

1-11-11 5-2

From: Mitchell - Jan [janmitchell777@hughes.net]
Sent: Tuesday, January 04, 2011 1:57 PM
To: 112-Clerk of the Board Everyone
Subject: January 11, 2011 - "Fee Waivers for Non-Profit Groups"

January 4, 2011

<i>Received by Clerk to the Board Additional Material for</i>	
<i>Board Agenda Date of:</i>	<i>Item No:</i>
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Chair and Honorable Supervisors
MONTEREY COUNTY CLERK OF THE BOARD
P. O. Box 1728
Salinas, California 93902

Board Discussion January 11, 2011

Subject: Fee Waivers for Non-Profit Groups

Chair and Supervisors;

Please be advised that the PRUNEDALE NEIGHBORS GROUP (PNG), and the PRUNEDALE PRESERVATION ALLIANCE (PPA) both non-profit non-incorporated community groups with membership throughout north county (District 2) neighborhoods, would like to go on record in support of "fee waivers for non-profits".

We wish to thank Supervisor Jane Parker for initiating this suggestion.

Furthermore, we feel that it is important to make certain that "non-incorporated" public interest groups (such as ours) are included in the definition of "non-profits".

Otherwise, any community group which has not completed the "arduous" and "most expensive" process of incorporation might well be excluded. This determination could only be considered as "fair", in keeping with our country's democratic process.

Thank you for including our comments in the public record.

Happy trails,

(Mrs.) Jan Mitchell,

Representative

PRUNEDALE NEIGHBORS GROUP (PNG)

PRUNEDALE PRESERVATION ALLIANCE (PPA)

70 Carlsen Road

Prunedale, Calif. 93907-1309

Phone: 831-663-3021

Fax: 831-663-5629

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1-11-11 S-2

From: Mitchell - Jan [janmitchell777@hughes.net]
Sent: Tuesday, January 04, 2011 1:57 PM
To: 112-Clerk of the Board Everyone
Subject: January 11, 2011 - "Fee Waivers for Non-Profit Groups"

January 4, 2011

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PRUNEDALE PRESERVATION ALLIANCE (PPA)

70 Carlsen Road

Prunedale, Calif. 93907-1309

Phone: 831-663-3021

Fax: 831-663-5629

1-11-11 S-2

From: C Kost [carolynkost@yahoo.com]
Sent: Tuesday, January 04, 2011 2:56 PM
To: 112-Clerk of the Board Everyone
Subject: Process and South County

<i>Received by Clerk to the Board Additional Material for</i>	
Board Agenda Date of: _____	Item No: _____
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Dist 4 _____	_____
Dist 5 _____	_____

To all in decision-making positions in Monterey County:

We reside in South County and in Pacific Grove and are consistently astonished at the preferential and deferential treatment of citizens on the Peninsula and the absolute invisibility of residents of other parts of the County to those in power. Please listen to the concerns of voices of local people in developments that threaten Monterey County's most pristine area.

What has happened to citizen participation? Decisions are being made without any input from us that affect our lives, our property, and the future of our region in the matter of the dramatic expansion of oil and gas extraction in Monterey County.

Charging non-profit citizens groups to take part in the discussion being held behind closed doors is a misuse of authority. We should not be at the mercy of outside interests making decisions that affect us without informing us, and about which we have little or no say.

As residents of Southern Monterey County, we ask those of you who have been elected or appointed to safeguard the public trust to re-examine your policies as reflected in the carte blanche you seem to be giving oil giants to use controversial, untested techniques such as chemical fracking to extract minerals from beneath the earth on which we have built our homes. We ask that you re-examine your policies regarding citizen input to your policy making.

Fracking in other areas has resulted in public health disasters, for which the company and the County could be legally at fault, since the County has, in fact, been warned. This process has the potential to render our wells dry and contaminated in an agricultural and recreational area. It could put an end to San Bernabe, the world's third largest vineyard, and other vineyards in South County and could contaminate Lakes Nacimiento and San Antonio and preclude fishing. All of this represents an inordinately severe blow to natural resources, the quality of life in Monterey and SLO County, in addition to a loss of revenue.

When this sort of thing has already happened in other areas of the country, it is unconscionable that you, the empowered, do not exercise better judgement in the stewardship of that which is entrusted to you. I leave to your conscience to consider the ancient proverb, "God will not seek thy race, nor thy birth; Alone will God demand of thee - **"What hast thou done with the land I gave thee?"**

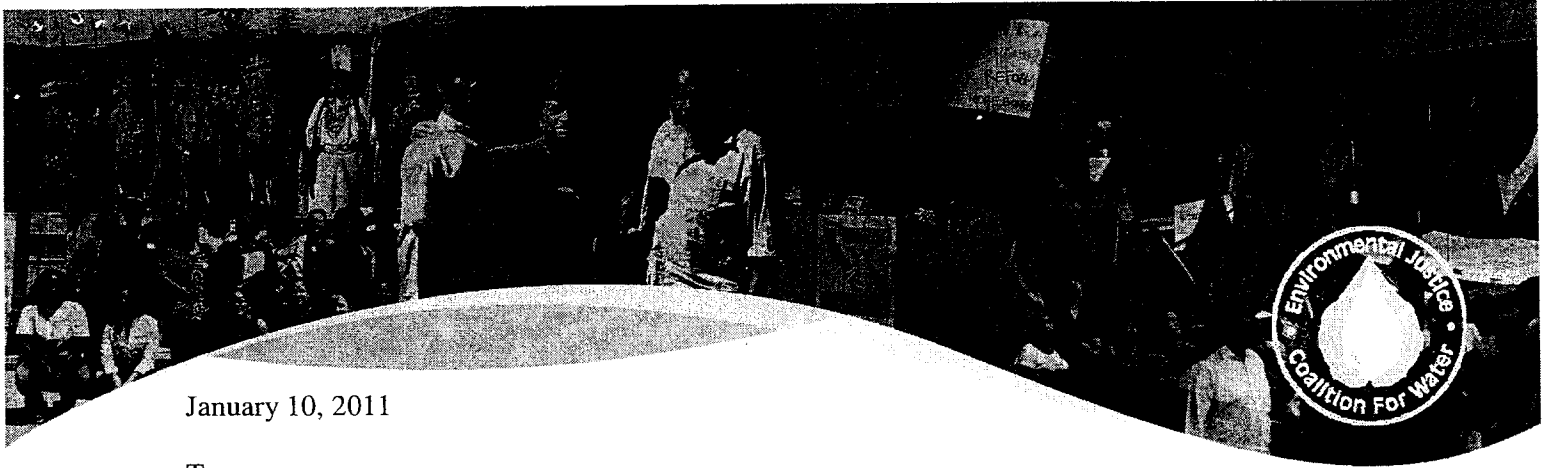
How will you answer?

Sincerely,

Carolyn Kost, Ph.D./ABD

"When virtue is lost, benevolence appears, when benevolence is lost right conduct appears, when right conduct is lost, expedience appears. Expediency is the mere shadow of right and truth; it is the beginning of disorder."

--Lao Tzu, Tao Te Ching



January 10, 2011

To,
Jane Parker
Chair, Monterey County Board of Supervisors
168 Alisal Street, Salinas, CA 93901

Re: Appeal Fee Waiver Revisions for Public Benefit Non-profit Organizations and Disadvantaged Communities

Dear Chair Parker and Supervisors Salinas, Calcagno, Armenta and Potter,

The Environmental Justice Coalition for Water (EJCW) supports the modification to Monterey County's Fee Waiver Program to eliminate fees charged to non-profit, public benefit organizations when filing appeals to the Planning Commission and/ or to the Board of Supervisors.

The Environmental Justice Coalition for Water (EJCW) is a statewide coalition of more than 80 community-based and non-profit organizations and Tribes working to achieve water justice in California. Water justice is the ability of all communities to access safe, affordable water resources for all cultural and beneficial uses. We have been working in the Monterey County area for the past six years, mostly with disadvantaged communities struggling to gain access to water for basic human needs like drinking, bathing, and cooking. We have worked closely with several low-income Latino communities in the area to help address critical water justice issues. We also participate in regional policy efforts to ensure local communities have their water-related needs represented, such as the Integrated Regional Water Management Planning Process and Central Coast Regional Water Quality Control Board policy development.

As you are aware, water is a critical resource on the Central Coast, including in Monterey County. Hence, planning decisions taken in the County must be responsive to water needs, especially of poor communities, and these communities must be given the ability to fully participate in such decisions. However, Monterey County's current fees for appeals of such planning decisions are one of the highest appeal fees of any county in the state – almost \$5000 per appeal. In many instances, when an initial decision is made at the Zoning Administrator level, two appeals are necessary to finally reach the Board of Supervisors and meet the legal threshold of exhausting all administrative remedies, adding up to \$10,000. This prohibitive cost places a heavy burden on public interest appeals and suppresses participation by community members and by public interest and community groups who often represent such communities.

We are also concerned that there is an inconsistency in the assessment of appeal fees, as Monterey County's Coastal Zone is exempted, however the inland zone is not exempted. As you are well aware, Monterey County's most disadvantaged and vulnerable populations live not along the coast, but rather inland in places such as the Salinas Valley. Hence, this inconsistency places more vulnerable communities at a disadvantage to participate in planning decisions that affect their lives. In the case of appeals brought by public benefit organizations or disadvantaged communities, this inconsistency should be eliminated.

EJCW also supports the proposed differentiation between non-profit organizations that act in the public interest versus non-profits which function as political and economic advocates. Only appeals in the public interest should receive this exemption. This is an important distinction, especially in light of the fact that non-profits organized as economic and political advocates often receive significant sums of public money annually. For example, the Monterey County Vintners and Growers Association received more than \$400,000 from federal sources in 2010 to promote the economic interests of their industry in Monterey County. Such organizations whose budgets are augmented by taxpayers, should not receive fee exemptions on appeals to further their economic interests.

Finally, we feel strongly that the proposed fee exemption be extended for all public-interest organizations regardless of whether they have undergone the time-consuming and costly process of incorporation as tax-exempt, 501(c)(3) non-profit organizations. The fee exemption should apply to all community groups whose sole interest is the public interest, and also to poor communities in Monterey County. For instance, the farmworker housing cooperative of San Jerardo is not a non-profit organization by its structure, but it is a low-income disadvantaged community and must also be considered in the definition of public-interest organizations. Perhaps the language used by the Department of Water Resources (DWR) to identify disadvantaged communities could be used here; that the community's median household income (MHI) should be under 80% of the state's MHI.

Since the appeal process is complex and demanding, and since the proposed changes would only apply to appeals brought by public interest organizations regarding important matters, the proposed changes should not have any significant fiscal impact on the county. Hence, EJCW strongly urges the board to adopt the proposed changes to Monterey County's Fee Waiver Program.

Sincerely,



Dipti Bhatnagar
Northern California Program Director
Environmental Justice Coalition for Water

1201 Martin Luther King Jr. Way, Oakland, CA 94612
Ph: 510 286 8402, 510 504 2876
E-mail: dipti@ejcw.org

1. 11-11 3-2

From: SuRay [rayfill@inreach.com]
Sent: Tuesday, January 04, 2011 10:33 AM
To: 112-Clerk of the Board Everyone
Cc: Hold Onnow; rayfill@inreach.com
Subject: Fw: Fee Waiver for Citizen Groups and Non Profits

To all in decision-making positions in Monterey County:

We just watched a TV news analysis about the African country of Ivory Coast, where citizens are powerless to influence their government's policies, and even their votes are ignored. My husband remarked, "How can we do anything about their problems, when we can't even fix our own, in this country, even in our own back yard!" He refers to the lack of citizen participation in decisions being made by government entities that affect the quality of our lives and the future of our region in the matter of the dramatic expansion of oil and gas extraction in Monterey County.

Charging non-profit citizens groups addressing these issues exorbitant fees to take part in the discussion being held behind closed doors is a misuse of authority that one hardly expects in the sophisticated democracy this country boasts of having! What is going on in places like Monterey County suggests the total lack of safeguards against powerful, outside interests making decisions that local citizens are barely informed of, and about which we have little or no say.

As residents of Southern Monterey County, we ask those of you who have been elected or appointed to safeguard the public trust to re-examine your policies as reflected in the carte blanche you seem to be giving oil giants to use controversial, untested techniques such as chemical fracking to extract minerals from beneath the earth on which we have built our homes. We ask that you re-examine your policies regarding citizen input to your policy making.

We ask this not only in the name of our quality of life, but in light of the democratic principles on which this country is built. What is going on? Is the rush to profit, to continue guaranteeing our reliance on energy sources that have been proven to be a major cause of environmental degradation that threatens the future of our children and grandchildren so great as to discount the voices of those who are calling for democratic decision-making? We're saddened and frightened watching these developments, and intend to do all in our power as individuals to join with others who feel the same sense of forboding about the direction in which local officials are allowing commercial interests to take the entire county. What if these companies were applying to drill in Carmel Valley? Would you be acting in the same manner toward citizen involvement?

Please listen to the voices of local people who have no financial stake in developments that threaten Monterey County's most pristine area.

Sincerely,

Susan Raycraft and Larry Woodfill

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Dist 4 _____	_____
Dist 5 _____	_____

1-11-11 S-2

From: Charles Rowley [c.a.rowley@wildblue.net]
Sent: Tuesday, January 04, 2011 10:44 AM
To: 112-Clerk of the Board Everyone
Subject: Fee Waiver for Public Benefit NGO's

I am writing to make my clear statement of support regarding the adoption of a fee waiver for appeals to the Board and to the Planning Commission for public benefit non-profits-- truly for all parties that are advocating for the public benefit-- but certainly for public benefit NGO's. Thank you, kindly!

Charles Rowley, M.L.A.
48491 Sapaque Valley Road
Bradley, CA 93426

home: 805.472.2750
mobile: 415.816.5511

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L11-11 S-2

From: Jeff Kuyper [jeff@LPFW.org]
Sent: Wednesday, January 05, 2011 9:45 AM
To: 112-Clerk of the Board Everyone
Subject: Fee Waiver for Appeals

Dear Members of the Board:

I am writing on behalf of Los Padres ForestWatch to urge your adoption of a fee waiver (or a significantly reduced fee schedule) for nonprofit organizations and neighborhood associations from the fees normally charged for appeals to the Planning Commission and to your Board.

As you know, the current fee for filing an appeal is \$4,821.67. Our review of the fee schedules for other counties in California indicate that Monterey County's fee is clearly unreasonable. In fact, Monterey County's appeal fee is 241% higher than the second-highest appeal fee in California, which is \$2,000 set by the county of Ventura. Most counties' appeal fees hover around the \$1,000 mark, with many well below that, and several counties have provisions in place to waive those fees entirely (or assess those fees to the project applicant) for appeals filed by nonprofit public-benefit organizations or neighborhood associations.

A fee waiver for nonprofit appeals is particularly important for issues involving environmental impacts. The County's exorbitant fees stifle the mandate set forth by the California Environmental Quality Act to encourage public participation in the environmental review and decision making process.

We understand that appeals take significant County staff time and resources to process. However, appeals play a vital role in the democratic process and we feel that it is inappropriate to levy such high fees on citizens and residents of the County who are merely trying to exercise their right to participate in this process. While ForestWatch is not based in Monterey County, we have several dozen members who reside there, as well as other partner organizations with whom we work closely on issues relating to the Los Padres National Forest. On that basis, we urge your Board to adopt a fee waiver or a significantly reduced fee schedule so that we and our partner organizations can participate meaningfully in the County's decision making process.

Thank you for your consideration.

Cheers,

Jeff Kuyper, Executive Director
Los Padres ForestWatch
Post Office Box 831
Santa Barbara, CA 93102
805.617.4610 ext. 1
jeff@LPFW.org

ForestWatch is a nonprofit 501(c)(3) organization working to protect and restore the natural and cultural heritage of the Los Padres National Forest and other public lands along California's Central Coast. Join us today at www.LPFW.org

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Dist 3 _____	_____
Dist 4 _____	_____
Dist 5 _____	_____

1-11-11 S-2

From: Hold Onnow [hold.holdonnow@gmail.com]
Sent: Tuesday, January 04, 2011 9:13 AM
To: Undisclosed recipients
Subject: Issue of fee waiver for non-profits to be heard by the Board of Supervisors in Monterey on January 11

All:

Now that the holidays are over, everything is moving ahead with rip roar speed in the south Monterey County black-gold rush.

The Board is supposed to hear the issue of a fee waiver for public benefit non-profits on January 11th and it will be very helpful particularly if Sierra Club, VWA, Land Watch, and Pelican Network, as well as local individuals residing in the County or adjacent counties, could weigh in on the need to have a fee waiver so non profit groups can appeal environmental and policy issues to the Board of Supervisors on behalf of the public without paying enormous, participation-suppressing "pay to play" fees.

If you can each send a letter on by email to the Board of Supervisors Clerk as soon as possible, it will be helpful in protecting all of our interests in environmental advocacy and policy participation by regional groups with an interest in the environment. The County presently has the highest fee of any jurisdiction in California which is a precedent step any public interest group who may want to appeal an issue MUST pay to have an item considered.

Please see my prior email (below) on this issue if you want to use a sample letter I prepared previously.

However, just a very simple brief statement supporting the adoption of a fee waiver for appeals to the Board and Planning Commission for public benefit non-profits would be very helpful.

Please send your email to: cob@co.monterey.ca.us

This is a very important issue. At this point, we are looking at 50 new oil and gas wells in South Monterey County, approximately, plus larger facilities, being proposed for the first quarter of 2011; some of these wells will be within a distance of less than 8 miles of the National Forest and Wilderness. This drilling will have effects on air and water quality in the region, some of them potentially very very serious. The type of drilling proposed has already been banned in some states, including New York.

By way of introduction to this problem of fees and "pay to play", it is important to understand that to appeal any part of the approval of this set of up coming wells in Monterey County at this point would cost \$ 250,000 for planning commission review, and a cool half-million to make it all the way to the Board. No environmental defense non-profits can afford to use their slender resources paying such a fee set just to have their concerns reviewed and heard by the policy and decision-makers.

The fee system for hearing public concerns is cynical and corrupting of public participation; it is another of the many moves this past year that are designed to limit public participation unless you possess wealth, which is not the primary interest of a non-profit public benefit advocacy group.

If this email could be forwarded to John Laird (secretary@resources.ca.gov) before he departs for his

1/4/2011

position in the Brown administration, that would be very helpful. If we cannot prevail in having this appeal fee eliminated at the local level, the only other option would be a statewide ban on such fees. If Sam Farr's office will help us with this issue as well, we would be grateful.

Thanking you in advance,

Steve Craig

Steve Craig
Ventana Conservation and Land Trust
PO Box 369
Lockwood, California 93932
(805) 472-2266 (office)
(818) 419-8229

Monday Dec 20th

To: Ventana Wilderness Alliance
Forest Watch Los Padres
Center for Biological Diversity
Pelican Network
Halt Oil Drilling Now
Ventana Conservation and Land Trust
San Antonio Valley Historical Society
California Mission Foundation
California State Parks Foundation
California Land Trust Alliance
Big Sur Land Trust
Monterey County Land Watch
Other Interested Parties

Re: Brief Letter Supporting Amending the County of Monterey Policy on Non-Profit Organization Appeal Fees for Significant Land Use Issues

All:

I would very much appreciate your help on an important matter. The County of Monterey has a fee structure for the appeal of decisions that sets a very high fee requirement on land use appeals if the appeal originates in certain parts of the County, particularly south County, where various non-profits are working on issues related to expanded oil and gas drilling, preservation of historic buildings, affordable housing for Big Sur, school bus service funding, and related issues of consequence to the citizens of the County.

While it is presently a no-cost process for an individual, a lawyer, a corporation, or group of individuals to appeal a land use decision in most of the wealthier parts of the County (e.g., Carmel Highlands, Coastal Zone throughout the County, parts of Carmel, Monterey and Salinas in unincorporated areas), an appeal for something as simple as a zoning administrator decision can cost as much as \$ 4900 to start an initial reconsideration of a decision in other, generally poorer parts of the County. In order to exhaust administrative remedies, in the event a lawsuit is contemplated on a CEQA document, a finding set, or a decision, more appeal fees are required to bring a decision up through the Planning Commission to the Board of Supervisors. This process creates an undue burden on public interest appeals which are brought to the attention of higher order decision-makers by non-profit organizations.

1/4/2011

We are seeking support for change of this policy.

Supervisor Jane Parker is trying to address this issue and she needs our help to convince other supervisors that a policy revision is needed on an appeal fee waiver for non-profits acting in the public interest. The County of Monterey has the highest appeal fee of any County in central and southern California. More documentary information on this finding is available on request from Ventanatrust@wildblue.net.

In addition, in the County of Monterey, there is no exemption, as is very common elsewhere within the state (for both cities and counties), for a no-cost or minimal cost appeal if the appeal is filed by a non-profit public benefit corporation acting in the public interest. The proposed changes to the County's policy differentiates between non-profits that function as political or economic advocates; the change in policy would only apply to such public interest groups addressing issues of general public interest such as affordable housing, oil and gas development, health and safety issues, and the like. Therefore, overall, the financial consequences to the County will be minor.

At this point in time, I am requesting that all public benefit non-profits prepare a brief letter to the Board of Supervisors supporting a change of policy to allow public benefit/public interest non-profits to appeal decisions without fee. A copy of a sample letter is attached if you would like to save the time of constructing your own letter or working up a comment without a complete review of the issue.

The primary message that we want to convey is:

1. non-profit public benefit organizations believe that the assessment of an appeal fee discourages participation in important land use decisions;
2. the revision of this policy as advocated by Supervisor Parker will modify the extreme fee differential between interior and wealthier coastal areas which presently characterizes the appeal process,
3. not all non-profit organizations would be eligible for a fee waiver; politically oriented non-profits, political advocacy non-profits, and non-profit organizations formed to specifically enhance the economic welfare of a segment of the economy would not qualify for this waiver--the waiver would apply only to "non-profit groups representing the public interest". Therefore, the fiscal consequences of this waiver policy would be minimized.
4. non-profit organizations are under extraordinary financial duress at the present time due to the economics of state and local charitable giving and the decline of government and corporate support of non-profit activities in the public interest.

Or, if you wish, it would be fine to simply state your support for the revision of the existing fee waiver policy by recommending that the Board adopt a fee waiver exemption for non-profit organizations appealing a project for the public interest.

Whatever, or anything, you have time to compose in letter or email form would be very helpful. It is helpful if individuals as well as existing public benefit non-profits write letters of support.

Please address the email or memo to the:

Honorable Monterey County Board of Supervisors
c/o The Clerk of the Board
Re: Fee Waiver Revisions for Public Benefit Non-profit Organizations

1/4/2011

168 Alisal
Salinas, California, 93901

Email address: cob@co.monterey.ca.us

A sample letter is attached below which can be sent with the addition of your organizations name, address and letterhead. The sample letter is in word.doc format and should be of use to most of you in its present form. Letters from organizations are particularly critical, although general letters of support from the public will also be influential.

If you want to contact as well individual supervisors (their email addresses are as follows:

Simon Salinas:
district3@co.monterey.ca.us

David Potter:
district5@co.monterey.ca.us

Jane Parker:
district4@co.monterey.ca.us

Louis Calcagno
district2@co.monterey.ca.us

Fernando Armenta
district1@co.monterey.ca.us

SAMPLE LETTER

(You may copy and modify this letter as you see fit)

Date: _____

Honorable Monterey County Board of Supervisors
c/o The Clerk of the Board
Re: Fee Waiver Revisions for Public Benefit Non-profit Organizations
168 Alisal
Salinas, California, 93901

Our organization, _____, would like to express support for the proposed modification to the Fee Waiver Program in the County of Monterey to enable non-profit organizations to file appeals to the Planning Commission and Board of Supervisors without paying a fee.

In the County of Monterey, this exemption is applied unevenly and is presently granted to some of the coastal and wealthier areas of the County but does not apply to non-profits acting in public benefit capacity in many other parts of the County.

We believe this is unfair and prejudicial. It also suppresses participation by bonafide public interest groups unable to raise the highest appeal fee of any County in the State, nearly \$ 5,000 per appeal, with two appeals being required to satisfy the basic legal test of "exhausting administrative remedies".

We do not believe that this change will have a significant impact on the County's fiscal status. The exemption would only apply to important matters under appeal for the public benefit (such as issues related to health and welfare, preservation of historic buildings and affordable housing stock, environmental justice, and mitigation of effects from polluting land uses).

Please adopt a fee waiver program for public benefit non-profits.

Thank you for your consideration.

Signed:

Organization (if you have affiliation):

1-11-11 5-2

From: patran2 [patran2@gmail.com]
Sent: Tuesday, January 04, 2011 9:20 AM
To: 112-Clerk of the Board Everyone
Cc: 100-District 3 (831) 385-8333; 100-District 4 (831) 883-7570; 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 5 (831) 647-7755
Subject: Fee Waiver Revisions for Public Benefit Non-profit Organizations

Date: January 4, 2011

Honorable Monterey County Board of Supervisors
c/o The Clerk of the Board
Re: Fee Waiver Revisions for Public Benefit Non-profit Organizations
168 Alisal Ave
Salinas, California, 93901

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I do not believe that this change will have a significant impact on the County's fiscal status. The exemption would only apply to important matters under appeal for the public benefit (such as issues related to health and welfare, preservation of historic buildings and affordable housing stock, environmental justice, and mitigation of effects from polluting land uses).

Please adopt a fee waiver program for public benefit non-profits.

Thank you for your consideration.

Patricia Ashe
P.O. Box 82
Lockwood, CA 93932
patran2@gmail.com

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1-11-11 S-2

From: Steve Craig [ventanatrust@wildblue.net]
Sent: Thursday, January 06, 2011 4:24 PM
To: 112-Clerk of the Board Everyone
Cc: Hold Onnow; Patricia Ashe; SuRay Larry Woodfill; Ed Buntz; Bart Bartosh; Katie Banister; Paula Getzelman; Mitchell - Jan; engellj@comcast.net; Jeff Kuyper; Lisa Belenky; Tom Hopkins; Alec Arago; Pelican Network; Novo, Mike x5192; Bauman, Lew; Markey, Kristi A. x7576; dave.potter@co.monterey.ca.us; 100-District 3 (831) 385-8333; Oliverez, Sandra L. 796-3018
Subject: Fwd: Fee Waiver Report 01-11-11 - comments on the staff report
Attachments: Board Report.pdf; ATT00001.txt



copy of S-2 Board Report

Board Report.pdf ATT00001.txt (395 B)
(132 KB)

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Honorable Board of Supervisors
c/o Clerk of the Board

Ladies and Gentlemen:

Having read the Board Agenda report on this issue, I would like to add the following comments to our previous letter:

1. The beneficiaries of entitlements should fund the entire process of application, application defense, and if necessary, legal review for any entitlement request from the County. Currently the County collects general funds from the citizens, application fees from the applicants, and other sources of revenue to fund the planning process. If the application fees for planning approval are not sufficient to include appeals, most planning departments do one of two things: (1) either they increase the size of the fee collected at the time of application to provide funds for this contingency or (2) they require as part of an application a cost reimbursable contract arrangement with the applicant which allows the department to collect fees to fund staff work above the fee estimate until an entitlement is secured or denied. Therefore, the argument that somehow a waiver of fees for one class of non-profit groups, participating as citizen planning entities, will make the activities of the planning department run at deficit has no merit. There are numerous solutions used throughout the state by planning and community development departments to ensure full funding of an entitlement application process. Either of the two methods above would meet the County's financial consequence statement in the staff report. I would suggest that the Board broaden its consideration of alternatives to include either or both of these methods for ensuring funding to staff planning time.

2. There is no real reason for any department to be relying organizationally on citizen appeal fees for operations of their departments. The burden of costs for an application and processing, and appeals are part of processing, belong to the beneficiaries of entitlements, not to the citizen participant in public due process. As residents and taxpayers, local citizens have already contributed to the operations of the planning and other departments through allocations from the property tax assessments to the general fund. In addition, to ask citizens to support the tax burden of property tax, and then collect additional fees to enable them to fully participate in a CEQA or Government Code review process is a double indemnity basically, where a citizen twice pays for County staff time to process an entitlement application which should be fully funded by the applicant, the party benefitting from an application. From a legal standpoint, both CEQA and the Government Code are clear that a government agency may collect any and all costs for legitimate reimbursement for staff time to

process an application through to completion. In addition, nearly all government entities require the beneficiary of an entitlement to provide court defense of any approval. The appeal process is a small subset of the overall planning process.

3. I think it is not meritorious to assume that the definition of "public benefit" cannot be clearly defined, either in a side memorandum from County Counsel, or in some definition to be provided in the development code. Public benefit corporations are non-profit corporations who perform services as citizen planners and advocates for due process within the County's own framework in the development code (or, as it is called in this county, the Zoning Ordinance). As such, there is an implied economic test within the definition of public benefit that could quite sharply distinguish between non-profit entities involved in citizen planning as opposed to non-profits devoted to commercial support activities, for example. Even if there is some sense that the term "public benefit" is unclear, and I doubt if County Counsel would agree with this conclusion in the staff report, none of this type of distinction-drawing is required if the County simply amends its current procedures to allow the planning department to collect through a reimbursement agreement all necessary costs associated with processing an entitlement, including an appeal process.

4. The staff report raises an important distinction: coastal areas currently do not pay appeal fees. If the County were to adopt a full cost recovery program for planning staff, then the "losses" cited in the staff report for coastal appeals would be erased from the books. Therefore, the procedure outlined below not only would address the present obstacles to citizen participation, it would also enable the County to collect fees it is currently not collecting, for some unknown reason, to cover appeal planning costs.

There is most basic principal at stake here: public participation. Making the public pay for a developer or an oil company's planning processing expenses is simply unfair, inconsistent with the cost recovery provisions of state law, and is easily remediable by developing a full cost recovery reimbursement program.

We would request that the Board:

1. approve the fee waiver class as proposed by Supervisor Parker
2. obtain a definition of "public benefit" corporation or "non-profit public benefit organization" that is consistent with state law relative as it is relevant to entitlement processing and then
3. amend the development code or zoning ordinance so that this definition is enshrined in law, and finally,
4. direct staff to prepare a full cost recovery funding agreement that each entitlement applicant would be required to sign as part of the application complete process. There would be no reason to abandon or modify the current fee based system the County has in place; this system could remain in place, but for those controversial cases that exceed estimated processing fees, there would be a full funding agreement for processing through the final County decision-making process that would not make the citizen participant fund part of the entitlement beneficiaries approval process, which is the current arrangement.

The County staff's statement that there is a different standard of review and cost of review for coastal areas than for the interior is a policy issue that can at least in part be ameliorated by an amendment of the current policy as I have outlined above in a simple four step process.

Thank you for the opportunity to comment on this issue.

Steve Craig
Director
Ventana Conservation and Land Trust

Former Community Development Director of the City of Calabasas and Cathedral City Former Environmental Coordinator and/or CEQA Hearing Officer for the cities of Fillmore, Moorpark, Agoura, Ventura, Santa Barbara, Santa Monica, Arcadia (and others) State-wide land use consultant to cities, counties and developers.

Begin forwarded message:

Monterey Bay Chapter California Native Plant Society

1-11-11 S-2

2 Via Milpitas
Carmel Valley, CA 93924
Jan. 7, 2011

Supervisor Jane Parker, Chair
Monterey County Board of Supervisors
168 Alisal Street
Salinas, Ca 93901

Dear Chair Parker and Supervisors:

The Monterey Bay Chapter of the California Native Plant Society would like to thank you for introducing a plan to eliminate fees charged to non-profit public benefit organizations which file appeals to the Planning Commission and the Board of Supervisors. We would like to express strong support for this change and to urge its approval by the Board when this matter comes before you next Tuesday, Jan. 11.

In the past our organization, a 501(c)(3) non-profit organization, has seldom filed appeals from administrative decisions. However, when an action appears to violate our core mission, to protect and restore California's native plant heritage, as well as the environmental laws that support that mission, we would like to have the option of filing an appeal. The records will show that when appeals are filed by environmental protection groups, the projects are frequently improved for the better.

Unfortunately for many small groups like ours, the fee of nearly \$5000 is prohibitive. And the 10-day appeal time limit makes it very difficult to form coalitions and raise funds in a timely manner. We understand that the board is trying to save time and money by eliminating frivolous appeals, but the end result is pricing the public out of the decision-making process. This is particularly important in land-use issues, where approval of projects without adequate mitigation is likely to result in permanent losses. This public right is strongly supported by CEQA and other environmental laws. Sometimes it is only the prospect of an appeal that makes it possible to reach a reasonable compromise position. To promoters of major projects, the cost of the appeal is insignificant, thus placing a heavy thumb in their behalf on the scale of justice.

Surveys show that the Monterey County fee is among the very highest in the state, even though our county has arguably some of the most significant scenic, and threatened natural habitats in the state. And non-profits and local public benefit groups representing the public health, welfare, and safety, including environmental considerations, have a long history of contributing to sound planning. Most counties appear to have a fee under \$500, with a number of them waiving fees for non-profits and neighborhood groups.

Thank you for your consideration.

Received by Clerk to the Board Additional Material for	
Board Agenda Date of: _____	Item No: _____
Dist 1 _____	CAO _____
Dist 2 _____	County Counsel _____
Dist 3 _____	_____
Dist 4 _____	_____
Dist 5 _____	_____

Sincerely yours,

Mary Ann Matthews
Conservation Chair

RECEIVED
MONTEREY COUNTY
2011 JAN -7 PM 5:13
CLERK OF THE BOARD
DEPUTY



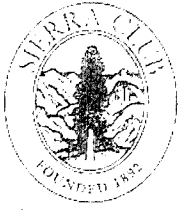
Dedicated to the preservation of California native flora

1-11-11 S-2

From: engellj@comcast.net
Sent: Thursday, January 06, 2011 7:00 PM
To: 112-Clerk of the Board Everyone
Subject: Sierra Club Comments on Modification of Fee Waiver
Attachments: Appeal Fee Waiver Sierra Club Comments.doc

Attached please find Sierra Club's comments regarding the proposed changes to the county's fee waiver on appeals.

<i>Received by Clerk to the Board</i>	
<i>Additional Material for</i>	
Board Agenda Date of: _____	Item No: _____
Dist 1 _____	CAO _____
Dist 2 _____	County Counsel _____
Dist 3 _____	_____
Dist 4 _____	_____
Dist 5 _____	_____



SIERRA CLUB VENTANA CHAPTER

P.O. BOX 8667, CARMEL, CALIFORNIA 93921

CHAPTER OFFICE • ENVIRONMENTAL CENTER (831) 621-8032

Monterey County Board of Supervisors
Jane Parker, Chair
168 Alisal Street
Salinas, California, 93901

Re: Fee Waiver Revisions for Public Benefit Organizations

Dear Chair Parker and Supervisors,

The Ventana Chapter of Sierra Club supports the modification to Monterey County's Fee Waiver Program to eliminate fees charged to non-profit, public benefit organizations when filing appeals to the Planning Commission and Board of Supervisors.

Monterey County currently has one of the highest appeal fees of any county in California – almost \$5000 per appeal. In many instances, when an initial decision is made at the Zoning Administrator level, two appeals are necessary to reach the Board of Supervisors and meet the legal threshold of exhausting all administrative remedies. This cost places a heavy burden on public interest appeals and suppresses participation by members of the public and by the public interest and community groups who often represent them.

There is also a lack of consistency in assessment of appeal fees, as Monterey County's Coastal Zone is exempted. In the case of appeals brought by public benefit organizations, this inconsistency should be eliminated.

The Ventana Chapter also supports the proposed differentiation between public interest non-profits and non-profits which function as political and economic advocates. Only appeals in the public interest should receive this exemption. The Chapter takes this differentiation seriously, especially in light of the fact that non-profits organized as economic and political advocates often receive significant sums of public money annually. For example, the Monterey County Vintners and Growers Association received more than \$400,000 from federal sources in 2010 to promote the economic interests of their industry in Monterey County. Organizations like MCVGA, whose budgets are augmented by taxpayers, should not receive fee exemptions on appeals to further their economic interests.

Finally, the Ventana Chapter supports the proposed fee exemption for all public interest organizations regardless of whether they have undergone the time-consuming and costly process of incorporation as tax-exempt, non-profit organizations. The fee exemption should apply to all community groups whose sole interest is the public interest.

Because the appeal process is complex and demanding, and because the proposed changes would only apply to appeals brought by public interest organizations regarding important matters, the proposed changes should not have any significant fiscal impact on the county.

The Ventana Chapter of Sierra Club strongly urges the board to adopt the proposed changes to Monterey County's Fee Waiver Program.

Sincerely,

Julie Engell, Conservation Committee
Sierra Club, Ventana Chapter

JE/RD/SZ/GT

L11-11 S-2

From: Barbara Woyt [pulses@earthlink.net]
Sent: Thursday, January 06, 2011 10:14 AM
To: 112-Clerk of the Board Everyone
Subject: Fee Waiver Revisions for Public Benefit Non-profit Organizations

Honorable Monterey County Board of Supervisors
c/o The Clerk of the Board
Re: Fee Waiver Revisions for Public Benefit Non-profit Organizations
168 Alisal
Salinas, California, 93901

I would like to express **support** for the proposed modification to the Fee Waiver Program in the County of Monterey to enable **non-profit organizations acting in the public interest** to file appeals to the Planning Commission and Board of Supervisors **without paying a fee**. The assessment of an appeal fee discourages participation in important land use decisions.

All areas of the County of Monterey should have an exemption if the appeal is filed by a non-profit public benefit corporation acting in the public interest. At this time, the proposed drilling for oil using fracking techniques in South Monterey County needs conscientious oversight from our local elected officials.

It seems that this change will not have a significant impact on the County's fiscal status if the exemption would only apply to important matters under appeal for the public benefit (such as issues related to health and welfare, preservation of historic buildings and affordable housing stock, environmental justice, and mitigation of effects from polluting land uses).

Further, I think it important that concerned citizen groups without the benefit of 501c3 status would be assured a place at the table of these crucial issues that threaten the well being of our county lands, resources, and people generations into the future. The local voice participating in the process contributes to a fair and just outcome.

Thank you for your consideration.

Signed:
Barbara Woyt

<i>Received by Clerk to the Board</i>	
<i>Additional Material for</i>	
<i>Board Agenda Date of:</i>	<i>Item No:</i>
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Dist 1 _____	CAO _____
Dist 2 _____	County Counsel _____
Dist 3 _____	_____
Dist 4 _____	_____
Dist 5 _____	_____

01-11-11 S-2

From: Cathy CM [dellano@sbcglobal.net]
Sent: Thursday, January 06, 2011 9:29 AM
To: 112-Clerk of the Board Everyone
Subject: Fee waivers for non-profits

Chair and Honorable Supervisors

MONTEREY COUNTY CLERK OF THE BOARD

P. O. Box 1728

Salinas, California 93902

Subject: Fee Waivers for Non-Profit Groups

Chair and Supervisor,

As a member of the Aromas Citizens for Planned Growth we would like to go on record in supporting Supervisor Parker's suggestion to waive fees for non-profits so they can appeal environmental and policy issues to the Board of Supervisors on behalf of the public.

Please include this request in supporting the adoption of a fee waiver for appeals .

Thank you for including this request in the public record.

Cathy Chavez Miller

2106 Leo Place, Aromas, CA 95004

<i>Received by Clerk to the Board</i>	
<i>Additional Material for</i>	
Board Agenda Date of:	Item No:
Dist 1 _____	CAO _____
Dist 2 _____	County Counsel _____
Dist 3 _____	_____
Dist 4 _____	_____
Dist 5 _____	_____

1-11-11 3-2

From: FRED KENYON [tintent@wildblue.net]
Sent: Thursday, January 06, 2011 9:15 AM
To: 112-Clerk of the Board Everyone; secretary@resources.ca.gov; district3@comonterey.ca.us; district4@comonterey.ca.us
Cc: charles ewing; Steve Craig
Subject: thoughts and request re: appeal fee processes
Attachments: Chair and Honorable Super.doc

re: Board of Supervisors discussion schd. Jan 11, 2011

Thank you all for your attention.

respectfully, Carol & Fred Kenyon

Honorable Chair and Supervisors
 C/O MONTEREY COUNTY CLERK OF THE BOARD
 P. O. Box 1728
 Salinas, California 93902

January 5, 2011

Dear Honorable Chair and Supervisors --- Re: Board Discussion January 11, 2011

Subject of Concern: Fees levied as payment by a public interest group to appeal a planning advisor's recommendation to his Board.

My wife and I retired a few years back and were among those fortunate enough to be able to invest savings to construct a house on some property we bought 10-years ago in South Monterey County. More specifically, we're located in the Forest River Area in Bradley next to the Nacimiento River. We are among those making ends meet on a fixed income. As an aside, although "off-the-grid; totally solar," we pay plenty of property taxes.

When we found out what was being planned for just North and East of our property by wildcat oil operations, our concern was aroused. We became uneasy when we realized hydraulic fracturing of shale for increased recovery was and is being considered. Attending meetings in Salinas, we discovered several test extraction wells were already in with others being drilled and many more in the pipe line. As yet, no EIR had or has been completed. So we became involved and were among the supporters of those who objected to the approval (in our opinion, without an adequate review) of 9 more test extraction wells recommended for such approval by planning staff.

Previously residing in Santa Barbara for 35-years, we served on several advisory boards and commissions appointed by the City Council. The cost down there to appeal, even by an individual, last I checked, was \$350. You can imagine our surprise at the steep fee required for an appeal here in S. Monterey County.

Being older than 65, we believed the appeal fee for us seniors would be dismissed. Contributing to a public interest group (a 501-C3) made us fairly certain the \$5000 fee (rumored to be the highest in the state by far) would be at least partially refunded as it is in many California counties. Instead, and to our surprise, there seems to be an attempt to justify it. We're aware that public funds are in dire straits, but free public input regarding our community shouldn't be penalized. Please reconsider your appeal fee structure.

We'd like to thank Supervisor Parker for bringing this issue to the Board's attention and ask that our comments be included in the meeting record. And of course, we're both always available for more detailed comments if requested.

Sincerely,
 Fred and Carol Kenyon
 75529 Deer Pass Road
 Bradley, CA 93426 805-729-0490

FYI - there is a hard copy in the mail. Cc-ed to Congressman Farr. We request our letter be included in the meeting record.

Received by Clerk to the Board Additional Material for	
Board Agenda Date of:	Item No:
Dist 1 _____	CAO _____
Dist 2 _____	County Counsel _____
Dist 3 _____	_____
Dist 4 _____	_____
Dist 5 _____	_____

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C/O MONTEREY COUNTY CLERK OF THE BOARD
P. O. Box 1728
Salinas, California 93902

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Sincerely,
Fred and Carol Kenyon
75529 Deer Pass Road
Bradley, CA 93426 805-729-0490

S-2

From: Dale Hillard [hillard@salinas.net]
Sent: Monday, January 10, 2011 4:32 PM
To: 112-Clerk of the Board Everyone
Subject: Letter to BOS Jan.11 Agenda Item S-2

1-11-11

Attachments: Document1.doc



Document1.doc (41 KB)

To whom it may concern,
I have faxed (4:30 pm) to 831-755-5888 the below letter from River Road Rancher.
Sincerely,
Dale Hillard

S-2
1-11-11

Monterey County Board of Supervisors
c/o Clerk to the Board
Via fax: 831-755-5838
and via email to Supervisors Districts 1, 2, 3, 4, & 5
Re: January 11, 2011 Board Hearing
Agenda Item S-2
Board of Supervisors consider to broaden and/or clarify
the circumstances for appeals to include non-profit
organizations representing the public interest
REF10045

January 10, 2010

Dear Board of Supervisors,

River Road Ranchers ask for your support in the adoption of the Monterey County's Fee Waiver Program.

River Road Ranchers (Toro Area) has made comments regarding Monterey County policies in regards to Ag Buffers and GUP-5. We are a group of concerned citizens that doesn't have the financial resources that developers or the agriculture industry has when it comes to the county appeal process.

Therefore we ask for your approval to change the Monterey County Fee Waiver Program that would eliminate fees charged to groups like River Road Ranchers when filing appeals to the Planning Commission and the Board of Supervisors.

Thank you for your consideration,

Sincerely,

Daie Hillard
Chair, River Road Ranchers
c/o 830 River Rd.
Salinas, CA 93908
Email: hillard@salinas.net
Phone: 831-455-2980

S-2
1-11-11

From: dipti.ejcw@gmail.com on behalf of Dipti Bhatnagar [dipti@ejcw.org]
Sent: Monday, January 10, 2011 10:16 AM
To: 112-Clerk of the Board Everyone; dave potter; 100-District 3 (831) 385-8333; 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755; Dunham, Darlene R. 796-3019; Markey, Kristi A. x7576
Subject: EJCW support for waiver of appeal fees
Attachments: EJCW support for appeal fee waiver_to MoCo supervisors_10jan11.pdf

Dear Monterey County Supervisors,

Attached please find a 2-pg letter of support from the Environmental Justice Coalition for Water (EJCW) for the waiver of appeal fees for public interest organizations and poor communities in inland Monterey County.

I thank you for your consideration of this important matter,

Dipti Bhatnagar
Northern California Program Director
Environmental Justice Coalition for Water (EJCW)

~~~~~  
1201 Martin Luther King Jr Way  
Preservation Park, Oakland, CA 94612  
Work: 510-286-8402  
Cell: 510-504-2876

S-2

1-11-11

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**From:** CVA President [carmelvalleyassociation@gmail.com]  
**Sent:** Monday, January 10, 2011 11:08 AM  
**To:** 112-Clerk of the Board Everyone  
**Subject:** Fee Waiver Comments  
**Attachments:** Fee Waiver ltr 1.11.11.doc

Thank you for getting the attached letter to the Supervisors before the hearing tomorrow.

*Christine Williams*

--  
Christine Williams, President  
Carmel Valley Association  
P. O. Box 157, CV, 93924  
659-1307



**Carmel Valley Association**  
P.O. Box 157, Carmel Valley, California 93924  
*www.carmelvalleyassociation.org*



Since 1949

Monterey County Board of Supervisors  
Jane Parker, Chair  
168 W. Alisal Street  
Salinas, CA 93901

**RE: Fee Waiver Revisions for Public Benefit Organizations**

Chair Parker and Supervisors,

The Carmel Valley Association is in its 62<sup>nd</sup> year of representing residents up and down the Carmel Valley. We have hundreds of members, and operate exclusively as an all-volunteer group, funded by membership fees and donations only.

The Carmel Valley Association is in support of amending the Monterey County's Fee Waiver Program. Eliminating or drastically reducing the fees charged to non-profit, public benefit organizations when filing appeals to the Planning Commission and/or Board of Supervisors on land use issues is in the best interest of an open and accessible public process.

As it stands now, the appeal fees are prohibitive. The appeal fees in our County are among the highest of any county in California, almost \$5000 per appeal. That's a cost of almost \$10,000, should a group feel the need to appeal from the Zoning Administrator level up to the Board of Supervisors. We have heard, on many occasions, disbelief among the public when they hear the high cost of appeal. Many having come here from other counties, just shake their heads. "Only in Monterey County!" we hear.

Any group that is supported by the public, and acts on behalf of the public for no monetary gain, should have an exemption from these fees. Some groups work on a limited budget, and the fees literally squeeze such groups completely out of the public process. It's also an unconscionable discrepancy that those who live in the coastal areas, generally those who are wealthier, have no appeal fees at all, while the rest of the County has exorbitant ones. That inequity must be rectified.

We do support the proposed differentiation between public interest non-profits and those non-profit groups which advocate for political and economic change. The exemption should be reserved for groups who are acting in the public interest only and funded by voluntary donations, not funded by tax money, nor receiving economic gain.

We also support the exemption for all public interest organizations, whether they receive a tax exemption or not, as long as they are working on behalf of the public interest and represent a group of citizens.

Carmel Valley Association fully supports, and strongly requests that the board direct staff to come back with policy wording to amend the resolution on fee waivers that is equitable and removes the cost barrier for public interest groups to be able to appeal when necessary. Thank you for your consideration.

Sincerely,

*Christine Williams*

Christine Williams, President

*"To preserve, protect and defend the natural beauty and resources of Carmel Valley"*

S-2

1-11-11

**From:** Michael Weaver [michaelweaver@mac.com]  
**Sent:** Monday, January 10, 2011 10:16 AM  
**To:** 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755  
**Cc:** 112-Clerk of the Board Everyone  
**Subject:** January 11, 2011 Agenda item S-2

**Attachments:** BofSnnonprofitappeals.pdf.doc



BofSnnonprofitappeals.pdf.doc (...)

Dear Supervisors,  
For your review and consideration.  
Thank you,  
Mike Weaver

S-2  
1-11-11

Monterey County Board of Supervisors  
c/o Clerk to the Board  
Via fax: 831-755-5888  
and via email to Supervisors Districts 1, 2, 3, 4, & 5  
Re: January 11, 2011 Board Hearing  
Agenda Item S-2  
Board of Supervisors consider to broaden and/or clarify  
the circumstances for appeals to include non-profit  
organizations representing the public interest  
REF10045

January 10, 2010

Dear Board of Supervisors,

I am the Chairperson for the non-profit Highway 68 Coalition. We are a recognized tax exempt 501( c ) 4 organization. However we are not incorporated with the State of California. We are volunteers. No one has a salary. Donations are used to cover basic needs such as postage and copying costs. Members of the Highway 68 Coalition have been attending public hearings, following, and responding to important County issues for approximately twenty years. There has never been a monetary charge for doing this.

Much of the area adjacent to California Scenic State Highway 68 lies in the unincorporated portions of Monterey County. State Highway 68 travels through three Monterey County Area Plans; Greater Salinas, Toro, and Greater Monterey Peninsula.

Most of this broad area has no elected representation except for Supervisors on the Board of Supervisors. Occasionally issues arise that must be brought to the attention of the Board of Supervisors for their counsel and direction. Sometimes issues require the formal agenda attention of the Board of Supervisors. It is a severe financial hardship to have to pay to get this formal attention in the case of appeals to the Board.

As Chairperson for the Highway 68 Coalition I urge you to amend the County Fee Waiver Policy and grant non-profits such as the Highway 68 Coalition, access to appeal issues to your decision making power, without having to pay for it.

Thank you for your consideration of this.

Sincerely,

Mike Weaver  
Chair, The Highway 68 Coalition  
c/o 52 Corral de Tierra  
Salinas, CA 93908  
Email: highway68coalition@yahoo.com  
Phone: 831-484-6659

S-2

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**From:** Dale Hillard [hillard@salinas.net]  
**Sent:** Monday, January 10, 2011 4:32 PM  
**To:** 112-Clerk of the Board Everyone  
**Subject:** Letter to BOS Jan.11 Agenda Item S-2

1-11-11

**Attachments:** Document1.doc



Document1.doc (41 KB)

To whom it may concern,  
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Sincerely,  
Dale Hillard

S-2  
1-11-11

Monterey County Board of Supervisors  
c/o Clerk to the Board  
Via fax: 831-755-5888  
and via email to Supervisors Districts 1, 2, 3, 4, & 5  
Re: January 11, 2011 Board Hearing  
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Board of Supervisors consider to broaden and/or clarify  
the circumstances for appeals to include non-profit  
organizations representing the public interest  
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January 10, 2010

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River Road Ranchers ask for your support in the adoption of the Monterey County's Fee Wavier Program.

River Road Ranchers (Toro Area) has made comments regarding Monterey County polices in regards to Ag Buffers and GUP-5. We are a group of concerned citizens that doesn't have the financial resources that developers or the agriculture industry has when it comes to the county appeal process.

Therefore we ask for your approval to change the Monterey Count Fee Wavier Program that would eliminate fees charged to groups like River Road Ranchers when filling appeals to the Planning Commission and the Board of Supervisors.

Thank you for your consideration,

Sincerely,

Dale Hillard  
Chair, River Road Ranchers  
c/o 830 River Rd.  
Salinas, CA 93908  
Email: hillard@salinas.net  
Phone: 831-455-2980

S-2  
1-11-11

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**From:** DON ARGANBRIGHT [shootingstarfarm@wildblue.net]  
**Sent:** Sunday, January 09, 2011 5:28 PM  
**To:** 112-Clerk of the Board Everyone  
**Cc:** 100-District 3 (831) 385-8333; 100-District 5 (831) 647-7755; 100-District 4 (831) 883-7570; 100-District 2 (831) 755-5022; 100-District 1 (831) 647-7991; DON ARGANBRIGHT  
**Subject:** Fee Waiver Request

Honorable Monterey County Board of Supervisors  
c/o The Clerk of the Board  
Re: Fee Waiver Revisions for Public Benefit Non-profit Organizations  
168 Alisal  
Salinas, California, 93901

I would like to respectfully express my support for the proposed modification to the Fee Waiver Program in the County of Monterey to enable non-profit organizations to file appeals to the Planning Commission and Board of Supervisors without paying a fee. I believe that this would be the fair thing to do. To do otherwise is, in my opinion, consorting with private corporations against the will of the people who live here

Please adopt a fee waiver program for public benefit non-profits.

Thank you for your attention to this matter.

Dr Donald G. Arganbright  
Shooting Star Farm  
Lockwood, CA 93932

S-2  
1-11-11

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**From:** Molly Erickson [erickson@stamplaw.us]  
**Sent:** Monday, January 10, 2011 5:20 PM  
**To:** 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333;  
100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755  
**Cc:** 112-Clerk of the Board Everyone  
**Subject:** Support for Appeal Fee Waiver Proposal  
**Attachments:** TOMP.ltr.to.BOS.11.01.10.support.for.appeal.fee.waiver.pdf

Chair Parker and Members of the Board of Supervisors:

Attached is a letter on behalf of The Open Monterey Project in support of the proposed appeal fee waiver for organizations representing the public interest.

Thank you.

Regards,

Molly Erickson  
Law Offices of Michael W. Stamp  
479 Pacific Street, Suite One  
Monterey, CA 93940  
tel: 831-373-1214  
fax: 831-373-0242

LAW OFFICES OF  
MICHAEL W. STAMP

Facsimile  
(831) 373-0242

479 Pacific Street, Suite 1  
Monterey, California 93940

Telephone  
(831) 373-1214

January 10, 2011

Jane Parker, Chair  
and Members of the Board of Supervisors  
County of Monterey  
168 W. Alisal Street, 1<sup>st</sup> Floor  
Salinas, CA 93901

Subject: January 11, 2011 Board Agenda Item No. S-2  
Amendment of County Fee Waiver Policy

Dear Chair Parker and Members of the Board of Supervisors:

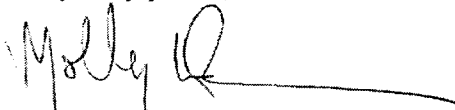
On behalf of The Open Monterey Project, this Office would like to comment on the January 11, 2011 Agenda item S-2 regarding the Board's broadening and/or clarifying the circumstances for appeals to include non-profit organizations representing the public interest.

The proposed broadened policy would apply to groups across the County, including groups who do not historically participate in land use decisions, including farmworker advocacy groups and organizations representing the interest of workers generally.

The Open Monterey Project would like to express its support for a reduction or waiver of the appeal fee for organizations representing the public interest.

The County's appeal fee of \$4,903.64 is prohibitively expensive for non-profit organizations whose goal is to further the public interest. We urge the Board to amend the County Fee Waiver Policy to include non-profit organizations representing the public interest.

Very truly yours,

  
Molly Erickson



S-2  
1-11-11

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**From:** Boyd, Arlene P. 759-6642  
**Sent:** Monday, January 10, 2011 4:08 PM  
**To:** 100-BoS Everyone  
**Cc:** Bauman, Lew; McKee, Charles J; Novo, Mike x5192; Holm, Carl P. x5103  
**Subject:** FW: Fee waiver revisions for public benefit organizations  
**Attachments:** image001.png; image002.png; image003.gif

Good Afternoon,  
Please see attached correspondence for tomorrow's meeting. Thank you.

*Arlene Boyd*  
Senior Secretary  
Clerk of the Board  
County of Monterey  
168 W. Alisal St 1st Floor  
Salinas, CA 93901  
(831) 755-5066  
Direct: (831) 759-6642  
Fax: (831) 755-5888

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**From:** Chris Flescher [mailto:cflescher@mclw.org]  
**Sent:** Sunday, January 09, 2011 5:42 PM  
**To:** 112-Clerk of the Board Everyone  
**Subject:** Fee waiver revisions for public benefit organizations



Post Office Box 1876, Salinas, CA 93902  
Email: [LandWatch@mclw.org](mailto:LandWatch@mclw.org)  
Website: [www.landwatch.org](http://www.landwatch.org)  
Telephone: 831-759-2824  
FAX: 831-759-2825

January 8, 2010

Monterey County Board of Supervisors  
Jane Parker, Chair  
168 Alisal Street  
Salinas, California, 93901

1/10/2011

**Re: Fee Waiver Revisions for Public Benefit Organizations**

Dear Chair Parker and Supervisors,

LandWatch urges the Board to adopt the proposed changes to the Monterey County Fee Waiver Policy to include fee exemptions for non-profit, public benefit organizations.

LandWatch is a community-based nonprofit organization dedicated to promoting and inspiring sound land use policies through grassroots community action. Unfortunately, in Monterey County, public participation in government often requires far more than dedication and inspiration. Often, it also requires lots of cash.

Monterey County currently has one of the highest appeal fees of any county in California – almost \$5000 per appeal. When members of the public must file multiple appeals to exhaust their administrative remedies, the cost of public participation is often doubled. This economic obstacle limits effective and consistent participation in the governmental process and converts what should be a citizen's right to due process into an economic privilege available to an exclusive few.

Because Monterey County's Coastal Zone is exempted from appeal fees, there is also a lack of consistency in assessments which consequently discriminates against all citizens in the inland areas of the county. This inconsistency should be and would be eliminated by the proposed changes to the Fee Waiver Policy.

In opposing the policy changes, staff cites losses resulting from coastal appeals. LandWatch must point out that these losses are, and always have been, unnecessary. Under CEQA, the county can collect from applicants any and all costs to process an application through to completion. Appeals cannot occur outside of the application process. Therefore appeals should be categorized as costs of processing an application; and they should be collected from the applicant. The coastal appeals losses that county staff cites are costs of application that have been shifted onto the county's citizens who already help fund the process through property tax, sales tax and other tax allocations to the general fund which supports the county's various departments. In the case of inland areas of the county, the cost of appeal is shouldered entirely by the appellant.

In Monterey County's coastal areas, the effect of the current policy is to allow the gift of public funds to applicants. In Monterey County's inland areas the effect of the current policy is far worse. It suppresses public participation. It improperly taxes appellants for costs of an application designed to benefit the applicant. It discriminates against an entire group of citizens by geographic area.

There is no reason Monterey County should suffer losses as part of the application process. The fact that the county does so now can be easily remedied. For example, just as the county insists on indemnification clauses in all its development agreements, the county could implement application agreements which include a clause covering the cost of appeals. Alternatively, the county could simply increase application fees to cover average projected costs of appeals.

LandWatch urges the county to adopt the proposed changes to the Fee Waiver Policy. In addition, LandWatch urges the county to direct staff to develop the process necessary to ensure full-cost recovery on all applications.

Sincerely,

1/10/2011

A handwritten signature in black ink, appearing to read 'Amy White', written in a cursive style.

Amy White, Executive Director  
LandWatch Monterey County

**Comments to Board of Supervisors, 11 Jan 2010**

I am Ed Mitchell speaking for the Prunedale Neighbors Group. I urge you to eliminate the current county requirement that established community organizations and non-profit corporations must pay a fee to appeal land use or commercial developments requiring CEQA review. It is in the public's best interest to require the applicant for entitlement to fund the fee rather than community organizations impacted by new developments.

This fact has been proven many times in the last 13 years that I have observed and participated in many CEQA efforts both in North County in other portions of Monterey County. Here are a few examples where non-profit and/or community organizations surfaced significant negative issues not revealed by CEQA analysis. As you well know, in many instances the courts and/or county agencies and commissions agreed with the non-profits or community organizations:

<< September Ranch ... surfaced faulty water availability analysis and the county allowing an applicant to ghost write planning staff position papers.

<< Rancho San Juan ... after appeal, included initiatives voted on county-wide and passing with super-majority votes agreeing with the community group's revelation that huge water and traffic impacts were not in the public's best interest.

<< Carlsen Estates ... surfaced missing fire protection water tanks, improper percolation testing, and repeated septic envelope set back violations

<< Heritage Oaks ... revealed a lack of sustainable water

Unlike other California counties that require the applicant seeking entitlement to pay the fee, this county penalizes public non-profit organizations monitoring their community. Currently the fee is a penalty hindering public participation in the CEQA review process instead of an incentive to the applicant to perform adequate CEQA analysis.

Please vote in favor of lifting the fee for non-profit corporations.

Ed Mitchell  
663-3021

1-11-11 S-2

Page 1 of 1

S-2  
1-11-11

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**From:** David Ginsberg [davidg@whigmaleerie.com]  
**Sent:** Tuesday, January 11, 2011 1:47 PM  
**To:** 112-Clerk of the Board Everyone  
**Subject:** 1/11/11 Fee Waiver Hearing to permit public benefit non-profits to appeal projects without paying currently required fees

I know the hearing is supposed to be getting underway right around now, so I hope these comments are not moot, but I wanted to express my support for the request to waive the normal fees for community-based non-profits to appeal oil exploration and extraction permit applications in South County.

My wife and I own 40 acres in Lockwood. We are not opposed to oil and mineral exploration and extraction per se, but we are extremely concerned that before any such activities are approved, there must be a thorough investigation of the environmental and ecological impact of such activities, and there must be ongoing monitoring of these activities to ensure there is no harm to the air or water in the Salinas, Hames and San Antonio Valleys. We are very concerned about the apparent explosion in drilling activity in South County, and from what we have seen so far, do not believe adequate research and investigation has been done to ensure that any drilling that occurs does so in a safe and sustainable way without damage to the environment.

Given the number of applications for such activity we have been made aware of, and the likelihood that there may have to be appeals of a number of the applications, the currently required fees would impose an undue burden on the individuals and community organizations who have been raising these concerns. For Venoco and other corporate entities which are filing the permit applications, the cost of such appeals is merely a cost of doing business. But for the property owners and residents of these communities, the normally required fees are a substantial burden. We would therefore urge you to waive these fees.

Thank you very much for considering our opinion.

David Ginsberg and Yvonne Davis  
APN 423-331-034-000  
Cor. Martinez Rd. and Lockwood-San Ardo Rd., Lockwood  
Mail:  
21034 Chatsworth Street  
Chatsworth, CA 91311

S-2  
1-11-11

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**From:** Pelican Network [CoastalHabitat@PelicanNetwork.net]  
**Sent:** Tuesday, January 11, 2011 11:52 AM  
**To:** 112-Clerk of the Board Everyone  
**Cc:** Steve Craig  
**Subject:** Fee Waiver Support  
**Follow Up Flag:** Follow up  
**Flag Status:** Green

Dear Members of the Board of Supervisors,  
County of Monterey, California

Please favorably consider the fee waiver request for the concerned citizens of South Monterey County who need to have adequate review of the fracking proposals.

Sincerely,  
Jack Ellwanger  
Pelican Network

S-2 ✓  
1-11-11

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**From:** James M. Kelley [phoenixhood@razzolink.com]  
**Sent:** Tuesday, January 11, 2011 9:21 AM  
**To:** 112-Clerk of the Board Everyone  
**Subject:** Waiver of fees

Monterey County Board of Supervisors:

Please allow me to express my support for a waiver of fees for public benefit non-profits to appeal an item to the Planning Commission or Board of Supervisors.

Thank you,  
Jim Kelley

**Comments to Board of Supervisors, 11 Jan 2010**

I am Ed Mitchell speaking for the Prunedale Neighbors Group. I urge you to eliminate the current county requirement that established community organizations and non-profit corporations must pay a fee to appeal land use or commercial developments requiring CEQA review. It is in the public's best interest to require the applicant for entitlement to fund the fee rather than community organizations impacted by new developments.

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<< September Ranch ... surfaced faulty water availability analysis and the county allowing an applicant to ghost write planning staff position papers.

<< Rancho San Juan ... after appeal, included initiatives voted on county-wide and passing with super-majority votes agreeing with the community group's revelation that huge water and traffic impacts were not in the public's best interest.

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Unlike other California counties that require the applicant seeking entitlement to pay the fee, this county penalizes public non-profit organizations monitoring their community. Currently the fee is a penalty hindering public participation in the CEQA review process instead of an incentive to the applicant to perform adequate CEQA analysis.

Please vote in favor of lifting the fee for non-profit corporations.

Ed Mitchell  
663-3021



1-11-11 S-2

**From:** Link, Claudia J. x5022  
**Sent:** Wednesday, January 05, 2011 12:58 PM  
**To:** 112-Clerk of the Board Everyone; Borkowski, Gail T. x5842  
**Cc:** Gowin, Henry M.  
**Subject:** Jan 11 BOS mtg

**Attachments:** Cal Poly President Emeritus Robert E. Kennedy Dies.htm

Supervisor Calcagno would like to adjourn the January 11, 2011 BOS meeting in memory of Robert E. Kennedy, Cal Poly President Emeritus.

Robert was Stephen Kennedys father.

Stephen Kennedy is the Director of Child Support Services for Monterey County.

Below is additional information about Robert Kennedy.

Thank you,  
Claudia

**From:** Link, Claudia J. x5022 **On Behalf Of** Gowin, Henry M.  
**Sent:** Wednesday, January 05, 2011 12:51 PM  
**To:** Link, Claudia J. x5022  
**Subject:**



Cal Poly President  
Emeritus Ro...

| <i>Received by Clerk to the Board</i> |                      |
|---------------------------------------|----------------------|
| Additional Material for               |                      |
| Board Agenda Date of:                 | Item No:             |
| _____                                 | _____                |
| Dist 1 _____                          | CAO _____            |
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| Dist 3 _____                          | _____                |
| Dist 4 _____                          | _____                |
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Contact: Matt Lazier, Public Affairs  
805-756-7109; mlazier@calpoly.edu

## Cal Poly President Emeritus Robert E. Kennedy Dies

SAN LUIS OBISPO – Cal Poly President Emeritus Robert E. Kennedy, who led the university for more than 12 years and who remained engaged with Cal Poly for decades after his retirement, has died. Kennedy's family alerted the university that he passed away Christmas Day at age 95.

Kennedy was named the president of California State Polytechnic College in 1967 and retired Feb. 1, 1979, as president of California Polytechnic State University. As the institution's seventh president, he oversaw a period of significant, concentrated growth.

"Dr. Kennedy led the campus through a key period of its transformation, when Cal Poly became a university and expanded its academic offerings to accommodate the tidal wave of Baby Boomer enrollment," said Interim President Robert Glidden. "However, Dr. Kennedy's interest in the campus did not end upon his retirement; he remained an ardent supporter of Cal Poly's educational mission throughout his life. He has served the university well in a variety of ways for 70 years. He will be missed, but the mark he made on Cal Poly is significant and lasting."

Kennedy took charge of a campus of just more than 8,000 students. At the time, the curriculum was divided into four units: the schools of Agriculture, Engineering, Applied Arts and Applied Sciences. When he retired, Cal Poly had nearly 16,000 students and boasted seven schools: Agriculture and Natural Resources, Architecture and Environmental Design, Business and Social Sciences, Communicative Arts and Humanities, Engineering and Technology, Human Development and Education, and Science and Mathematics.

**Photo Slideshow****Robert E. Kennedy**

Click here to view a photo slideshow  
about President Kennedy

*Requires Flash player - download Flash free*

The campus doubled in size to 6,000 acres under Kennedy's watch, with the addition of 3,000 acres of federal surplus land from nearby Camp San Luis Obispo. And the face of the campus changed significantly, with the addition of major buildings such as Science North, Computer Science, the Julian A. McPhee University Union, Yosemite Hall, the Sierra Madre dorms, Vista Grande Restaurant (now Sage), Architecture and Environmental Design, and the Clyde P. Fisher Science Building.

Kennedy joined the Cal Poly faculty in 1940 as a journalism instructor and served as adviser to student publications. During WWII, with the arrival of U.S. Naval training programs on the Cal Poly campus, he instructed cadets in communications.

Kennedy became head of Cal Poly's Journalism Department in 1946. Three years later, he also took on the role of the school's public relations director. He served as assistant to President Julian McPhee from 1950 to 1957; dean of the Arts and Sciences Division from 1957 to 1959; and vice president of Cal Poly from 1959 to 1967.

During his long tenure as faculty and administrator, Kennedy represented Cal Poly on numerous state and national education councils.

In recognition of his dedicated service to and profound influence on Cal Poly, the California State University trustees voted upon his retirement to name the campus's new library building the Robert E. Kennedy Library.

A memorial service for Kennedy is planned for 11 a.m. Saturday, Jan 15, 2011, at the San Luis Obispo United Methodist Church, 1515 Fredricks St. in San Luis Obispo.

###

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