition Compliance For Projects with Mitigation Measures <sup>8</sup>		
	1-20 Conditions/Measures	\$636.00	Deposit
	21-40 Conditions/Measures	\$1272.00	Deposit
	Over 40 Conditions/Measures	\$2120.00	Deposit

**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)	\$106.00	Each
Deed restriction processing (ministerial permit) <sup>9</sup>	\$424.00	Each
Letter of Public Convenience and Necessity	\$424.00	Each
Mills Act Contract (Government Code § 50281.1)		
a. Application Fee	\$212.00	Each
b. Selected contract processing fee	\$848.00	Each

<sup>8</sup> 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.

<sup>9</sup> 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.



Oak Woodlands Guidelines Consistency Certification (Government Code § 65401; Fish & Game Code § 1366(f))	\$212.00	Each
Road Abandonment (Streets and Highway Code § 8321)	\$424.00	Each
Williamson Act or Farmland Security Zone Contract	\$1696.00	Each
Williamson Act Contract Amendment	\$1060.00	Each
Surface Mining Reclamation Plan	\$848.00	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.