# County of Monterey
# Board Policy Manual

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| Land Use Permit Fee Waivers | G-260 | 1 of 2 |
| **Policy Category**<br>Administration | | |

## I. Purpose

This policy establishes the procedure for fee waivers for the County of Monterey, Housing and Community Development (HCD) permitting to ensure access to services and promote community development.

This policy does not supersede state or federal law regarding permit fees. In cases where state or federal law require the waiving of fees, such as appeals of l use decisions in the coastal zone, state or federal law prevails.

## II. Background

The Board of Supervisors periodically establishes HCD fees for construction permitting, inspection, land use entitlements, appeals, and encroachments, as allowed by state law.

On August 29, 2000, the Board of Supervisors approved Resolution 2000 – 342 amending the Monterey County Master Fee Resolution establishing criteria for the waiver of fees in specific circumstances. This policy was amended in on July 10, 2012 to add criteria for waiver of appeal fees for low-income individuals. Together, these policies allow the Director of HCD to waive fees when appropriate. Fee waiver applications not conforming to the policy must be approved by the Planning Commission or Board of Supervisors on appeal.

This policy applies to all land use, construction, encroachment permitting fees, collected by HCD for County land use agencies. It does not apply to other Monterey County service fees. Consultant fees are not eligible for waivers. The HCD director may cap fee waivers for projects requiring extensive staff time (e.g., large developments, EIRs).

## III. Policy

It is the policy of the County that the HCD Director, or designee, may waive permit fees for:

a. Small day care centers (less than twelve children).
b. Inclusionary portions of proposed residential developments.
c. Special Handling affordable housing projects, as detailed in the adopted Special Handing 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.

d. Persons 62 or older with very low, fixed incomes as defined by Housing and Urban Development (HUD).
e. Reclassification applications to bring property into consistency with existing General Plan l use designations.
f. County or other government agencies where grant or other non-general fund revenues are insufficient to cover permitting costs.
g. Permit fees for the repair or reconstruction of property structures damaged or destroyed by an act or events that has been declared a disaster by the Board of Supervisors where insurance is inadequate to pay the applicable fees.
h. Development, enhancement, expansion or modification of needed community facilities by non-profits organizations and community groups meeting the following criteria:
    1. The proposed project is available for use by the general public use; and
    2. Provides a scope of benefit beyond the residents of the immediate vicinity; and
    3. 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.
i. 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.
j. 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 costs pursuant to California Government Code section 68632 because of his or her financial condition.

## IV. Procedure

Applicants seeking a waiver of fees must submit a Fee Waiver Request Form with supporting documentation. The HCD Director or designee may approve requests conforming with the policy.

The decision of the HCD Director or designee on the fee waiver request is appealable to the Planning Commission.

Fee Waiver Requests not conforming to the policy will be reviewed by the Planning Commission.

Unless waived by the HCD Director or designee according to this policy, 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.

## V. Review

This Policy will be reviewed for continuance by July 1, 2030.

## VI. Approval

Legistar File Number: 25-451, July 2, 2025.