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ARTICLE XVII COUNTY COUNSEL FEES

(Authorized 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; Resolution No. 19-318, adopted September 17, 2019; Resolution No. 21-132, adopted May 11, 2021; and Resolution No. 25-020, adopted February 4, 2025; and Resolution No. , adopted , 2026.)

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 (Inland) —General		
1. Application fee	\$194 <u>204</u>	Each permit
2. Condition Compliance fee	\$130	
Appeal, inland permits and coastal permits if not appealable to Coastal Commission ²	\$324 <u>340</u>	Each appeal

¹ The County Counsel flat fees are based on an hourly rate of ~~\$324~~340.00, representing the fully burdened labor rate for the Deputy County Counsel IV, Step 7 job classification as of July 1, 2024~~5~~. Unless a “deposit” or “hourly” rate 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. 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 a~~ the application fee is separate from condition compliance and mitigation monitoring fees. ~~Fees for condition compliance and mitigation monitoring are set forth separately in this Article. The condition compliance fee shall be collected after approval of the discretionary entitlement for the project. For projects with conditions of approval or mitigation measures, projects approved after the effective date of this Article shall be subject to the condition compliance fees set forth in this Article. Projects approved prior to the effective date of this Article shall be subject to the condition compliance and mitigation monitoring fees set forth in the County Fee Resolution that was in effect on the project approval date. The condition compliance fee is based on the estimated reasonable cost of legal review of documents submitted by the applicant to comply with conditions of approval, including compliance with mitigation measures as applicable, and varies based on the complexity of the permit type.~~

² The appeal fee applies to appeals of decisions on 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 on the estimated reasonable cost of addressing procedural issues on appeal and does not cover time spent on substantive review, which sets the fee substantially lower than

Appeal of Director's Interpretation ³	\$324 <u>\$340</u>	Each appeal
Appeal of Fee Determination ⁴	\$324 <u>\$340</u>	Each appeal
Coastal Administrative Permit--General		
1. Application fee	\$194 <u>\$204</u>	Each permit
2. Condition compliance fee	\$130	
Coastal Development Permit		
1. Application fee	\$1944 <u>\$2040</u>	Each permit
2. Condition compliance fee	\$324	
Coastal Implementation Plan amendment (applicant initiated)	\$3240 <u>\$3400</u>	Per application
Combined Development Permit		
1. Application fee	\$1944 <u>\$2040</u>	Each permit
2. Condition compliance fee	\$324	
Condition compliance fee ⁵	\$170	<u>Per permit with more than 3 conditions</u>
Design Approval – Limited in Scope (administrative; no hearing)		Each DA
1. Application fee	\$64 <u>\$85</u>	
2. Condition compliance fee	\$64	
Design Approval Requiring Public Hearing		Each DA
1. Application Fee	\$324 <u>\$340</u>	
2. Condition compliance fee	\$130	
Development Agreement	hourly	Deposit (\$324 <u>\$3400</u>)
Director's Interpretation	\$648 <u>\$690</u>	Each

actual cost. The appeal fee is subsidized by the County General Fund.

³ This appeal fee applies to appeals of the HCD Director's interpretations of the zoning or subdivision ordinance, regardless of planning area. County Counsel's appeal fee is based on the estimated reasonable cost of addressing procedural issues on appeal and does not cover time spent on substantive review, 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 is based on the estimated reasonable cost of addressing procedural issues on appeal and does not cover time spent on substantive review, which sets the fee substantially lower than actual cost. The appeal fee is subsidized by the County General Fund.

⁵ The condition compliance fee shall be collected after approval of the discretionary entitlement for the project. The condition compliance fee is a flat fee assessed per permit. The fee is based on the estimated minimum reasonable cost, averaged across all land use permit approvals, of legal review of documents associated with compliance with conditions of approval. A separate mitigation monitoring fee is applicable to projects with mitigation measures and is in addition to the condition compliance fee. For projects with conditions of approval, projects approved after the effective date of this Article shall be subject to the condition compliance fees set forth in this Article. Projects approved prior to the effective date of this Article shall be subject to the condition compliance fees set forth in the County Fee Resolution that was in effect on the project approval date.

Emergency Permit		Each permit
1. Application fee	\$194 <u>204</u>	
2. Condition compliance fee	\$130	
Extraordinary Development Application ⁶		
1. Application fee	\$324 <u>3400</u>	Per application
2. Condition compliance fee	\$648	
General Development Plan		
1. Application fee	\$324 <u>340</u>	Each
2. Condition compliance fee	\$324	
General Land Use Plan Amendment/ <u>Coastal Land Use Plan Amendment</u> (applicant initiated)	\$3888 <u>4080</u>	Per application
Permit -- Minor Amendment (inland permit; no public hearing)		
1. Application fee	\$324 <u>340</u>	Each
2. Condition compliance fee	\$130	
Permit-- Minor and Trivial Amendment (coastal permit; no public hearing)		
1. Application fee	\$324 <u>340</u>	Each
2. Condition compliance fee	\$130	
Rezoning or Code Text Amendment (applicant initiated)	\$324 <u>3400</u>	Per application
Scenic Easement Amendment	\$648 <u>680</u>	Each
Specific Plan (applicant initiated)	\$3888 <u>4080</u>	Each
Specific Plan Amendment (applicant initiated)	\$3888 <u>4080</u>	Each
Specific Plan Conformance Determination (Director's approval or hearing required)	\$972 <u>1020</u>	Each
Use Permit – General		
1. Application fee	\$648 <u>680</u>	Each permit
2. Condition compliance fee	\$194	
Use Permit -- oil and gas		
1. Application fee	\$1620 <u>1700</u>	Each permit
2. Condition compliance fee	\$324	

⁶ “Extraordinary Development Applications” are those applications which will require staff time well beyond the typical application, as determined by the Director of Housing and Community Development or 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 separate from the cost of consultants. The County may utilize a consultant, whose expenses shall be fully funded by the project applicant.

Use Permit Amendment, Renewal, or Revision		Each permit
1. Application fee	\$972 <u>1020</u>	
2. Condition compliance fee	\$130	
Use Permit Extension	\$194 <u>340</u>	Each
Variance	\$324 <u>340</u>	Per application
Vested Rights Determination	\$1944 <u>2040</u>	Each

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

Certificate of Compliance (Conditional)		
1. request for 1 or 2 lots	\$1944 <u>1360</u>	1 - 2 lots
2. each additional lot requested	\$324 <u>340</u>	Per each addt'l Lot > 2
Certificate of Compliance (Unconditional)		
1. Request for 1 or 2 lots	\$1944 <u>680</u>	1 – 2 lots
2. Each additional lot requested	\$324 <u>340</u>	Per each addt'l lot > 2
Certificate of Correction	\$194 <u>204</u>	Each
<u>Lot Line Adjustment – coastal</u>	<u>\$340</u>	<u>Each</u>
Lot Line Adjustment <u>--inland</u>		
1. Application fee	\$194 <u>204</u>	Each permit
2. Condition compliance fee	\$130	
Lot Line Adjustment – Williamson Act		
1. Application fee	\$2268 <u>2380</u>	Each permit
2. Condition compliance fee	\$194	
Lot Line Adjustment Amendment, Revision, or Extension	\$324 <u>340</u>	Each
Parcel Legality Determination ⁷		
1. request for 1 or 2 lots	\$1944 <u>2720</u>	1 - 2 lots
2. each additional lot requested	\$324 <u>340</u>	Per each addt'l Lot > 2
Subdivision – Minor		Per application
<u>Subdivision – Minor</u>	<u>\$1944</u> <u>2040</u>	<u>Per application</u>

⁷ ~~A portion (50%) of the fee collected for a parcel legality determination may be credited toward a request for a Certificate of Compliance for the same lot that was the subject of the parcel legality determination. According to the County Housing and Community Development Department, Certificate of Compliance requests not required by a condition of approval will not be processed until a Parcel Legality Determination demonstrating COC eligibility is obtained. Parcel Legality Determination fees are invoiced separately from the Certificate of Compliance fees.~~

Tentative/Vesting Tentative Map Application		
Subdivision – Minor Final parcel map condition-compliance	\$324 <u>680</u>	Per final map
Subdivision – Standard Tentative/Vesting Tentative Map Application	\$6480 <u>6800</u>	Per application
Subdivision – Standard Final map condition-compliance	\$3240 <u>3400</u>	Per final map (per phase if phased final map)
Subdivision – Minor or Standard— Tentative/Vesting Tentative Map Extension	\$972 <u>1020</u>	Each
Subdivision –Amendment of Final or Tentative/Vesting Tentative Map	\$3240 <u>3400</u>	Per application for amendment
<u>Subdivision: Subdivision Improvement Agreement</u>	<u>\$680</u>	<u>Per agreement</u>

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

Addendum (tiered from earlier EIR)	\$648 <u>680</u>	Each
Environmental Review – Initial Study (ND/MND)	\$1296 <u>1360</u>	Each
Environmental Review – Environmental Impact Report	\$6480 <u>6800</u>	Each
Environmental Impact Report --Contract and contract amendment administration	\$648 <u>680</u>	Each
Condition Compliance/ Mitigation Monitoring ⁸	<u>\$340 (refer to- condition-compliance- fee-applicable-to-the- specific permit type)</u>	<u>Per permit</u>

D. Fees For Miscellaneous Services (reference: Gov't Code §65104 and as noted below)

⁸ The fees for compliance review of mitigation measures ~~are the same as the condition compliance fees, as set forth in this Article, shall be collected after approval of the discretionary entitlement for the project. The mitigation monitoring fee is a flat fee assessed on each permit with mitigation measures and is in addition to the condition compliance fee. The flat fee is based on the estimated minimum reasonable cost, averaged across all land use permit approvals, of legal review of documents associated with compliance with mitigation measures. For projects with mitigation measures, projects approved after the effective date of this Article shall be subject to the mitigation monitoring fees set forth in this Article. Projects approved prior to the effective date of this Article shall be subject to the mitigation monitoring fees set forth in the County Fee Resolution that was in effect on the project approval date.~~

Airport Land Use Commission application review (Pub. Util. Code §21671.5)	\$324 <u>340</u>	Per application
Commercial Cannabis permit –initial permit	\$162	Each
Commercial Cannabis permit –renewal	\$162	Each
Deed restriction processing (ministerial permit) ⁹	\$130 <u>170</u>	Each
Letter of Public Convenience and Necessity	\$648 <u>680</u>	Each
Mills Act Contract Application (Government Code § 50281.1)	\$1296 <u>1360</u>	Each
Oak Woodlands Guidelines Consistency Certification (Government Code § 65401; Fish & Game Code § 1366(f))	\$324	Each
Road Abandonment (Streets and Highway Code §8321)	\$648 <u>680</u>	Each
Williamson Act or Farmland Security Zone Contract	\$2592 <u>2720</u>	Each
Williamson Act Contract Amendment	\$324 <u>340</u>	Each
Surface Mining Reclamation Plan	\$2592 <u>2720</u>	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.

⁹ This fee applies only to deed restrictions that are not pursuant to a condition of approval or mitigation measure for a discretionary entitlement ~~to which a condition compliance fee applies~~. If the deed restriction is pursuant to a condition of approval or mitigation measure for a discretionary entitlement, the applicable condition compliance or mitigation monitoring fee would apply.