

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING: January 11, 2011		AGENDA NO: 5-2
SUBJECT: Consider amending the County Fee Waiver Policy (August 2000) to broaden and/or clarify the circumstances for appeals to include non-profit organizations representing the public interest. (Fee Waiver/Board Referral 2010.22 – REF100045, Countywide)		
Project Location:	Countywide	APN: Countywide
Planning Number:	REF100045	Name: Monterey County
Plan Area:	Countywide	Flagged and N/A Staked:
Zoning Designation:	multiple	
CEQA Action:	TBD	
DEPARTMENT: RMA – Planning Department, County Counsel		

RECOMMENDATION:

It is recommended that the Board of Supervisors consider to broaden and/or clarify the circumstances for appeals to include non-profit organizations representing the public interest and direct staff to make no changes to the current County Fee Waiver Policy (August 2000).

SUMMARY:

On October 6, 2010, Supervisor Parker requested for staff to consider to broaden and/or clarify the circumstances for appeals to include non-profit organizations representing the public interest to the current County Fee Waiver Policy (August 2000). This policy authorizes the Director of Planning to consider fee waivers based on nine criteria (**Exhibit 1**). One criterion includes: development, enhancement, expansion or modification of needed community facilities by non-profit organizations and community groups meeting certain criteria. Requests not meeting the listed criteria may be considered by the Planning Commission. In addition to waivers, there is no fee to appeal projects located in the coastal zone.

DISCUSSION:

The current Fee Waiver criteria for non-profit organizations are verifiable. However, criteria to verify that organizations are representing the public interest would be difficult to ascertain, other than their personal claim. As such, the proposed addition would open the door for anyone making such claim. Staff finds that there are a few options for the board to consider:

- Option 1: Amend the County Codes to authorize a Supervisor to appeal an item at their discretion with support of a second Supervisor. The Coastal Commission has a similar process.
- Option 2: Reduce the appeal fee. The current appeal fee is \$4,903.64.
- Option 3: Direct staff to return with a resolution amending the Fee Waiver Policy to add non-profit organizations representing the public interest.

The financial implications of the current fee waiver policy, the loss of coastal zone appeal revenue, and the current subsidy for the appeal fee has a substantial impact on the land use departments.

Staff recommends no change to the Fee Waiver policy for the reasons noted in this report.

OTHER AGENCY INVOLVEMENT:

Fee waiver requests are circulated to County land use agencies (Planning, Public Works, Environmental Health, Water Resources, County Counsel) for consideration and to calculate the amount of funds that would be lost.

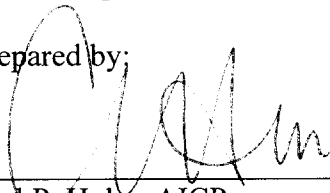
FINANCING:

Any option identified in this report impacts the General Fund by providing a service without compensation. Over the past three years (using the current criteria), the Planning Department has granted 43 fee waivers, which has resulted in a loss of revenue as follows:

	PLANNING	ENV HEALTH	WRA	PW	COUNSEL	SURCHARGES (GP/TECH)	TOTAL
2008	\$138,665.13	\$ 26,243.77	\$18,678.69	\$18,035.95	\$17,075.70	\$ 1,034.70	\$219,733.94
2009	\$ 34,517.16	\$ 5,152.30	\$ 5,689.15	\$ 3,232.25	\$ 4,324.90	\$ 1,791.72	\$ 54,707.48
2010	\$ 91,530.76	\$ 13,457.14	\$13,634.42	\$ 7,887.35	\$ 7,858.35	\$ 8,052.70	\$142,420.72
TOTAL	\$264,713.05	\$ 44,853.21	\$38,002.26	\$29,155.55	\$29,258.95	\$ 10,879.12	\$416,862.14

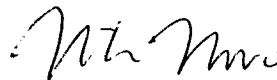
In fiscal year (FY) 2009/10 the Planning Department processed 17 appeals (60% coastal), and for the first ½ of FY 2010/11, we have received 13 (50% coastal). Inland appeals in FY 2009/10 resulted in revenue totaling about \$33,750; Coastal zone appeals in FY 2009/10 resulted in a loss of revenue totaling about \$48,215 in addition to the loss of revenue resulting from waivers. For appeals that we receive payment, the amount of planning department staff time for an appeal is reimbursed at about 70% of the actual work put into the review and response. Appeals in the inland area are reduced by having a fee. Assuming the number of appeals processed with no fee would rise to the same level as coastal zone appeals, the proposed addition to fee waivers would result in a potential financial impact of about \$34,000 (based on FY 2009/2010 revenue).

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This report was prepared with assistance by Wendy Strimling, Deputy County Counsel

cc: Front Counter Copy; Board of Supervisor's (16); County Counsel; Environmental Health Bureau; Public Works; Monterey County Water Resources Agency; Office of Emergency Services, California Coastal Commission; Mike Novo; Carl Holm; Les Girard; Distribution List; Project File

Attachments:

Exhibit 1 - Fee Waiver Criteria
Exhibit 2 - Board Order