

DATE: 8/3/99 AGENDA ITEM # 23  
( ) APPROVED ( ) DENIED  
( ) CONTINUED

TO: JAMES L. APP, CITY MANAGER  
FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR *BL*  
SUBJECT: REQUEST FROM FARMERS' MARKET FOR FEE WAIVER  
DATE: AUGUST 3, 1999

Needs: For the City Council to consider a request from the North County Farmers' Market Association for a waiver of Conditional Use Permit (CUP) fees.

- Facts:
1. The North County Farmers' Market Association filed a CUP application to request authorization to relocate the Friday night Farmer's Market from downtown to the Wal\*Mart parking lot. The CUP was approved by the Planning Commission on July 13, 1999.
  2. The North County Farmers' Market Association has requested a waiver of fees paid for the CUP. Attached is a copy of their letter of request dated July 15, 1999. The City's cost of processing the CUP application was \$298.71.
  3. There are no provisions in the Zoning Code or other City policies for a refund of CUP fees.
  4. City application fees are collected pursuant to City Council Resolution No. 96-75, providing for City cost recovery for application processing.

Analysis  
and  
Conclusion:

The City has consistently required processing fees in conjunction with CUPs and other Zoning Code applications. The fees have been required of both for profit and non-profit organizations, recognizing that application processing is a direct cost to the City.

The only exceptions to fee collection have been for projects on City property (e.g. the Jeansville Pump display) or in conjunction with City funding (e.g. Classic American Theater which includes City CDBG funding).

To provide a fee waiver for the North County Farmers' Market Association would seem to set a precedent with regards to fee waivers for other non-profit organizations (e.g. clubs, churches) who are required to process Zoning related applications.

Policy  
Reference: Zoning Code, City Council Resolution No. 96-75

Fiscal

Impact:

Waiver of the Farmers' Market CUP fees would cost the City \$298.71, plus future similar application fees.

Options:

- a. That the City Council conclude that waiver of CUP fees for the North County Farmers' Market Association would be inconsistent with established policy and not approve the requested waiver; or
- b. That the City Council approve the waiver, with the funds to be drawn from the City Council's economic incentive fund, and direct staff to return with a policy / code amendment that would address zoning application fees for non-profit organizations; or
- c. Amend, modify or reject the foregoing options.

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JUL 19 1999

City of El Paso de Robles  
1000 Spring Street  
Paso Robles, CA 93446

July 15, 1999

Attention Honorable City Council

RE - Application Fee for Conditional Use Permit#99004

Dear Council,

The Board of Directors of North County Farmers' Market Association, Inc. (N.C.F.M.A.Inc.), a mutual benefit non-profit corporation, requests a waiver of the application fee for the just approved Conditional Use Permit #99004.

The Board wishes to thank the effort of city staff, Councilman Baron and Swanson, and Cuesta Title in facilitating this move.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Bill Spencer".

Bill Spencer, President N.C.F.M.A.Inc.

cc - file, & secretary