

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ESTABLISHING INCREASES IN EXISTING FEES FOR ZONING AND LAND USE APPLICATIONS, ENVIRONMENTAL REVIEW DOCUMENTS, AND OTHER PLANNING-RELATED SERVICES AND REPEALING ORDINANCE NO. 3471**

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN (Board of Supervisors) does hereby ordain as follows:

SECTION I. The Board of Supervisors hereby finds:

1. The Marin County Community Development Agency has evaluated its services, the costs reasonably borne, the beneficiaries of those services, and the revenues produced by those paying fees and charges for special services; and
2. The County of Marin wishes to comply with both the letter and spirit of Article XIII B of the California Constitution and limit the growth of taxes; and
3. The County desires to establish a policy of recovering a reasonable portion of the costs reasonably borne of providing special services of a voluntary and/or limited nature, such that a significant amount of general taxes are not diverted from general services of a broad nature and thereby utilized to subsidize unfairly and inequitably such special services; and
4. The County intends to develop a revised schedule of fees and charges based on the County's budgeted and projected costs reasonably borne; and
5. All requirements of California Government Code Section 66014 and other applicable laws are hereby found to have been complied with; and
6. The adoption of this Ordinance including the fees and charges provided herein, is statutorily exempt from the California Environmental Quality Act under Public Resources Code Section 21080(b)(8) as the establishment and modification of charges by a public agency to meet operating expenses; and
7. The cost to the County for such processing should be offset by the collection of reasonable fees; and
8. Pursuant to Government Code Section 54985 *et seq.*, the Board of Supervisors has determined that the fees specified herein are equal to or less than the estimated cost to provide the indicated service; and
9. The Board of Supervisors conducted a public hearing on the ordinance on July 15, 2008.

SECTION II. The fees set forth in Exhibit "A" to Ordinance No. \_\_\_\_\_, are available for public inspection and copying at the office of the Clerk of the Board, and are hereby adopted to become effective on and after September 13, 2008.

SECTION III. The fees set forth in Exhibit "A" to Ordinance No. \_\_\_\_\_, are necessary to offset a portion of the costs of providing the specified services, and that such charges do not exceed the reasonable costs of providing said services.

SECTION IV. Ordinance Number 3471 is hereby repealed effective September 13, 2008 at 5:00 PM.

SECTION V. This ordinance, including the fees set forth in Exhibit "A", shall be and is hereby declared to be in full force and effect on September 13, 2008 and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the supervisors voting for and against the same, in the Marin Independent Journal, a newspaper of general circulation, published in the County of Marin.

SECTION VI. If any portion of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions and all other portions shall remain in full force and effect. The Board of Supervisors declares that it would have adopted this Ordinance and each section thereof irrespective of the validity of any other section or portion.

SECTION VII. Introduced at a regular meeting of the Board of Supervisors held on the 24<sup>th</sup> day of June, 2008, and adopted by the Board of Supervisors of the County of Marin, State of California, on the 15th day of July 2008, by the following vote to wit:

AYES:

NOES:

ABSENT:

---

CHARLES MCGLASHAN, PRESIDENT  
MARIN COUNTY BOARD OF SUPERVISORS

ATTEST:

---

Clerk

**EXHIBIT "A" TO ORDINANCE NO. \_\_\_\_\_**

**MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY PLANNING DIVISION  
FEES FOR PLANNING-RELATED SERVICES**

**PROPOSED FEES - EFFECTIVE September 13, 2008**

	<b>Current Fees</b>	<b>Fees Effective Sept. 13, 2008</b>
<b>ZONING APPLICATION FEES</b>		
1. Use Permits		
a. Use Permit and Amendment	4,790	5,450
b. Use Permit for Mobile Home	1,980	2,040
c. <del>Use Permit and Amendment - Large Family Day-Care</del>	<del>500</del>	Deleted
d. Use Permit and Amendment - Child Day-Care Center	500	No Change
e. Use Permit - Minor Amendment/Accessory Use - Accessory Structures	1,490	1,695
f. Use Permit - Temporary	550	565
2. Variances		
a. Public Hearing Variance and Amendment	3,465	3,570
b. Administrative Variance and Amendment	1,740	1,790
3. Large Family Day-Care Permit and Amendment	N/A	500
4. Second Units		
a. Second Unit Permit	1,135	No Change
b. Certificate of Registration	400	No Change
5. Design Review or Precise Development Plan		
a. <u>Value of Project - Multi-family Residential, Commercial, and Other</u>		
Under \$20,000	1,585	1,805
\$20,000 - \$49,999	3,960	4,510
\$50,000 - \$79,999	5,460	6,215
\$80,000 - \$249,999	9,075	10,330
\$250,000 - \$499,999	11,895	13,540
\$500,000 - \$1,000,000	20,970	23,865
Over \$1,000,000	35,490	40,395
	+ \$325/\$100,000 valuation over \$1,000,000	
b. Design Review/Single Family	3,510	3,995
c. Design Review/Single Family - Minor and Amendment	1,530	1,000
d. <del>Design Review Exemption - Plan Check - Clearance Determination</del>	<del>270</del>	<del>300</del>
6. Amendment to Design Review/Precise Development Plan		
<u>Value of Project</u>		
Under \$20,000	1,085	1,235
\$20,000 - \$49,999	2,530	2,880
\$50,000 - \$79,999	3,480	3,960
\$80,000 - \$249,999	5,905	6,720
\$250,000 - \$499,999	7,800	8,880
\$500,000 - \$1,000,000	11,895	13,540
Over \$1,000,000	17,750	20,200
	+ \$160/\$100,000 valuation over \$1,000,000	
7. Coastal Permit and Amendment		
a. Administrative	1,010	1,150
b. Public Hearing	1,655	1,885
c. Coastal Exclusion	275	315

	Current Fees	Fees Effective Sept. 13, 2008
8. Tidelands Permit and Amendment .....	1,525	1,570
9. Master Plan		
a. Non-Residential ..... +0.125% improvement value .....	22,545	25,660
b. Residential 1-4 units ..... +125/unit .....	15,610	17,765
c. Residential 5 units or more ..... +125/unit .....	29,060	33,075
d. Minor amendment .....	5,050	5,750
e. Major amendment .....	12,555	14,290
10. Plan Amendment		
a. Countywide Plan Amendment .....	10,110	10,415
b. Community Plan or Local Coastal Program Amendment .....	10,110	11,510
(Amendments to Special Area Plans and other plans required by State law are included in this category)		
11. Rezoning .....	11,485	13,070
12. Signs		
a. Sign Review .....	1,235	1,270
b. Sign Permit .....	500	515
13. Tree Removal Permit .....	160	165
14. Street Name Change .....	500	515
15. Change in address initiated by property owner .....	265	275
16. Planning Review Fee of Building Permits		
a. Building Permit (major plan checks) .....	620	705
(\$80 for Building Inspection - CDA, \$540 for Planning plan check) plus \$100 for each additional detached unit when plan checks submitted to the Planning Division - Community Development Agency for more than one residential dwelling unit are proposed under one application.		
b. Structural plan check under 300 square feet. ....	265	275
c. Condition Compliance fee for multi-family and commercial projects .....	varies	No Change
0.0725% of construction value over \$250,000 for multi-family projects of 3 or more units and for commercial projects.		
d. Building Permit (minor plan checks) includes non-structural building improvements only .....	265	275
(\$25 for Building Inspection; \$240 for Planning plan check) plus \$79 for each additional detached unit when plan checks are submitted to the Planning Division - CDA when more than one residential dwelling unit is proposed under one application.		
e. Building Permit - (Solar Panels, Air Conditioners, Arbors, Trellises, Fences) .....	145	150
f. Building Permit for Residential Accessory Structure in conjunction with Building Permit for House .....	145	150
(\$25 for Building Inspection, \$120 for Planning plan check)		
g. Long Range Community Planning Surcharge Based on Building Permit and Planning Application Fees, Marin County Code Title 19, collected by the Community Development Agency .....	5%	10.5%
(See Note J below.)		

17.	Appeals		
a.	Planning Commission	600	No Change
b.	Board of Supervisors	770	No Change
18.	Extensions and Renewals		
a.	Extension of time to vest a Use Permit or Variance	640	660
b.	Use Permit Renewal	1,920	2,185
c.	Extension of time to vest a Design Review/Precise Development Plan	640	660
d.	Extension of time to vest a Master Plan	865	890
e.	Extension of time to vest a Coastal Permit	300	310
f.	Extension of time to vest a Tidelands Permit	300	310
g.	Extension of time to vest a Lot Line Adjustment	300	310
h.	Extension of time to vest a Floating Home Exception	300	310
i.	Extension of time to vest a Floating Home Architectural Deviation	300	310

#### SUBDIVISION APPLICATION FEES

19.	Tentative Map, where Final Map required:		
a.	For the first 5 lots	12,645	14,390
b.	For each additional lot	+165	+190
c.	For each lot proposed to be served by a septic tank	+165	+190
d.	Minor Amendment	2,010	2,290
e.	Major Amendment	7,605	8,655
f.	Extension	640	660
20.	Tentative Map, where Parcel Map required:		
a.	For 4 or less lots	11,285	12,845
b.	For each lot proposed to be served by a septic tank	+165	+190
c.	Minor Amendment	1,980	2,255
d.	Major Amendment	7,605	8,655
e.	Extension	640	660
21.	Planning Check Fee for Parcel/Final Maps and Improvement Plans billed at \$115.00 per hour, \$3,000 retainer for Parcel Maps and \$6,000 retainer for Final Maps due upon submission of Improvement Plans.	varies	No Change
22.	Lot Line Adjustment and Amendment - no additional lot is to be created	875	900
23.	Reversion to Acreage	470	485
24.	Certificate of Compliance	1,800	1,855
25.	Merger Request	250	260

#### FLOATING HOME APPLICATION FEES

26.	a. Floating Home Adjustment	3,725	4,240
	b. Floating Home Architectural Deviation	510	525

## CALIFORNIA ENVIRONMENTAL QUALITY ACT

27. Environmental Review
- |   |       |           |
|---|-------|-----------|
| a. Initial Study Deposit .....  | 3,315 | 3,775     |
| b. Categorical Exemption (Includes \$50 County Clerk Filing Fee per Senate Bill 1535) ..... | 360   | 410       |
| c. Environmental Impact Review Administration Overhead .....                                | 30%   | No Change |
28. FOR INFORMATION ONLY: Fish and Game Fee pursuant to Senate Bill 1535:
- |  |          |           |
|--|----------|-----------|
| Fish and Game Fee - Negative Declaration (Includes \$50 County Clerk Filing Fee) ..... | 1,926.75 | No Change |
| Fish and Game Fee - EIR (Includes \$50 County Clerk Filing Fee) .....                  | 2,656.75 | No Change |

## GENERAL PLANNING SERVICES

29. a. Property Status Determination and Research .....
- |   |                        |                        |
|---|------------------------|------------------------|
| <del>\$120</del> <del>\$115</del> /hour, <del>\$600</del> <del>\$500</del> retainer upon submission of request. | <del>\$115</del> /hour | <del>\$120</del> /hour |
|---|------------------------|------------------------|
- b. Pre-application Review .....
- |   |                        |                        |
|---|------------------------|------------------------|
| <del>\$120</del> <del>\$115</del> /hour, <del>\$840</del> <del>\$750</del> retainer upon initiation of request.<br>For Projects involving a master plan, sub-division, plan amendment or rezoning.<br>Fee collected applied to subsequent application if submitted within one (1) year. | <del>\$115</del> /hour | <del>\$120</del> /hour |
|---|------------------------|------------------------|
- c. Fee & Lien Release - Notice of Violation (Enforcement) .....
- |   |        |           |
|---|--------|-----------|
| Based on the actual costs associated with recordation of the lien release | varies | No Change |
|---|--------|-----------|
- d. Zoning Enforcement .....
- |   |        |        |
|---|--------|--------|
| Zoning enforcement expenses will be billed on a time and materials basis at a rate of | 115/hr | 120/hr |
|---|--------|--------|
- e. Public Convenience and Necessity Determination (ABC License) .....
- |  |     |     |
|--|-----|-----|
|  | 765 | 790 |
|--|-----|-----|
- f. Mitigation Monitoring and Condition Compliance Review .....
- |  |        |        |
|--|--------|--------|
|  | 115/hr | 120/hr |
|--|--------|--------|
- g. Performance/Professional Services Agreement Administration .....
- |  |        |        |
|--|--------|--------|
|  | 115/hr | 120/hr |
|--|--------|--------|
- h. General Staff Consultation .....
- |  |     |     |
|--|-----|-----|
|  | 235 | 240 |
|--|-----|-----|
- i. Affordable Housing Monitoring Fee .....
- |  |        |        |
|--|--------|--------|
|  | 115/hr | 120/hr |
|--|--------|--------|

## APPLICATION OF FEES

- A. Fees shall be submitted in full at the time of application submittal to the County.
- B. Pursuant to a written request, the Board of Supervisors may waive or reduce fees upon a finding that such waiver or reduction is in the public interest and that the applicant or appellant is unable to afford such fees.
- C. Portions of fees may be refunded upon withdrawal of the application; the amount of refund shall be determined by the Agency Director, based upon the amount of work done by the County prior to withdrawal.
- D. Full fee credits may be granted toward resubmittal of applications if applications are withdrawn and resubmitted within 60 days from the date of withdrawal with the prior written authorization of the Agency Director.
- E. In the event that any work has been undertaken or use made of the property without legal authority prior to completing the requisite procedures necessary to authorize such work or use, the applicant shall pay two to four times the specified amount, based on the criteria set forth in Marin County Code, section 1.05.050 D, that is hereby incorporated by reference as is fully set forth herein, unless waived by the Agency Director based on a finding that such a waiver is in the public interest and that the applicant is expeditiously correcting the violation.
- F. Where a project requires more than one permit, the full fee shall be collected for each and every permit required.
- G. The Agency Director shall have the ability to waive or transfer from the In-Lieu Housing Trust Fund up to 100% of the planning fees for projects which include below market rate housing units subject to the requirement that the project meet the eligibility standards for state or federal housing funding. The amount of fees waived or transferred to be determined based on the proportion of the project which is below market rate housing and the permanency of the housing subsidy. The Agency Director is also authorized to waive up to 35% of the planning fees for projects undertaken by community-based non-profit agencies or organizations which provide services resulting in public benefits. The Agency Director is also authorized to waive up to 100% of the Design Review, Coastal Permit, and categorical exemption fee for solar photovoltaic projects that are consistent with applicable codes and guidelines.

- H. The Agency reserves the right to charge actual cost (at a rate of \$105/hour) on large, complex, unusual and/or time consuming projects in order to ensure that the fee will cover the actual cost of service.
- I. The charge for returned checks is \$35 (Includes \$10 Central Collections fee).
- J. **The Long Range Community Planning Surcharge applies to Planning Permits #1a, 1e, 5, 6, 7, 9, 10b, 11, 16a, 19, and 20.**

*I /cur/tkl/budget/fees/fees 2008-09/exhibit.doc*