

**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; 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 (Inland) —General		
1. Application fee	\$167.00	Each permit
2. Condition Compliance fee	hourly	
Appeal, inland permits and coastal permits if not appealable to Coastal Commission ²	\$146.00	Each appeal

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” 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. The deposit for County Counsel time on such matters shall generally be the deposit required on Extraordinary Development Applications unless otherwise indicated; 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 hourly rates at Section F below.) A deposit against the total hourly fees may be required as indicated in this Article. The condition compliance fee shall be collected after approval of the discretionary entitlement for the project and after all administrative appeals have been exhausted, based on the fee in effect at the time of collection. The total cost for condition compliance will be based on the cost of staff time to review and process documents submitted by the applicant to comply with conditions of approval, including compliance with mitigation measures as applicable.

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 upon the fee adopted by the Board of Supervisors on

Appeal of Director's 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 Development Permit		
1. Application fee	\$669.00	Each permit
2. Condition compliance fee	hourly	
Coastal Implementation Plan Amendment	Extraordinary Development Application Fee	Deposit (\$2230)
Combined Development Permit		
1. Application fee	\$669.00	Each permit
2. Condition compliance fee	hourly	
Design Approval –Limited in Scope (≥1 hour; no hearing)	\$56.00	Each DA
Design Approval Requiring Public Hearing	\$223.00	Each DA
Development Agreement	Extraordinary Development Application Fee	Deposit (\$2230)
Director's Interpretation	\$446	Each
Emergency Permit		
1. Application fee	\$56.00	Each permit
2. Condition compliance fee	hourly	

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 the RMA Director's 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.

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 (\$2230)
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 (\$2230)
Scenic Easement Amendment	\$446.00	Each
Specific Plan	Extraordinary Development Application Fee	Deposit (\$2230)
Specific Plan Amendment	Extraordinary Development Application Fee	Deposit (\$2230)
Specific Plan Conformance Determination	\$669.00	Each
Use Permit-- General		
1. Application fee	\$502.00	Each permit
2. Condition compliance fee	hourly	
Use Permit--oil and gas	Extraordinary Development Application Fee	Deposit (\$2230)
Use Permit Amendment, Renewal, or Revision	\$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.

Use Permit Extension	\$112.00	Each
Variance (Application fee)	\$223.00	Each
Vested Rights Determination	Extraordinary Development Application Fee	Deposit (\$2230)

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	\$1338.00	1 - 2 lots
2. each additional lot requested	\$223.00	Per each addt'l Lot > 2
Certificate of Compliance (Unconditional)		
1. Request for 1 or 2 lots	\$1338.00	1 – 2 lots
2. Each additional lot requested	\$223.00	Per each addt'l lot > 2
Certificate of Correction	\$112.00	Each
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
Parcel Legality Determination ⁶		
1. request for 1 or 2 lots	\$1338.00	1 - 2 lots
2. each additional lot requested	\$223.00	Per each addt'l Lot > 2

⁶ 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.

Subdivision—Minor or Standard— Tentative /Vesting Tentative Map Application	Extraordinary Development Application Fee	Deposit (\$2230)
Subdivision—Minor or Standard— Tentative/Vesting Map Extension	\$669.00	Each
Subdivision—Minor or Standard-- Final parcel map/ final map review	hourly	Deposit (\$892)
Subdivision—Amendment of Final or Tentative/Vesting Tentative Map	Extraordinary Development Application Fee	Deposit (\$2230)

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)	\$892.00	Each
Environmental Review-- Initial Study (ND/MND)	\$1115.00	Each
Environmental Review – Environmental Impact Report	Extraordinary Development Application Fee	Deposit (\$2230)
Environmental Impact Report – Contract and contract amendment administration	\$446.00	Each
Condition Compliance/ Mitigation Monitoring ⁷	hourly	Deposit (\$446)

⁷ Hourly fees shall apply for condition compliance review for any permit approved after the effective date of this Article. 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, and 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. For projects with conditions of approval that do not include mitigation measures, projects approved after the effective date of this Article shall be subject to the condition compliance fees set forth in this Article, and 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.

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	hourly	Deposit (\$424)
Commercial Cannabis permit –renewal	hourly	Deposit (\$160)
Condition Compliance Review (permits without Mitigation Measures)	hourly	Deposit (\$223)
Deed restriction processing (ministerial permit) ⁸	hourly	
Letter of Public Convenience and Necessity	\$446.00	Each
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	\$223.00	Each
Surface Mining Reclamation Plan	hourly	Deposit (\$982)

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

⁸ 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.

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. In some instances, as indicated in the Article, a deposit is required when hourly fees apply.