

MONTEREY COUNTY PLANNING COMMISSION

Meeting: May 26, 2010 Time: 10:30 A.M.	Agenda Item No.: 4
Project Description: Consider a fee waiver for an Administrative Permit for the installation of a 1,344 square foot manufactured home which is greater than 10 years old.	
Project Location: 40500 Metz Road, King City	APN: 245-011-008-000
Planning File Number: PLN100056	Owner: Donald and Barbara Chapin Agent: Sue Putnam
Planning Area: Central Salinas Valley Area Plan	Flagged and staked: No
Zoning Designation: : F/40 [Farmlands, minimum building site of 40 acres]	
CEQA Action: Categorically Exempt per Section 15378(a)	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Monterey County Planning Commission deny the waiver of the Administrative Permit fees, finding that the request does not meet the criteria established by the Board of Supervisors.

PROJECT OVERVIEW:

On July 31, 2009 a Building Permit Application (BP091222) was submitted for the removal of an 840 square foot mobile home, the installation of a 1,344 square foot manufactured home, and the relocation of two existing portable airplane hangers. In addition a Grading Permit Application (GP090084) was submitted for grading consisting of 560 cubic yards of cut, 560 cubic yards of fill for the installation of the 1,344 square foot manufactured home.

During the planning review process it was determined that an Administrative Permit is required for the manufactured home since it is greater than ten years old per Monterey County Code section 21.64.040 C.1. and D. The purpose of this section is to establish the regulations, standards, and circumstances for the placement of manufactured dwelling units on permanent foundations, and to provide the parameters under which such units may be determined to be compatible in an area of residential uses. This ordinance section provides the department with the discretion to evaluate if a manufactured home older than ten years is a compatible use. An application and instructions were provided to the applicant. Currently the application and fees have not been submitted as the applicant requests that the fee waiver be processed prior to submitting the application.

On March 19, 2010 the applicant submitted an e-mail requesting a fee waiver (**Exhibit A**) for the Administrative Permit fees of \$4,287.85 for Planning File No. PLN100056. The applicant has submitted a Fee Waiver Request because they believe that since the project has been reviewed by the agencies for the Building and Grading Permits that the project does not need to be reviewed or the fees paid for the required Administrative Permit. However, the ordinance requires a discretionary permit to determine if the use is compatible. The fees are based on the current Monterey County Land Use Fee schedule (**Exhibit B**) for an Administrative Permit. The break down of the fees for the Administrative Permit is as follows:

Planning	Document Management Fee	Technology Fee	Public Works	Water Resources	Environmental Health	County Counsel	GPU Fee	Total Fees
\$2,016.00	\$20.16	\$120.96	\$407.23	\$914.26	\$517.10	\$171.36	\$120.78	\$4,287.85

On August 29, 2000, the Board of Supervisors adopted criteria (**Exhibit C**) giving the Director of Planning the authority to waive application and appeal fees for discretionary permit applications for:

1. Small Day Care Centers (less than 12 children)
2. Inclusionary portions of proposed residential developments
3. Special Handling affordable housing projects
4. Persons age 62 or over on a fixed, very low income
5. Reclassification applications to bring property into conformance with the General Plan
6. County of other government agencies
7. Permit fees for the 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.

Because the request for the fee waiver does not meet the above mentioned criteria, the request is subject to consideration by the Planning Commission per the Fee Waiver Policy adopted by the Board of Supervisors on August 29, 2000.

According to the Fee Waiver Policy, all fees shall be paid at the time of filing the application. In this circumstance, the filing of the application (File No. PLN100056) has not occurred. The Request for a Fee Waiver may follow one of two processes:

- a. Process Waiver and Application Concurrently
- b. Process Waiver before Application

The applicant has requested that the fee waiver be processed prior to submitting the application and will wait until action is taken by the Planning Commission on the fee waiver and, if required, the fees will be paid.

All agencies and departments that would receive a share of the Administrative Permit fees have recommended not to waive their fees. Staff believes that the Administrative Permit fees in the amount of \$4,287.85 are due to the County since the request does not meet the criteria established by the Board of Supervisors.

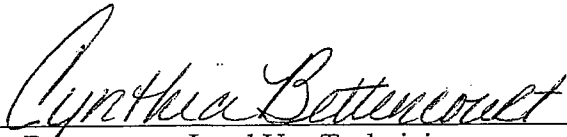
OTHER AGENCY INVOLVEMENT:

RMA - Public Works Department
 Environmental Health Division
 Water Resources Agency
 County Counsel

The above agencies and departments have reviewed this Fee Waiver Request.

The Fee Waiver Request was not referred to a Land Use Advisory Committee (LUAC) for review because a LUAC does not exist for this area of the County.

Note: The decision on this project is not appealable.



Cynthia Bettencourt, Land Use Technician
(831) 755-5237, bettencourt@co.monterey.ca.us
April 27, 2010

cc: Front Counter Copy; Planning Commission Members (10); County Counsel; Public Works Department; Environmental Health Division; Water Resources Agency; Mike Novo, RMA Director of Planning; Laura Lawrence, Planning Services Manager; Cynthia Bettencourt, Project Planner; Carol Allen, Senior Secretary; Don Chapin, Owner; Sue Putnam, Agent; File PLN100056.

Attachments: Exhibit A E-Mail requesting a Fee Waiver
Exhibit B Monterey County Land Use Fees (Page 1)
Exhibit C Fee Waiver Policy
Exhibit D Draft Resolution

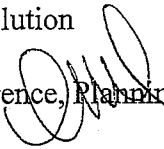
This report was reviewed by Laura Lawrence,  Planning Services Manager

EXHIBIT A

Mike,

Per our phone conversation here is the Fee Waiver Request.

As mentioned previously our concern also includes the need of having agencies/departments re-review plans they've already approved. An effort to stream line the process and have Planning review since the permit is required based on the age of the trailer.

Tom Moss at Water Resource, Rob Hoffman/Laura Slaten at Environmental Health and Gerry Camacho in Public Works did not see a need to look at the project a second time due to the trailer's age.

Thank you for your involvement.

Sue Putnam
The Don Chapin Company

----- Forwarded message -----

From: **Sue Putnam** <sputnam@donchapin.com>

Date: Fri, Mar 12, 2010 at 2:25 PM

Subject: Re: PLN100056

To: "Novo, Mike x5192" <novom@co.monterey.ca.us>

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY



PLANNING DEPARTMENT

168. Alisal St., Second Floor, Salinas CA. 93901
 (831) 755-5025; (831) 757-9516
<http://www.co.monterey.ca.us/planning>

FEE WAIVER REQUEST

Property Owner: Donald D. Chapin Jr
 Address: 560 Crazy Horse Canyon Road
 City/State/Zip: Salinas, CA 93907
 Phone: 831 449-4273
 Email: _____

Agent: Sue Putnam
 Address: 560 Crazy Horse Canyon Road
 City/State/Zip: Salinas, CA 93940
 Phone: 831 444-4139
 Email: sputnam@donchapin.com

Assessors Parcel Number: 245-011-008 40500 Metz Road

Description of Project: Replace existing mobile home with another. Replacement mobile home is not newer than 10 years.

Fee Waiver Justification: Water Resource and Environmental Health have already reviewed the project under BP09-1222 and GP09-0084 and have given their approval. Age of the trailer has no bearing on their previous descision. Public Works has confirmed there is no issue with address and an encroachment permit 10-215 to (attach additional information if needed) construct new drive.

<i>Department use only</i>	
Given out:	By:
Received:	By:
Referred to other agencies:	
Fee waived by Director?	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:
Basis for Waiver	
Amount of Fees Waived: Planning & Building	
Health	
WRA	
PWD	

EXHIBIT B

MONTEREY COUNTY LAND USE FEES

MONTEREY COUNTY LAND USE FEES
(effective 07/01/2009)

Permit Type	PLAN	Doc. Mgt (3)	Technology Fee (8)	PWD	WRA	EH	CC	GPU (6)	Total FY09	Notes
Administrative Permit - General	2,016.00	20.16	120.96	407.23	914.26	517.40	171.36	120.78	4,287.85	←
Administrative Permit - Senior Citizen Unit	1,058.40	10.58	63.50	407.23	914.26	465.46	171.36	89.60	3,150.39	
Administrative Permit - Signs	1,058.40	10.58	63.50	203.62			171.36	43.00	1,550.46	
Port Land Use Commission Application Review	604.80	6.05	36.29					18.14	665.28	
Permits	3,669.12	36.69	-	407.23	1,342.72	228.82	137.09	-	4,821.67	
Fees of Administrative Determinations	2,348.64	23.49	-				137.09	-	2,509.22	
Fee of Fee Determination	604.80	6.05	-				137.09	-	747.94	
Application Request/Appointment	453.60								453.60	
Sur Viewshed Acquisition	1,512.00	15.12	90.72	101.81	228.82	476.16		78.56	2,803.19	
for Additions to existing commercial/industrial	756.00	7.56	45.36	203.62	456.62	517.40		58.00	2,044.26	
for Additions to existing residential structures	604.80	6.05	36.29	203.62	456.62	259.06		45.72	1,612.15	
for New commercial & industrial development	907.20	9.07	54.43	203.62	456.62	517.40		62.54	2,210.58	
for New SFD	756.00	7.56	45.36	203.62	685.44	259.06		57.12	2,014.16	
Certificate of Compliance a) 1-2 Lots	1,512.00	15.12	90.72			299.36	1,028.16	85.19	3,030.57	
Certificate of Compliance b) each additional lot above two (2)	453.60	4.54	27.22			108.86	342.72	27.16	964.10	
Distal Administrative Permit	2,016.00	20.16	120.96	407.23	914.26	1,034.24	171.36	136.29	4,820.47	
Distal Administrative Permit - Senior Unit	1,058.40	10.58	63.50	407.23	914.26	1,034.24	171.36	107.56	3,767.10	
Distal Administrative Permit - Signs	1,058.40	10.58	63.50	101.81			171.36	39.95	1,445.60	
Distal Development Permit - General	4,536.00	45.36	272.16	609.84	914.26	1,034.24	856.80	238.53	8,507.16	
Distal Development Permit - Signs	2,116.80	21.17	127.01	203.62			171.36	74.75	2,714.71	
Distal Development Permit - Tree Removal	2,116.80	21.17	127.01		228.82		171.36	75.51	2,740.67	
Distal Implementation Plan Amend - Extraordinary Project	15,120.00	151.20	907.20	5,040.00	6,856.42	6,749.57	1,713.60	1,064.39	37,602.38	Hourly Rate
Additional Certificate of Compliance	3,024.00	30.24	181.44	609.84		517.40	514.08	139.95	5,016.65	P&BI & CC: fee per lot
Performance Determination (Specific Plan) - Director	1,058.40	10.58	63.50				514.08	47.17	1,693.73	
Performance Determination (Specific Plan) - Hearing	3,018.96	30.19	181.14				514.08	105.99	3,850.36	
Sign Approval Requiring Public Hearing	756.00	7.56	45.36				171.36	27.82	1,008.10	
Sign Approval, Reroof	151.20	1.51	9.07					4.54	166.32	
Sign Approval, Director's Approval	453.60	4.54	27.22					13.61	498.97	
Development Agreement (7) Hourly Rate - Extraordinary Project	15,120.00	151.20	907.20	5,040.00	6,856.42	6,749.57	1,713.60	1,064.39	37,602.38	Extraordinary Proj/ Hourly Rate
Environmental Impact Report (1) (7) Hourly Rate - Extraordinary Pro	15,120.00	151.20	907.20	5,040.00	6,856.42	6,749.57	1,713.60	1,064.39	37,602.38	Extraordinary Proj/ Hourly Rate
Emergency Permits	2,268.00	22.68	136.08				85.68	70.61	2,583.05	
Extraordinary Development Applications (7)	15,120.00	151.20	907.20	5,040.00	6,856.42	6,749.57	1,713.60	1,064.39	37,602.38	DEPOSIT

EXHIBIT C

FEE WAIVER POLICY

DA



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Fee Waiver Policy
(adopted by Board of Supervisors August 29, 2000)

The Director of Planning may waive application and appeal fees for discretionary permit applications for:

1. Small day care centers (less than twelve children).
2. Inclusionary portions of proposed residential developments.
3. Special Handling affordable housing projects, as detailed in the adopted Special Handling 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.
4. Persons age 62 or over on a fixed, very low income as defined by Housing and Urban Development.
5. Reclassification applications to bring property into consistency with existing General Plan land use designations.
6. County or other government agencies.
7. Permit fees for the repair or reconstruction of property and structures damaged or destroyed by an act or event that has been declared a disaster by the Board of Supervisors where insurance is inadequate to pay the applicable fees.
8. Development, enhancement, expansion or modification of needed community facilities by non-profit organizations and community groups meeting the following criteria:
 - a. The proposed project is available for use by the general public; and
 - b. Provides a scope of benefit beyond the residents of the immediate vicinity; and,
 - c. Is of obvious public benefit. Evidence of public benefit includes, but 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.
9. 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.

Requests Not Conforming to Policy:

The Planning Commission shall consider all requests for fee waivers not meeting the above criteria.

Appeal of Director's Decision:

The Planning Commission shall consider all appeals of decisions of the Director on fee waiver requests.

[Download Fee Waiver Procedure](#)

[Download Fee Waiver Request Form](#)



EXHIBIT D

MONTEREY COUNTY PLANNING COMMISSION

COUNTY OF MONTEREY, STATE OF CALIFORNIA

Resolution No.

Planning Commission Resolution No.)
requesting a fee waiver for the Administrative)
Permit fees for an Administrative Permit)
Application (PLN100056/Donald and Barbara)
Chapin) for the removal of an existing 840)
square foot mobile home, the installation of a)
1,344 square foot manufactured home, and the)
relocation of two existing portable airplane)
hangers. The property is located at 40500)
Metz Road, King City (Assessor's Parcel)
Number 245-011-008-000), Central Salinas)
Valley Area Plan. The request for the fee)
waiver is subject to consideration by the)
Planning Commission per the Fee Waiver)
Policy adopted by the Board of Supervisors on)
August 29, 2000.

WHEREAS, on July 31, 2009 a Building Permit Application (BP091222) was submitted for the removal of an 840 square foot mobile home, the installation of a 1,344 square foot manufactured home, and the relocation of two existing portable airplane hangers. In addition a Grading Permit Application (GP090084) was submitted for grading consisting of 560 cubic yards of cut, 560 cubic yards of fill for the installation of the 1,344 square foot manufactured home; and

WHEREAS, during the planning review process it was determined that an Administrative Permit is required for the manufactured home since it is greater than ten years old per section 21.64.040 C.1. and D. The purpose of this section is to establish the regulations, standards, and circumstances for the placement of manufactured dwelling units on permanent foundations, and to provide the parameters under which such units may be determined to be compatible in an area of residential uses. This ordinance section provides the department with the discretion to evaluate if a manufactured home older than ten years is a compatible use. An application and instructions were given out to the applicant. Currently the application and fees have not been submitted as the applicant requests that the fee waiver be processed prior to submitting the application; and

WHEREAS, on March 19, 2010 the applicant submitted an e-mail requesting a fee waiver for the Administrative Permit fees of \$4,287.85 for Planning File No. PLN100056. The applicant submitted a Fee Waiver Request because they believe that since the project has been reviewed by County Departments and Agencies for the Building and Grading Permits that the project does not need to be reviewed or the fees paid for the required Administrative Permit. However, the

ordinance requires a discretionary permit to determine if the use is compatible. The fees are based on the current Monterey County Land Use Fee schedule for an Administrative Permit; and

WHEREAS, the RMA-Planning Department circulated the fee waiver request to all applicable County Departments. These County Departments recommended that the fee waiver be denied because there are no special circumstances that warrant the fee waiver, and the request does not meet the criteria established by the Board of Supervisors; and

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

WHEREAS, on May 26, 2010, the Monterey County Planning Commission conducted a public hearing for the Donald and Barbara Chapin Fee Waiver Request (PLN100056) for the Administrative Permit fees where the Monterey County Planning Commission received the staff report for the Fee Waiver Request.

DECISION

THEREFORE, it is the decision of the Monterey County Planning Commission that the waiver for the Administrative Permit fees for PLN100056/Donald and Barbara Chapin be denied.

PASSED AND ADOPTED on this _____, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

MIKE NOVO, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHE 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