

**Before the Planning Commission in and for the
County of Monterey, State of California**

Resolution No. 08033

Resolution granting wavier of fees)
(PD080634) for an application amending the)
Mesa Hills West Parcel Map, Planning File)
No. PLN070482)

This resolution is made with reference to the following facts and circumstances:

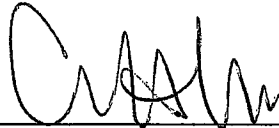
1. Douglas & Lu Ann Meador TRS, ("applicants"), on August 4, 2006 applied for and paid \$6,597.15 in fees for the processing of a Combined Development Permit (Planning File No. PLN060378) consisting of: (1) a Use Permit for development on slopes in excess of 30% to allow the demolition of an existing drainage facility, the construction of a replacement drainage facility required to mitigate stormwater runoff within subwatershed no. 7 as defined in the Canyon Del Rey Watershed Master Drainage Plan, and grading (approx. 7,200 cu. yds. cut/ 7,200 cu. yds. fill); and (2) an Administrative Permit to allow development within a Site Plan Review district or "S" zoning district.
2. Staff determined that the Combined Development Permit (Planning File No. PLN060378) could not continue to be processed until the recorded parcel map was amended at a public hearing pursuant to County Code. The regulations for correction and amendment of recorded final or parcel maps (Monterey County Code Section 19.08.015.A.7) requires that to modify a recorded final/parcel map, an amending map shall be considered by the appropriate decision making body that approved the recorded map. Therefore, the proposed changes to the subject recorded drainage easement boundary required review and approval at a public hearing by the appropriate decision-making body(s) that approved the original parcel map; and
3. On February 14, 2008 the applicants applied for and paid \$5,049.88 in fees for the processing of an Amendment to the Mesa Hills West Parcel Map recorded at Volume 17, Page 12 of Parcel Maps (Resolution No. MS 84-40) to include the abandonment of an existing 145,600 square foot drainage easement boundary and the dedication of a 25,000 square foot drainage easement boundary; and
4. On May 15, 2008 the applicants submitted a Fee Wavier Request (Planning Department File No. PD080634) for the refund of \$5,049.88 in fees collected by the County for the processing of the Amendment to the Mesa Hills West Parcel Map (Planning File No. PLN070643); and
5. On June 12, 2008 an amendment to the Mesa Hills Land Co., Inc. Parcel Map (Planning File No. PLN070643) was approved by the Minor Subdivision Committee (Resolution No. 08015) subject to certain conditions of approval, which effectively changed the boundary of the drainage easement to accommodate the site improvements approved by the Planning Commission (Resolution No. 08026 for drainage infrastructure; and
6. On July 9, 2008 the Planning Commission approved the Meador Combined Development Permit (Planning File No. PLN060378) for improvements within the recorded drainage easement subject to certain conditions of approval as memorialized by Resolution No. 08026; and
7. The Planning Commission, under its discretionary authority granted under the Fee Waiver Policy adopted by the Monterey County Board of Supervisors on August 29, 2000, has the discretionary power to consider fee waiver requests for application and appeal fees that cannot be waived by the RMA - Director of the Planning Department as adopted under the Fee Waiver Policy; and
8. On August 27, 2008 the Planning Commission considered the fee waiver request and found that an amendment to the recorded Parcel Map was a necessary action pursuant to the Monterey County

Subdivision Ordinance and as such, the amendment functioned as a component of a Combined Development Permit. It is the RMA – Planning Department’s practice to waive fees for Development on Slopes when the Use Permit is part of a Combined Development Permit. As such, had the Map Amendment (Planning File No. PLN070643) been processed as a component of the Combined Development Permit (Planning File No. PLN060378), the fees collected for processing Use Permit (Planning File No. PLN060378) amounting to \$6,597.15 would not have been assessed. Therefore, the Planning Commission finds it appropriate pursuant to the RMA – Planning Department’s practice to waive the fees for processing Planning File No. PLN060378.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby approves the waiver of fees (\$6,597.15) at a publicly-noticed hearing on an application for a Combined Development Permit (Planning File No. PLN060378).

PASSED AND ADOPTED on this **27th** day of **August, 2008**, upon motion of Commissioner Isakson, and seconded by Commissioner Sanchez, by the following vote, to-wit:

AYES: Brown, Pessagno, Diehl, Rochester, Isakson, Salazar, Ottone, Sanchez, Padilla, Vandever
NOES: None
ABSENT: None



CARL HOLM, SECRETARY PRO TEM

A COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **SEP 24 2008**

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **OCT - 4 2008**

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.