

**MONTEREY COUNTY PLANNING COMMISSION**

<b>Meeting: June 30, 2004; 9:00 a.m.</b>		<b>Agenda Item: 1</b>	
<b>Project Description:</b> Request waiver (PLN040064/Dreisbach) of fees to process an amendment to Condition 16 of an existing Combined Development Permit (PLN010363).			
<b>Project Location:</b> The project site is located at 1272 Highway One, Watsonville (APN: 117-052-017-000), North County, coastal zone.			
<b>Plan Area:</b> North County Coastal		<b>Flagged and staked:</b> No	
<b>Zoning Designation:</b> AI (CZ)		<b>CEQA Action:</b> Not Applicable	
<b>Department:</b> Planning and Building Inspection			

**RECOMMENDATION:** Staff recommends that the Planning Commission:

- 1) Deny the request to waive fees for amending PLN010363, finding that the request does not meet the criteria established by the Board of Supervisors.

**OVERVIEW OF PROPOSED ACTION:** On August 29, 2000, the Board of Supervisors adopted criteria (**Attachment 1**) giving the Director of Planning and Building Inspection Department the authority to waive application and appeal fees for discretionary permit and building permit applications for:

1. Small Day Care Centers
2. Inclusionary portion of residential developments
3. Special Handling Affordable Housing Projects
4. Persons over age 62 on a fixed, very low income
5. Reclassification to bring property into conformance with the General Plan.
6. County or other Government Agencies.
7. Repair or reconstruction when Board of Supervisors declares a disaster
8. Community facilities by non-profit meeting certain criteria.
9. General Plan Amendments where land is inaccurately or inappropriately designated.

On January 29, 2003 the Planning Commission approved a combined development permit (PLN010363) for a 33,000 square foot food catalog business (Diamond Organics) on one of the parcels within the Hilltop Industrial Park, which is owned by the Dreisbach Family Trust. A Mitigated Negative Declaration prepared for the project included a traffic mitigation measure to pay a fee for improvements to Highway One. This mitigation measure was also included as Condition 16.

Following issuance of permits, the Dreisbach's began discussions with Caltrans and Monterey County Public Works to fulfill this mitigation/condition by dedicating land in lieu of paying the fee as stipulated in the adopted condition. Staff determined that this change would require a hearing for amending the condition/mitigation, which is a separate issue to be evaluated at a later time.

In February 2004, the Dreisbach's requested that the County waive the fee for amending one of the 22 conditions. The Director of Planning and Building Inspection Department, Scott Hennessy, found that the request did not meet the criteria adopted by the Board of Supervisors

(Attachment 2). The resolution setting the fee waiver criteria establishes the Planning Commission as the body to consider requests not conforming to the adopted policy. On May 19, 2004, the owners filed an appeal of the Director's decision (Attachment 3).

The Dreisbach's justification for the waiver is that the public would benefit financially from the condition change. However, staff finds that the proposed dedication in lieu of paying a fee fulfills a requirement as part of a development permit that ultimately benefits the property owners, and that the dedication is to offset the impacts to Highway One that will occur from the permittee's development. Changing the condition from a fee to a dedication does not create any more public benefit than was anticipated to offset the impacts of the project when it was initially considered. Therefore, staff recommends that the Planning Commission deny the fee waiver.

**OTHER AGENCY INVOLVEMENT:** Public Works and Caltrans have been involved with the proposed condition amendment. County Counsel has been consulted regarding the process required for amending this condition.

**LUAC RECOMMENDATION:** This fee waiver request is not subject to LUAC review.

Report Submitted By:

*Scott Hennessy, Director*

*Planning and Building Inspection Department*

Prepared By:

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June 14, 2004

This report reviewed by Jeff Main, AICP, Planning and Building Services Manager

Cc: Planning Commission; County Counsel; Environmental Health; Public Works; Parks Department, Monterey County Water Resources Agency; Fire Department, Scott Hennessy; Dale Ellis; Jeff Main; Carl Holm; Linda Rotharmel; Owner (Dreisbach Family Trust); Representative (T. Lombardo); Caltrans-District 5 (David Murray), California Coastal Commission; Planning File.

Attachments:

1. Fee Waiver Criteria
2. PBI Director Determination
3. Appeal Application