



## Monterey County

### Board Order

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

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

Held Public hearing and adopted Resolution No.14-042 amending the Monterey County Fee Resolution to:

- a. Establish new fees and revise existing fees for land use permitting activities in the following Articles of the County Fee Resolution
  - i. Article I (Environmental Health);
  - ii. Article IX (RMA-Planning);
  - iii. Article X (RMA-Public Works);
  - iv. Article XVII (County Counsel);
  - v. Article XIX (RMA-Building Services); and
  - vi. Article XX (RMA-Environmental Services)
- b. Incorporate amendments to Article XI (Water Resources Agency) into the Monterey County Fee Resolution, contingent upon adoption of said amendments by the Board of Supervisors of the Monterey County Water Resources Agency and said amendments taking effect.  
(Fee Update - REF130022/County Master Fee Resolution, County-wide)

PASSED AND ADOPTED on this 25th day of February 2014, by the following vote, to wit:

AYES: Supervisors Armenta, Salinas and Potter  
NOES: Supervisor Calcagno  
ABSENT: Supervisor Parker

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 77 for the meeting on February 25, 2014.

Dated: February 25, 2014  
File Number: RES 14-010

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

By Denise Hancock  
Deputy

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

**Resolution No. 14-042**

A Resolution Establishing New Fees and )  
 Revising Existing Fees for land use permitting )  
 activities in Articles I.E, IX, X, XVII, XIX, )  
 and XX (new article) of the Monterey County )  
 Fee Resolution and Incorporating Amendments )  
 to Article XI into the Monterey County 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. In FY 2002-03, County land use departments completed a comprehensive update of the County Master Fee Resolution relative to fees for reviewing, processing and/or monitoring of land use development applications and entitlements (Board of Supervisors Resolution No. 03-161). This update established the baseline for the amount of time required to process land use applications. These baseline data have been periodically reanalyzed, and adjustments to fees have been made and approved in 2004 (Resolution No. 04-145), 2005 (Resolution No. 05-169), 2007 (Resolution No. 07-223), 2008 (Resolution Nos. 08-099 and 08-132), and 2010 (Resolution No. 10-130) to reflect adjustments in time spent on processing certain categories of permits and increases in County labor costs, to add new fee categories, and to refine the fee categories. On May 7, 2013, the Board of Supervisors approved modifications to a few specific fees for the current fiscal year.
4. On July 9, 2013, the Board of Supervisors directed staff to analyze separating the fee for condition compliance from the upfront application fee and to review the hourly rate for fee calculations.
5. Several of the land use departments are proposing to amend fees for land use permitting activities 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, and to add fees where new services are required by law or where gaps in collecting fees were identified. Because the County employs a single point for collection of the fee from the applicant, consistency and uniformity across the departments in the structure of land use fees are needed in order to administer fees efficiently. To this end, the departments

have restructured fees to further segment existing permit fees to better represent actual cost of service, clarify some fees for more consistent application by the staff and better understanding by the public, or streamline existing permit fees to reflect updated data on processing times.

6. The County collects the fees for the Monterey County Water Resources Agency (MCWRA), and therefore Article XI for MCWRA fees is included within the County Fee Resolution pursuant to Section 1.40.010 of the Monterey County Code. The Board of Supervisors of the Monterey County Water Resources Agency is scheduled to consider the fee amendments shown in Article XI attached hereto, and accordingly, the Board intends by adoption of this resolution to include Article XI as amended into the County fee resolution if the Board of Supervisors of the Monterey County Water Resources Agency approves said amendments to Article XI and said amendments go into effect.
7. The land use fee adjustments made by this resolution cover a portion of the staff cost of processing applications for land use permits and entitlements and associated planning, monitoring, and enforcement activities. The fees do not exceed the reasonable or actual costs of performing the services, processing land use applications and associated permitting, monitoring, and enforcement activities. 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.
8. 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.
9. 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).)
10. Said amendments to the land use fees are intended to take effect on the 61<sup>st</sup> day following adoption.
11. The Board of Supervisors held a duly noticed public hearing on February 25, 2014 to consider these fee adjustments. Notice of this matter was provided by publication of notice in newspapers of general 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:

1. The foregoing recitals are true and correct.
2. Articles I.E (Environmental Health Bureau), IX (RMA-Planning), X (RMA-Public Works), XVII (County Counsel), XIX (RMA-Building Services), and XX (RMA-Environmental Services) of the Monterey County Fee Resolution are hereby amended as set forth in the Articles attached hereto and incorporated herein by reference.
3. The amended Articles shall take effect on the 61<sup>st</sup> day following adoption.
4. Amendments to Article XI (Water Resources Agency), attached hereto and incorporated herein by reference, shall be incorporated into Article XI of the Monterey County Fee Resolution, contingent upon approval of said amendments by the Board of Supervisors of the Monterey County Water Resources Agency and said amendments taking effect.

**PASSED AND ADOPTED** upon motion of Supervisor Potter, seconded by Supervisor Salinas and carried this 25th day of February 2014, by the following vote, to wit:

AYES: Supervisors Armenta, Salinas and Potter

NOES: Supervisor Calcagno

ABSENT: Supervisor Parker

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 77 for the meeting on February 25, 2014.

Dated: February 27, 2014  
File Number: RES 14-010

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

By Denise Hancock  
Deputy

Article XI  
Water Resources Agency



## ARTICLE XI

### MONTEREY COUNTY WATER RESOURCES AGENCY FEES

(Per Resolution No. 13-002, adopted May 7, 2013 by the Board of Supervisors of the Monterey County Water Resources Agency, Resolution No. 13-143, incorporated May 7, 2013 into the Master Fee Schedule by the Monterey County Board of Supervisors, and Resolution No. 14-XXX, adopted February 25, 2014 by the Board of Supervisors of the Monterey County Water Resources Agency)

#### 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	General	
i. Application Fee	\$780.00	Each
ii. Condition Compliance Fee	\$195.00	Permit
2. Appeal (8)	\$365.00	Each
3. Permit Amendment, Renewals, Revisions, or Extension	\$610.00	Each
4. Coastal Administrative Permit		
a. General		
i. Application Fee	\$780.00	Each
ii. Condition Compliance Fee	\$195.00	Permit
5. Coastal Development Permit		
a. General		
i. Application Fee	\$780.00	Each
ii. Condition Compliance Fee	\$195.00	Permit
b. Tree Removal Only	\$244.00	Each
6. Coastal Implementation Plan Amendment (1)	Extraordinary Development Application Fee	
7. General Development Plan		
a. General		
i. Application Fee	\$976.00	Each
ii. Condition Compliance Fee	\$244.00	Permit
8. General/Area Plan Amendments (1)	Extraordinary Development Application Fee	
9. Extraordinary Development Applications (1)	\$7,318.00	Deposit

10.	Rezoning or Code Text Amendments (1)	Extraordinary Development Application Fee	
11.	Initial Environmental Review	\$486.00	Each
12.	Initial Environmental Review Addendum	\$243.00	Each
13.	Use Permit		
a.	General		
i.	Application Fee	\$780.00	Each
ii.	Condition Compliance Fee	\$195.00	Permit
14.	Variance		
a.	General		
i.	Application Fee	\$683.00	Each
ii.	Condition Compliance Fee	\$170.00	Permit
<b>B.</b>	<b>Various subdivision activities as established in Title 19, Monterey County Code (Subdivisions)</b>		
1.	Lot Line Adjustment		
a.	General		
i.	Application Fee	\$585.00	Each
ii.	Condition Compliance Fee	\$146.00	Permit
2.	Lot Line Amendment, Revisions, or Extensions	\$610.00	Each
3.	Minor Subdivision Tentative Map, or Vesting Tentative Map (10)		
a.	Application Fee	\$2,927.00	Deposit
b.	Adopted Community Plan (initial study)		
i.	Application Fee	\$2,927.00	Deposit
c.	Adopted Community Plan (no initial study)		
i.	Application Fee	\$1,170.00	Each
ii.	Condition Compliance Fee	\$293.00	Map
4.	Minor Subdivision Amendment, Revisions, or Extensions	\$610.00	Each
5.	Standard Subdivision Preliminary Map (10)	\$2,927.00	Deposit
6.	Standard Subdivision Tentative Map, or Vesting Tentative Map (1)	Extraordinary Development Application Fee	
7.	Subdivision Condition Compliance		
a.	Standard or Minor Subdivision Final or Parcel Map (11)	\$2,917.00	Deposit

8.	Standard or Minor Subdivision Amended Final or Parcel Map	\$2,917.00	Deposit
9.	Standard Subdivision Amendments, Revisions, or Extensions	\$610.00	Each

## 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. Development Review Conference (9)	\$364.00	Each
2. Specific Plans and Amendments (1)	Extraordinary Development Application Fee	
3. Building/Grading Permit Review		
a. Standard Building Permits or Grading Permits including, but not limited to, development activities such as single family dwellings, additions of 50% or more, and routine grading	\$731.00	Each
b. New Commercial or Industrial	(3) \$487.00	Each
c. Dwelling Addition 500 sq.ft. or more	\$487.00	Each
d. Commercial or Industrial Addition	\$487.00	Each
e. Plan Check for building/grading permits that have an associated planning permit	\$365.00	Each
f. Building and/or Grading Permits for projects located within the 100-year floodplain. (Applied by MCWRA only)(10)	\$2,917.00	Deposit
After 24 hours	\$121.00	Hour
4. Monterey Peninsula Water Management District Allocation Tracking: Water Release Form processing fee	\$182.00	Each
5. Big Sur Viewshed Acquisition	\$244.00	Each
6. Environmental Impact Report Review	Extraordinary Development Application Fee	
7. Mitigation Monitoring and Condition Compliance for Projects with Mitigation Measures (2)		
a. 1 to 20 Conditions/Mitigation Measures	\$731.00	Deposit
b. 21 to 40 Conditions/Mitigation Measures	\$1,463.00	Deposit
c. Over 40 Conditions/Mitigation Measures	\$2,194.00	Deposit



- |    |  |         |      |
|----|--|---------|------|
| 8. | Floodzone Inquiry Report – including supporting maps | \$83.00 | Each |
| 9. | Floodzone Inquiry Report – cover sheet only          | \$55.00 | Each |

**B. Water well permits as required in Title 15.08, Monterey County Code**

- |    |  |          |      |
|----|--|----------|------|
| 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 | \$610.00 | 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                       | \$365.00 | Each |
| 3. | Well Construction/Destruction Database Maintenance Fees County Wide (4)  | \$365.00 | Each |
| 4. | Well Construction Fee for New Domestic Well, in the inland areas of Monterey County (5)  | \$121.00 | Each |
| 5. | Well Construction Fee for New High Capacity Well, in the inland areas of Monterey County (6)   | \$243.00 | Each |

**C. Hydrogeologic Report Review and Long Term Sustainable Water Supply Determination as required by 2010 General Plan Policy (PS-3.2)(12)**

- |    |  |   |
|----|--|---|
| 1. | Hydrogeologic Report Technical Review, and Advice of General Manager (1) | Extraordinary Development Application Fee |
|----|--|---|

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

- |    |                         |            |         |
|----|-------------------------|------------|---------|
| 1. | Contract Administration | \$2,721.00 | Deposit |
|----|-------------------------|------------|---------|

**SECTION 3. AUTOMATIC 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. Thereafter and each year through July 1, 2015, the fees shall be automatically adjusted as of July 1 ("adjustment date"). The General Manager of the Monterey County Water Resources Agency or his or her designee shall calculate the adjustment based the U.S. Department of Labor Consumer Price Indexes, all item indexes, all urban consumers for the San Francisco-Oakland-San Jose area.

**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) 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.
- 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 application fees. Fees for Condition Compliance on Combined Development Permits shall be 85% of the total combined Condition Compliance fees on each permit assessed an application fee as part of the Combined Development Permit.
- 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. The Appeal Fee is based upon the fee adopted by the Board of Supervisors on May 7, 2013 which sets the fee substantially lower than the actual cost. The Appeal Fee is subsidized by the County General Fund.
- 9) Fees collected for Development Review 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.
- 10) These fees only apply to maps originally submitted prior to July 13, 2003 when applicants were charged "flat-fees" (the use of deposits for full-cost recovery projects became effective July 13, 2003) and those submitted after August 20, 2006. Maps submitted between July 13, 2003 and August 20, 2006 and on or after the effective date of this article are full-cost recovery projects and require a deposit.
- 11) 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.

- 12) When a hydrogeologic report is required to be prepared for a subdivision or other application subject to Title 19 of the Monterey County Code, the report shall be based on a comprehensive hydrological investigation prepared by a certified hydrogeologist, selected by the County and under contract with the County, at the applicant's expense. A deposit for staff costs associated with preparation and administration of the contract, and review of the hydrogeologic report shall be in addition to the deposit for the associated development application. When an application is not subject to Title 19, the applicant shall consult with the Water Resources Agency (WRA) to develop the scope of work for the hydrological investigation; however, selection, contract, and preparation of the hydrogeologic report shall occur independent of the County. WRA will review the hydrogeologic report in consultation with the Environmental Health Department.
- 13) WRA fees are based on an hourly rate of \$121.58. A flat fee is 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 in quarter hour (.25) increments multiplied by the hourly rate representing actual hours worked by the project planner and other 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 the General Manager of the Water Resources Agency 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. All fees have been rounded down to the nearest dollar.