

MONTEREY COUNTY PLANNING COMMISSION

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| Meeting: July 9, 2014 | Agenda Item No.: 2 |
| Project Description: Fee Waiver Request for a refund of the violation fee paid for an after-the-fact Combined Development Permit (PLN120392) to clear Code Enforcement File No. 19900060 consisting of: 1) a Coastal Administrative Permit and Design Approval to allow the construction of a 499 square foot non-habitable accessory structure with a 285 square foot attached deck, and 421 linear feet of fencing and retaining walls; 2) a Coastal Development Permit to allow development within 50 feet of a coastal bluff; 3) a Coastal Development Permit to allow development on slopes exceeding 30 percent; and 4) a Variance to allow a reduction in the side setback. | |
| Project Location: 40990 Highway 1, Big Sur | APN: 418-171-003-000 |
| Planning File Number: REF140019 (Related to PLN120392) | Applicant: Jacqueline Lowther Agent: Brian Silveira |
| Planning Area: Big Sur Coast Land Use Plan | Flagged and staked: NA |
| Zoning Designation: WSC/40-D (CZ) [Watershed and Scenic Conservation, 40 acres per unit, with Design Control Overlay (Coastal Zone)] | |
| CEQA Action: Not Applicable | |
| Department: RMA – Planning | |

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit A**) to: Deny the Fee Waiver Request (**Exhibit B**) for a refund of the violation fee paid for an after-the-fact Combined Development Permit (PLN120392) to clear Code Enforcement File No. 19900060, based on the findings and evidence contained in **Exhibit A**.

PROJECT OVERVIEW:

On January 9, 2014, the Monterey County Zoning Administrator approved an after-the-fact Combined Development Permit (PLN120392; Resolution No. 14-004 at **Exhibit F**) to clear Code Enforcement File No. 19900060 legalizing the construction of a 499 square foot non-habitable accessory structure, with a 285 square foot attached deck, and 421 linear feet of fencing and retaining walls. The project also involved development within 50 feet of a coastal bluff and on slopes exceeding 30 percent, and a reduction in a side setback. Approval of PLN120392 brought the subject property into compliance with all zoning rules and regulations pertaining to the property.

At the time of application submittal on August 21, 2013, the Applicant paid the project application fees in the amount of \$12,625.00 and the zoning violation abatement costs in the amount of \$11,820.36, for a total fee amount of \$24,445.36. Staff based the amount of the project fees, including the violation fee, on the Monterey County Land Use Fee Schedule effective July 8, 2013 (**Exhibit G**). The project application fees included one Coastal Administrative Permit, one Coastal Development Permit, one Design Approval, and a 15% discount for a Combined Development Permit. When part of a Combined Development Permit, the second Coastal Development Permit to allow development on slopes exceeding 30% is not charged (**Exhibit H**). Also, staff did not charge the Applicant for a Variance, which would have resulted in an additional fee amount of \$4,352.25.

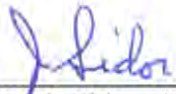
On January 30, 2014, after project approval, the Applicant submitted a Fee Waiver Request for refund of the violation fee (**Exhibit B**). The Applicant requests the refund on the basis that the previous owner created the violation, and that she did not learn of the violation until she

attempted to sell the property in 2012. Upon learning of the violation, the Applicant submitted a request for a Combined Development Permit required for correction of the violation. Staff research of County records show the Applicant purchased the property in 2000, approximately ten years after the creation of the violation file. Although the Applicant did not create the violation, she did purchase the property with an active violation/code enforcement file. The violation fee charged allows RMA-Planning and the County to recoup costs associated with investigating, researching, and advising Code Enforcement staff regarding permit requirements and/or other actions necessary to correct/resolve the violation. This staff expenditure of time and resources is not accounted for in the permit fee schedule, which covers the average cost of processing discretionary permit applications.

The Director of RMA-Planning referred the Fee Waiver Request to the Planning Commission because the request does not meet the criteria established by the Monterey County Board of Supervisors in the Fee Waiver Policy (**Exhibit E**) adopted on August 29, 2000 (Resolution No. 2000-342 at **Exhibit C**), and amended by the Board of Supervisors on July 10, 2012 (Resolution No. 12-384 at **Exhibit D**). Therefore, the Planning Commission shall consider Fee Waiver Requests that do not meet the listed criteria of the Fee Waiver Policy (**Exhibit E**), as amended.

OTHER AGENCY INVOLVEMENT: No other agencies or departments reviewed this Fee Waiver Request. The Applicant has only requested the waiver and refund of the RMA-Planning violation double fee.

Note: The decision on this request is appealable to the Board of Supervisors.



Joseph Sidor, Associate Planner
(831) 755-5262, SidorJ@co.monterey.ca.us
June 26, 2014

cc: Front Counter Copy; Luke Connolly, RMA Services Manager; Joseph Sidor, Project Planner; Jacqueline Lowther, Owner; Brian Silveira, Agent; The Open Monterey Project; LandWatch; Planning File REF140019

| | | |
|--------------|-----------|--|
| Attachments: | Exhibit A | Draft Resolution |
| | Exhibit B | Fee Waiver Request (January 30, 2014) |
| | Exhibit C | Board Resolution No. 2000-342 (August 29, 2000) |
| | Exhibit D | Board Resolution No. 12-384 (July 10, 2012) |
| | Exhibit E | Fee Waiver Policy |
| | Exhibit F | Zoning Administrator Resolution No. 14-004 (January 9, 2014) |
| | Exhibit G | Monterey County Land Use Fee Schedule (effective July 8, 2013) |
| | Exhibit H | Combined Development Permits (revised March 25, 2011) |

This report was reviewed by Luke Connolly, RMA Services Manager.

**EXHIBIT A
DRAFT RESOLUTION**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

LOWTHER (REF140019)

RESOLUTION NO. 14 -

Resolution by the Monterey County Planning
Commission:

Denying a Fee Waiver Request for a refund of the
violation fee paid for an after-the-fact Combined
Development Permit (PLN120392) to clear Code
Enforcement File No. 19900060.

[REF140019, Lowther, 40990 Highway 1, Big Sur,
Big Sur Coast Land Use Plan, Coastal Zone (APN:
418-171-003-000)]

WHEREAS, the Applicant contacted the County in June 2012 to begin the process to legalize the unpermitted development, and to comply with zoning code requirements for the as-built accessory structure and other site improvements (Code Enforcement File No. 19900060); and

WHEREAS, on August 21, 2013, the Applicant applied for an after-the-fact Combined Development Permit (RMA-Planning File No. PLN120392) to legalize the un-permitted development. The application included an after-the-fact Combined Development Permit to clear Code Enforcement File No. 19900060 consisting of: 1) a Coastal Administrative Permit and Design Approval to allow the construction of a 499 square foot non-habitable accessory structure with a 285 square foot attached deck, and 421 linear feet of fencing and retaining walls; 2) a Coastal Development Permit to allow development within 50 feet of a coastal bluff; 3) a Coastal Development Permit to allow development on slope exceeding 30 percent; and 4) a Variance to allow a reduction in the side setback; and

WHEREAS, at the time of application submittal on August 21, 2013, the Applicant paid the project application fees in the amount of \$12,625.00 and the zoning violation abatement costs in the amount of \$11,820.36, for a total fee amount of \$24,445.36. The amount of the project fees, including the violation fee, was based on the Monterey County Land Use Fee Schedule adopted July 8, 2013; and

WHEREAS, the Monterey County Zoning Administrator approved the after-the-fact Combined Development Permit (PLN120392) on January 9, 2014, pursuant to Resolution No. 14-004. Approval of the Combined Development Permit brought the subject property into compliance with all zoning rules and regulations pertaining to the property; and

WHEREAS, on January 30, 2014, the Applicant submitted a Fee Waiver Request (RMA-Planning File No. REF140019) for refund of the violation fee in the amount of \$11,820.36. The Applicant requested the refund on the basis that the previous owner created the violation, and that upon learning of the violation in 2012, the Applicant submitted a request for a Combined Development Permit required to correct the violation; and

WHEREAS, the Director of RMA-Planning referred the Fee Waiver Request to the Planning Commission because the request does not meet the criteria established by the Monterey County Board of Supervisors in the Fee Waiver Policy adopted on August 29, 2000 (Resolution No. 2000-342), and amended by the Board of Supervisors on July 10, 2012 (Resolution No. 12-384); and

WHEREAS, the Planning Commission shall consider fee waiver requests that do not meet the listed criteria of the Fee Waiver Policy, as amended; and

WHEREAS, on July 9, 2014, the Monterey County Planning Commission conducted a duly-noticed public hearing for the Fee Waiver Request for refund of the violation fee associated with PLN120392.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

Deny the Fee Waiver Request for a refund of the violation fee for an after-the-fact Combined Development Permit (PLN120392) to clear Code Enforcement File No. 19900060.

PASSED AND ADOPTED this 9th day of July, 2014, upon motion of Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

Brian Silveira & Associates
1308 Sartori Avenue #109 - Torrance, CA 90501 - Phone: 310-753-1090
Email: silveira.brian@gmail.com

Date: January 30, 2014

To: Monterey County Planning Department
168. Alisal St, Second Floor
Salinas, CA. 93901

Re: PLN120392

Dear Honorable Commissioners,

I am writing to request that you please refund penalty fees in the amount of \$11,820.36 for PLN120392.

On January 17, the Planning Commission issued Resolution No 14-004 to approve an after-the-fact Combined Development Permit to clear Code Enforcement File No. 19900060 consisting of: 1) a Coastal Administrative Permit and Design Approval to allow the construction of a 499 square foot non-habitable accessory structure with a 285 square foot attached deck, and 421 linear feet of fencing and retaining walls; 2) a Coastal Development Permit to allow development within 50 feet of a coastal bluff; 3) a Coastal Development Permit to allow development on a slope exceeding 30 percent; and 4) a Variance to allow a reduction in the side setback.

The applicant, Ms. Jacqueline Lowther, purchased the property with her husband in the year 2000. All construction listed above was completed prior to Ms. Lowther purchasing the property. In fact, the geotechnical report done by Grice Engineering suggested that the fences and walls must have been part of the original pad construction.

Prior to Ms. Lowther purchasing the property, a title report, dated September 1st 2000, was issued by Old Republic Title Company. This title report shows several building violations related to an interior remodel, and also makes reference to an illegal dwelling unit, but the report does not mention anything about Planning Department violations or Coastal Development Permits.

In an effort to address the issue of the illegal dwelling unit (499 square foot shed), Ms. Lowther spoke to the Building Department, who advised her that removing the toilet from the shed would resolve the habitability issue.

It was only when Ms. Lowther was forced to sell the property that she encountered the issue of the Coastal Development Permits and Yard Variance. Upon learning of these violations, Ms. Lowther worked quickly and at her own cost to resolve all

Brian Silveira & Associates
1308 Sartori Avenue #109 - Torrance, CA 90501 - Phone: 310-753-1090
Email: silveira.brian@gmail.com

Planning-related violations on the property; all of which were related to work done by the prior owner.

Mrs. Lowther has already paid more than \$23k in Planning Fees alone. On behalf of Mrs. Lowther, I would kindly ask that you recognize her efforts to resolve the violations and refund her violation fees in the amount of \$11,820.36.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to be 'B Silveira', with a long horizontal stroke extending to the right.

Brian Silveira

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

Resolution 2000- 342

Resolution Amending the Monterey)
County Master Fee Resolution to)
Clarify the Fee for Appeals on)
Land Use Issues and Establish)
Criteria for the Waiver of Fees in)
Specific Circumstances.)

Whereas: Chapter 1.40 of the Monterey County Code establishes the Monterey County Master Fee Resolution (the Resolution) as the vehicle for setting and amending fees; and,

Whereas: The Board wishes to clarify the appeal fee for land use issues and to establish criteria and authority for the Director of Planning and Building Inspection to waive fees in specific cases; and,

Whereas: The Board has received a report and recommendations from the County Administrative Office and Planning and Building Inspection; and,

Whereas: The Board has held a public hearing as required by law and heard from all interested parties;

NOW, therefore, be it resolved that the Board clarifies that the appeal fee for appeals to the Planning Commission or Board of Supervisors on land use issues is \$671.00.

Be it further resolved that the Director of Planning and Building Inspection may waive application and appeal fees for discretionary permit and building permit applications for:

1. Small day care centers (less than twelve children).
2. Inclusionary portions of proposed residential developments.
 - a. Special Handling affordable housing projects, as detailed in the adopted Special Handling criteria (25% affordable housing). Amount of fees waived is based on the percentage of affordable housing provided, and may include additional fees beyond the original application fees.
 - b. Persons age 62 or over on a fixed, very low income as defined by Housing and Urban Development.

- c. Reclassification applications to bring property into consistency with existing General Plan land use designations.
 - d. County or other government agencies.
 - e. Permit fees for the repair or reconstruction of property and structures damaged or destroyed by an act or event that has been declared a disaster by the Board of Supervisors where insurance is inadequate to pay the applicable fees.
8. Development, enhancement, expansion or modification of needed community facilities by non-profit organizations and community groups meeting the following criteria:
- a. The proposed project is available for use by the general public; and
 - b. Provides a scope of benefit beyond the residents of the immediate vicinity; and
 - c. Is of obvious public benefit. Evidence of public benefit includes, but is not limited to, projects that:
 - i. Meet a public need previously identified or recognized by the Board of Supervisors;
 - ii. Provide a public facility not presently available in the community;
 - iii. Have generated obvious, substantial community support; or,
 - iv. Would either reduce County costs or increase County revenue.
9. General Plan amendments for parcels with inappropriate or inaccurate land use designations provided the property has been field checked and verified that it is inaccurately or inappropriately designated.

Requests Not Conforming to Policy:

The Planning Commission shall consider all requests for fee waivers not meeting the above criteria.

Appeal of Director's Decision:

The Planning Commission shall consider all appeals of decisions of the Director on fee waiver requests.

Payment of Fees:

All fees shall be paid at the time of the filing an application or an appeal. Should the fees subsequently be waived, the fees shall be refunded.

On motion of Supervisor PENNYCOOK, seconded by Supervisor SALINAS, and carried by those members present, the Board hereby adopts this resolution amending the Monterey County Master Fee Resolution to clarify the fee for appeals on land use issues and establish criteria for the waiver of fees in specific circumstances.

PASSED AND ADOPTED this 29th day of August,, 2000, by the following vote, to-wit:

AYES: Supervisors Salinas, Pennycook and Calcagno.

NOES: None.

ABSENT: Supervisors Johnsen and Potter.

I, SALLY R. REED, 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 at page -- of Minute Book 70, on August 29, 2000.

DATED: August 29, 2000

SALLY R. REED, Clerk of the Board
of Supervisors, County of Monterey, State of
California

By: Nancy Luckenell

Deputy

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

Resolution No. 12-384

Resolution amending the Monterey County)
 Fee Resolution to Augment and Clarify Fee)
 Waiver Procedures.....)
 (REF120049/Fee Waiver Process))

WHEREAS, state law authorizes the County to establish fees for the cost of processing land use entitlements, so long as such fees do not exceed the estimated reasonable cost of providing the service for which the service is charged;

WHEREAS, pursuant to state law, the Board of Supervisors has periodically established fees for the processing of land use entitlements ("land use application fees"), including fees for filing administrative appeals of land use decisions ("land use appeal fees"), and the current land use fee schedule includes fees for filing appeals of land use entitlements in the inland unincorporated area of the County, appeals of administrative determinations, and appeals of fee determinations;

WHEREAS, the land use appeal fees are imposed to cover a portion of the costs of processing the appeal, and in enacting the fees, the Board of Supervisors found that the land use application fees and land use appeal fees do not exceed the estimated reasonable cost of processing the land use applications and appeals;

WHEREAS, the Board of Supervisors may, in the exercise of its police powers, waive land use application fees, including land use appeal fees, when policy or other reasons dictate that a waiver of fees is appropriate;

WHEREAS, on August 29, 2000, the Board of Supervisors adopted Resolution No. 2000-342 authorizing the County's Director of Planning to grant requests for waivers of application and appeal fees for discretionary land use permits and building permits if the fee waiver request meets certain criteria and authorizing the Monterey County Planning Commission to consider all land use fee waiver requests not meeting the specific criteria, a copy of said resolution being attached hereto as Exhibit 1 and incorporated herein by reference;

WHEREAS, the existing land use fee waiver process allows appellants to request a fee waiver due to inability to pay, but the Board of Supervisors desires to make explicit that those who are genuinely unable to afford the fee are not barred from filing a land use appeal due to their financial condition;

WHEREAS, the Board of Supervisors desires to augment the criteria under which the Director of Planning has authority to grant a fee waiver to include grant of a waiver of land use appeal fees when the appellant provides evidence that the appellant is unable to afford the appeal fee due to appellant's financial condition, provided that the appellant provides evidence in support of the fee waiver request such as evidence demonstrating that appellant would qualify for a waiver of court fees and costs pursuant to California Government Code section 68632 because of his or her financial condition;

WHEREAS, questions have arisen in the implementation of Resolution No. 2000-342 as to which County hearing body may hear appeals from the Director's fee waiver decisions, and therefore, the Board of Supervisors desires to clarify that the "Appropriate Authority" who is designated by the Monterey County Code to hear an appeal of a land use decision is also authorized to hear and decide appeals from the Director's decisions on fee waiver requests.

WHEREAS, the fees to which this waiver applies are not a tax and are exempt from voter approval pursuant to subparagraphs (1) through (3) and subparagraph (6) of section 1 of Article 13C of the California Constitution (Proposition 26), and this fee waiver does not result in increased charges and fees to other land use permit applicants, as the loss of revenue will be borne by the County's General Fund;

WHEREAS, this action related to fee waivers is statutorily exempt from the California Environmental Quality Act pursuant to section 21080(b)(8) of the Public Resources Code because the fees are charges to cover operating expenses;

WHEREAS, 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 by the County may be adopted by resolution or may be designated in the Monterey County Fee Resolution;

WHEREAS, the Board intends that this resolution shall augment Resolution No. 2000-342 and that the Monterey County Fee Resolution shall incorporate the procedures specified by this resolution.

DECISION

NOW, THEREFORE, based on all of the above facts and circumstances, the Board of Supervisors does hereby resolve as follows:

1. The Board of Supervisors hereby authorizes the Director of Planning to consider and decide upon requests from appellants for a waiver of land use appeal fees when the appellant provides evidence that appellant is unable to afford the appeal fees due to appellant's financial condition, provided that the appellant provides evidence in support of the fee waiver request such as evidence demonstrating that appellant would qualify for a waiver of court fees and costs pursuant to California Government Code section 68632 because of his or her financial condition.
2. The hearing body designated by the Monterey County Code as the Appropriate Authority to hear an appeal of a land use decision is also hereby authorized to hear and decide appeals from the Director of Planning's decisions on land use fee waiver requests.
3. This resolution augments Resolution No. No. 2000-342, and establishes Article 14.D of the Monterey County Fee Resolution, which shall incorporate the procedures specified in Sections 1 and 2 of this resolution

PASSED AND ADOPTED upon motion of Supervisor Salinas, seconded by Supervisor Parker, and carried this 10th day of July 2012, by the following vote, to wit:

The Board hereby adopts this Resolution amending the Monterey County Master Fee Resolution to clarify the fee for appeals on land use issues and establish criteria for the waiver of fees in specific circumstances.

AYES: Supervisors Armenta, Calcagno, Salinas, and Parker

NOES: None

ABSENT: Supervisor Potter

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 76 for the meeting on July 10, 2012.

Dated: August 15, 2012
File Number: 12-643
Revised: January 25, 2013

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

By Denise Hancock
Deputy



Monterey County

Board Order

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

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

Adopted Resolution No. 12-384 amending the Monterey County Fee Resolution to:

- a. Authorize the Director of Planning to consider and decide requests for waiver of land use appeal fees when the appellant is unable to afford the appeal fee due to appellant's financial condition; and
- b. Authorize the Appropriate Authority to hear appeals from the Director of Planning's decisions on land use fee waiver requests. (Fee Waiver Resolution/REF120049)

PASSED AND ADOPTED on this 10th day of July 2012, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Salinas, and Parker

NOES: None

ABSENT: Supervisor Potter

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 76 for the meeting on July 10, 2012.

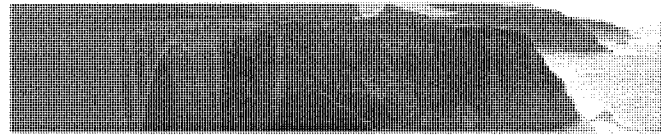
Dated: August 13, 2012

File Number: 12-643

Revised: 01-25-13

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

By Denise Hancock
Deputy



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Fee Waiver Policy

(adopted by Board of Supervisors August 29, 2000)

(Revised Complete Board Order Resolution July 10, 2013)

Search

The Director of Planning may waive application and appeal fees for discretionary permit applications for:

1. Small day care centers (less than twelve children).
2. Inclusionary portions of proposed residential developments.
3. Special Handling affordable housing projects, as detailed in the adopted Special Handling criteria (25% affordable housing). Amount of fees waived is based on the percentage of affordable housing provided, and may include additional fees beyond the original application fees.
4. Persons age 62 or over on a fixed, very low income as defined by Housing and Urban Development.
5. Reclassification applications to bring property into consistency with existing General Plan land use designations.
6. County or other government agencies.
7. Permit fees for the repair or reconstruction of property and structures damaged or destroyed by an act or event that has been declared a disaster by the Board of Supervisors where insurance is inadequate to pay the applicable fees.
8. Development, enhancement, expansion or modification of needed community facilities by non-profit organizations and community groups meeting the following criteria:
 - a. The proposed project is available for use by the general public; and
 - b. Provides a scope of benefit beyond the residents of the immediate vicinity; and,
 - c. Is of obvious public benefit. Evidence of public benefit includes, but not limited to, projects that:
 - i. Meet a public need previously identified or recognized by the Board of Supervisors;
 - ii. Provide a public facility not presently available in the community;
 - iii. Have generated obvious, substantial community support; or,
 - iv. Would either reduce County costs or increase County revenue.
9. General Plan amendments for parcels with inappropriate or inaccurate land use designations provided the property has been field checked and verified that it is inaccurately or inappropriately designated.

Requests Not Conforming to Policy:

The Planning Commission shall consider all requests for fee waivers not meeting the above criteria.

Appeal of Director's Decision:

The Planning Commission shall consider all appeals of decisions of the Director on fee waiver requests.

[Download Fee Waiver Procedure](#)

[Download Fee Waiver Request Form](#)



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[Disclaimer](#)

**Before the Zoning Administrator in and for the
County of Monterey, State of California**

In the matter of the application of:

LOWTHER (PLN120392)

RESOLUTION NO. 14-004

Resolution by the Monterey County Zoning
Administrator:

- 1) Finding the project categorically exempt per CEQA Guidelines Section 15303; and
- 2) Approving an after-the-fact Combined Development Permit to clear Code Enforcement File No. 19900060 consisting of: 1) a Coastal Administrative Permit and Design Approval to allow the construction of a 499 square foot non-habitable accessory structure with a 285 square foot attached deck, and 421 linear feet of fencing and retaining walls; 2) a Coastal Development Permit to allow development within 50 feet of a coastal bluff; 3) a Coastal Development Permit to allow development on slope exceeding 30 percent; and 4) a Variance to allow a reduction in the side setback.

[PLN120392, Lowther, 40990 Highway 1, Big Sur,
Big Sur Coast Land Use Plan, Coastal Zone (APN:
418-171-003-000)]

The Lowther application (PLN120392) came on for public hearing before the Monterey County Zoning Administrator on January 9, 2014. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is an after-the-fact Combined Development Permit to clear Code Enforcement File No. 19900060 consisting of: 1) a Coastal Administrative Permit and Design Approval to allow the construction of a 499 square foot non-habitable accessory structure with a 285 square foot attached deck, and 421 linear feet of fencing and retaining walls; 2) a Coastal Development Permit to allow development within 50 feet of a coastal bluff; 3) a Coastal Development Permit to allow development on slope exceeding 30 percent; and 4) a Variance to allow a reduction in the side setback.
EVIDENCE: The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120392.
2. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been

reviewed for consistency with the text, policies, and regulations in:

- the 1982 Monterey County General Plan;
- Big Sur Coast Land Use Plan;
- Monterey County Coastal Implementation Plan Part 3; and
- Monterey County Zoning Ordinance (Title 20).

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 40990 Highway 1, Monterey/Big Sur (Assessor's Parcel Number 418-171-003-000), Big Sur Coast Land Use Plan. The parcel is zoned Watershed and Scenic Conservation, 40 acres per unit, with a Design Control Overlay (Coastal Zone) [WSC/40-D (CZ)], which allows accessory structures as a principle use with a Coastal Administrative Permit. Therefore, the project is an allowed land use for this site.
- c) The project planner conducted a site inspection on June 26, 2012, to verify that the project on the subject parcel conforms to the plans listed above.
- d) Development on slope exceeding 30 percent and within 50 feet of a coastal bluff: See Finding No. 8.
- e) Variance: See Finding Nos. 9, 10, and 11.
- f) Archaeological/Cultural Resources: The project is consistent with the cultural resource policies of the Big Sur Coast Land Use Plan and will have no impact on pre-historic resources. County records identify that the project site is within an area of high sensitivity for prehistoric cultural resources. However, the archaeological survey (LIB130510) prepared for the project site did not identify any potential impacts to prehistoric resources. The potential for inadvertent impacts to cultural resources is limited and will be controlled by the use of the County's standard project condition (Condition No. 4).
- g) Big Sur Critical Viewshed: The project is consistent with the visual resource policies of the Big Sur Coast Land Use Plan and will have no impact on the critical viewshed. The project planner conducted a site inspection on June 26, 2012, to verify that the project site conforms to the visual resource policies of the plans listed above. The proposed development does not create any new structures within the critical viewshed (Big Sur Coast LUP Policy 3.2.2). Although the project site is located near Highway 1, a state-designated scenic highway, the structure is not visible from the highway or any areas within the Big Sur Critical Viewshed.
- h) The project was referred to the Big Sur Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because it involves a Variance and a Design Approval subject to review by the Zoning Administrator or Planning Commission. The Big Sur LUAC, at a public meeting held on September 24, 2013, recommended to support the project with the following conditions: 1) the existing color (driftwood gray) of the accessory structure remain and not changed to match the existing residence, and 2) the bulk and mass of the structural

envelope not increase beyond that currently existing.

- i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120392.

3. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

EVIDENCE: a) The project has been reviewed for site suitability by the following departments and agencies: RMA – Planning, CALFIRE Coastal (Fire Protection District), RMA - Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- b) Staff identified potential impacts to Archaeological Resources, Biological Resources, and Soil/Slope Stability. The following reports have been prepared:

- Preliminary Cultural Resources Reconnaissance (LIB130510) prepared by Archaeological Consulting, Salinas, California, December 5, 1989.
- Biotic Survey & Assessment (LIB130511) prepared by Jeffrey B. Froke, Consulting Ecologist, Pebble Beach, California, August 30, 2012.
- Geologic Hazard Investigation (LIB130512) prepared by Gasch & Associates, Inc., Santa Barbara, California, January 31, 2001.
- Geotechnical and Geologic Hazards Report (LIB130513) prepared by Grice Engineering, Inc., Salinas, California, April 10, 2013.

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

- c) Staff conducted a site inspection on June 26, 2012, to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120392.

4. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: a) The project was reviewed by RMA – Planning, CALFIRE Coastal (Fire Protection District), RMA - Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies have

recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

- b) Necessary public facilities are available. The existing residence has a water system connection and a functional wastewater disposal system. The residence will continue to use these same connections. The Environmental Health Bureau reviewed the project application and did not require any conditions.
- c) The Geologic Hazard Investigation (LIB130512) and the Geotechnical and Geologic Hazards Report (LIB130513) prepared for the site and project, indicate that although the site has potential hazards, the site is suitable for the existing development and no significant conditions were observed. The County has applied Condition Nos. 6 and 9 to ensure a qualified consultant confirms the stability of the foundation underpinning, and to ensure future property owners understand the risk involved with development near a coastal bluff due to the location of the structure.
- d) Staff conducted a site inspection on June 26, 2012, to verify that the site is suitable for this use.
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120392.

5. **FINDING:** **NO VIOLATIONS** - The subject property is in not compliance with all rules and regulations pertaining to applicable provisions of the County's zoning ordinance. Violations exist on the property. The approval of this permit will correct the violations and bring the property into compliance.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning and Building Services records and is aware of a violation existing on the subject property.
 - b) Staff conducted a site inspection on June 26, 2012, and researched County records to assess if any violation exists on the subject property.
 - c) The proposed project would correct an existing violation regarding unpermitted development of the non-habitable accessory structure (Code Enforcement File No. 19900060). When implemented, the project will bring the subject property into compliance with all rules and regulations pertaining to the property and will remove the existing violations.
 - d) Zoning violation abatement costs, if any, have been paid.
 - e) The application, plans and supporting materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development are found in Project File PLN120392.

6. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15303(e) categorically exempts the construction of new, small facilities or structures, including accessory structures to a single family dwelling

or residential use.

- b) The project involves the permitting of a constructed non-habitable accessory structure, and is consistent with the parameters of the categorical exemption per Evidence 6a above.
- c) No adverse environmental effects were identified during staff review of the development application during a site visit on June 26, 2012.
- d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, unusual circumstances that would result in a significant effect, development that would result in a cumulatively significant impact, development located within view of a state-designated scenic highway, nor development in a particularly sensitive environment. The technical reports prepared for the project do not identify any potential significant or cumulative impacts, and no evidence of significant adverse environmental effects were identified during staff review of the development application. Although the project site is located near Highway 1, a state-designated scenic highway, the structure is not visible from the highway or any areas within the Big Sur Critical Viewshed. See also Evidence 2g above.
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120392.

7. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.145.150 of the Monterey County Coastal Implementation Plan (Part 3) can be demonstrated.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 2, Shoreline Access Plan, or Figure 3, Trails Plan, in the Big Sur Coast Land Use Plan).
 - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over these properties or project sites.
 - d) Staff conducted a site inspection on June 26, 2012.
 - e) The application, plans and supporting materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development are found in Project File PLN120392.

8. **FINDING:** **DEVELOPMENT ON SLOPE/BLUFF** – There is no feasible alternative which would allow development to occur on slopes of less than 30 percent.

- a) In accordance with the applicable policies of the Big Sur Coast Land Use Plan (LUP) and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said

- permit have been met. No feasible alternative to the building site exists.
- b) The project includes application for development on slopes exceeding 30 percent, and within 50 feet of a coastal bluff. The project involved the construction of a 499 square foot non-habitable accessory structure. The topography of the parcel, as well as the access road, severely limits the potential building area on the property, and no feasible alternative building site exists.
 - d) The Zoning Administrator shall require such conditions of approval and changes in the development as it may deem necessary to assure compliance with MCC Section 20.64.230.E.1. Condition No. 6, Geotechnical Certification, has been applied to assure compliance and to ensure a qualified consultant confirms the stability of the development. In addition, due to the location of the structure (i.e., less than 20 feet from the bluff edge), the County has applied Condition No. 9, Deed Restriction/Geologic Hazard, to ensure future property owners understand the risk involved with development near a coastal bluff. Application of these conditions will also ensure consistency with applicable Big Sur Coast LUP policies regarding geologic hazards.
 - e) Staff conducted a site inspection on June 26, 2012, to verify the subject project minimizes development on slopes exceeding 30 percent in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan and applicable zoning codes.
 - f) The application, plans and supporting materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development are found in Project File PLN120392.

9. **FINDING:** **VARIANCE (Authorized Use)** – The Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

- a) The property has a zoning designation of Watershed and Scenic Conservation, 40 acres per unit, with a Design Control Overlay (Coastal Zone) [WSC/40-D (CZ)].
- b) The allowed uses for a WSC zone are identified in Section 20.17 of the Monterey County Zoning Ordinance (Title 20). Single family dwellings, additions, and accessory structures are allowed uses within this district. Therefore, the project is an authorized use for the zoning district.
- c) The application, plans and supporting materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development are found in Project File PLN120392.

10. **FINDING:** **VARIANCE (Special Circumstances)** – Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of development standards in the Monterey County Code (MCC) is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zoning classification.

- a) Development standards for the WSC zone are identified in MCC Section 20.17.060. Allowed site coverage in the WSC zone is 10 percent. The existing structures conform to site coverage limitations

(2,237 square feet, or approximately 1.0 percent, of 21,780 allowed). Required setbacks in this WSC zone for an accessory structure attached to the main structure are 30 feet (front), 20 feet (rear), and 20 feet (side). The non-habitable accessory structure is non-conforming with regard to the required side setback of 20 feet, and extends into the side setback by approximately 2 feet. If the non-habitable accessory structure were detached from the main structure, the required setbacks would be 50 feet (front), 1 foot (rear), 6 feet (side, front one-half of the property), and 1 foot (side, rear one-half of the property).

- b) The intent of the setback development standard is to limit the bulk and mass of development on a parcel in proportion to the size of the parcel, and to ensure the structure(s) blend with the surrounding environment. The subject parcel, as well as the other parcels in the immediate vicinity, is severely constrained by topography, the access road, and the Big Sur Critical Viewshed. Due to these constraints, it is not feasible to provide an area suitable for development that also meets all of the required setback standards.
- c) The project planner conducted a site inspection on June 26, 2012, to verify the circumstances related to the property. There are special circumstances on the site that warrant a Variance to allow the proposed development, resulting in a reduction of the side setback by approximately 2 feet, provided there is no special privilege (Finding No. 11) and it is an authorized use (Finding No. 9).
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development are found in Project File PLN120392.

11. **FINDING:** **VARIANCE (Special Privileges)** – The Variance shall not constitute a grant of privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
- EVIDENCE:**
- a) The project planner conducted a site inspection on June 26, 2012, to identify circumstances related to other properties in the vicinity and in the same zoning district.
 - b) Staff researched County records to assess if any similar Variances were granted in the vicinity and under identical zoning classification.
 - c) Other property owners in the vicinity and under identical zoning classification have been afforded the same privilege sought by the property owner of this application.
 - d) The County granted a reduction in the front yard setback due to identical site constraints for ZA05224 (Stadler), located in the immediate vicinity (South 40 area of Big Sur), and under identical zoning classification.
 - f) In addition, due to severe site constraints shared by all four parcels in the South 40 area of Big Sur (topography, access road, and the Big Sur Critical Viewshed), it is not feasible to provide an area suitable for development that also meets all of the required setback standards. Compared to the subject parcels' 1,952 square feet of structural improvements, two adjacent properties have structural improvements totaling 4,365 square feet and 3,470 square feet. Also, Condition No. 8, Structural Connection, has been applied to minimize the amount of

setback reduction requirements.

- g) The application, plans and supporting materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development are found in Project File PLN120392.

12. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

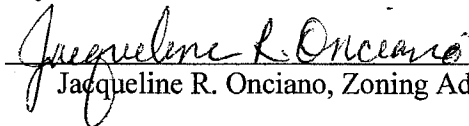
- EVIDENCE:**
- a) Board of Supervisors: Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20) allows an appeal to be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) California Coastal Commission: Sections 20.86.080.A.1, A.2, and A.3 of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because it involves development between the sea and the first through public road paralleling the sea, development within 300 feet of the top of the seaward face of any coastal bluff, and development that is permitted in the underlying zone as a conditional use.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

1. Find the project categorically exempt per CEQA Guidelines Section 15303; and
2. Approve an after-the-fact Combined Development Permit to clear Code Enforcement File No. 19900060 consisting of a Coastal Administrative Permit and Design Approval to allow the construction of a 499 square foot non-habitable accessory structure with a 285 square foot attached deck, and 421 linear feet of fencing and retaining walls; a Coastal Development Permit to allow development within 50 feet of a coastal bluff; a Coastal Development Permit to allow development on slope exceeding 30 percent; and a Variance to allow a reduction in the side setback; in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 9th day of January, 2014.


Jacqueline R. Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON **JAN 17 2014**

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **JAN 27 2014**

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION,

Jacqueline A Lowther TR - PLN120392

CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Monterey County Planning Department
Condition of Approval Implementation Plan/Mitigation
Monitoring Reporting Plan

PLN120392

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This After-the-fact Combined Development Permit (PLN120392) to clear Code Enforcement File No. 19900060 allows a Coastal Administrative Permit and Design Approval for the construction of a 499 square foot non-habitable accessory structure with a 285 square foot attached deck, and 421 linear feet of fencing and retaining walls; a Coastal Development Permit for development within 50 feet of a coastal bluff; a Coastal Development Permit for development on slope exceeding 30 percent; and a Variance for a reduction in the side setback. The property is located at 40990 Highway 1, Monterey (Assessor's Parcel Number 418-171-003-000), Big Sur Coast Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state: "An After-the-fact Combined Development Permit (Resolution Number 14-004) was approved by the Zoning Administrator for Assessor's Parcel Number 418-171-003-000 on January 9, 2014. The permit was granted subject to nine (9) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to RMA - Planning.

3. PD002(A) - ATTACH RESOLUTION TO CONSTRUCTION PLANS

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: A copy of the Resolution of Approval (Resolution No. 14-) for the After-the-fact Combined Development Permit (Planning File No.: PLN120392) shall be incorporated onto the construction plans for the project prior to the issuance of a grading or building permit. The Contractor/Owner/Applicant shall be responsible for compliance with all conditions of approval. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to commencement of any grading or construction activities, the Owner/Applicant shall submit evidence to RMA-Planning for review and approval, that the Resolution of Approval, for the project, has been incorporated onto the construction plans for the project/approved development.

Ongoing throughout construction and until all Conditions of Approval and/or Mitigation Measures have been complied with, the Contractor/Owner/Applicant shall provide evidence of compliance with Conditions of Approval to the Responsible Land Use Department as specified in the "Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan."

4. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered." When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

5. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-Planning.

6. PD009 - GEOTECHNICAL CERTIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA - Planning and RMA - Building Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the Owner/Applicant/Geotechnical Consultant shall submit certification by the geotechnical consultant to RMA-Building Services showing project's compliance with the geotechnical report.

7. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of three (3) years, to expire on January 9, 2017, unless use of the property or actual construction has begun within this period. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

8. PDSP001 - STRUCTURAL CONNECTION (NON-STANDARD)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall construct a structural connection between the existing single family dwelling and the non-habitable accessory structure. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of a building permit, the Owner/Applicant shall submit plans showing the proposed structural connections to RMA - Planning for review and approval.

Prior to final, the Owner/Applicant shall submit evidence to RMA - Planning of the completion of the structural connection.

9. PDSP002 - DEED RESTRICTION / GEOLOGIC HAZARD (NON-STANDARD)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to final of a building permit the applicant shall record a deed restriction which states: "The parcel is located in a high geologic hazard area and development may be subject to certain restrictions as per section(s) of the Coastal Implementation Plan and per the standards for development of residential property." (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the final of the building permit, the Owner/Applicant shall submit proof of recordation of the deed restriction to the Director of RMA-Planning.

MONTEREY COUNTY LAND USE FEES
(effective 07/08/2013)

| Permit Type | PLAN (1) (2) (8) (12) | File Storage Fee | Technology Fee (13) | PWD | WRA | EH | CC | GPU (7) | Total FY13 | Notes |
|--|--------------------------|---------------------|------------------------|--------|--------|----------|----------|------------|---------------|--|
| Administrative Permit - General | 2,151.94 | 21.52 | 129.12 | 434.69 | 975.90 | 551.96 | 182.91 | 128.92 | 4,576.96 | |
| Administrative Permit - Signs | 1,129.77 | 11.30 | 67.79 | 217.35 | 0.00 | 0.00 | 182.91 | 45.90 | 1,655.02 | |
| Airport Land Use Commission Application Review | 645.58 | 6.46 | 38.73 | 0.00 | 0.00 | 0.00 | 0.00 | 19.37 | 710.14 | |
| Appeal of Fee Determination | 645.58 | 6.46 | 0.00 | 0.00 | 0.00 | 0.00 | 146.33 | 0.00 | 798.37 | |
| Appeals (3) | 807.00 | 8.07 | 0.00 | 108.68 | 365.83 | 130.00 | 146.33 | 0.00 | 2,678.41 | |
| Appeals of Administrative Determinations | 2,507.01 | 25.07 | 0.00 | 0.00 | 0.00 | 0.00 | 146.33 | 0.00 | 1,565.91 | |
| Application Request (5) | 484.19 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 484.19 | |
| Big Sur Viewshed Acquisition | 1,613.96 | 16.14 | 96.84 | 108.68 | 244.25 | 826.49 | 0.00 | 83.80 | 2,990.16 | |
| BP Review for New SFD (tract home) | 161.40 | 0.00 | 9.68 | 217.35 | 781.66 | 276.53 | 0.00 | 41.61 | 1,438.23 | |
| BP Review for New SFD (6) | 806.98 | 0.00 | 48.42 | 217.35 | 731.66 | 276.53 | 0.00 | 60.96 | 2,141.92 | |
| BP Review for Dwelling Additions (6) | 645.58 | 0.00 | 38.73 | 217.35 | 487.42 | 276.53 | 0.00 | 48.81 | 1,714.42 | |
| BP Review for Ground Mounted Solar and Significant Demolition | 161.40 | 0.00 | 9.68 | 0.00 | 0.00 | 0.00 | 0.00 | 4.84 | 175.92 | |
| BP Review for Minor Review (Dwelling Addition under 500 sq. ft.) (6) | 161.40 | 0.00 | 9.68 | 0.00 | 0.00 | 0.00 | 0.00 | 4.84 | 175.92 | |
| BP Review for New Commercial or Industrial (6) | 968.37 | 0.00 | 58.10 | 217.35 | 487.42 | 551.96 | 0.00 | 66.75 | 2,349.95 | |
| BP Review for Commercial or Industrial Additions (6) | 806.98 | 0.00 | 48.42 | 217.35 | 487.42 | 551.96 | 0.00 | 61.91 | 2,174.04 | |
| BP Review for Tenant Improvement (Commercial or Industrial) | 80.70 | 0.00 | 4.84 | 0.00 | 0.00 | 143.10 | 0.00 | 6.71 | 235.35 | |
| Change of Commercial or Industrial Use | 80.70 | 0.00 | 4.84 | 0.00 | 0.00 | 130.00 | 0.00 | 6.32 | 221.86 | |
| Certificate of Compliance (1-2 Parcels) (14) | 1,613.96 | 16.14 | 96.84 | 0.00 | 0.00 | 319.57 | 1,097.49 | 90.93 | 3,234.93 | |
| Certificate of Compliance (> 2 Parcels) (14) | 484.19 | 4.84 | 29.05 | 0.00 | 0.00 | 116.20 | 365.03 | 28.99 | 1,029.10 | |
| Certificate of Correction | 645.58 | 6.46 | 38.73 | 163.54 | 0.00 | 0.00 | 0.00 | 24.27 | 878.58 | |
| Coastal Administrative Permit - General | 2,151.94 | 21.52 | 129.12 | 434.69 | 975.90 | 1,103.95 | 182.91 | 145.48 | 5,145.51 | |
| Coastal Administrative Permit - Signs | 1,129.77 | 11.30 | 67.79 | 217.35 | 0.00 | 0.00 | 182.91 | 45.90 | 1,655.02 | |
| Coastal Development Permit - General | 4,841.87 | 48.42 | 290.51 | 650.97 | 975.90 | 1,103.95 | 914.58 | 254.62 | 9,080.82 | |
| Coastal Development Permit - Signs | 2,259.54 | 22.60 | 135.57 | 650.97 | 0.00 | 0.00 | 182.91 | 92.80 | 3,344.39 | |
| Coastal Development Permit - Tree Removal | 2,259.54 | 22.60 | 135.57 | 0.00 | 244.25 | 0.00 | 182.91 | 80.60 | 2,925.47 | |
| Coastal Implementation Plan Amendment (4) | | | | | | | | | | See Extraordinary Development Application fee |
| Code Enforcement Activities (per hour) | 126.97 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 126.97 | PER HOUR |
| Conditional Certificate of Compliance (per Lot) | 3,227.91 | 32.28 | 193.67 | 650.97 | 0.00 | 551.96 | 548.75 | 149.39 | 5,354.93 | Fee is for each lot |
| Conformance Determination (Specific Plan) - Director | 1,129.77 | 11.30 | 67.79 | 0.00 | 0.00 | 0.00 | 548.75 | 50.36 | 1,807.97 | |
| Conformance Determination (Specific Plan) - Hearing | 3,222.53 | 32.23 | 193.35 | 0.00 | 0.00 | 0.00 | 548.75 | 113.14 | 4,110.00 | |
| Corner Record | 0.00 | 0.00 | 0.00 | 18.00 | 0.00 | 0.00 | 0.00 | 0.00 | 18.00 | |
| Credit Card Convenience Fee | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | Current County Rate is 1.7% of total fees paid |

MONTEREY COUNTY LAND USE FEES
(effective 07/08/2013)

| Permit Type | PLAN (1) (2) (6) (12) | File Storage Fee | Technology Fee (13) | PWD | WRA | EH | CC | GPU (7) | Total FY13 | Notes |
|--|--------------------------|---------------------|------------------------|----------|----------|----------|----------|------------|---------------|---|
| Design Approval, Public Hearing Required | 806.98 | 8.07 | 48.42 | 0.00 | 0.00 | 0.00 | 182.91 | 29.70 | 1,076.08 | |
| Design Approval, Administrative | 484.19 | 4.84 | 29.05 | 0.00 | 0.00 | 0.00 | 0.00 | 14.53 | 532.61 | |
| Design Approval, Over the Counter | 161.40 | 1.61 | 9.88 | 0.00 | 0.00 | 0.00 | 0.00 | 4.84 | 177.53 | |
| Development Agreement (4) | | | | | | | | | | See Extraordinary Development Application fee |
| EIR, Project Review/Contract Administration (4) (9) | | | | | | | | | | See Extraordinary Development Application fee |
| Emergency Permits | 2,420.93 | 24.21 | 145.26 | 0.00 | 0.00 | 0.00 | 91.46 | 75.37 | 2,757.23 | |
| Extraordinary Development Applications (1) (4) | 16,139.56 | 161.40 | 968.37 | 5,379.85 | 7,318.75 | 7,204.70 | 1,829.15 | 1,136.16 | 40,137.94 | DEPOSIT |
| Field Review Prior to Application | 322.79 | 3.23 | 19.37 | 0.00 | 0.00 | 0.00 | 0.00 | 9.68 | 355.07 | |
| Franchise Agreement | 0.00 | 0.00 | 0.00 | 2,171.30 | 0.00 | 0.00 | 0.00 | 0.00 | 2,171.30 | |
| Franchise Agreement Extension / Amendment | 0.00 | 0.00 | 0.00 | 1,085.85 | 0.00 | 0.00 | 0.00 | 0.00 | 1,085.85 | |
| General / Area Plan Amendment (4) | | | | | | | | | | See Extraordinary Development Application fee |
| General Development Plan | 3,227.91 | 32.28 | 193.67 | 650.97 | 1,220.15 | 826.49 | 182.91 | 183.25 | 6,517.63 | |
| Grading Permits (not in conjunction with BP) | 968.37 | | 58.10 | 0.00 | 731.66 | 0.00 | 0.00 | 51.00 | 1,809.13 | |
| House Number | 0.00 | 0.00 | 0.00 | 54.87 | 0.00 | 0.00 | 0.00 | 0.00 | 54.87 | |
| Hydrogeologic Report Review | 0.00 | 0.00 | 0.00 | 0.00 | 731.66 | 0.00 | 0.00 | 0.00 | 731.66 | |
| Hydrogeologic Report Review w/Diminimus Finding | 0.00 | 0.00 | 0.00 | 0.00 | 244.25 | 0.00 | 0.00 | 0.00 | 244.25 | |
| Hydrogeologic Report Preparation - Contract Administration | 0.00 | 0.00 | 0.00 | 0.00 | 2,721.00 | 0.00 | 0.00 | 0.00 | 2,721.00 | WRA: After 24 hrs. \$121.58/hr |
| Improvement Plan Processing | 0.00 | 0.00 | 0.00 | 434.69 | 0.00 | 0.00 | 0.00 | 0.00 | 434.69 | |
| Improvement Plans (per Square foot of Pavement) | 0.00 | 0.00 | 0.00 | 0.05 | 0.00 | 0.00 | 0.00 | 0.00 | 0.05 | |
| Initial Study CEQA - Minor Subdivision / Commercial / Industrial | 5,987.76 | 59.88 | 359.27 | 434.69 | 486.32 | 276.53 | 1,097.49 | 248.48 | 8,950.44 | |
| Initial Study CEQA - Other | 4,250.09 | 42.50 | 255.01 | 434.69 | 486.32 | 276.53 | 731.66 | 185.38 | 6,662.18 | |
| Initial Study CEQA - SFD (Addendum-titled from earlier EIR) | 1,129.77 | 11.30 | 67.79 | 434.69 | 486.32 | 160.33 | 731.66 | 88.28 | 3,110.14 | |
| Initial Study CEQA - Single Family Dwelling (SFD) | 4,250.09 | 42.50 | 255.01 | 434.69 | 486.32 | 276.53 | 365.83 | 174.40 | 6,285.37 | |
| Initial Study CEQA - Standard Subdivision (1) | 16,139.56 | 161.40 | 968.37 | 434.69 | 486.32 | 276.53 | 1,463.32 | 564.01 | 20,494.20 | DEPOSIT; PWD and WRA fees are flat fees. |
| Landscape/Fuel Mgt. re-inspection of Commercial and Residential (per hour) | 161.40 | 1.61 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 163.01 | PER HOUR |
| Landscape/Fuel Mgt. Review, Commercial | 484.19 | 4.84 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 489.03 | |
| Landscape/Fuel Mgt. Review, Residential | 242.10 | 2.42 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 244.52 | |
| Letters of Public Convenience and Necessity | 806.98 | 8.07 | 48.42 | 0.00 | 0.00 | 0.00 | 0.00 | 24.21 | 887.68 | |
| License to Cross Non-Access Strip | 0.00 | 0.00 | 0.00 | 1,085.65 | 0.00 | 0.00 | 0.00 | 0.00 | 1,085.65 | |
| Lot Line Adjustment Amendments, Revisions or Extensions | 1,613.96 | 16.14 | 96.84 | 108.68 | 610.08 | 413.17 | 182.91 | 87.86 | 3,129.64 | |
| Lot Line Adjustment - General | 2,905.12 | 29.05 | 174.31 | 650.97 | 731.66 | 828.49 | 548.75 | 168.95 | 6,038.30 | |
| Lot Line Adjustment - Williamson Act | 2,582.33 | 25.82 | 154.94 | 650.97 | 731.66 | 828.49 | 1,829.15 | 198.68 | 7,002.04 | |

MONTEREY COUNTY LAND USE FEES
(effective 07/08/2013)

| Permit Type | PLAN (1) (2) (8) (12) | File Storage Fee | Technology Fee (13) | PWD | WRA | EH | CC | GPU (7) | Total FY13 | Notes |
|--|--------------------------|---------------------|------------------------|----------|----------|----------|----------|------------|---------------|---|
| Mills Act Application | 1,291.16 | 12.91 | 77.47 | 0.00 | 0.00 | 0.00 | 182.91 | 44.22 | 1,926.87 | Total Includes fee of \$358.66 for Parks Dept |
| Mills Act Contract Public Hearing | 645.58 | 6.46 | 38.73 | 0.00 | 0.00 | 0.00 | 731.66 | 41.32 | 1,463.75 | |
| Minor and Trivial Amendment (no public hearing) | 1,936.75 | 19.37 | 116.21 | 0.00 | 0.00 | 0.00 | 91.48 | 60.85 | 2,224.64 | |
| Minor Subdivision Tentative Map (existing sewers) | 6,455.82 | 64.56 | 387.35 | 2,387.58 | 2,927.72 | 2,071.24 | 1,646.24 | 484.66 | 16,405.17 | |
| Minor Subdivision Tentative Map (new septic or system) | 6,455.82 | 64.56 | 387.35 | 2,387.58 | 2,927.72 | 2,759.87 | 1,646.24 | 485.32 | 17,114.46 | |
| Minor Subdivision Vesting Tentative Map (existing sewers) | 9,683.73 | 96.84 | 581.02 | 2,387.58 | 2,927.72 | 2,071.24 | 1,646.24 | 561.50 | 19,955.87 | |
| Minor Subdivision Vesting Tentative Map (new septic or system) | 9,683.73 | 96.84 | 581.02 | 2,387.58 | 2,927.72 | 2,759.87 | 1,646.24 | 582.15 | 20,665.15 | |
| Minor Subdivision Vesting Tentative Map Extension (existing sewers) | 3,227.91 | 32.28 | 193.67 | 434.69 | 610.08 | 413.17 | 731.66 | 162.53 | 5,805.99 | |
| Minor Subdivision Vesting Tentative Map Extension (new septic or system) | 3,227.91 | 32.28 | 193.67 | 434.69 | 610.08 | 413.17 | 731.66 | 162.53 | 5,805.99 | |
| Minor Subdivision Extension (existing sewers) | 3,227.91 | 32.28 | 193.67 | 434.69 | 610.08 | 413.17 | 731.66 | 162.53 | 5,805.99 | |
| Minor Subdivision Extension (new septic or system) | 3,227.91 | 32.28 | 193.67 | 1,085.65 | 610.08 | 828.49 | 731.66 | 194.51 | 6,904.25 | |
| Minor Subdivision Amendment or Revision (existing sewers) | 3,227.91 | 32.28 | 193.67 | 1,085.65 | 610.08 | 1,103.95 | 731.66 | 202.78 | 7,187.98 | |
| Minor Subdivision Amendment or Revision (new septic or system) | 3,227.91 | 32.28 | 193.67 | 1,085.65 | 610.08 | 1,103.95 | 731.66 | 202.78 | 7,187.98 | |
| Mitigation Monitoring - 1 to 10 measures (11) | 3,227.91 | 32.28 | 0.00 | 542.29 | 731.66 | 720.90 | 365.83 | 0.00 | 5,620.87 | DEPOSIT |
| Mitigation Monitoring - 11 to 30 measures (11) | 6,455.82 | 64.56 | 0.00 | 1,085.65 | 1,463.32 | 1,440.72 | 731.66 | 0.00 | 11,241.73 | DEPOSIT |
| Mitigation Monitoring - over 30 measures (11) | 9,683.73 | 96.84 | 0.00 | 2,171.30 | 2,194.99 | 2,881.45 | 1,463.32 | 0.00 | 18,491.63 | DEPOSIT |
| Monterey Peninsula Water Mgmt Dist. Allocation Tracking | 0.00 | 0.00 | 0.00 | 0.00 | 182.91 | 0.00 | 0.00 | 0.00 | 182.91 | |
| Oak Woodland Guidelines Consistency Certification | 322.79 | 3.23 | 19.37 | 0.00 | 0.00 | 0.00 | 182.91 | 15.17 | 543.47 | |
| Parcel Legality Determination 1-2 Lots (14) | 808.98 | 8.07 | 48.42 | 0.00 | 0.00 | 0.00 | 1,097.49 | 57.13 | 2,018.09 | CC: 1-2 lots |
| Parcel Legality Determination - each additional lot > 2 (14) | 484.19 | 4.84 | 29.05 | 0.00 | 0.00 | 0.00 | 365.83 | 25.50 | 909.41 | CC: per each add'l lot |
| Parcel Map Processing (includes Amended Parcel Map) | 0.00 | 0.00 | 0.00 | 1,470.59 | 0.00 | 0.00 | 0.00 | 0.00 | 1,470.59 | |
| Permit Amendment, Renewals, Revisions or Extensions (public hearing) | 3,227.91 | 32.28 | 193.67 | 108.68 | 610.08 | 413.17 | 365.83 | 141.77 | 5,093.39 | |
| Plan check fee for building permit | 0.00 | 0.00 | 0.00 | 0.00 | 365.83 | 0.00 | 0.00 | 0.00 | 365.83 | |
| Pre/Post Application Conference (per hour) (5) | 161.40 | 1.61 | 9.68 | 108.68 | 121.58 | 143.10 | 0.00 | 16.04 | 562.09 | PER HOUR (3 hr min); \$364.74 WRA fee is a flat fee |
| Public Service Easement Abandonment | 0.00 | 0.00 | 0.00 | 2,171.30 | 0.00 | 0.00 | 0.00 | 0.00 | 2,171.30 | |
| Record of Survey | 0.00 | 0.00 | 0.00 | 434.69 | 0.00 | 0.00 | 0.00 | 0.00 | 434.69 | |
| Research (1) | 322.79 | 3.23 | 19.37 | 108.68 | 0.00 | 0.00 | 0.00 | 12.94 | 467.01 | DEPOSIT; PWD: \$108.68/hr |
| Restoration Plan (1) | 1,936.80 | 19.37 | 116.21 | 0.00 | 0.00 | 0.00 | 0.00 | 58.10 | 2,130.48 | DEPOSIT |
| Rezoning or Code Text Amendments (4) | | | | | | | | | | See Extraordinary Development Application fee |
| Road Abandonment | 808.98 | 8.07 | 48.42 | 2,713.59 | 0.00 | 0.00 | 365.83 | 116.59 | 4,059.48 | |
| Road Name | 0.00 | 0.00 | 0.00 | 1,085.65 | 0.00 | 0.00 | 0.00 | 0.00 | 1,085.65 | |
| Scenic Easement Amendment | 1,613.96 | 16.14 | 96.84 | 0.00 | 0.00 | 0.00 | 365.83 | 59.39 | 2,152.16 | |

MONTEREY COUNTY LAND USE FEES
(effective 07/06/2013)

| Permit Type | PLAN (1) (2) (8) (12) | File Storage Fee | Technology Fee (13) | PWD | WRA | EH | CC | GPU (7) | Total FY13 | Notes |
|--|--------------------------|---------------------|------------------------|----------|----------|----------|----------|------------|---------------|---|
| Sewage treatment & reclamation facility - Application | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,103.95 | 0.00 | 0.00 | 1,103.95 | |
| Sewage treatment & reclamation facility - Permit fee/yr. | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 828.49 | 0.00 | 0.00 | 828.49 | |
| Soils Testing (per hour) | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 143.10 | 0.00 | 0.00 | 143.10 | PER HOUR |
| Specific Plan (4) | | | | | | | | | | See Extraordinary Development Application fee |
| Specific Plan Amendment (4) | | | | | | | | | | See Extraordinary Development Application fee |
| Standard Subdivision Preliminary Map (existing sewers) (10) | 6,445.06 | 64.45 | 386.70 | 1,085.65 | 2,927.72 | 2,759.87 | 0.00 | 386.55 | 14,066.00 | WRA: After 24 hrs, \$121.58/hr |
| Standard Subdivision Preliminary Map (new septic or system) (10) | 6,445.06 | 64.45 | 386.70 | 1,085.65 | 2,927.72 | 3,659.38 | 0.00 | 423.53 | 14,992.49 | WRA: After 24 hrs, \$121.58/hr |
| Standard Subdivision Project Review Map (CVMP) (10) | 2,238.01 | 22.38 | 134.28 | 2,171.30 | 0.00 | 0.00 | 0.00 | 132.28 | 4,698.25 | |
| Standard Subdivision Tentative Map (existing sewers) (10) | 12,911.65 | 129.12 | 774.70 | 3,357.03 | 3,659.38 | 2,759.87 | 3,658.29 | 790.39 | 28,040.43 | PWD: +\$335.70/lot; WRA: After 30 hrs, \$121.58/hr |
| Standard Subdivision Tentative Map (new septic or system) (10) | 12,911.65 | 129.12 | 774.70 | 3,357.03 | 3,659.38 | 3,659.38 | 3,658.29 | 817.37 | 28,966.92 | PWD: +\$335.70/lot; WRA: After 30 hrs, \$121.58/hr |
| Standard Subdivision Vesting Tentative Map (existing sewers) (10) | 12,911.65 | 129.12 | 774.70 | 3,357.03 | 4,878.45 | 2,759.87 | 3,658.29 | 826.96 | 29,296.07 | PWD: +\$335.70/lot; WRA: After 40 hrs, \$121.58/hr |
| Standard Subdivision Vesting Tentative Map (new septic or system) (10) | 12,911.65 | 129.12 | 774.70 | 3,357.03 | 4,878.45 | 3,659.38 | 3,658.29 | 853.94 | 30,222.56 | PWD: +\$335.70/lot; WRA: After 40 hrs, \$121.58/hr |
| Standard Subdivision Amendment or Revision (existing sewers) (10) | 3,873.49 | 38.73 | 232.41 | 1,303.00 | 610.08 | 1,242.74 | 1,463.32 | 254.78 | 9,018.55 | |
| Standard Subdivision Amendment or Revision (new septic or system) (10) | 3,873.49 | 38.73 | 232.41 | 1,303.00 | 610.08 | 610.08 | 1,463.32 | 235.80 | 8,366.91 | |
| Standard Subdivision Extension (existing sewers) (10) | 3,873.49 | 38.73 | 232.41 | 868.30 | 610.08 | 413.17 | 914.58 | 200.39 | 7,151.15 | |
| Standard Subdivision Extension (new septic or system) (10) | 3,873.49 | 38.73 | 232.41 | 868.30 | 610.08 | 413.17 | 914.58 | 200.39 | 7,151.15 | |
| Standard Subdivision Amended Final Map (new septic or system) (10) | 3,873.49 | 38.73 | 232.41 | 2,171.30 | 610.08 | 610.08 | 1,463.32 | 261.85 | 9,261.26 | |
| Standard Subdivision Amended Final Map (existing sewers) (10) | 3,873.49 | 38.73 | 232.41 | 2,171.30 | 610.08 | 1,242.74 | 1,463.32 | 280.83 | 9,912.90 | |
| Standard Subdivision Final Map Processing | 0.00 | 0.00 | 0.00 | 1,678.51 | 0.00 | 492.00 | 1,829.15 | 0.00 | 3,999.66 | PWD: +\$167.85/lot; EH fee for final maps after 1st phase |
| Subdivision Improvement Agreement Extension | 0.00 | 0.00 | 0.00 | 868.30 | 0.00 | 0.00 | 0.00 | 0.00 | 868.30 | |
| Surface Mine Annual Inspection | 3,227.91 | 32.28 | 193.67 | 0.00 | 0.00 | 0.00 | 0.00 | 96.84 | 3,550.70 | |
| Surface Mine Reclamation Plan | 12,911.65 | 129.12 | 774.70 | 0.00 | 0.00 | 0.00 | 731.66 | 409.30 | 14,956.43 | |
| Storage and Electronic Conversion of Files fees (File Storage Fee) | | | | | | | | | | 1% of Planning Permit fee |
| Tree Removal, Director's Approval (Inland) | 258.23 | 2.58 | 15.49 | 0.00 | 0.00 | 0.00 | 0.00 | 7.75 | 284.05 | |
| Tree Removal, Waiver (Coastal) | 258.23 | 2.58 | 15.49 | 0.00 | 0.00 | 0.00 | 0.00 | 7.75 | 284.05 | |
| Use Permit - General | 4,034.89 | 40.35 | 242.09 | 650.97 | 975.90 | 1,103.95 | 548.75 | 219.43 | 7,816.33 | |
| Use Permit - Signs | 2,259.54 | 22.60 | 135.57 | 650.97 | 0.00 | 0.00 | 182.91 | 92.80 | 3,344.39 | |
| Use Permit - Tree Removal | 2,259.54 | 22.60 | 135.57 | 0.00 | 0.00 | 0.00 | 182.91 | 73.27 | 2,673.89 | |
| Use Permit - Oil and Gas (4) | | | | | | | | | | See Extraordinary Development Application fee |
| Variance | 3,227.91 | 32.28 | 193.67 | 434.69 | 854.32 | 51.96 | 182.91 | 142.55 | 5,120.29 | |
| Vested Rights Determination | 6,455.82 | 64.56 | 387.35 | 0.00 | 0.00 | 0.00 | 1,829.15 | 248.55 | 8,985.43 | |

MONTEREY COUNTY LAND USE FEES
(effective 07/08/2013)

| Permit Type | PLAN (1) (2) (6) (12) | File Storage Fee | Technology Fee (13) | PWD | WRA | EH | CC | GPU (7) | Total FY13 | Notes |
|--|--------------------------|---------------------|------------------------|------|--------|------|----------|------------|---------------|-------|
| Well Construction/Destruction Database Maintenance (added to Well- Construction/Destruction Fees) | 0.00 | 0.00 | 0.00 | 0.00 | 365.83 | 0.00 | 0.00 | 0.00 | 365.83 | |
| Well Construction-over 5 acre ft production in Zone 2C and additional areas of Monterey County including PVMMA jurisdiction | 0.00 | 0.00 | 0.00 | 0.00 | 610.08 | 0.00 | 0.00 | 0.00 | 610.08 | |
| Well Reconstruction/Destruction for Zone 2C and additional areas of Monterey County including PVMMA jurisdiction | 0.00 | 0.00 | 0.00 | 0.00 | 365.83 | 0.00 | 0.00 | 0.00 | 365.83 | |
| Well Construction Fee for New Domestic Well (Inland) | 0.00 | 0.00 | 0.00 | 0.00 | 121.58 | 0.00 | 0.00 | 0.00 | 121.58 | |
| Well Construction Fee for New High Capacity Well (Inland) | 0.00 | 0.00 | 0.00 | 0.00 | 243.16 | 0.00 | 0.00 | 0.00 | 243.16 | |
| Williamson Act or Farmland Security Zone Contract | 1,452.56 | 14.53 | 87.15 | 0.00 | 0.00 | 0.00 | 1,463.32 | 87.48 | 3,105.04 | |
| Williamson Act Contract Amendments | 1,452.56 | 14.53 | 87.15 | 0.00 | 0.00 | 0.00 | 914.58 | 71.01 | 2,539.83 | |

KEY:

PLAN = RMA Planning

PWD = RMA Public Works

WRA = Monterey County Water Resources Agency

EH = Environmental Health Bureau

CC = County Counsel

NOTE: THE FEES THAT ARE SHOWN IN BOLD ARE A DEPOSIT AND MAY BE BILLED FOR ADDITIONAL HOURS

- (1) RMA-Planning fees are based on an hourly rate of \$161.40, representing a weighted blend of the fully burdened labor rate for RMA-Planning staff. A flat fee is based on the average, estimated, reasonable cost of processing the permit/entitlement. Fees for deposit projects will be based on actual hours worked by staff multiplied by the hourly rate. The applicant is required to pay the indicated deposit unless the applicant and the Director of RMA-Planning elect, on a case-by-case basis, to agree to a different deposit.
- (2) Fees for Combined Development Permits under Monterey County Code Chapters 21.76 and 20.70 shall be 85% of the total combined permit fees.
- (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 does not apply to appeals of Coastal Development Permits that are appealable to the Coastal Commission.
- (4) "Extraordinary Development Applications" are those applications which will require staff time well beyond the typical application, as determined by the Director of RMA-Planning (i.e. complex, large scale development with multiple entitlements). Any project requiring 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.
- (5) Fees collected for application appointments and Pre-Application Conferences 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.

MONTEREY COUNTY LAND USE FEES
(effective 07/08/2013)

| Permit Type | PLAN (1) (2) (6) (12) | File Storage Fee | Technology Fee (13) | PWD | WRA | EH | CC | GPU (7) | Total FY13 | Notes |
|-------------|--------------------------|---------------------|------------------------|-----|-----|----|----|------------|---------------|-------|
|-------------|--------------------------|---------------------|------------------------|-----|-----|----|----|------------|---------------|-------|

(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) A General Plan Implementation fee of 3% of the total permit fee is required for all permits covered under Article IX (Planning Fees) except for the following: Appeals, Appeals of Administrative Determinations, Appeals of Fee Determinations, Mitigation Monitoring, and Landscape Review.

(8) Code Enforcement fees as land use fees will be credited back to Monterey County RMA-Building Services – Code Enforcement section.

(9) The deposit paid to the County for staff costs as identified in the Reimbursable Funding or Reimbursement Agreement between the County and the Applicant. Staff costs shall be reimbursed as part of an Extraordinary Development Application as noted in (4) above.

(10) These fees only apply to maps originally submitted prior to July 13, 2003, when applicants were charged "flat-fees", and those submitted after August 20, 2006. Maps submitted between these dates are full-cost recovery projects and require a deposit.

(11) Projects approved with mitigation measures after July 7, 2013 shall be subject to the mitigation monitoring fees set forth in this Article. Projects with mitigation measures approved prior to July 7, 2013 shall be subject to the mitigation monitoring fees set forth in the County Fee Resolution that was in effect on the project approval date.

(12) A flat fee is based on the average, estimated, reasonable cost of processing the permit/entitlement. Fees for deposit projects will be based on actual hours worked by staff multiplied by the hourly rate. The fee will be calculated at full cost recovery when the project is complete.

(13) A Technology fee of 6% of the planning permit fee is required for all permits except for the following: Appeals, Appeals of Administrative Determinations, Appeals of Fee Determinations, Mitigation Monitoring, and Landscape Review. This fee begins July 1, 2008 and will only be in effect until June 30, 2016.

(14) Fees collected for parcel legality determinations shall be credited against any subsequent Certificate of Compliance application for the same requested property (same legal description).

Combined Development Permits

Project Fee and Description

| Secondary Permit | Additional Fee^{1?} | Combined Development Permit^{2?} |
|--|------------------------------------|---|
| Tree Removal, Hazardous | No | No |
| Tree Removal, Non-Hazardous | Yes | Yes |
| 25% slopes (30% in Coastal areas except North County Coastal) | No | Yes |
| Ridgeline Development | Yes | Yes |
| Dev. Causing a Significant Environmental Impact (CZ) | Initial Study | Yes |
| Dev. in Critical Viewshed – Big Sur (CZ) | Yes | Yes |
| Dev. within 100 feet of ESHA (CZ) | Yes | Yes |
| Dev. within 50 feet of a Coastal Bluff (CZ) | Yes | Yes |
| Dev. within 750 feet of known Arch. Resources (CZ) ³ | No | Yes |
| Positive Archaeological Reports (CZ) | No | Yes |
| Mapped as High Archaeological Sensitivity, but report indicates no known resources within 750 feet. ⁴ | No | No |
| Variance | Yes | Yes |
| LLA (Inland) | Yes | Yes |
| Water System | Yes | Yes |
| Accessory Structure/uses that require AP/UP | Yes | Yes |
| Signs (AP, CAP, UP, CDP) | Yes | Yes |
| Dev. in S District | No | Yes |
| Dev. in VS District | No | Yes |
| Dev. in HR District | No | Yes |
| Modify standards (parking, senior unit, guesthouse, caretaker, temp. residence, home occupation) | Yes | Yes |
| Dev. in CV Floodplain | Yes | Yes |
| Serve water outside subdivision | Yes | Yes |
| Over Height | Yes | Yes |
| Coastal Dev. Permit for Sub/LLA (CZ) ⁵ | No | Yes |
| | | |
| Full fee | | |
| Design Approval (Administrative Approval fee) | Yes | No |
| | | |
| Not a permit (but include in description) | | |
| Accessory Structures that require BP only | No | No |

¹ When this category says 'No' a fee is not charged if the permit is secondary permit. If no other permit is required, a fee is applied. See exception for full fee for Design Approval.

² For example: UP for Commercial Use, Design Approval and General Development Plan – not a Combined Dev. Permit—just a UP, DA and GDP).

³ If no other permit other than a permit for development within 750 feet of known Archaeological Resources (negative report) is required, the project will be processed as a Coastal Administrative Permit.

⁴ If the project is located in a CA MNT it is presumed to be within 750 feet of a resource and a permit is required.

⁵ Only the fee for Sub/LLA is charged, not the CDP.

| Not a permit (but include in description) | | |
|---|----|----|
| General Development Plan ⁶ | No | No |
| Grading | No | No |
| Septic System | No | No |
| Temporary Residence while constructing ⁷ | No | No |
| Water Tanks | No | No |
| Well ⁸ | No | No |

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⁶ Fee applies if it is a General Development Plan by itself.

⁷ Requires a permit in the Coastal Zone; check zoning under Title 20

⁸ Wells in the Coastal Zone require a CAP when the well is drilled (test well). If the owner applies for a permanent well with the main use (SFD), the well is part of the description but an addition fee is not charged. However, if the owner applies to make the test well permanent with no other use/structure, then a new CAP fee is applied.