

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting: September 12, 2007 10:30 A.M.</b>		<b>Agenda Item No.: 5</b>
<b>Project Description:</b> Fee waiver (partial) for Certificates of Compliance processed under the new fee schedule that took effect on August 27, 2007 (PD070842).		
<b>Project Location:</b> Countywide	<b>APN:</b> N/A	
<b>Plan Area:</b> N/A	<b>Flagged and staked:</b> N/A	
<b>Zoning Designation:</b> N/A		
<b>CEQA Action:</b> N/A		
<b>Department:</b> RMA - Planning Department		

**RECOMMENDATION:**

Staff recommends that the Planning Commission adopt a resolution waiving the difference in fees between the former (2005-2007) fee schedule and the fee schedule that took effect on August 27, 2007 for Certificates of Compliance for which processing has not yet begun. The partial fee waiver would be applicable to the Certificates of Compliance identified in the resolution.

**PROJECT OVERVIEW:**

A new fee schedule for planning permits was adopted by the Board of Supervisors. The new schedule took effect on August 27, 2007. During preparation of the updated fee schedule, staff analyzed the fees for Certificates of Compliance and recommended a lower fee where multiple Certificates of Compliance are requested for a single area under common ownership. Due to a number of reasons, staff has not been able to begin processing of some applications for Certificates of Compliance that were applied for prior to the new fees taking effect. At the Board of Supervisors hearing on the new fees, a request was made that the fees be lowered for those applications for Certificates of Compliance that had not been processed to date by County staff. To memorialize such an action, a fee waiver request is being processed through the Planning Commission, in accordance with the Fee Waiver Policy adopted by the Board of Supervisors.

**SUMMARY**

New fees for Certificates of Compliance took effect on August 27, 2007. For multiple certificates, fees have been reduced. The fees for Certificates of Compliance have been adjusted as follows:

	Planning Dept.	County Counsel	Total
<u>Old Fee</u>			
One Certificate	1527.94	942.00	2466.94
Two Certificates	3055.88	1884.00	4939.88
More than Two Certificates (each)	1527.94	942.00	2466.94
 <u>New Fee</u>			
One Certificate	1527.94	942.00	2466.94
Two Certificates	1527.94	942.00	2466.94
More than Two Certificates (each)	458.70	314.00	772.70

Approval of the waiver by the Planning Commission would cause fees to be charged according to the new fee schedule for the attached list of Certificates of Compliance, as all work would be done during the term of this new fee schedule.

**OTHER AGENCY INVOLVEMENT:**

County Counsel also collects fees for the processing of Certificates of Compliance. All work on these certificates by the Office of the County Counsel would occur during the term of the new fee schedule.

Note: The decision on this action is appealable to the Board of Supervisors.

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Mike Novo  
Interim Planning Director  
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September 3, 2007

cc: Planning Commission; County Counsel; Interested Parties (1); File.

Attachments: Exhibit A      Resolution with attached list of applicable Certificates of Compliance  
                  Exhibit B      Fee Waiver Policy

**EXHIBIT A**

**MONTEREY COUNTY PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION # \_\_\_\_\_

Resolution of the Planning Commission )  
approving a request to waive fees (partial) for )  
Certificates of Compliance based on the )  
Planning Commission’s authority to waive )  
permit fees when the request does not meet )  
the listed criteria for RMA – Planning )  
Director authorized fee waivers. The partial )  
fee waiver allows applications for Certificates )  
of Compliance that were not processed prior )  
to August 27, 2007 to be subject to the new )  
fee as established by the County Board of )  
Supervisors by Resolution 07-223 )  
(PD070842). )  
)

WHEREAS, a number of Certificate of Compliance applications have not been processed in a timely manner due to staff shortages; and

WHEREAS, the RMA-Planning Department had collected fees for processing those Certificates of Compliance under a fee schedule that charged \$2466.94 per Certificate of Compliance, pursuant to the adopted Monterey County Land Use Fee Schedule; and

WHEREAS, on June 26, 2007 the Board of Supervisors of Monterey County approved a new fee schedule by Resolution 07-223; and

WHEREAS, the new fees adopted for Certificates of Compliance by Resolution 07-223 reduced the fees for the processing of Certificates of Compliance; and

WHEREAS, the Certificates of Compliance listed and attached to this resolution will be processed on or after August 27, 2006; and

WHEREAS, the RMA-Planning Department referred a Fee Waiver Request to the Planning Commission of the Monterey County based on the Planning Commission’s authority to waive permit fees when the request does not meet the listed criteria for the RMA-Planning Director authorized fee waivers, as established by the County Board of Supervisors’ adopted Fee Waiver Policy of August 29, 2000; and

WHEREAS, on July 25, 2007, the Planning Commission of the Monterey County conducted a public hearing for the Partial Fee Waiver Request (PD070842) for Certificates of Compliance processed on or after August 27, 2007.

**DECISION**

**NOW, THEREFORE, BE IT RESOLVED THAT** it is the decision of the Planning Commission of the County of Monterey that the Partial Fee Waiver for Certificates of Compliance processed on or after August 27, 2007 be granted and that all such applications be subject to the fees established by Board of Supervisors Resolution 07-223. The partial waiver applies to the difference between the fees adopted under Resolution 07-223 and those adopted under Resolution 05-169, as applicable.

<u>Old Fee</u>	Planning Dept.	County Counsel	Total
One Certificate	1527.94	942.00	2466.94
Two Certificates	3055.88	1884.00	4939.88
More than Two Certificates (each)	1527.94	942.00	2466.94
<u>New Fee</u>			
One Certificate	1527.94	942.00	2466.94
Two Certificates	1527.94	942.00	2466.94
More than Two Certificates (each)	458.70	314.00	772.70

**PASSED AND ADOPTED** this 12<sup>th</sup> day of August, 2007 by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

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MIKE NOVO, SECRETARY

COPY OF THIS DECISION WAS FILED ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

**LIST OF CERTIFICATES OF  
COMPLIANCE SUBJECT TO PARTIAL  
FEE WAIVER**

CC060027	CC070028
CC060028	CC070043
CC060029	CC070044
CC060030	CC070045
CC060055	CC070046
CC060056	CC070047
CC060057	CC070048
CC060058	CC070049
CC060059	CC070050
CC060060	CC070051
CC060061	CC070052
CC060062	CC070053
CC060063	CC070054
CC060064	CC070055
CC060065	CC070056
	CC070057
CC070023	CC070058
CC070025	CC070059
CC070026	CC070078
CC070027	

**Note: For any Certificates of Compliance where analysis has not commenced by August 27, 2007, this partial fee waiver applies.**