

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SELECTIVE PLANNING DIVISION FEES AND
REPEALING ORDINANCE 3529 AND MARIN COUNTY CODE CHAPTER 3.52**

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

SECTION I. The Board of Supervisors hereby finds:

1. The Marin County Community Development Agency has evaluated its services, the costs reasonably borne, the beneficiaries of those services, and the revenues produced by those paying fees and charges for special services; and
2. The County of Marin wishes to comply with both the letter and spirit of Article XIII B of the California Constitution and limit the growth of taxes; and
3. The County desires to establish a policy of recovering a reasonable portion of the costs reasonably borne of providing special services of a voluntary and/or limited nature, such that a significant amount of general taxes are not diverted from general services of a broad nature and thereby utilized to subsidize unfairly and inequitably such special services; and
4. The County intends to develop a revised schedule of fees and charges based on the County's budgeted and projected costs reasonably borne; and
5. All requirements of California Government Code Section 66014 and other applicable laws are hereby found to have been complied with; and
6. The adoption of this Ordinance including the fees and charges provided herein, is statutorily exempt from the California Environmental Quality Act under Public Resources Code Section 21080(b)(8) as the establishment and modification of charges by a public agency to meet operating expenses; and
7. The cost to the County for such processing should be offset by the collection of reasonable fees; and
8. Pursuant to Government Code Section 54985 *et seq.*, the Board of Supervisors has determined that the fees specified herein are equal to or less than the estimated cost to provide the indicated service; and
9. The Board of Supervisors conducted a public hearing on the ordinance on February 7, 2012.

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 April 9, 2012.

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 3529 and Marin County Code Chapter 3.52 are hereby repealed effective April 6, 2012 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 April 9, 2012 and shall be published once before the expiration of fifteen (15) days

after its passage, with the names of the supervisors voting for and against the same, in the Marin Independent Journal, a newspaper of general circulation, published in the County of Marin.

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

SECTION VII. Introduced at a regular meeting of the Board of Supervisors held on the 24th day of January, 2012, and adopted by the Board of Supervisors of the County of Marin, State of California, on the 7th day of February 2012, by the following vote to wit:

AYES:

NOES:

ABSENT:

STEVEN KINSEY, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

ATTEST:

Clerk

EXHIBIT A To ORDINANCE _____
MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY — PLANNING DIVISION FEES

Permit/Service Type	Fees	See Note(s)	Permit/Service Type	Fees	See Note(s)
1. COASTAL PERMITS			10. PLAN AMENDMENTS		
a. Coastal Permit – Administrative	5,425	L	a. <i>Countywide Plan/Community Plan Amendment</i>	36,645	C, L
<i>b. Coastal Permit – Public Hearing</i>	7,200	C, L	b. <i>Local Coastal Program Amendment</i>	36,645	C, L
c. Coastal Permit Amendment – Administrative	1,450	L	11. PLANNING REVIEW FEE – BUILDING PERMITS		
<i>d. Coastal Permit Amendment – Public Hearing</i>	5,505	C, L	a. Major Plan Check	845	L
e. Coastal Permit Exclusion	120		b. Minor Plan Check	340	
2. DESIGN REVIEW			c. New Residence Plan Check	1,695	L
a. Design Review –			d. Partial Demolition	85	
i. Accessory Structure/Design Review	1,440	L	e. Solar Panels, Air Conditioners, Arbors, etc.	85	
ii. Addition/Accessory Structure/Minor	1,440	L	f. Structural Plan Check (Under 300 square feet)	170	
<i>iii. New Residence/Large Addition/Other</i>	5,670	C, L	12. PRECISE DEVELOPMENT PLAN		
<i>iv. Non-residential (Large Scale)</i>	18,825	C, L	a. <i>Precise Development Plan</i>	11,615	C, L
v. Non-residential (Small Scale)	4,840	L	b. <i>Precise Development Plan Amendment</i>	4,650	C, L
<i>b. Design Review Amendment (Major)</i>	1,420	C, L	13. REZONING	39,765	C, L
c. Design Review Amendment (Minor)	1,135	L	14. SECOND UNITS-PERMIT	1,135	
d. Design Review Exemption	340		a. Certificate of Registration	400	
3. ENVIRONMENTAL REVIEW			b. Second Unit Permit	1,135	
a. Environmental Impact Review Overhead	30%	O	15. SIGNS		
b. Environmental Review – Exemption	370	O	a. Sign Permit	515	
<i>c. Initial Study (Deposit)</i>	14,500	C, O	b. Sign Review	2,425	
4. EXTENSIONS			16. SUBDIVISION MAP ACT		
a. Extension to Vest – Administrative	845		a. Certification of Compliance	2,940	
b. Extension to Vest – Master Plan	840		b. Lot Line Adjustment	1,765	
c. Extension to Vest – Public Hearing	1,385		c. Merger	260	
5. FIRE REVIEW			<i>d. Plan Check – Maps/Improvement Plans (Deposit)</i>	1,400	C
<i>(Fire fees collected pursuant to Ordinance 3550)</i>			<i>e. Tentative Map (Major)</i>	22,800	C, L
a. Fire Department Review for Discretionary Projects	310		f. Tentative Map (Minor)	11,400	L
b. Vegetation Management Plan Review	354		<i>g. Tentative Map Amendment (Major)</i>	6,465	C, L
c. Tentative Map Review	708		h. Tentative Map Amendment (Minor)	2,160	L
d. General Review and Consultation - per hour	177		i. Tentative Map – Extension to Vest	817	
e. CDA Administrative Fee - per project	32		j. Tentative Map Waiver	1,730	
6. FLOATING HOMES			17. TIDELANDS PERMITS		
a. Floating Home – Adjustment	6,720	1,770	a. Tidelands Permit	5,025	
b. Floating Home – Architectural Deviation	1,770		b. Tidelands Permit Amendment	1,905	
7. LONG RANGE PLANNING SURCHARGE	10.5%		18. TREE REMOVAL PERMITS	150	
8. MASTER PLANS			a. Tree Removal Permit (Major)	2,980	
a. <i>Master Plan</i>	31,040	C, L	b. Tree Removal Permit (Minor)	1,490	
b. <i>Master Plan Amendment</i>	24,940	C, L	19. USE PERMITS		
9. OTHER SERVICES			a. <i>Use Permit (Major)</i>	7,000	C, L
a. Appeals			b. Use Permit (Minor)	4,290	L
i. Appeal to the Board of Supervisors	770		c. Use Permit – Child Day-Care Center	500	
ii. Appeal to the Planning Commission	600		d. Use Permit – Large Family Day-Care Home	500	
b. Change In Address Initiated by Property Owner	440		e. Use Permit – Temporary	510	
c. General Staff Consultation/Prefiling Conference	290		<i>f. Use Permit Amendment (Major)</i>	5,335	C, L
<i>d. Preapplication Review (Deposit)</i>	3,700	C, M	g. Use Permit Amendment (Minor)	2,280	L
<i>e. Property Status Determination/Research</i>	2,100	C	<i>h. Use Permit Renewal</i>	1,450	3,230
f. Public Convenience and Necessity (ABC License)	790		20. VARIANCES		
g. Street Name Change	3,220		a. Variance (Major)	7,875	
			a b. Variance (Minor)	4,360	
			c. Variance Amendment (Major)	2,710	
			b d. Variance Amendment (Minor)	2,140	

NOTE: Permits/Services identified in bold and italics are charged on a deposit/at-cost basis. See Note C on page 2.

NOTES TO FEE SCHEDULE:

The following notes apply to the entire fee schedule and as specified to individual permits.

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- A. Fees shall be submitted in full at the time of application submittal to the County. Where a project requires more than one permit, the full fee shall be collected for each and every permit required.
- 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. **Fees for specified applications are charged on a deposit/at cost basis. The fees noted in the fee schedule are minimum fees to be paid at the time of application filing to cover the average County cost of review. A signed agreement for payment of application processing fees between the County and the applicant shall be required at the time of application filing. Should actual costs exceed the amount of the fee, the applicant will be billed for additional costs. The Agency Director shall have the ability to refund part of the fee deposit if the actual processing costs are substantially less than the original fee deposit. Services are charged at a rate of \$128/hour.**
- D. The Agency reserves the right to charge actual cost (at a rate of \$128/hour) on large, complex, unusual, and/or time consuming projects in order to ensure that the fee will cover the actual cost of service.
- E. 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.
- F. 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.
- G. Other development-related fees which may be required include, but are not necessarily limited to, the following fees: building, grading, well, septic, creek, encroachment, fire review, improvement plan review, transportation facilities, road impact, housing impact, inclusionary housing, park mitigation, and school fees.
- H. 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 times 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.
- I. 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 to be determined based on the proportion of the project, which is below market rate housing, and the permanency of the housing subsidy.
- J. The Agency Director is 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.
- K. The Agency Director is authorized to waive up to 100% of the Design Review, Coastal Permit, and the Community Development Agency's environmental review exemption fees for solar photovoltaic projects that are consistent with applicable codes and guidelines.
- L. **The Long Range Community Planning Surcharge applies to Planning Permits 1.a-d, 2.a.i-v, 2.b-c, 8.a-b, 10.a-b, 11.a, 11.c, 12.a-b, 13, 16.e-h, 19.a-b, 19.f-h, and Building Permits.**
- M. **50% of pre-application fees shall be applied as a credit toward a Master Plan, Major Tentative Map (Subdivision), Plan Amendment, or Rezoning if application is submitted within one year.**
- N. The charge for returned checks is \$35 (which includes a \$10 Central Collections fee).
- O. **Per Senate Bill 1535, County Clerk filing fee of \$50 is collected for exemption (included with Fee #3b above) and Fish and Game Negative Declaration/ Environmental Impact Report (EIR) filings. Additional Fish and Game Negative Declaration fee of \$2,101.50 and EIR fee of \$2,919 are required pursuant to California Fish and Game Code Section 711.4.**
- P. An hourly rate of \$128 shall be charged for other services, including but not limited to, performance/professional services agreement administration, affordable housing monitoring/administration, mitigation monitoring and condition compliance review, and zoning enforcement expenses.