

**COUNTY OF CALAVERAS, STATE OF CALIFORNIA
PLANNING COMMISSION**

RESOLUTION NO. 2018-050

A RESOLUTION RECOMMENDING THE BOARD OF SUPERVISORS ADOPT AN ORDINANCE AMENDING CHAPTER 17.94 RELATING TO ADOPTION OF FEES

WHEREAS, the Calaveras County Code contains provisions under Title 17, Zoning, to establish fees; and

WHEREAS, an amendment to the code is necessary to correct a conflict between the title of a section and the provisions of that section; and

WHEREAS, Sections 15061(b)(3) and 15273(a) of the State CEQA Guidelines exempts the proposed ordinance from the provisions of the California Environmental Quality Act; and

WHEREAS, the Planning Commission considered all of the information presented to it, including its Staff Report and public testimony presented in writing and at the meeting,

BE IT THEREFORE RESOLVED that the Planning Commission recommends approval of 2018-038, Zoning Ordinance Amendment to amend Chapter 17.94, as set forth below, based upon the following findings:

17.94.020 - Established by resolution.

The board of supervisors, acting on a recommendation of its staff, shall by resolution establish fees based, in part, on the administrative costs of processing applications consistent with the provisions of California Government Code Section 66014. Changes in fees are approved by ~~ordinance~~ resolution adopted by majority vote. ~~In no case shall the application fee exceed the cost of processing the application. Applications for projects requiring fees are:~~ Fees may be established for any application type submitted to the Planning Department.

~~A. Zoning amendments;~~

~~B. Variances reviewed by the planning director;~~

~~C. Variances reviewed by the planning commission;~~

~~D. Conditional use permits;~~

~~E. Planned development permits;~~

~~F. Appeals to the board of supervisors from actions of the planning commission;~~

1. The proposed ordinance amendment is exempt from the provisions of the California Environmental Quality Act.

Evidence: CEQA Guidelines Section 15273(a) states that CEQA does not apply to the establishment or modification of charges by public agencies for the purpose of meeting operating expenses. The purpose of the ordinance is to change how fees are established. Section 15061(b)(3) provides that if an activity can be seen with

certainty that there will be no effect on the environment it is not subject to CEQA. Changing the manner in which fees are adopted will clearly not have an effect on the environment.

2. The proposed ordinance is consistent with the General Plan, state law, and other provisions of County Code.

Evidence: The general plan does not directly address procedures for establishing fees. California Government Code Section 66016(b) states that fees may be adopted by ordinance or resolution. The ordinance has been reviewed by County Counsel for consistency with other provisions of the County Code.

PASSED AND ADOPTED by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on July 26, 2018 on a motion by Commissioner Sisk and seconded by Commissioner Bechelli.

AYES: Muetterties, Laddish, Sisk, Bechelli

NOES:

ABSTAIN:

ABSENT: Wooster

Chair, Planning Commission

ATTEST:

Peter N. Maurer, Planning Director