



## Monterey County

### Board Order

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

Upon motion of Supervisor Salinas, seconded by Supervisor Parker and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution No. 12-227 amending the Monterey County Fee Resolution to:

- a. Authorize the Director of Planning to consider and decide requests for waiver of land use appeal fees when the appellant is unable to afford the appeal fee due to appellant's financial condition; and
- b. Authorize the Appropriate Authority to hear appeals from the Director of Planning's decisions on land use fee waiver requests. (Fee Waiver Resolution/REF120049)

PASSED AND ADOPTED on this 10<sup>th</sup> day of July 2012, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Salinas, and Parker

NOES: None

ABSENT: Supervisor Potter

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on July 10, 2012.

Dated: August 13, 2012  
File Number: 12-643

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By Denise Hancock  
Deputy

**Before the Board of Supervisors in and for the  
County of Monterey, State of California**

**Resolution No. 12-227**

Resolution amending the Monterey County )  
Master Fee Resolution to Clarify the Fee for )  
Appeals on Land Use Issues and Establish )  
Criteria for the Waiver of Fees in Specific )  
Circumstances. )  
(REF120049/Indignet Fee Waiver Process)..... )

WHEREAS, Chapter 1.40 of the Monterey County Code establishes the Monterey County Master Fee Resolution (the Resolution) as the vehicle for setting and amending fees; and,

WHEREAS, The Board wishes to clarify the appeal fee for land use issues and to establish criteria and authority for the Director of Planning and Building Inspection to waive fees in specific cases; and

WHEREAS, The Board has received a report and recommendations from the County Administrative Office and Planning and Building Inspection; and,

WHEREAS, The Board has held a public hearing as required by law and heard from all interested parties;

NOW, THEREFOR, be it resolved that the Board clarified that the appeal fee for appeals to the Planning Commission or Board of Supervisors on land use issues is \$671.00.

BE IT FURTHER resolved that the Director of Planning and Building Inspection may waive application and appeal fees for discretionary permit and building permit applications for:

1. Small day care centers (less than twelve children).
2. Inclusionary portions of proposed residential developments.
  - a. 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.
  - b. Persons age 62 or over on a fixed, very low income as defined by Housing and Urban Development.
  - c. Reclassification applications to bring property into consistency with existing General Plan land use designations.
  - d. County or other government agencies.

- e. 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.
3. 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 is 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.
  4. 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.

Payment of Fees:

All fees shall be paid at the time of the filing an application or an appeal. Should the fees subsequently be waived, the fees shall be refunded.

**DECISION**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby:

- a. Act on environmental review document
- b. Adopt a General Plan Amendment (if part of the action)
- c. Adopt an ordinance to amend (zoning)

PASSED AND ADOPTED upon motion of Supervisor Salinas, seconded by Supervisor Parker, and carried this 10th day of July 2012, by the following vote, to wit:, the Board hereby adopts

this resolution amending the Monterey County Master Fee Resolution to clarify the fee for appeals on land use issues and establish criteria for the waiver of fees in specific circumstances.

AYES: Supervisors Armenta, Calcagno, Salinas, and Parker

NOES: None

ABSENT: Supervisor Parker

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on July 10, 2012.

Dated: August 15, 2012

File Number: 12-643

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By Denise Hancock  
Deputy