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PART 80

**PLANNING, BUILDING AND ENVIRONMENTAL SERVICES– PLANNING AND
CONSERVATION DIVISION**

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Sec. 80.010. General; Deposits; Refund of Fees

- (a) The fees set forth in this Part shall be paid at the time of filing the application, map or other document indicated with the Planning and Conservation Division of the Planning, Building and Environmental Services Department. No such application, map or other document shall be accepted for filing unless the fees are paid at that time. Fees are either (1) a one-time fixed payment (flat fee), or (2) based on actual cost of staff time utilizing a standard hourly rate for the department which incorporates the overall cost of the County to provide this service (hourly fee). Actual time shall be billed to the nearest half hour after the first hour. The Director of Planning, Building and Environmental Services will provide a reasonable estimate of the cost of service prior to the service being provided. All such fees shall be paid to the Planning, Building and Environmental Services Department unless otherwise indicated. Unless specifically noted, governmental agencies and non-profit organizations are not exempt from these provisions. Additional fees associated with review and inspections may be collected by the Department pursuant to other sections of the Fee Policy Manual. Other fees established by statute shall also be collected by the Department as required. Agencies for which the Department collects fees, not established by this part of the Fee Policy Manual, include the following:

Napa County Division of Environmental Services– Policy Manual Part 110
Napa County Department of Public Works – Policy Manual Part 140
Napa County Division of Engineering Services-Policy Manual Part 75
Napa County Fire Department/Fire Marshal – Policy Manual Part 85
Napa County Counsel – Policy Manual Part 95
Napa County Assessor – Policy Manual Part 40
Napa County Recorder – Policy Manual Part 90
California Department of Fish and Game – Fish & Game Code

- (b) A deposit is required at the time of filing an application subject to hourly fees. The amount of the initial deposit shall equal the lesser of the estimated cost of service or \$~~105~~,000. After payment of the initial deposit, the application shall be subject to the hourly project policies and procedures set for in Section 80.250.
- (c) For projects that require multiple permits or services with both flat fee and hourly fees, hourly fees will be assessed for all services. Any request for services that is not described in this Part shall be charged hourly fees.
- (d) No part of any fee shall be refundable except under the following circumstances:
1. If a request for refund is submitted prior to an application being determined to be complete, the Director of Planning, Building and Environmental Services is authorized to refund up to 75% of the total fee, minus time rendered.
 2. If a request for refund is submitted after the application is determined to be complete, but prior to the completion of the environmental determination (initial analysis), the Director of Planning, Building and Environmental Services is authorized to refund up to 50% of the total fee, minus time rendered.
 3. If a request for refund is submitted after completion of the environmental determination, the Planning Director is authorized to refund up to 25% of the total filing fee, minus time rendered.
 4. All other refund requests must be submitted to the County Board of Supervisors for review and

action.

- (e) After final approval or disapproval of the application, staff shall exercise best efforts to return unspent deposits to the project applicant(s) within 10 business days of a request for a return of unspent deposits made by the project applicant(s), or, if no such request is made, within 90 days after final approval or disapproval of the application. Interest shall not be calculated or returned. Unclaimed unspent deposits shall be referred to the Treasurer-Tax Collector to proceed in accordance with Government Code sections 50050, et seq.

Sec. 80.015. Surcharge

In addition to the fees set forth in this Part, a General Plan surcharge of 1.73.3% shall be added to all fees in this Part.

Sec. 80.020. Administrative Planning/Zoning Permits

| | Current Fee | Proposed fee effective October 1, 2018 |
|---|-------------------------------------|---|
| (a) Administrative Viewshed Permit (without initial study or public hearing) | \$1,444.00 | <u>\$1,991.00</u> |
| (b) Administrative Peddler or Solicitor Permit | | |
| 1. Application Fee submitted before April 1. | \$157.00 | <u>\$154.00</u> |
| 2. Application submitted between April 1 and June 30. | \$118.00 | |
| 3. Application submitted after June 30. | \$78.50 | |
| 4. Application entitled to a fee waiver. | Fee Policy Manual Section 10.020(h) | |
| 5. Late Filing Penalty | 50% of application fee | |
| (c) Administrative Directional Sign Permit | \$160.00 | <u>\$308.00</u> |
| (d) Administrative Home Occupation and Cottage Food Operation Permits | \$160.00 | <u>\$154.00</u> |
| (e) Administrative Firearm Permit | \$160.00 | <u>\$308.00</u> |
| (f) Rooster Keeping Permit | \$160.00 | |
| (g) Other Administrative Permit, including fences, entry structures, temporary trailers, signs, or other use determined by the Director | \$962.00 | <u>\$924.00</u> |

Sec. 80.030. Agricultural Preserve Contract

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| (a) Agricultural Preserve Contract - Rescind and Replace | \$1,685.00 | <u>\$2,009.00</u> |
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| (b) Agricultural Preserve Contract – New, Amendment, Cancellation, Non-Renewal, Replacement | \$1,364.00 | <u>\$1,815.00</u> |
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Sec. 80.035. Airport Land Use Plan

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|---|------------|-------------------|
| Airport Land Use Plan Consistency Determination | \$3,210.00 | <u>\$4,835.00</u> |
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Sec. 80.037. Appeal

Appeal to Board of Supervisors or Planning Commission based on Record or *De Novo*

| | | |
|--|----------|-------------------|
| (a) Fee paid by appellant to file appeal | \$416.00 | <u>\$1,000.00</u> |
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- (b) These fees are in addition to the fee collected by the Clerk of the Board of Supervisors for filing and processing appeals.

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| (c) <u>For services rendered as a result of an appeal, the Standard Hourly Rate as identified in each division's fee policy will be charged to the project applicant.</u> | | <u>Standard hourly rate</u> |
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Sec. 80.040. Development Agreement

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|--|-------------------|--------------------------|
| Approval/Modification of Development Agreement | \$160.00 per hour | <u>\$177.00 per hour</u> |
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Sec. 80.050. Historic Structure.

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|--|-------------------|--------------------------|
| Designation, alteration or demolition of an historic structure | \$160.00 per hour | <u>\$177.00 per hour</u> |
|--|-------------------|--------------------------|

Sec. 80.055. Erosion Control Plans

The fees to review erosion control plans prepared pursuant to the Conservation Regulations contained in the Napa County Code are as noted below. Where projects do not easily fall into one of the following categories, the Director of Planning, Building and Environmental Services will determine which of the following categories most closely fits the project and assign the corresponding fee:

| | | |
|---|--|---|
| (a) Agricultural Track I Projects (includes inspection and annual or long-term monitoring) | \$160.00 per hour, plus consultant costs | <u>\$177.00 per hour, plus consultant costs</u> |
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|--|------------|-------------------|
| (b) Agricultural Track II Vineyard Replant | \$1,605.00 | <u>\$1,260.00</u> |
|--|------------|-------------------|

Sec. 80.057. Investigation, Enforcement, Permit Compliance Activities

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|---|-------------------|--------------------------|
| Correction of violation, failure, or condition non-compliance, investigation of unsubstantiated assertions, or other investigation, enforcement, or permit compliance actions. Fee is in addition to fees | \$160.00 per hour | <u>\$177.00 per hour</u> |
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for any necessary permits.

Sec. 80.060. General, Specific, Airport Land Use Plan Modification

| | | |
|---|-------------------|--------------------------|
| (a) General Plan, Specific Plan, or Airport Land Use Plan | \$160.00 per hour | <u>\$177.00 per hour</u> |
| (b) Zoning Map or Text Change | \$160.00 per hour | <u>\$177.00 per hour</u> |

Sec. 80.070. Land Division

| | | |
|---|-------------------|--------------------------|
| (a) Map Exemption | \$3,771.00 | <u>\$177.00 per hour</u> |
| (b) Tentative Map (Parcel or Subdivision) | \$160.00 per hour | <u>\$177.00 per hour</u> |
| (c) Tentative Map Revision | \$160.00 per hour | <u>\$177.00 per hour</u> |

Sec. 80.080. Certificate of Non-Conformity

| | | |
|--|-----------------------|-------------------|
| (a) Non-conforming Status Determination-major (multiple structures or uses and Pre-1974 Wineries) | \$4,173.00 | <u>\$4,814.00</u> |
| (b) Non-conforming Status Determination-Minor (single structure/use) | \$3,531.00 | |

Sec. 80.090. Site Plan

| | | |
|-----------------------|------------|-------------------|
| (a) Standard Approval | \$4,815.00 | <u>\$4,549.00</u> |
| (b) Plan Modification | \$3,531.00 | <u>\$3,111.00</u> |

Sec. 80.100. Surface Mining and Reclamation

| | | |
|---|-------------------|--------------------------|
| (a) Surface Mining & Reclamation-Annual Inspection/Security Adequacy Review | \$2,166.00 | <u>\$2,790.00</u> |
| (b) Surface Mining & Reclamation-Re-inspection for Compliance Failure | \$160.00 per hour | <u>\$177.00 per hour</u> |

Sec. 80.110. Use Permit

| | | |
|--|-----------------------|--------------------------|
| (a) Use Permit —Outside of Airport Industrial Area | \$160.00 per hour | <u>\$177.00 per hour</u> |
| (b) Use Permit—Inside of Airport Industrial Area | \$6,948.00 | |
| (c) Use Permit Modification – Major Outside of Airport Industrial Area | \$160.00 per hour | <u>\$177.00 per hour</u> |
| (d) Use Permit Modification—Major Inside of Airport Industrial | \$5,457.00 | |

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Area

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| (e) Use Permit Modification – Minor | \$4,013.00 | <u>\$5,128.00</u> |
| (f) Use Permit Modification – Very Minor | \$1,766.00 | <u>\$3,107.00</u> |
| (g) Use Permit Initial Monitoring | \$321.00 | <u>\$177.00 per hour</u> |
| (h) <u>Use Permit Violation Fee</u> | | <u>\$177.00 per hour</u> |

A major use permit modification is defined as anything other than a minor, and very minor permit modification as defined in Napa County Code section 18.124.130.

Sec. 80.111. Reserved.**Sec. 80.115. Habitat Restoration or Re-Vegetation Plan**

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|--|-------------------|--------------------------|
| Review of Habitat Restoration or Re-Vegetation | \$160.00 per hour | <u>\$177.00 per hour</u> |
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Sec. 80.120. Variance

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|------------------------------------|------------|-------------------|
| Review of application for Variance | \$2,568.00 | <u>\$4,378.00</u> |
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Sec. 80.130. Reserved**Sec. 80.135. Reserved****Sec. 80.136. Telecommunication Permit and Site Plan**

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|--|------------|-------------------|
| (a) Telecommunication Facility – Site Plan Approval | \$2,568.00 | <u>\$4,014.00</u> |
| (b) Telecommunication Facility – Permit Modification | \$1,221.00 | <u>\$2,603.00</u> |

Sec. 80.160. Miscellaneous Services

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|--|-------------------|--------------------------|
| (a) Pre-Application Conference (Includes a three hours of time for one-hour meeting preparation, and one-hour of meeting preparation and/or follow-up. Applicant will also be charged for fees from participating divisions- fees is are non-refundable 72 hours before scheduled conference.) | \$320.00 | <u>\$696.00</u> |
| (b) <u>Pre-Application Site Visit (applicant will also be charged fees from participating divisions; fee is non-refundable 72 hours before scheduled visit)</u> Public Hearing Re-notice | <u>\$112.00</u> | <u>\$177.00 per hour</u> |
| (c) Use & Status Determinations, Condition Complete Analysis & Research, Consultation, Meetings, and Other Activities Not Covered Elsewhere In This Fee Schedule | \$160.00 per hour | <u>\$177.00 per hour</u> |

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| (d) Black/White Photocopies | Fee Policy Manual Section 160.010 | |
| (e) Color Photocopies | Fee Policy Manual Section 160.010 | |
| (f) Copy Certification, per page | \$2.00 | <u>\$2.00</u> |
| (g) Recording of Planning Commission Meeting – on Audio Cassette CD, each | \$5.00 | <u>\$5.00</u> |

Sec. 80.170. Reserved

Sec. 80.180. Street Naming, Address Assignment

| | | |
|--|-------------------|--------------------------|
| (a) Assign an address | \$160.00 | <u>\$231.00</u> |
| (b) Name or rename a street or assign multiple addresses | \$160.00 per hour | <u>\$177.00 per hour</u> |
| (c) Change a street address | \$1,284.00 | <u>\$231.00</u> |

Sec. 80.190. Photos, Maps

| | | |
|---|-------------------|--------------------------|
| (a) Photos & Maps – Letter Size, each | | |
| Regular Paper | \$6.25 | <u>\$6.25</u> |
| Photographic Paper | \$7.50 | <u>\$7.50</u> |
| (b) Photos & Maps – 11" x 17", each | | |
| Regular Paper | \$10.50 | <u>\$10.50</u> |
| Photographic Paper | \$12.50 | <u>\$12.50</u> |
| (c) Display Maps – 24" x 36", each | | |
| Regular Paper | \$62.50 | <u>\$62.50</u> |
| Photographic Paper | \$75.00 | <u>\$75.00</u> |
| (d) Display Maps – 28" x 40", each | | |
| Regular Paper | \$81.00 | <u>\$81.00</u> |
| Photographic Paper | \$97.00 | <u>\$97.00</u> |
| (e) Display Maps – 34" x 44", each | | |
| Regular Paper | \$108.00 | <u>\$108.00</u> |
| Photographic Paper | \$130.00 | <u>\$130.00</u> |
| (f) Display Maps – 36" x 60", each | | |
| Regular Paper | \$156.00 | <u>\$156.00</u> |
| Photographic Paper | \$187.00 | <u>\$187.00</u> |
| (g) Display Map – on CD, each | \$42.00 | <u>\$42.00</u> |
| (h) Custom Map Preparation (minimum 1 hour) | \$160.00 per hour | <u>\$177.00 per hour</u> |

Sec. 80.200. Building Division Permit Clearances & Referrals

| | | |
|---|-------------------|----------------|
| (a) <u>Building Application</u> Review: <u>Same Day (OTC)</u> of a permit application for a new commercial winery building | <u>\$2,327.00</u> | <u>\$77.00</u> |
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| (b) | Building Application Review: Quick Permit-of a permit application for a new commercial building, other than a winery | \$962.00 | <u>\$221.00</u> |
| (c) | Building Application Review: Residential-New-of a permit application for a commercial building project not specified in subsections (a) or (b) | \$562.00 | <u>\$1,724.00</u> |
| (d) | Building Application Review: Commercial-New-of a permit application for a new residential dwelling | \$962.00 | <u>\$2,162.00</u> |
| (e) | Building Application Review: Residential-Alteration-a permit application for a residential or accessory building project, other than a new dwelling | \$240.00 | <u>\$1,057.00</u> |
| (f) | Building Application Review: Commercial-AlterationCompletion inspections of a permit for a new commercial building (includes two inspections) | \$320.00 | <u>\$1,081.00</u> |
| (g) | Building Application Review: Permit Alteration/Revision-ResidentialReview of a certificate of occupancy not associated with an active building permit | \$160.00 per hour | <u>\$167.00</u> |
| (h) | Building Application Review: Permit Alteration/Revision-Commercial | | <u>\$306.00</u> |
| (hi) | Review a temporary e Certificate of e Occupancy <u>or Certificate of Occupancy</u> | \$160.00 per hour | <u>\$177.00 per hour</u> |
| (ij) | Review or inspections in addition to those required or not otherwise indicated by this section of the Fee Policy Manual | \$160.00 per hour | <u>\$177.00 per hour</u> |

Sec. 80.210. Temporary Events

| | | | |
|-----|---|--------------------------------------|-------------------|
| (a) | The fee to process an application for an event of 51 to 400 persons per day | \$482.00 | <u>\$437.00</u> |
| (b) | The fee to process an application for an event of 401 or more persons per day | \$882.00 | <u>\$1,086.00</u> |
| (c) | The fee to process an application for a non-profit, wine auction related event, per Napa County Code Section 5.36.030 | \$674.00 | <u>\$437.00</u> |
| (d) | In addition to any fee specified in (a) to (c) of this section, the non-refundable, non-waivable fee to process an application for a temporary event if the application is submitted less than sixty days in advance. | \$373.00 | <u>\$373.00</u> |
| (e) | The fee to process an application entitled to a fee waiver | <u>See</u> Fee Policy Manual Section | |

10.020(1)

\$149.00**Sec. 80.215. Other Department Permit Clearances & Referrals**

| | | | |
|-----|--|-------------------|--------------------------|
| (a) | Final Map – Subdivision, Parcel, or Amendment (CEQA-Exempt) | \$561.00 | <u>\$695.00</u> |
| (b) | Lot-line Adjustment (CEQA-Exempt) | \$1,044.00 | <u>\$816.00</u> |
| (c) | Voluntary Parcel Merger (CEQA-Exempt) | \$320.00 | <u>\$665.00</u> |
| (d) | Special Event in the Right of Way or Road Closure (CEQA-Exempt) | \$160.00 | <u>\$154.00</u> |
| (e) | Road Abandonment, Groundwater Permit, and any other referrals exempt from CEQA review and not otherwise listed in this section | \$722.00 | <u>\$667.00</u> |
| (f) | Certificate of Compliance , Grading Review, Road Modification Request, and any other referrals requiring CEQA review and not otherwise listed in this section | \$160.00 per hour | <u>\$177.00 per hour</u> |
| (g) | <u>Engineering Referral: Site Development Application or Review of Road Exception Request</u> | | <u>\$177.00 per hour</u> |
| (h) | <u>Green Business Certification</u> | | <u>\$177.00 per hour</u> |
| (i) | <u>Project Consistency Review Processing</u> | | <u>\$177.00 per hour</u> |
| (j) | <u>Public Works Referral: Certificate of Compliance</u> | | <u>\$552.00</u> |

Sec. 80.250. Hourly Projects Policies and Procedures(a) Purpose.

The purpose of this policy is to provide guidelines and procedures for handling planning projects that are identified as an “hourly fee” in the Napa County Planning, Building and Environmental Services (PBES) permit fee schedule.

(b) General.

Applications for certain planning projects are processed on a time and materials basis and are referred to in the adopted fee schedule as “hourly fee” applications (hereafter “Hourly”). The scope and complexity of these applications varies considerably, so the hourly processing fee is charged to ensure that the County fully recovers the actual cost of the County’s work on these projects (time and materials).

At the time the Hourly application is submitted, the project applicant must acknowledge and agree in writing to pay all costs associated with the processing of the application. Following application submittal, including the required deposit, staff will review the application for completeness and provide the applicant with a good faith written estimate of the cost of processing the permit. Sufficient funds (consistent with the adopted fee schedule) must be deposited by the project applicant in advance of department expenditures so that the actual costs can be charged against this deposit.

PBES will make every effort to ensure that expenses are not incurred in excess of the amount on deposit. If, at any time, funds on deposit are not sufficient, work on the project will be suspended until the required deposit is received. Except as otherwise provided in this policy, hearings on the project will be scheduled only if the account is current and there are sufficient funds on deposit to cover the estimated costs of the public hearing process.

While the applicant is responsible for paying all County costs associated with processing an Hourly application, PBES staff is responsible for ensuring that costs charged to the project are reasonable and appropriate. Staff has an obligation to work efficiently and avoid unnecessary charges. Likewise, staff must ensure that all time devoted to an Hourly project is recorded accurately.

(c) Procedure.

- 1) Application, Hourly Fee Agreement, and Initial Deposit. All Hourly applications must be accompanied by: (i) an Hourly Fee Agreement (Attachment A) signed by the applicant/ developer or property owner who is responsible for payment of fees, and (ii) an initial deposit of funds in accordance with the adopted PBES fee schedule. Hourly applications shall not be accepted without a signed Hourly Fee Agreement. At the time of application, customers will be advised that the applicant will be responsible for all costs associated with processing the application and that estimated costs for processing the application must be paid in advance of staff work on the project. Customers will be advised that additional deposits may be due after staff reviews the initial application as well as periodically during the processing of the application to ensure that funds on deposit are adequate to cover anticipated costs.
- 2) Completeness Review and Cost Estimate. The assigned staff planner shall review the application for completeness within 30 days of application filing and prepare a completeness review letter along with an estimate of the cost of processing the application, using the Cost Estimate for Planning Application Processing form (Attachment B). The estimated cost of processing shall be noted in the completeness review letter sent to the applicant. If the estimated cost is not expected to exceed the fee taken in at the time of application, the letter should state that the cost is expected to be covered by the initial fee, but may exceed this estimate if unforeseen circumstances occur. If the cost is expected to exceed the initial deposit, that shall be noted in the letter and detailed in the Cost Estimate. The letter shall note that an additional deposit is required prior to the application being deemed complete for processing.

The permit processing costs shall include, but not be limited to the following:

- i) All staff time for reviewing files, conducting research, conducting site inspections, evaluating relevant policies and code requirements, and in consultation with legal counsel, other divisions, departments and agencies.
- ii) All staff time for coordination with the applicant, the applicant's representatives and in

responding to inquiries about the project from other parties.

- iii) All staff time for preparation of staff reports, environmental documents, attending meetings, including neighborhood meetings, and public hearings, making presentations, preparing resolutions, conditions, and required file processing, including processing after the decision is rendered.
 - iv) Any consultant costs associated with processing the application, including but not limited to preparation of environmental documents, review of technical reports submitted by the applicant or preparation of any additional studies that may be required and contracted for by the County. The cost of any consultant work shall be reviewed with the applicant prior to incurring any consultant expenditures.
 - v) All costs of legal review and consultation provided by the office of the County Counsel in connection with the processing of the application, including preparation of related environmental documents.
3. Deposits for Consultant Costs. Where the County determines that consultant services are necessary to process the application, the applicant must provide a deposit sufficient for the entire consultant cost, prior to approval of any contract for consultant work on the project or prior to the County incurring any consultant costs, whichever occurs first. Deposits for consultant contract costs shall be tracked separately. At the discretion of the Director or his or her designee, the deposit for consultant costs may be paid in increments or phases tied to completion of work products specified in the consultant scope of work. For example, an initial deposit sufficient for completion of the Draft EIR may be accepted to initiate the first work product and a second deposit submitted prior to authorizing work for completion of the Final EIR. The deposit shall not be less than the amount of the contract for each work product.
4. Deposits for Staff Costs. Deposits for staff costs must be paid in advance of work proceeding on the project. The initial deposit and any subsequent deposits must be sufficient to cover the entire estimated staff costs or \$105,000.00, whichever is less. If the amount on deposit falls below ten (10) percent of the initial deposit, the project planner shall request an additional deposit. If new issues arise or the project is modified by the applicant, then a new cost estimate of staff time may be prepared and the required deposit may be adjusted to account for any additional staff work.
5. Initiate Processing. Upon receipt of the additional deposit (if required) and any additional information requested in the completeness review letter, the planner shall review the application for completeness again to verify that all requested information was received. If the planner determines that the application is complete, the planner will make a note in the Department's permit tracking system (Accela) of the date the application is determined complete and initiate the processing of the application as part of their normal workload.
6. Tracking Staff Time. The planner shall record and charge all of his or her time attributable to the project in the Work Flow module of the Accela Automation system. Time shall be recorded to the nearest one-tenth hour (0.1 hour) increment. Each time entry must include a brief description of the work performed. The description need not be detailed but sufficient to convey to the applicant what work was done. For consistency, the terminology from Paragraph 2 should be used to describe the activity whenever appropriate. All correspondence with the applicant and their representative(s) shall be downloaded in Accela.

7. Deposits and Accounting. When an Hourly project is first initiated in Accela, the applicant's initial deposit is automatically placed into a trust account where deposits are held until costs are incurred (i.e., time is charged). On a bi-weekly basis, Administrative staff will prepare a billable hours report that documents the staff time charged during the report period and transfers funds from the trust account to the PBES or other department's revenue account(s).
8. Monitoring of Deposits. When the billable hours report shows that any account has no funds remaining on deposit, Administrative staff will notify the assigned planner by email, with a copy to the Supervising Planner and the Deputy Planning Director. At that point the provisions of Paragraph 9 shall apply.

Whenever staff enters time on a project that has less than \$500 remaining on deposit (including projects in arrears), the Accela system will automatically generate an email to the staff planner, the Supervising Planner and Administrative staff. Upon receiving this notification, the planner shall evaluate the project status and remaining deposit and, if an additional deposit is necessary to complete processing, the planner shall prepare a Request for Additional Deposit (Attachment C) and forward to the assigned Planning Division Administrative Secretary. The Secretary will send a request for additional deposit to the applicant. The request shall note that County staff will not perform services if the remaining deposit amount is not sufficient to reimburse the County for the cost of staff time. A copy of this letter shall be downloaded in Accela.

Once staff is notified that the remaining deposit is less than \$500, care must be taken to avoid going into arrears. Staff should watch the remaining deposit carefully and limit work on the project accordingly. Although the Administrative Secretary II will handle the formal notice to the applicant, staff planners are encouraged to communicate directly and immediately with project applicants when the deposit is low.

9. Depleted Accounts. When any project account falls into arrears (below zero dollars), all work on the project shall cease until sufficient funds are deposited to carry the project through the process. Staff shall not work on any application that has fallen into arrears without written authorization from the Deputy Planning Director.

As soon as the planner becomes aware that a project is in arrears, the planner shall prepare a Request for Additional Deposit and forward to the assigned Planning Division Administrative Secretary. The Secretary will send a request for additional deposit to the applicant. This notice shall indicate that no work will be done on the project until additional funds are received. If an application remains on-hold for non-payment for more than 180 days, the Deputy Planning Director may direct that the application be scheduled for hearing with a recommendation for denial without prejudice.

10. Agenda Requests. Prior to requesting the hearing date for an application, the planner shall check the status of the deposit in Accela. If the remaining deposit is insufficient to carry the project through the hearing process, the planner shall prepare a Request for Additional Deposit and forward to the assigned Planning Division Administrative Secretary for mailing to the applicant. A sufficient deposit must be on file prior to setting the agenda date or issuing the notice of public hearing. The Deputy Planning Director may make an exception to this requirement if an equivalent alternative method of payment has been provided.

11. **Required Condition of Approval.** Staff shall include the following condition on all project approvals for time and materials projects: No building, grading or sewage disposal permit shall be issued, nor shall beneficial occupancy be granted until all accrued planning permit processing fees have been paid in full.
12. **Return of Unspent Deposit After Final Action.** After final approval or disapproval of the application, staff shall exercise best efforts to return unspent deposits to the project applicant(s) within 10 business days of a request for a return of unspent deposits made by the project applicant(s), or, if no such request is made, within 90 days after final approval or disapproval of the application.
13. **County Counsel Charges.** As noted in Paragraph 2, above, the costs incurred by the Office of the County Counsel in connection with processing an Hourly application are part of the permit processing cost and must be paid for by the applicant. Legal services time is tracked and compiled in the County Counsel's office. When sufficient funds are on deposit to cover County Counsel costs, those funds are transferred to County Counsel via Journal Entry. Where funds on deposit are not sufficient, the process in paragraphs 8 (monitoring deposits) and 9 (depleted accounts) will apply.
14. **Review of Charges/Adjustments.** If an applicant requests a review of the charges or identifies potential errors in invoicing, the matter shall be referred to the Supervising Planner for review. Adjustments for improper charges or to correct errors in invoicing must be authorized by the Deputy Planning Director, the Assistant Director or the Director. Normally, staff time involved in such review of charges will not be charged to the applicant.
15. **Withdrawn Applications/Refunds.** An application shall be deemed withdrawn upon receipt of a written request to that effect from the applicant. Upon receipt of a withdrawal request, the project planner shall immediately notify administrative staff and any other staff involved in reviewing the application and all staff work on the project shall stop, except for staff time necessary to close the file. Within 30 days of receipt of the withdrawal request, administrative staff shall issue a final project statement indicating the charges and balance remaining on deposit after the file is closed, and shall issue a refund of any unused deposit.
16. **Abandoned Applications/Refunds.** Incomplete applications with no activity by the applicant for 120 days or more may be deemed abandoned and closed out. At least 30 days prior to the application being deemed abandoned, the department shall notify the applicant in writing that the application will be deemed abandoned and the actions needed by the applicant to keep the application active. After the file is closed out, the Deputy Planning Director or Supervising Planner shall authorize a refund of any remaining deposit.

EXHIBIT A

Hourly Fee Agreement

PROJECT File: _____; request for _____

_____. I, _____, the undersigned, hereby authorize the County of Napa to process the above referenced permit request in accordance with the Napa County Code. I am providing \$ _____ as a deposit to pay for County staff review, coordination and processing costs related to my permit request based on actual staff time expended and other direct costs. **In making this deposit, I acknowledge and understand that the deposit may only cover a portion of the total processing costs. Actual costs for staff time are based on hourly rates adopted by the Board of Supervisors in the most current Napa County fee schedule. I also understand and agree that I am responsible for paying these costs even if the application is withdrawn or not approved.**

I understand and agree to the following terms and conditions of this Hourly Fee Agreement:

1. Time spent by Napa County staff in processing my application and any direct costs will be billed against the available deposit. "Staff time" includes, but is not limited to, time spent reviewing application materials, site visits, responding by phone or correspondence to inquiries from the applicant, the applicant's representatives, neighbors and/or interested parties, attendance and participation at meetings and public hearings, preparation of staff reports and other correspondence, or responding to any legal challenges related to the application during the processing of your application. "Staff" includes any employee of the Planning, Building and Environmental Services Department (PBES), the Office of the County Counsel, or other County staff necessary for complete processing of the application. "Direct costs" include any consultant costs for the peer review of materials submitted with the application, preparation of California Environmental Quality Act (CEQA) documents, expanded technical studies, project management, and/or other outside professional assistance required by the County and agreed to by the applicant. The cost to manage consultant contracts by staff will also be billed against the available deposit.
2. Staff will review the application for completeness and provide me with a good faith estimate of the full cost of processing the permit. Any requested additional deposit shall be submitted to PBES to allow continued processing of the project.

EXHIBIT A

3. I understand that the County desires to avoid incurring permit processing costs without having sufficient funds on deposit. If staff determines that inadequate funds are on deposit for continued processing, staff shall notify me in writing and request an additional deposit amount estimated necessary to complete processing of my application. I agree to submit sufficient funds as requested by staff to process the project through the hearing process within 30 days of the request.
4. I understand that if the amount on deposit falls below zero, staff will notify me and stop work on the application until sufficient additional funds are provided
5. If the final cost is less than the amount remaining on deposit, the unused portion of the deposit will be refunded to me. If the final cost is more than the available deposit, I agree to pay the amount due within 30 days of billing.
6. If I fail to pay any invoices or requests for additional deposits within 30 days, the County may either stop processing my permit application, or after conducting a hearing, may deny my permit application. If I fail to pay any amount due after my application is approved, I understand that my permit may not be exercised, or may be subject to revocation. I further agree that no building, grading, sewage, or other project related permits will be issued if my account is in arrears.
7. I may file a written request for a further explanation or itemization of invoices, but such a request does not alter my obligation to pay any invoices in accordance with the terms of this agreement.

Name of Applicant responsible for payment of all County processing fees (Please Print):

Mailing Address of the Applicant responsible for paying processing fees:

Signature: * _____

Email Address: _____

Date: _____

Phone Number: _____

*ATTENTION - The applicant will be held responsible for all charges.

EXHIBIT B

| | | | | |
|---------------------------------------|---|------------------------|--------------------------------|-----------------------------|
| Date: | | APN: | | |
| Applicant: | | PCAS | | |
| Project Name: | | | | |
| Location: | | | | |
| | | | | |
| | PLANNING TASKS | CONSULTANT FEES | STAFF HOURS¹ | ESTIMATED STAFF COST |
| | | | | |
| AT COST FEES | | | | |
| Environmental Review | | | | |
| | Initial Study Preparation (staff hours) | | | |
| | Peer Review of Technical Reports (Consultant Cost) ² | | | |
| | EIR/Expanded Studies for Mit. Neg. Dec. (Consultant Cost) ² | | | |
| | Consultant Contract Management and Administration ² | | | |
| | Total Environmental Review Costs | | | |
| | <i>Environmental Review Minimum Fee/Deposit Paid</i> | | | |
| | <i>Additional Deposit Received (-/-/-)</i> | | | |
| | ADDITIONAL DEPOSIT REQUIRED | | | |
| Planning Staff Tasks/Hours | | | | |
| | Initialize File, Prepare Referrals, Public Notice & Forms | | | - |
| | Application Review & Technical Reports | | | - |
| | Field Review/Initial Site Visit | | | |
| | Client Meetings/Telephone/Consultations | | | |
| | Review & Analysis of Application Materials | | | |
| | Interagency Coordination/Consultation | | | |
| | Interdepartmental Coordination/DCC | | | |
| | Public Information/Coordination | | | |
| | Preparation of Staff Report for BZA/PC | | | |
| | Preparation of Staff Report for Board (if applicable) | | | |
| | Public Hearing(s)/Meeting(s) | | | |
| | Prepare/Review Minutes | | | |
| | Post Approval Processing (NOD, Resolutions, File Closure, Etc.) | | | |
| | Total Planning Review Costs | - | | |
| | ADDITIONAL DEPOSIT REQUIRED | | | |
| FLAT FEES | | | | |
| Planning Referrals | | | | |
| | Dept. Transportation & Public Works | | | |
| | Health Review | | | |
| | Fire Safe Standards | | | |
| | SUSMP | | | |
| | PRAC | | | |
| | Ag Commission | | | |
| | Drainage Review | | | |
| | Sanitation | | | |
| | Archeological Review | | | |
| | Subtotal | | | - |
| | <i>Referral Fees Paid</i> | | | |
| | ADDITIONAL FEES REQUIRED | | | |
| TOTAL PERMIT COSTS³ | | - | - | - |
| Notes: | | | | |
| 1. | Rates subject to change. Hourly rate for Fiscal Year 2014-15 | \$160.00 | | |
| 2. | Refer to separate estimate for breakdown of tasks, hours & rates | | | |
| 3. | Estimated cost does not include notice of determination filing fees, or condition compliance review fees that are charged after planning approval | | | |

This form provides a good faith estimate of the time and costs anticipated on the above referenced application(s).

EXHIBIT C



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

(Date)

(Applicant)

(Mailing Address)

Re: Invoice Request for (Name of Project) – (Type of Project and Case Number)
(Address) (APN _____)

Dear (Applicant):

I have been advised that the fees invoiced for the referenced project have exceeded the deposit paid. The outstanding balance due is \$_____. As indicated in the application materials, the project is subject to time and materials billing for County costs associated with processing of the project.

Please find the attached statement providing an accounting of the activities associated with the project charges to date.

The following tasks still need to be completed before the project can be brought to a hearing for consideration:

- (List each task and estimated cost)

Consequently, we estimate that an additional \$_____ would cover the outstanding and projected fees to continue with the processing this project.

We would appreciate receipt of funds at your earliest convenience. Please note that ultimately, prior to any grading and building permit issuance associated with (Case Number), the balance due must be paid in full.

Thank you for your attention to this matter. If you have any questions about this letter, please feel free to contact me at (Staff Phone) or via email at (Staff E-mail).

Sincerely,

(Staff Name)

(Title)