May 18, 2004

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

SUBJECT: Proposed Increase in Community Development Agency - Planning Division Fees.

Dear Board Members:

RECOMMENDATION: Conduct a public hearing on May 18, 2004 regarding the proposed fee ordinance and adopt the attached Ordinance increasing Community Development Agency Planning Division fees effective July 18, 2004.

SUMMARY: On April 6, 2004, your Board adopted expenditure, revenue and staffing adjustments to County’s FY 2004-05 proposed budget to identify and correct County budget structural imbalances. As a result, the General Fund contribution to the Agency shall be reduced by 17%. CDA was able to fulfill this obligation through the utilization of all Divisions of the Agency, and primarily the Planning Division. For the Planning Division’s portion of reductions, it is recommended that you favorably consider adopting the attached ordinance which, in summary, proposes the following changes to existing fees for planning-related services:

- There is no increase for large family day-care use permits and overhead costs associated with environmental impact review documents.
- There is a decrease for second unit permits.
- An approximate 3% increase in most permit application and processing fees to offset the actual cost of processing land-use permits.
- The general plan maintenance fee will be increased from 5% to 12%.
- Application for work undertaken without proper permits will range two to four times the otherwise specified permit fee.
- Planning will maintain the ability to recover full costs on larger, complex projects.

In 2002, Muni Financial, an outside accounting corporation, completed a comprehensive study of the Division’s fees. According to the analysis provided in the study, the proposed fee increases are justified in that fees charged will not exceed the costs of providing these services.

FISCAL IMPACT: The proposed fee increases will reduce the County’s General Fund subsidization of the Planning Division.

REVIEWED BY:  
- Auditor-Controller  
- County Counsel  
- Human Resources

Respectfully submitted

Alex Hinds  
Director

Brian Crawford  
Deputy Director, Planning Services
Attachment: 1. Draft Ordinance with Exhibit A (Proposed Fee Schedule)
ORDINANCE NO. _____________

AN ORDINANCE ESTABLISHING INCREASES IN EXISTING FEES FOR ZONING AND LAND USE APPLICATIONS, (MARIN COUNTY CODE TITLE 22), SUBDIVISION APPLICATIONS, (MARIN COUNTY CODE TITLE 20), FLOATING HOME EXCEPTIONS, (MARIN COUNTY CODE TITLE 19), ENVIRONMENTAL REVIEW DOCUMENTS (CALIFORNIA ENVIRONMENTAL QUALITY ACT), AND OTHER PLANNING-RELATED SERVICES AND REPEALING ORDINANCE NO. 3372

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

SECTION I. The Board of Supervisors hereby finds:

1. The Marin County Community Development Agency has evaluated its services, the costs reasonably borne, the beneficiaries of those services, and the revenues produced by those paying fees and charges for special services; and

2. The County of Marin wishes to comply with both the letter and spirit of Article XIIIIB of the California Constitution and limit the growth of taxes; and

3. The County desires to establish a policy of recovering a reasonable portion of the costs reasonably borne of providing special services of a voluntary and/or limited nature, such that a significant amount of general taxes are not diverted from general services of a broad nature and thereby utilized to subsidize unfairly and inequitably such special services; and

4. The County intends to develop a revised schedule of fees and charges based on the County’s budgeted and projected costs reasonably borne; and

5. All requirements of California Government Code Section 66014 and other applicable laws are hereby found to have been complied with; and

6. Marin County Code, Title 22 establishes procedures for processing Zoning and related applications by the County; and

7. Marin County Code, Title 20 establishes procedures for processing Subdivisions by the County; and

8. Marin County Code, Title 19 establishes procedures for processing and review of Floating Home Exception permits by the County; and

9. The adoption of this Ordinance including the fees and charges provided herein, is statutorily exempt from the California Environmental Quality Act under Public Resources Code Section 21080(b)(8) as the establishment and modification of charges by a public agency to meet operating expenses; and

10. The cost to the County for such processing should be offset by the collection of reasonable fees; and

11. Pursuant to Government Code Section 54985 et seq., the Board of Supervisors has determined that the fees specified herein are equal to or less than the estimated cost to provide the indicated service; and

12. Legal notice was given of the public hearing scheduled before the Board of Supervisors to consider the adoption of a revised fee schedule; and

13. The Board of Supervisors conducted a public hearing on the ordinance on May 18, 2004.
SECTION II. The fees set forth in Exhibit "A" to Ordinance No. __________, are available for public inspection and copying at the office of the Clerk of the Board, and are hereby adopted to become effective on and after July 18, 2004.

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

SECTION IV. Ordinance Number 3341 is hereby repealed effective July 17, 2004 at 5:00 PM.

SECTION V. This ordinance, including the fees set forth in Exhibit "A", shall be and is hereby declared to be in full force and effect on July 18, 2004 and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the supervisors voting for and against the same, in the Marin Independent Journal, a newspaper of general circulation, published in the County of Marin.

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

SECTION VII. Introduced and adopted at a regular meeting by the Board of Supervisors of the County of Marin, State of California, on the 18th day of May, 2004, by the following vote:

AYES:

NOES:

ABSENT:

__________________________
STEVE KINSEY, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

ATTEST:

______________________________
Clerk
# EXHIBIT "A" TO ORDINANCE NO. ____________

## MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY PLANNING DIVISION

### FEES FOR PLANNING-RELATED SERVICES

#### PROPOSED FEES - EFFECTIVE JULY 18, 2004

<table>
<thead>
<tr>
<th>Current Fees</th>
<th>Fees Effective July 18, 2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. a. Use Permit and Amendment</td>
<td>3,835</td>
</tr>
<tr>
<td>b. Use Permit and Amendment</td>
<td>2,385</td>
</tr>
<tr>
<td>c. Use Permit for Second Unit</td>
<td>2,100</td>
</tr>
<tr>
<td>d. Use Permit for Mobile Home</td>
<td>1,585</td>
</tr>
<tr>
<td>e. Use Permit and Amendment - Large Family Day-Care</td>
<td>500</td>
</tr>
<tr>
<td>f. Use Permit and Amendment – Child Day-Care Center</td>
<td>500</td>
</tr>
<tr>
<td>g. Use Permit - Minor Amendment/Accessory Use - Accessory Structure</td>
<td>1,195</td>
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<tr>
<td>2. a. Public Hearing Variance and Amendment</td>
<td>2,770</td>
</tr>
<tr>
<td>b. Administrative Variance and Amendment</td>
<td>1,385</td>
</tr>
<tr>
<td>3. Second Unit Permit</td>
<td>1,100</td>
</tr>
<tr>
<td>4. Design Review or Precise Development Plan</td>
<td></td>
</tr>
<tr>
<td>a. Value of Project - Multi-family Residential, Commercial, and Other</td>
<td></td>
</tr>
<tr>
<td>Under $20,000</td>
<td>1,270</td>
</tr>
<tr>
<td>$20,000 - $49,999</td>
<td>3,110</td>
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<tr>
<td>$50,000 - $79,999</td>
<td>4,370</td>
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<td>$80,000 - $249,999</td>
<td>7,265</td>
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<td>$250,000 - $499,999</td>
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<td>$500,000 - $1,000,000</td>
<td>16,785</td>
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<tr>
<td>Over $1,000,000</td>
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<tr>
<td>+ $295/$100,000 valuation over $1,000,000</td>
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<tr>
<td>b. Design Review/Single Family</td>
<td>2,810</td>
</tr>
<tr>
<td>c. Design Review/Single Family - Minor or Amendment</td>
<td>1,220</td>
</tr>
<tr>
<td>d. Design Review - Exemption Determination</td>
<td>215</td>
</tr>
<tr>
<td>5. Amendment to Design Review/Precise Development Plan</td>
<td></td>
</tr>
<tr>
<td>Value of Project – Multi Family Residential, Commercial, Other</td>
<td></td>
</tr>
<tr>
<td>Under $20,000</td>
<td>865</td>
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<tr>
<td>$20,000 - $49,999</td>
<td>2,020</td>
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<td>$50,000 - $79,999</td>
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<td>$80,000 - $249,999</td>
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<td>$500,000 - $1,000,000</td>
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<td>Over $1,000,000</td>
<td>14,205</td>
</tr>
<tr>
<td>+ $145/$100,000 valuation over $1,000,000</td>
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<tr>
<td>6. Coastal Permit and Amendment</td>
<td></td>
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<tr>
<td>a. Administrative</td>
<td>805</td>
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<tr>
<td>b. Public Hearing</td>
<td>1,325</td>
</tr>
<tr>
<td>c. Coastal Exclusion</td>
<td>215</td>
</tr>
<tr>
<td>7. Tidelands Permit and Amendment</td>
<td>1,215</td>
</tr>
</tbody>
</table>

*Current Fees  Fees Effective July 18, 2004*
8. Master Plan
   a. Non-Residential ................................................. +0.125% improvement value 18,045 18,590
   b. Residential 1-4 units ................................................. +120/unit 12,490 12,870
   c. Residential 5 units or more ........................................ +120/unit 23,260 23,960
   d. Minor amendment ................................................. 4,040 4,165
   e. Major amendment ................................................. 10,045 10,350

9. Countywide or Community Plan or Coastal Plan Amendment ........................................ 7,635 7,865
   (Amendments to Special Area Plans and other plans required by State law are included in this category)

10. Rezoning ................................................................. 9,190 9,470

11. a. Sign Review .......................................................... 985 1,015
    b. Sign Permit .......................................................... 400 415

12. Tree Removal Permit ...................................................... 125 130

13. Street Name Change ...................................................... 400 415

14. Change in address initiated by property owner ..................................................... 205 215

15. Planning Review Fee of Building Permits
   a. Building Permit (major plan checks) ................................................. 490 510
      ($75 for Building Inspection - CDA, $430 for Planning plan check) plus
      $95 for each additional detached unit when plan checks submitted to the
      Planning Division - Community Development Agency for more than one
      residential dwelling unit are proposed under one application.
   b. Structural plan check under 300 square feet ............................................. 205 215
   c. Condition Compliance fee for multi-family and commercial projects ............ varies No Change
      0.0725% of construction value over $250,000 for multi-family projects of
      3 or more units and for commercial projects.
   d. Building Permit (minor plan checks) includes non-structural building
      improvements only ......................................................... 215 225
      ($20 for Building Inspection; $195 for Planning plan check) plus $75 for
      each additional detached unit when plan checks are submitted to the
      Planning Division - CDA when more than one residential dwelling unit is
      proposed under one application.
   e. Building Permit - (Solar Panels, Air Conditioners, Arbors, Trellises, Fences) .......... 110 115
   f. Building Permit for Residential Accessory Structure in conjunction with
      Building Permit for House .................................................. 110 115
      ($20 for Building Inspection, $95 for Planning plan check)
   g. Long Range Planning Surcharge Based on Building Permit and Planning Application Fees,
      Marin County Code Title 19, collected by the Community Development Agency ........ 5% 12%
### 16. Appeals

- Planning Commission: $525 $545
- Board of Supervisors: $675 $700

### 17. Extensions and Renewals

- Extension of time to vest a Use Permit or Variance: $505 $525
- Use Permit Renewal: $1,530 $1,580
- Extension of time to vest a Design Review/Precise Development Plan: $505 $525
- Extension of time to vest a Master Plan: $685 $710
- Extension of time to vest a Coastal Permit: $235 $245
- Extension of time to vest a Tidelands Permit: N/A $245
- Extension of time to vest a Lot Line Adjustment: N/A $245
- Extension of time to vest a Floating Home Exception: N/A $245
- Extension of time to vest a Floating Home Architectural Deviation: N/A $245

### SUBDIVISION APPLICATION FEES (MARIN COUNTY CODE TITLE 20)

### 18. Tentative Map, where Final Map required:

- For the first 5 lots: $10,110 $10,425
- For each additional lot: +$130 +$135
- For each lot proposed to be served by a septic tank: +$130 +$135
- Minor Amendment: $1,585 $1,635
- Major Amendment: $6,085 $6,270
- Extension: $505 $525

### 19. Tentative Map, where Parcel Map required:

- For 4 or less lots: $9,025 $9,300
- For each lot proposed to be served by a septic tank: +$130 +$135
- Minor Amendment: $1,585 $1,635
- Major Amendment: $6,085 $6,270
- Extension: $505 $525

### 20. Planning Check Fee for Parcel and Final Maps:

Varies No Change

Billed at $115.00 per hour, $3,000 retainer for Parcel Maps and $6,000 retainer for Final Maps due upon submission of Improvement Plans.

### 21. Lot Line Adjustment and Amendment - no additional lot is to be created: $695 $720

### 22. Reversion to Acreage: $365 $385

### 23. Certificate of Compliance: $1,060 $1,095

### 24. Certificate of Registration: $365 $385

### 25. Single-Holding Form: $365 $385

### 26. Merger Request: $190 $200

### FLOATING HOME EXCEPTION APPLICATION

### 27. a. Floating Home Exception and Amendment: $2,975 $3,070

### b. Floating Home Architectural Deviation and Amendment: $400 $415
CALIFORNIA ENVIRONMENTAL QUALITY ACT

28. Environmental Review
   a. Initial Study Deposit ........................................................................................................... 2,645 2,730
   b. Categorical Exemption (Includes $30 County Clerk Filing Fee) ........................................ 270 280
   c. Environmental Impact Review Administration Overhead ................................................. 30% No Change

29. FOR INFORMATION ONLY: Fish and Game Fee pursuant to Assembly Bill 3158:
   Fish and Game Fee - Negative Declaration (Includes $30 County Clerk Filing Fee) ............ 1,280 1,320
   Fish and Game Fee - EIR (Includes $30 County Clerk Filing Fee) ......................................... 880 910

GENERAL PLANNING SERVICES

30. a. Property Status Determination and Research ................................................................. varies No Change
    $95/hour, $500 retainer upon submission of request.
   b. Pre-application Review ....................................................................................................... varies No Change
    $95/hour, $750 retainer upon initiation of request.
    Typically for projects involving a Master Plan, Subdivision, Plan Amendment or Rezoning.
   c. Fee & Lien Release - Notice of Violation (Enforcement) .................................................. varies No Change
    Based on the actual costs associated with recordation of the lien release
   d. Zoning Enforcement .......................................................................................................... varies No Change
    Zoning enforcement expenses will be billed on a time and materials basis at a rate of $95/hour
   e. Public Convenience and Necessity Determination (ABC License) .................................. 605 630
   f. Mitigation Monitoring and Condition Compliance Review .............................................. 90/ hr 95/hr
   g. General Planning and Environmental Review ................................................................. N/A 95/hr
   h. General Staff Consultation ............................................................................................... N/A 180
   i. General Contract/Performance Agreement Administration ............................................. N/A 95/hr

APPLICATION OF FEES

A. Fees shall be submitted in full at the time of application submittal to the County.
B. Pursuant to a written request, the Board of Supervisors may waive or reduce fees upon a finding that such waiver or
   reduction is in the public interest and that the applicant or appellant is unable to afford such fees.
C. Portions of fees may be refunded upon withdrawal of the application; the amount of refund shall be determined by
   the Agency Director, based upon the amount of work done by the County prior to withdrawal.
D. Full fee credits may be granted toward resubmittal of applications if applications are withdrawn and resubmitted
   within 60 days from the date of withdrawal with the prior written authorization of the Agency Director.
E. In the event that any work has been undertaken or use made of the property without legal authority prior to
   completing the requisite procedures necessary to authorize such work or use, the applicant shall pay two to four times
   the specified amount, based on the criteria set forth in Marin County Code, section 1.05.050 D, that is hereby
   incorporated by reference as is fully set forth herein, unless waived by the Agency Director based on a finding that
   such a waiver is in the public interest and that the applicant is expeditiously correcting the violation.
F. Where a project requires more than one permit, the full fee shall be collected for each and every permit required.
G. The Agency Director shall have the ability to waive or transfer from the In-Lieu Housing Trust Fund up to 100% of
   the planning fees for projects which include below market rate housing units subject to the requirement that the
   project meet the eligibility standards for state or federal housing funding. The amount of fees waived or transferred
   to be determined based on the proportion of the project which is below market rate housing and the permanency of
   the housing subsidy. The Agency Director is also authorized to waive up to 35% of the planning fees for projects
   undertaken by community-based non-profit agencies or organizations which provide services resulting in public
   benefits.
H. The Agency reserves the right to charge actual cost (at a rate of $95/hour) on larger and/or complex projects in
   order to ensure that the fee will cover the actual cost of service.
I. The charge for returned checks is $35 (Includes $10 Central Collections fee).