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ARTICLE IX – Land Use**

Housing & Community Development Fee Schedule

(Per Resolution No. _____, adopted August 27, 2024 by the Monterey County Board of Supervisors)

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 combines Planning fees (formerly the sole subject of Article IX), Development Services (formerly Fee Article X) and Environmental Services (formerly Fee Article XX) as these services are performed under the Housing & Community Development Department (HCD). Work done without a permit, where a permit would have been required, is subject to code enforcement and subsequently charged 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).

HCD Land Use Tiered Fee Schedule ^{1,2}	
General Plan Update & Implementation Fee (GPUI) Included Unless Noted Otherwise	
No Fee	Address Assignment (first address assignment, each additional address \$90)
	Appeal - Coastal Permit ³
	Design Approval limited in scope, no hearing required, no other departmental review required, minor change to existing structure, no addition
	Flood Zone Inquiry Report or Flood Zone Inquiry Cover Page
	Hazard Tree Removal ⁸
	Hazardous Vegetation/Fuel Management Plan Review ⁸
	Special Event Processing (other permits may be required; fees captured through other permits)
TIER 1	Tier 1 · \$550
	Application Request (\$500 no GPUI fee) ⁷
	Design Approval – Over the Counter, limited in scope, no hearing required
	Landscape Management Plan Review
	Tree Removal (Director's Approval or Waiver)
	Road Abandonment
TIER 2	TIER 2 · \$1,650
	Airport Land Use Commission Application Review
	Appeal of Fee Determination (\$1,500 no GPUI fee) ^{3,7}
	Certificate of Correction – Map modification (except change of scenic easement)
	Change of Commercial or Industrial Use
	Design Approval - Administrative, review & approval required, no hearing required

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Director's Interpretation (\$1,500 no GPUI fee ⁷)
Director's Interpretation - Appeal (\$1,500 no GPUI fee ^{3,7,13})
Letter of Public Convenience and Necessity
Oak Woodland Guidelines Consistency Certification
Specific Plan Conformance Determination, Director's Approval, no hearing
Voluntary Merger
Mills Act Contract Selected Contract Processing

TIER 3	TIER 3 · \$3,300
	Big Sur Viewshed Acquisition (Transfer of Development Right)
	Certificate of Compliance Unconditional (up to 2 lots, each additional lot \$1,000) ¹²
	Design Approval, public hearing required
	Development Review Conference ^{5,6}
	Lot Line Adjustment Amendment, Revision, or Extension
	Mills Act Contract Application
	Minor & Trivial Amendment or Minor Amendment, no hearing required
	Parcel Legality Determination ¹²
	Road Name
	Scenic Easement Amendment
	Transfer of Development Credit
	Appeal (\$3,000 no GPUI fee) (Inland-see footnote 7)

TIER 4	TIER 4 · \$5,500
	Administrative Permit or Coastal Administrative Permit (General)
	Emergency Permit
	Environmental Review - Addendum (tiered from earlier Environmental Impact Report; EIR fees are additive to permit fees)
	Franchise Agreement, Extension or Amendment
	Permit Amendment, Renewal, or Revision (not otherwise specified)
	Permit Extension
	Restoration Plan – Administrative
	Specific Plan Conformance Determination, hearing required
	Surface Mine Annual Inspection (disturbed area < 20 acres)
	Use Permit – General
	Williamson Act - Farmland Security Zone Contract or Williamson Act Contract Amendment
	Lot Line Adjustment (General)

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TIER 5	TIER 5 · \$7,700
	Certificate of Compliance Conditional (up to 2 lots, each additional lot \$1,000) ₁₂
	Franchise Agreement
	Lot Line Adjustment (Williamson Act)
	Variance
TIER 6	TIER 6 · \$11,000
	Coastal Development Permit
	Combined Development Permit
	Environmental Review - Initial Study (ND/MND; EIR fees are additive to permit fees)
	General Development Plan
	Restoration Plan, hearing required
	Surface Mine Annual Inspection (disturbed area > 20 acres)
TIER 7	TIER 7 · \$22,000 Deposit _{2,13}
	Coastal Implementation Plan Amendment
	Development Agreement
	Environmental Review – Environmental Impact Report (Extraordinary Development Application) ₄
	Extraordinary Development Application ₄
	General Plan / Land Use Plan Amendment
	Specific Plan
	Specific Plan Amendment
	Subdivision – Minor or Standard - Tentative / Vesting Tentative Map Application - Tentative / Vesting Tentative Map Amendment - Tentative / Vesting Tentative Map Extension - Extension / Subdivision Improvement Agreement Extension
	Surface Mine Reclamation Plan
	Use Permit - Oil & Gas
	Vested Rights Determination
	Zone Change / Code Amendment
	Each
\$3,000	Appeal of Incomplete or Completeness Determination
\$185	Commercial Cannabis Business Permit - Initial

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\$92.50	Commercial Cannabis Business Permit - Renewal
\$175	Condition Compliance / Mitigation Monitoring – Tier 2 9,10,13
\$350	Condition Compliance / Mitigation Monitoring – Tier 3 9,10,13
\$1,050	Condition Compliance / Mitigation Monitoring – Tier 4 9,10,13
\$700	Condition Compliance / Mitigation Monitoring – Tier 5 9,10,13
\$2,100	Condition Compliance / Mitigation Monitoring – Tier 6 9,10,13
\$182	Monterey Peninsula Water Management District Allocation Tracking
\$170	Personal Cannabis Permit
\$100	Record of Survey (Each Additional Sheet)
\$300	Record of Survey (First Sheet)
15%	Contract Administration (New contracts and amendments)
\$965	Vacation Rental Operation License

	<u>Hourly Rates:</u>
\$180	Code Enforcement Investigations and Compliance Support 14
\$164	Environmental Services
\$175	Planning
\$186	Development Services
\$175	Public Works
\$165	Housing Division
\$90	Front Counter Processing

HOURLY	<u>Activities / Services Provided Billed on Hourly Rates:</u>
	Code Enforcement Activities
	Deed Restriction Processing (ministerial permits)
	Research
	Site Visit
	Subdivision - Minor or Standard – Amend Final Map (Deposit Required \$6,000)

	<u>Additional Fees</u>
2.25%	Credit Card Convenience Fee (subject to adjustments)

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10%	General Plan Update and Implementation Fee (Included in Tier Pricing Schedule unless noted otherwise 7)
1.93%	Storage and Electronic Conversion of Files Fee (File Storage Fee)
7.49%	Technology Fee

Transactions involving the use of a credit card are subject to a Credit Card Convenience Fee. The Credit Card Convenience Fee of 2.25% is based on a current fee established by the County's contracted merchant bank and is subject to adjustments. The File Storage Fee of 1.93% is based on the costs incurred by HCD to file and store information related to land use applications and services provided. The Technology fee of 7.49%, was determined based on the Adopted Budget for Fiscal Year 2023/24 for Information Technology systems and related support costs directly related to permit processing including, but not limited to, Accela (permit tracking tool) which allows the department (HCD) to function efficiently and effectively. . The technology fee applies to all fees, unless otherwise specified.

The General Plan Update and implementation regulatory requirement is an ongoing operational mission-critical requirement. The General Plan Update and implementation (GPUI) fee of 10%, is based on the workload (distributed across an annual basis) and associated annual budget required to implement and update the General Plan as necessary. The GPUI fee has been incorporated into the tiered fee structure unless otherwise specified. The GPUI fee is not applied to Application Requests, Appeals, Appeals of Director's Interpretation, and Appeals of Fee Determinations.

The applicant for a land use application, permit approval or any procedure that requires processing through HCD 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 HCD fee, 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 the document is processed on behalf of the applicant, by an employee of the County of Monterey (e.g., HCD staff) or Clerk of the Board or 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.

Footnotes

1) Unless a "deposit" is indicated, the fee is a flat fee based on the estimated reasonable cost, averaged across all applications, for processing the permit/entitlement/activity. In cases where the scope of an application is modified and/or exceeds the scope originally used to assign the fee tier (and other associated fees), the HCD reserves the right to re-assess the application to the appropriate fee tier (and collect associated fees).
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2) For certain applications, a "deposit" is indicated because the cost of processing varies widely depending on the application. Where a "deposit" is indicated, the fee will be based on actual hours, measured by actual time spent on an application in quarter-hour (.25) increments. Applicant is required to pay the deposit, which is initially established based on an estimated minimum set of hours multiplied by the applicable billable rates. If during the processing of applications County staff determines that the deposit is insufficient to cover actual processing time, the applicant will be asked to increase the deposit amount based on a revised estimate provided by the County. The revised estimate will be calculated based on the established billable rate(s) multiplied by actual hours expended. Should the instance arise where the deposit is insufficient to cover the actual cost of the actual processing time, the applicant will be billed to cover the outstanding amount. All outstanding amounts must be paid prior to the County finalizing the application. On deposit applications, the applicant and Director of Housing and Community Development may elect, on a case-by-case basis, to agree to a different deposit amount based on the estimated cost of processing a specific application. Invoices shall be provided to the applicant on a frequency dependent upon the application's progress. The fee will be calculated based on the number of hours expended by County staff multiplied by the applicable billable rate noted in the fee article. Consultants and other expenses shall be reimbursed based on actual costs incurred.

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 applicable to such permits would be subject to the same appeal fee listed in the appeal item for inland projects. The appeal fee does not apply to appeals of Coastal Development Permits that are appealable to the Coastal Commission. No fee is charged for postage & handling.

4) "Extraordinary development applications" are those applications that require staff time well beyond a 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/or an anticipated lengthy time frame for processing because of scope and complexity. Consistent with these criteria, any project requiring the preparation of an Environmental Impact Report shall qualify as an extraordinary development application. The applicant shall be responsible for paying the associated staff hours multiplied by the applicable billable rate noted in the fee article, as well as any other costs incurred, including consultant costs.

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) General Plan Update and Implementation fee of 10% is applied to the total permit fee assessed toward an application and is required for all permits covered under this article except for: Application Requests; Appeals; Appeals of Director's Interpretation; and Appeals of Fee Determinations.

8) Hazard Tree Removal - *No Fee* applies when a tree is deemed hazardous by a professional licensed arborist or tree trimmer/remover.

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9) Applications 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 Monterey County Fee Resolution that was in effect on the application approval date.

10) Applications with conditions of approval that do not include mitigation measures, applications approved after the effective date of this Article shall be subject to the condition compliance fees set forth in this Article, and applications approved prior to the effective date of this Article shall be subject to the condition compliance fees set forth in the Monterey County Fee Resolution that was in effect on the application approval date.

11) Work performed without a permit where a permit is required is subject to Code Enforcement Investigation and Compliance Support based on hourly rates, plus double the permit fee.

12) A portion of the fee (50%, \$1,650) collected for a parcel legality determination may be credited toward a request for Certificate of Compliance (Conditional \$7,700 or Unconditional \$3,300) for the same lot that was the subject of the parcel legality determination.

13) An appeal fee applies to appeals of the HCD Director's Interpretations of the zoning or subdivision ordinance, regardless of planning area.

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