

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 2016

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION PARTIALLY UPHOLDING THE APPEAL BY MICHAEL PEACHEY AND PARTIALLY APPROVING THE REQUEST BY MICHAEL PEACHEY FOR A WAIVER OF CONSTRUCTION PERMIT PROCESSING FEES FOR VARIOUS PERMITS ASSOCIATED WITH THE CONSTRUCTION OF SIX, 700 SQUARE FOOT SINGLE FAMILY RENTAL UNITS LOCATED AT 164 SOUTH MALLAGH STREET IN THE COMMUNITY OF NIPOMO

The following resolution is now offered and read:

WHEREAS, Michael Peachey has requested a waiver of the construction permit processing fees for various construction permits associated with for the construction of two, 700 square foot single family rental units and appeal fees; and

WHEREAS, the Planning Director reviewed and denied the fee waiver request based on the request not meeting the criteria set forth in Footnote 4 of the Planning and Building Department’s adopted fee ordinance; and

WHEREAS, Michael Peachey appealed the Planning Directors Determination to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the Board of Supervisors) pursuant to the applicable provisions of Title 22 of the San Luis Obispo County Code; and;

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on June 21, 2016, and the matter was continued to and a determination and decision was made on September 27, 2016; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal of the Planning Directors Determination should be partially upheld and that the request for waiver of construction permit fees should be partially granted subject to the findings set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That the appeal by Michael Peachey is partially upheld, and the construction permit fees for the proposed six 700 square foot units and the appeal fee, representing a total \$72,950.00

Attachment 1 – Board Resolution

in fees, are deferred until such time as the property sells or the units are rented at market rate, as provided for in the Agreement to Defer Construction Permit Fees/Covenants Affecting Real Property executed by and between the County and Michael Peachey.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel


By: Deputy County Counsel

Dated: September 15, 2016

Attachment 1 – Board Resolution

STATE OF CALIFORNIA,)
) ss.
County of San Luis Obispo)

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 2016.

County Clerk and Ex-Officio Clerk of the Board of Supervisors

By: _____
Deputy Clerk

(SEAL)

EXHIBIT A

Findings

1. The project meets a need previously identified or recognized by the Board of Supervisors because it provides affordable housing units within an urbanized area of the County.
2. The project provides smaller rental units not presently available in the community that will be available to persons that may not be able to afford to rent a larger unit in the community of Nipomo or other areas of the County.
3. The need for affordable housing has generated substantial, obvious, community support.
4. The project would reduce other County costs because it is located within an urbanized area where infrastructure and other urban level services are available reducing the need to extend services to areas where services are not available.
5. Waiver of 50% of the construction permit fees provides the applicant with a reduction in the overall costs of developing his project which is consistent with the County policy of encouraging affordable housing projects.

EXHIBIT B

Footnote 4e

San Luis Obispo County Department of Planning and Building Fee Schedule

The Planning Director is delegated the authority to grant fee waiver request for land use and construction permits on development projects that are proposed by volunteer, community, or nonprofit organizations for the benefit of an entire community when the project satisfies the following criteria. The policy does not apply to requests for general plan amendments.

- a. The proposed project will be available for use by the public at-large and it is likely that the project will be used or will benefit more than the residents of the immediate vicinity; and
- b. The project will be of obvious public benefit. Evidence of public benefit may include but is not limited to:
 1. The project meets a need previously identified or recognized by the Board of Supervisors;
 2. The project replaces another facility that previously provided public benefit;
 3. The project provides a facility not presently available in the community;
 4. The project has generated substantial, obvious community support;
 5. The project would reduce other County costs or increase other County revenues.
- c. The fee(s) to be waived will not exceed a total of \$ 5,000.
- d. The Planning Director decisions may be appealed in writing within ten days to the Board of Supervisors, whose decisions will be final.
- e. Notwithstanding any other provision of this fee schedule, the Board of Supervisors retains the authority to consider other fee waiver requests when it considers such waivers to be equitable and in the public interest.